

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
DECEMBER 18, 1996**

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, 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 and Planning Director Matt Matteson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Hawkins led the pledge to the American Flag.

INVOCATION

David Nicholson, Henderson County Manager, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson added the following items to the agenda:

1. Following the School Board meeting - David Nicholson said he has information on the match requirements needed on the state bond referendum. This was added as item "H".
2. Presentation from Sheriff's Department about relocation of the E-911 Communications System. He requested that they be here around 11:00 a.m. We should try to work them in when they arrive.

Chairman Eklund added - at the close of the meeting, Mr. Matteson is going to have a van available to take the Board to tour the Mills River Valley area.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the Consent Agenda. All voted in favor and the motion carried.

CONSENT AGENDA included:

Review of Minutes - Minutes were presented for review and approval of the December 2, 1996 meeting.

Capital Improvements Projects - Monthly Report - Presented to the Board were the Monthly Reports associated with Fiscal Year 1996-97 Capital Improvements Program (CIP). These reports will be submitted to the Board of Commissioners each month to update them on the status of the projects that were included in the CIP. The reports contain information on completed and planned activities and a summary of funds expended within each project.

Road Petitions: Black Walnut Court and Ledgeview Drive - Petitions have been received to add these two roads to the State Maintenance System. It has been the practice of this Board to accept road petitions and forward them to NC Dept. Of Transportation for their review.

Request to Set Public Hearing for Economic Development Incentives - MANUAL WOODWORKERS AND WEAVERS - Manual Woodworkers and Weavers, Inc. Is located at Howard Gap Road and Old Sunset Hill Road in Henderson County. Manual Woodworkers and Weavers, Inc. (MWW) plans to build an additional 150,000 square feet of office/warehouse space to hold and equip a state of the art automated distribution facility. This expansion will create 100 new jobs in less than one year from completion of the facility. These jobs would range from entry level of \$6.00 per hour up through management positions in excess of \$20,000 per year. MWW expects to make a taxable capital investment of five million for the expansion. MWW has requested assistance from Henderson County in the form of Economic Incentives.

However, a Public Hearing must be held as required by NCGS 158-7.1 to consider the request of MWW for Economic Incentives. Henderson County will consider granting assistance toward the site preparation in an amount of \$103,000 for the proposed expansion to be reimbursed to MWW over a period of three years. Estimated total site preparation costs are one hundred five thousand dollars.

Staff requested the Board of Commissioners set a Public Hearing, as required by state law, to consider assistance to MWW toward site preparation costs in the amount of \$103,000, for Monday, January 6, 1997.

Request to Set Public Hearing for Economic Development Incentives - BYERS PRECISION FABRICATORS, INC. - Byers Precision Fabricators, Inc. Is located at 675 Dana Road in Henderson County. Byers Precision Fabricators, Inc. Is planning an expansion of 31,000 square feet. The expansion will create 15-20 new jobs ranging from \$15.00-\$18.00 per hour. Byers Precision Fabricators, Inc. expects a taxable capital investment of two million to be made as a result of the expansion. Byers Precision Fabricators, Inc. Has requested assistance from the County in the form of Economic Incentives.

However, a Public Hearing must be held as required by NCGS 158-7.1 to consider the request of Byers Precision Fabricators, Inc. for Economic Incentives. Henderson County will consider granting assistance toward the cost of sewer force main and pump station in the amount of forty-one thousand two hundred dollars for the proposed expansion, to be reimbursed to Byers Precision Fabricators, Inc. over a period of two years. Estimated total costs for the sewer force main and pump station are eighty-nine thousand nine hundred two dollars.

Staff requested the Board of Commissioners set a Public Hearing, as required by state law, to consider assistance to Byers Precision Fabricators, Inc. For a sewer force main and pump station in the amount of \$41,200, for Monday, January 6, 1997.

Resolution from Durham County - David Nicholson submitted a Resolution from the Durham County Board of Commissioners thanking Henderson County for the use of our tub grinder and operator in their clean up efforts following Hurricane Fran.

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INFORMAL PUBLIC COMMENTS

There were none.

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 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. The County has partially exercised the option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1-A, 2, 3, 3-A, 4, 4-A, 6, 7 (revised), 7-A 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 December 31, 1996. If approved, this renewal would extend the option for another three month period to expire on March 31, 1997. The price to renew the option until March 31 will be the quarterly interest at the Nationsbank prime rate of interest determined as of December 10, 1996 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 December 10, 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 December 20, 1996. Ms. Skerrett stated that if the Board desires to renew the option, it would be appropriate to approve this renewal at the close of the public hearing.

Public Input - There was none.

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

Commissioner Good made the motion to approve the renewal of the industrial park option. All voted in favor and the motion carried.

PUBLIC HEARING - Draft Financing Documents Proposed to Finance the Construction of the Edneyville Public Library and Sewer Lines to Serve the Broadpointe Center

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

Carey McLelland informed that Board that this Public Hearing is required by NCGS 160A-20 (g) when entering into an installment purchase contract for bank financing. Notice of the Public Hearing was published in the Times-News on Friday, December 6, 1996.

The Board was asked to approve a Resolution and to direct staff, on behalf of the County, to submit an application to the Local Government Commission for their required approval of the proposed installment purchase contract to finance these two projects.

Public Input - There was none.

Commissioner Good made the motion for the Board to close the Public Hearing. All voted in favor and the motion carried.

Don Ward made the motion to approve the Resolution concerning the filing of an application for approval of an installment purchase contract financing agreement authorized by North Carolina General Statute 160A-20, to construct a new branch library and to construct sewer lines to serve Broadpointe Center. Commissioner Kumor seconded the motion and the motion carried unanimously.

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Carey McLelland distributed copies of the Comprehensive Annual Financial Report to all Commissioners. He informed the Board that the Comprehensive Report is divided into four sections:

- ▶ Introductory Section
 - transmittal letter
 - organizational chart
 - list of principal officials
 - certificate of achievement for excellence in financial reporting for the previous fiscal year
- ▶ General Purpose Financial Statements & notes
- ▶ Statistical Section
 - trend data
 - demographic information
- ▶ Compliance Reports

Mr. McLelland discussed briefly some of the sections of the report:

- Tax Collections percentage in Henderson County
- Fund Balance being at 4.78%/unreserved general fund balance (approx. 1 mos. operating costs)
- Capital Reserve Account/Fund
- Self Insurance Fund
- Sewer/Utilities (enterprise funds)
- Landfill Closure Costs - \$5.6million & 30 year monitoring period.

Carey McLelland stated our auditor is Dixon, Odom, & Co. He introduced Randy Brud, a partner with Dixon, Odom, & Co. who was the partner in charge of our audit. Mr. Brud also discussed available fund balance. Eight percent is the recommended available fund balance. Henderson County's available fund balance is 4.8%. Mr. Brud and Mr. McLelland would be more comfortable with a slightly higher percentage (8-10%) of available fund balance. Mr. Brud reviewed briefly some of the same sections of the report that Mr. McLelland had reviewed.

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JACKSON PARK BALLFIELDS #9 & #10 PROPERTY EXCHANGE AND LEASE

Larry Harmon, Parks Director, informed the Board that in order to build the two new ballfields at Jackson Park (fields #9 & #10) a resolution must be approved by the Board of Commissioners authorizing the exchange of .10 acre of county property for .20 acre of land owned by adjacent property owned by Mr. William A. Pace, Jr.

Mr. Harmon stated that the intent of the exchange was advertised on December 7. The property has also been appraised by the Henderson County Assessor's Office. Both of these things are requirements. Mr. Harmon also stated that this was an even exchange as far as dollar value of the property. A resolution must be approved by the Board of Commissioners which is before the Board at this time.

In addition, the County would need to lease 1 acre of property from the City of Hendersonville in order to build the ballfields.

Staff requested the Board approve the lease with the City and authorize the County Attorney to prepare the necessary documents for the Chairman's signature.

George Cagle, Chairman of the Recreation Advisory Board, was also present to seek the Board's approval and to answer any questions. Mr. Cagle showed the proposed exchange on a map to all in attendance.

Commissioner Ward made a motion to approve the lease and authorize Ms. Skerrett to prepare the documents necessary for the Chairman's signature and to make any minor adjustments necessary. All voted in favor and the motion carried.

Mr. Harmon invited the Board on a tour of the county parks at their convenience.

HENDERSON COUNTY'S HOME PAGE

David Nicholson introduced the county's home page to the Board of Commissioners, displaying the hard work that staff has done to get the information entered. The county's address is:

www.henderson.lib.nc.us/county

Mr. Nicholson stated that Henderson County premiered their home page on December 2. They have also tried to be sure that every department of county government has something entered regarding their department.

NCACC LEGISLATIVE GOALS CONFERENCE

The North Carolina Association of County Commissioners will hold its annual Legislative Goals Conference on January 9-10, 1997. Reviewed there the Association's voting procedures and proposed goals. These goals were created by a legislative committee and then approved by their Board of Directors.

The goals include areas such as taxation & finance, public education, environmental protection, planning, economic development & land use, criminal justice, human resources and general government. According to NCACC District Director's Board Action Report, the main goals include issues such as annexation, real estate transfer tax and human resources automation.

Besides reviewing these goals, the Board of Commissioners must appoint a voting delegate for the conference.

It was the consensus of the Board for Chairman Eklund to be the voting delegate for Henderson County.

SCHOOL BONDS - Add On

David Nicholson reminded the Board that we have the capability of pulling down \$11,054,728 in our share of the State Bond Referendum. Mr. Nicholson reviewed the Local Match Requirements for NORTH CAROLINA PUBLIC SCHOOL BUILDING FUND 1996. Filing of this form will say to the State of N.C. "Put us on the list, we have the match already in place and we would like to have these funds".

Following some discussion, Commissioner Hawkins made the motion to approve the filing of the above mentioned form. All voted in favor and the motion carried.

E-911

Sheriff George Erwin addressed the Board. There was discussion of Phase I and Phase II of the E-911 Center Relocation. Phase I involves the temporary move of the Sheriff's Department (communications) to Valley Hill Fire Department and then the use of that site as a permanent back-up site.

In Phase II, the E-911 center would move into the 100 N. King Street Building as a permanent location.

Lt. Jeff Tweed and Phyllis Lowder then addressed the Board with a computer presentation. They discussed steps in the project and lead times. They also answered questions.

UPDATE ON PENDING ISSUES

VACANCIES - Boards/Committees the Commissioners sit on - Chairman Eklund reminded the Board of the Boards and Committees that Commissioners currently sit on and there was discussion on them:

1. Agriculture Advisory Committee

Don Ward currently sits on this committee. The Board reappointed Mr. Ward for an additional four year term, to expire March of 2000.

2. Airport Ad Hoc Committee

Vollie Good currently sits on this committee. Grady Hawkins was appointed to replace Mr. Good on this committee. Commissioner Good made the motion and the vote was unanimous.

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3. ABWA - Asheville Buncombe Water Authority

Vollie Good currently represents the Board on this committee and it was the consensus of the Board for Mr. Good to continue.

4. Cable TV Advisory Committee

J. Michael Edney was removed from this committee as he is no longer a Commissioner. No Commissioner is required and none was appointed.

5. CIPA Task Force

Bob Eklund was removed as a business representative from this committee. Renee Kumor will continue to serve as Commissioner representative on this task force.

6. Economic Development Committee

Vollie Good and Bob Eklund will continue to serve on this committee.

7. Henderson County Board of Health

Vollie Good will continue on this Board, his current term expires 7/01/99.

8. Library Board of Trustees

Don Ward will continue on this Board, his current term will expire 12/31/97.

9. LEPC - Local Emergency Planning Committee

Don Ward is the current Board representative on this committee. Grady Hawkins was appointed to LEPC, motion by Don Ward with a unanimous vote.

10. Henderson County Travel & Tourism Committee

Renee Kumor will continue to represent the Board on this committee.

11. Trend Board of Directors

Bob Eklund was appointed to this Board to replace former Commissioner Edney, motion by Renee Kumor with a unanimous vote.

12. Henderson County Regional Water Forum

Don Ward will continue to serve on this Water Forum.

13. Year of the Mountains

Bob Eklund had served previously but stated that this Advisory Board has been disbanded.

Redistricting of Commissioner Districts -

David Nicholson asked if the Board of Commissioners wished for the decision to be made regarding Commissioner Districts by the local Board of Commissioners as it is in most counties, or do they wish for it to continue to be done by members of the General Assembly.

If the Board of Commissioners is interested in having this done locally, we may want to write members of our General Assembly to have the local Bill sunsetted so that the local act does not take precedence over the election.

It was the consensus of the Board to hold a second Public Hearing, to get public input regarding whether the decision should be a local one or a State one concerning Commission Districts.. The Public Hearing will be Monday, February 3 at 7:00 p.m.

Privatization -

David Nicholson informed the Board of a new program he has begun called "Direction Henderson County" which will be a self evaluation of the internal and the external services provided by Henderson County. This project will take most of 1997 and then will be presented to the Board of Commissioners. Some questions that will be reviewed:

- ▶ What are our basic services
- ▶ Where do we use private contractors
- ▶ What kind of regional and local alliances can we build
- ▶ How we use volunteers
- ▶ How we serve the county
- ▶ Who our customers are

Mr. Nicholson handed out copies of "Reinventing Government" to all the Commissioners. He asked all the Board members to let him know of any things they know other counties are doing by privatization.

Development of Fiscal Year 1997-1998 Budget -

Commissioner Kumor requested meetings for the Board to discuss what they want to see staff work on for budget time, prior to budget work sessions. She feels a need to set some parameters.

Mr. Nicholson suggested the Board could plan a combination CIP work session/preparation for the budget. There was discussion of the need for a vehicle replacement policy.

NOMINATIONS

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

Western Carolina Community Action Board of Directors (WCCA) - 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

Recreation Committee - 1 vac.

On December 2 both Virgil McClure and Don Ward were nominated. Commissioner Ward withdrew his name from consideration. Grady Hawkins made the motion to appoint Virgil McClure for three months (interim term) plus a full term. Don Ward made the motion to suspend the rules and make the appointment. All voted in favor and the motion carried.

Laurel Park Planning Board - 2 vac.

Laurel Park Board of Adjustment - 2 vac.

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Angela Skerrett informed the Board that effective October 1, 1996, the legislative imposed a public hearing requirement for any appointment by the county to any municipalities Planning Board or Zoning Board of Adjustment where the representation is from the extraterritorial jurisdiction. Commissioner Ward made the motion to set the Public Hearing for Wednesday, January 15, 1997 at 9:00 a.m. All voted in favor and the motion carried.

Henderson County Travel & Tourism Committee - Chairman

Commissioner Ward nominated J. Michael Edney as the Chairman of this committee. He made the motion to suspend the rules and appoint Mr. Edney. All voted in favor and the motion carried.

IMPORTANT DATES

Chairman Eklund informed the Board of a letter from Trend asking the Board of Commissioners to join them at their administrative offices on January 28 at 5:00 p.m. for a joint meeting.

Vollie Good reminded the Board that on January 29, the local Government Legislative Breakfast will be in Asheville. He plans to attend and requested that someone else from the Board attend. Chairman Eklund stated he also would attend.

CLOSED SESSION

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

1. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.
2. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. 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 Good made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

ECONOMIC DEVELOPMENT WORK SESSION

Presentation by Matt Matteson, Planning Director, on the relationship between economic development and planning

Chairman Eklund stated that the Economic Development Committee was set up last fall by the Board of Commissioners. Both Chairman Eklund and Commissioner Good serve on the Committee. They are looking at balanced growth for our community. He stated that the Committee is made up of representation from:

municipalities

- agricultural community
- manufacturing community
- retiree community
- tourism

Matt Matteson presented a computer presentation from a Planning-Point-Of-View. He reviewed statistics regarding the growth rate in Henderson County and the growth in residential construction. He reviewed these ten growth rate challenges for the next 10 years:

1. Political boundaries
2. Zoning
3. Mountain Protection
4. Utilities
5. Farmland Preservation
6. Roads & Highways
7. Housing & Subdivisions
8. Public Facilities
9. Quality of Life
10. Planning for a Balanced Economy

Chairman Eklund stated that the Board can expect a report from the Economic Development Committee in January.

EMERGENCY MANAGEMENT ORDINANCES WORK SESSION

Rocky Hyder distributed a hand-out which was a Weather Update. Henderson County is in a Winter Storm Watch - conditions are likely for four inches or less of precipitation, no high winds, relatively few problems. It will be a wet snow, creating some travel problems. Falling temperatures will follow the precipitation. Precipitation should end by 11:00 a.m. tomorrow.

Emergency Management Ordinance (EMO)

Mr. Hyder explained that the intent of the Ordinance is to establish an Emergency Management Office to ensure the complete and efficient utilization of the county's resources to combat disasters or a coordinator.

The key elements of the ordinance: organization and appointments, duties and responsibilities, emergency management plan, liability and limitations, and violations.

This Ordinance is county-wide. The municipalities do not have to adopt such an ordinance. There can only be one emergency management coordinator per county, ours Rocky Hyder.

Emergency Management Plans

Rocky Hyder reminded the Board that the Emergency Management Plans are adopted by a Resolution of the Board of Commissioners. After adoption of this ordinance as well as the State of Emergency Ordinance, the the Board and staff should revisit the Emergency Operations Plans and adopt those by Resolution also. Emergency Management Plans are designed to utilize the resources to the fullest extent; thus, preventing double coverage or duties by different agencies. The

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Emergency Management Plans do require a line of succession for key personnel. One of the most important things that Emergency Management Plans does is predesignate responsibilities to county departments and other agencies. Decisions that can be are made ahead of time.

Mr. Hyder briefly discussed liability limitations. The Emergency Management Ordinance establishes the office of Emergency Management (Rocky Hyder's Office) and the legal framework necessary to coordinate the efficient and effective utilization of county resources for the purpose of mitigating, preparing, responding, and recovering from disasters.

State of Emergency (SOE)

Rocky Hyder addressed the Henderson County State of Emergency Ordinance, discussing the line of succession. The State of Emergency Ordinance is a tool designed to assist public safety authorities in protecting lives, safety, health and welfare of the populous.

When can a state of emergency be implemented? Whenever a time of public crisis, disaster, rioting, catastrophe, or similar public emergency exists or is eminent.

Who can declare a state of emergency? The Chairman of the County Board of Commissioners is ultimately responsible for the County. The Board of Commissioners may choose to delegate this responsibility. Cities and counties have the authority to enact a state of emergency as separate entities, one cannot do so for the other.

What restrictions are authorized? Mandatory evacuation, curfews, possession of alcoholic beverages, firearms, ammunition and explosives, access to areas, movements of people in places, and operations of certain business establishments.

Action

David Nicholson requested the Board of Commissioners set a Public Hearing on the Emergency Management Ordinance and the State of Emergency Ordinance for Wednesday, January 15 at 9:00 a.m. Commissioner Kumor made the motion and it carried unanimously.

David Nicholson stated that he would write the City Managers and provide them a copy of the information, inform them of the Public Hearing and offer Mr. Hyder's and his own assistance in helping to make a presentation to their municipality.

Emergency Operations Plan

Rocky Hyder explained the purpose is to predetermine actions to be taken by us as government agencies in the event of a disaster/emergency. It also predetermines actions of any private organizations that we commonly work with. There are four parts to an emergency operations plan:

1. Basic plan
2. Agency responsibilities
3. Specific hazards that affect our county
4. Common functions

Mr. Hyder went into some detail about the four parts of the plan.

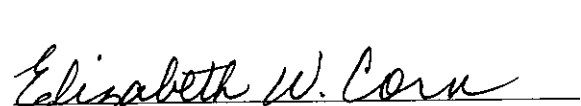
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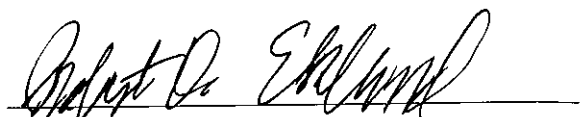
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There being no further business, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

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100 North King Street

Hendersonville, North Carolina 28792-5097

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RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID E. NICHOLSON
COUNTY MANAGER

EXHIBIT E

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF HENDERSON COUNTY, NORTH CAROLINA,
AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF AN INSTALLMENT PURCHASE CONTRACT FINANCING
AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Henderson, North Carolina desires to construct a new branch library to serve the Edneyville community and to construct sewer lines to serve Broadpointe Center, a new industrial park having ITT Automotive, Inc. as it's first resident (hereinafter "the Projects"); and

WHEREAS, on October 7 and November 7, 1996, the County of Henderson approved by Resolution the concept of financing the Projects by the use of an installment purchase contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and,

WHEREAS, pursuant to said November 7, 1996 Resolution, the Board of Commissioners for the County of Henderson authorized staff to request proposals from banks for the financing of the Projects; and,

WHEREAS, the Board of Commissioners for the County of Henderson approved at the December 2, 1996 meeting their intent to finance the Projects by entering into an installment purchase contract (hereinafter "the Contract") with Branch Banking and Trust Corporate Leasing obligating the County to repay in installments an amount not to exceed \$736,000.00 financed at a fixed annual interest rate of 4.49% over a term of 5 years with no prepayment penalties for prepayment in whole or in part; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

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

1. The proposed new branch library, measuring approximately 2,800 square feet, for the Edneyville Community is necessary to meet the increased demand for library services and population growth in that community. The current facility is not large enough to meet these

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increasing needs. The proposed sewer line construction to serve the Broadpointe Center will enable ITT Automotive, Inc. to have sewer service at startup of their new manufacturing facility. The sewer lines will be in place for other potential industry who may want to locate in the Broadpointe Center. ITT Automotive, Inc.'s initial investment will be at least \$65 million initially which will be a substantial increase to the County's tax base.

2. The proposed contract is preferable to a bond issue because it would be cost prohibitive to issue bonds for an amount of \$736,000.00 after securing a favorable installment contract financing rate of 4.49 percent. Further, the repayment period for an installment contract financing would be shorter than for a general obligation bond issue.
3. The cost of the proposed undertaking exceeds the amount that could be prudently raised from the unappropriated fund balances of Henderson County because taking \$736,000.00 from said fund balances would reduce the working fund balance below an acceptable level.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on the estimated costs for these projects compared to other projects of similar size and nature..
5. The County of Henderson's debt management procedures and policies are good because currently, the ratio that the County's net debt bears to the assessed value of property subject to taxation in Henderson County is .65 percent. Further, Henderson County is not currently in default on any of its debt obligations.
6. The County of Henderson does not anticipate raising real property taxes to fund the debt service on the proceeds for financing these Projects.
7. The attorney for the County of Henderson has rendered an opinion that the proposed Projects are authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
8. The probable net revenues of the sewer line construction project to be financed will be sufficient to meet the prorated share of the sums to fall due under the contract for the sewer line project.

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

1. The Board hereby authorizes the Projects. The Chairman of the Board, the County Manager, the Assistant County Manager/Staff Attorney, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to proceed with the preparation of the Contract providing for the financing of an

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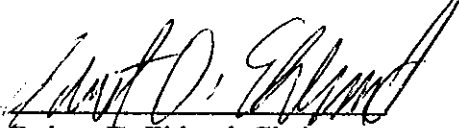
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amount not to exceed 4.49% and a term not exceeding 5 years, and otherwise proceed with the plan of financing for the Projects described at this meeting.

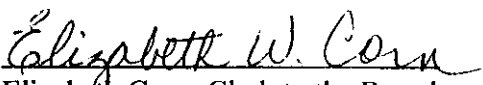
- 2. The Chairman of the Board, the County Manager, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to submit an application for the Local Government Commission's approval of the Contract pursuant to N.C.G.S. 160A-20 and N.C.G.S. 159-148, and to execute a sworn statement of debt of the County pursuant to N.C.G.S. 159-50, in connection with the financing of the Projects.
- 3. This Resolution shall become effective upon its adoption.

This Resolution was adopted on the 18th day of December, 1996. The motion to adopt this resolution was made by Commissioner ward seconded by Commissioner Kumor, and passed by a vote of 5 to 0.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Robert D. Eklund, Chairman

Attest:


Elizabeth Corn, Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

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

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

WHEREAS, Henderson County suffered an ice and snow storm during the week of January 6-12, 1997 resulting in widespread power losses throughout the County; and

WHEREAS, the Henderson County Emergency Management Department, various individual and corporate citizens and volunteers, Duke Power Company, the American Red Cross, Henderson County Department of Social Services, Henderson County Department of Public Health, Henderson County Emergency Medical Service, Henderson County Sheriff's Department, Planning Director Matt Matteson, Henderson County Fire Commission and Volunteer Fire Departments, Henderson County Rescue Squad, North Carolina National Guard, Hendersonville Comfort Inn, and Asheville Airport Holiday Inn pulled together their efforts to minimize the impact of the snow and ice storm on County residents and to restore power and other services in a timely manner;

NOW THEREFORE BE IT RESOLVED that the Henderson County Board of Commissioners wishes to thank all those individual and corporate citizens and volunteers of Henderson County, including Henderson County Emergency Management, Duke Power Company, the American Red Cross, Henderson County Department of Social Services, Henderson County Department of Public Health, Henderson County Emergency Medical Service, Henderson County Sheriff's Department, Planning Director Matt Matteson, Henderson County Fire Commission and Volunteer Fire Departments, Henderson County Rescue Squad, North Carolina National Guard, Hendersonville Comfort Inn, and Asheville Airport Holiday Inn for their stupendous efforts during the ice and snow storm of January 6-12, 1997.

This the 15th day of January, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

Robert D. Eklund
 Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
 Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street

Hendersonville, North Carolina 28792-5097

Phone 704-697-4808 • Fax: 704-697-4536

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RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID E. NICHOLSON
COUNTY MANAGER

RESOLUTION

WHEREAS, Henderson County is desirous of constructing two new softball fields (Fields #9 and #10) in the western portion of Jackson Park consisting of 7.65 acres, being more particularly described in Deed Book 690, Page 665 of the Henderson County Registry, hereinafter "New Ballfields Site"; and

WHEREAS, in order to best configure the softball fields in an alignment that will be least destructive to the environment, an additional 0.2 acres located adjacent to the eastern border of the New Ballfields Site, said 0.2 acres being more particularly described as Tract B on the attached Exhibit A, hereinafter "Tract B", said Tract B being a portion of those lands owned by William A. Pace, Jr., described in Deed Book 535 Page 535 of the Henderson County Registry; and

WHEREAS, there exists a 0.102 acre portion of the New Ballfields Site located in the Southeastern corner of the New Ballfields Site that is not needed in light of the configuration of the Fields #9 and #10, said 0.102 acres being more particularly described as Tract C on the attached Exhibit A, hereinafter "Tract C"; and

WHEREAS, both Tract B and Tract C have been appraised by the Henderson County Assessor's Office as having a value of THREE HUNDRED AND NO/100's DOLLARS (\$300.00); and

WHEREAS, the Henderson County Board of Commissioners is desirous of Exchanging Tract C for Tract B; and

WHEREAS, N.C.G.S. 160A-271 authorizes the County "exchange any real or personal property belonging to the [county] or other real or personal property by private negotiation if the [county] receives a full and fair consideration in exchange for its property", but requires that "Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at a regular meeting of the [board] upon 10 days public notice. Notice shall be given by publication describing the properties to be exchanged, stating the values of the properties and other consideration changing hands, and announcing the [board's] intent to authorize the exchange at its next regular meeting";

NOW THEREFORE, be it resolved by the Henderson County Board of Commissioners as follows:

1. Tract C is hereby declared to be surplus property;
2. The Exchange of Tract C for Tract B is hereby approved;
3. The County Attorney is authorized and directed to prepare the necessary documents for transfer, and the Chairman is authorized to execute any and all of said documents on behalf of the Henderson County Board of Commissioners.

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THIS the 18th day of December, 1996.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Chairman

ATTEST:


Clerk to the Board

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