

**DRAFT**

2/17/11

**MINUTES**

cc: BOC  
Steve  
Selena  
Russ  
Christy

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 7, 2011**

The Henderson County Board of Commissioners met for a regular meeting at 5:30 p.m. in the Commissioner's Meeting Room of the Henderson County Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Michael Edney, Vice-Chairman Tommy Thompson, Commissioner Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Construction Manager David Berry, Henderson County Assessor/ Tax Collector Stan Duncan, Delinquent Tax Collector Lee King, Engineer Marcus Jones, Fire Marshal Rocky Hyder, Research/Budget Analyst Amy Brantley, Sheriff Rick Davis, Registrar of Deeds Nedra Moles, Swat Experts Lieutenant Tim Gordon, Lieutenant Bengy Bryant, and Sergeant Larry Pierson, Planner Parker Sloan, IT Director Becky Snyder, Code Enforcement Director Toby Linville, Building Services Director Tom Staufer, Captain of Patrol Tim Griffin, Chief Deputy Greg Cochran, Sergeant Debbie Ward, and Officer David Pearce (as security).

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Andrew Torres of the Henderson County Leadership in training 4-H Club.

**INVOCATION**

F. Alan Holmes of the Baha'i Faith gave the invocation.

**INFORMAL PUBLIC COMMENTS**

- 1) Barbara Barnett – Ms. Barnett spoke on behalf of the League of Women Voters of Henderson County. The League supports the position that land is a finite resource and not a commodity and carries with it the responsibility of stewardship. All around the world there are limits to growth due to overpopulation. The definition of overpopulation is not based on density; it is based on the lack of natural resources to support life. Human survival depends upon clean water, clean air and arable land. The base for all planning should be respect for the environmental, economic and social consequences of land use. The League of Women Voters support the NC Water Supply Watershed Protection Act mandating a WSIII category of regulations for the Green River Watershed because restricting development in the flood plains (as the State recommends) retains the rural nature of Henderson County which is a priority of Henderson County citizens. The WSIII designation would preserve the land for agriculture and silver-culture. Single-family homes would be built on minimum lots of less than one-half acre, allowing for cluster zoning leaving open space for future farmland needed for the next generation. Large homes on large plots of one-acre or more (WSIC) creates demand for more infra-structure, such as roads, schools. Keeping huge developments out of flood plains reduces the need for emergency rescues, economic losses and use of taxpayer funds in recovery

APPROVED:

efforts. Population grows exponentially and our demand for natural resources does also, unfortunately, air water, land and forests will be more threatened from technology and over consumption. Protection for steep slopes and floodplains to prevent erosion and mud slides, and cutting forests no faster than they can grow back is good planning. The Soil Erosion and Sedimentation Act does not apply to agriculture and it is funded by permit fees only. Using groundwater no faster than it is recharged by precipitation would protect wetlands and preserve farmland so we do not exceed the carrying capacity of the land. The water supply would remain sustainable in a fragile eco-system. Bonding by developers in all new subdivisions should be mandatory. Affordable Housing, e.g., manufactured homes, by today's standards is not easily distinguishable from stick built homes and is much more affordable.

- 2) Fielding Lucas – Mr. Lucas reminded the Board of Pearl Harbor Day and stated that a request would be made to use the courtroom again on December 7, 2011.
- 3) Kenny Barnwell – Mr. Barnwell spoke on behalf of the Agriculture Advisory Committee. The Committee feels this position should be hired as a county position initially and transitioned into a nonprofit organization in approximately 12 months. If the Commissioners go to the point of forming the Board of Directors, they feel it would be in conflict with the idea of transiting it from a public to a private because there would be membership requirements. If the Board feels it must form a Board at this time they would like to see the Board structured to be more representative for everyone in agriculture. The Agriculture Advisory Board would like to see the process move as quickly as possible.
- 4) Larry Rogers – Mr. Rogers represents the Partners for Economic Progress. He did not agree with the League of Women Voters in the request for a Class III Watershed in Green River as he felt we would lose the ability to plan everything south of the continental divide. He felt it should be a Class IV.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Edney requested the addition of the Tax Collector's Approval to Advertise Tax Liens on Real Property as a discussion item.

*Commissioner Young made the motion to adopt the Agenda with the addition of the Tax Collector's Report of unpaid Tax Liens on Real Property. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner Messer made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

#### **Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):

January 18, 2011 – Regularly Scheduled Meeting

#### **Financial Report/Cash Balance Report – December 2010**

The December 2010, County Financial Report and Cash Balance Report were provided for the Board's review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of December:

Finance – 3<sup>rd</sup> quarter payment for financial software system support  
Fire Services – Annual emergency services equipment maintenance contract payment in November  
Rescue Squad – 3<sup>rd</sup> quarter non-profit contribution paid in advance  
Tuberculosis, Risk Reduction Health Programs and DSS SmartStart – 100% grant funded programs

The YTD deficit in the Capital Reserve Fund is due to the approved transfer of fund balance to the Capital Projects Fund to be used for the Tuxedo Mill Demolition and the Recreation Parks Repair/Renovation Projects.

The YTD deficit in the CDBG – 2008 Scattered Site Housing Project Grant Fund, the CDBG – Warm Company Grant Fund and the Facilities Lighting Retrofit Grant (ARRA) Project is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Public Transit Fund is due to the timing difference between the expenditure of ARRA grant funds for the CNG Station Project and subsequent reimbursement from the N.C. Department of Transportation.

The YTD deficit in the Solid Waste Landfill Fund is due to a decline in solid waste user fees collected in December along with fund balance being appropriated in the current fiscal year for solid waste capital improvement plan expenditures incurred.

Motion:

*I move that the Board of Commissioners approves the December 2010 County Financial Report and Cash Balance Report as presented.*

#### **Henderson County Public Schools Financial Reports – December 2010**

The Henderson County Public Schools December 2010 Financial Reports were provided for the Board's information.

Motion:

*I move the Board of Commissioners approves the Henderson County Public Schools December 2010 Financial Reports as presented.*

#### **2011 HOME Applications**

Habitat for Humanity and Housing Assistance Cooperation (HAC) are requesting application submission approval for HOME Investment Partnerships Program (HOME) funds. HOME funds are administered through the Asheville Regional Housing Consortium. Both projects propose to serve County residents within a range of median household income, the median Henderson County household income in 2009 was \$42,808.

HAC is requesting \$66,000 in non-construction funds to provide down payment assistance to low and very low income home buyers in Henderson County. The funds will provide assistance to families earning 80% of area median income or less.

Habitat for Humanity of Henderson County is requesting \$250,000 in HOME funds in order to construct up to 88 homes in the new Dodd Meadows residential neighborhood off Crest Road. The funds would be used to pay for 50% of the Phase I road in the affordable housing development for families in the 30%-60% range of medium income for the County.

These grants require no County funds.

Motion:

*I move that the Board approves the HOME applications for the Housing Assistance Corporation and Henderson County Habitat for Humanity.*

**Audit Services Proposal**

Our Current external auditors, Martin, Starnes & Associates, CPAs, P.A., is offering the proposal provided to extend audit services to Henderson County for the next five fiscal years. In light of the current economic environment, they have proposed a flat (no increase) fee of \$52,000 to conduct the County's FY2011 audit. Their proposed increase in fees for FY2012, FY2013 and FY 2014 is less than three (3) percent annually and no increase in fees for the FY2015 audit.

As the Board was made aware during its budget planning workshop, Martin, Starnes & Associates provides audit services to 37 counties in the state as well as a number of municipalities, school boards and other authorities. Their firm is highly recognized as a leader in providing audit services to local governments across the state.

Staff recommends that that Board accepts the proposal submitted to perform Henderson County's annual financial and compliance audit for the next five (5) fiscal years at the stated fee.

Motion:

*I move the Board accepts the audit services proposal from Martin, Starnes & Associates, CPAs, P.A. to conduct the County's annual financial and compliance audit for fiscal years ending June 30, 2011 through 2015 at the stated fees.*

**NOMINATIONS**

Chairman Edney reminded the Board of Vacancies and opened the floor for nominations.

**Notification of Vacancies**

1. Animal Services Committee – 1 vac.
2. Historic Courthouse Corporation dba/ Heritage Museum Board – 1 vac.

**Nominations**

1. Agriculture Advisory Board – 3 vac.

*Commissioner Young made the motion to reappoint William Barnwell to position #3, Theron Maybin to position #4, and to appoint Mark Williams to position #5. All voted in favor and the motion carried.*

2. Animal Services Committee – 3 vac.

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

3. Apple County Greenway Commission – 4 vac.

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

4. CJPP (Criminal Justice Partnership Program) – 3 vac.

*Commissioner Tommy Thompson made the motion to reappoint Sharon Orr to position #3. All voted in favor and the motion carried.*

5. Downtown Hendersonville, Inc. – 1 vac.

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

6. Henderson County Historic Courthouse Corp. dba/ Heritage Museum Board – 2 vac.

Commissioner Young nominated Betty Carter and Hilliard Staton for the two open positions. Commissioner O'Connor had nominated Drew Brannon and Carolyn Justus for the two positions at a previous meeting. This item was rolled to the next meeting.

7. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

8. Juvenile Crime Prevention Council – 9 vac.

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

9. Mountain Area Workforce Development Board – 1 vac.

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

10. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

11. Recreation Advisory Board – 3 vac.

Commissioner Messer nominated Terry Maybin for reappointment to position #3, Ralph King for reappointment to position #4, and Gary Eblen for reappointment to position #5. Commissioner O'Connor nominated Larry Harmon for position #4. *Chairman Edney made the motion to accept the reappointment of Terry Maybin to position #3 and the reappointment of Gary Eblen to position #5 by acclamation. All voted in favor and the motion carried.* Position #4 was rolled to the next meeting.

12. Senior Volunteer Services Advisory Council – 3 vac.

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

**TAX COLLECTOR'S REQUEST FOR APPROVAL TO ADVERTISE TAX LIENS ON REAL PROPERTY**

Stan Duncan stated the Tax Collector's Office recently submitted over 1300 motor vehicle and manufactured housing tax bills to the debt set off clearinghouse for collection. These bills accounted for over \$500,000 in delinquent taxes to be collected. This will allow the Tax Office to receive monies if a taxpayer is due a refund on his/her state income tax by attaching our tax lien to the refund.

Lee King stated the Tax Office has also served 391 bank attachments as part of our enforced collection process this fiscal year. These attachments have the potential to result in the collection of \$688,949.46. They have expanded the legal action procedures to include wage garnishments, rent attachments, and escheats. As of 31 January 2010, they have served 248 wage garnishments to collect \$66,304.51 in delinquent taxes. The rent attachment program has resulted in 2 attachments being served resulting in the collection of \$6,461.37 in delinquent taxes. The escheats program allows their office to attach any unclaimed cash a taxpayer might have with the North Carolina State Treasurer's Office. Through 31 January 2011, our office has issued 259 escheat attachments that have the potential to collect \$159,685.70 in unpaid taxes. Escheats allow them to match on taxpayer name and address, until we receive a correspondence from the State Treasurer's Office we do not know the amount of funds attached. This is why the \$159,685.70 is referred to as potential income.

The Tax Office has also continued the process of cleaning up delinquent manufactured housing bills this year and feel that the Debt Set off Program is a vital tool in collecting these old bills. We are also

continuing to work on pending foreclosures. They have experienced an increase in this area due to economic conditions.

Overall since 1 July 2010 they have collected \$1,320,933.85 in delinquent taxes for this fiscal year, this reflects 80.54% of the budgeted goal of \$1,640,000 for this fiscal year.

In accordance with N.C.G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, the following report was submitted:

Annual Bills (not including Registered Motor Vehicle Tax Bills)

2011 Total Collector's Charge:	\$57,524,414.37	2010 Total Collector's Charge:	\$57,024,352.18
Payments:	\$53,539,480.68	Payments:	\$53,027,464.08
Unpaid Taxes:	\$ 3,984,933.69	Unpaid Taxes:	\$ 3,996,888.10

Percentage Collected through 31 January 2011: 93.07%

Percentage Collected at same time last year: 92.99%

Advertisement of Tax Liens:

Effective 1 January 1985, Ch. 1013 (H1676) amended N.C.G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the Courthouse or City Hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Effective 1 July 2006, N.C.G.S. 105-369 has been amended and requires us to provide notice to and advertise liens on real property under the name of the "record owner as of the date the taxes became delinquent".

Mr. Duncan's recommendation to the Board of Commissioners is that unpaid tax liens be officially and legally advertised once on 20 March 2011 (the third Sunday in March), in the Hendersonville Times-News. (Mr. Duncan received bids from the Hendersonville Tribune in the amount of \$9.50 per column inch, and Hendersonville Times News in the amount \$18 per column inch) The reasons for his recommendation are as follows:

- (1) Times-News offers the largest coverage with distribution at 14,166 (current off-season circulation before the spring/summer increase);
- (2) Times-News will also publish the Advertised List in TNW, their weekly publication with a circulation of 16,697 non-subscriber households,
- (3) Times-News will post our Advertised List online at blueridgenow.com, allowing us to reach approximately 247,000+ unique viewers, and we are working on the means to allow for it to remain posted for an, as-yet undetermined period of time as we may require,
- (4) the cost to the citizens is unchanged from 2010 on either a per page or per line basis (NOTE: the cost of the advertisement is borne by the taxpayers being advertised on a per parcel basis resulting in a net cost of \$0.00 to the County.),
- (5) the proposed schedule will provide ample time for preparation of the advertisement,
- (6) the tax payment history of the Times-News is excellent,

(7) no other source for advertising offers a comparable market saturation and subsequently a comparable benefit to cost ratio.

It is their ultimate goal is to collect 100% of the property tax levied. To that end, it is imperative that we avail ourselves of all the tools available to us. Advertising the list of delinquent real property taxes is a very effective tool and is most effective as the exposure to the general public is increased – and less we forget – the greater the potential benefit to the county and the taxpayers who have already satisfied their tax obligation.

At this point in the 2010-11 fiscal year, the Tax Office is working not only to meet the charge set forth in the budget ordinance, but are also working on behalf of the property owners who have met their tax obligation representing over 93% of the county charge. By pursuing the delinquent taxpayers responsible for less than 7% of the outstanding taxes, whether it be through our annual advertisement or other enforced collection actions, we do our part to ensure that all citizens can enjoy a lower tax burden shared by all, rather than a high tax burden shouldered by a few.

Chairman Edney felt that the Hendersonville Tribune should be utilized in order to save even more burden on the taxpayer.

Commissioner Thompson questioned if the amount of revenue received in relation to the advertisement was enough of a surge to warrant the higher charge by Times-News.

Mr. Duncan felt it was worth the additional charge due to the additional advertisement in their sister publication (new this year), and posting of the information on their website. The cost difference is approximately \$32,000 (Times News) and \$16,000 (Hendersonville Tribune).

*Commissioner O'Connor made the motion that the Board accepts the recommendation of the Assessor and advertises in the Hendersonville Times News. The voted failed 1-4 with Commissioner Messer, Commissioner Thompson, Chairman Edney and Commissioner Young voting nay.*

A reporter in the audience from the Hendersonville Tribune stated they do have a website and he felt these advertisements would be placed on their website.

*Commissioner Young made the motion that the Board directs the Assessor to use the Hendersonville Tribune to advertise tax liens instead of the Times News. All voted in favor and the motion carried.*

It was suggested that records be kept for 60-90 days from time of publication to determine if the change in publication is working.

#### **UNITED WAY 211 INFORMATION AND REFERRAL LINE PRESENTATION**

Ruth Birge, United Way of Henderson County's Executive Director, presented an update the Board of Commissioners on the United Way's 211 information and referral line project. 211 links Henderson County residents quickly and appropriately to government services, health and human service programs. Trained referral specialists are ready to speak to a caller 24 hours a day, 7 days a week, 365 days a year. 211 is a free, confidential, and available speakers of all languages. A referral specialist listens to each callers needs and supplies appropriate, comprehensive, accurate information about programs that provided services for basic human needs; health, dental, prescription medication, needs for the elderly, those with disabilities, children, youth, families, crisis intervention, financial counseling, and also offers volunteer and donation opportunity components.

The 211 data base can be accessed very easily by dialing 211 or on-line at [www.211wnc.org](http://www.211wnc.org). There are more than 2000 programs listed in that data base and 550 of those programs are specific to Henderson County. There has been a dramatic increase in 211 callers during the last year. With 4,407 needs recorded for 3,172 Henderson County callers. At a time when Henderson County residents, many of whom have never needed or requested assistance are requesting aid. United Way's 211 provides the information and referrals that they need. United Way's 211 collects data from each call and is able to identify the most important needs facing our county currently. From 13,340 referrals made last year to Henderson County callers, the top 10 needs identified were; utility service payment assistance, information about food pantries, housing expense assistance, general legal aid, homeless shelters, community clinics, Christmas programs, Food stamps, section 8 housing choice vouchers, and home rehabilitation programs. The five agencies receiving the highest number of 211 referrals in 2010 were:

Social Services - The Salvation Army

Crisis Assistance – Interfaith Assistance Ministry

Emergency Assistance – Henderson County Dept. of Social Services

Food – The Store House

Food Pantry Information – Interfaith Assistance Ministry

In 2010 the total dollar amount of assistance requested by Henderson County callers was more than \$207,000.00. Through of its collection of caller needs data, United Way's 211 is able to perform the additional service to the county by identifying those needs which are not met. This is important as we can identify the gaps in services being provided. This past year Christmas programs, housing expense assistance, and utility service payments assistance were the top three unmet needs. Unmet needs are caused by a number of things including the client has used up all other benefits available to him, the program funds have run out, or there may not be a program available for the need, i.e., burial assistance funding. It is a significant need and is unmet in our county at this time. United Way's 211 program benefits the Department of Social Services, Public Schools, Department of Public Health, and EMS. In addition 211 serves as a resource of non-emergency information to reduce 911 call volume. Sheriff Rick Davis continues to be a strong supporter of this program. The 211 system provides a central hub from which individuals who are experiencing a pressing need for help can be linked up with an agency or service which can help meet their need for either a provision or assistance.

## **MOUNTAIN VALLEYS RESOURCE CONSERVATION AND DEVELOPMENT BOARD PRESENTATION**

City of Hendersonville Mayor Barbara Volk presented an update to the Board of Commissioners on the Mountain Valleys Resource Conservation and Development Board. The mission of the NC Mountain Resources Commission is to take care of our natural resources in order to enhance and sustain our quality of life and ensure the long-term health of our region and our people.

- Established by the General Assembly in 2009 (Session Law 2009-485) – The Mountain Resources Planning Act
- Created 2 Advisory Entities – the MRC (17 members) and the MRTAC (13 members)
- MRC members appointed by the Senate, House, Governor, & by-rights seats from COGs and 2 others
- MRTAC members appointed by the MRC

The purpose of the Legislation:

- Current practices and policies are insufficient to meet these challenges and their impact on our mountain values



- "...to encourage quality growth and development while preserving the natural resources, open spaces, and farmland of mountain region in western North Carolina."

Important resources defined as:

- Public lands
- Habitat
- Farms
- Forests
- Rural landscapes
- Vistas
- Water bodies
- Historic / archeological resources

The goal is to build community and consensus across the mountains. The metric to be used for recommending action is fair to me, to my neighbors, and to the mountains.

Example of Focus Issues

- Landslide hazards
- Ridgeline protection
- Wildfire prevention & education
- Regional green infrastructure
- Farmland protection
- Climate change adaptation responses
- Scenic character & regional identity
- Legislative barriers...and many more

The MRC operates in an advisory capacity and has no legislative authority. It can't override local, state, or federal policy or decision.

- Serves as a forum for discussion and information distribution
- Facilitates coordination of existing efforts
- Assesses current tools and suggests others
- Provides recommendations to local, regional, state, and federal entities in regard to findings
- Receives staff support through NCDENR
- Is funded through grants and the Mountain Area Resources Fund

Strategic Goals .

- Establish permanent funding source for small planning/implementation grants to local communities
- Develop & gather information appropriate to protect the mountains' natural resources
- Encourage state funding that improves the quality of WNC's natural and cultural resources
- Gather and disseminate information about approaches to protecting natural resources and their associated economic benefits to the region.

MRC Member Responsibilities

- Provide a communication channel with local groups and interested citizens
- Review research materials
- Work with technical advisors from public and private sectors

- Maintain open and honest communication with fellow MRC members and the public

Members include: David Gantt, Harris Prevost, Tom Massie, Jim Coman, George Santucci, Bob Shepherd, Ruth Ann Suttle, Bill Gibson, Max Hopper, Charles Vines, Wayne Abele, Rodney Locks, Jay Leutze, Maxine Dalton, Barbara Volk, Angie Chandler.

Staff to the NC Mountain Resources Commission - Judy Francis, NCDENR  
Office: 828-296-4523 Mobile: 828-768-0561  
Email: [judy.francis@ncdenr.gov](mailto:judy.francis@ncdenr.gov)

### **REGISTER OF DEEDS – REQUEST TO USE TOD RESTRICTED FUNDS FOR AUTOMATION, ENHANCEMENT AND DOCUMENT PRESERVATION**

Registrar of Deeds Nedra Moles stated the General Assembly enacted legislation in 2002 that required counties to place 10 percent of certain revenues generated by the Register of Deeds Office into a fund to pay for automation enhancements and document preservation. This fund is a portion of the County's Restricted General Fund Balance.

A budget amendment was provided with the agenda requesting use of the Register of Deeds Restricted General Fund Balance for the purchase of 2 new PCs, 4 new, larger monitors, and the payment of the Support Agreement for the next year on the current IKON indexing system.

\$1,592 is requested for three of the larger monitors to be placed on the front counter for use with the new indexing and point-of-sale system and the fourth monitor will be placed with the new PC in the Register of Deed's office. \$3,431 is for two new computers and new shelving. One of the new PCs is an up-grade to the Register's current PC and other new PC is to be placed on the front counter for public use when the new indexing and point-of-sale system is in place. Finally, even though a new indexing system is being purchased during the current budget year, \$9,165 is requested to keep the Support Agreement on the IKON indexing system in order to maintain a smooth transition from one system to another.

*Commissioner Young made the motion that the Board of Commissioners approves the budget amendment as requested to use \$14,188 in Register of Deeds Restricted General Fund Balance for the line-items specified. All voted in favor and the motion carried*

### **MATERIALS RECOVERY FACILITY (MRF)**

Marcus Jones stated during the Board of Commissioners meeting on August 2, 2010, direction was given to request proposals from private recycling companies to construct a Materials Recovery Facility (MRF) in Henderson County in partnership with Henderson County Solid Waste. The request for Proposals (RFP) was developed and issued on September 23, 2010. One response was received by the deadline on October 22, 2010 which was the proposal from American Recycling of SC, LLC (ARSC). ARSC is a reputable company; Henderson County Solid Waste (HCSW) has been sending recycling material to their MRF in South Carolina for the past two years. In addition, their predecessor received material from HCSW for several years prior to that.

Separate from the RFP process, Curbside Management, Inc. (CM) submitted a contract proposal to receive our material at their existing location in Woodfin, NC. CM is also a reputable company that HCSW has done business for several years.

This item was pulled from the January 18, 2011 meeting to analyze changes in the submitted proposals made just prior to the meeting and after the agenda was published. On January 19, 2011 an email from Henderson County Engineering was sent to both proposers. This email requested actual proposed, signed

contracts and included evaluation criteria for analyzing the proposals. Both contracts, as well as a presentation detailing the two proposals, were provided with the agenda. Additionally, representatives from both companies were present during the Board meeting to answer questions from the Board.

RFP: MRP Private Partnership – Evaluation Criteria

- Market Pricing: Prices to be paid to County during good markets based on published market pricing. Evaluated by the amount that would have been paid during December 2010.
- Floor Pricing: Lowest prices (per ton) to be paid to County during poor markets
- Transportation Costs: Cost to transport the material from Henderson County Solid Waste to the MRF
- Consideration from County: Benefits from the County to the MRF
- Length of Contract: term of Contract in years

American Recycling of SC (ARSC) Proposal

- Market Pricing: \$7,536
- Floor Pricing:
  - \$20 for Dual Stream
  - \$10 for Single stream
  - \$0 for Bagged Single stream
- Transportation Costs: \$0
- Consideration from County: Loan for \$550,000 for 10 years at 4.5% with bank/bond guaranteed surety. Also, ARSC exclusive vendor. (Vendor stated that loan from County is not necessary)
- Length of Contract: 10 years with options to extend
- Priority Service: over all ARSC customers at the local facility and guaranteed best pricing
- Jobs: generates 15 to 20 jobs in Henderson county with 2 supervisor level positions
- Taxable Investment: over \$800,000 in equipment added to property tax listings
- Fund Balance Investment: 4.5% is better than current rates but with more risk. Negotiations to increase ROI by revenue sharing or host fees for non County material were not successful
- Competition: introduces competition in WNC recycling industry
- Construction Project: estimated \$250,000 project to local contractor for upfit of existing warehouse space

Alternative Option: Outside County MRF

Curbside Management (CM) Proposal

- Market Pricing: \$9,269
- Floor Pricing:
  - \$13.85 for Dual Stream (Correct figure \$26.00)
  - \$6 for Single stream
  - \$0 for Bagged Single stream
- Transportation Costs: \$0
- Consideration from County: CM exclusive vendor
- Length of Contract: 5 years (10 possible) with options to extend
- Potential Henderson County MRF in future

	<b>American</b>	<b>Curbside</b>
Market Pricing	\$7,536	\$9,269

Floor Pricing:		
Dual Stream (Mixed)	\$20	\$26.00
Single Stream (Separate)	\$10	\$6
Bagged Single Stream	\$0	\$0
Transportation Cost	\$0	\$0
Consideration	\$550,000 loan (not necessary)	
	Exclusivity	Exclusivity
Contract Length	10 years	5+ years

County Manager Steve Wyatt requested that staff do a side by side comparison and present it to the Board at the next regular meeting.

### **TACTICAL RESCUE VEHICLE**

Sheriff Davis stated that not long ago he ordered a review of their procedures to insure they were doing everything possible for the safety of their officers and public. Some of the areas staff reviewed consisted of training, polices and equipment. As a result of this review many safety changes have been addressed. Mandatory in-service training hours have been increased, incident command training increased, a complete re-write of their policy manual and equipment modifications/shortages have all been addressed, except one item.

A review of local "close-call" incidents and those which have occurred across the country, make it clear they do not have an ability to handle the type of incidents which are happening with alarming frequency. Executing high-risk search warrants against very well armed suspects is very routine for their tactical team. In one event of a school shooting or any variety of situations where rescues would have to be performed, they simply have no capability to do so until post incident. Having a tactical armored rescue vehicle provides the need to rescue victims of any potential shooting as well as facilitates the highest measure of officer safety.

No County funds will be used for this project. The purchase of this vehicle will be accomplished using seized drug forfeiture funds, which are restricted under federal law for law enforcement purposes only, and existing ICE revenues. The maintenance of the vehicle will also be covered with ICE money.

*Commissioner Messer made the motion that the Board approves the purchase of this vehicle and the associated line item transfers. All voted in favor and the motion carried.*

### **BREAK**

A break was taken.

### **ARTICLES OF INCORPORATION FOR AGRICULTURE ECONOMIC DEVELOPMENT ORGANIZATION**

County Attorney Russ Burrell had provided a draft Articles of Incorporation for the agriculture economic development organization. The Board needed to determine the number of directors and the composition of the board.

Assistant County Manager Selena Coffey provided a brief background of information from prior meetings.

### Public Input

1. Roger Snyder, Mills River Mayor – Mr. Snyder is an ex-officio non-voting member of the Partnership for Economic Development. The overall concept of having an agricultural marketing person is a good idea. He recommended stopping the process for 45-60 days, and have a temporary committee of four to five people look at the makeup of the Board of Directors impartially.
2. Danny McConnell, Farm Bureau – Mr. McConnell is the President of the Henderson County Farm Bureau. They feel the Agricultural Director should be under Andrew Tate of the Partnership for Economic Development. He also feels the process should be slowed down.
3. Kenny Barnwell, Agriculture Advisory Board – Mr. Barnwell feels the process has been slow (about 18 months) and there is no further need to slow it down more. The Agricultural Advisory Board feels the process should be sped up. This position was brought into the picture with the Farmland Preservation Plan and was projected to be filled in 2010.

Russ Burrell covered the basic concepts of the Board. The goal of the Board is to locate, identify and hire a director from the funds that would be made available to them. The amount of those funds is at the discretion of the Commission. Ultimately they would be in charge of soliciting additional funds (similar to the Partnership for Economic Development) over and above whatever funding is provided the county.

Selena Coffey recommended looking at other counties and work with Andrew Tate for a job description.

Steve Wyatt recommended that the Board of Directors and Human Resources be included in the development of a work plan and job description.

*\*\*Commissioner Thompson made the motion that the Agri-Business Development Board be made up of the present members of the Agricultural Advisory Board consisting of seven members, a member from the Farm Bureau, a local municipality, member of the Partnership of Economic Development, and someone from the agriculture supply or agricultural equipment dealership business.*

It was noted that only 5 of the 7 members of the Agricultural Advisory Board are appointed voting members. Chair of the Agricultural Advisory Board Theron Maybin would verify if the 5 voting members are willing to serve on the Board of Directors of the Agri-Business Development Board, but felt that all would be willing to serve. The members are Kenny Barnwell, Theron Maybin, Mark Williams, Rick Jordan, and Kenneth Allison.

*\*\*Commissioner Thompson withdrew his motion.*

*Commissioner Thompson made the motion that the Board consist of eleven members including the 5 voting members of the Agricultural Advisory Board and 6 other voting members including an individual from the Farm Bureau, a municipality, Partnership for Economic Development, Agricultural supply or equipment, the Agriculture Extension, and Dairy or livestock industry. All voted in favor and the motion carried.*

**NETWORK CABLING AND EQUIPMENT FOR LAW ENFORCEMENT CENTER AND OLD HEALTH BUILDING RENOVATIONS**

Engineer Marcus Jones stated as included in the respective project budgets, contracts for network cabling and equipment (phones) were provided in the agenda for both the Law Enforcement Center and the Old Health Building Renovations (Development Services Center) projects. Both contracts are within the allocated project budgets and are presented for Board approval as follows:

Law Enforcement Center: \$315,487.00 with J.E. Dunn with no additional day time extension.

Old Health Building Renovations: \$106,656.00 with Carolina Specialties Construction with no additional day time extension.

The County Engineer, Project Manager and IT Director were available to address any questions from the Board. TSA is the current provider of service to the County.

*Commissioner O'Connor made the motion that the Board approves the technology phase for network cabling and equipment for the Law Enforcement Center contract at \$315,487.00 and authorizes the County Engineer to sign the required documents. All voted in favor and the motion carried.*

*Commissioner O'Connor made the motion that the Board approves the technology phase for network cabling and equipment for the Old Health Building Renovations contract at \$106,656.00 and authorizes the County Engineer to sign the required documents. All voted in favor and the motion carried.*

#### **FY 2011-2012 BUDGET DISCUSSION**

The Board is requested to discuss budget-related issues at this meeting, and direct Staff accordingly regarding preparation for FY2011-2012 budget. Steve Wyatt provided the following scenarios as requested by the Commission.

Fund Balance Available – With the Board's unanimous decision at the January 25, 2011 Budget Workshop to maintain a 12% fund balance, fund balance available going into the FY2012 budget is \$10,690,376.

Unreserved Undesignated Fund Balance	\$23,498,852
BOC Policy Level (12%)	\$12,808,476
Total projected available fund balance over 12% as of July 1, 2010 =	\$10,690,376

#### **Scenario A – 5% Budget Reduction**

Revised expenditures at 1.25.11	\$112,754,917
Less 5% (of \$77,666,542)	-\$ 3,883,327
Projected revenues	-\$103,871,588
Difference	\$ 5,000,002

Remaining Fund Balance available for subsequent years + \$5,690,374

#### **Scenario B – 7.5% Budget Reduction**

Revised expenditures at 1.25.11	\$112,754,917
Less 7.5% (of \$77,666,542)	-\$ 5,824,991
Projected revenues	-\$103,871,588
Difference	\$ 3,058,338

Remaining Fund Balance available for subsequent years = \$7,632,038

Break

A short break was taken to change video tapes.

Chairman Edney called the meeting back to order.

*Commissioner O'Connor made the motion to preserve the fund balance and bring the budget in at 8.6% cut or based on projected revenue (spend what we take in). The motion failed 1-4 with Commissioners Messer, Young, Edney, and Thompson voting nay.*

*Commissioner Messer made the motion to advice staff to do a 5% cut across the board and go back and look at the numbers later if necessary. The vote failed 2-3 with Commissioners Thompson, Edney, and O'Connor voting nay.*

*Chairman Edney made the motion that the Board directs staff to prepare a budget at a 7.5% cut as a planning tool, not as a final number. The vote passed 3-2 with Commissioners Young and Messer noting nay.*

### **COOPER CONSTRUCTION – ADD ON**

Mr. Mike Cooper spoke in regards to the current capital improvements project at the Stoney Mountain Road Landfill and the bidding process which had taken place. The total job would be in the vicinity of a \$3 million job and his company had assumed the entire job to be completed with the bid process. Since only a portion of the job was approved, he would be losing money to do the job at this point. A letter had been sent to Mark Cathey with McGill Associates requesting an additional \$35,807.25 to cover additional supervision and truck expense costs, as well as some material cost increases for much smaller quantities since the job has decreased in size. Mr. Cooper provided the following information:

Budget for entire project as shown on the contract documents:	\$4,500,000.00
Total bid for the entire project as shown on the contract documents:	\$3,446,457.00
(This is 30.57% below budget)	
Proposed adjusted contract approved by the Commissioners:	\$1,638,884.75
(This is 46% of the proposed work being done)	
Amount of proposed work being deleted from contract:	\$1,916,572.25
(This if 54% of the proposed project being deleted)	
Propose improvements to the existing convenience center & Design: say	\$ 180,000.00
Construction Contract Administration (McGill Associates):	\$ 122,200.00
(This is 7.4% of proposed contract cost)	

Mr. Cooper felt that by the Board putting off a portion of the job at the Landfill for 5 years, the cost to complete it would increase by \$1,300,673.30.

Steve Wyatt stated that the previous Board made the decision to go forward with the plan to design all phases. It had to be designed, certified and drawn up in order to go to bid. He explained, when looking at the Solid Waste fund, the amount that was approved for the project was roughly \$2 million. This is the amount of funds available for appropriation to be spent. There is a reserve balance of roughly \$2 million that is reserve by State Statute under Federal EPA rules for what is called post closure. You must set aside a fund (like a bond to ensure) that whatever problem happens, you've got the money to cover. The funds that are available are basically being expended in the phase that you have previously awarded. If the Board decides to complete the project, the difference in cost of the project would require a loan.

Attorney Russ Burrell explained that the Statute gives the Board a very limited number of alternatives. You can allow a bidder to withdraw a bid completely or the Board can reconsider their own action and re-award the bids with a new letting of the bids starting from scratch. If the bid is withdrawn, that person is

not allowed to bid the next time. The Board is primarily reconsidering its previous action, suspending the rules, and reopening the bid process.

Commissioner Thompson went on record to say that the Board needs to work together in order to make the best decisions.

Steve Wyatt explained that the board has committed to the first phase of the project and the available Solid Waste Fund balance. There is a General Fund Balance available and you also have a Capital Reserve Fund at \$1.25 million, short of these three (3) sources, the money must be borrowed. If the money is borrowed, the Solid Waste Fund would be utilized for repayment. The tipping fee would likely have to be adjusted upward approximately \$2 over the period of the loan.

*Commissioner O'Connor made the motion that the Board set aside their rules and reconsider the previous action taken by the Board at a previous meeting. All voted in favor and the motion carried.*

*Commissioner Young made the motion that the Board awards the entire project to Cooper Construction at a cost of \$3.5 million to be paid for partially from the Solid Waste Fund Balance and the remainder from a loan. All voted in favor and the motion carried.*

*Commissioner Thompson made the motion that the Board increases the tipping fee to \$55 effective April 1, 2011. All voted in favor and the motion carried.*

#### **STAFF REPORTS**

There was nothing further at this time.

#### **CLOSED SESSION**

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

1. Pursuant to N.C. Gen. Stat. §143-318.11(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. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

*All voted in favor and the motion carried.*

#### **ADJOURN**

*Commissioner Young made the motion to go out of closed session and adjourn at 11:00 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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J. Michael Edney, Chairman



**HENDERSON COUNTY TAX DEPARTMENT**  
**Collector's Office**  
**200 North Grove Street**  
**Suite 66**  
**Hendersonville, NC 28792**

Phone: 828/697-5595

Fax: 828/698-6153

[www.hendersoncountync.org/tc/](http://www.hendersoncountync.org/tc/)

Stan C. Duncan  
County Assessor & Tax Collector

Sandy Allison  
Administrative Assistant II

January 28, 2011

Re: Tax Collector's Report to Commissioners – 02/07/11 Meeting

Please find outlined below collections information through January 27<sup>th</sup> for the 2010 bills, which were mailed out on August 13<sup>th</sup>, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

**Annual Bills G01 Only:**

2010 Total Charge     \$57,524,414.37  
Payments & Releases: 53,347,024.17  
Unpaid Taxes:         4,177,390.20  
**Percentage Collected:     92.74%**  
(through 01/27/11)

*2009 Total Charge:     \$57,024,352.18*  
*Payments & Releases: 52,631,071.26*  
*Unpaid Taxes:             4,393,280.92*  
***Percentage Collected:     92.30%***  
*(through 01/27/10)*

**Motor Vehicle Bills G01 Only:**

2010 Total Charge:     \$2,609,313.83  
Payments & Releases: 2,110,368.37  
Unpaid Taxes:         498,945.46  
**Percentage Collected:     80.88%**  
(through 01/27/11)

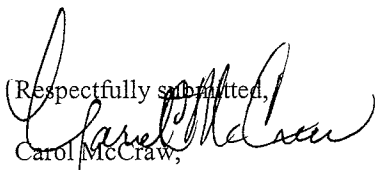
*2009 Total Charge:     \$2,982,617.11*  
*Payments & Releases: 2,242,123.16*  
*Unpaid Taxes:             740,493.95*  
***Percentage Collected:     75.17%***  
*(through 01/27/10)*

**Fire Districts All Bills**

2010 Total Charge:     \$6,561,631.18  
Payments & Releases: 6,028,048.06  
Unpaid Taxes:         533,583.12  
**Percentage Collected:     92.16 %**  
(through 01/27/11)

*2009 Total Charge:     \$6,482,026.36*  
*Payments & Releases: 5,900,120.77*  
*Unpaid Taxes:             581,905.59*  
***Percentage Collected:     91.35%***  
*(through 01/27/10)*

(Respectfully submitted,

  
Carol McCraw,  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT, made this the 16 day of February, 2011, by and between HENDERSON COUNTY and the TOWN OF LAUREL PARK (hereafter referred to as the TOWN):

THAT WHEREAS. The execution of this MEMORANDUM OF AGREEMENT (hereafter referred to as MOA) has been authorized and approved by each organizations duly authorized representative;

NOW THEREFORE, in consideration of the mutual promises, obligations and benefits hereunder exchanged, TOWN and HENDERSON COUNTY mutually agree and covenant as follows:

1. HENDERSON COUNTY is permitted to construct and maintain a Communications tower and associated equipment to support governmental communications and the North Carolina Voice Interoperability Plan for Emergency Responders (VIPER), hereafter cumulatively referred to in this document as a TOWER SITE, on lands owned by the TOWN on Birchwood Drive, Parcel #9900636, on which the Town's water storage tank is located. The TOWER SITE shall be used exclusively for this stated purpose, and shall be located as shown on site drawings included in the Conditional Use Permit granted by the Town in 2010.
2. HENDERSON COUNTY will bear all expenses for the planning, design, construction and operation of the TOWER SITE. TOWN will verify that the location is acceptable after final location is marked on site by HENDERSON COUNTY. HENDERSON COUNTY will obtain all necessary permits.
3. TOWN will have access to and around the TOWER SITE as needed.
4. TOWN hereby acknowledges and agrees that the TOWER SITE equipment and associated facilities constructed pursuant to this agreement is and shall remain the property of HENDERSON COUNTY and/or the State of North Carolina.
5. TOWN grants to HENDERSON COUNTY a non-exclusive easement for ingress, egress, regress and utilities over property of TOWN upon which the TOWER SITE is erected and adjacent to such site for construction and maintenance of the TOWER SITE, for the installation, construction and maintenance of underground and above ground utilities in connection with its use, and for access to the TOWER SITE from a public road. The term of this Easement shall begin upon the Commencement Date of this agreement and shall continue until (1) removal by HENDERSON COUNTY of all of its TOWER SITE from the Premises after Termination of the MOA in accordance with paragraph 11 or (2) removal by HENDERSON COUNTY of all of its TOWER SITE from the Premises after Expiration of the MOA in accordance with paragraph 10.

6. In addition to the Easement granted in Paragraph 5, HENDERSON COUNTY and its engineers, officers, employees, agents and contractors shall have full access to the TOWER SITE during the MOA Term, consistent with TOWN's standard property security. HENDERSON COUNTY shall instruct all of its employees and any other persons who will be entering the premises on HENDERSON COUNTY's behalf that they must exercise special care while on the premises to avoid personal injury and damage to TOWN's property, and that they must take no action while on the premises which is not necessary to accomplish the purpose for which access is sought. HENDERSON COUNTY shall be responsible to ensure that no underground utilities are disturbed in the construction and operation of the facilities, and shall post emergency contact information at the TOWER SITE.
  
7. TOWN assumes no responsibility for the license, operation and/or maintenance of the TOWER SITE. HENDERSON COUNTY has the right to and responsibility to repair and maintain the TOWER SITE. HENDERSON COUNTY, at its cost shall maintain and repair the TOWER SITE such that HENDERSON COUNTY may utilize the TOWER SITE for the purposes and to the extent herein permitted, including keeping the vegetation on the site properly groomed, with the site being visited typically once every thirty days or more frequently as needed.
  
8. During the Term of this MOA, HENDERSON COUNTY shall comply with all applicable laws affecting the TOWER SITE. HENDERSON COUNTY shall obtain any necessary governmental licenses or authorizations required for the construction and use of the TOWER SITE on the Premises and shall comply with government regulations applicable to its operations, including those of the FAA and FCC.
  
9. To the extent allowed by law, HENDERSON COUNTY shall and does hereby assume and agree to indemnify and save harmless TOWN, its successors and assigns, from and against all loss, costs, expense, claims, suits and judgments, whatsoever, in conjunction with injury to or death of any person or persons, or loss of or damage to property caused by or in any way connected with HENDERSON COUNTY's use of the TOWN property.
  
10. The term of this MOA shall be for a period of ten (10) years from the date listed above and shall automatically renew each year thereafter for a total period of 99 years.
  
11. Either party reserves the right to revoke or terminate this consent at any time for any reason by giving three-hundred sixty (360) days' prior written notice to the other party.
  
12. The Agency points of contact for this agreement shall be:

- TOWN

Town Manager

441 White Pine Drive  
Laurel Park, NC 28739


Telephone # 828-693-4840

• HENDERSON COUNTY

Henderson County Emergency Services Director  
211 First Avenue East  
Hendersonville, NC 28792

Telephone # 828-697-4728

13. All the representatives and obligations of the parties are contained herein, and no modification, waiver or amendment of the MOA or any of its conditions or provisions and shall be binding upon a party unless in written authority signed by that party. The waiver by any party of a breach of any provision of this lease shall not operate or be construed as a waiver of any party of a breach of any provision of this lease shall not operate or be construed as a waiver of any subsequent breach of that provision by the same party, or of any other provision or condition of this MOA.

  
\_\_\_\_\_  
Steve Wyatt  
County Manager  
Henderson County

Date 2-16-11

ATTEST Catherine Justice

  
\_\_\_\_\_  
Henry T. Johnson  
Mayor  
Town of Laurel Park

Date 02-15-11

ATTEST Kimberly B. Henry

North Carolina

Henderson County

I, Catherine Justice, a Notary Public for said County and State, do hereby certify that Steve Wyatt personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 16 day of February, 2011

(Official Seal)

Catherine Justice

Notary Public

My commission expires October 23, 2015

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: SHERIFF'S DEPT. - 115431

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115431-553000	CAPITAL OUTLAY - VEHICLES	\$ 258,719
385432-598011	TRANSFER TO GENERAL FUND	\$ 69,119
<b>TOTAL</b>		<b>\$ 327,838</b>

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
114431-451005	FEDERAL FORFEITURES	\$ 180,600
114431-451006	STATE DRUG EXCISE TAX FUNDS	\$ 9,000
114980-403800	TRANSFER FROM ICE FUND	\$ 69,119
384432-403500	FUND BALANCE APPROPRIATED	\$ 69,119
<b>TOTAL</b>		<b>\$ 327,838</b>

**Justification:** Please provide a brief justification for this line-item transfer request.

BUDGET AMENDMENT TO PROVIDE FUNDING FOR THE PURCHASE OF A BEARCAT ARMORED VEHICLE, MANUFACTURED BY LENCO INDUSTRIES, INC. FOR USE BY THE HENDERSON COUNTY SHERIFF'S OFFICE SWAT TEAM APPROVED BY THE BOC AT THEIR 2/7/11 MEETING.

J. WESTERHOFF, BUSINESS MGR  
SHERIFF RICK DAVIS

Authorized by Department Head

2/8/2011

Date

Authorized by Budget Office

2/8/2011

Date

Authorized by County Manager

2/11/11

Date

*For Budget Use Only*

Batch # \_\_\_\_\_

Batch Date \_\_\_\_\_



Protecting Our Nation's Defenders™

10 Betnr Industrial Drive – Pittsfield, MA 01201  
PH (413) 443-7359 – FAX (413) 445-7865

# Quotation 7897A

Quotation Date: 01/11/11  
Lenco Tax ID No. 04-2719777

HELNC Henderson County 201 North Main Street Hendersonville, NC 28792	<b>Estimated Completion Date:</b> Approx 210+ Days ARO	<b>F.O.B.:</b> Destination
	<b>Ship Via:</b> Common Carrier	
	<b>Payment Terms:</b> Lenco GSA Contract GS-07F-0390M 1122 Program	
	<b>Inspection &amp; Acceptance:</b> At Lenco Factory, Pittsfield, MA	

**Terms and Conditions:** Net 30 Days – MSO Transferred Upon Receipt of Payment

Item:	Product #	Commercial	Net Price
Lenco BearCat (4WD, Rotating Hatch; Counter Balanced)	BC55003	\$197,250.10	\$188,793.00
BearCat G3 4-Wheel Off-Road Upgrade Pkg w/Run-Flats	BC3WOFFRD	29,210.40	27,958.00
Diesel Engine, 6.7L Turbo	BCDLEN	6,425.49	6,150.00
AC-DC Power Inverter 1,800 Watt w/ Battery Charge Feature	BCPINV2	4,650.39	4,451.00
Back up Camera System with Monitor	BCBU	2,400.00	2,297.00
Heated Windshield Upgrade	BCHGW	2,250.00	2,153.00
Rear Auxiliary AC/Heating System	BCAC	2,000.00	1,914.00
(2) Rear Area Electric Fans	BC2RELFAN	313.00	300.00
High Intensity Driving Lights in Front Bumper	BCHIDL	1,400.03	1,340.00
Intercom System; Inside to Outside	PCINT	3,000.00	2,871.00
Kussmaul Super Eject Deluxe	BCKUSS	987.33	945.00
VSP Style Low Profile & Scene Lighting Pkg	BCVSPL	4,250.00	4,068.00
40" Spare Tire with Run-Flat	BC40STRF	5,175.92	<del>4,954.00</del>
Ford F550 Service Manuals	BCFMNL	475.00	<del>455.00</del>
Seat Belts Rear Bench Seats	BCSBLT	1,300.00	1,244.00
(6) 7" Vertical GunPort Upgrade	BCGP7	952.56	912.00
Extreme Heat Reducing Insulation & Sound Reduction Pkg	BCEXHT	2,135.56	2,044.00
Front Mounted Receiver with Ram Post and Plate	BCFRAM	4,700.54	4,499.00
Hydraulic Ram Upgrade	BCHYDRAM	5,725.00	5,480.00
<b>Net Savings \$11,773.32</b>		<b>\$274,601.32</b>	<del><b>\$262,828.00</b></del>
		FOB Hendersonville, NC	<b>1,300.00</b>
		<b>Total Cost of (1) Lenco BearCat, FOB Hendersonville, NC</b>	<del><b>\$264,128.00</b></del>

NOTE: North Carolina DHS Package at <NC> Includes the following:

(3) Roof Mounted Remote Control Spot Lights; Radio Prep Pkg.; Electric Power Heated Mirrors

Extra lights 1,000  
\$259,719.00

Specifications Subject to Change

**PROPRIETARY**

**WE ARE PLEASED TO SUBMIT THE ABOVE QUOTATION FOR YOUR CONSIDERATION. SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS QUOTATION IS VALID FOR 30 DAYS. THEREAFTER, IT IS SUBJECT TO CHANGE WITHOUT NOTICE**

**ACCEPTANCE OF PROPOSAL** — The above prices are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above

**LENCO INDUSTRIES INC.**

Authorized Signature

Authorized Signature

James J. Massery

Please sign and return

Thank You

