

DRAFT
MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
DECEMBER 3, 2007

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Conference Room of the Henderson County Office Building. This was the annual organizational meeting.

Those present were: Commissioners Bill Moyer, Charlie Messer, Larry Young, Chuck McGrady, and Mark Williams. Also present were: County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, Deputy Clerk to the Board Terry Wilson, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Sheriff Rick Davis, PIO for the Sheriff's Department Joe Johnson, Parks and Recreation Director Tim Hopkins, Internal Auditor Darlene Burgess, Property Addressing Coordinator Curtis Griffin, Soil and Water Conservation Director Jonathon Wallin, Animal Services Director Brad Rayfield and Communications Officer Pam Brice.

CALL TO ORDER/WELCOME

Elizabeth Corn called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

Ms. Corn led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

ELECTION OF CHAIRMAN

Elizabeth Corn explained that the first item on the agenda was the election of the Chairman of the Board for the coming year. She opened the floor for nominations.

Commissioner Messer nominated William Moyer for Chairman. There were no other nominations. *Commissioner McGrady moved that nominations cease and that Commissioner Moyer be elected as Chairman of the Board for the coming year. All voted in favor and the motion carried.*

Congratulations followed. Ms. Corn turned the meeting over to Chairman Moyer.

Chairman Moyer noted that the next item was the election of a Vice-Chairman of the Board.

ELECTION OF VICE-CHAIRMAN

Chairman Moyer opened the floor for nominations for the Vice-Chairman of the Board for the coming year. Chairman Moyer nominated Commissioner McGrady. Commissioner Young nominated Commissioner Messer. A vote was taken and results follow:

	C. Messer	C. McGrady
Commissioner McGrady		√
Commissioner Williams	√	
Chairman Moyer		√

DATE APPROVED _____

Commissioner Messer	√	
Commissioner Young	√	

Commissioner Messer was elected as Vice-Chairman of the Board for the coming year. Congratulations followed.

ARBY'S & APPALACHIAN ENERGY

Chairman Moyer stated that on behalf of the Board he had attended a meeting at Arbys on Airport Road. Arbys and Appalachian Energy are entering into a joint venture of which he felt the Board should be aware. Arbys has made a commitment to move all their stores to solar energy and Appalachian Energy is providing the facilities for this. Chairman Moyer stated there was a demonstration showing how it was done and the efficiencies they have already gained by using solar energy and savings from natural gas and electric.

Appalachian Energy moved into the previous Steelcase building along with other companies bringing 200 or more jobs to Henderson County. Chairman Moyer felt that the Board would have to look at some point as to whether the County can take advantage of this. With respect to the Appalachian's commercial customers, they will provide the panels and the insulation so there is no upfront capital cost.

MEET THE DIRECTOR AND ADOPT A PET CELEBRATION

Chairman Moyer commented that there had been a "Meet the Director and Adopt a pet Celebration" at the Animal Shelter the same day as the Hendersonville Christmas parade. He was concerned about having so many events at the same time but the event was a great success. There were a lot of animals adopted.

Assistant County Manager Selena Coffey introduced the new Animal Services Director Brad Rayfield. She stated that Brad came to the county from NC State University, where he had most recently worked. He has an educational background in Agricultural Business as well as experience in kennel management. Ms. Coffey thanked Rocky Hyder for covering as Interim Director during the vacancy.

Chairman Moyer also noted that members of the Blue Ridge Humane Society were at the event to show their support for the new director and changes that are being made and pledged their cooperation to work with the county.

INFORMAL PUBLIC COMMENTS

1. Doug Freeman – Mr. Freeman stated that on Tuesday, November 6, the voters of Henderson County spoke and if they are given another opportunity to speak on the subject of taxes, such as an increase in the sales tax, he questioned if they would respond as they did on November 6 or if they would respond differently. He felt that if perhaps when voters went to the polls again, a different question might produce a different and positive response. The questions could and should be: Do you favor charging the developers impact fees for the new homes constructed in Henderson County? He questioned why the Board urged passage of a land transfer tax rather than impact fees. With the defeat of the land transfer tax referendum in all counties where it was on the ballot this fall, he felt it possible that those counties would join with Henderson, as well as other counties, if the Board would make common cause with the other county commissioners in seeking state authorization for impact fees in all counties.

While the collection of impact fees will not solve all of the financial woes of our county, it would have the effect of (1) holding down future raises in the property tax rate and (2) placing a substantial portion of the burden of added infrastructure costs due to growth on those most responsible, the developers. The Henderson County Democratic Party recently endorsed, unanimously, a resolution asking this county board to seek legislative authority to impose impact fees. Should the Board decide to pursue this course of action, they are prepared to seek support from the Democratic representatives in the legislature from Western North Carolina to help in the effort.

Chairman Moyer noted that he did not usually respond to public comment but this subject continued to come back and he needed to get the point across. This is his 9th year as a Commissioner and most of the other Commissioners had been here several years. He stated “I assure you that for eight years that I’ve been on and before we had gone to the Legislature to try to get permission to at least consider, with citizens approval, an Impact Fee and we’ve been told NO and we were told this year NO. And when everything started coming back with respect to the land transfer tax, I met with our Legislatures as to the possibility of bringing up this issue again and they said ‘Do Not Bother, there is no chance of getting support for an Impact Fee, you may be able to get permission or approval to kick the sales tax up to ½% which would double the money and give us almost what we need but don’t waste our time coming down and asking for an impact fee.’ If you can persuade your democratic counterparts and the legislature to consider it that would be great but we have been unsuccessful despite repeated attempts to try to do that and I’ve been told it’s a waste of time for this year. So having said that the County Commissioners Association will continue...we’ve asked and our position has been fairly straight forward that all counties should be treated fairly. If you are going to let one county do something, let all of them do it or don’t let any of them do it, but don’t hand pick based on who has a powerful Senator which one you are going to allow to do it, but this is not carried today. They like to go in there and give special permission to certain places and we’ve not been able to get that and I do not see that we’re going to have any success on impact fee for the coming year. Having said that we’ll continue to try but I’m not at all optimistic.”

2. Karen Mathiesen – Ms. Mathiesen is a Teacher at Hendersonville High School and was present to request an increase in the teachers supplement.
3. Theron Maybin – Mr. Maybin informed the Board that during many of the Agriculture Advisory Committee meetings there was not a quorum and requested that Commissioner Mark Williams be granted the privilege of voting at the meetings.
4. Diane Dotson – Ms. Dotson is a member of the Henderson County Association of Educators. She was requesting a supplemental pay increase.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

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

REVIEW OF PUBLIC OFFICIAL’S BONDS

Pursuant to NCGS 58-72-20 and the Board’s Rules of Procedure, after the Chairman and Vice-Chairman have been elected, the next order of business at this organizational meeting of the Board is the annual review and approval of the bonds for county public officials. The following are the county officials required to be bonded and the current bond amounts:

Public Official	Bond Amount	Bond Company
Richard W. Davis, Sheriff (No new bond needed)	\$25,000	Fidelity and Deposit Company
Nedra Whitlock Moles, Register of Deeds (No new bond needed)	\$50,000	Fidelity and Deposit Company
Terry F. Lyda, Tax Collector	\$1,000,000	Fidelity and Deposit Company
Lee King, Deputy Tax Collector	\$250,000	Fidelity and Deposit Company
J. Carey McLelland, Finance Director	\$200,000	Fidelity and Deposit Company

The County Attorney had reviewed the previous year’s bonds and reports to the Board that they appear to be valid and in order.

If the Board is so inclined, the following motion was suggested:

I move that the Board approve the public officials' bonds as proposed.

Minutes

Draft minutes were presented for the Board's review and approval of the following meetings:

May 15, 2007, special called meeting

November 5, 2007, regular meeting

Tax Collector's Report

Terry F. Lyda, County Tax Collector, had provided the Tax Collector's Report dated November 21 for the Board's review and consent approval.

County Financial Report/Cash Balance Report – October 2007

This October report was presented for the Board's review and consent approval.

Non-Departmental costs include insurance premiums paid to date for Property and Liability insurance coverage and Worker's Compensation costs. These costs are being allocated out to all departments on a pro rata basis during the fiscal year.

The YTD deficit in the Crisis Housing Assistance Program (CHAP) Fund and the Lewis Creek Restoration Project Fund is due to the timing difference between the expenditure of Federal and State grant funds and the subsequent requisition and reimbursement of these expenditures.

The YTD deficit in the Mills River Elementary School and Hillandale Elementary School Projects include architectural fees and construction project services that have been paid on the projects to date that are expected to be reimbursed from new school financing debt issued in FY 2008. The County adopted a reimbursement resolution in the prior fiscal year to allow reimbursement from future financing proceeds for these two projects.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the October 2007 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Report – October 2007

This October report was presented for the Board's review and consent approval.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the October 2007 Henderson County Public Schools Financial Reports as presented.

EMS Accounts Receivable Report

This report was provided for the Board's review and consent approval. An aging analysis of accounts receivable and total revenues received to date for the current fiscal year was included in the report.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the EMS Accounts Receivable Report as presented.

Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the period ended September 30, 2007

G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The report provided was received by the County Finance Officer on November 13, 2007.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the Western Highlands Area Authority Fiscal Monitoring report for the period ended September 30, 2007 as presented.

Tax Refunds

A list of 5 tax refund requests was presented for the Board's review and consent approval.

If the Board is so inclined, the following motion was suggested:

I move the Board of Commissioners approve the Tax Refund Report as presented.

Tax Releases

A list of 42 tax release requests was presented for the Board's review and consent approval.

If the Board is so inclined, the following motion was suggested:

I move the Board of Commissioners approve the Tax Release Report as presented.

Resolution Authorizing the Surplus and Disposition of Personal Property by Private Sale

In his continuing efforts to reduce the number of sport utility vehicles in his department's fleet, the Henderson County Sheriff has received a request from Jones County, North Carolina to purchase a 2005 Dodge Durango, VIN #1D4HB38N35F578941. This vehicle is currently being driven by the department and is scheduled to be replaced by a new patrol vehicle. The Sheriff has negotiated a purchase price of \$15,900 for the vehicle with Jones County.

The sale of personal property to another local governmental unit is authorized under N.C.G.S. 160A-274.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the proposed resolution declaring the 2005 Dodge Durango as surplus and authorizing the sale of this vehicle to Jones County, North Carolina at the stated price.

Surplus Property

A resolution was attached to the agenda (Exhibit A) along with an attached list of vehicles (Exhibit B) declaring the vehicles and equipment no longer used by the County as surplus property. The resolution also authorizes staff to advertise for sale and dispose of this surplus property by electronic public auction at www.govdeals.com after the required advertisement of the sale.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the attached resolution declaring the list of property presented as surplus and authorizes Staff to sell the surplus property via electronic public auction using GovDeals auction services.

Water Line Extension

The City of Hendersonville had requested that the County comment on the proposed water line extension. City of Hendersonville Project Summary Sheets, with vicinity maps, engineer's reports, project maps, and county review sheets were attached to the agenda for Board review and action.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners approve the water line extension for Farms at Waters Edge, and direct Staff to convey the County's comments to the City of Hendersonville.

Planning for Older Adults Block Grant Advisory Committee Recommendations for Committee Composition

Staff was recommending three changes to the Home and Community Care Block Grant Advisory Committee, formerly know as the Planning for Older Adults Block Grant Advisory Committee as follows:

1. Change the name of the Committee to the Home and Community Care Block Grant Advisory Committee;
2. Reduce the membership of the Committee from 15 members to 10 members; and
3. Revise the Bylaws to explicitly provide that once the initial recommendations on the disbursement of the Block Grant is finalized, and additional funds received or any decisions regarding reallocation of any under spent funds in the final quarter be at the discretion of the County Manager's staff or an Executive Committee of the Advisory Committee.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners adopt the amendments to the Home and Community Care Block Grant Advisory Committee as recommended.

Amended Declaration of Condominium for Partners in Health

It was requested that the Board approve the following changes proposed by Henderson County Hospital Corporation to the declaration of condominium for the Partners in Health condominium, located adjacent to Blue Ridge Community College's main campus in Flat Rock. The changes would allow the sale by Henderson County Hospital Corporation of the Pardee Care Center facility located with the condominium, and allow for the purchaser to have representation on the condominium board.

The Board of Trustees of Henderson County Hospital Corporation is expected to review and approve the proposed change at its next meeting, on 12 December 2007.

AMENDMENT TO DECLARATION OF CONDOMINIUM OF PARTNERS IN HEALTH CONDOMINIUM A North Carolina Condominium 511 South Allen Road

Flat Rock, NC 28731

AMENDMENT to that Declaration of Condominium made April 6, 2000, by Henderson County, North Carolina, a North Carolina body politic (the "Developer"), for itself, its successors, grantees, and assigns.

- 1) The purpose of this Amendment to Declaration is to amend the Declaration of Condominium of Partners in Health Condominium dated April 6, 1999 and recorded in Deed Book 985 at page 710 in the office of the Register of Deeds for Henderson County, North Carolina to reflect the addition of certain units and the relative rights and responsibilities of the unit owners and the Association. This amendment has been approved by and is made by the owners and lessees of all units within the condominium, Henderson County, Hospice of Henderson County, Inc. and Henderson County Hospital Corporation.

- (a) The name by which this condominium is to be identified is Partners in Health Condominium, a condominium, herein called the "Condominium", and its address is 511 South Allen Road, Flat Rock, North Carolina 28731.
 - (b) The condominium is and shall be situated in Henderson County.
- 2) The condominium association shall consist of owners of Units 1, 2 and 3 is known as Partners in Health Condominium Association, Inc. The Association shall be governed by a board of directors, as more particularly described in the bylaws thereof. The board of directors shall consist of seven (7) members, of whom three (3) shall be appointed by the owner of the Unit 1, two (2) shall be appointed by Unit 2 and two (2) appointed by the owner of Unit 3.
- 3) The real property included in the condominium is described in Exhibit A attached hereto and made a part hereof by this reference.
- 4) The maximum number of units which the declarant reserves the right to create is amended from two to four.
- 5) A description by reference to the plats or plans described in N.C.G.S. §47C-2-109 of the boundaries of each unit created by the declaration including the unit's identifying number, is recorded at _____ in the office of the Register of Deeds for Henderson County, North Carolina.
- 6) The condominium shall have no limited common elements.
- 7) No real estate may be allocated subsequently as limited common elements.
- 8) The declarant reserves no right to develop any unit of the Condominium.
- 9) Unit 1 shall be allocated 66% of the undivided interest in the common elements; Unit 2 shall be allocated 25% of the undivided interest in the common elements; Unit 3 shall be allocated 08% of the undivided interest in the common elements. Unit 1 shall be allocated 66% of the common expenses of the association; Unit 2 shall be allocated 25% of the common expenses of the association and Unit 3 shall be allocated 08% of the common expenses of the association; and Unit 4 shall be allocated 01% of the common expenses of the association.
- 10) All portions of the condominium other than the units are and shall be common elements. The common elements include the driveways, parking areas, lawn, patios, gardens and other landscaping, sidewalks, and utility buildings.
- 11) Each unit may be used only for the purposes of providing health care, for the purpose of adult day care facilities, or for administration of health care facilities to be conducted by the unit owner with North Carolina.
- 12) The invalidity in whole or in part of any covenant or restriction, or any section, subsection, sentence, clause, phrase, or word, or other provision of this Declaration and the Articles of Incorporation, Bylaws, and regulations of the Association shall not affect the validity of the remaining portions thereof.
- 13) This Declaration may be amended in the following manner:
 - (a) Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the association at which a proposed amendment is considered.
 - (b) Either the Board of Directors or the members of the Association may propose a resolution adopting a proposed resolution. Directors and members not present in person or by proxy at the meetings considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the meeting. Except as elsewhere provided, such approvals must be by not less than 100% of the entire membership of the Board of Directors and by not less than 100% of the votes of the unit owners.
 - (c) No amendment shall discriminate against any unit owner unless the unit owner so affected shall consent. No amendment shall change any unit nor the share in the common elements appurtenant to it, nor increase the owner's share of the common

expenses, unless the record owner of the unit therein shall join in the execution of the amendment.

- (d) A copy of each amendment shall be certified by the President and Secretary of the Association as having been duly adopted and shall be effective when duly recorded in the office of the Register of Deeds of Henderson County, North Carolina.

- 14) The annual budget for all expenditures to be made by the Association for repair and maintenance of the common elements must be approved by all of the owners of Units 1, 2 and 3.
15) The title to Unit 4 may not be conveyed separate and apart from the title to Unit 1, and both such units shall always remain in common ownership.
16) A true copy of the bylaws of the Association is attached hereto as Exhibit B.

Done in Henderson County, North Carolina, this ____ day of _____, 2007.

HENDERSON COUNTY

By: _____ (SEAL)
William L. Moyer, Chair, Board of Commissioners

HOSPICE OF HENDERSON COUNTY, INC.
d/b/a FOUR SEASONS HOSPICE AND PALLIATIVE CARE

By: _____ (SEAL)

HENDERSON COUNTY HOSPITAL CORPORATION
d/b/a MARGARET R. PARDEE MEMORIAL HOSPITAL

By: _____ (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that William Moyer, Chairman of the Henderson County Board of Commissioners personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this ____ day of _____, 2007.

Notary Public

My commission expires:

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that _____, Chairman of the Board of Directors for Henderson County Hospital Corporation, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this ____ day of _____, 2007.

Notary Public

My commission expires:

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, a Notary Public of the County and State aforesaid, certify that _____, Chairman of the Board of Directors for Hospice of Henderson County, Inc., personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purpose stated therein. Witness my hand and official stamp or seal, this ____ day of _____, 2007.

Notary Public

My commission expires:

_____, President of the Board of Directors of Partners in Health Condominium Association, Inc. hereby certifies that the foregoing Amendment to the Declaration of Condominium was duly adopted by the aforesaid Board of Directors on November _____, 2007.

President

Attest:

Secretary

EXHIBIT A

BEGINNING at a point in the right-of-way of South Allen Road (State Road 1756), said point being the northeasternmost corner of that property described in deed of record in Deed Book 985, at Page 708, in the office of the Register of Deeds for Henderson County, North Carolina; and running thence South 03 deg. 46 min. 52 sec. East 110.28 feet to a point; thence South 83 deg. 30 min. 48 sec. East 10.50 feet to a point; thence South 04 deg. 45 min. 49 sec. East 165.84 feet to a point; thence South 05 deg. 27 min. 41 sec. East 110.48 feet to a spike set; thence North 73 deg. 43 min. 04 sec. West 125.19 feet to a point; thence South 83 deg. 31 min. 09 sec. West 62.76 feet to a point; thence South 62 deg. 42 min. 40 sec. West 48.43 feet to a point; thence South 00 deg. 59 min. 32 sec. East 28.22 feet to a point; thence North 5 deg. 55 min. 08 sec. West 36.70 feet to a point; thence South 80 deg. 27 min. 56 sec. West 62.74 feet to a point; thence South 63 deg. 49 min. 53 sec. West 86.06 feet to a rebar set; thence South 51 deg. 04 min. 59 sec. West 39-16 feet to an existing rebar at a control corner; thence South 83 deg. 40 min. 28 sec. West 449.84 feet to an existing rebar; thence North 11 deg. 33 min. 46 sec. West 315.48 feet to an existing rebar; thence North 06 deg. 29 min 45 sec. East 319.55 feet to an existing spike in the base of the Chestnut Oak; thence South 83 deg. 32 min. 16 sec. East 649.95 feet to a point; thence South 83 deg. 32 min. 16 sec. East 229.98 feet to the point and place of BEGINNING, and containing 10.37 acres, more or less, as shown on that survey of Hill and Associates Surveyors, P.A., dated October 12, 2007, bearing File No. 24064.

THERE IS ALSO CONVEYED all easements appurtenant to the above-described tract.

If the Board is so inclined, the following motion was suggested:

I move that the Board approve the proposed changes to the Declaration of Condominium for the Partners in Health Condominium, subject to their approval by the Board of Trustees of Henderson County Hospital Corporation.

NOMINATIONS

Notification of Vacancies

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

1. Cemetery Advisory Committee – 1 vac.
2. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Two additional vacancies were noted by Deputy Clerk Terry Wilson as follows:

1. Agriculture Advisory Committee – 1 vac.
2. Environmental Advisory Committee – 1 vac.

Nominations

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

1. Child Fatality Prevention Team – 1 vac.

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

2. Community Child Protection Team (CCPT) – 1 vac.

Commissioner McGrady stated that the CCPT had elected a Chairperson and requested that Deputy Clerk Terry Wilson verify if the Bylaws permitted the committee to handle the election of Chair. (Further inquiries by Terry Wilson did show that the committee was responsible for electing the Chair).

3. Criminal Justice Partnership Program – 6 vac.

Commissioner Young nominated for reappointment Charlie Messer to position #1, Sharon Orr to position #3, Jessica Wagner to position #6, Ray Simpson to position #7, Tracy Howell to position #8 and Connie Rayfield to position #11. There were no other nominations. *Chairman Moyer made the motion to accept all six (6) reappointments by acclamation. All voted in favor and the motion carried.*

4. Fire and Rescue Advisory Committee – 2 vac.

Commissioner Williams nominated Jeffrey Cooper for position #2 and Tim Garren for position #6. *Chairman Moyer made the motion to accept Jeffrey Cooper to position #2 and Tim Garren to position #6 by acclamation. All voted in favor and the motion carried.*

5. Fire Commission – 3 vac.

Commissioner Messer nominated for reappointment Martin Harris for position #1, Howard Norton for position #2 and Phil Hyder for position #3. *Chairman Moyer made the motion to accept Martin Harris to position #1, Howard Norton to position #2 and Phil Hyder to position #3 by acclamation. All voted in favor and the motion carried.*

6. Henderson County Transportation Advisory Committee – 1 vac.

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

7. Henderson County Zoning Board of Adjustment – 3 vac.

Commissioner McGrady nominated Anthony Engel for reappointment to position #4 and Eric Goodman for reappointment to position #6. *Chairman Moyer made the motion to accept Anthony Engel to position #4 and Eric Goodman to position #6. All voted in favor and the motion carried.*

Commissioner McGrady nominated Tedd Pearce for position #1. Commissioner Young nominated Brandon Yelverton for position #1. There being no further nominations, position #1 was rolled to the next meeting.

8. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

9. Juvenile Crime Prevention Council – 6 vac.

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

10. Laurel Park Zoning Board of Adjustment – 1 vac.

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

11. Library Board of Trustees – 1 vac.

Chairman Moyer nominated Larry Young for reappointment to position #1. *Chairman Moyer made the motion to accept Larry Young by acclamation. All voted in favor and the motion carried.*

12. Planning Board for Older Adults Block Grant Advisory Committee – 5 vac. (1 vac.)

Chairman Moyer noted with the changes that had evolved with this committee tonight he felt no action should take place until the next meeting. There were no nominations at this time so this item was rolled to the next meeting.

13. Recreation Advisory Committee – 1 vac.

Commissioner Messer nominated Hunter Marks for position #8. Larry Young nominated Sue Myers for position #8. There being no further nominations, position #8 was rolled to the next meeting.

14. Senior Volunteer Services Advisory Council – 2 vac.

Deputy Clerk Terry Wilson noted that Lee Ann Tucker of Land of Sky had recommended reappointment of Catherine Lee to position #1. Commissioner Young nominated Catherine Lee for reappointment. *Chairman Moyer made the motion that by acclamation the Board recommend Catherine Lee to the Lake of Sky for reappointment. All voted in favor and the motion carried.*

15. Solid Waste Advisory Committee – 1 vac.

Commissioner McGrady nominated Joseph McGuth for position #7. *Chairman Moyer made the motion to accept Joseph McGuth to position #7 by acclamation. All voted in favor and the motion carried.*

16. Travel & Tourism Committee – 4 vac.

Commissioner Young nominated Mehmet Ozelsel for position #1, Dale Barlett for position #2 and Kathy Griffin for position #4. Commissioner Messer nominated Commissioner Larry Young for position #4. *Chairman Moyer made the motion to accept Mehmet Ozelsel, Dale Bartlett, Larry Young and Kathy Griffin by acclamation. All voted in favor and the motion carried.*

Commissioner Messer recognized Lucy King for her service to the Travel & Tourism Committee during the last five years.

HENDERSON COUNTY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2007

Mrs. Paula Hodges, CPA, Senior Audit Manager, with the certified public accounting firm of Martin Starnes and Associates, CPAs P.A. and Carey McLelland, Finance Director, presented and discussed the fiscal year ended June 30, 2007 audit results with the Board of Commissioners and Management.

Carey McLelland stated that this year we had received an unqualified audit opinion issued on the basic financial statements which is the best opinion you can get in an audit. The statements present fairly the financial position of the County in all material aspects. We had no single audit (commonly called

compliance auditing) findings or question costs on any of our major federal or state grant programs, grant awards. Those are typically child care, Medicaid, Food Stamp programs, primarily DSS type programs. The County Reserve General Fund balance at the end of June 30, 2007, was \$15.3 million and it met the Board's 12% Fund Balance policy minimum. A copy of the Comprehensive Annual Financial Report had been provided to the Board at the meeting. The Board has some debt policies in place, the actual total outstanding debt as of June 30, 2007 was \$103 million which represented just less than 1% of the total projected FY2008 assessed tax value. The maximum for that policy is 3%, so we are well under that by 2%. Actual debt service payments we made last year were 10.9% of this year's General Fund Budget expenditures. Our maximum there is 15% so we have a little over 4% available going into this fiscal year for any new debt we may issue. All of our special revenue and capital project funds were in a positive financial position at the end of June including \$1.3 million we had available in our County Capital Reserve Fund. Those are the proceeds from the sale of the Land Development building. All three of our Enterprise Funds; Solid Waste Fund, Cane Creek Water and Sewer District, and the Justice Academy Sewer Fund remain self-supporting while increasing the fund balance position at the end of the previous fiscal year. The report will be placed on the County's website for the public. Hard copies will be available at the public library for public access. Mr. McLelland offered to meet with any of the Board member to discuss specifics after the Commissioners had had the chance to review the report.

Mrs. Hodges stated that along with the unqualified opinion issued on the basic financial statements they had also issued an unqualified opinion on internal controls and compliance of major federal and state programs. He recognized the finance department for the excellent job that they do. She informed the Board that the County was in excellent financial condition.

The only area of comment from the Board was with respect to the jail. This had to do with internal controls at the detention center concerning cash deposits and how they were handled from preparing the deposit, making the deposit, and reconciling the bank statement. Since this was issued, Internal Auditor Darlene Burgess and Mr. McLelland had been to the detention center and worked with Captain Cochran to put some changes in place as far as related procedures and controls. They feel these areas have now been strengthened where there is not an open hole like there was before and they are still working on some of the other areas that were mentioned in the finding.

SPEAK OUT FOR KIDS EVENT UPDATE

Commissioner McGrady stated that 6-8 years ago the Commissioners had asked the Children and Family Resource Center to put together a range of information about children and families in our community. The information was assembled and with the passage of a few more years the information was requested again. It then became clear that more was needed than to just pull the information together to get a much broader input into a report on the health of our community in terms of how we work with and raise our children. This led to the United Agenda for Children which had been a year long effort leading more recently to an event in October which was well attended. This is a report on that day and the work leading up to it and suggestions as to what our priorities might need to be in the coming years.

The Executive Director of the Children and Family Resource Center, Maureen Adams discussed the Speak Out for Kids Event – a community meeting conveyed by the United Agenda for Children. The United Agenda for Children is a coalition of citizens, civic leaders, businesses, government and community agencies who have united to make sure every child in Henderson County is safe, healthy and well educated. The primary focus of the day was to determine priorities in the areas of education, health and safety of the children in Henderson County. The following information was derived from the study with the items highlighted being the most important:

Priorities in Education

- Create more after school programs
- **Develop programs that help young people make post graduation plans**

- Improve School Facilities
- Increase Teacher pay
- Provide parent education
- **Increase access to preschool education through increased subsidies and additional preschool spaces**

Priorities in Health

- **Provide school nurses (at 70%)**
- Provide sex education in schools
- **Increase mental health services for children in the community and in schools**
- Provide meals for children that are nutritious and include locally grown produce
- Improve the health delivery system by preventing duplication and evaluating services

Priorities in Safety

- **Mentoring programs for at risk youth** – Drug prevention and education
- **Social venue for teens**
- **Affordable housing**
- Create a community forum for everyone involved in juvenile justice to get everyone on the same page
- Provide parent education to reduce abuse and delinquency in adolescents

Going Forward

- Summary report December
- In-depth report in January
- Implementation planning has begun
- Report back to the community in 2 years

PARKS AND RECREATION 2007 FACILITY NEEDS ASSESSMENT

Selena Coffey introduced the new Parks and Recreation Director Tim Hopkin. She thanked Marcus Jones for covering in the interim position.

Chair of the Recreation Advisory Committee Corum Smith recognized members of the committee including Roy Huntley, Vice-Chairman Jeff Dawson, Jerry Eblin, Ralph King, Terry Maybin, Virgle McClure, Jim Switzer, Commissioner Representative Charlie Messer, and Public School Representative Bo Caldwell. Their goal as the Advisory Board is to provide all citizens of all ages an opportunity for a lifelong learning and health of living skills. The demands for additional facilities have surpassed the present system ability to provide those needs.

The Henderson County Parks and Recreation Department, as part of a Facilities Needs Assessment, has over the past three months conducted five public input sessions and two follow-up meetings with the Recreation Advisory Board and staff. These input sessions held at the four public high schools in the county and one at the main branch of the public library, sought to gather the publics' thoughts and ideas on facility needs for the parks and recreation department. These input sessions were facilitated by Steve Allan, consultant with Solutions 4 Local Government. The input sessions identified the following needs:

1. Soccer Complex
2. Recreation Center
3. Greenways
4. Additional Parks
5. Maintenance
6. Handicap & Special Needs Accommodations
7. Dog Park

A report was provided to the Board with recommendations from the Recreation Advisory Board and staff. Included in the report was a brief description of facilities and potential budgetary expenditures associated with the needs.

Soccer Complex

A complex with five fields is currently needed in the County. It is not practical to plan for this type of facility to be duplicated throughout the County.

Recreation Center

The Recreation Center should include an indoor pool, gymnasium and a multi-use area. The pool needs eight 25 meter lanes.

Additional Parks

Areas such as Green River, Mills River, Gerton, and Balfour were seen as potential new park locations.

Dog Parks

The need for this facility comes as many residents find themselves living with dogs in areas that do not allow dogs off a leash.

When these facilities are constructed they must be well-planned, sufficiently funded and professionally designed to promote civic pride in Henderson County's recreational opportunities.

Recess

Chairman Moyer called a 5 minute recess.

PUBLIC HEARING – NEW ROAD NAMES

Commissioner McGrady made the motion for the Board to go into public hearing. All voted in favor and the motion carried.

Curtis Griffin explained that a public hearing for the following proposed new road names had been scheduled for this evening. The hearing date was set at the November 5, 2007 Board of Commissioners' meeting.

New Road Name

Creekside View Trail

Cedar Tree Lane

Mountain Bluff Trail

Montchannin Hts (currently named Posey Lane)

Boy View Lane

Frank Street

Public Input

There was none.

Commissioner McGrady moved that the Board approve the new road names. All voted in favor and the motion carried.

Commissioner Messer made the motion for the Board to go out of public hearing. All voted in favor and the motion carried.

AGRICULTURAL DEVELOPMENT & FARMLAND PRESERVATION TRUST FUND

Commissioner Williams stated that this was a little broader than was mentioned in the agenda. The Agricultural Development & Farmland Preservation Trust Fund is a program that the state has right now that

was discussed in depth at the last Agriculture Advisory Board meeting. The plan that the state has is to provide funding for a variety of projects, none of which are guaranteed. There is in excess of \$8 million that has been appropriated for various projects that would be approved by the state. We have an opportunity in Henderson County to at least put our name in by placing applications in hopes that we may be able to get some state funding relating to our farmland preservation and agriculture development in general.

Theron Maybin, Chairman of the Agriculture Advisory Board discussed plans for applying for grant funding through the Agricultural Development & Farmland Preservation (ADFP) Trust Fund for two projects. He stated that at the Agricultural Advisory meeting on November 27, 2007, several of the department heads involved in Agriculture came together including Denise Baker, the Soil and Water Conservation office, and Greg Nix with Apple Wedge Packers. The Board requests that the County Commissioners authorize the Agriculture Advisory Board to commission a Farmland Protection Plan authorizing the Agriculture Advisory Board to submit an application to the trust fund to pay for the cost of writing the plan and that the Commissioners contribute up to \$10,000. After a study they feel that this can be done for \$5,000.

The first will be for development of a Countywide Farmland Protection Plan. This is a plan for how the county intends to maintain a viable agriculture community and address farmland preservation tools. Development of such a plan assists in assessing the state of farming and forestry in the county, and coordinating activities, agencies and funding for farmland and forestland preservation. Additionally, ADFP Trust Fund matching requirements are 15% in counties that have a Farmland Preservation Plan, versus 30% in those without a plan. Funds which can be used for the required match for this project were included in the adopted FY 07-08 budget.

The second is for a private enterprise program that will affect up to 17 apple producers in Henderson County. Funds which can be used for this grant were also included in the adopted FY 07-08 budget for the required matches. This facility will benefit apple growers of Henderson County by extending the market period for fresh apples. The Agriculture Advisory Board requests the Commissioners authorize them to submit an application to the trust fund to help pay for the construction of a cold storage facility and contribute \$35,000 for this required match.

Greg Nix of Apple Wedge Packers stated that they had been packing and shipping for growers in Henderson County for over 25 years. They began this project without a cold storage. Their first storage consisted of 4,000 square foot storage in 1989, in 1999 they added a new line with electronic color sorting, and in 2004 they added a second cold storage of 3,000 square feet. During this process they continued to rent cold storage from Western North Carolina Co-op at an approximate cost of \$25,000 per year. They are now looking to build a third cold storage to better work with our growth of growers in Henderson County. Some of the reasons for needing additional cold storage include more frequent temperature problems, rental storage space not always available, and they need to upgrade to a smart fresh chamber which will enhance the quality of fruit for a longer period of time. Other businesses that they feel would benefit from the additional cold storage would be chemical dealers, farm equipment dealers, and merchants in general. The proposed facility is being planned as in sections A, B and C. Their current plan is to construct all three sections at the same time and have them completed by July 25, 2008. Section A would be a cold storage 66 feet by 60 feet with total square feet of 3960. Section B would be a second cold storage adjoining that, 66 feet by 40 feet with total square footage of 2640. The third Section C would be a staging area, 66 feet by 50 foot square foot building with total square footage of 9900 square feet.

Commissioner Williams stated that from the time the State announced the funding for this program, (grant money) we are now only about 3 weeks out from the time the initial news came to us, that there would be funds available. There has been a mad rush to try to expedite some things which have already been discussed and not a lot of time was allotted for preparation and great details for facts and figures to be put on paper. The deadline is December 14th that the State must have the applications in hand. We only have this one opportunity for this to be presented. In respect to the funding, Mr. Nix was looking in terms of about \$600,000.00 (rough estimate). If the County approves funding for this project the cost to the County would

be between 5-6% of the total project. The County's involvement here is simply what's being requested for this as well as the other project as an endorsement on the part of the County to show the County is behind these projects in hopes that they may have some influence over the states decision whenever they start making the selection of what they choose to improve. The Board did approve as part of their budget for this year \$50,000 for agriculture development and preservation of farming. Those funds that are being requested have already been approved. The Board must now determine if the projects being requested fall in line with what the Board had in mind with establishment of that fund. Apple Wedge will move forward even if the funds are not received from the state, but in stages.

NCD Grant	300,000.00
Henderson County	35,000.00
Apple Wedge	<u>\$265,000.00</u>
Projected Cost	\$600,000.00

Commissioner Williams understood that the \$5000.00 would be a collaborative effort between Soil and Water Conservation and Co-operative Extension and working in conjunction with Carolina Mountain Land Conservancy.

Commissioner Williams made the motion that the Board endorse the application for the grant from the Agricultural Development & Farmland Preservation Trust Fund as recommended by the Agricultural Advisory Committee, and to allocate the funds appropriated in the FY 07-08 budget for the proposed projects, specifically being \$5,000 to be used toward the development of a Farmland Protection Plan to be implemented through joint efforts of Soil and Water Conservation and Henderson County Co-operative Extension and utilizing other sources as they may see fit. Furthermore that it would go toward the project of adding cooler space for Apple Wedge Packers in the amount of \$35,000. All voted in favor and the motion carried.

This would leave a balance of County Funds of \$10,000 of the original budget of \$50,000 for future projects.

UPDATE ON TRANSIT BLUE ROUTE FUNDING

Anthony Starr stated that details have been worked out to fund the Blue Route through the end of the FY08 (June 30, 2008). On November 8, 2007 the Hendersonville City Council appropriated an additional \$22,231 to fund the Blue Route for the current fiscal year. In addition, NCDOT staff informed county staff on November 27, 2007 that NCDOT will ask the State Board of Transportation to fund the Blue Route for the remainder of the fiscal year (minus Hendersonville's additional appropriation of \$22,231 and fare box revenues). This arrangement will restore the county's original budgeted revenues for the operation of the Blue Route for the remainder of the fiscal year. The Board is requested to authorize the Chairman to sign a letter to the Public Transportation Director stating the County's position as we see things now. A draft letter was provided to the Board.

County Manager Steve Wyatt noted that the outstanding issue would be beyond July 1, 2008. He asked Anthony Starr to cover the staff plan at that point.

Anthony Starr stated that the financial plan that was developed when the County became more directly responsible for the operation of the transit system was with hope to continue inner city funding, but anticipate that they might loose it in the FY 08-09. The County has structured their grant planning from the Federal Government to accommodate that. It appears that there will be little or no additional match required because some additional Federal Grant money will become available for operational cost in the next year's budget.

This will be the last fiscal year Henderson County receives the "Inter-City Grant" funding and the operation of the Blue Route will occur through use of increased federal grant funds that will become available during FY09.

Commissioner McGrady made the motion that the Board authorize the Chairman to sign the prepared letter to be forwarded to Miriam Perry, Public Transportation Director. All voted in favor and the motion carried.

Commissioner McGrady gave credit to Steve, Anthony and other staff for their good work on this project. After the last meeting, they had worked hard looking for ways to bridge the gap between now and the end of our fiscal year.

PUBLIC DEFENDER OFFICE SPACE

Steve Wyatt introduced Mr. Paul Welch, the newly appointed Director of Indigent Defense Services (Chief Public Defender).

The North Carolina Office of Indigent Defense Services notified the Counties of NC Judicial District 29B (Henderson, Polk, and Transylvania) that a Public Defender has been appointed and office space will be required. Henderson County is required to provide office space and furniture for the Public Defender and staff.

Public Defender Space Requirements

- Initial space needed February 1, 2008
- Initial Requirements
 - 1 Public Defender Office
 - 3 Full time positions (2 APD, 1 Admin)
 - “Equivalent to District Attorney”
 - “Walking distance to Courthouse”
- Additional Intermediate Future Needs
 - (5 more positions)

Public Defender Space Options

- 331 First Ave. East (House next to Jail)
 - Adjacent to Courthouse
 - Small, less than 1000 SF
 - Currently occupied with 1 to 2 offices available
 - Will not accommodate more than Initial Need
- Law Library
 - Library can be down-sized and moved downstairs
 - Space available for 3 to 4 offices
 - Next to Victim-Witness room (conflict w/PD)
 - Inexpensive “In-House” Renovations needed
 - Not a permanent solution
- Lease Office Space
 - Space available within walking distance to Courthouse
 - Approximately \$30,000 per year
 - No Renovations or Maintenance Needed
 - Possible Long Term Solution
- Lease Mobile Office Space
 - Designed for PD, Locate on 4th Avenue
 - Expensive Lease Option
 - Zoning Concerns
 - Possible Law Enforcement Center Location

- Chamber of Commerce
 - Currently occupied by Chamber – relocation possible
 - Near Courthouse
 - Permanent solution w/possible space for DA
 - Inexpensive “In-House” Renovations needed
- Water Utility Building (Fourth Ave.)
 - Near Courthouse
 - Very Expensive to Renovate (over \$350,000)
 - Possible Law Enforcement Center Location
 - Building needs to be Demolished
- Old Health Building (US176)
 - Not Highest and Best Use of Property
 - Not Located Close to Courthouse
 - Still Appropriate Decision to Surplus – Factors Leading to Decision Remain Applicable
- Construct Addition to Courthouse
 - Best Permanent Solution
 - Two Year Process at Best
 - Expensive

Public Defender Space Recommendation

- Permanent Location at Chamber of Commerce Building
 - Public Defender
 - Possible DA expansion
- Bridge the Time till Available
 - Law Library
 - 331 First Ave East Offices

Commissioner McGrady made the motion that the Staff develop office space for the new Public Defender in the area currently used as the law library and in the available space at 331 1st Ave. East and continue to study a long term solution. All voted in favor and the motion carried.

PERMANENT HAZARDOUS HOUSEHOLD WATER/ELECTRONIC CENTER

Marcus Jones stated that developing a permanent, on-site center instead of single day events can better utilize the current and future Solid Waste funding budgeted for HHW/E. This option would provide the following:

1. Significant improvements in customer service
 - The permanent facility would be open on regular scheduled dates throughout the year
 - The lines would be less due to more frequent scheduling
 - More accommodating to customer’s schedules due to more frequent scheduling
2. Notable cost savings
 - Cost break down from last single day event:

LOSRC Event Management	\$10,988
Eco Flow Mobilization	14,562
Cost of Processing Material	29,239
ECO Volunteers	No Charge
Total	\$54,789.00

- Cost Savings, Set up & Operating Costs for Permanent Facility (from Actual proposal):

HHW Building	\$30,000
Possible DPPEA Grant	(25,000)
HHW DEHNR Permit, Training, & Grant Application	\$2,200 to 3,500
Staffing	Current
Cost of Processing Material	\$24,268
Total	\$32K - \$57,000

- Annual cost of processing HHW with a permanent facility is 17% less than the prices with the past single day event.
 - With a successful grant, a permanent facility can process the same HHW/E as the single day event for much less cost (almost the case without the grant).
3. More budget control
- With a permanent facility, we can close the facility if necessary when the budget is expended.
 - With a single day event, the impact on the budget is determined a month after the event when the invoice is received.
 - Buncombe County's last single day event cost: \$250,000. Buncombe, Transylvania and Madison all now have permanent facilities and all received grants for them.

Marcus Jones stated that during the last Solid Waste Advisory Committee meeting, on November 19, the Committee voted unanimously in favor of developing a permanent HHW/E center. This will be included in next year's budget if approved.

Commissioner McGrady made the motion that the Board approve the development of a permanent Household Hazardous Waste & Electronic Recycling Center at the County's Solid Waste Facility. All voted in favor and the motion carried.

COUNTY FACILITY USE POLICY

County Manager Steve Wyatt explained that we have identified the need internally to have a policy that would govern the use of county facilities. There are several outstanding issues that have been discussed in this form prior and staff has taken discussion points and input on the first draft and have melted that into a second or perhaps a third draft, after staff adjustments.

The purpose of this agenda item is to provide direction to staff regarding the revised policy as per comments from the July 18, 2007 and September 4, 2007 Board of Commissioners meetings and subsequent individual meetings between staff and Commissioners. The proposed document establishes the Board's policy on public use of the County's facilities and grounds. The proposed policy incorporated existing staff level policies for several County buildings into a Board Policy applicable County wide. This revision of the policy removes the County parks and libraries which will leave their current policies standing.

The following changes were noted:

- 1) No use of alcoholic beverages allowed in county facilities.
- 2) Only non-profit, educational, civic and cultural groups will be considered. Meetings must be open to the public.
- 3) Solicitation is not permitted within County Facilities or Grounds.

Commissioner Williams made the motion that the Board approve the County Facility Use Policy as revised in discussion regarding item #2 above taking out non-commercial and replacing it with non-profit, educational, civic and cultural groups. The motion passed 4-1 with Commissioner McGrady voting nay.

RENEWAL OF MCCALLISTER LEASE

The proposed renewal of the McCallister lease (Sheriff's Department investigations division) was provided to the Board. The new rent amount is \$2800.00 per month (previously \$2700.00 per month). The new lease is for three (3) years, but may be terminated upon three months notice.

Commissioner McGrady made the motion to conditionally approve the new lease for the McCallister property as presented, subject to the Chairman and County Manager meeting with Mrs. McCallister. Furthermore if any changes are made it will be brought back to the Board. All voted in favor and the motion carried.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

County Manager Steve Wyatt stated that in conversations with the State Medical Examiners Office today, there is still no candidate for a County Medical Examiner. He feels that the current examiner will stay in place until a successor is named. At the request of the State Medical Examiner, Mr. Wyatt has begun making contact with Chris Hose, CEO at Pardee about gaining his assistance. The Medical Examiner does not have to be a Physician, physicians assistant, paramedic, or nurse. There were approximately 130 calls for service last year to the State Medical Examiner.

IMPORTANT DATES

2008 Board of Commissioners Retreat

Selena Coffey stated that staff and the Board had discussed holding the annual retreat on Thursday, January 17, 2008 at the Western North Carolina Justice Academy beginning around 9:00 a.m.

Chairman Moyer made the motion that the Board schedule the 2008 retreat for Thursday, January 17, 2008 to be held at the Western North Carolina Justice Academy. All voted in favor and the motion carried.

Chairman Moyer noted the Legislative Conference (NACo) in Washington, D.C. March 1-5. He feels it is one of the most valuable conferences.

Assistant County Manager Selena Coffey stated that staff had been working with the Sheriff's Department and the County Attorney to formulate a plan for the Noise Ordinance that is feasible and good for the county to address the issues brought up during public comment and hearings over the last couple of months. This information will be brought up at the next meeting and the Board could choose whether to make a decision then or hold a hearing or workshop.

Selena Coffey explained that at the Animal Ordinance Public Hearing on December 11, Associate County Attorney Sarah Zambon will be going through the revisions to the ordinance along with herself and the new Animal Services Director.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

Commissioner McGrady made the motion that the Board go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

- 1.(a)(3) *To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.*
- 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 Williams made the motion to adjourn the meeting at 9:04p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman