

PUBLIC INPUT SIGN UP SHEET

12-19-07

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.	_____	_____	_____
2.	_____	_____	_____
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13.	_____	_____	_____

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: December 19, 2007

SUBJECT: CLOSED SESSION

The Board is requested to go into Closed Session for the following reasons:

1. 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.
2. 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 consider and give instructions to the attorney with respect to the following claim:

In the Matter of the Appeal of Bell

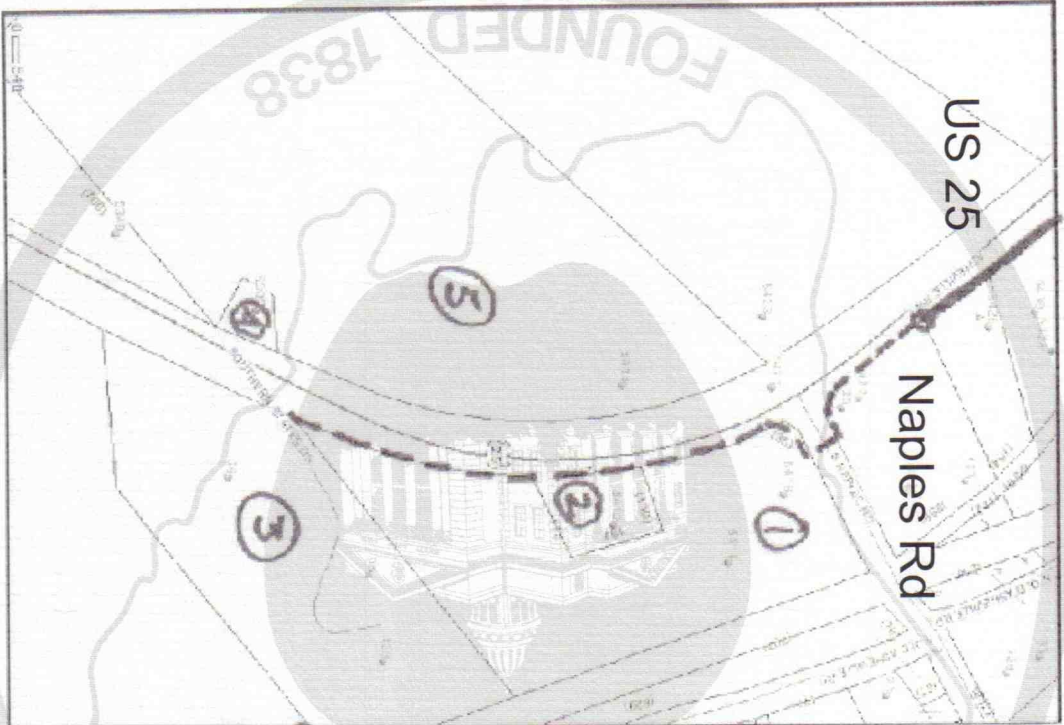
SUGGESTED MOTION:

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.

Fletcher Fire & Rescue Dept Sewer Extension

- FFRD would like the CCWSD Board to approve an Assessment Policy and apply it to the substation extension.
- A map of the extension and a table showing possible assessments to the five parcels follows:

FFRD Sewer Extension



- PARCELS**
- ① HOUSER INVESTMENT
 - ② RAY, IRA W
 - ③ SOUTHERN STATES
 - ④ FFRD
 - ⑤ CUNNINGHAM

HENDERSON COUNTY BOARD OF COMMISSIONERS

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 Hendersonville, North Carolina 28792-5097
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BILL MOYER
 Chairman
 CHARLIE MESSER
 Vice-Chairman



Engineering and Facility Services

LARRY BOUNG
 MARK WILKINS
 CHUCK RAY

Possible Assessments

Fletcher Fire & Rescue Department Sewer Extension

Project Bid: \$119,612

Parcel #	Parcel Listed To:	Assessed Acreage			Assessed Road Frontage		
		Acreage	Percent	Assessment	Frontage (ft)	Percent	Assessment
1	Houser Investments	6.56	20.1%	\$24,042	794	31.0%	\$37,080
2	Ray, Ira W	0.66	2.0%	\$2,392	217	8.5%	\$10,167
3	Southern States	6.80	20.8%	\$24,879	407	15.9%	\$19,018
4	Fletcher Fire & Rescue	0.16	0.5%	\$598	129	5.0%	\$5,981
5	Cunningham, Alice	18.46	56.6%	\$67,701	1013	39.6%	\$47,366
Totals		32.64	100%	\$119,612	2560	100%	\$119,612
Parcel #	Parcel Listed To:	Hybrid: % Acreage / % Frontage					
		40/60	50/50	60/40			
1	Houser Investments	\$31,865	\$30,561	\$29,257			
2	Ray, Ira W	\$7,057	\$6,280	\$5,502			
3	Southern States	\$21,362	\$21,949	\$22,535			
4	Fletcher Fire & Rescue	\$3,828	\$3,290	\$2,751			
5	Cunningham, Alice	\$55,500	\$57,534	\$59,567			
Totals		\$119,612	\$119,612	\$119,612			

Engineering and Facility Services



RESOLUTION ADOPTING ASSESSMENT POLICY APPLICABLE TO
SEWER EXTENSIONS TO EXISTING UNSERVED AREAS

WHEREAS, the Board of Trustees of the Cane Creek Water and Sewer District of Henderson County ("CCWSD") has determined to review its assessment policies in order to assure that the manner in which the costs of sewer extension projects are calculated and assessed is fair and meets the requirements of the general statutes, and, in particular, that it does not impair the orderly availability or unduly discourage otherwise necessary connections to these vital public services; and

WHEREAS, the Board of Trustees of CCWSD has determined that the attached policy is necessary and appropriate to assure the availability and orderly provision of public sewer service to CCWSD's service area, and that it is necessary and will result in the protection of the environment and public water supply, and that it will primarily benefit persons who are able to connect to these services as well as their neighbors and the public at large;

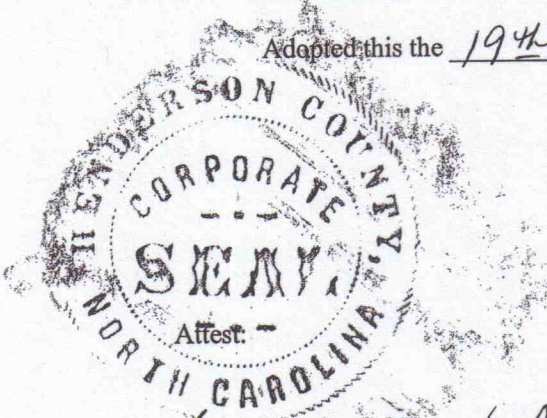
NOW, THEREFORE, BE IT RESOLVED:

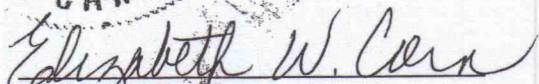
1. That the CCWSD Board of Trustees adopts the attached policy entitled, "Assessment Policy Applicable To Sewer Extensions To Existing Unserved Areas",
2. That the policy shall become effective upon adoption.
3. That staff is directed to implement and interpret the "Assessment Policy Applicable To Sewer Extensions To Existing Unserved Areas."

Adopted this the 19th day of December, 2007.

CANE CREEK WATER AND SEWER DISTRICT

By: 
Chairman, Board of Trustees




Clerk to the Board

ASSESSMENT POLICY APPLICABLE TO SEWER EXTENSIONS TO EXISTING UNSERVED AREAS

PURPOSE: The purpose of this policy is to set forth the principles and guidelines for the extension of and the allocation of cost for the sewer mains of the Cane Creek Water and Sewer District (CCWSD) when such facilities are extended through the assessment process.

BACKGROUND:

An integral part of the operation of CCWSD is the orderly extension of sewer service from its existing facilities or the construction of new facilities. This extension of service may consist of the construction of new collectors, interceptors, mains, pump stations and other appurtenances necessary to serve a group of properties whose owners have petitioned CCWSD for service and have agreed to assume the cost of the sewer extension or to serve properties without a petition from property owners that CCWSD has determined are benefited by the extensions. The North Carolina General Statutes enable CCWSD to make such extensions and assess benefited properties the costs associated with the extensions.

POLICY:

CCWSD, at the discretion of its Board of Trustees, may arrange for the installation of sewer mains to serve specified areas and assess the cost of the improvements to the benefited properties in accordance with the North Carolina General Statutes. Extension to new residential development will not be financed through the assessment process. If undeveloped land within an assessment area benefits from an assessment project then such land will be assessed for the improvements. Undeveloped land through or along construction of off-site line extensions may also be assessed.

Assessment projects must have prior approval of the CCWSD Board of Trustees and may be initiated by petition of property owners, County or State public health agencies, by a municipality, or by CCWSD at its discretion. CCWSD's decision to undertake an assessment project shall not be subject to prior endorsement from a majority of the property owners benefiting from said project. In determining whether or not to proceed with an assessment project, CCWSD will consider the needs of all property owners who are impacted by such project. Multiple assessment project requests will be prioritized for construction by CCWSD.

Extension of service shall be made in a manner to appropriately serve individual properties and to allow for the future orderly development of the sewer system to serve other properties. Sewer main extensions and appurtenant facilities installed by CCWSD through the assessment process shall be financed by the owners of the benefited properties through (1) special assessments made in accordance with the provisions of the North Carolina statutes and laws; (2) prior funding of the improvements; and/or (3) other financial arrangements satisfactory to CCWSD.

The cost of the assessment project, as determined by CCWSD, shall be specially assessed against each of the lots or parcels determined by CCWSD as benefiting from the project and set out in a Final Assessment Roll. Such allocation of cost shall be in accordance with the provisions of North Carolina General Statutes 153A, Article 9, Special Assessments.

Costs recovered through assessments shall not include the engineering design and construction observation expenses in an amount up to 15% of total expenditures for a given project. Costs recovered through assessments shall not include the legal expenses in an amount up to 5% of total expenditures for a given project. Any such engineering design and observation costs in excess of 15% and/or legal costs in excess of 5% will be included in the summation of costs to be assessed.

Costs recovered through assessments shall not include off-site costs, including any easement acquisitions of intervening improvements required to connect assessment projects situated within any incorporated limits when the CCWSD Board of Trustees determines that (a) the off site improvements are assessed to intervening benefitted properties; or, the cost of the off site improvements are reasonably anticipated to be recovered within the next 10 year period through fees from service connections or extensions to the proximate intervening properties; and (b) the costs of the off-site improvements that are not assessed are in reasonable relationship to the costs of the assessment project and funding is available in the approved Capital Improvements Budget for such off-site cost, or funds are reliably available from other sources such as grants, subsidies or contributions in aid of construction from private or public parties.

Off-site mains shall be defined as those sections of mains installed outside of the benefitted project area which do not provide service directly to individual lots within the benefitted area and are of a size so as to provide service to areas other than that defined by the assessment project resolution.

Upon completion of the project, property owners will be notified and a Final Assessment Roll adopted. Liens against the property will be recorded as security for the amount of the assessment.

Assessments may be paid without interest at any time before the expiration of thirty (30) days from the date that notice of confirmation of the Final Assessment Roll is published. If the assessments are not paid within this time, all installments shall bear interest at a rate set by the CCWSD Board of Trustees in the assessment proceedings until paid. In the event one or more payments of the assessment against a parcel of property are not made in accordance with the terms for such payment, CCWSD will take action under the lien to collect the money due.

For assessment projects, the property owner connecting within sixty (60) days of the confirmation of the Final Assessment Roll may enter into a contract with CCWSD to pay service availability fees for connections to lines extended by an assessment project, but not service connection fees, under established terms and conditions by monthly installments over the same time period and at the same interest rate as established for the assessment project costs. The installment payment of service availability fees shall become a part of the monthly billing for service, and nonpayment shall be subject to the same policies and penalties that apply to delinquency in the payment of monthly charges for sewer services provided by CCWSD. The unpaid balance shall be secured by a lien against the benefitted property and personal security to satisfy any outstanding balance upon sale of the property. The payment of the unpaid balance shall become due upon transfer of the property.

For assessment projects, the residential property owners connecting within ninety (90) days of notice from CCWSD that the construction has been completed and service is available for active service connections, the service availability fees applicable to the property will be reduced by 25%, not to exceed \$500 per benefitted property:

If an assessed lot is subdivided at any time after adoption of the Final Assessment Roll, the newly created lots shall be required to pay all applicable availability fees in accordance with the Schedule of Rates and Fees in effect at the time, prior to establishing a service connection to the system(s) owned by CCWSD.

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

EXTENSION OF AGREEMENT

This Extension of Agreement is made and entered this 31st day of December, 2007, by and between the County of Henderson, a body corporate and politic ("the Employer") and Terry F. Lyda ("the Employee"), both of whom understand as follows:

WITNESSETH:

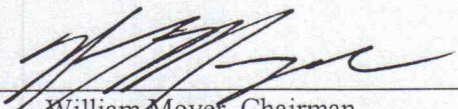
WHEREAS, the parties entered into an Employment Agreement on 1 November 2005 ("the Employment Agreement"); and

WHEREAS, the parties now desire to extend the term of the said Employment Agreement from its currently scheduled end date of 30 June 2009, as stated herein.

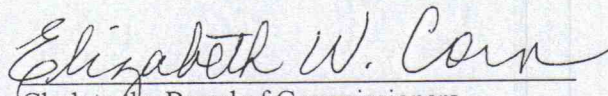
NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree that the term of the Employment Agreement is hereby extended to and through 31 December 2009. Except as modified hereby, the said Employment Agreement is hereby restated and reaffirmed as if set out word for word.

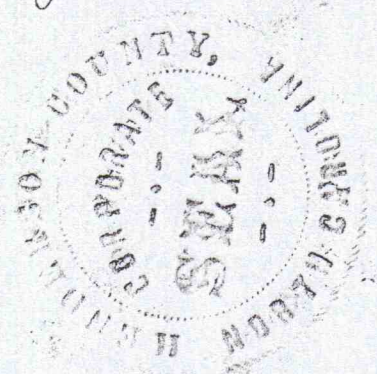
IN WITNESS WHEREOF, the Employer has caused this Extension of Agreement to be signed and executed in its behalf by the Chairman of its Board of Commissioners and duly attested by the Clerk to the Board of Commissioners, and the Employee has signed and executed this Extension of Agreement, the day and year first above written.

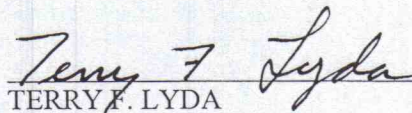
HENDERSON COUNTY

By: 
William Moyer, Chairman
Henderson County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners



 [SEAL]
TERRY F. LYDA

HENDERSON COUNTY
NORTH CAROLINA

RESOLUTION APPROVING GRANT APPLICATION

WHEREAS, the North Carolina Clean Water Management Trust Fund has authorized the making of grants to aid eligible units of government or non-profit organizations in financing the cost of improvements and/or studies that will impact the quality of affected waterways and

WHEREAS, Henderson County has need for a Stormwater Master Plan, including an assessment of ordinances; an outfall inventory and illicit discharge detection; an assessment of existing stormwater infrastructure conditions and capacity; an assessment of existing stream channel conditions for water quality deprecation and capacity for specific problem areas; the development of solutions for stormwater quantity issues; the development of solutions for stormwater quality issues; and the creation of a Capital Improvements Plan (CIP) to manage current and future stormwater needs for Henderson County, and

WHEREAS, Henderson County intends to request grant assistance from the Cleanwater Management Trust Fund in the amount of \$50,000,

NOW, THEREFORE BE IT RESOLVED, BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY:

That Henderson County will arrange financing for all remaining costs of the Project, if approved for a State grant.

That Henderson County will perform the functions and obligations of the grant recipient as set out in a grant agreement should this project be chosen for funding.

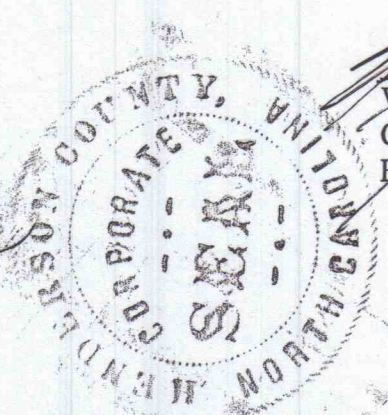
That Steve Wyatt, County Manager and successors so titled, is hereby authorized to execute and file an application on behalf of Henderson County with the North Carolina Clean Water Management Trust Fund for a grant to aid in the construction of the project described above.

That Steve Wyatt, County Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

Adopted this the 19th day of Dec., 2007 at Hendersonville, North Carolina.

ATTEST:

Elizabeth W. Corn



William Moyer
William Moyer
Chairman
Board of Commissioners