

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MARCH 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, Attorney Russell Burrell, Assistant County Manager Selena Coffey, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Tax Assessor Stan Duncan, Planning Director Anthony Starr, Senior Planner Autumn Radcliff, Social Services Director Liston Smith, Environmental Health Supervisor Seth Swift, Parks and Recreation Director Tim Hopkin, Engineer Marcus Jones, Associate County Attorney Sarah Zambon, Deputy Clerk to the Board Terry Wilson, Research/Budget Analyst Amy Brantley and Public Information Officer Pam Brice.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

County Manager Steve Wyatt gave the invocation.

ANNOUNCEMENTS

Chairman Moyer recognized the birthdays of Commissioner Larry Young and Commissioner Chuck McGrady.

Chairman Moyer noted that on the previous Saturday Commissioner of Agriculture Steve Troxler attended a program by Commissioner Mark Williams and Bob Danos featuring local growers, producers, and packers. This was not a political gathering but a gathering with respect to the agricultural industry of Henderson County.

On March 12, Governor Purdue was in the Western part of the state and had a meeting with the chairs of the various counties along with industry people. The purpose of the session was to talk about how to generate jobs in the present economy. Governor Purdue basically said that she thought she was looking at a \$2.2 million budget deficit for this year; a million of which she hopes will be taken up by the economic stimulus program which remains to be seen. There would need to be cuts in many other areas to make up the difference. Her budget for next year features new spending mainly in the area of education and job growth but she also predicts a deficit next year of about \$3 million. Ms. Purdue has directed departments to look at possible decreases of 9 – 10% next year with the hopeful exclusion of economic development and education. Often these decreases are passed on to the counties and we are either asked to make up the services that were provided or somehow make up the cost. A number of the chairs attempted to discuss issues of concern such as taking the education ADM and lottery monies, issues of mental health and they were put aside as not the purpose of the meeting. It continues to be a concern of the chairs that they have heard no information in regards to money being put into mental health.

DATE APPROVED

Chairman Moyer complimented the Board of Education as Governor Purdue had received a letter from the Board of Education opposing the taking of the lottery & ADM money and the implications that would have for education. At this time no clarification has been received as to what the long term answer will be in that area.

INFORMAL PUBLIC COMMENT

Chairman Moyer asked each person who had signed up for informal public comments to please limit their comments to about 3 minutes each.

1. Bill McKibbin – (Hand’s On! A Child’s Gallery) Mr. McKibbin spoke in regards to a request from Hand’s On for funds from the County. He realizes that there is a budget short fall. Hand’s On is located on Main Street here in Hendersonville and has been in operation for over a year and a half. So far to date they have had approximately 40,000 visitors come through the facility. This is a place where children, ten and under, can come to have a good time. The exhibits are tied into the North Carolina school system. Hand’s On is asking for support from the County because as they submit applications for grants one of the main questions asked is if there is support from the County at any level.
2. Elisha Freeman – (Children & Family Resource Center and United Agenda for Children) Ms. Freeman thanked the Board for additional school nurses. She had been informed by one of the school nurses who used to serve seven schools that she now only serves three. The impact on kids is greatly improved due to the reduction in case load for the nurses. There continues to be room for improvement but this is a vast improvement from before and we are making steps in the right direction.
3. David Adams – (County Employee Salary Freeze) Mr. Adams is the chair of the Department of Social Services Board. The Board met and had their regular monthly meeting the day before and they were particularly concerned with the recent vote by the Board of Commissioners to freeze all adjustments to current year salaries effective March 15, 2009. This issue affects fifty-six (56) of one hundred and eighty-nine (189) Department of Social Services employees. Issues were considered such as management consistency, supervisory complexities, and employee moral, both for not only the fifty-six (56) employees denied their approval and anticipated salary adjustments but also for the awkward feelings of the one hundred and thirty-three (133) employees who received their pay increases while their co-workers did not. The Social Services Board recognizes the financial constraints faced by the county and understands why freezing salaries for all county employees may be necessary. However to implement a partial year freeze creates hardships not only on a select group of employees but can cause perplexing management issues. Applying personnel policies on a twelve (12) month budget cycle treats and affects all employees the same way. At the Social Services board meeting a motion was made and passed, with Commissioner McGrady abstaining, to request the Board of Commissioners to reconsider the decision for a partial year freezing and implement the freeze affective July 1, 2009 rather than March 15, 2009. He thanked the Board for any consideration they may give to the request.

Chairman Moyer stated that he understood from Commissioner McGrady that this letter had been sent to Mrs. Corn and she would share the letter with each Commissioner.

DISCUSSION/ADJUSTMENT OF AGENDA

There were no adjustments to the agenda. *Commissioner Williams made the motion to approve the agenda as submitted. All voted in favor and the motion carried.*

CONSENT AGENDA

Chairman Moyer requested the addition of item M – Extension of appeal deadline for Quality Rubber Manufacturing Company and Grace IV, SA. *Commissioner McGrady made the motion to adopt the consent agenda with the addition of item M. All voted in favor and the motion carried.*

Consent Agenda consisted of the following:

Minutes

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

- February 18, 2009 Regularly scheduled meeting
- February 18, 2009 Budget workshop

Tax Collector’s Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated March 6, 2009 for information only. No action was required.

Tax Releases

A list of 54 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Release Report as presented.

Tax Refund

A list of 3 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Refund Report as presented.

Noise Ordinance Update

Lieutenant Ben McKay provided an update to the Board regarding the status of the Noise Ordinance for 2008.

	<u>Barking Dogs</u>	<u>Other Noise</u>	<u>Citations</u>
1st quarter	132	144	3
2nd quarter	176	251	22
3rd quarter	133	301	15
4th quarter	<u>114</u>	<u>140</u>	<u>11</u>
Total	555	836	51

HAC Contract Amendment

Henderson County has an existing contract with the Housing Assistance Corporation (HAC) for the distribution and utilization of HOME funds. In the current 2008 contract, Henderson County allows HAC to retain repayments to use for future HOME activities. This amendment would apply to the 2007 HOME funds contract allowing repayment under that contract to likewise be retained by HAC for future eligible activities.

Suggested Motion:

I move the approval of the amendment to the 2007 HOME funds contract with the Housing Assistance Corporation to allow them to reincorporate repayments into future HOME funds activities.

CDBG Small Business and Entrepreneurial Assistance, Funding Approval, Resolutions, Policies, and related Grant Acceptance for Warm Company Project

Planning Staff and the Partnership for Economic Development proposes the acceptance of grant award for a Small Business & Entrepreneurial Assistance (SBEA) grant from the N.C. Division of Community Assistance in the amount of \$200,000.00. The Warm Company located on Sunset Hill Road will expand their facility resulting in new jobs. The SBEA program will assist in bringing needed wastewater infrastructure to the site to allow the expansion to occur. The full grant acceptance, funding condition documents and related policies and documents is available in the Planning Department for public review. Future steps with the project involve design of the sewer line extension and bidding for construction which will require Board

approval.

No County funds are required. The project is 100% CDBG funded.

The Planning Staff and Partnership for Economic Development request approval of the provided resolutions, policies and documents.

Suggested Motion:

I move that the Board approve the acceptance of the \$200,000 Division of Community Assistance Small Business & Entrepreneurial Assistance grant for the Warm Company Project on Sunset Hill Road and that the Board approve all attached documents. I further move that the Board authorize the Chairman and Planning Director to sign and submit required documents for proper grant administration.

Water Line Extensions – Painted Woods/Old Hickory Estates and Camp Judea

The City of Hendersonville has requested that the County comment on two proposed water line extensions for Painted Woods & Old Hickory Estates in the Fletcher area and Camp Judea in Edneyville.

Details for each request were provided and both requests are consistent with the 2020 Comprehensive Plan.

Action by the Board of Commissioners is needed to either grant or deny these requests.

Suggested Motion:

I move that the Board approve the Painted Woods & Old Hickory Estates water line extension and the Camp Judea water line extension and direct Staff to convey the County’s comments to the City of Hendersonville.

Surplus Equipment

A resolution (Exhibit A) was provided for the Board’s consideration declaring the provided list (Exhibit B) of Equipment no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus equipment 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 resolution provided declaring the list of equipment presented as surplus and authorizes Staff to sell the surplus equipment via electronic public auction using GovDeals auction services.

Exhibit A

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

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

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

WHEREAS, it is the intent of the County to sell said surplus equipment by electronic public auction at www.govdeals.com.

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

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

THIS the 18th day March, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

Exhibit B

List of Surplus Equipment

<u>Year / Make / Model</u>	<u>SN #</u>	<u>County Asset #</u>
(A.R.E) Truck Bed Cap	00-N52933	None
Plat Storage Cabinets (3) w/400 Storage Envelopes		74, 75, 1045
Goodyear Tractor Tires (2), rear, wheel size 14.9-24		N/A
Firestone Tractor Tires (2), rear, wheel size 12.4-24		N/A
Firestone Tractor Tires (2), front, wheel size 7-14		

Petition for Addition to State Road System

Petition for Portion of Ida Rogers Drive.

It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Suggested Motion:

I move that the Board approve the petitions and forward them to NCDOT for action.

Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the period ended December 31, 2008

G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The provided FMR for Western Highlands Area Authority was received by the County Finance Officer on March 5, 2009

Suggested Motion:

I move that the Board of Commissioners approve the Western Highlands Area Authority Fiscal Monitoring Report for the period ended December 31, 2008.

Resolution of Support for the Blue Ridge Book & Author Showcase

The Board of Commissioners was requested to adopt a resolution in support of the Blue Ridge Book & Arthur Showcase. The inaugural Showcase, in celebration of authorship, creative writing and the joy of reading is scheduled for Saturday, May 9, 2009 in the new Technical Education and Development Center on the Blue Ridge Community College campus in Flat Rock.

Suggested Motion:

I move the Board of Commissioners adopts the Resolution of Support for the Blue Ridge Book and Author Showcase.

Extension of appeal deadline, Quality Rubber Mfg Co. and Grace IV, SA

Grace IC, SA, on behalf of itself, Quality Rubber Mfg. Co., Inc., Landforce, LLC, Highflight Management, LLC and ChW Enterprises, LLC seeks an individual extension of the listing period for property taxes until 15 April 2009. A correspondence between the applicants’ attorney and the Assessor’s office was provided.

Under N.C. Gen. Stat. §105-307(c), the Board may extend an individual listing time until 15 April of each year if the Board finds “good cause shown”.

Suggested Motion:

I move that the listing period for the applicants in this agenda item be extended to April 15, under the terms of Section 05-307 of the General Statutes.

NOMINATIONS

Notification of Vacancies

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

- 1. Henderson County Planning Board – 3 vac.**
- 2. Nursing/Adult Care Home Community Block Grant Advisory Committee – 1 vac.**

Nominations

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

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

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

- 2. CJPP (Criminal Justice Partnership Program) – 2 vac.**

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

- 3. Equalization and Review, Henderson County Board of – 3 vac.**

Commissioner McGrady nominated John Bell for reappointment to position #7. Commissioner Young nominated Tommy Thompson for appointment to position #3. Commissioner Williams nominated Don Dalton for appointment to position #5. It was the consensus of the Board to roll the election of a Chairperson until all people on the Board have been considered. *Chairman Moyer made the motion to accept the reappointment of John Bell to position #7, the appointment of Tommy Thompson to position #3, and the appointment of Don Dalton to position #5 by acclamation. All voted in favor and the motion carried.*

- 4. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

5. Industrial Facilities and Pollution Control Financing Authority – 1 vac.

Commissioner Young nominated Ronnie Edwards for appointment to position #1. *Chairman Moyer made the motion to accept the appointment of Ronnie Edwards to position #1 by acclamation. All voted in favor and the motion carried.*

6. Juvenile Crime Prevention Council – 9 vac.

Commissioner Messer recognized that Erik Summey works for the Fletcher Police Department as a detective and could possibly fill position #2, Chief of Police in the County as a designee. He further felt that the two other applicants on file may be considered for the two at large positions 24 & 25. There were no nominations at this time so this item was rolled to the next meeting.

7. Nursing/Adult Care Home Community Advisory Committee -- 1 vac.

Chairman Moyer noted that Chair Nuala Fay recommends the appointment of Lesley Ann Jones for position #22. *Commissioner McGrady made the motion to appoint Lesley Ann Jones to position #22. All voted in favor and the motion carried.*

8. Senior Volunteer Services Advisory Council – 1 vac.

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

9. Solid Waste Advisory Committee (SWAC) – 5 vac.

Chairman Moyer stated that a response had been received from Katie Breckheimer and that she was willing to serve again if reappointed. Commissioner nominated for reappointment Stan Kumor to position #3, Katie Breckheimer to position #4, Joseph McGuth to position #7 and Terry Lee Maybin to position #8. *Chairman Moyer made the motion that the reappointments be accepted by acclamation. All voted in favor and the motion carried.*

Chairman Moyer noted that a citizen had asked when the County would have another toxic chemical and electronics collection.

Engineer Marcus Jones stated that he had been notified by phone the previous day that the County had been awarded a \$25,000 grant to purchase a permanent HHW building. They anticipate getting this facility up and running and hold the first regularly scheduled HHW event soon.

PARDEE HOSPITAL ANNUAL REPORT

Alan House, Kris Hose, of Margaret R. Pardee Memorial Hospital (Henderson County Hospital Corporation) presented their Annual Report to the Board of Commissioners. Bill Lapsley and John Bell members of the Henderson County Hospital Corporation were also present.

Kris Hose referred to Tab 1, Section A (Joint Commission on Accreditation of Healthcare Organization) of the Pardee Hospital presentation which reflects accreditation and certifications to reassure the Board that Pardee is actively accredited by joint commission since December 2007. The Hospital Board recently voted to change their accreditation agency and are currently going through the steps with an anticipated completion date of April, 2009.

Chairman Moyer noted that this was not as a result of any problems with the Joint Commission.

Mr. Hose then referred to Tab 1, Section E (Patient Satisfaction Scores by Year) and a graph was shown which detailed the improvement in patient satisfaction over the last three years in five areas; ambulatory surgery, emergency department, inpatient, outpatient and home health.

Tab 2, Section A (Henderson County Hospital Corporation 2009 System Goals) These goals have been developed from a thorough review of the proposed Strategic Plan 2009-2012 for HCHC. The System Goals also include specific measures that will facilitate the Board's oversight on the execution of key Strategic

Initiatives in the Strategic Plan.

Tab 2, Section B (Healthcare Needs) From the analysis completed during the development of the Strategic Plan the following five (5) healthcare priorities were identified for 2009: Mental Health, Primary Care Physicians, Medical Specialties, Uncompensated Care and Information Technology.

Tab 2, Section C (Physician Integration) Pardee will continue to dedicate resources to insure the community has the appropriated number of providers to meet our healthcare need.

Chairman Moyer stated that in respect to the Information Technology and in light of what is being put out on the stimulus program we have to move forward with this as it came help with errors and quality of care. Chairman Moyer stated that in the past there were issues of individuals being brought to the hospital and dropped off without any type of protection (i.e., sheriff or hospital staff) and this again seems to be a problem.

Tab 3, Section A - Pardee serves Henderson County Community that consists of:

- Proportionately more Medicare, Medicaid and Uninsured patients than the state average:
 - 77.1% - for Pardee
 - 67.4% - for North Carolina
- Proportionately more Bad Debt than the state average:
 - 7.3% - for Pardee
 - 3.9% - for North Carolina

Section B – Community Benefits and Accountability

Hospitals, their associates and their physicians positively affect almost every aspect of community life. Hospitals provide the funding for nursing educators which enables people in our community to step toward careers in healthcare. Hospitals loan executives and staff to lead worthwhile community causes such as United Way. Most often, hospitals provide free care or low cost care for those who lack sufficient resources. Pardee does all this and more for our community.

Alan House discussed the financials and pointed out that in spite of all the difficulties in 2008 it was a very positive year.

Mr. House was questioned if there were any capital improvements near term in which the hospital would have to borrow. He responded that they have no plans of any new borrowing. The hospital has kept their options open on retroactive potential financing of the approximate \$3 million worth of building with the Commissioners support if interest rates would make this meaningful.

Mr. Hose explained that in their long term strategic plan process issues were identified on the facility side that go out in the next four or five years but nothing in the next three to five years that would require outside funding.

PROPOSED INTAKE ON THE FRANCH BROAD RIVER AND EXPANDED WATER SUPPLY WATERSHED BOUNDARY

Planning Director Anthony Starr stated the N.C. Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) is considering a new proposed surface water intake for the City of Hendersonville on the French Broad River north of the confluence of Mills River (refer to attachments 1). The proposed intake will allow the City to continue to supply water to customers during drought conditions that might deplete the amount of surface water available on Mills River where the existing intake is located. The proposed intake would require that the existing WS-II Balance of Watershed and Critical Area be expanded. This expansion would include a small portion of land located within the Town of Mills River (refer to attachment 2). This expanded reclassification area is mostly farmland. Agriculture is a permitted use in the water supply watershed districts.

In addition to this expansion, the DWQ has discovered an error with the existing Water Supply Watershed boundary based on the location of the existing intakes. The boundaries are set by the DWQ. As a result, the boundaries of our current WS-II watershed will need to be corrected. We are waiting on GIS layers to determine the parcels that may be impacted by this correction. Staff anticipates that these corrections can be adopted by the Board at the same time the expanded reclassification area for the new proposed intake is adopted. Both of these amendments require a public hearing by the Board of Commissioners upon approval by the State.

The Environmental Management Commission (EMS) approves any new intakes and reclassifications. Once approved by the EMC, the Rules Review Commission reviews the document. At that point, the State is complete and the local jurisdictions have 270 days to adopt the watershed map and regulations. It is uncertain what the expected timeframe for adoption is at this point. The State requests that the Board provide a resolution for support, opposition, or neutral stance for the State to proceed to the Water Quality Committee. A resolution for the Town of Mills River will also be needed before the State can proceed with the request.

Staff is actively working to contact the State in regards to the timeframe of adoption and obtain additional information on the existing WS-II boundaries to be corrected.

If the Board supports the proposed intake on the French Broad River by the City of Hendersonville then a resolution of support or opposition will need to be passed at a future meeting in order for the State to proceed with Hendersonville's request.

City of Hendersonville Utilities Director Lee Smith stated the reason for the request is because it has been determined that Mills River will not be an adequate supply under abnormal (drought) conditions and an additional intake will be necessary in order for a supply to be built to adequately supply Henderson County in the future. A letter received by the Board of Commissioners from the Town of Mills River was discussed. Mr. Smith commented that the only property owner between the confluents of the two rivers and the proposed intake was the City of Asheville.

Discussion followed.

RECREATION FEES

Assistant County Manager Selena Coffey stated that several years prior the Board of Commissioners' determined that there should be a policy regarding the assessment of recreation fees.

Recreation Director Tim Hopkin stated that staff had been asked to present information regarding how fees are assessed to the various athletic programs managed by the County Recreation Department, as well as those programs managed by other organizations.

Purpose – To evaluate Board fee policies for facility use

Policy on Supplementing Programs

- BOC policy to subsidize youth programs
- Revenues / fees for adult sports programs are assessed to assist with expenses for the programs

Programs managed by Recreation

- Youth Soccer (fall / spring program)
- Youth Basketball (winter program)
- Adult Softball (spring / summer / fall program)
- Senior Games (spring program)

Programs not managed by Recreation

- Youth Baseball

- Youth Softball
- USTA Team Tennis
- Soccer Association
- WNC Lacrosse
- Senior Men' Softball
- WNC BMX

Youth Baseball & Youth Softball

- Youth Baseball and Youth Softball use the fields at Jackson Park and Etowah Park for games and practices
- Both organizations collect their own fees and administer their own programs
- Both organizations are assessed a \$10/player/season fee for field usage by the County

What's included in the fee?

- Fields reserved for exclusive use by Youth Baseball and Youth Softball for practices and games
- Fields prepared and maintained for optimal play daily
- Game cancellation phone line provided
- Lights provided for night time practices and games
- Assistance provided with scheduling
- Programs promoted by the County via e-mail, website, mailers, etc.

Sr. Men's Softball / Team Tennis / Soccer Association / Lacrosse / Others

- Fields and courts reserved for exclusive use and guaranteed time slots
- Fees charged for reservations
- County maintains and provides equipment for fields and tennis courts (i.e. bases, tennis nets, fences, lights, mowing, preparing and maintaining fields)

What are other jurisdictions charging?

- City of Hendersonville – charges \$10 / player / season for Berkley Park ball fields
- Town of Fletcher – charges for the use of ball fields (fees currently being evaluated by Town)

Chairman Moyer stated that there have been issues over the years and requested Commissioner Messer to provide an overview followed by a presentation by the Youth Baseball League.

Commissioner Messer stated that discussions had been held concerning youth league in the County and he recommended that all involved with the league continue because with the economic situation the County could not do so. The Recreation Advisory Board had been involved and was aware of the concerns of the league.

Mike Wood, VP for the Henderson County Youth Baseball League provided an overview of the league's history and requested that the Board consider fully recognizing concession monies made at Jackson Park field two (2) concessions stand in lieu of payment for Henderson County Parks & Recreation uses fees. In addition HC Youth Baseball League would be recognized as part of the HC Parks & Recreation Department. Currently boys baseball, girls soccer, boys basketball, girls basketball and mens softball are recognizably supported by HC Parks & Recreation Department. HC Parks & Recreation Department vision is to provide an environment for quality, wholesome, leisure and recreation activities that will benefit Henderson County residents. This too is what Henderson County Youth Baseball is about. Henderson County Youth Baseball is different than any other baseball organization in Henderson County. They are not a travel ball team like the Blue Ridge Bears and other such teams, which practice locally and play anywhere within driving distance for weekend tournaments or hosting a weekend tournament here and there. HC Youth Baseball is a non-profit organization made up of elected volunteer board members, coaches. Currently they have signed up approximately 470 youth ages 5-12 living in Henderson County, interested in teaching, learning and developing life skills through playing baseball. Prior to November 2005 HC Youth Baseball entered into

annual agreements with HC Park & Recreation Department with signed memorandums of understanding and field usage agreements. In such agreements it was agreed that a \$3-5 thousand dollar annual fee would be paid. Usually prior to 2006 this payment was made based on HC Parks & Recreation Departments approved field improvements. Previous approved improvements were new bases, pitching rubbers, batting cage netting, home plate jock boxes, portable mounds, and batting cages at Etowah Park. These agreements also detailed that HC Youth Baseball would operate concessions at field two (2) of Jackson Park and the monies made during those games and events would go directly back to HC Youth Baseball. Since spring 2006 concessions have been operated by HC Parks & Recreation Department. The loss of revenue to HC Youth Baseball has been on an average of \$8-10 thousand annually. In addition to this revenue stream loss, payments to HC Parks & Recreation, of \$5-8 thousand annually for field usage has hurt HC Youth Baseball's ability to survive. In 2008 income for HC Youth Baseball was just over \$86 thousand. Income for HC Youth Baseball comes from player registration fees at \$70 per player which is made up of 69.1% of their total income revenue. Local business sponsor income was \$22,114 or 25.7% of the income. Total expenses for the year 2008 were \$92,304 which brought an operating loss of \$6,256. Umpire expenses were 33.7% of the total cost. With equipment and uniform costs at 41.6% of expenses, HC Youth Baseball paid HC Parks & Recreation Department \$4,540 in May 2008 and assumed to be the annual field usage fee at \$10 per child as it has been in previous years. In November 2008 HC Youth Baseball received a billing notice from HC Parks & Recreation for nearly \$3 thousand for field usage for the fall season. This was not only discussed or agreed upon prior to the season or billed in any fall season prior. This bill was sent after the entire fall season was over. Since December 2008, as the newly elected board members embark on preparation for the upcoming spring season it is apparent that HC Youth Baseball can no longer afford to operate separately or without the help of HC Parks & Recreation. HC Youth Baseball can not afford to pay the user fees that other recognized sports do not pay. With the additional loss of concessions at field two (2), HC Youth Baseball cannot meet the expected HC Youth Baseball needs. Henderson County is the only county in Western North Carolina which charges a user fee to like organizations. Neighboring counties Madison, Macon, Transylvania and even Buncombe Counties don't charge. Many tough decisions have been made by HC Youth Baseball board to lesson overall costs to this organization. Umpires will be paid at a lower rate than past years. Reduction to one (1) umpire per game for eight (8) year old divisions and lower have been made. With the current economic times rising player fees will only eliminate participation in all age divisions. Ten (10) player scholarships have already been granted for this upcoming 2009 spring season, allowing those kids that can't afford to play with the opportunity to play without further impacting their families. Raising local sponsor fees is also difficult as many local businesses strive to stay alive in cut backs wherever they can just to stay afloat. Raising sponsor fees last year by \$25 was felt with a loss of a few previous sponsors and this year has been equally challenging. HC Youth Baseball is asking for the County's support and help by keeping this league successful for all involved. They would like to see the usage fee paid through the recognition of concession money generated only at field two (2) concession stand at Jackson Park or allow HC Youth Baseball to have concessions back at field two (2) and all funds generated will directly support their organization.

Chairman Moyer questioned "If you get the concessions back at field two (2) will that enable you to pay the fees and operate your league going forward?"

Mr. Wood responded that it would.

Commissioner Messer inquired that HC Youth Baseball League had the concessions up until 2006.

Mr. Wood responded yes.

Commissioner Messer stated that the revenues from the concession were somewhere between \$8-10 thousand.

Mr. Wood responded that this figure was correct. The HC Youth Baseball League, prior to 2006, had an excess and have now gone into their coffers.

Commissioner Messer was in favor of allowing the HC Youth Baseball League to run field two (2) concessions as an income measure to pay user fees for a one year trial period.

Chairman Moyer noted that HC Youth Baseball League is one of the bigger leagues and normally pays approximately \$15,250 in fees.

County Manager Steve Wyatt inquired if it was the Board's understanding that it would not be the HC Youth Baseball League running field two concessions, it would be for consideration in lei of the funds generated. If the Board wished to see the operation of the concession stand he suggested some type of written agreement between Henderson County and the Youth Baseball League.

Mr. Wood responded that if they received concessions from field two (2), they would run concessions and add additional items for additional fund raising (i.e. chick filet, t-shirts, etc). They have folks Monday through Friday from 5:00 on that can run the concession stand and they are willing to take it over.

Chairman Moyer asked how they would distribute the revenues.

Mr. Wood responded that someone from their board would be over the concession area and they would take the profit and invest it back into the Youth Baseball League and possibly even consider lowering the costs to families.

Assistant County Manager Selena Coffey recommended that administratively it makes more sense to contract with the Youth Baseball League to allow them to do the concessions.

County Manager Steve Wyatt stated that the Youth Baseball League would basically be "leasing the facility for that limited part of time" transferring the liability to them.

Chairman Moyer made the motion with respect to the Youth Baseball League that for the period of the season, the County will turn over concessions at field two (2) to the League and it will be their responsibility to run, manage and carry the liability and further be responsible for paying the fees associated with the field usage which are currently on record of \$7,000 (or \$10 per participant) for this year and that any additional profit monies would be reinvested in the Youth Baseball League and/or the field as they deemed appropriate to the benefit of the youth of the county. Chairman Moyer further motioned that an agreement between the County and the Youth Baseball League be prepared incorporating the terms discussed for execution by the parties. All voted in favor and the motion carried.

Assistant County Manager Selena Coffey informed the Board of an outstanding fee of \$2,990.00 for the Youth Baseball League for field usage for the 2008 fall season of which the League did not anticipate.

Commissioner McGrady made the motion that the Board waives the 2008 fall season usage fee of \$2990.00 billed to the Youth Baseball League. All voted in favor and the motion carried.

IDENTITY THEFT PROTECTION PROGRAM ORDINANCE

County Attorney Russ Burrell stated that the Federal Trade Commission has adopted a policy requiring all providers of credit to consumers to adopt "red flag policies" to assist in protecting consumers from identity theft. The "Red Flags Rule" was developed pursuant to the Fair and Accurate Credit Transactions (FACT) Act of 2003. Under the Rule, financial institutions and creditors with covered accounts must have identity theft prevention programs to identify, detect, and respond to patterns, practices, or specific activities that could indicate identity theft.

Henderson County falls under the "Red Flags Rule", as it is a creditor with covered accounts with respect, at

least, to sewer accounts with the Cane Creek Water and Sewer District, as payment for the services rendered by the district is billed in arrears by one month, such that that month's service is effectively provided on credit to the consumer. (There may well be other instances where the County provides services on credit, but the case of a utility provider is expressly included within the Red Flags Rule.)

A copy of the ordinance is hereto attached and incorporated as a part of the minutes. The ordinance is a model ordinance proposed for local governments who fall under the Red Flags Rule. It has been adapted for Henderson County government.

Chairman Moyer made the motion that the Board adopts the Identity Theft Protection ordinance as presented. All voted in favor and the motion carried.

PUBLIC HEARING – TO CONSIDER OFFIER OF ECONOMIC DEVELOPMENT INCENTIVES TO MORRIS COMMUNICATIONS GROUP, LLC

Commissioner Messer made the motion for the Board to go into public hearing with respect to economic Development incentives for Morris Communications. All voted in favor and the motion carried.

County Attorney Russ Burrell stated a public hearing has been scheduled on 18 March 2009 in the above matter.

To be heard are public comments on a proposal for the award of economic development incentives to Morris Communications Group, LLC, for the location of a call center in Henderson County, for the company's Cable television operations. The proposed call center would bring 41-46 new jobs, with average annual wages of \$29,180.

Proposed are an award of incentives for three years, at \$6,652.80 per year (total award \$19,958.40). The award of incentives would likely be contingent during the period of incentives on no sale of the operation of the cable system by the recipient, and on the call center serving cable operations in Henderson County remaining in Henderson County.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners ("the Board") will hold a public hearing on 18 March 2009 at 11:00 a.m., or as soon thereafter as the Board can consider the matter, to consider the request of Morris Communications Group, LLC ("the Company"), for economic development incentives to assist in investment resulting in the location of a call and customer service center in Henderson County, expanding its current operations in the County, and the addition of new jobs.

The Company owns a cable television operation serving areas of Western North Carolina, including most of Henderson County. The public benefit to be derived from the capital project is a total new taxable capital investment in the amount of approximately One Million Eight Hundred Thousand Dollars (\$1,800,000.00) in equipment ("the investment") over the next year, creating not fewer than forty-one (41) new full time employment positions.

The Board will consider granting assistance toward actual expenditures incurred in the Company's plan to construct its operation up to a maximum payment of Nineteen Thousand Nine Hundred Fifty-Eight Dollars and Forty Cents (\$19,958.40), to be paid over a period of three (3) years. Each year's incentive payment would be no greater than Six Thousand Six Hundred Fifty-Two Dollars and Eight Cents (\$6,652.80).

If approved, the request would be funded through the general property tax revenue. The hearing will be held in the Meeting Room of the Henderson County Administration Building located at 1 Historic Courthouse Square, Hendersonville, North Carolina. The public is invited to attend and comment.

President of the Partnership for Economic Development Andrew Tate spoke on behalf of the project. He stated that the 41-46 jobs would be in addition to the current 54 employees with Morris Communication. The taxable investment associated with the project is \$1.8 million which is primarily in facilities and upgrades to accommodate an operations and call center. Those operations and call center would employ a variety of different positions including network operating, customer service dispatch, supervisory, and sales positions with Morris Broadband. This project is consistent with one of the primary target markets of the Lockwood Greene economic development master plan identified with Henderson County several years ago.

Randy Hughes, General Manager of Morris Communications thanked the Board for consideration of the incentive. Morris Communications looks forward to the growth of the company and with the Board's support of incentives it will be easy to bring the jobs to Hendersonville and Henderson County.

Commissioner Messer inquired the timeframe of the project.

Mr. Hughes stated that the architect is already on board and has started the design. He anticipated having the call center up in place by August, 2009.

Commissioner Young questioned if this would be strictly new jobs within Henderson County and not transfers from other areas.

Mr. Hughes stated that they would try to fill the positions locally and did not feel that they would have a problem doing so.

Customer Service Supervisor Maggie Blythe - "just certainly want to let you know that that is indeed our intention. Certainly from our prior history with these operations we felt very strongly that it was important to bring that call center here to Henderson County...so I look forward to heading up the customer service operations hopefully bringing some good, solid, convenient service to our customers and getting through those issues that I know that you know that have been issues in the past. That's certainly our goal and we look forward to doing that and certainly appreciate the support that the county is considering giving us. If there are any questions specific questions, I'll try to answer those.

Chairman Moyer - "Well if either you are Randy...I think you know...and this is certainly not anything with respect to Morris but there have been questions and issues with respect to the handling of calls in the past and the promptness etc. and I don't really want to go back over that but obviously the issues will be raised by the citizens of if we are going to give incentives, what have we built into this to be sure that we do get to sees improved service for our citizens. Do you have any suggestions with respect to that?"

Maggie Blythe - "Of course under the new legislation...recent legislation in the state we are operating under a state franchise. Those do of course require you to meet FCC standards. Now is there anything the county can do...I guess certainly Morris does plan to be very community oriented. I think that you will find that they are more specifically involved in the community and much more likely to listen to what customers are saying. I guess I can tell you from your past experience with me, you know that I try to meet customer demands. I've always treated all of my government officials as my customers. I look forward to bringing that same level of service to all of our customers. We have spent many weeks now going through the call volumes and looking at what staffing needs we would have to ensure that we can meet those FCC standards and I guess I can give you my personal word that that is our goal, that I have put together a plan that I think will enable us to do that and that I'm looking forward to the day that we're kind of like the Maytag repair man and we're sitting back wondering you know who we can call today to talk to. So...is there anything

specific that you can do...certainly I think open communications is the best thing. When you hear issues are going forward that aren't getting resolved...you know give us a call and let us know and we will make every attempt we can to meet that as quickly as possible."

Chairman Moyer – "It is a tricky area because as the Board knows and you people certainly know we do not grant the franchise anymore, Maggie's one hundred percent right. A lot of the complaints go directly to the state or to the FCC but on the other hand we are granting the incentives and we are putting out the county money to do that and how we bring those two things together is a tricky issue."

Commissioner Chuck McGrady – "Well I found the Times-News editorial this morning to be an interesting one; raising that issue. I guess I'm a little bit surprisingly averse to going there for two reasons. One, the incentive here is really rather small. I mean we're not paying a massive amount, again it's our funds but it's not like (in size) some of the incentives that we have elsewhere so it's what do you get for a relatively small investment. Then I think it sort of puts us on a bed of a slippery slope...I mean I'm an environmental leader...if we were to try to mix job incentives with service incentives with respect to this company, why wouldn't we mix job incentives with respect to environmental improvements with respect to the next company. I'm just concerned about getting into social policy through what is strictly a jobs program. I guess I'm glad we asked the question and I'm glad we got the response we and Maggie I thoroughly enjoyed working with you for the short period of time and found you personally very responsive and if our customers (one of which is me) gets that level of service then we'll be in a better place than we have been at some points in the past. I'm hopeful that having this call center right here as opposed to somewhere else is going to help us be there. I mean you're going to be talking to people that actually know where Kanuga Road is as opposed to talking to somebody that you're trying to describe on a map where they live. I'm hoping that just the geography is going to work in our favor. I glad we had the discussion but I don't want to go any further other than the contingencies that Russ had appropriately pointed out in the proposed motion."

Chairman Moyer – "I guess I would like to go a little further. I would like to see a paragraph in there along the lines of what Maggie has said...that they are committed to quality service, that they are going to work to improve the service to the best of their ability, and that if there are issues that arise that there will be communications between the Commissioners and the company to resolve those issues in a constructive manner."

Commissioner Chuck McGrady – "I think that is on the record here but I don't know that you know how we would resolve an ambiguity between what one of our citizens think about service and the incentive that we've got here...and I just think that..."

Chairman Moyer – "I certainly understand that but I think it's something that we can show in the agreement that we've addressed the issue and we're trying to do with it to the extent we can. I agree with you, we can't go too far but I think they've offered that and I think that would be a good thing for us to have in the agreement with respect to granting incentives. How would you feel about that Maggie?"

Maggie Blythe – "I will let Randy, as the General Manager, speak to that issue."

Randy Hughes – "I don't think I would have a problem with it because we intend to provide an excellent service and meeting all the FCC specifications. So...language of that sort wouldn't bother me at all."

Chairman Moyer – "Alright...if it's the Board's pleasure...let us write up (you would have to see the wording obviously and see whether you're okay with it)...other questions or comments from the Board."

Commissioner Young – "I think that creating a local...for three or four county or whatever...is going to increase service and provide better service. I think you're going to be as Mr. McGrady said you're going...the geography is just that much better than calling Tampa, Florida or Wisconsin or wherever you had to call. I think that you are going to try to provide better service. I think that's the foundation for this...so I

have a good feeling about it.”

Commissioner Williams – “I think we have to be cautious...I mean we don’t want to associate you with past problems...I mean you’ve got an opportunity now. Our concern is largely protecting citizens who feel like they’ve not got very good service in the past and that’s the biggest concern I here publicly. We’re giving you that chance and we don’t want to accuse you of bad service from the starting point. You’ve not had the opportunity to prove yourself. We’re just letting you know kind of what the expectations are of the community.”

Commissioner Messer – “I commend the County Commissioners and I agree with them. I would say that by the call center being in Henderson County, and the 41-46 jobs...I think are great. We’ve had issues in the past but this is a fresh start and we can move forward. If people have a problem they’ve got a communication avenue that they can try to resolve the problem without coming to the County Commissioners and I think that’s a good start. Welcome to Hendersonville.”

Chairman Moyer made the motion that the Board offers the economic incentives to Morris along the lines set forth in our resolution with the addition of a paragraph as indicated before and that Mr. Hughes indicated subject to seeing the wording would be acceptable to them and further authorize proceeding with preparation agreement and entering into it on behalf of the County. All voted in favor and the motion carried.

Public Input

There was none.

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

PUBLIC HEARING – DEBT REFINANCING; SERIES 1999 DETENTION CENTER COPS

Commissioner McGrady made the motion for the Board to go into public hearing with respect to debt refinancing; Series 1999 Detention Center COPS. All voted in favor and the motion carried.

County Finance Director Carey McLelland stated that a public hearing is required on the proposed refinancing of Series 1999 Detention Center Certificates of Participation. The Board had received the savings analysis previously from Mr. McLelland.

A public hearing to hear comments on the proposed financing documents is required by the State of North Carolina when entering into an installment purchase contract for bank financing pursuant to N.C.G.S. 160A-20(g). The notice of the public hearing shall be published once at least 10 days before the hearing. This notice was duly advertised in the Times-News on Friday, March 6, 2009.

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

The Board of Commissioners of the County of Henderson (the “County”) held a meeting in the Commissioners’ Meeting Room at One Historic Courthouse Square in Hendersonville, North Carolina on March 18, 2009 at 9:00 am. The following Commissioners were:

Present: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Chuck McGrady, Commissioner Mark Williams, and Commissioner Larry Young

Absent: None

The Chairman announced that this was the hour, day and place fixed for the public hearing for the purpose of

considering whether the Board of Commissioners for the County (the "Board") should: approve a proposed installment financing contract and certain related documents under which the County would obtain financing pursuant Section 160A-20 of the North Carolina General Statutes, as amended, to provide for the refinancing of the acquisition, construction, installation and equipping of the County detention facilities located at 375 First Avenue, East in Hendersonville, North Carolina (the "Detention Facilities"), which includes the refunding of the outstanding \$9,065,000 Certificates of Participation, Series 1999 (Henderson County Project) Evidencing Proportionate Undivided Interests in Rights to Receive Revenues Pursuant to an Installment Financing Contract with the County, as described in the notice of public hearing that was published on March 6, 2009 in the *Times-News* and under which the County would secure the repayment by it of moneys advanced pursuant to such installment financing contract by granting a security interest in the Detention Facilities and certain related property.

The Finance Director then described the Detention Facilities and presented a draft of an Installment Financing Contract between the County and Branch Banking and Trust Company, as well as certain other related documents, including a draft of a Deed of Trust and Security Agreement between the County and a deed of trust trustee. Copies of these and other related documents have been on file with the Finance Director. The Finance Director presented a refunding analysis that showed the County realizing approximately \$240,000 in net present value savings.

The Chairman then announced that the Board would immediately hear anyone who might wish to be heard on such matters.

[Attached hereto is a summary of the comments of anyone who appeared, either in person or by attorney, to be heard on such matters.] [The Clerk to the Board of Commissioners announced that no written statement related to such matters had been received.]

Thereupon, the Chairman asked for a motion to close the public hearing. Commissioner McGrady moved that the public hearing be closed and the installment financing approved. The motion was adopted by the following vote:

AYES: 5

NAYS: 0

Public Input

There was none.

Commissioner McGrady made the motion that the Board approves the installment re-financing of the Series 1999 Detention Center Certificates of Participation (COPs) with Board action to approve the final financing documents to be taken at the April 6, 2009 regularly scheduled meeting. All voted in favor and the motion carried.

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

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

Steve Wyatt reminded the Board that April 6th a third quarter comprehensive financial report would be available for the Board. The Board had received two days prior the latest sales tax information; December proved to be an improvement in the receipts over November. We remain cautious however as one of the issues is accuracy of the information we're receiving from the state, as other counties have voiced also.

IMPORTANT DATES

Chairman Moyer reminded the public that on March 26, 2009 at 7:00 p.m., the Board of Commissioners will be holding a special meeting, a workshop with no public input at that time, on the Etowah / Horse Shoe Community Plan. All citizens interested are welcome to attend to hear the discussion. At some point in the future there will be a meeting for public input / public comment before the Board.

Commissioner McGrady informed the Board that a function was being held this Thursday at 7:00 p.m. at a local restaurant and each Commissioner had received an invitation. The invitation had the incorrect date of May instead of March. This relates to youth housing and unemployment. Please respond to Mary Murray as soon as possible.

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 reasons:

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. Pursuant to N.C. Gen. Stat. §143-318.11(a)(6), to discuss issues concerning personnel.

Chairman Moyer noted that the Board may possibly return to open session.

All voted in favor and the motion carried.

Commissioner McGrady made the motion to go out of closed session. All voted in favor and the motion carried.

Chairman Moyer noted that the Board was back in open session. There was an issue that the Board wished to address in respect to the wage and salary freeze that was instituted by the Board at the last meeting. The DSS Board and others have raised a couple of issues particularly with respect to certain classification of people that are hired on a probationary period that would step up into a full position automatically and they get their wage adjusted; were these intended to be frozen. Also in Planning or certain areas people are at a certain grade and if they meet certain qualifications they would step to the next higher grade; were these intended to be frozen. Finally the issue with respect to the fairness of implementing the freeze mid year affective March 15, 2009 rather than July 1, 2009; Chairman Moyer felt this should be re-opened for discussion. When the Board took a look at this at the last meeting Chairman's Moyer projections based on the affect on the budget for the remainder of the year was roughly \$700-750 thousand. Since then Selena Coffey working with Jan Pritchard under Steve Wyatt took a closer look at this based on each individual and what it might mean. Because of the way people are hired through the year and the different weighting of the people it appears that the figure would be more in the range of \$150,000 if the freeze were taken off and implemented July 1, 2009. The figures still do not quite add up with the budget, \$300-400 thousand is still missing but assuming this figure is right one of the things the Board can do as a Board is lift the freeze for the remainder of the year on the basis that the total of all additional payments through that period do not exceed \$160,000 and implement the freeze affective July 1, 2009.

Commissioner McGrady explained that this had been a concern of his as the Commissioners did not know the actual financial impact, had he known the financial impact was \$150 thousand versus the \$750 thousand

he would have voted differently. He did not feel that the motion was meant to catch probationary period or changes in grade based on experience.

Commissioner Williams stated that the Board had acted rightfully with a sense of urgency. We are facing very uncertain economic times and drastic measures had to be taken. He feels it is appropriate to remove the freeze during the last quarter of the year and start the freeze affective July 1, 2009.

Commissioner Young was in agreement and felt good about making the correction. He felt it had been a mistake to cut it off before July 1, 2009. This would be fair to all county employees.

Chairman Moyer stated that at a procedural standpoint, *he made the motion that the Board reconsiders the previous resolution. All voted in favor and the motion carried.*

Chairman Moyer made the motion that the Board approves the resolution that lifts the freeze from now until the end of the year, June 30, 2009 or the first pay period going into July and would continue in affect for next years budget for all aspects of the salary plan for the next fiscal year and that for the remainder of this year people on probation or in-grade movement are not affected. All voted in favor and the motion carried.

ADJOURN

There being no further business Commissioner McGrady made the motion to adjourn at 1:20 p.m.

ATTEST:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman