

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MARCH 2, 2009**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.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, Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Associate County Attorney Sarah Zambon, Deputy Clerk to the Board Terry Wilson, Public Information Officer Pam Brice, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, Fire Marshall/Emergency Management Coordinator Rocky Hyder, Assessor/Interim Tax Collector Stan Duncan, Code Enforcement Director Toby Linville, Human Resources Director Jan Prichard, and Research/Budget Analyst Amy Brantley.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Master Gideon Worrell, President of the Young Naturalists 4-H Club.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Evelyn Nichols – Mrs. Nichols thanked the Board of Commissioners for their support to the farmers by allowing the tailgate market. This tailgate is the largest agriculture market in Henderson County. Participating in the tailgate market is the green industry, the produce industry, and the apple industry. This is their 30th anniversary. The market was started 30 years ago by the Federal Government. They will have a celebration later this year. Mrs. Nichols stated that over 100 years ago her grandfather would load his wagon in Flat Rock with produce and bring it to market here in Hendersonville. She stated that the agriculture industry is over \$100 million industry in Henderson County. We are the largest in the southeast for apples, either second or third in the state for produce, and one of the highest in the state for ornamentals. There are 65 or more farmers that participate. She said that they have never run out of space, they just tighten up if need be. Participants come from Green River, Sugarloaf, Edneyville, Etowah, Flat Rock, and East Flat Rock. “We’ve been pushing locally grown for a long time here.” She invited each of the Commissioners to come to the tailgate market. Once again she thanked the Board, stating they were doing a lot for the farmers.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer suggested two changes: An addition as the first discussion item – “ADM and Lottery Fund Discussion” and the deletion of the closed session, in the interest of time. Chairman Moyer stated that the Board would move through the items as expeditiously as possible due to the dropping temperatures and the snow and ice conditions.

Commissioner Young made the motion to approve the agenda with the changes above. All voted in favor and the motion carried.

DATE APPROVED _____

CONSENT AGENDA

Commissioner McGrady made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Tax Collector's Report

Stan Duncan, Interim Tax Collector, had provided the Tax Collector's Report dated February 20 for the Board's information.

Financial Report/Cash Balance Report – January 2009

Included for the Board's review and approval was the January 2009 County Financial Report and Cash Balance Report.

The fiscal YTD deficit in the Travel & Tourism Fund is due to the current economic situation and less revenues being collected in a month that travel/lodging business is typically slower resulting in less occupancy tax collections.

The fiscal YTD deficit in the CDBG – Scattered Site Housing Fund, the Lewis Creek Restoration Project Fund and the Public Transit Fund are temporary due to the timing of actual expenditures and the subsequent reimbursement of the expenditures from grant funds in succeeding months.

Suggested motion:

I move that the Board of Commissioners approve the January 2009 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – January 2009

Included for the Board's review and approval was the Henderson County Public Schools Financial Reports for January 2009.

Suggested motion:

I move that the Board of Commissioners approve the January 2009 Henderson County Public Schools Financial Reports as presented.

Public Records Disposal Request

Stan Duncan, Assessor/Interim Tax Collector, requested approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Log (included in agenda packet) in accordance with the County's Record Retention Policy and the provisions of NCGS 105-309 and NCGS 105-296 as the period of these records have expired.

Suggested motion:

Approve the Public Records Disposal Request and Destruction Log.

2007-2011 Strategic Plan Quarterly Update

Included in the agenda packet was the 2007-2011 Strategic Plan Quarterly Update for the Board's review and approval.

Suggested motion:

I move that the Board approve the Strategic Plan Quarterly Update as presented.

LEPC Annual Report for 2008

Pursuant to Article 2-7 of the Local Emergency Planning Committee (LEPC) By-Laws, the 2008 annual report was submitted. The membership roster for 2009 was also submitted.

Suggested motion:

Move to approve the 2008 Local Emergency Planning Committee annual report and 2009 membership roster as presented.

Surplus Vehicles

Submitted for the Board's consideration was a resolution (Exhibit A) declaring a list (Exhibit B) of vehicles no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Suggested motion:

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

Consolidated Contract Agreement with the NC Department of Health and Human Services

Each year, as part of the normal budgetary process, in order to keep the funding cycles without disruption of federal and state funds, the Consolidated Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Agreement re: HIPAA compliance
- Assurance of Compliance with Title VI, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments, and the Age Discrimination Act
- Four Certification Forms re: Lobbying, Drug-Free Work Place and Environmental Tobacco Smoke, and Certification Regarding Debarment, Suspension, Ineligible and Voluntary Exclusion – Lower Tier Covered Transactions
- Agreement Addenda
- Maintenance of Effort (MOE) Report for WCH Programs
- Public Health Nurse Training Funds Reimbursement Request

Suggested motion:

I move that the Consolidated Contract Agreement for Fiscal Year 2010 between the NC Department of Health and Human Services and the Henderson County Department of Public Health be approved with the understanding that program service levels and funding support can be renegotiated when it becomes necessary.

Records Retention and Disposition Schedule

The Local Records Unit of the Government Records Branch published a new County Sheriffs' Records Retention and Disposition Schedule in November, 2008. The schedule is the primary way the Department of Cultural Resources gives its consent to destroy records as outlined in GS 121-5 and GS 132-3. The Board of Commissioners is requested to approve the attached new Records Retention and Disposition Schedule for applicability to the Henderson County Sheriff's Office.

Suggested motion:

I move the Board of Commissioners approve the new Records Retention and Disposition Schedule for the Sheriff's Office as presented.

Review Special Intensity Allocation (SIA) Application WS-2008-11-1 (Mills River Family Health Center)

Bob L. Webb, M.D., owner, submitted an application on property located in Mills River Township, for approval of a subdivision of an existing parcel of land where an existing business is located on November 6, 2008. The existing business is a Doctors' Office (4,085 square foot) with associated parking and sidewalks

(19,435,000 square foot). The application (Dr. Webb, owner) has proposed to subdivide the property into two separate tracts. The applicant requests that the two proposed tracts be subdivided such that tract “A” being 2.517 acres and tract “B” being 1.243 acres. Tract “A” is the tract requesting a Special Intensity Allocation (SIA) permit. Tract “B” will have to comply with the 24% criteria or apply for a SIA when developed in the future. The proposed tract “A” meets all criteria set for a SIA permit.

Category 3 has a total of 27,110 acres; this application removes 1.517 acres from the total if approved. This would leave 25.593 acres for future projects located in the WS-III balance of watershed district.

Suggested motion:

I move that the Board approve the application for Mills River Family Health Center Special Intensity Allocation (WS-III Balance of Watershed).

WCCA Community Services Block Grant Application

Staff had submitted the Western Carolina Community Action (WCCA) 2009-2010 Application for Funding for the Community Services Block Grant Program. WCCA is requesting that the Board endorse the funding application and authorize the Chairman to sign all associated forms.

This is a continuing grant that supports WCCA’s outreach to low-income residents as well as self-sufficiency, homeownership, and senior adult programs. This grant application represents year #3 of a 3-year cycle. No county funds are required to fund these programs.

Suggested motion:

I move that the Board endorse this application and authorize the Chairman to execute the required documents.

Habitat for Humanity HOME Fund Contract

In FY 2008-2009, Habitat for Humanity applied for, and received, HOME funding for the Shuey Knolls project. They applied for this funding as a sub-recipient agency of Henderson County, as approved by the Board of Commissioners at the January 17, 2008 meeting.

The City of Asheville administers the HOME funds, and during a recent review of the project determined a need for Henderson County to execute an administrative services contract with Habitat for Humanity, as a sub-recipient agency. Habitat for Humanity will continue to own and manage the development, and submit draw requests for this project directly to the City of Asheville for reimbursement. The HOME program requires no county funding and has no monetary impact.

Suggested motion:

I move the Board authorize the Chairman to execute the proposed contract as attached.

NOMINATIONS

Notification of Vacancies

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

1. Equalization and Review, Henderson County Board of – 3 vac.
2. Juvenile Crime Prevention Council – 1 vac.
3. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
4. Solid Waste Advisory Committee (SWAC) – 5 vac.

Nominations

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

1. **Agriculture Advisory Board – 1 vac.**

Commissioner Williams nominated Richard K. Jordan. *Chairman Moyer made the motion to accept Mr. Jordan by acclamation. All voted in favor and the motion carried.*

2. Animal Services Committee – 1 vac.

Commissioner McGrady nominated Sarah Butler Brown for position #8, Veterinarian. *Chairman Moyer made the motion to accept Ms. Brown by acclamation. All voted in favor and the motion carried.*

3. Child Fatality Prevention Team – 1 vac.

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

4. CJPP (Criminal Justice Partnership Program) – 2 vac.

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

5. EMS Quality Management Committee – 1 vac.

Commissioner McGrady nominated Rita Raines for position #7. *Chairman Moyer made the motion to accept Ms. Raines 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. Home and Community Care Block Grant Advisory Committee – 1 vac.

Commissioner Young nominated Avalina Merrill for position #9. *Chairman Moyer made the motion to accept Ms. Merrill by acclamation. All voted in favor and the motion carried.*

8. 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.

9. Juvenile Crime Prevention Council – 8 vac.

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

10. Senior Volunteer Services Advisory Council – 1 vac.

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

ADM (Average Daily Membership) & LOTTERY FUNDS DISCUSSION – this was an add-on

Steve Wyatt explained that the Governor and the State Budget Office have diverted the February allocations for the State ADM building fund which is a share of the corporate income tax that is dedicated for school construction and allocated to counties. Also the February distribution for school construction lottery funds – those funds have been diverted into the state treasurer’s cash account to deal with the state’s shortfall. The problem for Henderson County is that we have budgeted those monies that are due us for debt service on school construction.

Carey McLelland explained that in the current fiscal year, a total of \$900,000 in ADM Funds was budgeted to pay debt service on the financing for construction of the Clear Creek and Etowah Elementary School projects completed in 2003. A total of \$750,000 in Lottery Funds was budgeted to pay debt service on the financing for construction of the new Sugarloaf Road Elementary School project completed in August 2008.

Due to the Governor’s recent action redirecting the February 2009 quarterly distribution for both ADM and Lottery Funds to help in the State’s budget shortfall, the NC County Commissioners Association recommends that all counties with a balance in either of the two funds, to go ahead and draw those funds down now and protect the resources from further negative actions by the Governor.

Mr. McLelland stated that staff recommends that the Board consider approving the ADM Fund and Lottery Fund applications drawing down the current balances available to pay schools debt service in the current

fiscal year. Both applications will be presented to the Board of Public Education for approval at their next possible meeting.

Following discussion, *Commissioner Young made the motion that the Board of Commissioners approve the attached ADM Fund and Lottery Fund applications as presented. All voted in favor and the motion carried.*

OVERVIEW PRESENTATION OF THE DRAFT ETOWAH AND HORSE SHOE COMMUNITIES PLAN

Anthony Starr explained that the Etowah and Horse Shoe Communities Advisory Committee, formed by the Board of Commissioners on September 4, 2007, was responsible for developing and recommending a community-specific comprehensive plan for the Etowah and Horse Shoe communities. After meeting monthly for a year, holding two public input sessions, and utilizing available research provided by Henderson County and area experts, the committee has completed the Draft Etowah and Horse Shoe Communities Plan at its meeting on January 15, 2009. On February 19, 2009, the Planning Board and the committee held a joint meeting to present and discuss the draft plan. The Planning Board voted 9-0 to send a favorable recommendation to the Board of Commissioners for the plan as presented.

Copies of the plan had already been distributed to the Board for review.

Anthony Starr explained that no action was needed other than to determine the Board's next step. Setting an actual date for a workshop or public hearing appears on the agenda under "important dates."

Discussion followed with the Commissioners wishing to have a workshop next. Chairman Moyer suggested the Commissioners look at their calendars for either Tuesday, March 24 or Thursday, March 26. The Board will revisit this and set a date when we get to "important dates."

DEBT REFINANCING – SERIES 1999 DETENTION CENTER CERTIFICATES OF PARTICIPATION (COPS)

Carey McLelland has researched this issue and presented now to the Board of Commissioners an opportunity to refinance the outstanding Series 1999 Detention Center Certificates of Participation (COPs) debt issue to favorable rate conditions in the current debt market. The date to pay off the outstanding callable bonds is June 1, 2009 and now is an opportune time to refinance them at a lower interest rate.

The not to exceed interest rate offered by Branch Banking & Trust Company to refinance over the remaining 10-year term is 3.64%. The estimated debt service savings in the current fiscal year is \$34,125 (net) and the cumulative projected savings over the remaining ten years is \$278,195 (net).

A formal application to the Local Government Commission (LGC) and a public hearing on the financing documents is required to do a current refinancing of debt previously issued in the public market. The proposed resolution for the Board's consideration makes the necessary findings to do the refinancing, authorizes staff to make an application with the LGC and calls for a public hearing on the financing documents.

Following discussion, *Commissioner Williams moved that the Board of Commissioners approve the resolution which makes the necessary findings for a current refunding of the outstanding Series 1999 Detention Center COPs debt issue; and which also authorizes staff to make an application with the Local Government Commission and calls for a public hearing on the financing documents for March 18, 2009 at 11:00 a.m. All voted in favor and the motion carried.*

Commissioner Williams moved that the following resolution (the "Resolution"), a copy of which was made available to the Board and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE

**COUNTY OF HENDERSON, NORTH CAROLINA,
AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT
FINANCING CONTRACT, DIRECTING THE PUBLICATION OF
NOTICE WITH RESPECT THERETO AND MAKING CERTAIN
FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH**

I. UNDERTAKINGS

WHEREAS, the Board of Commissioners (the “Board”) of the County of Henderson, North Carolina (the “County”), desires to provide for the installment refinancing of the acquisition, construction and equipping of the County detention facilities located at 375 First Avenue, East in Hendersonville, North Carolina (the “Detention Facilities); and

WHEREAS, proceeds of the \$9,065,000 Certificate of Participation, Series 1999 (Henderson County Project) Evidencing Proportionate Undivided Interests in Rights to Receive Revenues Pursuant to an Installment Financing Contract (the “1999 Contract”) with the County (the “1999 Certificates”) were used to finance the Detention Facilities; and

WHEREAS, the Board now proposes to refinance the Detention Facilities through an installment financing contract (which may include an amendment to the 1999 Contract) (the “2009 Contract”) with Branch Banking and Trust Company (the “Bank”), obligating the County to repay in installments the amount financed at a fixed annual interest rate of not more than 3.64% over a term not exceeding June 1, 2019, resulting in a total amount financed not to exceed \$5,400,000 (excluding reserves); and

WHEREAS, pursuant to N.C.G.S. Section 160A-20, the County is authorized to refinance the Detention Facilities by entering into the 2009 Contract and a deed of trust (the “Deed of Trust”) that create in the Detention Facilities and the site on which they are located a security interest to secure payment of the obligation thereby created; and

WHEREAS, subject to the prior approval of the Local Government Commission of North Carolina (the “LGC”) pursuant to N.C.G.S. Section 159-148, the County intends to refinance the cost of the Detention Facilities pursuant to N.C.G.S. Section 160A-20 by executing and delivering to the Bank the 2009 Contract providing for the financing of a principal amount not to exceed \$5,400,000 (excluding reserves); and

II. UNDERSTAKINGS NECESSARY

WHEREAS, the County staff has advised the Board, and the Board hereby finds and determines, that the County should refinance the 1999 Contract and prepay the outstanding 1999 Certificates in order to generate debt service savings with respect to the 1999 financing of the Detention Facilities, which enables the County to perform a part of its public functions; and

WHEREAS, a public hearing will be held to receive public comment on the desirability of the installment refinancing of the Detention Facilities, of which the Board received evidence supporting the need for such refinancing; and

WHEREAS, the Board finds and determines that the undertakings are necessary and expedient for the aforesaid reasons and that the Detention Facilities be refinanced under the terms, conditions and parameters heretofore stated and to be further determined with more particularity at a later date; and

III. FUNDS NOT EXCESSIVE

WHEREAS, the sums to fall due under the 2009 Contract can be included in the County’s budget without difficulty; and

WHEREAS, the above factors lead to the conclusion that the payments under the 2009 Contract are not excessive for the stated purposes of refinancing the Detention Facilities; and

IV. TRANSACTION A PUBLIC PURPOSE

WHEREAS, the County Attorney has advised the County that the proposed refinancing of the Detention Facilities is authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina; and

V. INSTALLMENT PURCHASE FINANCING DESIRABLE

WHEREAS, the Board finds and determines that short term or pay-as-you-go financing for the refinancing of the 1999 Contract and prepayment of the outstanding 1999 Certificates would place strains on the County's ability to fund general operations and education without a significant tax increase; and

WHEREAS, use of the County's unobligated fund balance to refinance the Detention Facilities and prepay the outstanding 1999 Certificates may reduce the fund below the guideline established by the LGC and would not be in the County's best interest; and

WHEREAS, although the cost of refinancing under the proposed 2009 Contract may be greater than the cost of general obligation bond refinancing, installment contract refinancing would be preferable to general obligation bond refinancing because a general obligation bond authorization probably could not be perfected in a timely manner and would not permit the alternative financing structures and repayment provisions available in the proposed negotiated installment contract financing; and

WHEREAS, the proposed cost of refinancing the 1999 Contract and prepaying the outstanding 1999 Certificates is too great an amount to be funded by current appropriations; and

WHEREAS, the Board finds and determines that installment contract refinancing is therefore the most viable and efficient alternative and that the cost of such refinancing is reasonable; and

VI. COMPLIANCE WITH DEBT MANAGEMENT CONTROLS

WHEREAS, past audit reports of the County indicate that its debt management and contract obligations payment policies have been carried out in strict compliance with the law and the County has not been censured by the LGC, external auditors, or any other regulatory agencies in connection with such management; and

VII. ESTIMATED TAX INCREASE

WHEREAS, the Board estimates that the County's ad valorem tax rate will not be significantly increased in order to sustain the proposed refinancing given that debt service savings will be realized by the County as a result of the 2009 Contract; and

VIII. NO DEFAULT

WHEREAS, the County is not in default in meeting any of its debt service or contract obligations; and

IX. APPLICATION

WHEREAS, it is the Board’s intention to adopt this Resolution for the purpose of authorizing the refinancing of the Detention Facilities through the refunding of the outstanding 1999 Certificates and the prepayment of the 1999 Contract, making certain findings and determinations, approving the submission of an application for approval of the 2009 Contract to the LGC and authorizing such other acts deemed necessary and advisable to carry out the refinancing of the Detention Facilities through the prepayment of the outstanding 1999 Certificates and the 1999 Contract with proceeds from the 2009 Contract.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, as follows:

Section 1. The Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board are hereby authorized and directed on behalf of the County to proceed with the preparation of the 2009 Contract providing for the refinancing of an amount not to exceed \$5,400,000 (excluding reserves) at an annual interest rate not to exceed 4.64% and a term not to exceed June 1, 2019, and otherwise proceed with the plan of refinancing of the Detention Facilities described at this meeting.

Section 2. The Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board are hereby authorized and directed to submit an application for the LGC’s approval of the Contract pursuant to N.C.G.S. Section 160A-20 and Section 159-148, and to execute a sworn statement of debt of the County pursuant to N.C.G.S. Section 159-150, in connection with the refinancing of the Detention Facilities.

Section 3. The financing team of Dewey & LeBoeuf LLP, as special counsel, and Branch Banking and Trust Company, as lender, is approved.

Section 4. This Resolution shall become effective immediately upon its adoption and shall supersede any and all previous resolutions regarding the refinancing of the Detention Facilities on an installment financing basis.

Section 5. That a public hearing (the “Public Hearing”) shall be conducted by the Board of Commissioners on March [18], 2009 at 11:00 a.m. in the Commissioners’ Meeting Room of the Historic Courthouse at One Historic Courthouse Square, Hendersonville, North Carolina, concerning the 2009 Contract, the Deed of Trust and the proposed refinancing of the Detention Facilities through the execution and delivery of the 2009 Contract and prepayment of the outstanding 1999 Certificates.

Section 6. The Clerk to the Board is hereby directed to cause a notice of the Public Hearing to be published once in a qualified newspaper of general circulation within the County.

On motion of Commissioner Williams, the foregoing resolution entitled “RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AN PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH” was duly adopted by the following vote:

Ayes: Chairman Moyer, Commissioner Messer, Commissioner Young, Commissioner McGrady, and Commissioner Williams.

Nays: None

2010 CENSUS COMPLETE COUNT COMMITTEE

Anthony Starr explained that efforts for completing the 2010 Census are well underway. The U.S. Constitution requires a decennial count of all persons in the United States. Regional and area Census Bureau officials contacted county staff to coordinate efforts for a complete count of Henderson County residents. The County Manager directed the Planning Director to serve as the primary liaison with the Census Bureau. The Planning Department Staff met with Census officials to discuss how Henderson County can support the counting efforts.

The Census Bureau asks that each jurisdiction establish a "Complete County Committee" (CCC). A CCC is a volunteer committee established by local governments to increase awareness about the census and motivate residents to respond. The committee works best when it includes a cross section of community representatives from government agencies, education, business, religious organizations, and the media.

A commissioner is needed to work with the Planning Director to establish and organize the Henderson County Complete Count Committee. The Planning Director is available to serve as the committee chair, coordinate the activities of the committee, and serve as the liaison with the Census Bureau. Several subcommittees will also be established. Census and Planning Staff established a tentative kick-off meeting date for the committee. The first meeting will be Thursday, March 12, 2009 at 9:00 a.m. in the meeting room of the King Street Office Building. Census staff will give instructions and guidance for this kick-off meeting. There are a variety of representatives needed for the committee including government, education, media, community based organizations, ethnic groups, business organizations, and faith based representatives.

A complete count is important to Henderson County as it directly impacts the amount of federal and state funds received (i.e. sales tax, grants, etc.).

Planning staff requested the Board designate a commissioner to work with the Planning Director to establish the Complete Count Committee and coordinate its efforts. It is expected that the commissioner for this project will serve as the public spokesperson for Census related issues.

Chairman Moyer volunteered to serve as the commissioner on the committee, unless there is another commissioner who is interested in serving in that capacity.

Commissioner Young moved that the Board appoint Commissioner William Moyer to work with the Complete Count Committee and Planning Staff regarding the 2010 Census. All voted in favor and the motion carried.

WAGE & SALARY GUIDELINES FOR BUDGET PREPARATION

Chairman Moyer had asked that this be placed on this agenda, based on what we're seeing with the sales tax numbers and some of the issues the Board dealt with at the last meeting. He thinks it is important to give staff some guidelines with respect to wages and salaries for the remainder of this year and for the budget preparations for next year. Chairman Moyer has talked with numerous business people who have had to take drastic steps to either curtail time, whole days, etc. In a lot of cases the businesses have found it necessary to either reduce wages or curtail them. He felt it appropriate, in light of all that's happening around us, that the county take a look at this issue and give some direction to staff.

Chairman Moyer felt that the Board needs to take action in this area with respect to the remainder of this year and for next year. For purposes of getting something on the table to begin discussions "I think we should implement a wage and salary freeze for the remainder of the year and carry that forward until next year, until we see whether these economic times change."

Much discussion followed. There was some discussion of the fairness of cutting out all increases for ¼ of the county employees for the next 3.5 months when the other ¾ of employees may have realized their increases. It was the idea that maybe this type action could keep us from having to lay off more employees.

At least this might reduce the possibility of additional job losses. Chairman Moyer felt that if you freeze for the remainder of this year and continue it for the next fiscal year that somewhere in the neighborhood of \$2 million could be saved, \$750,000 or better just for the remainder of this year. Staff has not worked up numbers. The Chairman had just used budget numbers. Discussion included all increases: COLA, retention bonus, and performance pay increase.

Chairman Moyer – *“There was no date in my first motion, I said for the remainder of this year but so that we have a date certain, I would say for all anniversary dates after March 15 and for the next coming fiscal year that we would freeze salaries and wages where they currently are and there would be no increases of any kind until the Board revisits this subject, maybe even the plan, at a future date and determines what is right going forward.”* A vote was taken and the motion passed unanimously.

Chairman Moyer stated that this is obviously one of the most unpleasant things the Board has had to do. He also stated the Commissioners are covered by the motion as well as everybody else.

STAFF REPORTS

County Attorney’s Report

Nothing further at this time.

County Manager’s Report

Nothing further at this time.

IMPORTANT DATES

Set Public Hearing on Offer of Economic Development Incentives

Morris Communications Company, LLC, is contemplating locating its customer service center for its cable television operations within Henderson County. Morris Communications Company, LLC, is the owner of the franchise for cable television service for most of Henderson County (formerly owned by Mediacom LLC).

If located in Henderson County, this project would result in a taxable investment of approximately \$1,800,000.00 and would create 41-46 new jobs in areas of supervision, sales, administration, dispatch, network operations and customer service, paying average wages of \$29,180 per year.

The suggested date and time of the public hearing is March 18, 2009 at 11:00 a.m.

Commissioner McGrady moved that the Board set a public hearing on the grant of economic development incentives to Morris Communications Company, LLC, for 11:00 a.m. on March 18, 2009. All voted in favor and the motion carried.

Set Hearing or Workshop on Proposed Land Development Code 2008 Annual Text Amendments (TX-2008-05)

The Henderson County Land Development Code (LDC) was adopted with the anticipation that it would be reviewed each year and amended as needed. This is the first annual review since the LDC’s adoption on September 19, 2007.

At the Board’s January 5, 2009 meeting, Staff provided a brief overview of the text amendments that would be presented to the Board for its review. The Board requested a table listing all of the proposed text amendments (attachment 1). A detailed description of all of the proposed text amendments to the LDC (TX-2008-05) has also been provided for the Board’s review (attachment 2). The proposed amendments address a range of issues including emergency vehicle access, some community character and design standards, clarifications to portions of the code text, and staff or Board concerns and/or suggestions.

The Planning Board reviewed the proposed LDC text amendments at its November 20, 2008 and December 18, 2008 meetings. The Planning Board voted unanimously (5-0) to send forth a favorable recommendation

on the proposed LDC text amendments (attachment 2) excluding text amendments 17 and 21. At its January 15, 2009 meeting, the Planning Board considered text amendments 17 and 21 and voted (7-1) to send forth an unfavorable recommendation on these two amendments. The Environmental Advisory Committee reviewed text amendments 16, 17, 18 and 21 at its meeting on February 5, 2009 and voted unanimously to send forth a favorable recommendation on these four text amendments.

Following discussion, *Commissioner McGrady moved that the Board schedule a public hearing on the 2008 Annual LDC Text Amendment (TX-2008-05) for Monday, April 6, 2009 at 7:00 p.m. All voted in favor and the motion carried.*

Set Workshop or Public Hearing Date for the Draft Etowah and Horse Shoe Communities Plan

The Etowah and Horse Shoe Communities Advisory Committee, formed by the Board of Commissioners on September 4, 2007, was responsible for developing and recommending a community-specific comprehensive plan for the Etowah and Horse Shoe communities. After meeting monthly for 1 year, holding two public input sessions, and utilizing available research provided by Henderson County and area experts, the committee has completed the Draft Etowah and Horse Shoe Communities Plan. The Planning Board received a copy of the Draft Etowah and Horse Shoe Communities Plan at its meeting on January 15, 2009. On February 19, 2009, the Planning Board and the committee held a joint meeting to present and discuss the draft plan. The Planning Board voted 9-0 to send a favorable recommendation to the Board of Commissioners for the plan as presented.

The next step in this process is consideration by the Board of Commissioners. The Board may schedule a public hearing/public input session or schedule a workshop to review the plan in greater detail. The study committee could also meet jointly with the Board at the workshop to provide insight to the recommendations.

Following the checking of calendars and discussion, *Commissioner Williams moved that the Board schedule a workshop to discuss the draft Etowah – Horse Shoe Communities Plan for Thursday, March 26 at 7:00 p.m. All voted in favor and the motion carried.*

PUBLIC HEARING – Resolution Approving Dana Volunteer Fire and Rescue Department, Inc., Financing

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

Russell Burrell explained that Dana Volunteer Fire and Rescue Department, Inc. (“the VFD”), seeks financing to pay for (re)construction of its firehouse in the Dana community.

In order to obtain tax-free financing for this project, a volunteer fire department must receive “public approval” for the financing from the local governing board with which it contracts to provide fire protection service. This resolution would grant such approval and would allow the VFD to obtain financing at a lower rate for this project (as interest payments would not be taxable to the financier).

Rocky Hyder, Fire Marshal, was present to answer any questions from the Board.

Public Input

There was none.

Chairman Moyer stated this is an essential project, as one of their buildings was damaged in an accident and has to be replaced. This will not make a fire property tax increase necessary.

Commissioner Williams moved that the Board adopt the proposed resolution allowing the financing by Dana Volunteer Fire and Rescue Department, Inc. All voted in favor and the motion carried.

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

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION – This was cancelled at the beginning of the meeting under “Discussion/Adjustment of the Agenda”.

ADJOURN

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

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman