

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 1, 1994

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: Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner William McKay, County Planning Director Matt Matteson, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Absent were: Chairman Vollie G. Good, Commissioner Hugh D. Randall, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, and County Attorney Don H. Elkins, who were all attending a NACo (National Association of Counties) Convention in Clarke County, Nevada.

CALL TO ORDER/WELCOME

Vice-Chair Kumor called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

Commissioner Edney led the Pledge to the American Flag.

INVOCATION

Adam Bright, Youth Minister of East Flat Rock First Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

INFORMAL PUBLIC COMMENTS

There was none.

RECOGNITION OF BOY SCOUT TROOP #615

Vice-Chair Kumor informed the Board that several Boy Scouts were in the audience attending the meeting. They are all working on one of their required badges "Citizenship in the Community". As part of the requirements for the badge they must attend a meeting of a local governmental body. Members in attendance were:

Members of Scout Varsity Team #615:

Adam Brown
Bobby Creasman

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Michael Diegan
Jared Shelton
Sam Watson
Brad Wilcox
Larry Shelton, Varsity Team Coach

Members of Scout Troop #615:

Rory Creasman
J.D. McWhirter
Mark Ritchey
Mac McWhirter, Scout Master

Also present was Mr. Jere Hyder, a former Henderson County Commissioner, who is their Merit Badge Counselor.

Vice-Chair Kumor welcomed the Scouts to the meeting and stated that the Commissioners would be happy to answer any questions they might have at the conclusion of the meeting.

PUBLIC HEARING - Community Development Block Grant
Economic Development Project Grant

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

Vice-Chair Kumor reminded the Board that this is an application for an economic development project grant under the State Community Development Block Grant Program. Two public hearings must be held. The first Public Hearing was held on July 5 and this is the second Public Hearing. This Public Hearing was to take public comments on making application for a grant of \$196,485 for a sewer line and lift station to serve two industries in the Mountain Home Industrial Park.

Matt Matteson, County Planning Director, informed the Board that this grant allows the State to award up to \$1,000,000 for projects which provide for new or retention jobs. The project chosen is for a sewer line that will be serving the Mountain Home Industrial Park. The project is designed to provide Kyocera Industrial Ceramics Corp. and Printpack Inc. with public sewer service. The total project cost was estimated to be \$219,103 and the CDBG request was \$196,485. Once public sewer is available, Kyocera Industrial Ceramics Corp. and Printpack Inc. will expand and create a net total of 22 additional jobs of which 14 will be filled with low and moderate income persons.

Mr. Matteson introduced several persons in the audience some of whom later spoke: Mr. Charles St.Clair, Nancy Montgomery, Sandra Trivett, and Dan Stoneman.

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The Facilities Agreements are currently being reviewed by the staff attorney. The Utilities Department is working on a draft for the reimbursement and the sewer connection policy for this project.

Matt Matteson stated that this is not a match-type project. The county has already made a small contribution towards the project.

Public Comments:

1. Nancy Montgomery, Environmental Coordinator for Kyocera Industrial Ceramics Corp., stated that they have been trying to find a solution to their sewer problem for the past two years.

2. Dan Stoneman, Plant Engineer and Maintenance Supervisor for Printpack Inc., stated they have very similar problems as Kyocera. They are required under state guidelines to maintain adequate sewage treatment. Their sewer field has failed. They are also space limited on their site.

3. Charles St.Clair, Land Of Sky Regional Council, pointed out that there are other benefits to the community, not just benefits for the two industries. Kyocera and Printpack presently have just over 200 jobs between them. The sewer solution would also allow the industries to expand and create jobs. As part of the grant they are promising to hire new people and 60% of the new employees will be low to moderate income family members.

Commissioner Edney raised the question of how much property the county owns within the Mountain Home Industrial Park. He also asked if any of the tracts are large enough that the county could expand our line over to the particular site to help develop the site.

Matt Matteson was not aware of how much property the County might own in the Industrial Park.

Vice-Chair Kumor asked if there were anyone else who wished to comment and there was one from the audience.

Jere Hyder - As a public citizen, Mr. Hyder asked the total cost of the project and what portion would be funded by the grant. He also questioned what the source for the remaining funds would be.

Matt Matteson stated that the current total project costs are \$264,490. Of that, \$18,900 would come from county funds. The balance would come from the NC Department of Commerce and any other incidental fees that have not been covered would be paid for by the industries (ex. engineering to date).

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

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ALEXANDER vs. FLAHERTY RESOLUTION

The Board had discussed the issue of the Alexander versus Flaherty sanctions on numerous occasions, most recently during budget deliberations.

Liston Smith, Department of Social Services Director, reminded the Board that the Commissioners had decided to allocate something Special \$22,758 as payment of the assessed fine. The response from Legal Services was NO. Legal Services told Mr. Smith that they wish they had given clearer directions to Henderson County regarding the fine. Basically what Legal Services wants is for the money to go to a program like Interfaith Ministries, Salvation Army, or General Assistance (Department of Social Services). Monies are to go for a program that gives emergency assistance for heating, housing, etc. Legal Services of North Carolina has stated that they will allow counties to pay the sanctions back to our own community for emergency and/or medical assistance programs. Liston Smith's recommendations:

1. Allocate \$22,758 for sanctions.
2. Provide these funds to Social Services Department General Assistance or Interfaith Ministries.

Both have existing programs that meet the program criteria. Both currently receive a county allocation that can be supplemented specific to the program criteria.

Following much discussion, Commissioner McKay made the motion to approve the recommendation of Liston Smith and David F. Thompson, to allow Liston Smith's staff and board to allocate the funds under the conditions of this agreement. A vote was taken as follows:

Ayes: Vice-Chair Kumor
 Commissioner McKay
 Nays: Commissioner Edney. The motion carried.

INSTALLMENT CONTRACT DOCUMENTS FOR FINANCING OF THE CONSTRUCTION AND SITE IMPROVEMENTS OF THE YOUTH DEVELOPMENT SHELTER

Dena Garey, Assistant Finance Director, reminded the Board of a request for Board Action. The Resolution for the Board's consideration was to approve the final installment financing documents and to execute the documents for the Youth Shelter. Dena Garey made the Board aware of one change to the Deed of Trust, item #12 stated that the bank had the authority to set off the payment due by using the monies the party may have on deposit. The Local Government Commission (LGC) would not allow this item for private financing.

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The LCG originally had scheduled their meeting for August 2 but they moved their meeting to July 28 and have approved the financing documents.

Following some discussion, Commissioner Edney made the motion to adopt the Resolution (included as part of these minutes) of the Commissioners of the County of Henderson, North Carolina, approving an installment financing contract and authorizing the execution and delivery of documents in connection therewith, as attached and recommended. Vice-Chair Kumor seconded the motion. All voted in favor and the motion carried.

OFFICIAL HENDERSON COUNTY ZONING MAP

Matt Matteson informed the Board of a request to change the official Henderson County base zoning map.

A problem arose after the recent Rural Mixed-2 zoning district was adopted and it was found it could not be mapped on the existing scale. Henderson County has a new GIS capability with the Assessor's Office.

Sam Laughter brought this request before the Planning Board. The Planning Board unanimously voted to recommend that the Board of Commissioners hold a public hearing on the subject of adopting the new GIS-based Zoning Map as the Official Zoning Map of Henderson County. The Official Zoning Map would be kept in the office of the Zoning Administrator.

Commissioner McKay wanted to stress that this would have no impact on any property owner, it is simply a matter of making the record keeping more efficient in the office.

It was the consensus of the Board to wait to set the Public Hearing until our two Commissioners return.

Matt Matteson informed the Board that he will be bringing another minor zoning amendment before the Board on August 17 and that would be an appropriate time to set a public hearing.

UPDATE ON CRIMINAL JUSTICE TASK FORCE/Approval of Technical Assistance Grant

Vice-Chair Kumor and Commissioner Edney compose the Criminal Justice Task Force Subcommittee. Vice-Chair Kumor reminded the Board that they named a Criminal Justice Task Force several months ago to study two issues:

1. to determine whether Henderson County should become a participant in the Criminal Justice Partnership Act, and
2. to look into our long-term needs and future needs of our jail.

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Vice-Chair Kumor stated that the jail study has been completed. She will be getting a report back from Sedgwick James soon and then will bring that report back to the Board of Commissioners. At this time the Task Force recommended to the Commissioners that we become participants in the Criminal Justice Partnership Act.

Vice-Chair Kumor presented a request to apply for some technical assistance funds. David Thompson has filled out the application and signed it and recommended approval of the request. He had requested that the Board formally act on appointing this Criminal Justice Partnership Act Task Force. A list of the members was reviewed. This is essentially the Task Force that came up with the original recommendations. The Board would also need to authorize the manager to send the information to the Department of Corrections. Mrs. Kumor stated that we are requesting \$7,000 in technical assistance funds with a county match of \$2,000.

For appointment to the Criminal Justice Partnership Act Task Force, Vice-Chair Kumor recommended the following persons serving in the following categories:

Sheriff Albert Jackson	Sheriff
Mr. Rich LaGrange	Community Based Corrections
Mrs. Mary Murray	Victim Services Program
Mr. Bob Ekland	Business Representative
Mrs. Renee Kumor	County Commissioner
Mr. David F. Thompson	County Manager
Judge Mark Powell	District Court Judge
Mr. Randy Eggen	Probation Officer
District Attorney Alan Leonard	District Attorney
Mr. J. Michael Edney	Defense Attorney
Mr. Don Fisher	Police Chief/Laurel Park
Mr. Donnie Parks	Police Chief/Hendersonville

Following discussion, Vice-Chair Kumor made the motion to approve the request for Technical Assistance Funds including appropriations from contingencies for the county match, to formally appoint the current Criminal Justice Task Force (listed above) by suspending the rules and making the appointments, and to authorize the County Manager to send this information to the Department of Corrections. All voted in favor and the motion carried.

FORECLOSURE/Offer to Purchase

Angela Skerrett informed the Board of an Offer To Purchase of \$600 on six lots in Rocky Gorge Subdivision from Lloyd A. and Mary Mullinax. This was considered by the Board at the July 5 meeting, at which time the Board issued the proposed acceptance. This has been advertised with no upset bids being received. Ms. Skerrett informed the Board of a message she received from the County Attorney stating that everything appeared to be in order.

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Commissioner Edney made the motion to authorize the final acceptance and issue a quit claim deed upon payment of due consideration. All voted in favor and the motion carried.

ROAD PETITION - Shelter Road

Vice-Chair Kumor informed the Board of a petition received from the residents of Shelter Road (off Cardinal Road) for addition to the State Maintenance System.

Commissioner Edney made the motion to accept the petition and forward it to the North Carolina Department of Transportation for their consideration. All voted in favor and the motion carried.

NOMINATIONS

1. Vice-Chair Kumor reminded the Board of 1 vacancy for an alternate on the **Motor Vehicle Valuation Review Board (MVVRB)**.

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

2. Vice-Chair Kumor reminded the Board of 1 vacancy for the **Nursing Home/Domiciliary Home Advisory Committee**. This term will expire 9/94. It is not a designated position; therefore, appointment could be made immediately.

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

Vice-Chair Kumor reminded the Board that she and the Clerk to the Board will update the Board at the August 17 meeting on the organization and computer software capabilities for managing our Boards and Commissions.

Commissioner Edney requested that the Board be updated on the Ordinance Codification at the August 17 meeting.

IMPORTANT DATES

The Calendar was reviewed. Vice-Chair Kumor reminded everyone of the Public Hearing scheduled for August 15 at Tuxedo Alternative School to discuss the Lake Summit Access Issue.

EXECUTIVE SESSION

There was no need for an Executive Session.

As there was no further business, Commissioner McKay made the motion to adjourn the meeting at 8:00 p.m. All voted in favor and the motion carried.

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SCOUT TROOP #615

The scouts did come forward and asked several questions of the Board, questions to help them better understand the workings of the county and the actions taken at this meeting.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Renee Kumor
Renee Kumor, Vice-Chair
(Acting Chair)

HENDERSON COUNTY
FINANCE DEPARTMENT

100 NORTH KING ST.
HENDERSONVILLE, N.C. 28792-5097

J. Carey McLelland
Finance Director

Phone: (704) 697-4824
Fax: (704) 692-9855

Dena S. Garey
Assistant Finance Director

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING CONTRACT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, there have been available at this meeting forms of the following:

- (1) A draft dated August 1, 1994 of the form of "Installment Purchase Contract" to be dated as of August 1, 1994 (the "Contract") between the County and First Southern Savings Bank (the "Bank");
- (2) A draft dated August 1, 1994 of the form of "Deed of Trust and Security Agreement" to be dated as of August 1, 1994 (the "Deed of Trust") from the County to a trustee for the benefit of the Bank; and

WHEREAS, the Board duly conducted a public hearing on July 5, 1994 regarding the Contract to finance the Facilities, and, by resolution duly adopted on July 5, 1994, the installment financing of the Facilities was approved subject to further action of the Board; and

WHEREAS, the Board desires to approve the Contract and to authorize other actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED by the Board, as follows:

1. 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 Contract and the Deed of Trust is hereby approved, and the Chairman of the Board, the County Manager and the Clerk to the Board, as the case may be, are hereby authorized and directed to execute and deliver each of these documents on behalf of the County, with such changes, insertions or omissions as they may approve, their execution thereof to constitute conclusive evidence of their approval.

3. The Chairman of the Board, the County Manager, the Clerk to the Board, the Finance Officer, the County Attorney, and the Staff Attorney are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this

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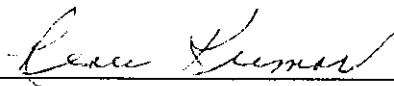
Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Chairman of the Board, the County Manager, the Clerk to the Board, and the Finance Officer are authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (which will not exceed \$300,000.00), annual payments under the Contract, the interest rates with respect to such payments (which shall not exceed 5.63% per annum) and the term of the Contract (which shall not exceed five years). Execution of the Contract by the Chairman of the Board or the County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

4. The County hereby represents that it reasonably expects that the County, together with all subordinate entities thereof and any other entities which issue obligations on behalf of the County, will not issue more than \$10,000,000.00 of tax-exempt obligations (other than private activity bonds, except for qualified 501(c)(3) bonds) during calendar year 1994. The County hereby designates its obligations under the Contract as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Internal Revenue Code.

5. This Resolution shall become effective immediately upon its adoption.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:



CHAIRMAN

ATTEST:


CLERK TO THE BOARD

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THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

Leann Kumar
CHAIRMAN

ATTEST:

Elizabeth W. Corn
CLERK TO THE BOARD