

DRAFT

9/8/11

cc: BOC
STEVE
RUSS
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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6, 2011

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

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

Also present were: Finance Director J. Carey McLelland, Planning Director Anthony Starr, Planners Matt Cable and Parker Sloan, Engineer Marcus Jones, Assessor/Tax Collector Stan Duncan, District Director of Soil and Water Conservation Jonathan Wallin, HR Director Jan Prichard, Internal Auditor Darlene Burgess, Research/Budget Analyst Amy Brantley, Assistant County Engineer Natalie Berry, Delinquent Tax Collector Lee King, Planner Autumn Radcliff, Registrar of Deeds Nedra Moles, and Sheriff Rick Davis.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Drue Stinnett of the Young Naturalists 4-H Club.

INVOCATION

County Manager Steve Wyatt gave the invocation.

Confirmation and presentation of Marvin Owings as Cooperative Extension Director

Dan Smith, District Extension Director with the North Carolina Cooperative Extension Service, was present to request the Board's approval of Mr. Marvin Owings Jr. as Henderson County's Cooperative Extension Director.

County Manager Steve Wyatt explained the process of the appointment of a Cooperative Extension Director and noted it as a 12 month term, with the consent of the Board of Commissioners in each county.

Commissioner Young made the motion that the Board approves the appointment of Marvin Owings Jr. as Henderson County's Cooperative Extension Director. All voted in favor and the motion carried.

Resolution in Commemoration of the 10th Anniversary of the September 11, 2001 Attacks

Public Information Office Christy DeStefano read the proposed resolution in honor of the 10th Anniversary of the September 11, 2001 attacks on New York City, Washington, D.C., and Pennsylvania, and requested the Board's approval of the resolution as presented.

Commissioner Young made the motion that the Board of Commissioners approves and adopts the resolution commemorating the tenth anniversary of the September 11, 2001 attacks. All voted in favor and the motion carried.

APPROVED:

Resolution of Appreciation – Ms. Natalie Berry

Steve Wyatt recognized Natalie Berry and stated the Board is requested to adopt the Resolution of Appreciation for Ms. Natalie Berry as presented for recognition of receiving a Certificate of Outstanding Citizenship from the Home Builders Association of Hendersonville.

Commissioner Young made the motion that the Board of Commissioners adopts the Resolution of Appreciation for Ms. Natalie Berry. All voted in favor and the motion carried.

PUBLIC HEARINGS

Public Hearing for Rezoning Application #R-2011-02

Planner Parker Sloan stated Rezoning Application #R-2011-02, which was submitted on May 31, 2011 requests the County rezone a 26 acre tract. The applicant requests a rezoning from an Industrial (I) zoning district to a Residential One (R1) zoning district. The subject area is owned by Cecillia Salvadori and Mr. Mark Corn is the applicant's agent. (PIN: 9539-33-0175)

The subject area in Etowah sits roughly to the west of the French Broad River and just to the north of 64W and south of the railroad tracks. The subject area is currently all vacant. The surrounding properties are primarily residential uses. A welding company is located directly west of the subject area along Industrial Drive. Southwest of the subject area are 2 (two) single-family homes and across the street to the south is the Etowah/Horseshoe Fire Station. The property directly to the northwest is a mobile home park. The property adjoins adjacent residential one (R1) zoning to the south across Brevard Road is adjacent to residential two (R2) rural zoning to the east across the French Broad River. Removing industrial zoning will remove the ability for manufacturing and warehousing uses as well as remove the ability for any retail trade or professional services. Applying residential one (R1) zoning will allow for single-family residential development within the subject area.

The CCP Future Land Use Map identifies the subject area as being located in the rural transition area as well as the conservation area. A majority of the property lies within the one-hundred (100) year flood plain, leaving approximately seven (7) acres outside of the flood plain.

The Henderson County Planning Board considered rezoning application #R-2011-02 at its regularly scheduled meeting on August 21, 2011. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2011-02 to rezone the Subject Area to R1 (Residential One).

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 6, 2011, public hearing regarding rezoning application #R-2011-02 were published in the Hendersonville Tribune on August 25, 2011 and September 1, 2011. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the subject area property owner on August 19, 2011 and posted signs advertising the hearing on the Subject Area on August 22, 2011.

Commissioner Messer made the motion that the Board go into public hearing with regard to rezoning application #R-2011-02. All voted in favor and the motion carried.

PUBLIC INPUT

There was none.

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

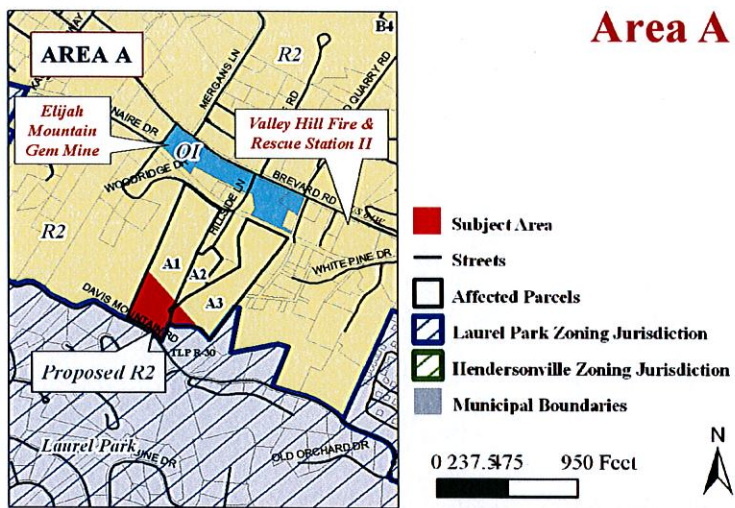
Commissioner Messer made the motion that the Board approves rezoning application #R-2011-02 to rezone the Subject Area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

Public Hearing on Rezoning Application #R-2011-03

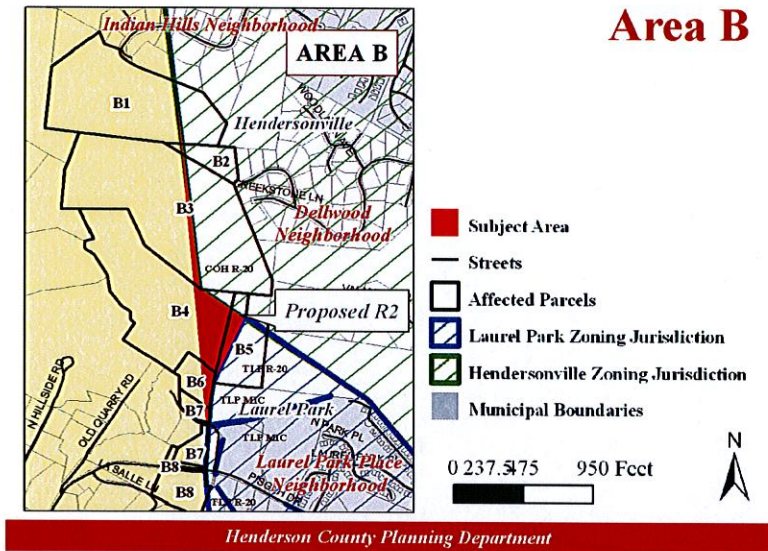
Planner Matthew Cable stated Rezoning #R-2011-03 is a technical matter resulting from the municipalities of the City of Hendersonville, Town of Laurel Park, and Town of Saluda making adjustments to their municipal boundaries or zoning jurisdiction. This application requests the County zone 25.67 acres comprised of all or portions of 22 identified tracts which were formerly within the municipal boundaries or zoning jurisdiction of the City of Hendersonville, Town of Laurel Park, or Town of Saluda. Seventeen (17) individual property owners will be affected by the rezoning. The recommended zoning reflects the extension of adjacent residential zoning districts (Residential Two (R2) and Residential Three (R3)) onto these currently unzoned areas to avoid further split zoning, and alleviate spot zoning concerns.

The Henderson County Planning Board considered rezoning #R-2011-03 at its regularly scheduled meeting on August 18, 2011. The Planning Board voted unanimously to send forward a favorable recommendation regarding rezoning #R-2011-03 to zone the affected properties to Residential Two (R2) or Residential Three (R3).

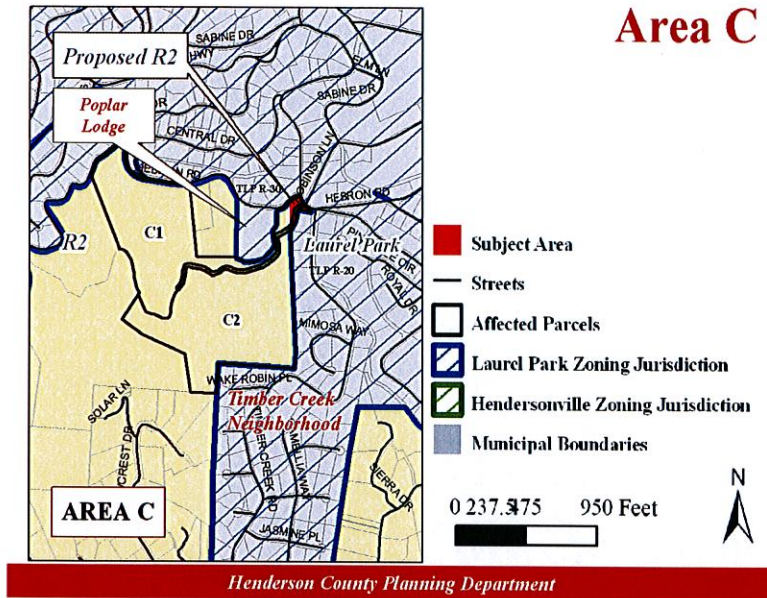
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 6, 2011, public hearing regarding rezoning #R-2011-03 were published in the Hendersonville Tribune on August 25, 2011 and September 1, 2011. The Planning Department sent notices of the hearing via first class mail to the affected property owners and adjacent owners of properties on August 22, 2011 and August 23, 2011 and posted signs advertising the hearing on the affected properties on August 22, 2011 and August 23, 2011. No negative comments were received from the public.



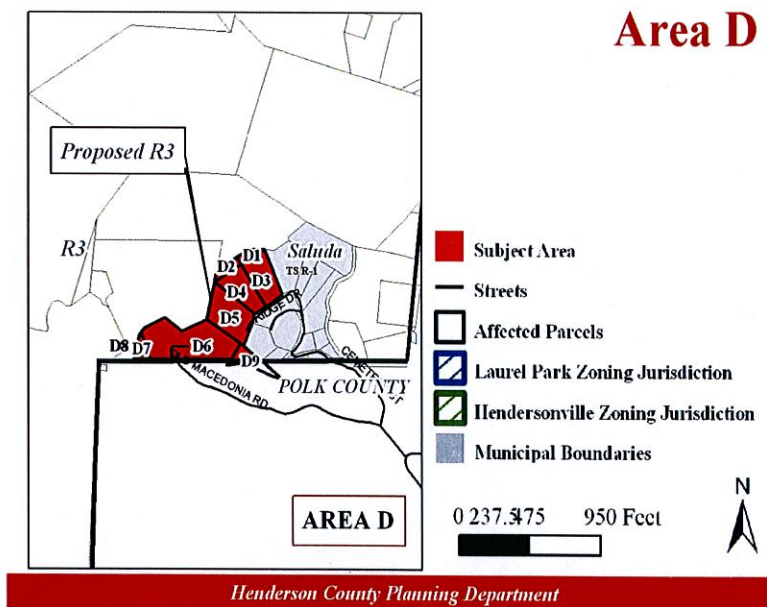
The Town of Laurel Park adjusted its municipal boundaries removing 4.34 acres of land from its jurisdiction in Area A. The three (3) parcels affected by the adjustment are located along Davis Mountain Road, Woodridge Drive, Hillside Lane and Shaws Creek Lane. These parcels were formerly split zoned by the Town of Laurel Park and Henderson County. The parcels were completely within the County’s zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the northern portions of the affected parcels. Staff recommends existing R2 zoning be extended to the south and applied to the entirety of the parcels.



The City of Hendersonville adjusted its extraterritorial jurisdiction boundaries removing 7.13 acres from its jurisdiction in Area B. The eight (8) parcels affected by the adjustment are located along North Hillside Road, Valmont Drive, Greenwood Drive, and Sun Meadow road. Parcels B1, B2, B3, and B4, were formerly split zoned by the City of Hendersonville and Henderson County and will continue to be split zoned (although the boundary line is adjusted). Parcel B5 was formerly split zoned by the City of Hendersonville and Town of Laurel Park alone but now falls under the jurisdiction of the County, Hendersonville and Laurel Park. Parcels B6, B7, and B8 were formerly split zoned by the City of Hendersonville and Henderson County and will now fall completely within the County’s zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the western portions of these parcels (*with the exception of B5 which is not currently zoned by the County). Staff recommends the existing R2 zoning be extended to the east and applied to all portions of the eight (8) parcels which fall within the County’s jurisdiction.



The Town of Laurel Park adjusted its municipal boundaries removing 0.35 acres of land from its jurisdiction in Area C. The two (2) parcels affected by the adjustment are located along Laurel Park Highway. These parcels were formerly split zoned by the Town of Laurel Park and Henderson County. The parcels now fall completely within the County’s zoning jurisdiction. The Residential Two (R2) zoning designation is currently applied by the County to the western portions of the parcels. Staff recommends the existing R2 zoning be extended to the east and applied to the entirety of the two (2) parcels.



The Town of Saluda provided the County a map indicating adjustments to its municipal boundaries that remove 13.85 acres of land from its jurisdiction in Area D. The nine (9) parcels affected by the adjustments are located along Laurel Mountain Trail and Old Macedonia Road.

These parcels were formerly within the Town of Saluda. The entirety of these parcels now fall within the County's zoning jurisdiction (with the exception of parcel D9 which falls partially within Henderson County and partially with the Town of Saluda (within Polk County))

Map ID	PIN	Property Owner	Total Parcel Acreage	Current Parcel Acreage Zoned:				Current Unzoned Acreage within Henderson County Jurisdiction	Former Jurisdiction	Proposed County Zoning Designation	Land Classification
				County	City of Hendersonville	Town of Laurel Park	Town of Saluda				
A1	9559500248	Henderson County	11.46	7.91	-	-	-	3.55		R2	Governmental
A2	9559502027	Margaret Y. Pascock, Trustee	2.30	2.23	-	-	-	0.07	Town of Laurel Park	R2	Vacant Land
A3	9559506042	Stephen R. & Andrew L. Brazzell	9.43	8.71	-	-	-	0.72		R2	Single Family
B1	9559649888	Laurens G. & Linda S. Lee	24.99	20.43	4.51	-	-	0.05		R2	Vacant Land
B2	9559747296	Edward & Jeanne Farrell	2.86	0.17	2.66	-	-	0.03		R2	Single Family
B3	9559734839	Gleim Bennett & Martha Bennett Rogers	37.95	22.09	14.86	-	-	1.00		R2	Vacant Land
B4	9559723933	Hill Family Limited Partnership	24.46	20.02	0.60	-	-	3.84		R2	Vacant Land
B5	9559820686	Virginia H. Beatty	7.04	-	1.13	4.84	-	1.29*	City of Hendersonville	R2	Vacant Land
B6	9559726108	James C. Howell & Wife	2.71	1.95	-	-	-	0.76		R2	Single Family
B7	9559716501	Virginia H. Beatty	2.83	2.62	-	-	-	0.21		R2	Vacant Land
B8	9559714280	Virginia H. Beatty	4.41	4.37	-	-	-	0.04		R2	Vacant Land
C1	9558454371	Laurelgate LLC a NC LL Company	19.63	19.38	-	-	-	0.25	Town of Laurel Park	R2	Conservation Easement
C2	9558446850	Dorothy M. Eargle Revocable Trust/Trustee	25.07	24.97	-	-	-	0.10		R2	Conservation Easement
D1	9596815863	William R. and Dorothy M. Eargle	0.33	-	-	-	-	0.33		R3	Vacant Land
D2	9596813781	James P. Crowther	0.42	-	-	-	-	0.42		R3	Vacant Land
D3	9596816684	Susan W. Garfinkle	2.07	-	-	-	-	2.07		R3	Single Family
D4	9596815524	Virginia F. & Edward T. Shaffer	1.99	-	-	-	-	1.99		R3	Vacant Land
D5	9596814312	Theodore V. Zachman & Wife	2.91	-	-	-	-	2.91	Town of Saluda	R3	Single Family
D6	9596810044	Martha P. Hamilton	5.31	-	-	-	-	5.31		R3	Single Family
D7	9596716022		0.26	-	-	-	-	0.26		R3	Vacant Land
D8	9596716073		0.18	-	-	-	-	0.18		R3	Vacant Land
D9	9596805967		0.96	-	-	-	0.58	0.38	Hendersonville, Laurel Park or Saluda	R2 or R3	Vacant Land
Total			189.57	134.85	23.76	4.84	0.58	25.67**			

*Note: A boundary discrepancy between the Town of Laurel Park and City of Hendersonville shows that the same portions of B5 are within both jurisdictions. The total current acreage is less than the combined total acreage zoned by the City of Hendersonville, Town of Laurel Park, and otherwise unzoned (to be zoned by the County). **Note: The effects of the conflicting municipal zoning (B5) carry over into the totals here. The total current acreage is less than the combined total acreage zoned by the City of Hendersonville, Town of Laurel Park, Town of Saluda, Polk County, and otherwise unzoned (to be zoned by the County).

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the zoning of the unzoned areas of the affected properties Residential Two (R2) or Residential Three (R3).

Commissioner Thompson made the motion that the Board go into public hearing with regard to Rezoning Application #R0-2011-03. All voted in favor and the motion carried.

PUBLIC INPUT

1. Thelma Zachman (Area D6, D7 & D8) – Ms. Zachman asked what affect rezoning to R3 would have on her property.

Mr. Cable explained that currently the properties are not zoned by any jurisdiction, so no zoning restrictions apply. R3 residential zoning is primarily for residential uses. It does allow for some limited agriculture and rural business and operations to occur. The standard density is one (1) unit per every 1.5 acres in that district. The Land Development Code allows for accessory residential dwellings on all lots. If you have a principal dwelling you can have an accessory dwelling under current regulations and additionally would be grandfathered in for existing uses on the property.

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

Commissioner O'Connor made the motion that the Board approves rezoning #R-2011-03 to zone the unzoned areas of the affected properties to Residential Two (R2) or Residential Three (R3) zoning based on the recommendations of the Henderson County 2020 Comprehensive Plan. The motion passed 4-1 with Commissioner Messer voting nay.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

Commissioner Young made the motion to adopt the Consent Agenda minus Item G "Public Records Disposal Request" to be pulled for discussion at a later meeting. 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):

August 15, 2011– Regularly Scheduled Meeting

August 16, 2011 – Special Called Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated August 26, 2011 for information only. No action was required

Financial Report/Cash Balance Report – July 2011

Provided for the Board's review and approval were the July 2011 County Financial Report and Cash Balance Report.

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

- Dues/Non-profit Contributions – 1st quarter non-profit contribution payments made in July
- Human Resources – FY2012 professional services fees paid in July
- IT Department – purchase of approved technology for FY2012 in July
- Rescue Squad – 1st quarter non-profit contribution payment made in July
- Property Addressing – former employee's final pay made in July
- Economic Development – 1st quarter non-profit contribution payment to the Partnership for Economic Development made in July
- Mental Health – Maintenance of Effort (MOE) funding payment made to Western Highlands in July
- Non-Departmental – 1st quarterly property and liability insurance premium payment made to the NCACC Pool in July that will be distributed out to departmental budgets in August
- Garage – large credit balance due to vehicle fuel costs paid for in July that will be allocated out to Departmental budgets in August

The YTD deficit in the Mud Creek Grant Project Fund and the Facilities Lighting Retrofit Grant Project is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

Motion:

I move that the Board of Commissioners approve the July 2011 County Financial Report and Cash Balance Report as presented.

Solid Waste Capital Improvements Project Financing

The Board of Commissioners approved a funding plan for the Solid Waste Capital Improvements Project which included financing \$2 million of the \$3.95 million project budget. Staff is presenting the attached financing resolution drafted by bond counsel to start the installment contract financing process for this project. The resolution makes the necessary findings for issuing the debt and authorizes Staff to negotiate an installment financing contract and provide for certain other related matters including the filing of an application with the Local Government Commission (LGC) for approval.

The resolution also calls for a required public hearing on the proposed financing to be held at the Board's September 21, 2011 meeting date at 9:00 a.m. and directs Staff to cause a notice of the public hearing to be published in the local newspaper.

A reimbursement resolution drafted by bond counsel is also being presented by Staff to allow the County to reimburse itself for project expenditures incurred prior to closing on the \$2 million financing.

BB&T Governmental Finance Group submitted the most cost effective proposal to finance the \$2 million for this project. The terms include financing this amount over 15 years at an annual interest rate not to exceed 3.20 percent. The first annual debt service payment of \$197,333.33 will not be due until fiscal year 2013. The Board previously increased the solid waste tipping fee by \$3 per ton for the current fiscal year to cover project expenditures and the annual debt service requirements on the \$2 million financing. A resolution approving the financing terms is attached for the Board's consideration and approval.

Motion:

I move the approval of the Resolution of the Board of Commissioners of the County of Henderson, North Carolina, authorizing the negotiation of an installment financing contract and providing for certain other related matters thereto which includes the setting of a public hearing on the proposed financing at the September 21st meeting at 9:00 a.m., the approval of the Resolution of the County of Henderson declaring its intent to reimburse itself for prior project expenditures incurred from loan proceeds and the approval of the financing proposal/terms from BB&T Governmental Finance Group.

Civil Process – Out of state service fee increase

The Sheriff's Office is permitted, but not required by law, to serve civil processes issued by states other than North Carolina. General Statutes regulating service fees apply only to North Carolina issued documents, as defined by N.C.G.S. §7A-311.

North Carolina General Statute §153A-102 grants the Board of Commissioners the power to fix fees and commissions charged by county officers and employees for performing services or duties permitted or required by law.

The Sheriff's Office currently charges \$60.00 per out of state process fee, plus a \$5.00 notary fee for a total of \$65.00. Our recommendation is to set this rate at \$85.00, plus a \$5.00 notary fee for a total of

\$90.00, to more accurately reflect actual cost of service, since out of state processes are almost always far more labor intensive and time consuming, nor do requestors pay any local or state taxes.

The in-state fee, as set by General Statute, was increased from \$15.00 to \$30.00 effective August 1, 2011. The last adjustment for out of state civil process fees was December 15, 2005, and coincided with the last in-state fee increase.

Motion:

I move the Board increases the current \$65.00 fee for out of state civil process, which Henderson County is not required to serve, to \$90.00.

Clean Water Management Trust Fund Grant

The Henderson County Soil and Water Conservation District has received a Clean Water Management Trust Fund Grant for a storm water project with Van Wingerden International. All funding for the project will come from the grant. The grant must be completed during this budget year, with the final reimbursement request due by February 14, 2012.

No county funds are involved in this request.

Motion:

I move the Board of Commissioners approves the budget amendment as presented for the Clean Water Management Trust Fund Grant.

Public Records Disposal Request – This item was pulled from the agenda for discussion at a later meeting.

Restricted Funds for Automation, Enhancement and Document Preservation

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

A budget Amendment was provided for the Board's consideration to use the Register of Deeds Restricted General Fund Balance. The Register of Deeds is requesting funding be appropriated for the purchase of binders and archival paper, shelving units, and two scanners.

No county funds are involved in this request.

Motion:

I move the Board of Commissioners approve the attached budget amendment to use \$22,657 in Register of Deeds Restricted General Fund Balance for the line-items specified above.

Installation of a Dog Kennel at the New Law Enforcement Center

The Board is requested to approve the use of available funds from the ICE Fund Balance to pay for the purchase and installation of a kennel and dog run to be located at the new Law Enforcement Center (LEC). This will permit dogs belonging to the Sheriff's Office to be house in a climate-controlled environment when K-9 deputies are required to be in the LEC while accomplishing administrative duties, instead of leaving the animals in patrol cars with the engines running during hot or cold weather.

Motion:

I move the Board authorizes the use of available funds in the ICE Fund Balance, not to exceed \$62,473.00 for the purchase and installation of a kennel and dog run to be located at the new Law Enforcement Center, and approves the Budget Amendment provided.

ICE Building Change Order

The Change Order provided details a proposed change to the ICE Vehicle building to correct an electrical problem. The proposed work will require a trench to be dug to supply power to the building from the Detention Center, the trench will be filled and the parking lot will be patched.

Motion:

I move that the Board approves the Budget Amendment and change order in the amount of \$5,941.00 to dig a trench to supply power to the ICE Vehicle Building with funds coming from the ICE Program.

Agreement for the Protection, Development, and Improvement of Forest Land in Henderson County

Forestry Services, now a Division under the North Carolina Department of Agriculture, has submitted a contract for forest protection in Henderson County. The contract amount is for \$65,899, which is included in the Henderson County FY2011-2012 budget.

Legal Staff has reviewed the contract, and has made two changes in Part II, #2.

Motion:

I move the Board approves the proposed contract with the changes, and authorizes the County Manager to execute said contract.

2012 Holiday Schedule

The proposed 2012 Holiday Schedule for Henderson County Local Government agencies is as follows:

HOLIDAY	DATE(S)	WEEKDAY(S)
New Year's Day	January 2, 2012	Monday
ML King, Jr.'s Birthday	January 16, 2012	Monday
Good Friday	April 6, 2012	Friday
Memorial Day	May 28, 2012	Monday
Independence Day	July 4, 2012	Wednesday
Labor Day	September 3, 2012	Monday
Veteran's Day	November 12, 2012	Monday
Thanksgiving	November 22 & 23, 2012	Thursday & Friday
Christmas	December 24, 25 & 26, 2012	Monday, Tuesday & Wednesday

Motion:

I move that the Board approves the 2012 Holiday Schedule as presented.

Agreement with Flat Rock for procedures on joint tax foreclosures

There exist from time to time parcels within the Village of Flat Rock on which both Village and County *ad valorem* taxes are unpaid even after collection attempts, leaving only foreclosure as an alternative. A

proposed agreement was provided with the agenda, explaining how the Village and the County would work together in the case of a joint foreclosure when the same is required.

Note that approval of this policy does not give staff prior approval to move forward with a joint foreclosure. Rather, it sets out how the procedure by which a joint foreclosure, once approved by both the Board of Commissioners and the Village Council, would take place. (Another matter on this agenda seeks Board approval to employ this policy, if approved, on a specific tax foreclosure).

This proposed agreement was negotiated with Village staff and their attorney.

Motion:

I move that the Board approves the agreement included in the agenda packet.

Request to Proceed with Flat Rock on a Joint Tax Foreclosure

A request was made by County Attorney Russ Burrell and Assessor Stan Duncan to enter into a joint agreement with the Village of Flat Rock for tax Foreclosures.

Motion:

I move that the Board approves proceeding with the Village of Flat Rock in pursuing tax foreclosures.

NOMINATIONS

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

Notification of Vacancies

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

Chairman Edney held off on nominations until a later date as requested by Commissioner Thompson.

Nominations

1. Cemetery Advisory Committee – 7 vac.

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

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

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

3. EMS Quality Management Committee – 3 vac.

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

4. Environmental Advisory Committee – 1 vac.

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

5. Henderson County Board of Health – 1 vac.

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

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

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

7. Historic Resources Commission – 2 vac.

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

8. Juvenile Crime Prevention Council – 8 vac.

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

9. 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.

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

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

11. Senior Volunteer Services Advisory Council – 3 vac.

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

PISGAH LEGAL SERVICES MATCHING GRANT REQUEST

Jim Barrett, Executive Director with Pisgah Legal Services, requested that the County consider a grant in the amount of \$16,833, to be used to match domestic violence prevention grants that they have secured through the Governor’s Crime Commission. The grant would also fund a portion of the County’s share of challenge grants.

Commissioner Thompson made the motion that the Board approves a grant in the amount of \$16,833 for Pisgah Legal Services, and further moves the approval of a budget amendment appropriating \$16,833 from fund balance for this grant. All voted in favor and the motion carried.

WNC LIVABLE COMMUNITIES INITIATIVE

The Federal Partnership for Sustainable Communities awarded Land-of-Sky Regional Council (LOSRC) a major grant to participate in a new planning project for our 5-county region (Buncombe, Haywood, Henderson, Madison, and Transylvania counties). The effort contains a multi-disciplinary approach covering subject areas including: economic prosperity, quality growth, and sustainable development. Specific analysis for the region and each county will include economic issues, housing, transportation, natural & cultural resources, energy & land use.

This initiative intends to avoid duplication by building upon existing municipal & county plans such as Henderson County’s 2020 Comprehensive Plan. A steering committee consisting of 13 persons, with one person appointed by each county, will guide the results. LOSRC asks that Henderson County participate in the process by approving the consortium agreement included in the agenda packet, and appointing a representative. A commissioner, staff person, or other person can serve as Henderson County’s representative on the steering committee.

There is no financial obligation for Henderson County to participate in the process. It is expected that participants in this process will gain preferred status for federal grant applications. Henderson County staff anticipates using the detailed research and data from this project, created for each county, to create and update local plans and strategies that enhance our quality of life, e.g. Comprehensive Plan, Strategic Plan, etc. Participation in the process does not obligate any local government to the results of the initiative (WNC Livable Communities Plan).

Commissioner Messer made the motion that the Board approves participation in this process and authorizes the Chairman to execute the consortium agreement provided on behalf of Henderson County. The motion passed 3-2 with Chairman Edney and Commissioner O'Connor voting nay.

PRESENTATION OF BOARD AND COMMITTEE STUDY

At the Board's July 20, 2011 meeting, the Board requested that Staff conduct a review of all the County's Boards and Committees. This review would evaluate each committee's composition, to determine if any could be structured in a more efficient manner.

Internal Auditor Darlene Burgess completed the review, and presented her findings to the Board during the meeting.

It was the consensus of the Board to review the information for 30 days and bring back formal deliberations during an October meeting.

UPDATE ON PENING ISSUES

Beaver Management Assistance Program

County Manager Steve Wyatt noted that last year, Henderson County entered into an agreement with the State of North Carolina to be a part of a statewide, county by county, effort to manage beavers. It is a \$4,000 per county charge. Last year the City of Hendersonville and Flat Rock participated and shared half of the cost and the county picked up the other half. We continue to be involved in the program from last year until the end of September. Staff did not make a recommendation and left the decision at the pleasure of the Board.

Commissioner Messer made the motion that the Board approves participation in the Beaver Management Assistance Program funding up to \$2,000. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

Steve Wyatt informed the Board of recent contact by the Curb Market requesting patching, sealing, and overlaying of the Curb Market parking lot. The County does have some responsibility and our parking contract will expire the last day of February, 2012.

Commissioner Edney made the motion that the Board not renew the contract or participate in the repair of the parking lot as the County does not agree that the parking lot is in need of repair. All voted in favor and the motion carried.

County Manager Steve Wyatt was directed to send a letter to the Curb Market notifying them of the Board's decision not to renew the lease or make any unnecessary repairs to the parking lot.

IMPORTANT DATES

Schedule Annual NCDOT Public Hearing on Secondary Roads

At the July 20, 2011 meeting the Board scheduled the public hearing on secondary roads. Unfortunately, the NCDOT had conflicts with the date and requested that it be rescheduled for September 27, 2011 at 2:00 p.m.

Commissioner Messer made the motion that the Board schedules the Annual NCDOT Public Hearing on Secondary Roads for Tuesday, September 27, 2011 at 2:00 p.m. All voted in favor and the motion carried.

CLOSED SESSION

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

1. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

All voted in favor and the motion carried.

ADJOURN

Chairman Edney made the motion to go out of closed session and adjourn at 9:25 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

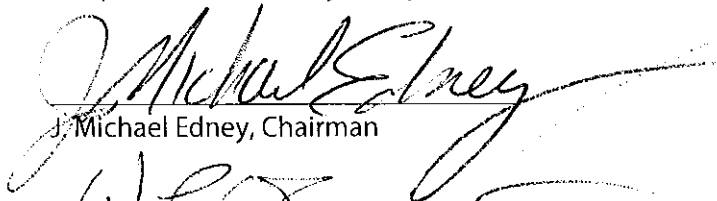
RESOLUTION IN COMMEMORATION OF THE 10TH ANNIVERSARY OF THE SEPTEMBER 11, 2001 ATTACKS

- WHEREAS,** at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and
- WHEREAS,** 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and
- WHEREAS,** at 9:37 a.m., the Pentagon was hit by hijacked American Airlines Flight 77; and
- WHEREAS,** at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airline in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and
- WHEREAS,** nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and
- WHEREAS,** countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and
- WHEREAS,** 10 years later, the people of Henderson County, the United States, and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and
- WHEREAS,** 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and
- WHEREAS,** on the 10th anniversary of this tragic day, the thoughts of the people of Henderson County are with all of the victims of the events of September 11, 2001 and their families; and
- WHEREAS,** the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and
- WHEREAS,** September 11 will never, and should never, be removed from the hearts and minds of the people of the United States.

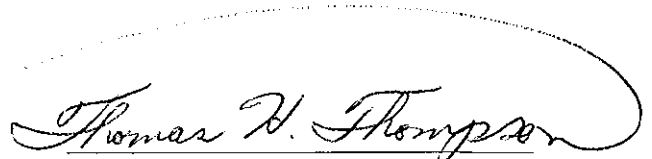
THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners, meeting in regular session, September 6, 2011 :

- (1) Recognize and establish September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a County and a Nation; and
- (2) Offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- (3) Honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- (4) Reaffirms that the people of Henderson County will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and
- (5) On the 10th anniversary of this tragic day in United States history –
 - (a) Call upon all of the people and institutions of Henderson County to observe a day of remembrance on September 11, 2011, including –
 - (i) media outlets;
 - (ii) houses of worship;
 - (iii) military organizations;
 - (iv) veterans organizations;
 - (v) airports;
 - (vi) sports teams;
 - (vii) municipal governments;
 - (viii) police, fire, and other institutions; and
 - (ix) businesses
 - (b) Encourage the attendance of Henderson County citizens at the Commemorative Ceremony on Friday, September 9, 2011 at 12:00 p.m. on the front lawn of the Henderson County Historic Courthouse in downtown Hendersonville.

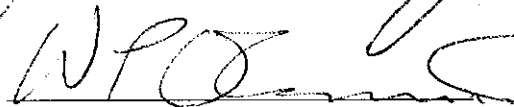
Adopted this the 6th day of September, 2011.



Michael Edney, Chairman



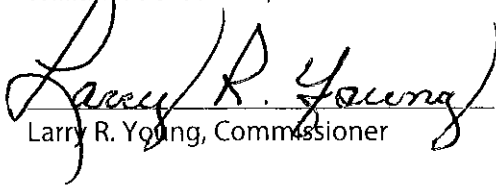
Thomas H. Thompson, Vice-Chairman



William P. O'Connor, Commissioner

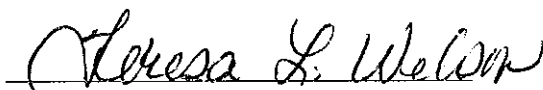


Charles D. Messer, Commissioner



Larry R. Young, Commissioner

Attest:



Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792

Phone (828) 697-4808 • Fax (828) 698-4443

TDD: (828) 697-4580

www.hendersoncountync.org

J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

RESOLUTION

WHEREAS, Ms. Natalie Berry began working for Henderson County in 2004; and


WHEREAS, Ms. Natalie Berry has served with distinction as the Assistant County Engineer; and

WHEREAS, Ms. Natalie Berry has been an active and valuable member of the Engineering Department of Henderson County; and

WHEREAS, Ms. Natalie Berry has received a certificate of award from the Home Builders Association of Hendersonville for her volunteer contributions.


THEREFORE, BE IT RESOLVED by that the Henderson County Board of Commissioners recognizes and thanks Ms. Natalie Berry for her service to the Henderson County community.

This the 6th day of September, 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

August 26, 2011

Re: Tax Collector's Report to Commissioners – 09/06/11 Meeting

Please find outlined below collections information through August 25th for the 2011 bills, which were mailed out on August 19th, 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:

2011 Total Charge \$57,546,858.03
Payments & Releases: 1,022,767.54
Unpaid Taxes: 56,524,090.49
Percentage Collected: 1.78%
(through 08/25/11)

2010 Total Charge: \$56,441,919.39
Payments & Releases: 3,206,143.77
Unpaid Taxes: 53,235,775.62
Percentage Collected: 5.68%
(through 08/25/10)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$1,012,468.97
Payments & Releases: 655,570.90
Unpaid Taxes: 356,898.07
Percentage Collected: 64.75%
(through 08/25/11)

2010 Total Charge: \$975,157.07
Payments & Releases: 635,122.83
Unpaid Taxes: 340,034.24
Percentage Collected: 65.13%
(through 08/25/10)

Fire Districts All Bills:

2011 Total Charge: \$6,451,423.12
Payments & Releases: 203,167.04
Unpaid Taxes: 6,248,256.08
Percentage Collected: 6.93%
(through 08/25/11)

2010 Total Charge: \$6,207,898.77
Payments & Releases: 437,668.89
Unpaid Taxes: 5,770,229.88
Percentage Collected: 10.60%
(through 08/25/10)

Respectfully submitted,



Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

**STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER**

*State and Local Government Finance Division
and the Local Government Commission
325 North Salisbury Street, Raleigh, North Carolina 27603-1385*

STATEMENT OF DEBT

For Henderson County, North Carolina

To be filed with the application. The debt described below should not include debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding or refunding bonds. The debt described below should not include revenue bonds or special obligation bonds.

A. Gross Debt

1. Outstanding debt evidenced by bonds:

<u>Purpose</u>	<u>Amount</u>
Water	
Sanitary Sewer	
Electric	
Gas	
Other -- 1998 Refunding Bonds	\$ _____

2. The proposed financing, and bonds authorized by orders introduced but not yet adopted:

<u>Date Introduced</u>	<u>Purpose</u>	<u>Amount</u>
9/8/11	2011 Solid Waste Capital Improvements	\$2,000,000

\$ _____ 2,000,000

3. Unissued bonds authorized by adopted orders:

<u>Date Introduced</u>	<u>Purpose</u>	<u>Amount</u>
------------------------	----------------	---------------

\$ _____

4. Outstanding debt not evidenced by bonds (lease-purchase agreements):

<u>Date Incurred</u>	<u>Purpose</u>	<u>Amount</u>
4/14/09	2009 Jail Refunding	\$3,696,000
8/15/08	911 Center Project	343,672
6/29/06	2006A COPs	32,735,000
5/1/05	2005A COPs	20,020,000
4/10/02	Middle Schools-QZABs	1,520,730
4/10/08	2008 Elem. Schools	26,514,286
12/29/09	2009 School QSCBs	3,843,360
6/3/10	2010A LOBs - RZEDBs	7,745,000
6/3/10	2010B LOBs - Refunding	17,525,000
6/9/10	2010 School QZABs	1,626,750

11/1/10
6/10/11

2010 RZEDBS - County Bldgs
2011 Vehicles

7,500,000
244,460

123,314,258

Total Gross Debt (Sum of 1, 2, 3 and 4)

\$ 125,314,258

LGC-109 (Back)

Page 2

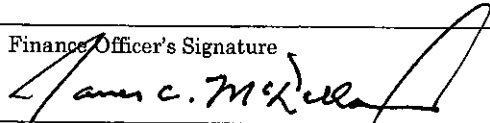
B. Deductions

- 1. Funding and refunding bonds authorized by orders introduced but not yet adopted..... \$ _____
 - 2. Funding and refunding bonds authorized but not issued.... \$ _____
 - 3. Amount held in sinking funds or otherwise for the payment of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent deductible under Section 159-55[b] of the Local Government Bond Act), or two or more of these purposes. \$ _____
 - 4. Bonded debt included in gross debt and incurred or to be incurred for water, gas or electric light or power purposes, or any two or more of these purposes..... \$ _____
 - 5. Bonded debt included in gross debt and incurred or to be incurred for sanitary sewer system purposes (to the extent deductible under Section 159-55[b] of The Local Government Bond Act)..... \$ _____
 - 6. Uncollected special assessments levied for local improvements for which gross debt (that is not otherwise deducted) was or is to be incurred, to the extent it will be applied, when collected, to the payment of such gross debt..... \$ _____
 - 7. Estimate of special assessments to be levied for local improvements for which any part of gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments when collected, will be applied to the payment of any part of gross debt. \$ _____
- Total Deductions (Sum of 1 through 7) \$ 0

C. Net Debt being the difference between Total Gross Debt (A) and Total Deductions (B). \$ 125,314,258

D. Assessed Value of property subject to taxation being the value from which the assessed value was last fixed for taxation as revealed by the County tax records and certified by the County Tax Supervisor. \$ 11,920,000,000

E. Percentage that Net Debt bears to the assessed value of property subject to taxation (C ÷ D). 1.05%

I certify the above is correct to the best of my knowledge.	Finance Officer's Signature 	Date 9/7/11
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STATE OF NORTH CAROLINA)
)
COUNTY OF Henderson) ss.:

James C. McLelland, being duly sworn, says that he is
the Finance Director of the County of Henderson
in the State of North Carolina; and that the foregoing statement is true and was made and
subscribed by him.


Finance Officer

Sworn to and subscribed before me on
the day of the date of said statement

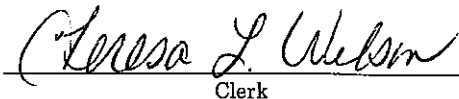
(Notary Public)

My commission expires the _____ day of _____, 20_____.

STATE OF NORTH CAROLINA)
)
COUNTY OF Henderson) ss.:

I, the undersigned Teresa L. Wilson of the _____ County
of Henderson in the State of North Carolina, DO HEREBY CERTIFY that the
foregoing statement and accompanying affidavit were filed in my office on the 7th day of
September, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, this
7th day of September, 2011.


Clerk

EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on September 6, 2011 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman J. Michael Edney presiding.

The following members were present: J. Michael Edney, Chairman; Tommy Thompson, Vice-Chairman; Charlie Messer; William O'Connor; Larry Young.

The following members were absent:

None

* * * * *

Commissioner Young moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted, by reading the title thereof (further reading waived without objection):

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Henderson, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board hereby determines that it is in the best interest of the County to (1) enter into an Installment Financing Contract (the "*Contract*") with Branch Banking and Trust Company

(the "Bank") in order to pay the capital costs of construction of a new scalehouse (the "Scalehouse") and a new recycling convenience center, construction of road improvements (the "Road Improvements") related to an existing solid waste transfer station and the new recycling convenience center and acquisition of related equipment (the "Equipment") (collectively, the "Project"), (2) to enter into a deed of trust and security agreement (the "Deed of Trust") related to the County's fee simple interest in certain real property (the "Site") that will provide security for the County's obligations under the Contract and (3) to file a financing statement (the "Financing Statement") related to the Road Improvements and Equipment that will provide additional security for the County's obligations under the Contract;

WHEREAS, the County hereby determines that the acquisition of the Project is essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust and filing the Financing Statement is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the Contract allows the County to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the acquisition of the Project is an amount not to exceed \$2,000,000 and that such cost of the acquisition of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the acquisition of the Project pursuant to the Contract is expected to exceed the cost of financing the acquisition of the Project pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the Project pursuant to the Contract, the Deed of Trust and the Financing Statement and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring and constructing the Project; and (3) no revenues are produced by the Project so as to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("*Special Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

WHEREAS, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust, the filing of a Financing Statement and the Project to be financed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate the Contract.*** That the County Manager and the Finance Director, with advice from the County Attorney and Special Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County for the financing of the Project for a principal amount not to exceed \$2,000,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, the Financing Statement conveying a lien and interest in the Road Improvements and the Equipment and a Deed of Trust conveying a lien and interest in the Site, including the improvements thereon, as may be required by the entity, or its assigns, providing the funds to the County under the Contract.

Section 2. ***Application to LGC.*** That the Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Special Counsel.*** That the County Manager and the Finance Director, with advice from the County Attorney, are hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as special counsel.

Section 4. **Public Hearing.** That a public hearing (the "*Public Hearing*") shall be conducted by the Board of Commissioners on September 21, 2011 at 9:00 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, Hendersonville, North Carolina, concerning the Contract, the Deed of Trust, the proposed Project and any other transactions contemplated therein and associated therewith.

Section 5. **Notice of Public Hearing.** That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the Public Hearing.

Section 6. **Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. **Effective Date.** That this Resolution is effective on the date of its adoption.

On a motion made by Commissioner Young, the foregoing resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**" was duly adopted by the following vote:

AYES: J. MICHAEL EDNEY, CHAIRMAN
TOMMY THOMPSON, VICE-CHAIRMAN
CHARLIE MESSER
WILLIAM O'CONNER
LARRY YOUNG

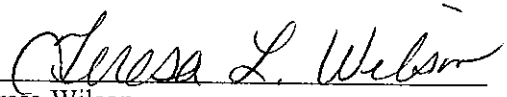
NAYS: NONE.

STATE OF NORTH CAROLINA)
)
COUNTY OF HENDERSON) SS:

I, TERESA WILSON, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** adopted by the Board of Commissioners of the County of Henderson, North Carolina at a meeting held on the 6th day of September, 2011.

WITNESS my hand and the corporate seal of the County of Henderson, North Carolina, this the 7th day of September, 2011.

(SEAL)



Teresa Wilson
Clerk to the Board of Commissioners
County of Henderson, North Carolina

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on September 6, 2011 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman J. Michael Edney presiding.

* * *

The following members were present: J. Michael Edney, Chairman; Tommy Thompson, Vice-Chairman; Charlie Messer; William O'Connor; Larry Young.

The following members were absent: None.

Also present: Steve Wyatt, County Manager; Russell Burrell, County Attorney; J. Carey McLelland, Finance Director; Teresa Wilson, Clerk to the Board.

* * *

Commissioner Young moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE CONSTRUCTION OF A NEW SCALEHOUSE AND RECYCLING CENTER, ROAD IMPROVEMENTS RELATED THERETO AND THE ACQUISITION OF RELATED EQUIPMENT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2011

WHEREAS, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of County to finance the construction of a new scalehouse and a new recycling convenience center, construction of road improvements related to an existing solid waste transfer station and the new recycling convenience center and acquisition of related equipment (collectively, the "*Project*");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Henderson, North Carolina as follows:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$2,000,000.

Section 2. **Compliance with Regulations.** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On a motion by Commissioner Young, the foregoing resolution entitled "**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE CONSTRUCTION OF A NEW SCALEHOUSE AND RECYCLING CENTER, ROAD IMPROVEMENTS RELATED THERETO AND THE ACQUISITION OF RELATED EQUIPMENT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2011**" was duly adopted by the following vote:

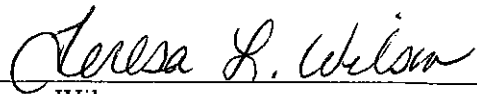
AYES: J. MICHAEL EDNEY, CHAIRMAN
TOMMY THOMPSON, VICE CHAIRMAN
CHARLIE MESSER
WILLIAM O'CONNOR
LARRY YOUNG

NAYS: NONE.

STATE OF NORTH CAROLINA)
)
COUNTY OF HENDERSON) ss:

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE CONSTRUCTION OF A NEW SCALEHOUSE AND RECYCLING CENTER, ROAD IMPROVEMENTS RELATED THERETO AND THE ACQUISITION OF RELATED EQUIPMENT FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2011**” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 6th day of September, 2011.

WITNESS my hand and the corporate seal of the County of Henderson, North Carolina, this the 7th day of September, 2011.



Teresa Wilson
Clerk to the Board
County of Henderson, North Carolina

Resolution Approving Financing Terms

WHEREAS: The Henderson County ("County") has previously determined to undertake a project for the construction of capital improvements to the landfill (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 29, 2011. The amount financed shall not exceed \$2,000,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.20%, and the financing term shall be 15 years from closing.

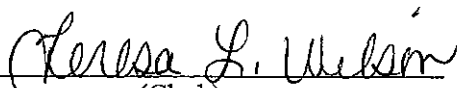
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

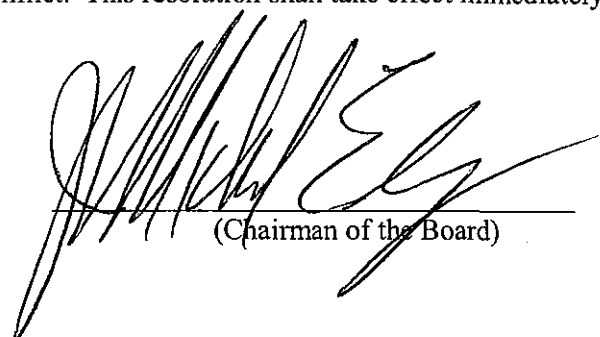
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 10th day of September, 2011



(Clerk)



(Chairman of the Board)

SEAL

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Soil and Water

Please make the following line-item transfers:

What expense line-item is to be increased?

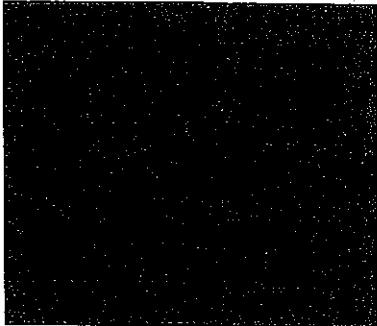
Account	Line-Item Description	Amount
<u>115471 - 569900</u>	<u>Payments to Other Agencies</u>	<u>\$96,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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

Account	Line-Item Description	Amount
<u>114471 - 457003</u>	<u>Clean Water Management Grant</u>	<u>\$96,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Justification: *Please provide a brief justification for this line-item transfer request.*
 To account for a Clean Water Management Trust Fund Grant for a storm water project with Van Wingerden International. Approved by the BOC September 6.2011

_____ Authorized by Department Head	_____ Date
_____ Authorized by Budget Office	_____ Date
_____ Authorized by County Manager	_____ Date





LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Register of Deeds

Please make the following line-item transfers:

What expense line-item is to be increased?

Table with 3 columns: Account, Line-Item Description, Amount. Rows include 115418 - 522600 for Printing and Binding (\$11,845) and 115418 - 526020 for Non Expendable Dept Supplies (\$10,812).

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

Table with 3 columns: Account, Line-Item Description, Amount. Row includes 114990 - 401000 for Fund Balance Approp-ROD Restrict (\$22,657).

Justification: Please provide a brief justification for this line-item transfer request. AEPF funds for printing and binding supplies, shelving, and 2 scanners. Approved by the Board of Commissioners September 6, 2011.

Authorized by Department Head

Date

Authorized by Budget Office

Date

Authorized by County Manager

Date



LINE-ITEM TRANSFER REQUEST
 HENDERSON COUNTY



Department: Sheriff's Office 115431

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>385432-555000</u>	<u>Capital Outlay - Buildings</u>	<u>\$62,473.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

REVENUE

Account	Line-Item Description	Amount
<u>384432-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$62,473.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

To provide funding for the purchase and installation of a dog kennel at the new Law Enforcement Center. A copy of the vendor quote is attached for information.

JH. Westerhoff
 J. Westerhoff, HCSO Business Mgr.
 Sheriff Rick Davis G. K. Cochran
 Authorized by Department Head

August 12, 2011
 Date

 Authorized by Budget Office

 Date

 Authorized by County Manager

 Date



**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: ICE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>385432-555000</u>	<u>Capital Outlay - Buildings</u>	<u>\$5,941</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>384432-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$5,941</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

For an ICE / Detention Center Vehicle Building, as originally approved by the Board of Commissioners at their April 4, 2011 meeting, with change order #2 approved by the BOC at their September 6, 2011 meeting.

Authorized by Department Head

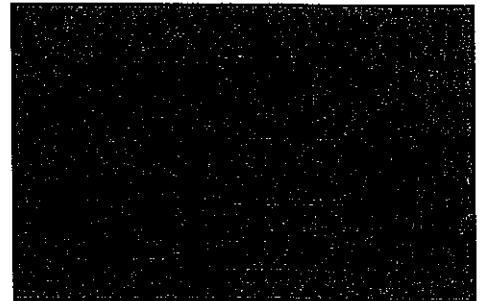
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date



STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT FOR
ENFORCEMENT OF TAX LIENS

COUNTY OF HENDERSON

This agreement made this the 6th day of September, 2011, by and between Henderson County, a body corporate and politic of the State of North Carolina, (herein referred to as "the County") and the Village of Flat Rock, a duly incorporated municipal corporation and body politic of the State of North Carolina (herein referred to as the "Village").

WHEREAS, the Village was incorporated by an act of the General Assembly of the State of North Carolina ratified on the 24th day of April, 1995 and approved by the voters as certified by the Henderson County Board of Elections on June 29, 1995; and

WHEREAS, the Village is located completely within the County;

WHEREAS, the County and the Village from time to time must enforce their respective tax liens as provided in Chapter 105 of the North Carolina General Statutes;

WHEREAS, the County and the Village wish to work cooperatively to obtain judgments for unpaid ad valorem taxes and execute on such judgments.

WHEREAS, the County and the Village have agreed pursuant to N.C.G.S §105-375(k) to jointly utilize the *in rem* foreclosure procedure to enforce the payment of taxes.

IT IS THEREFORE AGREED AS FOLLOWS:

1. The Agreement shall apply only when the County and the Village each have a tax lien for overdue taxes on the same real property and both the County Board of Commissioners and the Village Council for the Village of Flat Rock have directed their respective tax collectors to utilize the procedure set forth in N.C.G.S. §105-375.

2. After receiving direction for their respective governing bodies, the tax collector for the County and the tax collector for the Village shall send a joint notice as required by N.C.G.S. §105-375(c) and shall consolidate the tax liens of the County and the Village for the purpose of docketing a judgment on such liens as contemplated by N.C.G.S. §105-375(k). Following entry of a judgment, an execution shall be issued to enforce such judgment.

3. All expenses directly related to compliance with the procedural and substantive requirements of N.C.G.S. §105-375, including but not limited to notice, docketing the judgment and execution on such judgment, shall be borne by the County and the Village in direct proportion to the amount of ad valorem taxes each is owed for respective tax year on the subject real property in relation to the total amount of taxes owed to both parties. Those expenses which the parties agree to share shall include the following: attorneys' fees, postage, costs of sale, sheriff's commission, filing fees and costs of publication, if necessary. If one party advances such expenses, the other shall reimburse their proportionate share within thirty (30) days of a request for reimbursement.

4. The parties shall agree in advance of the sale upon a "maximum joint bid" for each execution sale of property to enforce a judgment entered as provided herein above, which bid will be entered on behalf of both parties. The "maximum joint bid" shall be the sum of all taxes, interest,

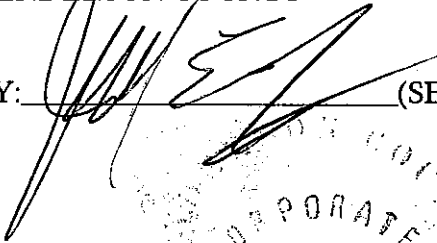
penalties and applicable costs of enforcement, collection and sale owed to both jurisdictions. The parties further agree that if third parties bid at such execution sale, they will bid up to the "maximum joint bid", such that no third party will purchase the property for less than the "maximum joint bid". If the parties are the highest bidder at any sale, they shall each contribute to the purchase price a pro rata amount of the whole, determined by the amount of ad valorem taxes owed to each of them for the respective tax year on the subject real property in relation to the total amount of ad valorem taxes owed to both parties.

5. If the parties acquire title to real property following an execution sale as contemplated in this Agreement, they shall take title as tenants in common with each party owning a fractional interest of the whole that is equal to the same fraction as their contribution to the purchase price.

6. This Agreement shall remain in effect until either party notifies the other, in writing, of the dissolution thereof. Such dissolution shall be effective upon the receipt of such notice by the other party.

Witness our hands and seals, this the day and year first above written.

HENDERSON COUNTY

BY:  (SEAL)

VILLAGE OF FLAT ROCK

BY: Robert V. Gator (SEAL)
Mayor



STATE OF NORTH CAROLINA

Department of

Agriculture and Consumer Services

\$164,748	
Total Cooperative Appropriation	
\$98,849	60%
State	
\$65,899	40%
County	

AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT
OF FOREST LAND IN HENDERSON COUNTY, NORTH CAROLINA

THIS AGREEMENT, made under authority of "An act to authorize Counties to cooperate with State in Forest Protection, Reforestation and promotion of Forest Management," (Section 113-59 of the general Statutes of North Carolina - 1943), and also under authority of another Section of the General Statutes, namely Section 113-54, by the North Carolina Department of Agriculture and Consumer Services (hereinafter called the Department), party of the first part, and the Board of Commissioners of HENDERSON COUNTY in the State of North Carolina (hereinafter called the Board), party of the second part, witnesseth:

That WHEREAS the said Board, recognizing the need for active forest protection, development, reforestation, management and improvement in HENDERSON COUNTY, has accepted the offer of the Department for cooperation in accomplishing this object:

Now THEREFORE, in consideration of the mutual covenants hereinafter set forth, the said parties contract and agree to maintain a legally appointed and equipped Forest Ranger organization in said county at the joint cost of the State and County, insofar as the joint funds will permit, as follows:

Part I. THE DEPARTMENT AGREES:

1. To select, employ and appoint, after consultation with the Board, a County Forester or County Forest Ranger for the purposes of controlling forest fires in said County; for detecting and extinguishing fires that break out; for investigating the origin of forest, woodland and field fires; for enforcing State forest fire laws; for taking such preventative measures, educational and otherwise, as shall seem necessary to prevent forest fires; for developing and improving the forests through reforestation promotion and practice of Forest Management practices; and for protection from insects and diseases.

2. To furnish to each Forester or Forest Ranger so employed a badge of office, stationery and report forms, instructional posters for use in the County, leaflets for distributing to landowners and others; to purchase necessary equipment, communication systems, and other Forestry improvements deemed necessary insofar as the joint funds will permit.

3. To pay the Forester or Forest Ranger for all official services rendered, at a fair rate of pay. Rates of pay are to be established by the Department in accord with existing State salary schedules.

4. To direct supervise, instruct, and inspect, through its agents, the work and conduct of the Forester or Forest Ranger, to discipline and, when necessary, discharge such Forester or Forest Ranger.

5. To submit to the Board of Commissioners monthly (or at other mutually satisfactory intervals) an itemized statement of all monies to be paid by the County and those paid by the Department for proper conduct of the work within said County.

6. To make available annually from State, Federal, and other funds allotted to it, the sum of Ninety-eight Thousand Eight Hundred and Forty-nine Dollars (**\$98,849**) as its share of an annual budget of **\$164,748** for carrying the work in said County.

Part II. THE BOARD AGREES:

1. To pay to the Department 40 % of the total cost of the Forester or Forest Ranger salaries and expenses and of other proper expenditures made in connection with the over-all Forestry program in said County, upon receipt and consequent approval of the periodic statements submitted by the Department.

2. Notwithstanding Part II, Section 1, above, to appropriate annually the sum of Sixty-five Thousand Eight Hundred and Ninety-nine Dollars (**\$65,899**), and no more which sum shall be available for expenditure under the terms of this Agreement, and shall represent the County's share of the annual budget.

Part III. IT IS EXPRESSLY AGREED AND UNDERSTOOD BY BOTH PARTIES:

1. That this Agreement becomes effective **July 1, 2011**.

2. That the annual appropriations as set forth above may be revised by mutual agreement between the Department and the Board, based on the amount of annual appropriation desirable for the proper conduct of the Forestry work, such revision to become effective at the beginning of a given Fiscal Year. Any unused balance of County funds remaining at the end of a Fiscal Year shall revert to said County unless otherwise mutually agreed upon by both parties.

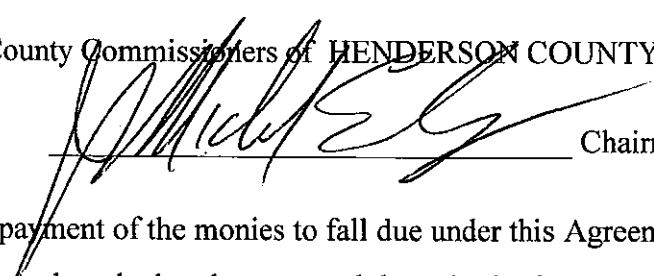
3. That the Board reimburses the Department as provided in Part II, Item 1, by forwarding a county voucher drawn in favor of the Department for the amount of the County's share of expenditures as set forth in the Department's periodic statement to the Board. That such payments be made by the Board within thirty days following receipt of the Department's billing.

4. That title to all improvements and equipment purchased and/or constructed in connection with this agreement will rest with the Department; such materials or their equivalent will remain in the County as long as this agreement is in effect, or as long as they are needed by the Department for the proper conduct of the work therein.

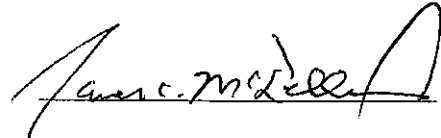
5. That the Forester or Forest Ranger periodically or at the request of the Board, shall present to the Board statements of the work being done within the County, so that said Board may be fully informed at the times regarding the Forestry finances and activities within the County.

IN WITNESS WHEREOF, the said parties do hereunto affix their names and seals upon the date herein below specified.

For the Board of County Commissioners of HENDERSON COUNTY.

Date 9/6/11  Chairman

Provisions for the payment of the monies to fall due under this Agreement have been made by appropriation duly made or by bonds or notes duly authorized, as required by the "County Fiscal Control Act."

Date 9/7/11  County Finance Officer

For the North Carolina Department of Agriculture and Consumer Services

Date _____ Signature

Wib L. Owen, Assistant Commissioner, State Forester Title

Date _____ Signature

N. David Smith, Chief Deputy Commissioner Title



Western North Carolina Livable Communities Initiative

Consortium Agreement

Introduction

The Western North Carolina Livable Communities Initiative is a 3-year project to develop strategies at the local and regional level to:

- **Enhance economic competitiveness**, including expanding sustainable and diverse employment options that pay a “living wage.”
- **Provide more transportation choices**, including developing and expanding the region’s clean, efficient and affordable transportation choices.
- **Promote equitable, affordable housing.**
- **Support existing communities.**
- **Coordinate and leverage federal policies and investment.**
- **Value communities and neighborhoods.**
- **Preserve our natural and cultural resources.**
- **Expand and utilize more local, renewable energy sources.**

These local and regional strategies will be developed by a consortium of local governments, organizations, and residents in Buncombe, Haywood, Henderson, Transylvania, and Madison Counties, creating a plan to foster economic prosperity through a regional vision for sustainable development. The resulting plan and strategies can be adopted in whole or in part. The process will include significant public outreach and involvement, with a goal of ensuring equity in participation while honoring the values of the region.

Citizens and leaders in Western North Carolina have identified “greater regional coordination” related to economic development, quality growth, and sustainability as a primary need for the region. The project will allow local governments, businesses, non-profits, citizens, and others to realize unprecedented regional coordination on jobs, energy, housing, transportation, resources, and other interconnected issues. This investment will help bring our region **new jobs, more livable communities, energy and financial savings, and carbon emission reductions.**

During the three-year project, the Consortium will work together to gather public input and weave together existing plans and strategies across topic areas listed above (our Local Livability Framework). The Local Livability Framework is aligned with the principles of the Federal Partnership for Sustainable Communities.

Goals

Through the course of the project, existing plans and strategies will be woven together with public input into a Regional Plan for Sustainable Development that will guide the region's development going forward. The goals of the project and Plan development include:

- To create a plan that promotes economic prosperity throughout the region, including for those people traditionally underrepresented.
- To ensure broad and diverse participation in the project through the Consortium and its Governance Structure, through effective public communication, and through working relationships with partners and consultants that are effective and successful.
- To create a regional/community picture based on existing plans and data, as well as future scenarios and alternatives that can be shared with the public through a variety of public engagement efforts. These public engagement efforts will be guided by a detailed outreach strategy to ensure widespread involvement.
- To gather widespread, unprecedented community input on scenario planning models and existing, combined plans and strategies, draft plan and alternatives, and the final Regional Plan. To ensure that the input received is incorporated into the plan and its alternatives.
- To ensure that planning for transportation, housing, jobs, energy, land use, and cultural and natural resources is integrated.
- To implement the Regional Plan through incorporation of identified strategies and projects into other state, regional, and local plans, by seeking implementation opportunities throughout, and by developing an ongoing structure and funding strategy to carry the project forward.
- To ensure that the Regional Plan is a "living document", designed to be a flexible tool that will be modified as the opportunities and needs of the region change over time.

Consortium Governance and Structure

Governance Structure

The Consortium will represent residents and organizations in Buncombe, Haywood, Henderson, Transylvania, and Madison Counties. The Consortium will include members from public and private housing, planning, transportation, economic development, research, educational and philanthropic organizations, and others. The work of the Consortium will be governed by a Steering Committee, with representatives from local governments and each of the working groups that will work together on specific issues related to sectors identified in the Local Livability Framework. Land-of-Sky Regional Council will staff and facilitate the work of the Steering Committee. See Appendix A (Consortium Governance Structure) for more information.

Consortium members agree to delegate decision-making responsibility for the planning process to the Steering Committee, on which they will be represented by elected or appointed members (see Appendix A: Consortium Governance Structure). The Steering Committee will work towards consensus when making decisions, but will rely upon the majority of voting

members present to decide any question which cannot be resolved by consensus. A simple majority (51%) of voting members shall constitute a quorum for transacting business.

Benefits to Consortium Members

Shape regional plan

Consortium Members will play a critical role in shaping the Regional Plan, both in assisting with review of existing Plans and by receiving and incorporating public input received. The Regional Plan will be a place where Consortium Members can find common ground on shared goals and objectives that the region can work towards together. Consortium Members can play an active role in ensuring the Regional Plan reflects and advances the mission of their local government, organization, or constituency.

Gain access to tools, models, data, and best practices

Consortium Members will be able to access the tools, models, and best practices developed through the Planning process. Improvements to existing data in the region will be made during the first stages of the project, and Consortium Members can take advantage of these improved data in their own work.

Assist with ensuring that a broad spectrum of communities and organizations are involved

Consortium Members can help ensure that a broad spectrum of communities and organizations are involved in the process, both through reaching out to others to participate on work groups and by assisting with public outreach efforts.

Identify funding opportunities and opportunities for implementation of identified projects

Throughout the project, staff and Consortium Members will be looking for opportunities for funding to implement the Plan and the projects and strategies identified in it. Consortium Members will benefit directly from implementation of projects that advance the common goals and objectives identified in the Plan.

Responsibilities of Consortium Members

Participate in the Consortium

Consortium Members must play an active, participatory role in the process. This includes participation in subject-specific workgroups, as well as in cross-sector subgroups as needed. This also includes participating in the selection of Steering Committee representatives of the workgroups, and serving on the Steering Committee if elected or appointed to do so. Consortium Members will assist in forming workgroups and ensuring that a broad cross-section of the community is represented on workgroups, particularly from communities that are traditionally under-represented in planning processes.

Share Information

Consortium Members will assist with circulating information about the project and help involve others in the project. Consortium Members will assist with outreach both to members of the public and to members of their organization or local government. Consortium Members will designate a point person within their organization who will serve as the primary contact for the project and who will be responsible for communicating the activities of the Consortium to their organization and constituents. If the point of contact changes, the Consortium Member must inform Land-of-Sky staff with contact information for the new designated contact person.

Assist with Plan Implementation

Consortium Members will help identify opportunities to implement the projects and strategies identified in the Plan. Consortium Members will help identify elements of existing Regional Plans and other documents that need revision in order to be consistent with the common regional goals identified in the Plan. Consortium Members will help facilitate revisions to other regional planning documents as needed.

Special Conditions

Expansion of Consortium Membership

Any eligible entity may join the Consortium at any time. Those wishing to participate in nominations of candidates for Steering Committee membership must join by October 1, 2011. The Steering Committee may determine that new workgroups are needed and will undertake outreach to engage new members in new workgroups if needed. The Steering Committee may undertake special outreach to engage underrepresented constituencies as needed.

Changes to Membership Terms

The Steering Committee may, after consultation with Consortium Members, elect to change the terms of membership at any time and will provide written notification of any changes to the entire Consortium membership.

Duration of Consortium Agreement

This agreement shall remain in force for the duration of the HUD Sustainable Communities Regional Planning Grant, which is expected to conclude on December 31, 2014.

Termination of Consortium Agreement

Any member may, at any time, provide written notice to Land-of-Sky Regional Council of their intent to leave the Consortium. This will result in the termination of any benefits due to membership in the Consortium unless the parties agree to the contrary under mutually acceptable terms.

Appendix A: Consortium Governance Structure

The Western North Carolina Livable Communities Initiative (WNC LCI) will be guided by a Consortium representing residents and organizations in Buncombe, Haywood, Henderson, Transylvania, and Madison Counties. The Consortium will include members from public and private housing, planning, transportation, economic development, research, educational and philanthropic organizations, and others. The purpose of the Consortium will be to oversee the development of a regional plan that weaves together existing plans and strategies throughout the region to foster economic prosperity through a regional vision that identifies implementable projects and actions. The Initiative will include significant public outreach and involvement throughout.

The Consortium's work is funded by a three-year, \$1.6 million Regional Planning Grant from the Sustainable Communities Partnerships, a federal collaboration of the US Department of Housing and Urban Development (HUD), Department of Transportation (DOT), and Environmental Protection Agency (EPA). HUD is the federal granting authority. Various local entities have also committed to contribute funds and in-kind contributions to support the project.

Overview of Consortium Governance

The full Consortium will meet several times over the course of the 3-year project. Consortium meetings will include a general session for all participants as well as breakout sessions focused on specific topics. Other Consortium committees and workgroups will be encouraged to meet more regularly to accomplish the tasks in the planning process.

The Consortium is currently led by an Interim Leadership Team, which will transition their involvement in the project as the formal Consortium Governance structure is implemented. Interim Leadership Team members are encouraged to continue participating in the Governance of the project, either through appointment to the Steering Committee (see below) or by participating in a Workgroup.

The Consortium will be led by a 13-member **Steering Committee**, which will be responsible for prioritizing work activities, participating in the selection of consultants, approving public involvement approaches, and making critical recommendations to guide the project and staff. Steering Committee members will be appointed according to the process outlined in this document (see below). Steering Committee members will communicate with members of their constituencies and other workgroup members to share information and gather input. The Steering Committee will be made up of individuals willing to take a lead role in completing the work of the project, and who are able to involve others from their constituencies, organizations, and communities to bring their input back.

Ensuring equity is a critical task in this project. The Land-of-Sky Regional Council Board will work to ensure equity, with the goal that a minimum of 1/3 of Steering Committee members be from traditionally under-represented communities. Some examples of traditionally under-represented communities are included as Appendix B.

The Steering Committee will meet bi-monthly. The Steering Committee shall form subject-specific subcommittees as needed to work on tasks with staff when action or a decision is needed between meetings.

Signature

This document is to be signed by a representative of each Consortium Member who has the authority to enter into an agreement on behalf of that entity. By signing this Consortium Agreement, you agree to join the Western North Carolina Livable Communities Consortium.

EXECUTED as of September 6, 2011.

J. Michael Edney
Printed Name


Signature

Chairman, Board of Commissioners

Title

Henderson County Government

Municipality, County, or Organization

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City/Town

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Zip Code

The Steering Committee will be made up of members appointed by the following process:

- The City of Asheville will have one seat, appointed by Asheville City Council (the central city is a required member under HUD guidelines).
- The County Commissioners of each County will each appoint 1 member to represent the region's member governments, with membership distributed across the region's geography and from communities of varying sizes (rural, suburban, and urban), for a total of 5 members, one from each county.
- Each Workgroup (described below) will nominate 2 – 3 individuals as candidates for appointment to the Steering Committee. From those Workgroup nominations, the Land-of-Sky Regional Council Board will appoint 1 representative from each Workgroup (for a total of 7 representatives of the Workgroups). The Land-of-Sky Regional Council Board will be responsible for achieving equity in the Workgroup appointments to the Steering Committee, ensuring geographic diversity, inclusion of under-represented communities, and representation from a variety of sectors (non-profit organizations, local governments, business). The Land-of-Sky Regional Council Board may recommend changes to the Steering Committee structure if deemed necessary to meet the Consortium's equity goals.
- The Federal and State Partners Workgroup will have 3 Ex-Officio (non-voting) representatives on the Steering Committee, one each from the North Carolina Department of Commerce, the North Carolina Department of Environment and Natural Resources, and the North Carolina Department of Transportation.

Steering Committee members should be willing to:

- commit their time to participating actively in the Initiative, including a commitment to attend a minimum of 80% of Steering Committee meetings;
- provide leadership, share work responsibilities, and listen to their fellow Steering Committee and Consortium members; and
- communicate with and represent the interests of their workgroups and constituencies.

All consortium members will self-select into one of 8 **Workgroups**, organized around the topic areas listed below. Workgroup members will form partnerships, identify opportunities and challenges, develop strategies, and look for ways to implement projects identified in the planning process. Workgroups will focus on the specific topic areas below, and will form smaller cross-sector subgroups (with representation across multiple Workgroups) as needed to complete various tasks and ensure that deeper analysis cuts across various topic areas. Collaboration amongst Workgroup members, and across workgroups, will be a critical element of the project.

The Steering Committee may choose to combine or adjust Workgroups if necessary as the project progresses. If the Steering Committee combines two Workgroups, the representative from those Workgroups will remain on the Steering Committee as follows: one representative shall continue as a representative of the new combined Workgroup, and one shall become an At-Large Steering Committee member.

Workgroup topic areas:

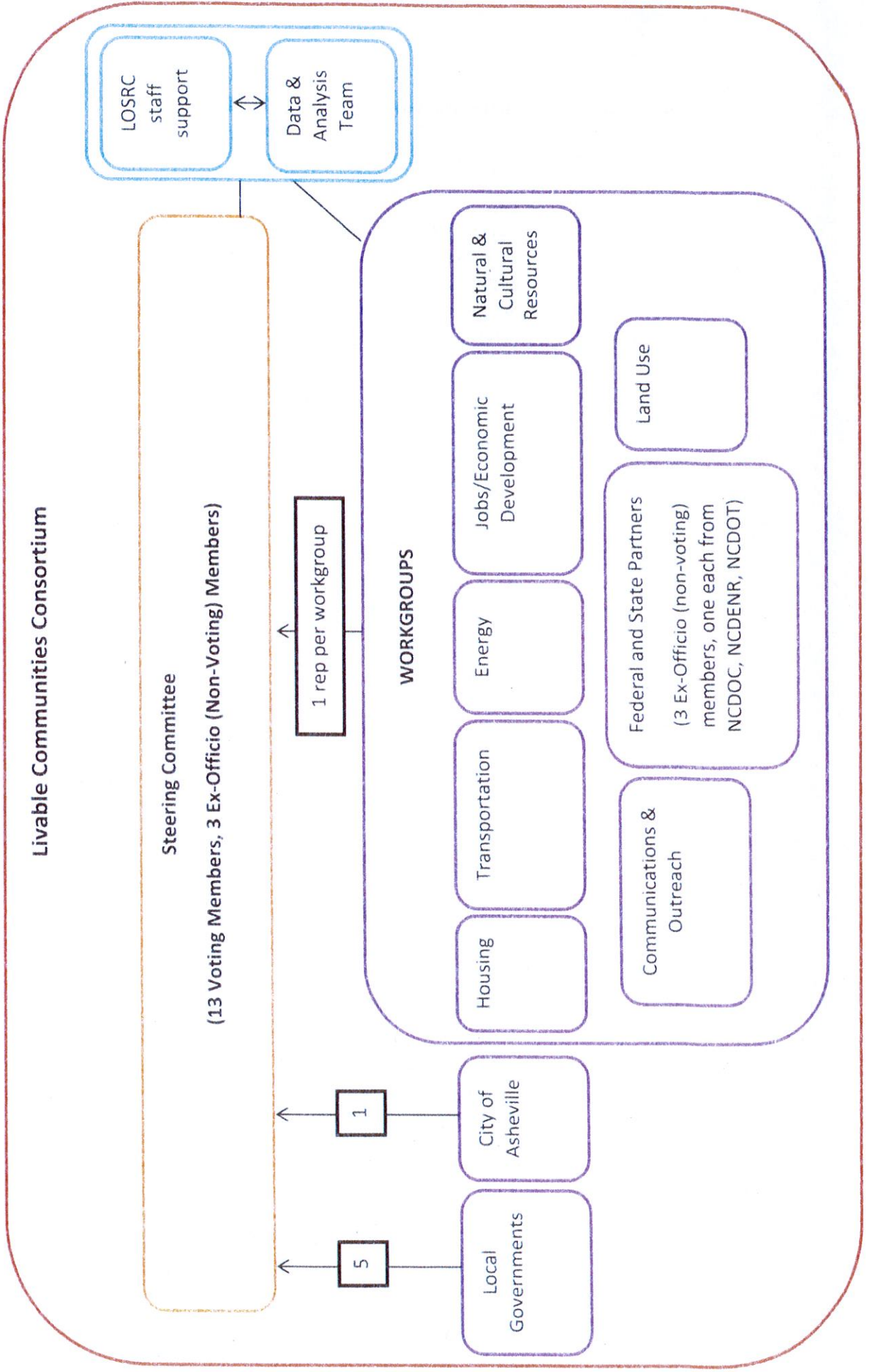
- Housing
- Transportation
- Energy
- Jobs/Economic Development
- Natural and Cultural Resources
- Land Use
- Communications and Outreach
- Federal and State Partners

Each consortium member may join or participate in multiple Workgroups if interested. Non-governmental Consortium members should join the Workgroup that most closely matches their work and goals. Council staff will work with the Steering Committee to develop voting procedures to be used when consensus cannot be reached. Each workgroup should rank and prioritize their goals/strategies and select 2-3 top ideas. Particular attention should be given to ideas that are most important, practical, and most achievable. The Steering Committee is not bound to the workgroup rankings but should give strong consideration to such rankings. For purposes of voting, each consortium member may vote in only one Workgroup.

Workgroup and Steering Committee meetings will be open to the public. Individuals may attend these meetings and may choose to formalize their participation in the Consortium by signing a Partnership Agreement.

Land-of-Sky Regional Council will staff and facilitate the work of the Steering Committee. The Data and Analysis Team will collaborate with Council staff and provide support to both the Steering Committee and the Workgroups. Council staff will assist with initial set-up of Workgroups and will provide staff to those groups as needed, but the groups' work will be largely self-guided.

Western North Carolina Livable Communities Initiative
Governance Structure



Livable Communities Consortium

Steering Committee

(13 Voting Members, 3 Ex-Officio (Non-Voting) Members)

1 rep per workgroup

WORKGROUPS

Housing

Transportation

Energy

Jobs/Economic
Development

Natural &
Cultural
Resources

Communications &
Outreach

Federal and State Partners
(3 Ex-Officio (non-voting)
members, one each from
NCDOC, NCDENR, NCDOT)

Land Use

LOSRC
staff
support

Data &
Analysis
Team

Appendix B: Examples of Traditionally Under-Represented Communities

Examples of traditionally under-represented communities include, but are not limited to:

Elderly, disabled, Native American, African American, Hispanic, Ukrainian, persons living in poverty, illiterate, persons who are housing cost-burdened or have limited access to affordable workforce housing, individuals with chronic disease(s), youth, long-time residents (WNC natives), multi-generational and rural mountain landowners, small business owners, farmers, retired senior citizens on fixed incomes, transit-dependent citizens, and populations with limited access to health care, employment centers, education, or healthy foods.