

003874

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
SEPTEMBER 17, 1997

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m., September 17, 1997, 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, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director J. Carey McLelland, County Planner Matt Matteson, Assistant Staff Attorney Jennifer Jackson, Public Information Officer Chris Coulson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Kumor led the Pledge to the American Flag.

INVOCATION

Donald Chapman, Minister of First Alliance Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Kumor added one item to "I-Update" Historic 7th Ave. District.

David Nicholson deleted one item "B" because the petitioners had withdrawn their request. He also asked the Board to set a work session on subdivision regulations under important dates.

Chairman's Announcement - Chairman Eklund recognized Carey McLelland and his staff because they have received the Certificate of Achievement for Excellence in Financial Reporting. This is the highest award that can be given by our government. Our Finance Dept. has received this award for eight consecutive years.

CONSENT AGENDA

Commissioner Hawkins made the motion to accept the Consent Agenda. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Review/approval of Minutes

Minutes were presented for review and approval of the following meetings: January 28, 1997, February 10, 1997, May 19, 1997, July 31, 1997 and September 2, 1997.

Notification of Vacancies

The Board was notified of the following vacancies which will appear under "nominations" on the next agenda:

7000075

September 17, 1997

Page 2

1. Mountain Area Workforce Development Board - 1 vac.

“Let’s Talk” Proclamation

On behalf of the Henderson County Department of Public Health, Kay Thompson submitted a request that October be proclaimed “Let’s Talk” month once again in Henderson County. “Let’s Talk” is an annual, statewide event in which community organizations join together to provide a month full of programs and workshops on topics geared toward building family communication. “Let’s Talk” has been proclaimed in our county for the past eight years with excellent community support.

Ms. Thompson stated that it is the desire of the Health Dept. staff to continue offering these beneficial programs for the families of our community and they sought the Board’s support for this endeavor.

Road Petitions

Two road petitions had been submitted for addition to the state maintenance system:

1. Heather Circle
2. Princess Anne Drive

It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review.

Hunting & Fishing Day Proclamation

For the past few years, the Henderson County Commissioners have been asked to declare the fourth Saturday in September as Hunting and Fishing Day in Henderson County. The President of the NC Wildlife Federation requested that this issue be included on the agenda for this Commission meeting so that the Commissioners might consider issuing a similar proclamation for this year.

Certificate of Achievement for Excellence in Financial Reporting

The Government Finance Officers Association of the United States and Canada has awarded Henderson County’s Comprehensive Annual Financial Report for Fiscal Year ended June 30, 1996, the Certificate of Achievement for Excellence in Financial Reporting. This Certificate is the highest form of recognition in the area of governmental accounting and financial reporting.

The Comprehensive Annual Report, which was judged by an impartial nationwide panel, meets the high standards of full financial disclosure in communicating to the users of the annual report.

The Henderson County Finance Department was assisted by an independent audit firm, Dixon, Odom and Company, L.L.P., in preparation of this report for submission to the Board of Commissioners, various state agencies, national bond rating agencies and the citizens of Henderson County. This was the eighth consecutive time the Certificate of Achievement had been awarded to Henderson County.

Henderson County Financial Report

The July financial report was submitted for the Board’s review.

Tax Releases

A list of 38 tax release requests was submitted for the Board’s approval.

002876

CIP Monthly Reports

The monthly reports on current Capital Improvement Projects for the month of August were submitted for the Board's review.

INFORMAL PUBLIC COMMENTS

1. Tedd Pearce - Mr. Pearce spoke on behalf of the Hendersonville Homebuilders Association regarding problems and needs of the County Inspection Department. He stated that our local inspection department is falling behind in service. This has been a gradual progression, accentuated by the personnel problems that left them further short handed over the past year. He stated that a certified individual should be available in this department after 9:30 a.m. They also need full time secretarial support.

PUBLIC HEARING - Bond Order Authorizing the Issuance of \$46,500,000 in School Bonds of the County of Henderson

Commissioner Hawkins moved that the Board of Commissioners proceed to hold a Public Hearing on the School Bond Order. The motion was unanimously adopted.

At 9:15 o'clock, A.M. the Chairman of the Board of Commissioners announced that the Board of Commissioners would hear anyone who wished to be heard on the questions of the validity of the school bond order and the advisability of issuing the bonds. Copies of said bond order and the published notice of hearing were presented to all Commissioners.

After the Board of Commissioners had heard all persons who requested to be heard, as summarized in Appendix A attached hereto, Commissioner Kumor moved that the Public Hearing be closed. The motion was unanimously adopted.

Commissioner Hawkins moved that the Board of Commissioners adopt without change or amendment and direct the Clerk to the Board of Commissioners to publish as prescribed by The Local Government Bond Act the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$46,500,000 SCHOOL BONDS OF THE COUNTY OF HENDERSON," introduced at the meeting of the Board of Commissioners held on August 20, 1997. The motion was seconded by Commissioner Kumor and was adopted by the following vote:

AYES: Eklund, Hawkins, Good, Kumor, Ward
NAYS: None

Commissioner Good moved the adoption of the following resolution which was before the Board:

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF HENDERSON COUNTY
ON THE ADOPTION OF THE SCHOOL BOND ORDER**

WHEREAS, the Board of Commissioners of the County of Henderson has adopted the bond order hereinafter described authorizing the issuance of \$46,500,000 School Bonds, and such bond order and the indebtedness to be incurred by the issuance of such bonds and the tax to be levied for the payment of such bonds should be submitted to the voters of the County of Henderson for their approval or disapproval in order to comply with the Constitution and laws of North Carolina; NOW THEREFORE,

002879

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

1. The questions whether the qualified voters of the County of Henderson shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by said bond order, which indebtedness shall be secured by a pledge of the County's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond order shall be submitted to the qualified voters of said County at an election to be held in said County on November 18, 1997.
2. The Clerk to the Board of Commissioners is hereby authorized and directed to publish a notice of said election which shall be in substantially the following form:

This the 17th day of September, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
Robert D. Eklund, Chairman

Attest:

Elizabeth W. Corn, Clerk to the Board

THE COUNTY OF HENDERSON, NORTH CAROLINA
NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the County of Henderson, North Carolina, on November 18, 1997, for the purpose of submitting to the qualified voters of said County the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said County of the maximum principal amount of \$46,500,000, which indebtedness shall be secured by a pledge of the County's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$46,500,000 SCHOOL BONDS OF THE COUNTY OF HENDERSON," adopted by the Board of Commissioners to authorize the issuance of said bonds and the levy of such tax and whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said County of the maximum principal amount of \$8,000,000, which indebtedness shall be secured by a pledge of the County's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF HENDERSON," adopted by the Board of Commissioners to authorize the issuance of said bonds and the levy of such tax.

The \$46,500,000 School Bonds are authorized to pay capital costs of providing additional school facilities and improvements to existing school facilities in the County of Henderson, including the construction of new elementary schools and the renovation of existing elementary schools, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor.

The \$8,000,000 Community College Bonds are authorized to pay capital costs of providing additional community college facilities for Blue Ridge Community College, including construction of a new building, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor.

The ballots to be used at said election shall contain the words, "SHALL the order authorizing \$46,500,000 of bonds secured by a pledge of the faith and credit of the County of Henderson to pay capital costs of providing additional

September 17, 1997

Page 5

school facilities and improvements to existing school facilities in the County of Henderson, including the construction of new elementary schools and the renovation of existing elementary schools, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof be approved?", and the words, "SHALL the order authorizing \$8,000,000 of bonds secured by a pledge of the faith and credit of the County of Henderson to pay capital costs of providing additional community college facilities for Blue Ridge Community College, including construction of a new building, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof be approved?", with squares labeled "YES" and "NO" beneath or beside such words in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at said election vote to approve a particular order, the incurring of indebtedness and the levy of a tax related thereto, said bonds authorized thereby shall be issued and taxes shall be levied for the payment of such bonds.

The polls for the election will open at the hour of 6:30 o'clock, A.M. and will close at the hour of 7:30 o'clock, P.M. The precincts and polling places for the election will be as follows:

Precinct	Polling Place
Armory	National Guard Armory Spartanburg Highway Hendersonville
Bat Cave	Bat Cave Volunteer Fire Dept. Highway # 74 Bat Cave
Bowmans Bluff	Big Willow Community Building Willow Mountain Road Hendersonville
Brickton	Greater New Zion Baptist Church Highway #25 North Fletcher
Clear Creek	Fruitland Baptist Church Mills Gap Road Hendersonville
Crab Creek	Crab Creek Community Building Jeeter Mountain Road Hendersonville
Edneyville	Edneyville Volunteer Fire Dept. Highway #64 East Edneyville
Etowah	Etowah Elementary School Etowah School Road Etowah
Flat Rock	Flat Rock Middle School 1028 W. Blue Ridge Road East Flat Rock

002879

September 17, 1997

Page 6

Fletcher	Fletcher Elementary School Fairview Road Fletcher
Green River	Tuxedo Extended Day School Highway #25 South Tuxedo
Grimesdale	Mountain Home Volunteer Fire Dept. Asheville Highway Mountain Home
Hendersonville - 1	Hendersonville High School Gym Ninth Avenue West Hendersonville
Hendersonville - 2	Bruce Drysdale School 834 North Main Street Hendersonville
Hendersonville - 3	Toms Park Recreation Building Lily Pond Road Hendersonville
Hoopers Creek	Hoopers Creek Community Building Hoopers Creek Road Fletcher
Horse Shoe	Cummings Memorial Methodist Church Banner Farm Road Horse Shoe
Laurel Park	Laurel Park Town Hall 441 White Pine Drive Hendersonville
Long John Mountain	Rugby Middle School 3555 Haywood Road Hendersonville
Moores Grove	Moores Grove Methodist Church Chimney Rock Road Hendersonville
North Blue Ridge	Dana Middle School Ridge Road Dana
Northeast	Mountain View Baptist Church Fellowship Hall North Main Street Hendersonville
Northeast - 2	Carolina Village 600 Carolina Village Road Hendersonville

North Mills River	Horticultural Research Center Fanning Bridge Road Mills River
Northwest	Balfour United Methodist Church Fellowship Hall Asheville Highway Hendersonville
Park Ridge	Fletcher Seventh-Day Adventist Church Fellowship Hall Howard Gap Road Fletcher
Pisgah View	1st Alliance Church Fellowship Hall 1821 Windsor Drive Hendersonville
Raven Rock	Mountain Page Community Building Mountain Page Road Saluda
Rugby	West Henderson High School 3600 Haywood Road Hendersonville
South Blue Ridge	Upward Elementary School 950 Upward Road Flat Rock
Southeast	East Henderson High School 110 Upward Road East Flat Rock
South Mills River	Mills River Community Building School House Road Mills River
Southwest	St. John in the Wilderness Parish Corner Rutledge Drive & Greenville Highway Flat Rock
Valley Hill	Atkinson Elementary School 2510 Old Kanuga Road Hendersonville

The registration records for said election will be kept open at the office of the Henderson County Board of Elections, 100 North King Street, in Hendersonville, from 8:30 o'clock A.M., until 5:00 o'clock, P.M., each weekday, through October 24, 1997.

Voters may also register at the following locations and hours through October 24, 1997:

Location	Hours
Henderson County Public Library 301 North Washington Street Hendersonville	Normal Library Hours

002887

September 17, 1997

Page 8

N.C. Dept. Of Motor Vehicles
Drivers License Section
Asheville Highway
Hendersonville

During regular hours when conducting
Business with the Department of Motor
Vehicles

Voters may also register by mail. A registration by mail form may be obtained from the Henderson County Board of Elections. In order to be valid for the special bond election the completed form must be postmarked by October 24, 1997, at least 25 days prior to the election.

The last day of registration for the special election shall be October 24, 1997.

Any qualified voter who (1) expects to be absent from the County all day on said election day, or (2) because of sickness or other physical disability occurring before 5:00 o'clock P.M. on the Tuesday prior to the special election date will be unable to be present at the polls to vote in person on said day, or (3) is incarcerated and certified not to be a felon by the chief custodian or superintendent of the voter's place of confinement, or (4) because of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot on the day of election, or (5) is an employee of the County Board of Elections whose assigned duties on the day of the election will cause the qualified voter to be unable to be present at the voting place, may apply for an absentee ballot to be used in voting at said election. Information concerning the time and manner for applying for an absentee ballot, including the last day for making such application, can be obtained from the Henderson County Board of Elections at the Board's office in Hendersonville, North Carolina.

By order of the Board of Commissioners of the County of Henderson.

Elizabeth W. Corn
Clerk, Board of Commissioners
County of Henderson
North Carolina

Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than 7 days before the last day on which voters may register for the special election.

(3) The Henderson County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said election and to conduct and to supervise said election.

(4) The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Henderson County Board of Elections within three days after the resolution is adopted.

Commissioner Hawkins seconded the motion and the motion was adopted by the following vote:

AYES: Eklund, Hawkins, Good, Kumor and Ward
NAYS: None

PUBLIC HEARING - Bond Order Authorizing the Issuance of \$8,000,000 in Community College Bonds of the County of Henderson

Commissioner Good moved that the Board of Commissioners proceed to hold a Public Hearing on the Community College Bond Order. The motion was unanimously adopted.

At 10:00 o'clock A.M., the Chairman of the Board of Commissioners announced that the Board of Commissioners would hear anyone who wished to be heard on the questions of the validity of the community college bond order and the advisability of issuing the bonds. Copies of said bond order and the published notice of hearing were made available to the Commissioners.

After the Board of Commissioners had heard all persons who requested to be heard, as summarized in Appendix B attached hereto, Commissioner Kumor moved that the Public Hearing be closed. The motion was unanimously adopted.

Commissioner Kumor moved that the Board of Commissioners adopt without change or amendment and direct the Clerk to the Board of Commissioners to publish as prescribed by The Local Government Bond Act the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF HENDERSON," introduced at the meeting of the Board of Commissioners held on August 20, 1997. The motion was seconded by Commissioner Good and was adopted by the following vote:

AYES: Eklund, Good, Kumor

NAYS: Hawkins, Ward

Commissioner Kumor moved the adoption of the following resolution which was before the Board:

WHEREAS, the Board of Commissioners of the County of Henderson has adopted the bond order hereinafter described authorizing the issuance of \$8,000,000 Community college Bonds, and such bond order and the indebtedness to be incurred by the issuance of such bonds and the tax to be levied for the payment of such bonds should be submitted to the voters of the County of Henderson for their approval or disapproval in order to comply with the Constitution and the laws of North Carolina; NOW THEREFORE,

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

(1) The questions whether the qualified voters of the County of Henderson shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by said bond order, which indebtedness shall be secured by a pledge of the County's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond order shall be submitted to the qualified voters of said county at an election to be held in said County on November 18, 1997.

(2) The Clerk to the Board of Commissioners is hereby authorized and directed to publish a notice of said election which shall be in substantially the following form:

THE COUNTY OF HENDERSON, NORTH CAROLINA
NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the County of Henderson, North Carolina, on November 18, 1997, for the purpose of submitting to the qualified voters of said County the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said County of the maximum principal amount of \$46,500,000, which indebtedness shall be secured by a pledge of the County's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$46,500,000 SCHOOL BONDS OF THE COUNTY OF HENDERSON," adopted by the Board of Commissioners to authorize the issuance of said bonds and the levy of such tax and whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said County of the maximum principal amount of \$8,000,000, which indebtedness shall be secured by a pledge of the County's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF HENDERSON," adopted by the Board of Commissioners to authorize the issuance of said bonds and the levy of such tax.

The \$46,500,000 School Bonds are authorized to pay capital costs of providing additional school facilities and improvements to existing school facilities in the County of Henderson, including the construction of new elementary schools and the renovation of existing elementary schools, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor.

The \$8,000,000 Community College Bonds are authorized to pay capital costs of providing additional community college facilities for Blue Ridge Community College, including construction of a new building, and

including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor.

The ballots to be used at said election shall contain the words, "SHALL the order authorizing \$46,500,000 of bonds secured by a pledge of the faith and credit of the County of Henderson to pay capital costs of providing additional school facilities and improvements to existing school facilities in the County of Henderson, including the construction of new elementary schools and the renovation of existing elementary schools, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof be approved?", and the words, "SHALL the order authorizing \$8,000,000 of bonds secured by a pledge of the faith and credit of the County of Henderson to pay capital costs of providing additional community college facilities for Blue Ridge Community College, including construction of a new building, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof be approved?", with squares labeled "YES" and "NO" beneath or beside such words in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at said election vote to approve a particular order, the incurring of indebtedness and the levy of a tax related thereto, said bonds authorized thereby shall be issued and taxes shall be levied for the payment of such bonds.

The polls for the election will open at the hour of 6:30 o'clock, A.M. and will close at the hour of 7:30 o'clock, P.M. The precincts and polling places for the election will be as follows:

Precinct	Polling Place
Armory	National Guard Armory Spartanburg Highway Hendersonville
Bat Cave	Bat Cave Volunteer Fire Dept. Highway # 74 Bat Cave
Bowmans Bluff	Big Willow Community Building Willow Mountain Road Hendersonville
Brickton	Greater New Zion Baptist Church Highway #25 North Fletcher
Clear Creek	Fruitland Baptist Church Mills Gap Road Hendersonville
Crab Creek	Crab Creek Community Building Jeeter Mountain Road Hendersonville
Edneyville	Edneyville Volunteer Fire Dept. Highway #64 East Edneyville
Etowah	Etowah Elementary School Etowah School Road

September 17, 1997

Page 11

	Etowah
Flat Rock	Flat Rock Middle School 1028 W. Blue Ridge Road East Flat Rock
Fletcher	Fletcher Elementary School Fairview Road Fletcher
Green River	Tuxedo Extended Day School Highway #25 South Tuxedo
Grimesdale	Mountain Home Volunteer Fire Dept. Asheville Highway Mountain Home
Hendersonville - 1	Hendersonville High School Gym Ninth Avenue West Hendersonville
Hendersonville - 2	Bruce Drysdale School 834 North Main Street Hendersonville
Hendersonville - 3	Toms Park Recreation Building Lily Pond Road Hendersonville
Hoopers Creek	Hoopers Creek Community Building Hoopers Creek Road Fletcher
Horse Shoe	Cummings Memorial Methodist Church Banner Farm Road Horse Shoe
Laurel Park	Laurel Park Town Hall 441 White Pine Drive Hendersonville
Long John Mountain	Rugby Middle School 3555 Haywood Road Hendersonville
Moores Grove	Moores Grove Methodist Church Chimney Rock Road Hendersonville
North Blue Ridge	Dana Middle School Ridge Road Dana
Northeast	Mountain View Baptist Church Fellowship Hall

0028830

September 17, 1997

Page 12

	North Main Street Hendersonville
Northeast - 2	Carolina Village 600 Carolina Village Road Hendersonville
North Mills River	Horticultural Research Center Fanning Bridge Road Mills River
Northwest	Balfour United Methodist Church Fellowship Hall Asheville Highway Hendersonville
Park Ridge	Fletcher Seventh-Day Adventist Church Fellowship Hall Howard Gap Road Fletcher
Pisgah View	1st Alliance Church Fellowship Hall 1821 Windsor Drive Hendersonville
Raven Rock	Mountain Page Community Building Mountain Page Road Saluda
Rugby	West Henderson High School 3600 Haywood Road Hendersonville
South Blue Ridge	Upward Elementary School 950 Upward Road Flat Rock
Southeast	East Henderson High School 110 Upward Road East Flat Rock
South Mills River	Mills River Community Building School House Road Mills River
Southwest	St. John in the Wilderness Parish Corner Rutledge Drive & Greenville Highway Flat Rock
Valley Hill	Atkinson Elementary School 2510 Old Kanuga Road Hendersonville

The registration records for said election will be kept open at the office of the Henderson County Board of Elections, 100 North King Street, in Hendersonville, from 8:30 o'clock A.M., until 5:00 o'clock, P.M., each weekday, through October 24, 1997.

Voters may also register at the following locations and hours through October 24, 1997:

Location	Hours
Henderson County Public Library 301 North Washington Street Hendersonville	Normal Library Hours
N.C. Dept. Of Motor Vehicles Drivers License Section Asheville Highway Hendersonville	During regular hours when conducting Business with the Department of Motor Vehicles

Voters may also register by mail. A registration by mail form may be obtained from the Henderson County Board of Elections. In order to be valid for the special bond election the completed form must be postmarked by October 24, 1997, at least 25 days prior to the election.

The last day of registration for the special election shall be October 24, 1997.

Any qualified voter who (1) expects to be absent from the County all day on said election day, or (2) because of sickness or other physical disability occurring before 5:00 o'clock P.M. on the Tuesday prior to the special election date will be unable to be present at the polls to vote in person on said day, or (3) is incarcerated and certified not to be a felon by the chief custodian or superintendent of the voter's place of confinement, or (4) because of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot on the day of election, or (5) is an employee of the County Board of Elections whose assigned duties on the day of the election will cause the qualified voter to be unable to be present at the voting place, may apply for an absentee ballot to be used in voting at said election. Information concerning the time and manner for applying for an absentee ballot, including the last day for making such application, can be obtained from the Henderson County Board of Elections at the Board's office in Hendersonville, North Carolina.

By order of the Board of Commissioners of the County of Henderson.

Elizabeth W. Corn
Clerk, Board of Commissioners
County of Henderson
North Carolina

Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than 7 days before the last day on which voters may register for the special election.

(3) The Henderson County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said election and to conduct and to supervise said election.

(4) The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Henderson County Board of Elections within three days after the resolution is adopted.

Commissioner Good seconded the motion and the motion was adopted by the following vote:

- AYES: Eklund, Good and Kumor
- NAYS: Hawkins and Ward

002887
982007

PUBLIC HEARING - To Consider an Ordinance Imposing a Moratorium on the Construction of Telecommunications Towers in Henderson County

Commissioner Hawkins made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Public Input

1. Dixie Blumer - Ms. Blumer is an Etowah resident. She lives in an unzoned area. She urged the Commissioners to extend the tower moratorium until the time that they have a good ordinance in place to protect the residents of unzoned areas as well as the zoned areas.

2. Walt Wernsing - Mr. Wernsing had previously written the Board regarding the proposed Ordinance. He stated that such an ordinance should not be worded to prevent the construction and/or erection of towers used solely for amateur radio. To make sure that such an ordinance does not pertain to amateur radio towers, he suggested the addition of the word commercial in the title and the body of the ordinance to refer to COMMERCIAL WIRELESS TELECOMMUNICATIONS TOWERS.

3. Ken Burg - Mr. Burg is a resident of Applewood Lane in Hendersonville. He requested the Board to extend the moratorium so that they could come up with a very comprehensive plan that no towers be allowed in residential areas in either zoned or unzoned areas.

4. Lloyd Kidwell - Mr. Kidwell is a county resident. He agreed that the word commercial should be added to the ordinance.

Commissioner Ward made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

Angela Skerrett reminded the Board that on July 7, 1997 the Board of Commissioners adopted an ordinance which imposed a moratorium on the construction of telecommunications towers in Henderson County for 90 days. The moratorium will expire at midnight on Sunday, October 5, 1997.

This Public Hearing was held to consider extending the moratorium by adopting another ordinance similar to that adopted on July 7, 1997, to be in effect for a period of 60 days after the expiration of the July 7 moratorium.

Commissioner Hawkins made the motion to extend the moratorium by adopting the ORDINANCE IMPOSING A MORATORIUM ON THE CONSTRUCTION OF TELECOMMUNICATIONS TOWERS IN HENDERSON COUNTY. All voted in favor and the motion carried.

PUBLIC HEARING - Proposed Inspection Ordinance

Commissioner Kumor made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett reminded the Board that this Public Hearing was held on a proposed change to the Henderson County Inspection Ordinance. The amendment is to delegate the appointment power and procedure for the Henderson County Code Enforcement Administrator and Henderson County Inspectors from the Board of Commissioners to the County Manager.

This Public Hearing was advertised in the Times-News on September 3, 1997 and September 10, 1997.

Public Input

There was none.

Commissioner Kumor made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

Commissioner Ward made the motion to approve the proposed changes in the Henderson County Inspection Ordinance. All voted in favor and the motion carried.

PUBLIC HEARING - To Consider Renewal of Industrial Park Option

Commissioner Ward made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett reminded the Board that this Public Hearing was being held as required by NCGS 158-7.1 to consider the renewal of the 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, Lot 8, Lots 1, 1A, 2, 3, 3A, 4, 4A, 6, 7(revised), 7A, and two lots to be dedicated to NCDOT for a total acreage purchased of 47.0131 acres at a price of \$1,099,697.20.

The current option will expire on September 30, 1997. This renewal would extend the option for another three month period to expire on December 31, 1997. The price to renew the option until December 31, 1997 will be the quarterly interest at the Nationsbank prime rate of interest determined as of September 10, 1997 on the unpaid portion of the purchase price of \$400,302.76.(the remaining acreage to be purchased includes Lot 5 and Lot 5A, 22.3709 acres). Nationsbank prime rate on September 10, 1997 was 8.50%, which would put the option payment at \$8,506.41. The payment to renew the option for an additional three month term is due on September 20, 1997.

Public Input

There was none.

Commissioner Kumor made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

002880

September 17, 1997

Page 16

Commissioner Kumor made the motion to extend the option as proposed. All voted in favor and the motion carried.

ACTION ON REZONING REQUEST BY HULDA M. STEPP

Application #R-02-97

Matt Matteson reminded the Board that on September 2, the Board of Commissioner held a Public Hearing on a request for rezoning submitted by Ms. Hulda Stepp. Ms. Stepp's application requests that the County rezone a 4.18 acre parcel located on the east side of Spartanburg Highway (US Hwy.#176), near the US Hwy.#25 Connector, from an R-20 (low density residential) district to a C-4 (highway commercial) district.

On July 29, 1997, the Henderson County Planning Board voted unanimously (7-0) to send the Board of Commissioners a favorable recommendation on the application as submitted by Ms. Stepp.

Following discussion, Commissioner Good made the motion to approve the rezoning request by Mrs. Stepp. All voted in favor and the motion carried.

ACTION ON REZONING REQUEST BY DEWEY PUTNAM, JANICE BROWN and GREG GOSNELL - Application #R-03-97

This item was deleted from the agenda because the petitioners wrote a letter to the Board stating they wished to withdraw their application.

PLAT REVIEW OFFICER

Jennifer Jackson reminded the Board that at the September 2 Board meeting, staff presented an update on the amended legislation which creates a new position of plat review officer. The duty and responsibility of the plat review officer will be to review plats to ensure compliance with the statutory requirements for plat recordation. A Resolution was reviewed pertaining to the appointment of plat review officers as is required by NCGS 47-30.2.

On September 11, 1997, a statewide workshop, hosted by the North Carolina Property Mappers Association, Land Records Management Association and the North Carolina Society of Surveyors was held.

Staff requested the Board take action by adopting a Resolution appointing the following individuals to this newly created position:

Matt Matteson
Stacy Merten
Karen Collins
David Gottberg
Stuart Rohrbaugh

Pam Carver
Marsha Drake
Audrey Frazier
Alida Delaney

Commissioner Kumor made the motion to adopt the Resolution as amended to accept the new check list and to add Stuart Rohrbaugh to the list. All voted in favor and the motion carried. A copy of that Resolution is attached as part of these minutes.

ADOPTION OF THE HENDERSON COUNTY VIOLENT INCIDENT RESPONSE GUIDELINES

Bill Byrnes addressed this item. In support of the Board's public declaration of a "Zero Tolerance" regarding workplace violence incidents perpetrated against Henderson County personnel, and in continuation of the development of the County's "Workplace Violence Prevention Series", the Henderson County Board of Commissioners was presented with Section 2 of that Series, entitled "Henderson County Violent Incident Response Guidelines". The purpose of these Guidelines is to better prepare and protect our personnel in the event that they may become party to a workplace violence incident. It was requested that the Board approve and adopt these Guidelines as part of Henderson County's administrative policy.

These Guidelines have been developed by the County's Administration, Human Resources, and Risk Management Departments, and they have been reviewed by all County Department Heads. In addition, they have been reviewed and commented upon by representatives of our risk control/insurance administrator, Sedgwick James, as well as by legal and administrative representatives of the North Carolina Justice Academy. All appropriate recommendations made by these parties have been incorporated into these Guidelines.

Following discussion, Commissioner Good made the motion to approve this request. All voted in favor and the motion carried.

RESOLUTION AUTHORIZING INSTALLMENT PURCHASE CONTRACT

Financing for the Historic Courthouse Rehabilitation Project

Carey McLelland presented a Resolution for approval which authorizes the use of installment purchase contract financing for the rehabilitation of the Historic Henderson County Courthouse. This project was approved for funding by the Board in their Fiscal year 1996-97 Capital Improvements Program (CIP) and funds were appropriated in the current fiscal year to initiate the project. Also included in the Resolution were instructions for staff to request financing proposals for this project.

Commissioner Kumor made the motion to adopt this RESOLUTION OF THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA, AUTHORIZING THE USE OF INSTALLMENT PURCHASE CONTRACT FINANCING FOR THE HISTORIC HENDERSON COUNTY COURTHOUSE REHABILITATION PROJECT AND INSTRUCTING STAFF TO REQUEST FINANCING PROPOSALS. All voted in favor and the motion carried.

TRANSPORTATION PRIORITIES FOR NCDOT

Transportation Improvement Plan

The Hendersonville Chamber of Commerce's Transportation Committee has had a program of reviewing and prioritizing major State highway

projects whereby such priorities are presented annually to the North Carolina Secretary of Transportation for their Board's consideration. This year the Committee has asked for additional community approval. The tentative local priorities were reviewed:

New Priority	Project Name	Last Year's Priority
1	Clear Creek Road Connector	1
2	US 25 North Highway Widening	2
3	Short Street Extension	6
4	US 64 West Highway Widening (City Section)	4
5	NC 191 Highway Widening	3
6	Upward Road Improvements	8
7	Fanning Bridge Road Improvements	10
8	US 64 West Widening (County Section)	9
9	City Inner Loop	5
10	Fletcher Industrial By-Pass	N/A

Chairman Eklund stated that Matt Matteson had been serving on the Transportation Committee for some time. No action was taken.

Commissioner Kumor suggested that the Board get ready so that next year they can be prepared with a reasonable response.

COST OF LIVING INCREASE

David Nicholson reminded the Board that during the preparation of the 1997-1998 Fiscal Year Budget, funds were set aside in the Contingencies line item to fund a cost of living increase for county employees. To assist the Board with this discussion a memorandum from the North Carolina Association of County Commissioners was reviewed which included salary and compensation adjustments. Also reviewed was information on the Consumer Price Index(CPI). The CPI increase was 2.23%.

Henderson County set aside approx. \$400,000 which would be equivalent to approx. a 4% increase.

Following discussion, Commissioner Kumor made the motion to approve a 2% increase with the balance of the funds to go into a 401-K, 457, or some other retirement benefit program for employees. A vote was taken and the motion carried unanimously.

September 17, 1997

Page 19

WELFARE REFORM

David Nicholson informed the Board that the North Carolina General Assembly passed SB 352, the Current Operations and Capital Improvements Act of 1997. Included for review were several welfare reform measures. Some important portions of this bill include allowing counties the ability to "elect" to develop, approve and administer a local Work First Program. Counties must choose by October 31, 1997 if they wish to remain a standard or become an electing County.

Reviewed was a comparison of electing and standard legislation prepared by Liston Smith, DSS Director. Mr. Smith has broken down this 41 page document into categories such as designation, authorities, reporting, duties, county plans and performance standards.

Mr. Nicholson had presented the complete section pertaining to welfare reform to each Commissioner via their mailboxes.

Following some discussion, it was the consensus of the Board to set up a Joint Meeting for October with the DSS Board to further discuss this.

UPDATE ON PENDING ISSUES

1. WNCJA Sewer - David Nicholson reminded the Board that there is a public hearing scheduled Sept. 25. Henderson County must amend their application somewhat. Staff is still working with the academy and the architects on placement of the plant.

2. Bond Schedule Proposal - David Nicholson proposed a schedule for the school and community college bonds. County staff has worked with bond council, the Local Government Commission and gathered information from the public schools in preparation of this proposed schedule.

Mr. Nicholson's proposal calls for two separate bond sales. The first sale would be for 30 million dollars of school bonds and 8 million dollars of community college bonds in January of 1998. Based on the proposed schedule, the second sale for 16.5 million dollars of school bonds should be on or about September of 1999. Should the Board of Commissioners consider this schedule, the Board of Public Education would need to schedule the construction project accordingly.

Mr. Nicholson suggested that Marlow School be built up front, with State monies, not part of this bond referendum. He also suggested that Etowah and Hillandale be done next to add student seats. Then about a year later, take care of Balfour, Mills River, and Fletcher. He briefly discussed the sales tax issue which is not a reality for paying off the school bonds.

3. Board of Commissioners' Meeting Schedule

The Board has expressed an interest in changing the meeting time for the first Monday meeting of the month from 7:00 p.m. If this is done, staff will have to change rule #6 of the Rules of Procedure for the Board of Commissioners. This would have to be done for Board of Commissioners, Cane Creek and Mud Creek.

It was the consensus of the Board that starting earlier and ending the meetings earlier would be a better idea than how we are presently operating. It was also the consensus of the Board to leave Public Hearings at 7:00 p.m. It was the general consensus of the Board to begin the new meeting schedule with the first regularly scheduled meeting in October, October 6, 1997.

Following much discussion, Commissioner Hawkins made the motion to adopt the RESOLUTION TO CHANGE REGULAR MEETING TIME OF THE HENDERSON COUNTY BOARD OF COMMISSIONERS, the CANE CREEK WATER AND SEWER DISTRICT BOARD OF COMMISSIONERS and the MUD CREEK DISTRICT BOARD OF COMMISSIONERS, to 5:30 p.m. All voted in favor and the motion carried.

MUD CREEK WATER & SEWER DISTRICT

Commissioner Kumor made the motion for the Board to adjourn as Henderson County Board of Commissioners and convene as Mud Creek Water & Sewer District. All voted in favor and the motion carried.

Commissioner Kumor made the motion to adjourn as Mud Creek Water & Sewer District and reconvene as Henderson County Board of Commissioners. All voted in favor and the motion carried.

4. Seventh Avenue Historic District

Commissioner Kumor reminded the Board that during budget discussion, representative from the Seventh Avenue Historic District requested \$500 from the Board of Commissioners to assist them in paying their portion of the economic development study that was being done. At that time, the Board suggested that they review all their potential economic development support through grants and issues that were available to them. She stated that they are running into a problem of getting themselves organized and incorporated to make themselves eligible for these things. They are selling t-shirts and raising money. Time is coming due that they have to start paying their share of the economic development study that was done by the City of Hendersonville and DHI.

Commissioner Kumor made the motion that the Board honor the request for \$500 showing support of that economic development study. All voted in favor and the motion carried.

NOMINATIONS

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

1. Western Carolina Community Action Board of Directors - 2 vac.

Grady Hawkins nominated Wanda Brown, who had supplied an application. The Clerk was asked to check with Ms. Brown to see if she is still interested in serving.

2. Youth Advisory Board - 1 vac.

Commissioner Kumor nominated Julia Reveille. Commissioner Kumor made the motion to suspend the rules and appoint Ms. Reveille. All voted in favor and the motion carried.

3. Jail Committee - ? vac.

Tony Varnadore, Salley Stepp, Finley Pace, Jr. , and Rev. Pollard were all nominated at the Sept. 2 meeting. No additional nominations were made. No vote was taken yet. This item was rolled to the next meeting.

4. Nursing/Adult Car Home Community Advisory Committee - 1 vac.

No nominations were made at this time so this item was rolled to the next meeting.

5. Community Child Protection Team - 1 vac.

Commissioner Kumor nominated DeWayne Moore. Commissioner Kumor made the motion to suspend the rules and appoint Mr. Moore. All voted in favor and the motion carried.

6. Mountain Valleys Resource Conservation & Development Program - 1 vac. Commissioner Ward nominated Barry Wilson. This item was rolled to the next meeting.

7. Child Fatality Prevention Team - 1 vac.

No nominations were made at this time so this item was rolled to the next meeting.

8. Youth Services Advisory Committee - 1 vac.

Commissioner Kumor nominated Richard LaGrange. Commissioner Kumor made the motion to suspend the rules and appoint Mr. LaGrange. All voted in favor and the motion carried.

IMPORTANT DATES

David Nicholson reminded the Commissioners of the PONI meeting next Wednesday at 10:30 here. This is a jail planning meeting.

Mr. Nicholson told the Board that he would get with the Clerk next week and the Board would be polled regarding setting a work session on subdivision regulations.

CANE CREEK WATER & SEWER DISTRICT

Commissioner Hawkins made the motion for the Board to adjourn as Henderson County Board of Commissioners and convene as Cane Creek Water & Sewer District. All voted in favor and the motion carried.

Commissioner Kumor made the motion for the Board to adjourn as the Cane Creek Water & Sewer District. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Hawkins made the motion for the Board to go into Closed Session as allowed under 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

002893

September 17, 1997

Page 22

to consider and give instructions to the attorney with respect to a claim and to discuss the case of Mitchell v. Balson.


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.


All voted in favor and the motion carried.

Commissioner Ward made the motion for the Board to go out of Closed Session and adjourn. All voted in favor and the motion carried at approx. 1:45 p.m.

No action was taken following Closed Session.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

002896

APPENDIX A

Chairman Eklund had received a letter from a citizen who could not be here and hence that letter is attached as a part of these minutes.

Public Input

Chairman Eklund asked the Clerk to call the names of persons who had signed up to speak:

1. Donna Crawford - Ms. Crawford is a resident of Flat Rock. She spoke in favor of the school bond referendum.

2. Linda Hawk - Mrs. Hawk had to leave but gave her statement to Jackie Hornsby to read for her. Mrs. Hawk is the Chairman of the School Board. She spoke in favor of the school bond referendum.

3. Bryan Aleksich - Mr. Aleksich yielded his time to Fielding Lucas who has done exhaustive research.

4. Sally Parks - Ms. Parks yielded her time to Mr. Lucas.

5. Dick Shuffstall - Dr. Shuffstall yielded his time to Mr. Lucas.

6. Fielding Lucas - Mr. Lucas is a resident of Big Willow. Mr. Lucas handed up copies of his statement. He spoke in opposition of the school bonds. His opposition is because of the way the issue is proposed. He considers it unsound financially and discussed that in some detail. He feels that elementary school demographic trends have been disregarded.

Mr. Lucas stated "I urge you not to require the voters to choose between a very bad program and no program at all. Send the Board of Education back to the drawing board to return with a program of reasonable renovation and sensible modernization and that deals with possible Middle School issue earlier raised. I have no allusions. This will cost money not now in the revenue stream. We will all have to tighten our belts and squeeze our wallets but the beauty of doing this on a pay as you can, pay as you go plan is you can always yell UNCLE and stop for a deep breath if you have to. Once you're in the bond holders hands, you're stuck with the annual bill until it's paid. Bond holders are not known for merciful understanding behavior in the presence of defaulters or late payers. I would be honored to play some part in the development of a reasonable renovation and sensible modernization plan for the school system if that should be your decision."

7. David Stoneman - Mr. Stoneman is a resident of Big Willow. He spoke in favor of the school bond referendum.

8. Becky Franco - Ms. Franco is a resident of Davis Mountain. She spoke in favor of the school bond referendum.

002897

THIS PAGE INTENTIONALLY LEFT BLANK

9. Vickie Wilder - Ms. Wilder is a resident of Fletcher. She spoke in favor of the school bond referendum. Ms. Wilder spoke at some length about the aged elementary schools in Henderson County.
10. Glenn Jones - Mr. Jones is a resident of Fletcher. He spoke in favor of the school bond referendum.
11. Irving L. Kasner - Mr. Kasner is a resident of Etowah. He agreed with Mr. Fielding Lucas that he does not support the school bond referendum as it stands currently. He does agree that school facilities are needed.
12. Debby Staton - Ms. Staton is a resident of Balsam Road. She spoke in favor of the school bond referendum.
13. Dennis Justice - Mr. Justice is a resident of Fletcher. He spoke in opposition of the school bond referendum stating that he is an angry home schooling parent.
14. Julia Keyse - Ms. Keyse is a resident of Brightwater Farm Estates Drive. She spoke in favor of the school bond referendum.
15. George Howell - Mr. Howell is a resident of Horse Shoe. He spoke in favor of the school bond referendum.
16. Roger Hill - Mr. Hill is a resident of Flat Rock. Mr. Hill spoke on behalf of the Chamber of Commerce who support both of the bond issues, Schools and Blue Ridge Community College. Mr. Hill serves as the 1997 President of the Greater Hendersonville Chamber of Commerce.
17. Thomas Somerville - Mr. Somerville is a resident of Flat Rock. He spoke in opposition of the currently proposed school bond referendum. He is in favor of pay as you go for financing the schools.
18. Mary Holdon - Ms. Holdon is a resident of Fletcher. She spoke in favor of the school bond referendum. She has a son in Fletcher Elementary who is the third generation of her family to attend Fletcher Elementary.
19. L.H. Holmes - Mr. Holmes is a resident of Bonner Street. He spoke in opposition to the currently proposed school bond referendum. He feels that the financing of the schools should be revisited.
20. Dan Waddell - Mr. Waddell is a county resident. He is an advocate of good schools but questioned the financing procedure.
- 21 Patti Hubbard - Ms. Hubbard is a resident of Henderson County. She spoke in favor of the school bond referendum.

002899

THIS PAGE INTENTIONALLY LEFT BLANK

22. Arlene Lee - Ms. Lee is a resident of Hendersonville. She spoke in favor of the school bond referendum. She spoke about safety and about technology as did a number of speakers.

23. Jackie Hornsby - Ms. Hornsby is the Vice-Chairman of the School Board. She spoke in favor of the school bond referendum.

She stated that the School Board is very much in favor of a sales tax to help finance the school facilities.

24. Brenda Brock - Ms. Brock is a member of the School Board. She spoke in favor of the school bond referendum.

25. Milton Byrd - Mr. Byrd is a Fletcher Councilman but spoke as a Fletcher Elementary School parent and volunteer. He spoke in favor of the school bond referendum but challenged the School Board to drop the proposed figure by 35-40%.

002001800

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX B

Public Input

Chairman Eklund asked the Clerk to call the names of persons who had signed up to speak:

Fielding Lucas - Mr. Lucas has visited Blue Ridge Community College to see how the funds will be spent. He stated that the College has a clear cut educational objective. Mr. Lucas stated "I can't give you an unequivocal recommendation for the bond but I absolutely cannot give you a recommendation against the bond".

002903

THIS PAGE INTENTIONALLY LEFT BLANK

**Resolution to Change Regular Meeting Time of the
The Henderson County Board of Commissioners,
the Cane Creek Water and Sewer District Board of Commissioners,
and the Mud Creek District Board of Commissioners**

Whereas, Rule 6 of "The Henderson County Board of Commissioners, the Cane Creek Water and Sewer District Board of Commissioners, and the Mud Creek District Board of Commissioners Rules of Procedure" states that:

". . . Regular meetings [of the Board] shall be held at the County Commissioners Meeting Room located at 100 North King Street and shall begin at 7:00 p.m. on the first Monday and at 9:00 a.m. on the third Wednesday"; and

Whereas, the Henderson County Board of Commissioners, the Cane Creek Water and Sewer District Board of Commissioners, and the Mud Creek District board of Commissioners are desirous of changing the time of the regular meeting held on the first Monday of each month from 7:00 p.m. to 6:30 p.m.; and

Whereas, Rule 6 of "The Henderson County Board of Commissioners, the Cane Creek Water and Sewer District Board of Commissioners, and the Mud Creek District Board of Commissioners Rules of Procedure" further states that:

". . . The Board may permanently change the schedule of regular meeting by Resolution duly adopted by such board";

Now therefore, be it resolved by the Henderson County Board of Commissioners, the Cane Creek Water and Sewer District Board of Commissioners, and the Mud Creek Water and Sewer District Board of Commissioners as follows:

1. The time of the regular meeting held the first Monday of each month shall be changed from 7:00 p.m. to 5:30, effective October 6, 1997.
2. At least ten (10) days prior to the first regular meeting at which this Resolution will be effective, the Clerk to the Board of Commissioners shall post a copy of this Resolution on the Henderson County Courthouse bulletin board, and on the front door of the Henderson County Administration Building, located at 100 North King Street, Hendersonville, NC 28792.
3. At least ten (10) days prior to the first regular meeting at which this Resolution will be effective, the Clerk to the Board of Commissioners shall publish a summary of this Resolution in a paper having general circulation in Henderson County.
4. The revised schedule of regular meeting dates shall be filed with the Clerk to the Board of Commissioners at least seven (7) calendar days prior to the first regular meeting held pursuant to the revised schedule.
5. The revised schedule of regular meeting dates shall be sent to the local media and to the sunshine list at least forty-eight (48) hours prior to the first regular meeting held pursuant to the revised schedule

002905
000800

THIS PAGE INTENTIONALLY LEFT BLANK

- 6. Rule 6 of "The Henderson County Board of Commissioners, the Cane Creek Water and Sewer District Board of Commissioners, and the Mud Creek District Board of Commissioners Rules of Procedure" shall be changed to reflect the intent of this Resolution.

This the 17th day of September, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: *Robert D. Eklund*
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Clerk to the Board

THE HENDERSON COUNTY BOARD OF COMMISSIONERS, sitting as the
Mud Creek Water and Sewer District Board of Commissioners

BY: *Robert D. Eklund*
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Clerk to the Board

THE HENDERSON COUNTY BOARD OF COMMISSIONERS, sitting as the
Cane Creek Water and Sewer District Board of Commissioners

BY: *Robert D. Eklund*
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Clerk to the Board

002907

THIS PAGE INTENTIONALLY LEFT BLANK

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

WHEREAS, on the 17th day of July, 1997, the North Carolina General Assembly enacting an Act to Improve the Procedures for Recording Maps and Plats (Senate Bill 875) which amends various North Carolina statutes;

WHEREAS, this Act adds to the North Carolina General Statutes section 47-30.2 which creates the office of a Review Officer and charges the same with the responsibility of reviewing each map or plat required to be submitted for review prior to its presentation to the Register of Deeds for recordation;

WHEREAS, N.C.G.S. 47-30.2 requires that the Henderson County Board of Commissioners adopt a resolution appointing one or more named persons experienced in mapping or land records management as Review Officer(s) and that the resolution be recorded in the Office of the Register of Deeds for Henderson County;

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

1. The following named persons are experienced in mapping and/or land records management:

Matt Matteson	Pam Carver
Stacy Merten	Marsha Drake
Karen Collins	Audrey Frazier
David Gottberg	Alida Delaney
Stuart Rohrbaugh	

2. Pursuant to N.C.G.S. 47-30.2, the following persons are appointed as Review Officers in Henderson County:

Matt Matteson	Pam Carver
Stacy Merten	Marsha Drake
Karen Collins	Audrey Frazier
David Gottberg	Alida Delaney
Stuart Rohrbaugh	

3. The above-named Review Officers, and such other Review Officers as shall from time to time be appointed by the Board of Commissioners by Resolution, shall

002911

THIS PAGE INTENTIONALLY LEFT BLANK

PLAT REVIEW OFFICER CHECKLIST

TITLE: _____
SURVEYOR NAME: _____
PROPERTY DESCRIPTION: _____
PIN: _____

SURVEYS AS ATTACHMENTS (must check for certification):

_____ original signature and seal on survey; OR
_____ certified copy of a survey with original signature and seal; OR
_____ "THIS MAP IS NOT A CERTIFIED SURVEY AND NO RELIANCE
MAY BE PLACED ON ITS ACCURACY"

**REQUIRED MATTERS FOR MAPS AND PLATS
(must check for certification):**

_____ map or plat acceptable as to size (18"x24"; 21"x30"; 24"x36")
_____ adequate margins (1½" on left; ½" on all other)
_____ map or plat in reproducible form
_____ title block
_____ property designation/title description
_____ name of owner
_____ location (township, county, state)
_____ date
_____ scale or ratio
_____ name and address of surveyor
_____ existence of control corners (see G.S. 39-32.3)
_____ certificate of approval from N.C. Div. of Highways for public roads
(see G.S. 136-102.6(d)) (if necessary)
_____ subdivision certificate (needed and present)
_____ surveyor's certificate
_____ under whose supervision the plat was made
_____ origin of information (deed and plat reference)
_____ ratio of precision
_____ boundaries not surveyed clearly indicated
_____ statutory classification of plat (G.S. 47-30(f)(11))
_____ G.S. 47-30(f)(11)(a)
_____ G.S. 47-30(f)(11)(b)
_____ G.S. 47-30(f)(11)(c)(1)
_____ G.S. 47-30(f)(11)(c)(2)
_____ G.S. 47-30(f)(11)(c)(3)
_____ G.S. 47-30(f)(11)(d)
_____ G.S. 47-30(f)(11)(e)
_____ all pages signed and sealed

DISCRETIONARY MATTERS (should check):

_____ north arrow location and reference (true, magnetic, deed, NC Grid)
_____ course and distance notations of every property line and presence of
_____ curve data where applicable
_____ names and/or references of adjacent owners/properties
_____ rights-of-way, watercourses, utilities, roadways (public and private),
etc., all marked and noted
_____ vicinity map included

_____ **COMMENTS ON BACK (if applicable)**

APPROVED/DENIED

REVIEW OFFICER

DATE

002903

THIS PAGE INTENTIONALLY LEFT BLANK

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

**RESOLUTION OF THE BOARD OF COMMISSIONERS
 OF HENDERSON COUNTY, NORTH CAROLINA,
 AUTHORIZING THE USE OF INSTALLMENT PURCHASE CONTRACT FINANCING
 FOR THE HISTORIC HENDERSON COUNTY COURTHOUSE REHABILITATION
 PROJECT AND INSTRUCTING STAFF TO REQUEST FINANCING PROPOSALS**

WHEREAS, Henderson County constructed the Historic Courthouse located at 113 North Main Street, Hendersonville, North Carolina, in 1905; and

WHEREAS, the Board of Commissioners is desirous of preserving the historical integrity of the Historic Henderson County Courthouse, which is listed in the State and Federal Registers of Historic Properties; and

WHEREAS, the Board of Commissioners completed a Preliminary Facilities Evaluation in February 1993; a Courthouse Rehabilitation Study in March 1996, and has determined that restoring the Historic Courthouse to its original 1905 condition would preserve its historical integrity and would protect a historic landmark for the citizens of Henderson County; and

WHEREAS, the Board of Commissioners approved the Historic Courthouse Rehabilitation Project in their Capital Improvements Plan (CIP) for fiscal year 1997, and appropriated funds in the fiscal year 1998 budget for debt service on borrowed funds to begin the project; and

WHEREAS, the Board of Commissioners propose to finance the Historic Courthouse Rehabilitation Project at an estimated cost of \$5,600,000 through an installment purchase contract financing arrangement over a term of not more than ten (10) years at a fixed rate of interest, with the payment of no issuance costs by the County, with level quarterly payments, and no penalties for prepayment in whole or in part; and

WHEREAS, N.C.G.S. 160A-20 authorizes financing "the construction or repair of fixtures or improvements on real property by contracts that create in the fixtures or improvements, or in all or some portion of the property on which the fixtures or improvements are located, or in both, a security interest to secure repayment of moneys advanced or made available for such construction or repair"; and

WHEREAS, it is the Board of Commissioner's intention to adopt this resolution for the purpose of approving the use of installment purchase contract financing for the Historic Courthouse Rehabilitation Project.

002915 00

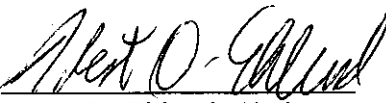
THIS PAGE INTENTIONALLY LEFT BLANK

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

1. The Board of Commissioners authorizes the use of installment purchase contract financing pursuant to the authority granted by N.C.G.S. 160A-20 subject to the following terms and conditions:
 - a. The term of the installment contract shall be no more than ten (10) years.
 - b. The financing shall be for a fixed rate of interest.
 - c. There shall be no issuance costs imposed upon Henderson County by the financing institution for the installment contract.
 - d. There shall be no penalties for prepayment in whole or in part.
 - e. Payments shall be level and shall be made quarterly.
 - f. The bank shall provide all attorneys' opinions other than those required by the Local Government Commission to come from the County's attorney.
 - g. The bank shall provide all public financing documents.
 - h. The bank shall determine at its own expense whether financing for this project is tax exempt or not.
2. The Board of Commissioners orders staff to request financing proposals from financial institutions licensed to do business in North Carolina in accordance with the terms and conditions outlined above.
3. The Board of Commissioners direct staff to bring back final draft financing documents for review and approval after a duly called public hearing.

This the 17th day of September 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Robert D. Eklund, Chairman

Attest:


Elizabeth W. Corn, Clerk to the Board

002917

THIS PAGE INTENTIONALLY LEFT BLANK

PROCLAMATION
Henderson County Hunting and Fishing Day
Saturday, September 27, 1997

Hunting and fishing have always been an important part of the North Carolina tradition. And most Americans believe that such activities continue to be popular. Their perceptions are right on target. For example, the number of women involved in the shooting sports has increased by more than 80% in the past ten years.

But hunting and fishing are so much more than recreational pursuits. For over 100 years, hunters and anglers have been at the forefront of the conservation movement giving of their time and finances. In fact, they have provided over \$20 billion to wildlife management programs, contributing \$3.5 million per day nationally. In 1996, North Carolinians contributed nearly \$30 million for licenses and wildlife stamp and excise taxes on sporting equipment.

This financial support has provided the basis for scientific research, habitat restoration, and education which have led to the dramatic come back of wildlife in North Carolina such as wild turkey, river otters, tundra swans, and other waterfowl, alligators, shore birds, bald eagles, and other raptures and fur bearers.

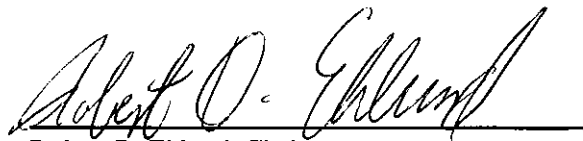
Hunters and anglers are also important to the economy. With the average sportsman spending \$1,024 on food, lodging, equipment, real estate leases, and conservation fees, it is hardly a surprise that one million jobs are directly or indirectly supported by hunting and fishing.

Of course dollars and cents alone do not represent the true worth of our outdoor traditions. Wealthier than any millionaire is one with greater awareness, understanding, and respect of the natural environment and its wildlife. Wealthier still are the ethical hunters and anglers who share this treasure with a youngster, friend or relative.

In recognition of past and current conservation achievements of ethical hunters and anglers in Henderson County, we the Commission of Henderson County do hereby proclaim Saturday, September 27, 1997 as:


Hunting and Fishing Day in Henderson County.

This the 17th day of September, 1997.



Robert D. Eklund, Chairman
Henderson County Board of
Commissioners

ATTEST:



Elizabeth W. Corn, Clerk to the Board

448800
002919

THIS PAGE INTENTIONALLY LEFT BLANK

002920

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

PROCLAMATION FOR "LET'S TALK MONTH"

WHEREAS, the family has always been and remains the source of community values in a society; and,

WHEREAS, open communication enables family members to share their joys, sorrows, successes and failures, and thereby build honesty, trust, self-respect, and love among each other; and,

WHEREAS, broken lines of communication among family members fracture traditional stability of domestic life and increase the likelihood of young people being drawn into the confusion of teenage pregnancy, substance abuse, delinquency and suicide; and,

WHEREAS, parents should retain an open mind and listen to their children, whatever their questions, problems, and concerns; and,

WHEREAS, children should learn to talk to their parents, honestly sharing with them their thoughts, feelings, and concerns; and,


WHEREAS, the family should be given community support in this vital area of parenting to improve the quality of family life;

NOW, THEREFORE BE IT RESOLVED that the Henderson County Board of Commissioners does hereby proclaim **October 1997** as "Let's Talk Month" in Henderson County, and urges all family members to open the lines of communication and work to solve adolescent pregnancy and other problems facing youth in our county.

Adopted this the 17th day of September, 1997.


Robert D. Eklund, Chairman

Attest:


Elizabeth W. Corn, Clerk to the Board

002921

THIS PAGE INTENTIONALLY LEFT BLANK

002922
HAND DELIVERED
SEP 16 1997

September 16, 1997

Dear Mr. Eklund, Chairman of the Henderson County Board of Commissioners:

I am requesting that you make this letter part of the official minutes of your public hearing on Wednesday, September 17, 1997. I am unable to attend this public hearing because of my job responsibilities.

Sincerely,



Jane S. Orwoll

1116 West Hills Road
Hendersonville, NC 28791
September 16, 1997

Dear Henderson County Board of Commissioners:

Re: Board of Commissioners County of Henderson, North Carolina
\$46,500,000 of bonds to pay capital costs of providing additional school facilities and improvements to existing school facilities in the County of Henderson, ...

I would ask that you deny this bond request.

(1.) Two sites where new schools are to be built haven't been purchased, as yet. The intended locations have not been made known to the public. (2.) A long range study that will address future elementary, as well as, secondary needs will not be ready or presented until the end of September 1997. The findings in this study could drastically change the future direction of our needs. (3.) Several of the new elementary schools will have space built and allocated for pre-school classes. Pre-school classes are not mandated by the state nor has the Henderson County Board of Public Education discussed this concept with the public. The taxpayers of Henderson County have not been told of this so they could have input as to whether this is something the taxpayers of Henderson County want to support with tax dollars. Both in terms of the original cost of building, as well as, the funds to equip and man these classes. (4.) The county's middle school needs are also great - a fact that the school board agrees with and the school board has publicly said the needs would be in a bond within the next two years probably around \$35 - \$40 million dollars. However, the county manager has said that if the \$46.5 and \$8 Blue Ridge Community College Bond pass the county won't be able to support another bond issue that soon. One

002923

THIS PAGE INTENTIONALLY LEFT BLANK

-2-

of our middle schools has had 9 trailers for the last three years. Now there are 11 trailers at this site. That school has inadequate core facilities, i.e., media center, computer labs, science rooms, etc. Another middle school has 5 trailers and the third has 4. These needs cannot be put behind pre-school classrooms and overly large building sites.

The Henderson County School Board has included in this umbrella bond issue items that have not been fully explained to the public. They have also told the public another bond issue would follow closely to complete inadequate secondary schools, a promise that probably can't be kept.

I have lived in this county for 10 years, have two children in public education, have attended numerous school board meetings, served on school board committees, as well as, volunteered in the schools. I want to support public education but not wasteful and unexplained spending.

Sincerely,



Jane S. Orwoll

002925

THIS PAGE INTENTIONALLY LEFT BLANK

received
9-16-97

002926
888800
item B

September 14, 1997

Henderson County Board of Commissioners
101 East Allen Street
Hendersonville, NC 28792

RE: #R-03-97

Dear Board Members:

We the undersigned property owners wish to withdraw the above referenced rezoning application.

All property owners are in accordance that the referenced property should stay zoned as it is at this time.

We apologize for any inconvenience this may have caused the Board.

Thank You,

Dewey Putnam

Dewey Putnam

Janice Brown

Janice Brown

Greg Gosnell

Greg Gosnell

000000

002927

THIS PAGE INTENTIONALLY LEFT BLANK

000000
002928

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: September 17, 1997

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

The enclosed release requests (38) 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 Taxbill Total Reason
 ADVANTAGE SOFTWARE TECHNOLOGY 97A150612.10 \$59.98 NO PERSONAL PROPERTY IN HENDERSON COUNTY FOR 1997

BAGWELL, JOSEPH NORMAN TRUSTEE 97A0700087 \$364.78 NO LEGAL ACCESS. ADJ TO MATCH ADJACENT PARCELS. INFO BASED ON NEW SURVEY.

BIG HUNGRY RIVER DEVELOPMENT C 97A9958048 \$50.80 SPLIT, NOT REVIEWED. CORRECT AS6 TO AC. ADJUST -40% FOR TOPOGRAPHY.

BRIGHT'S MUSIC SCHOOL 97A96966.01 \$179.85 FILED LISTING IN LIEU OF ARBITRARY

CAMP BROTHERS LOGGING CAMP, RANDY CLINTON D/B/A 97A86974.06 \$3198.50 FILED LISTING IN LIEU OF ARBITRARY

CARNEYS FLORIST & GIFT SHOPPE 96A91194.07 \$333.30 BUSINESS CLOSED IN 1994

CARNEYS FLORIST & GIFT SHOPPE 94A91194.07 \$178.20 BUSINESS CLOSED 1994

CARNEYS FLORIST & GIFT SHOPPE 96A91194.07 \$396.00 BUSINESS CLOSED IN 1994

CONTEMPORARY FIRST BAPTIST CHU 97A0103873 \$23.98 PROPERTY SHOULD HAVE BEEN EXEMPT

CONTEMPORARY FIRST BAPTIST CHU 97A0103390 \$81.21 PROPERTY SHOULD HAVE BEEN EXEMPT

CONTEMPORARY FIRST BAPTIST CHU 97A9906982 \$27.80 PROPERTY SHOULD HAVE BEEN EXEMPT

CRABBY BILL'S SEAFOOD, INC 97A0500356 \$208.28 BLDG. UNSOUND AS OF 1-1-97. MOST OF BLDG. DESTROYED 9-6-96. FLOOD DAMAGE.

CULLIGAN WATER CONDITIONING 97A93883.10 \$270.60 MAIL RETURNED FOR 1997

002929

00-00-00

Taxpayer Name	Taxbill	Total	Reason
DAVIS, RUTH B	97A8800121	\$56.77	ELDERLY EXEMPTION

DUKE POWER COMPANY	97A9944503	\$84.46	BILLED UNDER SYSTEM VALUE FOR DUKE POWER
--------------------	------------	---------	--

DUKE POWER COMPANY	97A9944505	\$1.23	BILLED UNDER SYSTEM VALUE FOR DUKE POWER
--------------------	------------	--------	--

DUKE POWER COMPANY	97A9944504	\$21.80	BILLED UNDER SYSTEM VALUE FOR DUKE POWER
--------------------	------------	---------	--

FOUR SQUARE SOFTWARE CORPORATI	97A56282.01	\$86.39	FILED AMENDED TO NEGATE ARB ASSESSMENT OF \$15,000
--------------------------------	-------------	---------	--

GREENE ISRAEL BUILDERS	95A9948361	\$286.93	THIS PORTION OF A LOT WAS ASSESSED WITH 99-48360 FOR 95. SP
------------------------	------------	----------	---

HANK, THOMAS O	96A8806446	\$20.23	TN PLATES/ONLY IN NC 2 MONTHS OF 1996 TAX YR
----------------	------------	---------	--

HENDERSONVILLE TIRE AND OIL CO	96A36695.10.1	\$50.30	AMENDED AUDIT FINDINGS
--------------------------------	---------------	---------	------------------------

JACKS BARBER SHOP JACKS CAR CORNER	96A123233.10	\$27.90	FILED AN AMENDED RETURN TO NEGATE THE 1996 ARB ASSESSMENT
---------------------------------------	--------------	---------	---

JUSTICE CYCLE SALES	97A34721.01	\$106.93	ENCODING ERROR
---------------------	-------------	----------	----------------

MARTIN, FRANK JEAN-BAPTISTE	96A158381.20	\$38.51	MOVED OUT OF LAUREL PARK N /18/95
-----------------------------	--------------	---------	-----------------------------------

MINTZ, AGNES	97A0401295	\$109.00	ELDERLY EXEMPTION
--------------	------------	----------	-------------------

NEW DAY PRE SCHOOL	97A149720.15	\$69.85	BUSINESS CLOSED
--------------------	--------------	---------	-----------------

002931

TOTAL RELEASES >>> \$8298.16

Taxpayer Name	Taxbill	Total	Reason
MEWELL, RITA Z Trustee	97A9928827	\$129.38	INCORRECTLY SKETCHED BUILDING OVER-STATED VALUE.
			REDREW SKETCH OF HOUSE.
NMTC INC D/E/A MATCO TOOLS D/B/A MATCO TOOLS	97A149255.10	\$31.12	INCODING ERROR
QUALITY TRIM SHOP	94A35220.01	\$118.80	BUSINESS CLOSED JUNE 1993
QUALITY TRIM SHOP	96A35220.01	\$453.20	BUSINESS CLOSED JUNE, 1993
QUALITY TRIM SHOP	95A35220.01	\$222.20	BUSINESS CLOSED IN 1993
RIDDLE, DELLA	97A8803098	\$38.68	ELDERLY EXEMPTION
SALINAS, MONA A	97A8900145	\$37.15	ELDERLY EXEMPTION
SEXTON, JAMES L	96A0400923	\$672.95	CLERICAL ERROR. LAND USE NOT CALCULATED.
SHIPMAN, CASEY DEAN	96A998855.07	\$20.76	BOAT SOLD IN JULY, 1994
STUDIO THE	97A149196.10	\$59.95	FILED AN AMENDED RETURN TO NEGATE ARB ASSESSMENT
VILLAGE FLORIST	97A35492.01	\$69.85	FILED IN LIEU OF ARBITRARY
WHEATLEY, ROBERT CECIL	97A8801152	\$110.68	ELDERLY EXEMPTION