

DRAFT

6/22/11

MINUTES

cc: BOC
Steve
Selena
Russ
Christy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, JUNE 15, 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, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Sheriff Rick Davis, Fire Marshal Rocky Hyder, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Soil & Water Conservation District Director Jonathan Wallin, Construction Manager David Berry, Assessor/Tax Collector Stan Duncan, Library Director Bill Snyder, Health Director Tom Bridges, IT Director Becky Snyder, Building Services Director Tom Staufer, Code Enforcement Director Toby Linville, Captain Greg Cochran, Environmental Health Supervisor Seth Swift, Assistant County Engineer Natalie Berry, Lieutenant Vanessa Gilbert, and HR Director Jan Prichard.

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 Chairman Edney.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENT

1. Ruthie Self – Ms. Self thanked the Board for considering a supplement increase but would rather keep jobs and cut the supplement increase.
2. Karen Mathiesen – Ms. Mathiesen asked the Board to trust the School Board and senior staff. She requested the Board leave out the supplement increase and keep jobs.
3. Dawn Summers – Ms. Summers thanked the Board but would give up the supplement increase in order to save jobs.
4. Lois Rhodes – Ms. Rhodes thanked the Board for considering the supplement but would rather save jobs than get an increase in her supplement.
5. Jim Barrett – Mr. Barrett is the Executive Director of Pisgah Legal Services and has worked there for 28 years. Pisgah Legal Services provides free civil legal assistance to very low income residents of the county to help them meet their basic needs. There are 300 volunteer attorneys and 19 staff attorneys across 6 counties. The County and United Way have funded their HC Family Assistance project since 1997. Since then the Hendersonville office has been moved to larger office space 3 times to serve more people. Mr. Barrett shared accomplishments by their office during 2010. PLS has a budget shortfall of about \$400,000 for this calendar year already. Please restore the funding for Pisgah Legal Services.
6. Elena Barnwell – Ms. Barnwell would like to have the 2% supplement increase but doesn't want people to lose jobs because of it.
7. Cora Vaughn – Ms. Vaughn would rather drop the supplement increase and save jobs.

APPROVED:

8. Barbara Irk – Ms. Irk is the Vice President of Henderson County Educators. He asked the Board of Commissioners to trust the School Board, protect the interest of kids, and cancel the supplement increase.
9. Amy Ramsey – Ms. Ramsey asked the Commissioners to trust the superintendent, drop the supplement, and save personnel.
10. Alyce Wellman – Ms. Wellman requested no supplement increase saving employee jobs.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Young made the motion to adopt the Agenda with the addition of the resolution of memoriam for David C. Cree, and the approval of Carolina Mountain Land Conservancy Letter of Intent (Hickory Nut Gorge Trailhead). All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Young made the motion to adopt the Consent Agenda with the addition of 1 item, Register of Deeds request to appropriate ROD Restricted Funds. 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):
May 31, 2011 – Special Called Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated June 15, 2011 for information only. No action was required

ICE Building Change Order

Included in the agenda packet was a letter detailing the proposed change order to the ICE Vehicle Building to add wall panels and insulation in the amount of \$7180.00. Funding for this change order will come from ICE Funds.

Motion:

I move the Board approves the change order for the amount of \$7180. To add wall panels and insulation to the ICE Vehicle Building with funds coming from the ICE Program.

Change Order for Tuxedo Mill

Due to unforeseen circumstances at the Tuxedo Mill project, Mark Pace Construction is requesting an additional \$13,820.00 to cover unknowns not covered in their contract with Henderson County.

Motion:

I move the Board approves the change order for the Tuxedo Mill project for the amount of \$13,820.00 to cover unforeseens in the project.

Register of Deeds – Request to appropriate ROD Restricted Funds – Add on

At the Board's April 20, 2011 meeting, the Board approved the use of \$16,000 of the County's Restricted General Fund Balance for the creation of microfilm from the CDs current generated by the Register of Deeds office. The Register of Deeds has used \$9,927 of that appropriation, but anticipates that \$6,072 will remain unspent at the end of FY 2011.

The board is requested to approve the Budget Amendment provided, appropriating the funds from the General Fund back to the Automation Enhancement and Preservation Fund.

Motion:

I move the Board of Commissioners approves the budget amendment provided to appropriate \$6,072 from the General Fund back into the Register of Deeds Restricted Automation Enhancement and Preservation Fund.

NOMINATIONS

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

Notification of Vacancies

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

Nominations

1. Blue Ridge Community College Board of Trustees – 1 vac.

Commissioner O'Connor nominated for reappointment Candler Willis for position #4. *Chairman Edney made the motion to accept the reappointment of Candler Willis to position #4 by acclamation. All voted in favor and the motion carried.*

2. Cane Creek Water and Sewer District Advisory Committee – 4 vac.

Commissioner Messer nominated for reappointment Richmond Meadows for position #2, John Davis for position #3, Jeff Young for position #5, and Billy Johnston for position #7. *Chairman Edney made the motion to accept the reappointments of Richmond Meadows to position #2, John Davis to position #3, Jeff Young to position #5, and Bill Johnston to position #7 by acclamation. All voted in favor and the motion carried.*

3. CJPP (Criminal Justice Partnership Program) – 2 vac.

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

4. EMS Quality Management Committee – 19 vac.

Commissioner Thompson nominated for reappointment Lisha Corn for position #11 and Mike Crosby for position #12. *Chairman Edney made the motion to accept the reappointments of Lisha Corn to position #11 and Mike Crosby to position #12 by acclamation. All voted in favor and the motion carried.*

5. Environmental Advisory Committee – 5 vac.

Commissioner Young nominated for reappointment Jeff Jennings for position #2, Richard Freudenberger for position #5, and Jim Fickes for position #8. Commissioner Messer nominated Daniel West for appointment to position #9. *Chairman Edney made the motion to accept the reappointment Jeff Jennings to position #2, Richard Freudenberger to position #5, Jim Fickes to position #8, and the appointment of Daniel West to position #9 by acclamation. All voted in favor and the motion carried.*

Commissioner Thompson nominated Dr. Robert Sweeny as Chair. *Chairman Edney made the motion that the Board appoints Dr. Robert Sweeny as Chair of the Environmental Advisory Committee by acclamation. All voted in favor and the motion carried.*

6. Fire and Rescue Advisory Committee – 2 vac.

Chairman Edney nominated Tim Garren for reappointment to position #6. He further nominated Carl Shaw for appointment to position #2. *Chairman Edney made the motion to accept the reappointment of Tim Garren to position #6 and the appointment of Carl Shaw to position #2 by acclamation. All voted in favor and the motion carried.*

7. Henderson County Board of Health – 4 vac.

Commissioner Young nominated Dr. Phil Sellers for reappointment for position #1 and Dr. Elizabeth Todd for position #3. *Chairman Edney made the motion to accept the reappointments of Dr. Phil Sellers to position #1 and Dr. Elizabeth Todd to position #3 by acclamation. All voted in favor and the motion carried.*

8. Henderson County Historic Courthouse Corp. dba/Heritage Museum Board – 3 vac.

Commissioner O'Connor nominated for reappointment Drew Brannon to position #2 and for appointment, Peggy Judkins to position #3 and Bill Barnwell to position #1. *Chairman Edney made the motion to accept the reappointment of Drew Brannon to position #2, the appointment of Peggy Judkins to position #3, and the appointment of Bill Barnwell to position #1 by acclamation. All voted in favor and the motion carried.*

9. Henderson County Planning Board – 1 vac.

Chairman Edney nominated Lee Roy Nicholson for appointment for position #8. *Chairman Edney made the motion to accept the appointment of Lee Roy Nicholson to position #8 by acclamation. All voted in favor and the motion carried.*

10. Historic Resources Commission – 2 vac.

Commissioner Young nominated Susan Sneeringer for reappointment to position #3. *Chairman Edney made the motion to accept the reappointment of Susan Sneeringer to position #3 by acclamation. All voted in favor and the motion carried.*

11. Jury Commission – 1 vac.

Commissioner Thompson nominated for reappointment Leslie Edwards Coker for position #1. *Chairman Edney made the motion to accept the reappointment of Leslie Edwards Coker to position #1 by acclamation. All voted in favor and the motion carried.*

12. Juvenile Crime Prevention Council – 21 vac.

Commissioner Messer nominated for reappointment Christopher Smith for positions #1, Nathan Stallings for position #4, Rodney Wesson for position #5, Jerrie McFalls for position #7, Christine DeStefano for position #8, Sheila Devine for position #16, Joseph Glowacki for position #20, Richard Arell for position #21, and Mary Murray for position #22. *Chairman Edney made the motion to accept the reappointments of Christopher Smith to positions #1, Nathan Stallings to position #4, Rodney Wesson to position #5, Jerrie McFalls to position #7, Christine DeStefano to position #8, Sheila Devine to position #16, Joseph Glowacki to position #20, Richard Arell to position #21, and Mary Murray to position #22 by acclamation. All voted in favor and the motion carried.*

13. Library Board of Trustees – 6 vac.

Commissioner Young nominated for reappointment David Beardsley for position #2, Morton Lazarus for position #4, Candler Willis for position #5, Stan Shelly for position #7 and for appointment Vance Yoder for position #3 and Raven McKenzie-Wilson for position #6. *Chairman Edney made the motion to accept the reappointments of David Beardsley to position #2, Morton Lazarus to position #4, Candler Willis to position #5, Stan Shelly to position #7 and the appointment of Vance Yoder to position #3 and Raven McKenzie-Wilson to position #6 by acclamation. All voted in favor and the motion carried.*

14. Mountain Area Workforce Development Board – 2 vac.

Chairman Edney nominated for reappointment Robert Clark for position #2 and Molly Parkhill for position #4. *Chairman Edney made the motion to accept the reappointments of Robert Clark to position #2 and Molly Parkhill to position #4 by acclamation. All voted in favor and the motion carried.*

15. 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.

16. Nursing / Adult Care Home Community Advisory Committee – 4 vac.

Commissioner Thompson nominated for reappointment Perry Robinson for position #4. Commissioner Messer nominated Patricia Daye for position #8, Philip Anderson for position #19 and Janice Early for position #23. *Chairman Edney made the motion to accept the reappointment of Perry Robinson to position #3, and the appointments of Patricia Daye to position #8, Philip Anderson to position #19, and Janice Early to position #23 by acclamation. All voted in favor and the motion carried.*

17. Recreation Advisory Board – 1 vac.

Commissioner Messer nominated Ralph King for position #1. *Chairman Edney made the motion to accept the appointment of Ralph King to position #1 by acclamation. All voted in favor and the motion carried.*

18. Senior Volunteer Services Advisory Council – 3 vac.

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

19. Social Service Board – 1 vac.

Commissioner Young nominated Eliza Graue for reappointment for position #2. *Chairman Edney made the motion to accept the reappointment of Eliza Graue to position #2 by acclamation. All voted in favor and the motion carried.*

RESOLUTION OF MEMORIAM – DAVID CLIFFORD CREE – ADD ON

The Board of Commissioners was requested to adopt a Resolution of Memoriam for David Clifford Cree, who served in the Henderson County Sheriff's Department from 1978 to 1999.

Sheriff Davis stated that David Cree served a couple of decades for the Henderson County Sheriff's office. Mr. Cree was found unexpectedly passed away, possibly of a heart attack, and buried in Arlington Cemetery a few days previously. He was very dedicated to his church and faith, and devoted to law enforcement. Mr. Cree did two combat tours in Vietnam, served in the first Gulf War, and retired from the Army as a Colonel.

Chairman Edney read the resolution and further made the motion that the Board adopts the Resolution of Memoriam for David Clifford Cree. All voted in favor and the motion carried.

FY 2012 BUDGET ORDINANCE

Chairman Edney felt that baseball in the middle schools was a good idea and should be looked at, but due to criticism, this was not the time. He asked that it be removed from the budget ordinance.

Commissioner Young requested that charges for inspections by the Health Department for swimming pools, tattoo parlors, and others mandated by the state should be reinstated since they were mandated by the state.

All Board members were in favor of reinstating the fees proposed by Commissioner Young.

Commissioner Thompson made the motion that the Board adopts the fee schedule as amended at this meeting. The vote passed 4-1 with Commissioner Messer voting nay.

***Commissioner Young made the motion that the Board funds the schools at the 7.5% reduction,*

\$18,561,999.000 for current operating expense, \$1 million for maintenance; a total budget for the school system of \$19,561,999, and debt service of \$9,402,833 with no strings attached.

Commissioner Messer noted that one or two years the Chairman wrote the numbers down just before the Board voted on it.

Chairman Edney stated the Board is supposed to adopt a balanced budget, and by adopting a budget while using the general fund, they are not doing so. More is being spent than is being taken in. If things do not turn around in a couple of years he feels the county will be broke. This is the reason for starting at a 7.5% decrease in the budget, to have a plan to survive over the next few years until hopefully the economy turns around. The school system has said they can take a \$9 million cut within losing anyone. The County is losing employees in many offices. To say that we want to hold everybody in the school system harmless is unfair. We are all in this together. Part of the reason that the Board went into implement the schools budget was due to rumors and speculation that with the 7.5% cut teacher assistants were going to lose days of work or even jobs. All of Federal monies that are budgeted to the school system do not come in a lump sum for the schools to do as they please. Strings are attached to every Federal dollar, and State dollars come with strings attached. Why would local dollars be any different? The Commission has the prerogative to set some set some priorities just like the School Board does.

School Board Chairman Bazzle explained in the budget planning they have lost over sixty positions. They have not been hiring over the last two years. To say that they can absorb \$9 million without losing anyone is factually incorrect but statistically correct. They have already lost these people. They knew the day was coming when they would not have the money from the state, it was clear. The school system is now in the reserves to hold the people they currently have. They will be deep in the reserves to hold them with the cuts coming from the state and the 7.5% from the county. It is a misconception to think they have not lost. More will be lost through attrition and hopefully they will be able to absorb what is left through attrition. In the numbers that were handed out on Monday, they talk about positions being moved, consolidated and transferred. He did not feel that the statement made by the Chairman of the Board of Commission was accurate. If the Commission designates where the money is too spent after it has already been cut, the Commission will have to answer the mail. He will initially. "If you think you know better how to run the schools...run them."

*** The motion failed 1-4 with Commissioners Thompson, Messer, O'Connor and Edney noting nay.*

BREAK

A break was taken in order for staff to make necessary changes in the budget ordinance.

RECONVENE

Chairman Edney called the meeting back to order. The proposed FY 2012 Budget Ordinance was presented to each Commissioner. The Ordinance includes the 2% supplement increase, protection of teacher assistants, bus drivers, cafeteria personnel and direct support people, and \$1 million for building maintenance.

Commissioner O'Connor made the motion to adopt the FY 2012 Budget Ordinance. The vote passed 3-2 with Commissioners Young and Messer voting nay.

LEAGUE OF WOMEN VOTERS PRESENTATION

Judy Katz, President of the League of Women Voters, made a presentation to the Board regarding Advisory Committees in Henderson County. The LWV encourages informed and active participation in government. It works to increase understanding of major public policy issues and influences public policy through education and advocacy.

In May 2010, members of the League of Women Voters of Henderson County adopted a study to encourage citizen participation/Democracy. In August 2010 a committee convened to begin work on the local study. The committee drew upon the North Carolina Sunshine Laws and Freedom of Information Act. The focus of the study was transparency. A copy of the study was provided to each Board member.

OFFICE RELOCATIONS TO SPARTANBURG HIGHWAY BUILDING

Assistant County Manager Selena Coffey stated as per the Board's direction at its May 2, 2011 meeting, staff has been working with the following agencies currently located on the ground level of the 1995 Courthouse to determine the best use of the newly renovated space at the former Health Department Building on Spartanburg Highway: Adult Probation, Juvenile Services, CJPP/TASC, Child Support Division and Guardian Ad Litem.

After numerous meetings with representatives of these agencies staff presented the final recommendations for office relations and request approval of a maximum amount from the project's contingency funds, to be utilized to modify the building for these agencies' operations.

The estimated completion date is July 2011 with plans of move in for August 2010.

Commissioner Thompson made the motion that the Board approves the plan as presented with the addition of a private staff restroom and authorizes staff to proceed with executing a change order with the contractor not to exceed \$150,000 to be taken from the project contingency funds and further, directs staff to proceed with the office relocations upon completion of construction. The vote passed 4-1 with Commissioner Young voting nay.

APPROVAL OF CAOLINA MOUNTAIN LAND CONSERVANCY LETTER OF INTENT – HICKORY NUT GORGE TRAILHEAD

Attorney Russ Burrell stated that Carolina Mountain Land Conservancy has requested that the County execute a letter of intent.

In January 2010, this Board approved an application to the NC Parks and Recreation Trust Fund (PARTF) for a grant to obtain one-half of the cost of a new part and trailhead in the Upper Hickory Nut Gorge Trail System. This Board's action was conditioned on the County not paying any of the cost of the land acquisition or development costs.

In February 2010, the Carolina Mountain Land Conservancy (CMLC) applied on behalf of the County to the National Scenic Byways program for the remaining project funds as well as additional funding for conservation easements and trails on Bearwallow Mountain.

In July 2010, the County was awarded a PARTF grant of \$208,750 for this project. In August 2010, the County agreed to the terms of the PARTF grant.

In April of 2011, \$153,750 was awarded from the Scenic Byways program for the remaining project costs.

CMLC desires that the County execute a letter of intent as requested. It is understood that the County will not use County funds to cover any part of the costs for property acquisition or development.

Commissioner Messer made the motion that the Board authorizes the Chairman to execute the letter of intent and no county funds will be used to cover any part of the cost. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

There was nothing further.

CLOSED SESSION

Commissioner O'Connor 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)(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 (I) 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 Thompson made the motion to go out of closed session and adjourn at 12:05 p.m. All voted in favor and the motion carried.

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
TDD: 828-697-4580

www.hendersoncountync.org

J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

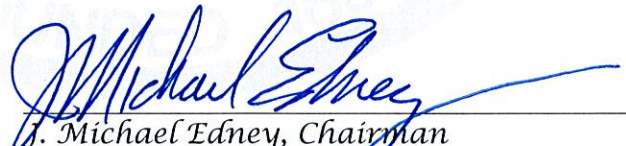
CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

*Resolution of Memoriam
for
David Clifford Cree
June 4, 1951 - June 7, 2011*

- WHEREAS, Henderson County celebrates the life and service of David C. Cree; and*
- WHEREAS, David Cree served as a Civil Law Enforcement Officer with the Henderson County Sheriff's Department from 1978 to 1999; ultimately serving as SWAT commander and captain of the special operations & training division; and*
- WHEREAS, David Cree worked in Iraq for the US Department of State as a Provincial Reconstruction Team Senior Advisor for city management & strategic planning in Iraq, and*
- WHEREAS, David Cree was president of Eagle Leadership Enterprises, and was vice president of Kanawha Properties; and*
- WHEREAS, David Cree retired as a Colonel in the U.S. Army in 2007 after 32 years of distinguished service as an active and reserve Army officer, and served a combat tour in Vietnam; and*
- WHEREAS, David Cree passed away unexpectedly on June 7th while on duty with the Federal Emergency Management Agency (FEMA); and*


THEREFORE, BE IT RESOLVED, Mr. David C. Cree is remembered for his service and dedication to the citizens of Henderson County and his Country. The Board of Commissioners and staff extend their deepest sympathy to his family and friends.

This the 15th Day of June, 2011.



J. Michael Edney, Chairman
Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board

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/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

June 15, 2011

Re: Tax Collector's Report to Commissioners – 06/15/11 Meeting

Please find outlined below collections information through June 14th for the 2010 bills, which were mailed out on August 13th, 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: 55,796,923.74
Unpaid Taxes: 1,727,490.63
Percentage Collected: 97.00%
(through 06/14/11)

2009 Total Charge: \$57,024,352.18
Payments & Releases: 55,511,218.78
Unpaid Taxes: 1,513,133.40
Percentage Collected: 97.35%
(through 06/14/10)

Motor Vehicle Bills G01 Only:

2010 Total Charge: \$3,771,693.77
Payments & Releases: 3,325,586.82
Unpaid Taxes: 446,106.95
Percentage Collected: 88.17%
(through 06/14/11)

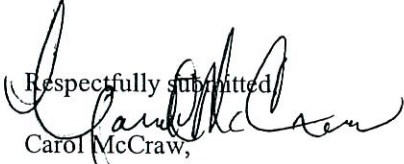
2009 Total Charge: \$3,821,412.70
Payments & Releases: 3,360,009.22
Unpaid Taxes: 461,403.48
Percentage Collected: 87.93%
(through 06/14/10)

Fire Districts All Bills

2010 Total Charge: \$6,705,989.28
Payments & Releases: 6,460,143.55
Unpaid Taxes: 245,845.73
Percentage Collected: 96.46%
(through 06/14/11)

2009 Total Charge: \$6,584,808.86
Payments & Releases: 6,364,364.46
Unpaid Taxes: 220,444.40
Percentage Collected: 96.77%
(through 06/14/10)

Respectfully submitted


Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: CAPITAL RESERVE FUND (21)

Please make the following line-item transfers:

What expense line-item is to be increased?

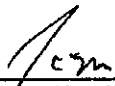
Account	Line-Item Description	Amount
<u>215400-598040</u>	<u>TRANSFER TO COUNTY CAP PROJ FUND</u>	<u>\$ 13,820</u>
<u>405400-555001-0910</u>	<u>DEMOLITION</u>	<u>\$ 13,820</u>

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

Account	Line-Item Description	Amount
<u>404400-402100-0910</u>	<u>TRANSFER FROM CAP RESERVE FUND</u>	<u>\$ 13,820</u>
<u>214400-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$ 13,820</u>

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

BUDGET AMENDMENT TO RECORD THE TRANSFER OF ADDITIONAL CAPITAL RESERVE FUNDS TO COVER CHANGE ORDER #1 FOR TUXEDO MILL DEMOLITION PROJECT FOR UNDERGROUND UNKNOWNNS PER THE ATTACHED REQUEST.

FINANCE 
Authorized by Department Head

6/6/2011
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date





**HENDERSON COUNTY, NORTH CAROLINA
BUDGET ORDINANCE
FISCAL YEAR 2012**

WHEREAS, the proposed budget for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012 ("Fiscal Year 2012") was presented to the Henderson County Board of Commissioners on May 18, 2011 by the Henderson County Manager and received by the Clerk to the Board on that date; and,

WHEREAS, on May 31, 2011, the Henderson County Board of Commissioners held a public hearing on the budget pursuant to N.C. Gen. Stat. §159-12; and,

WHEREAS, on June 15, 2011, the Henderson County Board of Commissioners adopted a budget ordinance making appropriations and levying taxes in such sums as the Board of Commissioners;

NOW, THEREFORE, BE IT ORDAINED by the Henderson County Board of Commissioners, meeting on the 15th day of June 2011:

SECTION 1 – GENERAL FUND REVENUES

It is estimated that the revenues and fund balances of the General Fund, as listed below, will be available during the Fiscal Year 2012, to meet the appropriations as set forth in Section 4. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

**HENDERSONCOUNTY
GENERAL FUND BUDGET SUMMARY**

Ad Valorem Taxes	
Current Year Taxes	\$ 58,743,127
Prior Year Taxes, Interest, and Penalties	1,745,000
Local Option Sales Taxes	16,066,421
Other Taxes & Licenses	709,880
Unrestricted Intergovernmental Revenue	82,000
Restricted Intergovernmental Revenue	17,517,405
Permits & Fees	1,039,470
Sales & Services	4,788,556
Investment Earnings	275,000
Other Revenues	520,820
Transfers from Other Funds	365,362
Fund Balance Appropriated	3,194,191
TOTAL GENERAL FUND REVENUES:	\$ 105,047,232

SECTION 2 – AD VALOREM TAX LEVY

There is hereby levied for Fiscal Year 2012 an *ad valorem* property tax on all property having a situs in Henderson County as listed for taxes as of January 1, 2011, at the statutory revenue neutral tax rate of fifty-one and thirty-six –hundredth cents (\$.5136) per one hundred dollars (\$100) of assessed value of such property, pursuant to and in accordance with the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws. Pursuant to N.C. Gen. Stat. §159-11(e), the revenue-neutral tax rate for FY2012 is \$0.5136 per \$100.00 taxable value.

This rate is based on an estimated total valuation of \$11,920,000,000 of taxable property and a collection rate of 97%. The Budget Ordinance also names *ad valorem* property taxes as the specific revenue source to fund the Tax Revaluation Reserve Fund, budgeted in Fiscal Year 2012 at \$641,359.

SECTION 3 – FEES, LICENSES, AND OTHER TAXES

There is hereby levied all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

SECTION 4 – GENERAL FUND APPROPRIATIONS

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for the fiscal year beginning July 1, 2011 and ending June 30, 2012. Other fund amounts as set forth in Sections 6 through 19 are also appropriated as presented in this section. In administering the program authorized under this ordinance, the County Manager is authorized to make transfers pursuant to Section 5. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes, and on the following terms and conditions:

- A) Form grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$50,000;
- D) Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The County Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of

consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.
- D) The Sheriff may execute contracts that have no monetary impact on the county government budget (for example, no county match in personnel or funding). Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners.

GENERAL FUND BUDGET SUMMARY

Governing Body	\$ 350,590
Dues & Non-Profit Contributions	355,581
County Manager	301,573
Administrative Services	419,542
Human Resources	451,234
Elections	734,085
Finance	630,064
Assessor	1,689,174
Tax Collections	425,320
Legal	638,003
Register of Deeds	739,276
Engineering & Facility Services – Central Services Division	2,138,539
Engineering & Facility Services – Garage Division	304,038
Court Facilities	190,000
Information Technology	1,760,946
Sheriff	11,773,419
Detention Facility	4,132,300
Emergency Services – Emergency Management Division	198,355
Emergency Services – Fire Marshal Division	370,190
Building Services	792,746
Wellness Clinic	376,544
Emergency Services – Emergency Medical Services Division	3,893,331
Animal Services	508,475
Criminal Justice Partnership Program (CJPP)	96,588
Rescue Squad	98,650
Property Addressing Division	59,751
Forestry Services	65,899
Soil & Water Conservation District	260,257

Engineering & Facility Services – Utilities Division	215,212
Planning	471,417
Code Enforcement	243,826
Cooperative Extension	321,326
Economic Development	505,573
Public Health	5,797,204
Public Health – Environmental Health Division	889,896
Home & Community Care Block Grant (H&CCBG)	753,676
Medical Services - Autopsies	46,250
Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	267,294
Social Services	11,584,245
Social Services – Smart Start Program	492,740
Social Services – Federal & State Programs	7,198,736
Social Services – General Assistance Division	57,000
Juvenile Justice Grant	209,672
Veterans Services	25,209
Public Library	2,734,186
Recreation	1,408,091
Public School System	
<i>Current Expense</i>	18,561,999
<i>Capital Expense</i>	1,000,000
Blue Ridge Community College	
<i>Operational Expense</i>	2,151,102
<i>Capital Expense</i>	90,724
Public Schools Debt Service	9,402,833
Community College Debt Service	1,653,247
General Debt Service	3,920,511
Special Projects	254,000
Transfers to Other Funds	508,181
TOTAL GENERAL FUND APPROPRIATIONS:	\$105,047,232

SECTION 5 – AUTHORIZED TRANSFER OF APPROPRIATIONS

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- c) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- d) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.

SECTION 6 – FIRE DISTRICTS FUND (23)

The following is hereby appropriated and revenues estimated to be available in the **FIRE DISTRICTS** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 6,620,517
Appropriations	\$ 6,620,517

Fire District Tax Rates: Tax Rates for these special tax districts listed are as follows:

District	Rate
Bat Cave	.100
Blue Ridge	.095
Dana	.110
Edneyville	.095
Etowah-Horse Shoe	.095
Fletcher	.100
Gerton	.125
Green River	.065
Mills River	.075
Mountain Home	.105
Saluda	.085
Valley Hill	.080
Valley Hill II	.080

SECTION 7 – REVALUATION RESERVE FUND (25)

The following is hereby appropriated and revenues estimated to be available in the **REVALUATION RESERVE** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 641,359
Appropriations	\$ 641,359

SECTION 8 – TRAVEL & TOURISM FUND (26)

The following is hereby appropriated and revenues estimated to be available in the **TRAVEL & TOURISM** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 1,036,328
Appropriations	\$ 1,036,328

SECTION 9 – CDBG: SCATTERED SITE HOUSING FUND (27)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: SCATTERED SITE HOUSING PROGRAM** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 400,000
Appropriations	\$ 400,000

SECTION 10 – EMERGENCY TELEPHONE SYSTEM FUND (28)

The following is hereby appropriated and revenues estimated to be available in the **EMERGENCY TELEPHONE SYSTEM FUND** for the fiscal year beginning July 1, 2011 and ending June 30, 2012. Revenues for this fund are based on a .70 cent surcharge per phone line.

Revenues	\$ 578,156
Appropriations	\$ 578,156

SECTION 11 – CDBG: WARM COMPANY PROJECT (30)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: WARM COMPANY PROJECT** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 200,000
Appropriations	\$ 200,000

SECTION 12 – MUD CREEK WATERSHED PROJECT (32)

The following is hereby appropriated and revenues estimated to be available in the **MUD CREEK WATERSHED PROJECT** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 255,681
Appropriations	\$ 255,681

SECTION 13 – PUBLIC TRANSIT PROGRAM FUND (33)

The following is hereby appropriated and revenues estimated to be available in the **PUBLIC TRANSIT PROGRAM** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 836,286
Appropriations	\$ 836,286

SECTION 14 – CDBG: TALLEY DRIVE PROJECT (35)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: TALLEY DRIVE PROJECT** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 850,000
Appropriations	\$ 850,000

SECTION 15 – IMMIGRATIONS AND CUSTOMS ENFORCEMENT FUND (38)

The following is hereby appropriated and revenues estimated to be available in the **IMMIGRATIONS AND CUSTOMS ENFORCEMENT** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 739,893
Appropriations	\$ 739,893

SECTION 16 – DEBT SERVICE FUND (50)

The following is hereby appropriated and revenues estimated to be available in the **DEBT SERVICE** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 164,364
Appropriations	\$ 164,364

SECTION 17 – SOLID WASTE ENTERPRISE FUND (60)

The following is hereby appropriated and revenues estimated to be available in the **SOLID WASTE ENTERPRISE** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 6,251,639
Appropriations	\$ 6,251,639

SECTION 18 – CANE CREEK SEWER ENTERPRISE FUND (61)

The following is hereby appropriated and revenues estimated to be available in the **CANE CREEK SEWER ENTERPRISE** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 1,080,822
Appropriations	\$ 1,080,822

SECTION 19 – JUSTICE ACADEMY SEWER FUND (63)

The following is hereby appropriated and revenues estimated to be available in the **JUSTICE ACADEMY SEWER** Fund for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Revenues	\$ 42,800
Appropriations	\$ 42,800

SECTION 20 – HENDERSON COUNTY PUBLIC SCHOOLS PROVISION

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30th) of such month. Capital outlay for the Public Schools shall be reimbursed by the County in accordance to this ordinance, based on invoices received by the County Finance Director.

SECTION 21 – HENDERSON COUNTY PUBLIC SCHOOLS

Pursuant to N.C. Gen. Stat. §115C-429(b), the Board of Commissioners hereby exercise their power of allocation of a part of the current expense appropriation by purpose or function, and ordain that of the total funds appropriated in this Ordinance to the Henderson County Public Schools (“the Schools”) for current expense In Section 4, above, there is hereby allocated a sufficient sum to be expended by the Schools as follows:

- 1) The local salary supplements, being defined as monies paid by the County above the amount approved and paid by the State for FY 2012 will remain the same as for FY 2011, except as stated in this Section 21 (2) below; and,
- 2) The local salary supplements for classroom teachers, classroom teacher assistants and librarians with direct student contact will be increased by two percent (2%) of their respective state-approved and state-paid salary above the level they received during FY 2011; and,
- 3) Salaries for teacher assistants paid with funds from this allocation shall be funded for 215 days; and
- 4) Funding and staff levels for bus drivers and cafeteria personnel shall remain at FY2011 levels; and,
- 5) Funding for building maintenance shall be \$1,000,000.00.

As used herein, the “state-approved and state-paid salary” amounts upon which the supplements are figured shall include, to the same extent as in previous budget years, matching FICA and state retirement costs.

The allocation made in this Section shall be deemed to reference each particular purpose, function and line item in the Uniform Budget Format in which the local salary supplements are located.

SECTION 22 – ELECTED OFFICIALS PROVISIONS

- A. The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Board of Public Education members. The Chairman shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.
- B. The Board of Commissioners hereby establishes the Commission Chairman and Commissioners annual compensation rate. The Chairman shall be compensated at an annual rate of \$16,801. Members of the Board, other than the Chair, shall be compensated at \$10,431 annually. The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.
- C. The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Sheriff. The Sheriff shall be compensated at an annual rate of \$ 87,000. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.
- D. The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Register of Deeds. The Register of Deeds shall be compensated at an annual rate of \$ 64,170. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.

SECTION 23 – UTILIZATION OF THE HENDERSON COUNTY BUDGET

This Ordinance and the Budget Document shall be the basis for the financial plan for the County of Henderson, North Carolina, during the 2011-2012 Fiscal Year. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

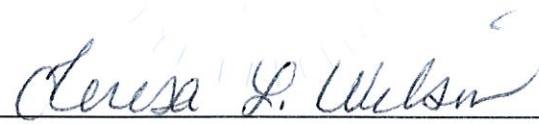
This Ordinance shall be effective upon its adoption.

Adopted the 15th day of June, 2011.



J. Michael Edney, Chairman
Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board

**HENDERSON COUNTY BOARD OF
COMMISSIONERS**

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792-5097
Phone: 828-697-4808 · Fax: 828-692-9855
TDD: 828-697-4580
www.hendersoncountync.org

CHARLIE MESSER
WILLIAM O'CONNOR
LARRY YOUNG

J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice Chairman

June 16, 2011

Mr. Kieran Roe, Executive Director
Carolina Mountain Land Conservancy
847 Case Street
Hendersonville, NC 28792

Re: Letter of Intent, Hickory Nut Gorge Trailhead, Gerton

Dear Mr. Roe:

The Henderson County Parks and Recreation Department has requested that the County issue a Letter of Intent to have Carolina Mountain Land Conservancy (CMLC) purchase the Property referenced below for subsequent transfer to the County. The County received an award from the North Carolina Parks and Recreation Trust Fund (PARTF) for half of the cost to purchase the Property and develop it as a trailhead and county park. CMLC received awards from other funding sources that will provide the remaining funds needed (see Project Budget, Appendix A). It is understood that the County will not expend any County funds other than PARTF grant awards to cover any part of the costs for property acquisition or development. As the grantee of the PARTF grant award, the County will spend PARTF funds, matched by other project funds contributed by CMLC, to cover project costs. CMLC will purchase the Property from the current landowner. The County will purchase the Property from CMLC within one year of CMLC's purchase at no additional cost to the County. This Letter of Intent will set forth the responsibilities of the County and CMLC with respect to efforts to purchase and develop the Property. CMLC is not acting as an agent for the County.

PROPERTY

The Property is described as 26 acres, more or less, owned by the Hickory Nut Gorge Forest, LLC. The deed is recorded in Book 1250 at Page 250, Henderson County Registry.

PROPERTY OWNER CONTACT

CMLC has contacted the property owners and obtained recent appraisals and surveys and obtained permission to conduct a phase one environmental reviews.

APPRAISALS

A recent appraisal of the 26 acres indicating value of \$415,000.00 was submitted to the Parks and Recreation Trust Fund with the grant application. Based upon the \$350,000 value identified in the project budget, PARTF has approved a property value of \$350,000 for the 26-acre property.

SURVEY AND TITLE SEARCH

CMLC obtained a recent survey of the Property. CMLC has arranged for a title search and title insurance.

NEGOTIATIONS

CMLC has made an offer on the 26 acres and an AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE was executed by the Seller for the amount of \$295,000.00. To meet Seller's desired timetable, CMLC will purchase the tract in May 2011.

ACQUISITION OF PROPERTY BY HENDERSON COUNTY

CMLC will sell the 26 acres to the County. The County's sole expenditure will be the proceeds of the PARTF grant referred to above. It is understood and agreed by all parties that the County will close on the purchase from CMLC within one year.

DEVELOPMENT OF PARK IMPROVEMENTS

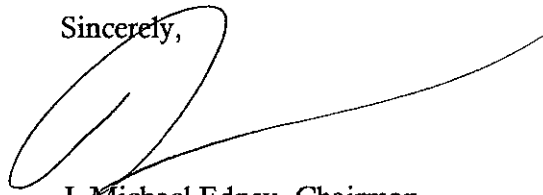
CMLC will work with the County to the extent that the County requests CMLC's assistance to develop the improvements, including parking, trailhead signage and trail construction, described in the park plan included with the PARTF proposal.

REIMBURSEMENT OF EXPENSES

CMLC will be reimbursed for one half of direct expenses incurred resulting from its participation in the land purchase, including the cost of the land and transaction costs such as survey, appraisal, environmental assessment, legal and closing costs, up to the amounts provided to the County in its PARTF contract. CMLC will also receive reimbursement for one half of the cost of park design, site planning, park development, project management, and PARTF grant proposal preparation up to the amounts provided to the County in its PARTF contract -- including expenses incurred prior to this Letter of Intent -- provided they are within the scope of the County's PARTF contract. The invoices will reference the Property and the PARTF contract number, and also contain the vendors' Federal Tax ID Number or Social Security Number.

If the foregoing is acceptable, it would be appreciated if you would counter-sign this Letter of Intent, retain one original for your records and return the remaining original to the office for our files. Thank you for your cooperation and assistance regarding this matter.

Sincerely,



J. Michael Edney, Chairman
Henderson County
Board of Commissioners

Carolina Mountain Land Conservancy

By: _____
Kieran Roe, Executive Director

Appendix A

Upper Hickory Nut Gorge Trail Project Project Budget

PARTF BUDGET

Project Elements (Include specific units - sizes, numbers, lengths, etc. - for each item.)	Unit	Unit Cost	Total Item Cost
Building and/or Renovating Costs			
Trail construction - unpaved	3600 linear feet	\$3 / lf	\$10,800
Parking Lot – composted stone plus installation	Lump sum	\$6,200	\$6,200
Site Preparation (clearing, grading, and erosion control)	Lump sum	\$10,000	\$10,000
Educational Signage - 2 outdoor panels with stand and installation	Lump sum	\$3,000	\$3,000
Costs to Develop the Project			\$30,000
Contingency for the Cost of Building / Renovating			
Contingency (not to exceed 5% of the cost to develop the project)	5%		\$1,500
Value of Land to be Purchased or Donated			
Land Acquisition	26 acres	\$13,462	\$350,000
Costs Related to Building, Renovating and Planning			
Planning / Incidental Land Costs- Construction management, site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% of the cost of the project)	9.44%		\$36,000
Total Project Cost			\$417,500
Total PARTF Grant Request			\$208,750
Total Local Match			\$208,750

Type of Matching Funds	Amount of Funds	Funding Source	Availability
Federal Grant	\$153,750	National Scenic Byways Program	Approved by Scenic Byways Program
Bargain Sale Land Donation	\$55,000	Donated Value of Property	Approved by PARTF
Total Matching Funds	\$208,750		