

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MARCH 6, 2008**

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 Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Deputy Clerk Terry Wilson, Finance Director J. Carey McLelland, Engineering and Facility Services Director Marcus Jones, Soil and Water Conservation Director Jonathon, Fire Marshal Rocky Hyder, Tax Assessor Stan Duncan and Research/Budget Analyst Amy Brantley.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

Four H County Council President Elizabeth McIlwain, accompanied by Four H Agent Denise Sherrill led the Pledge of Allegiance to the American Flag.

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**INFORMAL PUBLIC COMMENTS**

1. David Nicholson - Mr. Nicholson, previous County Manager, stated that in April of 1995 this community celebrated the opening of the brand new courthouse. Before that grand opening there was an official ceremony closing the old courthouse, currently the Historic Courthouse. As part of the closing the flags were lowered and Mr. Nicholson has been custodian since then. He presented the flags to the Commissioners and asked that the flags be used at the grand opening of the Historic Courthouse in April.
2. David Cook – Mr. Cook, executive director for Interfaith Assistance Ministry, was concerned at risk due to the lack of school nurses. He felt that from a risk management perspective, we are ambling with the health and safety of children in Henderson County Public Schools. He recommended that the County fund the collaborative efforts to incrementally add a minimum of one new school nurse position each fiscal year to our current school system, and ensure that school nurse stations and positions are included in the designs and staff support bases for all new school buildings that come on line in the future.
3. Clay Harris – Mr. Harris is the owner of Asheville Hobbies and Area 51 RC Grounds located in Mills River, NC. Because of the new Noise Ordinance he has been extremely affected in a couple of issues. He feels there is no difference between the dog kennel and the saw mill that were opened at the same time as his off-road radio controlled facility under the Open Use Zoning. They were grandfathered in and after all the laws were changed he was not. As a result of the new County Ordinance his radio controlled vehicle track, with no prior notice, has been effectively shut down causing a drop in sales and rendering valueless over 15,000 dollars that has been invested.
4. Fielding Lucas – Mr. Lucas was concerned about the “Governing Body” of the Hospital Corporation Board. He believed that public transparency and more attention paid to board member appointment are the proper precautionary actions the Board of Commissioners can take to avoid a HRMC like event here. He recommended the following:
  - Change the Bylaws to give the commission member a vote.

DATE APPROVED:

- If, as he has been told, the Bylaws indeed require a meeting format that effectively prevents public input and discourages public attendance then change the Bylaws. In any event require that the Hospital Board use the same meeting format as you use.
  - Request the County Manager establish a folder completely covering this Haywood experience for study and review by you and spend some time doing so. This history must not be repeated here.
  - Request the County Manager establish a set of reasonable qualifications for Hospital Board members to facilitate prudent selection of future members. Pardee is playing in a major league business, it deserves major league caliber players in all parts of its Governing Body...If they are to be held accountable they must understand and be fully ready to accept that accountability.
5. Linda Soble – Ms. Soble stated that on several occasions she had spoken with the Board in regards to increasing the County supplement for educators. Henderson County educators should be treated as well as those in neighboring counties. Ms. Soble had compared her pension to the pension of a Buncombe County retiree and found a difference of approximately \$125 per month. She asked the Board of Commissioners to include additional funds in the Henderson County Public School allotment for supplement increase.
  6. Barb & Brice Molton – Ms. Molton and her son wanted the Board to recognize the need for additional school nurses. Brice is a “juvenile diabetic.” They feel that there should be a nurse in every school. As a parent of a child with chronic medical condition, Ms. Brice stated it is good to know that, by law, our educators are required to be trained to deal with the many medical conditions that they may be faced with daily. It is unfair to those teachers to expect so much from them on top of the tremendous pressures they are already under to perform as educators.
  7. Bonny Cloud – Ms. Cloud’s daughter Christa has been diagnosed with Type 1 diabetes. She has been extremely blessed with good teachers who go out of their way to assist in taking care of Christa. Her child’s fourth grade experience was a nightmare. It was even suggested that she home school. The school’s need nurses, please make this a priority.
  8. Julia Donaghue – Ms. Donaghue is an Elementary School Counselor in Henderson County. School counselors are trained and obligated to meet social and emotional needs of students. No where in their preparation to be educators were they prepared to meet the medical needs of students. Teachers and staff in our schools spend a significant amount of time each day seeing that students receive proper medical attention for chronic illnesses and accidental injury because we don’t have an adequate number of school nurses. Teachers are concerned that they will be held liable for error and feel uncomfortable in providing such services.
  9. Bill Ramsey – Mr. Ramsey spoke in regards to the Sales Tax Distribution. The complexity of the hybrid method of distribution has left every municipality, all fire departments, and every citizen believing that some other town or group of citizens has some kind of advantage in the way taxes are distributed. We urge the Board to take decisive action tonight and possibly vote on a distribution method and make that method the ad valorem or real estate based method as that appears to be the method chosen by all but a handful of most the rural counties in North Carolina. The per capita method would likely result in a less favorable treatment for all of the citizens of Henderson County.
  10. Ronnie Pepper – Mr. Pepper is the director of Henderson County Head Start Centers. He was concerned with the lack of school nurses. The situation will not go away. Many of these children do not have any healthcare. Most of the parents work full-time and cannot spend part of the day in the classroom. “Please take care of our children.”
  11. Danette Wesson – Ms. Wesson is a kindergarten teacher at Etowah Elementary School. She felt that the teachers were “way over due” for an increase in their supplement. Henderson County is ranked 88 in the state in the relative effort of County appropriations for spending per student and is ranked 16 in property evaluations. Please consider the supplement increase.
  12. Julia Keyse – Ms. Keyse is a first grade teacher at Etowah. She feels that there is a great need for more school nurses. There are more medical problems in the school today than in the past. They have had emergencies where she was the only teacher in the classroom and had to leave the

other students unattended to take care of the emergency. Please take the need for school nurses into the budget preparation.

13. Diane Dotson – Ms. Dotson is a third grade teacher at Glen C. Marlowe Elementary School. In ranking of supplements paid across the state, Buncombe County is ninth, Asheville City is tenth and Henderson County is ranked forty-second. She provided a petition from the Henderson County Association of Educators which represented the majority of teachers in Henderson County. It stated, “We the undersigned educators at (with each school’s name) request that you take action to increase the supplement for educators for the FY 2008-2009 budget. Henderson County educators have worked too long without an increase. In order to maintain existing programs for students, we ask that sufficient funding be given to Henderson County Public Schools to guarantee an appropriate supplement increase to attract and retain highly qualified educators.”
14. Tammy Barnwell – Ms. Barnwell spoke in regards to the needs of the schools. She suggested the Board make a list and let the citizens choose the next item to be dealt with. We need to petition our state to allow more charter schools and have more flex quarter schools.

### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested that discussion item B (Water and Sewer Line Extension – Hillandale Elementary) and item D (Hillandale/Mills River School Bids) be switched. He also requested that item H (French Broad River MPO Update) be added to the agenda.

*Commissioner Messer made the motion to approve the agenda as amended. All voted in favor and the motion carried.*

### **CONSENT AGENDA**

*Commissioner McGrady made the motion to adopt the consent agenda. All voted in favor and the motion carried.*

### **Minutes**

Draft minutes were presented for Board review and consent approval of the following meeting:

February 18, 2008 special called meeting

### **Tax Collector’s Report**

Terry F. Lyda, Tax Collector, provided the Tax Collector’s Report for information only dated February 22, 2008.

### **Financial Report/Cash Balance Report – January 2008**

The Financial Report and Cash Balance Report for January 2008 were presented for the Board’s review and consent approval.

Non-Departmental costs include insurance premiums paid to date for Property and Liability insurance coverage and Worker’s Compensation costs. These costs are being allocated out to all departments on a pro rata basis during the fiscal year.

The YTD deficit in the Emergency 911 Communications Fund is due to the purchase of new recording equipment (\$45k) approved by the Board for the 911 Communications Center during the month of January.

The YTD deficit in the Crisis Housing Assistance Program (CHAP) Fund is due to the timing difference between the expenditure of Federal and State grant funds and the subsequent requisition and reimbursement of these expenditures.

The YTD deficit in the Mills River Elementary School and Hillandale Elementary School Projects include architectural fees and construction project services that have been paid on the projects to date that are

expected to be reimbursed from new school financing debt issued in FY2008. The County adopted a reimbursement resolution in the prior fiscal year to allow reimbursement from future financing proceeds for these two projects.

*Suggested Motion: I move that the Board approve the January 2008 County Financial Report and Cash Balance Report as presented.*

#### **Henderson County Public Schools Financial Reports – December 2007**

The Public Schools Financial Reports for December 2007 were presented for the Board's information and consent approval.

*Suggested Motion: I move that the Board approve the December 2007 Henderson County Public Schools Financial Reports as presented.*

#### **Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the period ended December 31, 2007**

G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Western Highlands Area Authority was presented for the Board's information and consent approval. The report was received by the County Finance Officer on February 19, 2008.

*Suggested Motion: I move that the Board approve the Western Highlands Area Authority Fiscal Monitoring report for the period ended December 31, 2007 as presented.*

#### **Surplus Property**

A resolution (Exhibit A) was presented for the Board's review and consideration declaring the list (Exhibit B) of vehicles and equipment no longer used by the County as surplus property. The resolution also authorizes staff to advertise for sale and dispose of this surplus property by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale. A copy of Exhibit A and Exhibit B are attached hereto and incorporated as a part of the minutes.

*Suggested Motion: I move that the Board approve the attached resolution declaring the list of property presented as surplus and authorizes Staff to sell the surplus property via electronic public action using GovDeals auction services.*

#### **Renewal of lease of Broadpointe floodplain/farmland**

Henderson County has leased the property next to Broadpointe Business Park to Wayne Carland for several years for farming purposes. Mr. Carland is again interested in renewing this lease.

This is the property donated to the County piece by piece when property is sold to businesses at the Park. The proposed lease is identical to last year's lease. In last year's lease, the annual rent was increased to \$1,950.00 from \$1,834.00.

Mr. Carland owns the only legal right of access to this property except via the river.

*Suggested Motion: I move that the Board approve the lease for 2007 with Wayne Carland as shown in the draft attached to this agenda item, and authorize the County Manager to execute the same on behalf of the County.*

#### **2008 Spring Litter Sweep Resolution**

The spring 2007 LITTER SWEEP roadside cleanup, organized by the NC Department of Transportation, will be taking place April 19 through May 3, 2008. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participation in local litter sweep activities.

*Suggested Motion: I move that the Board adopt the Resolution as presented designating April 19 through May 3, 2008 as LITTER SWEEP time in Henderson County.*

#### **Attestation Letter for Medicare Billing**

Due to an address change for the Health Department, a new application of 45+ pages is required to be completed in order to bill Medicare for Influenza vaccination services. During Medicare's edit of submitted form #855, all but three items were accepted. A letter attesting the relationship between the Henderson County Department of Public Health and the County of Henderson needs to be submitted on official County letterhead, rather than the letterhead of the Health Department. This letter is critical as partial fulfillment to get authorization for payment of services already rendered and for future reimbursement of Medicare approved services. For example, this year \$62,000 is an outstanding bill owed Henderson County by Medicare to cover the cost of Influenza vaccine.

*Suggestion Motion: I move that the Board approve a letter attesting a relationship between the Henderson County Department of Public Health and County of Henderson, and that the letter be signed by the Chair of the Henderson County Board of Commissioners and the County Manager, and that it will be included in the application process needed for Medicare reimbursement for services.*

#### **NOMINATIONS**

##### **Notification of Vacancies**

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

1. CJPP Task Force (Criminal Justice Partnership Program) – 2 vac.
2. Edneyville Community Plan Committee – 9 vac.
3. Fletcher Planning Board – 1 vac.
4. Henderson County Zoning Board of Adjustments – 1 vac.

##### **Nominations**

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

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

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

##### **2. Equalization and Review, Henderson County Board of – 6 vac.**

Commissioner McGrady nominated Dutch Burdette for position #2, Franklin Carland for position #6, and Vollie Good for position #7 by reappointment. *Chairman Moyer made the motion that the Board reappoint Dutch Burdette to position #2, Franklin Carland to position #6, and Vollie Good to position #7 by acclamation. All voted in favor and the motion carried.*

##### **3. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

##### **4. Industrial Facilities and Pollution Control Financing Authority – 3 vac.**

Commissioner McGrady nominated Arnold Sheldon for position #3, Diane Grant for position #4, and Jon Laughter for position #6 for reappointment. *Chairman Moyer made the motion that the Board reappoint Arnold Sheldon to position #3, Diane Grant to position #4, and Jon Laughter to position #6 by acclamation. All voted in favor and the motion carried.*

##### **5. Juvenile Crime Prevention Council – 6 vac.**

Commissioner McGrady stated that Karen Couch had retired and her position #7 was now vacant. The Department of Social Services recommended Jerry McFalls for position #7. *Commissioner McGrady made the motion to appoint Jerry McFalls for position #7. All voted in favor and the motion carried.*

**6. Mountain Valleys Resource Conservation & Development Program – 1 vac.**

Commissioner Williams nominated Drew Brannon for reappointment for position #1. *Chairman Moyer made the motion to accept Drew Brannon to position #1 by acclamation. All voted in favor and the motion carried.*

**7. Nursing/Adult Care Home Community Advisory Committee – 11 vac.**

Commissioner Messer nominated Donalee Wermeister for position #12 and Reva McClure for position #23 by reappointment. *Chairman Moyer made the motion that the Board accept Donalee Wermeister to position #12 and Reva McClure to position #23 by acclamation. All voted in favor and the motion carried.*

**8. Senior Volunteer Services Advisory Council – 1 vac.**

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

**9. Solid Waste Advisory Committee (SWAC) – 3 vac.**

Commissioner McGrady nominated James Phelps for position #2, Emily Anderson for position #5, and Tom McCullough for position #9 by reappointment. *Chairman Moyer made to motion that the Board accept James Phelps to position #2, Emily Anderson to position #5, and Tom McCullough to position #9 by acclamation. All voted in favor and the motion carried.*

**SALES TAX DISTRIBUTION**

County Manager Steve Wyatt stated that subsequent to the discussion at the last meeting the county had received notice in a letter dated February 26 from Mayor Johnson to Chairman Moyer that Laurel Park has voted to dissolve the interlocal agreement on sales tax distribution. He questioned the Board if this action negated the interlocal agreement for other jurisdictions. It was his understanding that when the agreement was reached it was with the understanding that it was everybody in or no agreement. Looking at the revenue loss using per capita method, based on the estimated \$27 million that would come in to the county the ad valorem method is favorable to the county. It is however a revenue loss; a loss of approximately \$846 thousand when you compare the agreement to the ad valorem. Under the per capita method it would be a loss in the approximate \$1.1 million range which is a substantial difference. These were monies that were factored in when we had the January discussions on the budget. Those revenues, based on how this plays out, will have to be adjusted. We are in mid-stream as far as budget preparation. This sales tax distribution method must be decided by April, 2008. We have attempted fairly quickly to lay out some options for the board as this is not inclusive. We were under the impression that the municipalities had basically agreed to at least a 1 year extension; perhaps there is the ability to approach them through the LGCCA to extend that and perhaps there is the opportunity to negotiate a different inter-local agreement. The Board was asked to consider, discuss and provide direction to Staff regarding any potential action that should be taken.

Chairman Moyer felt that the choice should wait until after the next LGCCA meeting on March 18, 2008. He thought when they left the last meeting that they had all agreed to continue it for 1 more year and that we would then start negotiating early in the fall period to try to work out some type of new position and give everybody time to adjust their budgets, prepare for it and have a thorough examination of all these options. We now have to do this on an expedited basis, unless the municipalities decide to stay in it 1 more year. Based on his discussions with Henry Johnson at Laurel Park, they seem to want to stop right now. It would be appropriate to defer this until the next meeting after the LGCCA meeting. He asked Finance Director Carey McLelland if the \$27 million stated by the County Manager was still a good figure to use for what they are doing now based on the latest information that he has available.

Finance Director Carey McLelland stated that he felt confident with the figure of \$27 million.

**HILLANDALE/MILLS RIVER ELEMENTARY SCHOOLS BIDS**

County Manager Steve Wyatt stated that Jimmy Wilhide of Moseley Architects and Ervin Bazzle, Chairman of Board of Education were both in attendance. During a business meeting on February 28, 2008, the Henderson County Board of Public Education approved 1) a recommendation for the funding of two single prime construction contracts for Hillandale Elementary School and Mills River Elementary School and 2) a Memorandum of Understanding to permit for the financing of the projects through issuance of Certificates of Participation. You have looked at the total cost of the project, \$33.7 million, which would include the FF&E (\$575,000 per school) and the ability to develop a cost per student cost per core capacity. A lot of time and attention was spent on this issue recognizing how important and substantive this issue is both short term and long term for the community.

Bids for the two (2) seventy hundred twenty-two (722) student, 800 core capacity school at Mills River and Hillandale have come in. The project included furnishings, fixtures and equipment. It also includes some unforeseen additional site work and some DOT requirements. The total project cost based on the bids and including site is just under \$30 million (\$29,978.00). The cost per student because of larger capacity and a larger core at that cost are different. It is approximately a \$20,761 cost per student and \$18,736 cost on core capacity. Mr. Wyatt felt that we are at a point now where the approval of these schools is timely. He recommended that the Board go ahead with the approval of those school projects based on the results of the bids.

Chairman Moyer felt that renegotiations had been done and he was uncomfortable with the fact that there was a difference of \$500,000 for the exact same schools. He had hoped for an answer to the difference at this meeting so that the Board would be in a position to get the 2 bids close together.

Mr. Jimmy Wilhide stated that there were some things at Hillandale they are looking to work on from a value engineering standpoint. They were not able to get this done before this meeting.

Steve Wyatt quoted Jimmy Wilhide stating that the information he got from Mr. Wilhide was that these were "tight bids" and that if there was money to be negotiated it would have a minimum impact. But where our conversation then went was the \$820,000 in contingency funds. The key to the economics of these projects is going to be management of those contingency funds. Different ways to manage those contingency funds were discussed because they were substantial. My Wyatt reiterated that Mr. Wilhide felt like that any negotiation with the contractor would be well below anything that would be able to be a cost savings realized by staying on top of the contingency issue.

Mr Wilhide stated that there is no way they can get \$500,000 out of Hillandale. The point of the second bid for Mills River is that the numbers were out there and more contractors wanted that work. That's why we realized that savings. It was a strategic bidding scenario that got Mills River to that point. This doesn't mean that Hillandale is not a good deal.

Chairman Moyer asked Chairman of the School Board Irvin Bazzle: "On the NCDOT road work for Mills River, are we not filing an application to get that money back"?

Chairman Bazzle responded yes they are but there is a time lag in there and that there is no guarantee that we will get it all back.

*Commissioner McGrady made the motion that the Board approve the Mills River and Hillandale Elementary School project bids for a total cost of \$29,978,165. No vote was taken.*

Chairman Moyer stated with respect to the motion he was still concerned about the Hillandale bid and if the motion did not pass he would move that the Board approve Mills River and Hillandale, with Hillandale not to exceed \$11,700,000 which only gets it down less than half way closer to Mills River. He was also

uncomfortable with the fact that the bid was brought down under \$30,000,000 by reducing contingencies significantly. This is not value engineering or cost saving, it is just taking it out of contingency.

Commissioner Young felt that if the bid was under \$30,000,000, it could be done without a tax increase.

Chairman Moyer did not feel that these schools could be built without a tax increase.

*Commissioner McGrady made the motion that the Board table action on the school bids until the next meeting to allow time to further negotiate the bid.*

County Manager Steve Wyatt stated that at the January retreat strategies were discussed and he believed it was the consensus of the Board that for FY 2008-09, the county would do some substantial belt tightening all the way around to enable us to fund this debt service on these facilities without a property tax increase in that year. This is dependant upon other decisions the Board makes throughout the year. He stated that we had heard several substantial requests for money at the beginning of this meeting and there will be other issues that come throughout the process. Contingent upon other decisions in FY 2008-09 we can develop a proposal for the Board that maintains the same tax rate. We are however adding an on-going seventeen and a half year on-going cost without a funding source that marries up to that through that period of time. There have been discussions about the sales tax referendum; the potential of 1.9 to 2.2 or whatever that would be. Those are decisions the voters will make down the road. Our commitment is for FY 2008-09 contingent upon other things. It is doable in FY 2008-09.

Chairman Moyer reminded everyone that the workshop was held before Henderson County lost \$850,000 in sales tax. We must make up 2/3 of a cent there somehow in the budget. He reminded the Board of the motion to table the action by Commissioner McGrady.

It was the consensus of the Board that the discussion of holding the tax rate was for the FY2008-09 only. *All voted in favor of tabling any action on this item and the following two (2) items to the next meeting.*

#### **MEMORANDUM OF UNDERSTANDING WITH BOARD OF EDUCATION**

This item was rolled to the next meeting.

#### **WATER AND SEWER LINE EXTENSION – HILLANDALE ELEMENTARY**

This item was rolled to the next meeting.

#### **ENHANCED AGRICULTURE DISTRICTING**

Soil and Water Conservation Director Jonathan Wallin stated that the members of the Henderson County Agricultural Advisory Board request that the Henderson County Board of Commissioners establish Enhanced Voluntary Agricultural Districts for Henderson County by authorizing the Henderson County Agricultural Advisory Board to develop a draft Enhanced Voluntary Agricultural Districting ordinance for Henderson County, to be presented to the Henderson County Commissioners at a later date. This would be a step above what we currently have which is the Voluntary Agricultural Districting program.

Two benefits that a landowner would see if this program were in place are that they would be eligible for a higher percentage of cost through the North Carolina Agriculture Cost Share Program. It would raise the percentage from 75% to 90%. State agencies, departments, and institutions would give priority to landowners that would be involved with this program for grants if they applied. They also receive up to 25% of their gross income from the sale of non-farm goods and still are classified as a farm.

The landowner would be required to have a conservation plan and they would be required to sign a conservation agreement for ten years stating that this property would remain in agriculture for the life of the ten year contract. This cannot be revoked and will be attached to the deed. After the ten year process they could opt out or it can be renewed for a possible 3 additional years.



*Commissioner Mark Williams made the motion that the Board authorize the Henderson County Agricultural Advisory Board to develop a draft Enhanced Voluntary Agricultural Districting ordinance for Henderson County, to be presented to the Henderson County Commissioners at a later date. All voted in favor and the motion carried.*

**PUBLIC HEARING – DRAFT FINANCING DOCUMENTS FOR HILLANDALE, MILLS RIVER, AND DANA ELEMENTARY SCHOOL CONSTRUCTION**

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

Chairman Moyer stated that the purpose of this public hearing to hear comments on the financing documents and only the financing documents proposed to finance the cost of construction of the new Hillandale and Mills River Elementary Schools and Phase II construction and renovation of facilities located at Dana Elementary School required by the State of North Carolina when entering into an installment purchase contract for bank financing pursuant to N.C.G.S 160-A-20(g). The notice of the public hearing was published once at least 10 days before the hearing. This notice was duly advertised in the Times News, located in Hendersonville, NC, on Saturday, February 23, 2008.

Finance Director Carey McLelland presented the Clerk with the Publisher's Affidavit of the notice of the hearing. He stated that the draft documents were available for inspection by the public in his office and on the county's website.

**Public Comment**

There was none.

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

*Commissioner McGrady made the motion to approve the resolution of the Board of Commissioners of the County of Henderson, North Carolina, approving the installment financing of the acquisition, construction, renovation and equipping of elementary school facilities and making certain findings and determinations in connection therewith. Commissioner Messer seconded the motion. All voted in favor and the motion carried.*

**CONDITIONAL ZONING OF COUNTY PROPERTY – 234 FOXWOOD DRIVE**

Fire Marshal Rocky Hyder stated that Henderson County Emergency Services would like to utilize the large metal building located at 234 Foxwood Drive for storage of emergency supplies and materials such as sandbags, mobile kennel supplies, etc. The property is currently zoned for residential use and would therefore require rezoning for governmental use. Using the conditional zoning process, allows the County to address potential concerns of neighboring property owners. This property is located adjacent to the Henderson County landfill but is accessed off of Foxwood Drive. It is zoned residential. This has been referred to as the "trace barn."

*Commissioner McGrady made the motion that the Board request the Planning Director to develop a conditional use zoning request for County property located at 234 Foxwood Drive. All voted in favor and the motion carried.*

**ICE (IMMIGRATION AND CUSTOMS ENFORCEMENT) PROGRAM FOLLOW-UP**

Chairman Moyer stated that at the legislative conference in Washington, DC an opportunity was given to talk to a number of people, including Gaston County, where they are involved in the ICE program. The general feeling of the program is that it's affective and it is working. There were some issues with the training and if

4 weeks of training would be sufficient. Everyone that Chairman Moyer had spoken with said that the training was very thorough, very effective and that the training was not really an issue.

Captain Cochran stated that he and the Sheriff would be at a meeting the following Monday afternoon with the representative of ICE. Discussions were held in regards to the charge for each inmate being held.

The contract can be terminated by either party (Federal Government or Henderson County) at any time.

Chairman Moyer suggested that if the Board had questions, Sheriff Davis and Captain Cochran would come back at the next meeting and action could be taken at that time.

#### **FRENCH BROAD RIVER MPO (METROPOLITAN PLANNING ORGANIZATION) UPDATE**

Commissioner McGrady brought to everyone's attention that over the last several months the French Broad River MPO, which is the regional planning unit that works under federal and state law on transportation planning, has been considering moving its staffing which has always been with the City of Asheville. They will possibly be relocated to the Land-of-Sky Regional Council. The end result is that the City of Asheville, Land-of-Sky, and the French Broad River MPO have now all unanimously decided that we are going to move the staffing of the MPO from the City of Asheville over to Land-of-Sky Council. Commissioner McGrady is in agreement with this decision. This is good for policy reasons and the right reason financially. The RPO (Regional Planning Organization) and the MPO will meet together so that one County Commissioner for each county can be there for both meetings simultaneously. One of the actions that will need to be taken in order for this to take place is for the Board of Commissioners to sign a memorandum of agreement between all of the governments in the next couple of months. This would likely be a consent agenda item.

#### **COUNTY ATTORNEY'S REPORT**

There was nothing further at this time.

#### **COUNTY MANAGER'S REPORT**

There was nothing further at this time.

#### **IMPORTANT DATES**

##### **Set a date for the NCDOT Public Hearing on Secondary Roads**

*Commissioner McGrady made the motion that the Board set a public hearing for NCDOT on Secondary Roads for April 23, 2008 at 10:00 AM at 1 Historic Courthouse Square. All voted in favor and the motion carried.*

#### **CANE CREEK WATER & SEWER DISTRICT**

*Commissioner Messer made the motion that the Board adjourn as the Henderson County Board of Commissioners and convene as the Cane Creek Water & Sewer District. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board adjourn as Cane Creek Water & Sewer District and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.*

#### **CLOSED SESSION - cancelled**

#### **ADJOURN**

*Commissioner McGrady made the motion to adjourn at 10:34 am. All voted in favor and the motion carried.*

Attest: