

DRAFT
2/8/2013

cc: BCC
Steve
David
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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 4, 2013

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 Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Larry Young, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Assessor/Tax Collector Stan Duncan, Chief Deputy Rodney Raines, Research/Budget Analyst Amy Brantley, Collections Specialist Luke Small, Delinquent Tax Collector Lee King, Director of Communications Lisha Corn, Recreation Director Tim Hopkin, Environmental Programs Coordinator Megan Piner, and David Pierce as security.

Absent was: Commissioner Mike Edney, due to a family illness.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Michael Williams, from AC DC 4-H Club.

INFORMAL PUBLIC COMMENTS

1. Dennis Justice – Mr. Justice is the president of Terran Sports, LLC. He shared pictures of the “WNC Dome”, (a proposal) a regional disaster shelter disguised as a dome. He feels the WNC Agriculture Center would be a great place to build a dome. This is a state project. The City of Asheville and Buncombe County will support funding if they receive funding for the Arts.
2. Larry Rogers – Mr. Rogers spoke on behalf of the Partnership for Economic Progress. He asked that item “N” be pulled for discussion, Land-of-Sky Memorandum of Understanding for the Metropolitan Planning Organization (MPO). He feels this looks like more of “GROWNC”, and may water down the money for those counties that are already part of the MPO.
3. David Coffin – Mr. Coffin spoke in regard to gun control. He is a former member of the National Guard, and his wife is an active member of the Air National Guard. The “right to bear arms” in Constitution should not be infringed. He asked the Board to take action to nullify any bill or executive order to infringe on our right to bear arms.

CLOSED SESSION

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

- Pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

Commissioner Thompson made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.

DATE APPROVED:

Commissioner Thompson made the motion to go out of closed session and reconvene back into open session. All voted in favor and the motion carried.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins requested that item “N” Land-of-Sky Memorandum of Understanding for the Metropolitan Planning Organization (MPO), be pulled for discussion.

Commissioner Young made the motion to adopt the Agenda with item “N” being pulled for discussion. All voted in favor and the motion carried.

Land-of-Sky Memorandum of Understanding for the Metropolitan Planning Organization (MPO)

Joshua King, Regional Planner for the Land of Sky Regional Council of Governments stated the Board of Commissioners is being asked to be signatory members of the French Broad River Metropolitan Organization (FBRMPO). The County has been members since the MPO was first established and their participation is crucial to the planning in the region.

The Board is requested to adopt the Memorandum of Understanding reestablishing the French Broad River Metropolitan Planning Organization, and authorize the Chairman to sign the necessary documentation.

Commissioner Hawkins made the following inquiries with response by Joshua King.

- Page 2, Item E – (The Urbanized Area Boundary and the Metropolitan Planning Area shall be periodically reviewed and revised in light of new developments and basic data projections.)

➤ What generates the information for the new urbanization area boundaries adjustment?

The information is generated by the 2010 Census. Boundaries are set by the Federal Highways Administration, and only adjusted every 10 years. If over the course of the 10 years period a large amount of urbanization occurs, and any local government asks that the issue be looked into, a voluntary expansion of the MPO boundary would be done to include the new area without additional funding.

- Page 4, Item I-5 – (Board Duties – Review and approve the Metropolitan Transportation Plan and adopt the Comprehensive Transportation Plan pursuant to G.S. 136-6.2. The Comprehensive Transportation Plan shall be mutually adopted by the Board and the State of North Carolina.)

➤ What is the date of the most current adopted Transportation Plan?

The exact date was not available, probably in the last few years. Land-of-Sky is getting ready to update the Urban Area Transportation Model and the Comprehensive Transportation Plan will be included.

- Page 5, Item I-9 – (Distribute funds distributed directly to MPO’s under the provisions of Map-21 and any subsequent re-authorization of Map-21.)

➤ Is Map-21 part of the Agenda 21 program?

Map-21 is an unfortunate name given to the Transportation Reauthorization Bill passed by the most recent congress. In regards to the direct allocation funding, it was not Mr. King’s belief that the French Broad River MPO has any of the funds.

- Page 10, Section II – (The Land-of-Sky Regional Council will serve as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization.)

➤ Who designated the Land-of-Sky as the Lead Planning Agency as it is not in the General Statutes?

The members of the MPO decided a few years ago to move the MPO out of the City of Asheville and to the Land-of-Sky Regional Council of Governments. A decision made by the elected officials at that time.

- What are the responsibilities of the Lead Planning Agency?

The Lead Planning Agency helps with the administration of the funds, acting as finance directors, and material support. The MPO is a separate organization from the Land-of-Sky, just housed at Land-of-Sky.

- Priority Needs List – (PNL process was replaced by the SPOT process, staff currently does both processes, and it might be better to have the PNL or SPOT process in the MPO Bylaws where it would be easier to adapt to changing requirements.)
 - In the past, the MPO developed a list of projects which was voted on at the TMO and then they were prioritized. Henderson County and the municipalities in Henderson County, along with the Transportation Advisory Committee (TAC) did compile a list for our area. When the list was presented, Mr. Hawkins felt the other members of the TMO had their own priorities which were not coordinated. As a result, Henderson County's list was pretty close to the top for being addressed, and suddenly a switch was made to another program. How was the change made from a PNL to a SPOT process?

The North Carolina General Legislature adopted a new session law approximately one or two sessions ago, implementing the SPOT prioritization process which is complicated. NC General Legislature defined all of the RPO's and MPO's in the state to move into what is called the SPOT process. At the local level, they still do have a PNL and the results from the Henderson County TAC do feed into the process. It is however weighted against other larger regional projects.

- What can be seen as an accomplishment done by the TMO for Henderson County in the last two years?

A firm answer was not available.

Commissioner Larry Young made the motion that the Board moves the Land-of-Sky Memorandum of Understanding for the Metropolitan Planning Organization (MPO) to a future agenda as a discussion item for the purpose of acquiring additional information. All voted in favor in the motion carried.

CONSENT AGENDA

Commissioner Hawkins made the motion to adopt the Consent Agenda minus item "N" Land-of-Sky Memorandum of Understanding for the Metropolitan Planning Organization (MPO). 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):

- January 7, 2013 – regularly scheduled meeting
- January 16, 2013 – regularly scheduled meeting

Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated January 25, 2013 for information only. No action was required.

Financial Report/Cash Balance Report – December 2012

The November 2012 County Financial Report/Cash Balance Report was 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 December:

- Dues/Non-Profit Contributions – 3rd quarter non-profit contributions paid in December
- Elections – poll workers paid for working the November election
- Fire Services – annual emergency services equipment maintenance contract (\$45,600) paid in October
- Emergency Medical Services – purchase of two new ambulances in the month of December
- Rescue Squad – 3rd quarter non-profit contribution paid in the month of December
- Soil & Water Conservation – payment of state grant funds for a stormwater wetlands construction project
- Economic Development – payment of economic development incentives to various companies in the month of December
- Public Library – blanket purchase order encumbrance for the purchase of publications for the fiscal year

The YTD deficit in the Emergency Telephone System (911) Fund is due to an annual debt service payment made in August on the 911 Center expansion project financing and the purchase of approved technology capital outlay in December. Fund balance of \$271,713 was appropriated to cover expenditures in this Fund for FY2013.

The YTD deficit in the CDBG – Scattered Site Housing Fund, the CDBG – 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 a timing delay in receiving payments – federal ICE revenues for December will not be received and posted until February 2013.

The YTD deficit in the Sierra Nevada/Economic Development Project Fund will be reimbursed from grant funds provided by the Golden Leaf Foundation.

Motion:

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

Henderson County Public Schools Financial Reports – December 2012

The Henderson County Public Schools December 2012 Financial Reports were provided for the Board's information.

Motion:

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

2013 HOME Grant Applications

Habitat for Humanity of Henderson County and Housing Assistance Cooperation (HAC) are requesting application approval for HOME Investment Partnerships Program (HOME) funds. HOME funds are administered through the Asheville Regional Housing Consortium. Both projects propose to serve County

residents within a range of median household income. The median Henderson County household income in 2011 was \$46,789.

HAC is requesting \$135,000 for construction funds to provide a subsidy for 9 single-family owner-occupied new homes in Henderson County. The funds provide assistance to low and very low income homebuyers in Henderson County, families earning 80% of area median income or less. Homes will be certified with the NC Green Built program and with System Vision.

Habitat for Humanity of Henderson County is requesting \$161,350 in HOME funds in order to aid in the construction of 15 homes in phase one of the Dodd Meadows residential neighborhood off Crest Road. Habitat for Humanity plans to use the funds to pay for costs related to slab and footings, HVAC, flooring, and insulation. Using the grant funds, Habitat for Humanity plans to provide affordable housing for families whose income is between 30% and 65% of the median income in Henderson County.

These grants require no County matching funds. The Asheville Regional Housing Consortium requires approval by the Board of Commissioners as part of the application process.

Motion:

I move that the Board approves the HOME applications for the Housing Assistance Corporation and Henderson County Habitat for Humanity.

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Logs in accordance with the County's Record Retention Policy and the provisions of the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule, a copy of said page attached hereto, as the period of these records have expired, or they have been scanned and retained in said format.

Motion:

I move the Board approves the Public Records Disposal Request and Destruction Log.

Energy Management Update

An energy management update was provided detailing information to the Board about the County's energy management use in the areas of electricity, natural gas, fuel and water. It compared the first quarter with previous years to show historical trends.

Quarterly Construction Project Update

David Berry had provided the Board of Commissioners with an update on Construction projects around Henderson County. This quarterly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities. This report is a continuation of County construction activity statuses.

Modification of Livestock provisions of Animal Ordinance

Amendment of the "livestock" provisions of the Animal Ordinance (Article V of Chapter 66A) to clarify that the owner of livestock running at large is only criminally liable if the owner allows the same "intentionally, willfully, knowingly or negligently".

Article V. Livestock

§ 66A 94. Allowing livestock to run at large forbidden. If any person shall intentionally, willfully, knowingly or negligently allow his livestock to run at large, he shall be guilty of a Class 3 misdemeanor.

§ 66A-95. Impounding livestock at large; right to recover costs and damages. Any person may take up any livestock running at large or straying and impound the same; and such impounder may recover from the

owner the reasonable costs of impounding and maintaining the livestock as well as damages to the impounder caused by such livestock, and may retain the livestock, with the right to use with proper care until such recovery is had. Reasonable costs of impounding shall include any fees paid in order to locate the owner.

§ 66A-96. Notice and demand when owner known. If the owner of impounded livestock is or becomes known to the impounder, actual notice of the whereabouts of the impounded livestock must be immediately given to the owner and the impounder must then make demand upon the owner of the livestock for the costs of impoundment and the damages to the impounder, if any, caused by such livestock.

§ 66A-97. Notice when owner not known. If the owner of the impounded livestock is not known or cannot be found, the impounder shall inform the register of deeds that he has impounded the livestock and provide the register of deeds with a description of the livestock. The register of deeds shall record the information in a book kept for that purpose, and shall charge the impounder a fee of \$10.00. The register of deeds shall immediately publish a notice of the impoundment of the animal by posting a notice on the courthouse door. The notice on the courthouse door shall be posted for 30 days, and shall contain a full description of the livestock impounded, including all marks or brands on the livestock, and shall state when and where the animal was taken up. The impounder shall publish once, in some newspaper published and distributed in the county, a notice containing the same information as the notice posted by the register of deeds. The fees for publishing the notice shall be paid by the impounder.

§ 66A-98. Determination of damages by selected landowners or by referee. If the owner and impounder cannot agree as to the cost of impounding and maintaining such livestock, as well as damages to the impounder caused by such livestock running at large, then such costs and damages shall be determined by three disinterested landowners, one to be selected by the owner of the livestock, one to be selected by the impounder and a third to be selected by the first two. If within 10 days a majority of the landowners so selected cannot agree, or if the owner of the livestock or the impounder fails to make his selection, or if the two selected fail to select a third, then the clerk of superior court of the county where the livestock is impounded shall select a referee. The determination of such costs and damages by the landowners or by the referee shall be final.

§ 66A-99. Notice of sale and sale where owner fails to redeem or is unknown; application of proceeds. If the owner fails to redeem his livestock within three days after the notice and demand as provided herein is received or within three days after the determination of the costs and damages as provided in this article, then, upon written notice fully describing the livestock, stating the place, date, and hour of sale posted at the courthouse door and 3 or more public places in the township where the owner resides, and after 10 days from such posting, the impounder shall sell the livestock at public auction. If the owner of the livestock remains unknown to the impounder, then, 30 days after publication of the notice required herein, the impounder shall post at the courthouse door and three public places in the township where the livestock is impounded a written notice fully describing the livestock, and stating the place, date, and hour of sale. After 20 days from such posting, the impounder shall sell the livestock at public auction. The proceeds of any such public sale shall be applied to pay the reasonable costs of impounding and maintaining the livestock and the damages to the impounder caused by the livestock. Reasonable costs of impounding shall include any fees paid pursuant to this article in an attempt to locate the owner of the livestock. The balance, if any, shall be paid to the owner of the livestock, if known, or, if the owner is not known, then to the school fund of the county where the livestock was impounded.

§66A-100. Illegally releasing or receiving impounded livestock misdemeanor. If any person willfully releases any lawfully impounded livestock without the permission of the impounder or receives such livestock knowing that it was unlawfully released, he shall be guilty of a Class 3 misdemeanor.

§ 66A-101. Impounded livestock to be fed and watered. If any person shall impound or cause to be impounded any livestock and shall fail to supply to the livestock during the confinement a reasonably

adequate quantity of good and wholesome feed and water, he shall be guilty of a Class 3 misdemeanor.

§ 66A-102. Right to feed impounded livestock; owner liable. When any livestock is impounded under the provisions of this Chapter and remains without reasonably adequate feed and water for more than 24 hours, any person may lawfully enter the area of impoundment to supply the livestock with feed and water. Such person shall not be liable in trespass for such entry and may recover of the owner or, if the owner is unknown, of the impounder of the livestock, the reasonable costs of the feed and water.

§ 66A-103. Penalties for violation of this Article. A violation of this article is a Class 3 misdemeanor.

§ 66A-104. Domestic fowls running at large after notice. If any person shall permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large on the lands of any other person while such lands are under cultivation in any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after having received actual or constructive notice of such running at large, he shall be guilty of a Class 3 misdemeanor.

If it shall appear to any magistrate that after three days' notice any person persists in allowing his fowls to run at large in violation of this section and fails or refuses to keep them upon his own premises, then the said magistrate may, in his discretion, order any sheriff or other officer to kill the fowls when they are running at large as herein provided.

§66A-105. Codification of General Statutes. This Article codifies Article 3 of Chapter 68 of the North Carolina General Statutes, its subsequent amendments, additions, or deletions, and the caselaw of the State of North Carolina arising thereunder.

Motion:

I move that the Board approves the amendment to the Animal Ordinance presented in the Board Agenda.

Modification Agreements on CDBG Talley Drive Grant

Community Development Block Grant (CDBG) program funds rehabilitation and reconstruction for qualified low-income homeowners. The CDBG Grant comes from the federal government and is used to pay for these repairs and construction. The program is solely funded by grant money and does not cost the County any money from the general fund. The cost of repairs or rehabilitation is secured by a forgivable loan in a promissory note or deed of trust.

The program is advertised and applications are collected from interested parties. Then property owners who are eligible are selected to receive grant funding. Once the owners are selected, the County signs a loan agreement with the individuals which is secured with a Deed of Trust for the amount of the repairs or rehabilitation.

Sometimes, these original agreements have to be modified because the amount of the repairs differs from the original anticipated amount. Today we have two such modification agreements, one modification for a sum of approximately \$1600 more than the original estimate and the other for approximately \$2900 more. Again, this additional cost was paid for with grant funds and did not cost the County anything.

Board is requested to approve the proposed modification agreements under the CDBG Talley Drive Grant.

Motion:

I move that the Board directs staff to sign the Modification Agreements.

Amendment to definition of "cash converters" for electronic record-keeping

On April 18, 2012, this Board adopted an amendment to Chapter 134 of the County Code to require

pawnbrokers, "cash converters", "precious metals dealers" and "scrap metals dealers" (all as defined in the General Statutes), to keep statutorily required information in electronic form, and be supplied such information (as required by the Statutes) to the Sheriff in electronic form.

The effect of this amendment would be to broaden the reach of this Ordinance, so that it could not be avoided by the payment for items with other than cash. The proposed amendment would add a subsection (f) to Section 134-20 of the Code, as follows:

(f) In addition to and interpretation of the foregoing incorporated statutory definitions of "cash converter", "pawnbroker", "pawnshop", "precious metals dealers" and "secondary metals dealers", for the purposes of this Ordinance, the term "cash", when construing that for which goods are purchased or otherwise obtained from the public, shall include checks, drafts, demand instruments, notes, "IOUs" and any other instrument indicating an present or future obligation to pay cash or other valuable consideration.

AMENDMENT TO CHAPTER 134 OF THE HENDERSON COUNTY CODE

ARTICLE TWO -- Electronic record-keeping and transmittal requirements for certain businesses.

134-20. Definitions

- (a) "Cash converter" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.
- (b) "Pawnbroker" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.
- (c) "Pawnshop" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.
- (d) "Precious metals dealer" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.
- (e) "Secondary metals recycler" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.

134-21. Electronic record-keeping.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance shall maintain an electronic inventory tracking system which is capable of delivery and transmission of all information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 (for cash converters, pawnbrokers and pawnshops) or N.C. Gen. Stat. §66-169 (for precious metals dealers) or N.C. Gen. Stat. §66-11 (for secondary metals dealers) by computer to the entity designated by the Henderson County Sheriff's Office.

134-22. Electronic transmittal of required records.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance is required to upload the information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 to the entity designated by the Henderson County Sheriff's Office within one business day of receipt of the goods purchased and/or pawned.

134-23. Effective date.

This Article is effective May 1, 2012.

Motion:

I move that the Board approves the amendment to Article 2 of Chapter 134 of the County Code as proposed in the Board's Agenda for this date.

Surplus Computers and Information Technology Equipment

A resolution was provided for the Board’s consideration declaring a list of Computers and Information Technology Equipment provided by the IT department no longer used by the County as surplus property. The resolution also authorizes the Purchasing Agent to advertise the surplus property for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Staff requests that the Board consider approving the resolution declaring the list of Computers and Information Technology Equipment as surplus and authorizes the Purchasing Agent to sell the surplus property by electronic public auction via GovDeals auction services.

Motion:

I move that the Board approves the resolution declaring the list of Computers and Information Technology Equipment presented as surplus and authorizes the Purchasing Agent to sell the surplus property via electronic public auction using GovDeals auction services.

FA#	Type	Model	DatePurchased	IT#	SerialNumber	CPU	RAM	HDD
10939	Workstation	Optiplex GX270	9/23/2003	IT750	GS1PK31	Intel P4 @ 3.0Ghz	512MB DDR	80GB IDE
10952	Workstation	Optiplex GX270	9/17/2003	IT740	CPR2H31	Intel P4 @ 2.6Ghz	512MB DDR	Maxtor 20GB IDE
11010	Workstation	Optiplex GX270	11/14/2003	IT808	8X4P531	Intel P4 2.26Ghz	1GB DDR	40GB IDE
11105	Workstation	Optiplex GX270	3/6/2004	IT854	2Z6VG41	Intel P4 @ 2.8Ghz	512MB DDR	40GB IDE
11106	Workstation	Optiplex GX270	3/6/2004	IT829	4Z6VG41	Intel P4 @ 2.8Ghz	1GB DDR	40GB IDE
11162	Laptop	Inspiron 5150	5/18/2004	IT901	32YLX41	Intel PentiumM @ 3.06Ghz	512MB DDR	30GB IDE
11166	Laptop	Inspiron 5150	5/18/2004	IT900	G4YLX41	Intel PentiumM @ 3.06Ghz	512MB DDR	30GB IDE
11190	Workstation	Optiplex GX270	5/25/2004	IT887	9R3HY41	Intel P4 @ 2.8Ghz	1GB DDR	40GB IDE
11281	Workstation	Optiplex 170L	8/6/2004	IT915	9MT0GS1	Intel Celeron @ 2.4Ghz	512MB DDR	40GB IDE
11292	Workstation	Optiplex GX280	9/14/2004	IT940	GHC2P51	Intel P4 @ 2.8Ghz	1GB DDR2	80GB SATA
11293	Workstation	Optiplex GX280	9/14/2004	IT942	BKC2P51	Intel P4 @ 2.8Ghz	1GB DDR2	80GB SATA
11294	Workstation	Optiplex GX280	9/14/2004	IT941	DKC2P51	Intel P4 @ 2.8Ghz	1GB DDR2	80GB SATA
11312	Workstation	Optiplex GX270	9/15/2004	IT948	COF5P51	Intel P4 @ 2.8Ghz	1GB DDR	40GB IDE
11409	Laptop	Latitude D800	12/4/2004	IT973	J81P561	Intel CentrinoM @ 1.7Ghz	1GB DDR	60GB IDE
11423	Workstation	Optiplex GX280	11/30/2004	IT954	73SK661	Intel P4 @ 2.8Ghz	512MB DDR2	40GB SATA
11424	Workstation	Optiplex GX280	11/30/2004	IT953	43SK661	Intel P4 @ 2.8Ghz	512MB DDR2	40GB SATA
11427	Workstation	Optiplex GX280	11/29/2004	IT971	DDXC961	Intel P4 @ 2.8Ghz	512MB DDR2	40GB SATA
11430	Laptop	Latitude D800	12/12/2004	IT980	G26X761	Intel CentrinoM @ 1.7Ghz	1GB DDR	60GB IDE
11433	Workstation	Optiplex GX280	11/29/2004	IT960	JJDG761	Intel P4 @ 3.6Ghz	2GB DDR2	40GB SATA
11437	Laptop	Inspiron 8500	1/12/2005	IT984	G418J61	Intel PentiumM @ 1.6Ghz	512MB DDR	30GB IDE
11445	Laptop	Latitude D800	2/3/2005	IT983	318HR61	Intel CentrinoM @ 1.7Ghz	1GB DDR	60GB IDE
11451	Workstation	Optiplex GX280	2/25/2005	IT1122	9JC8W61	Intel P4 @ 3.4Ghz	1GB DDR2	80GB SATA
11474	Workstation	Optiplex 170L	5/25/2005	IT1109	38Z7L71	Intel P4 @ 3.2Ghz	1GB DDR2	40GB IDE
11485	Workstation	Optiplex GX280	5/20/2005	IT1019	11GNK71	Intel P4 @ 2.8Ghz	1GB DDR2	80GB SATA
11487	Workstation	Optiplex GX280	5/20/2005	IT1020	31GNK71	Intel P4 @ 2.8Ghz	1GB DDR2	80GB SATA
11502	Laptop	Inspiron 9300	7/24/2005	IT1131	14TWY71	Intel PentiumM 1.73Ghz	1GB DDR2	80GB IDE
11590	Server	PowerEdge 2850	8/12/2005	IT1186	189K481	2x Intel Xeon 3.6Ghz	4GB DDR2 ECC	3x 73GB U320 SCSI
11595	Laptop	Inspiron 9300	8/15/2005	IT1145	6VN2581	Intel PentiumM @ 1.73Ghz	1GB DDR2	80GB
11647	Laptop	Inspiron 6000	11/10/2005	IT1203	BVRLS81	Intel PentiumM @ 1.73Ghz	1GB DDR2	40GB
11664	Laptop	Latitude D610	1/3/2006	IT1218	B82X391	Intel CentrinoM @ 1.73Ghz	1GB DDR2	80GB IDE
11936	Laptop	Latitude D610	6/28/2006	IT1303	CH3P781	Intel CentrinoM @ 1.73Ghz	1GB DDR2	60GB IDE

OTHERS

- Unknown Printer HP Inkjet Business 3000
- Unknown Printer HP Deskjet 1220C Professional Series

ODD	NIC	AUD	VID	WRLS	MDM
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
CD-RW	Integrated	Integrated	Integrated	N/A	N/A
CD-RW	Integrated	Integrated	Integrated	N/A	N/A
CD-RW	Integrated	Integrated	Integrated	N/A	N/A
CD-RW	Integrated	Integrated	Integrated	N/A	N/A
CDRW/DVD Combo	Integrated	Sigmatel 9750	GeForceFX5200, 15" XGA	n/a	Broadcom Polarix 56k
CDRW/DVD Combo	Integrated	Sigmatel 9750	GeForceFX5200, 15" XGA	n/a	Broadcom Polarix 56k
CD-RW	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
CD-RW/DVD Combo	Integrated	Sigmatel 9750	GeForceFX5200, 15.4" XGA	Intel Wireless	Conexant D480
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Sigmatel 9750	GeForceFX5200, 15.4" XGA	Intel Wireless	Conexant D480
CDRW & DVD+/-RW	Integrated	Integrated	Integrated	N/A	56k PCI
DVD+/-RW	Integrated	Sigmatel 9750	GeForceFX5200, 15.4" WXGA	Intel Wireless	Conexant D480
DVD+/-RW	Integrated	Sigmatel 9750	GeForceFX5200, 15.4" SXGA+	Intel Wireless	Conexant D480
DVD & DVD+/-RW	Integrated	Integrated	Integrated	N/A	56k PCI
CR-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	56k PCI
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
DVD+/-RW	Integrated	Sigmatel 9750	Radeon X300; 17" WUXGA	Intel Wireless	Conexant D110
CD-RW/DVD Combo	Integrated	Integrated	Integrated	N/A	N/A
DVD+/-RW	Integrated	Sigmatel 9750	Radeon X300, 17" WUXGA	Intel Wireless	Conexant D110
DVD+/-RW	Integrated	Sigmatel 9751	Intel 945GM, 15.4" WSXGA+	Intel Wireless	Conexant D110
CD-RW/DVD Combo	Integrated	Sigmatel 9751	Intel 915GM, 14" XGA	Intel Wireless	Conexant D110
DVD+/-RW	Integrated	Sigmatel 9751	Intel 915GM, 14" XGA	Intel Wireless	Conexant D110

Local Emergency Planning Committee Annual Report

Pursuant to Article 2-7 of the Local Emergency Planning Committee By-Laws, the 2012 annual report is hereby submitted. The membership roster for 2013 is also submitted for approval.

The Henderson County Local Emergency Planning Committee held quarterly meetings at Binion’s Restaurant, Hendersonville, NC. The LEPC worked on several projects this year including;

The Hazard Mitigation Plan will be consolidated into a regional plan with 3-5 other counties and incorporated municipalities desiring to participate. The regional planning initiative will be funding by a federal hazard mitigation planning grant with the objective of combining individual planning efforts into a regional focus, thereby capturing the impact of disasters and disaster mitigation activities on a regional basis.

The emergency operations plan was updated with a specific focus on hazardous materials. Initiated with the assistance of a hazardous materials planning grant, the update started a project to develop a facility

specific emergency response plan for every facility within the county utilizing extremely hazardous materials as defined by the Emergency Planning and Community Right to Know Act. Six facility plans were completed in 2012 and six more are scheduled for development in 2013 pending approval of a planning grant from the NC Division of Emergency Management.

The following individuals are nominated as members of the Local Emergency Planning Committee for 2013:

Barnette, Mike	EMS Manager
Beam, Patrice	Mayors Committee for Disabled
Beavers, Barry E.	Mountain Laurel Mental Health Service
Blake, Herbert	Chief, Hendersonville Police Department
Bolen, Darin	Pardee Hospital, Engineering Department
Bridges, Tom	H.C. Health Department
Brissie, Jimmy	Henderson County Rescue Squad
Brown, Gary	President, Henderson County Fire and Rescue Association
Cabe, David	Southern Bell
Callison, Will	President-CEO –Mountain Laurel Mental Health Service
Cannon, Steve	North Carolina Department of Transportation
Case Caylin	General Electric
Christiansen, Don	First Sergeant North Carolina Highway Patrol
Cook, David	Interfaith Assistance Ministry
Corn, Lisha	Henderson County Sheriff's Dept. 911 Director
Cox, Tracey	Hendersonville Police Department
Davidson, Jamie	Mountain Regional Medical Reserve Corp.
Dudasik, Leigh	Manna Food Bank
Dunn, John	Pardee Hospital, Security Director
Edmundson, Tom	Retired EMS Director
Edney, Michael	County Board of Commissioners
Edney, Mike	Henderson County Schools
Eller, Micah	Printpack
Fisher, Dan	Sergeant, North Carolina National Guard
Flowers, Dorian	Chief, Hendersonville Fire Department
Gee, Danny	NC Division of Emergency Management, Area 15 Coordinator
Gilbert, Debbie	SMAT Coordinator, MATRAC
Gilreath, Brian	North Carolina State Highway Patrol
Gould, Chip	Cason Companies
Griffin, Curtis	Property Address Coordinator, Henderson County
Griffin, Lowell	Henderson County Sherriff's Department
Hallock, Barry	General Electric
Hollis, Wally	LEPC Vice Chairman, Henderson County Fire Marshal
Horne, Marilyn	Pardee Hospital, Director of Environmental Services and Safety
Horton, Kim	PIO, H.C. Health Department
Hyder, Rocky	LEPC Chairman – Emergency Services Director
Jacklin, David	Director of Community Impact, United Way
Justice, Cathy	LEPC Secretary – Emergency Services Admin. Assistant
Kirchner, Keith	City of Hendersonville Water Department
Knief, Duke	ARES
Layne, Terry	Retired EMS Manager
Linville, Toby	Henderson County Code Enforcement Director
Livingston, Rick	Henderson County Fire and Rescue Association
Lovelace, Donna	Henderson County Department of Social Services
Malac, Jane	Granger

McDonald, Charlie	Henderson County Sheriff
McGrady, Chuck	North Carolina State Representative
Morrow, Michelle	Life Care Center of Hendersonville
Phillips, Janet	Henderson County Detention Center Nurse
Poole, Vinson	EPA EPCRA
Raines, Rodney	Major, Henderson County Sheriff Department
Reynolds, Michelle	Pardee Hospital, Environmental Services and Safety
Sloan, Judie	Interfaith Assistance Ministry
Smith, Tim	North Carolina Dept. of Transportation
Southern Agricultural Insecticides Inc.	
Stauffer, Tricia	Henderson County Health Department-Nursing
Steadman, Perry	Life Care Center of Hendersonville
Stepp, Mark	MATRAC
Swain, Joseph	Assistant Fire Marshal, Henderson County
Swift, Seth	H.C. Health Department - Environmental
Tallant Sandy	Duke Energy
Thompson-Gudger, Cheryl	Salvation Army
Thornhill, Christopher	Captain Salvation Army
Times News	Staff Member
Trotter, Bobbie	Chief Laurel Park Police
WHKP Radio	Staff Member
Williams, Mike	Director, American Red Cross

Motion:

I move to approve the 2012 Local Emergency Planning Committee annual report and 2013 membership roster as presented.

Performance Contracting

During the October 17th meeting of the Board of Commissioners, Engineering presented the possibility of Performance Contracting (PC) to pay for energy saving improvements to County facilities with the resulting and guaranteed savings. In addition to energy savings, these improvements could also address needed maintenance projects. The Board directed Engineering to further investigate the viability of a PC.

Subsequently, Engineering invited three Energy Service Companies (ESCO) to tour the County's facilities and review two years of utilities usage data. All three of the ESCOs indicated that there is a possible contract and that would respond to a Request for Proposals (RFP). In addition, staff met with Reid Conway, Western NC representative from the State Energy Office to discuss a County PC. He has provided oversight for numerous contracts and was supportive as well. Mr. Conway will be a valuable resource during the process.

With this response, staff would recommend issuing an RFP; in turn bring an ESCO recommendation back to the Board for approval.

Motion:

I move to direct the County Engineer to proceed with Request for Proposals for a performance Contract for County facilities.

Notification of Vacancies

Chairman Messer reminded the Board of the following vacancies and opened the floor to nominations:

1. Agriculture Advisory Board – 1 vac.
2. Animal Services Committee – 2 vac.
3. Juvenile Crime Prevention Council – 2 vac.
4. Recreation Advisory Board – 3 vac.

Nominations

1. Environmental Advisory Committee – 1 vac.

Commissioner Hawkins nominated Patricia Danz for position #3. *Commissioner Hawkins made the motion to accept the appointment of Patricia Danz to position #3 by acclamation. All voted in favor and the motion carried.*

2. Henderson County Transportation Advisory Committee – 1 vac.

Commissioner Thompson nominated David Jones for position #2. *Chairman Messer made the motion to accept the reappointment of David Jones to position #2 by acclamation. All voted in favor and the motion carried.*

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

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

4. Juvenile Crime Prevention Council – 6 vac.

Commissioner Hawkins nominated Mary Ann J. Hollocker for position #20. *Commissioner Hawkins made the motion to accept the appointment of Mary Ann J. Hollocker to position #20 by acclamation. All voted in favor and the motion carried.*

5. Laurel Park Planning Board – 1 vac.

Commissioner Hawkins nominated James Morse for position #1. *Commissioner Messer made the motion to accept the appointment of James Morse to position #1 by acclamation. All voted in favor and the motion carried.*

6. 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.

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

Commissioner Young nominated Laurence Kosowsky for position #10 and Patricia Stanley for position #14. *Chairman Messer made the motion to accept the reappointments of Laurence Kosowsky to position #10 and Patricia Stanley to position #14 by acclamation. All voted in favor and the motion carried.*

8. Senior Volunteer Services Advisory Council – 2 vac.

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

9. Smartstart – 1 vac.

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

TAX COLLECTOR'S REPORT AS PER NCGS 105-369(A)

The Tax Collector's report was provided for the Board's information.

Report of Unpaid Taxes that are Liens on Real Property as required by N.C.G.S. 105-369(a)

In accordance with N.C.G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, the following report was submitted.

Annual Bills (not including Motor Vehicle)

2012 Beginning Charge:	\$57,948,128.22	2011 Beginning Charge:	\$57,516,358.41
Discoveries & Imm. Irreg.:	\$302,572.20	Discoveries & Imm. Irreg.:	\$110,629.28
Releases & Refunds:	(\$97,530.61)	Releases & Refunds:	(\$95,145.17)
Net Charge:	\$58,153,169.81	Net Charge:	\$57,531,842.52
Unpaid Taxes:	\$3,942,239.06	Unpaid Taxes:	\$4,028,038.95
Amount Collected:	\$54,210,930.75	Amount Collected:	\$53,503,803.57
Percentage Collected:	93.22%	Percentage Collected:	93.00%
Through: 24-Jan-2013		Through: 24-Jan-2012	

Advertisement of Tax Liens:

Effective January 1, 1985, Ch. 1013 (H1676) amends N.C.G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the Courthouse or City Hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Effective July 1, 2006, N.C.G.S. 105-369 has been modified and will require us to provide notice to and advertise liens under the name of the “record owner as of the date the taxes became delinquent” of real property.

It is Assessor Stan Duncan’s recommendation to the Board of Commissioners that unpaid tax liens be advertised once on 21 March 2013 (the third Thursday in March). The reasons for his recommendation are as follows: (1) the newspaper states that they must have ample time for preparation of the advertisement; and (2) with the implementation of the new rules regarding advertisement; our costs per parcel will essentially double even without allowing for any per-inch increase the newspaper may add.

Delinquent Tax Collector Lee King provided an update on Delinquent Tax Collections for FY2012-2013

The Tax Office has recently sent up new debts to the clearinghouse as part of the Debt Set Off Program. They now have over \$2,470,197.67 in delinquent debts (EMS, Tax, Sewer, and other debts owed to Henderson County) to be collected at the clearinghouse. The tax portion of these debts totals \$1,010,119.48. This will allow us to receive monies if a taxpayer is due a refund on his/her state income tax or lottery winnings by attaching our tax lien to the refund/lottery winnings.

One hundred thirty-eight (138) bank attachments have been served as part of our enforced collection process this fiscal year. These attachments have resulted in the collection of \$85,253.11. Currently there are 46 bank attachments in process for a potential collection of \$67,317.30. As of 24 January 2013, 64 wage garnishments have been served resulting in the collection of \$20,708.44 in delinquent taxes. There are 71 wage attachments that are in process for the potential collection of an additional \$40,110.78 in delinquent taxes. The rent attachment program has resulted in 3 attachments being served resulting in the collection of \$13,512.45 in delinquent taxes. One rent attachment is in process for another \$4,999.09 in delinquent taxes. The pre-foreclosure program has collected \$100,177.76 from 57 parcels in delinquent taxes this fiscal year. There are 71 parcels in pre-foreclosure representing \$176,917.76 in potential collections.

Overall since 1 July 2012, \$1,162,344.14 has been collected in delinquent taxes for this fiscal year. This reflects 65.48% of the budgeted goal of \$1,775,000 for this fiscal year.

ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY FOR FAILURE TO PAY TAXES PER NCGS 105-569

Stan Duncan stated as required by NCGS 105-369 the Board is requested to Order the Tax Collector to Advertise the Tax Liens on Real Property for Tax Year 2012 that remain unpaid.

Request to approve the advertisement Real Property Tax Liens for Tax Year 2012 that are now delinquent.

Commissioner Hawkins made the motion that the Board orders the advertisement of Delinquent Tax Liens for Tax Year 2012 in the Times News. All voted in favor and the motion carried.

Having received the report of the Henderson County Tax Collector dated 25 January 2013, which report indicates that there exist unpaid taxes for Tax Year 2012 of \$3,942,239.06, it appears to the Board of Commissioners of Henderson County and the Board so finds that it is appropriate and necessary to advertise, pursuant to N.C. Gen. Stat. §105-369, Tax Liens on Real Property for Failure to Pay Taxes.

ENGINEER SELECTION AND PROJECT MANAGEMENT ALLOCATION - 911 CENTER RELOCATION

Marcus Jones stated as directed by the Board with approval of the FY2013 Budget, Engineering staff solicited firms for architectural services for the 911 Center Relocation project. The funds allocated in the budget are for design of the renovations to the Law Enforcement Center basement at \$60,000. Please see the attached budget from the September 2011 GeoComm Study for this project.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed a Request for Qualifications (RFQ) and on July 6, 2012, posted it on the County's website. The responses were received by July 30, 2012 and the following firms submitted Statements of Qualifications: Delta Engineering Inc, Modus Operandi Design PLLC, Moseley Architects PC, The Tamara Peacock Company, and Watson Tate Savory Liollo Architecture Inc. The Statements are available for review in the Engineering Department at the Historic Courthouse.

A detailed review of the firms was conducted based on the criteria established within the RFQ. The selection criteria are as follows: Project Team, Project Experience, Design Performance, Relationships with Funding and Regulatory Agencies, and Customer Service. Based on their Statements and further investigations, staff recommends Delta Engineering Inc as the most qualified firm. The selection committee consisted of Lisha Corn, Director of Communications, David Berry, Central Services / Construction Manager and Marcus Jones, County Engineer.

Upon approval of Delta as the most qualified firm by the Board of Directors, Sheriff and Engineering staff will negotiate a scope of work and fee for the project and bring the resulting agreement back to the Board for approval.

In addition to the agreement proposed above, the selection committee has discovered during RFQ process the need to push forward executing a service contract for project management as identified in the attached budget. The scope of the project management effort is primarily to procure the equipment for the center. In addition, the expertise needed for equipment procurement is integrated into the programming and design efforts of the architectural services. Equipment is by and far the largest portion of the project's budget. Initially, staff felt that the architectural and project management function could be separate; however, staff would like the Board to consider allocating the additional \$35,000 to start the project management in conjunction with the architectural services.

The selection committee has researched possible firms to perform the service contract for project management and recommend Mission Critical Partners (MCP) for their extensive experience with 911 Center developments in North Carolina and relationship with the 911 Board which is a funding source for the project. With Board direction, staff will also bring a proposed agreement with MCP to the Board with the proposed architectural agreement.

Authorize the selection of Delta Engineering, Inc. as the most qualified responding firm to perform the architectural services for the 911 Center Relocation project and direct staff to negotiate a service contract for project management with Mission Critical Partners.

Since the agenda was posted, the 911 State Board has changed the rules of the funding and this project would now fall under 100% eligibility for funding. It will be eligible for the entire \$1.5 million, not just equipment. The goal is to begin the project this calendar year.

Joe Capitan, President of Delta Engineering, Inc. stated they had met with Mission Critical Partners and the selection team, and depending on the actual equipment that will be secured for funding, which affects the timeline, the design phase will be approximately a 3 months process.

County Manager Steve Wyatt noted after the design process is the bid process, which is approximately 30 days. At this point, approximately August, another decision making point will come back before the Board, the real numbers involved. The numbers included in the agenda are projections only.

Commissioner Hawkins made the motion that the Board authorizes the selection of Delta Engineering, Inc. as the most qualified responding firm to perform the architectural services for the 911 Center Relocation project and direct staff to negotiate a service contract for project management with Mission Critical Partners. All voted in favor and the motion carried.

REGULATION REVIEW COMMITTEE

At the Board's January 16th Planning Workshop, Commissioner Hawkins recommended the Board form a Committee to review and evaluate County regulations. The Board is requested to review the specific details of this Regulation Review Committee, and direct Staff accordingly.

The Board is requested to discuss if it wishes to form such a committee. Should it be the consensus of the Board to do so, the Board is then requested to direct Staff on the specifics for the Charter of the Committee. The Board is also requested to call for nominations, to allow for appointment of the Committee in 30 days.

Commissioner Hawkins, in discussion with several small and large businesses, feels there may be a regulation or code that impedes or prohibits businesses from performing some of the job markets. Mr. Hawkins feels it would be valuable to put together a committee, made up of business owners in the county, to meet and advise the Commissioners of restrictive regulations impeding businesses. Mr. Bert Lemke of Van Wingerden is willing to chair the committee if the Board desires.

Charter recommendations:

What is the committee's purpose? To identify regulations or code that need to be addressed.

Who will the committee report to? Board of Commissioners

Who will be staff to the committee? Legal, Planning, and the Clerk to the Board

What is the duration of the committee's existence? 2 to 3 months to report

What parameters must the committee work within? Open meeting laws

How will the committee meetings be conducted? Roberts Rules of Procedure

What is the make-up of the committee? Business members of the community

Interested persons must submit an application to the Clerk to the Board. This item will be on the March 4, 2013 agenda for nominations.

County Manager Steve Wyatt stated this discussion would be applied to the Commissioners' Mission Statement. Applications will be taken for 30 days. Russ Burrell would hold an orientation/educational session as the first meeting.

RESOLUTION REGARDING SECOND AMENDMENT

Commissioner Hawkins requested that the resolution provided in the agenda packet be considered by the Board. Its effect would be:

1. To call upon North Carolina government to take no action with the effect of infringing upon citizens'

rights under the Second Amendment to the Constitution of the United States of America; and,

2. Directing County staff to take no action with the effect of infringing upon citizens' rights under the Second Amendment to the Constitution of the United States of America.

The Resolution is to resolve that the Board of Commissioners calls on the Governor and General Assembly of the State of North Carolina to pass or permit no law or other action with the effect of enabling within the State of North Carolina any law or other action with the effect of enabling within the State of North Carolina any Federal law, executive order or regulations restricting the right to keep and bear arms.

Commissioner Hawkins made the motion that the Board passes the Resolution regarding the Second Amendment contained in the Board's agenda package. All voted in favor and the motion carried.

RESOLUTION – TO REQUEST LEGISLATION TO EXEMPT CERTAIN RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC RECORDS ACT

Chairman Messer stated the Board of Commissioners is requested to adopt a Resolution to request Legislation to exempt certain records of the Sheriff's Office from the Public Records Act.

The Resolution is to resolve that the Board of Commissioners requests that the Henderson County delegation to the North Carolina General Assembly introduce and support legislation to exempt handgun purchase permits and concealed carry permits from the records of Sheriff's Offices that are accessible by the public at large.

Commissioner Messer made the motion that the Board adopts the Resolution to request Legislation to exempt certain records of the Sheriff's Office from the Public Records Act, as presented. All voted in favor and the motion carried.

WESTFELDT PARK GREENWAY

David Whitson stated Henderson County has expressed an interest in implementing a greenway and trail development project along the French Broad River at Westfeldt Park to provide recreation opportunities in that area. Two funding sources are currently available for such a project: from the North Carolina Division of Water Resources, and the N.C. Recreational Trails Program.

The Board is requested to adopt the Resolutions, requesting financial assistance from the State of North Carolina Division of Water Resources, as well as the Resolution for Designation of Applicant's Agent for the Recreational Trails Program.

The \$200,000 grant is a Federal funded grant from the Recreational Trails Program, commonly referred to as RTP. This program falls under the Department of Environmental and Natural Resource Division of Parks and Recreation. The \$50,000 grant is from the NC Division of Water Resources, usually referred to as DWR. This grant can be used as the 25% match for the \$200,000 grant. Both grants will be used to implement a greenway and trail development in the Westfeldt Park to provide recreational opportunities for hiking, biking, birding, and fishing. Westfeldt Park Phase I is only a part of a much larger initiative of greenway development along the French Broad River.

Kieran Roe, Executive Director of the Carolina Mountain Land Conservancy, provided the following power-point presentation to the Board.

French Broad River Recreational Access Project

Connecting Communities in Support of Outdoor Recreation, Natural Resource Conservation, and Economic Development



French Broad River Recreational Access Project

Connecting Communities in Support of Outdoor Recreation, Natural Resource Conservation, and Economic Development



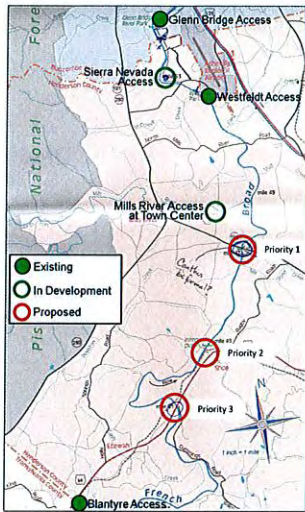
French Broad River Recreational Access Project



New River Access

New Greenway Development





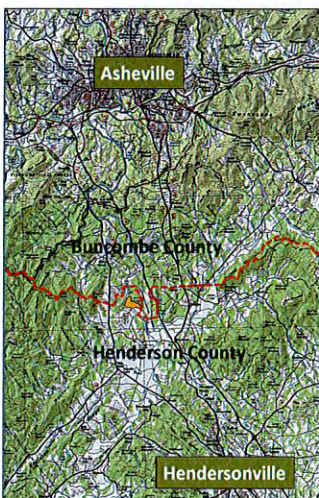
Existing River Access & Proposed River Access Points

Objective:

**First new river access
in-place within 12
months**



French Broad Muskellunge



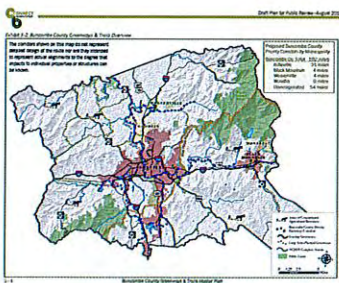
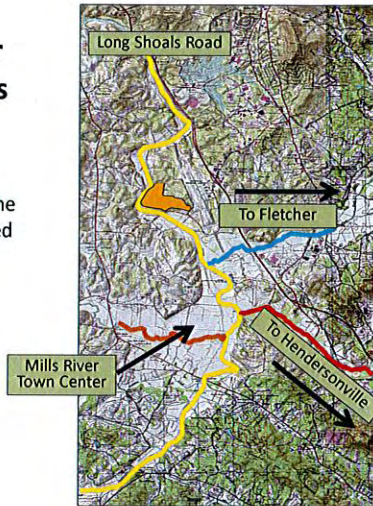
French Broad River Recreational Access Project

*Connecting Buncombe and
Henderson Counties via
outdoor recreational
corridors*

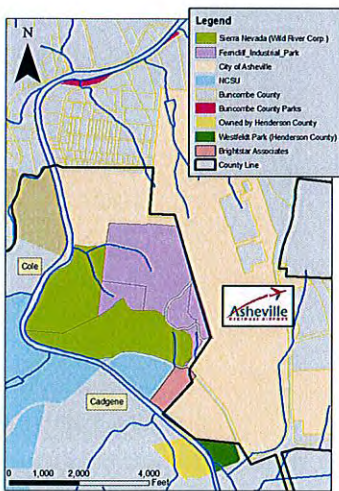
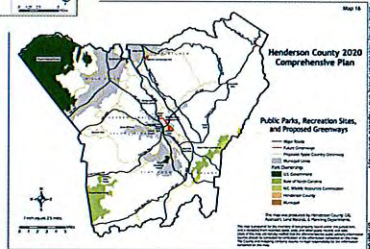
French Broad River Recreational Access Project

Connecting Communities via the French Broad River and selected tributaries.

- French Broad —
- Mills River —
- Mud Creek —
- Cane Creek —



GREENWAYS:
Buncombe and Henderson
Counties have Adopted
Greenway Master Plans that
Follow the French Broad River
Corridor



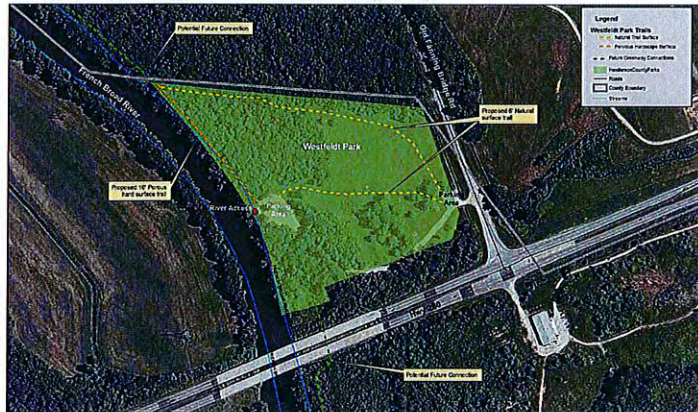
Phase 1 Greenway

Simple Property
Ownership,
Cooperative Owners

Objective:

Phase 1 greenway (3.5 miles) in-place within 18 months

French Broad Buffer Greenway Project



French Broad River Recreational Access Project

Supportive Local Companies:



Robert Danos, a summer camp administrator, addressed the Board and noted that local camps would use the access availability, bringing more money into Henderson County.

Commissioner Thompson made the motion that the Board adopts the Resolution requesting financial assistance from the State of North Carolina Division of Water Resources, as well as the Resolution for Designation of Applicant's Agent for the Recreational Trails Program. All voted in favor and the motion carried.

IMPORTANT DATES

Set Public Hearing for Land Development Code Text Amendment (TX-2013-01) Temporary Uses Frequency for Religious Services

The Planning Department received a request to amend the Land Development Code to extend the length of time religious services may operate under a temporary use permit. The proposed text amendment allows religious services, under a temporary use permit, to operate for up to twelve (12) weeks, instead of eight (8) days.

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Planning Board reviewed the application and draft language at its January 17, 2013 meeting and voted 4-2 in favor of the recommendation. The Technical Review Committee reviewed the application and

draft language at its January 8, 2013 and unanimously approved the recommendation. If the hearing date is set, staff will publish the required public notice.

Chairman Messer made the motion that the Board set a public hearing to receive public comment for Land Development Code Text Amendment 2013-01 regarding Temporary Uses Frequency for Religious Services for Wednesday, February 20th, 2013 at 9:00 a.m. All voted in favor and the motion carried.

Set Public Hearing request for rezoning application R-2012-06

Chairman Messer made the motion to set a Public Hearing for rezoning application R-2012-0. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to adjourn at 7:05 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

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

Friday, January 25, 2013

Re: Tax Collector's Report to Commissioners – 04 February 2013 Meeting

Please find outlined below collections information through 24 January 2013 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 Beginning Charge:	\$57,948,128.22	2011 Beginning Charge:	\$57,516,358.41
Discoveries & Imm. Irreg.:	\$302,572.20	Discoveries & Imm. Irreg.:	\$110,629.28
Releases & Refunds:	(\$97,530.61)	Releases & Refunds:	(\$95,145.17)
Net Charge:	\$58,153,169.81	Net Charge:	\$57,531,842.52
Unpaid Taxes:	\$3,942,239.06	Unpaid Taxes:	\$4,028,038.95
Amount Collected:	\$54,210,930.75	Amount Collected:	\$53,503,803.57
Percentage Collected:	93.22%	Percentage Collected:	93.00%
Through: 24-Jan-2013		Through: 24-Jan-2012	

Motor Vehicle Bills G01 Only:

2012 Beginning Charge:	\$3,096,779.23	2011 Beginning Charge:	\$2,848,903.35
Discoveries & Imm. Irreg.:	\$2,459.31	Discoveries & Imm. Irreg.:	\$738.66
Releases & Refunds:	(\$56,444.61)	Releases & Refunds:	(\$65,930.55)
Net Charge:	\$3,042,793.93	Net Charge:	\$2,783,711.46
Unpaid Taxes:	\$719,793.70	Unpaid Taxes:	\$691,271.68
Amount Collected:	\$2,323,000.23	Amount Collected:	\$2,092,439.78
Percentage Collected:	76.34%	Percentage Collected:	75.17%
Through: 24-Jan-2013		Through: 24-Jan-2012	

Fire Districts All Bills:

2012 Beginning Charge:	\$6,774,657.35	2011 Beginning Charge:	\$6,676,277.60
Discoveries & Imm. Irreg.:	\$45,489.04	Discoveries & Imm. Irreg.:	\$12,595.25
Releases & Refunds:	(\$20,989.02)	Releases & Refunds:	(\$17,761.54)
Net Charge:	\$6,799,157.37	Net Charge:	\$6,671,111.31
Unpaid Taxes:	\$567,591.05	Unpaid Taxes:	\$564,137.29
Amount Collected:	\$6,231,566.32	Amount Collected:	\$6,106,974.02
Percentage Collected:	91.65%	Percentage Collected:	91.54%
Through: 24-Jan-2013		Through: 24-Jan-2012	

Respectfully submitted,



Luke Small
Collections Specialist

Stan C. Duncan
Tax Collector

HENDERSON COUNTY

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

DEPARTMENT: Tax Department Assessor's Office

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
2012 Real Property LISTING FORMS	✓	Have been SCANNED	STANDARD 6.2	
Real Estate TRANSFER FILES	✓		"	

*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.

Jan C. Davis
Department Head

4 Jan 2013
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 4th day of February, 2013.

Cherese L. Wilson
Clerk to the Board

HENDERSON COUNTY

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

DEPARTMENT: TAX Department - Assessor

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
2001, 2002, 2003 CLOSED BUSINESSES	✓		STANDARD-6 ITEM-18	
2010-2011 TAX BILLS UNDELIVERABLE MAIL	✓		WHEN ADMIN VALUE ENDS	
2008-2011 ADDRESS CORRECTIONS	✓		STANDARD-8 ITEM-10	
2009 DELINQUENT TAX NOTICES	✓		STANDARD-7 ITEM-3	
2005-2006 TRUCK/RV LETTERS	✓		STANDARD-9 ITEM-8	
2003-2005 MV LETTERS	✓		STANDARD-9 ITEM-8	
2012 LISTING FORMS UNDELIVERABLE MAIL	✓		WHEN ADMIN VALUE ENDS	

*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.

Law C. Adams
Department Head

3 Jan 2013
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 4th day of February, 2013.

Cheresa L. Wilson
Clerk to the Board

**HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE**

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

DEPARTMENT: Tax - Assessor's Office

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Applications for Tax Exclusion under NCGS 105.271 for the Elderly and Permanently Disabled Deceased - 2010 + 2011 Denied - 2010	✓		6.9	
Transfer of Ownership 2010 + 2011				

*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.

[Signature]
Department Head

4 Jan 2013
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 4th day of February, 2013.

[Signature]
Clerk to the Board

AMENDMENT TO CHAPTER 134 OF THE HENDERSON COUNTY CODE

ARTICLE TWO of Chapter 134 of the Henderson County Code is hereby amended by adding subsection (f) to Section 134-20 of the Code, as follows:

(f) In addition to and interpretation of the foregoing incorporated statutory definitions of "cash converter", "pawnbroker", "pawnshop", "precious metals dealers" and "secondary metals dealers", for the purposes of this Ordinance, the term "cash", when construing that for which goods are purchased or otherwise obtained from the public, shall include checks, drafts, demand instruments, notes, "IOUs" and any other instrument indicating an present or future obligation to pay cash or other valuable consideration.

This amendment is effective on adoption, and was adopted unanimously by the Board of Commissioners this the 4th day of February, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____

Charlie Messer
CHARLIE MESSER, Chairman

Attest: _____

Alicia L. Wilcox
Clerk to the Board

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

WHEREAS, Henderson County owns the computers and information technology 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 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 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 computers and information technology equipment itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Purchasing Agent 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 Purchasing Agent on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

THIS the 4th day of February, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: *Charles Messer*
Charles Messer, Chairman

ATTEST:

Teresa L. Wilson
Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

IN THE MATTER OF THE ADVERTISEMENT OF TAX LIENS

ORDER

Having received the report of the Henderson County Tax Collector dated 25 January 2013, which report indicates that there exist unpaid taxes for Tax Year 2012 of \$3,942,239.06, it appears to the Board of Commissioners of Henderson County and the Board so finds that it is appropriate and necessary to advertise, pursuant to N.C. Gen. Stat. §105-369, Tax Liens on Real Property for Failure to Pay Taxes.

WHEREFORE, IT IS ORDERED that the Henderson County Tax Collector proceed to advertise the tax liens pursuant to N.C. Gen. Stat. §105-369.

Unanimously adopted, this 4th day of February 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____

Charles Messer
CHARLES MESSER, Chairman

Attest:

Teresa L. Wilson
TERESA L. WILSON, Clerk to the Board



**A RESOLUTION TO PRESERVE AND DEFEND
THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA AND
THE STATE OF NORTH CAROLINA**

1 **WHEREAS**, the Second Amendment to the Constitution of the United States of America
2 provides: "A well-regulated militia being necessary to the security of a free state, the right of
3 the people to keep and bear arms shall not be infringed"; and

4 **WHEREAS**, the Constitution of the State of North Carolina provides: "A well regulated
5 militia being necessary to the security of a free State, the right of the people to keep and bear
6 arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty,
7 they shall not be maintained, and the military shall be kept under strict subordination to, and
8 governed by, the civil power. Nothing herein shall justify the practice of carrying concealed
9 weapons, or prevent the General Assembly from enacting penal statutes against that practice";
10 and

11 **WHEREAS**, the United States Supreme Court in recent months has twice upheld the
12 Second Amendment to the Constitution as applying to the rights of individuals to keep and
13 bear arms separate and apart from any requirement of militia service; and

14 **WHEREAS**, consideration is reportedly being given to adopting laws, regulations or
15 actions which would have the effect of infringing on the right of Americans to keep and bear
16 arms; and

17 **WHEREAS**, the reasons given in support of such infringements as gun registration,
18 banning certain kinds of weapons and accessories, requiring extreme background checks,
19 restricting the bearing of arms such as excessive restrictions on concealed carry and other
20 restrictions, have not been shown by the substantial weight of scientific evidence to have been
21 effective in accomplishing the stated objectives of such restrictions as compelling necessities for
22 government action to protect the public safety.

**A RESOLUTION TO PRESERVE AND DEFEND
THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA AND
THE STATE OF NORTH CAROLINA**

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

3 1. The Henderson County Board of Commissioners hereby calls upon the Governor
4 and the General Assembly of the State of North Carolina to pass or permit no law or other
5 action with the effect of enabling within the State of North Carolina any Federal law, executive
6 order or regulations restricting the right to keep and bear arms, and

7 2. The County Manager is hereby directed that no county staff shall participate in
8 nor allow any county resources be used in the implementation of any law, executive order or
9 directive, or regulation that has the effect of infringing on the right to keep and bear arms
10 consistent with the Constitution of the United States of America as amended.

Adopted after motion duly made, this the 4th day of February, 2013.



Chairman of the Board of Commissioners

Attest:



Clerk to the Board of Commissioners



HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 698-4443
TDD: (828) 697-4580
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

RESOLUTION

TO REQUEST LEGISLATION TO EXEMPT CERTAIN RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC RECORDS ACT

- WHEREAS,** the Sheriff's Office in each county in the State of North Carolina is required to maintain records of the handgun purchase permits issued by the Sheriff's Office pursuant to N.C.Gen.Stat.§14-405 and concealed carry permits issued pursuant to N.C.Gen.Stat.§14-415.17; and,
- WHEREAS,** these records include information such as name, address, age and other information as may be requested by the Sheriff's Office; and,
- WHEREAS,** the Henderson County Board of Commissioners finds and declares that it is in the best interests of the citizens of the County and the State of North Carolina to prevent public access to this information; and,
- WHEREAS,** the Henderson County Board of Commissioners recommends and supports legislation which exempts handgun purchase permits and concealed carry permits from the list of records of Sheriff's Offices which are accessible by the public at large;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby requests that the Henderson County delegation to the North Carolina General Assembly introduce and support legislation to exempt handgun purchase permits and concealed carry permits from the records of Sheriff's Offices that are accessible by the public at large.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Honorable Pat McCrory, NC Governor, the Henderson County Legislative Delegation to the NC General Assembly, and the North Carolina Association of County Commissioners.

Adopted this the 4th day of January, 2013.



Charlie Messer

CHARLIE MESSER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

HENDERSON COUNTY BOARD OF COMMISSIONERS

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CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

RESOLUTION

WHEREAS, the Henderson County Board of Commissioners desires to implement a greenway and trail development project along the French Broad River at Westfeldt Park to provide recreation opportunities for hiking, fishing, birding and cycling;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina Division of Water Resources to provide financial assistance to Henderson County for the Westfeldt Park greenway and trail project in the amount of \$50,000 or 20% percent of project cost, whichever is the lesser amount;
- 2) Henderson County is simultaneously seeking remainder of project funds from the N.C. Recreational Trails Program and plans to use the combined grants to cover all project costs.
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

Adopted this the 4th day of February, 2013.



CHARLIE MESSER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

**RESOLUTION OF GOVERNING BODY OR COMMITMENT LETTER
DESIGNATION OF APPLICANT'S AGENT
Recreational Trails Program and Adopt-A-Trail-Program**

Organization Name (hereafter named Organization) **Henderson County** Grant Number:

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):
Department of Environmental and Natural Resources Division of Parks and Recreation

Applicant's Fiscal Year (FY) Start
Month: July Day: 1st

Applicant's Federal Employer's Identification Number
56-6000-307

PRIMARY AGENT	SECONDARY AGENT
Agent's Name: Timothy Hopkin	Agent's Name: David Whitson
Organization: Henderson County Parks and Recreation	Organization: Henderson County
Official Position: Director	Official Position: Assistant County Manager
Mailing Address: 801 4 th Ave East	Mailing Address: 1 Historic Courthouse Square, Suite #2
City ,State, Zip: Flat Rock, NC 28792	City ,State, Zip: Hendersonville, NC 28792
Daytime Telephone: 828 697-4884	Daytime Telephone: 828 697-4809
Facsimile Number: 828 697-4886	Facsimile Number: 828 698-6014
Cell Number: 828 674-9782	Cell Number: 828 674-6916

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Federal Highway Administration Office of Planning and Environmental; Office of Human Environment of the North Carolina General Statutes, or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Department of Environmental and Natural Resources for all matters pertaining to such grant assistance required by the grant agreements. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 4th day of February, 2013.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title: Charles Messer, Chairman of the BOC	Name: Terry Wilson
Name and Title	Official Position: Clerk to the Board
Name and Title	Daytime Telephone: 828 697-4809

CERTIFICATION

I, Charlie Messer, duly appointed as Chairman of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Henderson County on the 4th day of February, 2013.

Date: 2/4/2013 Signature: Charlie Messer