

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 15, 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, 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, Sheriff Rick Davis, Lieutenant Ben McKay, Solid Waste Manager Will Sager, Animal Services Director Brad Rayfield, Captain Steve Carter, Planner Matt Cable, Planner Hope Bleecker, 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.

Absent was: Assistant County Manager Selena Coffey

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Charlie Messer led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

RECOGNITION OF LIBBY CORN'S PENDING RETIREMENT

Elizabeth (Libby) W. Corn, Clerk to the Board of Commissioners is retiring effective May 1, 2009.

Chairman Moyer read a Resolution recognizing Libby for her 20 years of service to Henderson County Government and the citizens of Henderson County. He presented the framed resolution to Mrs. Corn.

ANNOUNCEMENTS

Chairman Moyer recognized the upcoming birthday of County Manager Steve Wyatt.

SHOVEL READY PROJECT – 633 SPARTANBURG HIGHWAY – ADD ON

Chairman Moyer received a notice from Senator Hagan's office that she would be in our district today, April 15, from 1:45 until 2:30 p.m. for a shovel ready project. This is a NCDOT project located at 633 Spartanburg Highway which is the Ingle's parking lot. NCDOT states that this is a five lane curb and gutter highway, one of the worst in the division. The entire surface will be removed and replaced for \$4.5 million and will create or sustain one hundred and thirty-five (135) jobs. If anyone wishes to participate, be there between 1:45 and 2:30 p.m.

RESOLUTION SUPPORTING THE REALIGNMENT OF RIDGE ROAD AND OWENSBY ROAD – ADD ON

Chairman Moyer noted that Representative Carolyn Justice has been working to secure funds for a road project in Henderson County. She requested that the Board adopt a resolution supporting the realignment of Ridge Road and Owensby Road. A copy of the resolution is attached hereto and incorporated as a part of the

DATE APPROVED:

minutes. Money has been secured from the contingency fund for a project on Ridge Road and Owensby Road and a decision will be made this morning.

Steve Cannon, a representative from NCDOT, stated that this project is for sight distance. The road currently sits below the crest of the hill and limits sight distance. The right-of-way has been secured to bring the road in at a new alignment which would bring the road in at the crest of the hill to improve site distance both east and west. There is no cost to the County as this is a show of support only.

Commissioner Williams made the motion that the Board moves forward with the resolution as presented. All voted in favor and the motion carried.

Chairman Moyer signed the resolution, it was attested by the Clerk, and faxed immediately to Representative Justice.

Chairman Moyer stated in regards to current road projects the Board is basically not involved with selecting the projects; it is between the State and NCDOT. The Board is asked to support the projects at certain points in time and obviously anything that improves the safety in Henderson County will be supported. The State and NCDOT usually try to match a project with the amount of money which is available.

INFORMAL PUBLIC COMMENT

There was none.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

Chairman Moyer requested that Consent Agenda Item F “Animal Ordinance Amendments” be pulled for discussion and placed as item I. Commissioner McGrady requested that Item E “Changes to Transportation Advisory Committee Bylaws” be pulled for discussion of a minor change. *Commissioner McGrady made the motion to adopt the consent agenda with the exception of Items E & F. All voted in favor and the motion carried.*

Consent Agenda consisted of the following:

Tax Collector’s Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated April 2, 2009 for information only. No action was required.

Tax Releases

A list of 33 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 10 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.

Immigration and Customs Enforcement (ICE) Update

Sheriff Rick Davis presented the attached information to provide the Board with an update on the Immigrations and Customs Enforcement (ICE) Program.

ICE Program Statistics

July 1, 2008 - March 21, 2009

# Inmates Interviewed	336
# Inmates Processed	279
Detainers Lodged	286
203's Lodged	172
Of the Number Processed:	
Criminal (Mandatory Detention)	
821 Agg. Felon	4
862 NTA	13
871 Re-Entry	8
B&B Ordered Deported	7
STIP	14
Non-Criminal (Non-Mandatory Detention) EWI	
862 NTA	152
Juveniles	2
VR	42
Charges	
DWI	58
Drugs	27
Robbery	13
Sex Crimes	1
Assault	18
DV	13
ICE Arrest	1
Resist	1
Traffic	77
Fraud	21
Alcohol/D&D	9
Larceny	7
B&E	1
Trespass	3
Other	28
Misdemeanors	
	191
Felonies	
	71

Henderson County Historic Resources Commission's Rules on Procedure

The Henderson County Historic Resources Commission (HRC), formed by the Board of Commissioners on October 3, 2005, was created with the specific purpose "to safeguard the heritage of the County and its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory..... and to promote the use and conservation of such district and landmarks for education, pleasure, and enrichment of the residents of the County and the State as a whole (An Ordinance to Provide for the Preservation of Historic Resources)". Upon its conception, the Historic Resources Commission has been involved in a survey and inventory of structures over 100 years old. Beginning with a list of over 400 structures, compiled through land records and the tax office, the Historic Resources Commission now currently has approximately 144 structures on the list in need of surveying. The Commission hopes to narrow down the list to 30 structures with historical significance. Through the

surveying process, the HRC has also found several properties that they believe would be worthy of local historic landmark designation and are in need of immediate protection before these valuable cultural resources are lost.

In order for the Historic Resources Commission to recommend landmarks for local historic landmark designation to the Board of Commissioners, they must follow the North Carolina Enabling Legislation (G.S. 160A-400.1-400.14), which requires the HRC to (1) prepare and adopt rules of procedure and (2) prepare and adopt principles and guidelines addressing new construction, alterations, additions, and moving and demolition of historic properties. A landmark receiving local historic landmark designation would only be given such a status through voluntary means and such status would not be imposed by Henderson County. At a later date, when the design guidelines are sent before the Board of Commissioners for approval, the Ordinance establishing the HRC and the Rule of Procedure must be amended and re-approved by the Board of Commissioners. The Rules of Procedure is the first step towards giving the HRC power to recommend landmarks for Local Historic Landmark status. The HRC reviewed the Rules of Procedure on March 18, 2009 and voted unanimously (6-0) to recommend approval to the Board of Commissioners.

Suggested Motion:

I move that the Board approves the Historic Resources Commission's Rules of Procedure.

Changes to Transportation Advisory Committee Bylaws

Commissioner McGrady noted that under the staff support it should read "The staff person assigned to the Committee shall serve as the Secretary of the Committee and shall perform the following:" The word assigned replaced the word assumed.

The Board of Commissioners amended the Transportation Advisory Committee Charter on February 4, 2008. The Committee later reviewed its bylaws at a subsequent meeting and suggested editorial changes to the bylaws in order to bring the content up to date with the amended Charter.

Membership was previously reduced in size from 18 members to 11 by including the MPO Transportation Advisory Committee (MPO TAC) membership from Henderson County, MPO TAC municipal representatives or other elected officials, and 4 at-large appointments.

The new structure of the committee is working well and members have had sufficient time to make editorial changes to the bylaws.

AMENDED BYLAWS AND RULES OF PROCEDURE FOR THE TRANSPORTATION ADVISORY COMMITTEE

I. CHARTER

On the 17th day of February, 2000 the Henderson County Board of Commissioners approved the charter for the Transportation Advisory Committee (hereinafter referred to as the "Committee") and subsequently approved an amendment to that charter on February 4, 2008, and appointed members to the Committee. The terms of the recently amended February 4, 2008 charter shall govern the activities of the Committee, and to the extent that these bylaws conflict with the charter, the terms of the charter shall control.

II. PURPOSE

The purpose of the Committee is to advise the Board of Commissioners on matters related to transportation within Henderson County. The Committee should assess the transportation needs of the County and suggest methods to address these issues. The Committee should work with the NCDOT Division and District Offices, as well as the Planning Department on such projects as long range planning, specific project planning, major and minor street/road improvement projects, road and bridge safety, and alternative transportation.

III. MEETINGS

- A. **MEETINGS TO BE OPEN.** It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of this Committee be conducted openly. Except as allowed by NCGS 143-318.11, each meeting of the Committee shall be open to the public and any person is entitled to attend such a meeting. The Committee may allow time on the agenda for citizens to be heard at meetings regarding specific issues within time constraints that shall be set by the Chair. However, the public's right to attend such meeting does not necessarily entitle the public to participate in the meeting.
- B. **REGULAR MEETINGS.** The Committee shall hold meetings according to a schedule which shall be determined at the last meeting of the annual year. The schedule shall be posted on the County's website. Meetings shall be held on Thursdays at 3:00 pm in the King Street Meeting Room of the Henderson County Administration Building located at 100 North King Street in Hendersonville, North Carolina. The schedule of the regular meetings of the Committee shall be kept on file with the Secretary of the Committee and shall be filed with the Clerk to the Henderson County Board of Commissioners. The Committee shall have the authority to change the schedule of regular meetings, and/or to change the date of a particular regularly scheduled meeting without the necessity of approval of the Board of Commissioners.
- C. If the Committee changes the schedule of regular meetings, the Secretary shall forward a copy of the new schedule to the Clerk to the Board of Commissioners at least seven (7) days prior to the first meeting held pursuant to the new schedule. If a particular regularly scheduled meeting is changed, the Secretary shall comply with the notice provisions of paragraph D below. **SPECIAL MEETINGS**
- D. **SPECIAL MEETINGS.** The Chair of the Committee or the majority of the members of the Committee may at any time call a special meeting of the Committee by signing a notice setting the time and place of the meeting and the subjects to be considered. Such notice must be posted on the bulletin board located in the front lobby of the Henderson County Courthouse, posted on the bulletin board of the County Administration Building, mailed or delivered to each newspaper, wire service, radio station and television station which has filed a written request for notice with the Secretary, mailed or delivered to any entity or person that has requested to be on the Committee's sunshine list as prescribed by law, and delivered to all members of the Committee, all to occur at least 48 hours before the meeting. Only the business that is specified in the notice of the meeting may be transacted during a special meeting unless all members (not simply a quorum) are present and consent to the addition of other matters, or those members absent have filed a waiver with the Secretary to the Committee.
- E. **PRESIDING OFFICER.** The presiding officer of each meeting of the Committee shall be the Chair of the Committee. In situations where the Chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the Vice-Chair shall preside. In the event that neither the Chair nor the Vice-Chair is available, the members of the Committee, by affirmative vote of the majority may appoint an acting Chair who shall have all powers of the Chair while acting as presiding officer.

IV. MEMBERSHIP

The Committee shall consist of a total of 11 members, including MPO Transportation Advisory Committee representatives from the Henderson County municipalities, two MPO TAC representatives from Henderson County, and four at-large members, or other elected representatives from local governments. County and municipal staff may serve as alternate members to vote in the absence of the regular member from that local government. The municipalities may appoint one staff person to serve as ex-officio members to increase communication. The County Planning Director, or his designee, shall serve as an ex-officio member to serve as the county staff representative. At-large members shall serve two year appointments. Positions 1 and 2 shall initially be appointed for 1 year and the two years thereafter. Positions 3 and 4 shall be appointed for a

two year term and two years thereafter. Vacancies occurring on the Committee shall be filled by the Henderson County Board of Commissioners for the applicable unexpired term.

V. DUTIES

Duties of the Committee will be as assigned by the Henderson County Board of Commissioners.

VI. SELECTION OF THE CHAIR AND VICE CHAIR

The Chair shall be selected by the Board of Commissioners if so desired: The Chair may also be elected by the Committee. The Vice Chair shall be elected by a majority vote of the Committee.

VII. POWERS AND DUTIES OF THE CHAIR AND VICE-CHAIR

The Chair shall preside at all meetings of the Committee but shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The Chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The Vice-Chair shall have all powers and perform all the duties of the Chair in his or her absence.

VIII. DUTIES OF THE SECRETARY

The staff person assigned to the Committee shall serve as the Secretary of the Committee and shall perform the following:

- A. The Secretary shall ensure that all meetings of the Committee are properly noticed as outlined above.
- B. The Secretary shall maintain the sunshine list which is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Committee.
- C. The Secretary shall take and record all actions of the Committee and draft minutes of the meetings accordingly. The Secretary shall also forward a copy of the minutes as they are approved to the Clerk to the Board of Commissioners.
- D. The Secretary shall also be responsible for maintaining an accurate list of members of the Committee, submitting to the Clerk to the Henderson County Board of Commissioners an attendance report for its members and notifying said Clerk of any resignations of any of its members, or any other change in membership of the Committee.

IX. ATTENDANCE

All members of the Committee are expected to attend the regular and/or special meetings of the Committee. Any member not able to attend must notify the Secretary in advance of the meeting. Any member who fails to regularly attend the meetings of the Committee may be subject to consideration for removal from the Committee by the Henderson County Board of Commissioners.

X. REPORTS

The Committee shall make a report to the Henderson County Board of Commissioners and the Local Government Committee for Cooperative Action (LGCCA) at least annually. The Committee shall make other reports to the Board of Commissioners and LCCCA as needed or as requested.

XI. ACTION BY THE COMMITTEE

- A. **QUORUM.** A two thirds majority of the members shall constitute a quorum. No action of the committee may be taken at any meeting where less than a quorum is present. Once a

quorum is established, it will not be defeated if members leave.

- B. MOTIONS. Action of the Committee may be taken upon a motion made by any member, including the Chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after the discussion of the motion by the members.

XII. VOTING

- A. DUTY TO VOTE. It is the duty of each member, including the Chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest or official conduct or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.
- B. ABSTENTIONS. Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.

XIII. MINUTES

Minutes shall be kept of all meetings of the Committee. The Secretary of the Committee shall present such minutes to the Committee for approval. Minutes of the meetings of the Committee shall be public record. The Secretary shall be responsible for sending a copy of all approved minutes to the Clerk of the Board of Commissioners.

XIV. AMENDMENTS

The Committee may amend these bylaws by action of the Committee provided however; those amendments shall not be effective until they are approved by the Henderson County Board of Commissioner. The Secretary shall be responsible for sending a copy of all approved minutes to the Clerk of the Board of Commissioners.

Jim Crafton
Transportation Advisory Committee Chair

Commissioner McGrady made the motion that the Board adopts the Bylaws of the Transportation Advisory Committee. All voted in favor and the motion carried.

Commissioner stated that one of the provisions that he felt should be included consistently in the by-laws of committees is the provision that states if someone doesn't attend for some period of time they come off of the committee.

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. Henderson County Planning Board – 3 vac.

At the April 6 meeting Steve Dozier, Mike Cooper, Boyce Laughter, Guri Andermann and Jerry David were nominated for positions 2, 4 & 7. The Board was polled with three votes each with the following results:

Chuck McGrady	Mark Williams	William Moyer	Charlie Messer	Larry Young
1. Boyce Laughter	1. Steve Dozier	1. Mike Cooper	1. Steve Dozier	1. Steve Dozier

2. Guri Andermann	2. Mike Cooper	2. Guri Andermann	2. Mike Cooper	2. Mike Cooper
3. Jerry David	3. Boyce Laughter	3. Jerry David	3. Boyce Laughter	3. Boyce Laughter

Receiving the majority of votes and being reappointed to the Henderson County Planning Board were Steve Dozier, Mike Cooper and Boyce Laughter.

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. Juvenile Crime Prevention Council – 8 vac.

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

6. Senior Volunteer Services Advisory Council – 1 vac.

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

COUNTY OWNED PROPERTY: GOVERNMENT, SCHOOLS, HOSPITAL AND TAX FORECLOSURES

At the direction of the Board, Engineering has prepared maps to identify and locate the following County owned properties which are attached hereto and incorporated as a part of the minutes: Government, Schools, Hospital and Tax Foreclosures. Currently, there is not a procedure to move foreclosed property back to the tax base if the initial auction was not successful.

The total tax value of the taxed parcels is approximately \$300,000. The tax that would be generated is not significant. It could be advertised through some of our mediums; our website or HGTV Channel 11. Some of the parcels are problematic; underwater, vertical slopes, etc.

Commissioner Young questioned if any of the parcels adjoined schools or hospitals. He proposed that we deed those properties directly to adjoining schools, hospitals, or other county facilities so that the property would not be sold.

Marcus Jones responded that it was possible.

County Manager Steve Wyatt noted that the inventory was complete. He would have hard copies made of the maps for Commissioners. He requested that as the Commissioners review the maps, think about the issues discussed, and look at the slithers of property and the possibility of contacting the adjoining property owners to see if they are interested in putting in bids for the property.

Chairman Moyer directed staff to get more information; listings, maps and research before they proceed with any specific steps.

FACILITY USE PLAN

Pursuant to recent Board conversations regarding the best use of County facilities, staff prepared a presentation to provide the Board with necessary background information, challenges and options.

County Manager Steve Wyatt stated that were eight topics in which interest had been expressed.

Topics

- 1) Retiring Debt Service
- 2) Capital Reserve Fund Balance
- 3) Capital Reserve Fund Balance Growth (scenario’s with assumptions)
- 4) Principal Financing Leveraged
- 5) Current Debt Service Projections
- 6) One Penny Tax Rate Equivalent

- 7) Review of Facility Issues
- 8) Opportunities and Options (Some of the opportunities are merging and information has been shared with the Commissioners based on what has been going on price wise in school construction specifically in other areas of the state)

Finance Director Carey McLelland stated that the information included the three refinances currently completed.

Retiring Debt Service – Education

HC Public Schools	6.30.2009	6.30.2010	6.30.2011	6.30.2012	6.30.2013	6.30.2014
1998 Bonds	\$ 1,616,518	\$ 917,192	\$ 0	\$ 0	\$ 0	\$ 0
2001 Elem School	\$ 1,360,550	\$ 1,291,275	\$ 1,256,638	\$ 1,217,925	\$ 1,179,213	\$ 1,140,500
Fletcher Elem.	\$ 503,660	\$ 472,466	\$ 459,911	\$ 447,356	\$ 434,801	\$ 422,246
2002 Mid. School	\$ 487,050	\$ 819,926	\$ 797,301	\$ 774,677	\$ 752,052	\$ 729,427
2002 QZAB's	\$ 164,363	\$ 164,363	\$ 164,363	\$ 164,363	\$ 164,363	\$ 164,363
2005 Dana	\$ 1,010,538	\$ 1,229,322	\$ 1,203,570	\$ 1,168,818	\$ 1,134,498	\$ 1,100,178
2006 Sugarloaf	\$ 1,312,220	\$ 1,286,616	\$ 1,419,076	\$ 1,381,553	\$ 1,349,215	\$ 1,312,641
2008 Elem School	\$ 2,968,900	\$ 2,933,943	\$ 2,865,920	\$ 2,797,897	\$ 2,729,874	\$ 2,661,851
TOTAL HCPS	\$ 9,423,799	\$ 9,115,103	\$ 8,166,779	\$ 7,952,589	\$ 7,744,016	\$ 7,531,206
BRCC						
BRCC	6.30.2009	6.30.2010	6.30.2011	6.30.2012	6.30.2013	6.30.2014
1998 Bonds	\$ 331,095	\$ 187,858	\$ 0	\$ 0	\$ 0	\$ 0
2006 Tech Bldg	\$ 1,337,415	\$ 1,311,119	\$ 1,447,159	\$ 1,408,622	\$ 1,375,410	\$ 1,337,847
TOTAL BRCC	\$ 1,668,510	\$ 1,498,977	\$ 1,447,159	\$ 1,408,622	\$ 1,375,410	\$ 1,337,847

Retiring Debt Service - County

	6.30.2009	6.30.2010	6.30.2011	6.30.2012	6.30.2013	6.30.2014
Detention Center	\$ 690,748	\$ 668,607	\$ 645,480	\$ 622,535	\$ 594,771	\$ 572,372
Human Services	\$ 1,094,165	\$ 1,331,765	\$ 1,303,867	\$ 1,266,220	\$ 1,229,040	\$ 1,191,860
Historic Courthouse	\$ 885,479	\$ 868,178	\$ 957,678	\$ 932,325	\$ 910,475	\$ 885,762
Travel & Tourism	\$ 141,930	\$ 141,930	\$ 0	\$ 0	\$ 0	\$ 0
Voting Equip	\$326,406	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Clubhouse	\$ 34,013	\$ 34,011	\$ 34,011	\$ 34,011	\$ 34,011	\$ 34,011
Etowah Library	\$ 213,330	\$ 213,329	\$ 213,329	\$ 213,329	\$ 213,329	\$ 213,329
E911 Center	\$ 0	\$ 124,433	\$ 124,433	\$ 124,433	\$ 124,433	\$ 124,433
Vehicles	\$ 412,758	\$ 122,128	\$ 0	\$ 0	\$ 0	\$ 0
Total County	\$ 3,798,829	\$ 3,504,381	\$ 3,278,798	\$ 3,192,853	\$ 3,106,059	\$ 3,021,767
GRAND TOTAL						
GRAND TOTAL	\$14,891,138	\$14,118,461	\$12,892,736	\$12,554,064	\$12,225,485	\$11,890,820

FY Debt Service Reduction	\$ 772,677	\$ 1,225,725	\$ 338,672	\$ 328,579	\$ 334,665
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Commissioner Williams questioned if the savings realized with the refinancing were included in the figures. Mr. McLelland responded that both charts were updated and the savings were reflected.

Capital Reserve Fund Balance

Current Fund Balance: \$2,437,195

Reserved for CNG Project
per BOC decision on 4/6/09: (\$111,000)

Est. 7/1/09 Beg. Fund Balance: \$2,326,195

Capital Reserve Fund Balance Growth

	6.30.2009	6.30.2010	6.30.2011	6.30.2012	6.30.2013	6.30.2014
Capital Reserve Fund Balance	\$ 2,326,195	\$ 2,326,195	\$ 3,098,872	\$ 4,324,597	\$ 4,663,269	\$ 4,991,848
FY Debt Service Reduction	\$ 772,677	\$ 1,225,725	\$ 338,672	\$ 328,579	\$ 334,665	
Total	\$ 2,326,195	\$ 3,098,872	\$ 4,324,597	\$ 4,663,269	\$ 4,991,848	\$ 5,326,513

Mr. McLelland explained that the growth shown here was reflective if the County did not use any of the debt service reduction going forward over the next five years. Chairman Moyer questioned what would happen if the County does not get the CNG project. Mr. McLelland responded that the money would go back into the Fund Balance and there is hope that the city would kick in their \$30,000 which would reduce the figure as well.

Principal Financing Leveraged from FY2010 Debt Service Roll-off

- FY2010 Debt Service Reduction - \$ 772,677
- Term: 15 years; 4 % interest rate
- Debt service of \$ 772,677 will fund approx. \$8.5 million new dollars

Debt Service Projections on \$10M

- Principal financed: \$10,000,000
- Term:
 - 15 yrs: \$ 1,056,000 (.84 cents)
 - 17.5 yrs: \$ 1,019,282 (.81 cents)

New Financing Scenario – Over (2) Fiscal Years

- A. FY2010 Principal Financed (15yrs; 4%):
 - 1. Debt Service Roll-off (\$772,677) \$ 8,500,000
 - 2. \$1M from General Fund Balance \$ 10,000,000
 - Total \$ 18,500,000
- B. FY2011 – 2nd Year Debt Service:
 - 1. Debt Service Roll-off (\$1,225,725) \$ 13,500,000
 - 2. Capital Reserve Fund (\$449,705) \$ 5,000,000

Total \$ 18,500,000

Chairman Moyer stated if the debt service roll-off in the first year is \$772,677, this would be reoccurring money every year. Therefore you would have \$1.9 million in the second year as you would be adding the debt service roll-off from year one to debt service roll-off of year two. Mr. McLelland responded that this is correct and he would go back and revise the numbers.

One Cent Tax Rate Equivalent

- Estimated FY2010 Tax Value - \$13 Billion
- Collection rate of 97 percent
- 1 Cent = \$1,261,000

Review of Facility Issues

Schools:

- FY2010 Capital Repairs and Maintenance Request - \$ 3,316,783 (Total needs: \$ 6,579,115)
- Future Capital Construction (In priority order):
 - 1) Apple Valley/North High Project - \$ 11,660,000
 - 2) Edneyville Elem. Classroom Bldg - \$ 2,425,000
 - 3) Upward Elem. Classroom Bldg - \$ 2,460,000
 - 4) Transportation Center - \$4,250,000
 - 5) Balfour Center - \$6,775,000

Chairman Moyer stated that a meeting was held of the Joint School Facilities and questioned if we were in line to get any stimulus money. Dr. Stephen Page was unaware of any stimulus funds at this time. They continue to hear the funds are coming but do not know when, how much, or what the restraints may be on the funds.

Review of Facility Issues

BRCC:

- FY2010 Capital Repairs and Maintenance Request - \$ 776,774
- Future Capital Construction (In priority order):
 - 1) Public Safety & Allied Health Bldg - \$6,000,000
 - 2) Indoor Firing Range - \$ 4,000,000
 - 3) Sink Building - \$ 500,000
 - 4) Killian Building - \$1,700,000
 - 5) Campus Loop Road - \$200,000

Review of Facility Issues

BRCC:

- Future Capital Construction (In priority order):
 - 6) Patton Building - \$1,300,000
 - 7) Sink Bldg (Auditorium) - \$1,700,000
 - 8) Workforce Dev./Lifelong Learning Center - \$16,500,000

Review of Facility Issues

County:

- Future Capital Construction:
 - 1) Sheriff/Justice Center
 - 2) Courthouse Annex/Parking
 - 3) Fletcher Library
 - 4) Tuxedo Library & Park
 - 5) Edneyville Park - Phase II
 - 6) Main Library Upgrade

Review of Facility Issues

County:

- Future Capital Construction:
 - 7) Veteran’s Clinic
 - 8) Secured Evidence Storage
 - 9) Recreation Center
 - 10) Soccer Complex
 - 11) Jackson Park Rehabilitation

Facility Issues Cont’d

- A. Best use of vacated Health Department Building
- B. Best use of vacated Chamber of Commerce Building
- C. 1995 Courthouse Overcrowding
- D. Sheriffs Department’s need for consolidation
- E. Best use of King Street Building
- F. Best use of shell space at the Human Services building (9,000 square feet)
- G. Disposition of Old Water Department Building
- H. Other?

Renovate and Reuse

- Old Health Department Building
 - Approximately 13,000 sf
 - Renovation cost estimated \$1.5 million (2008) possibly less now (2009)
 - What uses fit best?
- Old Chamber of Commerce Building
 - Approximately 3,000 – 4,000 sf
 - Renovation cost to be determined
 - What uses fit best?

Facility Issues Cont’d

- 1995 Courthouse overcrowding
 - Need space for law books.
 - Need office space for new and future state-mandated positions and/or programs (i.e. mediation, arbitration, etc.) within Judges’ areas, District Attorney’s Offices and Clerk of Court’s Offices.
 - Need meeting rooms to be utilized by various departments throughout the Courthouse.
 - Need offices for attorneys who have cases underway.
 - Juvenile Justice Court Counselor’s Office has inadequate space and needs meeting rooms.
 - Criminal Investigations Division needs office space in the courthouse.
 - Need for storage space for documents requiring hard copy storage. (Register of Deeds)
 - Need additional capacity in detention area of courthouse. (Sheriff)

1995 Courthouse Occupants

1995 Courthouse occupants and current square footage	
Tax Office	9,700
Register of Deeds	5,800
Information Technology	3,500
Child Support	1,900
Probation (state)	7,400

Guardian Ad Litem	1,000
District Attorney	2,200
Public Defender	1,000
Clerk of Court	10,600

30 Year “Needs”

- Current occupied space is 43,100 sf
- No formal needs assessment has been conducted.
- Option #1 + 50%
 - Additional 21,550 sf
- Option #2 + 75%
 - Additional 32,325 sf
- Range = 21,550 – 32,325 sf

Courthouse Annex

- Required to meet 30 year need: 21,550 – 32,325 sf
- Could be combined with Sheriff’s Department – estimated need 40,000 sf +/-
- Location: Adjacent to 1995 courthouse

Courthouse Annex – Cost Estimate

- Square footage range needed 61,550 - 72,325
- \$9.2 million - \$11.6 million construction costs
- Plus FF&E
- Financing cost/current market cost: \$1 million debt service for 15 years = \$10 million

Renovate and Reuse

- King Street Building
 - Approximately 22,500 sf +/-
 - Renovation cost to be determined
 - What fits best?
- Human Services Building Shell space
 - Approximately 9,000 sf +/-
 - Up-fit cost to be determined
 - What fits best?
- Former Water Department Building
 - Approximately 9,600 sf +/-
 - Environmental concerns – renovation cost unknown
 - Demolition cost \$40,000 +/-
 - What fits best?
- Other?

Opportunities

- Maximize the impact of capital dollars in a current “buyer’s” market.
- Take advantage of lower construction costs and financing interest rates currently.
- When will this window of opportunity close?

County Manager Steve Wyatt feels there is an opportunity at this time to take advantage of lower construction costs whether for repairs and renovation or new capital construction. The prevailing answer for when the window of opportunity will close is that in spring of 2010 there will be a pent up demand that will begin to be met and prices, money and construction cost will begin to go up. No one knows the real answer to this question.

Options

- Do nothing, preserve capital dollars.
- Aggressively take advantage of the current construction market and financing costs.
 - A. Capital needs: Schools, BRCC, Courthouse overcrowding/Sheriff
 - B. Package capital building repairs & renovations: Schools, BRCC & County

Options

- Prioritize construction projects only.
- Prioritize capital building repairs & renovations only.
- Combine prioritized construction projects and capital building repairs/renovations only.

After lengthy discussion, it was the consensus of the Board to move to take care of needs we've had for some time and package them together with school needs and BRCC needs.

Commissioner Williams stated his top priority was to take care of the properties we already have and that have been put off for some time; the schools as well as BRCC. He would like to see the projects packaged in such a way that we could put some people to work here in Henderson County. The biggest projects would be the expansion of North Henderson High School and Apple Valley which he would place above the Justice Center. To provide relief at the Courthouse he recommends utilizing the old Chamber building for the District Attorney and Public Defender (3000-4000 sf) and Child Support and the Guardian Ad Litem in the Human Services building on Spartanburg Highway (9,000 sf). Options for the old Health Department building may be Planning/Inspections, Tax officer, Sheriff's Department, or Apple Transit.

Commissioner Messer felt that some folks should be moved from the Courthouse to the old Chamber of Commerce building, the projects for Apple Valley and North Henderson are highest priority, move Inspections and Planning to the old Health Department, and the Sheriff to 100 N. King (Commissioner Messer referred to 100 N. Main Street).

Commissioner McGrady agreed with the school proposal to catch up on maintenance over a three year period, address overcrowding at Courthouse moving some to the old Chamber of Commerce building and others to the old Health Department building. The Tax Offices would be an appropriate fit for the old Health Department building along with evidence storage if we are not moving forward with the law enforcement facility. This would leave the Apple Valley/North Henderson High project, Law Enforcement Center, and a range of needs related to BRCC. He agrees that Apple Valley/North Henderson project needs to be the highest priority and then the Law Enforcement Center needs to be planned in case we are looking for other shovel-ready projects. Money will need to be put toward the projects for BRCC or we will get way behind.

Commissioner Young stated that we need to "bite the bullet" and stop putting patches on everything. The space in the Human Services building was built for future growth and it is growing now. Taking this space does not solve any problem. He questioned if renovating the old Health Department building was worth the cost and felt that a new annex would solve the problems more efficiently and for a longer period of time.

Chairman Moyer agreed that we do not know what is going to happen to the economy and the Henderson County Budget over the next two (2) years. The budget will be very difficult over the next 2-3 years. He does not see the possibility of raising taxes for the next couple of years with the state of the economy. Chairman Moyer feels to go ahead and approve a Law Enforcement Center at \$10-12 million, an expansion of the Courthouse, and then raise taxes cannot be justified. We have to come up with a schedule, whether it be three (3) years as proposed or four (4) years and say this is what we will budget each year to get caught up with maintenance. To build new buildings and let the old buildings deteriorate does not make sense and neither does taking all of the capital money to build a new building. With respect to use of facilities, he recommends putting Planning/Inspections/Permitting in the old Health Department building, and the Tax offices at 100 N. King Street. A lot of space is spent storing dead records at the Courthouse and tremendous

space could be saved utilizing the latest technology. With respect to capital projects we clearly need to start to prepare for the Apple Valley/North Henderson projects by doing the necessary architectural work so that we are ready to move on this project and other maintenance projects in the next year.

Commissioner Young stated that he had been against raising property taxes since he was on the Board and he felt that the plan he had put forth would only be done if it could be done without a raise in property taxes. He questioned what would be done with the Sheriff's Department.

Chairman Moyer stated that the Sheriff's Department would be left as it is for the foreseeable future. The evidence storage area would be addressed at a far lesser cost than a \$10 million expansion.

Commissioner McGrady noted that we had recently moved Planning/Inspections to the King Street building and they now have space that is both adequate and functional. To uproot them now and waste the money that was put into the project renovating for Commissioner McGrady was problematical. One of the issues with Courthouse space relates to document storage. The documents do not have to be in their offices, they just have to be in close vicinity. Commissioner McGrady feels it would be a huge mistake to use the free space at the Human Services building which was set aside for future growth of Social Services and the Health Department.

Commissioner Messer felt that the Planning/Inspections would be a better fit in the old Health Department and the people of Henderson County would understand the move.

Commissioner Williams stated that the first priority would be to move forward with the Apple Valley/North Henderson projects. Further time is needed to study and a workshop needs to be set.

Commissioner Young feels that we need to make every move count.

Chairman Moyer stated that the old Health Department had been vacant for 3-4 years and at the rate the Board was going it would be sitting for another 3-4 years. In regards to the schedule of maintenance for schools, the Board asks the County Manager, and Dr. Page to work on a reasonable schedule of maintenance for the schools and bring it back to the Board in order to get rid of the backlog, and also asked the same of BRCC. At this point the Board would take a look at the affect on capital.

It was the consensus of the Board of Commissioners' to ask the County Manager along with the Schools and BRCC to come back with a recommendation on how we can get rid of the backlog in capital repairs and maintenance. We obviously still have the issue of the old Health Department.

Break

A five minute break was taken in order to change video tapes.

FUEL REDUCTION PLAN STATUS

Marcus Jones stated this agenda item is to update the Board on the status of the County's fuel reduction plan. The data provided compares the first three quarters, July 1 through March 31, of FY 08 and FY 09. At the Board's January 21, 2009 workshop, this data was presented for the first six months of the year, July 1 through December 31. At that point in time the reduction in consumption was down 7.9% from the previous fiscal year. With an additional three months of data included, consumption had dropped even further from the previous year, down to an 8.2% reduction. The three most significant contributing factors are the prior fuel shortage, elimination of take home vehicles for a number of staff, and stricter requirements on the fleet management practices (requirement of one vehicle to become surplus when one is purchased).

Commissioner Williams requested a breakdown by dollar. Mr. Jones will get this information together for the Board.

Chairman Moyer stated that many of the departments had done a great job but looking at the Sheriff's Department it had gone in the wrong direction. Mr. Jones thought it was because of new vehicles and the fact that some of the opportunities some departments could advantage of were not operationally possible with the Sheriff's Department. Chairman Moyer questioned why diesel was up significantly. Mr. Jones responded that some gas vehicles had been traded for diesel vehicles and was not completely sure of the reasons. Mr. Jones would investigate and get back to the Board. Commissioner Young felt that this was due to the increase of diesel truck for Animal Control.

CONSIDERATION OF THE DANA AND EAST FLAT ROCK COMMUNITIES PLAN BOUNDARY AND CHARTER

Anthony Starr stated that the Henderson County 2020 Comprehensive Plan (CCP) outlines a schedule of community plans, two of which Planning Staff has begun. The Edneyville Community Plan is currently underway and Etowah and Horse Shoe Communities Plan are nearing completion. Planning Staff is prepared to begin the third community planning effort focused in the Dana and East Flat Rock Communities. The first required steps are the approval of a committee charter and the appointment of members to that committee. The memorandum, outline, and draft charter explain the process and responsibilities required to accomplish this task.

Staff proposes the Dana and East Flat Rock Communities Plan area have a community advisory committee with 9 members that will consist of the following: (1) eight citizens that live, operate a business, or own property in the boundary of the Dana and East Flat Rock Communities Plan; and (2) one liaison from the Henderson County Planning Board. It may be likely that the Planning Board liaison also lives, operates a business, or owns property in the planning area. Staff proposes that the Board of Commissioners appoint all committee members and the Chair. The appointment of municipal representatives from the adjoining municipalities (City of Hendersonville and Village of Flat Rock) may provide better coordinated planning through this process. The coordination of planning among local governments in Henderson County is a goal of the CCP.

Planning Staff proposes a proven planning process that can generate a high-quality and useful plan using the wisdom and resources of the Community. With the creation and implementation of this plan, the Community can articulate and realize its vision for the next 10-15 years.

Should the Board desire to proceed with this planning process, staff could begin committee meetings in June provided the charter is approved in April and the committee appointed in May. This timeframe allows the committee to hold the first public input session in June or July.

Commissioner Williams proposed splitting East Flat Rock off and have just Dana, Upward, and Tracy Grove Communities.

It was the consensus of the Board to support Commissioner William's proposal. Commissioner William's was asked to work with County Manager Steve Wyatt and Planning Director Anthony Starr to come up with a revised plan and bring it back to the Board at the next meeting.

UPDATE ON HOUSEHOLD HAZARDOUS WASTER CENTER, CONVENIENCE CENTER & FACILITY PLAN

Engineer Marcus Jones stated this agenda item is to update the Board on the following Solid Waste operations:

1. Permanent Household Hazardous Waste Center
2. Recent Improvements to the Convenience (Recycling) Center
3. Solid Waste Facility Plan

Solid Waste Manager Will Sager noted that Henderson County has been awarded a \$20,000 grant from the Department of Environment and Natural Resources Division Pollution Prevention Environmental Assistance,

which is a non-regulatory branch of NCDENR that provides technical support and does channel some special solid waste funds back into local governments and some into private industries. The grant money is allotted for the proposed Household Hazardous Waste collection facility along with electronics recycling and improvements to our oil filter collection. The intention is to have this program up and running in the next fiscal year which is a requirement of the contract. A power-point presentation including the following information was provided:

Household Hazardous Waste

- November 2009: Complete site work
- January 2010: Set up building
- February 2010: Staff 24 hour training
- March 2010: Begin public education on HHW/Electronics materials
- April 2010: Begin permanent, scheduled HHW/Electronics collection

Household Hazardous Waste Program

- Will operate one day per month, DST
- Will use existing staff and local volunteers
- VFDs get training hours for assisting
- Service limited to Henderson County residents
- Pesticides, Electronics, TV's

“Less Inconvenient Center”

Old Convenience Center Layout

- Too much traffic for design
- Each material in a separate area, user walked across the site
- Drainage

New Layout

- Reduces pedestrian traffic across drive way
- Placed different material containers close together
- Developed a perimeter drive to avoid conflict between through traffic and pedestrians
- Still a gravel lot, but re-graded to reduce puddles

County Engineer Marcus Jones continued the presentation stating we had a state of the art facility in 1991 when it was built but the facilities and the policies surrounding those facilities are dated and its time to revisit them and invest some capital in fixing them.

Facility Plan Goals

As directed by the Board under the Strategic Plan and Solid Waste Vision:

- Address the traffic congestion on Stoney Mountain Road
- Address the traffic safety at the Transfer Station
- Improve recycling for users
- Develop recycling for haulers

Facility Plan Objectives

- Separate entrances for the convenience center and the transfer station
- Improved convenience center
 - User Friendly and Convenient
 - Separation of pedestrian traffic and our service trucks at the center

- Recycling Technology which facilitates Hauler Recycling
- Plan for future growth

Facility Plan Time Line

- Facility Improvement Concept: Complete
- SWAC Review and Approval: Complete
- Rate Analysis (Cash Flow): April
- SWAC Review: April 20th
- Board Presentation: May
- Incorporate Plan: FY 2010

Chairman Moyer inquired about the drop-off in recyclables and questioned the implications to operations.

Mr. Jones responded that we certainly are not at the point we were last year as far as generating revenue however we are still at the point where we are not paying to dispose of them. If we were properly invested in the recycling technology and were able to separate them more and compact them we could be getting more marketability for our recyclables right now.

TRANSPORTATION FUNDING FOR TRANSIT CENTER

Planning Director Anthony Starr stated that Planning Staff has researched possible grant sources for a transit center which have become available since stimulus funds have been awarded for vehicle replacement. Staff is asking the Board to approve a local match in the form of land for a \$1,200,000 STP-DA (Surface Transportation Program Direct Attributable Funds) grant for a transit center. STP-DA applications are due April 30, 2009 to the French Broad Metropolitan Planning Organization.

A staff memo outlining the details of the proposal, including funding strategies was provided. Staff is actively considering alternative sites for the transit center but due to deadlines for publishing the agenda, that information was not available at the time of printing. Additional information for alternative sites for the transit center was provided at the meeting.

Grant Funding Opportunities

- Surface Transportation Program Grants are now being awarded locally to the MPO
- MPO has a \$3,000,000 award annually between 2012 and 2014 for a total of \$9,000,000. STP-DA Application process now in effect-deadline April 30, 2009
- Bus System continues to experience growth and will need passenger enhancements such as shelters and waiting areas.

Transit Program Ridership Increases

PROGRAM	YTD July 07 – Feb 08 FY 08	YTD July 08 – Feb 09 FY 09
Rural ROAP and Other Medical	28,010	30,529
Urban Fixed Route	56,741	61,783
Urban Para-transit	1,231	1,594
8-month Comparisons	85,982	93,906

Fixed Route Average Monthly Ridership

2004	6,000 – 6,500
2005	7,000
2006	7,000
2007	7,000 +
2008	7,000 – 7,500

Projected 2009 7,500 – 8,000

Fixed Route 8-Month Transit Ridership Comparisons

FY 2008		FY 2009		% Change
July -07	7131	July -08	8837	24%
Aug-07	8177	Aug-08	8100	-1%
Sep-07	8277	Sep-08	8277	0%
Oct-07	8115	Oct-08	8266	17%
Nov-07	6679	Nov-08	9461	2%
Dec-07	6083	Dec-08	6837	22%
Jan-08	6114	Jan-09	6336	4%
Feb-08	6165	Feb-09	6535	6%
Eight Month Total	56,741		61,783	9%

The existing transfer site is currently located in a graveled area beside Martin Luther King Jr. Park off of 4th Avenue and Grove Street. It was originally on 7th Avenue through a lease with WCCA and when Greyhound pulled out of the area, it was a three party lease, and we had very short notice about having to move our transit center. We would like to consolidate the offices and the transfer point into one location which would be much more efficient for operations in terms of providing restroom facilities. William Lapsley & Associates helped with the process of identifying what a conceptual layout would be.

County Manager Steve Wyatt stated that Anthony Starr had been asked to look at other sites.

Chairman Moyer felt that the concept may be right but the location is an insurmountable problem.

Mr. Starr shared three additional sites that would also work for a Transit Center.

- 4th Avenue & Harris Street (additional cost in grading)
- Human Services site (would limit ability to expand building – major utility lines overhead)
- Former Health Department building (most area needed is not for building – bus turn around area, land)

Existing Transfer Site – Proposed Transit Center

- Operations Staff Offices (would reduce office rent of contractor)
- Reduce operating costs to County (higher match required for operating expenses)
- Dispatch Center (improves efficiency)
- Passenger Waiting and Restrooms (improves customer service)
- Vehicle Layover Space
- Provides Added Visibility for Transit System
- Provides sufficient space for future growth
- Could act as a transportation staging area during events such as Apple Festival

STP-DA Funds

- STP-DA (Surface Transportation Program – Direct Attributable) \$3,000,000 available annually for 3 years (2012-2014)
- MPO can decide to spend these funds on a wide range of transportation projects, including transit
- French Broad (MPO) is accepting applications for the STP-DA funds by April 30, 2009
- Requires 20% match funding commitment in the form of future appraisal value of parcel
- Unlike stimulus funds, these monies can be spent through the end of FY2014 (September 30, 2015)

FTA 5307 Requirements

- All expenditures must be transit related

- Funds can be carried forward and reserved for future projects for up to 3 years
- Requires a 20% match for capital
- For facility construction projects such as garages and transit centers, land value meets or exceeds 20% land value no cash required
- Required Feasibility Study & Environmental Assessment which are generally not funded with federal sources and require local funds

Federal 5309 Discretionary Program

- Monies are distributed to the states in varying amounts each year for capital bus and bus facilities.
- Highly competitive process among transit agencies in NC
- Capital only, non-operating
- Same requirements as FTA 5307
- Staff would apply for these funds in order to minimize 5307 expenditure

Transit Center Project Funding Recommendations

5307 FTA Future Allocations	\$ 425,000	To be set aside from 2011-2013
5309 FTA Discretionary	TBD	Would augment 5307
STP-DA	\$1,200,000	Requires local funding commitment of 20% \$300,000 Match commitment will be parcel value in 2013
Local Match	\$ 106,250	Matches 5307 requirement
Total Estimated 2013 Revenues	\$1,731,250	Total local march of \$106,250 is 6% of overall cost

Recommendations

- Submit STP-DA fund grant in the amount of \$1,200,000 which requires a local match in the amount of \$300,000 (estimated future parcel value)
- Reserve \$425,000 in future 5307 grant allocations over three years 2011-2013. Reserve required cash match amount of \$106,250 through transit fund balance for during 2011-2013.
- Pursue other grant opportunities to augment the cost of 5307 and local match funding such as 5309 discretionary grants and state capital funding.

Benefits

- Passenger Facility
- New offices for contractor which can reduce operating cost for County
- State of the art dispatching facility will enhance ridership and improve customer service
- Total improvements estimated at 1.73 million with a 6% local match (\$106,250) plus the estimated future parcel value in the amount of \$300,000.

Commissioner Young made the motion that the Board authorizes Anthony Starr to apply for the grant and use the property of Site "B", 4th Avenue & Harris Street. All voted in favor and the motion carried.

Break

A break was taken in order to change video tapes.

TOWN OF LAUREL PARK REQUEST

County Manager Steve Wyatt stated that the Town of Laurel Park had sent a letter requesting that Henderson County lease them a parcel of land that the County foreclosed on in 1984 to be used as green space. This parcel is approximately 1/2 acre of land. Staff was looking for direction from the Board.

Chairman Moyer stated that the only issue was whether to advertise it for sale, check for adjoining property owners, etc. He recommended that the property be conveyed to the Town of Laurel Park.

Commissioner Williams made the motion that the Board authorizes the County Manager to contact the adjacent property owners to this parcel and if there is no objection on the part of those individuals that we authorize the conveyance of this property to the Town of Laurel Park. All voted in favor and the motion carried.

Chairman Moyer asked the County Manager to contact the Town Manager of Laurel Park and tell him what we are doing to see if they have any problems.

ETOWAH SEWER UPDATE

County Manager Steve Wyatt stated that this agenda item is to update the Board on issues related to the Etowah Sewer Company. Through conversations with Mr. Frank Todd, some interest has been shown for the potential for the County to acquire the Etowah Sewer Company. The timing of it is good in that the Cane Creek Sewer Advisory Board and our County engineering staff are doing capital facilities and long range service planning for the sewer district. We could easily bring in an assessment of this potential into that plan and have the Advisory Board, working with the engineering staff, take a look at the possibilities, pros and cons. They would sort through the issues and bring it back to the Board. An answer is requested by the end of summer. He recommends that we do the due diligence to see if it would be a beneficial move and then report back to the Board.

Chairman Moyer felt this was particularly attractive as they had done a fair amount of planning in working toward being able to handle a lot of the growth in the area. The work done, if we decide to move in that direction, could be very advantageous to us and the area.

It was the consensus of the Board to move forward.

ANIMAL ORDINANCE AMENDMENTS

Associate Attorney Sarah Zambon stated that the current Animal Ordinance has been in effect over a year since a substantial re-write in January 2008. The suggested changes are largely to address implementation problems arising from the previous changes. To this end, most of the changes are non-substantive in nature. A memorandum summarizing the substantive changes was provided and a copy of the amendments is attached hereto and incorporated as a part of the minutes.

Commissioner Young made the motion that the Board adopts the amendments to the Henderson County Animal Ordinance as recommended by the Animal Services Committee. All voted in favor and the motion carried.

STAFF REPORTS

County Attorney's Report

Russ Burrell noted that the closing on the debt refinancing for the Detention Center COPs was complete.

County Manager's Report

Steve Wyatt provided a copy of the FY2009 Monthly Sales Tax Distribution. Good news is we did finish six months up a little over \$100,000. The bad news is January was down substantially from target and a dramatic change of about \$500,000 plus from the month before. He had no confidence that the numbers were accurate. The bottom line is because we did as the Commissioners' suggested and budgeted conservatively, we are about \$100,000 ahead of projections.

CANE CREEK WATER & SEWER DISTRICT - no business

IMPORTANT DATES

Chairman Moyer stated that the County Manager should target to have the budget approved by June 9, 2009 with the proviso that if an emergency came up, something the state did that threw us a real curve, we would have a couple of days at the end of June where we could have a special meeting to approve any changes if that became necessary. He was attempting to cluster all of the workshops in one or two days sometime during the last two weeks of May, possibly taking a back to back Tuesday and Wednesday for four hours, breaking for lunch, and then continuing. He asked everyone to look at their schedules and try to come up with a plan. He also suggested canceling the June 17 Board meeting. It was requested that Steve Wyatt work up a schedule to move in this direction.

Workshop for Facility Issues

Chairman Moyer made the motion that the Board schedules a workshop for Facility Issues on Thursday, April 23, 2009 at 3:00 p.m. at this location. All voted in favor and the motion carried.

CLOSED SESSION

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

1. (a)(5) To establish, or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

2. (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

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

ADJOURN

There being no further business Commissioner McGrady made the motion to adjourn.

ATTEST:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman