

# PUBLIC INPUT SIGN UP SHEET

2-20-08

PUBLIC INPUT SHALL BE LIMITED TO  
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

Please Print:

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
✓ 1.	ARIAN LOWRY Lanaw Lowry	600 Carolina Valley Rd	COA Request
2.	JEFF HUNT		
✓ 3.	Bob Helman	H'milk	2876 - Sheriff
4.			
5.			
6.			
7.			
8.			
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12.			
13.			



AVALINA B. MERRILL  
Administrative Assistant to  
Henderson County Manager  
100 North King Street  
Hendersonville, NC 28792  
Phone: (828) 697-4809  
Fax: (828) 698-6014  
Email: [avalina@hendersoncountync.org](mailto:avalina@hendersoncountync.org)

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O**

**TO:** Bill Moyer  
**FROM:** Avalina  
**DATE:** Tuesday, February 19, 2008  
**SUBJECT:** Council on Aging as lead planning agency for aging issues

Mae Harter, Chair of the Home and Community Care Block Grant Advisory Committee, issued this letter today stating support on behalf of the Advisory Committee for designating the COA as the lead planning agency for aging issues. At Ms. Harter's direction, I issued an email to each Advisory Committee member requesting they correspond with Ms. Harter on this issue. Ms. Harter informed me that she had received 7 favorable votes out of a 9-member voting advisory committee. The member consists of 10 members but Joe Connolly of the LOSRC is an ex-officio member with no voting authority.

I have provided Libby with copies for the Board and staff.



Henderson County  
**PLANNING FOR OLDER ADULTS:  
BLOCK GRANT  
ADVISORY COMMITTEE**

100 North King Street  
Hendersonville, NC 28792

Mae Harter, Chair  
Phone: (828) 697-5500  
Email: mharter@hendersoncountync.org

Avalina B. Merrill, Secretary  
Phone: (828) 697-4809  
Email: avalina@hendersoncountync.org

February 19, 2008

**TO: The Henderson County Board of Commissioners**

The Home and Community Care Block Grant (HCCBG) Committee supports the Council on Aging's request to be designated as the lead planning agency for aging issues in Henderson County. The Committee agrees that there is a serious need for an aging plan in our county. We are often faced with trying to disburse Block Grant funds with inadequate information about needs and services in the area. An aging plan would be extremely helpful in understanding where the greatest needs are among our elder population and would allow the HCCBG Committee to stay focused on disbursing funds to the greatest advantage for our citizens.

The HCCBG Committee requests that you give special attention to this very great need in Henderson County and name the Council on Aging as the lead planning agency.

Respectfully submitted by,

Mae Harter, Chairman

Cc: Karen Smith, Executive Director, Council on Aging  
Home and Community Care Block Grant Advisory Committee  
Selena Coffey, Assistant County Manager

MH/abm



**Henderson County**

**PLANNING FOR OLDER ADULTS  
BLOCK GRANT  
ADVISORY COMMITTEE**

**100 North King Street  
Hendersonville, NC 28792**

Mae Harter, Chair  
Phone: (828) 697-5500  
Email: mharter@hendersoncountync.org

Avalina B. Merrill, Secretary  
Phone: (828) 697-4809  
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February 19, 2008

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The Home and Community Care Block Grant (HCCBG) Committee supports the Council on Aging's request to be designated as the lead planning agency for aging issues in Henderson County. The Committee agrees that there is a serious need for an aging plan in our county. We are often faced with trying to disburse Block Grant funds with inadequate information about needs and services in the area. An aging plan would be extremely helpful in understanding where the greatest needs are among our elder population and would allow the HCCBG Committee to stay focused on disbursing funds to the greatest advantage for our citizens.

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Respectfully submitted by,

Mae Harter, Chairman

Cc: Karen Smith, Executive Director, Council on Aging  
Home and Community Care Block Grant Advisory Committee  
Selena Coffey, Assistant County Manager

MH/abm





Center for Aging and Health  
UNC School of Medicine  
CB # 7550, 260 MacNider  
Chapel Hill, NC 27599-7550

February 14, 2008

Henderson County Board of Commissioners  
100 N. King St.  
Hendersonville, NC 28792

Dear Sir or Madam;

I am delighted to offer this letter of endorsement for the projected planning work of the Council on Aging for Henderson County and the Healthy Aging Coalition. It has been my distinct pleasure to work with the Council and the Coalition over the past six years. During that period of time, the Council on Aging has taken on increasingly challenging projects and developed strong leadership in aging and in advocacy for the well-being of older adults. Even more dramatic is the growth of the Healthy Aging Coalition from a handful of committed citizens to a vital and effective community-based group with a membership of over 70 organizations and individuals, including many older adults who have first hand knowledge of aging and the challenges it presents.

Most relevant to the currently proposed project, the Council and Coalition have collaborated in aging-related planning activities for past four years. Collectively, they conducted a very useful county-wide study of older adults, healthcare and other service providers, baby boomers, and caregivers. That survey was partially supported by a grant through my organization and helped form the foundation for the Livable and Senior Friendly Community Initiative. The information yielded by that work also enabled the community to obtain other grant funds to look more closely at resources and funding streams for aging in the county. They were also able to take identified needs and develop some programs to address those needs.

Through this work, the Council and the Coalition have built their capacity to do effective planning. Never short on vision, they now have the know-how and experience to bring it all together. Henderson County is at the forefront in the burgeoning aging population. The challenges you face and the solutions you find will inform the rest of the state. With the Council and Coalition taking the lead in planning, I have every expectation that challenges will be met and good solutions developed and implemented.

Kindly advise if you have any questions. I can be reached via e-mail at [Rebecca.Hunter@unc.edu](mailto:Rebecca.Hunter@unc.edu) and at 919-260-0175. Best wishes!

Sincerely yours,

A handwritten signature in black ink that reads "Rebecca Hunter". The signature is written in a cursive, flowing style.

Rebecca Hunter, M.Ed.  
Associate Director, Carolina Geriatric Education Center  
Research Associate, Center for Aging and Health  
University of North Carolina at Chapel Hill



# Land-of-Sky Regional Council

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Buncombe • Henderson • Madison • Transylvania

February 18, 2008

Henderson County Board of Commissioners  
100 N. King Street  
Hendersonville, NC 28792

Dear Sir or Madam;

On behalf of the Area Agency on Aging at the Land-of-Sky Regional Council, I am writing to express my support for the projected planning work of the Council on Aging for Henderson County and the Healthy Aging Coalition.

It has been our pleasure to participate on the Healthy Aging Coalition and work with the Council on Aging of Henderson County for the past 3 years. During this period of time, we have noted an increased sense of community fostered through the Healthy Aging Coalition. The Coalition provides a valuable forum for community input and meaningful discussion about issues of relevance to older adults in Henderson County. In addition to opportunity to network and discuss, the Coalition provides the opportunity to make a meaningful difference through community projects. The Council on Aging of Henderson County has become a strong leader in seeking creative solutions to meet the needs of older adults and has been recognized as a leader by the North Carolina Division of Aging and Adult Services.

The Coalition and Council have been particularly instrumental in conducting needs assessments reflecting both the needs of older adults in Henderson County and the health resources that are available. This information provides a solid foundation for future planning.

Please accept this letter as an endorsement for the Council on Aging and the Healthy Aging Coalition of Henderson County to take the lead in county-wide planning for services to older adults.

Feel free to contact me if you have any questions. I can be reached via e-mail at [rebecca@landofsky.org](mailto:rebecca@landofsky.org) and at 828-251-7438.

Sincerely,

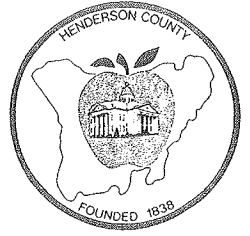
*Rebecca Chaplin, L.S.*

Rebecca Chaplin, Aging Program Specialist  
Area Agency on Aging, Land of Sky Regional Council

**25 Heritage Drive • Asheville, NC 28806-1998**  
**Telephone 828-251-6622 Fax 828-251-6353**



*Henderson County  
Department of Social Services*



2/18/2008

Dear Henderson County Board of Commissioners;

The Henderson County Department of Social Services is writing to support the designation of the Council on Aging as the lead agency for planning for older adults with the Healthy Aging Coalition functioning as the planning steering committee. As a county agency, we have worked very closely with the Council on Aging and specifically with the Healthy Aging Coalition for many years. Both have proven to be strong leaders in the forefront of aging issues and advocates for programs that serve all citizens.

One example of this vision is our collaborative, the Partnership for Independent Living. This initiative has brought together the private and public sector and the result has been an expansion of choice to all adults in Henderson County. Through this partnership, we have seen the strength of the Council's ability to network and draw together various groups and individuals to identify needs and plan for solutions.

Cordially,

A handwritten signature in cursive script that reads "Penny Summey".

Penny Summey  
Program Administrator II  
Adult Services Section.

# ADDITION TO PUBLISHED AGENDA

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 20, 2008

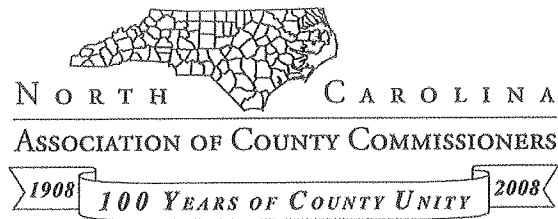
**SUBJECT:** CLOSED SESSION

The Board is requested to go into Closed Session pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

**SUGGESTED MOTION:**

*I move that the Board go into closed session pursuant to N.C. Gen. Stat. § 143-318.11, to discuss matters which are privileged and confidential under the attorney-client privilege.*





**Joint Resolution Celebrating 100 Years of County Unity in  
Recognition of Our Association's Centennial**

**WHEREAS**, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

**WHEREAS**, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

**WHEREAS**, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

**WHEREAS**, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

**WHEREAS**, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

**WHEREAS**, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

**NOW, THEREFORE BE IT RESOLVED**, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Association's Centennial.

**FURTHER BE IT RESOLVED**, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

**FURTHER BE IT RESOLVED**, that the Henderson County Board of County Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

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

Adopted this the 20<sup>th</sup> day of February, 2008.

---

William L. Moyer, Chairman

---

Elizabeth W. Corn, Clerk to the Board

**RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF  
ALBERT M MORENO JR "et al.", PARCEL IDENTIFICATION NUMBER 9577758714**

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the Albert M Moreno Jr. "et al." property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
  - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of Albert M Moreno Jr "et al.", if the easement exists as shown by the red line on the attached map.
2. This resolution shall take effect immediately upon its passage.

ADPTED THIS the 20<sup>th</sup> day of February, 2008

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

*William L. Moyer*  
William L. Moyer, Chairman

ATTESTED BY:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]





RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF  
EAST FLAT ROCK FIRST BAPTIST CHURCH, PARCEL IDENTIFICATION  
NUMBER 9577862171

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the East Flat Rock First Baptist Church property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
  - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of East Flat Rock First Baptist Church, as shown as the red line in the attached map.
2. This resolution shall take effect immediately upon its passage.

ADPTED THIS the 20<sup>th</sup> day of February, 2008

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

*William L. Moyer*  
William L. Moyer, Chairman

ATTESTED BY:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]



RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF  
MINUTE MAN ANCHORS INC, PARCEL IDENTIFICATION NUMBER 9577753655

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the Minute Man Anchors Inc. property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
  - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of Minute Man Anchors Inc., if the easement exists as shown by the red line on the attached map.
2. This resolution shall take effect immediately upon its passage.

ADPTED THIS the 20<sup>th</sup> day of February, 2008

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:   
William L. Moyer, Chairman

ATTESTED BY:

  
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]



Extract from Minutes of a regular meeting of the Board of Commissioners (the "Board") of the County of Henderson, North Carolina held in the Commissioners' Meeting Room, 100 North King Street, Hendersonville, North Carolina 28792, at 9:00 a.m. on February 20, 2008.

The following members were present:

Chairman William L. Moyer; Vice Chairman Charlie Messer; Chuck McGrady; Larry Young; Mark Williams.

The following members were absent:

None.

Also present:

County Manager Steven Wyatt; Assistant County Manager Selena Coffey; County Attorney Russell Burrell; Clerk to the Board Elizabeth Corn; and Finance Director Carey McLelland.

Commissioner Williams moved that the following resolution (the "*Resolution*"), a copy of which was made available to the Board and which was read by title:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH**

**I. UNDERTAKINGS**

WHEREAS, the Board of Commissioners (the "Board") of the County of Henderson, North Carolina (the "County"), desires to provide for the design, acquisition, construction, renovation and equipping of the new Hillandale and the new Mills River Elementary Schools that will replace the existing Hillandale and Mills River Elementary Schools and the construction, renovation and equipping of phase two of the existing Dana Elementary School (collectively, the "School Facilities"); and

WHEREAS, the Board now proposes to finance the School Facilities through an installment financing contract (the "Contract") with SunTrust Equipment Finance & Leasing Corporation (the "Corporation"), obligating the County to repay in installments the amount financed at a fixed annual interest rate of not more than 3.72% over a term not exceeding 17.5 years, resulting in a total amount financed not to exceed \$33,250,000 (excluding reserves); and



WHEREAS, pursuant to N.C.G.S. Section 160A-20, the County is authorized to finance the design, acquisition, construction, renovation and equipping of the School Facilities by entering into the Contract and a deed of trust (the "Deed of Trust") that create in the School Facilities (other than the Dana Elementary School) and the sites on which they are located a security interest to secure payment of the obligation thereby created; and

WHEREAS, subject to the prior approval of the Local Government Commission of North Carolina (the "LGC") pursuant to N.C.G.S. Section 159-148, the County intends to finance the cost of the School Facilities pursuant to N.C.G.S. Section 160A-20 by executing and delivering to the Corporation or other financing entity the Contract providing for the financing of a principal amount not to exceed \$33,250,000 (excluding reserves); and

## II. UNDERTAKINGS NECESSARY

WHEREAS, the County staff has advised the Board, and the Board hereby finds and determines, that the County must design, acquire, construct, renovate and/or equip the School Facilities in order to maintain and enhance the County's public school and certain administrative School Facilities to enable the County to perform its public functions, and that the School Facilities will benefit the County and its residents; and

WHEREAS, a public hearing must be held to receive public comment on the desirability of (a) the County acquiring the fee or any lesser interest in the real and personal property included in the School Facilities for use by the Henderson County Board of Public Education for school purposes and (b) the installment financing of the School Facilities, of which the Board received evidence supporting the need for such financing; and

WHEREAS, the Board finds and determines that the undertakings are necessary and expedient for the aforesaid reasons and that the School Facilities be financed under the terms, conditions and parameters heretofore stated and to be further determined with more particularity at a later date; and

## III. FUNDS NOT EXCESSIVE

WHEREAS, the sums to fall due under the Contract can be included in the County's budget without difficulty; and

WHEREAS, the above factors lead to the conclusion that the payments under the Contract are not excessive for the stated purposes of designing, acquiring, constructing, renovating and/or equipping the School Facilities; and

## IV. TRANSACTION A PUBLIC PURPOSE

WHEREAS, the County Attorney has advised the County that the School Facilities are authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina; and

## V. INSTALLMENT PURCHASE FINANCING DESIRABLE

WHEREAS, the Board finds and determines that short term or pay-as-you-go financing for the School Facilities would place strains on the County's ability to fund general operations and education without a significant tax increase; and

WHEREAS, use of the County's unobligated fund balance to finance the School Facilities would reduce the fund below the guideline established by the LGC and would not be in the County's best interest; and

WHEREAS, the use of non-voted debt would not provide sufficient funds to complete the School Facilities in a timely manner; and

WHEREAS, although the cost of financing under the proposed Contract is greater than the cost of general obligation bond financing, installment contract financing would be preferable to general obligation bond financing because a general obligation bond authorization probably could not be perfected in a timely manner and would not permit the alternative financing structures and repayment provisions available in the proposed negotiated installment contract financing; and

WHEREAS, the proposed cost of financing the School Facilities is too great an amount to be funded by current appropriations; and

WHEREAS, the Board finds and determines that installment contract financing is therefore the most viable and efficient alternative and that the cost of such financing is reasonable; and

## VI. COMPLIANCE WITH DEBT MANAGEMENT CONTROLS

WHEREAS, past audit reports of the County indicate that its debt management and contract obligations payment policies have been carried out in strict compliance with the law and the County has not been censured by the LGC, external auditors, or any other regulatory agencies in connection with such management; and

## VII. ESTIMATED TAX INCREASE

WHEREAS, the Board estimates that the County's ad valorem tax rate will not be significantly increased in order to sustain the proposed financing; and

## VIII. NO DEFAULT

WHEREAS, the County is not in default in meeting any of its debt service or contract obligations; and

## IX. APPLICATION

WHEREAS, it is the Board's intention to adopt this Resolution for the purpose of authorizing the design, acquisition, construction, renovation and/or equipping of the School Facilities, making certain findings and determinations; approving the submission of an application for approval of the Contract to the LGC and authorizing such other acts deemed necessary and advisable to carry out the design, acquisition, construction, renovation and/or equipping of the School Facilities.

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

Section 1. The Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board are hereby authorized and directed on behalf of the County to proceed with the preparation of the Contract providing for the financing of an amount not to exceed \$33,250,000 (excluding reserves) at an annual interest rate not to exceed 3.72% and a term not to exceed 17.5 years, and otherwise proceed with the plan of financing for the School Facilities described at this meeting.

Section 2. The Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board are hereby authorized and directed to submit an application for the LGC's approval of the Contract pursuant to N.C.G.S. Section 160A-20 and Section 159-148, and to execute a sworn statement of debt of the County pursuant to N.C.G.S. Section 159-150, in connection with the financing of the School Facilities.

Section 3. The financing team of Dewey & LeBoeuf LLP, as special counsel, SunTrust Equipment Finance & Leasing Corporation, as lender, and Roberts & Stevens, P.A., as Board of Education counsel, and McGuireWoods LLP, as counsel to the lender, is approved.

Section 4. This Resolution shall become effective immediately upon its adoption and shall supersede any and all previous resolutions regarding the design, acquisition, construction, renovation and/or equipping of the School Facilities on an installment financing basis.

Section 5. That a public hearing (the "Public Hearing") shall be conducted by the Board of Commissioners on March 6, 2008 at 7:00 p.m. in the Commissioners' Meeting Room of the County Administration Building at 100 North King Street, Hendersonville, North Carolina, concerning the Contract, the Deed of Trust, the proposed design, acquisition, construction, renovation and/or equipping of the School Facilities, the acquisition of the sites for the School Facilities, where appropriate, for use by the Henderson County Board of Public Education for school purposes and any other transactions contemplated therein and associated therewith.

Section 6. The Clerk to the Board is hereby directed to cause a notice of the Public Hearing to be published once in a qualified newspaper of general circulation within the County on February 23, 2008.



On motion of Commissioner Williams, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH" was duly adopted by the following vote:


AYES: Chairman William L. Moyer; Vice Chairman Charlie Messer; Chuck McGrady; Larry Young; Mark Williams.

NAYS: None


This Resolution shall become effective immediately upon its adoption.

Adopted this the 20<sup>th</sup> day of February, 2008.

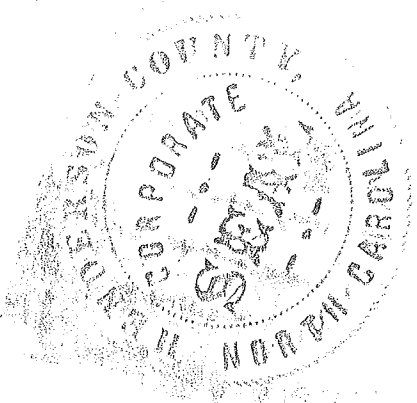
HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:   
William L. Moyer, Chairman

ATTESTED BY:

  
Elizabeth W. Corn, Clerk to the Board

[SEAL]



STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between HENDERSON COUNTY, hereinafter "the Lessor" and the STATE OF NORTH CAROLINA, hereinafter "the Lessee";

WITNESSETH:

WHEREAS the Department of Corrections, Division of Probation and Parole, has requested and approved the execution of this instrument for the purposes herein specified; and,

WHEREAS the execution of this agreement for and on behalf of the State of North Carolina has been duly approved by the Governor and Council of State at a meeting held in the City of Raleigh, North Carolina, on the \_\_\_ day of \_\_\_\_\_, 2008;

WHEREAS the parties hereto have mutually agreed to the terms of this Lease Agreement as hereinafter set out;

NOW THEREFORE in consideration of the premises and the promises and covenants contained in the terms and conditions hereinafter set forth, Lessor does hereby rent, lease, and demise unto Lessee for and during the term and under the terms and conditions hereinafter set forth those premises or office space, with all rights, privileges, and appurtenances thereto belonging, lying, and being in the City of Hendersonville, County of Henderson, North Carolina, and more particularly described as follows:

BEING approximately 1,543 square feet of office space located at the Henderson County Historic Courthouse, 200 N. Grove Street, Suite 90, Hendersonville, Henderson County, North Carolina

TERMS AND CONDITIONS

1. TERM. The Lessee shall have said lease premises for a term of one (1) year; commencing on the 1st day of March, 2008 or as soon thereafter as possession of the leased premises is ceded to Lessee, and terminating on the 28th day of February, 2009.
2. RENTAL AMOUNT. The Lessee shall pay to the Lessor as rental for said premises the following sums of EIGHTEEN THOUSAND FIVE HUNDRED AND SIXTEEN (\$18,516) DOLLARS per annum, which sum shall be paid in equal monthly installments of ONE THOUSAND FIVE HUNDRED AND FORTY THREE (\$1,543) DOLLARS.
  - a. Said rental payment shall be payable within fifteen (15) days from receipt of invoice in triplicate.
  - b. If possession of said premises is not ceded to Lessee upon the 1<sup>st</sup> day of March, 2008, then the first payment of rental shall be made within fifteen (15) days after occupancy by Lessee and upon receipt of invoice in triplicate from Lessor, and shall be for a pro rata part of the first month's rent.
3. INCLUDED AMENITIES. The Lessor shall furnish to the Lessee during the lease term at Lessor's sole cost and to the satisfaction of the Lessee the following:

- a. Heating facilities, air conditioning facilities, hot and cold water facilities, adequate lighting fixtures, electrical sockets, adequate toilet facilities, and proper ventilation;
  - b. Lessor to provide required fire extinguishers and servicing, pest control, and outside trash disposal including provision for the handling of recyclable items such as aluminum cans, cardboard, and paper;
  - c. All utilities except telephone;
  - d. Janitorial and cleaning services and supplies. This shall include maintenance and cleaning of lawns, shrubbery, sidewalks, and parking areas if applicable.
  - e. Elevator service if applicable;
  - f. Parking;
  - g. The Lessor covenants that the leased premises are accessible to persons with disabilities. This shall include access into the premises from the parking area (where applicable), into the premises via any common areas of the building and access to an accessible restroom.
4. MAINTENANCE. During the Lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case, Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee, in addition to any other remedy the Lessee may have to make such repair at its own cost and to deduct the amount thereof from the rent that may be or thereafter become due hereunder. The Lessor reserves the right to enter and inspect the leased premises at reasonable times, and to make necessary repairs to the premises.
5. CONDITION OF LEASED PREMISES. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to the Lessee, including but not limited to repairs, painting, partitioning, remodeling, plumbing, and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.
6. ADDITION OF STRUCTURES OR FIXTURES. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures, and erect additions, structures, or signs in or upon the leased premises. Such fixtures, additions, structures, or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter.
7. DAMAGE TO PREMISES. If the said premises be destroyed by fire or other casualty, without fault of the Lessee, this lease shall immediately terminate and the rent shall be apportioned to the time of the damage. In case of partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenable in whole or in part, there shall be an apportionment of the rent until the damage has been repaired. During such period of repair, Lessee shall have the right to obtain similar office space at



the expense of the Lessee or the Lessee may terminate the lease by giving fifteen (15) days written notice to the Lessor.

8. DAMAGES. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.
9. TERMINATION OF LEASE. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use, and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted. The Lessee shall have no duty to remove any improvement or fixture place by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.
10. NOTICES. All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified, and postage prepaid and addressed as follows:

LESSOR	LESSEE
c/o County Manager 100 North King Street Hendersonville, NC 28792	c/o DOC Purchasing P.O. Box 29540 Raleigh, NC 27626-28792

Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

11. ASSIGNMENT. The Lessee shall not assign this lease without written consent of the Lessor, which shall not be unreasonably withheld but shall have the right to sublet the leased premises.
12. FREE FROM ADVERSE CLAIMS. The Lessor agrees that the Lessee upon keeping and performing the covenants and agreements herein contained shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.
13. WAIVER, MODIFICATION, CANCELLATION. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed and agreed to by both parties.
14. HOLD-OVER. Any holding over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy.

15. RELIANCE ON FUNDING. The parties to this lease agree and understand that the continuation of this Lease Agreement for the term set forth herein or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation, or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriation of said funds, in its sole discretion, determines in view of its total local office operations that available funding for the payments of rents is insufficient to continue the operation of its local office on the premises leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination and the lease agreement shall terminate immediately without any further liability to Lessee.

In witness hereof, all parties have caused this Lease Agreement to be duly approved, and to be executed in duplicate, each to have the force and effect of an original.

**HENDERSON COUNTY**

BY: \_\_\_\_\_  
Bill Moyer, Chairman  
Henderson County Board of Commissioners

Attest: (County Seal)

\_\_\_\_\_  
Elizabeth W. Corn, Clerk to the Board

(Corporate Seal)

**STATE OF NORTH CAROLINA**

BY: \_\_\_\_\_  
Governor

Attest:

\_\_\_\_\_  
Secretary of State

APPROVED AS TO FORM:

ROY COOPER  
Attorney General

\_\_\_\_\_  
Assistant Attorney General

\*\*\*\*\*

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON COUNTY

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that Elizabeth Corn personally appeared before me this day and acknowledged that she is the Clerk for the Board of Commissioners.

Witness my hand and official seal, this the \_\_\_\_\_ of \_\_\_\_\_, 2008.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

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STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON COUNTY

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ of \_\_\_\_\_, 2008.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_



2/20/08

## Executive Summary

*A Report on Healthy Aging in Henderson County  
An Assessment of Funding for Older Adults in Henderson County*

In the summer of 2005, the Council on Aging for Henderson County began a process of assessing the ability of our community to support healthy aging and living environments for older adults. The Livable and Senior Friendly Communities Initiative began when the North Carolina Division of Aging and Adult Services requested that communities across the state look at factors which influence the ability of older adults to remain independent.

With the help and support of a collaborative council of agencies, businesses, organizations, and individuals (the Healthy Aging Coalition of Henderson County), over 500 older adults across Henderson County answered surveys related to their perceptions of successful aging. The questions were grouped in four categories, Mobility, Living Environments, Wellness, and Social Engagement. In addition, over 60 older adults gathered in focus groups to share their outlooks on growing older in the community. The culmination of the project was *A Report on Healthy Aging in Henderson County*, published in June 2006.

After hearing the views of older residents, the Coalition felt that an assessment of current funding streams in the county was an essential component of creating a snapshot of aging in Henderson County. During fall 2006 and spring 2007, agencies and businesses were asked to answer questions regarding the number of older adults they serve and public funding used to meet their needs. *An Assessment of Funding for Older Adults in Henderson County* followed in June 2007.

Together, these two reports provide a useful tool for policy makers when considering how to plan for the wave of older adults projected for the next several decades. In just two years, adults 65 years or more will comprise one quarter of the population of Henderson County. In ten to fifteen years, that number will near one third.

Towns and cities across the country are becoming clear about which elements of a community support successful aging. These include accessible public transportation, affordable housing in mixed use communities, and opportunities for seniors to remain active. Henderson County's data supports this view.

The four biggest challenges voiced by older adults in focus groups and the open response section of the survey were more transportation options, more and safer places to walk (and also bike), more affordable housing choices, especially for middle income folks, and more access to affordable healthcare and in-home support services. Walking was mentioned as an important need in three of the

four survey categories. Service providers agreed that affordable housing, affordable health and wellness choices, and comprehensive transportation options are the biggest needs.

While the funding information gathered may not represent an exact snapshot (not all businesses are willing to share financial information with the public), some clear trends emerged. The vast majority of public funds for older adults in Henderson County reported in the assessment fall under the heading “medical”, well over \$100 million a year. Medicare figures alone for Henderson County were over \$137 million. Of funding aimed at medical needs, less than one quarter was reported for care and assistance at home. Of the nearly \$32 million Medicaid funds used for older adults in the county, only 6.9% were used for home services. A breakdown of Medicare spending was not available.

When comparisons are made regarding helping seniors remain well and independent, the numbers pale even more. Just over \$100,000 in public funds are spent on recreational, social, and educational funding for older adults, \$314,000 for transportation specifically for older adults and medical transport, just over \$1 million for meals and nutrition, and only \$976,000 for affordable housing and assistance. Added together, these funds constitute less than 3% of public funds used to support older adults remaining well and living independently.

Clearly, older adults surveyed in Henderson County feel they need more **transportation, housing, and wellness** options, particularly walking opportunities and **in-home assistance**. And clearly, funds used for older adults in these areas fall significantly behind funding spent on hospitalization and facility placement, supporting the claim that a huge institutional bias is present. Expanding options in these three or four areas and allowing more consumer choices may keep individuals healthier and prevent future need for placement outside the home, reducing medical and facility costs and thus reducing the cost to the public.



# The Need for Aging Planning in Henderson County

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## Older Adults are the Fastest Growing Segment of the Population

- According to the NC State Data Center, the number of adults age 60 years or older living in North Carolina will double between 2005 and 2030
- During that same period, the population of older adults in Henderson County will grow by 73%, making them the fastest growing segment in the county
- In 2000, adults 65 years or older made up 21.7% of the total population of Henderson County, as reported by the US Census
- The projected number of adults 65 years or older in 2010 will be 25% and in 2030 30% of the county's total population.

**Why?** Because of lower birth rates, retiring Baby Boomers, longer life expectancies, and in-migration to the region.

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North Carolina is ahead in the nation

and

Henderson County is ahead in the State

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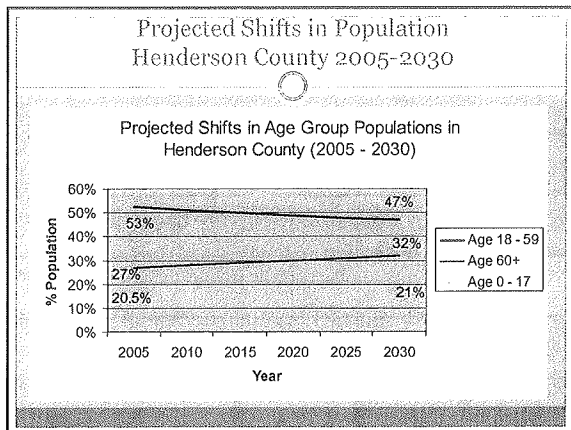
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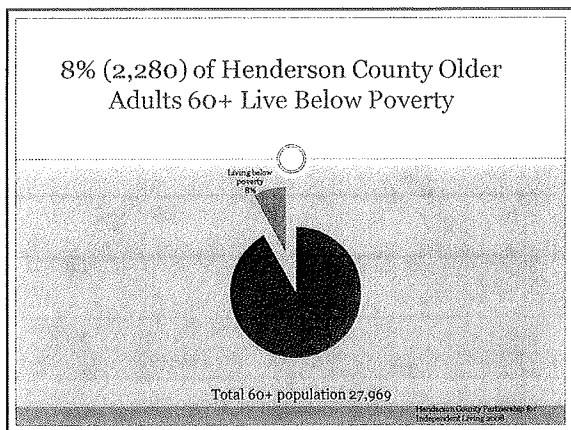
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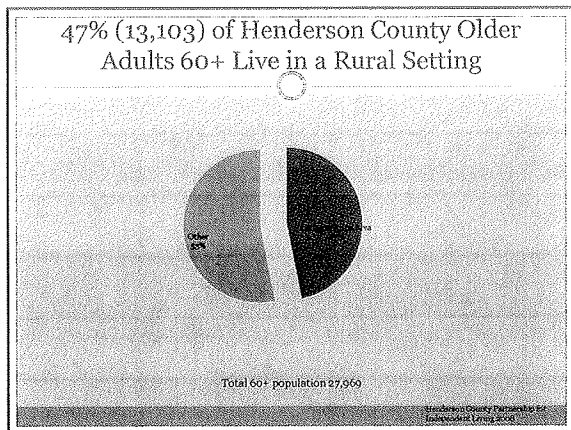
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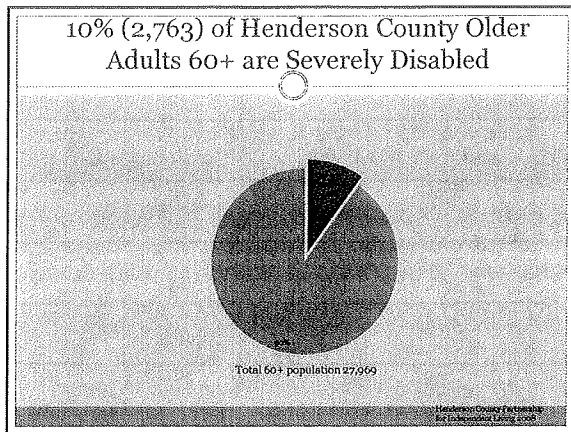
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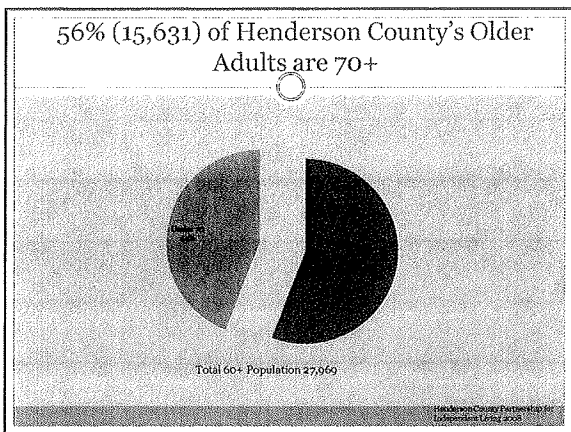
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NC Senate Bill 448

- Directed DHHS & DAAS to study program and service levels and needs for older adults in six counties in NC
- The counties were chosen based on areas where there are currently more individuals 60+ compared to those 17 and younger or areas where that is projected to occur
- Henderson County is currently number one in counties with a larger percentage of older adults than those 17 and under
- Final report due to the General Assembly in April 2008
- Develop a 4 year plan July 2008 - June 2012

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### Senate Bill 448

- A profile of the projected growth for the older population
- A profile of the current older adult population
- An assessment of the anticipated impact on programs and services that address the needs of the older adult population
- Identification of programs and services that are currently in place
- Identification of programs and services that are needed to meet the growth projections
- Current funding sources for programs and services serving the older adult population
- Anticipated funding needs for programs and services serving the older adult population
- A delineation of the programs and services that are shared or offered jointly with another county

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### Why the Council on Aging?

- ✦ Mission is to help older adults remain independent
- ✦ Focuses responsibility for planning on a local level
- ✦ Proven record of collaboration to benefit older adults
- ✦ Large number of active volunteers – currently 562
- ✦ 501c3 gives us the opportunity to seek grant funding
- ✦ Healthy Aging Coalition

George Johnson, Center for Aging Policy  
Hendersonville Planning Authority and Council on Aging  
Suzanne G. Grant, Director, Elder  
Allyce M. Hight, Executive Director, Council on Aging  
Public Programs  
Planning Assistance Department and Council on Aging  
Department of Social Services and Council on Aging  
1200 University Blvd, Raleigh, NC - Center for Aging and Health

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*Michelle Skeels*

### Who Participates in the Coalition?

- Council on Aging for Henderson County
- Alliance for Human Services
- AARP local chapter
- Blue Ridge Community College
- Care Partners
- Carolina Village
- Community Volunteers
- Department of Social Services
- Dispute Settlement Center
- Faith Community
- Henderson County Department of Public Health
- Hospice
- Interfaith Assistance Ministry
- Land of Sky Regional Council
- NC Cooperative Extension Service
- Pardee Hospital
- Pardee Pavilion
- Park Ridge Hospital
- Partnership for Health
- Pisgah Legal Services
- UNC-Chapel Hill
- Western Carolina Community Action
- Western Carolina University
- YMCA

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**What Has the Healthy Aging Coalition Accomplished?**

- **Completed a Healthy Aging Survey - 2006**  
500 older adults responded and several focus groups were held. Information available online at [www.coahc.org](http://www.coahc.org)
- **Completed a Funding Assessment of Resources in Henderson County for Older Adults - 2007**  
Found that 97% of funding coming into the county goes to medical costs and facility care. Information available online at [www.coahc.org](http://www.coahc.org)
- **Held a Lecture Series on Community Resources for Family Caregivers**  
Now available to the community in DVD format  
**Walk Wise, Drive Smart**  
Grant through the Highway Safety Research Center
- **Moving Towards Wellness Health Fair - August 2007**  
Held at Blue Ridge Community College
- **Active Aging Week**  
Physical fitness activities offered free of charge throughout the county
- **Hold monthly meetings for education, information sharing and to discuss challenges and opportunities in the aging community**

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**What Will The Council on Aging Do As The Lead Planning Agency?**

- Research and combine information gained from all surveys done in our area regarding older adults including, but not limited to, reports from the Partnership for Health, MAHEC, Alliance for Human Services and the Healthy Aging Coalition.
- Develop a four-year Aging Plan for Henderson County working through the Healthy Aging Coalition that will be presented to the community
- Provide on-going leadership to assure the plan remains active and relevant to changing needs in the community
- Work to assure no duplication of service and best use of limited resources
- Support and encourage collaboration
- If directed, we will research and report findings to the Board of Commissioners on any issue or concern related to the aging community

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**Support**

- Land of Sky Regional Council
  - Healthy Aging Coalition
- Henderson County Block Grant Committee

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In Conclusion . . .

- “Communities across North Carolina are faced with increasingly difficult choices and decisions about how to grow, plan for change, and improve the quality of life for all citizens, including children, young and old adults, and people with disabilities. Today, nearly every community in the state is seeing or will soon see greater numbers of seniors . . . **Now is clearly the time we should devote to planning and preparedness.**”

North Carolina Aging Services Plan  
2007 - 2011

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Thank You



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## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 20, 2008

**SUBJECT:** Consideration of the Edneyville Community Plan Boundary and Charter

**ATTACHMENTS:**

1. Staff Memorandum
2. Community Planning Process Outline
3. Draft Edneyville Community Planning Committee Charter
4. Draft Edneyville Community Plan Study Area Map

#### **SUMMARY OF REQUEST:**

The Board of Commissioners directed staff to begin the Edneyville Community Planning Process for the creation of a Community Plan. The first required steps are the approval of a committee charter and the appointment of members to that committee. The enclosed memorandum, outline, and draft charter explain the process and responsibilities required to accomplish this task.

#### **BOARD ACTION REQUESTED:**

Planning Staff requests the Board of Commissioners approve the draft charter and planning boundary for the Edneyville Community Planning Committee and begin appointing committee members should the Board desire to proceed with the creation of this plan.

**Suggested Motion:** I move that the Board approve the Charter and boundary map for the Edneyville Community Planning Committee with any amendments noted by the Board.



**HENDERSON COUNTY  
EDNEYVILLE COMMUNITY PLAN COMMITTEE  
CHARTER**

**What is the committee's purpose?**

To implement the recommendations of the Henderson County 2020 Comprehensive Plan by working with Planning Staff to develop and recommend a community-specific comprehensive plan for the Edneyville Community that outlines the future goals of area as it relates to Land Use and Development, Community Facilities, Agriculture, Economic Development, Housing, Transportation/Access Management, Community Character and Design, and Natural/Cultural Resources.

**Who will the committee report to?**

Board of Commissioners

**Who will be staff to the committee?**

- County Planning Staff will facilitate meetings
- Other County staff as assigned

**What is the duration of the committee's existence?**

The committee will terminate with the adoption of the Edneyville Community Plan.

**How will the future tasks or projects of the committee be determined?**

Assignment by the Board of Commissioners

**What parameters must the committee work within?**

- North Carolina Open Meetings and Public Records laws
- Minutes must be provided to the Board of Commissioners

**Will the committee give periodic reports on its activities?**

**How often?**

Quarterly

As Need/As Requested

**To whom?**

Board of Commissioners and County Manager

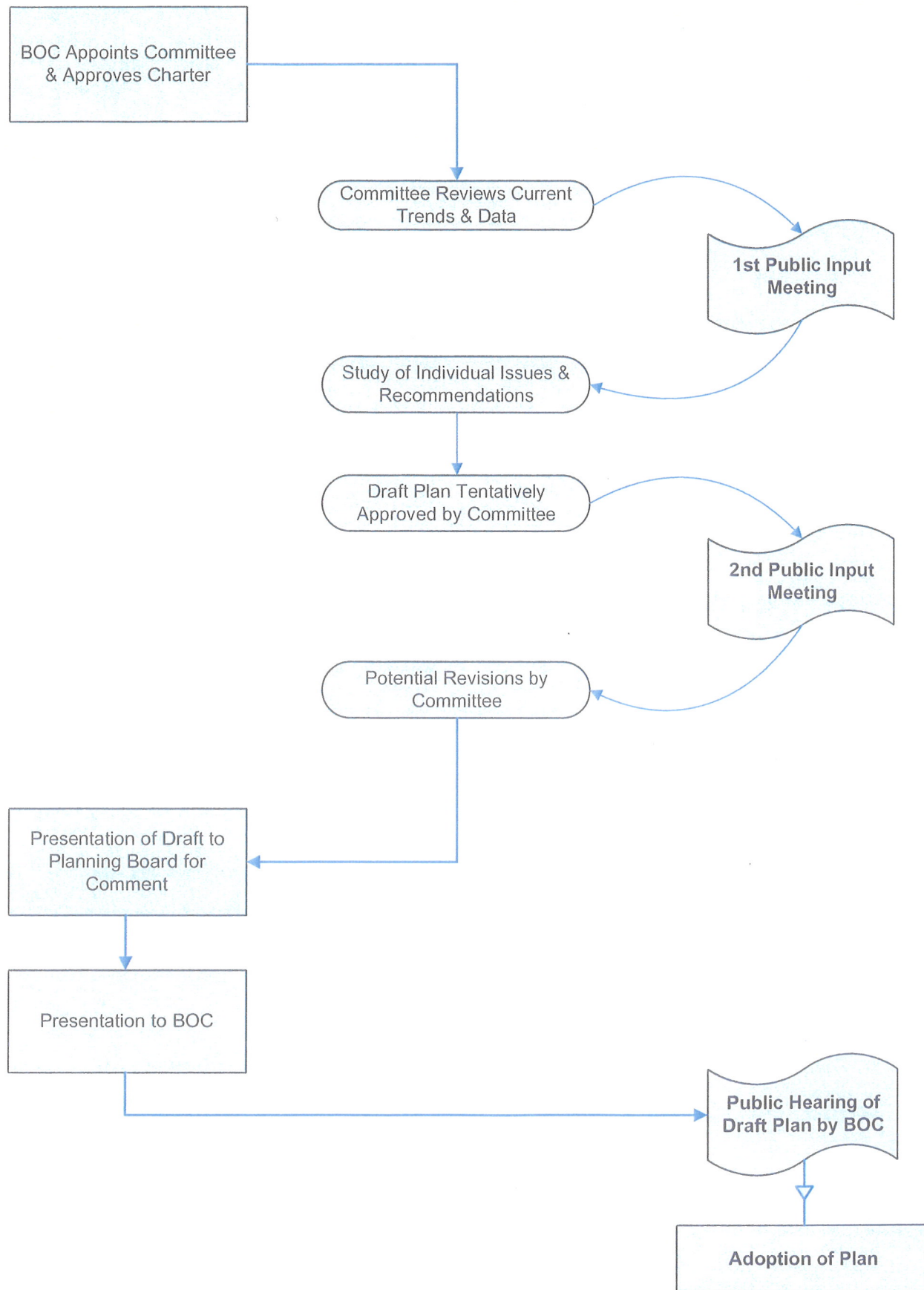
**What is the make-up of the committee?**

The committee, appointed by the Board of Commissioners, will consist of 9 persons including 8 individuals that live, operate a business, or own property within the boundary of the Edneyville Community Plan. The Board of Commissioners will also appoint a liaison from the Henderson County Planning Board. The Board may also appoint ex-officio members from the municipality that abuts the study area (Hendersonville) to serve as a representative of this municipality.

**Who selects the leaders of the committee?**

Board of Commissioners appoints the Chair.

# Community Planning Process



213 First Avenue East • Hendersonville, NC 28792  
Phone 828-697-4819 • Fax 828-697-4533

**MEMORANDUM**

**TO: Board of Commissioners**  
**Steve Wyatt, County Manager**  
**Selena Coffey, Assistant County Manager**

**FROM: Anthony Starr, Planning Director**

**DATE: February 20, 2008**

**SUBJECT: Edneyville Community Plan Start-up**

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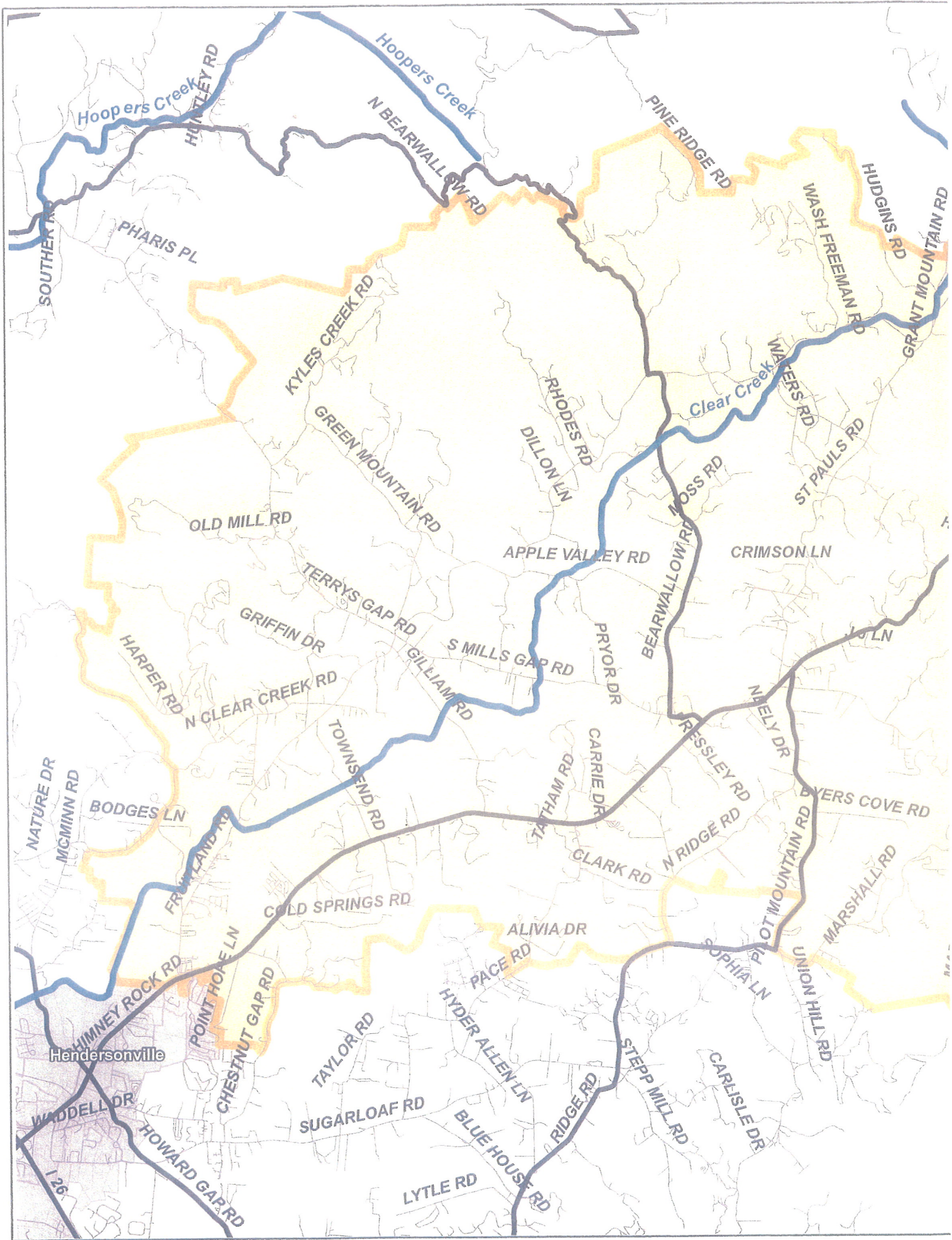
As directed by the Board of Commissioners, Planning Staff has begun the community planning process as recommended by the Henderson County 2020 Comprehensive Plan (CCP). The Etowah and Horse Shoe Communities Plan is underway and Planning Staff is prepared to begin the second community planning effort. Planning Staff is recommending that the second community planning effort be focused in the Edneyville Community. Planning Staff anticipates that the Edneyville Community Plan will take approximately 18-24 months to be completed and adopted by the Board of Commissioners.

Staff proposes that the Edneyville Community Plan area will have a community advisory committee with 9 members that will consist of the following: citizens that live, operate a business, or own property in the boundary of the Edneyville Community Plan, and one liaison from the Henderson County Planning Board. It may be likely that the Planning Board liaison also lives in the study area. Staff proposes that the Board of Commissioners appoint all committee members and the Chair. The appointment of a municipal representative from the adjoining municipality (Hendersonville) may provide better coordinated planning through this process. The coordination of planning among local governments in Henderson County is a goal of the CCP.

Please review the enclosed outline for the Community Planning process, draft charter for the Edneyville Community Planning Committee, and the draft boundary map for the Edneyville Community Planning Area. Planning Staff proposes a proven planning process that can generate a high-quality and useful plan using the wisdom and resources of the Community. With the creation and implementation of this plan, the Community can articulate and realize its vision for the next 10-15 years.

Should the Board desire to proceed with this planning process, staff could begin committee meetings in May provided the charter is approved in February and the committee appointed in March. This timeframe allows the committee to hold the first public input session in June or July.










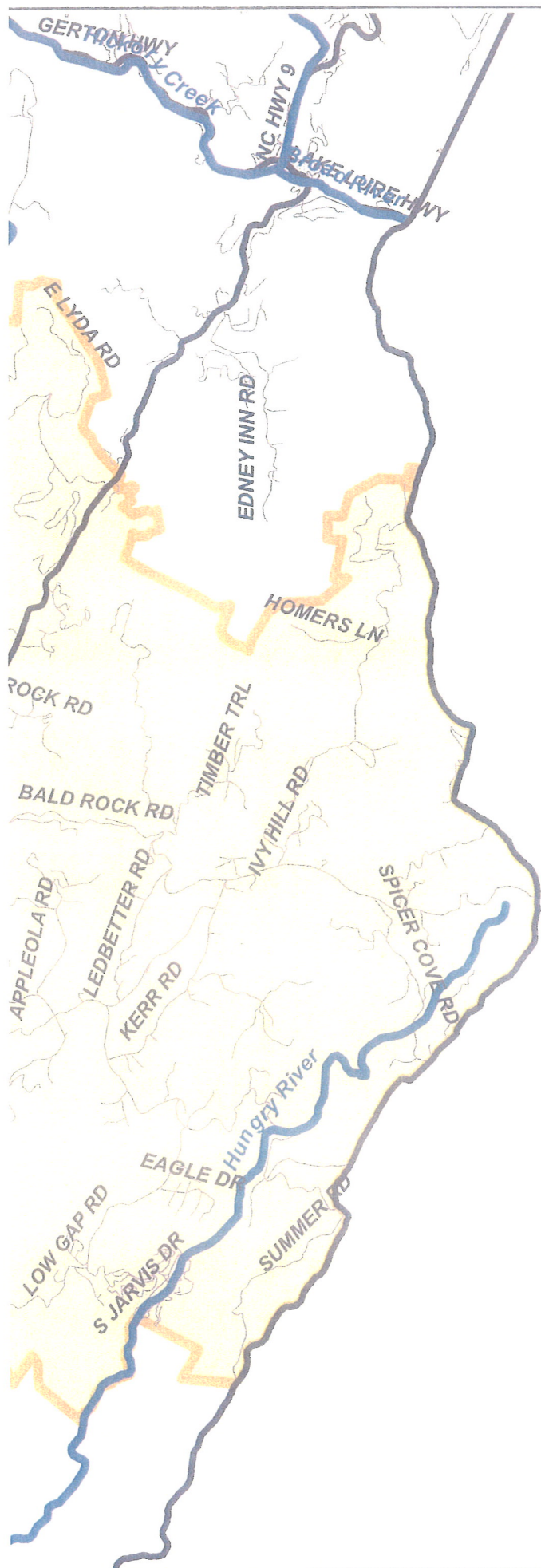




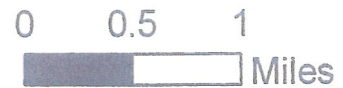
# Edneyville Community Study Area

## Boundary Map

-  Major Streams
-  Major Roads
-  Secondary Roads
-  Proposed Community Plan Boundary
-  Parcels
-  Municipal Limits
-  Municipal ETJ



1 inch equals 1 mile



This map is prepared from the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 20, 2008

**SUBJECT:** Revised LDC Text Amendment 9A

**ATTACHMENTS:** None

#### **SUMMARY OF REQUEST:**

The Board of Commissioners at its meeting on Monday, February 18, 2008, directed staff to revise the language for the proposed text amendment 9A concerning the review of subsequent development plans for subdivisions proposing 300 or more lots. Subdivisions with 300 or more proposed lots are reviewed and approved by the Board of Commissioners. This includes master plans and all subsequent development plans. As per the Boards request, Staff recommends adding the following language to §200A-308 to give the Board the option to defer the review and approval for any subsequent development plans to Planning Board, Technical Review Committee, or the Subdivision Administrator.

#### **Make the following changes to §200A-308 to clarify the approval process**

H. Amendment Validity. The amendment is effective immediately following the decision of the Commissioners. The Commissioners shall issue a written statement on all map amendment decisions (both adoptions and rejections) addressing reasonableness, consistency with the Comprehensive Plan, and public interests furthered. ~~Subsequent development plans shall be reviewed and approved by the Board of Commissioners after receiving the recommendation of the Planning Board.~~ However, the Board of Commissioners may delegate this approval authority, on a project by project basis, to the Planning Board or Subdivision Administrator provided all conditions of approval are met and the development plan is consistent with the approved master plan. Development plans shall meet all requirements of the Chapter. Final plats shall be reviewed following the processes and procedures outlined in §200A-76 and §200A-311.

#### **BOARD ACTION REQUESTED:**

Planning Staff requests the Board of Commissioners approve the revisions to Revised LDC Amendment 9A to be included with the proposed text amendments to the LDC for public hearing.

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 20, 2008

**SUBJECT:** Relocation of a section of Pleasant Grove Church Road on the Seven Falls property.

**ATTACHMENTS:**

1. Petition for Road Addition
2. Abandonment Petition
3. North Carolina General Statute 153A-241
4. Proposed Resolution of Intent to Hold Hearing
5. Map of Easements
6. Plan Showing Road Relocation

#### **SUMMARY OF REQUEST:**

Mr. Bill Lapsley with William G. Lapsley & Associates, P.A., agent for owner, Seven Falls, LLC, submitted a request to relocate a portion of Pleasant Grove Church Road (SR#1201). The portion of Pleasant Grove Church Road appears to be located entirely on property currently owned by Seven Falls, LLC and is on the site of the Seven Falls major subdivision.

In order to process the relocation of this section of public road, the County must act on the request to abandon 2,400 linear feet of existing public roadway, act on the request to add 3,200 linear feet of new public roadway and hold a public hearing on the permanent closure of said section of Pleasant Grove Church Road. If the Board chooses, these processes can be acted on at the same meeting.

North Carolina General Statute 153A-241 requires that the Board first adopt a resolution declaring its intent to close a public road or easement. Attached is a proposed resolution declaring the Board's intent on holding a hearing for closing this section of Pleasant Grove Church Road. In order to meet the public advertising requirements, staff recommends that the Board hold a hearing no earlier than March 19, 2008. This proposal ensures that no property owner or business will be denied access to a public road at any time.

#### **BOARD ACTION REQUESTED:**

Planning staff recommends approving the adoption of the attached resolution. Planning staff further recommends that the Board of Commissioners schedule a public hearing for Wednesday, March 19, 2008, at 11:00 A.M., or hold the hearing at a special called meeting.

**Suggested Motion:** I move for the adoption of the attached resolution and that the Board schedule a public hearing for Wednesday, March 19, 2008, at 11:00 A.M., or schedule a special called meeting.





**INSTRUCTIONS FOR COMPLETING PETITION:**

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach four (4) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block

- Rural Road   
  Subdivision platted prior to October 1, 1975   
  Subdivision platted after October 1, 1975

**REQUIREMENTS FOR ADDITION**

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 (see page 29 for Statute) states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>
PLEASANT GROVE CHURCH ROAD					
	ADDITION	3,200 LF			
(RELOCATION OF EXISTING ROAD)					

North Carolina Department of Transportation  
Division of Highways  
Abandonment Petition

North Carolina

County of HENDERSON

A PORTION OF

Petition request for the abandonment of Secondary Road 1201 from the State.

Maintained System

(Pleasant Grove Church Road)

We the under signed, being all of the property owners on Secondary Road 1201  
in Henderson County do hereby request the Division of Highways of the Department of  
Transportation to abandon the road from the State Maintained System.

PROPERTY OWNERS

Name

Address

SEVEN FALLS, LLC

32 ORANGE STREET  
ASHEVILLE, N.C. 28801

Owns all land on which existing road is constructed:

PTN #'s 9527-86-5488  
9527-61-5884  
9527-86-5583  
9528-61-8120  
9527-69-4830



**§ 153A-241. Closing public roads or easements.**

A county may permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation. The board of commissioners shall first adopt a resolution declaring its intent to close the public road or easement and calling a public hearing on the question. The board shall cause a notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed closing to be published once a week for three successive weeks before the hearing, a copy of the resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement. At the hearing the board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights. If, after the hearing, the board of commissioners is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the board may adopt an order closing the road or easement. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county.

Any person aggrieved by the closing of a public road or an easement may appeal the board of commissioners' order to the appropriate division of the General Court of Justice within 30 days after the day the order is adopted. The court shall hear the matter de novo and has jurisdiction to try the issues arising and to order the road or easement closed upon proper findings of fact by the trier of fact.

No cause of action founded upon the invalidity of a proceeding taken in closing a public road or an easement may be asserted except in an action or proceeding begun within 30 days after the day the order is adopted.

Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility. (1949, c. 1208, ss. 1-3; 1957, c. 65, s. 11; 1965, cc. 665, 801; 1971, c. 595; 1973, c. 507, s. 5; c. 822, s. 1; 1977, c. 464, s. 34; 1995, c. 374, s. 1.)

RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF SEVEN  
FALLS, LLC, PARCEL IDENTIFICATION NUMBERS  
9527865583, 9528615884, 9528618120, 9527694830

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property in Henderson County;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on Seven Falls, LLC, property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
  - a. Hold a Public Hearing. The Henderson County Board of Commissioners intend to hold a public hearing on the closure of public easements on the property of Seven Falls, LLC.
2. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the \_\_\_\_ day of February, 2008

Henderson County Board of Commissioners

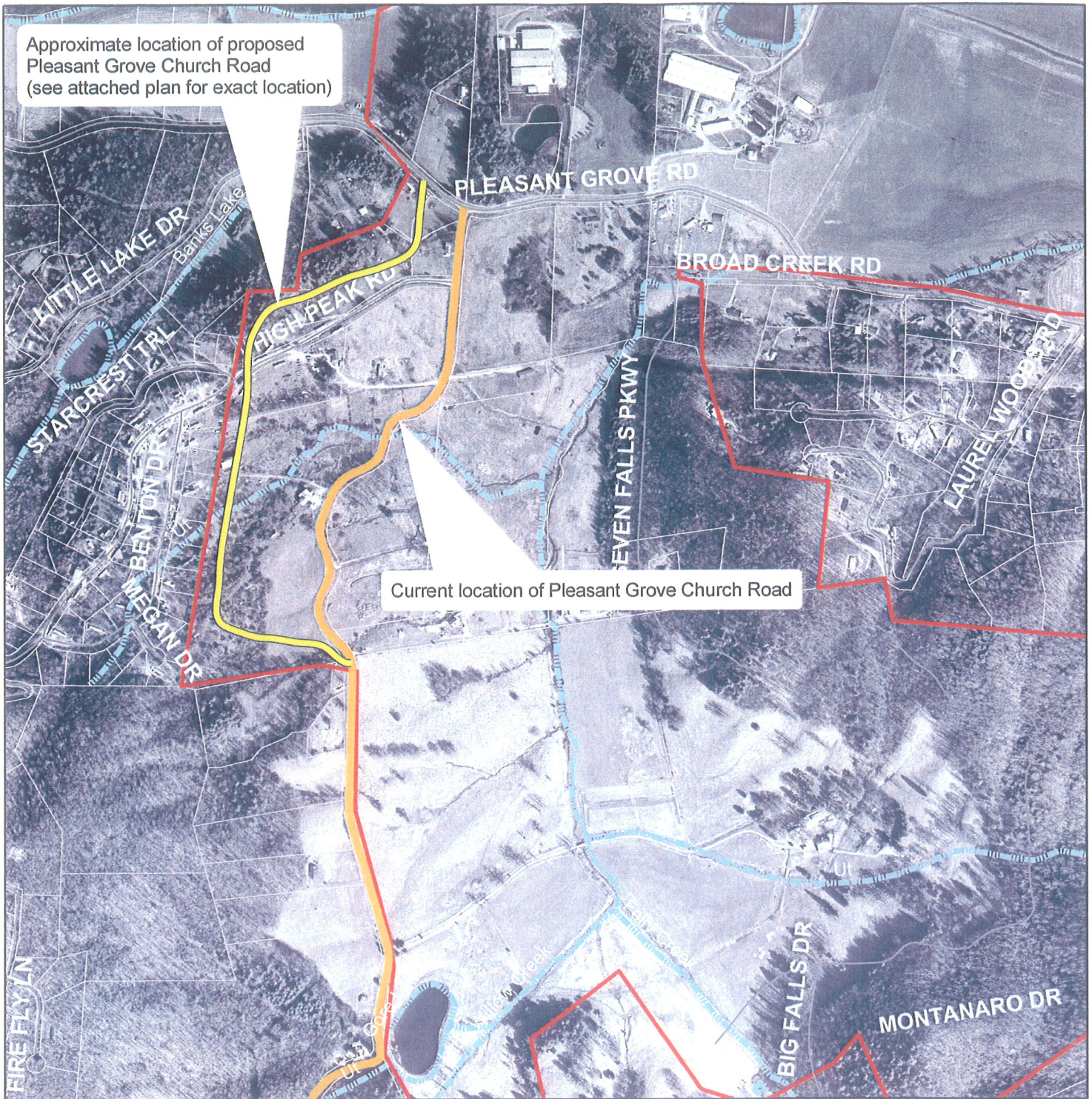
BY: \_\_\_\_\_  
William L. Moyer, Chairman

ATTESTED BY:

\_\_\_\_\_  
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]



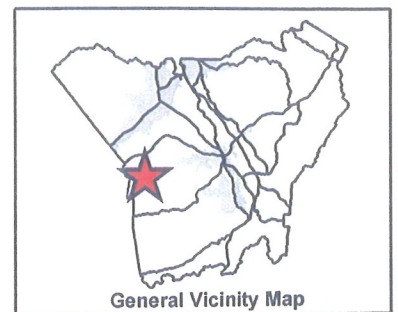


## Seven Falls Golf & River Club

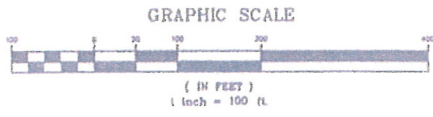
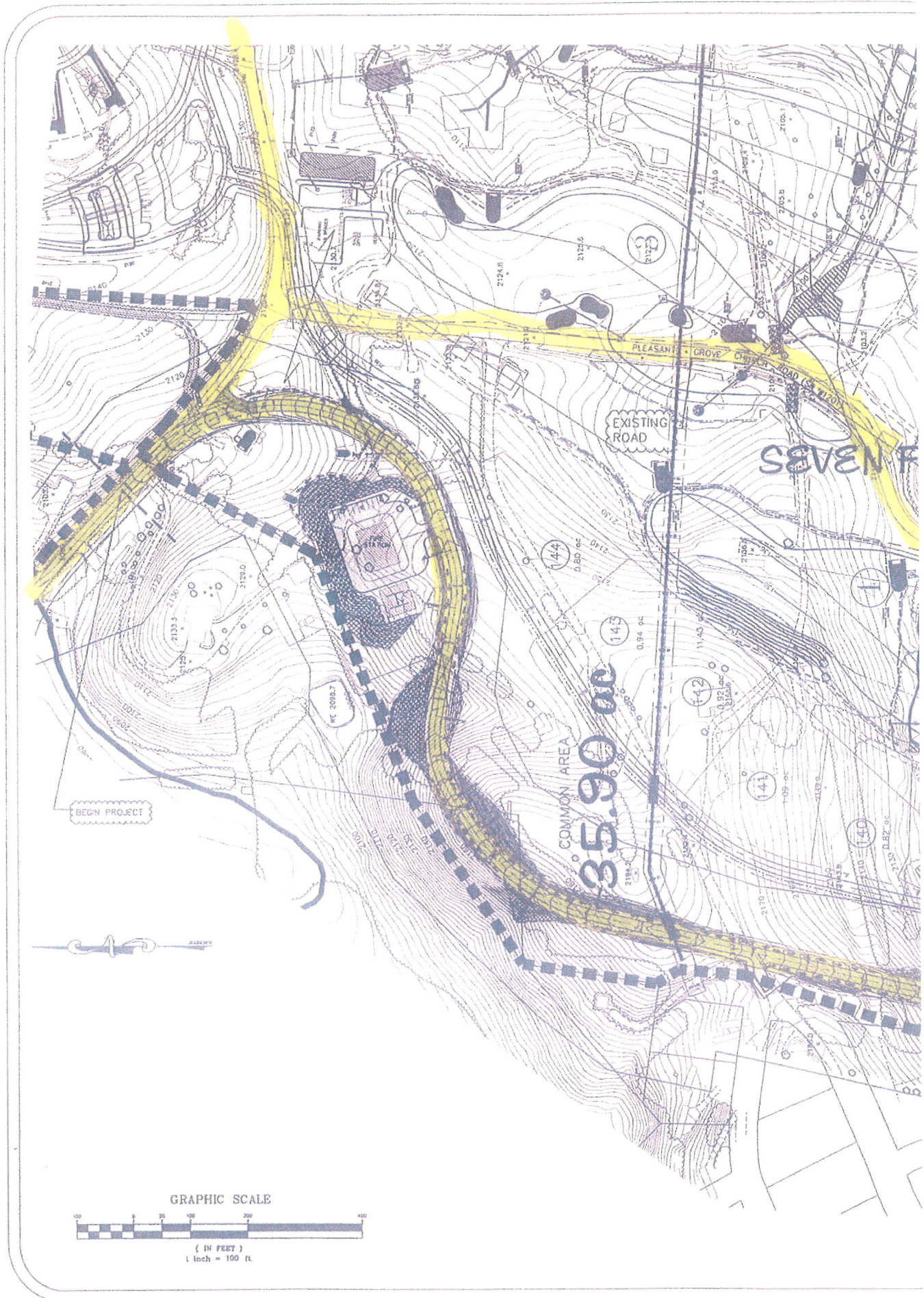
OWNER: Mountain Development Company, LLC and Seven Falls, LLC  
 AGENT: William Lapsley & Associates P.A.



-  Roads
-  Pleasant Grove Church Rd
-  Seven Falls Project Site
-  Other Parcels
-  Streams









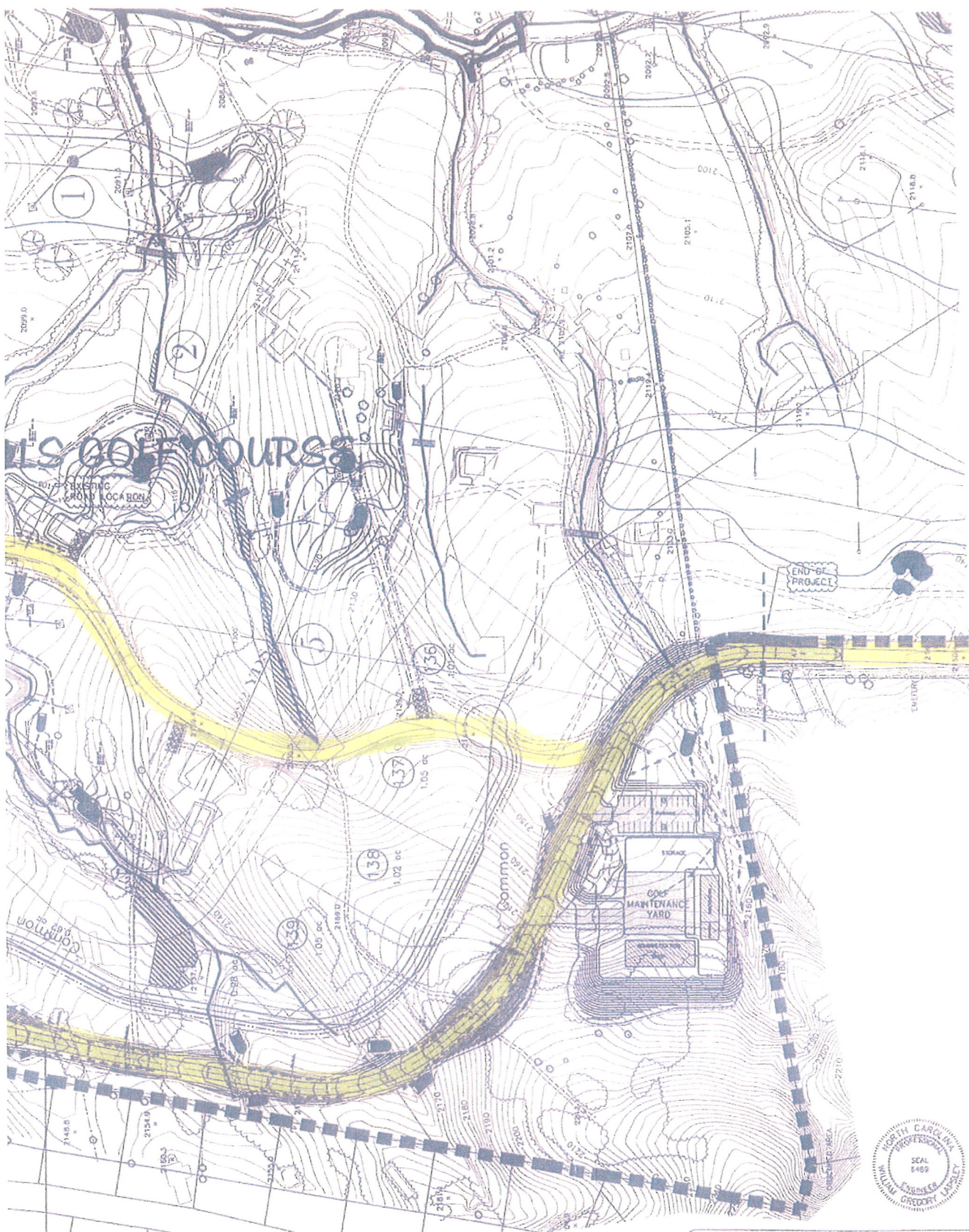


WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
 CONSULTING ENGINEERS & LAND PLANNERS  
 ASHEVILLE, NORTH CAROLINA

SEVEN FALLS  
 GOLF & RIVER CLUB  
 HENDERSON COUNTY,  
 NORTH CAROLINA

PROPOSED  
 PLEASANT GROVE CHURCH ROAD  
 RELOCATION PROJECT

sheet  
 2 of 8



PROPOSED RELOCATED  
 PLEASANT GROVE CHURCH ROAD

WILLIAM G. LAPSLEY & ASSOCIATES P.A.  
 Consulting Engineers & Land Planners  
 Two Town Square Blvd  
 Suite 200 Blinnow Park  
 Asheville, North Carolina 28802  
 828-687-7177 Fax 828-687-7170

Revisions

date: 1/07  
 job: 07112  
 drawn: KHC

