



DRAFT

8/9/2012

MINUTES

cc: BOE
Steve
David
Russ
Christy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, AUGUST 6, 2012**

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

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

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Sheriff Charles McDonald, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, HR Director Jan Prichard, Fire Marshall Rocky Hyder, Planner Matt Cable, Assessor/Tax Collector Stan Duncan, Travel and Tourism Director Beth Carden, Environmental Programs Coordinator Megan Piner, and officer David Pearce as security.

CALL TO ORDER/WELCOME

Chairman Thompson 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 Mike Edney.

PUBLIC HEARINGS

Public Hearing regarding the Three Year Update of the Ten Year Solid Waste Management Plan

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

Engineer Marcus Jones stated NCGS 130-A309.09A(b) requires that each local government develop a 10-year comprehensive solid waste management plan. The statute further requires that each plan shall be updated at least every three years. The plan details how the County's Solid Waste Operations comply with the Solid Waste Statutes and the County's permit to operate with NCDENR.

A public hearing is required and scheduled during this meeting. This update is a combined effort for the County and five municipalities. The municipalities have passed similar resolutions to the resolution provided in the agenda packet. The Board's Environmental Advisory Committee has recommended approval of the proposed plan.

As advertised in local newspapers, the draft plan has been available for public review at the Engineer's office and the Main Library as well as online agenda for the July 18th Board of Commissioners' Meeting.

The Plan includes updated 5 and 10 year Waste Reduction Goals.

- FY 1991-1991 Baseline: 1.14 tons / person
- FY 2010-2011 Actual: 0.89 tpp, 21%
- 5 Year Goal (FY 2016-2017): 30%
- 10 Year Goal (FY 2021-2022): 35%

County Manager Steve Wyatt clarified that the percentage reductions are off the baseline year established by the state.

APPROVED: _____

Public Input

There was none.

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

Commissioner O'Connor made the motion to approve the resolution approving the Solid Waste Management Plan Update for 2012. All voted in favor and the motion carried.

STATE CHAMPIONSHIP BASEBALL TEAM RECOGNITION

Several members of the Henderson County Little League 7-and-under All-Stars team that recently captured the 2012 NC State Little League Championship were recognized by the board. Chairman Thompson called up each of the boys to receive a certificate, shake hands with all five commissioners, and have their picture taken. The All Stars only lost one game in the District 5 (WNC) regional Tournament and went undefeated in the state tournament in Bryson City.

Team members present included Nicky Mack, Keenan Wilkins, Sam Elliott, Kohen Frady, Colin Ingle, Trey Kirby, Colton Clevenger, Coach John Elliott, and Coach Dwayne Wilkins.

Team members that were unable to attend the meeting were Luke Kachilo, Elijah Franz, Drake Blackwell, Nolan Edge, Coach Ryan Kachilo, and Coach Alan Edge.

On behalf of the baseball team, Coach John Elliott presented each Board member with a baseball cap as a token of appreciation for the support from Henderson County.

INFORMAL PUBLIC COMMENT

1. Kimerly Hinkelman – Ms. Hinkelman introduced herself as the new Director of the Pardee Hospital Foundation. Pardee is gearing up for the annual Employee United Way Campaign and Women Helping Women Campaign.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner O'Connor 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 as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):
July 18, 2012 – Regularly Scheduled Meeting

Tax Collector's Report

Tax Collector Clerk Kathy Johnson had presented the Tax Collector's Report to the Commissioners dated July 27, 2012 for information only. No action was required.

County Financial Report/Case Balance Report – May 2012

The May 2012 County Financial Report and Cash Balance Report were provided for the Board's review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the

month of May:

- Dues/Non-Profit Contributions – 4th quarter non-profit contribution payments paid in advance
- Tax Collector – various operating accounts running excess of budget for the fiscal year
- Central Services – electricity costs running in excess of budget for the fiscal year
- Information Technology – encumbrances for capital and non-capital technology purchases appropriated in the current fiscal year
- Criminal Justice Partnership Program – 100 percent grant funded program
- Rescue Squad – 4th quarter non-profit contribution payment paid in advance
- Economic Development – pass through incentive payment of \$240,000 from the state to UPM/Raflatac
- Mental Health – payment of mental health maintenance of effort funds appropriated for the fiscal year

The YTD deficit in the Emergency Telephone System (911) Fund is due to the payment of annual debt service (\$106,235.53) on financing for the 911 system upgrade and a transfer to the General Fund for eligible property addressing expenditures. Fund balance of \$109,755 was appropriated to cover expenditures in this Fund for FY2012.

The YTD deficit in the CDBG – the Mud Creek Grant Project Fund and the CDBG – Talley Drive Grant Project Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to project expenditures for the new ICE vehicle storage building, new vehicles and the purchase of equipment. Most of these expenditures have been covered through the appropriation of available fund balance in the ICE Fund. Also, due to a timing delay in receiving payments - federal ICE revenues for May will not be received and posted until July 2012.

The YTD deficit in the Solid Waste Landfill Fund is due to expenditures made for the Solid Waste Capital Improvements Project. Fund balance of \$1,950,000 was appropriated to pay for approximately 50 percent of the project expenditures in FY2012.

Motion:

I move that the Board of Commissioners approves the May 2012 County Financial Report and Cash Balance Report as presented.

Public Schools Financial Reports – May 2012

The Henderson County Public Schools provided the May 2012 Local Current Expense Fund and Other Restricted Funds Financial Reports for the Board's information.

Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools May 2012 Financial Reports as presented.

Energy Management Update

An energy management update was provided to the Board, for informational purposes only, in regard to the County's energy management use in the areas of electricity, natural gas, fuel, and water. The report compares the first quarter with previous years to show historical trends.

Light Tower Procurement

Henderson County Emergency Management received a Regional Homeland Security Grant in the amount of \$61,000.00 to purchase 4 mobile generator/light tower units. Henderson County will keep one unit and distribute the remaining three to our neighboring counties of Polk, Transylvania and Buncombe. During

research of generator/light tower purchases, staff discovered Macon County conducted a public bid on substantially similar units in June 2012. The Macon bid for nine units resulted in purchase prices which are as good as or better than staff anticipates would be received were a bid for four units alone let. Staff requests the Board consider utilizing the Macon County bid to procure four generator/light towers.

Public notice for waiver of bidding for previously bid contracts was provided in the Hendersonville Tribune on July 26, 2012.

Motion:

I move the Board waives the bid requirements pursuant to NCGS 143-129 and approves the purchase of four generator/light towers from Southeastern Industrial Equipment. I further move the Board approves the Budget Amendment for this purchase as presented.

Surplus Technology Equipment and Furniture

A resolution was provided for the Board's consideration declaring a list of technology equipment provided by the IT Department and old library furniture no longer used by the County as surplus property. The resolution also authorizes the Finance Director to advertise the surplus property for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

<u>FA#</u>	<u>Serial Number</u>	<u>Purchased</u>	<u>ID#</u>	<u>TYPE</u>	<u>Disposal Date</u>	<u>Disposition</u>
10126	USO18416HH		2030	Printer	07/02/2012	Auction
10904	GTBC831	08/14/2003	729	Laptop	07/05/2012	Auction
10961	4140M31	10/05/2003	916	Laptop	07/05/2012	Auction
11035	369PW31	12/05/2003	764	Workstation	07/09/2012	Auction
11037	F89PW31	12/05/2003	766	Workstation	07/09/2012	Auction
11039	299PW31	12/05/2003	765	Workstation	07/09/2012	Auction
11040	999PW31	12/05/2003	768	Workstation	07/09/2012	Auction
11123	1RC4P41	04/10/2004	858	Laptop	07/05/2012	Auction
11357	7WJ1L51	08/25/2004	914	Workstation	07/05/2012	Auction
11407	102K661	11/29/2004	959	Laptop	07/05/2012	Auction
11434	4BMRF61	12/30/2004	972	Laptop	07/05/2012	Auction
11618	HNN9B81	08/29/2005	1164	Laptop	07/05/2012	Auction
11660	D6ZX391	01/03/2006	1225	Laptop	07/03/2012	Auction
11661	H6ZX391	01/03/2006	1222	Laptop	07/05/2012	Auction
11902	FH87M91	03/11/2006	1268	Laptop	07/03/2012	Auction

The following are NOT in the "IT Database"

11245	40WP451	07/01/2004	DSS	Laptop	07/01/2012	Auction
11247	HZWP451	07/01/2004	DSS	Laptop	07/01/2012	Auction
11248	73WP451	07/01/2004	DSS	Laptop	07/01/2012	Auction
11249	55WP451	07/01/2004	DSS	Laptop	07/01/2012	Auction

JVC SR_MV45

063C0620	Unknown	n/a	VHS/DVD Recorder	07/01/2012	Auction
----------	---------	-----	------------------	------------	---------

COBY 10.2" TV

Various (8) Total	Unknown	n/a	TV/Monitor	07/01/2012	Auction
-------------------	---------	-----	------------	------------	---------

List of Surplus Library Furniture

9 upholstered chairs

3 round tables

Motion:

I move that the Board approves the resolution declaring the list of technology equipment and furniture presented as surplus and authorizes the Finance Director to sell the surplus property via electronic public auction using GovDeals auction services.

Public Records Disposal Request

Staff is requesting approval from the Board of Commissioners to destroy all records listed on the Public Records Disposal Request and Destruction Log in accordance with the County's Records Retention Policy and the provisions of the N.C. Department of Cultural Records Retention and Disposition Schedule as the period for retention of these records has expired.

Motion:

I move that the Board approves the Public Records Disposal Request and Destruction Log submitted by the Finance Department.

Revisions to Historic Courthouse Corporation Bylaws

The Historic Courthouse Corporation has met and recommended the following changes to their bylaws:

- Revised description of responsibilities for the Treasurer (Article V, Section 5, item D);
- Established ability to form committees of Board members (Article VII); and
- Provision for electronic notice for Special and Emergency meetings (Article VIII Section 5 and 7).

Motion:

I move the approval of the changes to the Henderson County Historic Courthouse Corporation Bylaws.

Petition for abandonment of state maintenance for a portion of Westfeldt Road (SR 1420)

Planning Department staff received a petition to abandon state maintenance for a portion of Westfeldt Road (SR1420). The portion of the state road requested to be abandoned is approximately 2,200 feet in length and located on the property of Brite Stars LLC and Wild River Corp (Sierra Nevada). Abandonment of state maintenance is only a stoppage of road maintenance, not the closure of any right-of-ways and/or easements.

Motion:

I move the Board approves the petition and directs staff to forward it to NCDOT.

NC Governor's Highway Safety Grant Funding for Year III

The Henderson County Sheriff's Office requests a resolution in reference to the third year of funding for our Governor's Highway Safety Traffic Personnel Grant. The grant total for year three is \$128,282.00, with the county agreeing to be responsible for half the total at \$65,041.00. The Sheriff's portion will be paid through already budgeted funds. This is the final year of funding for this grant.

Sheriff McDonald stated this grant pays for funding fully for one (1) year, two (2) deputies, the second year the County pays for half, and the third year one third is to be paid by the County. The funds were approved in the prior budget. Due to restrictions of the grant, the decision has been made not to continue with the grant in the future.

Motion:

I move the Board allows for the Sheriff's Office to enter in to the third and final year of contractual agreement with the NC Governor's Highway Safety Program under the existing NCGHSP personnel grant. The Sheriff's Office would be permitted to utilize allocated funding to match the federal portion of the grant for a total of \$65,041.00.

NOMINATIONS

Chairman Thompson informed the Board of vacancies and opened the floor for nominations.

Notifications of Vacancy

1. Juvenile Crime Prevention Council – 1 vac.
Position #20

Nominations

1. Fire and Rescue Advisory Committee – 1 vac.

Commissioner Young nominated Robert Wayne Dotson for reappointment to position #7. *Chairman Thompson made the motion to accept the reappointment of Robert Wayne Dotson to position #7 by acclamation. All voted in favor and the motion carried.*

2. Henderson County Board of Health – 2 vac.

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

3. Henderson Tourism Development Authority – 4 vac.

*These appointments were made after the Tourism Development Authority discussion.

The Chamber of Commerce had presented the name of Bruce Pope as their nomination for position #9. *Chairman Thompson made the motion to appoint Bruce Pope to position #9 by acclamation. The motion passed 4-1 with Commissioner O'Connor voting nay.* Commissioner Messer nominated David Nicholson for position #2. Commissioner Young nominated Kimberly Smith for position #1. Commissioner Edney nominated Chris Burns for position #3. Commissioner Young nominated Phyllis Rogers for position #3. Commissioner O'Connor nominated Kevin Michael O'Connor for position #3. *Chairman Thompson made the motion to accept the appointments of Kimberly Smith to position #1, and David Nicholson to position #2 by acclamation. The motion passed 4-1 with Commissioner O'Connor voting nay.*

The Board was polled for position #3 with the following results:

Mike Edney	Bill O'Connor	Tommy Thompson	Charlie Messer	Larry Young
1.Chris Burns	1.Kevin O'Connor	1.Phyllis Rogers	1.Phyllis Rogers	1.Phyllis Rogers

With a majority of the votes, Phyllis Rogers was appointed to position #3.

Commissioner Young nominated David Nicholson for Chair of the Henderson Tourism Development Authority. *Chairman Thompson made the motion to accept the appointment of David Nicholson as Chair of the Henderson Tourism Development Authority by acclamation. The motion passed 4-1 with Commissioner O'Connor voting nay.*

Appointments made to date by Henderson County and the City of Hendersonville:

#	Current Position-holder	Position-holder Requirements
1	Kimberly Smith (exp. 6/30/2017)	Must be registered to vote in Henderson County, and affiliated with a business that collects occupancy tax within Henderson County. Future terms are 5 years. Appointed by <u>Board of Commissioners.</u>
2	David Nicholson (exp. 6/30/2016)	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE: Three of positions 2, 3, 5 and 6 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by <u>Board of Commissioners.</u> Appointed as Chair 08/06/2012
3	Phyllis Rogers (exp. 6/30/2015)	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE: Three of positions 2, 3, 5 and 6 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by <u>Board of Commissioners.</u>
4	Selena Einwechter (exp. 6/30/2017)	Must be registered to vote in Henderson County, and affiliated with a business that collects occupancy tax within Henderson County. Future terms are 5 years. Appointed by Hendersonville City Council.
5	Brenda Ramer (exp. 6/30/2016)	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE: Three of positions 2, 3, 5 and 6 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by Hendersonville City Council.
6	Bo Ferguson (exp. 6/30/2015)	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE: Three of positions 2, 3, 5 and 6 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by Hendersonville City Council.
7	VACANT	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE:

	(exp. 6/30/2016)	Either position 7 or 8 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by Fletcher Town Council.
8	VACANT (exp. 6/30/2015)	Must be registered to vote in Henderson County. Future terms are 5 years. NOTE: Either position 7 or 8 must be currently active in the promotion of travel and tourism in Henderson County. Appointed by Flat Rock Village Council.
9	Bruce Pope (exp. 6/30/2015)	Must be registered to vote in Henderson County, and affiliated with a business that collects occupancy tax within Henderson County. Future terms are 5 years. This person must be actively involved in the promotion of travel and tourism in Henderson County, and must be nominated by the Henderson County Chamber of Commerce and appointed by the Board of Commissioners.

4. Historic Resources Commission – 1 vac.

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

5. Juvenile Crime Prevention Council – 8 vac.

Commissioner Messer nominated David Jacklin for position #17, Dennis Maxwell for position #13, and Beth Pearson for position #21. *Chairman Thompson made the motion to accept the appointments of David Jacklin to position #17, Dennis Maxwell to position #13, and Beth Pearson to position #21 by acclamation. All voted in favor and the motion carried.*

6. Mountain Area Workforce Development Board – 2 vac.

Commissioner Messer made the motion to appoint Richard Raube to position #5. *Chairman Thompson made the motion to accept the appointment of Richard Raube to position #5 by acclamation. All voted in favor and the motion carried.*

7. 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.

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

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

9. Senior Volunteer Services Advisory Council – 2 vac.

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

10. Smartstart – 1 vac.

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

TOURISM DEVELOPMENT AUTHORITY

Assistant County Manager David Whitson discussed proposed goals for negotiations with the new Authority, when formed, for immediate operations (effective September 1, 2012).

On July 18, 2012, the Henderson County Board of Commissioners adopted a resolution creating the Henderson County Tourism Development Authority (HCTDA) effective September 1, 2012. HCTDA pursuant to action by the North Carolina General Assembly was created in Session Law 2012-144 (formerly House Bill 1215). An Interlocal Agreement between the HCTDA and the County of Henderson will be negotiated and executed once the HCTDA becomes an Authority beginning September 1, 2012.

County staff and the Executive Director of the current Travel and Tourism have been working together to begin the framework of an Interlocal Agreement. Once the Authority’s Committee is in place, an Agreement can be negotiated and finalized for presentation to the Henderson County Commissioners. This report has outlined some elements, options and suggestions that will be considered in the HCTDA Agreement with the County. The bottom line is that the goal to hold harmless both the HCTDA and the County has been established when addressing budget and finance concerns.

Administrative Staff:

- There are currently five (5) full-time staff and three (3) part-time staff employees including the Executive Director at the current Travel and Tourism Department. It is the intention at this time that all HCTDA employees will continue to be county employees, and therefore shall be subject to all county personnel policies and guideline. This move will not negatively affect any employee's salary, retirement and or any medical benefits.
 - The HCTDA Executive Director shall observe and comply with Henderson County Personnel Policies and work with the Counties Human Resources office accordingly. All HTDA employees will be hired by and report to the Executive Director.
-

Budget/Finance:

- The Authority shall adopt an annual budget and funds shall only be expended for their allowable purposes in accordance with the provision of the Enabling Legislation.
 - The Authority's budget shall be submitted to the Henderson County Board of Commissioners by May 1 of each fiscal year.
 - The Authority shall make quarterly reports to the Board of Commissioners of Henderson County.
 - The Authority's financial books and record keeping shall remain with the county.
 - Direct cost for the operation of the Authority shall be paid from the Authority's budget, by the county's Finance Department. This would include budget line items such as but not limited to the following:
 - Salaries and related benefits
 - Custodian Services including cleaning and janitorial supplies
 - Publications
 - All utilities
 - Community Events
 - Departmental Supplies
 - Inventory for resale
 - Material for maintenance and repairs to building and equipment
 - Travel
 - Dues and membership
 - Rentals
 - Insurance for building and equipment
 - Capital Improvements to building
 - Indirect cost shall be charged to the HCTDA for applicable Central Service Department costs, i.e. County Administration, Legal, Human Resources, Budget and Finance, Central Services/Garage, Information Technology, etc. as calculated in the County's annual Indirect Cost Allocation Plan prepared by an outside consultant.
 - The HCTDA will be required to have its own annual financial audit conducted which will be done in conjunction with the County's annual financial audit. Future County Audit Contracts will be modified to include a separate financial audit for the HCTDA and the associated cost.
 - Revenue collections will remain the same as they are and remitted to the Henderson County Finance Department on behalf of the HCTDA on a monthly basis.
 - Cost recovered by the county to administer and collect the tax shall not exceed the allowable limits set forth by Session Law 2012-144, as determined by the finance officer, not to exceed three percent (3%) of the first \$500,000 of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
-

Building/Equipment/Vehicles:

- Title to the building, equipment and vehicles are currently in the county's name. It is suggested that this not change. Therefore, the county will continue to insure the building, equipment and vehicles under the county's umbrella insurance policy. However, the Authority will continue paying for the insurance.
-

Duration of the Initial Agreement:

- June 30, 2013

Finance Director Carey McLelland stated the financial condition of Travel and Tourism at this time is very sound. Through Fiscal year ending June 30, 2012, unaudited at this point, they ended up in the year in excess of \$300,000 in revenues over expenditures. Their total fund balance position was in excess of \$400,000 in cash reserves.

Attorney Russ Burrell noted that the Tourism Development Authority, under statute, is free standing as an authority, however Mr. McLelland as the County's finance manager, must stay as the Tourism Development Authority's finance manager. A contract must be in affect by September 1, 2012. The general idea is for the new Tourism Development Authority to meet on the morning of Saturday, September 1, 2012, in order to validate the contract, be sworn in, and hold their organizational meeting.

Commissioner Edney made the motion that the Board authorizes and empowers staff to negotiate and execute a contract with the Henderson Tourism Development Authority for its operations for a period not to exceed the balance of Fiscal Year 2013. The motion passed 4-1 with Commissioner O'Connor voting nay.

Commissioner Young made the motion that Chairman Thompson notify Mayor Staton of Flat Rock and Mayor Moore of Fletcher and emphasize the imperative nature of their appointments to the Tourism Development Authority. All voted in favor and the motion carried.

*Four Appointments to the Henderson Tourism Development Authority were made at this time. See nominations.

RESOLUTIONS FOR HENDERSON COUNTY'S 2011 CDBG SCATTERED SITE HOUSING GRANT

Planning Director Anthony Starr stated on February 6, 2012 the Board of Commissioners approved the Henderson County selection committee to rank and choose homeowners for assistance. Two resolutions, required for the County to begin the 2011 Scattered Site Housing Community Development Block Grant (\$400,000) were provided. The NC Department of Commerce Division of Community Investment and Assistance require that the Grant Agreement and Funding Approval must be signed and returned to the Community Investment Division by August 22, 2012. Specifically, they include:

- 1) A resolution accepting the 2011 Scattered Site Housing Community Development Block Grant Agreement and funding approval
- 2) A Resolution Authorizing the Planning Director to Sign Commerce Department Reports & Documents

Commissioner Messer made the motion that the Board approves and adopts the Resolution accepting the 2011 Scattered Site housing Grant Agreement and Funding Approval; AND that the Board approves and adopts the Resolution Authorizing the Planning Director to Sign NC Commerce Department Reports and Documents. The motion passed 4-1 with Commissioner O'Connor voting nay.

SERIES 2005A COPS REFINANCING

County Finance Director Carey McLelland stated staff recommends refinancing a portion of the County's Series 2005A Certificate of Participation (COPs) debt issue. The Series 2005A COPs funded the construction of the Human Services Building and renovations and new construction to the Dana Elementary School. The nominal rate of interest on the remaining certificates ranges from 4.375% to 5.25%, as shown on the "Bond Pricing" attachment to the agenda. The most current estimate that Staff has been provided of rates to refinance a portion of this outstanding debt is in the mid 2 percent range with an estimated total interest savings in excess of \$1 million over the remaining term. Six bid requests were placed to the banks that market in this type of refinancing. Bids from interested financial institutions came in today, August 6th at noon. The market is good for refinancing. The bids received are as follows:

▪ PNC (which took over RBC Bank)	2.37%
▪ Suntrust	2.36%
▪ TD Bank	1.98%

As a result of refinancing with TD Bank, a result of savings is seen in the amount of \$1.3 million over the remaining thirteen (13) year term. This is roughly \$115,000 to 120,000 per year in debt service over the remaining term.

A resolution was provided authorizing the refinancing drafted by bond counsel which:

- Includes the necessary findings for the undertaking and authorizes the modification of the installment purchase financing contract to refinance all or a portion of the certificates; and,
- Requires an aggregate “savings threshold” of at least three and one half percent (3.5%) of the principal amount refinanced (net).

The amount still owed on this indebtedness is \$18,590,000 as of June 30, 2012 of which \$14,300,000 is proposed to be refinanced.

Commissioner Messer made the motion that the Board adopts the re-financing resolution with the new rate of 1.98% by TD Bank. All voted in favor and the motion carried.

AUTHORIZE COUNTY MANAGER TO SIGN TRANSIT CONTRACT

Planning Director Anthony Starr stated the County has been requested to sign transit contract amendments to incorporate some technical changes required by the federal government to receive transit funds. These amendments are technical and not substantive in nature, cost the County no additional funds, and do not modify any of the remaining terms of the original agreements. The current requested amendments are modifications of the sub-recipient agreement and the service provider contract.

As the Board may recall, a significant portion of our funding for the transit system for which the Planning Department manages, known as Apple Country Transit, comes from the state and federal government as is typical for most transit systems. Each year as part of the process of applying for those funds, there is an annual review with the federal transit administration.

This year the Department of Labor, as in previous years, is allowed to comment on those applications. The Department of Labor has added a requirement that Henderson County amend its contract with the City of Asheville (the primary grant recipient) and with our service provider WCCA (Western Carolina Community Action) to include provisions that regarding the UPA (United Protective Arrangement) regarding employee benefits. The Planning Department, County Attorney, and Deputy County Attorney have made every effort to avoid these requirements, however, it looks as if it could have been included in previous grant cycle and was not. Looking at our current contracts and how they are arranged under federal rules, it appears that we would be subject to these rules even without these two amendments. Nevertheless, they are requiring us to amend these two agreements as a condition of receiving those funds.

The risk primarily deals with termination of employees without cause. If we terminate employees employed with the system without cause, they would be subject to severance pay; with cause, it would not be subject to severance pay.

If this occurred, the financial burden would be borne by WCCA with our current agreement even with the amendments. The current cycle is good for three (3) years.

County Manager Steve Wyatt is concerned with the amendments but feels the County is left with little choice. North Carolina is an at will employment state. There have been attempts over the last several years to

unionize and preempt our state law that prohibited collective bargaining with public employees. Looking at the states around the nation, the ones that are going broke or running huge deficits, they are generally unionized public employee states. Efforts have been made, supported by our local congressman, to preempt North Carolina law and make it federal law that all states must allow collective bargaining. This would mean that we would be dealing with unionized employees. This effort by congress has failed. Mr. Wyatt feels this is a backdoor way to get employee providing public service some type of job protections that unions typically enjoy. There are no rights or expectations of continued employee in North Carolina or collective bargaining at this time. There are labor laws in which we follow. We are dealing with grant funds, and what is basically being said is "If you want these grant funds, you are going to make the changes."

Anthony Starr provided the following information gathered by Planner Matt Cable.

Implications of NOT accepting Federal Funding for Transit

Generally, 1/3 (or more) of operating expenses and 80% or more of capital expenses are covered by Federal Transit Administration (FTA) 5307 grants. For capital purchases using FTA funds, an additional 10% of capital expenses may also be covered by NCDOT. State Maintenance Allocation Program (SMAP) funding, which is linked to FTA funding, covers 1/3 of operation expenses. Local match (provided by Henderson County and the City of Hendersonville) provides for the remaining 1/3 of operating expenses and 10-20% of capital expenses. Western Carolina Community Action (WCCA) is the contracted provided for transit services.

Fiscal Impacts YF 2012 and FY 2013

- \$154,663 = Additional FY 2012 operating expenditures to County (previously to be reimbursed by FTA)
- \$274,257 = Projected FY 2013 operating expenditures to County (previously to be reimbursed by FTA)
- \$155,674 = Project FY 2013 operating expenditures to County (previously to be reimbursed by SMAP)
- \$584,594 = Total FY 2012 and Projected FY 2013 operating expenditures to County (previously to be reimbursed by FTA and SMAP)
- \$422,000 = Anticipated FY 2013 FTA 5307 Grant Allocation for County (funding reverts to City of Asheville for its own expenditure)
- \$849,619 = Potential County liability for existing 5 buses on order through the City of Asheville (local match was \$65,808 using FTA and NCDOT funds)

Capital (Vehicle) Impacts

- 6 = Buses in Apple Country Transit fleet
- 2 = Number of buses in fleet possibly returned to City of Asheville as no longer leasable
- 4 = Number of buses owned by WCCA beyond useful life (mileage over 280,000)
- 388,315 = highest mileage on existing WCCA owned bus (as of 8/6/12)
- 5 = Number of buses on order through City of Asheville no longer useable by County (leased)

Service Statistics

- 94,046 = Number on unlinked passenger trips provided by transit in FY 2012
- 372 = Average number of unlinked passenger trips per operating day provided by transit in FY 2012

Staff asks that the County Manager be permitted to sign these contracts and future technical amendments on behalf of the County. Any substantive amendments, renewals, or new agreements would still come before this Board for approval.

Commissioner Messer made the motion that the Board authorizes the County Manager to sign all technical amendments to transit contracts. The motion passed 4-1 with Commissioner O'Connor voting nay.

NON-PROFIT PERFORMANCE AGREEMENTS

Research/Budget Analyst Amy Brantley stated subsequent to the approval of the FY2012-2013 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

1. Council on Aging	\$36,075
2. Hendersonville Symphony Orchestra	\$10,000
3. Mainstay	\$9,900
4. Partnership for Economic Development	\$249,750
5. The Free Clinics	\$21,645
6. The Free Clinics	\$5,550

Commissioner O'Connor made the motion that the Board authorizes the Chairman to execute the funding agreements as presented, and in doing so, authorize release of the first of the aforementioned agencies' quarterly allotments. All voted in favor and the motion carried. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

County Manager Steve Wyatt reminded the Board of the Special Called Meeting on Wednesday, August 8, 2012 for a forum on the 1% occupancy tax increase at 1:00 p.m. The Community Room will be available for overflow.

CANE CREEK WATER AND SEWER DISTRICT

Commissioner O'Connor made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Please see separate Cane Creek minutes for action.

Commissioner Messer made the motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reason(s):

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with an attorney employed or retained by the Board to preserve attorney-client privilege.

Chairman Thompson made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3). All voted in favor and the motion carried.

ADJOURN

Commissioner Young made the motion to go out of closed session and adjourn at 8:10 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808, Fax: 828-698-4443
TDD: 828-697-4580
www.hendersoncountync.org

TOMMY THOMPSON
Chairman
BILL O'CONNOR
Vice-Chairman

CHARLIE MESSER
MIKE EDNEY
LARRY YOUNG

**RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE
MANAGEMENT PLAN OF 2012 FOR HENDERSON COUNTY:**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristics of the local solid waste management system;

WHEREAS, it is a goal of this community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of Solid Waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Henderson County Engineering Department has undertaken and strategies completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED, by the Henderson Board of Commissioners:

The Henderson County's 2012 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with City to the Board.

THIS is the 6th day of August, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Thomas W. Thompson
Tommy Thompson, Chairman

Attest: Teresa L. Wilson

Teresa L. Wilson, Clerk to the Board

[Official Seal]

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

July 27, 2012

Henderson County Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Re: Tax Collector's Report to Commissioners – August 6, 2012 Meeting

Please find outlined below collections information through July 27th for the 2011 bills mailed out on 19 August 2011, 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: \$57,634,880.78
Payments & Releases: 56,460,556.46
Unpaid Taxes: 1,174,324.32
Percentage collected: 97.96%
(through 07/26/2012.)

*2010 Total Charge: \$57,542,997.75
Payments & Releases 56,056,994.80
Unpaid Taxes: 1,486,002.95
Percentage collected: 97.41%
(through 07/26/2011)*

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$4,179,837.42
Payments & Releases: 3,832,374.73
Unpaid Taxes: 347,462.69
Percentage collected: 91.47%
(through 07/26/2012)

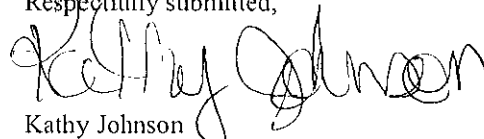
*2010 Total Charge: \$3,771,690.07
Payments & Releases: 3,449,951.40
Unpaid Taxes: 321,738.67
Percentage collected: 91.25%
(through 07/26/2011)*

Fire Districts All Bills

2011 Total Charge: \$6,854,166.26
Payments & Releases: 6,666,640.53
Unpaid Taxes: 187,525.73
Percentage Collected: 97.25%
(through 07/26/2012)

*2010 Total Charge: \$6,700,119.65
Payments & Releases: 6,489,406.77
Unpaid Taxes: 210,712.88
Percentage Collected: 96.84%
(through (07/26/2011)*

Respectfully submitted,



Kathy Johnson
Tax Collections Clerk

Stan C. Duncan
Tax Collector

**HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE**

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised March 13, 2002)

DEPARTMENT: Finance

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Bank statements, canceled checks, deposit slips and reconciliations - FY07/08	✓			
Cash receipts records - FY07/08	✓			
Paid invoice files - FY07, FY08	✓			
BSS 1571 Reports - FY07, FY08	✓			
BSS Jobs mileage - FY07, FY08	✓			
A/R billing files - FY07, FY08	✓			
Landfill billing - FY07, FY08	✓			
Vehicle maint. tickets - FY07, FY08	✓			
Occupancy tax reports - FY07, FY08	✓			
Employee timesheets & deduction registers - FY04	✓			
Employee earnings and accrual records - Acc - FY04	✓			

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

James C. McLeod
Department Head

8/6/12
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 6th day of August, 2012.

Leresa L. Wilson
Clerk to the Board

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Emergency Management

Please make the following line-item transfers:

What expense line-item is to be increased?

Account		Amount
<u>115433-551000</u>	<u>CONTRACTED SERVICES</u>	<u>61,000.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114433-454010</u>	<u>Homeland Security Grant</u>	<u>\$61,000.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
 State Homeland Security Regional Grant to procure 4 generator / light towers for Henderson, Buncombe, Polk and Transylvania Counties.

Rocky D. Hyder
 Authorized by Department Head

7/19/2012
 Date

 Authorized by Budget Office

 Date

 Authorized by County Manager

 Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION
Form GHSP-02-A

(To be completed, attached to and become part of Form GHSP-02, Traffic Safety Project Contract.)

WHEREAS, the Henderson County Sheriff's Office (herein called the "Agency")
(The Applicant Agency)
 has completed an application contract for traffic safety funding; and that the Henderson County
(The Governing Body of the Agency)
Board of Commissioners (herein called the "Governing Body") has thoroughly considered the problem
 identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Henderson County Board of Commissioners IN OPEN
(Governing Body)
 MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA,
 THIS 6th DAY OF August, 2012, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Sheriff Charles S. McDonald is authorized to file, on behalf of the Governing
(Name and Title of Representative)
 Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
 funding in the amount of \$ 128,282.00 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
 the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 65,041.00 as
(Local Cash Appropriation)
 required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
 appropriate persons to furnish such information, data, documents and reports as required by the contract, if
 approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by

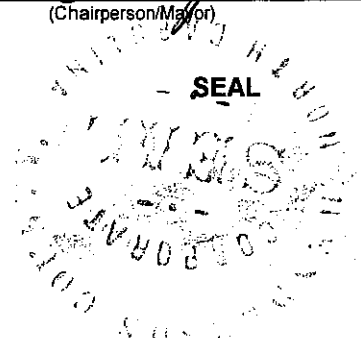
Thomas W. Thompson
(Chairperson/Mayor)

ATTESTED BY

Ceresa L. Wilson
(Clerk)

DATE

8/7/2012



**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY
BY ELECTRONIC PUBLIC AUCTION**

WHEREAS, Henderson County owns technology equipment and furniture itemized on the attached lists, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the equipment and furniture as surplus property and selling at a public auction as authorized by NCGS 160A-270; and

WHEREAS, it is the intent of the County to sell said surplus property by electronic public auction at www.govdeals.com.

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

1. The technology equipment and furniture itemized on the attached lists is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at www.govdeals.com the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

THIS the 6th day of August, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Thomas H. Thompson, Chairman

ATTEST:



Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]





zzz_JTR_AuctionList

Monday, July 09, 2012

2:08:36 PM

FA#	SerialNumber	Purchased	ID#	Type	Disposal Date	Disposition
10126	US018416HH		2030	Printer	7/2/2012	Auction
10904	GTBC831	8/14/2003	729	Laptop	7/5/2012	Auction
10961	4140M31	10/5/2003	916	Laptop	7/5/2012	Auction
11035	369PW31	12/5/2003	764	Workstation	7/9/2012	Auction
11037	F89PW31	12/5/2003	766	Workstation	7/9/2012	Auction
11039	299PW31	12/5/2003	765	Workstation	7/9/2012	Auction
11040	999PW31	12/5/2003	768	Workstation	7/9/2012	Auction
11123	1RC4P41	4/10/2004	858	Laptop	7/5/2012	Auction
11357	7WJ1L51	8/25/2004	924	Workstation	7/5/2012	Auction
11407	102K661	11/29/2004	959	Laptop	7/5/2012	Auction
11434	4BMRF61	12/30/2004	972	Laptop	7/5/2012	Auction
11618	HNN9B81	8/29/2005	1164	Laptop	7/5/2012	Auction
11660	D6ZX391	1/3/2006	1225	Laptop	7/3/2012	Auction
11661	H6ZX391	1/3/2006	1222	Laptop	7/5/2012	Auction
11902	FH87M91	3/11/2006	1268	Laptop	7/3/2012	Auction

The following items are NOT in the "IT Database"

11245	40WP451	7/1/2004	from DSS	Laptop	7/1/2012	Auction
11247	HZWP451	7/1/2004	from DSS	Laptop	7/1/2012	Auction
11248	73WP451	7/1/2004	from DSS	Laptop	7/1/2012	Auction
11249	55WP451	7/1/2004	from DSS	Laptop	7/1/2012	Auction
JVC SR_MV45	063C0620	Unknown	n/a	VHS/DVD Recorder	7/1/2012	Auction
Coby 10.2" TV	Various (8 Total)	Unknown	n/a	TV / Monitor	7/1/2012	Auction

List of Surplus Library Furniture

9 upholstered chairs

3 round tables

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 August 6, 2012 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Tommy Thompson presiding.

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

The following members were absent: None.

* * * * *

Commissioner Messer moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE REFINANCING OF EXISTING COUNTY OBLIGATIONS

WHEREAS, the County of Henderson, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State (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 to finance the purchase or improvement 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 or improved to secure repayment of the purchase price;

WHEREAS, the County has previously entered into an Installment Financing Contract dated as of May 1, 2005 (the "*2005 Contract*") with the Henderson County Governmental Financing Corporation (the "*Corporation*") in order to pay the capital costs to (a) design, acquire, construct, renovate and equip Dana Elementary School and (2) design, acquire, construct, renovate and equip the County's Human Services Facility (collectively, the "*2005 Projects*") and provided a security interest in each of the 2005 Projects and the sites on which they are located through a Deed of Trust and Security Agreement dated as of May 1, 2005 (the "*2005 Deed of Trust*"), from the County to the deed of trust trustee named therein; and

WHEREAS, the Board of Commissioners of the County of Henderson, North Carolina (the "Board of Commissioners"), determines that it is in the best interest of the County to enter into an amendment to the 2005 Contract (the "First Amendment") with the Corporation to refinance a portion of its installment payment obligations under the 2005 Contract;

WHEREAS, the Board hereby reaffirms each of the findings it made with respect to the 2005 Contract in the resolution adopted by the Board on April 4, 2005;

WHEREAS, the Corporation will execute and deliver a Refunding Limited Obligation Bond, Series 2012, Evidencing Proportionate Undivided Interests in Rights to Receive Revenues Pursuant to the 2005 Contract (the "2012 Bond") to a financial institution to be determined by the Finance Director to provide the funds to refinance a portion of the County's installment payment obligations under the 2005 Contract;

WHEREAS, there have been described to the Board of Commissioners forms of the First Amendment and an Escrow Agreement to be dated as of September 1, 2012 (the "Escrow Agreement," and together with the First Amendment, the "Instruments") between the County and U.S. Bank National Association, as escrow agent, copies of which have been made available to the Board of Commissioners, which the Board of Commissioners proposes to approve, enter into and deliver to effectuate the proposed refinancing;

WHEREAS, it appears that the Instruments are in appropriate form and are appropriate instruments for the purposes intended;

WHEREAS, the County has filed an application to the LGC for approval of the First Amendment; and

WHEREAS, Parker Poe Adams & Bernstein LLP will serve as bond counsel and Stephens Inc. will serve as placement agent (collectively, the "Financing Team") to the County;

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

Section 1. Ratification of First Amendment. That all actions of the County, the Chairman of the Board of Commissioners (the "Chairman"), the Clerk to the Board of Commissioners (the "Clerk"), the County Manager, the County Finance Director, the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the First Amendment.

Section 2. Authorization to Execute the First Amendment. That the County approves the refinancing of a portion of its installment payment obligations under the 2005 Contract in accordance with the terms of the First Amendment, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the First Amendment shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the First Amendment, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as to them seems necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Amendment presented to the Board of

Commissioners, and that from and after the execution and delivery of the First Amendment, the Chairman, the Clerk, the County Manager and the County Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the First Amendment as executed.

Section 3. Authorization to Execute the Escrow Agreement. That the form and content of the Escrow Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Escrow Agreement, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as to them seems necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Escrow Agreement presented to the Board of Commissioners, and that from and after the execution and delivery of the Escrow Agreement, the Chairman, the Clerk, the County Manager and the County Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Escrow Agreement as executed.

Section 4. County Representative. That the Chairman, the County Manager and Finance Director are hereby designated as the County's Representative to act on behalf of the County in connection with the transaction contemplated by the First Amendment, and the Chairman, the County Manager and Finance Director are authorized to proceed with the refunding in accordance with the First Amendment and to seek opinions as a matter of law from the County Attorney, which County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Chairman, the Clerk, the County Manager and the Finance Director of the County or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the First Amendment or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. Savings Threshold. That the Chairman, the County Manager and the Finance Director are hereby authorized to do any and all other things necessary to complete the steps necessary for the execution and delivery of the First Amendment, but the County will not execute and deliver the First Amendment unless the refinancings resulting therefrom results in an aggregate net present value savings to the County of at least 3.5% of the principal amount refinanced and a net present value savings to the County of at least 2% of the principal amount refinanced, all as shown in the financing statistics produced by the placement agent.

Section 6. Financing Team. The Financing Team is hereby approved.

Section 7. Severability. That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration does not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

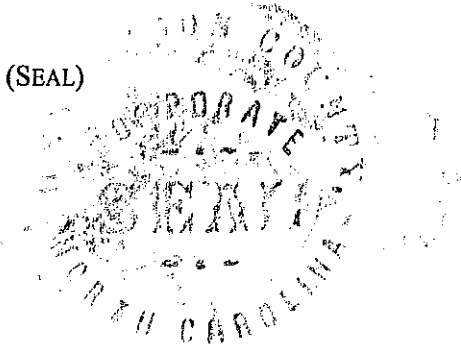
Section 8. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. Effective Date. That this Resolution is effective on the date of its adoption.

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

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 APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE REFINANCING OF EXISTING COUNTY OBLIGATIONS”** adopted by the Board of Commissioners of the County of Henderson, North Carolina in regular session convened on the 6th day of August, 2012, as recorded in the minutes of the Board of Commissioners of the County of Henderson, North Carolina.

WITNESS, my hand and the seal of the County of Henderson, North Carolina, this the 7th day of August, 2012.



Teresa L. Wilson

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

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**AMENDMENT TO
SUB-RECIPIENT AGREEMENT FOR FEDERAL TRANSIT FUNDS**

This Amendment to the July 1, 2006 Sub-Recipient Agreement for Federal Transit Funds, made and entered this the 6th of August, 2012, by and between **Henderson County**, a body politic and corporate under the laws of the State of North Carolina (hereinafter the "COUNTY") and **City of Asheville** (hereinafter the "CITY"), a municipal corporation, organized and existing under the laws of the State of North Carolina.

WITNESSETH:

WHEREAS, the Parties hereto entered into a Sub-recipient Agreement on July 1, 2006, outlining the conditions for receipt of federal transit funds; and

WHEREAS, pursuant to a request from the Regional Administrator from Region IV, the U.S. Department of Labor (DOL), reviewed the City/County's 2012 grant application for federal transit funding; and

WHEREAS, DOL require that recipient of federal transit funds provide to transportation related employees in the service area of the project, protections satisfying the requirements of 49 U.S.C., Section 5333(b);

WHEREAS, DOL deemed the portion of the 2012 grant application applicable to the City as being in compliance with 49U.S.C. Section 5333(b) but, as to the County, DOL required the City as a precondition to the release of federal funds to the County that the County agree to the terms of the May 30, 2012 letter by incorporating said letter along with the terms and conditions of the Unified Protective Arrangement (UPA) into the contract of assistance between the City and County; and

WHEREAS, the County agrees to be bound by the May 30, 2012 letter along with the terms and conditions of the January 3, 2011 Unified Protective Arrangement as referenced in said letter.

NOW THEREFORE, for valuable consideration and mutual promises, the adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

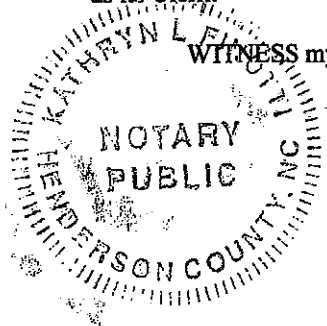
1. The County hereby agrees to be bound by the May 30, 2012, letter along with the terms and conditions of the respective protective arrangements reference in said letter, said letter being attached hereto as Exhibit A and incorporated herein by reference and agrees to future related agreements.
2. The County further agrees, as a precondition to the release of federal transit funds to any service provider to require that such service provider agree to the respective terms and conditions as referenced n the May 30, 2012 letter, by incorporating the May 30, 2012 letter along with the terms and conditions of the Unified Protective Arrangement (UPA) and future related agreements into the contract of assistance between the County and the Service Provider.
3. Except as herein amended, the remaining provisions of the July 1, 2006 Agreement between the parties hereto, remains in full force and effect.

IN WITNESS WHEREOF, each party has caused this Amendment to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that Teresa L. Wilson, personally came before me this day and acknowledged that she is the Clerk to the Henderson County Board of Commissioners, a corporation and body politic, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by the County Manager and attested by herself as its Clerk.

WITNESS my hand and notarial seal this 14th day of August, 20012



Notary Public: Kathryn L. Finotti
Print or type name: Kathryn L. Finotti
My Commission Expires: 3-23-13

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that David White, personally came before me this day and acknowledged that he is the Executive Director of Western Carolina Community Action (WCCA), a lawful corporation under the regulations of North Carolina, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by himself as its Executive Director.

WITNESS my hand and notarial seal this _____ day of _____, 200__.

Notary Public: _____
Print or type name: _____
My Commission Expires: _____

PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act N.C.G.S. 159-28(a)

By: J. Carey McLelland
J. Carey McLelland
Henderson County Finance Director

Date: 8/7/12

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

HENDERSON COUNTY TRANSIT PROVIDER
AMENDMENT

This Agreement made and entered this the 6th of August, 2012, by and between **Henderson County**, a body politic and corporate under the laws of the State of North Carolina (hereinafter the "COUNTY") and **Western Carolina Community Action** (hereinafter the "SERVICE PROVIDER"), a nonprofit organization is a renewal of the original agreement signed on July 1, 2006 by the parties.

Witnesseth

WHEREAS the County and the Service Provider have had an agreement for transit services since July 1, 2006;

WHEREAS the County is desirous to contract with the Service Provider for the continuance of these services; and

WHEREAS the previous agreement allows the County and the Service Provider to renew the Agreement;

NOW THEREFORE, for valuable consideration and mutual promises, the adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

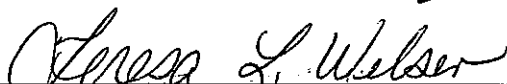
1. The Service Provider hereby agrees to comply with the terms of the May 30, 2012 Department of Labor letter and the terms and conditions of the Unified Protective Arrangement which are hereby incorporated by reference and future related agreements.
2. ORIGINAL TERMS: All terms established in the Original Agreement except as modified above, shall remain in effect for the duration of this Agreement.

IN WITNESS WHEREOF, each party has caused this Amendment to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

On this the 6th day of August, 2012.

Attest:

HENDERSON COUNTY


Teresa L. Wilson, Clerk to the Board
(official seal)

By: 
Steve Wyatt, County Manager

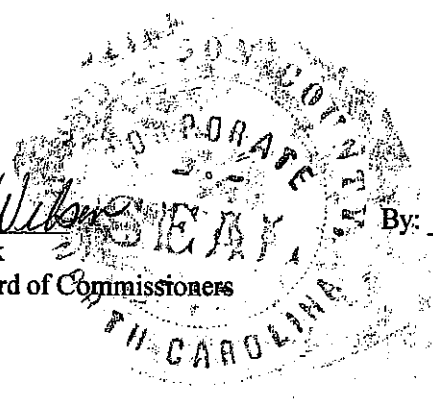
SERVICE PROVIDER

By: _____
David White, Executive Director, WCCA



Attest:

Teresa L. Wilson
Teresa L. Wilson, Clerk
Henderson County Board of Commissioners



HENDERSON COUNTY

By: Steve Wyatt
Steve Wyatt, County Manager

CITY OF ASHEVILLE

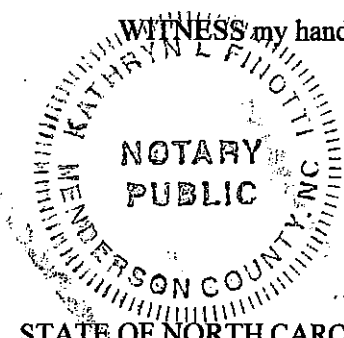
Maggie Burleson, City Clerk

By: Gary W. Jackson, City Manager

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that Teresa L. Wilson, Clerk to the Henderson County Board of Commissioners, personally came before me this day and acknowledged that she is the Clerk for the Henderson County Board of Commissioners, a corporation and body politic, and that by authority duly given and as the act of the County, the foregoing instrument was signed by its County Manager.

WITNESS my hand and notarial seal this 7th day of August, 2012.



Notary Public: Kathryn L. Finotti
Print or type name: Kathryn L. Finotti
My Commission Expires: 3-23-13

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Notary Public of the County and State aforesaid certify that Maggie Burleson, City Clerk, personally came before me this day and acknowledged that she is the City Clerk for the City of Asheville, a municipal corporation and that by authority duly given and as the act of the municipality, the foregoing instrument was signed by its City Manager.

WITNESS my hand and notarial seal this _____ day of _____, 2012.

Notary Public _____
Print or type name: _____
My Commission Expires: _____

**A RESOLUTION ACCEPTING THE SCATTERED SITE HOUSING COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) GRANT AGREEMENT AND
FUNDING APPROVAL AND SPECIAL CONDITIONS -- NO-11-C-2316**

WHEREAS, Henderson County is participating in a Community Development Block Grant Program under the Housing Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, Henderson County has been allocated a CDBG Scattered Site Housing Grant in the amount of \$400,000 for housing improvements in Henderson County; and

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

Section 1. The Chairman is hereby authorized to execute the Funding Approval and Grant Agreement on behalf of the County.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and Approved this the 6th day of August, 2012.



A handwritten signature in cursive script that reads "Thomas H. Thompson".

Thomas H. Thompson, Chairman
Henderson County Board of Commissioners

A handwritten signature in cursive script that reads "Teresa L. Wilson".

Teresa L. Wilson
Clerk to the Board

**HENDERSON COUNTY
RESOLUTION AUTHORIZING THE PLANNING DIRECTOR TO SIGN
REQUIRED NC DEPARTMENT OF COMMERCE
REPORTS AND DOCUMENTS**

WHEREAS, the County of Henderson has received Grant funds from the North Carolina Department of Commerce; and


WHEREAS, the County of Henderson must sign various reports and documents, which need to be periodically sent to the North Carolina Department of Commerce OR the Division of Community Investment and Assistance during the administration of grant programs ; and

BE IT RESOLVED, that Anthony Starr, the Planning Director, is designated to sign these correspondence, reports, administrative documents, and CDBG recipient loan agreements, as well as documents related to purchasing and modification of pricing or purchasing on behalf of Henderson County's Board of Commissioners and that Carey McLelland, the Finance Director, is designated as an alternate should Anthony Starr not be available. All documents will be approved in accordance with the Henderson County Purchasing Policy.

BE IT FURTHER RESOLVED, the authorization is to be effective on August 6th, 2012.

Adopted and Approved this the 6th day of August, 2012.


Thomas H. Thompson, Chairman
Henderson County Board of Commissioners


Teresa L. Wilson, Clerk to Board

