

DRAFT

9/21/2012

MINUTES

CC: Bob
Steve
David
Russ
Christy

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, SEPTEMBER 19, 2012

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 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, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Fire Marshal Rocky Hyder, Planner Matt Champion, Assessor/Tax Collector Stan Duncan, Senior Planner Autumn Radcliff, Delinquent Tax Collector Lee King, Associate County Attorney Sarah Zambon, HR Director Jan Prichard, and Director of Communications Lisha Corn.

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 Edney.

PUBLIC HEARINGS

ANNUAL PUBLIC HEARING ON NCDOT SECONDARY ROADS PROGRAM

Joel Setzer, PE, Division Maintenance Engineer stated the purpose of the meeting is to share with the Board the proposed secondary road program for the next three (3) fiscal years and address questions by the Board. A hand-out was provided which included improvements to secondary roads. The Board will be asked to approve a resolution and program of total needs for Secondary Roads in Henderson County for Fiscal Year 2013. This is an opportunity to discuss Henderson County's share of the secondary construction.

Mr. Setzer introduced the NCDOT representatives who were present:

- Mark Gibbs, PE, Division Maintenance Engineer
- Steve Cannon, District Engineer
- Erin Powell, Contract Administrator

Steve Cannon stated the proposed plan is based upon the amount of NCDOT cash availability for each year. Mr. Cannon covered the details of the projects planned for FY2013, 2014, and 2015.

Balance of Prior Year Allocations (unallocated + Unexpended) =				\$ 327,391.33
Prior Fiscal Year Programmed Projects:				
Project	Project Limits	Length	Scope	Estimated cost to Complete
14C.045008	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Trust	\$ 130,005.00
14C.045069	Countywide	N/A	Spot Stab., Safety Impr., Road Add, Highway	\$ 106,004.00
14C.045068	Countywide	N/A	Countywide Surveys	\$ 86,500.00
14C.045134	Countywide	N/A	Safety Signage	\$ 28,121.00
SR 1793, Tracy Grove Rd	SR1006 to SR1525		Utility relocations	\$ 2,785.00
SR 1452, Mergans Lane	US 64W to DE	0.3	Grade, Drain, Base, and Pave Unpaved Road	\$ 4,514.00
SR 1114C, Pinnacle Mtn. Rd.	SR1109 3.0 mi +-	3.00	Grade, Drain, Base, and Pave Unpaved Road	\$ 12,208.00
14C.045147 Little Willow Circle	SR1191 to SR1191	0.32	Grade, Drain, Base, and Pave Unpaved Road	\$ 36,000.00

APPROVED: _____

14C.045143 Kingdom Place	NC 225 to DE	0.63	Grade, Drain, Base, and Pave Unpaved Road	\$ 337,675.00
14C.045145 Bronco Plass	SR1809 to SR1913	0.07	Grade, Drain, Base, and Pave Unpaved Road	\$ 56,894.00
14C.045148 Road Oil	Countywide		AST strengthening – Triple Seal	\$ 500.00
Mills River VFRD	Fanning Fields Rd	N/A	Pave Driveway from Truck Bays	\$ 25,000.00
County Landfill Access	Approx. 600' from SR1381/1383 Intersection	800'	Construct Access Road to Landfill	\$ 75,126.00
Total Remaining Cost for Prior Programmed Projects =				\$ 901,332.00
Balance Carried Forward				\$ (573,940.67)
Fiscal Year 2013 Allocations =				\$ 1,296,089.00
Available to Program Fiscal Year 2013 =				\$ 722,148.33

Fiscal Year 2013 Program:

Project	Project Limits	Length	Scope	Estimated cost to Complete
14C.045008	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Trust	\$ 40,000.00
14C.045069	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Highway	\$ 40,000.00
14C.045068	Countywide	N/A	Countywide Surveys	\$ 12,000.00
14C.045134	Countywide	N/A	Safety Signage Improvements	\$ -
14C.045146 Foster Creek	SR1345 to EOS	1.01	Grade, Drain, Base, and Pave Unpaved Road	\$ 450,000.00
SR1580 Lanning Road	SR1574 to SR1582	0.25	Grade, Drain, Base, and Pave Unpaved Road	\$ 100,000.00
SR1124 Lake Falls Road	SR1123 to End of Pavement	0.20	AST Strengthening – Mat & Triple Seal	\$ 8,000.00
SR1137 Middleton Road	SR1123 to End of Pavement	0.3	AST Strengthening – Split Seal	\$ 10,000.00
SR1219 H.S. Dalton Road	SR1191 to End of System	0.3	AST Strengthening – Split Seal	\$ 10,000.00
SR1250 Brentwood Drive	SR1185 to SR1185	0.24	AST Strengthening – Split Seal	\$ 8,000.00
SR1271 Maplewood Drive	SR1205 to Dead End	.018	AST Strengthening – Split Seal	\$ 6,000.00
SR1831 Green River Drive	SR1891 to Dead End	0.28	AST Strengthening – Mat & Triple Seal	\$ 11,500.00
SR1848 Pacolet Street	Greenville St. to Dead End	0.3	AST Strengthening –Triple Seal	\$ 6,000.00
SR1876 Feagon Street	SR1525 to Dead End	0.13	AST Strengthening – Split Seal	\$ 4,500.00
SR1880 Barnette Street	SR1807 to Dead End	0.14	AST Strengthening – Split Seal	\$ 5,000.00
SSR2163 Larry McDonald Memorial Blvd.	SR1191 to SR2164	0.06	AST Strengthening – Split Seal	\$ 2,000.00
SR2164 Larry McDonald Memorial Blvd.	Dead End to Dead End	0.28	AST Strengthening – Split Seal	\$ 9,000.00
Total Programmed with 2013 and Prior Year Funds =				\$ 722,000.00
Balance Forward to Fiscal Year 2014 =				\$ 148.33
Anticipated Fiscal Year 2014 Allocations =				\$ 746,100.00
Available to Program Fiscal Year 2014 =				\$ 746,248.33

Fiscal Year 2014 Program:

Project	Project Limits	Length	Scope	Estimated Cost to Complete
14C.045008	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Trust	\$ 40,000.00
14C.045069	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Highway	\$ 40,000.00
14C.045068	Countywide	N/A	Countywide Surveys	\$ 25,000.00
14C.045134	Countywide	N/A	Safety Signage Improvements	\$ -
SR1758 Glover Road	US176 to entrance of Jackson Park	0.62	Curb and Gutter, Drain, and Pave (phase 1)	\$ 345,000.00
AST Strengthening	Countywide	N/A	AST strengthening to secondary road system	\$ 296,000.00
Total Programmed with 2014 and Prior Year Funds =				\$ 746,000.00
Balance Forward to Fiscal Year 2015 =				\$ 248.33
Anticipated Fiscal Year 2015 Allocations =				\$ 746,100.00
Available to Program Fiscal Year 2015 =				\$ 746,348.33

Fiscal Year 2014 Program:

Project	Project Limits	Length	Scope	Estimated Cost to Complete
14C.045008	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Trust	\$ 175,000.00
14C.045069	Countywide	N/A	Spot Stab., Safety Impr., Road Add., Highway	\$ 175,000.00
14C.045068	Countywide	N/A	Countywide Surveys	\$ 20,000.00
14C.045134	Countywide	N/A	Safety Signage Improvements	\$ -
AST Strengthening	Countywide	N/A	AST strengthening to secondary road system	\$ 376,000.00
Total Programmed with 2015 and Prior Year Funds =				\$ 746,000.00
Balance Forward to Fiscal Year 2016 =				\$ 348.33

Public Input

There was none.

Commissioner Messer made the motion that the Board approves the resolution and program of total needs for Secondary Roads in Henderson County for Fiscal Year 2013. All voted in favor and the motion carried.

PUBLIC HEARING REGARDING LAND DEVELOPMENT CODE TEXT AMENDMENTS (TX-2012-02)

Planning Director Anthony Starr stated with the adoption of the Land Development Code (LDC) on September 19, 2007, the Board of Commissioners directed staff to prepare annual updates to the LDC to prevent it from becoming outdated. This annual review is intended to prevent the need for a large overhaul of the entire code in the future. Trends and new issues are regularly emerging that require periodic updates to LDC text.

Based on input from staff, the Planning Board and the public, the Planning Department prepared several text amendments for consideration. All of the changes associated with these amendments reduce regulation while protecting the public interest and safety. The proposed changes will lower development costs, provide greater flexibility with the design of projects, and lower the impact of development on the environment.

The proposed changes are intended to be non-controversial. The text amendments reduce regulations by:

- Simplifying the process for amending the County Comprehensive Plan
- Reducing the minimum parking requirements for multifamily and industrial development
- Reducing the property line setbacks for accessory structures
- Making a technical correction regarding the appeal hearing for soil erosion regulations
- Streamlining the legal notice requirements for quasi-judicial hearings
- Eliminating the Soil Erosion Permit (Soil Erosion Plans still required for larger projects)
- Reducing the turn radii standards for private subdivision roads

2012 LDC Text Amendments

- LDC originally adopted September 19, 2007
- The Board of Commissioners directed staff and the Planning Board to propose updates, at least annually, to prevent the LDC from becoming outdated
- Each year, the Planning Staff and Planning Board work together to create possible text amendments
- Based on feedback from the development community, the Planning Board and the public, staff created this initial list of potential text amendments
- The BOC also directed staff to identify possible options to reduce regulation and enhance the County's business friendly climate

Amendment A: CCP Amendments

- LDC requires public hearing for substantive changes
- State law does not require a public hearing
- Propose to eliminate public hearing requirement & newspaper advert; instead post on County website
- Would reduce advertising costs
- Board of Commissioner (BOC) approval still required
- Public input at every Planning Board/BOC meeting
- Provides greater flexibility to promote development where a CCP change is needed
- Legal advertisements rarely read by the public
- Recommend elimination of public hearing/legal advert

Henderson County Planning Department

Department websites and channel 11 will be used to notify the public.

B: Multi-Family Minimum Parking

- County currently requires 2 parking spaces for each dwelling unit (single-family or multi-family)
- Propose to reduce multi-family (MF) requirement to 1.5 spaces per dwelling unit (25% decrease)
- This reflects modern parking needs as not all MF households need 2 spaces
- This standard is used by other jurisdictions
- For a 100 unit townhouse project, this would reduce the minimum parking spaces from 200 to 150
- No change for single-family homes
- Recommend reduction of the parking standard

Henderson County Planning Department

Decreasing the number of parking spaces required would improve stormwater runoff.

C: Industrial Minimum Parking

- County currently requires 1 parking space for each 500 square feet of gross floor area of industrial facilities
- Warehouses must provide 1 space for each 4,000 square feet (sqft) of gross floor area
- Propose to change the industrial minimum to 1 space per 4,000 sqft
- Proposed standard reflects changes in employment trends where productivity is higher thereby using fewer employees per sqft
- For a 100,000 sqft industrial building, this would reduce the minimum # of parking spaces from 200 to 25
- Recommend reduction of the parking standard

Henderson County Planning Department

D: Accessory Structure Setbacks

- County currently requires 10 foot setback from property lines in all districts
- Propose to reduce accessory structure setback to 5 feet for all districts (residential and non-residential)
- Common standard for many jurisdictions
- Provides better use of property
- Buffers and screening requirements still apply and may require greater setback
- Subdivision covenants unaffected by this change and may still require greater setbacks
- Recommend reduction in accessory structure setbacks

Henderson County Planning Department

E: Dumpsters

- Dumpster requirements explicitly allowed for certain land uses
- Current LDC text could be interpreted to not allow dumpsters for a variety of land uses
- This amendment specifically allows dumpsters and uses screening requirements that are already in place where dumpsters are currently listed
- This provision allows for temporary dumpsters (up to 18 months) where **there is no text that allows them currently**
- Screening requirements would not apply to temporary dumpsters

Henderson County Planning Department

F: Corrections to Decision Making Section

- This amendment does not increase regulation
- This amendment corrects several errors in the current LDC text
- It clarifies that Special Fill Permits are reviewed using a quasi-judicial public hearing since the Board of Adjustment acts as the Flood Damage Prevention Board (which approves the Special Fill Permits)
- Recommend changes for this section

Henderson County Planning Department

G: Soil Erosion Appeals

- This amendment does not increase regulation
- The current LDC text requires the hearing for an appeal filed to occur within 30 days
- It is not always possible to hold the appeal hearing and meet the required public notice provisions within 30 days since the ZBA meets monthly
- The proposed change would require the appeal hearing to be held within 60 days instead of 30 days
- Recommend change for soil erosion appeals

Henderson County Planning Department

H: Quasi-judicial hearings

- LDC currently requires a newspaper advertisement for quasi-judicial hearings
- State law does not require a newspaper advertisement
- Propose to eliminate newspaper advertisement requirement and instead post signs at the site
- Would reduce advertising costs
- Quasi-judicial hearing still held and mailed notice given
- Newspaper legal adverts rarely read by the public
- Newspaper advertisements still required for text amendments & zoning map amendments (rezonings)
- Recommend change for QJ hearings

Henderson County Planning Department

I: Eliminate Soil Erosion Permit/Sketch Plan

- County currently requires a permit & sketch plan of areas when disturbing more than 100 square feet of soil
- A formal erosion control plan isn't required unless disturbance exceeds 1 acre; or ½ acre on slopes >15%; or ¼ acre if on slopes >25%
- No permit fees are collected with sketch plan/permits
- Originally implemented with local soil erosion standards/program in 2007 & not required by the State
- We average 25-40 permits per month
- Recommend elimination of the soil erosion permit
- Erosion control also required even without permits

Henderson County Planning Department

J: Reduce Curve Radii for Roads

- LDC currently requires 90-110 foot curve radius for new subdivision roads
- Provision is aimed at maintaining a minimum radius for safe vehicle operation
- Current standard better suited for flat land areas
- Propose to reduce the centerline curve radii in exchange for widening road travel lanes in curves
- New provision provides adequate access for the largest emergency vehicles
- Could significantly reduce development costs
- Could reduce amount of land disturbed for new projects

Henderson County Planning Department

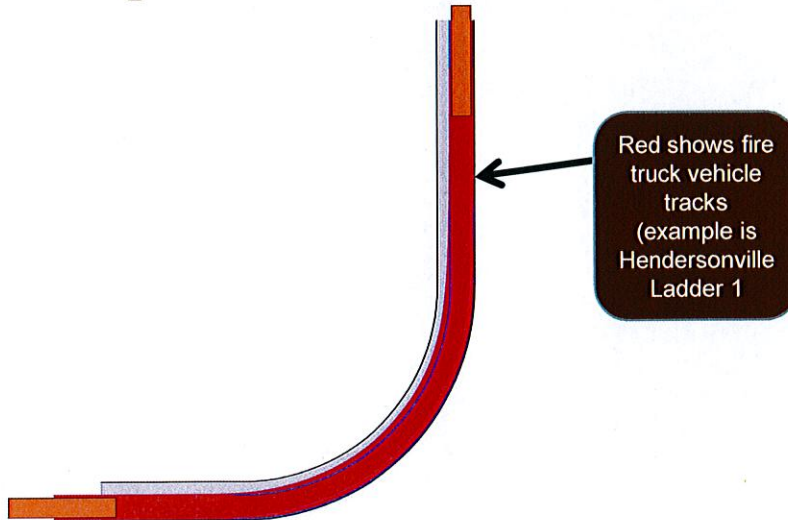
Reduce Curve Radii for Roads

- This idea first suggested by Planning Board member and a local engineer
- Planning Staff has been coordinating with Emergency Services Department on this idea
- Here is how it works for a 16 foot wide (local) road:

Normal Road Width (feet)	Centerline Curve Radius (feet)	Increase in Road Width	New Road Width in Curve (feet)
16	90+	0	16
16	70-90	25%	20
16	60-70	35%	21.6
16	50-60	45%	23.2
16	40-50	50%	24

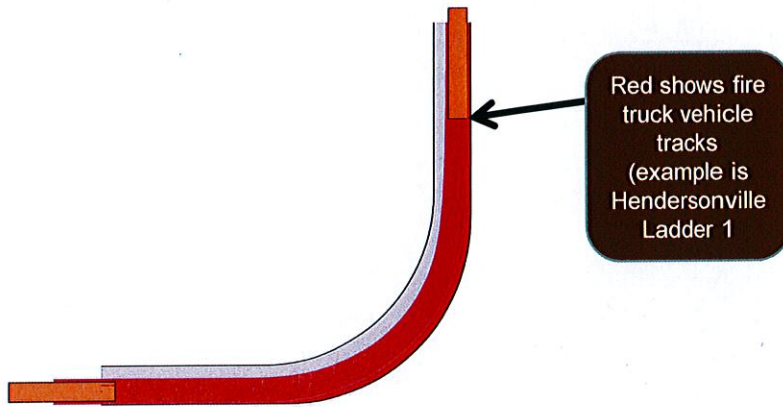
Henderson County Planning Department

Example: Curve Radius 90 feet



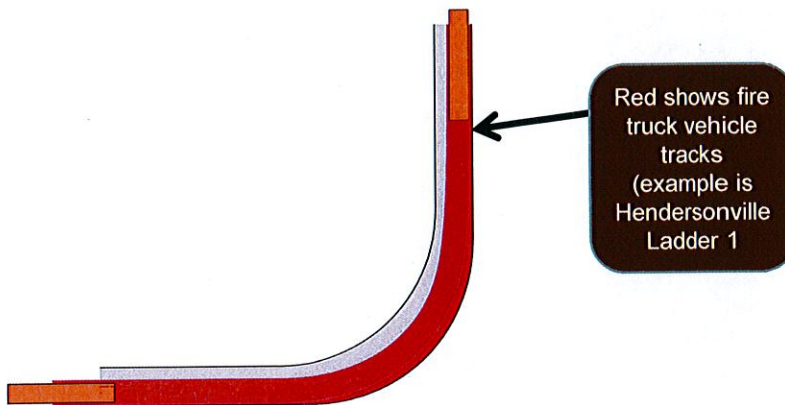
Henderson County Planning Department

Example: Curve Radius 70 feet



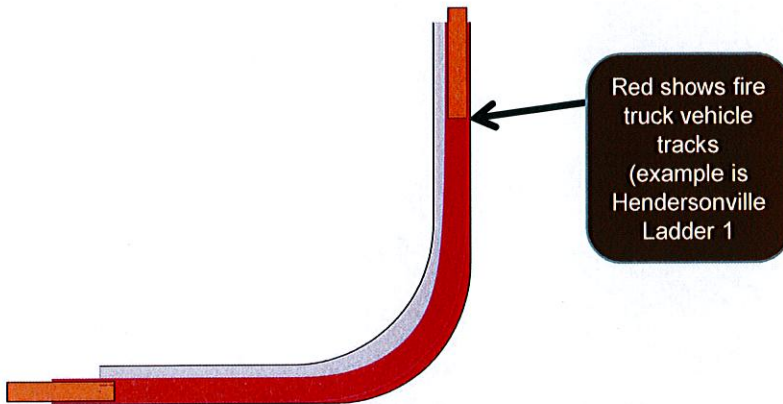
Henderson County Planning Department

Example: Curve Radius 60 feet



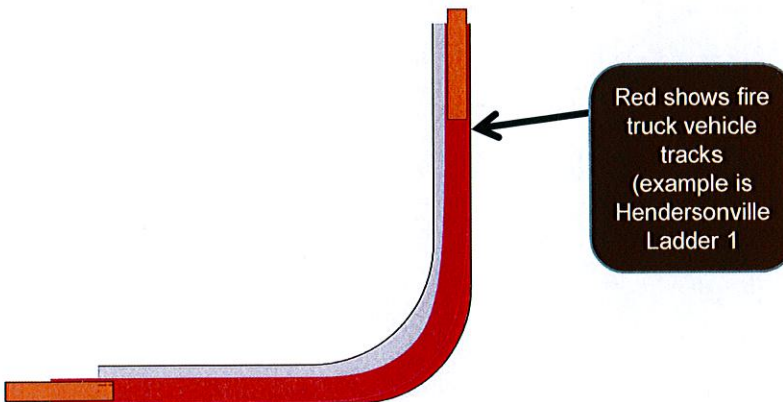
Henderson County Planning Department

Example: Curve Radius 50 feet



Henderson County Planning Department

Example: Curve Radius 40 feet



Henderson County Planning Department

Next Steps:

- Board of Commissioners sets the required public hearing date (Wednesday, September 19th at 9am)
- Speakers may be limited to 3 minutes each

- Board discusses the amendments and public input
- Board makes any desired changes to the proposed text
- Board approves a resolution of consistency with the County Comprehensive Plan (required by law)
- Board of Commissioners approves or denies the text amendment with separate motion from the resolution

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. The Planning Board and Technical Review Committee reviewed the proposed text amendment and both unanimously recommended approval. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

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

Public Input

1. Andrew Tate – Mr. Tate supports addressing LDC Text Amendments as issues development. The change in parking requirements is a major improvement.

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

Commissioner O'Connor made the motion that the Board adopts the resolution regarding the consistency with the CCP. All voted in favor and the motion carried.

Commissioner O'Connor made the motion that the Board adopts the proposed text amendment. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENT

1. Kristy Capps – Ms. Capps is the Breast Care Navigator at Pardee Hospital. They are an accredited facility and provide wonderful care and high customer satisfaction, with personal attention given to all.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner O'Connor made the motion to adopt the Agenda with the addition of two (2) closed sessions, and moving DSS Update to the first discussion item. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner O'Connor 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):
September 19, 2012 – Regularly Scheduled Meeting

Tax Collector's Report

Tax Collector Clerk Kathy Johnson had presented the Tax Collector's Report to the Commissioners dated September 10, 2012 for information only. No action was required.

Designation of Plat Review Officers

N.C. Gen. Stat. §47-30.2 requires that all persons appointed as plat review officers be so appointed by a resolution recorded in the Register of Deeds office. "Plat review officers" insure that all plats to be recorded comply with the plat requirements set out in the General Statutes.

On September 17, 1997 this Board first adopted a plat review officer resolution. This resolution was revised

March 12, 2007, May 7, 2007, June 4, 2007 and April 20, 2011. This resolution also sets out certain other procedures that all plat review officers must follow.

The Board needs to update the list of those persons appointed as plat review officers. A proposed resolution was provided for the Board’s consideration in order to accomplish this update. This proposed resolution restates all other persons currently appointed as plat review officers and removes former county employees.

Tina Ball	Autumn Radcliff	Matthew Cable	Parker Sloan	Pamela Carver
Eric Warren	Marsha Drake	Anthony Starr	Matthew Champion	

Action by the Board of Commissioners is needed to adopt the proposed resolution to add an additional plat review officer within the Planning Department to the current list of plat review officers for Henderson County, and remove any employees that are no longer employed by the County.

Motion:

I move that the Board adopts the resolution appointing a new list of plat review officers for Henderson County.

Surplus Vehicles and Equipment

A resolution was provided for the Board’s consideration (Exhibit A) declaring the a list (Exhibit B) of vehicles and equipment no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus vehicles and equipment for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Motion:

I move that the Board approves the resolution declaring the list of vehicles and equipment as surplus and authorize staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement.

Exhibit A – Resolution declaring personal property as surplus and authorizing the sale of surplus property by electronic public auction

List of Surplus Vehicles

	<u>County#</u>	<u>VIN#</u>	<u>ASSET#</u>	<u>MILEAGE</u>
1992 Ford Aerostar	TT-001	1FMDA11U6NZA59767	45039	45,375
2006 Ford Explorer*	UT-006	1FMEU72EX6UB70181	12340	61,869

*(Transmission Issues)

List of Surplus Equipment without assets #

- Army Surplus Shallow Well Ejector Pump (40 yrs old)
- App. 30 Misc. furniture pieces (assorted office & desk chairs) (old Library furniture)
- 2 Obsolete roll up fire doors with electronic controls
- 1 Whirlpool dishwasher
- Discontinued type toilet paper/paper towel & soap dispensers
- 89 retaining wall landscape stones
- 6 televisions (old Sheriff’s dept., various makes & models)
- Misc office partitions including windows & doors

Compressed Natural Gas (CNG) Transit Van Lease

The Board of Commissioners previously authorized staff to pursue grants and solicit bids for a compressed natural gas (CNG) transit van. The State of North Carolina issued a formal bid for light transit vehicles (15 passenger vans) that includes a CNG option. Henderson County has the ability to purchase this van through

the state contract. Federal rules require the direct recipient of the FTA grant funds (City of Asheville) own the van. The required \$3,000 (approximate) local match is provided for in the FY 2013 budget. Henderson County must: (1) authorize the City of Asheville to issue a purchase order for the van, and (2) sign a lease agreement with the City of Asheville to put the van in service. The van is anticipated to be in service as early as spring 2013.

Motion:

I move the Board authorizes the Planning Director to execute a lease agreement with the City of Asheville for the transit van.

Hazard-Mitigation Planning Grant

The North Carolina Division of Emergency Management has offered a grant to Henderson, Polk, Rutherford and Transylvania counties for a regional hazard-mitigation planning initiative. Henderson County has been requested to serve as the lead agency for grant administration. The total grant amount is \$100,000.00 with an in-kind match requirement of 25 % which will be accomplished through staff labor and GIS mapping. No additional funding is required.

Request the Board approve the grant allocation, the County as the lead agency on the grant, and a budget amendment for \$75,000.00 with equal funding and expenditures.

Motion:

I move the Board approves participation in the Hazard-Mitigation Grant program as the lead agency in the regional planning initiative and make the necessary budget amendments as presented.

2013 Holiday Schedule

The Proposed 2013 Holiday Schedule for Henderson County Local Government agencies was provided as follows:

<u>HOLIDAY</u>	<u>DATE(S)</u>	<u>WEEKDAY(S)</u>
New Year's Day	January 1, 2013	Tuesday
ML King, Jr.'s Birthday	January 21, 2013	Monday
Good Friday	March 29, 2013	Friday
Memorial Day	May 27, 2013	Monday
Independence Day	July 4, 2013	Thursday
Labor Day	September 2, 2013	Monday
Veteran's Day	November 11, 2013	Monday
Thanksgiving	November 28 & 29, 2013	Thursday & Friday
Christmas	December 24, 25, & 26, 2013	Tuesday, Wednesday & Thursday

Motion:

I move that the Board approves the 2013 Holiday Schedule as presented.

Judicial District Manager Lease – Court Services Building

A lease proposal was provided for Board approval for the Department of Correction's Judicial District Manager (JDM) in the County's Court Services Building at 1347 Spartanburg Highway. Staff has been able to negotiate a small cost of living increase into the annual square foot price of the lease proposal. The proposed rate has increased from \$8.73 per square foot to \$8.95 per square foot for the 621 square foot currently occupied by the JDM.

Also provided was the actual lease for Probation and Parole staff occupying the Court Services Building approved in February of this year. The State directs County to provide space for Probation and Parole staff at no cost. However, they do provide compensation for the space occupied by the JDM because the JDM oversees multiple County's Probation and Parole operations.

The actual lease will incorporate the ease proposal into the format of the probation and parole lease.

Motion:

I move to approve the lease proposal between Henderson County and the State of North Carolina and authorize the County Manager so sign the lease on behalf of Henderson County.

Resolution in celebration of the 300th Anniversary of Craven County, North Carolina

Craven County, North Carolina is celebrating their 300th anniversary this year. The proposed resolution acknowledges and celebrates their heritage and history as one of the oldest counties in North Carolina.

Motion:

I move that the Board adopts the resolution celebrating the 300th anniversary of Craven County, North Carolina as presented.

NOMINATIONS

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

Notifications of Vacancy

1. Hospital Corporation Board of Directors – 4 vac.
Positions #3, 5, 6 & 7
2. Western Highlands Local Management Entity – 1 vac.
Position #1

Nominations

1. EMS Peer Review Committee (Add-on) – 2 vac.

Commissioner Edney nominated James Teague for position #4. *Chairman Thompson made the motion to accept the appointment of James Teague to position #4 by acclamation. All voted in favor and the motion carried.*

2. Historic Resources Commission – 1 vac.

Commissioner O'Connor nominated Martha Todd for position # 5. *Chairman Thompson made the motion to accept the appointment of Martha Todd to position #5 by acclamation. All voted in favor and the motion carried.*

3. Juvenile Crime Prevention Council – 5 vac.

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

4. 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.

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

Commissioner Messer nominated Dee Hill for reappointment to position #16. *Chairman Thompson made the motion to accept the reappointment of Dee Hill to position #16 by acclamation. All voted in favor and the motion carried.*

6. Senior Volunteer Services Advisory Council – 2 vac.

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

7. Smartstart – 1 vac.

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

8. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

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

SOCIAL SERVICES' INFORMATIONAL UPDATE

The DSS Board provides monthly informational updates to the Board of Commissioners regarding various Social Services issues. The September 2012 update, provided by DSS Board Chair Lee Luebbe, pertains to safety net programs.

Safety net benefits are distributed through many programs, ranging from the giants like Social Security, Medicare and Medicaid to the \$40 coupons issued to people with old televisions so they can buy digital converter boxes. Safety net benefits make up one-fifth of American's income and, according to the US Census, half (49.5%) of Americans live in a household receiving benefits. In 2000, federal and state governments spent \$.37 on benefits for every dollar collected; in 2010, \$.66 of every dollar was spent. The problem is familiar to most: revenues don't cover the spending. In 2012, The Heritage Foundation released a report stating spending on the three giants...Social Security, Medicare and Medicaid...is projected to double as a share of the US economy.

People are expected to work and make their own way. Many Americans assume safety net benefit programs undermine work and go to Americans who prefer to depend on benefits rather than work. This assumption contrasts sharply with the facts. Analysis of the federal budget and census data for 2010, according to a 2012 Center on Budget and Policy report, found that 90% of the benefit dollars go to people who are elderly, seriously disabled, children or members of working households...not to able-bodied working individuals who choose not to work. Safety net programs in this report included Social Security, Medicare, Medicaid, Unemployment Insurance, Food Stamps, SSI (Social Security disability), Temporary Assistance for Needy Families (TANF/Work First welfare program), school lunch program, Children's Health Insurance Program (CHIP), Earned Income Tax Credit, and the refundable part of child tax credit.

Social Security and Medicare include pay roll deductions from American workers anticipating future benefits for themselves. Retired workers benefiting from Medicare pay a premium. Beneficiaries receive no assistance unless they have paid into the program for a period of time. Social Security and Medicare are entitlement programs from the 1930's and 1960's respectively. Entitlement means everyone who meets program qualifications has a legal right to receive the benefit. Entitlement spending is open-ended rather than a capped amount.

Spending on Medicare will account for a larger share of the projected increase in the spending over the next decade than any other spending except interest payments on the federal debt. Medicare spending is increasing because workers' wages pay only \$1 for every \$3 spent. Medicare premiums do not cover costs. Medicare cost increases have a lot to do with the increase in retirees and increased costs of health care. The Office of Management and Budget lists Medicare as the second highest benefit program at \$519 billion; Social Security is number one at \$689 billion.

Great Society programs are often means-tested with benefits limited to eligible low income Americans. Most means-tested programs are federal block grants to states, meaning spending is capped and Americans do not have a guaranteed legal right to benefits. Well known means-tested benefits are Medicaid, Food Stamps (SNAP), and Temporary Assistance for Needy Families (TANF). The Heritage Foundation refers to means-tested programs as "cradle to grave" providing medical care, food and nutrition, housing, social services job training, community development funds and education aid assistance to low income Americans and communities.

Medicaid and Food Stamps are federal entitlement programs like Social Security and Medicare; Americans have a legal right to the benefits and funding is open-ended. But unlike Social Security and Medicare, Medicaid and Food Stamps are means-tested Great Society programs. According to The Heritage Foundation, half of all means-tested program costs are service payments to Medicare. The Office of Management and Budget lists Medicaid spending at \$382 billion and Food Stamp spending at \$65 billion.

Many Americans view the means-tested programs as handouts to Americans who prefer not to work. This assumption contrasts sharply with the facts. The 2012 Center on Budget and Policy report found 83% of means-tested benefit dollars go to Americans who are elderly, seriously disabled, children or members of working households...not to able-bodied working individuals who choose not to work. The Heritage Foundation, in testimony to Congress in April 2012, stated only 8% of means-tested program spending goes to able-bodied, non-elderly without children. In Henderson County, only 5% of the able-bodied benefit from Food Stamps and that's a 170% increase since 2009.

Another issue is how to view benefit payments that the government makes on behalf of a beneficiary, like Medicaid payments to doctors or Food Stamp payments to grocery stores. The Congressional Budget Office and most economists count such payments as income for the beneficiaries because it reflects the value of the service received. But dollars spent go to doctors and grocery stores. This method, counting the service benefits as income of a beneficiary, creates the misleading impression that an American is getting cash when in fact the person is getting services for sickness and hunger.

The impact of Great Society means-tested welfare benefits on work, particularly Temporary Assistance for Needy Families (TANF), has always been a contentious issue. The Great Society is viewed as creating dependence.

Since 1995, Federal Welfare Reform, called Work First in North Carolina, requires states to have work requirements and time-limited benefits. At any given moment, 50% of beneficiaries must be working or involved in work activities. Sanctions are imposed on states and beneficiaries if work requirements are not met. Sanctions motivate states to maintain work requirements and motivate beneficiaries to work. Temporary Assistance for Needy Families (TANF) is a federal block grant with states receiving a capped amount of money. Beneficiaries are not entitled to receive benefits. States are granted the authority to design and run the program as long as the basic 50% work requirement and time limit is met. The Office of Management and Budget lists TANF spending at \$11 billion.

From 1998 to 2012, the number of Henderson County families benefitting from the Work First (TANF) Program decreased 80% from 1250 to 250 a month; Work First program costs decreased from \$208,000 to \$53,000 per month. Compare this to the 90% increase in Henderson County residents benefitting from Medicaid...from 7,775 in 1998 to 14,800 in 2012 with a projected monthly payment to the medical community of \$8.2 million in FY 12-13. That's \$98 million annually!

All government safety net programs need critical scrutiny and there is plenty of room for meaningful debate, policy changes and cost reduction. But spending for giants such as Social Security, Medicare and Medicaid has little to do with non-working able-bodied Americans and a lot to do with increased healthcare cost for the elderly and disabled and the increasing number of retirees.

NCDOT PLANNED MEDIAN ON SPARTANBURG HIGHWAY AT UPWARD ROAD

At its April 18th, 2012 meeting, the Board received public comment conveying concern regarding a planned concrete median on Spartanburg Highway west of its intersection with Upward Road. A business owner expressed concern about the potential impact of the median on business.

At the May 7th, 2012 meeting, NCDOT provided the Board with an update on the project, and heard suggestions from the Board on other possible solutions for the intersection.

NCDOT provided the Board with a current update on the project at this meeting. The Board of Commissioners has no authority to change NCDOT plans for road projects.

NCDOT District Engineer Steve Cannon stated the primary concern was access to the businesses at the corner of Spartanburg Highway and Mt. Airy Street. There is a proposed median with dual left turns from Highway 176 if you are traveling south bound onto Upward Road.

Suggestions included:

- A “Leftover” access onto Mr. Airy Street allowing traffic to enter the businesses off Mt. Airy Street. This has been reviewed by the congestion management unit and based upon the traffic projections by Kimley-Horn and Associates, Inc., dual left turn lanes are proposed with 520 foot of storage space from the signal back, allowing for a set number of vehicles in each lane. By installing the Leftover you are shortening the length of the storage in one of the lanes and it is projected that within 5 years, the length of storage would be increased backing traffic into the through lanes on 176 affecting mobility of the traveling vehicles.
- A turnaround called a “Bulb out” at the intersection which would provide a wider turning movement for trucks that made need access to the businesses. The current design is wide enough for smaller vehicles in the far left to be able to make a u-turn to get back into the businesses. In order to make it feasible for larger vehicles, a Bulb out, wider turning area, would be required at the intersection. A request was made to the roadway design unit to provide a preliminary design in order to see the impact, and it would require an additional right-of-way, possibly additional utility relocations, and increased cost.
- A Roadway on new alignment at Dotson Half Loop (A private road alignment that is currently known as Dotson Half Loop and comes off of Mr. Airy Street and travels back over to Highway 176) is constructible where the roadway comes into the old CVS property with significant grade change. That portion however is outside of the limits of this TIP project. It would involve right-of-way and construction costs and cannot be added to this project. It must be pursued as a separate project from the Upward Road project.

A Full Access Movement into the property is not permitted by NCDOT due to access, mobility, and safety issues.

It is inevitable that NCDOT will have to come back and address this again at a later date.

Public Comment

1. Catherine Clark – Ms. Clark is a new business owner at 200 Spartanburg Highway. After explanation, she felt the “Leftover” would work for the businesses.
2. Dan Focarrino – Mr. Focarrino’s main concern is traffic getting into the shopping center at 200 Spartanburg Highway and felt the “Leftover” would work. He was concerned about bigger trucks using the Case Street Road because of other traffic.

Mr. Joel Setzer requested either a letter of support or a resolution from the Board of Commissioners accepting the “leftover” for Spartanburg Highway at the intersection of Upward Road and Spartanburg Highway within the next 30 days.

County Manager Steve Wyatt noted this would be included on the October 1st agenda.

PARDEE HOSPITAL BUDGET PRESENTATION

Alan House, Vice President of Finance, CFO, from Margaret R. Pardee Memorial Hospital (Henderson County Hospital Corporation) had submitted the organization’s proposed budget for FY2013 as approved by the Board Finance Committee, to the Board of Commissioners as required by the Corporation’s bylaws.

Pardee Hospital CEO Jay Kirby provided the following information:

FY13 Operating & Capital Budget Summary

- ✓ Consolidated Net Operating Margin of 2.2%
- ✓ Total Margin of 3.3%
- ✓ Average charge increase of 5%, effective 10/1/12
- ✓ Salary (merit) increases will average 2.5% effective 4/1/13
- ✓ Director level self-funding incentive plan based upon operating and quality metrics
- ✓ Cash flow of \$11.4M
- ✓ Capital will not exceed \$10.5M
(excludes Mission Pardee Health Campus)



Alan House provided the following information:

FY13 Budgeted Operating Margin 2.2%

(\$ in Thousands)

	FY2011 <u>Actual</u>	FY2012 <u>Projected</u>	FY2013 <u>Budget</u>
Operating Revenue			
Net Patient Service Revenue	\$ 134,230	\$ 136,009	\$ 144,787
Other Operating Revenue	2,679	5,347	3,740 (A)
Net Operating Revenue	<u>136,909</u>	<u>141,356</u>	<u>148,527</u>
Operating Expense			
Salaries & Wages & Benefits	72,634 53.1%	71,195 50.4%	74,531 50.2%
Medical & Other Supplies	28,931	30,467	30,072
All Other Expenses	34,967	39,120	40,662
Total Operating Expense	<u>136,532</u>	<u>140,782</u>	<u>145,265</u>
Operating Income	\$ 377 0.3%	\$ 574 0.4%	\$ 3,262 2.2%
Non-Operating Income	1,954	1,475	1,642
Excess Revenues Over Expense	<u>\$ 2,331 1.7%</u>	<u>\$ 2,049 1.4%</u>	<u>\$ 4,904 3.3%</u>

(A) Swings due primarily to Meaningful Use revenues



Benchmark Comparisons

	Pardee (HCHC)					Moody's	S&P
	FY2009	FY2010	FY2011	FY2012	FY2013B	A3	A-
Operating Income %	4.2%	2.8%	0.3%	0.4%	2.2%	2.4%	1.9%
Net Income %	5.3%	3.8%	1.7%	1.5%	3.3%	4.7%	3.4%
Days Cash On Hand	158	167	140	142	148	169	183
Cash-to-Debt Ratio	3.64	3.28	3.40	4.07	4.27	1.04	1.24
Average Age Of Plant	12	15	16	17	16	11	10

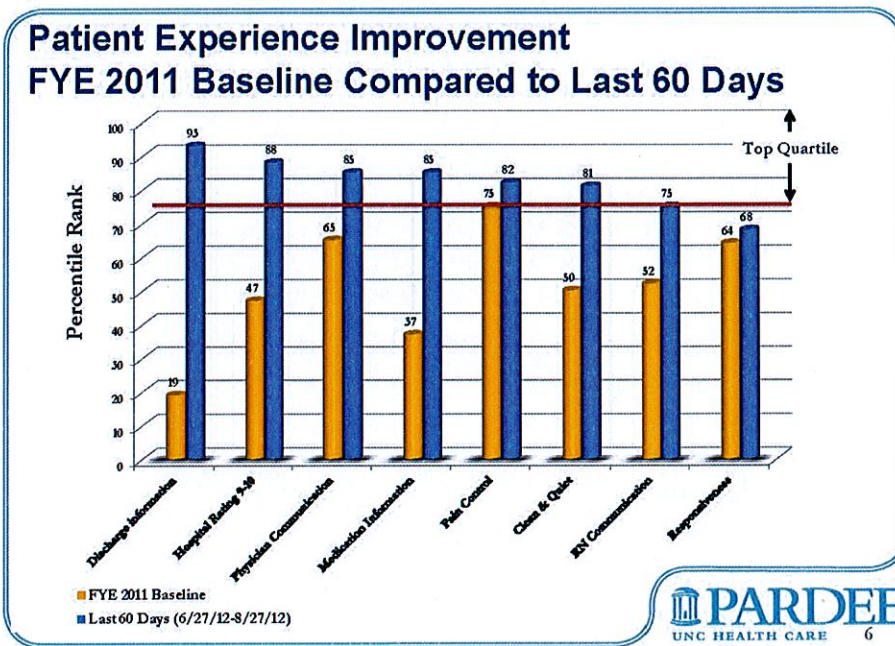
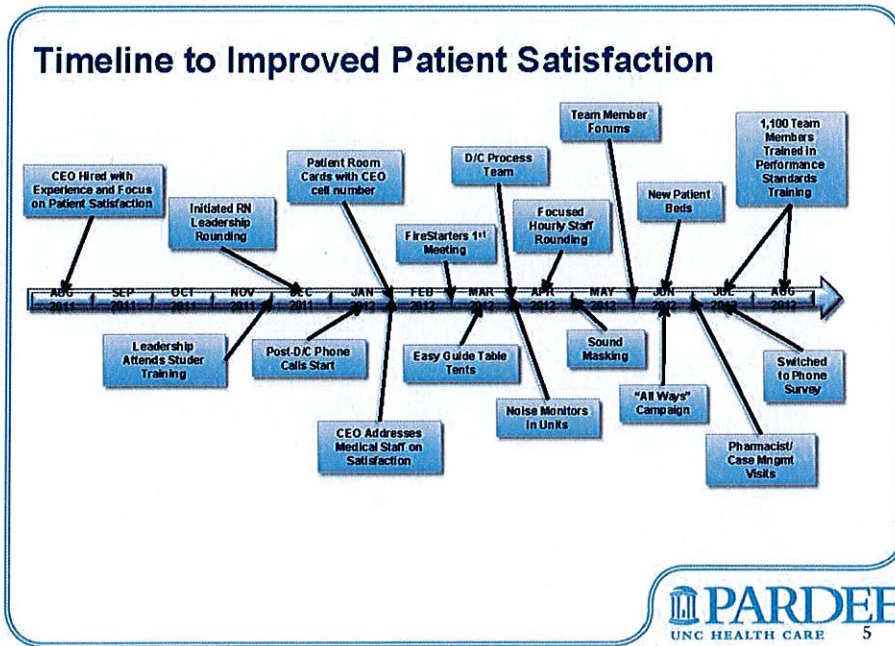
Benchmark source is Moody's 8/23/12 and S&P's 8/13/12 report (the most current available).



Mr. Jay Kirby continued with information as follows:

Timeline to Improved Patient Satisfaction





EMERGENCY COMMUNICATIONS SYSTEM

Fire Marshal Rocky Hyder stated in February 2012, Henderson County was awarded a federal grant to replace our aging emergency communications system. Staff issued a Request for Proposals (RFP) and a public bid opening was held with three responsive bidders providing bids ranging from \$1,691,081.14 to \$2,106,088.32. Since all bids were above budget, staff has been working with the lowest responsive bidder on value engineering options.

Henderson County Radio System

- Serves as primary means for coordination of all public safety response within Henderson County
- Current system design based upon 1980 Fire Service needs
- Since 1980 there has been one system level improvement (2004 adding additional sites for Law Enforcement and EMS)
- Operates on VHF band, most suitable band for mountainous and geographically diverse such as Henderson County
- Each Public Safety Discipline (Fire, EMS, Law) has (1) primary dispatch channel critical for all communication and coordination of Emergency response.

System Issues

- Main components have been discontinued and supported on limited parts availability
- Current end users of all 3 services are above capacity for channel availability
- Due to FCC rule changes, coverage area is less now than it was in 2001 (narrow-banding and power restrictions)
- Limited or no security
- Unable to establish system status alarms and safeguards to monitor and reduce loss of service

Emergency Services Summary 1998-2011

- Call volume breakdown from 1998-2011
 - EMS/Rescue call volume increase 163%
 - Fire call volume increase around 1676%
- County Population breakdown from 1980-2011
 - Increase of over 182%
 - Migration of population density into new areas of the county

Reasons for Updating the System

- Change of communications tools
 - Current system was designed for mobile to mobile coverage under different FCC rules
 - Emergency personnel use handheld radios to maintain situational awareness and constant communications with the 9-1-1 Center
 - Most emergencies or calls for service occur inside of a residence making indoor communications critical
- Change in Infrastructure Requirements
 - FCC rule changes designed to maximize frequency availability, effectively minimize coverage area which ultimately requires additional sites and towers to achieve acceptable coverage
- Building Construction changes
 - Multi-story dwellings
 - Steel and concrete structures significantly reduce in-building signal penetration

New System Considerations

- Capacity – Increased to accommodate current number of subscribers with multiple channels and support future growth
- Capability – The system should be able to support voice and data transmission with the ability for expansion into automated vehicle location and video transmission
- Coverage – A minimum of 7 sites to provide for our current coverage needs and capable of supporting additional sites for future growth or equipment changes
- Security – The new system should utilize 6.25Khz bandwidth technology (future FCC rule change) and include different levels of encryption which eliminates eavesdropping and meets Federal requirements for classified documents
- Modular – Design should allow current subscriber equipment to be utilized on the new system and provide for a budget friendly phase in period of advanced features

- Monitoring – System performance will be capable of remote monitoring and notify key personnel of any failures or potential issues immediately to avoid loss of service
- Federal Grant to update system in the amount of \$946,780.00
- 80/20 (\$757,424.00 Federal/\$189,356.00 County)
- Budgeted in FY12/13
- Original lowest responsive bid \$1,691,081.00

Commissioner Young made the motion to give staff direction to use the \$50,000 already budgeted to begin the study for the frequency coordination phase, and look at ways to get money for the improvements necessary in the emergency communications system. 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.
2. Pursuant to N.C. Gen. Stat. §143-318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) and (a)(5). All voted in favor and the motion carried.

ADJOURN

Commissioner Young made the motion to go out of closed session and adjourn at 1:00 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

The Board of Commissioners for the County of Henderson, North Carolina, met in regular session in the Commissioners Meeting Room, One Historic Square, The Historic Courthouse at 9:00 A.M. on September 19, 2012.

PRESENT: Tommy Thompson, Bill O'Connor, Mike Edney, Charlie Messer, Larry Young
 ABSENT: None

 Chairman Thompson introduced representatives of the Department of Transportation, and a Resolution recommending a program of total needs for Secondary Road improvements in Henderson County. This program details the proposed expenditure of Secondary Funds for the period of July 1, 2012 through June 30, 2013. The proposed program recommends that the funds be expended in the following manner.

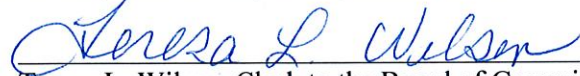
<u>ELEMENT</u>	<u>AMOUNT</u>	<u>PERCENT</u>
Highway Fund	\$ 320,664.33	
Trust Fund	\$ 425,424.31	
Trust Fund	\$ 550,000.00	
	(Statewide Prioritization)	
Sub Total	\$ 1,296,088.64	100.0
Total Anticipated Funding	\$1,296,088.64	

Commissioner O'Connor moved that the foregoing resolution and attached program of total needs for secondary roads in Henderson County be approved.

Ayes: 5
 Nays: 0

 I, Teresa L. Wilson, Clerk to the Board of Commissioners for the County of Henderson, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners for said County at a meeting held September 19, 2012, as relates in any way to Secondary Road Funds for expenditure in said County, and that said proceedings are recorded in Minute Book 28 of the minutes of said Board, beginning at page 16660 and ending at page 16661.

WITNESS, my hand and the official seal of said County, this 19th day of September, 2012.



 Teresa L. Wilson, Clerk to the Board of Commissioners



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed text amendment with case TX-2012-02; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on September 19, 2012; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed text amendment (TX-2012-02 – Annual Land Development Code Amendments) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That the Board determines that the proposed text amendment (TX-2012-02) reduces unnecessary regulation, lowers development costs and lowers impacts of development on the environment all of which are consistent with the principles and goals of the County Comprehensive Plan; and
4. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 19th day of September, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Thomas H. Thompson
THOMAS H. THOMPSON, Chairman

ATTEST:

Terry Wilson
Terry Wilson, Clerk to the Board

[COUNTY SEAL]



HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66
HENDERSONVILLE, NC 28792
PH: (828) 697-5595
FAX: (828) 698-6153

10 September 2012

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

Re: Tax Collector's Report to Commissioners – 19 September 2012 Meeting

Please find outlined below collections information through August 23rd for the 2012 bills mailed out on 14 August 2012, 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:

2012 Total Charge: \$58,065,749.40
Payments & Releases: 6,593,833.02
Unpaid Taxes: 51,471,916.38
Percentage collected: 11.32%
(through 09/09/2012)

2011 Total Charge: \$57,553,575.80
Payments & Releases 5,938,770.82
Unpaid Taxes: 51,614,804.98
Percentage collected: 10.26%
(through 09/09/2011)

Motor Vehicle Bills G01 Only:

2012 Total Charge: \$1,550,051.04
Payments & Releases: 816,204.30
Unpaid Taxes: 733,846.74
Percentage collected: 51.87%
(through 09/09/2012)


2011 Total Charge: \$1,356,593.87
Payments & Releases: 802,288.24
Unpaid Taxes: 554,305.63
Percentage collected: 58.40%
(through 09/09/2011)

Fire Districts All Bills

2012 Total Charge: \$6,597,049.38
Payments & Releases: 824,077.30
Unpaid Taxes: 5,772,972.08
Percentage Collected: 12.40%
(through 09/09/2012)

2011 Total Charge: \$6,494,805.75
Payments & Releases: 783,797.67
Unpaid Taxes: 5,711,008.08
Percentage Collected: 12.00%
(through 09/09/2011)

Respectfully submitted,


Kathy Johnson
Tax Collections Clerk

Stan C. Duncan
Tax Collector

RESOLUTION APPOINTING PLAT REVIEW OFFICERS

WHEREAS, pursuant to N.C. Gen. Stat. §47-30.2 the Henderson County Board of Commissioners has from time to time since September 17, 1997, adopted resolutions appointing one or more named persons experienced in mapping or land records management as Review Officers, with the same being recorded in the Office of the Register of Deeds for Henderson County;

WHEREAS, the Henderson County board of Commissioners desires to update, revise and restate the persons named as Review Officers;

WHEREAS, pursuant to NCGS 47-30.2, said revision must be made by resolutions of the Board of Commissioners with said resolution being recorded in the Office of the Register of Deeds for Henderson County;

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

- 1. That the following persons are experienced in mapping and/or land records management, and pursuant to NCGS 47-30.2, have been and are hereby appointed as Review Officers in Henderson County:

Tina Ball	Autumn Radcliff
Matthew Cable	Parker Sloan
Pamela Carver	Anthony Starr
Matthew Champion	Eric Warren
Marsha Drake	

- 2. That the above named persons, as Review Officers, shall comply with all statutory requirements and shall follow all procedures, statutorily prescribed and as prescribed N.C. Gen. Stat. §47-30.2 and that Resolution adopted September 17, 1997;
- 3. That the above list of Review Officers is a complete and inclusive list of Review Officers for Henderson County. This list replaces previous lists of review officers in the Resolutions made in September 1997, May 2007, June 2007, and April 20, 2011. Former Review Officers not listed above are no longer permitted to be Review Officers in Henderson County.
- 4. That the Resolution adopted September 17, 1997 will continue in effect except as modified by this Resolution;
- 5. That this Resolution shall be recorded in the Office of the Register of Deeds for Henderson County as soon as practicable after its adoption.

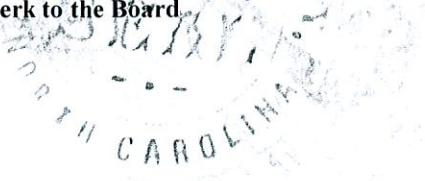
THIS the 19th day of Sept., 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Thomas H. Thompson
THOMAS H. THOMPSON, Chairman

ATTEST:

Terry Wilson
Terry Wilson, Clerk to the Board [COUNTY SEAL]



STATE OF NORTH CAROLINA
COUNTY OF HENDERSON COUNTY

I, Kathryn L. Finotti, a Notary Public for said County and State, do hereby certify that Terry L. Wilson personally appeared before me this day and acknowledged that she is the Clerk for the Board of Commissioners.

Witness my hand and official seal, this the 20th of September, 2012.

(Official Seal)

Kathryn L. Finotti
Notary Public

My Commission Expires 3-23-13

Exhibit A

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

WHEREAS, Henderson County owns vehicles and equipment itemized on the attached Exhibit B, 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 vehicles and equipment as surplus 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 vehicles and equipment by electronic public auction at www.govdeals.com.

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

1. The vehicles and equipment itemized on the attached Exhibit B 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.

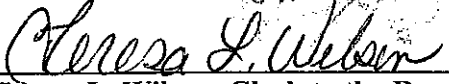
THIS the 19th day of September, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Thomas Thompson, Chairman

ATTEST:


Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

Exhibit B

List of Surplus Vehicles

	County#	VIN#	ASSET#	MILEAGE
1992 Ford Aerostar	TT-001	1FMDA11U6NZA59767	45039	45,375
2006 Ford Explorer (Transmission Issues)	UT-006	1FMEU72EX6UB70181	12340	61,869

List of Surplus Equipment

	Asset#
Army Surplus Shallow Well Ejector Pump (40 yrs old)	N/A
App. 30 Misc. furniture pieces (assorted office & desk chairs) (old Library furniture)	N/A
2 Obsolete roll up fire doors with electronic controls	N/A
1 Whirlpool dishwasher	N/A
Discontinued type toilet paper/paper towel & soap dispensers	N/A
89 retaining wall landscape stones	N/A
6 televisions (old Sheriff's dept., various makes & models)	N/A
Misc office partitions including windows & doors	N/A

**THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED
BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**

STATE OF NORTH CAROLINA

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this the 6th day of March, 2012, by and between COUNTY of HENDERSON hereinafter designated as Lessor, and the STATE OF NORTH CAROLINA, hereinafter designated as Lessee;

WITNESSETH:

WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 17th day of April, 1985; and

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in the City of Hendersonville, County of Henderson, North Carolina, more particularly described as follows:

Being +/- 4,228 net square feet of office space located at 1347 Spartanburg Highway, Suite 3, Hendersonville, Henderson County, North Carolina.

(DEPARTMENT OF CORRECTION)

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three (3) Years commencing on the 1st day of April, 2012 or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the 31st day of March 2015.

2. The Lessee shall pay to the Lessor as rental for said premises the sum of \$1.00 Dollars per term to be payable within fifteen (15) days from receipt of invoice in triplicate.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy.


13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **1 Historic Courthouse Square, Suite Z, Hendersonville, North Carolina 28792** and the Lessee at **3030 Hammond Business Place, Raleigh, North Carolina 27603-3030**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

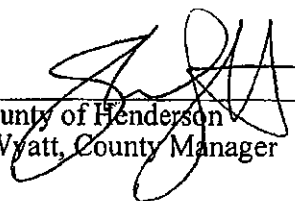
IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

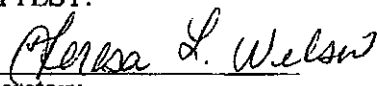
By:

 (SEAL)
TITLE: Chief Procurement & Budget Officer
~~Barbara Baker~~

LESSOR:

 (SEAL)
The County of Henderson
Steve Wyatt, County Manager

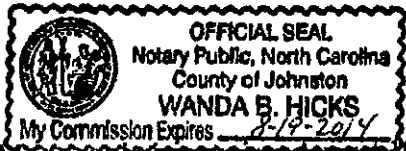
ATTEST:


Secretary
(CORPORATE SEAL)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Wanda B. Hicks, a Notary Public in and for the County of Johnston and State aforesaid, do hereby certify that **Drew Harbinson**, personally appeared before me this date and acknowledged the due execution by him of the foregoing instrument as Director of Purchasing and Logistics of the Department of Public Safety of the State of North Carolina, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 6th day of March, 2012.



My commission expires August 19, 2014

Wanda B. Hicks
Notary Public



EP4868118: LP-Henderson County Lease Agreement-District 29

Issued on Tue, 06 Mar, 2012
Created on Tue, 06 Mar, 2012 by Ariba System

State Agency Tax Exempt Number: 400034

Supplier:
 HENDERSON COUNTY
 113 N MAIN ST
 HENDERSONVILLE, NC 28792
 United States
 Phone: 1828-697-4821
 Fax: 18286974569
 Contact: CAREY MCLELLAND

Ship To:
 564
 5290; DCC - JUD DIST 29.
 NC DEPARTMENT OF CORRECTION
 1347 SPARTANBURG HWY. STE 4 ROOM
 139
 Hendersonville, NC 28792
 United States
 Phone: 1828-697-4844
 Fax: 1828-697-4571

Bill To:
 42PT
 DEPARTMENT OF CORRECTION ACCOUNTS
 PAYABLE
 2020 YONKERS RD
 4220 MAIL SERVICE CENTER
 Raleigh, NC 27699-4220
 United States
 Phone: 1919-716-3300

Deliver To:
 5290 DCC Div 4 - Cheryl Modlin

Entity Description: DPS - Department of Correction

ATTN: VENDOR COMMENTS

- EDITS SAVED by 1035 Purchasing - Ronald Moore on Tuesday, March 6, 2012 at 7:24 AM with comment
 All terms, conditions and responsibilities of said lease are hereby incorporated. Lease/contract term is for three years (04/01/2012 thru 03/31/2015) with no renewal options. Lease is for +/- 4,228 square feet of office space located at 1347 Spartanburg Hwy, Suite 3, Hendersonville, Henderson County, North Carolina.

This Purchase Order and Agreement is issued and shall be governed by the Laws of the State of North Carolina. Situs shall be Wake County, North Carolina. All Terms and Conditions of any Purchase Order or Agreement shall be superseded by the Terms and Conditions of the State of North Carolina.

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

THOMAS H. THOMPSON
Chairman
WILLIAM O'CONNOR
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
J. MICHAEL EDNEY

RESOLUTION IN CELEBRATION OF THE 300TH ANNIVERSARY OF CRAVEN COUNTY, NORTH CAROLINA

WHEREAS, Craven County was established in 1712 when the now extinct Bath County split into Craven, Beaufort and Hyde counties; and

WHEREAS, Craven County will celebrate it's 300th anniversary in 2012; and

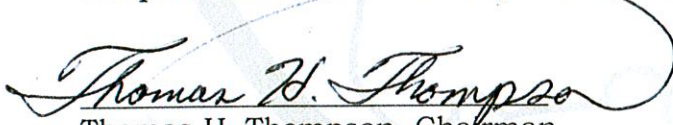
WHEREAS, Craven County is rich in history and is the site of North Carolina's Colonial Capital and its first State Capital; and

WHEREAS, New Bern, the county seat, is the second oldest town in the state of North Carolina; and

WHEREAS, Many North Carolina counties can trace their heritage back to Craven County;

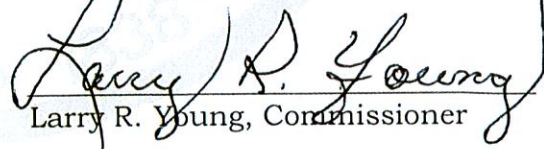
NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners pass this resolution in celebration of the 300th anniversary of Craven County, North Carolina.

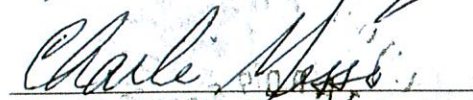
Adopted this the 19th of September 2012.


Thomas H. Thompson, Chairman

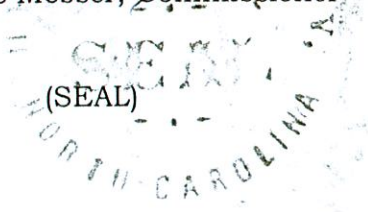

William P. O'Connor, Vice-Chairman

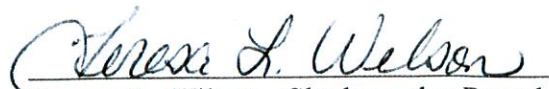

J. Michael Edney, Commissioner


Larry R. Young, Commissioner


Charlie Messer, Commissioner

Attest:




Teresa L. Wilson, Clerk to the Board