

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, JANUARY 6, 2014**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner Larry Young, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Budget Manager Amy Brantley, HR Director Jan Prichard, Lieutenant Tim Griffin, Director of Business and County Development John Mitchell, Assessor/Tax Collector Stan Duncan, Finance Director Carey McLelland, Planner Parker Sloan, Library Director Bill Snyder, Sheriff Charlie McDonald, Christina Hallingse - videotaping, Deputy Mitch Jacobsen and Corporal Brent Hall as security.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Katherine Grady of the Homesteaders 4-H Club.

PUBLIC HEARINGS

REZONING APPLICATION #R-2013-05

Commissioner Hawkins made the motion that the Board go into public hearing regarding rezoning application #R-2013-05. All voted in favor and the motion carried.

Commissioner Thompson requested recusal from voting since his mother owns a small parcel of land connected to the subject property.

Commissioner Hawkins made the motion that the Board accepts Commissioner Thompson's recusal from voting. All voted in favor and the motion carried.

Planner Parker Sloan stated Rezoning Application #R-2013-05, which was submitted on October 25, 2013, requests the County rezone a 4.95 acre tract. The applicant requests a rezoning from a Residential One (R1) to a Local Commercial (LC) zoning district. The subject area is owned by Jessie Harris (PIN: 9579-63-6917).

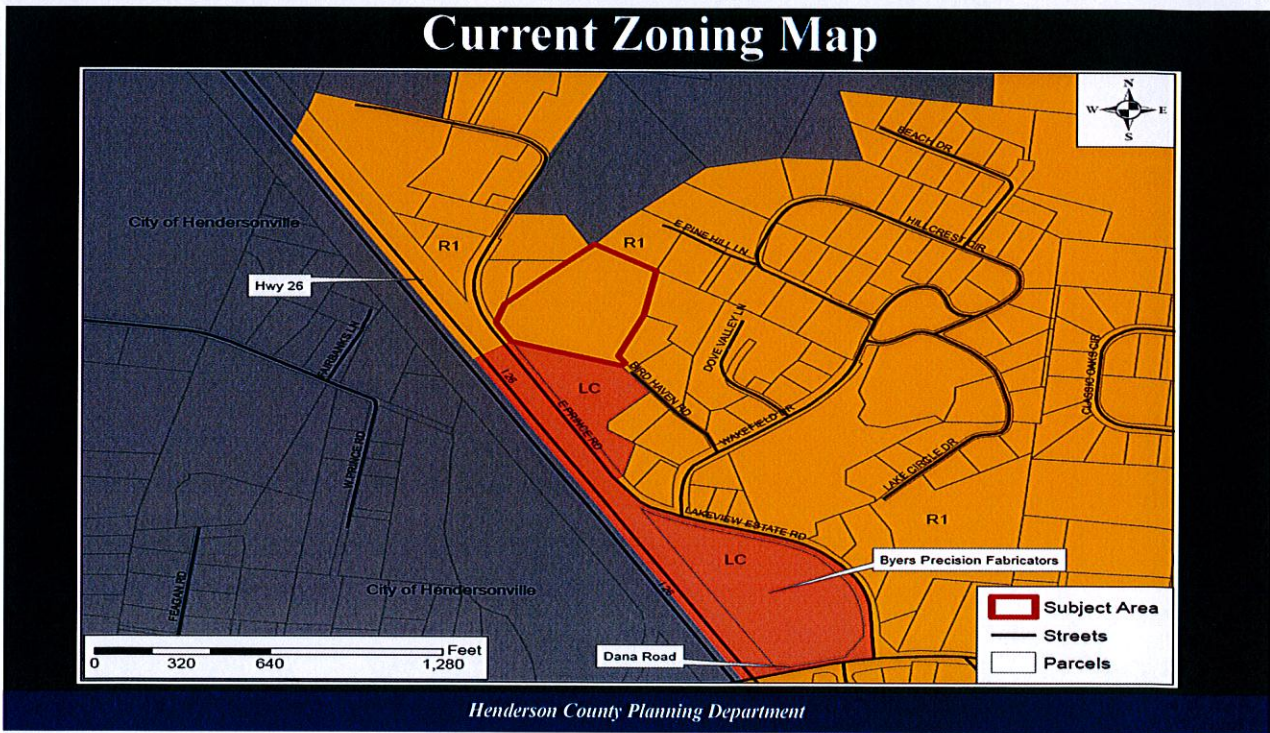
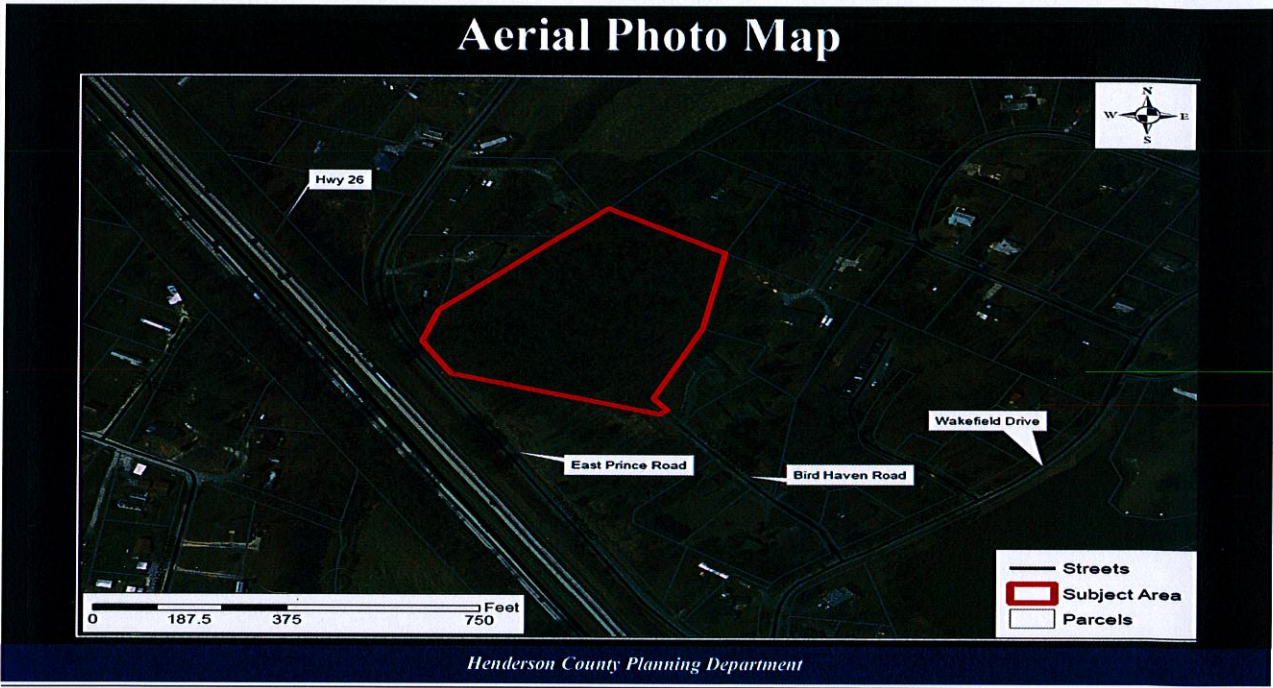
The Henderson County Planning Board considered rezoning application #R-2013-05 at its regularly scheduled meeting on November 21, 2013. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2013-05 to rezone the Subject Area to a Local Commercial (LC) zoning district.

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 January 6, 2014, public hearing regarding rezoning application #R-2013-05 were published in the Hendersonville Tribune on December 12, 2013 and December 19, 2013. The Planning Department sent notices of the hearing via first class mail to the owners of

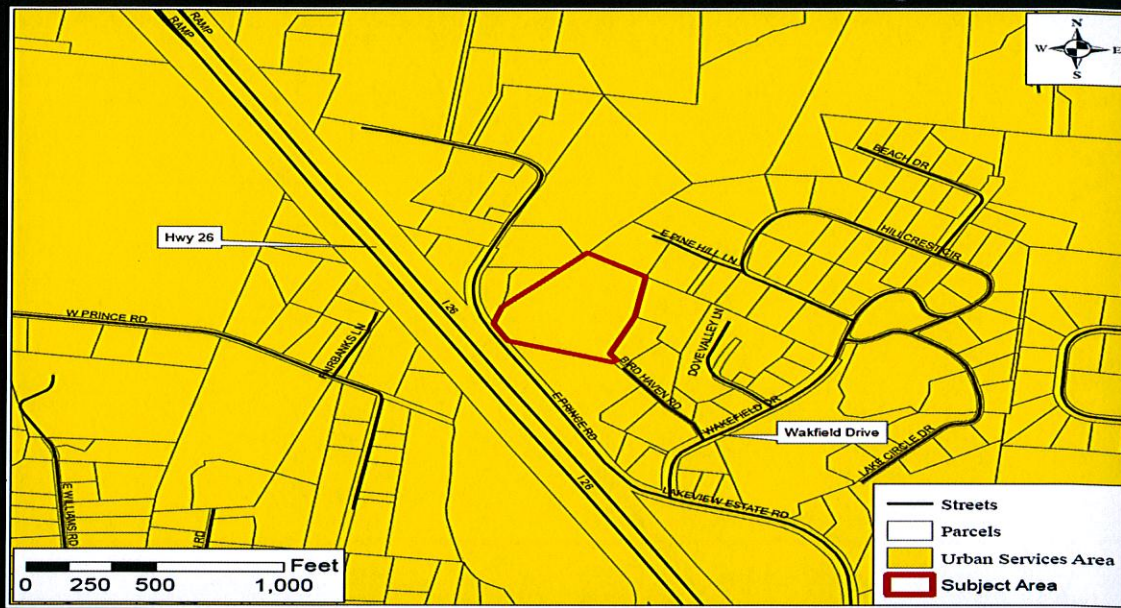
DATE APPROVED: February 3, 2014

properties adjacent to the Subject Area and the subject area property owner on December 20, 2013 and posted signs advertising the hearing on the Subject Area on December 20, 2013.

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Local Commercial (LC) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

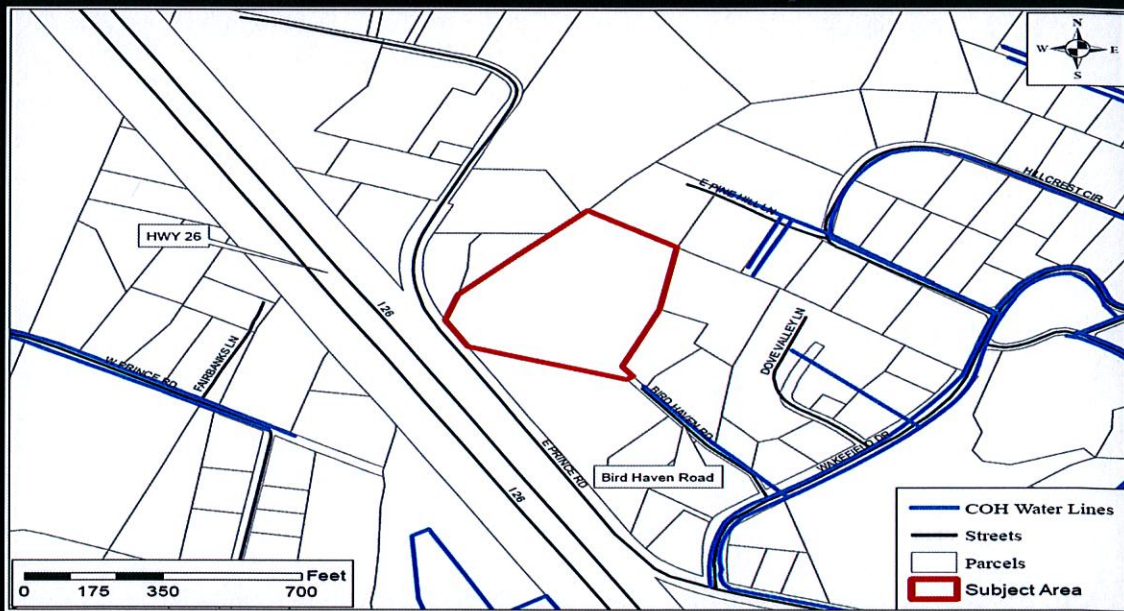


2020 CCP Future Land Use Map



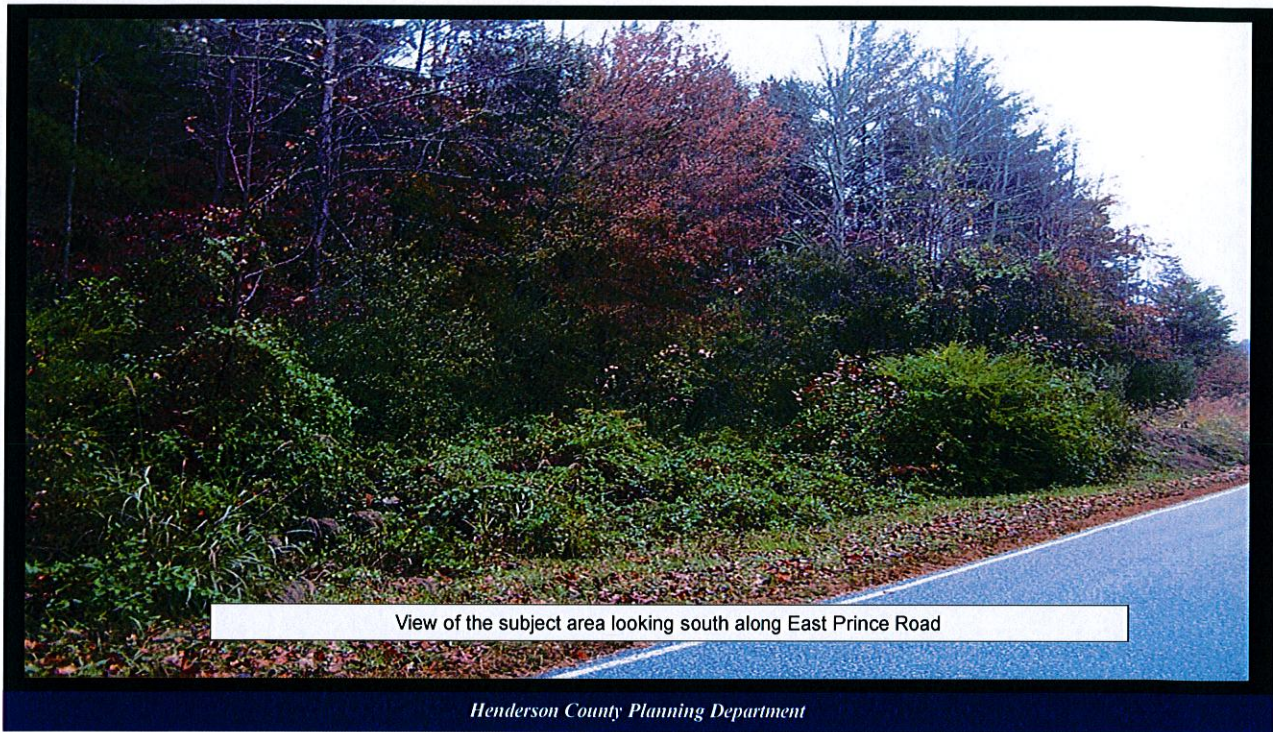
Henderson County Planning Department

Water and Sewer Map



Henderson County Planning Department

Additional information in regard to Local Commercial Zoning Uses was provided by Parker Sloan. The use of the property can be small scale commercial or residential.



Public Input

1. Ms. Brenda Charbonneau – Ms. Charbonneau lives on Bird Haven Road and is concerned with the proposal. She purchased her property because it is private. She is not in favor of industrial zoning.
2. Tim Cartwright – Mr. Cartwright’s property is adjacent to the subject property. The residential property in question has been for sale for a long time. He feels putting in a business would decrease his property value, increase litter, traffic, noise, and crime.
3. Jessie Harris – Mr. Harris is the applicant. The small business he is considering is quite, and will not have late nights, or weekends. The business would create jobs in the county. The location is ideal since it is close to I-26. He was told when he purchased the property that he could start a business on the property.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board adopts the resolution regarding the consistency with the CCP. He further moved that the Board adopt the proposed map amendment. All voted in favor and the motion carried with the exception of Commissioner Thompson who had recused himself from voting.

TO CONSIDER ECONOMIC DEVELOPMENT INCENTIVES – PROJECT HOT AND COLD

Chairman Messer made the motion to go into public hearing for consideration of Economic Development Incentives for Project Hot and Cold. All voted in favor and the motion carried.

Attorney Russ Burrell stated “Project Hot and Cold” is an economic development matter involving two companies, Clement Pappas NC LLC, and Graham Packaging Company, Inc.

Andrew Tate, President of the Henderson County Partnership for Economic Development shared information regarding jobs, pay, and benefits. Clement Pappas NC LLC is a manufacturing concern which operates in Henderson County. The Henderson County facility bottles various beverages. It is considering expanding its

operation in Henderson County or other methods to insure a regular and continuous supply of the bottles in which certain of the beverages are packaged.

Graham Packaging Company, Inc., supplies the bottles used by Clement Pappas.

Under a joint proposal of the two companies seeking development incentives, the bottles to be used by Clement Pappas would be manufactured within Clement Pappas' (newly expanded) Henderson County facility by Graham and Graham's employees. Under the proposal, the public benefit to be derived from the capital project is a total taxable capital investment by Clement Pappas of at least \$580,358 in real property (not including any land acquisition costs), and \$1,877,951 by Clement Pappas and \$3,529,095 by Graham in new business personal property (equipment). The project would result in the creation of four new jobs with Clement Pappas, and eleven new jobs with Graham, all within Henderson County, at an average wage in excess of the average wage in Henderson County for full-time employment, plus other benefits. The requested incentives would last for a period of seven years. The first year's contemplated incentive, if granted, would be not more than \$8,838.00 for Clement Pappas, and \$12,688.00 for Graham, based on the new investment, the number of new employees, and the Board's incentives guidelines. The maximum amount of incentives to be considered in this grant over the seven years would be \$46,676.00 for Clement Pappas, and \$60,267.00 for Graham.

Pete Szelwach, Clement Pappas Manager, thanked the Board for consideration of the project. He explained the benefits of making the vessels in-house verses production in Pennsylvania.

Public Input

There was none.

Chairman Messer made the motion to go out of public hearing. All voted in favor and the motion carried

Commissioner Young made the motion that the Board offer incentives as proposed and set forth in guidelines for a period of 7 years. All voted in favor and the motion carried.

TO CONSIDER ECONOMIC DEVELOPMENT INCENTIVES – PROJECT PERCEPT

Chairman Messer made the motion to go into public hearing for consideration of Economic Development Incentives for Project Percept. All voted in favor and the motion carried.

Attorney Russ Burrell stated the company involved in the "Project Precept" economic development matter is a manufacturing concern located inside and outside the United States (and Henderson County) contemplating expansion at its site in Henderson County. The company has requested to remain anonymous at this time due to competitive pressures.

Andrew Tate, President of the Henderson County Partnership for Economic Development, provided details of jobs, wages, and benefits. He explained that the company's name has not been disclosed to retain identity due to a sensitive nature and would like to remain anonymous. Under the request for incentives the project would result in the public benefit of a total taxable capital investment by the company of at least \$2,250,000.00 in real property (not including any land acquisition costs), and \$6,300,000.00 in business personal property (equipment). The project would result in the creation of fifty new jobs, at an average wage in excess of the average wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would last for a period of seven years. The first year's contemplated incentive, if granted, would be not more than \$35,130.20, based on the new investment, the number of new employees, and the Board's incentives guidelines. The maximum amount of incentives to be considered in this grant over the five years would be \$187,669.00.

Public Input

There was none.

Chairman Messer made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Young made the motion that the Board offer incentives as proposed and set forth in the guidelines for a period of 5 years. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Dr. Robert Kiskaddon – Dr. Kiskaddon is in support of the smoking ordinance amendment. It has been proven that second hand smoke is severe. There are over 7,000 chemicals included and 50 of those can cause cancer. There are many negative effects on children exposed to second hand smoke.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Thompson made the motion to adopt the agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Hawkins 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):

- December 2, 2013 – regularly scheduled meeting
- December 31, 2013 -- agenda meeting

Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated December 30, 2013 for information only. No action was required.

Financial Report/Cash Balance Report – November 2013

The November 2013 County Financial Report/Cash Balance Report was provided for the Board's review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of November:

- Dues/Non-Profits – release of 2nd quarter non-profit contribution payments to agencies
- Register of Deeds – encumbrance of \$81,883 in July for expenditures to be paid from the Register of
- Deeds Fund Balance Reserved for Automation Enhancement
- Information Technology – payments made in the first quarter of the fiscal year for various technology
- Maintenance and support contracts for departments approved in the FY2014 budget
- Fire Services – annual equipment maintenance contract payment for fire services radio equipment
- Rescue Squad – purchase order encumbered for new ambulance approved in the FY2014 budget
- Soil & Water Conservation – purchase order encumbered for grant funded equipment
- Mental Health – payment of 50 percent maintenance of effort funding budgeted for FY2014
- Non-Departmental – worker's compensation and unemployment insurance costs to be allocated out to departments

The YTD deficit in the Emergency Telephone System (911) Fund is due to the final debt service payment on

the financing to expand the current Emergency 911 Communications Center and the payment of annual technology maintenance and support contracts for the 911 communications system.

The YTD deficit in the CDBG – Scattered Site Housing Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to a timing delay in receiving payments – federal ICE revenues for November will not be received and posted until January 2014.

The YTD deficit in the Solid Waste Landfill Fund is due to the purchase of capital outlay equipment and real property purchased for buffer around the landfill during the 1st quarter of the fiscal year.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due a scheduled debt service payment made in November on the Series 2010B Refunding Bonds.

Motion:

I move that the Board of Commissioners approves the November 2013 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – November 2013

The Henderson County Public Schools November 2013 Financial Reports were provided for the Board's information.

Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools November 2013 Financial Reports as presented.

Budget Amendment – Capital Project Fund

At the Board's November 20, 2013 meeting, the Board directed Staff to look at perimeters, and formulate a plan to assist Wingate University in locating a facility to accommodate their long term needs in Henderson County. At that same meeting, the Board approved a construction contract for the artificial turf field at the Athletic Center which came in \$120,710 under budget.

To provide initial funding for the Wingate University project, the Board is requested to approve a budget amendment which reallocates the \$120,710 originally planned for the artificial turf, into a capital project budget to provide for planning services.

Motion:

I move the Board approves the Budget Amendment as presented.

Budget Amendment - Sheriff's Office Request to Use Drug Seizure Funds to Pay for Postage and Envelopes for a Citizen Survey

The Board is requested to approve the Sheriff's request to have Western Carolina University print and mail citizen surveys for the Sheriff's Office to Henderson County residents. The Sheriff's Department recommends the use of drug seizure funds to pay for the postage and envelope costs. The costs total \$8,445. However, Western Carolina will cover the \$1,665 in printing costs.

The Board is requested to approve a Budget Amendment to allow the use of \$6,780 in drug seizure funds for these expenses.

Motion:

I move the Henderson County Board of Commissioners approves the services of Western Carolina University in printing and mailing a citizen survey of the Sheriff's Office and to use drug seizure funds to pay for the expenses.

Service Badge and Sidearm Request – Rodney Raines & Ned Whitmire

The Henderson County Sheriff's Office requests that the service badges and sidearms of Rodney Raines and Ned Whitmire be given to them in recognition of their retirements from the Henderson County Sheriff's Office.

Chief Deputy Rodney Raines began employment with the Henderson County Sheriff's Office on June 29, 1985 as a Detention Officer. Throughout his career he has held the ranks of Corporal, Sergeant, Lieutenant, Captain, Major and Chief Deputy. Chief Deputy Raines has served for a total of 29 years in the Sheriff's Office. He has spent his adult life serving our community and agency with integrity and morals. To honor him and show my gratitude, I intend to present his service badge and service sidearm to Chief Deputy Raines at no charge to him.

Sergeant Ned Whitmire joined the Henderson County Sheriff's Office as a Deputy on October 6, 2003 and has held the ranks of Deputy, Corporal, and Sergeant. Sergeant Whitmire has served 10 years in the Sheriff's Office and is to be commended for his service, dedication and accomplishments. To honor him and show my gratitude, I intend to present his service badge to him and to present his service sidearm to him at a cost designated on the resolution provided.

Sheriff McDonald makes this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Motion:

I move the Board allow Sheriff Charles McDonald to present these service badges and sidearms as a token of appreciation to Chief Deputy Rodney Raines and Sergeant Ned Whitmire.

Approval of 2013-2014 Parks and Recreation Trust Fund Grant

The FY 2013-2014 Adopted Budget included a \$225,000 appropriation to be used for the Green River/Tuxedo/Zirconia Park. Following discussion by the Board and the Park Committee Chairman at the July 17, 2013 meeting, the consensus was to apply for grants for matching funds. Pursuant to that consensus, Staff is preparing to submit an application to the NC Parks and Recreation Trust Fund (PARTF) for a matching grant in the amount of \$225,000.

To proceed with the application, the Board must approve the attached PARTF 2013-14 Basic Facts and Assurances certificate, and authorize Staff to submit the 2014 PARTF Grant application for the Tuxedo Park project.

Motion:

I move the Board approves the PARTF 2013-14 Basic Facts and Assurances certificate, and authorize Staff to submit the 2014 PARTF Grant application for the Tuxedo Park project.

Parkway Behavioral Health – Performance Agreement Amendment

The County has been notified that Parkway Behavioral Health, LLC is being purchased by Parkway of Family Preservation Services of North Carolina (FPSNC) as of January 1, 2014. Parkway reports that Parkway of Family Preservation Services will be hiring all the same staff, providing all of the same services and their offices will stay at the same location so consumers should see very little change.

The County currently has two Performance Agreements in place with Parkway Behavioral Health: one for

the provision of general case management services, and one for provision of clinical support and referrals at the Henderson County Detention Center.

Motion:

I move the Board approves the amended Performance Agreements as presented.

Petition for addition to State Road system

Staff received a petition to add Sunoake Court (Kenwood Knoll Subdivision) to the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

N.C. Gen. Stat. §136-62 provides that citizens may petition the State, through the Board of Commissioners, concerning additions to the State's road system, and concerning improvements to that system. "The board of county commissioners shall receive such petitions, forwarding them on to the Board of Transportation with their recommendations."

Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petitions.

Motion:

I move that the Board directs staff to forward the petition to NCDOT, noting that the Board recommends approval.

Resolution – Local Fire Tax Bill

Henderson County currently has two different ceilings on fire district taxes within the 13 fire protection districts serving our citizens. The difference occurred due to an act by the NC General Assembly in 1959 amending NCGS 69-25.1 to change the maximum fire district tax rate from .10 to .15 per \$100 in valuation of property. Thereby limiting fire districts established before 1959 to a .10 ceiling and providing a .15 ceiling to all districts established 1959 forward.

The NC General Assembly filed a Local Bill to equalize the maximum rate at .15 per \$100 in property value across all Henderson County districts in the 2013 session (S48=H28). The Bill was referred to the Finance Committee where it stalled in session. The Board is requested to consider the resolution in order to provide support for our Senator and Representative in moving the Bill forward during the 2014 short session.

Motion:

I move that the Board adopts the Resolution in support of the Ceiling on Fire Taxes Bill in the NC General Assembly.

Notification of Vacancies

Chairman Messer noted the following vacancy and opened the floor to nominations.

1. Henderson County Transportation Advisory Committee – 3 vac.

Nominations

1. Juvenile Crime Prevention Council – 5 vac.

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

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

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

3. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
Commissioner Hawkins nominated Annette Goetz for position #15.

Chairman Messer made the motion to accept the appointment of Annette Goetz to position #15 by acclamation. All voted in favor and the motion carried.

4. Senior Volunteer Services Advisory Council – 2 vac.
There were no nominations at this time and this item was rolled to the next meeting.

5. Smartstart – 1 vac.
There were no nominations at this time and this item was rolled to the next meeting.

6. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.
There were no nominations at this time and this item was rolled to the next meeting.

Appointment of Commissioner Representatives for Boards and Committees

Commissioner Mike Edney made the motion to adopt the slate of representatives as presented, duplicating 2013. All voted in favor and the motion carried.

- | | |
|--|--------------------------------|
| 1. Agriculture Advisory Board | Tommy Thompson |
| 2. Cane Creek Water and Sewer District Advisory Committee | Charlie Messer |
| 3. Environmental Advisory Committee | VACANT |
| 4. Fire and Rescue Advisory Committee | Grady Hawkins |
| 5. French Broad River MPO – Transportation Advisory Committee. | Tommy Thompson |
| 6. Governmental Financing Corporation | Tommy Thompson, Charlie Messer |
| 7. Henderson County Board of Health | Larry Young |
| 8. Henderson County Historic Courthouse Corporation dba/ Heritage Museum | Mike Edney |
| 9. Henderson County Planning Board | Grady Hawkins |
| 10. Henderson County Transportation Advisory Committee | Tommy Thompson |
| 11. Hospital Corporation Board of Directors | Mike Edney |
| 12. Joint College Facility Committee | Tommy Thompson, Mike Edney |
| 13. Joint School Facilities | Grady Hawkins, Larry Young |
| 14. Juvenile Crime Prevention Council | Tommy Thompson |
| 15. Land-of-Sky Regional Council | Tommy Thompson, Mike Edney |
| 16. Library Board of Trustees | Larry Young |
| 17. Local Emergency Planning Committee (LEPC) | Mike Edney |
| 18. Local Government Committee of Cooperative Action (LGCCA) | Tommy Thompson, Charlie Messer |
| 19. Metropolitan Sewerage District of Buncombe County (MSD) | Charlie Messer |
| 20. Nursing/Adult Care Home Community Advisory Committee | Tommy Thompson |
| 21. Recreation Advisory Board | Charlie Messer |

REQUEST FOR APPROVAL OF WESTERN CAROLINA COMMUNITY ACTION 2013-2014 CDBG GRANT APPLICATION FOR FUNDING

Deb Haight, WCCA Services Director, is requesting approval of the Western Carolina Community Action Community Services Block Grant Program application. This is the third year this has been a requirement from their funder.

The grant is unsigned and will be presented to the WCCA Board of Directors prior to the meeting of the Board of Commissioners for their approval. No Henderson County funding is required.

The following information was provided by Deb Haight during the meeting as explanation.

Return on Investment for Western Carolina Community Action
Self Sufficiency Program
12/19/2013

Question: What is the Return on Investment of the PLAN PROGRAM?

Answer: Based on information from a North Carolina Community Action representative who is responsible for computer monitoring for the State, it costs approximately \$30,428 per year for an unemployed person who requires public assistance. Our proposal of bringing 10 persons from poverty to self-sufficiency will result in a return of \$12.17 per every dollar invested in the program. I have used the formula below to ascertain this answer. To assure that our goal is achieved; clients who leave the program will be replaced with clients on the waiting list, keeping the on-going number of participants at 10.

\$8.00 per hour x 40 hours x 50 weeks =	\$16,000.00
\$16,000.00 x 15% for taxes =	\$2,400.00
\$16,000.00 x 25% for benefits =	\$4,000.00
Added revenue for the family and the community	\$22,400.00
	+
Average amount of Food Stamps for WCCA Community Services Block Grant Client \$396.00/month x 12 =	\$4,752.00
NC unemployment insurance payment \$126.00** x 26 weeks =	\$3,276.00
Total per client in reduced benefits per year	\$8,028.00

Return on Investment from employment revenue, taxes paid and benefits earned plus savings to taxpayers in eliminated unemployment benefits and reduced or eliminated food stamp benefits = \$30,428.00*

\$30,428.00* per participant x 10 participants = \$304,280.00

\$25,000.00(amount of grant funds requested) = \$12.17 or every \$1.00 invested in the program returns \$12.17 in benefits. 304,280/25,000

**The lowest amount that our clients received in unemployment benefits weekly.

Commissioner Edney made the motion that the Board approves the request for application by the Western Carolina Community Action of the 2014-2015 CDBG Grant, authorize the clerk to insert the date of January 6, 2014 on page 3, and further authorize the clerk to execute the submission page. All voted in favor and the motion carried.

RULES OF PROCEDURE

Russ Burrell stated at your last meeting, the Board directed the County Attorney to draft rules regarding agenda and other meetings. After that meeting, many of your members expressed concerns with the County Manager and the County Attorney regarding the number and purposes and procedures for meetings to set the agenda for other meetings of this Board. After discussion with various members of the Board, the proposed replacement Rules of Procedure for the Board is proposed.

The proposed Rules are similar to your existing rules. Some items you should note:

- **Rule 4**, regarding Organizational Meetings, conforms with Board practice in recent times.
- **Rule 6**
 - Subsection (a): changes in the date, time or place of a **regular** meeting have to be made and given notice of at least seven days in advance.
 - Subsection (b): notice of a **special** meeting has to be given 48 hours in advance. There is a limitation (to the subject(s) listed in the notice) of Board discussion and action at special meetings.
- **Rule 9** deals with agendas (with these procedures in lieu of “agenda meetings”):

- Published agendas (with supporting documentation) must be provided by staff to Board members at least three (3) days prior to the meeting.
- Any member may add a matter to the agenda, but must notify staff (so as to enable staff to include that matter in the published agenda to the entire Board) at least two (2) days prior to the due date for published agendas.
- Staff additions to the published agenda can only occur in cases of (1) emergency, or (2) time-sensitive closed sessions.
- A majority of the Board can add a matter beyond those listed on the published agenda, but only at regular (not special or emergency) meetings.
- Rule 9(d) sets out a procedure for dealing with “consent list” items.

These proposed Rules are very much in accord with the counsel provided by the North Carolina School of Government, with specific changes to meet the needs of this Board.

County Attorney Russ Burrell noted that by adopting these Rules, the Board will be cancelling the “agenda meetings” that have been scheduled, and the Clerk will be sending out a notice of their cancellation.

Commissioner Hawkins requested that Rule 9 (2) Special meetings: include “The notice of special meeting along with supporting documents shall constitute the agenda for such meeting.”

Commissioner Hawkins made the motion that the Board adopts the proposed Rules of Procedure as the Board’s Rules, to remain in effect until modified by this Board. All voted in favor and the motion carried.

SMOKING ORDINANCE AMENDMENTS

Steve Wyatt stated smoking by the public in and around the entrances to library buildings has resulted in a series of complaints made by library patrons and staff recently, as well as over the past several years. However, since the issue of smoking near County facilities is not limited to the Library, the Board is requested to discuss the broader topic of how it wishes to deal with smoking at any facility owned and/or operated by the County. This ordinance only covers smoking, not chewing tobacco. Mr. Wyatt requested the Board look at the level of prohibition.

Commissioner Young felt campuses should be smoke free.

Chairman Messer suggested looking at smoking areas or smoke free.

Commissioner Hawkins felt smoking should be prohibited certain distances to buildings or areas.

Commissioner Edney felt the Board should leave it to the county manager’s discretion to work with department heads to determine smoking areas.

Commissioner Thompson felt the most difficult area would be Jackson Park.

County Manager Steve Wyatt will work with staff for perimeter consideration and bring the information back before the Board in February.

NCACC LEGISLATIVE GOALS

County Manager Steve Wyatt stated the NCACC is soliciting input and proposals from all counties concerning the most important issues of a statewide nature that impact counties at the federal level, and has invited counties to submit their legislative proposals to the Association. The submission deadline for proposals is Friday, January 10, 2014. A list of the 2013 Federal Legislative Issues, and a description of each, was included for reference.

2013 NCACC FEDERAL ISSUES

Ensure that Budget Reforms and Sequestration Do Not Result In Unfunded Mandates To Counties

- **Description:** North Carolina counties recognize the tremendous financial pressures to reign in federal spending. Counties have cut their budgets and programs significantly over the past four years to manage declining revenues and have suffered cost shifts and funding reductions as well. Congressional consideration of federal budget cuts should include a significant overhaul of program mandates and unnecessary regulations to make sure that federal costs and responsibilities are not shifted to counties.

Protect TANF and Social Services Block Grants

- **Description:** TANF supplemental funds have been made available since the 1996 inception of the TANF welfare reform initiative to level-set TANF federal payments. The TANF basic grant formula over-compensated those states with high welfare family payments. North Carolina was penalized for having a conservative welfare policy with low cash assistance payments, time-limited benefits and an emphasis on work and personal responsibility. To address these formula inequities, the supplemental program was initiated for the 17 states being under-funded by the TANF basic grant formula. Authorization for TANF supplemental grants expired April 2011. N.C.'s share at \$36 million represents 11 percent of total TANF funding. Counties use these federal dollars to provide county child protective services and for work supports such as childcare and job training.

Support Remote Sales Tax Collection

- **Description:** North Carolina and its counties, like most other states, are losing hundreds of millions of dollars annually in sales tax revenues through untaxed remote sales. State estimates project an N.C. loss of nearly \$122 million annually, with losses growing faster than the overall retail tax base. In 2011, national Internet sales increased 16 percent over 2010 while total retail sales increased at half that rate. The U.S. Supreme Court has ruled that states cannot compel remote vendors to collect state sales taxes unless a company has a physical presence in the state – a nexus. Untaxed remote sales also disadvantage local “main street” merchants that must charge and collect sales taxes while remote sellers are not required to do so. While opponents of remote sales tax collection unfairly decry “tax increase,” these revenues are already due and payable by law.
- **Please support:**
 - S. 743 – Marketplace Fairness Act of 2013, sponsored by Sen. Mike Enzi (WY)

Maintain Funding For Education and Workforce Development

- **Description:** County education and workforce development programs work to increase levels of employment that will ultimately help our nation, state and counties continue its economic recovery. Counties request that Congress maintain current levels of funding for education and workforce development programs in order to prepare students and adults to obtain and keep jobs.

Protect Counties during Implementation of the Affordable Healthcare Act

- **Description:** The U.S. Supreme Court issued their opinion validating the constitutionality of the Affordable Care Act. Now, states are preparing for and currently deciding how to participate in the new federal healthcare exchange program. North Carolina state leaders are debating whether to increase those who are eligible for Medicaid and whether to initiate a state/federal exchange. As these decisions are made, it is still unclear what impacts they could have on counties. Main concerns center on the financial costs involved with the administrative functions related to processing eligibility paperwork. Counties request that the federal and state government be aware of and

sensitive to the costs involved in moving forward with the implementation of the Affordable Health Care Act.

Support Efforts to Maintain Funding for Beach Renourishment

- **Description:** North Carolina Coastal counties continually face challenges with beach erosion. Having well maintained beach areas and access is important not only to these coastal counties, but to the entire state due to the financial impacts derived from an active tourism economy. The NCACC requests that federal funding being maintained for beach renourishment programs.

County Manager Steve Wyatt shared a copy of the Resolution from March 4, 2013 in regard to the Patient Protection and Affordable Care Act. Two responses were received back supporting the concept with different strategies from Senator Burr and Congressman Meadows. This is an issue of double taxation.

Issues:

- Patient Protection and Affordable Care Act (Repeal)
- Collective Bargaining
- Immigration Reform Act (develop a realistic program to meet the needs of business and citizens for controlled but legal immigration)
- Education (fund the mandates or get rid of them)
- Constitution (restoration of 10th Amendment)

It was the consensus of the Board to have staff produce a list and bring back to the Board for review before submitting it to the NCACC.

IMPORTANT DATES

Set Public Hearing for Rezoning Application #R-2013-06

Rezoning Application #R-2013-06, which was submitted on November 20, 2013 requests the County rezone a 5 acre tract. The applicant requests a rezoning from a Residential Two Rural (R2R) to an Industrial (I) zoning district. The subject area is owned by Chumbley Family LLC and the applicant is the Warm Company.

The Henderson County Planning Board considered rezoning application #R-2013-06 at its regularly scheduled meeting on December 19, 2013 and voted unanimously to send forward a favorable recommendation. Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Staff suggests scheduling the public hearing for February 3, 2014, at 5:30 P.M., or schedule a special called meeting on or after that date.

Commissioner Edney made the motion that the Board schedules a public hearing for rezoning application #R-2013-06 for Monday, February 3, 2014, at 5:30 P.M. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to adjourn at 6:50 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R -2013-05; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on January 6, 2014; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R -2013-05 – Jesse Harris Rezoning) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 6th day of January, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: *Charlie Messer*
CHARLIE MESSER, Chairman

ATTEST:

Terry Wilson
Terry Wilson, Clerk to the Board

[COUNTY SEAL]

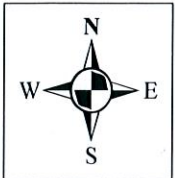
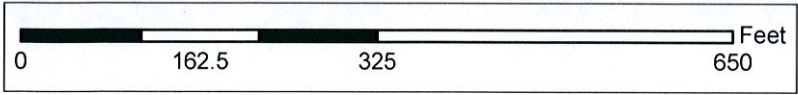




Hwy 26

East Prince Road

Wakefield Drive



-  Subject Area
-  Parcels
-  Streets

Rezoning Application
R-2013-05
Jesse Harris, applicant

Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Monday, December 30, 2013

Re: Tax Collector's Report to Commissioners - Meeting Date 06 January 2014

Please find outlined below collections information through 29 December 2013 for the 2013 real and personal property bills mailed out on 08 August 2013, as well as registered motor vehicles billed and collected by our office. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2013 Beginning Charge:	\$58,587,460.87	2012 Beginning Charge:	\$57,948,078.50
Discoveries & Imm. Irreg.:	\$273,390.59	Discoveries & Imm. Irreg.:	\$185,402.07
Releases & Refunds:	(\$213,671.10)	Releases & Refunds:	(\$67,984.19)
Net Charge:	\$58,647,180.36	Net Charge:	\$58,065,496.38
Unpaid Taxes:	\$14,277,845.87	Unpaid Taxes:	\$13,552,528.54
Amount Collected:	\$44,369,334.49	Amount Collected:	\$44,512,967.84
Percentage Collected:	75.65%	Percentage Collected:	76.66%
Through: 29-Dec-2013		Through: 29-Dec-2012	

Motor Vehicle Bills G01 Only:

2013 Beginning Charge:	\$2,583,783.87	2012 Beginning Charge:	\$2,753,743.11
Discoveries & Imm. Irreg.:	\$1,815.92	Discoveries & Imm. Irreg.:	\$2,328.80
Releases & Refunds:	(\$48,748.49)	Releases & Refunds:	(\$49,947.90)
Net Charge:	\$2,536,851.30	Net Charge:	\$2,706,124.01
Unpaid Taxes:	\$571,600.53	Unpaid Taxes:	\$641,291.23
Amount Collected:	\$1,965,250.77	Amount Collected:	\$2,064,832.78
Percentage Collected:	77.47%	Percentage Collected:	76.30%
Through: 29-Dec-2013		Through: 29-Dec-2012	

Fire Districts All Bills:

2013 Beginning Charge:	\$6,865,488.18	2012 Beginning Charge:	\$6,731,702.64
Discoveries & Imm. Irreg.:	\$44,208.54	Discoveries & Imm. Irreg.:	\$23,855.65
Releases & Refunds:	(\$33,072.56)	Releases & Refunds:	(\$14,791.43)
Net Charge:	\$6,876,624.16	Net Charge:	\$6,740,766.86
Unpaid Taxes:	\$1,667,181.24	Unpaid Taxes:	\$1,596,077.54
Amount Collected:	\$5,209,442.92	Amount Collected:	\$5,144,689.32
Percentage Collected:	75.76%	Percentage Collected:	76.32%
Through: 29-Dec-2013		Through: 29-Dec-2012	

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: Capital Project Fund

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>405400-538100-1311</u>	<u>Professional Services</u>	<u>\$120,710</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>405400-554001-1112</u>	<u>Capital Outlay - Land & Improv</u>	<u>\$120,710</u>
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
To provide for planning services in support of a facility for a Wingate University project. The project was approved by the Board at their November 20, 2013 meeting.

Authorized by Department Head

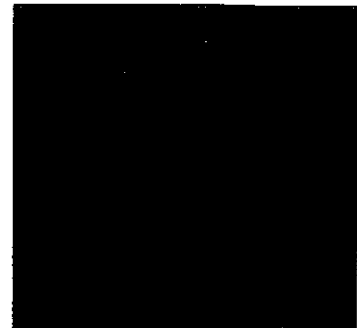
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date



**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Sheriff

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-532500</u>	<u>Postage</u>	<u>\$6,210</u>
<u>115431-526000</u>	<u>Dept Supplies and Materials</u>	<u>\$570</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114431-451005</u>	<u>Federal Forfeitures (DOJ)</u>	<u>\$6,780</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
To provide funding for the mailing of a citizen survey of the Sheriff's Office to residents of Henderson County.

Authorized by Department Head

12-5-2013
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date

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



Resolution Honoring Chief Deputy R. Raines



For 29 Years of Law Enforcement Service and Awarding Him His Badge and Sidearm

WHEREAS, Chief Deputy Rodney Raines joined the Henderson County Sheriff's Office as a Detention Officer on 6/29/1985 and held the ranks of Corporal, Sergeant, Lieutenant, Captain, Major and Chief Deputy.

WHEREAS, Chief Deputy Raines's service and dedication to the Henderson County Sheriff's Office and Service, dedication and accomplishments in the field of law enforcement during his 29 years of total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, Chief Deputy Raines has served as a member of the Henderson County Sheriff's Office for a period of more than 29 and is retiring from the Henderson County Sheriff's Office on 11/30/2013; and

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. Sheriff Charles McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Chief Deputy Raines the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Charles McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Chief Deputy Raines his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED, that the Henderson County Board of Commissioners recognizes and thanks Chief Deputy Rodney Raines for his dedicated service to the Henderson County and its citizens.

Adopted this the 6th day of January, 2014.

CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

CLERK TO THE BOARD



Resolution Honoring Sergeant Ned Whitmire For 10 Years of Law Enforcement Service and Awarding Him His Badge and Sidearm



WHEREAS, Sergeant Whitmire joined the Henderson County Sheriff's Office as a Deputy on 10/06/2003 and held the ranks of Deputy, Corporal and Sergeant; and

WHEREAS, Sergeant Whitmire's service and dedication to the Henderson County Sheriff's Office and Service, dedication and accomplishments in the field of law enforcement during his 10 years of total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, (Officer) has served as a member of the Henderson County Sheriff's Office for a period of more than (years) and is retiring from the Henderson County Sheriff's Office on (date); and

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. Sheriff McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Whitmire the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Whitmire his service sidearm at a cost of \$234.50 for and in consideration of the sum of \$5.00 received from Sergeant Whitmire and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED, that the Henderson County Board of Commissioners recognizes and thanks (Officer) for (his/her) dedicated service to the Henderson County and its citizens.


Adopted this the 6th day of January, 2014.

CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

CLERK TO THE BOARD

**N.C. Parks and Recreation Trust Fund (PARTF)
2013-14 Basic Facts and Assurances**

Local Government Name: Henderson County		County: Henderson	
Federal Employer I.D. Number: 56-6000307			
Local Government's Contact Person for the Grant: Name: Mr. Tim Hopkin Title: Director, Parks and Recreation Organization: Henderson County Address: 801 4 th Avenue East City/State/Zip: Hendersonville, NC 28792 Telephone: 828-697-4884 E-mail: thopkin@hendersoncountync.org		Local Government Manager: Name: Mr. Steven D Wyatt Title: County Manager Address: 1 Historic Courthouse Square, Suite #2 City/State/Zip: Hendersonville NC, 28792 Telephone: 828-697-4809 E-mail: swyatt@hendersoncountync.org	
Chief Elected Official: Name: Mr. Charles Messer Title: Chairman of the Board Address: 1 Historic Courthouse Square, Suite #1 City/State/Zip: Hendersonville NC 28792		Type of project: <input type="checkbox"/> Acquisition <input checked="" type="checkbox"/> Development <input type="checkbox"/> Acquisition and Development	
Site Control: <input checked="" type="checkbox"/> Owned by local government <input type="checkbox"/> Owned by school board <input type="checkbox"/> Leased by applicant for 25 years or more <input type="checkbox"/> Easement		Costs rounded to nearest dollar: PARTF funds requested: \$ 225,000 Local government's matching funds: \$ 225,000 Total cost of project \$450,000	
Recreation Resources Service (RRS) regional consultant: LuAnn Bryan			
Short title of project: Tuxedo Park			
Provide a brief description of the project: Development of a new park in the Green River/Tuxedo/Zirconia area of Henderson County. This will be the first public park in this area of the County, and will contain tennis courts, a "sports court", playground areas and walking trails. The site also has an area that would accommodate future expansion for a community center.			
Approval by local governing board: (The local governing board must approve this certification.) I hereby certify the information contained in the attached application is true and correct and the required dollar-for-dollar matching funds will be available during the project period.			
Adopted this day of (give date): <u>JANUARY 6, 2014</u>			
Chief Elected Official: <u></u> (Signature)		<u>Charles D. Messer, Chair</u> (Print or Type Name and Title)	
(For applications sponsored by two or more local governments, or a local government and school administrative unit, one copy of this form must be completed and signed by each applicant. One of the local governments must be identified as the primary sponsor in the "Applicant" section at the top of this page.)			

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

RESOLUTION IN SUPPORT OF THE HENDERSON COUNTY FIRE DISTRICTS BILL

WHEREAS, Henderson County's Fire Districts currently have inequity in the maximum allowable fire tax rate in four of the thirteen districts serving our citizens; and,

WHEREAS, The contract for services for said districts requires the same level of service provision to each district; and,

WHEREAS, The Henderson County Board of Commissioners desires to provide equitable fire protection services to all of our citizens; and,


NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby declares their support for the Henderson County Fire Districts Bill, specifically providing for a .15 per \$100 in property value ceiling on all fire districts within Henderson County.

Adopted this the 6th day of January, 2014.



CHARLIE MESSER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

**HENDERSON COUNTY
BOARD OF COMMISSIONERS
RULES OF PROCEDURE**

Adopted JAN - 6 2014

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Henderson County and the Board of (collectively, "the Board") at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative or legislative powers conferred on it by law.

Rule 2. Meetings to be Open

(a) Nothing here shall be construed to violate the Open Meetings Law as codified in N.C. Gen. Stat. §143-318.9 *et seq.*

(b) No person shall be entitled to willfully interrupt, disturb, or disrupt an official meeting. In such case, the person may be directed to leave the place of such official meeting by the chair, upon pain of violation of N.C. Gen. Stat. §143-318.17.

Rule 3. Closed Sessions

(a) The Board may hold closed sessions and exclude the public as is provided under North Carolina law.

(b) No final actions on appointments or discharges of employees may be taken in closed session.

(c) To go into closed session, the Board must be in an official and open meeting, and:

(1) A motion to go into closed session must be made.

(2) The reason for the closed session, including the provision in North Carolina law allowing a closed session must be cited as a part of the motion, unless the closed session is noted on the Board's published proposed agenda for the official and open meeting, and unless the proposed agenda is adopted without change to the provisions for the closed session.

(d) Unless the motion to go into closed session provides otherwise, the County Manager, the Clerk to the Board, and the County Attorney may attend the closed session. In situations where one or more of the County Manager, the Clerk to the Board, or the County Attorney is a subject of the closed session, one or more of them may be dismissed from the closed session by the Board.

Rule 4. Organizational Meeting

(a) Even-Numbered Years. The Board shall hold an organizational meeting on the first Monday in December of each even-numbered year.

(1) The agenda for this organizational meeting shall be limited to induction (and, if necessary, taking of oath(s) of office) of newly elected members of the Board and other elected county officials and organization of the Board for the ensuing year.

(2) The organizational meeting shall be convened and concluded immediately before the first regular December meeting is convened.

(3) The County Attorney shall call the meeting to order and shall preside until a chair is elected.

(4) The agenda for such organizational meeting shall be the following order, conducted in the following order:

(i) (if they have not already been sworn and inducted into office) the newly elected members of the Board shall take and subscribe the oath of office;

(ii) the Board shall elect a chair and vice-chair from among its members; and,

(iii) the Board shall approve the bonds of the sheriff, and the register of deeds.

(5) The Board shall then convene its first regular meeting in December.

(b) Odd-Numbered Years. The procedure for organizational meetings in odd-numbered years shall be the same as for even-numbered years, except that such meeting shall occur just before the first regular meeting in December of such year.

Rule 5. Election of the Chair

The chair of the Board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a member of the Board.

Rule 6. Types of Meetings

(a) **Regular Meetings.** The Board shall hold a regular meeting on the first Monday of each month, commencing at 5:30 p.m., and on the third Wednesday of each month, commencing at 9:00 a.m. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. The Board may cancel a particular meeting, change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than seven days before the change takes effect. Such a resolution shall be filed with the clerk to the Board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the Board. In no event shall the Board meet less than one time during a calendar month.

(b) **Special Meetings.** The chair or a majority of the members of the Board may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subject(s) to be considered at such meeting. The person or persons who call the meeting shall cause the notice to be posted on the bulletin Board designated as the door of the Henderson County Historic Courthouse, and delivered to the chair and all other Board members (or left at the usual dwelling place of each member) at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the Board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations which have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify Board members. Only business connected with the emergency may be discussed at the meeting.

(d) **Sunshine List.** Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk to the Board of Commissioners a written request for notice of all special meetings of the Board. Requests must be renewed annually on or before 15 December of each year.

(e) **Work Sessions and Committee Meetings.** The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or a majority of the members of the Board at such times and with respect to such subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not generally held on a regular schedule, and if not held during a regular meeting are subject to the same notice requirements as special Board meetings.

Rule 7. All Meetings within the County

All meetings shall be held within the boundaries of Henderson County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly or Congress representing all or any portion of this county to support or oppose any bill pending in the General Assembly or Congress or proposed for introduction therein may be held in any place as may be stated in the call of the meeting.

Rule 8. Broadcasting and Recording Meetings

- (a) Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.
- (b) Any radio or television station wishing to broadcast any portion of an official meeting of the Board shall so notify the county manager prior to the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room, the county manager may require the news media either to pool equipment and personnel or to

secure and pay the costs of an alternative meeting site that is mutually agreeable to the Board and the media representatives.

Rule 9. Agenda

(a) The clerk to the Board, in consultation with the County Manager and the County Attorney, shall prepare the agenda for each regular, special, and emergency meeting.

(1) Regular meetings: The draft agenda, with supporting information, shall be prepared and provided to members of the Board at least three (3) working days prior to the meeting.

(i) Board member requests: Any Member may have an item placed on the agenda by requesting the same of the County Manager or County Attorney at least two (2) working days prior to the date by which the draft agenda and supporting documentation must be made available to the Board.

(ii) Staff requests: Any County staff request for an item to be placed on the agenda must be made in accordance with policies adopted by the County Manager. No County staff requested matters may be requested to be added to an agenda after the draft agenda is provided to the Board, except in cases of emergency, or in cases of requests for time-sensitive closed sessions.

(iii) Requests from the public: Any request received by County staff from the public for a matter to be included on the Board's agenda will be evaluated by staff. If in the judgment of the staff the matter should be included, it will be dealt with as a staff request. In the event the request is denied by staff, a copy of the request shall be supplied to all members of the Board. If any member then requests that the matter be included in the draft agenda, it will be dealt with as a Board member request.

(2) Special meetings: The notice of the special meeting along with supporting information shall constitute the agenda for such meeting. No matters may be added to the draft agenda without the written consent of all members of the Board.

(3) Emergency meetings: The draft agenda, with supporting information, shall be provided to members of the Board at the meeting.

(b) The agenda packet shall include the draft agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and

background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each Member by placing a copy of the same in such member's interoffice mail box, and by emailing each member notice of the availability of the same. Additionally, the draft agenda packet shall be posted online on the County's web site at the designated place.

(c) At regular meetings only, the Board may, by majority vote, add an item for discussion that is not on the draft agenda.

(d) The draft agenda may include a list of items ("consent list") proposed by staff for action without substantial debate and by consent. Such items will be routine matters or matters anticipated to be non-controversial.

(1) Without objection from a Member, the items included in the consent list will be acted on by the Board pursuant to a single collective motion.

(2) Any Member may by objection remove an item from the consent list. Such item will then be added to the list of discussion items for consideration by the Board.

(3) Further, any Member, by reserving the right to object, may direct inquiries regarding any such item to staff prior to determining whether to object to the consideration of the item on the consent list. If the Member reserving their right to object after inquiries withdraws their reservation, the item will be considered with the rest of the consent list. If after inquiries the Member wishes to object, the item will then be added to the list of discussion items for consideration by the Board.

Rule 10. Informal Public Comments

The draft agenda of each regular meeting shall include a period of at least thirty minutes for comments from members of the public in attendance. The chair will first recognize individuals or groups who have made a prior appointment to be heard, and then may recognize others, subject to available time. Each speaker shall be allowed three (3) minutes, although such time may be extended by the Board.

Rule 11. Order of Business

At regular meetings, the Board shall proceed to business in the following order:

1. Scheduled public hearings.
2. Informal public comments.
3. Approval of the agenda.
4. Approval of consent items.

5. Discussion items:
 - A. Unfinished business.
 - B. Introduction of ordinances, resolutions, and orders.
 - C. Other new business.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

Rule 12. Powers of the Chair

The chair shall preside at all meetings of the Board. A member must be recognized by the chair in order to address the Board. The chair shall have the following powers, subject to being overruled by a majority of the Board:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 13. Action by the Board

The Board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 14. Second Not Required

A motion shall not require a second.

Rule 15. One Motion at a Time

A member may only make one motion at a time.

Rule 16. Substantive Motion

A substantive motion (also called a “main motion”) is out of order while another substantive motion is pending.

Rule 17. Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by the laws of North Carolina.

Rule 18. Debate

The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 19. Procedural Motions

(a) In addition to substantive motions, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

- (1) To Appeal a Ruling of the Chair.
- (2) To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- (3) To Take a Recess.
- (4) To Call to Follow the Agenda. This motion must be made at the first reasonable opportunity or it is waived.

- (5) To Suspend the Rules. This motion requires a vote equal to a quorum.
- (6) To go into a closed session.
- (7) To leave closed session.
- (8) To Divide a Complex Motion and Consider It by Paragraph.
- (9) To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
- (10) To Call the Previous Question. The motion is not in order until every member has had one opportunity to speak.
- (11) To Postpone to a Certain Time or Day.
- (12) To Amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
- (13) To Revive Consideration. The motion is in order at any time within one hundred days of a successful motion to defer consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
- (11) To Reconsider. The motion must be made at the same meeting at which the original vote was taken or the regular meeting next following, and by a member who voted with the prevailing side.

Rule 20. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 22. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 24. Action by Reference

The Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that a reasonable person attending the meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances, Resolutions and Orders

A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all the Members, or if the measure is not voted on at the meeting where introduced it shall be considered at the next regular meeting of the Board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced it is adopted.

Rule 27. Quorum

A majority of the Board's membership shall constitute a quorum and shall be required for all meetings and hearings. The number required for a quorum is not affected by vacancies. If a Member has withdrawn from a meeting without being excused by majority vote of the remaining Members present, such withdrawn Member shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent Member by ordering the sheriff to take the Member into custody and present such Member before the Board.

Rule 28. Public Hearings and Public Comment Periods

(a) **Public Hearings.** Public hearings required by law or deemed advisable by the Board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

(b) **Public Comment Periods.** The Board shall provide at least one period for public comment per month during a regular meeting. Each speaker shall be allowed three (3) minutes, although such time may be extended by the Board. The Board may adopt reasonable regulations governing the conduct of the public comment period, including but not limited to rules providing for (1) the designation of representatives to speak for groups supporting or opposing the same position, (2) the selection of delegates from groups with the same position when the meeting hall's capacity is exceeded, and (3) the maintenance of order and decorum in the conduct of the public comment period. The Board shall not restrict speakers based on subject matter, point of view, or the fact that the Board may find the remarks offensive or insulting, as long as the comments pertain to a subject that is within the Board's real or apparent jurisdiction.

Rule 29. Appointments

The board shall use the following procedure to make appointments to fill vacancies in other boards and public offices over which the board has power of appointment.

1. The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

2. Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

3. Notwithstanding any contrary provision in any board or committee by-laws or charter, for any board or committee created by the Board for which the Board appoints at least one-half the members, the Board shall select the chair of such board or committee, by the process set out in this Rule.