

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 7, 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, Communications Officer Pam Brice, Associate County Attorney Sarah Zambon, Tax Assessor Stan Duncan, Planner Matt Cable, Property Addressing Coordinator Curtis Griffin and Research/Budget Analyst Amy Brantley.

Absent was: Assistant County Manager Selena Coffey.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. He announced that this meeting would not be taped for Channel 11 because the recording equipment was broken. We have not been able to get it fixed yet but the meeting will be held. This would be our last official County Commissioners meeting in the building at 100 N. King Street. The meeting will be moved over to the Historic Courthouse making use of that facility starting with their meeting on April 16, 2008.

PLEDGE OF ALLEGIANCE

Brianna Gover with Run Abouts 4-H Club led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Mike Reed – Mr. Reed was present on behalf of residents of Cobblestone Village regarding the possibility of bringing water to the development. He and his wife are the only residents of Cobblestone at this time. He requested that city water be brought out to the development. They drilled a well and got water and even though they were the only residents of Cobblestone the iron in the water was so bad that it is staining everything in the house.
2. Tom Christ - Mr. Christ was with the Western North Carolina Manufacturers Housing Association. He urged the Board to follow some of the guidelines that they put forth in the past; rescinding the 4/12 restriction especially on singlewides and doublewides where HUD houses are presently legal. They would also like the Board to take a look at some of the other issues that are still on the table as far as allowing HUD houses with certain restrictions and architectural guidelines to be allowed in R1 and R2. For those already living in manufactured housing they urged that the Board not have any other restrictions to houses that are already placed and being occupied in Henderson County. For instance if someone lives in an older singlewide, that's a HUD code singlewide, that has to be moved within the county they request that the Board don't require them to have vinyl and shingle because this will make their living quarters useless if they have to move.
3. Joe Belcher – Mr. Belcher is with CMH Homes, Inc., the largest provider of manufactured housing in the county. Burcher Hatheway Company, owned by Mr. Warren Buffet, purchased their company 5 years ago because of his interest in their industry and what they provide to this country, affordable housing. They have the opportunity to provide affordable housing to Henderson County as an option for those who choose to reside in an affordable home from 1200

DATE APPROVED:

to 2000 square foot which they can own for less than \$50 per square foot. This is factory built housing which confuses most people. The Board had been provided with a packet of information in regards to the manufactured housing.

4. Anna Melendez – Ms. Melendez works at the Department of Social Services. Her daughter Tiana attends Hillandale Elementary. She moved to Henderson County a year and a half ago and was not aware that there wasn't a full time nurse in each school until her daughter needed the assistance of one. Her daughter has been diagnosed with Laryngospasm, a condition where the throat closes up and she passes out. She feels that if the children had a full time nurse, it would alleviate much of the burden of medical care that school personnel are not equipped to deal with. School nurses are an essential part to our student's success. She asked the Board to make this a priority as we need more school nurses.
5. Diane Dotson – Ms. Dotson is a third grade teacher. She stated that Henderson County ranks forty-second in the state as far as per pupil appropriation in funds. This is a drop from thirty-five last year. We spend two hundred dollars less per pupil in this county. We are eighty-eight in the state in providing for our students. We are twelfth in being able to provide for our students. She asked that the Board fund the school budget fully this year so that schools would have nurses and the teachers will have a supplemental pay increase which will enable us to be competitive with neighboring counties in recruiting and obtaining good teachers.
6. John Humphrey – Mr. Humphrey lives on Leslie Way off Sugarloaf Road and spoke in opposition of Commercial Map #4. They are unhappy with the idea that there will be a commercial development at the end of their subdivision which will cause noise runoff and congestion. The existing commercial use now is neighborhood friendly. They feel that the package that has been presented should be rejected and resubmitted in a different form that better suits the neighborhood.
7. Fielding Lucas – Mr. Lucas spoke in regards to the Pardee Hospital Board. He stated that in a few months the Board of Commissioners would be looking at the current members of the Board and making decisions of who would be serving for the next three years. Fulfilling those responsibilities effectively requires a thorough knowledge of how an institution works and a sincere commitment to the institution's mission. He recommended that the Board throw out the current file of Board applications and start all over again. He further recommended establishing a sub-committee of the Board of Commissioners and one member of the Hospital Board to put together a set of qualifications of the job.
8. Jeff McCrain – Mr. McCrain spoke in regards to water service being provided to Cobblestone Village. He had never suspected wells to be a problem in Cobblestone. After drilling three dry wells last April in separate location, he knew they had a problem. The developer has begun to look at options to resolve the situation. Even with the best planning the unexpected can always be uncovered. He was in favor of water being brought to Cobblestone Village.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer stated that there were several people in attendance in regard to the Water Line Extension for Cobblestone. He requested that Jack Tate, council for Cobblestone Village, come to the podium and speak.

Water Line Extension – Cobblestone Village

Attorney Jack Tate stated a lot of people were present regarding Cobblestone Village and his client had been collecting signatures on a petition in favor of the water extension. Mr. Tate provided the petition to the Clerk to the Board and asked the Board to delay a decision on the request so that other options could be explored. They have considered the possibility of a community well. He asked the Board to consider a delay or at least the vote and allow whoever is present to speak.

Chairman Moyer responded that he felt the Board should allow Mr. Tate more time to look at this and felt until the Board could see what they had come up with or work out as a possible solution he would rather hold off people comments until they see the proposals. He suggested delaying comment until after the final

proposal was made. This item would be back on the agenda as soon as notification is received from Mr. Eli or his attorney and all information received prior would be kept.

Proposed Commercial Map Amendment #4

Chairman Moyer stated that under Commercial Map Amendment #4, there had been comment during public input. He requested attorney Sam Neill come to the podium and speak. Mr. Neill was not present. Chairman Moyer said that Attorney Sam Neill on behalf of the people involved had contacted him (Chairman Moyer) today and said that they were trying to work out a solution with respect to how large this would be, which properties would be included. They were unable to get this completed for today's meeting. Mr. Neill had asked also that the Board not take any comment or action on this item until they came up with a proposal. At the time they come up with a proposal there will be an opportunity for public comment. Chairman Moyer requested that Commercial Map Amendment #4 be deferred to another meeting.

He further stated that in respect to the agenda he added under closed session, a personnel matter to deal with and would add appropriate wording at that time.

Commissioner Williams made a motion that the Board of Commissioners approves the agenda as modified. 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 meetings:

- February 4, 2008 Regularly Scheduled Meeting
- February 20, 2008 Regularly Scheduled Meeting

Tax Collector's Report

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated April 1, 2008.

Financial Report/Cash Balance Report – February 2008

The Financial Report and Cash Balance Report for February 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) for the 911 Communications Center and the delay from the legislative change effective January 1, 2008 in the State collecting and distributing 911 surcharge back to the County.

The YTD deficit in the Lewis Creek Restoration Project 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 will be reimbursed from new school financing debt expected to be issued in the current month (April).

Suggested Motion: I move that the Board of Commissioners approve the February 2008 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – February 2008

The Public Schools Financial Reports for February 2008 were presented for the Board's information and consent approval.

Suggested Motion: I move that the Board of Commissioners approve the February 2008 Henderson County Public Schools Financial Reports as presented.

EMS Accounts Receivable Report

The EMS Accounts Receivable Report for the period ending March 31, 2008 was presented for the Board's information and consent approval.

Suggested Motion: I move that the Board of Commissioners approve the EMS Accounts Receivable Report 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 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.

Tax Refunds

A list of nine (9) refund requests was presented for approval by the Board of Commissioners.

Tax Releases

A list of thirty-two (32) release requests was presented for approval by the Board of Commissioners.

Sewer Line Extension (Offsite) – Hillandale Elementary/Flat Rock

The City of Hendersonville has requested that the County comment on the proposed offsite sewer line extension for Hillandale Elementary and Flat Rock Middle Schools. The sewer line is approximately 1,840 linear feet and will replace the existing sewer line servicing the Hillandale Elementary School to the east, along Blue Ridge Road. The project's location within the urban services is consistent with the Henderson County 2020 Comprehensive Plan.

On March 19, 2008 the Board of Commissioners approved an onsite sewer line extension for Hillandale Elementary. This application is for an offsite sewer line extension; a City of Hendersonville Project Summary Sheet, with backup documents and County Review Sheet with Staff comments were provided for Board review and action.

Suggested Motion: I move the Board approve the Hillandale Elementary and Flat Rock Middle School sewer line extension and direct Staff to convey the County's comments to the City of Hendersonville.

Text & Map Amendments to the Henderson County 2020 Comprehensive Plan (CCP) & Chapter 200A, Land Development Code (LDC) (Recommendations with Staff, Technical Review Committee, and Planning Board Support and no public opposition)

On Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to the Henderson County 2020 Comprehensive Plan (CCP) and Chapter 200A, Land Development Code (LDC). As per the Board's request, the proposed amendments that had no disagreement

between the recommendations of the Technical Review Committee, Planning Board and Staff, and no opposition from the public were provided. These proposed amendments are ready for the Board to take action on.

Suggested Motion: I move that the Board find that the proposed amendments are consistent with the recommendations of the County Comprehensive Plan and, I further move that the Board approve the attached proposed text and map amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code and Official Zoning Map.

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) – 1 vac.

Nominations

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

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

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

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

Commissioner Messer nominated Keith Honeycutt for position #12. *Chairman Moyer made the motion that the Board accept Keith Honeycutt to position #12 by acclamation. All voted in favor and the motion carried.* Chairman Moyer nominated Cheryl Modlin for position #9. *Chairman Moyer made the motion that the Board accept Cheryl Modlin to position #9 by acclamation. All voted in favor and the motion carried.*

- 3. Edneyville Community Plan Committee – 10 vac.**

Commissioner Williams asked if the Planning Board Liaison position would be a voting position. Commissioner McGrady stated that with the Etowah Horse Shoe Communities Planning Committee the Planning Board Liaison was not only a voting member but the Chair of the committee. Commissioner Williams nominated Gary Griffin for position #1 and for Chair, Stacy Rhodes for position #2, June Barnwell for position #3, Harvey Nix for position #4, Fred Pittillo for position #5, Leca Harris for position #6, Jeff Nix for position #7, Elizabeth Enloe for position #8, and Kay Dalton for position #9. *Chairman Moyer made the motion that the Board accept all nine (9) positions and the appointment of Chair by acclamation. All voted in favor and the motion carried.*

Commissioner Williams nominated Katrina Newton for position #10, City of Hendersonville Representative, a non-voting member. *Chairman Moyer made the motion that the Board accept Katrina Newton to position #10. All voted in favor and the motion carried.*

- 4. EMS Quality Management Committee – 19 vac.**

Chairman Moyer stated that the following positions were willing to be reappointed: Position #1 Crit Harley, #2 Evelyn Russell, #3 Terry Layne, #4 Greg Gore, #5 Dr. Thomas H. Lacy, #6 Dr. DeWayne Butcher, #7 Judy Lathrop, #8 Rocky Hyder, #9 Myra Lisa Epley, #10 Rick Livingston, #12 Mike Crosby, #15 Gayle Sams, and #17 Jay Alley. *Chairman Moyer made the motion that the Board accept the nominations by acclamation. All voted in favor and the motion carried.* Commissioner McGrady nominated Karen Owensby for position #16 as the Parkridge Designee. *Chairman Moyer made the motion that the Board accept Karen Owensby to position #16. All voted in favor and the motion carried.*

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

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

- 6. Henderson County Planning Board – 3 vac.**

Commissioner Messer nominated Stacy Rhodes for position #5 and Tedd Pearce for position #6. Commissioner Young nominated Suprina Stepp for position #8. Commissioner McGrady nominated Collette Summitt for position #8. *Chairman Moyer made the motion that the Board accept Stacy Rhodes to position #5 and Tedd Pearce to position #6 by acclamation. All voted in favor and the motion carried.* Chairman Moyer rolled position #8 to the next meeting and the Board would be polled at that time.

7. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

8. Juvenile Crime Prevention Council – 6 vac.

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

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

Chairman Moyer stated that the Chair of the committee recommended Mark Haines for position #11 he further nominated Mr. Haines for position #11. *Chairman Moyer made the motion that the Board accept Mark Haines to position #11 by acclamation. All voted in favor and the motion carried.*

10. Senior Volunteer Services Advisory Council – 1 vac.

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

11. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

Commissioner McGrady nominated Madeline Royes for position # 2 by reappointment. *Chairman Moyer made to motion that the Board accept Madeline Royes to position #2 by acclamation. All voted in favor and the motion carried.*

HENDERSON COUNTY HISTORIC COURTHOUSE PROCLAMATION

A joint Proclamation by the Henderson County Board of Commissioners and City Councils of Hendersonville, Laurel Park, Fletcher, and Mills River was presented proclaiming the Henderson County Courthouse rededicated as the county seat of Henderson County and the repository of the record of the historical heritage of the County. Chairman Moyer read the proclamation and a copy is attached hereto and incorporated as a part of the minutes.

Chairman Moyer noted that the rededication of the Historic Courthouse would be held on April 11, 12 & 13. It will begin at 2:00 pm on Friday with a ribbon cutting, a time capsule and music by East Henderson High School Band. He recommended that everyone bring a chair and an umbrella. Elizabeth Dole was to be a speaker but due to the recent death of her brother she was not sure if she could attend. On Sunday a Veteran's Honor Walk will be held with a rededication of the monuments and several churches will be providing the music.

Chairman Moyer made the motion that the Board adopt the Proclamation jointly proclaiming the Henderson County Courthouse rededicated as the county seat of Henderson County and the repository of the record of the historical heritage of the County. All voted in favor and the motion carried.

MAINTENANCE OF EFFORT (MOE) FUNDING REQUEST

Steve Wyatt stated that Families Together, Inc. and Henderson County Department of Social Services request seed money to fund a collaborative service for abused and neglected children. They are asking approval of 6-month MOE funding in the amount of \$70,000.

Timely access to and use of mental health services for abused and neglected children removed from the home, or at high risk of removal, is difficult to achieve. The number of children removed from the home has increased. County Social Services is mandated to provide or arrange services to prevent removal or return the removed child. The mission of Families Together, Inc. is to keep families intact. Mental health services

to abused and neglected children/parents are a priority target group in the NC Mental Health Plan. Collaborative funding and key outcome highlights were provided.

The Board of Commissioners is obligated through the States program of mental health reform to spend the same level of funding before and after reform. The County budgets \$529,224 per year. The remaining funds available for allocation are \$140,944. These are restricted funds that cannot be spent for debt service on a facility or to hire a sheriff's deputy unless perhaps it was to do with a mental health issue. There have been discussion with other folks based on amounts that were not funded in previous applications that total about \$49,304.

**MAINTENANCE OF EFFORT FUNDS
FUNDING SUMMARY**
Funds available for allocation in FY08 = \$529,224

<u>Agency</u>	<u>Original Request</u>	<u>Amt. Appropriated on 11/5/07</u>	<u>Difference</u>
Appalachian Counseling	\$175,000	\$90,000	\$85,000
Community Health Network	\$50,000	\$50,000	\$0
Henderson County Health Department	\$43,280	\$43,280	\$0
Mainstay Inc.	\$25,000	\$25,000	\$0
Parkway Behavioral Health	\$40,000	\$20,000	\$20,000
Sixth Avenue Psychiatric Rehabilitation	\$175,000	\$90,000	\$85,000
The Free Clinics	\$45,000	\$45,000	\$0
Pharmaceutical fund (agency to be determined)	\$25,000	\$25,000	\$0
Total	\$578,280	\$388,280	\$190,000

Additional FY08 funding requests to date:

Families Together Inc. \$70,000
Henderson County Health Department \$21,640

Remaining funding allocation possibilities:

Appalachian Counseling \$20,000
Parkway Behavioral Health \$ 9,304
Sixth Avenue Psychiatric Rehabilitation \$20,000

Chairman Moyer stated one condition taken into consideration is a detoxification unit at the hospital and another condition was counseling positions in the schools.

County Manager Steve Wyatt had attended a mental health meeting the prior week. We are now operating under a grant from Western Highlands Mental Health network for the detoxification unit and this is being preserved with a December 1 closing time. Both the Western Highlands Mental Health staff and the Pardee staff are looking at a long term approach that would not only include a detoxification unit but perhaps a crisis stabilization unit.

Director for Department of Social Services Liston Smith and Dan Zorn, Chief Officer and owner of Families Together, a private agency spoke in regards to the request. Mr. Smith stated they were asking for seed money. The collaborative of 2 staffs will be working together. There will be an outpost of folk, a person with our social worker at DSS from Families Together both sharing a mission to serve a priority target group of high risk abused and neglected children for use of both state mental health funds and county and state

funds. Mr. Smith feels that within the next eighteen months they will be able to replace 80–100% of the funds with other funds.

Two programs will be funded over a 6 month period; a Crisis Intervention Intake Assessment person would be on site at DSS and the Intensive in Home Program. They are looking at timely access and quality services to children who are either at imamate risk of being removed from their home or needs to be returned home if they can be returned home safely. As outcome they would like to see 100% of referrals being accepted by the mental health provider which has been unheard of in Henderson County in the last 5-6 years. They would like to see 80% of the assessments to be started within 7 days. They are looking for assistance with timely authorizations for pending insurance, value options, and different funding streams.

After lengthy discussion *Commissioner McGrady made the motion that the Board of Commissioners approve the MOE funding in the amount of \$70,000 for the collaborative between Families Together Inc. and the Henderson County Department of Social Services to serve abused and neglected children as outlined. The vote passed 4-1 with Chairman Moyer voting nay.*

PARTNERSHIP FOR ECONOMIC DEVELOPMENT PRESENTATION

Chairman Moyer noted that this item was pulled and will be rescheduled to the April 16, 2008 meeting.

MAP AMENDMENTS TO CHAPTER 200A, LAND DEVELOPMENT CODE (LDC) OFFICIAL ZONING MAP AND HENDERSON COUNTY 2020 COMPREHENSIVE PLAN (CCP) WITH PUBLIC OPPOSITION

Planning Director Anthony Starr stated that most of the amendments were approved with the consent agenda. On Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to the Henderson County 2020 Comprehensive Plan (CCP) and Chapter 200A, Land Development Code (LDC) and Official Zoning Map. As per the Boards request, the proposed map amendments that the Board received public comment in opposition were provided. The Future Land Use Map is included because some of the zoning map decisions may affect the designations on the Future Land Use Map. The last two maps with the Comprehensive Plan and Growth Management strategies and the Future Land Use Map did not have opposition or discussion between Staff, Planning Board or from the public but the Board's decisions on the rezoning have possible impact on those two maps. They were not included in the consent so that whatever decision was made they could be adjusted accordingly.

Residential Map Amendment #2

This is the Vogel property in Hidden Hills area and is currently zoned R3 and is bordered by R2 on the north, west and south. The Board had requested information about the slope and the Planning Board does not support Staff's position, providing a favorable recommendation to rezone the Subject Area from R3 to R2 due to the steep slope with a 7 to 0 vote. This parcel is on the border between the two districts and it is a judgment call as to how the Board wishes to handle it, one could make a case for either district. There is no water and sewer for this site.

Commissioner Messer made the motion that the Board support the request from R3 to R2 as requested. All voted in favor and the motion carried.

Commercial Map Amendment #1

This is Highway 64 East just past Fruitland Road where North Henderson High School is located. There was public opposition for this request to go to LC (Local Commercial). Our current Comprehensive Plan which was adopted in 2004 did identify this area as a community service center node. Based on that and the fact that the City of Hendersonville already has some properties zoned commercial directly across the street between this site and Wolfpen neighborhood, Staff recommended approval as did the Planning Board.

Commissioner McGrady made the motion that the Board support the Planning Board's recommendation to rezone this area from R2MH to LC (Local Commercial). All voted in favor and the motion carried.

Commercial Map Amendment #4

This item was pulled from the agenda.

Commercial Map Amendment #5

This is a request from current district of R2MH (Residential 2 Manufactured Housing) to LC (Local Commercial) from Mr. Flaughn Lamb. This is the Orchard Trace Golf Course property. Staff did not support this request because there was no current node designated by our Comprehensive Plan for this area to be commercial. The fact that the current golf course is allowed in the current zoning district and if it is changed we would designate a community service center at this location causing possible opportunity for other commercial zoning requests in the immediate vicinity. There was opposition at the hearing. Although the Subject Area may be suitable for commercial development, Staff recommends further study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map. Proper notification was given to adjoining property owners.

Commissioner McGrady made the motion that the Board support the Planning Board's decision to rezone the subject property from R2MH to LC (Local Commercial). The vote passed 4-1 with Commissioner McGrady voting nay.

Comprehensive Plan – Growth Management Strategy

Planning Director Anthony Starr stated that the Board asked staff to look at some potential expansion areas when we adopted the LDC so this has been done. The proposed changes as well as the Future Land Use map were provided to the Board. Some additional commercial nodes were added to reflect the zoning that was adopted in September of 2007 as well as the ones the Board is considering now. If the Board plans to wait until Commercial Map Amendment #4 to make that decision it might be best to hold these two maps off until that time as well. There were three new issues that were brought up at the public hearing and one was the rezoning of four (4) properties along US Highway 25 North from CC (Community Commercial) to (RC) Regional Commercial. These parcels were originally open use and they were zoned to neighborhood commercial and highway commercial in 2005 and converted over to community commercial with the LDC adoption.

This item would be addressed at a later meeting.

COUNTY ATTORNEY'S REPORT

There was nothing further at this time.

COUNTY MANAGER'S REPORT

The County Manager briefly updated the Board that a lot of folks have contributed to the achievements coming up this week. A lot of last minute details and work have been done. He recognized Communications Officer Pam Brice and stated she had been working feverishly to make sure the event would be something everyone is proud of. She has done a great job and we are very fortunate to have someone that has her level of dedication and cares as much about what is going on in Henderson County.

PUBLIC HEARING – PERMANENT CLOSURE OF EASEMENTS (EAST FLAT ROCK CHURCH)

Commissioner McGrady made the motion that the Board go into public hearing with respect to closing of an easement on the East Flat Rock Church property at 227 Spartanburg Highway. All voted in favor and the motion carried.

Property Addressing Coordinator Curtis Griffin stated that a request had been received to close some right of ways from the East Flat Rock Baptist Church on Spartanburg over to the Minute Man Anchor Company. It looks as if these have mainly been used as a short cut in the past and have not been named. Emergency staff was notified and there were no objections to its closing. Staff recommends the close of the right of ways on these three properties. North Carolina General Statute 153A-241 requires that a public hearing be held for

the permanent closing of a public road or easement. The public hearing was set February 20, 2008 for the purpose of closing easements on the East Flat Rock First Baptist Church property at 2227 Spartanburg Highway, Albert M. Moreno "et al." property at 13 Sapling Drive and the Minute Man Anchors Inc. property at 305 W. King Street, all in East Flat Rock, North Carolina.

Public Comment

There was none.

Commissioner Williams made the motion that the Board approve closure of the easements and certify Orders of Closures. All voted in favor and the motion carried.

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

IMPORTANT DATES

Chairman Moyer made the motion that the regular Commissioners meeting at 9:00 am and the public hearing on new road names at 11:00 am on April 16 and the meeting with the NCDOT on April 24 at 10:00 am would be held in the refurbished courtroom at the Historic Courthouse. All voted in favor and the motion carried.

Commissioner McGrady will be in Raleigh meeting with the DOT on April 24 and unable to attend the meeting here.

The Etowah Library opening has been rescheduled from April 25 to April 30 at 11:00 am. *Chairman Moyer made the motion that the Board set a special meeting of the Board in connection with the Etowah Library Dedication at the site of the new Etowah Library on April 30 at 11:00 am. All voted in favor and the motion carried.*

CANE CREEK WATER & SEWER DISTRICT - none

CLOSED SESSION

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

1. *(a)(3) 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 the following claim: In re the Appeal of Blue Ridge Mall, LLC*
2. *(a)(4) to discuss matters relating to the location or expansion of industries or other business 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.

ADJOURN

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

Attest: