

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
FEBRUARY 19, 1997

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 Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Asst. County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

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

Mark McClamrock, Minister of Pinecrest Presbyterian Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins added one item under discussion items, between "I" and "J" - RESOLUTION IN SUPPORT OF SENATE BILL 54 and HOUSE BILL 81 (residency requirements).

CONSENT AGENDA

Commissioner Kumor made the motion to approve the consent agenda. All voted in favor and the motion carried.

CONSENT AGENDA included the following:

Review/Approve of Minutes - Minutes were presented for review and approval of the December 18, 1996 meeting.

Records Disposal Request - The Human Resources Department requested permission from the Board of Commissioners to dispose of some records (Public Records Disposal Request and Destruction Log attached).

February 19, 1997

Page 2

The County Manager recommended the Board of Commissioners approve this request in order to allow the Human Resources Department to maintain files in the appropriate manner.

Tax Refunds (16) - A list of 16 tax refund requests was submitted for approval.

Tax Releases (29) - A list of 29 tax release requests was submitted for approval.

Monthly CIP Reports (January 1997) - The January monthly CIP reports were submitted for the Board's review of current CIP (Capital Improvement Plan) projects:

- Naples Interchange Sewer Project
- Justice Academy Sewer Project
- Upward Interchange Sewer Project
- Mountain Home Industrial Park Sewer Project
- Historic Henderson County Courthouse (HHCC) Rehabilitation
- Etowah Recreation Park #45-8100-05901
- Tuxedo Recreation Park #45-8100-05903
- Jackson Park Ballfields #9 & #10 - Acct.#11-6120-05904

Road Petitions (for addition to State Maintenance System) - Petitions have been received for the following to be added to the State Maintenance System:

1. Tuxedo View Road
2. Riding Gate Road
3. Wickham Way
4. Bradford Place

Resolution Supporting the Renovation and Expansion of the Institute of Government (Knapp Building) - The Institute of Government at UNC-Chapel Hill has requested the county's approval of a model Resolution in favor of their capital appropriation.

By approving this Resolution, the Board of Commissioners encourages the 1997 North Carolina General Assembly to appropriate \$16.1 million to fund the capital renovation and expansion project for the Institute of Government.

The Institute has planned the necessary capital improvements that will enable it to provide North Carolina public officials with the latest and most efficient instructional technologies and a higher quality of service. The necessary improvements will include a teleconferencing classroom, a computer training room, increased

February 19, 1997

Page 3

classroom and office space, an expanded and accessible library, increased parking, improved dining facilities, and access for persons with disabilities. The planned capital project has been approved by the UNC-CH Board of Trustees and is rated as one of the University's highest capital priorities, and also is a legislative priority for the UNC Board of Governors.

Resolution/Appreciation to Mr. Alan Antoine - Staff had prepared and presented a Resolution in appreciation to Alan Antoine for his dedication to Henderson County in providing project design, implementation and management. He has served as Project Manager and Lead Architect on several construction projects:

- New Henderson County Courthouse
- Henderson County Historic Courthouse
- Knuckles Building renovations
- County Office Building renovations
- Allen Street Building renovations

He has also provided the conceptual design of the proposed Community Center.

INFORMAL PUBLIC COMMENTS

1. Sarah Parks - Ms. Parks presented a report compiled by her and Carol Shuffstall after attending a Steering Committee meeting for the proposed civic center. She discussed contamination of ground water in the vicinity of the proposed site for the civic center. She felt that this critical information should be carefully considered in selecting the site asking "Is this a safe place for citizens to gather?"

2. Wayne Forsythe - Mr. Forsythe opposes the destruction of habitat or collateral damage in Jackson Park. He stated that a large number of citizens use the park on a daily basis. He spoke of outrage at some of the damage that has recently been done in bushwhacking and clear cutting along the banks of the creeks in the park.

3. Simon Thompson - Mr. Thompson also spoke of the destruction and devastation in Jackson Park that appears to have been done for no apparent reason.

4. Larry Farer - Mr. Farer, a retired physician, is a bird watcher and spoke of the rare birds that have been seen in the park. Birders come from miles around to watch the birds in Jackson Park.

February 19, 1997

Page 4

He was appalled at the destruction that has been allowed in the park in recent months.

5. Marilyn Westphal - Ms. Westphal is a birder as well as a volunteer for VWIN which test the streams in the area. Her main concern for Jackson Park is water quality.

6. Eva Ritchey - Ms. Ritchey spoke both as a resident and a parent requesting the Board to reconsider their decision to ask for an additional facility study of our schools. There have been three studies done since 1990. She stated that another study would only duplicate work that has already been done.

7. Evelyn Nichols - Ms. Nichols spoke of the CIP plan and the lack of equal distribution of funds throughout the county. She stated that only 3% of funds was spent in the southern end of Henderson County. Only 1.5% was used at East Flat Rock park and 1.5% was appropriated for Tuxedo park.

She spoke of the vacancy on the Parks & Recreation Advisory Board stating that a representative should be chosen from the southern end of the county.

8. Bill McKibbin - Mr. McKibbin asked to be allowed to speak later when item "G" is discussed. His request was granted.

9. Terry Maybin - Ms. Maybin spoke of the need for a park in the Tuxedo area. She stated that local residents have found a nice parcel of land they would like for the Board to consider for a park in Tuxedo.

PUBLIC HEARING - Emergency Management Ordinances

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

At the February 3 meeting, the Board of Commissioners designated this date as a public hearing date for both Emergency Management Ordinances. The Public Hearing has been advertised in the local media and copies of the State of Emergency Ordinance have been mailed to all municipalities located within Henderson County. Since the December 18, 1996 workshop, revisions have been made to Section 5, Paragraph 1c of the State of Emergency Ordinance to reflect Commissioner Hawkins' concerns. Municipal representatives have also suggested a revision to the third sentence of Section 2,

February 19, 1997

Page 5

Paragraph B, adding "*and municipalities located within the county*" to the end of the sentence.

Rocky Hyder, Emergency Management Coordinator, informed the Board that these two Ordinances allow the Board tools to implement restrictions where necessary to protect the public in a time of disaster or emergency.

Public Input

There was none.

Commissioner Kumor made the motion to close the Public Hearing. All voted in favor and the motion carried.

Following discussion, Commissioner Kumor made the motion to adopt both Ordinances as proposed and with the recommended changes. All voted in favor and the motion carried.

Hendersonville/Henderson County Citizen's Consolidation Study Group

Mr. Tom Looby presented the study. He serves as President on the Committee on Consolidation. Based on its investigation and study, this committee believes there is considerable merit in the idea of consolidating the governments of the City of Hendersonville and Henderson County into a single, unified government.

Recognizing that consolidation is a lengthy process and will not come easily, many more citizens need to become involved in investigating the consolidation option and become well-informed about the subject. Dialogue in the community about consolidation needs to become much more extensive and intensive. Only then would consolidation have any reasonable chance of voter understanding and support.

The committee recommended that:

1. The County Commission and the City Council afford the committee an opportunity which they hereby requested, to make an oral presentation of their report prior to June 30, 1997.
2. City and county governmental officials begin to look carefully, with open minds, at the possibility and ramifications of consolidation, and enter into joint dialogue about consolidation, with the possibility of forming a charter-drafting commission.

February 19, 1997

Page 6

3. A COMMISSION ON CONSOLIDATION be established to evaluate implementation of a complete or partial consolidation.

The three sponsoring organizations of this present study (e.g. The Hendersonville/Henderson County Citizens Consolidation Study Group; The League of Women Voters of Henderson County; and the Greater Hendersonville Chamber of Commerce), upon prior approval of their respective boards of directors, will form and sponsor this commission as a next step to broaden the base of citizen information and involvement.

The Commission will be comprised of thirty or more members. It will include residents of the city and residents of the county; leaders or active members in at least ten key community organizations; and business persons involved in agriculture, manufacturing, and retailing.

Invitations would be extended to the City Council, the County Commission, and the governing boards of Fletcher, Flat Rock, and Laurel Park to appoint liaison members of this commission.

The commission would be expected to render a report to the boards of the sponsoring organizations within one year of its activation.

4. A copy of this report be mailed to as many as fifty community organizations with an offer by our committee members to lead a discussion on consolidation.

Mr. Looby voiced two major objections: 1. To improve the efficiency of local government, and 2. To increase the economy and the focus on economy in the use of tax dollars.

Proposal - Softball Program

Henderson County has received a proposal from Carolina Sports Management to operate the adult softball programs at Jackson Park. Carolina Sports Management (CSM) is a new corporation owned by Mr. Roy Huntley. CSM's proposal was reviewed. The proposal is that CSM would operate the softball program for Henderson County for a fee. Henderson County would continue to provide and maintain the fields for play.

Prior to any formal negotiation with CSM, staff requested Board comments on the proposal.

February 19, 1997

Page 7

The Parks and Recreation Advisory Board reviewed the proposal at their meeting, Tuesday, February 18. At that meeting the Advisory Board voted unanimously to not recommend approval of the Henderson County Athletic Association's softball proposal at this time. The Recreation Advisory Board would like to study further the issue of privatization of public sports and athletic programs as this is a change in the philosophy of the recreation department.

Mr. Nicholson stated there had been no formal negotiations as yet.

Following much discussion, Commissioner Ward made the motion to accept the proposal with negotiations to be handled by the County Manager and with the Board of Commissioners having final approval of the contract. He requested a one year probation period with the option of a 3 year contract and a review every six months with a six month notice.

A vote was taken and the motion failed two to three with Commissioners Eklund, Good, and Kumor voting nay.

Request from Helping Hand

At the Board of Commissioners' meeting on October 7, 1996, the Board tabled a motion made by Commissioner Kumor to refund the expenses associated with the East Flat Rock Elementary School to Helping Hand Developmental Center. The motion to table, made by Commissioner Edney, requested information on the actual expenses incurred by Helping Hand.

The Board reviewed a letter from Ms. Susan Laborde, Helping Hand Board Chairman, listing these expenses.

David Nicholson recommended the Board approve reimbursement (if the Board is in favor of this request) of the \$7,031.00 for Architectural Services and the Asbestos Assessment only and if Helping Hand receives the property that they will reimburse Henderson County this same amount.

Following discussion, Commissioner Kumor made the motion to follow the Manager's recommendation.

Commissioner Hawkins asked a legal question; therefore, this item will be discussed with the County Attorney in Closed Session before taking action.

There is still a motion on the floor.

Installment Purchase Contract Documents for Financing the Construction of Sewer Lines to Serve the Broadpointe Center and Construction of the Edneyville Public Library

The Board of Commissioners must adopt a Resolution approving the Installment Purchase Contract and authorizing execution of the financing documents. The County's application for financing these projects was approved by the Local Government Commission (LGC) on February 4, 1997.

Carey McLelland reviewed the documents with the Board. The financing for this project is at the total of \$736,000 with \$440,000 for the Broadpointe sewer lines and \$296,000 for the Edneyville Library. The annual percentage rate is 4.49% over a five year term.

Angela Skerrett highlighted changes in the documents with the Board. Following discussion, Commissioner Hawkins made the motion to adopt the RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA APPROVING AN INSTALLMENT PURCHASE FINANCING CONTRACT AND AUTHORIZING THE EXECUTION OF DOCUMENTS IN CONNECTION THEREWITH as well as associated documents. All voted in favor and the motion carried.

Chairman Eklund called a 10 minute recess.

Agreement with City of Hendersonville for Construction of Water Line to Serve the Western North Carolina Justice Academy

David Nicholson reminded the Board that the City of Hendersonville has agreed to construct the water line to provide water service to the Western North Carolina Justice Academy in Edneyville. The City has agreed to contribute \$100,000 toward the construction cost since the line is being sized in conformance with their Water Master Plan. The City will finance the capital cost of the water line; Henderson County will be responsible for the debt service payments for the water line, but will receive as credit 60% of all impact fees received by the City for connection to the waterline for the period of the loan term or ten (10) years, whichever is less. The proposed agreement between the County and the City of Hendersonville was reviewed.

February 19, 1997

Page 9

Staff recommended approval of the Agreement at this time, as the agreement must be executed prior to the City's receipt of financing for the project.

Commissioner Good made the motion to approve the agreement with the City of Hendersonville. All voted in favor and the motion carried.

Request for Approval of BellSouth Easement

The Board recently sold Lots 8 and 9 of Appleland Business Park to William and Barbara Garrison. BellSouth is desirous of locating certain equipment on Lot 8 of Appleland, and as the County has a security interest in Lot 8, the easement requires the County's consent.

Don Elkins stated that in order to clear the title, the County would have to release the easement from the mortgage. He recommended approval of this general request.

Commissioner Ward made the motion to approve this request. All voted in favor and the motion carried.

Offer to Purchase, 0.047 AC, Appleland Business Park

Henderson County has received an Offer to Purchase in the amount of \$5,000.00 from the Margaret D. McKibbin Revocable Trust for a 0.045 acre strip of property adjacent to Lot 2 of Appleland Business Park, owned by the Trust. The Trust wishes to combine the strip with Lot 2 so that a sign may be placed upon the strip for McDonald's Corporation. Under North Carolina Property Statutes, an allowable method for disposing of property is to receive an offer, advertise it for upset bids, and accept the highest bid received eventually.

That is also the method that staff recommended for this transaction if the Board wishes to consider the Offer. In addition, appropriate changes would have to be made to the Restrictive Covenants (dealing with sign height).

Public Input

Bill McKibbin, co-trustee for the Margaret D. McKibbin Revocable Trust, was present to answer any questions regarding the offer to purchase.

Don Elkins made two recommendations: 1. that the deed from the County (quick claim deed) be part of the offer and 2. that a proper road maintenance agreement for the private road portion of Commercial Boulevard be in existence at the time of closing and transfer.

Commissioner Ward made the motion to: 1. adopt the RESOLUTION that the Board proposes to receive the offer and the Clerk is directed to cause legal notice thereof to be published one time in the *Times-News*, Hendersonville, NC. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until ten days have elapsed from date of last publication without a qualifying upset bid having been received and 2. direct staff to proceed with preparing an amendment to the restrictive covenants and notifying the park owners that this change is coming forward and giving them an opportunity to comment and 3. direct staff to prepare a new offer of dedication to remove the driveway from the part that was offered for dedication to the State that they didn't accept. All voted in favor and the motion carried.

Sign for Appleland Business Park

David Nicholson asked that this item be deleted from the agenda at this time.

The Board had previously stated that they wished to see/approve the sign. The footings are in and block has been laid and they are ready to actually install the sign.

The Board of Commissioners did not want to hold this project up and therefore requested that Mr. Nicholson supply them with a picture and report on the sign but to proceed.

Set Public Hearing to Consider Renewal of Industrial Park Option

Angela Skerrett reminded the Board that a Public Hearing must be 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 is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lots 1, 1-A, 2, 3, 3-A, 4, 4-A, 6, 7(revised), 7-A, 8,

February 19, 1997

Page 11

and two lots 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 March 31, 1997. If approved, the renewal will extend the option for another three month period to expire on June 30, 1997. The price to renew the option until June 30, 1997 will be the quarterly interest at the NationsBank prime rate of interest determined as of March 10, 1997 on the unpaid portion of the purchase price of \$400,302.76. (The remaining acreage to be purchased includes Lot 5, 22.3709 acres.) NationsBank prime rate as of February 11, 1997, was 8.25%, which would put the option payment at \$8,256.24.

The payment to renew the option for an additional three month term is due on March 20, 1997. Therefore, if the Board desires to renew the option, it would be appropriate to set a Public Hearing to consider the renewal for Tuesday, March 4, 1997 at 7:00 p.m.

Commissioner Kumor made the motion to set a Public Hearing for Tuesday, March 4 at 7:00 p.m. All voted in favor and the motion carried.

SENATE BILL #54 and HOUSE BILL#81

Commissioner Hawkins stated that there are currently two pieces of legislation pending in the current session, SB#54 and HB#81 to establish a 90 day waiting period to any residents of North Carolina who need residence in an adult care home that need state and county special assistance funds. It would be hard to have people move in one day and require your services the next day.

Commissioner Hawkins made the motion proposing Henderson County develop a Resolution in support of these two pending bills requiring a 90 day waiting period. All voted in favor and the motion carried.

Update on Pending Issues:

1. Invitation from Republican Men's Club to attend their February 26 meeting to discuss issues before the County Commissioners. Chairman Eklund asked if other Commissioners could attend the meeting next Wednesday at 7:30 a.m. Mr. Nicholson and Chairman Eklund plan to attend.

2. School Facilities Study. David Nicholson asked the Board for comment regarding the idea of a Facilities Study to look at our

facilities and our future needs in Henderson County Schools. Five of the seven members of the school board are also on the facilities committee. Mr. Nicholson stated that the Board of Education, the Board of Commissioners and the public at large need to keep discussions regarding schools as open and above board as we possibly can. He recommended the Board of Commissioners ask the Board of Education for another joint meeting where we can focus on what this study will entail. All issues need to be dealt with in front of the community. He also feels that both Boards should agree up front on how to utilize and implement the study. The community must be kept informed so that they will accept the results of the study and pay for the results of the study.

Following much discussion, Commissioner Hawkins made the motion to direct staff to communicate with independent auditors to find out what kind of services they have available, take that information and bring it to this Board as a starting point for our discussions on whatever we want to look at. He requested this prior to the joint meeting with the School Board. Mr. Nicholson requested that Dr. Dan Lunsford be included in this project. A vote was taken and the motion carried three to two with Commissioners Good and Kumor voting nay.

Commissioner Ward made the motion to direct staff to request a joint meeting with the Board of Education as soon as possible. All voted in favor and the motion carried.

3. Economic Development Plan Workshop. David Nicholson asked the Board to set a date for an economic development plan workshop. It was the recommendation of the County Manager and the consensus of the Board to set the workshop for March 19.

4. CIP - Individual rating sheets. David Nicholson provided to the Board the results of the individual rating sheets as totaled for CIP Projects:

Jackson Park Development	364.4 points
Tuxedo Park Development: Phase II	356.6 points
EMS Satellite Station	354.8 points
Village of Flat Rock Sewer System	350.4 points
U.S. 25 Area Sewer Improvements	343.4 points
Westfield Dr/Hudson Dr. Area Sewer Impr.	342.2 points
Multi-Purpose Center	333.0 points
Workforce Lifelong Learning Center	331.4 points
East Flat Rock Park Development: Phase II	330.2 points

February 19, 1997

Page 13

Agricultural Services Center	290.4 points
Church Street Theater	158.8 points

Based on this list, Mr. Nicholson will present to the Board a CIP funding plan during budget presentation. It was the consensus of the Board to plan a workshop prior to budget presentation so the Board could review these CIP projects one by one. This would give the Board a chance to go over the absolute criteria for each project.

Commissioner Ward asked for two items that were addressed by citizens during public input to be added for discussion. Jackson Park Eco problem and the proposed Multi-Purpose Center site.

Mr. Nicholson stated that Henderson County does not own any property that is affected by any type of environmental issues addressed in informal public comments. The County facilitated a study that was presented to the City of Hendersonville. The property belongs to the City of Hendersonville.

Mr. Nicholson has scheduled some time to meet with Larry Harmon, Director of Parks & Recreation, to discuss the problems at Jackson Park that were raised by several under informal public input. When he has this information it will be made public.

NOMINATIONS

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

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

There were no nominations at this time so this item was rolled to the next meeting. The Commissioners wished to roll this item until after a joint meeting with WCCA. Chairman Eklund stated that the meeting would take place in the next 30 - 60 days.

2. Recreation Committee - 3 vacancies

Commissioner Ward nominated Leonard Moody at the last meeting but has been unable to reach him to confirm whether he would be interested in serving; therefore, he withdrew Leonard Moody's name.

Commissioner Good nominated George Cagle for reappointment. Commissioner Ward nominated Roy Huntley for reappointment. There were three appointments (plus L. Moody) from the last meeting: Gary

February 19, 1997

Page 14

Eblen, Ralph King and Tom Zimmerman. There are a total of five nominations for three positions.

Commissioner Kumor made the motion to suspend the rules and request the Clerk to poll the Board. All voted in favor and the motion carried.

The Board was polled twice with the following appointments resulting: George Cagle, Ralph King and Roy Huntley.

3. Nursing/Adult Care Home Community Advisory Committee - 7 vac.
There were no nominations at this time so this item was rolled to the next meeting.

4. Downtown Hendersonville, Inc. - 1 vac.
Chairman Eklund had talked with someone from the committee and it appears that there is presently no vacancy. This item will be pulled from further agendas.

IMPORTANT DATES

David Nicholson reminded the Board that two meetings have been set up for the Edneyville Community, one on March 6 and the next at March 11, both at 7:00 p.m.

The Board was also reminded of a Board of Education meeting at the Administration Office on March 10 at 5:15 p.m. Mr. Nicholson stated that a county staff member will be present at every workshop of the Board of Education this year.

The Board was informed of a luncheon meeting with ITT officials scheduled for noon on March 19.

CLOSED SESSION

Commissioner Kumor 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 discuss the case of Mattingly v. Henderson County 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.

February 19, 1997

Page 15

2. (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (1) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

All voted in favor and the motion carried.

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

WORKSHOP - Pre-Budget Chairman Eklund called the meeting back to order at approximately 1:00.

ACTION FOLLOWING CLOSED SESSION

Commissioner Kumor withdrew her motion regarding reimbursing Helping Hand from earlier in the meeting.

Commissioner Ward made the motion to make a donation to Helping Hand for \$7,500 to offset inconveniences and to help the good cause. All voted in favor and the motion carried.

David Nicholson reviewed the following with the Board:

- FY 95-96 Comprehensive Annual Financial Report
- School Budget
- Vehicle Replacement Policy
- Landfill
- 911 Surcharge
- Fund Balance
- Prepayment Property Tax Discounts
- Donations to Not for Profits

There was much discussion. The County Manager stressed that one of his main goals in the county budget this year is to increase fund balance. At the end of 1998 he hopes to be close to the 8% fund balance that Henderson County needs as a minimum. He stated that the three glaring issues facing us this year will be: 1. fund balance, 2. Cane Creek Water & Sewer District's rate increase, and 3. landfill deficit.

In regards to the school budget the Board discussed what they want from the Board of Education and how they want it presented. The Commissioners want a breakdown of maintenance costs. They wish to

February 19, 1997

Page 16

learn more on how the School Board develops their budget and want to see how the Superintendent presents the budget to the School Board.

At the request of one of the Commissioners, Mr. Nicholson handed out a chart that he had prepared that lists all 100 counties in North Carolina, their population and their number of employees. Henderson County's current population is projected at 76,250 and we have 550 employees. We are average in population and in number of employees.

Chairman Eklund read a thank you note from Mrs. Thomas for the flowers the county sent to Bo Thomas's funeral service.

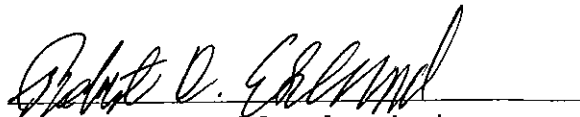
WORKSHOP - Renovations to the Historic County Courthouse
2:30 p.m.

The meeting adjourned to the Historic Courthouse. Architects met the Board and staff there and discussed the exterior of the courthouse. Members of the media also attended the tour. The inside of the courthouse was toured and samples were shown of paint, flooring, carpet, seating, etc.

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

ATTEST:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

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

Supporting the Renovation and Expansion of The Institute of Government (Knapp Building)

WHEREAS the Institute of Government since 1931 has made important contributions to North Carolina's good government and its excellent financial management by serving the entire state from its base in Chapel Hill; and

WHEREAS the Institute's building has been inadequate and outmoded for many years, which threatens its ability to maintain the highest quality of services for North Carolina's public officials; and

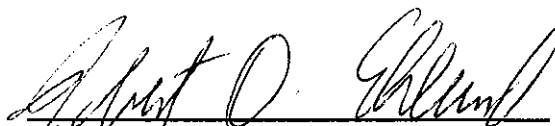
WHEREAS the 1994 General Assembly recognized the need for a renovated and expanded building by appropriating \$700,000 to plan necessary improvements and additions to the Institute of Government; and

WHEREAS the Institute has planned the necessary capital improvements that will enable it to provide North Carolina public officials with the latest and most efficient instructional technologies and a higher quality of service; and

WHEREAS the necessary improvements will include a teleconferencing classroom, a computer training room, increased classroom and office space, an expanded and accessible library, increased parking, improved dining facilities, and access for persons with disabilities; and

WHEREAS the planned capital project has been approved by the UNC-CH Board of Trustees and is rated as one of the University's highest capital priorities, and it also is a legislative priority for the UNC Board of Governors.

NOW, THEREFORE BE IT RESOLVED that by way of this resolution the Henderson County Board of Commissioners fully and enthusiastically encourages the 1997 North Carolina General Assembly to appropriate \$16.1 million to fund this urgently needed capital renovation and expansion project.



Robert D. Eklund, Chairman
 HENDERSON COUNTY BOARD
 OF COMMISSIONERS



Elizabeth W. Corn, Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 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, Henderson County has 18 Adult home Care Homes (homes are not referred to as "rest homes" any longer), and 2 Combination Homes (nursing and adult care beds); and

WHEREAS, these Adult Care Homes have approximately 406 available beds of which 211 (or 51%) of the present occupants qualify for State/County Special Assistance for Adults; and

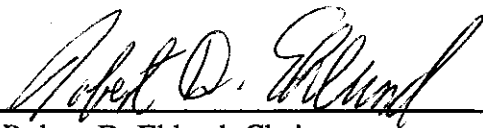
WHEREAS, there are no residency requirements in order to be eligible for the State\County Special Assistance for Adults; and

WHEREAS, the Board of Commissioners is concerned as to whether proper monitoring by the Department of Social Services can be maintained for the current population of these beds.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners strongly supports legislation which will be proposed to the General Assembly by the North Carolina Association of County Commissioners that would require any recipient of State\County Special Assistance for Adults be a resident of North Carolina for at least 90 days.


BE IT ALSO RESOLVED that the Board of Commissioners will make a formal request to the local legislators asking that they lend their support to this legislation.

Adopted this the 19th day of February, 1997.



Robert D. Eklund, Chairman

ATTEST:



Elizabeth W. Corn, Clerk to the Board

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RESOLUTION

WHEREAS, Alan Antoine, Project Architect, with Grier Fripp Architects has worked with Henderson County since 1992 on numerous County construction projects; and

WHEREAS, Mr. Antoine has served as Project Manager and Lead Architect on construction projects for Henderson County; and

WHEREAS, Mr. Antoine's leadership and guidance has been vital to the successful completion of the New Henderson County Courthouse, which was an 8 million dollar project; and

WHEREAS, Mr. Antoine has served as Project Manager in the design and implementation of renovations to the Henderson County Historic Courthouse; renovations to the Knuckles Building; renovations to the County Office Building and the Allen Street Building; and

WHEREAS, Mr. Antoine has also provided the conceptual design of the proposed Community Center;

THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners extends its appreciation to Mr. Antoine for his dedication to providing project design, implementation and management to Henderson County. Mr. Antoine's participation and leadership have been vital to the successful completion of the aforementioned projects. The Henderson County Board of Commissioners extends best wishes to Mr. Antoine in future ventures.

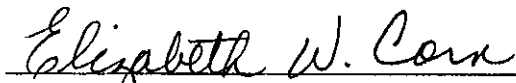
Adopted this the 19~~th~~ day of February, 1997.



Robert Eklund, Chairman

Henderson County Board of Commissioners

ATTEST:



Elizabeth W. Corn, Clerk to the Board

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REQUEST FOR BOARD ACTION

0002504

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, February 19, 1997
SUBJECT: RESOLUTION/Appreciation to Mr. Alan Antoine
ATTACHMENTS: Resolution

SUMMARY OF REQUEST:

Staff has prepared the attached Resolution in appreciation to Mr. Alan Antoine for his dedication to Henderson County in providing project design, implementation and management.

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**RESOLUTION APPROVING TERMS
OF THE HENDERSON COUNTY FINANCING,
FOR A MAXIMUM AMOUNT OF \$736,000.00,
WITH BB&T LEASING CORPORATION ("BB&TLC")**

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WHEREAS, the Henderson County, North Carolina (the "Unit"), has previously approved and determined to undertake a plan for the financing, construction, renovations and acquisition of a sewer collection system to serve Broadpointe Center (See Plat Slide 2295 of the Henderson County Registry) and a new Edneyville Branch Library (the "Projects") or the (the "Facilities"); and

WHEREAS, there have been presented the following draft agreements (the "Agreements") which the Unit proposes to execute in connection with the Projects, copies of which shall be filed with the Unit's records:

(a) Two separate drafts of a Financing Agreement and Deed of Trust to be dated as of TO BE INSERTED (the "Financing Agreements"), from the Unit to a deed of trust trustee for BB&TLC's benefit, each providing for BB&TLC to finance a portion of the Unit's undertaking of the Project, and each providing a separate security interest in the Facilities and associated property to BB&TLC to secure the Unit's performance of its obligations under the Financing Agreements; and

(b) A draft of an escrow agreement to be dated as of TO BE INSERTED (the "Escrow Agreement"), between the Unit, BB&TLC and Branch Banking & Trust Company of North Carolina, as escrow agent, providing for the custody of financing proceeds pending their application to Projects costs; and

WHEREAS, the Unit duly conducted a public hearing on December 18, 1996 regarding the Financing Agreements to finance the acquisition and construction of the Facilities, and by resolution duly adopted on December 18, 1996, the Financing Agreements were approved subject to further action of the Unit.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF HENDERSON COUNTY, NORTH CAROLINA:

1. The Unit hereby affirms its decision to undertake the Projects. The Unit hereby determines to accept the proposal from BB&TLC to finance the Projects in accordance with the plan of financing described in the Agreements referenced above. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.

2. Each of the Financing Agreements is hereby approved, and the Chairman of the Board, the County Manager, the Assistant County Manager/Staff Attorney, as the case may be, are hereby authorized and directed to execute the Financing Agreements and to deliver the same to the appropriate counter parties, and the Clerk (or any assistant clerk) is hereby authorized and directed to affix the Unit's seal to the Agreements and to attest the same. The Agreements shall be in substantially the forms submitted to this meeting, which are hereby approved, with such changes as may be approved by the officer executing such agreement, such officer's execution to constitute conclusive evidence of approval of any such changes. The Agreements in final form, however, must provide (a) for the Unit to finance a total amount of not more than \$736,000.00; (b) for the Unit's obligation to repay the amounts advanced to bear interest at an annual rate of not more than 4.49 for tax-exempt financing, or if the financing is declared to be taxable 5.68%; (c) the term of the Agreements shall not exceed five (5) years; and the annual payments to be made under the Agreements.

3. The Unit's payment of Installment Payments, as defined in the Financing Agreements, shall be subject to annual appropriation of funds by the Board. The Unit shall not be obligated to make any

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Installment Payments beyond those for which funds have been appropriated in the Unit's sole discretion during the Unit's then-current fiscal year. The Financing Agreement shall not constitute a pledge of the Unit's full faith and credit. Neither the Unit's full faith and credit nor its taxing power is pledged directly, indirectly or contingently to secure any moneys due BB&TLC.

COPY

4. The Unit's officers are hereby authorized and directed to deliver all certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the execution and delivery of the Agreements and the consummation of the transactions contemplated thereby, including delivering a certificate setting forth the expected use and investment of the proceeds to be derived from the execution and delivery of the Financing Agreement (the "Proceeds"), and to make any elections such officers deem desirable regarding any provision requiring rebate of earnings to the United States, for purposes of complying with the provisions of the Internal Revenue Code of 1986, as amended, including applicable Treasury regulations (the "Code"), applicable to "arbitrage bonds."

5. The Unit shall not take or omit to take any action the taking or omission of which will cause its obligations to pay Installment Payments (the "Obligations") to be "arbitrage bonds," within the meaning of Code Section 148, or otherwise cause interest components of Installment Payments to be includable in the gross income for Federal income tax purposes of the registered owners of the Obligations. Without limiting the generality of the foregoing, the Unit shall comply with any provision of the Code that may require the Unit at any time to pay to the United States any part of the earnings derived from the investment of the Proceeds. The Unit shall pay any such required rebate from its general funds.

6. The Unit hereby designates the Obligations as "qualified tax-exempt obligations" for the purpose of Code Section 265(b)(3). Barring circumstances unforeseen as of the date of delivery of the Financing Agreement, the Unit will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of its "subordinate" entities (and all entities which issue tax-exempt obligations on behalf of the Unit and its subordinate entities), if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued in 1997 by the Unit and such other entities, result in the Unit and such other entities having issued a total of more than \$10,000,00 of tax-exempt obligations in 1997 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Obligations.

7. All other actions of Unit officers in conformity with the purposes and intent of this resolution and in furtherance of the execution and delivery of the Agreements and the consummation of the transactions contemplated thereby are hereby approved and confirmed.

8. All other resolutions or parts thereof in conflict herewith are hereby repealed.

9. This resolution shall take effect immediately.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

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

ATTEST:

Elizabeth W. Corn
Clerk to the Board

002511

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Taxpayer Name	Taxbill	Total	Reason
BALLARD, MARY W	96A0200068	\$173.03	REFUNDED BECAUSE PAYMENT TAKEN WHILE RELEASE PENDING
BARNETT, H C & WIFE	96A9904002	\$203.00	PAYMENT RECEIVED WHILE RELEASE PENDING/RELEASE REVERSED REFUND DUE
BISHOP, CLIFFORD A & WIFE	96A0201242	\$15.73	PROPERTY SHOULD HAVE BEEN ASSESSED BY DEED ACRES 10.61. WAS AT 11.63 FOR '96'
BROWN, IRLAND V	94A122325.10	\$83.70	SOLD TO D. REEVES 1/96 EXEMPT STATUS W/WNC AIR MUSEUM
FISHER, ROBERT L FISHER, ELIZABETH M	96A143413.01	\$118.22	REFUND FOR 1995 14x72 MH SHOULD BE #67589
KENMURE PROPERTIES LTD	96A9947010	\$13.31	PAYMENT RECEIVED WHILE RELEASE PENDING/RELEASE REVERSED REFUND DUE
KING, WILLIAM RALPH	96A8801465	\$20.45	STATE TOOK SW 73 REPLACED W/DW ON ACCT #130201 '94 CLAYTON
LAUREL PARK PLACE OWNERS ASSOC	96A9956543	\$575.96	NEW HOUSE IN LAUREL PARK PLACE WAS INCORRECTLY ASSIGNED TO LAUREL PARK PL COMMON AREA.
MAMOTT, ALMA L	96A0108768	\$90.75	PAYMENT RECEIVED WHILE RELEASE PENDING/RELEASE REVERSED REFUND DUE
FACE, ANSEL T	96A9925961	\$27.14	THIS INACTIVE PARCEL WAS COMPUTER LISTED & BILLED INCORRECTLY
RICE, WILLIE L & WIFE	95A8803097	\$58.42	MH WAS DBL FOR '95
SHEALY, WILLIE EDWARD & WIFE	96A9946443	\$59.03	REFUND FOR 1983 MH AS PERSONAL DOUBLE LISTED IN #93108
SPROUL, JAMES M SPROUL, JANET L	95A9948927	\$219.79	PAID BY ACCOUNT 115965

2511 A

RELEASE.MNT
02/11/97

COMMISSIONER'S REPORT 02/19/97
REFUNDS

REL REPORT
PAGE 2

2511B

Taxpayer Name	Taxbill	Total	Reason
SUTTLES, BOBBIE JEAN ETAL	95A0200881	\$10.12	PORTION OF THIS PROPERTY SHOULD HAV E BEEN MAPPED TO C. JUSTICE IN '94, REMAPED FOR BILL CORRECTIONS
SUTTLES, BOBBIE JEAN ETAL	96A0200881	\$10.29	PORTION OF THIS PROPERTY SHOULD HAV E BEEN MAPPED TO C JUSTICE IN '94, MAPED FOR BILL CORRECTIONS
WAGNER, ROY R WAGNER, JOYCE G	96A9949456.1	\$458.06	PAYMENT RECEIVED WHILE RELEASE PENDING/RELEASE REVERSED REFUND DUE

TOTAL REFUNDS >>> \$2137.00

COMMISSIONER REPORT 02/19/97
RELEASES

Taxpayer Name	Taxbill	Total	Reason
20/20 VISION CENTER TWENTY/TWENTY VISION CENTER	96A112398.20	\$424.88	STORE CLOSED
BROWN, IRLAND V	96A122325.10	\$84.98	EXEMPT STATUS/BELONGS TO DAVID REEVES USED @WNC AIR MUSEUM
BROWN, IRLAND V	95A122325.10	\$86.11	EXEMPT STATUS/BELONGS TO DAVID REEVES USED @WNC AIR MUSEUM
BURNETTE, JEFFREY E BURNETTE, JACQUELYN A	95A8802578	\$68.67	DOUBLE LISTED IN #2401
CATHEY, ROBERT E	96A8804856	\$64.02	BELONGS TO FRED PITILLO FOR 1996
CHAPMAN, CHARLES EDWARD JR.	96A8804865	\$51.81	BILLED AS 1985/MAS A 1978
DALTON, CLYDE T	96A9944801	\$809.49	95 BILL CORR DONE 1-15-96 BECAUSE THIS PARCEL SPLIT IN 94. LISTING NOT UPDATED, 96 BILL WRONG ALSO
DAVIS, JUNE GOODMAN	96A8806138	\$66.11	VALUE TOO HIGH
GLENN, DON J	95A92855.07	\$3.77	MOVED 12/16/94
GLENN, DON J	96A92855.07	\$3.56	NOT IN LAUREL PARK MOVED 12/16/94
JOHNSON, VICTORIA L	96A8806132	\$37.85	RELEASE \$7,350; VALUE TOO HIGH BILLED AS 92 MH/BUT 88 MH
KING, DALLAS H	96A52074.07	\$11.63	SOLD TO J. RITCHEY #28165
OSTEEN, DARRELL E OSTEEN, PATRICIA H	96A8803162	\$106.13	DOUBLE LISTED #52176

2511 C

2511D

Taxpayer Name	Taxbill	Total	Reason
PARIS, GARY GRADY	96A90367.01	\$83.91	LISTED & PAID ON ACCT #144879
QUALITY ONE HOUR PHOTO	96A112274.01	\$90.45	SUBMITTED AN INVOICE FOR EG VALUE I IS LOWER THAN ORIGINALLY THOUGHT
QUALITY ONE HOUR PHOTO	96A112274.10.1	\$161.01	SUBMITTED AN INVOICE FOR EG VALUE IS LOWER THAN ORIGINALLY THOUGHT
REJMER, BARBARA	96A8802080	\$21.53	SOLD IN 95
RICE, WILLIE L & WIFE	96A8803097	\$57.92	MH WAS DBL FOR 96
TALLEY, EULA MAE	96A3029.05	\$67.94	DOUBLE BILLED ACCT #34823
TALLEY, EULA MAE	95A3029.05	\$66.82	DOUBLE BILLED ACCT #34823
TALLEY, EULA MAE	90A3029.05	\$52.40	DOUBLE BILLED ON ACCT #34823
TALLEY, EULA MAE	91A3029.05	\$58.32	DOUBLE BILLED ACCT #34823
TALLEY, EULA MAE	94A3029.05	\$63.50	DOUBLE BILLED ACCT #34823
TALLEY, EULA MAE	92A3029.05	\$111.84	DOUBLE BILLED ACCT #34823
TALLEY, EULA MAE	89A3029.05	\$103.37	DOUBLE BILLED ON ACCT #34823
TALLEY, EULA MAE	88A3029.05	\$76.18	DOUBLE BILLED ON ACCT #34823

COMMISSIONER'S REPORT 02/19/97
RELEASES

RELEASE, MN,
02/11/97

Taxpayer Name	Taxbill	Total	Reason
WEST, DENISE M	96A8805955	\$55.87	DOUBLE LISTED TO ACCT #149453
WILLIAMS, DANIEL A WILLIAMS, SHERRY	96A52176.06	\$104.24	DOUBLE LISTED PAID UNDER ACCT #170472
WILLIAMS, MICHAEL E WILLIAMS, HOLLY J	96A9955103	\$107.64	PER ATT THIS PROPERTY NOT OWNED BY MICHAEL WILLIAMS. OWNER NOT KNOWN TRANSFERRED TO LRM FOR RESEARCH

TOTAL RELEASES >>> \$3101.95

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