

DRAFT

11/29/10

MINUTES

CC: Charlie Messer
Larry Young
Steve Wyatt
Selena Coffey
Russ + Christy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, NOVEMBER 17, 2010**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Bill Moyer, Vice-Chairman Mark Williams, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Associate County Attorney Sarah Zambon, Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Construction Manager David Berry, Henderson County Assessor Stan Duncan, Soil and Water Conservation District Director Jonathan Wallin, Senior Planner Autumn Radcliff, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Building Services Director Tom Staufer, Planner Matt Cable, IT Director Becky Snyder, Animal Services Director Brad Rayfield, Sheriff Rick Davis, Fire Marshal Rocky Hyder, Veteran's Services Officer Mike Murdock, Interim County Extension Director Renay Knapp, and Captain of Patrol Tim Griffin.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Mark Williams.

INVOCATION

Reverend Greg Williams of the Grace Lutheran Church gave the invocation.

RESOLUTION OF APPRECIATION FOR CAROLYN JUSTUS

The Board of Commissioners recognized Carolyn Justus for her many years of service to the citizens of North Carolina. Commissioner McGrady read a resolution in her honor. She was presented with the resolution, a plaque, and a bouquet of flowers.

RECOGNITION OF WEBSITE REDESIGN COMMITTEE

Chairman Moyer recognized the website redesign committee of approximately 28 people for their work in redesigning the Henderson County website.

INFORMAL PUBLIC COMMENTS

1. Mike Jones – Mr. Jones spoke in opposition of the proposed extension of the Hendersonville ETJ.
2. Charlie Hunnicutt – Mr. Hunnicutt spoke in opposition of the proposed extension of the Hendersonville ETJ.
3. Vicki Jones – Ms. Jones spoke in opposition of the proposed extension of the Hendersonville ETJ.
4. Larry Rogers – Mr. Spoke on behalf of the Partnership for Economic Progress, spoke in opposition of the proposed extension of the Hendersonville ETJ.
5. Julianne Heggoy – Ms. Heggoy spoke in opposition of the proposed extension of the Hendersonville ETJ.
6. Jennifer Egolf – Ms. Egolf spoke in opposition of the proposed extension of the Hendersonville ETJ.
7. Rodney Wesson – Mr. Wesson, Chief Court Counselor at the 1995 Courthouse, spoke against the proposed parking ordinance and felt it needed work.

DATE APPROVED:

8. Marijane Pell – Ms. Pell spoke in regards to more green space and restrictions on steep slopes in the Etowah – Horse Shoe area.
9. Theron Maybin – Mr. Maybin thanked the Board of Commissioners for their service and especially for their work with the agricultural industry.
10. Bill O’Conner – Mr. O’Conner thanked the Board of Commissioners for their service to the citizens of Henderson County.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested the addition of 2 discussion items, Shop and Dine and Unsealing of general accounts of closed session.

Commissioner McGrady made the motion to adopt the Agenda with the additional discussion items, Shop & Dine, and Unsealing of general accounts of closed session. All voted in favor and the motion carried.

CONSENT AGENDA

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

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

November 1, 2010 – Regularly Scheduled Meeting

Tax Collector’s Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated November 5, 2010 for information only. No action was required.

Animal Ordinance changes for dog park

At the October 20th meeting, the Board of Commissioners discussed a proposed dog park at Westfeldt Park in the Town of Fletcher. County Staff was directed to amend the Henderson County Animal Ordinance to permit dog parks under the Ordinance. Draft amendments were brought to the Animal Services Advisory Committee to review and at their November 3rd meeting, the Committee unanimously voted to recommend these changes to the Board of Commissioners. These amendments concern allowing dogs off-leash in designated areas and a prohibition against dangerous or aggressive dogs in the dog parks.

Suggested Motion:

I move that the Board approves the draft language to the Henderson County Animal Ordinance.

Waterline Extension – Valley Hill Volunteer Fire Department

The City of Hendersonville has requested that the County comment on the proposed water line extension for the Valley Hill volunteer Fire Department project. The proposed water line is 130 linear feet. The project’s location, within the Urban Services Area, is consistent with the Henderson County 2020 Comprehensive Plan. A vicinity map, project summary, and county review sheet were provided with the agenda for the Board’s review and action.

Suggested Motion:

I move that the Board approves the Valley Hill Volunteer Fire Department water line extension and directs staff to convey the County's comments to the City of Hendersonville.

Public Records Disposal Request

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Logs provided in the agenda, in accordance with the County's Record Retention Policy and the provisions of the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule, as the period of these records have expired.

Suggested Motion:

I move the Board approves the Public Records Disposal Request and Destruction Log.

13th Annual Henderson County Benefit Toy Run Parade Day Proclamation

The 2010 Henderson County Benefit Toy Run Parade Day has been scheduled for Saturday, November 20, 2010. The proclamation provided sets aside this day as Henderson County Benefit Toy Run Parade Day.

Suggested Motion:

I move that the Board adopts the provided proclamation proclaiming November 20, 2010 as The 2010 Henderson County Benefit Toy Run Parade Day.

Human Rights Day Proclamation

The Human Relations Council of Henderson County has requested that the Board of Commissioners declare December 10, 2010 as Human Rights Day in Henderson County in recognition of the 62nd anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations.

Suggested Motion:

I move the Board of Commissioners adopts the Proclamation as presented, designating December 10, 2010 as Human Rights Day in Henderson County.

GIS Day Proclamation

The Henderson County Information Technology Department requested that the Board adopts the Proclamation as presented, designating November 17, 2010 as GIS Day in Henderson County.

Suggested Motion:

I move that the Board adopts the Proclamation as presented, designating December 10, 2010 as GIS Day in Henderson County.

Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended September 30, 2010

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 attached FMR for Western Highlands Area Authority was received by the County Finance Officer on November 1, 2010.

Suggested Motion:

I move that the Board of Commissioners approves the Western Highlands Area Authority Fiscal Monitoring Report for the quarter ended September 30, 2010.

Revisions to 2009 Solid Waste Management Plan

This agenda item is an additional revision to the 2009 Update to the Solid Waste Management Plan. These revisions include changes to the sections of Household Hazardous Waste and Electronics Collections. The revision to the Electronics Collection section is necessary to obtain funds and grants from the North Carolina Department of Natural Resources' Division of Environmental Assistance and Outreach.

Notification of Vacancies

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

1. Henderson County Historic Courthouse Corporation dba/ Heritage Museum – 1 vac.
2. Library Board of Trustees - 1 vac.
3. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Nominations

1. Apple County Greenway Commission – 5 vac.

Commissioner McGrady nominated Dixie Dellinger for reappointment to position #1. *Chairman Moyer made the motion to accept the reappointment of Dixie Dellinger to position #1 by acclamation. All voted in favor and the motion carried.*

2. Child Fatality Prevention Team – 1 vac.

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

3. CJPP (Criminal Justice Partnership Program) – 2 vac.

Commissioner Williams nominated for reappointment Jessica Wagner for position #6, Ray Simpson for position #7, Tracy Howell for position #8, and Connie Babcock for position #11. *Chairman Moyer made the motion to accept the reappointments of Jessica Wagner to position #6, Ray Simpson to position #7, Tracy Howell to position #8, and Connie Babcock to position #11 by acclamation. All voted in favor and the motion carried.*

4. Downtown Hendersonville, Inc. – 1 vac.

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

5. Fire Commission – 3 vac.

Commissioner Messer nominated for reappointment Martin Harris for position #1, Howard Norton for position #2, and Phil Hyder for position #3. *Commissioner McGrady made the motion to accept the reappointment of Martin Harris to position #1, Howard Norton to position #2, and Phil Hyder to position #3 by acclamation. All voted in favor and the motion carried.*

6. Henderson County Historic Courthouse Corp. dba/Heritage Museum – 2 vac.

Commissioner Young nominated Melody Heltman for reappointment to position #10. *Commissioner McGrady made the motion to accept the reappointment of Melody Heltman to position #10 by acclamation. All voted in favor and the motion carried.*

7. Henderson County Zoning Board of Adjustment – 3 vac.

Commissioner McGrady nominated for reappointment James Crafton for position #1 and Anthony Engel for position #4. *Chairman Moyer made the motion to accept the reappointment of James Crafton to position #1 and Anthony Engel to position #4 by acclamation. All voted in favor and the motion carried.*

8. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

9. Juvenile Crime Prevention Council – 9 vac.

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

10. Laurel Park Planning Board – 1 vac.

Commissioner McGrady nominated for reappointment John T. Cochran for position #1. *Chairman Moyer made the motion to accept the reappointment of John T. Cochran to position #1 by acclamation. All voted in favor and the motion carried.*

11. Mountain Area Workforce Development Board – 1 vac.

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

12. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

13. Senior Volunteer Services Advisory Council – 3 vac.

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

14. Travel & Tourism Committee – 4 vac.

Commissioner Young nominated for reappointment Lee Yudin for position #1, Dale Bartlett for position #2, and Phyllis Rogers for position #3. *Commissioner McGrady made the motion that the Board accepts the reappointment of Lee Yudin to position #1, Dale Bartlett to position #2, and Phyllis Rogers to position #3 by acclamation. All voted in favor and the motion carried.*

STATE VETERANS PARK – HENDERSON COUNTY REPRESENTATIVE

Mike Murdock stated, in 2008, the General Assembly appropriated funding (\$18 million) to design and build a tangible memorial to honor all our veterans, and demonstrate our state's pride in their service no matter what era or in which military service. The memorial will open in July 2011. The County is being asked to participate in the park by providing a small soil sample for inclusion in the walls of the park, and by selecting an outstanding veteran to be represented on the park's Wall of Oath.

Mike Murdock has met with the Henderson County Veterans Advisory Committee, and the veteran nominee is Rufus D (Pooch) Pace. The other four nominated representatives are William D Parks, R. Shuford Edmisten, Ms. Virginia Waycaster and Donald Rhodes.

Commissioner Young made the motion that the Board approves the nomination of Rufus D (Pooch) Pace as Henderson County's outstanding veteran to be represented on the park's Wall of Oath. He further moved that the Board approves William D Parks, R. Shuford Edmisten, Ms. Virginia Waycaster, and Donald Rhodes as the County's representatives. All voted in favor and the motion carried.

FLETCHER FIRE INSURANCE DISTRICT

Rocky Hyder stated that Fletcher Fire & Rescue is in the process of an insurance rating survey. The Department has designated the Town of Fletcher as a separate insurance district since the last insurance district boundary was approved, and respectfully requested a resolution approving the fire insurance district boundary reflecting the changes. The Fletcher Town Council approved the fire insurance district for the Town on November 8, 2010. No County fire tax districts will be affected by this action.

Commissioner Williams made the motion that the Board adopts a resolution approving the Fletcher Fire Insurance Districts. All voted in favor and the motion carried.

Lieutenant Michael E. Peppers arrived.

EXPANSION OF ETJ ON UPWARD ROAD

Hendersonville Mayor Pro Tem Jeff Collis presented a proposal which would extend the City's Extra Territorial Jurisdiction (ETJ) on Upward Road. Per state law, the city cannot extend its extraterritorial

powers into any area where the county has adopted and is enforcing a zoning ordinance and subdivision regulations, and where the county is enforcing the State Building Code, unless the city and county agree upon the area where each will exercise those powers.

The proposed area covers one-hundred ninety properties along the Upward Road Extension. One-hundred and eighty-five property owners were contacted to attend the various meetings held by the City of Hendersonville. The city has received twenty (20) requests for voluntary annexation. They feel the area will grow and develop, and requests will come for city water and sewer.

This item was originally presented to the Board of October 20, 2010. At that meeting, the Board moved to hold further discussion following the City's public hearing on November 4, 2010 and the Dana small area planning committee's public input session on November 8, 2010.

Planning Director Anthony Starr stated, at a recent meeting, the Board of Commissioners asked that the Planning Department collect public input regarding the proposed ETJ expansion by the City of Hendersonville. In that survey, the following question was asked: "The City of Hendersonville is proposing to expand its planning and zoning jurisdiction ½ mile east of the I-26 interchange of Upward Road. What is your opinion of the proposal? Opposed, no opinion, or in favor."

Total responses (36 paper responses and 7 online responses)

53.5% opposed (23 responses)

32.5% no opinion (10 responses) and no opinion by no response (4)

14% in favor (6 responses)

The Dana Planning Area only covers a portion of the proposed ETJ as most of the new ETJ area is in the East Flat Rock planning area.

Commissioner Williams made the motion that the Board rejects the request from the City of Hendersonville to extend the ETJ on Upward Road. All voted in favor and the motion carried.

HENDERSON COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2010

Mrs. Paula Hodges, Director of Audit Services with our external audit firm, Martin, Starnes and Associates, CPAs P.A. and Carey McLelland, Finance Director, presented and discussed the fiscal year ended June 30, 2010 audit results with the Board of Commissioners and Management.

- Unqualified opinion - Unqualified opinion means that we found no material misstatements that led us to believe the financial statements would be misleading to the reader.
- No material internal control weakness identified
- No findings or questioned costs

Serves as a measure of the County's financial resources available

➤ **Assets – Liabilities = Fund Balance**

3 Classifications:

- Reserved
- Unreserved Designated (Available)
- Unreserved Undesignated (Available)

Total Fund Balance	\$37,042,137
Required Reservations	- 7,036,888
Designations	<u>-6,506,397</u>

Unreserved Undesignated \$23,498,852

Fund Balance Position
General Fund – 2010

Unreserved	\$23,498,852
BOC Policy Level (12%)	\$12,808,476
State Policy Level (8%)	\$ 8,538,984

The Board and Management have \$10.7 million available over BOC 12% Policy Level and \$14.9 million available over State 8% to work with in planning for FY2012 budget cycle.

Required reservations include reserves for: State Statute (\$6.5 mil), inventories (\$34k), prepaids (\$136k), and register of deeds (\$343k).

Designations include drug enforcement (\$6.4 mil) and subsequent year budget designations (\$87k).

Expenditures were 4,910,599 (4.5%) below final budget. Revenues come in at 3,115,026 (2.8%) below budget. The net effect of revenues, expenditures, and transfers was an increase in fund balance of \$1,830,173 for FY2010.

The final report will be available in the Henderson County Public Library as well as the Henderson County website.

PARKING AT 1995 COURTHOUSE

The County has been challenged on its ability to regulate parking at the 1995 Courthouse, due to the lack of a specific ordinance.

County Manager Steve Wyatt stated staff has been working with the construction project and have presented the best scenario possible for parking for customers at the courthouse space. The County has been challenged as far as our legal ability to enforce what we believe is the plan of the Board moving forward with this project.

County Attorney Russ Burrell stated a draft ordinance was provided as part of the agenda package giving the County clear authority with regard to parking at the 1995 Courthouse and other County facilities in an attempt to give the maximum flexibility with quick turnaround. It is up to the Board how they wish to deal with the parking issue. One statute expressly gives the county the ability to regulate parking at its courthouse and other county facilities, and the other statute gives the county the authority to tow people who violate that. The ordinance directs how it will be done. The power to regulate parking is already there.

It was the consensus of the Board to study the issue further and bring it back before the Board at a later date.

Property Addressing Coordinator Curtis Griffin arrived.

BREAK

A Short break was taken.

PUBLIC HEARINGS

Continuation of Public Hearing for Cave Inn Drive

Curtis Griffin stated at this time the two parties have not been able to reach an agreement.

Planning Department staff requests the Board to continue a public hearing to consider the abandonment of State maintenance and the closure of all known right of ways for Cave Inn Drive (SR 1661) located on the property of Tommy J. and Joan C. Heinz.

The County Attorney's Office advised staff that the forthcoming change requires a Board decision at this meeting to avoid re-starting the process. The new Board of Commissioners could consider this matter only after re-advertising the hearing and starting the process again. Staff notified both parties that the Board may take action at this meeting even if there is no agreement between the two parties.

Public Input

1. Angela Beeker – Attorney for Tommy J. and Joan C. Heinz. Mrs. Beeker felt this was about road maintenance only. This road was put in to provide access to a hospital which no longer exists. This has become a liability for the landowner as well as the state. Because the road stops shy of the property line it is a private issue between the Harris' and the Heinz'. Mrs. Beeker's client is willing to allow access for emergency vehicles.
2. Walter Carpenter – Attorney for Sandra Harris. This access was the only access to this house from 1939 to 1998 when the new drive was put in. There is no liability to the Heinz' for the state road. The Heinz' purchased the property knowing that it was a state road being used by his client. His clients are requesting a permanent right-of-way instead of a right-of-way that terminates when his clients die or sale the property. Mr. Carpenter feels his only argument is adverse possession as the 18 feet is not in the state right-of-way. He requested that the Board do nothing and not recommend abandonment of the road. The Harris' purchased the property in August of 1999. The Heinz' purchased their property in 2008. If the state maintenance is withdrawn there is no right-of-way at all.
3. Sandra Harris – Ms. Harris reminded the Board that without the right of way the gas truck could not get to her tank for heat, nor can appliances be delivered without access to the road.

Commissioner Messer made the motion that the Board does not request abandonment of state maintenance on Cave Inn Drive. The vote failed 2-3 with Commissioners McGrady, Williams and Young noting nay.

Commissioner McGrady made the motion that the Board recommends abandonment of state maintenance for Cave Inn Drive. The voted passed 3-2 with Commissioners Messer and Moyer voting nay.

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

Public Hearing – Land Development Code 2010 Annual Text Amendments (TX-2010-02)

Commissioner McGrady made the motion that the Board go into public hearing in regards to the Land Development Code 2010 Annual Text Amendments (TX-2010-02). All voted in favor and the motion carried.

Planner Autumn Radcliff stated the Henderson County Land Development Code (LDC) was adopted with the anticipation that it would be reviewed each year and amended as needed. The 2010 LDC amendments (TX-2010-02) are based on issues identified by both staff and County boards/committees. The proposed amendments cover various topics but primarily involve reorganizing the subdivision regulations and addressing some of the Planning Board's concerns with special subdivisions and road standards. The proposed text amendments address issues such as strengthening the County's role when approving improvement guarantees, providing for the use of family cemeteries and dumpsters, and providing more flexibility for subdivisions. The proposed text amendments are not expected to be controversial.

The Technical Review Committee and the Planning Board reviewed the proposed text amendments and

voted unanimously to send forth a favorable recommendation to the Board of Commissioners. Before adopting the proposed text amendments to the LDC, the Board of Commissioners must hold a public hearing.

In accordance with §200A-314(B) and 200A-338(A) of the Henderson County Land Development Code and State Law, notice of the November 17, 2010 public hearing regarding the proposed LDC text amendments were published in the Hendersonville Times-News on November 5, 2010 and November 12, 2010.

Mrs. Radcliff provided the following proposed changes to the existing subdivision regulations and standards:

- 1) Subdivision Amendment 1: Existing Cemeteries in a subdivision. The Henderson County Cemetery Advisory Committee requested new subdivisions require existing cemeteries be deeded as a separate lot with road access. Cemetery lots are non-standard and will not count toward overall density calculation. The proposed amendment requires existing cemeteries be deeded as a separate lot with a minimum 20 foot wide private or public easement. Major subdivision shall provide access with a minimum 20 foot wide right-of-way (ROW) (road construction is not required).
- 2) Subdivision Amendment 2: Land Disturbing Activity. The Planning Board was concerned that no provisions were provided to address illegal land disturbing activity in conjunction with a subdivision. A provision would be added that unapproved land disturbing activity in conjunction with a subdivision is a violation of the LDC and may be subject to County penalties as described in Article XII of the LDC.
- 3) Subdivision Amendment 3: Expansion of a Subdivision. The Planning Board was concerned that due to the 3 year expansion hold, minor subdivisions that expanded before this time limitation would have to reapply as a major subdivision regardless of the number of lots created. The Planning Board was also concerned that after the allotted time, an expansion could occur without any improvements to the existing private roads; allowing applicants to serve lots on roads that would not meet the minimum subdivision road standards. The Planning Board recommended removing these time limitations so applicants would be aware and required to upgrade existing private roads (within the subdivision) to meet County regulations. The proposed regulations would allow previously approved subdivisions to be expanded without reapplying as a major subdivision provided that certain criteria have been met (removes time limitations that would exempt previously approved subdivisions).
- 4) Subdivision Amendment 4: Road Certification. The County has inspected roads which appeared to not meet subdivision regulations. The burden of proof is always the responsibility of the applicant. The proposed regulations add a provision that the Subdivision Administrator may require engineering certification that the new road meets the LDC requirement and further may request a core sample in certain circumstances where no engineering certification exists.
- 5) Subdivision Amendment 5: Road Standards. The Planning Board and staff expressed concerns that the existing road standards (based on the number of lots served) did not correspond with the number of lots served by subdivision types. For example, a special subdivision (5 or fewer lots) would have to meet the standards for limited local roads if serving only 4 or fewer lots, and the standards for local roads if proposing 5 lots. In addition, the Board stated concerns that special subdivision had no other alternatives to constructing a new road. To address these concerns, staff recommends correcting the number of lots served by limited local and local roads, and adding a provision for using private driveway easements and alleys.
 - a. Alleys. The use of alleys allows flexibility in subdivision design but would require some minimum standards. Staff recommends adding a provision that alleys may be used to access lots within a subdivision provided that those lots have frontage on a private or public road that is accessible. The alleys would be required to have a minimum 20 foot wide right-of-way and 12 foot wide travelway that could be paved or graveled.

- b. Private Driveway Easements. The existing conservation subdivision standards allow for the use of private driveway easements serving up to 2 lots. This amendment would increase the number of lots served by a private driveway easement to 3 lots and would allow all subdivisions (including special subdivisions) to propose private driveway easements (existing standards for private driveway easements would apply).
- c. Private Subdivision Limited Local Roads.
 - I. Number of lots served. To address the issue with the number of lots served verses the type of subdivision, the private subdivision limited local roads will be amended to serve up to 5 lots instead of 4 lots (will match the special subdivision standards).
 - II. Right-of-Way restrictions. The Planning Board had discussed adding a provision that would require the dedication of a 45 foot right-of-way (in lieu of a 30 foot right-of-way) to accommodate required road improvements for future subdivision expansion in situations where the maximum density could achieve more than 5 lots. This provision would allow for special subdivision to be expanded in the future without having to acquire additional right-of-way.
- d. Private Subdivision Local Roads. To address the issue with the number of lots served verses the type of subdivision, the private subdivision local roads will be amended to serve up to 6 lots instead of 5 lots (will match the special subdivision standards and the amendments to the limited local roads).
- 6) Subdivision Amendment 6: Special Subdivision Standards.
 - a. Use of existing roads. The Planning Board discussed allowing credit for existing roads that had a travelway width of less than 12 feet. This could eliminate unnecessary grading to widen a road by only 1 or 2 feet, especially if topographical limitations existed, and lessen the burden for small subdivisions of land for homes that may already be served by an existing road. This amendment would allow, upon inspection and approval by the Planning Director, an existing road of no less than 9 feet to be used to access a special subdivision. Some improvements such as 4-inches of gravel may be required and dedication of right-of-way per the subdivision road standards would apply. Existing roads would need to adequate shoulder and vertical clearance to be accessed by emergency vehicles.
 - b. Certificate of Understanding. The Planning Board requested that the requirement for the Certificate of Understanding be made as part of the subdivision application. Currently the certificate of understanding is required on the final plat for special subdivisions. This amendment would require the certificate of understanding for all subdivision types (as part of the application) and eliminate it from the final plat requirements.
- 7) Subdivision Amendment 7: Conditional Letter of Approval. The conditional letter of approval is issued by the Subdivision Administrator for a minor subdivision and allows the applicant to begin construction. This amendment would add a provision that the conditional letter of approval is valid for a period of 3-years from the issuance date unless the subdivision approval is expanded. Note: This amendment is found in the Article XI (Review Processes and Procedures).

Amendments to the Improvements Guarantee Standards: The proposed subdivision amendments made substantial modifications to the improvement guarantee section and existing standards (this section is a subpart of the subdivision regulations). These changes will provide the County a better mechanism for covering costs associated with completing required improvements (includes associated costs with administration, construction and project management) if the applicant is unable to complete the project. Below is a description of the substantive modifications to the improvement guarantee standards.

- 1) Application Requirements. The proposed changes require that before an applicant can apply for an improvement guarantee the following apply:
 - a. A minimum of 50 percent of the required on-site improvements (based on total project costs that the applicant is guaranteeing) is in place (includes rough grading of proposed roads subject to the improvement guarantee).

- b. All local, state and federal permits for the development must be approved and copy of said approval provided to the Subdivision Administrator (includes Army Core permits, stream and wetland mitigation fees/permits, water and sewer permits, etc.).
 - c. All associated design plans and construction specifications for the required improvements (i.e. roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian infrastructure, etc.) are submitted to the Subdivision Administrator.
- 2) Cost Estimate Standards. Add a provision requiring the applicant to include the following:
- a. A cost estimate that is prepared by a professional engineer licensed in N.C., or certified by a professional land surveyor or landscape architect who is routinely engaged in cost estimates and licensed in N. C. (Current standards require the cost estimate from an engineer, professional land surveyor or landscape architect).
 - b. Separate estimates for roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian infrastructure, utilities (including electrical power, natural gas and communication lines), etc. consistent with submitted design plans construction specifications.
 - c. Separate estimates for off-site improvements (road improvements, mitigation work, sewer improvements, etc.) required as related to the improvements covered in said improvement guarantee.
 - d. All associated fees for remediation work required for the proposed improvements (unless proof of payment for remediation fees is provided to the Subdivision Administrator).
- 3) Improvement Guarantee Instrument. Amend the existing standards requiring the applicant to guarantee in the amount of 150 percent, instead of 125 percent, of the cost to complete the work as determined by cost estimate amounts. This provision would also apply to extensions. The additional 50 percent covers inflation and additional costs (costs associated with violations, sedimentation and erosion control, administrative and project management) that may be required to complete the project. Existing standards allow for portions of the guarantee to be released as work progresses. This provision would also require the applicant to provide a new cost estimate detailing the work that has been completed and that is remaining when requesting a release.
- 4) Terms of the Improvement Guarantee. Add a provision requiring the following terms be expressly stated in the performance agreement and that the lending institution be from a national association or FDIC registered group. The following terms shall be stated in the performance agreement:
- a. The applicant shall be provided 15 days to identify a new security provider or prove alternate security where the security provider is in default, bankruptcy, or otherwise determined to be insolvent by the County after which time the County may call the improvement guarantee.
 - b. The applicant shall provide the County with specific benchmarks for completion of work and, as a term of the agreement, should the applicant fail to meet the self-imposed benchmarks the County may call the improvement guarantee.
 - c. If in violation of any other provision of this Chapter 200A, Henderson County Land Development Code, where the applicant has been notified of the violation, and the applicant has been provided the period for remediation authorized by the approving agency, and where applicant is in continued violation, the County may consider this to be a breach of the agreement and call the improvement guarantee to prevent further violation of Chapter 200A, Land Development Code.
- 5) Violations and Penalties. Add a provision that if an applicant of a subdivision is in violation of any County regulations (including Soil Sedimentation and Erosion Control Permits) the County will not release the improvement guarantee prior to the expiration date unless the violations are corrected. This provision would also add language allowing the County the ability to charge costs associated with construction and project administration for any executed improvement guarantee. The County may currently do this but the proposed change will state this as part of our regulations.

1. James Monahan - Mr. Monahan spoke on behalf of David Weintraub and read a comment. "I want to compliment the Board of Commissioners for entertaining the motion to add some additional teeth to the Improvement Guarantee clause of the Land Development Code. The proposal goes a long way to preventing what we saw happen at Seven Falls. I believe the state would allow additional teeth mainly to add the following: That the full amount of the improvement guarantee will be available to remedy any such violation, an amendment to Section 200A-118(b)(3)."

Commissioner McGrady made the motion that the Board go out of public hearing and take no action. All voted in favor and the motion carried.

It was the consensus of the Board that more discussion and information was necessary, and to continue this item and ask the new board to consider the comments made at the public hearing and take up at the appropriate time.

Public Hearing for Rezoning Application #R-2010-01

Commissioner McGrady made the motion that the Board go into public hearing with respect to rezoning application #R-2010-01. All voted in favor and the motion carried.

Planner Parker Sloan stated Staff initiated Rezoning Application #R-2010-01 for the County to rezone approximately .024 acres of land, located near the intersection of Spartanburg Highway (US 176) and Upward Rd (SR 1783), from the City of Hendersonville's relinquished jurisdiction to a Community Commercial (CC) zoning district. The subject area owner is Philip and Maria Furino. A mapping error by the City of Hendersonville requires the rezoning. County staff recently learned that the City adjusted their boundary on August 23, 2010.

The Henderson County Planning Board considered rezoning application #R-2010-01 at its regularly scheduled meeting on September 16, 2010. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2010-01 to rezone the Subject Area to CC (Community Commercial).

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the November 17, 2010, public hearing regarding rezoning application #R-2010-01 were published in the Hendersonville Times-News on November 3, 2010 and November 10, 2010. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the subject area property owner and posted signs advertising the hearing on the Subject Area on November 4, 2010.

Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Community Commercial (CC) zoning district.

Public Input

There was none.

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

Commissioner Williams made the motion that the Board recommend approval of rezoning application #R-2010-01 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

Public Hearing – Community Revitalization Project for Talley Drive Area

Commissioner McGrady made the motion that the Board go into public hearing with respect to the Community Revitalization Project for Talley Drive Area. All voted in favor and the motion carried.

Planner Parker Sloan stated Henderson County received an \$850,000 CDBG Community Revitalization grant from the NC Department of Commerce, Division of Community Assistance (DCA) to provide street and drainage improvements and replace/rehabilitate six homes in the Talley Drive neighborhood. In order to obtain the release of funds, DCA requires an amendment of the grant budget page. This action requires a public hearing. In addition, the County must adopt several resolutions, policies and plans to satisfy DCA requirements. Grant Approval Resolution, Project Budget and Combined Policies Resolution were provided for review.

No county matching funds are required for this project.

Planning Staff recommends that the Board of Commissioners conduct the Public Hearing, approve submission of the budget amendment request, a grant start-up documents, and authorize staff and the Chairman to execute the required documents. Staff also proposes to contract with Land-of-Sky Regional Council for project grant administration. The grant covers 100% of the administrative costs.

Public Input

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 Williams made the motion that the Board approves the budget amendment request, Grant Approval Resolution, Project Budget and Combined Policies Resolution, and ask the County Manager to study the grant administration and bring a recommendation back to the new Board. All voted in favor and the motion carried.

BREAK

Chairman Moyer stated that the Board would be taking a 30 minute break and would reconvene after closed session.

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. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(1), to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The purpose will be to approve general accounts of previous closed sessions, as shown on the attached log.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(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. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6), to consider the qualifications, competence performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

Commissioner McGrady made the motion that the Board go out of closed session and reconvene into open session. All voted in favor and the motion carried.

Chairman Moyer called the meeting back to order.

CONTINUED DISCUSSION FOR ZONING MAP AMENDMENTS IN THE ETOWAH & HORSE SHOE COMMUNITIES (R-2010-02)

Planning Director Anthony Starr stated On November 9th, the Board of Commissioners held a public hearing regarding the proposed zoning map amendments for the Etowah and Horse Shoe communities. These proposed map amendments are based on the recommendations of the Etowah-Horse Communities Plan, the County Comprehensive Plan and discussion by the Planning Board.

After receiving public comment, the Board of Commissioners directed staff to contact individuals that requested more information and to identify the areas of concerns expressed during the public hearing. Staff will provide the Board with the additional information at or before the Board meeting.

Staff requests that the Board deny, approve or approve with modifications the proposed zoning map amendments for the Etowah & Horse Shoe Communities. The following motion has been provided if the Board supports the proposed map amendments (R-2010-02) with or without discussed changes.

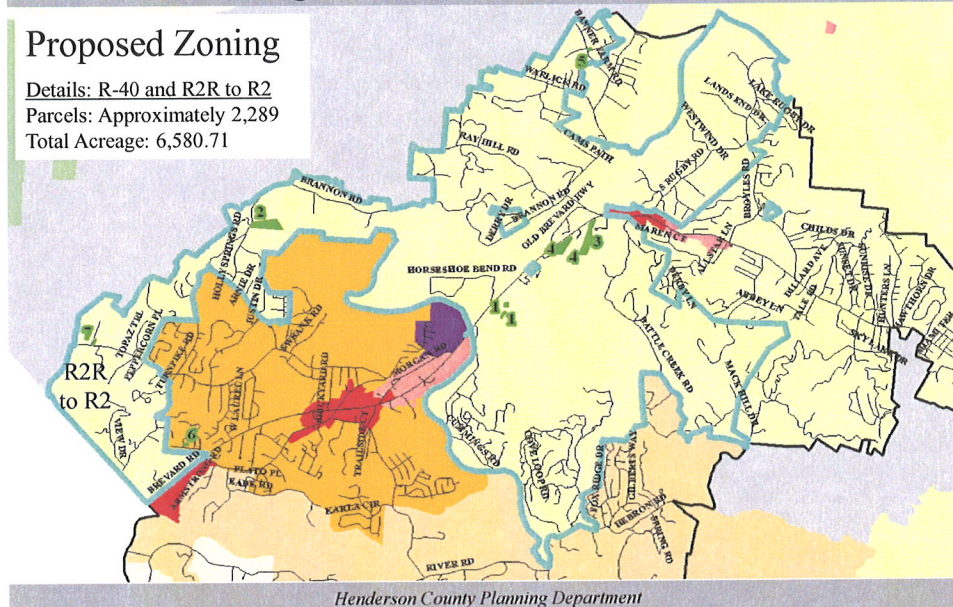
Summary of Public Input

- Comments/Calls prior to public hearing:
 - 52 calls & meetings with staff
 - 14 of those persons opposed zoning changes
 - 38 of those persons supported changes or had not opinion
- Open House with Staff on November 4, 2010
 - 50 people attended
 - 10 of those persons opposed zoning changes
 - 40 of those persons supported changes or had not opinion
 - 20 persons spoke at hearing, sent letter/email, or called Staff following the hearing.
- Of those persons:
 - 13 people opposed the changes
 - 3 people were in favor of changes
 - 2 people had no preference
- Several of the persons opposing the changes appeared at the open house and public hearing.
- Staff mapped the locations of persons giving public comment on the following maps. Each map contains the proposed zoning change, the name and location of person giving comment, and their opinion of the change (supports, opposed, none stated). Areas A, C, & H had no opposition from public at hearing.

Area B: R2 Zoning Throughout Etowah & Horse Shoe

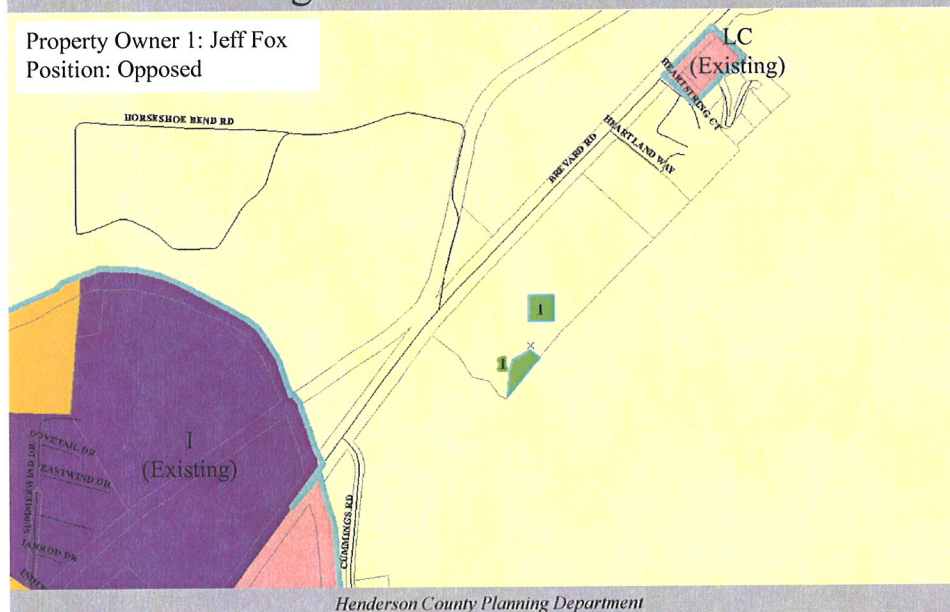
Proposed Zoning

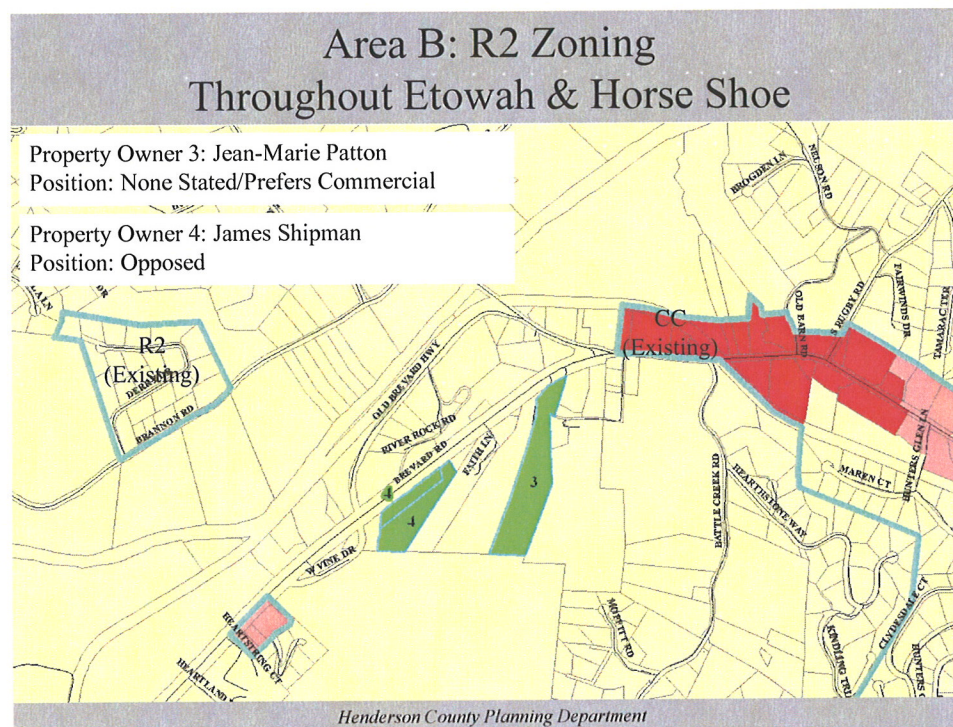
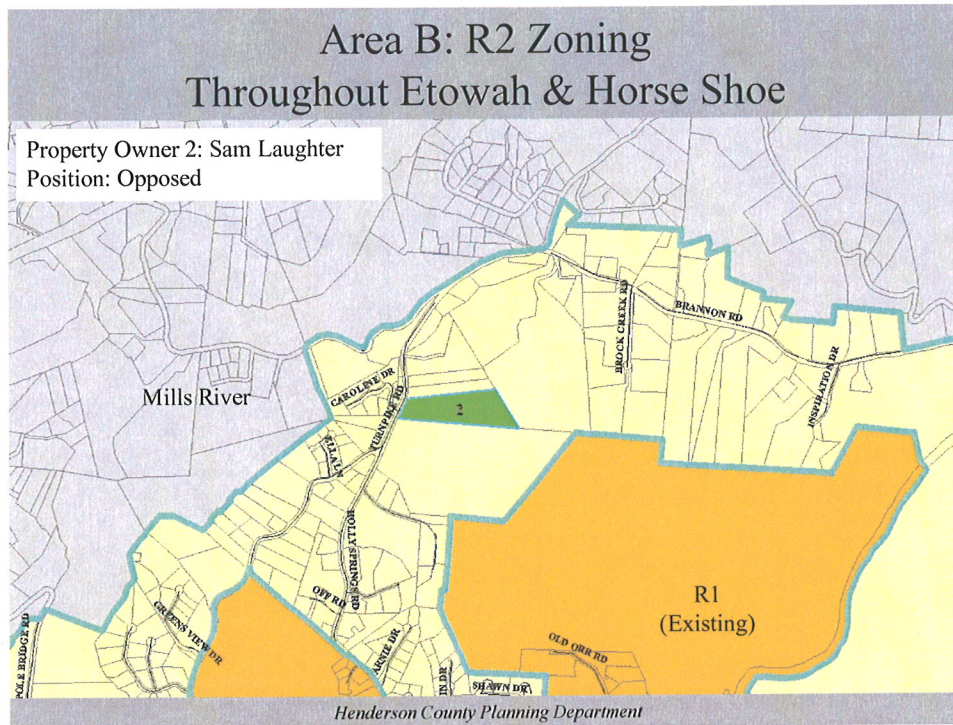
Details: R-40 and R2R to R2
Parcels: Approximately 2,289
Total Acreage: 6,580.71



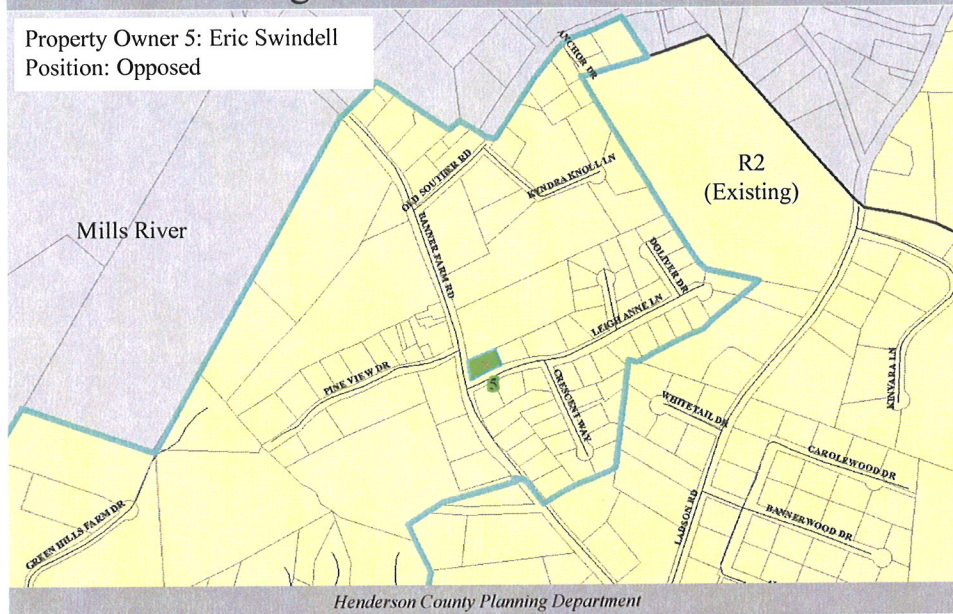
Area B: R2 Zoning Throughout Etowah & Horse Shoe

Property Owner 1: Jeff Fox
Position: Opposed

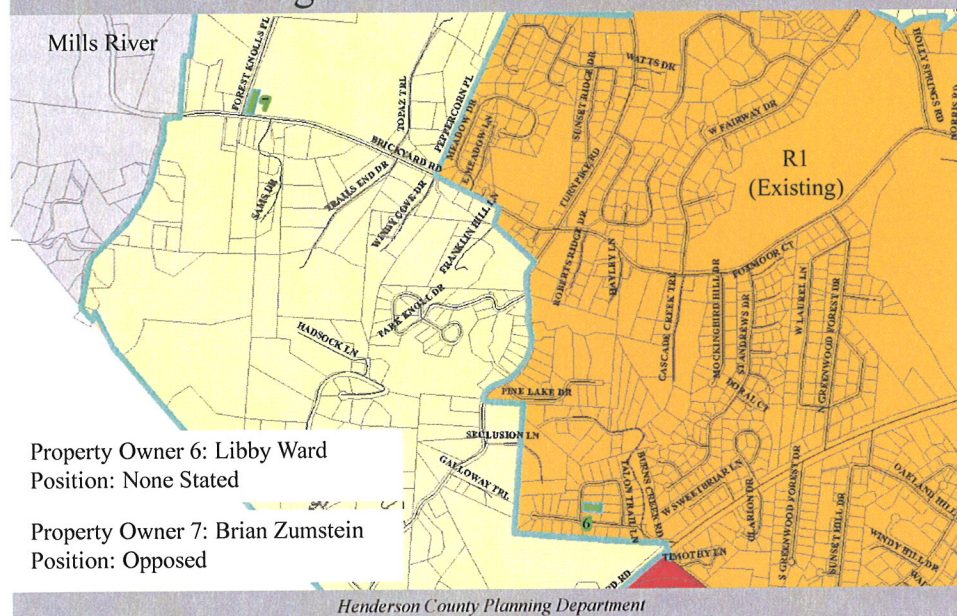


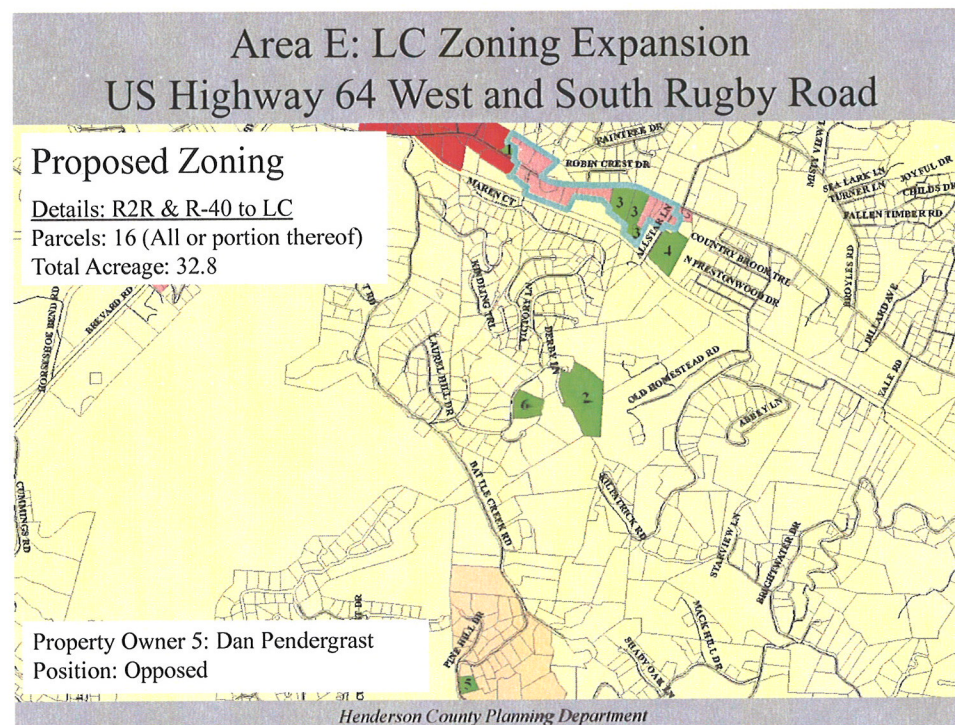
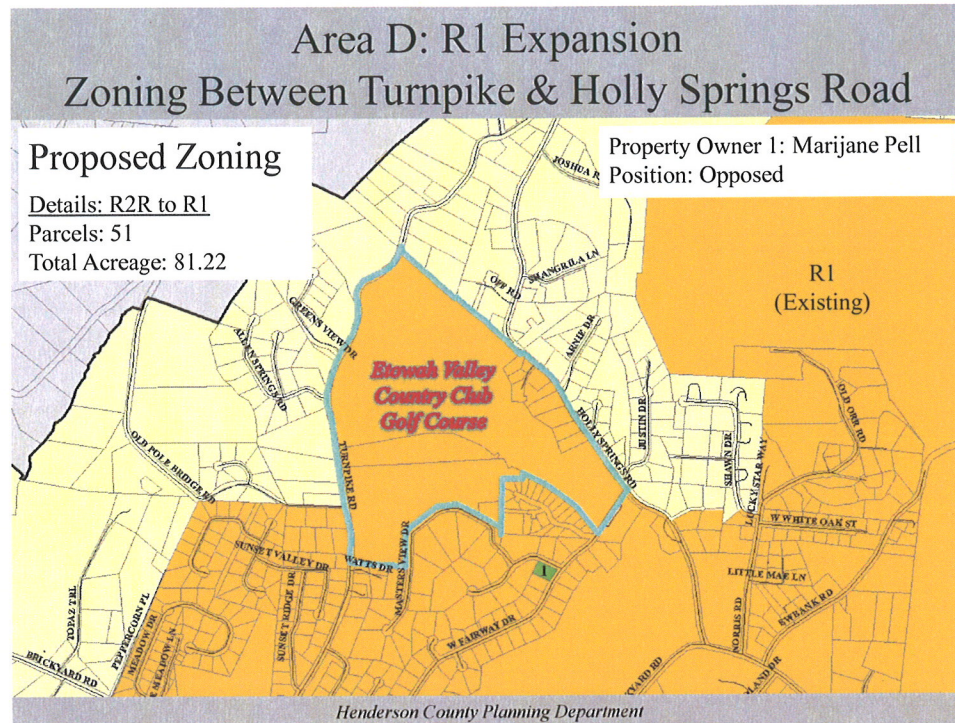


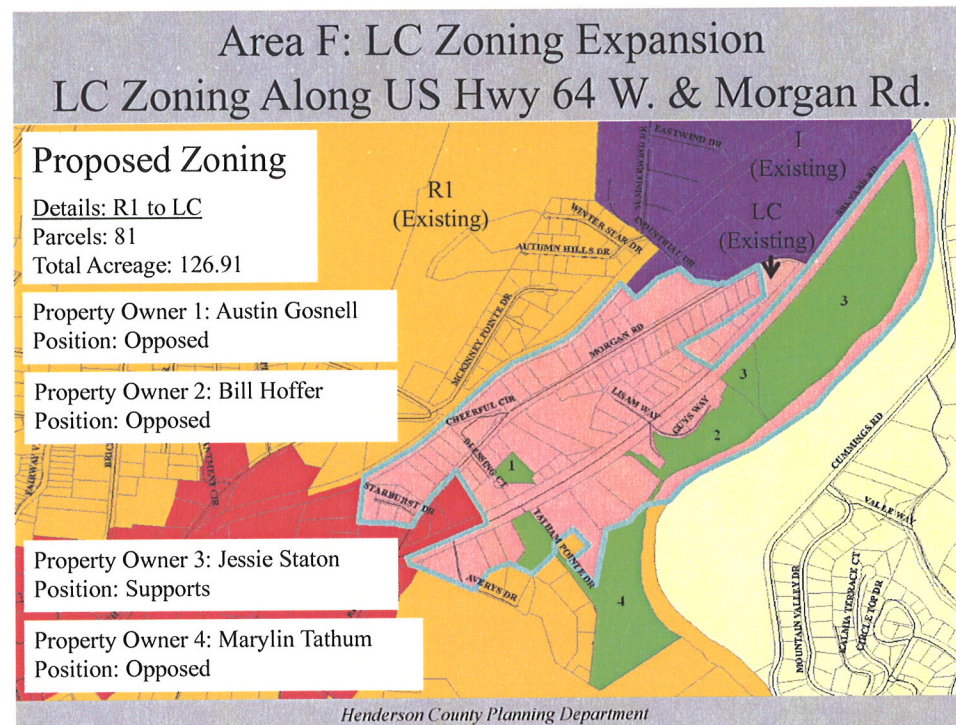
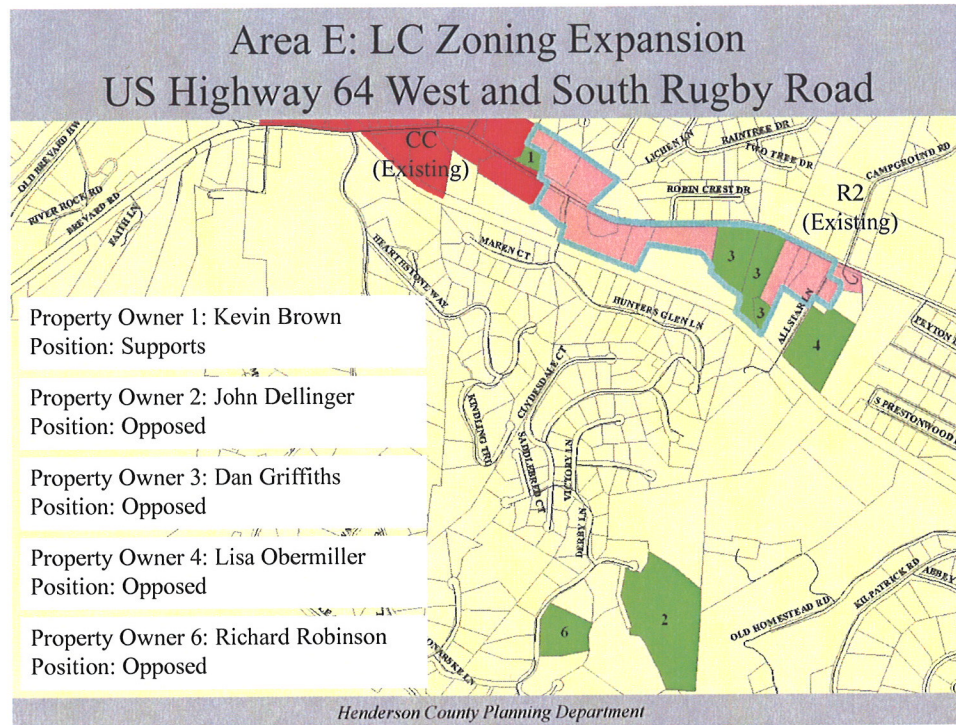
Property Owner 5: Eric Swindell
Position: Opposed

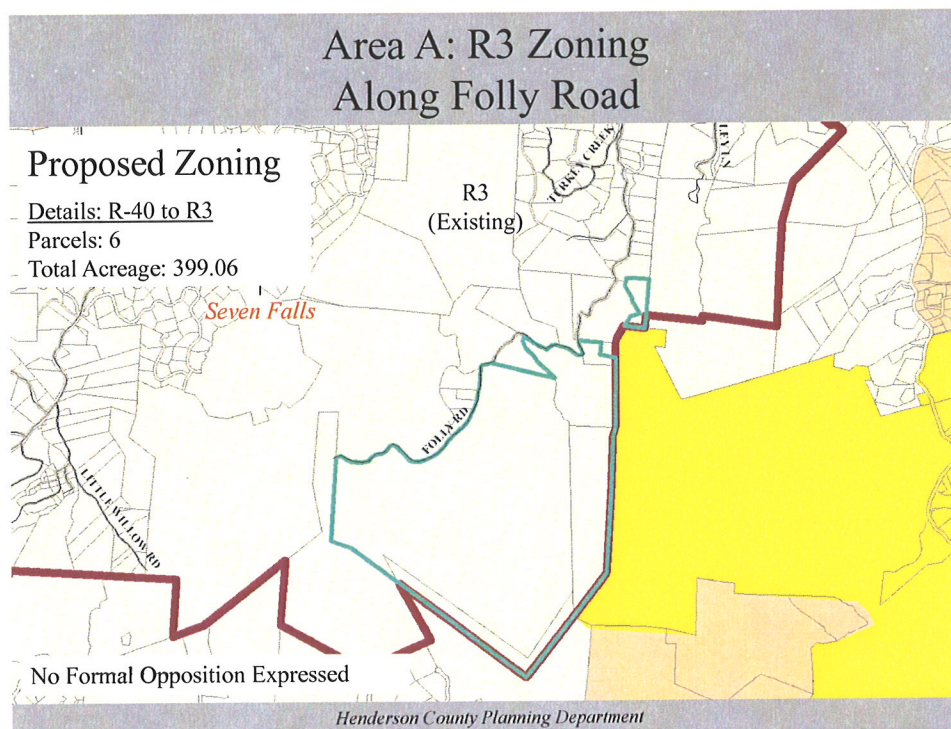
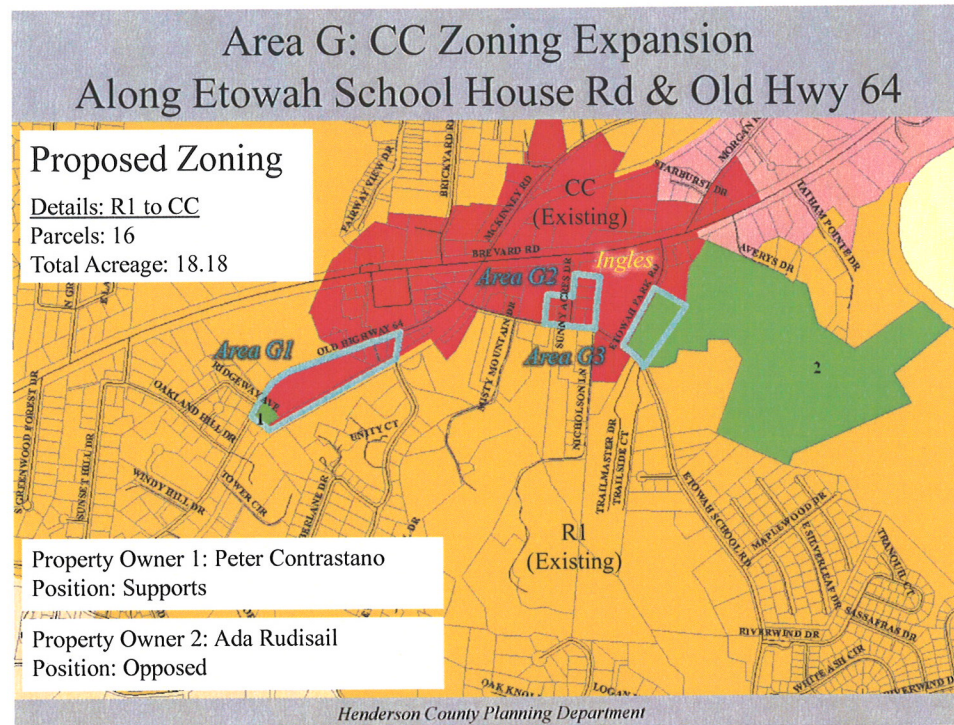


Property Owner 6: Libby Ward
Position: None Stated









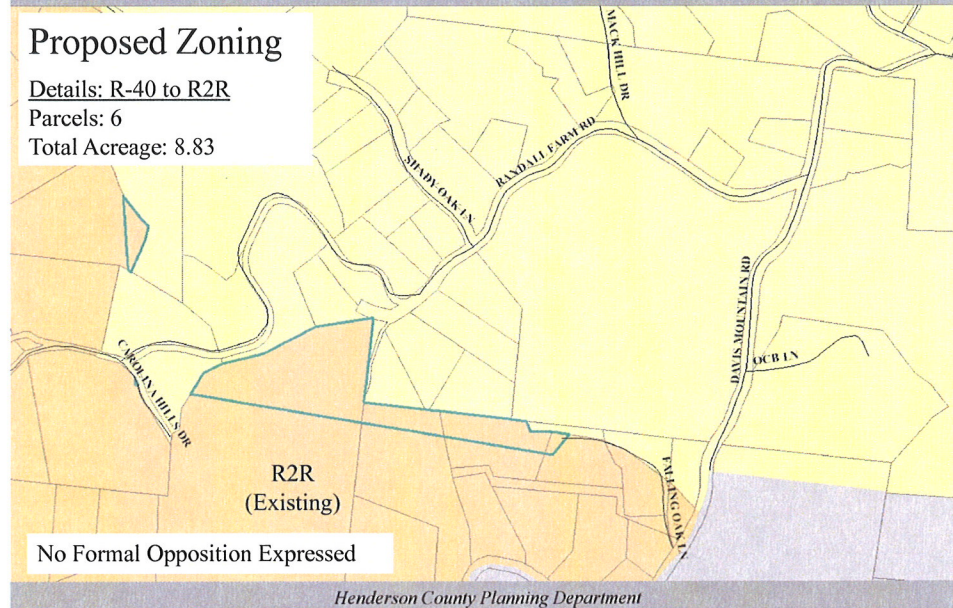
Area C: R2R Zoning Along Randall Farm Road

Proposed Zoning

Details: R-40 to R2R

Parcels: 6

Total Acreage: 8.83



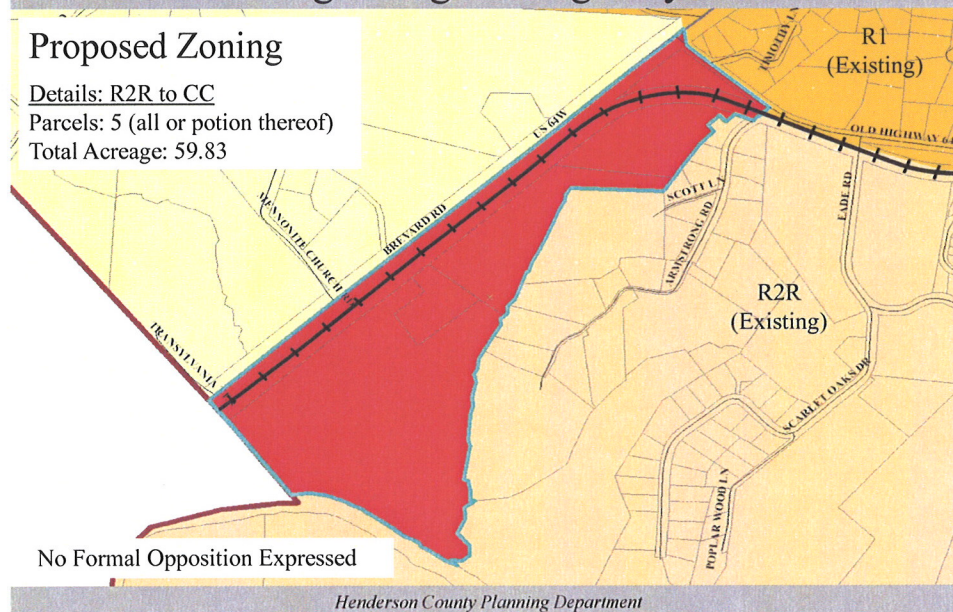
Area H: CC Zoning Expansion CC Zoning Along US Highway 64 West

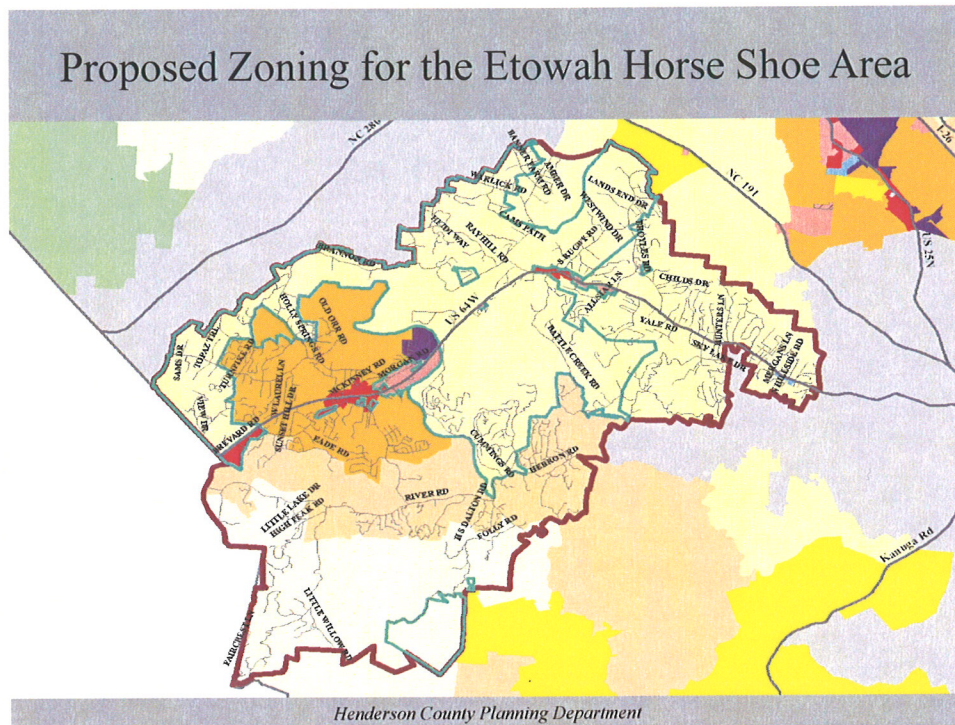
Proposed Zoning

Details: R2R to CC

Parcels: 5 (all or portion thereof)

Total Acreage: 59.83





Commissioner McGrady made the motion that the Board approves the recommended rezoning changes to Areas A, C, & H for these projects. All voted in favor and the motion carried.

Commissioner McGrady made the motion that the Board approves the rezoning change from R40 to R2 in Area B, and keep R2R in Area B as it is. All voted in favor and the motion carried.

Chairman Moyer made the motion that the Board supports the designation change from R2R to R1 in area D. All voted in favor and the motion carried.

Commissioner McGrady made the motion that the Board approves rezoning any portions of Area E that are R40 to R2 and keep the remaining zoning the same. All voted in favor and the motion carried.

Commissioner Messer made the motion that the Board supports leaving the zoning as it is in Area F. All voted in favor and the motion carried.

Commissioner McGrady made the motion that the Board approves rezoning Area G1 from R1 to CC and leave zoning as it is in Area G2 and G3. All voted in favor and the motion carried.

ADOPTION OF SCHEDULES OF VALUES, STANDARDS, AND RULES IN DETERMINING MARKET VALUE FOR THE 2011 GENERAL REAPPRAISAL

Assessor Stan Duncan stated NC law requires the governing body to separately adopt Schedules of Values, Standards, and Rules for use in determining Market Value and Present-Use Value. G.S. 105-317(b)(1) required the schedules be prepared in sufficient detail "to enable those making appraisals to adhere to them in appraising real property." Mr. Duncan would need to make one addendum to the Market Value adding descriptions of commercial building types.

Commissioner McGrady made the motion that the Board adopts the proposed Schedules of Values, Standards, and Rules for Market Value to be used in conjunction with the 2011 general reappraisal of real property as amended to include the addendum. All voted in favor and the motion carried.

ADOPTION OF SCHEDULES OF VALUES, STANDARDS, AND RULES IN DETERMINING PRESENT-USE VALUE FOR THE 2011 GENERAL REAPPRAISAL

Assessor Stan Duncan stated NC law requires the governing body to separately adopt Schedules of Values, Standards, and Rules for use in determining Market Value and Present Use Value. G. S. 105-317(b)(1) requires the schedules be prepared in sufficient detail “to enable those making appraisals to adhere to them in appraising real property.”

Commissioner McGrady made the motion that the Board adopts the proposed Schedules of Values, Standards, and Rules of Present-Use Value to be used in conjunction with the 2011 general reappraisal of real property. All voted in favor and the motion carried.

PERMIT EXTENSION ACT OPT-OUT

Planning Director Anthony Starr stated the General Assembly passed Session Law 2009-406, titled the Permit Extension Act of 2009 (PEA). The Act stated development approvals granted or in effect between January 1, 2008 and December 31, 2010 would have the time the approvals are effective put on hold until after December 31, 2010. The PEA was amended multiple times in 2009 prior to going into effect, and again in Session Law 2010-177 (extending the tolled period to December 31, 2011).

The 2010 amendment allows local governments the option to “opt-out” of the time extension. Any local governments choosing to opt out must do so by resolution by December 31, 2010. No public hearing is required. If the opt-out is exercised, there would be no extension of time for the development approvals and the clock would start running again on all development approvals active during the referenced period on January 1, 2011. Guidance from the School of Government suggests that a local government can either opt out of all development approval extensions or if a rationale is given, specific development approvals may be opted out.

There are advantages and disadvantages to opting out of the PEA. Permit Extension Act background follows:

- With the economic recession, the General Assembly passed the Permit extension Act of 2009.
- It was amended several times before becoming effective.
- The legislation applied to most state and local development approvals (zoning, building permits, subdivisions, etc.).
- If a permit was in effect, or still valid, as of January 1, 2008, the “clock” for its expiration stopped until December 31, 2010.
- On January 1, 2011, the clock for such permits and development approvals would start “ticking” again with whatever time remained for that permit.
- The law appeared to not apply to improvement guarantees, but the law was not especially clear on this point.

Session Law 2010-177 amended the PEA in several ways:

- It extended the “tolling” period by 1 year. Thus the clock would start again on January 1, 2010 instead of the original date of January 1, 2011.
- The amendment clarified that the legislation does not apply to improvement guarantees. This clarification benefits Henderson County regarding current litigation with a bond company.
- The amended PEA provides an “opt-out” provision.
- The opt-out allows local governments to choose to not apply the 1-year extension. Thus permits would begin to expire with the original date of January 1, 2011.
- No public hearing is required to opt-out. Only a resolution is required.

Reasons to opt-out of the amended legislation:

- Avoiding the extension of development approvals that do not meet current standards (pre-Land

Development Code, older Building Code permits, etc.).

- Avoiding loss of permit revenues that may otherwise be required to re-apply and pay an additional permit fee.
- Avoiding additional administration that accompanies the PEA in determining if/when previous approvals are still valid.

Reason to not opt-out of the amended legislation:

- Avoiding the re-application of development approvals and permits that would expire prior to January 1, 2012 (additional administration).
- Taking advantage of the clarification that the PEA does not apply to improvement guarantees.
- Avoiding possible opposition from the development community for “opting out.”
- The amended PEA provides the option to exclude specific projects from the time extensions, if warranted.
- It also allows the Board to opt-out for specific classes of development approvals, if justified by the Board (example: Zoning but not Subdivision, etc.).

Staff is not recommending the Board opt-out of the PEA. No action is needed by the Board if it chooses to allow the amended PEA to go into effect. If the Board desires to opt-out, a model resolution was provided as developed by the School of Government. Action to opt-out, by resolution, is required by December 31, 2020. According to the School of Government, opting out would mean the original PEA would still apply.

It was the consensus of the Board not to take any action.

COOPERATIVE EXTENSION MOU REVISIONS & BUDGET AMENDMENT

Selena Coffey stated Henderson County has seen many challenges since 2006 when the current Cooperative Extension memorandum of Understanding (MOU) was executed. Of these, the most significant has been the downturn in the economy. The current economic environment has required County government, like private businesses, to examine how it utilizes its resources for maximum benefit for its customers, the citizens.

With the goal of better adapting to the County’s needs and strengthening the agricultural economy, the Commissioners, during budget deliberations, asked staff to enter into negotiations with NCSU officials to revise the Cooperative Extension MOU to shift more of the focus towards agriculture and identifying other areas within the Cooperative Extension budget for potential cost reallocations to agricultural development.

Provided in the agenda were recommended changes to the Cooperative Extension MOY with regard to positions funded partially by the County as well as specific areas where operational funds may be reallocated to achieve the Board’s goals for agricultural development.

Staff recommends that the Board of Commissioners approves the revisions to the MOU as presented and ask that NCSU Cooperative Extension officials incorporate these changes into the final MOU and return it to the County for execution and immediate implementation. Staff further recommends that the Board authorizes the budget amendment reducing specified operational expenses to be reallocated for agricultural development purposes.

Dan Smith of the Cooperative Extension requested the Board delay cutting positions until they have time to take a look at the recommended changes.

Commissioner McGrady made the motion that the Board approves the revisions to the MOU as presented by staff and formally asks that NCSU Cooperative Extension officials incorporate these changes into the

final MOU and return it to the County for execution and immediate implementation. He further moved that the Board approves the budget amendment as presented reducing operational expenses within the Cooperative Extension budget to be reallocated for agricultural development purposes. All voted in favor and the motion carried.

AGRI-BUSINESS DEVELOPMENT INCORPORATION

Selena Coffey stated at the October 20, 2010 Board of Commissioners' meeting, staff presented a report on the feasibility of developing an Agri-Business Economic Development function, as discussed during budget deliberations. At this meeting the Board directed staff to research and propose a process for moving forward by hiring an Agri-Business Development Director, initially reporting directly to the County Manager, but eventually transitioning to an incorporated function external to County government.

Staff has researched the incorporation process and provided with the agenda the preliminary timeline for development of the Agri-Development function with the end result being incorporation as a 501c6 non-profit organization.

The next step in the process, should the Board direct staff to proceed, would be to direct the County Manager to begin the hiring process for an Agri-Business Development Director as discussed during and since budget deliberations. The Director would then work with the County Manager and Board of Commissioners in establishing a detailed work plan for the organizational development and incorporation.

Commissioner McGrady made the motion that the Board of Commissioners direct staff to proceed in initiating the process for hiring for the Agri-Business Development Director position which is in the nature of an executive director position and continue with the steps for implementing this function as outlined in the timeline provided in the agenda. All voted in favor and the motion carried.

WNC BEEF CATTLE LIVESTOCK MARKET

Steve Wyatt, County Manager, provided an update with respect to the amount to be contributed to the WNC Beef Cattle Livestock Market. At this time the project is \$20,000.00 short. Three (3) counties have not responded yet. He suggested letting the issue sit until the next Board.

SHOP & DINE

This item was an add-on to the agenda.

Steve Wyatt, County Manager, stated the Chamber of Commerce would like to continue with the Shop & Dine Program and has requested \$1,500 from the County. Mr. Wyatt explained that money has been set aside in the budget for this program beyond the request.

Commissioner McGrady made the motion that the Board authorizes up to \$1,500 to be spent on the Shop & Dine Project. All voted in favor and the motion carried.

UNSEALING OF THE GENERAL ACCOUNTS OF CLOSED SESSION

This item was an add-on to the agenda.

Commissioner McGrady made the motion that the Board unseal the general accounts of the following closed session of the Board, as approved during closed session, and upon direction during closed session by the Board to its Clerk to unseal the same:

October 3, 1994	Session I, II
October 19, 1994	Session I, II
November 7, 1994	Session I
November 14, 1994	Session I

November 16, 1994	Session IV
December 6, 1994	Session I, II
December 21, 1994	Session IV
February 6, 1995	Session I, II
April 3, 1995	Session I, VII
May 17, 1995	Session III
June 5, 1995	Session I
June 21, 1995	Session II, IV, VI
June 22, 1995	Session I
June 26, 1995	Session I
June 27, 1995	Session I
July 19, 1995	Session I, II, III, V, VI, VII, VIII
August 16, 1995	Session II, III
January 2, 1996	Session IV
April 1, 1996	Session III
April 17, 1996	Session I
May 2, 1996	Session II
June 19, 1996	Session I
July 17, 1996	Session II
August 5, 1996	Session I, II
August 13, 1996	Session I
August 21, 1996	Session III
August 26, 1996	Session I, II
September 18, 1996	Session V
October 7, 1996	Session IV
October 24, 1996	Session I
November 20, 1996	Session I
February 3, 1997	Session I
March 4, 1997	Session II
March 19, 1997	Session I
June 18, 1997	Session I, IV, VI
July 7, 1997	Session II, III
August 4, 1997	Session I, II, III
September 17, 1997	Session IX
October 15, 1997	Session II
December 1, 1997	Session I
January 21, 1998	Session I
April 6, 1998	Session I
April 15, 1998	Session III
May 4, 1998	Session I, II, III
May 20, 1998	Session I, IV, V, VI
June 17, 1998	Session I, II
July 7, 1998	Session II

July 15, 1998	Session II, III, IV, V
October 5, 1998	Session I
January 4, 1999	Session V
May 3, 1999	Session II
January 4, 2000	Session I
March 6, 2000	Session I
February 21, 2001	Session I
March 12, 2001	Session I
November 6, 2001	Session I
February 20, 2002	Session I, II
March 20, 2002	Session I
March 28, 2002	Session I
December 2, 2002	Session I
December 18, 2002	Session I
June 2, 2003	Session I, II, III
July 7, 2003	Session I
October 6, 2003	Session I, II
October 15, 2003	Session I
April 21, 2004	Session I, II
May 19, 2004	Session I, II
May 25, 2004	Session I
June 7, 2004	Session I
August 2, 2004	Session I
March 23, 2005	Session I
May 2, 2005	Session II
June 15, 2005	Session I, II
September 6, 2005	Session I
October 19, 2005	Session I
February 21, 2007	Session I
March 12, 2007	Session I
May 16, 2007	Session I, II
June 4, 2007	Session I
July 2, 2007	Session I
July 10, 2007	Session II
September 4, 2007	Session I
October 1, 2007	Session I
October 17, 2007	Session I
December 3, 2007	Session I, III

February 20, 2008	Session I, II
April 7, 2008	Session II, III
May 5, 2008	Session I
May 21, 2008	Session I, II
June 18, 2008	Session I, II, IV
July 7, 2008	Session I, II
July 16, 2008	Session II
August 12, 2008	Session I, IV
September 2, 2008	Session III

January 5, 2009	Session I, II, III
February 2, 2009	Session I
February 18, 2009	Session II, IV
March 18, 2009	Session I, II, V
May 4, 2009	Session I, II
June 1, 2009	Session I
June 22, 2009	Session I
September 8, 2009	Session VI

April 21, 2010	Session IV
May 3, 2010	Session II
August 2, 2010	Session VI, VII
August 12, 2010	Session I
October 20, 2010	Session VI
November 1, 2010	Session III, IV

COUNTY MANAGER'S REPORT

There was nothing further at this time.

IMPORTANT DATES

Commissioner McGrady made notice that he would be resigning effective December 2, 2010 at the close of business.

Commissioner McGrady made the motion that the Board schedules a special called meeting on December 3, 2010 at 10:00 a.m. to name his replacement, approve meeting minutes, and take up economic development matters. All voted in favor and the motion carried.

Steve Wyatt noted that a drop-in reception would be held for the 3 outgoing Commissioners on November 30, 2010 from 4-6 p.m. in the community Room.

ADJOURN

Commissioner McGrady made the motion that the Board adjourn at 2:20 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808 • Fax: 828-692-9855

BILL MOYER
Chairman
MARK WILLIAMS
Vice-Chairman

TDD: 828-697-4580
www.hendersoncountync.org

CHUCK MCGRADY
CHARLIE MESSER
LARRY YOUNG

RESOLUTION OF APPRECIATION FOR CAROLYN KING JUSTUS

- WHEREAS,** Carolyn Justus began serving the citizens of Henderson County, as well as all the citizens of North Carolina, in 1985 as General Assembly Clerk for her husband North Carolina Representative Larry Justus; and,
- WHEREAS,** Carolyn Justus served the people of Henderson County in that role for 18 years, until the passing of Representative Larry Justus in 2002; and
- WHEREAS,** Carolyn Justus was appointed to serve in the NC House of Representatives in October 2002; and
- WHEREAS,** Carolyn Justus was then elected to the NC House of Representatives in November 2002 to serve the people of Henderson County; and
- WHEREAS,** the touchstone of Carolyn Justus' service in the General Assembly has been the constituent services she has provided to countless citizens who needed assistance in working with a wide range of state agencies; and
- WHEREAS,** Carolyn Justus has represented the citizens of the County at the statewide level through her service on various Legislative Committees including Appropriations, Appropriations Subcommittee on Justice and Public Safety, Health - Vice Chair, House Select Committee on Small Business, Juvenile Justice, Mental Health Reform, and State Government/State Personnel; and
- WHEREAS,** Carolyn Justus has further represented the citizens of the County at the statewide level through her participation on the Mental Health, Developmental Disabilities, and Substance Abuse Joint Legislative Oversight Study, the Child Fatality Task Force, Public Health Study Commission, Joint Select Committee on the Agricultural Drought Response, NC Interstate Compact Advisory Committee and Public Health Task Force 2008; and
- WHEREAS,** Carolyn Justus has also represented the citizens of the County locally through her service in Henderson County on the Criminal Justice Partnership Program, Local Emergency Planning Committee, Henderson County Business and Professional Women, Vocational Solutions Board of Directors, AARP, VFW Auxiliary, American Legion Auxiliary and Flat Rock Playhouse; and
- WHEREAS,** Carolyn Justus will be retiring from the North Carolina House of Representatives following four terms in the House of Representatives and 26 years of service to the citizens of the County;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby honor Carolyn King Justus for her 26 years of outstanding service to the people of Henderson County and her dedication to the betterment of this community, and names November 18th as Carolyn Justus Day in Henderson County.

In witness whereof we have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 17th day of November, 2010.

William L. Moyer, Chairman

L. Mark Williams, Vice-Chairman

Charles D. Messer, Commissioner

Larry R. Young, Commissioner

Charles W. McGrady, Commissioner

HENDERSON COUNTY TAX DEPARTMENT

Collector's Office

200 North Grove Street

Suite 66

Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan

County Assessor & Tax Collector

Sandy Allison

Administrative Assistant II

November 5, 2010

Re: Tax Collector's Report to Commissioners

Please find outlined below collections information through November 4th for the 2010 bills, which were mailed out on August 13th, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2010 Total Charge: \$57,488,182.06
Payments & Releases: 15,490,465.76
Unpaid Taxes: 41,997,716.30
Percentage collected: 26.95%
(through 11/04/10)

2009 Total Charge: \$56,993,611.48
Payments & Releases: 14,157,710.93
Unpaid Taxes: 42,835,900.55
Percentage Collected: 24.84%
(through 11/04/09)

Motor Vehicle Bills G01 Only:

2010 Total Charge: \$2,016,289.14
Payments & Releases: 1,344,428.14
Unpaid Taxes: 671,861.00
Percentage collected: 66.68%
(through 11/04/10)

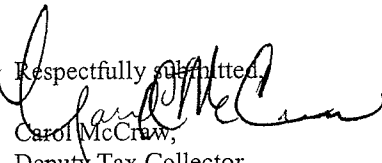
2009 Total Charge: \$2,174,579.62
Payments & Releases: 1,406,027.45
Unpaid Taxes: 768,552.17
Percentage collected: 64.66%
(through 11/04/09)

Fire Districts All Bills

2010 Total Charge: \$6,479,413.99
Payments & Releases: 1,945,489.89
Unpaid Taxes: 4,533,924.10
Percentage Collected: 32.59%
(through 11/04/10)

2009 Total Charge: \$6,377,389.08
Payments & Releases: 1,694,339.98
Unpaid Taxes: 4,683,049.10
Percentage Collected: 29.30%
(through 11/04/09)

Respectfully submitted,


Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

2011 SCHEDULES OF VALUES, STANDARDS, AND RULES FOR MARKET VALUE

Prepared and Presented by,

Stan C. Duncan
Henderson County Assessor & Tax Collector

To the

HENDERSON COUNTY BOARD OF COMMISSIONERS

William Moyer, Chairman
Mark Williams, Vice Chairman
Charles Messer
Chuck McGrady
Larry Young

ADOPTED

November 17, 2010

Date

Signed: _____


Chairman, Henderson County Board of Commissioners

2011 SCHEDULES OF VALUES, STANDARDS, AND RULES FOR PRESENT-USE VALUE

Prepared and Presented by,

Stan C. Duncan
Henderson County Assessor & Tax Collector

To the

HENDERSON COUNTY BOARD OF COMMISSIONERS

William Moyer, Chairman
Mark Williams, Vice Chairman
Charles Messer
Chuck McGrady
Larry Young

ADOPTED

November 17, 2010

Date

Signed:



Chairman, Henderson County Board of Commissioners

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808 • Fax: 828-692-9855

BILL MOYER
Chairman
MARK WILLIAMS
Vice-Chairman

TDD: 828-697-4580
www.hendersoncountync.org

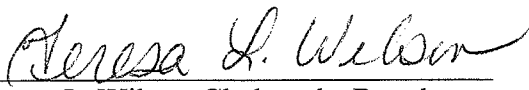
CHUCK McGRADY
CHARLIE MESSER
LARRY YOUNG

RESOLUTION

NORTH CAROLINA HENDERSON COUNTY

Upon motion by Commissioner Mark Williams, BE IT RESOLVED that the Board of Commissioners of Henderson County approves the boundary lines of the Fletcher Fire Insurance District for insurance grading purposes only, in accordance with the map filed this date with the Board of County Commissioners and recorded in the minutes of the meeting. The boundaries of the above referenced fire insurance district is specifically described in the Henderson County Land Records Office.

This is to certify that the foregoing is a true and accurate copy of excerpt from the Minutes of the Board of County Commissioners of Henderson County, adopted this the 17th day of November 2010.


Teresa L. Wilson, Clerk to the Board

(SEAL)



HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department Collections

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Tax Collector	X		Standard 7 Item 13	
Monthly Reports				
Including				
Municipal taxes collected.				
Yrs: 2004 - back				
<p>Page <u>38</u> of the Records Retention & Disposition Schedule - County Tax Administration - Issued by: NC Dept. of Cultural Resources, Division of Historical Resources, Archives & Records Section Government Records Branch; published April 1, 2004</p>				

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
Department Head

1 Nov 2010
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED ☒
DISAPPROVED ☐

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 17th day of November, 2010.

Aleresa G. Wilson
Clerk to the Board

new 1-28-09
SA

STANDARD-7. PROGRAM RECORDS: PROPERTY TAX COLLECTION RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.	RELEASE AND REFUND RECORDS Includes requests for release and refund submitted by taxpayer, correspondence to and from taxpayer, decisions of governing board, release and refund monthly reports and supporting records.	a) Destroy in office release and refund monthly reports 1 year from date of submission. b) Destroy in office all remaining records 3 years after final settlement.*	G.S. 105-381
11.	SKIPTRACING RECORDS Records gathered when attempting to locate taxpayers. May include lien holder information, copies of death certificates, and credit bureau records.	Destroy in office when administrative value ends. See also DELINQUENT TAXPAYER RECORDS item 4, page 36.	
12.	TAX COLLECTOR ANNUAL SETTLEMENTS List of taxes collected by tax collector yearly, percentage of taxes collected, total releases, total balance due by tax year, and total municipal taxes collected. Sent to county commissioners and finance officer.	Destroy in office 3 years from date of submission.	G.S. 105-373
13.	TAX COLLECTOR MONTHLY REPORTS List of taxes collected by tax collector showing percentage of taxes collected, total releases, total balance due by tax year, and total municipal taxes collected. Sent to county commissioners and finance officer on a monthly and bi-monthly basis.	Destroy in office 1 year from date of submission.	G.S. 105-350
14.	TAX LEVY/SEIZURE RECORDS Inventory of property taken from property owner by the county tax collector to pay back taxes.	a) Retain in office for 3 years execution forms if levy and sale of personal property is made. If levy and sale conducted by Sheriff's Department, execution forms to be retained by the Sheriff's Department. b) If levy, seizure, and sale are not made, destroy forms in office when administrative value ends.	G.S. 105-366 G.S. 105-367

Added
#14

*Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS item 11, page 17.

HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department - Collections

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Tax Scrolls	X		Standard 7	
and Books			Item 17	
copies of receipts and bills used for the payment of taxes				
Yrs: 2004 - Back				
Page <u>39</u> of the Records Retention & Disposition Schedule - County Tax Administration - Issued by: NC Dept. of Cultural Resources, Division of Historical Resources, Archives & Records Section Government Records Branch; published April 1, 2004				

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
Department Head

1 Nov. 2010
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED ☒
DISAPPROVED ☐

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 17th day of November, 2010.

[Signature]
Clerk to the Board

hand
1-28-09 SA

STANDARD-7. PROGRAM RECORDS: PROPERTY TAX COLLECTION RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
15.	TAX RECEIPTS (BILLS) FILE Copies of receipts and bills issued for the payment of taxes.	In accordance with G.S. §153A-148.1, these records are not public records as defined by G.S. §132-1. The Department of Cultural Resources has no authority to regulate the disposition of "non-public" records. It is recommended that custodians retain and dispose of the records according to best practices and advice from qualified legal counsel. Recommended Retention: Destroy in office after 3 years.	G.S. 105-381 G.S. §153A-148.1
15.	TAX SCROLLS AND BOOKS: PRIOR TO 1900 Includes property valuation and amount of taxes due. These records may be prepared separately or combined.	Transfer to the State Archives.	G.S. 105-319
16.	TAX SCROLLS AND BOOKS: FOR YEARS ENDING IN 0 AFTER 1900 Includes property valuation and amount of taxes due. These records may be prepared separately or combined.	Transfer to the State Archives.	G.S. 105-319
17.	TAX SCROLLS AND BOOKS: ALL OTHER Includes real and personal property, discovery, delinquent and any other supplemental scroll, book, summaries, or recapitulations.	Destroy in office after 10 years or 1 year after released by the governing board, whichever occurs first.	G.S. 105-319

* Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS item 11, page 17.

HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department - Collections

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Tax Receipts	X		Standard 9 Item # 18	
(Bills) File: Motor				
Vehicle				
*copies of notices				
and receipts				
of payment				
Yrs: 2004 - Back				

Page 44A of the Records Retention & Disposition Schedule - County Tax Administration - Issued by: NC Dept. of Cultural Resources, Division of Historical Resources, Archives & Records Section Government Records Branch; published April 1, 2004

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
Department Head

1 Nov 2010
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED ☒
DISAPPROVED ☐

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 17th day of November, 2010

[Signature]
Clerk to the Board

STANDARD-9. PROGRAM RECORDS: MOTOR VEHICLE RECORDS AND BUSINESS TAXES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
13.	PRIVILEGE LICENSES Records documenting the county's issuance of business privilege and license renewal notices, receipts, and periodic reports.	Destroy in office 3 years after license expires.	G.S. 105-33 G.S. 105-37.1 G.S. 105-38.1 G.S. 105-40 G.S. 105-105
14.	RELEASE AND REFUND RECORDS: MOTOR VEHICLE Records documenting the release and refund of taxes due. Includes Division of Motor Vehicle form FS-20 "Receipt of Tag Surrender" and proofs of ownership, transfer, bill of sale, insurance cancellation, out of state registration, and related records.	a) Destroy in office release and refund monthly reports 1 year from date of submission. b) Destroy in office all remaining records 3 years after final settlement.*	G.S. 105-330.6
15.	ROOM OCCUPANCY TAX	Destroy in office after 3 years.	G.S. 160A-480.3
16.	STATE TITLING AND REGISTRATION SYSTEM (STARS) Electronic database maintained by the Division of Motor Vehicles	Destroy in office printouts produced from the system when administrative value ends.	
17.	TAX ABSTRACTS AND LISTS: MOTOR VEHICLE Record of all registered and unregistered vehicles in the county. Includes name and address of taxpayer along with descriptions of property owned.	Destroy in office after 10 years or two revaluation cycles, whichever occurs first.	G.S. 105-330.3
18.	TAXES RECEIPTS (BILLS) FILE: MOTOR VEHICLE Copies of notices mailed to taxpayers and receipts of payment.	In accordance with G.S. §153A-148.1, these records are not public records as defined by G.S. §132-1. The Department of Cultural Resources has no authority to regulate the disposition of "non-public" records. It is recommended that custodians retain and dispose of the records according to best practices and advice from qualified legal counsel. Recommended retention: Destroy in office after 3 years.	G.S. 105-330.5 G.S. 153A-148.1

*Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS item 11, page 17.

HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department - Collections

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Daily Cash	X		Standard 2 Item #: 18	
Repts &				
Deposits	X		Standard 2 Item #: 21	
Yrs 2004-back				
Page <u>11</u> of the Records Retention & Disposition Schedule - County Tax Administration - Issued by: NC Dept. of Cultural Resources, Division of Historical Resources, Archives & Records Section Government Records Branch; published April 1, 2004				

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
Department Head

1 Nov. 2010
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED ☒
DISAPPROVED ☐

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 1st day of November, 2010.

[Signature]
Clerk to the Board

STANDARD-2: BUDGET, FISCAL AND PAYROLL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
16.	CONTRACT BUDGET AND EXPENDITURE REPORTS	Destroy in office after 3 years. ²	
17.	CREDIT CARD USE FILE	Destroy in office after 1 year. ¹	
18.	DAILY CASH REPORTS	Destroy in office after 1 year. ¹	
19.	DAILY DETAIL REPORTS	Destroy in office after 1 year. ¹	
20.	DAILY JOURNAL AND LEDGER ENTRY UPDATE PRINTOUTS	Destroy in office after 1 year. ¹	
21.	DEPOSITS	a) Destroy in office official/audit copies after 3 years. ¹ b) Destroy in office remaining records after 1 year.	
22.	DETAIL REPORT FILE (FINANCIAL RECORDS FOR GENERAL FUND OR GENERAL LEDGER)	a) Destroy in office annual reports after 3 years. b) Destroy in office all other reports after 1 year.	
23.	DIRECT DEPOSIT APPLICATIONS/AUTHORIZATIONS	Destroy in office when superseded or obsolete.	
24.	DISTRICT INVESTMENT RECORDS	Destroy in office after 3 years. ¹	
25.	EXPENDITURE REPORTS	Destroy in office after 3 years. ¹	
26.	FACILITY SERVICE AND MAINTENANCE AGREEMENTS	a) Destroy depreciation schedules 3 years after asset is fully depreciated or disposed. b) Destroy in office remaining records after 3 years. ¹	

*Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS Item 11, page 17.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: CDBG Community Revitalization Talley Drive Neighborhood

Please make the following line-item transfers:

What expense line-item is to be increased?

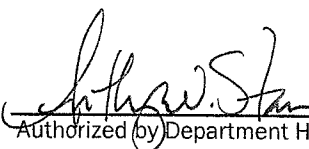
Account	Line-Item Description	Amount
345716-555003	Flood and Drainage	\$45,000
345716-555002	Street improvements	\$244,260
345716-539000	Clearance Activities	\$20,000
345716-555000	Relocation Assistance	\$378,000
345716-555001	Rehab Privately Owned Dwellings	\$74,240
345176-538108	Planning	\$3,500
345716-538108	Administration	\$85,000

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
344716-451102	Community Development Block Grant	\$850,000

Justification: Please provide a brief justification for this line-item transfer request.

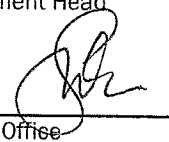
To establish a project budget for the CDBG Talley Drive Community Revitalization Grant Project #09-C-2066



Authorized by Department Head

11/16/2010

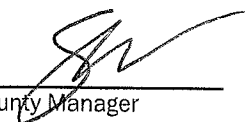
Date



Authorized by Budget Office

11/17/2010

Date



Authorized by County Manager

11.17.10

Date

For Budget Use Only	
Batch #	_____
BA #	_____
Batch Date	_____

HENDERSON COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

RESOLUTION TO UPDATE THE HENDERSON COUNTY ANALYSIS OF
IMPEDIMENTS TO FAIR HOUSING FOR COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAMS

Be it Resolved by The Henderson County Board of Commissioners, Henderson County,
North Carolina That:

WHEREAS, Henderson County is participating in the Community Development Block
Grant Program under the Housing and Community Development Act of 1974, as
amended, administered by the North Carolina Department of Commerce; and

WHEREAS, Henderson County has been allocated funds under Title I of the Housing
and Community Development Act of 1974; and

WHEREAS, Henderson County wishes to affirmatively further fair housing
opportunities for its citizens; and


WHEREAS, Henderson County wishes to adopt the Analysis of Impediments to Fair
Housing Report for the term of the CDBG Housing Development Program Grant # 09-C-
2066; now

THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners,
Henderson County, North Carolina hereby adopt the attached Analysis of Impediments
to Fair Housing Report.

Adopted and Approved this the 17th day of November 2010.



William Moyer, Chairman



Teresa L. Wilson
Clerk to the Board

A RESOLUTION ACCEPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT
TALLEY DRIVE COMMUNITY REVITALIZATION GRANT AGREEMENT AND
FUNDING APPROVAL AND SPECIAL CONDITIONS -- CDBG NO-09-C-2066

WHEREAS, Henderson County is participating in the Community Development Block Grant Program under the Housing Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

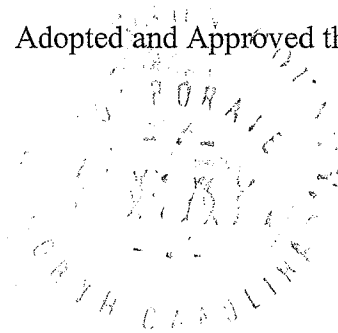
WHEREAS, Henderson County has been allocated a CDBG Community Revitalization Grant in the amount of \$850,000 under Title I of the Housing and Community Development Act of 1974 for infrastructure and housing improvements in the Talley Drive neighborhood of Henderson County; and

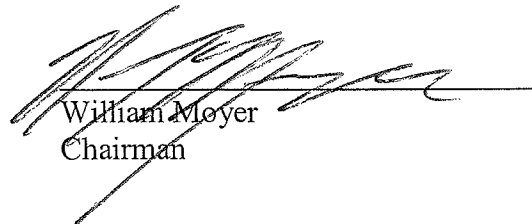
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF HENDERSON COUNTY, NORTH CAROLINA, THAT:

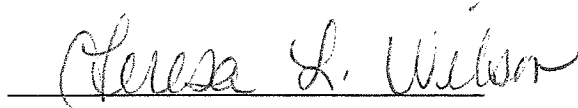
Section 1. The Chairman and Board of Commissioners are hereby authorized to execute the Funding Approval on behalf of the County.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and Approved this the 17th day of November, 2010.




William Moyer
Chairman


Teresa L. Wilson

Clerk to the Board

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 698-4443
TDD: (828) 697-4580
www.hendersoncountync.org

BILL MOYER
Chairman
MARK WILLIAMS
Vice-Chairman

CHUCK MCGRADY
CHARLIE MESSER
LARRY YOUNG

PROCLAMATION

WHEREAS, Henderson County is located in the Blue Ridge Mountains, in a broad basin formed by the French Broad River and its tributaries. Its diverse geography of gentle mountains, fertile valleys and rich forests has played a pivotal role in its unique history; and

WHEREAS, Geography Awareness Week is November 14-20, 2010; and

WHEREAS, National Geographic Information Systems (GIS) Day is November 17, 2010; and

WHEREAS, GIS is an important part of geography awareness, providing not only the study of maps, but also relationships among people, places and environments that are continuously being examined on local, national and global levels; and

WHEREAS, Henderson County has GIS personnel in various departments that manage the complex systems providing GIS data that is critical to health, public safety, emergency management, disaster preparedness, economic development, and quality of life of our citizens; and

WHEREAS, Henderson County GIS personnel are sponsoring an educational program with demonstrations on November 17, 2010, 1:00 – 3:00 pm in the Kaplan Auditorium, to further promote the study of geography and the use of Henderson County's GoMaps online GIS system;

NOW, THEREFORE, BE IT RESOLVED, , that we, the Henderson County Board of Commissioners, do hereby proclaim November 17, 2010 as “**GIS Day**” in Henderson County.

FURTHERMORE, we commend the individuals and organizations that are involved in the field of geographic information systems, and extend our gratitude to all Henderson County GIS personnel for their commitment to providing GIS resources to meet the needs of the citizens of Henderson County.

Adopted this 17th day of November, 2010.



WILLIAM L. MOYER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1

Hendersonville, NC 28792

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BILL MOYER

Chairman

CHARLIE MESSER

Vice-Chairman

CHUCK MCGRADY

MARK WILLIAMS

LARRY YOUNG

PROCLAMATION


WHEREAS: We believe in the unity of our human community and that each individual in Henderson County, regardless of race, ethnicity, religion, age, gender, disability, sexual orientation and economic status is entitled to equal justice, decent housing, adequate health care and equal opportunity for education; and

WHEREAS: We believe that disregard for human rights results in unfair and unequal treatment and offends the conscience of the community, and that a community in which all individuals enjoy equal respect is the highest aspiration of a society; and

WHEREAS: We further believe in the value of a meaningful, honest dialogue and shared activities to promote human rights, relations and responsibilities among the diverse groups of Henderson County;

NOW THEREFORE BE IT RESOLVED that the Henderson County Board of Commissioners proclaims December 10, 2010 locally as Human Rights Day and calls upon the citizens of Henderson County to be informed of this Proclamation by causing it to be disseminated, displayed and read in public places without distinction.

Adopted this 17th day of November, 2010.



WILLIAM L. MOYER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1

Hendersonville, NC 28792

Phone (828) 697-4808 • Fax (828) 698-4443

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www.hendersoncountync.org

BILL MOYER

Chairman

MARK WILLIAMS

Vice-Chairman

CHUCK MCGRADY

CHARLIE MESSER

LARRY YOUNG

PROCLAMATION

13TH ANNUAL

HENDERSON COUNTY BENEFIT TOY RUN PARADE DAY

WHEREAS, Henderson County area motorcyclists have banded together to actively promote a positive image of motorcyclists through community support; and,

WHEREAS, the motorcyclists recognize that many families need assistance in order to ensure a happy holiday season for their children; and


WHEREAS, toys provided in this annual parade have helped ensure a happy holiday season for hundreds of children throughout Western North Carolina;


NOW THEREFORE BE IT PROCLAIMED that the Henderson County Board of Commissioners does hereby proclaim Saturday, November 20, 2010 as

THE 2010 HENDERSON COUNTY BENEFIT TOY RUN PARADE DAY

and applauds the efforts of those who participate in this charitable event. Adopted this 17th day of November, 2010.

Attest:


Teresa L. Wilson, Clerk to the Board


William L. Moyer, Chairman

**HENDERSON COUNTY
RESOLUTION AUTHORIZING THE PLANNING DIRECTOR TO SIGN
REQUIRED DCA REPORTS AND DOCUMENTS**

WHEREAS, the County of Henderson has received a Community Development Block Grant from the North Carolina Department of Commerce, Division of Community Assistance for the Community Revitalization Grant; and

WHEREAS, the County of Henderson must sign various reports and documents, which need to be periodically sent to the Division of Community Assistance during the administration of the grant; and

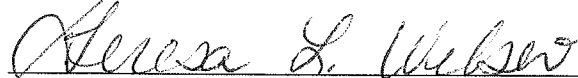
BE IT RESOLVED, that Anthony Starr, the Planning Director, is designated to sign these reports and documents on behalf of Henderson County's Board of Commissioners and that Carey McLelland, the Finance Director, is designated as an alternate should Anthony Starr not be available.

BE IT FURTHER RESOLVED, the authorization is to be effective on November 17th, 2010.

Adopted this the 17 day of November, 2010



William L. Moyer, Chairman



Sherese L. Weber
Clerk to Board

**RESOLUTION TO ADOPT
FAIR HOUSING PLAN AND FAIR HOUSING COMPLAINT PROCEDURE,
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING, SECTION 504 PLAN,
THE EQUAL EMPLOYMENT AND PROCUREMENT PLAN AND
PROCUREMENT POLICY, THE LOCAL ECONOMIC BENEFIT FOR LOW
AND VERY LOW-INCOME PERSONS PLAN (SECTION 3),
CITIZEN PARTICIPATION PLAN,
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE
PLAN, OPTIONAL COVERAGE RELOCATION PLAN, CODE OF CONDUCT
AND AUTHORIZING THE PLANNING DIRECTOR TO SIGN REQUIRED DCA
REPORTS AND DOCUMENTS**

WHEREAS, Henderson County has received funding through the State of North Carolina's Community Development Block Grant Program, and;

WHEREAS, Henderson County has agreed, by acceptance of the CDBG funds (CDBG No. 09-C-2066), to abide by the various regulations governing the administration of the Community Development Block Grant Program;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS FOR HENDERSON COUNTY, NORTH CAROLINA THAT:**

Section 1. Henderson County hereby officially adopts the *Fair Housing Plan, Fair Housing Complaint Procedure and Analysis of Impediments to Fair Housing*, whereby activities will be taken to inform citizens concerning fair housing law and a means is provided as to how citizens may register a complaint if they feel that they are not being provided their fair housing rights.

Section 2. Henderson County hereby officially adopts the *Section 504 Plan* whereby an evaluation of city owned facilities is conducted and a transition plan is developed that furthers individuals with disabilities rights in regards to employment and access to city facilities.

Section 3. Henderson County hereby officially adopts the *Equal Employment and Procurement Plan and Procurement Policy*, to provide to the greatest extent possible, equal opportunities for minorities and disadvantaged populations in the employment and procurement of the grant.

Section 4. Henderson County hereby officially adopts the *Local Economic Benefit to Low and Very Low-Income Persons (Section 3) Plan* to ensure that contracts for work are awarded, to the greatest extend possible to local businesses.

Section 5. Henderson County hereby officially adopts the *Citizen Participation Plan* whereby citizens are provided with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of the CDBG program activities.

Section 6. Henderson County hereby officially adopts the *Residential Anti-Displacement and Relocation Assistance Plan* and the *Optional Coverage Relocation Plan* whereby replacement units and relocation assistance shall be provided to residents when occupied low/moderate income dwellings are demolished or replaced.

Section 7. Henderson County hereby officially adopts the *Code of Conduct Resolution* whereby no public official, employee, official, officer or agent of Henderson County shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved.

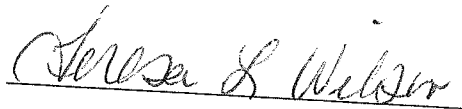
Section 8. Henderson County hereby officially adopts the *Resolution Authorizing the Planning Director to Sign Required DCA Reports and Documents*.

Section 9. This resolution shall take effect immediately and be effective for the life of the grant (CDBG No 09-C-2066).

Adopted this the 17th day of November, 2010



William Moyer, Chairman
Henderson County Board of Commissioners



Clerk to the Board