

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 3, 1998

The Henderson County Board of Commissioners met for a regularly scheduled meeting in the Commissioners Meeting Room 140 on Monday, August 3, 1998 at 5:30 p.m. Those present were: Chairman Robert D. Eklund, Vice-Chairman Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager Angela Skerrett and Acting Clerk Avalina B. Merrill.

Also present were: Planning Director Matt Matteson, Planner Karen Collins, Staff Attorney Jennifer Jackson, Assistant Finance Director Dena Garey, Budget Analyst Selena Coffey and Tax Collector Terry F. Lyda.

Absent were County Attorney Don H. Elkins and Clerk to the Board Elizabeth W. Corn.

CALLED TO ORDER/WELCOME

Chairman Eklund called the meeting to order at 5:30 p.m. and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

Commissioner Vollie G. Good led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager David E. Nicholson led the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins requested that Consent Agenda Items D and E, Tax Releases and Tax Refunds, respectively, be pulled and placed under Staff Reports Items G.

Commissioner Ward requested to add an additional personnel item to Closed Session and provide additional information regarding electrical/phone poles under Discussion Item B, Parks & Recreation Department Fees.

County Manager Davis Nicholson deleted the Public Hearing To Consider an Amendment to the Restrictive Covenants of Appleland Business Park because the interested party had withdrawn their request to amend the restrictive covenants. Mr. Nicholson reminded the Board that page 2 of the agenda had been revised to include

APPROVED 8.19.98

August 3, 1998

Page 2

Discussion Item B as Parks & Recreation Department Fees with the remaining Discussion Items being C through D.

INFORMAL PUBLIC COMMENT

F. KEENAN, Winding Way Lane, admonished the Commissioners for their lack of response to citizens who addressed them during public comment sessions on various subjects. At a recent meeting, citizens addressed the Commissioners regarding Revenue Neutral approaches but the Board did not respond. Commissioner Hawkins responded to Mr. Keenan that the Public Information Officer had been directed by the County Manager to respond to citizens on behalf of the Commissioners and asked the County Manager to assure that policy will continue. In response to Mr. Keenan's comments and inquiry regarding Revenue Neutral approaches, Commissioner Kumor read a proposed resolution on Budget Development and requested the Board to consider adopting it as one approach to revenue neutral. The resolution follows:

"To that end I would offer a legitimate budget policy resolution that will outline exactly what we propose to deliver, not just once every four years but on an annual basis.

Budget Development Resolution

In an effort to make the budget process more open and understandable and to make our intentions for fiscal action clear to the community, the Henderson County Board of Commissioners outlines the budget process as follows:

Whereas, we promise to develop a budget each year, using the previous year dollar amount, not the previous year tax rate as our base to measure an increase or decrease;

Whereas, we promise to evaluate every department on a two year cycle (using the bi-election year to begin a cycle) in a workshop setting prior to the staff development of the budget (this should occur in Dec or early January);

Whereas, we will make sure that our philosophical goals and our spending priorities are well developed and clear so that staff will have explicit direction in outlining the proposed annual budget;

APPROVED

August 3, 1998

Page 3

Whereas, we will be able to clearly explain any increase or decrease over the dollar base of the previous year to all tax payers; and finally,

Whereas, our intention should be clear so that the subsequent Boards can understand our intentions and build upon our process;

Now let it be resolved that the Henderson County Board of Commissioners does adopt this process to faithfully work with staff and our community to develop a budget based on community needs, to develop a budget based on responsible infrastructure maintenance and construction, to develop a budget based on evaluation of county service delivery, and to develop our budget with respect for the fiscal demands that would be put upon our taxpayers."

Commissioner Good questioned Ms. Kumor as to what would be done during emergencies or growth under that proposal. Commissioner Ward suggested the Board review that proposal further.

Chairman Eklund directed the County Manager to place Ms. Kumor's proposal on the agenda for the next Commission meeting. Mr. Nicholson stated that indeed staff welcomed input from the Commissioners on the revenue neutral approach.

Fielding Lucas, read a prepared statement expressing his concerns on financing school facilities. He admonished the Commissioners to consider school facilities similar to Johnston County Glendale-Kenly School they recently visited. He encouraged them to proceed cautiously in seeking financing options while moving forward in planning the new facilities.

James Guyer, read a prepared statement in which he encouraged the Commissioners to consider payment by credit card for property taxes. He also expressed disgruntlement regarding the economic development approaches of the Board, particularly referring to the public hearing on the agenda for Revenue Bonds for American Coating Technologies.

Dennis Justice, 28 Apple Blossom Place, Fletcher NC, paid a brief tribute to Jeff Busbee who recently died and expressed concern about the Board of Education's approach on school facilities. He encouraged the Commissioners to scrutinize the proposal the Board

August 3, 1998

Page 4

of Education would be presenting to them at the joint meeting of August 4, 1998.

CONSENT AGENDA

Commissioner Kumor made a motion to adopt the Consent Agenda as amended removing Tax Releases and Tax Refunds to the Staff Reports. All voted in favor and the motion carried. The Consent Agenda included:

Minutes of Commission meetings of June 1, 1998; special called meeting on June 30, 1998; July 7, 1998

Resolution thanking Eldon T. Owen, Solid Waste Director, for his service to Henderson County.

Notifications of Vacancies:

1. Nursing\Adult Home Care Home Community Advisory Committee-1 vacancy
2. Solid Waste Advisory Committee (SWAC)-2 vacancies

Commissioner Ward directed staff to send get well wishes to Dr. George Jones, President of the Henderson County Genealogical and History Society and Mr. William Jamison of the Pardee Hospital Trustees, on behalf of the Commissioners and staff.

NOMINATIONS

Chairman Eklund reminded the Board of 2 vacancies for the Nursing/Adult Care Home Community Advisory Committee. Commissioner Ward requested the discussion of appointments be rolled to the next meeting.

Chairman Eklund reminded the Board of one vacancy on the Henderson County Zoning Board of Adjustment. At the July 15, 1998 meeting, a nomination was made to move Tamara Crane from an alternate member to a regular member. It was the consensus of the Board to approve that nomination and appoint Ms. Crane as a regular member.

Chairman Eklund reminded the Board of two vacancies on the Hendersonville City Zoning Board of Adjustment. These vacancies were rolled to the next meeting to allow time to review the information to be received from the City of Hendersonville regarding representation in the EJT.

August 3, 1998

Page 5

Chairman Eklund reminded the Board of three vacancies on the Mountain Area Workforce Development Board. The Chamber of Commerce had recommended two vacancies be filled by Cindy Dabaibeh and Roger Wheelock with terms to expire 07/01/2000. Commissioner Kumor made a motion to accept the Chamber's recommendation. All voted in favor and the motion carried.

Chairman Eklund reminded the Board that Dr. Davis Sink, President of Blue Ridge Community College, had been nominated on 7/7/98 for the Board of Commissioners vacancy and George A Tarnawsky was nominated on 7/15/98. Helen Beck, Executive Director of Mountain Area Workforce Development Board, requested the Commissioners to fill their vacancy with an individual from the private sector. It was the consensus of the Board to accept the nomination of 7/7/98 and appoint George J. Tarnawsky.

Chairman Eklund reminded the board of one vacancy on the Youth Advisory Board. No applications for the vacancy had been received. This appointment was rolled to the next meeting. Commissioner Ward recommended that the Commissioners contact Recreation Director Larry Harmon to determine if any of the his staff who work with youth would be interested in serving on this Board.

STAFF REPORTS

1998 Annual Report to the People

County Manager Davis Nicholson presented the 1998 Annual Report to the People. He explained this report highlighted the major accomplishments and incentives of Henderson County agencies during FY 1997-98.

Direction to Solid Waste Advisory Committee (SWAC)

Assistant County Manager Angela M. Skerrett reminded the Board that during a work session on June 18, 1998 to discuss the County Manager's recommendation to investigate privatization of a portion of the solid waste operations, they accepted two recommendations made by the SWAC:

1. To recommend to the County Commissioners that they seek proposals for privatization, but to allow the Solid Waste Advisory Committee to evaluate the proposals before a decision is made.

August 3, 1998

Page 6

2. To request that the Solid Waste Advisory Committee be allowed to study the other options which might be available while the requests for proposals are being developed and put out for bid.

On Tuesday July 21, 1998, SWAC arrived at seven options for further study:

1. Continue operations as they are. The SWAC requested that budgetary information be provided to them when they study this option.
2. Contact neighboring counties who already have landfills to see if there is anything that can be done regionally.
3. Study the idea of franchising the haulers because it seems to give the County more control.
4. Alternatives to landfilling such as dirty MRF or the new technology processes which the County has received some correspondence about recently. Ms. Skerrett explained that Gary Tweed was observing a demonstration of one of the new technology processes and that is why he was absent.
5. Composting
6. Incineration
7. Pursue a County landfill

The SWAC requested direction from the Commissioners as to which options to pursue. The Board discussed each of the seven options. Chairman Eklund permitted each Commissioner to state their preference on the options. Commissioner Good suggested options 2, 3 and 4. Commissioner Hawkins suggested option 1 and in particular option 3 could be given to SWAC. However, he felt option 2 should be handled by staff. Commissioner Ward suggested options 1, 3 and 4 to give to SWAC to handle. He agreed with Commissioner Hawkins that option 2 should be handled by staff. Commissioner Ward felt that option 7 should be the main focus and should be handled by staff. He encouraged the Board to keep the public informed as to where the state-suited sites are located and what the estimated cost of a new landfill would be. To get public input, Commissioner

August 3, 1998

Page 7

Ward encouraged the Board to set up a citizen hot line similar to the citizen comment line and to set public forums. Commissioner Kumor suggested a video be produced for public education on the siting and development of a landfill.

Mr. Nicholson agrees options 1 and 7 are the same concept and stated option 2 dealing with regionalism should be handled by staff. He suggested the Board allow SWAC to handle options 3,4 and 5. He described an alternative waste management system he had seen in Sevier County in Tennessee using the Bedmaster composting system. Sevier County uses that system to dispose of the large amount of food items and garbage generated by their tourist industry as an alternative to landfilling. He suggested to the Board they consider allowing staff to look at similar alternatives to landfilling.

Commissioner Good questioned whether option 6, Incineration, was still viable. Mr. Nicholson stated he could produce for this Board a study done about 5 years ago by SWAC on the feasibility of incineration in the County. He stated there was strong opposition in the community at the time of that study to incineration.

The consensus of the Board was to direct SWAC to handle options 1,3 and 4. The Board also directed staff to bring out for SWAC's review all the criteria previously used in siting a landfill.

Commissioner Kumor recommended to staff that the September Henderson Highlights include information on bid packages recently released by the County for seeking prices on lease\purchase options for a portion of the Solid Waste Management facility and for the Materials Recovery Facility (MRF). The Board granted to staff permission to extend the time frame for which bids would be valid to 90 days.

Application for Public School Capital Fund

Mr. Nicholson explained to the Board the application for the Public School Building Capital Fund (ADM Fund). This application included the roof replacement at nine schools, fire safety alarm components at five schools, HVAC installation at one school, septic system replacement at one school and the planning and design of five schools. At the request of the State, the May 1997 application had been closed out. This application utilized the planning and design money already expended by the public schools as match for these new

August 3, 1998

Page 8

projects. The total cost of the Edneyville air conditioning was also included in this new application. The Board received a breakdown of the type of project by school and a report on the balances in the Public School Capital Fund and the Capital Reserve Fund. Mr. Nicholson stated the Board of Education approved this application at their meeting of July 29, 1998 and he requested approval on this application from the Board.

Commissioner Hawkins raised questions about the application. He stated he thought the \$350,000 allocated for the septic system at Mills River School should be pulled out of the grant request for the Clean Water Fund since this school as a major user would have sewer treatment on site. Mr. Nicholson reminded Commissioner Hawkins that during the processing of the Clean Water Fund grant application, the Board directed him to leave the \$350,000 in the grant and he did so. After several questions by other Board members and general discussion, Commissioner Ward made a motion to approve the application as presented. All voted in favor and the motion carried.

Village of Flat Rock Zoning Resolution

At the Board's meeting of July 7, 1998, the Board authorized staff to meet with the Village of Flat Rock concerning its upcoming adoption of a zoning ordinance and map. Staff met with the Village on July 28, 1998 to discuss administrative issues regarding the transition to the Flat Rock ordinance. Staff was informed that Flat Rock was holding its public hearing on August 13, 1998 and intended to adopt the ordinance and map following the public hearing. Flat Rock would assume zoning jurisdiction upon adoption of its ordinance on August 13, 1998. Due to the effects this would have upon Henderson County Zoning Board of Adjustment, staff recommended the Board seek applications for Board of Adjustment from the Kanuga and East Flat Rock areas. Staff presented for the Board's review a draft joint resolution which staff had not received the same evening from Village Attorney, Ken Youngblood. Staff had not had ample time to review the resolution. Therefore staff requested the Board's permission to allow time to bring it back before the Board at a future meeting.

Commissioner Hawkins reminded the Board they were awaiting direction from County Attorney Don Elkins on this matter. Due to his absence from this meeting, it was the consensus of the Board to

August 3, 1998

Page 9

delay action on this resolution until the meeting of August 19, 1998.

Upon that decision, a member of the Flat Rock Planning Board requested the Board to reconsider and adopt the resolution at this meeting so they could immediately assume zoning jurisdiction. After discussion on this request, County Manager Nicholson suggested that a letter from Chairman Eklund be issued to Mayor Highlander explaining their decision to delay action until 08/19/98.

Chairman Eklund called a 10-minute recess at approximately 6:50 pm and reconvened the meeting at approximately 7:00 pm.

Tax Collector's Report

As requested by the Board at their meeting of 07/15/98. Tax Collector Terry Lyda presented the monthly report on tax collection activities. This report reflected 1997 Unpaid Real and Personal Property Taxes, 1996 Unpaid Real Property Taxes, 1995 Unpaid Real Property Taxes, Delinquent Personal Property consisting primarily of mobile homes and Unpaid Motor Vehicle Tax. As a matter of record, Mr. Lyda informed the Board of the 1998 tax levy due by September 1, 1998, \$223,679.38 had already been collected. Mr. Lyda also presented a Year-to-Date Account Receivables Report for the Month ending July 30, 1998.

After Mr. Lyda had answered questions from Board regarding the report, the Board thanked Mr. Lyda for agreeing to present to them his monthly report.

Update on Pending Issues

Commissioner Ward reminded the Board about the brief discussion they had during public input regarding revenue neutral. It was the consensus of the Board to set a workshop and a public forum to continue discussion on revenue neutral.

County Manager Nicholson reminded the Board of the draft resolution for Reallocation of Debt Payment From Courthouse to Schools Capital Projects. After discussion, this Board stated it could not predict nor dictate actions of future Boards in this matter. Hence, they requested the resolution be edited to suggest utilization of funds for school capital needs rather than direct future Boards. The amendment read "NOW THEREFORE BE IT RESOLVED, that the Henderson

County Board of Commissioners while adopting the Fiscal Year 1998-1999 Budget suggested that when the debt payment for the Courthouse is paid off after September of 2000 that these funds should be utilized by future Board of Commissioners to meet school capital needs." It was the consensus of the Board to adopt the resolution as amended.

Jail Project

Commissioner Kumor updated the Board on recent activities of the Jail Project Team.

Tax Refunds and Tax Releases

Commissioner Hawkins pulled these items from Consent Agenda to permit discussion and direction from the Board to staff for future refunds and releases. At the Board's direction, County manager Nicholson had issued a memo to Assessor Robert Baird to appear at the Commissioner's meeting of August 19, 1998 for discussion about the procedure used for issuing tax refunds and tax releases. The tax refunds and tax releases were rolled to the meeting of 8/19/98 for consideration.

Public Hearing-Request to Amend the Official Zoning Map for Proposed Rezoning of 14.5 Acres on Greenville Highway, Application #R-03-98 by Linda Ann Moxley and Helen Moxley Pace.

At approximately 7:15 pm, Chairman Eklund asked for a motion to go into the public Hearing for the Request to Amend the Official Zoning Map for Proposed Rezoning of 14.5 Acres on Greenville Highway, Application #R-03-98 by Linda Ann Moxley and Helen Moxley Pace. Commissioner Ward made a motion to go into the public hearing. All voted in favor and the motion carried.

Planner Karen Collins explained to the Board the application requested the County to rezone approximately 14.5 acres of property on Greenville Highway (US 25 South) from R20 (Low Density Residential) and R-T (Transient Residential) districts to R-10 (High Density Residential) and C-1 (Residential Commercial) districts. She further stated that the Planning Board voted unanimously 8 to 0 on June 30, 1998 to send to the Board of Commissioners a favorable recommendation to rezone the property to R-10 and C-1 as requested by the applicants. In accordance with the Henderson County Zoning Ordinance and State law, notices of this public hearing were mailed to the applicants and to the owners of property adjacent to and near the parcels proposed for rezoning.

August 3, 1998

Page 11

Ms. Collins addressed a variety of questions posed by the Board members about the application and its impact on the area. The list of individuals who addressed the Board on this application and a brief description of their comments follow:

Joe Crowell, 41 Shadow Lane, Hendersonville, NC stated he was a developer interested in purchasing the Moxley acreage for development of a planned unit development to be called Charles Towne if the Commissioners approved the rezoning request. He expressed his intent was to include both residential and commercial development on the acreage. Mr. Crowell expressed appreciation of the aesthetic beauty of the area and his intent was to enhance that beauty. His plans for the development were to include a small shopping strip recessed away from the immediate road front to accommodate the residents within Charles Towne Place and the community. He had spoken with neighbors adjacent to the Moxley property and tried to accommodate their concerns in his plans for the development.

Terry Hicks, 27 Mountain Lake Drive, Hendersonville, NC 28739, spoke in opposition to the rezoning request both as a resident of Staton Woods as well as a member of the Flat Rock Planning Council. He expressed concern about the impact this proposed PUD would have on the superstructure with the additional homes and businesses.

Cheryl Hallowell, 338 Mockingbird Drive, Hendersonville, NC 28792, a resident of Staton Woods spoke in opposition to the rezoning request expressing concern about the devaluation of property as a result of the proposed PUD. Ms. Hallowell also expressed concern as to enforcement of the Zoning Ordinance during and after the development of this PUD and posed several related questions to the Planning Staff. Some of the questions were: Will the C-1 allow fast food restaurants? Will it allow communication towers? For conditional uses, who would be notified? Who would maintain open space and buffer zones?

E. Carter Leland, 1690 Greenville Highway, Flat Rock, NC 28731, a resident of the area proposed for rezoning spoke in opposition to the rezoning request. He expressed concern that the proposed PUD would magnify traffic flow problems that area already experiences. Mr. Leland expressed concern that such a development might be detrimental to the integrity of that neighborhood. He encouraged the Board to deny the request for the C-1 rezoning.

August 3, 1998

Page 12

Ray LaStrange, 1720 Hummingbird Lane, Hendersonville, NC 28792, a resident of Staton Woods spoke in opposition to the rezoning request and expressed concern about the impact that PUD would have on the traffic flow. He encouraged the Board to table the request for further study.

Virginia Thompson, 109 Erkwood Drive, Hendersonville, NC, a resident of the area spoke in opposition to the rezoning request expressing concern about property devaluation and decline in the integrity of the community. Ms. Thompson encouraged the Board to deny the rezoning request.

Marvin Hull, 1621 Greenville Highway, a resident of the area spoke in opposition to the rezoning request expressing concern about traffic flow and property devaluation. He requested the Board leave the Moxley property at R20 to maintain the integrity of the neighborhood.

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

The Commissioners directed staff to send letters to the City of Hendersonville and the Village of Flat Rock to determine their future plans on annexation and the impact of that type of PUD traffic and superstructure on the area. The rezoning request will be placed on the agenda for the September 8, 1998 meeting.

Public Hearing-Naming of Un-Named Roads and assigning Road Names- Commissioner Hawkins made a motion to go into the public Hearing for Naming of Un-Named Roads and Assigning Road Names. All voted in favor and the motion carried.

Stuart Rohrbaugh, Property Addressing Coordinator, presented a list containing approximately 400 proposed names for un-named roads in Henderson County. Mr. Rohrbaugh informed the Board that property owners would be assigned road addresses at the time those roads are named. He further informed the Board that persons residing on a road that had three or more structures without a road name will experience a change of address.

Individuals who addressed the Board about these road names and a brief description of their comments follows:

August 3, 1998

Page 13

Lucille Lyda, P.O. Box 156, Dana, NC 28724 stated the residents on Dollie Case Lane had received notice from the Property Addressing office that road name would be changed to Bourbon Road. On behalf of Dana United Methodist Church, Ms. Lyda requested the road name to remain as Dollie Case Lane. On the list provided by Mr. Rohrbaugh, the road name had been approved as Dollie Case Lane.

Eddie F. Gordon III, Box 1013, Saluda, NC 28773, addressed the Board stating he agreed with the concept of naming un-named roads but he disagreed with the renaming of roads already bearing a name. As a member of the Gordon family for which the road was originally named, he requested the Board allow Gordon Drive to remain in the road name. On the list provided by Mr. Rohrbaugh, the road name was approved as Ed Gordon Sr. Drive.

Eddie F. Gordon Jr., Box 383, Saluda, NC chose not to address the Board when he learned the road name remained as Ed Gordon Sr. Drive.

James R. Fields, Route 4, Box 298B, requested support from the Board on a road name submitted on a petition given to Mr. Rohrbaugh minutes prior to the meeting. Due to the inadequate time for review by the Property Addressing office, this petition was not submitted to the Board for their consideration.

Commissioner Hawkins made a motion to go out of the public hearing. All voted in favor and the motion carried. Commissioner Kumor made a motion to adopt the proposed road names as presented by Mr. Rohrbaugh. All voted in favor and the motion carried.

Public Hearing-To Consider Issuance of Industrial Revenue Bonds

At approximately 8:25 pm, Chairman Eklund announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Henderson County Industrial facilities and Pollution Control Financing Authority (the "Authority") of not exceeding \$5,750,000 aggregate principal amount of its qualified small issue industrial revenue bonds to pay all or a portion of the cost of the acquisition of a parcel of land located at Broad Point Drive near the intersection of NC Highway 280 in Henderson County, North Carolina, and the construction and equipping thereon of an approximately 50,000 square foot facility, all for use by American Coating Technologies, Inc. (The "Company") in the manufacturing of industrial coated automotive parts (the

August 3, 1998

Page 14

"Project"). The Project will be owned and operated by the Company, will create employment for approximately 100 persons in Henderson County and the surrounding area, and is to be located wholly within Henderson County.

Chairman Eklund then deferred to County Manager Nicholson to continue the proceedings. Mr. Nicholson then directed Staff Attorney Jennifer Jackson to proceed with guiding the Board through the public hearing.

Staff Attorney Jackson stated that the Authority had adopted a resolution expressing its intention to issue qualified small issue industrial revenue bonds and authorizing the execution and delivery of a Memorandum of Agreement pertaining to the financing of the Project for the Company. Copies of the resolution and the Memorandum of Agreement to the Board had previously been submitted to the Commissioners for their review and consideration.

Ms. Jackson stated to the Commissioners that the Clerk to the Board had presented an affidavit showing publication in the Hendersonville **Times News**, a newspaper of general circulation in Henderson County, on July 17, 1998, which date was more than 14 days prior thereto of notice of the public hearing. The affidavit of publication is attached to this extract of minutes.

The Chairman requested that the Acting Clerk inquire in and around the Commissioner's Meeting Room to determine whether there were any persons who wished to speak at the public hearing. The names and addresses of any persons who were present and who offered comments on the proposed issuance of the qualified small issue industrial revenue bonds to finance the Project and a summary of their comments follows:

Ray Cantrell, 330 North King Street, Hendersonville, NC 28792, Vice-President of the Chamber of Commerce Committee 100, encouraged the Board to approve the issuance of the industrial bonds for American Coating Technologies as an effort to increase job opportunities for Henderson County.

No persons had delivered written testimony on the proposed issuance of the qualified small issue industrial revenue bonds to finance the Project.

August 3, 1998

Page 15

After the Board had heard all persons who had requested to be heard, Commissioner Ward moved that the public hearing be closed. The motion was seconded by Commissioner Kumor and was unanimously adopted.

County Manager Nicholson stated that under the Internal Revenue Code of 1986, as amended, the Board must approve the issuance of the Authority's qualified small issue industrial revenue bonds if the interest thereon is not to be includable in the gross income of the owners thereof for purposes of federal income taxation.

Commissioner Hawkins then introduced the following resolution, the title of which was read and a copy of which was distributed to each Commissioner:

RESOLUTION APPROVING THE ISSUANCE OF NOT EXCEEDING \$5,750,000 AGGREGATE PRINCIPAL AMOUNT OF QUALIFIED SMALL ISSUE INDUSTRIAL REVENUE BONDS OF THE HENDERSON COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY O FINANCE A PROJECT IN HENDERSON COUNTY FOR AMERICAN COATING TECHNOLOGIES, INC. AND APPROVING THE PROJECT.

WHEREAS, the Board has created a political subdivision and body corporate and politic of the State of North Carolina known as, "The Henderson County Industrial Facilities and Pollution Control Financing Authority" (the "Authority"); and

WHEREAS, the Authority is authorized under the Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the General Statutes of North Carolina, as amended (the "Act"), to issue industrial revenue bonds for the purpose, among others, of paying all or any part of the cost of any industrial or pollution control project for industry; to acquire, construct, improve, and equip any such project; and to make and execute financing agreements, security documents and other contracts and instruments necessary or convenient in the exercise of such powers; and

WHEREAS, the Authority has determined to issue not exceeding \$5,750,000 aggregate principal amount of its qualified small issue industrial revenue bonds to pay all or a portion of the cost of the acquisition of a parcel of land located at Broad Point Drive near the intersection of NC Highway 280 in Henderson County, North

August 3, 1998

Page 16

Carolina, and the construction and equipping thereon of an approximately 50,000 square foot facility, all for use by American Coating Technologies, Inc. (the "Company") in the manufacturing of industrial coated automotive and other parts (the "Project"); and

WHEREAS, the Project will be owned and operated by the Company, and will create employment for approximately 100 persons in Henderson County and the surrounding areas; and

WHEREAS, the Authority intends to file an application for approval of the Project with the Secretary of the Department of Commerce (the "Department") as required by the Act; and

WHEREAS, the Department has, by regulation, provided that no application for approval of a proposed project by the Department will be officially received until the governing body of the county from which the application is made has, by resolution after having held a public hearing, approved the issue of qualified small issue industrial revenue bonds and approved the proposed project and a certified copy of such resolution has been provided to the Department; and

WHEREAS, the Project will be located wholly within Henderson County; and

WHEREAS, the Board, pursuant to public notice duly given, has held a public hearing on the proposed qualified small issue industrial revenue bond issue and Project and has considered the comments of persons who requested to be heard; and

WHEREAS, the Board desires to approve the issuance of the qualified small issue industrial revenue bonds and the Project; NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The issuance of not exceeding \$5,750,000 aggregate principal amount of qualified small issue industrial revenue bonds of the Authority to finance the Project is hereby approved.
2. The Project is hereby approved.
3. The Clerk to the Board is hereby authorized and

August 3, 1998

Page 17

directed to provide a certified copy of this resolution to the Department.

4. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Good, seconded by Commissioner Hawkins, the foregoing resolution entitled, "RESOLUTION APPROVING THE ISSUANCE OF NOT EXCEEDING \$5,750,000 AGGREGATE PRINCIPAL AMOUNT OF QUALIFIED SMALL ISSUE INDUSTRIAL REVENUE BONDS OF THE HENDERSON COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN HENDERSON COUNTY FOR AMERICAN COATING TECHNOLOGIES, INC. AND APPROVING THE PROJECT" was passed by the following vote:

Ayes: Chairman Eklund, Commissioner Hawkins, Commissioner Kumor, Commissioner Good and Commissioner Ward.

Noes: None

Thereafter, Staff Attorney Jennifer Jackson announced that the Company had requested the issuance of qualified small issue industrial revenue bonds to finance the Project in Henderson County to be owned and operated by the Company and that the Chairman had been advised that the average weekly manufacturing wage to be paid the company as part of the Project was lower than (a) the average weekly manufacturing wage paid by all manufacturers in Henderson County and (b) ten percent above the average weekly manufacturing wage paid in the State of North Carolina, and that for such reason the proposed application to be submitted to the Department of Commerce by the Henderson County Industrial Facilities and Pollution Control Financing Authority (the "Authority") for approval of the Project may not be approved.

Staff Attorney Jennifer Jackson pointed out that G.S. 159C-7 provides that where a proposed operator such as the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in the County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina, the Secretary of the Department of Commerce may nonetheless approve the proposed industrial project if he shall have received (a) a resolution of the governing body of the county requesting that the proposed industrial project be

August 3, 1998

Page 18

approved, notwithstanding that the operator will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in the State of North Carolina and (b) a letter from an appropriate State official, selected by the Secretary, to the effect that the unemployment in the county is "especially severe".

Ms. Jackson stated that American Coating Technologies, which anticipates hiring more than 100 employees, sought from the Board a waiver concerning the average weekly manufacturing wage for Henderson County (\$601). Staff was informed the average weekly manufacturing wage for American Technologies would be \$474 for the first year, \$691 the second year and \$600 for the third year. In a letter dated June 11, 1998, the Industrial Revenue Bond Screening Committee of the Department of Commerce had reviewed and approved the proposed wage waiver subject to the Commissioner approval.

Ms. Jackson reported that there has been, within the past 12 months, permanent closing by employers in Henderson County which resulted in the loss of employment by at least 300 workers, such that under the regulations of the Department of Commerce, the Secretary can approve the Project since unemployment in Henderson County is "especially severe."

The Company, in its Memorandum of Agreement with the Authority, dated June 30, 1998, has represented that the financing of the Project by the Authority will serve the purposes of Chapter 159C of the General Statutes of North Carolina, as amended, in that the Project will alleviate unemployment by creating employment for approximately 100 persons in Henderson County and the surrounding area.

Ms. Jackson suggested that the Board of Commissioners consider adopting the necessary resolution requesting the Secretary of the Department of Commerce to approve the Project for the Company, notwithstanding that the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or ten percent above the average weekly manufacturing wage paid in the State of North Carolina.

Commissioner Ward introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which was read:

August 3, 1998

Page 19

RESOLUTION REQUESTING THE SECRETARY OF THE DEPARTMENT OF COMMERCE TO APPROVE A PROJECT FOR AMERICAN COATING TECHNOLOGIES, INC. NOTWITHSTANDING THAT THE COMPANY WILL NOT PAY AN AVERAGE WEEKLY MANUFACTURING WAGE ABOVE THE AVERAGE WEEKLY MANUFACTURING WAGE PAID IN HENDERSON COUNTY OR NOT LESS THAN TEN PERCENT ABOVE THE AVERAGE WEEKLY MANUFACTURING WAGE PAID IN THE STATE OF NORTH CAROLINA

WHEREAS, the Henderson County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to issue its qualified small issue industrial revenue bonds in an aggregate principal amount not exceeding \$5,750,000 to pay all or a portion of the cost of the acquisition of a parcel of land located at Broad Point Drive near the intersection of NC Highway 280 in Henderson County, North Carolina, and the construction and equipping thereon of an approximately 50,000 square foot facility, all for use by American Coating Technologies, Inc. (the "Company") in the manufacturing of industrial coated automotive and other parts (the "Project"), and, in accordance with the provisions of G.S. 159C-7, will file with the Secretary of the Department of Commerce an application for the approval of the Project; and

WHEREAS, subparagraph (1)a of G.S. 159C-7 of the General Statutes of the State of North Carolina provides:

'The Secretary[of the Department of Commerce] shall not approve any proposed project unless he shall make all of the following, applicable findings:

(1) In, the case of a proposed industrial project, (a) that the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage (I) which is above the average weekly manufacturing wage paid in the county, or (ii) which is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State...", and

WHEREAS, G.S. 159C-7 also provided that

"In any case where the Secretary shall make all of the required findings respecting a proposed industrial project except that prescribed in subparagraph (1)a of this section, the Secretary may, in his discretion, approve the proposed project if he shall have received (1) a resolution of the

August 3, 1998

Page 20

governing body of the county requesting that the proposed project be approved notwithstanding that the operator will not pay an average weekly manufacturing wage above the average weekly manufacturing in the county and (ii) a letter from an appropriate State official, selected by the Secretary, to the effect that unemployment in the county is especially severe." and

WHEREAS, the Company cannot represent that the Company expects to pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina; and

WHEREAS, the Company has represented that the Project will create employment for approximately 100 persons in Henderson County and the surrounding area; and

WHEREAS, the Board of Commissioners for the County of Henderson (the "Board") has determined to request that the Secretary of the Department of Commerce approve the Project notwithstanding that the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Because unemployment in Henderson County is, in its opinion, especially severe, the Board does hereby request that the Secretary of the Department of Commerce approve the Project pursuant to G.S. 159C-7 notwithstanding that the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina.
2. The Clerk to the Board is directed to file a certified copy of this resolution with the Department of Commerce.
3. This resolution shall take effect immediately upon its

August 3, 1998

Page 21

passage.

Upon motion of Commissioner Hawkins, seconded by Commissioner Good, the foregoing resolution entitled "RESOLUTION REQUESTING THE SECRETARY OF THE DEPARTMENT OF COMMERCE TO APPROVE A PROJECT FOR AMERICAN COATING TECHNOLOGIES, INC. NOTWITHSTANDING THAT THE COMPANY WILL NOT PAY AN AVERAGE WEEKLY MANUFACTURING WAGE ABOVE THE AVERAGE WEEKLY MANUFACTURING WAGE PAID IN HENDERSON COUNTY OR NOT LESS THAN TEN PERCENT ABOVE THE AVERAGE MANUFACTURING WAGE PAD IN THE STATE OF NORTH CAROLINA" was passed by the following vote:

Ayes: Chairman Eklund, Commissioner Hawkins, Commissioner Kumor, Commissioner Good, and Commissioner Ward.

Noes: None

I, Elizabeth W. Corn, Clerk to the Board of Commissioners for the County of Henderson, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the public hearing and other proceedings of the Board of Commissioners for said County at a meeting held at the time and place noted in these minutes, as relates in any way to the public hearing and resolution herein above set forth and that said proceedings are recorded in Minute Book No. ___ of the minutes of said County, beginning on page ___ and ending on page ___.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said Board of Commissioners, stating that the regular meetings of the Board of Commissioners for the County of Henderson, North Carolina are held in Room of 140 of the Henderson County Administration building located at 100 N. King Street in Hendersonville, North Carolina, on the first Monday and third Wednesday of each month at 5:30 p.m. and 9:00 a.m. respectively, has been on file in my office at least seven calendar days prior to said meeting in accordance with G.S. 143-318.12.

WITNESS my hand and the official seal of County of Henderson North Carolina this 3rd day of August, 1998.

Clerk to the Board of Commissioners

August 3, 1998

Page 22

[SEAL]

Chairman Eklund called a 5-minute break at approximately 8:45 pm.

Chairman Eklund reconvened the meeting at approximately 8:50 pm.

Proposed Change in Meeting Times

At the meeting of 7/15/98, Commissioner Ward requested than an item be placed on this agenda for a discussion of a proposed change in the regular meeting times of the Board of Commissioners. Staff presented a draft resolution into which a proposed change could be inserted, a summary of the process required to change the regular meeting times, a copy of the current Rule 6 of the Rules of Procedure which governs Board of Commissioners meetings, and applicable North Carolina General Statutes for the Board's information.

It was the consensus of the Board to revisit this matter after a decision had been reached on televising the Commissioners meetings for cable tv.

Parks and Recreation Department Fees

County Manager Nicholson reminded the Board that during budget deliberations, the Board requested input from the Parks & Recreation Advisory Committee on a proposed fee schedule. The Recreation Department submitted a proposed fee schedule for this fiscal year in their budget which only slightly increased their program fees. County Manager Nicholson presented a break-even schedule to the Board which called for the Recreation programs to become self-funded. Staff presented a letter from the Recreation Advisory Board indicating their continued support of their original fee schedule.

It was the consensus of the Board to increase adult programs already in place to a break-even standpoint, current Youth programs with only a slight increase, and new programs, both adult and youth on a break-even fee schedule. A copy of the new fee schedule is attached as part of these minutes.

Parks & Recreation Department- Capital Improvements

County Manager Nicholson reminded the Board they requested input from the Parks & Recreation Advisory Board on the use of the capital project funds. These funds were originally established to

August 3, 1998

Page 23

match the Parks and Recreation Trust Grant. However, the County did not receive the grant. He presented a letter from the Advisory Board ranking park needs and suggested funding levels. The consensus of the Board on this matter follows:

- | | | |
|----|---|-------------|
| 1. | Jackson Park-Restroom Renovations | \$75,000.00 |
| 2. | Edneyville Park-Restroom Renovations | 25,000.00 |
| 3. | East Flat Rock Park-Restroom Construction | 85,000.00 |
| 4. | Edneyville Park-Playground Equipment | 30,000.00 |
| 5. | Jackson Park-Repairs to Ballfields | 35,000.00 |

School Project/Funding Discussion

County Manger Nicholson informed the Board that Chairman Eklund had received a letter from Chairman Linda Hawk of the Board of Education requesting that the Commissioners respond at the August 4, 1998 meeting to seven questions raised regarding older school facilities needs. Those seven questions follow:

1. Are Commissioners agreeable to provide Lease/Purchase for Fletcher Elementary School, Balfour Elementary school construction projects, and possibly Etowah Elementary School, is there is sufficient cash flow?
2. Are Commissioners agreeable to enter into an agreement with the Town of Fletcher and the Board of Public Education to exchange properties; and if so, under what conditions?
3. If the response to Question 1 is "yes", will the Commission acquire for the School Board property it selects for a new Balfour site?
4. If the response to all three parts of Question 1 is "yes", will the Commission acquire for the School Board additional property adjacent to the present Etowah site that is necessary for the location of the new building?
5. Based on the preceding answers, the Commissioners and the School Board will need to jointly seek the approval of a Lease/Purchase construction approach as a local bill during the 1999 session of the N.C. General Assembly.
6. What kind of agreement is necessary between the Commissioners and the Board of Public Education for orderly construction of the schools through Lease/Purchase?

7. Will the Board of Commissioners commit to a locally funding mechanism for on-site work for Hendersonville Middle School, Mills River Elementary, and Hillandale Elementary; and if so, on what time schedule?

County Manager Nicholson presented to the Board an outline of the School Funding Options and possible financing options. That outline is attached as part of these minutes.

Commissioner Hawkins presented a list of six questions to the School Board and they are as follows:

1. How is redistricting going to affect the facilities needs? For example, sending 600-800 students to Marlow should have a ripple effect throughout the rest of the system.
2. What is the facilities utilization target going to be? The Management America Study recommended 80-85%.
3. What is the square foot/child target going to be?
4. How many students should be housed in mobile units? The Johnson Study said 0% and the Management America Study said 10%.
5. What impact will home schools have?
6. What impact will charter schools have?

During the discussion of these questions, the Board had some questions about the proposed land swap with the Town of Fletcher, proposed student population growth and a variety of other questions. The Board directed the County Manager to issue a letter to Town Manager Craig Honeycutt regarding the proposed land swap with the Board of Education at the Fletcher Elementary School. It was the consensus of the Board to table further discussion on this matter until the County Manager received a response from the Town of Fletcher on the proposed land swap.

Henderson County Hospital Corporation

Staff Attorney Jennifer Jackson presented a letter to the Board that she received from Sharon Alexander, Attorney for the Henderson

August 3, 1998

Page 25

County Hospital Corporation. The letter updated the Board on the status of the legal efforts associated with this new corporation. According to Ms. Alexander, the transfer would not be completed until the end of Pardee's fiscal year on September 30, 1998.

Important Dates

The Board set a workshop on property addressing for the afternoon of their mid-August meeting, August 19, 1998.

The Board set a workshop on the Sub-Division Regulations Ordinance for Thursday, August 27, 1998 at 5:30 pm to be held in the Commissioners' Conference Room.

The Board set a workshop on the School Facilities Study for the afternoon of the mid-September meeting, September 16, 1998.

Closed Session

Commissioner Ward made a motion to go into Closed Session. All voted in favor and the motion carried.

As allowed pursuant to NCGS 143-318.11, the Board went into Closed Session for the following reasons:

1. (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
2. (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Commissioner Good made a motion to go out of Closed Session. All voted in favor and the motion carried.

After Closed Session, Commissioner Ward made a motion to allow Sheriff Erwin to hire John Ashe as Deputy Sheriff/Detention Officer. All voted in favor and the motion carried.

August 3, 1998

Page 26

With no further business before the Board, Chairman Eklund adjourned the meeting at approximately 10:45 pm.

These minutes were approved by the Board on this 19TH day of AUGUST, 1998



ROBERT D. EKLUND, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST;



Avalina B. Merrill
Acting Clerk

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone 828-697-4808 • Fax: 828-698-6183
TDD: 828-697-4580

BOB EKLUND
Chairman
GRADY HAWKINS
Vice-Chairman

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, Eldon T. Owen has served Henderson County as its Solid Waste Director since 11/10/80; and,

WHEREAS, Mr. Owen has been responsible for the development of many cost effective programs including a preventative maintenance program for his department's equipment; and,

WHEREAS, Mr. Owen and his department have always been willing to assist other county departments in major capital projects;

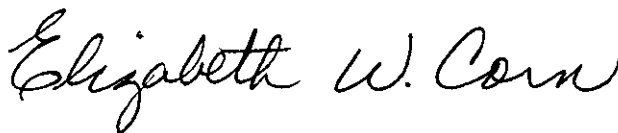
NOW THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners thanks Eldon T. Owen for his service to Henderson County and congratulates him and wishes him well on his retirement.

Adopted this 3rd day of August 1998.



**ROBERT D. EKLUND, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS**

ATTEST:



**ELIZABETH W. CORN
CLERK TO THE BOARD**

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone 828-697-4808 • Fax: 828-698-6183
TDD: 828-697-4580

BOB EKLUND
Chairman
GRADY HAWKINS
Vice-Chairman

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION REQUESTING THE SECRETARY OF THE DEPARTMENT OF COMMERCE TO APPROVE A PROJECT FOR AMERICAN COATING TECHNOLOGIES, INC. NOTWITHSTANDING THAT THE COMPANY WILL NOT PAY AN AVERAGE WEEKLY MANUFACTURING WAGE ABOVE THE AVERAGE WEEKLY MANUFACTURING WAGE PAID IN HENDERSON COUNTY OR NOT LESS THAN TEN PERCENT ABOVE THE AVERAGE WEEKLY MANUFACTURING WAGE PAID IN THE STATE OF NORTH CAROLINA

WHEREAS, the Henderson County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to issue its qualified small issue industrial revenue bonds in an aggregate principal amount not exceeding \$5,750,000 to pay all or a portion of the cost of the acquisition of a parcel of land located at Broad Point Drive near the intersection of NC Highway 280 in Henderson County, North Carolina, and the construction and equipping thereon of an approximately 50,000 square foot facility, all for use by American Coating Technologies, Inc. (the "Company") in the manufacturing of industrial coated automotive and other parts (the "Project"), and, in accordance with the provisions of G.S. 159C-7, will file with the Secretary of the Department of Commerce an application for the approval of the Project; and

WHEREAS, subparagraph (1)a of G.S. 159C-7 of the General Statutes of the State of North Carolina provides:

"The Secretary [of the Department of Commerce] shall not approve any proposed project unless he shall make all of the following, applicable findings:

- (1) In, the case of a proposed industrial project, (a) that the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage (i) which is above the average weekly manufacturing wage paid in the county, or (ii) which is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State...", and

WHEREAS, G.S. 159C-7 also provides that

"In any case where the Secretary shall make all of the required findings respecting a proposed industrial project except that prescribed in subparagraph (1)a of this section, the Secretary may, in his discretion, approve the proposed project if he shall have received (i) a resolution of the governing body of the county requesting

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that the proposed project be approved notwithstanding that the operator will not pay an average weekly manufacturing wage above the average weekly manufacturing wage in the county and (ii) a letter from an appropriate State official, selected by the Secretary, to the effect that unemployment in the county is especially severe." and

WHEREAS, the Company cannot represent that the Company expects to pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina; and

WHEREAS, the Company has represented that the Project will create employment for approximately 100 persons in Henderson County and the surrounding area; and

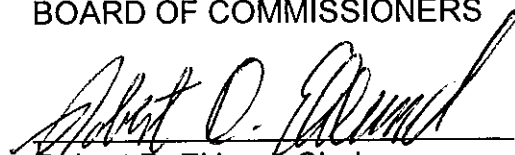
WHEREAS, the Board of Commissioners for the County of Henderson (the "Board") has determined to request that the Secretary of the Department of Commerce approve the Project notwithstanding that the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Because unemployment in Henderson County is, in its opinion, especially severe, the Board does hereby request that the Secretary of the Department of Commerce approve the Project pursuant to G.S. 159C-7, notwithstanding that the Company will not pay an average weekly manufacturing wage above the average weekly manufacturing wage paid in Henderson County or not less than ten percent above the average weekly manufacturing wage paid in the State of North Carolina.
2. The Clerk to the Board is directed to file a certified copy of this resolution with the Department of Commerce.
3. This resolution shall take effect immediately upon its passage.

This the 3rd date of August, 1998.

HENDERSON COUNTY
BOARD OF COMMISSIONERS


Robert D. Eklund, Chairman

ATTEST:


Elizabeth W. Corn
Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone 828-697-4808 • Fax: 828-698-6183
TDD: 828-697-4580

BOB EKLUND
Chairman
GRADY HAWKINS
Vice-Chairman

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION APPROVING THE ISSUANCE OF NOT EXCEEDING \$5,750,000 AGGREGATE PRINCIPAL AMOUNT OF QUALIFIED SMALL ISSUE INDUSTRIAL REVENUE BONDS OF THE HENDERSON COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN HENDERSON COUNTY FOR AMERICAN COATING TECHNOLOGIES, INC. AND APPROVING THE PROJECT

WHEREAS, the Board has created a political subdivision and body corporate and politic of the State of North Carolina known as "The Henderson County Industrial Facilities and Pollution Control Financing Authority" (the "Authority"); and

WHEREAS, the Authority is authorized under the Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the General Statutes of North Carolina, as amended (the "Act"), to issue industrial revenue bonds for the purpose, among others, of paying all or any part of the cost of any industrial or pollution control project for industry; to acquire, construct, improve and equip any such project; and to make and execute financing agreements, security documents and other contracts and instruments necessary or convenient in the exercise of such powers; and

WHEREAS, the Authority has determined to issue not exceeding \$5,750,000 aggregate principal amount of its qualified small issue industrial revenue bonds to pay all or a portion of the cost of the acquisition of a parcel of land located at Broad Point Drive near the intersection of NC Highway 280 in Henderson County, North Carolina, and the construction and equipping thereon of an approximately 50,000 square foot facility, all for use by American Coating Technologies, Inc. (the "Company") in the manufacturing of industrial coated automotive and other parts (the "Project"); and

WHEREAS, the Project will be owned and operated by the Company, and will create employment for approximately 100 persons in Henderson County and the surrounding areas; and

WHEREAS, the Authority intends to file an application for approval of the Project with the Secretary of the Department of Commerce (the "Department") as required by the Act; and

WHEREAS, the Department has, by regulation, provided that no application for

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approval of a proposed project by the Department will be officially received until the governing body of the county from which the application is made has, by resolution after having held a public hearing, approved the issue of qualified small issue industrial revenue bonds and approved the proposed project and a certified copy of such resolution has been provided to the Department; and

WHEREAS, the Project will be located wholly within Henderson County; and

WHEREAS, the Board, pursuant to public notice duly given, has held a public hearing on the proposed qualified small issue industrial revenue bond issue and Project and has considered the comments of persons who requested to be heard; and

WHEREAS, the Board desires to approve the issuance of the qualified small issue industrial revenue bonds and the Project; **NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The issuance of not exceeding \$5,750,000 aggregate principal amount of qualified small issue industrial revenue bonds of the Authority to finance the Project is hereby approved.
2. The Project is hereby approved.
3. The Clerk to the Board is hereby authorized and directed to provide a certified copy of this resolution to the Department.
4. This resolution shall take effect immediately upon its passage.

This the 3rd date of August, 1998.

HENDERSON COUNTY
BOARD OF COMMISSIONERS


Robert D. Eklund, Chairman

ATTEST:


Clerk to the Board

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REQUEST FOR BOARD ACTION**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 3, 1998

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

The enclosed refund requests (15) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Taxpayer Name	Taxbill	Total	Reason
BARNETT, B A	95A0100646	\$44.34	ACREAGE RECONCILIATION
BARNETT, B A	96A0100646	\$46.65	ACREAGE RECONCILIATION
BARNETT, B A	94A0100646	\$40.11	ACREAGE RECONCILIATION
BARNETT, B A	97A0100646	\$48.96	ACREAGE RECONCILIATION
FOWLER, FREDDY & ROBBIE JEAN	97A8804510	\$103.20	1989 MH WAS SOLD IN 1995 TO M. HEFLIN (BUNCOMBE CTY)
HOOBS, ROY TIMOTHY & ANITA	97A0601056	\$8.61	ACREAGE RECONCILIATION ASSESS BY DEED ACRES 2.55 MAPPED AT 3.03, WAS CORR BY MAP IN 92 NOT IN APPRAISAL
HOOBS, ROY TIMOTHY & ANITA	96A0601056	\$8.19	ACREAGE RECONCILIATION ASSESS BY DEED ACRES 2.55 MAPPED AT 3.03, WAS CORR BY MAP IN 92 NOT IN APPRAISAL
HOOBS, ROY TIMOTHY & ANITA	93A0601056	\$6.76	ACREAGE RECONCILIATION. ASSESS BY DEED ACRES 2.55. PROPERTY MAPPED AS BEST AS POSSIBLE AT 3.03
HOOBS, ROY TIMOTHY & ANITA	94A0601056	\$6.76	ACREAGE RECONCILIATION. ASSESS BY DEED ACRES 2.55 REMAPPED AT 3.03, WAS CORRECTED BY MAP IN 92 NOT APPR
HOOBS, ROY TIMOTHY & ANITA	95A0601056	\$7.91	ACREAGE RECONCILIATION ASSESS BY DEED ACRES 2.55 MAPPED AT 3.03, WAS CORR BY MAP IN 92 NOT IN APPRAISAL
KIDD, RICHARD L	95A9934746	\$49.49	VALUE REDUCED PER APPEAL TO PTC
KIDD, RICHARD L	96A9934746	\$50.47	VALUE REDUCED PER APPEAL TO PTC
KIDD, RICHARD L/TR KIDD, RICHARD L/TRUST	97A9934746	\$5	VALUE REDUCED PER APPEAL TO PTC

=====
RELEASE:
07/28/98
=====
COMMISS.
REFUNDS
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NER'S REPORT 08/03/98
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P:
=====

Taxpayer Name	Taxbill	Total	Reason
MESSER, KENNETH MESSER, TRACY	9TASS0400E	\$104.05	SOLD TO L. HORNSBY IN 1996 DISCOVERY DONE #201682
WHITE, EUGENE	9TAP941697	\$168.07	SOLD IN 1996, BILL SHOULD HAVE WENT TO WILLIAM HUNTER, DISCOVERY MADE TO MR HUNTER

=====
TOTAL REFUNDS >>> \$741.98
=====

REQUEST FOR BOARD ACTION**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 3, 1998
SUBJECT: Tax Releases
ATTACHMENTS: Releases Report

The enclosed release requests (31) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

Taxpayer Name	Tax ID	Total	Reason
ACCOUNT, TEST BAIRD, ROBERT D	96A8802361	\$28.11	BILL ON TEST ACCOUNT
BRYSON, CHRISTOPHER C BRYSON, PATIENCE L	97A8804078	\$79.68	SOLD TO J. REESE #38697
BRYSON, CHRISTOPHER C BRYSON, PATIENCE L	96A8804078	\$76.58	SOLD TO J REESE #38697
BUCKNER, WAYNE	96A745.02	\$3.47	PROPERTY OWNER DID NOT OWN 1/1/98
CASE, CHERYL CASE, JOSEPH	97A8807687	\$51.05	VALUE TOO HIGH
FERGUSON, HARRY	97A8801914	\$87.06	SOLD TO C MILLER #87525
HICKS, LILLIE P.	97A8804791	\$100.66	OWNED BY J. HENDERSON DISCOVERY BILL
KIDS CLUB	97A87198.01	\$106.66	FILED AN AMENDED RETURN TO NEGATE THE ARBITRARY ASSESSMENT
MCCANN, JOSEPH PATRICK	97A9959096.1	\$218.96	THIS PROPERTY WAS ORIGINALLY BILLED AS 2 PARCELS FOR 1997. PAYMENT HAS BEEN APPLIED TO ORIG. BILL OK
MCLEAN, LARRY W MCLEAN, GLORIA	96A8803894	\$43.70	MH WAS LISTED AS A 1985 SHOULD HAVE BEEN A 1974
FACE, SABRA A	97A8805390	\$18.34	VALUE TOO HIGH FOR 1986 OAKDOVE
PAUMELS, JOHN ROBERT	97A8803071	\$98.58	DOES NOT OWN THIS MH
PAUMELS, JOHN ROBERT	97A8803068	\$72.82	DOES NOT OWN MH

Payee Name	Account	Total	Reason
PAUMELS, JOHN ROBERT	96A8803073	\$109.17	DOES NOT OWN MH
PAUMELS, JOHN ROBERT	96A8803071	\$113.65	DOES NOT OWN MH
PAUMELS, JOHN ROBERT	96A8803065	\$89.27	DOES NOT OWN MH
PAUMELS, JOHN ROBERT	96A8803063	\$86.21	DOES NOT OWN MH
PILAND, HORACE	97A8807822	\$46.54	DOES OWN MH, BUT IN CONWAY, NC
PILAND, HORACE	94A124361.01	\$49.50	DOES NOT MH, BUT LIVES IN CONWAY, NC
PILAND, HORACE	96A124361.01	\$58.23	OWNS, BUT RESIDES IN CONWAY, NC
PILAND, HORACE	95A124361.01	\$51.91	DOES NOT MH, BUT IN CONWAY, NC
RHODES, ERMA H	96A8805770	\$147.11	MH WAS LISTE & PAID ON #91854
SCHRIEBER, BEATRICE ANN	97A8806396	\$12.40	CLERICAL ERROR.
SCHRIEBER, JOHN RAYMOND			TOTAL ASSESSED VALUE IS \$36840. INCORRECTLY ENTERED AS \$38840.00
SCHULZE, BERTHA L	97A8803621	\$10.36	NEVER OWNED A TT IN HENDERSON COUNTY
SCHULZE, CONLEY	96A8803621	\$9.79	NEVER OWNED A TT IN HENDERSON COUNTY
SCOTT, EDWARD L	97A8804710	\$42.04	INCORRECTLY LISTED AS A 1993, SHOULD BE A 1983

RELEASE
07/28/96
COMMI NER'S REPORT 08/03/98
RELEASES

Taxpayer Name	Taxbill	Total	Reason
WALDEN, BRENDA	97A91494.01	\$13.46	DBL BILLED ON 60 CATAS MH ON #94954
WALDEN, BRENDA	95A81484.02	\$13.08	DID NOT OWN 60 CATAS MH IN 1995
WALDEN, BRENDA S	95A88054.39	\$19.73	DID NOT OWN A 60 CATAS MH IN 1995
WALDEN, BRENDA S	97A94954.01.1	\$89.00	DBL BILLED ON 89 DAKWOOD #97A88054.38
WYATT, MIKE	97A8806942	\$187.75	1996 MH BOUGHT & REPOED IN 1996

TOTAL RELEASES >>> \$2140.9

