

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 20, 1998

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Robert D. Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Absent was: Assistant County Manager/Staff Attorney Angela M. Skerrett.

Also present were: Planning Director Matt Matteson, Finance Director J. Carey McLelland, Public Information Officer Chris S. Coulson, Assistant Staff Attorney Jennifer O. Jackson, and Budget Analyst Selena Coffey.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Hawkins led the Pledge of Allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

ANNOUNCEMENT BY COUNTY MANAGERDISTINGUISHED BUDGET AWARD

David Nicholson announced that the Budget and Finance Staff had won the Distinguished Budget Award for fiscal year 1997-1998. Only 12% of governments across the nation who apply for this award get it on the first time. Government Finance Office Association (GFOA) is a national organization. They have a panel that reviews these documents from the standpoint of being a policy document, a financial plan and an operations guide as well as a communication device.

Chairman Eklund presented the award to Carey McLelland and Selena Coffey.

APPROVED 10.5.98

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DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins asked if the Chairman could forward the document "F" from Consent Agenda to the Board of Education reference a property swap for the Parks & Recreation in the Flat Rock area (list of properties held by Henderson County as a result of tax foreclosures).

Commissioner Ward asked that a letter be sent as an invitation to the Board of Education to join the Board of Commissioners to tour the Johnston County School.

Commissioner Ward wanted to discuss a 2% non-residence fee. He asked that staff research the possibility and that it be dedicated to school construction.

Commissioner Kumor raised a question with regard to the list of properties held by Henderson County as a result of tax foreclosures. Would this do the School Board any good to look at property that they can never title?

Don Elkins stated that if the School Board chose to site one of those properties, we would have to search it and see what has to be done to clear the title. If we were going to improve a piece of property we would have to clear the title.

INFORMAL PUBLIC COMMENTS

1. Fielding Lucas - Mr. Lucas stated that after studying the School budget submission, he offered the following facts for the Board's consideration:

- ▶ More people voted against the bond referendum than voted in the recent primary election
- ▶ All eight Republican commissioner candidates stated in public forum that they had voted against the referendum because they felt it was a bad program and that an alternative, less costly program must be developed
- ▶ This budget will require a property tax increase of between 5 and 6 cents per hundred just to fund the increase portion of Part 1 Current Expense and Part 2A Capital Outlay. It would take a further property tax increase of between 15 and 19 cents per hundred for the next two years to fund Park 2C Major Facility Replacement and only two schools are considered.

APPROVED

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- ▶ There will be a majority change in the makeup of this Board after the November election.
- ▶ The School Board will have three new members after the November election and may well have a new Superintendent and a mostly new senior staff.

Mr. Lucas stated his goal simply is and always has been, a school facilities program that is fair to the taxpayer, fair to all of the school children and fair to other equally crucial needs of the County. He stated "Let's all put Our Children First and get things moving!".

2. Rick Merrill - Mr. Merrill is President of ECO (Environmental & Conservation Organization of Henderson County). He spoke of the need for recycling. He asked the Board to broaden and encourage recycling in Henderson County.

3. Janice Brown - Ms. Brown did not speak.

4. Cyrus Highlander - Mr. Highlander spoke as an individual County resident and not as the Mayor of Flat Rock. He spoke of the benefits of recycling. He stated that the ecological virtues of the recycling program seem to provide benefits that most everyone can appreciate, even though those benefits may be hard to quantitate in dollars.

5. Stefan Juchnowycz - Mr. Juchnowycz has been involved in the Solid Waste Advisory Committee (SWAC) since its inception. He said that the issue of privatization of the county landfill had never been put before the SWAC. He felt that the public had been excluded in the decision making because of this.

6. Eva Ritchey - Mrs. Ritchey stated that last year we saved 6,000 tons of garbage by recycling that would have gone into landfills. At a rate of \$41 that would have cost \$250,000. She pleaded with the Commissioners to keep a recycling program for our county.

7. Harold Garren - Mr. Garren is a resident of Stoney Mountain Road for 37 years. He owns 14 acres and 8 houses in that area. He spoke in opposition to the proposal to privatize the county landfill.

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8. Rev. Ricky Levi - Mr. Levi lives across the road from the landfill, has lived there all his life. He spoke in opposition to the proposed privatization of the landfill. He spoke against having a regional transfer station in Henderson County.

9. Dennis Justice - Mr. Justice commended Commissioners Ward and Hawkins for visiting the Glendale/Kenley school in Johnston County. Glendale/Kenley was built at \$4 million less than the proposed Marlow School.

10. Barbara Redden - Ms. Redden spoke in opposition to the proposed privatization of the landfill. Ms. Redden is a resident of Stoney Mtn. Road and a native of Henderson County.

CONSENT AGENDA

Commissioner Hawkins made the motion to accept the Consent Agenda with the stipulation that the "List of Properties Held by Henderson County as a result of Tax Foreclosures" - item "F" be forwarded to the Board of Education. All voted in favor and the motion carried.

The CONSENT AGENDA included the following:

Minutes: September 3, 1996, October 7, 1996, February 16, 1998, February 18, 1998, and April 6, 1998. These minutes were presented for the Board's review and approval.

Notification of Vacancies:

1. **Henderson County Child Fatality Prevention Team - 1 vac.**

2. **Nursing/Adult Care Home Community Advisory Committee - 1 vac.**

The Board was notified of the above vacancies which will appear under "Nominations" on the next agenda.

Henderson County Financial Report - April 1998

This Financial Report was presented for the Board's information only.

Henderson County Public Schools Financial Report - April 1998

This Financial Report was presented for the Board's information only.

Request for Improvement Guarantees for Mill Ridge Subdivision

This application for Subdivision Improvements Guarantees dated April 30, 1998 was submitted by Developers Wayne S. Carland and

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Carolyn G. Carland. The Carlands requested permission to post a subdivision guarantee to cover the estimated road construction costs for Mill Ridge Subdivision. Mill Ridge Subdivision is a major subdivision located adjacent to North Mills River Road in Henderson County.

Pursuant to Section 551 of the Henderson County Land Development Ordinance, a Developer may, in lieu of completing all of the requirements within the subdivision (i.e. completion of the paving of roads) prior to final plat approval, post a performance guarantee to secure Henderson County's interest in seeing that satisfactory construction of the incomplete improvements is accomplished. One type of permitted guarantee is an irrevocable letter of credit.

MountainBank has extended an Irrevocable Letter of credit for the purpose of providing the improvement guarantee for the paving of the roads in Mill Ridge Subdivision in the amount of \$91,020.00. This amount is based upon the cost quote plus the required additional amount of twenty-five percent (25%). The Letter of Credit and a proposed Performance Guaranty Agreement were presented for the Board's review. The Assistant Staff Attorney had reviewed the Letter of Credit and the proposed Agreement and was willing to certify them as to form.

Planning Staff has reviewed the request and recommended approval in accordance with Section 551 of the Henderson County Land Development Ordinance. The effect of the approval of this improvement guarantee was to allow Planning Staff to approve the final plat for Mill Ridge Subdivision prior to completion of the paving.

List of Properties Held by Henderson County as a result of Tax Foreclosures

At the Board's meeting on May 4, 1998, the Board requested a list of those properties currently held by Henderson County that were previously acquired by Henderson County through a tax foreclosure sale. A list of 23 properties was presented for review.

SOLID WASTE UPDATE\RECOMMENDATION

At the Board of Commissioners' meeting of May 5, 1998, the Board received a recommendation from the Solid Waste Advisory Committee concerning recycling.

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Recommendation

David Nicholson up-dated the Board on the issues of solid waste and presented a staff recommendation. This was a four page typed recommendation that suggested privatization of certain programs.

Mr. Nicholson recommended that the Board of Commissioners authorize staff to seek proposals to handle our solid waste including the hauling and disposal, the operation of the scale house and transfer station, provide for a blue bag disposal system, operate an on-site convenience center for source separated materials and to provide for a wood waste and white goods program.

He also recommended that we continue with our plan to develop a construction and demolition landfill. This will generate monies to assist with our remaining costs. We should also establish a host fee or lease of \$1.00 per ton processed at the site. The funds generated through the construction and demolition landfill and host fee will not cover all of our remaining costs. However, a higher host fee would not encourage our local haulers or the neighboring communities to utilize our transfer station.

Based on the proposal to privatize these programs, he recommended that we notify GDS that we are not interested in extending the contract for the operation of the MRF at this time.

Following much Board discussion, Commissioner Good suggested that the Solid Waste Advisory Committee (SWAC) study the issue and give the Board of Commissioners a recommendation.

Commissioner Kumor stated that we will need a lot of public education and time for public input.

Commissioner Ward suggested the Board set a work session and then a Public Hearing.

Commissioner Hawkins also liked the idea of the Board holding a work session and then a Public Hearing to get public comments.

Chairman Eklund stated that recycling is something that we all are going to have to do as well as working on source reduction.

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It was the consensus of the Board to approve Commissioner Good's recommendation of forwarding this to SWAC and waiting for a recommendation from them.

Chairman Eklund called a 10 minute recess.

NOMINATIONS

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

1. Solid Waste Advisory Committee (SWAC) - 3 vac.

Commissioner Kumor nominated Stefan Juchnowycz.

Commissioner Hawkins nominated Charlie Walter, Jr.

Commissioner Ward nominated David Martin and Terry Maybin.

Commissioner Good nominated Reagan Houston and John Kidd.

Chairman Eklund nominated Brandt Williams.

A vote will be taken at the next meeting on these seven nominees for three vacancies.

2. Henderson County Planning Board - 3 vac.

At the last Commission meeting, Eva Ritchey, Charles McGrady and Walter Carpenter were nominated for reappointment to these three vacancies.

Commissioner Hawkins nominated Jack Beattie.

A vote will be taken at the next meeting on these four nominees for three vacancies.

3. Nursing/Adult Care Home Community Advisory Committee - 2 vac.

These two vacancies are designated positions. They are currently going through the process and cannot even be nominated until the mid-month June meeting.

4. Henderson County Zoning Board of Adjustment - 1 vac.

Commissioner Hawkins nominated Barbara Head. Commissioner Kumor reminded the Board that just recently Mrs. Head resigned from a committee because she is out of state taking care of an elderly family member.

Commissioner Good made the motion to roll this vacancy to the next meeting. All voted in favor and the motion carried.

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Staff will have information at the next meeting on how the district will be split.

ADJOURN AS HENDERSON COUNTY BOARD OF COMMISSIONERS
CONVENE AS HENDERSON COUNTY HOSPITAL CORPORATION
ADJOURN AS HENDERSON COUNTY HOSPITAL CORPORATION
RECONVENE AS HENDERSON COUNTY BOARD OF COMMISSIONERS

Commissioner Kumor made the motion to adjourn as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

Commissioner Good made the motion to convene as the Henderson County Hospital Corporation. All voted in favor and the motion carried.

The Henderson County Hospital Corporation was named (10) as follows: J.B. Henderson

William Edward Jameson
George Alexander Jones
Dana Roy Kind
James Alford Mayer
Dorothy D. Marlow
Sam H. McGuirt, Jr.
Richard Maxwell Shuffstall, M.D.
John Daniel Waddell, Jr.
Lester Howard Carl, Jr.

Commissioner Hawkins was named as the Commissioner member

Commissioner Good made the motion to adjourn as the Henderson County Hospital Corporation. Commissioner Hawkins seconded the motion. All voted in favor and the motion carried.

Commissioner Good made the motion to reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

PRESENTATION OF THE PROPOSED FISCAL YEAR 1998-99 BUDGET

David Nicholson presented his Proposed Fiscal Year 1998-99 Balanced Budget as required under NCGS 159-11. He informed the Board they must set a Public Hearing and discuss setting dates for the work sessions.

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The recommended budget for all of Henderson County is \$68,400,000 which includes all funds with the exception of our internal service funds. That is a 4.7% increase over the current year budget. The General Fund budget includes a proposed tax rate of 58 cents which is a 3.5 cent tax increase over the current budget. The reasons for the proposed tax increase are the Board's commitment to look at the construction and development of a new jail and funding for the Henderson County Public School system. Without those two items in the budget there would have been no tax increase in this budget and the growth in the budget would have been at 2%.

Fifteen positions were requested by the department heads. Mr. Nicholson recommended four full-time positions, one part-time position, and one temporary position:

- Part-time Deputy Register of Deeds position
- Human Resources Technician for the Sheriff's Dept.
- Court Officer for the Sheriff's Dept.
- Full-time Park Maintenance Technician
- Full-time Planner I
- Temporary Planning position for a year

Public Education is the largest expenditure in our budget, as always. He urged the Board to schedule a time with the Board of Public Education to review their budget requests.

Included in this proposed budget is a two cent tax increase to plan the new jail.

Henderson County Finance is working with a new software package this budget year. Mr. Nicholson thanked Carey McLelland and Selena Coffey for all their time and efforts in helping to prepare this budget for the Board of Commissioners.

Mr. Nicholson recommended that the Board set some dates for budget work sessions under "Important Dates".

ADULT ESTABLISHMENTS

In February of 1998 the Board asked staff to continue to look at the issue of regulating adult establishments and in particular obtain studies and ordinances from other counties and municipalities.

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Jennifer Jackson stated that according to the ordinance survey conducted by the North Carolina Association of County Commissioners in 1997, there are 17 counties that currently have ordinances regulating adult establishments. Of those 17 counties, we have received copies from all but one. In addition, staff provided the ordinances, or amendments to zoning ordinances, that have been adopted by the City of Hendersonville and the City of Asheville to show the Board how our "neighbors" are regulating adult establishments. It was staff's understanding that none of the counties surrounding Henderson County currently have regulations dealing with these issues.

The North Carolina General Assembly is considering a Bill (SB 452) which clarifies and broadens the local government's role in regulating adult establishments. According to the North Carolina Association of County Commissioners, this Bill may be considered for adoption during the upcoming short session.

Staff requested Board direction.

Following discussion, Commissioner Ward made the motion to wait and see what the State does since NC General Assembly is considering a Bill. All voted in favor and the motion carried.

SURPLUS COUNTY VEHICLES

Carey McLelland had supplied a list of vehicles that staff requested be declared surplus by the Board of Commissioners. The vehicles on the list which have no problem(s) noted are vehicles that have high mileage and/or are in constant repair by the Maintenance Department. These are vehicles that are no longer being utilized by Henderson County.

These vehicles would be sold at a public auction tentatively scheduled for Saturday, June 20, 1998 at 10 a.m. at the County Garage located at 320 Williams Street, Hendersonville, NC. Transfer of title will take place after the auction is complete and the successful bidder pays for the vehicle(s). Budget and Finance Department staff will be present at the auction to collect all payments. A public auction for personal property is required to be advertised at least 10 days before the sale.

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Staff recommended that these vehicles be declared surplus and authorize the Henderson county Maintenance Director to sell them at a public auction.

Following discussion, Commissioner Hawkins made the motion to declare the list of vehicles surplus and to direct the County Manager to sell them at auction. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

1. Quality of Life Issues - David Nicholson informed the Board that he had received a note from Commissioner Kumor asking for an update on "Quality of Life" issues and she suggested a method for addressing each of those.

Mr. Nicholson reminded the Board that he has requested a full-time position as well as a temporary position to help out in the Planning Department because of these issues as well as the open use zoning, rewrite of the zoning issues, and those other things that the Board has talked to the Planning Board about. If the Board decides not to fund the two positions, staff cannot start and complete the projects as outlined to the Board.

Under Existing Regulations:

Junkyard Ordinance - estimated time 4-6 months.

Abandoned Motor Vehicle Ordinance - estimated time 2 - 4 months

Animal Control Ordinance - draft ordinance ready for Board review.

Outdoor Advertising Ordinance - same as Abandoned Motor Vehicle.

Zoning Ordinance - consider the Planning Boards' Plan of Action when submitted to the Board of Commissioners.

New Regulations

Manufactured Home Park Ordinance - estimated time 4 - 6 months.

Noise Ordinance - estimated time 3 months.

Minimum Housing Code Ordinance - estimated time 3 - 5 months.

Green ways Program - estimated time 2 yrs.

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Environmental Impact Ordinance - estimated time 4 - 6 months.

Erosion and Sedimentation Ordinance - based on recent actions of the Board of Commissioners no work is planned on this local ordinance.

Flood Damage Prevention Ordinance - on two occasions, the Board of Commissioners has indicated that they are not interested in being involved with this National Flood Insurance Program. Based on this, no work is planned on this ordinance.

Storm Water Management Ordinance - since most local governments are in the Federal Program, it may be difficult to find a local enforcement ordinance. Staff will continue researching this issue.

Air Quality Ordinance - these ordinances can be fairly quickly constructed following codification but taking over the State's air permitting and enforcement program will take some time. Buncombe and Haywood Counties have local ordinances. The County's legal staff would be responsible for drafting any ordinance.

Illegal Sign Removal Program - this is a fairly straightforward program which may not require a formal ordinance but would involve a public information effort.

Mr. Nicholson stated that when the Board deals with codification, two or three of these will be handled with codification issues. He did ask for Board input regarding the Manufactured Home Park Ordinance.

IMPORTANT DATES

The Commissioners' calendar was reviewed. The following dates were added:

May 28 @ 8:30 a.m. - work session on Budget (all day)

June 8 @ 5:30 p.m. - work session with School Board

June 17 @ 9:00 a.m. - Public Hearing on the Budget

June 11 @ 7:00 p.m. - Solid Waste Work Session

SET PUBLIC HEARING TO CONSIDER RENEWAL OF INDUSTRIAL PARK OPTION

Jennifer Jackson reminded the Board that a public hearing must be held as required by NCGS 158-7.1 to consider the renewal of the

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Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property was \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lots 1, 1A, 2, 3, 3A, 4, 4A, 5A, 6, 7 (revised), 7A, 8 and two lots dedicated to NCDOT, for a total acreage purchased of 53.0131 acres at a price of \$1,216,817.20.

The current option will expire on June 30, 1998. If approved, this renewal will extend the option for another three month period to expire on September 30, 1998. The price to renew the option until September 30, 1998 will be the quarterly interest at the NationsBank prime rate of interest determined as of June 10, 1998 on the unpaid portion of the purchase price of \$283,182.80 (the remaining acreage to be purchased includes Lot 5, 16.3709 acres). As the agenda was prepared prior to June 10, 1998, the actual option renewal price was not known. NationsBank prime rate as of May 8, 1998, was 8.5%, which would put the option payment at \$6,017.63.

The payment to renew the option for an additional three month term is due on June 20, 1998. Therefore, if the Board desires to renew the option, it would be appropriate to set a public hearing to consider the renewal for Wednesday, June 17, 1998 at 9:00 a.m.

Mrs. Jackson informed the Board that staff is currently working with an industry who has made an offer on approx. 6 acres.

Following Board discussion, Commissioner Kumor made the motion to set a Public Hearing for renewal of the Industrial Park Option for Wednesday, June 17, 1998 at 9:00 a.m. A vote was taken which passed three to two with Commissioners Ward and Hawkins voting nay.

COMMITTEE TO REVIEW CAPITAL BUDGET REQUESTS OF THE HENDERSON COUNTY SCHOOL BOARD

Chairman Eklund reminded the Board of Commissioners that the County Attorney had advised that this committee should be the Board of Commissioners. The Board of Commissioners could have consultants but the committee itself should be made up of the Board.

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The Board had previously indicated that they would like to establish a committee to review the capital budget requests submitted by the Henderson County School Board for FY 1998-99. Staff stated that it would be appropriate to determine the number and composition of that committee. The Board may wish to appoint itself to the committee as well as any other persons deemed appropriate by the Board.

Commissioner Hawkins stated that he would like to contact Jim Crafton to see if he could accompany some of the Board to visit some of the sites. He further suggested the President of the League of Women Voters, Ann Feldstein. Commissioner Hawkins suggested a matrix be developed with the twenty schools listed and the Commissioners names. Each Commissioner could pick three or four schools to visit and list three or four tentative dates. Staff could develop a sign up sheet which could be forwarded to the Board of Public Education to coordinate with someone at the schools who would be expecting the visiting group. The other consultants could be invited to attend whatever dates they could. It was further suggested that School Board members could also sign up for visits if they chose to.

Mr. Nicholson said staff would develop the matrix/schedule and he would contact Dr. Lunsford. Afterwards this will be distributed to the Board of Commissioners.

Commissioner Ward suggested that the Chairman send a letter to Chairman Hawk of the School Board to see if any of their Board members wanted to visit the Glendale/Kenly School in Johnston County on June 4 with Commissioners.

RESOLUTIONS

The Board had received several resolutions from other counties over the past few weeks. The following three were reviewed briefly:

1. Gaston County - To Update Annexation Laws in NC
2. New Hanover County - To Increase Facility and Officer Fees
3. Union County - Property Tax Discount for the Elderly

Following discussion, Commissioner Hawkins made the motion to adopt #1 above but to include wording "across county lines" and direct

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the County Manager to forward it on to NACo, as well as adopting #2 and #3 also. All voted in favor and the motion carried.

NON-RESIDENT'S FEE - add on by Commissioner Ward

Commissioner Ward mentioned the fact that South Carolina has a non-resident's fee. He requested that county staff investigate this to see if it might be something Henderson County could use as an additional revenue for school construction.

CLOSED SESSION

Commissioner Kumor made the motion for the Board to go into Closed Session as allowed pursuant to NCGS 143-318.11 for the following reasons:

1. (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, which privilege is hereby acknowledged. 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 a claim.

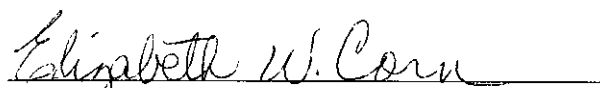
- 2 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

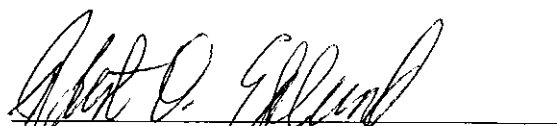
All voted in favor and the motion carried.

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

There being no further business to come before the Board, the meeting was adjourned.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
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BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

**REQUESTING CONSIDERATION OF A PROPERTY TAX
 DISCOUNT FOR THE ELDERLY**

WHEREAS, elderly homeowners throughout North Carolina are finding it harder and harder to pay their property taxes because of rising market values; and

WHEREAS, throughout the State some home values have jumped as much as 50 percent since 1991 and while this is considered a good return on an investment it can create a hardship for the elderly who could be paying as much in taxes as it originally cost to purchase their home; and

WHEREAS, North Carolina is not among the 20 states that allow elderly homeowners to defer tax payments until they sell their homes or die allowing back taxes to be paid for home-sale profits or estates; and

WHEREAS, only seniors with an income of \$15,000 or less qualify for North Carolina's homestead program which subtracts \$20,000 off the home's tax value; and

WHEREAS, this Board feels that if this problem is not addressed, it could force the elderly out of their homes and into nursing and retirement facilities.

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

1. That this Board requests the North Carolina Legislature to address this problem and consider statewide implementation of a property tax discount or deferment for senior citizens.
2. That this Board requests the North Carolina Association of County Commissioners to work with Henderson and the other 99 counties and the Legislature to formulate an acceptable solution to this growing problem.
3. That a copy of this resolution be mailed to all 99 counties and the local Legislative Delegation.
4. That this resolution be effective upon its adoption.

ADOPTED this 20th day of May, 1998.

SEAL:

Henderson County Board of Commissioners

ATTEST:

Elizabeth W. Corn
 Clerk to the Board

Robert D. Eklund
 Robert D. Eklund, Chairman

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HENDERSON COUNTY BOARD OF COMMISSIONERS

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BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION**LEGISLATIVE REQUEST: TO UPDATE ANNEXATION LAWS IN
NORTH CAROLINA**

WHEREAS, currently under North Carolina law, municipalities may annex areas deemed appropriate without any input from the residents of the areas proposed for annexation; and

WHEREAS, annexation often has a tremendous impact on the residents in newly annexed areas; and

WHEREAS, the practice of involuntary annexation violates and limits the basic freedoms upon which this country was founded and is diametrically opposed to the premise of participatory government for all citizens.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners respectfully requests that local Legislative delegates to the North Carolina General Assembly work with the North Carolina Association of County Commissioners and the North Carolina League of Municipalities in crafting legislation to:

- Update North Carolina's Annexation Laws to reflect the changing nature of county and municipal responsibilities
- Ensure equitable arrangements between counties and cities as well as fair treatment for citizens affected by urban growth
- Require enforcement of statutes regarding delivery of municipal services to newly annexed areas
- Require approval by that Board of Commissioners, before annexing into a neighboring county
- Direct the County Manager to forward this resolution to the local Legislative Delegation to the North Carolina General Assembly, North Carolina Association of County Commissioners, and to the other 99 counties in North Carolina.

This is the 20th day of May, 1998.

Henderson County Board of Commissioners

SEAL:



Robert D. Eklund, Chairman


 Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
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BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

**TO INCREASE FACILITIES AND OFFICER FEES UNDER
 G.S. 7A-305 AND G.S. 15-209**

WHEREAS, Boards of County Commissioners are required under North Carolina General Statutes Chapter 7A-302 to provide adequate courtrooms and judicial facilities within their boundaries; and

WHEREAS, Boards of County Commissioners are required under North Carolina General Statutes Chapter 15-209 to provide suitable accommodations for probation and other State offices in or near the courthouse; and

WHEREAS, the North Carolina Legislature since 1965 has recognized the financial burden upon Counties, and as a result enacted N.C.G.S. 7A-304-305 which establishes fees which in 1994 were set at \$6.00 per case for facilities and \$5.00 per case for officers; and

WHEREAS, the costs incurred by Counties have risen dramatically through the renovation of courtrooms, judicial offices and through the employment of additional bailiffs for court proceedings and safety; and

WHEREAS, the space required to house the positions recently added by the Legislatures have caused the court related expenses to further exceed the court generated revenue; and

WHEREAS, the "costs of court" represent those costs associated with providing a judicial system whereby only those charged and convicted under the laws of the State of North Carolina bear the primary financial burden.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Henderson County Board of Commissioners requests that its legislative delegation in the North Carolina General Assembly introduce and support statewide legislation to increase the facilities' fee from its present \$6.00 per case to \$12.00 per case and the officers' fee from its present \$5.00 per case to \$10.00 per case which will partially defray the costs of maintaining judicial facilities; and
2. This Resolution be forwarded to the North Carolina Association of County Commissioners and all Counties to request their assistance in the 1998 Short Session.

This is the 20th day of May, 1998.

SEAL:

Henderson County Board of Commissioners

ATTEST:

Elizabeth W. Corn
 Clerk to the Board

Robert D. Eklund
 Robert D. Eklund, Chairman

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