

DRAFT

10/26/2011

MINUTES

cc: Boe
Steve
David
Christy
Russ

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, OCTOBER 19, 2011

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Public Information Officer Christy DeStefano, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Construction Manager David Berry, Animal Services Director Brad Rayfield, Corporal Mike Marsteller, Sheriff Rick Davis, Sergeant John Ashe, Lieutenant Jeff Patterson, Recreation Director Tim Hopkin, Fire Marshal Rocky Hyder, Code Enforcement Director Toby Linville, Internal Auditor Darlene Burgess, Administrative Assistant to the County Engineer Megan Piner, and HR Director Jan Prichard.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Young.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENT

1. Judith Long – Ms. Long reminded the Board of the 10th annual celebration of The Free Clinics on Wednesday, October 19, 2011 from 4 – 7 p.m.
2. Mary Cervini – Ms. Cervini requested that the Board allow Henderson County to enforce the Animal Ordinance in the incorporated areas of Henderson County.
3. Fielding Lucas – Mr. Lucas asked the Board to take a hard look at the vacancies of the Hospital Corporation Board of Directors. There is going to be a tough road ahead. Affiliating Pardee with the UNC Healthcare was a great decision.
4. Jason Wells – Mr. Wells felt the Commissioners made a good decision in asking for the delay in the Joint Venture of Pardee/Mission groundbreaking, even though it was not delayed. He is not in favor of the Joint Venture, it doesn't make sense, and he doesn't advise it.

Additional citizens had signed up to speak in regards to the soccer presentation. They were asked to hold off on their comments until after the soccer presentation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Young made the motion to approve the agenda with the addition of a closed session, and moving of consent agenda item C "Energy Management Update" as the final discussion item. All voted in favor and the motion carried.

CONSENT AGENDA

DATE APPROVED:

Commissioner Messer made the motion to adopt the Consent Agenda minus the Energy Management Update. 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):

October 3, 2011 – Regularly Scheduled Meeting

Tax Collector’s Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated October 7, 2011 for information only. No action was required

Energy Management Update

This item was moved to the final discussion item.

BOARD RULES OF PROCEDURE

Attorney Russ Burrell stated a Board member had asked that the topic of the Board’s rules regarding votes on issues which are not ordinances be considered. The Board’s current rules of procedure include the following:

Rule 19 Adoption by Majority Vote: A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

N.C. Gen. Stat. §153A-45 states as follows:

To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the board of commissioners. If the ordinance is approved by a majority of those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted.

N.C. Gen. Stat. §153A-41 states that the board “may adopt its own rules of procedure, in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.”

On budget ordinances, and on ordinances where a public hearing is required by statute, the statutes mandates that non-unanimous majorities are sufficient for final adoption on first reading, and no other rule may be adopted by the Board. For all other *ordinances*, adoption may not be on first reading unless the vote is unanimous.

The situations covered by this Request for Board Action are for matters which are *not* ordinances. For those, the Board may if it desires adopt a rule requiring a super-majority or unanimity for adoption on first reading. A purpose of such rules is often to allow fuller consideration of matters that are, pursuant to another rule of procedure, added to the Board’s agenda at the meeting at which it is considered.

Possible Options

1. Unanimity required in all votes for adoption on first reading. This would apply regardless of whether the matter was on the original printed agenda or added at the meeting at which it is considered. Proposed text:

Rule 19 Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion may be finally adopted by the Board at the meeting at which a vote on the motion is first held unless all members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than all members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

2. Super-majority required in all votes for adoption on first reading. This would apply regardless of whether the matter was on the original printed agenda or added at the meeting at which it is considered. Proposed text:

Rule 19 Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion may be finally adopted by the Board at the meeting at which a vote on the motion is first held unless at least four members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than four members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

3. Unanimity required in votes (those present) for adoption of matters added to the agenda at the meeting at which a vote on the motion is first held. Proposed text:

Rule 19 Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion on an issue added to the agenda at the meeting at which a vote on the motion is first held may be finally adopted by the Board at such meeting unless all members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than all members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

4. Super-majority required in votes for adoption of matters added to the agenda at the meeting at which a vote on the motion is first held. Proposed text:

Rule 19 Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion on an issue added to the agenda at the meeting at which a vote on the motion is first held may be finally adopted by the Board at such meeting unless at least four members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than four members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

Commissioner Thompson made the motion that the Board strike its current Rule of Procedure 19, and adopt in its place option 3 of those presented in the agenda. The motion passed 3-2 with Commissioners O'Connor and Young voting nay.

POTENTIAL COUNTY SOCCER COMPLEX

David Whitson presented a draft business plan of a soccer park. He shared several scenarios and a proposed fee schedule.

The planning assumptions for this plan area:

- The Henderson county Soccer Association plans to contract with Course Doctors, Inc. for the development of the soccer fields. Henderson County’s contribution is limited to \$100,000 for the development of the complex.
- Henderson County Soccer Association will hold soccer tournaments and camps to generate revenues to offset costs.
- There will be increase youth and adult participation in soccer activities as a result of improved facilities.
- The plan proposes three different financial scenarios for the Board’s consideration, entitled “Worst Case”, “Better Case”, and “Best Case.”
- Two options exist within each scenario that depicts the financial impact resulting from whether the park is financed or not. In Option of al scenarios (highlighted in green), developmental and acquisition costs are amortized over 10 years. Option 2 of all scenarios is based upon the assumption that Henderson County will pay the acquisition costs up front.
- In all scenarios, an additional 200 soccer participants are factored in.

	OPTION 1	OPTION 2	OPTION 1	OPTION 2	OPTION 1	OPTION 2
	Worst Case Scenario <u>WITHOUT</u> FINANCING	Worst Case Scenario <u>WITHOUT</u> FINANCING	Better Case Scenario <u>WITHOUT</u> FINANCING	Better Case Scenario <u>WITHOUT</u> FINANCING	Best Case Scenario <u>WITHOUT</u> FINANCING	Best Case Scenario <u>WITHOUT</u> FINANCING
Operating Revenues¹						
Total Operating Revenues	\$ 25,610	\$ 25,610	\$ 49,700	\$ 49,700	\$ 81,390	\$ 81,390
Expenses						
Operating Expenses	\$ 144,121	\$ 144,121	\$ 144,121	\$ 144,121	\$ 144,121	\$ 144,121
Developmental Costs ²	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ 10,000	\$ -
Acquisition Costs ³	\$ 141,427	\$ -	\$ 141,427	\$ -	\$ 141,427	\$ -
Total Expenses	\$ 295,548	\$ 144,121	\$ 295,548	\$ 144,121	\$ 295,548	\$ 144,121
Projected Net Profit/(Loss)	\$ (269,938)	\$ (118,511)	\$ (245,848)	\$ (94,421)	\$ (214,158)	\$ (62,731)
Cost Recovery	9%	18%	17%	34%	28%	56%

TABLE 1: Fee Schedule

	Worst Case	Better Case	Best Case
Player Participant Fees	\$50/\$40	\$75/\$55	\$80/\$65
Number of Participants	200 additional	1455	1455
Rental Fees for Fields and Facilities	\$75/\$115	\$75/\$115	\$150/\$200
Profit Sharing from Tournaments and Soccer Events			\$5,000
Notes:			
1. Fees included in the “Worst Case” scenario are based on the current fee schedule.			
2. Fee Schedule cost is for fall/spring seasons.			
3. Rental Fees are for field/park rentals			
4. Partnership with HCSA in sharing Tournaments profits on a 50/50 basis.			

Clement Riddle, President of the Henderson County Soccer Association, Inc. stated for several years HCSA has sought county funding for a soccer complex for use by the Association and county residents. The County has obtained an option (through the end of 2011) to purchase what appears to be suitable real estate. This real estate could be used for a combined soccer and general recreation park complex. This is a prime location and a once in a lifetime opportunity.

A facility needs assessment Report from the Henderson County Parks and Recreation – December 3, 2007

- 5 public input session were held
- Soccer Complex was identified as a top priority
- Report estimates between 6 and 11 million dollars may be needed for such a facility.
- Park has room for additional amenities including picnic shelters, playgrounds, walking trail and more.

The mission of the Henderson County Soccer Association Inc. (HCSA) is to foster the physical, mental, and emotional growth of our youth through the sport of soccer.

- Develop players by building and improving their skills and fitness
- Develop coaches through a high quality instructional program
- Promote and encourage high standards of sportsmanship

The HCSA is active because:

- Approximately 1,200 young people are playing each year
- There are approximately 600 adult league players
- There are no regulation size dedicated soccer fields in the town, county, or city.
- These fields will be used by recreation, academy, challenge, classic, and adult players.

Highland Lake Park offers:

- 65-acres
- 1.5 mile perimeter walking/biking trail
- 18 acre Soccer complex with Bermuda grass and irrigation
- Future recreational areas for picnic shelters, playgrounds, etc.

HCSA Partnership

- Completing Final Engineering Plans
- Prepared detailed Cost Estimates
- Preparing sediment and erosion control plans
- Private fund raising campaign
- HCSA Grant Writing

Soccer Complex

- 3 Full Size Grass Fields
- 6 U-12 Fields
- Bermuda grass and irrigation
- Consistent playing conditions
- HCSA can host matches for our recreation and travel soccer teams
- Provide location for soccer camps and tournaments

The Youth tournament can boost local economy...

- “According to projections from the Asheville area Chamber of Commerce, soccer fans won’t be

the only locals benefiting from the tournament (80 teams). Chamber estimates that the hordes of families flocking to the area will have an impact on the local economy.”

- “That impact goes beyond hotels and restaurants... incidental shopping, souvenirs, gas, and eating in restaurants...this money is spread around.”

Why should Henderson County support Highland Lake Park?

- This park will meet the number one need identified in the Henderson County Facilities Needs Assessment Report.
- This park could meet the top six needs identified in the report.
- There are more than 1,200 young people and 600 adult players playing soccer each year.
- There are no dedicated regulation size soccer fields in the county.
- The Master plan includes walking trails and future recreational uses that could include picnic shelters, playgrounds and more.

Henderson County wins with Highland Lake Park:

- Central location where families come together to enjoy our community
- Multipurpose park with new amenities for everyone in Henderson County
- Athletes of all ages and skill levels will have quality game and practice fields
- Civic pride
- Increased community marketability
- Economic benefit within Henderson County
- Health and active families are proud to call Henderson County home

Public Comment

1. Les Boyd – Mr. Boyd is excited about the project. He feels this is a huge opportunity for Henderson County. Boyd Chevrolet is willing to pledge toward the park.
2. Scott Donaldson – Mr. Donaldson feels the health of children is important and the opportunity to be outside needs to be available. This will bring more people to our area.
3. Corum Smith – Mr. Smith is a retired principal. It has been proven that physical education improves grades.
4. Jeff Miller – Mr. Miller feels the golf course is not profitable and therefore an excellent opportunity for Henderson County. His son excelled due to soccer. He advised the Board to watch the fee schedule and not charge too much.
5. Chip Worrell – Mr. Worrell feels the County fields are not acceptable. “We need good fields and this is the time. This will be a great project.”
6. Mark Hunnicutt – Mr. Hunnicutt is a pastor at Mud Creek Baptist Church. He feels this is a good project and a great opportunity for the kids and families, both socially and financially. The kids will applaud a “yes” decision.
7. Jason Dockendorf – Mr. Dockendorf has children who play soccer. This project would provide a great walk park for seniors, and a playground for children is needed. Henderson County is losing revenue to Buncombe County for soccer. “Keep our kids active.”

BREAK

A brief break was taken.

RECONVENE

Chairman Edney called the meeting back to order.

County Attorney Russ Burrell discussed the contract and option to purchase. Should the Board exercise

the option, the purchase price is \$1,150,000. The Board does have the right, under this contract, to finance at 4% over 10 years or pay it off in cash. The Soccer Association has spoken with the sellers of the property (Course Doctors, Inc.) about doing the work of the renovations necessary to turn this into a soccer complex. There is contemplation of \$100,000 of county money going toward that renovation cost. The draft contract includes a waiver of future liens since the seller of the property is also going to be doing work on the property. Course Doctors, Inc. understands that they would not have the right to place a lien on this property for the cost of any work they do, should they not be paid in full, so that any dispute down that line doesn't fall on the county but somewhere else.

Chairman Edney made the motion that the Board exercises the option to purchase the real property upon which the County has an option, and further to directs staff to attempt to negotiate business agreements with Henderson County Soccer Association, Inc. for the operation of a soccer facility at the site. The motion passed 4-1 with Commissioner Young voting nay.

REGIONAL BROWNFIELDS INITIATIVE COALITION

Kate O'Hara, Brownfields Program Manager with Land-of-Sky Regional Council, provided information to the Board about Brownfields Assessment Grants. The Board is requested to hear the presentation, and to consider participating as a member in the Regional Brownfields Initiative Coalition. Ms. O'Hara stated in 2003 our four (4) counties and eighteen (18) municipalities agreed to come together and bring about a Regional Brownfields Initiative. A Brownfield is not necessarily a highly contaminated property; it's basically an abandoned property that hasn't been redeveloped because people believe it may or may not be contaminated. Land-of-Sky (LOS) is looking to apply this year to the Environmental Protection Agency as a coalition applicant for a \$1 million grant. In the past they have always applied as a single entity and shared the funds with the four (4) counties. This year they are looking to break it up and make it a coalition with the four (4) county members, Henderson, Buncombe, Transylvania, and Madison, along with the City of Asheville as separate entities. The applications will be extremely competitive. Showing the partnership allows Brownfields the best shot to be approved for this kind of funding. No money or match is required.

2012 Brownfields Assessment Grants

It is becoming increasingly evident that in order to be competitive this funding year, LOS needs to make significant changes to the Regional Brownfields Initiative.

- A 40% cut in funding is anticipated- equal to approximately 112 assessment grants getting funded – nationwide.
- EPA is placing a great deal of importance on formal partnerships and private investment.
- Suggested program improvements for this year's application:
 1. Apply as a Coalition" for \$1 million;
 2. Our 4 counties & the City of Asheville would act as our coalition partners;
 3. The basic structure of the program will remain the same with the RBI administering the program;
 4. Through a MOU, each coalition member will be assured of a portion of the assessment funds for their County/City;
 5. The Internal Team will bring some recommendations to the Brownfields Advisory Group on Oct. 6:
 - a) The filing of a Coalition application rather than two proposals- a regional application and one for the City of Asheville;
 - b) 25% cash investment from prospective developers;
 - c) As an incentive to redevelopment, a portion of the private investment is returned when a Brownfields Agreement is put into place;
 - d) Increased participation is required from our coalition members- we plan to hold the Advisory Group meetings in the 4 counties;

The following has been requested:

1. Letter of support from the LOSRC Board to apply for a Coalition grant;
2. Recommendation from the Board that our member governments place a resolution on the October agenda for a letter of intent to be a Coalition member. (applications are due Nov. 15 & letters must be attached)
3. Support of our board members to encourage their County Boards to pass the coalition resolution.

Commissioner O'Connor made the motion that the Board authorizes the execution of the letter provided, agreeing to Henderson County becoming a member of the Regional Brownfields Initiative Coalition for the purpose of applying for and the subsequent award of a community-wide USEPA Brownfields Assessment Coalition Grant in the amount of \$1 million. All voted in favor and the motion carried.

BOARD AND COMMITTEE STUDY

At the Board's September 6, 2011 meeting, Staff presented for the Board's consideration a summary of all the County's Boards and Committees. This study evaluated each committee's composition, and included some recommendations on where Boards could be structured in a more efficient manner.

Following the presentation of the study on September 6, it was the consensus of the Board to review the information for 30 days with discussion to follow that review. The following decisions were made:

Boards and Committee that will remain as is with no changes:

Agriculture Advisory Board
 BRCC Board of Trustees
 Equalization & Review Board
 Fire Commission
 French Broad River MPO Transportation Advisory Committee
 Henderson County Zoning Board of Adjustment
 Henderson County Board of Health
 Henderson County Planning Board
 Jury Commission
 Local Emergency Planning Committee
 Mountain Area Workforce Development Board
 Nursing/Adult Care Home Community Advisory Committee
 Smartstart
 Social Service Board
 Travel & Tourism Committee
 Western Highlands Local Management Entity
 Cane Creek Water & Sewer District Advisory Committee
 Fire & Rescue Advisory Committee
 Henderson County Historic Courthouse Corporation dba Heritage Museum
 Hospital Corporation Board of Directors
 Recreation Advisory Board
 Apple Country Greenway Commission
 Asheville Regional Housing Consortium
 Fletcher Planning Board
 Hendersonville City Zoning Board of Adjustment
 Hendersonville Planning Board
 Land of Sky Regional Council
 Land of Sky Regional Council Advisory Council on Aging
 Laurel Park Planning Board
 Laurel Park Zoning Board of Adjustment
 Local Government Committee of Cooperative Action (LGCCA)

Mountain Valleys Resource Conservation & Development Program
 Senior Volunteer Services Advisory Council
 WCCA Board of Directors
 Animal Services Committee
 Cemetery Advisory Committee
 Historic Resources Committee
 Governmental Financing Corporation
 Industrial Facilities & Pollution Control Financing Authority

Boards and Committees that will be reviewed further and visited at a later date:

- Juvenile Crime Prevention Council (JCPC)
- EMS Quality Management Committee
- French Broad Water Resources Study Committee

Boards and Committees to be combined:

- Child Fatality Prevention Team / Community Child Protection Team
 Combine with the Community Child Protection Team. Abolish both committees and form a new committee entitled "Community Child Protection and Child Fatality Prevention Team."
- Environmental Advisory Committee / Solid Waste Advisory Committee
 Combine with the Solid Waste Advisory Committee. Abolish both committees and form a new committee which encompasses the objectives of both the EAC and the SWAC.

Boards and Committees that membership will be changed:

- CJPP Task Force (Criminal Justice Partnership Program) – Reduce membership to 11 members
- Home & Community Care Block Grant Advisory Committee – Reduce to 7 voting and 1 non-voting membership
- Library Board of Trustees – Increase to 9 members

Boards and Committees to be dissolved:

- Henderson County Transportation Advisory Committee– Issues will be taken up by LGCCA (Local Government Committee of Cooperative Action)
- Youth Advisory Board
- Youth Services Advisory Board
- Downtown Hendersonville, Inc.
- DuPont State Forest Advisory Committee
- Regionalized Transit Study Steering Committee
- Adequate Public Facilities
- Edneyville Community Plan Committee
- Etowah-Horse Shoe Communities Planning Committee
- Etowah-Horse Shoe Communities Planning Committee

The County Attorney was directed to bring back the final analysis with General Statute requirements.

The County Planner was asked to bring back updates of the small planning committees including Dana, Etowah/Horseshoe, and Edneyville in January, 2012.

CLOSED SESSION

Chairman Edney made the motion that 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.

RECONVENE

Commissioner O'Connor made the motion that the Board go out of closed session and reconvene into open session. All voted in favor and the motion carried.

COUNTY ENFORCEMENT OF ANIMAL AND NOISE ORDINANCE IN THE MUNICIPALITIES

County Attorney Russ Burrell stated the Henderson County Animal Ordinance and the Noise Ordinance allow for enforcement in the incorporated areas of Henderson County. To do this, the municipality must request enforcement and the Board of Commissioners must consent to the request. Recently, Henderson County has received requests from every municipality in Henderson County for enforcement of these two Ordinances.

The municipalities have passed resolutions adopting these ordinances to ensure consistency across Henderson County in the areas of animal and noise regulation and requesting enforcement from the County. All of the resolutions were included in the agenda packets.

Sheriff Rick Davis stated the Henderson County Ordinances are well written, solid, and enforceable by the Sheriff's Department and the court system. The key to success is trained officers and the right equipment. Our animal enforcement officers are literally running from call to call all day long, very busy with technical investigations that must be done. Enforcing the County Ordinance with the municipalities is in the best interest of the animals and the people who lodge complaints. The problem is that it would take an increase in manpower for both the Sheriff's Department (2 to 3 sworn officers) and Animal Services (increase in animals coming in), and an increase in equipment for the Sheriff's Department. Without the increase in manpower, resources would be taken from the County and spread out to the point that no calls would be handled correctly. At this time an officer is contracted to Mills River for a daytime shift only. Sheriff Davis feels each municipality should take care of their own noise ordinance complaints as it does not require special training or equipment outside the normal police training they already possess.

If the Board desires to move forward with a cooperative agreement with the municipalities, it would require up to 2.5 additional officers at the cost of approximately \$95,000 per officer. The approximate cost of each animal that comes through the Animal Services is \$200.

Chairman Edney suggested that each municipality enforce their own noise ordinance and a fee schedule be utilized with the municipalities in regards to the animal enforcement.

Commissioner O'Connor made the motion that the Board have staff negotiate with the municipalities for a contract where the County enforces the animal ordinance inside the municipalities, but the municipalities pay all of the cost, and report on their negotiations to the Board. All voted in favor and the motion carried.

OFFER TO PURCHASE "NUCKOLLS" BUILDING

The County has received an offer to purchase the "Nuckolls" building, the land and structure at 201 North Main Street in Hendersonville. The proposed purchase price is \$700,000.00.

Russ Burrell explained the following procedure:

The Board has in the past followed a process, in conformity with N.C. Gen. Stat. §153A-176 and Article 12 of Chapter 160A of the General Statutes, as follows:

- 1) The Board receives an offer, and determines whether to give preliminary acceptance to it. This preliminary acceptance expressly does *not* bind the County, and merely starts into motion the process described below. If the Board does not give preliminary acceptance, the process ends.
- 2) If the Board does give preliminary acceptance, a notice of the bid and its preliminary acceptance is published in a newspaper. The notice describes the property potentially to be sold, and the amount of the offer. The notice further states that the within ten (10) days of the first publication of the offer anyone may submit a new, increased offer (and "upset bid") for the property. (The upset bid must exceed the first offer by at least 5% of the first offer plus \$50, and must be accompanied by a deposit of 5% of the new offer price, and also, according to previous board policy, the estimated cost of the future advertisement of the new bid.)
- 3) If an upset bid is received within the ten days, the deposit from the first offer is returned, and a new notice of the upset bid is published in the newspaper, starting upon its publication a new ten (10) day period for new upset bids to be received. (Again, any subsequent upset bid must exceed the amount of the most recent bid by at least 5% of the bid plus \$50, and must be accompanied by a deposit of 5% of the newest bid.) This process continues until no new bids are received.
- 4) The highest bid received then comes back before the Board for final determination – approval of a sale at that price, or not. If the Board approves the final bid, that becomes the contract price.

Commissioner O'Connor made the motion that the Board gives preliminary approval to offer to purchase the property at 201 North Main Street in Hendersonville, and begin the process for upset bids set out in the material accompanying the agenda item. All voted in favor and the motion carried.

ENERGY MANAGEMENT UPDATE

Marcus Jones provided information to the Board in regards to the County's energy management use in the areas of electricity, natural gas, and water. It compares the first quarter with previous years to show historical trends.

Commissioner Thompson had requested this item to be moved from consent to discussion. He questioned water and gas usage in the "95 Courthouse" and if the detention center was included in the same meter. He noted that part of the filing fees to the court system were delegated for facility fees associated with the court expenses.

Marcus Jones stated that the majority of hot water use is for the detention center. Some of the expenses are being recovered for the courthouse from the fees and are based on square footage allocations. For future presentations an additional column will be added on the report specifically for the detention center.

NOMINATIONS

Chairman Edney recognized the following vacancies.

Notification of Vacancies

1. Hendersonville Planning Board - 1 vac.
2. Western Highlands Local Management Entity – 1 vac.

Nominations

1. Animal Services Committee – 1 vac.

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

2. Cemetery Advisory Committee – 7 vac.

Commissioner Young nominated for reappointment Warren Scott for position #1, Jennie Giles for position #2, Jay Jackson for position #3, Karen Carswell for position #4, John Boyd for position #5, Jerald Willingham for position #6, and Leon Pace for position #7.

Chairman Edney made the motion to accept the reappointment of Warren Scott to position #1, Jennie Giles to position #2, Jay Jackson to position #3, Karen Carswell to position #4, John Boyd to position #5, Jerald Willingham to position #6, and Leon Pace to position #7 by acclamation. All voted in favor and the motion carried.

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

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

4. Community Child Protection Team – 6 vac.

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

5. EMS Quality Management Committee – 3 vac.

Chairman Edney nominated Mike Barnett for position #3. *Chairman Edney made the motion to appoint Mike Barnett to position #3 by acclamation. All voted in favor and the motion carried.*

6. Environmental Advisory Committee – 2 vac.

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

7. Fire and Rescue Advisory Committee – 1 vac.

Commissioner O'Connor nominated Monte Sims for position #3. *Chairman Edney made the motion to appoint Monte Sims to position #3 by acclamation. All voted in favor and the motion carried.*

8. Henderson County Board of Health – 1 vac.

Commissioner Young nominated James Crafton for position #8. *Chairman Edney made the motion to appoint James Crafton to position #8 by acclamation. All voted in favor and the motion carried.*

Mr. Crafton serves on the Henderson County Zoning Board of Adjustment and the Transportation Advisory Committee. He will be stepping down from one or both of these committees.

9. Hendersonville City Zoning Board of Adjustment – 2 vac.

Chairman Edney nominated Kenneth Stubbs for reappointment to position #1. *Chairman Edney made the motion to accept the reappointment of Kenneth Stubbs to position #1 by acclamation. All voted in favor and the motion carried.*

10. Historic Resources Commission – 2 vac.

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

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

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

12. Hospital Corporation Board of Directors – 3 vac.

Commissioner Young nominated Samuel Ross Sloan for position #10. Commissioner Messer nominated Peter Goodfield for position #8. Commissioner O'Connor nominated Fielding Lucas for position #1. Commissioner Thompson nominated Walter Carpenter for position #10.

Chairman Edney made the motion to accept the appointment of Fielding Lucas to position #1 and the reappointment of Peter Goodfield to position #8 by acclamation. All voted in favor and the motion carried.

The Board was polled with one vote each for position #10 with the following results:

Thompson	Young	Edney	Messer	O'Connor
1.Carpenter	1.Sloan	1.Carpenter	1.Sloan	1.Carpenter

Walter Carpenter was appointed to position # 10 with the majority of the votes.

13. Juvenile Crime Prevention Council – 10 vac.

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

14. 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.

15. Nursing/Adult Care Home Community Advisory Committee – 3 vac.

Chairman Edney nominated for reappointment Linda Sprinkle for position #13, Wil Irvine for position #22, and for appointment Ramona Andersen for position #8. *Chairman Edney made the motion to accept the reappointment of Linda Sprinkle to position #13 and Wil Irvine to position #22, and the appointment of Ramona Andersen to position # 8 by acclamation. All voted in favor and the motion carried.*

16. Senior Volunteer Services Advisory Council – 3 vac.

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

17. Western Highlands Local Management Entity – 1 vac.

Chairman Edney nominated for reappointment Steve Wyatt for position #1. *Chairman Edney made the motion to accept the reappointment of Steve Wyatt to position #1 by acclamation. All voted in favor and the motion carried.*

18. WNC Livable Communities – 1 vac.

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

COUNTY MANAGER’S REPORT

The County Manager informed the Board that he had been contacted by the Hendersonville City Manager of a possible demonstration by Hendersonville Occupy at 5:00 p.m. The Sheriff has been informed that they have not officially requested utilization of the grounds. They can however picket on the sidewalk. Our policy does allow Civic groups use of the facilities through application.

Chairman Edney informed the Board of the passing of Louise Pace Duncan, Assessor Stan Duncan’s

mother, and noted services would be held the following day.

IMPORTANT DATES

Planning Department staff requests the Board to set a public hearing to consider naming a new road as White Fence Lane. The drive is currently unnamed and a property owner along the drive submitted a petition requesting the name of White Fence Lane. The naming of this road segment requires the assignment of a new property address for 3 homes. Both affected property owners signed the petition and support the proposed road name. No opposition for this request is expected.

The naming of this street is required by the Henderson County Property Addressing Ordinance (Chapter 142). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new road name. Assignment of the new road name avoids possible confusion when responding to emergency situations.

The Planning Department staff requests the Board to set a public hearing for Monday, November 7, 2011 at 5:30 p.m. to discuss the proposed road name assignment. The Board may take action after conducting the hearing.

Commissioner Messer made the motion that the Board sets a public hearing for assignment of the road name for Monday, November 7th, 2011 at 5:30p.m. All voted in favor and the motion carried.

ADJOURN

Commissioner Messer made the motion to adjourn at 1:20 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, Chairman

HENDERSON COUNTY TAX DEPARTMENT

Collector's Office

200 North Grove Street

Suite 66

Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

October 7, 2011

Re: Tax Collector's Report to Commissioners – 10/19/11 Meeting

Please find outlined below collections information through October 6th 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 \$57,563,974.37
Payments & Releases: 9,538,195.72
Unpaid Taxes: 48,025,778.65
Percentage Collected: 16.57%
(through 10/06/11)

2010 Total Charge: \$57,388,477.67
Payments & Releases: 9,547,369.34
Unpaid Taxes: 47,841,108.33
Percentage Collected: 16.64%
(through 10/06/10)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$1,757,469.23
Payments & Releases: 1,051,367.10
Unpaid Taxes: 706,102.13
Percentage Collected: 59.82%
(through 10/06/11)

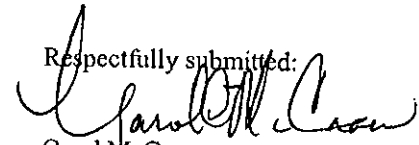
2010 Total Charge: \$1,656,458.97
Payments & Releases: 1,043,264.92
Unpaid Taxes: 613,194.05
Percentage Collected: 62.98%
(through 10/06/10)

Fire Districts All Bills:

2011 Total Charge: \$6,546,114.84
Payments & Releases: 1,235,201.09
Unpaid Taxes: 5,310,913.75
Percentage Collected: 22.00%
(through 10/06/11)

2010 Total Charge: \$6,418,045.75
Payments & Releases: 1,217,032.78
Unpaid Taxes: 5,201,012.97
Percentage Collected: 21.95%
(through 10/06/10)

Respectfully submitted:


Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

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

October 19, 2011

Joe C. McKinney
Executive Director
Land-of-Sky Regional Council
339 New Leicester Hwy. Ste. 140
Asheville, NC 28806

RE: Agreement to be a member of the Regional Brownfields Initiative Coalition for the purpose of applying for and the subsequent award of a community- wide USEPA Brownfields Assessment Coalition Grant in the amount of \$1 million.

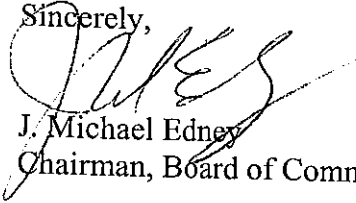
Dear Mr. McKinney:

This letter is written to verify that Henderson County, NC agrees to be a member of the Regional Brownfields Initiative Coalition for the purpose of applying for and the subsequent award of a USEPA Brownfields Assessment Coalition Grant in the amount of \$1 million for community-wide assessment in the Land-of-Sky Regional Council (LOSRC) area. Henderson County is an eligible applicant due to its status as a municipal government.

Henderson County agrees that LOSRC will be the lead member of the Coalition for the purpose of this grant application and subsequent award. Land-of-Sky Regional Council will be responsible to administer the grant and if awarded, be accountable to USEPA for the proper expenditure of funds, and be the point of contact for Coalition members.

Further, it is our understanding that Coalition members are not eligible in this grant round as applicants for additional community -wide or site - specific assessment grants, and that a Coalition member wishing to apply as a separate applicant must withdraw from the Coalition to be eligible for individual assessment funds.

Sincerely,


J. Michael Edney
Chairman, Board of Commissioners