

**MINUTES****STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS  
JUNE 5, 1995**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Renee Kumor, Vice-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, Planner Karen Collins, E-911 Coordinator Susan Sneed, and Zoning/Code Enforcement Administrator Sam Laughter.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

Commissioner Ward led the Pledge to the American Flag.

**INVOCATION**

David Blackwelder, Minister of Youth at West Hendersonville Baptist Church, gave the invocation.

Commissioner Ward informed all that Mr. Tommy Saltz passed away yesterday unexpectedly. He stated that both Mr. and Mrs. Saltz had served on several different boards and committees through the years.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Because of the bulk of the agenda, Chairman Kumor deleted item "H" from Discussion Items, Nominations.

Commissioner Edney asked that one item be added to item "F" under Discussion items, "F-1" Smoking in the New Courthouse and he asked that the Board observe a minute of silence in memory of Tommy Saltz. He has served this County in various capacities for fifty years or so.

David Thompson added one item under Discussion Items, as "F-2", House Bill #502 concerning a one cent sales tax at the state level.

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**MINUTE OF SILENCE in memory of Mr. Tommy Saltz**

Chairman Kumor asked everyone to stand in observance of a minute of silence in memory of Mr. Tommy Saltz who passed away yesterday. The Board will convey their thoughts of sympathy to the Saltz family.

**CONSENT AGENDA**

Commissioner Ward made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA included:

**Review of Minutes** - Minutes were presented for review and approval of the following meetings:

March 27, 1995	Special Called Meeting
May 17, 1995	Regular Scheduled Meeting
May 23, 1995	Special Called Meeting

**Notification of Vacancies** - The Board was informed of the following up-coming vacancies that will appear on the next agenda under "Nominations":

1. Board of Elections - 3 vacancies
2. Board of Health - 3 vacancies
3. Asheville Regional Housing Consortium - 1 vacancy
4. Mountain Valleys Resource Conservation & Development Program - 3 vacancies
5. Youth Advisory Board - 3 vacancies
6. Hendersonville Zoning Board of Adjustment - 2 vacancies
7. Hospital Board of Trustees - 1 vacancy
8. Land Of Sky Regional Council - Advisory Council on Aging  
1 vacancy

**Property Addressing Report** - The Planning Staff submitted the property addressing report for the Board's information. Twenty public hearings have been held to date regarding road names, 2,299 roads have been named, and 2,711 residents have been notified of new addresses.

**Road Petition** - A petition had been received to add Horseshoe Drive to the state maintenance system.

**Addendum to Transylvania County Contract** - Transylvania County signed a contract with Henderson County for the use of our MRF. This contract was for \$3,000 the first year expiring on June 30, 1995 and \$4,000 the second year expiring June 30, 1996. Transylvania County has signed this addendum agreeing to the increase in support fee

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and extension until 1996. The Boards approval was requested and authorization for the Chairman to execute the document.

### **INFORMAL PUBLIC COMMENTS**

1. Doris Eklund - Mrs. Eklund is owner/operator of Downing Street on Main Street. She is currently Chairman of the Downtown Retailers and asked for the Board's support for funding for the Downtown project. Their main purpose has been to promote Downtown Hendersonville to build traffic and increase sales. They have published several documents which she showed to the Board. They have also promoted Downtown Hendersonville with two cable T.V. promotions.

2. Tom Smith - Mr. Smith is owner/manager of the Park Deli on Main Street. He also asked for the Board's support for funding for the Downtown project. Downtown retailers feel that an on-going year round program is necessary to market the Downtown area including advertising and special events. This would need to be continued support on an annual basis.

3. Bob Ross - Mr. Ross is the current President of the Mainstreet Program. He asked for the Board's support for funding for the Mainstreet Program. The Mainstreet Program came about because of a concern on a national, state, and local level about the deterioration in the late 70's or early 80's of main streets. This deterioration created a real concern both economically and as an identity piece. The Mainstreet Program helped develop downtown Hendersonville as a Historic district. They are concerned about the external structures of the buildings in Hendersonville, signage, and parking. The Mainstreet Program is not here for the purpose of advertising or promoting. They have several pieces to "their puzzle" that are mandated by the State, National, and local Mainstreet Program. Economic recruitment is a big part of their program.

### **PUBLIC HEARING - Public and Private Road Names**

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

Susan Sneed called one gentleman forward, who had signed up to speak.

Ralph Harold Jones - Mr. Jones gave a brief history of some of the roads in the county, particularly Erkwood Drive, formerly Mud Creek Road. He is strongly in favor of renaming Erkwood Drive "Mud Creek Road". It was suggested that he meet with Susan Sneed to get the paperwork in progress for renaming of the road. Mr. Jones stated that this is one of the oldest roads in Henderson County and there is a historical value to the name Mud Creek Road. Mud Creek Church is located on that road.

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Mike Sullivan - Mr. Sullivan resides on Rolling Oaks Drive. Mr. Sullivan was interested in how to begin the process of having his road turned over to the state maintenance system. The process was explained to him and he was asked to see the Clerk to the Board to get the paperwork for that process.

Susan Sneed asked for some road names to be pulled from the list for approval:  
under list "B", Jane's Lane should be changed to Jane Lane  
under list "B", pull Wilkerson Road and Yvonne Drive  
under list "B", William circle should be changed to William's Circle  
under list "B", William Ridge Road should be changed to William's Ridge Road.

There were no other speakers.

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

Commissioner Edney made the motion to approve the road names as presented by staff including changes and deletions, Lists "A", "B", and "D". All voted in favor and the motion carried.

### **PUBLIC HEARING - R-40 Zoning**

Commissioner Edney made the motion to go into Public Hearing to hear a zoning application request by Joanne Reese Thompson. All voted in favor and the motion carried.

Karen Collins stated that Mrs. Thompson has requested that the County extend an R-40 zoning district to two unzoned parcels which she owns on Crab Creek Road. The western portion of her property adjoins other property currently zoned R-40. Together, the two Thompson parcels contain a total of 21.4 acres. A single family dwelling is located on one of the parcels.

After reviewing Mrs. Thompson's application on March 28, 1995, the Henderson County Planning Board voted unanimously to send a favorable recommendation on the request to the Board of Commissioners for consideration.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of the public hearing were published in the May 12 and May 19, 1995 editions of The Times News. The Planning Department also sent notices to Mrs. Thompson as well as to the owners of property adjacent to the Thompson property.

The Planning Staff supported the favorable recommendation by the Planning Board on this application. Karen Collins stated that this zoning request appears to conform to the Land Use Plan.

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**Public Input** - There was none.

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

Commissioner Eklund made the motion to approve the rezoning request to R-40 for the Thompson property as recommended by the Planning Board and staff. All voted in favor and the motion carried.

**PUBLIC HEARING - Economic Development - Offer To Purchase**  
**Die-Tronic Metal castings, Inc.**

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

Angela Skerrett stated that this hearing is required by NCGS 158-7.1 to consider an Offer to Purchase Lot 7 (revised), a 6.1031 lot, of Appleland Business Park from Die-Tronic Metal Casting Incorporated for \$75,000.00. The County must purchase Lot 7 (revised) from Cynthia Hill Whitted pursuant to the Option which the County currently holds for Appleland. In addition, the County must purchase Lot 7A, a 0.1477 acre lot of Appleland from Mrs. Whitted, as the County cannot leave a parcel of less than 3 acres in the Park under the terms of the Option.

The County's purchase price for Lot 7 (revised) is \$19,520.00 per acre, or \$119,132.51. The County's purchase price for Lot 7A is \$19,520.00 per acre, or \$2,883.10. These prices were arrived at based upon the fair market value for the entire Business Park of \$1.5 Million. Currently, the county has paid approximately \$746,130.00 towards the \$1.5 Million, leaving an unpaid purchase price of approximately \$753,870.00. Under the terms of the Option, the payment for Lots 7 (revised) and 7A will be deducted from the remaining purchase price for the Park. When entering into the Option with Mrs. Whitted, the Board determined that the fair market value of the entire Park would be \$1.5 Million and that rather than pay \$1.5 Million in one payment, the \$1.5 Million would be allocated over the property as follows: \$100,000.00 per acre for the 6.2 acres located next to Upward Road; \$5,000.00 per acre for the 16.3 acres to be developed as common park areas; \$19,520.00 per acre for the 2.5 acres of Roadway areas, and \$19,520.00 per acre for everything else, regardless of whether the land was floodplain or was useable industrial space. The \$119,132.51 payment for Lot 7 (revised) and the \$2,883.10 payment for Lot 7A represent payment towards the fair market value of the entire Park of \$1.5 Million.

Approximately 3 acres of Lot 7 (revised) are in a floodplain and are un-usable without substantial site work. Based on this information, the Board determined that \$75,000.00 was the fair market value for the sale of Lot 7 (revised) at the last meeting. Die-Tronic would like to close on the purchase between June 6, 1995 and June 9 1995, if accepted by the Board.

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**Public Input**

1. Ray Cantrell - Mr. Cantrell, Executive Vice-President of the Chamber of Commerce and the Committee of 100, which was formed for Economic Development, recommended acceptance of this Offer To Purchase. Mr. Cantrell stated that this is a fine, small but growing company. Die-Tronics will train workers in a technical way. They are makers of small precision die castings and made 50 million screws last year.

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

Commissioner Edney made the motion to accept the Offer To Purchase and authorize the Chairman to execute the Deed to resale the property to Die-Tronic. All voted in favor and the motion carried.

**PUBLIC HEARING - Renewal of the Option to Purchase  
69.4 acres of the Appleland Business Park**

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

Angela Skerrett stated that this 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 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, 4, and two lots to be dedicated to NCDOT for a total acreage purchased of 28.9 acres at a price of \$746,159.54.

The current option will expire on June 30, 1995. If approved, this renewal will extend the option for another three month period to expire on September 30, 1995. The price to renew the option until September 30, 1995 will be the quarterly interest at the Nationsbank prime rate of interest determined as of June 10, 1995 on the unpaid portion of the purchase price of \$753,870.46. Nationsbank prime rate as of May 30, 1995 was 9.0%, which would put the option payment at \$16,962.09. The payment to renew the option for an additional three month term would be due June 20, 1995.

**Public Input** - There was none.

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

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Commissioner Edney made the motion to authorize payment to extend the option through September 30, paying an amount up to \$16,962.09, unless the interest rate goes up, then whatever the amount must be. All voted in favor and the motion carried.

### **REQUEST TO SET A PUBLIC HEARING FOR PUBLIC AND PRIVATE ROAD NAMES**

Planning Staff anticipates that they will have approximately 100 street names ready for consideration. They requested the Board to set a public hearing for public and private road names for Monday, August 7, 1995.

Commissioner Edney made the motion to set the Public Hearing for August 7, 1995, at 7:00 p.m. All voted in favor and the motion carried.

### **DESIGNATION OF NON-CONFLICTING STATE ROAD NAMES**

Planning Staff presented a list of public roads that are in agreement with State Road names and numbers that the Board of Commissioners must re-adopt. The list has been reviewed by the Planning Staff for duplication and/or multiple identity. Because there are no conflicts with the street names, a Public Hearing is not required. Upon approval by the Board, the Planning Staff will order street signs.

Circle Drive	SR#1169	intersects with Rutledge Dr. (SR#1169)
Woodridge Drive	SR#1187	intersects with Hillside Lane (SR#1187)

Commissioner Eklund made the motion to approve the two names on the list as presented by Susan Sneed. All voted in favor and the motion carried.

### **ACTION ON PROPOSED RURAL ZONING AMENDMENTS** **Henderson County Zoning Ordinance**

David Thompson reminded the Board that on May 1, 1995, the Board of Commissioners held a public hearing on the proposed Rural Zoning Amendments to the Henderson County Zoning Ordinance. During the hearing, the Board asked Staff to make some changes to various portions of the texts for consideration at the Board's mid-May meeting. The revised texts were reviewed.

Commissioner Edney offered an alternative section regarding "Buffering". The Board also received some comments regarding "Seasonal Farm Worker" requirements. Commissioner Edney reviewed his alternative with the Board.

Matt Matteson stated that in response to the comments of the Henderson County Agricultural Advisory Board regarding the proposed two new rural zoning districts (RC and RM-1), the following comments were offered:

**Section 705 (11). Site Conditions for Planned Seasonal Agricultural Worker Developments** (Permitted in both RC and RM-1 districts by right with conditions)

The language proposed for the text of the two new rural districts was based, in total, from the language designed for our existing RM-2 zoning district. The density, minimum size and setbacks were initially generated from the Bearwallow Valley community. The only addition was the sketch plan requirement (Sec.705[11]).

In the process of designing the text for the Bearwallow Valley zoning (RM-2) they found that, in concept, a seasonal worker development could be prohibited as a manufactured home park, for example. Since the Bearwallow Valley community wanted to restrict dense manufactured housing, the exemption language was offered. Simply deleting subsection 11 from the ordinance would in fact be **more restrictive** to farm owners in RC or RM-1 districts.

Since agricultural related housing is not exempt from zoning regulations by state law, the basic issue in designing new zoning districts is **what type of housing to include and what to restrict**. If this section is simply omitted, it seems that to meet the intent of the Agricultural Advisory Board, new language would have to be added to define under what circumstances a seasonal worker housing development could exist. Otherwise, it would be considered as conventional housing and regulated accordingly, that is, as other housing is regulated in a zoning district.

**Section 619.02 (15)[RM-1] & Section 620.02 (11)[RC]. Sawmills**

The Planning Board discussed the sawmill item in great detail. The Planning Board's thought was that sawmills encompassing more than two acres should be considered as an industrial use. Issues discussed included notice, hauling of raw materials and finished products, fire safety, etc. The sawmill size is defined as only the area which it covers, not necessarily the entire tract size.

Chairman Kumor explained that this was just discussion about putting two additional options into our menu of zoning options.

Chairman Kumor made the motion to adopt RC and RM-1 texts with Commissioner Edney's buffer definition as opposed to the definition included in the original document. A vote was taken which passed three to two with Commissioners Edney and Ward voting nay.

**ASHEVILLE REGIONAL HOUSING CONSORTIUM**

Henderson County has been a member of the Asheville Regional Housing Consortium since its inception in 1991. The Consortium receives over \$1 million each year of HOME Program funds for our region. These funds are used to address housing needs including



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home rehabilitation and the construction of new single or multi-family homes. Henderson County has received funding through the Consortium to rehabilitate 13 homes over the past several years.

In order for Henderson County to remain a member of the regional consortium, the Board of Commissioners must execute a new agreement. This agreement is similar to the one which was signed by Henderson County in 1992. The Board of Commissioners appoint two members of the Consortium's Board of Directors. Currently Al Kissling and David Nicholson represent Henderson County as board members.

Staff recommended approval of the agreement to remain a member of the Asheville Regional Housing Consortium. With the Consortium in place, this region is guaranteed to receive funding under the HOME Program annually. Each year, the Board of Commissioners must decide if they wish to apply for HOME funding. If Henderson County chooses not to apply for funding, our share would go to another unit of government in our four county region.

Mr. Nicholson reminded the Board that the Land Of Sky Regional Council is the administrative agent for funds. A Resolution Authorizing the Chairman of the County of Henderson To enter into a joint cooperative agreement with the Asheville Regional Housing Consortium was presented.

Commissioner Edney made the motion to approve the Resolution as presented. All voted in favor and the motion carried.

**RECESS** - Chairman Kumor called a 5 minute break.

### **BUDGET PRESENTATION**

David Thompson reminded the Board that it is the County Manager's responsibility to propose a **balanced budget** to the Board of County Commissioners pursuant to NCGS 153A-82. His proposal is the Manager's recommended budget. The County Commissioners have the final responsibility and vote on the budget to provide a good solid level of services to the citizens of the county without being a tax burden.

David Thompson read his (12 page) budget message which is a transmittal letter for the budget. He also reminded the Board of their mission statement "*Our mission is to guide our community toward excellence and commitment to our entire citizenry by guaranteeing equal opportunities for each and every individual now and in the future, balancing the preservation and utilization of all of our resources.*"

Mr. Thompson reminded the Board that they should review this proposed budget in light of the following stated goals of the Henderson County Comprehensive Land Use Plan:

- I. A diverse and balanced foundation of community facilities to meet the needs of the residents of Henderson County.
- II. Protection of the environment for future generations.
- III. Orderly high-quality residential growth.
- IV. Quality industrial and commercial development.
- V. Orderly growth and development.
- VI. Efficient circulation systems within the county.
- VII. High-quality infrastructure services.
- VIII. A diverse economic base to provide for employment opportunities.
- IX. Abundant quality of life activities and programs.
- X. Intergovernmental coordination to ensure that maximum service is provided for the minimum amount of public dollars expended.

Mr. Thompson stated that the Board's progress towards improvements is hindered by external pressures beyond their control that relate to population growth and losses in revenue sources due to annexation, possible incorporation, changes in State law, and uncertainty about State and Federal funding along with their related mandates.

In discussing population growth in Henderson County, Mr. Thompson emphasized the statement found in the County's Annual Comprehensive Financial Report:

*"Henderson County remains one of the fastest growing areas of North Carolina. The State's projection of the County's 1991 population is 70,730. According to the 1990 U.S. Census, Henderson County was the 15th fastest growing county in the State, ranking 30th in population out of 100 counties. During the ten years between 1980 and 1990, our population grew by 17.8%, or an average of 1.8% per year. Henderson County was also the fastest growing county in Western North Carolina (WNC). Our growth was more than twice that of all but three of the other 16 WNC counties. The average growth for the other mountain counties was 5.8% between 1980 and 1990."*

One example which seems to verify our rapid growth and that illustrates the pressures it creates financially is seen in the public school's average daily membership numbers (ADM). The difference in the ADM numbers that were budgeted during last year and the number that is budgeted this year is 352 or 3.38% growth. In the public school's budget it will cost the County \$316,800 just to keep the current per pupil allotment constant at \$900 per pupil.

Henderson County ranks fifteenth out of 100 counties for the unincorporated population it serves. Henderson County is different than most County Governments with our rapid population growth and the unincorporated population we serve. The environment that Henderson County Government is operating under now, and will be operating under in the foreseeable future, is one of continued high growth in population with an associated increase in demand for County services. The challenge this Board faces is to maintain the

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financial integrity of the County while being proactive in the planning and implementation of County services to a growing population.

The County's Undesignated General Fund Balance is an important indicator of our financial stability, not only to our citizens, but to the Local Government Commission who authorize bond issuances, to bond rating agencies, and to investors who purchase the bonds. This fund provides the cash flow for the annual budget prior to the collection of taxes. It is also the County's savings account that can be utilized during financial emergencies.

The total projected valuation for Henderson County including real property, commercial and farm, motor vehicles, and manufactured homes is \$4,518,105,510 for this year.

David Thompson asked the Board to review some important revenues. Indirect costs are those that we bill back to the federal government for office costs and administrative costs related to the Department of Social Services. There is an increase in this reimbursement of \$135,981. This is due to a solid indirect cost plan and our renovations of the third floor for DSS. Mr. Thompson pointed out that \$43,000 of the County Manager's (his and his secretary) budget is now a reimbursable.

As is usually the case, a major component of this year's budget is for education. The recommended budget contains an appropriation of \$9,933,840 which is an increase of \$474,040 or 5%. Based on a projected ADM of 10,873 pupils, the per pupil allotment is \$914 for local current expense. The recommended budget contains an appropriation of \$1,000,000 for recurring expenditures. Debt service payments for existing school bond issues this year will total \$2,980,882. The total proposed local funding for the Public School System this year is \$13,914,722. The total projected school budget, including State and Local appropriations but excluding the debt service payments is \$38,187,384.

During the last two fiscal years, we experienced a net increase in local funding of \$717,773.00 for Social Services. The increase needed for FY 1993-1994 was \$629,959.00 but the increase for FY 1994-1995 is only \$87,814 or 1.7%.

A number of departments requested justifiable positions (a total of 48 positions) this year but Mr. Thompson made the determination that we needed to hold the line on personnel. He did inform the Board however that as the population continues to grow, services will begin to erode if staffing levels are not increased to keep up with the demand. In sections of the budget, he recommended contracted and temporary services to help keep up with the service level demands without committing to new permanent positions. Only two full-time and one part-time locally funded positions are included in the proposed budget with a total county cost, including equipment, of \$58,384. In addition there are four part-time employees recommended that require no local funds.

### **Capital Projects**

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Staff recommendation is for the Board to appropriate funds to cover the current projects and to consider setting up a fund to begin work on a Capital Improvements Plan (CIP) this year, utilizing the reimbursement from the City of Hendersonville as seed capital.

Some of the capital projects that are already in this recommended budget and that will need to be discussed in detail are:

- Naples Interchange Sewer Project
- Mountain Home Industrial Sewer Project
- Upward Interchange Sewer Project
- Completion of Youth Development Shelter
- HOME Program
- Four Year Reappraisal Project
- Video Teleconferencing (Arraignment)
- Architectural Funds for 1905 Courthouse Restoration
- Continued Development of Appleland Commerce Park
- Sewer Master Plan Engineering Fees

The total requested amount from all departments, public agencies, the school system and non-profit corporations this year was \$51,372,894. After reviewing these requests, staff has reduced this amount by \$5,765,494.

The General Fund budget for Henderson County in this proposal is \$45,781,882 or an increase of 4.4% over the General Fund budget of \$43,814,885 of this current year. To meet the needs of this recommended budget, David Thompson proposed that the **tax rate be decreased from 54 cents per \$100 dollars of valuation to 49.5 cents per \$100 dollars of valuation.**

### Capital Improvements Plan (CIP)

David Thompson and Angela Skerrett discussed briefly the action plan for completion of the initial CIP. They plan to go into more detail following the Budget Public Hearing on June 12, 1995.

Chairman Kumor stated that if the Board uses this action plan the time line will take us right out to January 1996 and the staff will know what capital projects to begin to plan for in the FY 1996-1997 budget.

Commissioner Eklund made the motion to set a Public Hearing on the budget for June 12 at 7:00 p.m., with a CIP work session to follow. All voted in favor and the motion carried.

It was the consensus of the Board to set the following budget work sessions:

June 15	5:00 p.m.
June 21	2:00 p.m.

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June 22 5:00 p.m.

It was also the consensus of the Board to cancel the June 13 breakfast meeting.

**Recess** - Chairman Kumor called a 5 minute break.

### **UPDATE ON PENDING ISSUES/Request for Direction to the Chair**

I. Wastewater/Sewer Issues - June 16 Chairman Kumor and Mayor Niehoff will meet to discuss the 1986 Sewer Agreement. On June 13, the Mayor has scheduled a meeting for the Water and Sewer Advisory Board.

It was the consensus of the Board to have a Water and Sewer Authority between the County and the Municipalities and to work toward this end.

Currently the County is operating under the 1986 Agreement with the City of Hendersonville and is enforcing the 1986 Agreement.

OPTIONS for the County:

1. David Thompson stated that the Board needs to get a figure from the City for what it would cost for the County to participate in their treatment plant.
2. The County could phase in an interceptor line to MSD and extend it incrementally.
3. Currently Henderson County doesn't have any representation on the MSD Board. They set our rates. MSD has the major interceptor. David Thompson stated that we have a lot of debt on that line that we won't recuperate for years. How much would it cost us to retire the debt, and transfer the lines to MSD? We would retain control of the gravity and collection lines in Henderson County and we would take the money we would get from MSD and ask for representation on their Board, which we've never had. We would take the funds and start working on our interceptor to get more flow from the southern end of Henderson County for MSD. Mr. Thompson stated that this was just one scenario.

David Thompson stated that what the County needs to do is agree on how much capacity we really need for the next twenty years and decide on the cheapest alternative. Following much discussion, David Thompson suggested the possibility of levying a general property tax for a governmental purpose for things like economic development or health and safety.

The Board asked that staff cost out the option above listed as #3.

II. Smoking at the New Courthouse - Commissioner Edney requested the Board designate three rooms on the top floor of the new courthouse for smoking rooms. There was much discussion regarding ventilation as well as the current designated smoking space on the ground floor. There are attorneys and others that are smoking and the security officers are afraid to enforce the Smoking Ordinance.

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Following much discussion, it was the consensus of the Board to cost out separate ventilation (exhaust) for an additional smoking area (on the top floor) and three out of five were in agreement to enforce our Smoking Ordinance in the interim.

III. House Bill #502 - This legislation is for a 1% sales tax to be voted on locally with the proceeds to be used for school construction.

Dr. Lunsford stated that Representative Justus and Representative Ives were two among fifty co-sponsors of this bill to provide this as a local initiative. The Henderson County Board of Public Education has unanimously endorsed this legislation. Dr. Lunsford requested the Board of Commissioners show their support by mailing letters to legislators.

It was the consensus of the Board to endorse this legislation by letter.

### **CLOSED SESSION**

Commissioner Good made the motion to go into Closed Session as allowed under N.C.G.S. 143-318.11 for the following reasons:

1. (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.
2. (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

All voted in favor and the motion carried.

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

### **ACTION FOLLOWING CLOSED SESSION**


The County Manager, David F. Thompson temporarily designated one room on the top floor of the courthouse as a smoking area pending a cost study on a separate ventilation system.

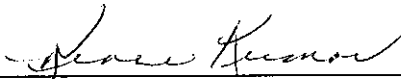
There being no further business to come before the Board, the meeting was adjourned at 12:30 a.m.

ATTEST:

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Elizabeth W. Corn, Clerk

  
Renee Kumor, Chairman

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HENDERSON COUNTY  
BOARD OF COMMISSIONERS

100 NORTH KING STREET

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

DAVID F. THOMPSON  
COUNTY MANAGER

**RESOLUTION**

**RESOLUTION AUTHORIZING THE CHAIRMAN OF THE COUNTY OF HENDERSON TO ENTER INTO A JOINT COOPERATION AGREEMENT WITH THE ASHEVILLE REGIONAL HOUSING CONSORTIUM**

WHEREAS, the County of Henderson, North Carolina has determined that the health and welfare of their jurisdiction may benefit from increasing the availability of safe, affordable and standard housing; and

WHEREAS, the County of Henderson has determined that providing safe, affordable and standard housing will benefit work force productivity and area economic development; and

WHEREAS, a consortium of local governments will be entitled to receive funds from the U.S. Department of Housing and Urban Development and they would be unqualified to receive individually; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general local government may enter into cooperation agreements and form Consortiums to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnership Program; and

WHEREAS, the City of Asheville, North Carolina as lead entity, along with other regional units of general local governments desire to continue the Asheville Regional Housing Consortium to undertake or assist in undertaking affordable housing under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, Article 20 Chapter 160A of the North Carolina General Statutes authorize units of local government to enter into contracts or agreements with each other in order to execute any undertaking.

NOW, THEREFORE, be it resolved by the County of Henderson that:

- 1) The County of Henderson hereby supports the continuation of the Asheville Regional Housing Consortium. The Chairman of the County of Henderson is authorized to execute an agreement with other participating units of general purpose local government in Buncombe, Henderson, Transylvania and Madison Counties to sustain this Consortium.
- 2) The Chairman is further authorized to sign all contracts, approved by the County Attorney with other Governmental Agencies as may be required to carry out activities of the Cooperation Agreement.

Adopted this 5<sup>th</sup> day of June, 1995 in a regular session of the County of Henderson, North Carolina.

Attest:

Elizabeth W. Corn  
County Clerk to the Board

Yee Kumor  
Chairman

Approved As To Form:

Don H. Alkum  
County Attorney

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