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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
SEPTEMBER 18, 1996

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.

Those present were: Chairman Renee Kumor, Vice-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Good led the pledge of allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Kumor added the following under Update on Pending Issues:

3. Response to Board of Education - School Building Plans
4. Memorandum regarding municipal sewers
5. School Salaries
6. Tax Audit - Robert Baird, Henderson County Tax Assessor
7. Updated Service Districts in "No Mans Land" for Fire District Service

and under Nominations: 5. Economic Development Committee - 1 vac.

CONSENT AGENDA

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

CONSENT AGENDA included the following:

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Henderson County Financial Report - The County Financial Report was presented for the month of July 1996 for the Board's review.

INFORMAL PUBLIC COMMENTS

There were none.

PUBLIC HEARING - Request to Consider Renewal of Industrial Park Option

Commissioner Eklund made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett informed the Board that this Public Hearing was held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property was \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1A, 2, 3, 3A, 4, 4A, 6, 7(revised), 7A, and two lots to be dedicated to NCDOT, for a total acreage purchased of 47.0131 acres at a price of \$1,099,697.20.

The current option will expire on September 30, 1996. The renewal will extend the option for another three month period to expire on December 31, 1996. The price to renew the option until December 31 will be the quarterly interest at the Nationsbank prime rate of interest determined as of September 10, 1996 on the unpaid portion of the purchase price of \$400,302.76. The remaining acreage to be purchased includes Lot 5, 22.3709 acres. Nationsbank prime rate September 10 was 8.25%, which would put the option payment at \$8,256.24.

The payment to renew the option for an additional three month term is due September 20.

Public Input - There was none.

Commissioner Ward made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

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Commissioner Good made the motion to renew the option for an additional three month term at a cost of \$8,256.24. All voted in favor and the motion carried.

REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY -
Extending Zoning to a Portion of Pinnacle Mountain Road
Application #Z-13-96 by Brenda B. Coates

Mrs. Brenda Coates spoke requesting that the County amend the Official Zoning Map by extending R-40 (Estate Residential) zoning to an unzoned area located on the north side of Pinnacle Mountain Road. She explained that the request was to zone to Mount Pinnacle Road, using the road as a boundary. She stated that the reason she is requesting zoning is that she does not want industry in the area. She wants the property to be maintained as is, which is residential.

On June 25, 1996, the Henderson County Planning Board voted unanimously (6-0) to send a favorable recommendation to the Board of Commissioners to extend R-40 zoning to approximately 110 acres which includes the area outlined in the application by Ms. Coates as well as to some additional parcels.

The Board of Commissioners held a public hearing on this item on September 3, 1996.

Commissioner Edney made the motion to approve the request and to make a determination that the Seven Springs Orchard be a year round commercial use. All voted in favor and the motion carried.

COUNTY ROAD SERVICE DISTRICTS

Angela Skerrett informed the Board of a relatively new statute (NCGS 153A-301 (d)) that authorizes the County to create service districts for the maintenance of roads within certain subdivisions. There are many subdivisions existing in Henderson County that for one reason or another have no mechanism in place for the maintenance of their roads.

Ms. Skerrett stated that in October 1975 Legislation was passed stating that if you were going to have public roads in a subdivision, the roads must be built to NC DOT standards. We have many subdivision roads which predate this legislation and the

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residents of those subdivisions were left without any recourse to have their roads maintained.

Recently legislation was passed which covers the predated subdivision roads. To be eligible to set up a County Road Service District, the county must contain a protected mountain ridge. A service district would be composed of subdivision lots within one or more contiguous subdivisions and they must be served by a common public road. The service the county would be providing for the district would be financing the maintenance costs for the public roads within the service district. The Property Owners Association whose purpose is to represent the persons in the district must agree to be included in the district.

Ms. Skerrett explained that the Board would have to make the following findings before setting up any service district:

1. that there is a demonstrable need
2. that it is impractical to provide the service on a county-wide basis
3. that it is economically feasible without unreasonable or burdensome annual tax levies
4. that there is a demonstrable demand by persons residing within the district

Haywood County was the first county to implement this program. Ms. Skerrett spoke briefly about the program currently in use in Haywood County.

Public Input

1. Carla Rodio presented a petition for the Board of Commissioners to consider setting up such districts in Henderson County. She is a member of the Whispering Hills Subdivision. They have a Property Owners' Association. Ms. Rodio read a prepared statement. (Ms. Rodio lives in the Whispering Hills Subdivision).

2. Henry Holscher presented a list of six questions regarding requirements for roads to be considered State Roads. (Mr. Holscher lives in the Fountain Trace Subdivision).

3. Bill Newton and others in his subdivision had signed the petition submitted by Ms. Rodio to the Board today. (Mr. Newton lives in the Foxwood Subdivision).

All three of these people requested that the Commissioners utilize the new legislation and create Road Maintenance Districts even if it requires a tax increase to do so.

There was much discussion by the Commissioners regarding liability to the County, cost of enforcement, and foreclosure specifics. It was the wish of the Commissioners to get some input from the Homebuilders Association and the Property Owners Association.

Staff was directed to draft an Ordinance and bring it back to the Board for consideration. The Board intends to hold workshops on the proposed Service District as it evolves.

Chairman Kumor called a 10 minute recess.

SET PUBLIC HEARING FOR PROPOSED VESTED RIGHTS ORDINANCE

The Vested Rights Law is a means for a developer to insulate himself for a short period of time, from changes in zoning or other local land use regulations while a project is being developed. The enabling State law allows local governments to adopt a local ordinance to provide for such protection but the law also requires that a public hearing be held on the project and that a developer who chooses to pursue the Vested Rights Ordinance option may be held to the approved version of their project plans.

David Nicholson reminded the Board that in 1991, the Planning Board reviewed and recommended a draft ordinance based on the State model. A public hearing was held but Board action was deferred. The 1996 version is very similar to the 1991 draft ordinance. Due to the length of time that has transpired since this item was before the Board, a new hearing is recommended.

Commissioner Ward made the motion to set a Public Hearing for Wednesday, October 16 at 2 p.m. All voted in favor and the motion carried.

REQUEST TO SET PUBLIC HEARING TO CONSIDER ECONOMIC DEVELOPMENT INCENTIVES

Angela Skerrett reminded the Board that Justus-Pulliam Developers, LLC, has requested economic development assistance from the County for Haverty Furniture Companies, Inc. Havertys is interested in locating a distribution center in Henderson County on property

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owned by Jeff Justus and Alex Justus, located at the intersection of Allen and Upward Roads. A total capital investment will be made of \$750,000.00 by Justus-Pulliam Developers, LLC in constructing a facility that would be leased to Havertys as a distribution center. In conjunction with the distribution center, Havertys plans to create 20-25 new jobs.

The requested assistance is a contribution towards the cost of water and sewer to the site in the amount of \$7,500.00. NCGS 158-7.1 requires that a public hearing be held before such assistance could be approved. In addition, Haverty's, Justus-Pulliam Developers, LLC, Jeff Justus, individually, and Alex Justus would be required to enter into a contract with Henderson County guaranteeing that a capital investment of \$750,000 is made and a minimum of 20 new jobs are created in Henderson County. A draft contract was reviewed.

Ms. Skerrett reminded the Board that a Public Hearing must be held prior to taking any such action.

Jeff Justus was in attendance and stated that if the Board had any questions, he would be glad to try to answer them.

Following discussion, Commissioner Edney made the motion to set a Public Hearing for Monday, October 7 at 7 p.m. All voted in favor and the motion carried.

AMENDMENTS TO WATER SUPPLY WATERSHED ORDINANCE (WS-III Text)

In February of 1996, the North Carolina Environmental Management Commission reclassified a section of the French Broad River Watershed. The 1,629 acre area affected is now called the "Lower Mills River Watershed" and carries a WS-III classification. Since the County had not previously had any WS-III areas, there was no accompanying text in our ordinance.

At their July 30, 1996 meeting, the Henderson County Planning Board reviewed the required WS-III text and forwarded it with a favorable recommendation. A Public Hearing was held on September 3, as required by law.

Matt Matteson reminded the Board that this is a text only amendment.

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Commissioner Ward made the motion to accept the amendments and add to the Water Supply Watershed Ordinance. All voted in favor and the motion carried.

BOUNDARY OPTIONS FOR CONSIDERATION REGARDING THE UPPER FRENCH BROAD RIVER WATERSHED

Mr. Matteson reminded the Board that the North Carolina Division of Environmental Management has given certain local governments having jurisdiction in WS-IV Watersheds the option to reduce the size of such watershed areas. The Planning Board has reviewed the matter and has unanimously recommended that the Board of Commissioners adopt a Resolution (based on a model provided by the State) whereby adoption would allow the State to reduce the area of the Upper French Broad Watershed by as much as 40%. If the watershed area is in fact reduced, actual boundary lines would be determined by NCDEHNR. Adoption of the proposed resolution does not require a public hearing.

Chairman Kumor pointed out that it was Bill Ives who was instrumental in having the Environmental Management Commission see this issue in this sensible manner.

Commissioner Edney made the motion to adopt the Resolution Requesting Amendment to State Water Supply Watershed Protection Map, as presented. All voted in favor and the motion carried.

WORK PLACE VIOLENCE PREVENTION SERIES - THREAT RESPONSE PROCEDURE

The first component of the Work Place Violence Prevention Series is the Threat Response Procedure. This procedure was reviewed by the Board at the June 1, 1996 meeting. The Board requested that an insurance representative at Sedgwick James review this procedure for revisions. William Smith, Operations Manager/Criminal Justice, reviewed this procedure and offered recommendations concerning revisions. Several of these recommendations have been incorporated into the procedure. Attorney Kevin Smith of the North Carolina Justice Academy has also reviewed this procedure and has recommended revisions. These revisions have been incorporated into the procedure. The Threat Response Procedure instructs employees, when responding to a threat, to remain calm and notify their supervisor of the situation. The Threat Response Procedure is now ready for final review.

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Bill Byrnes reminded the Board that during previous discussion of the procedure, the question was raised about whether or not it had been reviewed by our Insurance Advisor & Risk Control Agency, Sedgwick James. At that time, the procedure had been submitted to the District Representative and he approved it as submitted. Subsequent to that meeting, it was submitted to a William Smith who is the Attorney for Sedgwick James. He gave comment on it. Mr. Byrnes also stated that they revisited the comments that the Attorney for the North Carolina Justice Academy had made when they reviewed it. In a meeting with Angela Skerrett, Mona Quinn, and Mr. Byrnes, they incorporated a number of the suggestions made by both Attorneys. Mr. Byrnes submitted the procedure for the Board's adoption.

The Work Place Violence Prevention Series will also include the following procedures (to be developed):

- Violent Incident Response
- Confrontation/Non-Violent Crisis Intervention
- Potential Work Place Violent Incident Preparation
- Work Place Personal Safety/Security Assessment
- Personal Protective Safety and Security Guidelines

David Nicholson informed the Board that the revisions made to the Threat Response Procedure consist of minor changes in language. After final review, if the procedure is approved, training on the procedure will be extended to all employees. The adoption of this procedure by the Board of Commissioners fulfills OSHA's Work Place Violence Prevention guidelines. These recently issued guidelines include Management Involvement; Employee Training; Security Assessment; and Establishment of a policy.

Commissioner Edney made the motion to approve, adopt, and stand behind the enforcement of the Threat Response Procedure. He further requested that we get as many County Employees up to speed as quickly as possible. All voted in favor and the motion carried.

YOUTH SERVICES ADVISORY COMMITTEE

David Nicholson stated that the Youth Services Advisory Committee has requested that the Board of Commissioners approve the following recommendations for board appointments. This committee is formed by state law and makes recommendations to the board of Commissioners on the Community Based Alternatives (CBA) funds.

- 1. Reappointment of Ken Lanning to a three year term.
- 2. Appointments of Bertha Hinostrosa, Wanda Brown, Jane Lindsey, Sally Dowdeswell, and Cris Magnet to three year terms.

The Commissioners requested applications on each of these proposed appointees before taking any action.

COST OF LIVING INCREASE

David Nicholson reminded the Board that it has been the practice of the Board of Commissioners to approve a cost of living increase for all County employees at their mid-month September meeting. For the past several years the amount of increase has been based on the Consumer Price Index (CPI).

Mr. Nicholson reviewed the Bureau of Labor Statistics' data concerning the CPI for the twelve month period. This information indicated that the CIP for this period was 2.95%.

Mr. Nicholson recommended that the Board of Commissioners approve a cost of living increase for all County employees effective the payroll period beginning September 30, 1996. Funds for this increase were budgeted in the Contingencies Account for this fiscal year.

Commissioner Good made the motion to approve a 2.95% cost of living increase for all county employees. A vote was taken which failed.

Commissioner Eklund made the motion to approve a 3.5% cost of living increase for all county employees, which is what many local industry approved. A vote was taken which passed three to two with Commissioners Good and Edney voting nay.

BUDGET AMENDMENT

Carey McLelland presented a budget amendment request to record the receipt of a Federal Grant for the Automated Fingerprinting System. This grant and match was included in the Fiscal Year 1995-1996 Budget. However, the final grant documentation was not received until this fiscal year. This makes it necessary to re-budget this grant and appropriate the fund balance for the match in this fiscal year.

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Staff recommended that the Board of Commissioners approve this budget amendment. This amendment reappropriates both the grant and match for this fingerprinting system. This grant was approved by the Board of Commissioners during the prior fiscal year.

Commissioner Good made the motion to grant the request for a Budget Amendment as presented. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/Request for Direction to the Chair

EPA Notice re: "Notice of Intent to Delete" the Seldon Clark portion from the General Electric/Shepherd Farm Site as listed on the National Priorities List.

United States Environmental Protection Agency is asking that the Seldon Clark property be deleted from the General Electric/Shepherd Farm Site based upon the sampling activities conducted on this property. The resulting analytical data indicated that a few contaminants were present. However, they were below the Agency's cleanup levels and pose no risk to human health or the environment, therefore, no cleanup action is necessary.

The Board reviewed the "Notice of Intent to Delete" the Seldon Clark portion from the General Electric/Shepherd Farm Site as listed on the National Priorities List. The notice will appear in the Federal Register on September 3, 1996, indicating a 30-day public comment period. A display ad will also appear in the Hendersonville Times-News and the Asheville Citizen announcing this proposed action and the public comment period. This letter is being sent out to all individuals on the Site's mailing list in the event one might miss seeing the notice in the Federal Register or the newspaper. A copy of this notice of intent to delete has also been placed in the information repository located in the Henderson County Public Library in Hendersonville.

Following the 30-day comment period, a response to comments received will be prepared. If no significant new data is submitted to change the request to delete the Seldon Clark property from the General Electric/Shepherd Farm Site, then the final deletion package notice along with a copy of the response to comments will be prepared and submitted to Headquarters. A notice will appear in the Federal Register stating that the deletion has occurred. A copy of the deletion notice will also be placed in the information

repository and newspapers, and a notice that the deletion is effective will be mailed to citizens on the Site's mailing list.

Chairman Kumor requested the Board review this notice and comment on it. She suggested that she send a letter stating Board approval as long as they have taken into consideration the public health and safety of the local community. Commissioner Edney asked for a letter from our Health Director stating that it is his opinion that this will not endanger public health, safety, or welfare of our citizens.

There was some question as to the exact location of the property in question. Chairman Kumor deferred any action until the exact location of the property is established.

Legislative Goals

The North Carolina Association of County Commissioners (NCACC) is soliciting proposed legislative goals to be pursued during the 1997 session of the North Carolina General Assembly.

The Legislative Goals Conference will be held January 9-10, 1997, at the Sheraton Hotel in Research Triangle Park.

There was brief discussion regarding pursuing some local legislation but none state-wide.

Land Transfer Tax

David Nicholson reminded the Board that the Board of Commissioners has talked for several years about a land transfer tax. He said that Haywood County is going this year to the General Assembly to ask that they be given the authority to levy it, should they wish to do so. This may be something that our Board wishes to consider doing also. There was some discussion about asking the NCACC to look at this on the state level as well as talking to local representatives.

Woodland Land Use

David Nicholson talked to the NCACC last month about woodland land use and they suggested that the Board also put that into their request for review. This Board wishes to have some type of land usage to protect mountain woodlands.

TAX AUDITS

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Robert Baird was in attendance to address questions that had been put before the Board of Commissioners. Commissioner Ward raised the question of individual audits of farmers who were asked to bring in tax returns for three years as well as state franchise tax returns, etc. He questioned that the tax audit was focusing on farmers.

Robert Baird tried to assure Commissioner Ward that they were not targeting farmers. He also answered some questions Mr. Ward had. He discussed residual value on farm equipment. Mr. Baird stressed that their objective is to be fair and equitable to all citizens in the county.

David Nicholson felt that maybe not enough advertising and public notification had been done to inform the public of the project before actually doing the audits.

NO-MANS LANDS in Henderson County

Rocky Hyder and Robert Baird were in attendance to address this add-on. Commissioner Edney raised the issue that the Board of Commissioners at budget time had wished to set up service districts. David Nicholson had not addressed this issue with staff as yet. Rocky Hyder and Robert Baird had some statistical information for the Board. Mr. Hyder gave two options regarding incorporating a No-Mans Land Tax at 8%:

1. To incorporate a fire tax protection district - it would require petitions with 2/3 of all the resident free holders in the area and would also require an election to be held.
2. Board of Commissioners to adopt a Resolution forming a county service district for this particular area. He stated that staff would need guidance based on what the Board's objectives and goals of taxing these particular residents may be. i.e. Is it to provide extra income for the departments that are currently providing protection to those areas or is it to provide a pool of money that can be distributed by a Board or Commission (such as the Fire Commission) to departments that have small tax bases.

David Nicholson mentioned one other option - to have a county-wide service district and do away with the individual tax districts.

Response to Board of Education re: Building Plans

The Board of Public Education had chosen seven school sites as priorities for construction or renovation. Following discussion, it

was consensus of the Board to support the top seven priorities. The Board also felt that there would be public support for the top seven priorities. There was much discussion.

The Board would like to get some long-term projections from the Board of Education regarding high schools. The Board of Education has addressed elementary school issues in the top seven priorities.

David Nicholson discussed financing/funding possibilities and how the School Bond will affect Henderson County if it does or does not pass. He also discussed time frames.

This Item Will Be Continued Following the Afternoon Work Session.

CLOSED SESSION

Commissioner Edney made the motion for the Board to go into Closed Session, as allowed under 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)(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 Edney made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

WORK SESSION - PARDEE HOSPITAL

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Angela Skerrett reviewed goals with the Board. These are the goals that the Board is looking for for Pardee, under a Little Authority:

1. Cap on debt?
 - debt requires county consult
 - personal property
 - real property - county approval
 - type of debt
2. Ownership
 - Little A - County
 - Big A - Pardee or County
3. Joint Venture
 - limitations - risk analysis
4. Form and deal with non-profits
 - limit type
 - limit relationship
 - build in accountability
5. Leasing from and to
6. Partnerships - only controlled under "Little A"
7. Build in reporting requirements
8. Provide indigent care
9. Periodic review of "Resolution"
10. Term limits for Board members
11. By-Laws, develop
12. Build in public input component
13. Name Henderson County as insured on all policies
14. Power of removal - serves at pleasure of Board of Commissioners
15. Fiscal Year alignment
16. Sunset?
17. Board Salaries/Expenses

Supplemental Salaries for Teacher Assistants

There was some question as to how the School Board interpreted action the Board of Commissioners took earlier. There were some concerns about the decision the Board of Commissioners made about supplemental salaries for teacher assistants.

The Board of Commissioners does not know the description of a teacher assistant, there are so many categories. They requested a list of who the school felt like were teacher assistants, job descriptions and numbers.

There was much discussion. David Nicholson informed the Board that what they really did was to create an unfunded mandate. It was the

consensus of the Board of Commissioners to revisit their former action after they receive additional requested information. The Board felt that they were answering the communities response - to put the money in the classrooms.

NOMINATIONS

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

1. Senior Companion Program Advisory Council of Land Of Sky - 1 vac.- At the last meeting Doris Groover was nominated but has not been voted on yet. Ms. Groover has since informed the Commissioners that her schedule will not permit her to serve on this Council. Her nomination was withdrawn.

There were no nominations at this time so this item was rolled.

2. Motor Vehicle Valuation Review Board - 1 vac.- There were no nominations at this time so this item was rolled to the next meeting.

3. Henderson County Industrial Facilities & Pollution Control Authority - 1 vac.- There were no nominations at this time so this item was rolled to the next meeting.

4. Mtn. Area Workforce Development Board - 2 vac.- The Chamber of Commerce had suggested two names. Chairman Kumor nominated Cindy Debabeh for reappointment and Roger Wellock for appointment. A vote will be taken at the next meeting.

5. Economic Development Committee - Chairman Kumor stated that it was recommended that Dr. Dave Sink be appointed to the Economic Development Committee at the meeting last night of that Committee. Commissioner Good nominated Dr. Sink. A vote will be taken at the next meeting.

Chairman Kumor informed the Board that they were approached by Melody Heltman, Joy Staton, and Matt Matteson as staff people who felt that they had background in Economic Development. They were assigned as staff support to the Economic Development Committee. Chairman Kumor also wrote a letter to Dr. Sink asking if he wished

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to appoint someone from his staff, such as John Boyd, to the Economic Development Committee as staff support to work with Melody, Joy and Matt. Dr. Sink suggests that because the Community College has such a high profile position with regard to Economic Development, that it might be more prudent to have Dr. Sink sit on the Committee as a member. The Community College plays a very visible role in Economic Development.

IMPORTANT DATES

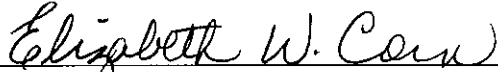
Chairman Kumor reminded the Board of a joint meeting tomorrow night at 5 p.m. with the municipalities. She also reminded the Board of a TIP meeting on October 22.

David Nicholson informed the Board of an invitation from Joy Staton for the Commissioners for December 3 at 5 p.m. at the Cooperative Extension Building.

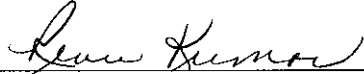
On November 20 we have scheduled a luncheon meeting with the Blue Ridge Community College Board of Trustees.

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

ATTEST:



Elizabeth W. Corn, Clerk



Renee Kumor, Chairman

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REQUEST FOR BOARD ACTION

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HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, September 18, 1996

SUBJECT: Budget Amendment

ATTACHMENTS: Yes

SUMMARY OF REQUEST:

Attached is a budget amendment to record the receipt of a Federal Grant for the Automated Fingerprinting System. This grant and match was included in the Fiscal Year 1995-1996 Budget. However, the final grant documentation was not received until this fiscal year. This makes it necessary to re-budget this grant and appropriate the fund balance for the match in this fiscal year.

COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUIRED:

Staff recommends that the Board of Commissioners approve this budget amendment. This amendment reappropriates both the grant and match for this fingerprinting system. This grant was approved by the Board of Commissioners during the prior fiscal year.

*Approved
9-18-96*

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**RESOLUTION REQUESTING AMENDMENT TO
STATE WATER SUPPLY WATERSHED PROTECTION MAP**

WHEREAS, the Environmental Management Commission has recently issued an interpretative statement setting forth its intent with respect to the delineation of protected areas for WS-IV water supply watersheds on the state water supply watershed protection maps where the intake is located directly in a stream or river (run-of-the river intakes); and,

WHEREAS, as a result thereof, the definition of "Protected Area" as found in the applicable provision of the North Carolina Administrative Code, has been clarified such that the ten (10) mile protected area for WS-IV water supply intakes located directly in a stream or river may be measured using ten (10) stream miles in lieu of ten (10) land miles; and,

WHEREAS, as a local government affected by such interpretative statement, it is the desire of the governing body of the County of Henderson that the watershed area over which it has jurisdiction be redefined and redrawn so as to reflect the interpretation above described.

NO THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners, that it desires the official state water supply watershed protection map for WS-IV classification run-of-the-river water supply intakes for the Upper French Broad River Watershed and in all areas over which the Henderson County has jurisdiction, (as prepared by the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources), be amended so as to reflect the interpretative statement as hereinabove described.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Division of Environmental Management as soon as practicable so as to inform the Commission of the provisions hereof.

DULY RESOLVED THIS 18th Day of Sept., 1996.

ATTEST:

HENDERSON COUNTY BOARD OF
COMMISSIONERS

Elizabeth W. Corn
Elizabeth Corn, Clerk to the Board

Renee Kumor
Renee Kumor, Chairman

APPROVED AS TO FORM:

Angela M. Skerrett
Angela Skerrett, Asst. Co. Mgr./ Staff Attorney

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