

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 15, 1998

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building, 100 North King Street.

Those present were: Chairman Robert D. Eklund, Vice-Chair Grady Hawkins, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager Angela M. Skerrett, County Attorney Don Elkins and Clerk to the Board, Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson, Planner Karen Collins, Staff Attorney Jennifer O. Jackson, Finance Director J. Carey McLelland and Fire Marshal Rocky Hyder.

A group of members of the Sheriff's Mounted Patrol Cadets were attending to receive recognition of a NACo Achievement Award.

Absent was Commissioner Vollie G. Good.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Anthony McMinn, Director of Ministry Seven, led the invocation.

RECOGNITION FOR 1998 NACo AWARDS

Chairman Eklund announced Henderson County was the winner of two 1998 National Association of Counties Achievement Awards. The NACo Achievement Award Program is a non-competitive awards program which seeks to recognize innovative county government programs. The first award was for the "Partners in Health". Chairman Eklund recognized Steve Pennock from Pardee Hospital, Dr. Cosgrove and David Reeves from Hospice and invited them to elaborate on their Partners in Health program. Steve Pennock explained that the facility is under construction with an anticipated completion of April 1999. Dr. Cosgrove explained that to combine a hospice with a long-term care

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facility is the only one in the whole country so far and he thought it was a wonderful idea and would work beautifully. Mr. Eklund then presented the trio with the award.

Chairman Eklund announced the second award was for the "Sheriff's Mounted Patrol Cadets" stating this was comprised largely of volunteers of all ages. Chairman Eklund invited Captain Eddie Pruett of the Sheriff's Department to elaborate on this groups' activities. Captain Pruett explained this group was established at the request of Sheriff Erwin. Horses are used as a tool to promote leadership in the community. This group assists in traffic control in events such as the Fourth of July celebration at Jackson Park and elsewhere where their assistance is needed. Chairman Eklund presented the award to the entire group.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins added Item C under Staff Reports for Public Comment.

Commissioner Don Ward added under Discussion Items: Item E, Resolution for the Reallocation of Debt Payment from Courthouse to Schools Capital Projects; Item F, Meeting Times for Commissioners, Item G, Economic Development Issue, and added a personnel issue under Closed Session.

County Manager David Nicholson added the following:

- to Set a Public Hearing on a Rezoning Request by Phillip Cole
- to Set a Public Hearing on a Rezoning Request by Linda Ann Moxley and Helen Moxley Pace
- Purchase of Sewer Line on US 64 East
- Notification of the Parks and Recreation Trust Fund Grant
- Tax Collector Collection Report for 1997

Commissioner Ward requested a discussion be held as a result of a recent visit he made with the Builders Association regarding stringent rules and regulations from the Health Department being greater than the State regulations.

PUBLIC COMMENT

1. James Guyer spoke regarding Discussion Item C, Application for the Use of Public School Building Capital Funds for Immediate Major Repair/Maintenance School Projects (Short Term). He strongly encouraged the Commissioners to refrain from giving the School Board additional money until they came up with a preventive

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maintenance program and with checks and balances to ensure that they are fulfilling the preventive maintenance program. Mr. Guyer suggested the formation of a facilities volunteer board to monitor the maintenance of all county owned facilities. Mr. Guyer commented on recent news articles quoting Chairman Eklund and Commissioner Kumor on economic development in the County.

NOMINATIONS

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

1. **Nursing/Adult Care Home Community Advisory Committee - 2 vac.**
Commissioner Hawkins nominated Aubrey Carruth for one of the vacancies. The Board will vote on that appointment at their meeting of August 3, 1998. One vacancy rolled to the next meeting.
2. **Henderson County Zoning Board of Adjustment - 1 vacancy**
Rolled to Discussion Item B for a report from Staff.
3. **Hendersonville City Zoning Board of Adjustment - 2 vacancies**
Commissioner Hawkins stated information provided at his request from the last Commission meeting delineated how the City came up with the number of 3.9 for our representative. One of the ten members, John Boyd who was serving as an alternate member, had resigned. The City of Hendersonville requested that this Board reduce its representation for the Extra Jurisdictional Territory from five members to three members. However, since Mr. Boyd was counted as an alternate member, the County actually only had four appointees. The City also had an alternate member bringing the total number of members on this Board to eight rather than ten. Commissioner Hawkins asked for clarification as to the role the alternate plays in representing EJT. The City based their calculation for EJT representation upon a 1996 population census and did not reflect the City's annexed territories since 1996. Commissioner Hawkins expressed concern that County representation by three members wasn't adequate and suggested it should be four members. Angela Skerrett suggested staff could encourage on behalf of the Commissioners that County EJT representation be increased to four members. The Board directed staff to pursue that matter with the City and report back to the Board.

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4. Mountain Area Workforce Development Board - 3 vacancies

Chairman Eklund informed the Board that staff had contacted George Tarnawsky and he was eager to serve if appointed. Ms. Skerrett informed the Board that Helen Beck requested this Board to consider appointing a replacement for Noel Watts since Gordon DeMarco from Something Special was serving on the Board as a Chamber representative. She reminded the Board that at the last meeting Dr. Sink was nominated for that position. Commissioner Don Ward nominated George J. Tarnawsky. The Board will vote on these nominations at their next meeting.

5. Youth Advisory Board - 1 vacancy

No nominations were made. This vacancy was rolled to the next meeting.

STAFF REPORT A, SUPPORT FOR AMENDING HOUSE BILL 1687

Fire Marshal Rocky Hyder requested support from the Board on an amendment to NC House Bill 1687. For the past three years, the North Carolina Emergency Management Association has worked on a Statewide Emergency Management Trust Fund that would provide disaster relief for victims of natural and technological disasters that are not declared for federal assistance and additional funding for local emergency management programs. In June of 1998, the North Carolina Disaster Relief Trust Fund (HB 1687) was introduced in the NC House. Much to the surprise of local emergency managers, the local funding part of the bill had been omitted. Mr. Hyder presented a position paper prepared by the NC Emergency Management Association proposing an amendment to HB 1687 for local emergency management funding (approx. \$50,000 per county the first year). He further informed the Board the Bill had been referred to Appropriations where it would probably die due to lack of available funding. Support for the amendment was necessary however, for future consideration of similar legislation. Mr. Hyder encouraged the Board to support this amendment which would give the local Emergency Management Program some additional funding without burdening the local taxpayers.

Commissioner Hawkins posed questions about a clause in the position paper requiring insurance coverage for future disasters. Mr. Hyder explained that phrase was mirrored from Federal regulations to provide a one-time disaster relief package to individuals. To lessen the taxpayer burden, individuals would be required to

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provide sufficient insurance coverage against losses from future natural disasters.

Commissioner Hawkins posed additional questions about the amendment to Mr. Hyder. County Manager David Nicholson posed the question as to whether this amendment would provide draw down money from the Disaster Relief Fund to compensate the County for expenses they incur to support shelters during disasters. Mr. Hyder confirmed this would provide additional funding to the local level.

Commissioner Kumor made a motion to support the amendment. All voted in favor and the motion carried.

STAFF REPORT B, REIMBURSEMENT FROM NCDOT-DOA FOR APPRAISAL OF HENDERSONVILLE AIRPORT PROPERTY

Angela Skerrett reminded the Board that staff had presented to the Board in March 1998 some proposed grant agreements so that the County could receive 90% reimbursement from the State for cost incurred in investigating whether the Hendersonville Airport would be appropriate as a County airport and even as a regional airport that the State was interested in being built. After staff presented the agreements to the Board, the County was notified it qualified for more funding. With regards to preparation of the Airport Layout Plan(ALP)/Appraisal, the State had requested that report be prepared to state standards which was done. Staff met with the State who lessened the standards, such as shortening the runway to prevent taking up two ballfields in Jackson Park. In revamping the ALP, substantial work was completed by Talbert and Bright. Talbert and Bright requested the County to seek additional reimbursement from the State so that the County could reimburse Talbert and Bright for the additional hours they spent on revamping the ALP. The State agreed to reimburse the County more money so that Talbert & Bright could receive some additional compensation for those modifications that were made. The total for the project for the ALP and two appraisals was \$69,000. The County qualified for 90% of that to come back to the County. The State required the Board to sign the grant agreements in order to get that money back. In March when this was before the Board, the Board was concerned the approval of the grant agreement might signify to the State they were willing to purchase the airport. The Board directed County Attorney Don Elkins to prepare a motion to state the Board's sole intention in signing the grant agreements was to recoup the 90% reimbursement of expenses incurred.

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Commissioner Hawkins questioned why the Board was applying for the grant after the study had been completed. Carl Ellington, Office Manager of Talbert & Bright in Charlotte, addressed Mr. Hawkins' question stating the process actually began in 1995 but was not funded by the State until FY 98 which did not become available until spring of 1998. He further stated the Board approving the grant agreement did not signify the Board was applying for a grant but the grant agreement was necessary to get the reimbursement for the County.

Commissioner Hawkins made a motion to adopt the resolution as presented with the additional statement that the County is not currently interested in purchasing the airport. All voted in favor and the motion carried.

STAFF REPORT C. PUBLIC COMMENT

Commissioner Hawkins commented that Mr. Young, during Public Input at a previous meeting, stated that he had visited the Tax Collector and the Tax Collector had collected four million dollars more taxes. Commissioner Hawkins referred to General Statute 105-350 that states some of the general duties of the tax collector, very specifically states "...it shall be the duty of the tax collector and Item 7 under that read..."to submit to the governing body at each of its regular meetings a report of the amount he has collected on each year's taxes with which he is charged the amount remaining uncollected and the steps he has taken to encourage or enforce payment of uncollected tax"... Commissioner Hawkins stated he requested this information in December but it had not been provided to the Board. Commissioner Hawkins requested the Chairman to write a letter to the District Attorney to find out why the Tax Collector did not have to comply with the General Statute. Commissioner Kumor questioned why not just a letter from the Chairman to the Tax Collector requesting his compliance with the GS was not sufficient. Commissioner Hawkins replied that the County Manager had requested the Tax Collector to comply on several occasions but the Board had received no response. David Nicholson stated he had asked the Tax Collector to provide the reports but no formal letter from the Chairman had been issued to his knowledge. Commissioner Hawkins stated he had searched for the audit of the Tax Collector's office but was unable to locate one. He stated the Tax Collector operates independently in his duties as an elected official. Commissioner Hawkins asked the County Manager if audits of the Tax Collector are made and if so could the Board have a copy so they could see where the money is. Mr. Nicholson stated he

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assumed the money was an accumulation over the years based on conversations he had heard. He further stated as part of the annual audit as done by independent auditors they do verify the tax collections, the tax levy, the outstanding tax bills as part of the County's annual financial report. Commissioner Hawkins questioned if all the audit report consisted of was the one page in the audit report. Mr. Nicholson stated only that page and the supporting backup. He further stated there was no separate document on the Tax Collector but it was done in conjunction with the County's annual financial report done by independent auditors.

Commissioner Hawkins commented that Mr. Young had stated during Public Comment there had been some inquiries to the relationship between appointed tax collectors and elected tax collectors. Previously Commissioner Hawkins too had raised that question because Henderson County is only one of three counties of one hundred counties that elect the Tax Collector. Commissioner Hawkins asked the Board to direct staff to provide at the next meeting a clear picture of the legislation that establishes when, where and how Henderson County elects their Tax Collector. Commissioner Hawkins stated that in December he questioned the bonding of the tax collector. The bond on the tax collector that was presented in a previous agenda packet was outdated. David Nicholson was to reconfirm bonding on the tax collector for the Board but he did not report back to the Board on his findings. Commissioner Hawkins requested a copy of the current bond on the Tax Collector. Commissioner Hawkins stated that under General Statute 108.380, each Commissioner is held personally liable for tax refunds and property tax claims. It is one of few areas in County government for which the Commissioners are held financially responsible. He read from the General Statute...."failure to abide by it carries personal liability for each member of the local board of commissioners"... He referred to a recent news article regarding Haywood County (which is one of the other counties that has an elected tax collector) who was being scrutinized for the processing of \$17 million dollars in their County's tax collection program. Mr. Hawkins reminded the Board the Tax Collector is responsible for over \$27 million of County money which is a sizable amount of money and it is an independently elected office which is probably one of the reasons that 97 other counties appoint their tax collector. He further stated that would promote a line of communication such as is with the Tax Assessor who is appointed by the Board. Commissioner Kumor suggested to Commissioner Hawkins that he be clear to the media present that he was not attempting to

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impugn the Tax Collector but that he was just questioning the process. Commissioner Hawkins stated he wanted to know how the County came about the process of electing versus appointing the Tax Collector. Commissioner Kumor asked Commissioner Hawkins pointedly, "Are you impugning the tax collector or are you just asking a question of procedure?" Commissioner Hawkins stated that he was asking a question of procedure that was brought up during public comment by Mr. Young who stated that he had talked with the tax collector. Commissioner Kumor stated she felt it was important to say that so that everybody understands that. Commissioner Hawkins again stated his concern was related to personal liability and over some questions raised by the Assessor on some of the requested refunds before the Board.

David Nicholson stated that it would be appropriate to work with the County Attorney on these issues.

IMPORTANT DATES

The Commissioners' calendar was reviewed.

Commissioner Kumor asked when the Board would set a workshop on facilities. Following some discussion, it was the consensus of the Board to have the workshop in September. No date was set at this time. Staff is currently working on an inventory of our buildings which needs to be completed prior to the workshop.

August 4 was confirmed as the date for a joint meeting with the Public School Board, to be held here at 5:30 p.m.

INDUSTRIAL REVENUE BONDS - American Coating Technologies

On June 30, 1998, the Henderson County Industrial Facilities and Pollution Control Authority approved an application for qualified small issue industrial revenue bonds in an amount not to exceed \$5,750,000 for the financing of the construction and equipping of a 50,000 square foot facility that is to house American Coating Technologies, Inc. American Coating Technologies is a manufacturer of industrial coated automotive and other parts and anticipates hiring more than 100 employees from the area.

Industrial revenue bonds are guaranteed by company revenues and not County funds. Before the bonds may be issued, however, NCGS 159C-7 requires that the Board of Commissioners approve the Project and issuance of bonds after holding a public hearing. American Coating Technologies is requesting that the Board set a public hearing for

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August 3, 1998 at 7:00 p.m. A proposed Notice of Public Hearing had been prepared and was reviewed.

The public hearing will be held regarding the Project and the issuance of the industrial revenue bonds. At the close of the public hearing the Board will be asked to approve the Project and the issuance of those bonds. American Coating Technologies will also be seeking from the Board a waiver concerning the average weekly manufacturing wage for Henderson County. The Industrial Revenue Bond Screening Committee of the Department of Commerce has reviewed and approved the proposed wage waiver subject to the Board of Commissioners approval, as evidenced by the letter dated June 11, 1998, which was reviewed.

Tim Faulkner, Vice-President of Operations for American Coating Technologies, was present to answer any questions. He discussed briefly the product line for American Coating Technologies.

Commissioner Hawkins made the motion to set a Public Hearing for August 3, 1998 at 7:00 p.m. All voted in favor and the motion carried.

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT VACANCIES

At the July 7 meeting, the Board requested that an item be placed on this agenda to discuss the current vacancies which exist on the Henderson County Zoning Board of Adjustment. The Board requested that staff compile information concerning the vacancies. The requested information was reviewed.

Don Elkins requested additional time to review this matter and report back to the Board at the next meeting.

Commissioner Hawkins nominated Tamra Crane to be moved from an alternate member to a regular member (Haywood District). A vote will be taken at the next meeting.

APPLICATION FOR THE USE OF PUBLIC SCHOOL BUILDING CAPITAL FUNDS FOR IMMEDIATE MAJOR REPAIR/MAINTENANCE SCHOOL PROJECTS (Short Term)

The Henderson County Board of Public Education presented the Commissioners with a Draft State ADM Fund Application to meet Immediate Major Repair/Maintenance Projects (Short Term) that was part of their budget request for Fiscal Year 1998-99.

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A revised draft application was reviewed for first and second priority roof replacements at nine schools, fire safety alarm components at six schools, HVAC installation at one school, and septic system replacement at one school for the Board's review and consideration for approval. A summary of the projects listed on the draft application was reviewed.

The total fundings of \$1,866,009 for this application will utilize \$1,399,507 (75%) from the Public School Building Capital Fund, commonly known as the State ADM Fund, and \$466,502 (25% match) from the Capital Reserve Fund. An application to the state to use ADM funds requires approval from both the Board of Commissioners and the School Board.

Also reviewed were financial reports for the Public School Building Fund and the Capital Reserve Fund as of June 30, 1998.

Carey McLelland requested the Board's approval. He informed the Board that the estimated date of completion of these projects is the summer of 1999. They hope to complete most of these projects by January of 1999. Mr. McLelland explained the process for the draw down monies and answered questions from the Board.

Dr. Kolan Flynn stated that when school is in session, they must pump the septic system at Mills River Elementary School anywhere from two to four times a day. It has been put on the short term list as a critical need.

It was the consensus of the Board to make some changes in the proposed application to the state to use ADM funds:

- ▶ Under description of construction project - add reimbursement for architectural/engineering previously spent.
- ▶ Fill in the starting date and date of completion.
- ▶ Fill in the A & E matching funds, monies that have already been spent.
- ▶ Leave the Mills River Elementary School sewer septic system repair in.
- ▶ Remove the \$299,794 expenditure for Tuxedo Elementary and in a cover letter to the School Board mention that this could be added at a later point or a whole new application could go in for this expense, based on a long term use for the facility.

REVENUE NEUTRAL TAX RATE DISCUSSION

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At the July 7, 1998 meeting, the Board requested that an agenda item be placed on this meeting to discuss the meaning of revenue neutral and to receive input from the County Manager concerning such a definition.

Staff presented the Board with a copy of recent proposed legislation pending concerning publishing a revenue neutral rate in a reappraisal year.

David Nicholson stated his concern of the public's perception of "Revenue Neutral". Most citizens believe that this means they will not pay any more in property taxes than in the previous year. Because of the North Carolina Ad Valorem Property Tax structure, this is usually not the case for a residential taxpayer. Mr. Nicholson supplied copies of House Bill 1285 and Senate Bill 1142. These proposed bills would amend the Budget and Fiscal Year Act to require that local governments publish a "revenue neutral" tax rate during the year of a reassessment.

Mr. Nicholson strongly suggested that the Board hold a workshop with County Assessor Robert Baird and his staff on the reassessment process.

Commissioner Kumor stated that she thinks it is very important to commit to the community that the Board will set goals and priorities that they will form as to how they develop the budget and that every year the public will understand why it is as it is and where the Board is going with it.

Commissioner Ward read from House Bill #1285 "In each year in which a general reappraisal of real property has been conducted, the budget shall contain, for comparison purposes, a statement of the revenue neutral property tax rate for the budget. The revenue neutral property tax rate is the rate that would produce the same revenue for the next fiscal year that is expected for the increase in the assessed value of all property in the county due to improvements during the prior three years."

Chairman Eklund called the discussions to a halt and stated that a work session with Robert Baird will be set for sometime in the fall.

Chairman Eklund called a 10 minute recess.

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RESOLUTION FOR SCHOOLS - "Reallocation of Debt Payment from Courthouse to Schools Capital Projects" (add-on by Commissioner Ward)

The Commissioners reviewed this Resolution. Commissioner Ward suggested that when it is adopted, a copy be sent to every Commissioner candidate for this fall as well as any other Resolutions that are pending. Commissioner Ward wished to adopt the Resolution but felt it was not appropriate since Commissioner Good was absent. He asked that this Resolution be put on the next agenda.

MEETING TIMES (add-on by Commissioner Ward)

Commissioner Ward asked the Board to consider having the first of the month meeting at 9 a.m. instead of 5:30 p.m. (this would mean two day time meetings). The meetings could be longer with scheduled breaks. He stated that staff would be utilized better and possibly this could eliminate some of the special called meetings. Commissioner Ward also suggested that the Board do away with special called meetings unless it is a joint meeting with another Board.

There was some discussion that working people could not attend either meeting if they were both held in the day time. Commissioner Kumor stated that once the staff gets the capability to broadcast the meetings via cable, it would not matter what time of day the meetings were held.

Again, Commissioner Ward did not feel it was appropriate to take action on this item with Commissioner Good absent. He asked that this item be put on the next agenda.

ECONOMIC DEVELOPMENT (add-on by Commissioner Ward)

Commissioner Ward brought up the issue that the Andy Petree Racing Team, the Skoal Bandits in Flat Rock have a situation where they need six foot of right of way from the Board of Public Education so he can connect sewer service to this property. He wants to expand his operation but will not be able to if he cannot get sewer service. Mr. Petri is not requesting any money from the County. Their payroll is \$1.7 million yearly. They employ 50 people presently and would like to add an additional 20-30 employees. They are located on George Bradshaw's property.

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He had previously given the Board of Public Education 500+ feet of right of way across his property so they could connect sewer to Upward Elementary School.

It was the consensus of the Board for the County Manager to address the Board of Public Education at their meeting this evening to request this six foot of right of way be given to Mr. Petri.

David Nicholson reminded the Board that the County has previously written the School Board about this. The current issue is that the Board of Public Education has asked \$10,000 for the easement.

It was the consensus of the Board that the \$10,000 requested was excessive and the Board of Commissioners deserves an explanation.

Mr. Nicholson then suggested that the Chairman write a letter and Mr. Nicholson would go to the Board of Public Education's meeting tonight and read the letter to that Board. The Board was in agreement.

HEALTH DEPARTMENT (add-on by Commissioner Ward)

Commissioner Ward said that several contractors have told him that our county requirements for septic tanks and some of the building codes exceed the state requirements. Specific items the County Manager was asked to research were septic tanks, hot water heaters, and refrigerators. David Nicholson will research specifically with the new Health Dept. Director, Tom Bridges.

SET PUBLIC HEARING ON RE-ZONING REQUEST BY PHILLIP B. COLE (add-on by David Nicholson)

Karen Collins informed the Board that Phillip B. Cole had submitted an application to have approximately 6.15 acres of property located on Allen Road in East Flat Rock rezoned from an R-20 (low density residential) district to an R-10 (high density residential) district. In September of 1997, Mr. Cole submitted an application requesting that the same property be rezoned from R-20 to a T-15 (medium density residential with manufactured homes) district. Following a public hearing, the Board of Commissioners denied Mr. Cole's request for T-15 in December of 1997.

The Planning Board reviewed Mr. Cole's new application at its June 30, 1998 meeting and voted unanimously (8 to 0) to send the Board of Commissioners a favorable recommendation on the request to rezone the property to R-10.

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The Board of Commissioners must hold a public hearing prior to taking action on the application. Planning Staff recommended that the hearing be scheduled for Monday, August 3, 1998, at 7:00 p.m.

Commissioner Hawkins raised a question and stated that he felt it was not applicable to hear until the time (12 months) has expired. He read this as an amendment to a denied application within 12 months. Therefore, he felt that the Board should not set a public hearing to rehear it in accordance with our own zoning laws.

This item was rolled and the County Attorney was asked to review and give a definitive answer at the August 19 meeting.

SET PUBLIC HEARING ON RE-ZONING REQUEST BY LINDA ANN MOXLEY AND HELEN MOXLEY PACE (add-on by David Nicholson)

Karen Collins informed the Board that Linda Ann Moxley and Helen Moxley Pace have requested that the County rezone approximately 14.5 acres of property on Greenville Highway (US 25 South) from R-20 (low density residential) and R-T (transient residential) districts to R-10 (high density residential) and C-1 (residential commercial) districts.

On June 30, 1998, the Henderson County Planning Board voted unanimously (8 to 0) to send the Board of Commissioners a favorable recommendation on the application to rezone the property to R-10 and C-1, as requested by the applicants.

The Board of Commissioners must hold a public hearing prior to taking action on the application. Planning Staff recommended that the hearing be scheduled for Monday, August 3, 1998, at 7:00 p.m.

Commissioner Hawkins made the motion to set the public hearing for Monday, August 3 at 7:00 p.m. All voted in favor and the motion carried.

PURCHASE OF SEWER LINE (add-on by David Nicholson)

Mr. Nicholson reminded the Board that the County has previously received a request to purchase approximately 1,500 feet of gravity sewer line from Henderson County by the City of Hendersonville. This line is located along old Highway 64 and new Highway 64 to a point just past the new Ingles, and currently serves a small number of businesses, North Henderson High School and Apple Valley Middle Grade School.

This portion of line was installed by the School System, with 30% of the expenses being borne by Henderson County. The County's

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share totaled \$11,610. The Board considered the City's request at the July 7, 1998 meeting and directed the Chairman to write a letter to the Board of Education requesting a determination of whether the School System would like to be reimbursed for their share as well. This letter has been sent as directed.

However, the County received a letter from Chris Carter indicating that the City is willing to pay the full cost of the line, which based upon Staff's information is \$37,800. Staff therefore felt it was prudent to bring this issue back to the Board for consideration based upon this new information. If the County does not sell the line the City will parallel the line with one of its own. As the City's contractors are awaiting direction from the City on whether to construct the parallel line, the City needed an answer as soon as possible regarding their request.

Following discussion, it was the consensus of the Board to sell the sewer line to the City of Hendersonville. A vote was taken and there was a unanimous "aye". It was also suggested by the Board that Mr. Nicholson remind the School Board of this at the meeting tonight.

PARKS AND RECREATION TRUST FUND GRANT (add-on by David Nicholson)

Mr. Nicholson made the Board aware that we have received notification that we were not approved by the State Park and Recreation Authority for the matching grant that we applied for at Jackson Park.

During the budget deliberations, the Board put \$250,000 into the capital projects fund to match the grant. Mr. Nicholson asked how the Board wished to establish priorities to spend the monies.

It was the consensus of the Board to first seek input from the Parks & Recreation Advisory Board before taking any action. Commissioner Ward suggested that this be put before the Parks & Recreation Advisory Board with the request to prioritize their list of needs and then present the list to the Board of Commissioners.

TAX COLLECTOR'S PRELIMINARY REPORT FOR THE FISCAL YEAR 1997 (add-on by David Nicholson)

David Nicholson presented the Tax Collector's Preliminary Report for the Fiscal Year 1997. Mr. Lyda was out of town. Mr. Nicholson stated he would put this on the next meeting agenda for presentation by the Tax Collector, Terry Lyda.

CLOSED SESSION

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Commissioner Kumor made the motion for the Board to go into Closed Session as allowed pursuant to NCGS 143-318.11 for the following reasons:

1.(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

2.(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

3.(a)(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 (l) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, (ll) the amount of compensation and other material terms of an employment contract or proposed employment contact.

4.(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 Ward made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

ACTION FOLLOWING CLOSED SESSION

Mr. Nicholson reminded the Board that a voting delegate should be named to represent Henderson County at the 91st Annual Conference of the North Carolina Association of County Commissioners to be held in Charlotte, NC, on August 13-16, 1998.

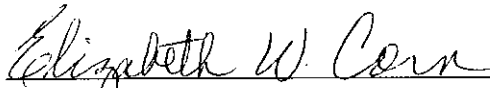
It was the consensus of the Board that Commissioner Don Ward be named the Voting Delegate to the Annual Conference.

There being no further business to come before the Board, the meeting was adjourned.


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ATTEST:



Elizabeth W. Corn, Clerk



Robert D. Eklund, Chairman

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