

BOC Steve Selenc Russ Christy

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS WEDNESDAY, FEBRUARY 16, 2011

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the 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, 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, Associate County Attorney Sarah Zambon, Construction Manager David Berry, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Fire Marshal Rocky Hyder, Delinquent Tax Collector Lee King, Assessor/Tax Collector Stan Duncan, Soil & Water Conservation District Director Jonathan Wallin, Code Enforcement Director Toby Linville, and Recreation Director Tim Hopkin.

CALL TO ORDER/WELCOME

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 Commissioner O'Connor.

INVOCATION

Anthony Craver of the Pentecostal Church gave the invocation.

INFORMAL PUBLIC COMMENT

- 1) John Collins Mr. Collins spoke on behalf of the Henderson County Veteran's Council. The NC National Guards 163rd area support medical company is headquartered here in Henderson County on Spartanburg Highway. They have been deployed for a year now and are due to come back at the end of this month. The date is not known at this time. The Veteran's Council would like to have a welcome home ceremony as well as a parade when they get back into town (possibly March 12th). He requested a proclamation for the troop when they get back home for their last year of service.
- 2) Carol James Ms. James is a representative of SONOCO's Recycling. She requested they be added to discussions during the MRF project regarding some clarifications on their proposal that was submitted on February 9, 2011.
- 3) Beverly Green Ms. Green spoke on behalf of Green's Six Oaks. On February 12, 2011 her family experienced devastation by fire when they lost their business. This is also devastating to the community of Green River and Tuxedo. They hope to rebuild, which would require some changes including a waste water treatment system. They have an existing permit for the system. Her plea to the Board was for them to stand behind Green's and support them in any way possible for permits.
- 4) Theron Maybin Mr. Maybin spoke on behalf of Green's Six Oaks. Without the Green's Six Oaks, the situation will put many people out of their way to pick up even a gallon of milk. Green River has gone down tremendously in business due to the lack of city sewer and water. He asked that the county be considerate of what is being faced and the needs of the community.

DISCUSSION/ADJUSTMENT OF AGENDA

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

APPROVED:

CONSENT AGENDA

Commissioner Young 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 25, 2011 – Special Called Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated February 4, 2011 for information only. No action was required

Tax Refunds

A list of 7 refund requests was presented for the Board of Commissioners review and approval.

Motion:

I move the Board approves the Tax Refund Report as presented.

Tax Releases

A list of 16 tax release requests was presented for the Board of Commissioners review and approval.

Motion:

I move the Board approves the Tax Release Report as presented

2011 Main Street and Government Building Recycling Program

A draft grant application will be submitted to the North Carolina Division of Environmental Assistance and Outreach prior to the March 18, 2011 deadline. This grant application requests \$30,000 for a Main Street and Government Building Recycling Program. The grant application proposes eleven (11) recycling bins to be set in front of government buildings, forty-eight (48) permanent bins along Main Street, and the addition of two recycling cubic yard roll-offs for the Henderson County Transfer Station. This is a joint grant between the City of Hendersonville and Henderson County with matches from both the City and the Henderson County Solid Waste Division.

No money will be used as a monetary match from the general fund. In order for the grant application to be successful, approval from the board is necessary with a statement of sustainability for the Main Street Recycling Program for inclusion in the grant application package.

Motion:

I move to support the provided 2011 Community Reduction and Recycling Grant to the Division of Environmental Assistance and Outreach.

Modification Agreements on CDBG Scattered Site Grant

Community Development Block Grant (CDBG) Scattered Site Housing (SSH) program funds primary residence rehabilitation or emergency repairs for qualified low-income homeowners. The CDBG SSH Grant comes from the federal government and is used to pay for these repairs. The program is solely funded by grant money and does not cost the County any money from the general fund. The cost of repairs or rehabilitation is secured by a forgivable loan in a promissory note or deed of trust.

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The County contracts with Benchmark, Inc. who administers the program with assistance and supervision by the Planning Department. Benchmark advertises the program, collects applications from interested parties, and selects the property owners who are eligible to receive the grant funding. Once the owners are selected, the County signs a loan agreement with the individuals which is secured with a Deed of Trust for the amount of the repairs or rehabilitation.

Sometimes, these original agreements have to be modified because the amount of the repairs is greater or less than initially anticipated. Today we have three such modification agreements, to which are decreases from the original, and one (Merrell) that is an increase of almost \$6,000.

Motion:

I move that the Board directs staff to sign the Modification Agreements.

Town of Fletcher Proposal to Build a Dog Park at Westfeldt Park

At their October 20, 2010 Board of Commissioners meeting, the Board heard a proposal to locate two fenced dog park areas within the County's Westfeldt Park. This project will be 100% funded by the Town of Fletcher. During the initial presentation, the Board requested that County staff and the Town of Fletcher work with the family who originally donated the land to the County to get their input on the concept and location. County staff and Town representatives have collaborated with the donor family and have agreed upon the location for the dog park areas.

A map was provided in the agenda showing the revised location for the dog park areas (initially proposed for alongside Old Fanning Bridge Road). The original narrative proposal from the Town of Fletcher was also provided for background information.

Motion:

I move that the Board directs staff to move forward with this project working with the Town of Fletcher to finalize their plans for the dog park at Westfeldt including the County Manager/Assistant County Manager's execution of an agreement with the Town based on their proposal with the County having no financial commitment.

Solar Hot Water Grant for 1995 Courthouse and Detention Center

On September 8, 2009, an agenda item was presented before the Board of Commissioners for a Renewable Energy Project Grant application to fund a Solar Hot Water Energy Project for the 1995 Courthouse and Detention Center. On February 1, 2011, Henderson County was notified preliminarily by the State of North Carolina for the receipt of a grant for this project in the amount of \$71,419. The remaining balance of this grant, estimated at \$311,744, will be funded with a Solar Energy Purchase Agreement (SEPA) through a Solar Energy Company.

Primarily, this project is for the installation of solar hot water at the Detention Center. Importantly, the Detention Center by a large margin is the biggest user of hot water of all County facilities. Furthermore, solar hot water has the most potential energy savings of all solar applications and arguably any renewable energy project. The transfer of energy use from natural gas to solar thermal is significant in reducing our environmental impact as well as the increasing our energy cost savings. The savings are more than enough to pay any debt service from the Capital costs to install the solar system. The grant funding from the State will go towards either reducing the length of the debt term or amount of debt payment. Another factor increasing the affordability of the debt is the ability for the system to be purchased by a private taxpaying organization and sell the BTUs from the solar hot water system back to the County under a Solar Energy Purchase Agreement (SEPA). The costs of the BTUs from the private company reflect cost savings from the energy savings and tax credits they receive. Also, they can further reduce costs by contracting with a power company to assist in meeting the power company's Renewable Energy and

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Energy Efficiency Portfolio Standards. These Standards require power companies to invest in alternative energy. The energy savings, tax credits and power company contract generate a BTU cost significantly less than the cost from the natural gas provider. There are no County funds involved with this request.

Motion:

I move to accept the grant from the State of North Carolina for \$71,419 to fund a Solar Thermal Energy Project for the 1995 Courthouse and Detention Center.

Construction Management Update

David Berry had provided a monthly report as a review of the scope and status of assigned construction management responsibilities.

Capital Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity through January 2011 on Capital and Facilities projects.

Sublease of a medical office leased by Henderson County Hospital Corporation

Henderson County Hospital Corporation seeks the Board's permission to sublease a medical office to Dr. Daniel J. Smith of Western Carolina Dermatology. Under the terms of the lease with the Corporation, and under the terms of the 2001 \$15,300,000.00 financing, sub-leases of property must either have an opinion from bond counsel to allow interest payments to remain non-taxable, or the Corporation must instead have the approval of the Board of Commissioners. In order to save the estimated \$1,200.00 bond counsel fee, the Corporation seeks the Boards approval.

The lease is for one day per week of a roughly 2,600 square foot office suite in the medical office building located at 705 Sixth Avenue West, at a monthly rental rate of \$510.00, for three years.

Motion:

I move that the Board approves the sublease between Henderson County Hospital Corporation and Dr. Daniel J. Smith.

Memorandum of Agreement with the Town of Laurel Park

Henderson County Emergency Services is currently coordinating a communications upgrade for the state-wide Voice Interoperability Plan for Emergency Responders (VIPER). This upgrade will provide new towers and buildings at three communications sites in Henderson County along with access to the VIPER system, and is paid for by a Homeland Security Grant in cooperation with the NC Highway Patrol. In order to finalize the new building and tower site on the Jump-Off Mountain a Memorandum of Agreement must be executed with The Town of Laurel Park which owns the property. No funding is necessary for this agreement.

Motion:

I move the Board authorizes the Manager to sign a Memorandum of Agreement with the Town of Laurel Park for the communications site on Jump Off Mountain.

Notification of Vacancies

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

- 1. Juvenile Crime Prevention Council 1 vac.
- 2. WCCA Board of Directors (Western Carolina Community Action) 1 vac.

Nominations

1. Agri-Business Development Board – 11 vac.

Commissioner O'Connor nominated Kenneth Allison for position #1, Richard Jordan for position #2, Kenny Barnwell for position #3, Theron Maybin for position #4, and Mark Williams for position #5. Chairman Edney made the motion to accept the appointments of Kenneth Allison, Richard Jordan, Kenny Barnwell, Theron Maybin, and Mark Williams by acclamation. All voted in favor and the motion carried. Commissioner Messer nominated Roger Snyder for position #6. Commissioner O'Connor nominated Wayne Carland for position #7, Commissioner Young nominated Danny McConnell for position #8, and Commissioner Thompson nominated Noland Ramsey for position #11. Chairman Edney made the motion to accept the appointments of Roger Snyder, Wayne Carland, Danny McConnell, and Noland Ramsey by acclamation. All voted in favor and the motion carried.

It was the consensus of the Board to roll positions #9 and #10.

Commissioner Thompson nominated Danny McConnell for the Chair of the Agri-Business Development Board. All voted in favor and the motion carried.

2. Animal Services Committee – 4 vac.

Commissioner Young nominated Thomas Mitchell Freeman for position #3; Chairman Edney made the motion to reappoint Lynne Greenawalt to position #6 and Jeff Patterson to position #9, and nominated Jonathan Pernell for position #1. Chairman Edney made the motion to accept the reappointment of Lynne Greenawalt and Jeff Patterson, and the appointment of Mitchell Freeman and Jonathan Pernell by acclamation. All voted in favor and the motion carried.

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) – 2 vac.

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

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 – 3 vac.

Four nominations had been made at previous meetings; Drew Brannon, Carolyn Justus, Hilliard Staton, and Betty Carter. Ms. Carter had withdrawn her application.

Chairman Edney made the motion to accept the appointments of Drew Brannon, Carolyn Justus, and Hilliard Staton by acclamation. All voted in favor and the motion carried.

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.

Selena Coffey had resigned from position #8 and had requested that the Board consider waiving the rules and appoint Christina DeStefano to position #8 in her place.

Chairman Edney made the motion to appoint Christina DeStefano to position #8. All voted in favor and the motion carried.

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 1 vac.

At a previous meeting, Ralph King and Larry Harmon were nominated for position #4. The Board was polled with the following results.

Thompson	Young	Edney	Messer	O'Connor
1.Harmon	1.King	1.Harmon	1.King	1.Harmon

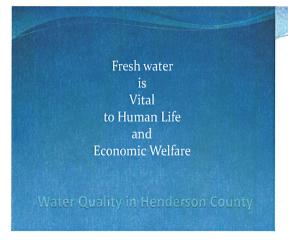
Larry Harmon was appointed to position #4 with the majority of votes.

12. Senior Volunteer Services Advisory Council – 3 vac.

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

ENVIRONMENTAL AND CONSERVATION ORGANIZATION (ECO) VWIN

David Weintraub, Executive Director of the Environmental and Conservation Organization, provided an update to the Board on ECO's Volunteer Water Information Network (VWIN) program.



Wherever you are water is close by!



"How do we learn about our Streams?"

"WHY CARE ABOUT WATER QUALITY?"

WE All depend on clean, safe water that meets recreational and water quality standards.

- The French Broad River will be a source of raw water to serve water customers during droughts and other emergency situations.
- The Mills River is now a source of drinking water for 56,000 people.
- The French Broad River is used extensively for recreational use; an important tourism industry.



ECO volunteers monitor
Henderson
County streams and rivers to understand processes and patterns in the watersheds where we live, work and play.



"How Do We Learn About Our Streams?" Citizens Collecting Chemical Samples Since 1992



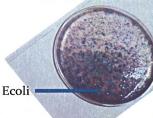
Sampling Locations in Henderson County ECO's Biomonitoring and Chemical Testing Sites



Citizen "Eyes" and "Ears"



How Safe is the Water? Bacteria?



- Urban and Suburban runoff
- Pet waste
- Leaky septic
- Straight pipes
- Livestock access to creek

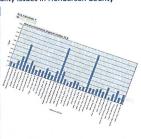
We All Live Downstream of Someone

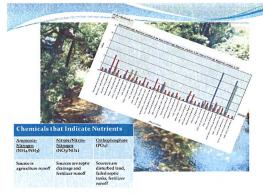


- We have to look beyond the stream banks to the ENTIRE watershed to evaluate the health of a stream.
- Any activity that occurs on the land has the potential to affect the health of a stream whether it happens beside the stream or at a distant point in the watershed.
- Diane Silver, Mud Creek Restoration Coordinator

Examples of Water Quality Issues in Henderson County

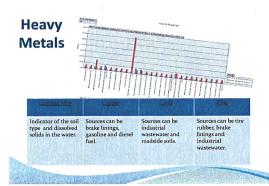
Stream/River	Problem
South Fork Mills River	Pesticides. Portior on Impaired List
Big Hungry River below dam	Sedimentation
Big Willow	Heavy Metals; Total Suspended Solids
Mud Creek	Heavy Metals, Habitat Degradation
Devils Fork	Heavy Metals, Sedimentation
Mill Pond Creek	Heavy Metals; Nutrients; Sedimentation





Sediment in our Streams





How Can Data Improve Water Quality?

1998
 Data led to grants totaling over \$1,000,000 to help farmers restore stream banks and build pesticides mixing stations.

Data led to Mud Creek Watershed Restoration Projects (319 Non-point Source Pollution Control Grant)

2009

Erosion and Control Ordinance
 Stormwater Master Plan

2011-2013
 Added 5 new VWIN Sites (319 Non-point Source Pollution Control Grant)

Holy Family Church-Streambank Stabilization Grant



Agriculture Best Management Practices Henderson County Soil and Water Conservation



Henderson County "Are we making progress?"

Stream/River Name	Impairment	Stream Classification	Year Placed 303(d)
Bat Fork	Poor Bioclassification Fish and Benthos	c	1998
Brandy Branch	Fair Bioclassification Benthos; Pesticide Concern	WS-II	2000
Clear Creek	Poor Bioclassification Benthos	B(Tr	2000
Devils Fork	Poor Bioclassification Benthos	С	2006
Lewis Creek	Fair Bioclassification Benthos	CfTr	2008
Mud Creek	Fair Bioclassification Fish and Benthos	С	1998 and more in 2006
UT French Broad River	Low Dissolved Oxygen	В	2010
South Fork Mills River	Fair Bioclassification Benthos; Pesticide Concern	WS-II;Tr:HWQ	2010

Henderson County's

Impaired Streams

The Mud Creek Watershed is one of the most altered watersheds in the Upper French Broad River Basin.

from its tributaries and habitat degradation contribute to classification as "Poor".



Stormwater Runoff "Where does the water go?"



Floods



Erosion



Sediment causes problems!



Cost of Water

It takes \$0.18/1000 gallons JUST for chemicals to clean the water.
Hendersonville water
treatment plant can
produce 12.0 MGD (million
gallons per day)



ECO is 1/4th the Cost



- Commercial Lab
 - \$80,000.00/year
- \$20,000.00/year

Financial Benefits of Clean Water



• \$178 million dollars.

Total Farm Cash Receipts in 2009

Future Regulations?

EPA has completed studies that serve as a scientific foundation for developing new or revised water quality criteria for recreational waters by October 2012.

Proactive Steps Now Saves \$\$\$\$ Later



Land and Water

How we manage and treat the land has a

DIRECT

impact on the ability of water to support public uses.

- Drinking water
- Fishing Swimming Aquatic habitat

Just Watch the Kids!



FOLLOW-UP: MATERIALS RECOVERY FACILTIY (MRF) PRIVATE PARTNERSHIP REQUEST FOR PROPOSALS

Marcus Jones explained, in reference to SONOCO and the request from Ms. James, the bidding process was clearly presented to the three proposers with a deadline of midnight February 9, 2011 to present their material. The following morning the material was compiled and sent in for the agenda process. All three complied, but unfortunately the SONOCO proposal was not viable based on the current situation. Mr. Jones feels the request to supply additional information is only a change of proposal. This would only necessitate allowing the other proposals to make changes also and take away the fairness and competitiveness of the process.

Marcus Jones stated as a continuation from the February 7th Board of Commissioner's meeting, the RFP process for a private partnership has been revisited to account for updates to the proposals. The proposers were asked to complete their updates by the end of the day on February 9th. In addition to the two original proposals, SONOCO from Hartsville, SC submitted a proposal. After February 9th no changes to the proposals was permitted.

A summary of the current proposals is provided on the table below. Note that SONOCO's proposal required a minimum of 6,000 tons of material from Henderson County which is approximately 50% more than our current volume. Subsequently, the proposal was not considered feasible and not included; however, SONOCO is a reputable company and the proposal was much appreciated and competitive.

Staff offers the following analysis of the proposals and recommendation. While the proposal from Curbside Management offers annual revenues that are approximately \$13,400 better in poor markets and \$21,500 better in good markets, their proposal does not satisfy the original intent of the RFP process. The ultimate objective for Henderson County is to bring competition into the recycling industry. Not only will the County's Solid Waste operations benefit from the American's proposal but the private haulers and their Citizen customers will benefit as well. This is not necessarily the case with the Curbside proposal. Prior to this RFP Curbside was charging the County \$30 per ton for material without covering the transportation. This was significantly higher than other regions in the State and is because of limited competition in the area. Staff recommends approving the American proposal.

<u> </u>	mmary Tab		<u>Additional Consideration</u>						
	American	Curbside	► Curbside Management						
Market Pricing	\$7,536	\$9,338	 MFR located in Henderson County 						
Floor Pricing: Dual Stream Singlestream Bagged Singlestream	\$20 \$10 \$0	\$26.69 \$7.50 \$0	Job CreationSpecial Event RecyclingCounty Building Collection						
Transportation Cost	\$0	\$0	► American Recycling						
Consideration	Exclusivity	Exclusivity							
Contract Length	5+ years	10 years	 Facility locate in or near Henderson County 						
In-County Facility?	Possible	Yes	Job Creation						
County Building Collection	Yes	Yes	 County Building Collection 						
County Building Collection	Yes	Yes	 County Building Collection Henderson County Engineering 						

Commissioner Messer made the motion that the Board directs the County Engineer and Attorney to complete negotiations for the contract with American Recycling of SC, LLC and bring the contract back to the Board of Commissioners for an approval at a future meeting. All voted in favor and the motion carried.

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BLUE RIDGE FIRE AND RESCUE TAX EXEMPT LOAN AGREEMENT

Rocky Hyder stated at the May 13, 2010 Fire and Rescue Advisory Committee meeting Blue Ridge Fire and Rescue presented a proposal to purchase a new Ladder Truck. The total amount financed will be \$775,000.00 at a fixed interest rate of 3.7% with quarterly payments of \$23,268 for 10 years. Blue Ridge Fire & Rescue held a public hearing to discuss the loan agreement on February 8, 2011 at 7:00 p.m. No tax rate increase above the revenue neutral rate will be necessary for this purchase.

The Fire & Rescue Advisory Committee unanimously approved the proposal.

Blue Ridge Fire and Rescue respectfully request the Chairman sign the provided letter to First Citizens Bank.

Chief Gary Brown discussed the Fire Department's need for the ladder truck including use for Industrial, churches, Flat Rock Playhouse, flat roof structures, etc. as examples.

Commissioner Young made the motion that the Board authorizes the Chairman to sign the letter to First Citizens Bank on behalf of Blue Ridge Fire & Rescue. All voted in favor and the motion carried.

REAL PROPERTY AGREEMENTS

The Board is requested to give final approval for an agreement involving certain real estate.

Chairman Edney explained that in the previous year the Chevrolet franchise had transferred from the Hunter family to the Boyd family. As a part of that process in order to enlarge the Boyd site, they must move from the present location. This has created an opportunity for the County and the School Board to look at the Boyd Pontiac property on Asheville Highway. This discussion began with the previous Board of Commissioners.

Russ Burrell provided the Board of Commissioners with a proposed contract with an offer to purchase by the Board, the property bonded by 9th Avenue, Oakland Street, Asheville Highway, and Church Street. The Boyd Dealership on the west side of US 25. From the County's perspective, the total sales price is \$2,750,000.00. Under this agreement, if approved, \$750,000.00 would be paid into an escrow account. The transaction would not close for a period of 18-36 months in order to allow the relocation of the dealership franchise. At such time that notice is given by the sellers that they have vacated the premises, the closing would be held and the County would owe the balance of the price, \$2 million. In the meantime, the \$750,000 deposit would be held in escrow. If for some reason the sale did not go through the County would get the escrow back plus interest earned.

Chairman Edney noted that discussions had been held with the School Board with regards to this transaction and the long range plans for the Hendersonville High School facility. It has been land locked since 1926 when it was built. This will provide us with an opportunity to use that facility for a few more generations. The School Board recognizes these financial times and they are on board with the fact that nothing else can be done with the property for at least 5 years, maybe longer. The Boyd family felt the value of the property to be much higher and have actually treated that as a gift to the County.

Commissioner O'Connor made the motion that the Board approves the real property agreements as presented. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

David Berry provided on update on the retaining wall at Jackson Park, the renovation of the Old Health Department, and the new Law Enforcement Center.

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County Manager Steve Wyatt explained, in conjunction with the purchase of property, the financing on the County's part for the Boyd property, will be partial cash and partial financing. The down payment that will be put into escrow in the amount of \$750,000 requires a budget amendment by the Board of Commissioners to transfer the \$750,000 from the capital reserve fund into a capital purchase school property fund.

Commissioner O'Connor made the motion that the Board approves a budget amendment transferring \$750,000 from the capital reserve fund into a fund to be used for the capital purchase of school property. All voted in favor and the motion carried.

County Manager Steve Wyatt stated with the construction and renovation projects now in process, we are now ready to begin the next phase, the planning process for the relocation of the Tax Office to the King Street facility. We are also looking at the 1995 Courthouse and how to maximum the space for the purposes of the local criminal justice court system and adjacent offices. One of the issues not yet discussed is the issue of the child support office and the possibility of relocating them to space which is vacant in the Human Services building. The child support office and function is a part of the Social Services operation.

It was the consensus of the Board that Child Support services should be moved to the Human Services building.

Break

A break was taken.

Chairman Edney called the meeting back to order.

Commissioner Young made the motion that the Board go into public hearing in regards to Economic Development Incentives for "Project Blue Ridge". All voted in favor and the motion carried.

PUBLIC HEARING – ECONOMIC DEVELOPMENT INCENTIVES – "PROJECT BLUE RIDGE"

This public hearing was previously scheduled for this day, 16 February 2011 in the above matter. The notice was published in the Hendersonville Tribune on 3 February 2011.

NOTICE OF PUBLIC HEARING

It is contemplated that the Board of Commissioners of Henderson County will set the public hearing noticed below at its meeting on February 7, 2011. The public hearing noticed below will be held February 16, 2011, unless the Board determines otherwise on February 7, 2011.

NOTICE IS HEREBY GIVEN pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners will hold a public hearing on February 16, 2011, at 11:00 a.m., or as soon thereafter as the Board can consider the matter, to consider the request of a company (the "Project Blue Ridge Company") for economic development incentives.

The Project Blue Ridge Company, which has requested to remain unnamed until the date of the public hearing due to competitive pressures, is a manufacturing concern located inside and outside of the United States contemplating the expansion of Henderson County operations.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Project Blue Ridge Company of at least \$10,000,000.00 in machinery and

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equipment, plus at least \$1,500,000.00 in real property and improvements. To qualify for the proposed incentives, Project Blue Ridge Company must create at least 50 new full-time employment positions.

Henderson County will consider granting assistance toward actual start-up expenditures incurred in the Project Blue Ridge Company's investment up to a maximum of One Hundred Eighty-Six Thousand Six Hundred Forty-Eight Dollars (\$186,648.00), to be paid in five (5) annual installments of Thirty-Seven Thousand Three Hundred Thirty Dollars (\$37,330.00).

If approved, the request would be funded through the general property tax revenue. The hearing will be held in the Commissioners Meeting Room of the Historic Courthouse, located at 1 Historic Courthouse Plaza, Hendersonville, NC. The public is invited to attend and comment.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

Andrew Tate provided information in regards to the Economic Development Incentive. Project "Blue Ridge" consists of a \$10 million investment in machinery and equipment which will be business personal property, and \$1.5 million in real property improvements. Along with that investment, the company is also considering employing up to 50 people at those operations over the next 5 years. This is a competitive project and this public hearing is merely to formalize the County's interest in supporting the project and is by no means an announcement or decision by the company.

Russ Burrell stated the total amount of incentives would be a maximum amount of \$186,648.00. That is calculated on the Board's schedule based on 7 years of incentives with the depreciating personal property and no depreciation of the real property investment. The personal property investment is \$10 million and the real property investment is \$1.5 million. These will be paid out over 5 years as with always there will be requirements, certainly the employment goals as well as the exact amount of the incentives will be based on the percentage of the taxes that they would be paying on those personal properties. So the depreciation, while we've calculated on a straight line depreciation, might not be exactly a straight line and is done by the Assessor each year.

Andrew Tate noted this is a process and there are other components considering support in this project that are not yet concluded. The employment number is 50 jobs and the wages associated with those jobs will be in excess of the County's average wage.

Public Input

There was none.

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

Commissioner Young made the motion that the Board grant economic development incentives to the Project Blue Ridge Company up to a maximum of One Hundred Eighty-Six Thousand Six Hundred Forty-Eight Dollars (\$186,648.00), to be paid in five (5) annual installments of up to Thirty-Seven Thousand Three Hundred Thirty Dollars (\$37,330.00). All voted in favor and the motion carried.

Andrew Tate stated that part of the process requires disclosure of the project "Blue Ridge" which is UPM Raflatac.

IMPORTANT DATES

No dates were noted.

CLOSED SESSION

Commissioner Young 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, which privilege is hereby acknowledged.

All voted in favor and the motion carried.

	A	D	J	О	U	R	N
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Commissioner	O'Connor	made th	e motion	to g	o out	of	closed	session	and	adjourn	at	11:50 a.m.	All
voted in favor of	and the mot	tion carri	ed.										

Attest:		
Teresa L. Wilson, Clerk to the Board	J. Michael Edney, Chairman	

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1 Hendersonville, North Carolina 28792 Phone 828-697-4808 • Fax: 828-692-9855

J. MICHAEL EDNEY Chairman THOMAS H. THOMPSON Vice-Chairman TDD: 828-697-4580 www.hendersoncountync.org

CHARLIE MESSER BILL O'CONNOR LARRY YOUNG

February 16, 2011

First Citizens Bank Inc. P O Box 749 Hendersonville, NC 28793

Re: Loan Agreement between First Citizens Bank Inc., and Blue Ridge Fire & Rescue Inc.

Dear Sirs:

I am Chairman of the County Commissioners for Henderson County. This letter is to advise you that Blue Ridge Fire & Rescue Inc. is a qualified Fire Department assigned to protect a specific Fire District within this County.

In addition, a special ad valorem (fire) tax is assessed on the real property owners of this district. Said tax is to be used exclusively to provide equipment, facilities, and training as is necessary to provide fire protection for said district. Said funds may also be used to upgrade equipment as the need arises. This tax is collected by the County and disbursed by the Finance Office to the Fire Department on a regular basis by the County Finance Officer. The Fire Department is operated and managed by the Board of Directors of the Fire Department and the Officers of said Department. The Department is currently meeting the requirements of their fire service contract.

The Fire Department has made us aware of their intention to acquire new capital assets through a Loan Agreement with your firm.

Please be advised that the County has no objection to this transaction.

Sincerely

Michael Edney, Chairman

Henderson County Commission

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1 Hendersonville, North Carolina 28792 Phone 828-697-4808 • Fax: 828-692-9855

J. MICHAEL EDNEY Chairman THOMAS H. THOMPSON Vice-Chairman TDD: 828-697-4580 www.hendersoncountync.org

CHARLIE MESSER BILL O'CONNOR LARRY YOUNG

February 16, 2011

Mr. Stan Duncan, Tax Assessor HENDERSON COUNTY ASSESSOR'S OFFICE 200 N. Grove Street, Suite 102 Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find the list of tax release requests (16) and tax refund requests (7) approved at the Henderson County Board of Commissioners' Meeting on Wednesday, February 16, 2011.

Sincerely,

J. Michael Edney, Chairman Henderson County Board of

Tichucison County I

Commissioners

JME/tlw

enclosures

REQUEST FOR BOARD ACTION

HENDERSON COUNTY **BOARD OF COMMISSIONERS**

MEETING DATE:

February 16, 2011

SUBJECT:

Tax Refunds

ATTACHMENTS:

Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (7) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's

These refund requests are submitted for the approval by the Board of Commissioners.

Type

Number of Items:

Reve

Refunds

7

\$

Faithfully Submitted,

Fru C. Adum Stan C. Duncan

County Assessor

BOARD ACTION REQUEST:

Consent Approval Requ

Suggested Motion: "I move the Board approve the Tax Refund Re

	Grand Total: Gran	
by the County Assessor assor that these findings the County Assessor's	PULL REATE ILLS ON PERSONAL PROPER OR THAT MANUAFACTURED I DE JURISDICIO COUNTY COUNTY COUNTY COUNTY 125/1111 COUNTY 147 SOLD, FORM ON FILE 22 DE JURISDICION ON FILE 22 DE JU	
the Henderson County venue Amount: \$ 1,397.18	TY MANUFACTURED I HOME WAS JUNKED. Rebated Tax 19.40 19.4	
	POME. CLERICAL ERRO Rebated Late List 194 Rebated Late List 0.35 2.32	
juested Report as presented."	Grand Total: Robated Billed Interest 0.00 Bill Total: Grand Total: Grand Total: Grand Total: Grand Total: 0.00 Bill Total: Grand Total: Grand Total: 0.00 Bill Total: Grand Total:	BH FOTAL:
	\$ 298.12 Total \$ 21.34 \$ 21.3	21,002 €
GOBLESSINGEROUS ODDESSINGEROUS GOBLESSINGEROUS ODDESSINGEROUS ODDESSINGERO	000012648/2.2011-2014-0400 MODULAR HOME RE BILLED FOR 2009 & Rebate # 89330 89330	

 ω

Rebate 90051 90051 22883995-2010-2010-000000 FULL REBATE
0002383995-2010-2010 VEHICLES DOUBLE LISTED/DOUBLE BILLED-BILLED ON ABSTRACT #2342470 WAS MADE ASCRIBING VALUE FOR BUILDING CHARACTERISTICS FROM ADJOINING PARCEL Jurisdiction COUNTY DANA Jurisdiction
MOUNTAIN HOME
COUNTY Rebated Tax 43.24 9.36 Rebated Late List 0.00 0.00 0.00 0.00 Bill Total: Grand Total: 0.00

			CNTY	CITY	Rate Type	E REMOVED I	3-0000000 V		ᅋ	CNTY	Rate Type
			COUNTY	HENDERSONVILLE	Jurisdiction	E REMOVED FROM LOT IN 2008 AND MOVED TO ANOTHER LOT WITHIN HENDERSON COUNTY WHERE IT WAS 19 & 2010. SHOULD NOT HAVE BEEN BILLED ON THIS ABSTRACT FOR 2010.	VALUE DECREASE		HENDERSONVILLE	COUNTY	Jurisdiction
Nu			433.82	0.00	Rebated Tax	DVED TO ANOTHER LO			0.00	433.82	Rebated Tax
Number of Bills = 7			0.00	0.00	Rebated Late List	OT WITHIN HENDERSON			0.00	0.00	Rebated Late List
Total Amo	Grand Total:	Bill Total:	0.00	0.00	Rebated Billed Interest	N COUNTY WHERE IT W		Bill Total:	0.00	0.00	Rebated Billed Interest
in o					ž.	AS					ž.

otal Amount = \$1,397.18

\$ 0.00 \$ 433.82 \$ 433.82 \$ 867.64

N

\$ 105.26 \$ 128.11 \$ 128.11

\$ 21.85

Total \$ 433.82 \$ 0.00 \$ 433.82

MODULAR HOME REMOVED FROM LOT IN 2008 AND MOVED TO ANOTHER LOT WITHIN HENDERSON COUNTY WHERE IT WAS BILLED FOR 2009 & 2010. SHOULD NOT HAVE BEEN BILLED ON THIS ABSTRACT FOR 2009.

PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS, PROPERTY OWNER PROVIDED PHY, CERT. FOR DISABILITY. REFUND ADDITIONAL BILL AND REINSTATE DISABLE EXCLUSION 2010 2010

Rate Type CNTY FIRE

Jurisdiction COUNTY BLUE RIDGE

Rebated Tax 251.79 46.33

Rebated Late List 0,00 0.00

Rebatod Billed Interest
0.00
0.00
Bill Total:
Grand Total:

Rebate # 89329 89329

REQUEST FOR BOARD ACTION HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE:

February 16, 2011

SUBJECT:

Tax Releases

ATTACHMENTS:

Release Report

SUMMARY OF REQUEST:

The enclosed release requests (16) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

Type

Number of Items:

Revenue Amount:

Releases

\$ 2,043.38

Faithfully Submitted,

Fr Dans Stan C. Duncan

County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

Suggested Motion: "I move the Board approve the Tax Release Report as presented."

Interest Rate Type Jurisdiction Robated Tax Robated Late List Robated Billed Interest 002 CDWNY 158.89 0.00 0.00 052 CTY MILLS RVER 0.00 0.00 0.00	
AUTISTICIO A 22 FOUNTO O PETER DE PARA DE IN BURKIE COUNTY-DOCUMENTATION ON FIL JUTISTICIO Rebated Tax Rebated Late List Rebated Billed COUNTY 138.80 0.00 0.00	
LINING ON AL FOR CONSIDERLED & FAID IN BURKE COUNTY-DOCUMENTATION ON FILL LINISHICION Rebated Tax Rebated Late List Rebated Billed I	CNTY COUNTY
ENVING FOR 22 FOR FOR BILLED & PAID IN BORKE COUNTY-DOCUMENTATION ON FILE	ľ
ENNINGTON ON THE CO. DAID IN STORY OF THE CO.	2010- 2010 2008 BENNINGT
L REBATE	010-2010-000000 FULL REBATE

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90052	90052	#	0002806953-2010-2	0) (((G)) ((E)) 405) 0002806953-2010-2010-00000			90:04	90154	#	PROPERTY OWNER ME DISABILITY, 2010-2009	0000005376-2010-2009-110000		90153	90153	Treatment in
CITY	CNTY	Rate Type	010 2008 B	1000 FUI			777.	CNIY	Rate Type	MET WITH			CNTY	PRE	1 000
MILLS RIVER	COUNTY	Jurisdiction	0002806953-2010-2010 2008 BENNINGTON 22' PONTCON-BILLED & PAID IN BURKE COUNTY-DOCUMENTATION ON FILE	FULL REBATE			RECE XIDGE	COUNTY	Jurisdiction	PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS. PROPERTY OWNER PROVIDED PHY. CERT. FOR DISABILITY. 2010-2009	FULL REBATE		COUNTY	BLUE RIDGE	- Children
0.00	136.80	Rebated Tax	4-BILLED & PAID IN BU		•		46,33	251.79	Rebated Tax	DISCOVERY BILLS. P			251.79	46.33	Val manager
0.00	0.00	Rebated Late List	JRKE COUNTY-DOCUME				4.63	25.18	Rebated Late List	ROPERTY OWNER PRO			50.36	9.27	Venden Fale Fist
0.00	0.00	Rebated Billed Interest	INTATION ON FILE		Grand Total:	Bill Total:	0.00	0.00	Rebated Billed Interest	VIDED PHY, CERT, FOR		Bill Total:	0.00	0.00	Repared billed interest
\$000	\$ 136.80	Total			\$ 1,073.24	\$ 327.93	\$ 50.96	\$ 276.97	Total			\$ 357.75	\$ 302.15	\$ 55.60	Total

PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS. PROPERTY OWNER PROVIDED PHY. CERT. FOR DISABILITY. RELEASENO REBILL 2010-2007 DISCOVERY

Rebated Tax 251.79 46.33

Bill Total:

Total \$ 327.33 \$ 60.23 \$ 387.56

89309	Rebate #	1988 EBBTIC ERROR FOR	0002807137.%[][#][X,1150XYI;	89210 89210	Rebato #
CNTY	Rate Type	E & MOTOR 2010. RELE		FIRE	Rate Type
COUNTY	Rate Type Jurisdiction	1988 EBBTIDE & MOTORS - NO LONGER ERROR FOR 2010. RELEASE 2010 BILL.	- PERATE	DANA	Jurisdiction
2.55 13.86	Rebated Tax	1938 EBBTIDE & MOTORS - NO LONGER OWN PER TAXPAYER 2/20/2009 - VC ERROR FOR 2010. RELEASE 2010 BILL.		4.67 1.01	Rebated Tax
0.26 1.39	Rebated Late List	R 2/20/2009 – VC		0.47 0.10	Rebated Late List

Rebated Billed Is
0.00
0.00
0.00
Bill Total:
Grand Total:

DIDED FOR 2009.

BILLED IN

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89209	89209	Rebate #	WILD LIFE 2009 BILL	0002761779-20	ARRIS JESSEG	
CITY	CNTY	Rate Type	WILD LIFE ABSTRACT#: 000: 2009 BILL RELEASED.	0002761779-2009-2009-000000 FULL REBATE	(DE	
HENDERSONVILLE	COUNTY	Jurisdiction	2761779 -2009-2009	FULL REBATE		
Fi			1/3/2011			
0.00	6.31	Rebated Tax	1979 FIBERKING. (RELEASES
0.00	0.63	Rebated Late List	OWNER SUPPLIED BILL (
0.00	0.00	Rebated Billed Interest	WILD LIFE ABSTRACT#: 0002761779 -2009-2009 1/3/2011 1979 FIBERKING. OWNER SUPPLIED BILL OF SALE DATED 9/7/2007, 2009 BILL RELEASED.			

002807724-2019-2010-00000 FULL REBATE
WILD LIFE ABSTRACT# 0002807124-2010-2010 1/3/2011 1979 FIBERKING, 2010 BILL RELEASED.

OWNER SUPPLIED BILL OF SALE DATED 9/7/2007

0.00

Bill Total:

otal:	Grand Total:					
	Bill Total:					
	0.00	19.77	197.74	COUNTY	CNTY	92108
	0.00	3.64	36.38	BLUE RIDGE	FRE	90129
Rebated Billed Interest	Rebated	Rebated Late List	Rebated Tax	Jurisdiction	Rate Type	Rebate #
	N OWNER.	ר הלאכא שאכה מי דאג	01/28/2010.			01/28/2010.
			ייין פונים פונים בחופי	יי אוסדן ואן אונואיסינימאסאו א	2010 88 2 818 2	RELEASING 2010 BILL
						0002784475 2040
otal:	Grand Total:					
	Bill Total:					
	0.00	0.00	48.36	BLUE RIDGE	FIRE	89869
	0.00	0.00	262.88	COUNTY	CNTY	89869
Rebated Billed Interest	Rebated	Rebated Late List	Rebated Tax	Rate Type Jurisdiction	Rate Type	Rebate #
	TAX BILL	FIRST NOTICE BY	OWNERS CALLED IN OCTOBER WHEN THEY RECEIVED THE FIRST NOTICE BY TAX BILL	TOBER WHEN T	CALLED IN OC	OWNERS
SIFIED AS A MH	EN CLAS	SHOULD HAVE BE	MANUFACTURED HOME CLASSIFIED AS A MA-MOD WHEN IT SHOULD HAVE BEEN CLASSIFIED AS A MH	CLASSIFIED AS	TURED HOME	MANUFAC
				VALUE DECREASE		0000247342-2010-2010-000000
						1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

Total \$ 262.88 \$ 48.36 \$ 311.24

RELEASE 2009 AND 2010 BILLS ON PERS LISTING FORM ON 10-15-2008 THAT MAN	AND 2010 BILL: ON 10-15-2008	S ON PERSONAL PROP THAT MANUAFACTUR	RELEASE 2009 AND 2010 BILLS ON PERSONAL PROPERTY MANUFACTURED HOME. CLERICAL ERROR. TAXPAYER SIGNED LISTING FORM ON 10-15-2008 THAT MANUAFACTURED HOME WAS JUNKED.	HOME. CLERICAL ERROR	. TAXPAYER SIGNED	
Rebate #	Rate Type	Rate Type Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
89851	CNTY	CNTY COUNTY	18.48	1.85	0.00	\$ 20.33
					Bill Total:	\$ 20.33
					Grand Total:	\$ 20.33

YPO Jurisdiction Rebated Tax Rebated Late List Rebated Billed Interest Total Y COUNTY 18.46 1.85 0.00 Bill Total: \$ 20.33 Grand Total: \$ 20.33	2000	KOUG TOAT MANUAFACTORED HOME WAS JONKED	HOME WAS JUNKED.			
18.48 1.85 0.00 Bill Total:	Туре	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
E .	~	COUNTY	18.48	1.85	0.00	\$ 20.33
					Bill Total:	\$ 20.33
					Grand Total:	\$ 20.33

N

CNTY COUNTY 12.01 1.20	0002454079-3019-03019-0000000 FULL REBATE TAX RELIEF REMOVED BECAUSE ABSTRACT WASN'T RETURNED FOR 2010. THIS RELEASE IS TO REINSTATE ELDERLY EXCLUSION AND WE CAN REBLL FOR 2010 TAX YEAR. THIS WAS PART OF 2010 COMPILANCE REVIEW. Rebate # Rate Type Jurisdiction Rebated Tax Rebated Late Iss Repaired Billed Into	Grand Total:	89529 FIRE ETOWAH-HORSESHOE 0.84 0.08 0.00 Bill Total:	CNTY COUNTY 4.57 0.46	Robate # Rate Type Jurisdiction Robated Tax Rebated Late List Robated Billiod Into	0002324997-0019-0000000 FULL REBATE WILL DIEE ABSTRECOTTE: 00023249997 1/14/11 1985 POLARIS. REGISTERED IN CALIFORNIA 5/1/09 HULL ID PLE34995C595, CALIFORNIA REGISTRATION ON FILE, BILL RELEASED.	Bill Total:	CNTY COUNTY 4.57 0.46	89509 FIRE ETOWAH-HORSESHOE 0.84 0.08 0.00	Rebate # Rate Type Jurisdiction Rebated Tax Rebated Late List Rebated Billed Into	WILD LIFE ABSTRACT#. 0002324386 1/14/11 1995 POLARIS. REGIŞTERED IN CALIFORNIA 5/1/09 HULL ID PLE36232D595, CALIFORNIA REGISTRATION ON FILE, BILL RELEASED.	0002324386-2010-2010-000000 FULL REBATE	
0,00 Bill Total: Grand Total:	STATE ELDERLY Rebated Billed Interest	Grand Total:	0.00 Bill Total:	0.00	Rebated Billed Interest	PLE34995C595,	Bill Total:	0.00	0.00	Rebated Billed Interest	PLE36232D595,		
\$ 13.21 \$ 13.21 \$ 13.21	Total	\$ 11.90	\$ 0.92 \$ 5.9 5	\$ 5.03	Total		\$ 5.95	\$ 5.03	\$ 0.92	Total			

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PART OF 2010 COMPLIANCE REVIEW RESULTING IN ADDITIONAL BILL. THIS RELEASE IS TO REINSTATE ELDERLY EXCLUSION AND REBATE THE ADDITIONAL BILL FOR 2010.

Release Review Resultant Resolution Related the ADDITIONAL BILL FOR 2010.

Release Review Resultant Related Related Interest Release Court County 154.08 0.00 0.00

88689 CITY MILLS RIVER 0.000 0.00

88689 CITY MILLS RIVER 0.000 0.00 Total \$ 154.08 \$ 0.00 \$ 154.08 \$ 154.08

OVIGIOSATATION

FULL REBATE

ROLLAS 59-2010-2010-000000 FULL REBATE

ROLLAS 59-2010-2010-00000 FULL REBATE

ROLLAS 59-2010-00000 FULL REBATE

ROLLAS 5 Rate Type CNTY FIRE DE Jurisdiction
COUNTY
MOUNTAIN HOME Rebated Late List 1.71 0.35 Robated Billed Interest
0.00
0.00
Bill Total:
Grand Total:

Total \$ 18.80 \$ 3.87 \$ 22.67

		661.06	90159	Rebate #	
		CNIY	FIRE	Rate Type	
		COUNTY	DANA	Jurisdiction	
		9.15	1.98	Rebated Tax	
		0.00	0.00	Rebated Late List	
Grand Total:	Bill Total:	0.00	0.00	Rebated Billed Interest	
\$ 11.13	\$ 11.13	\$ 9.15	\$ 1.98	Total	

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