

DRAFT

10/22/13

MINUTES

cc: Bob
Steve
David
Russ
Amy

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, OCTOBER 16, 2013

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 Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Mike Edney, 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: Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Budget Manager Amy Brantley, Assessor/Tax Collector Stan Duncan, HR Director Jan Prichard, DSS Director Eric Bush, Environmental Program Coordinator Megan Piner, Chief Deputy Rodney Raines, Assistant County Engineer Natalie Berry, Director of Business and County Development John Mitchell, Deputy County Attorney Sarah Zambon, Fire Marshal Rocky Hyder, PIO Christine Hallingse, videotaping, and Sergeant Leray Coggins as security.

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 Commissioner Young.

INFORMAL PUBLIC COMMENTS

1. Sonia Gironda – Ms. Gironda is the Executive Director at Smartstart. She is concerned about loss of the child care subsidy for five hundred children in Henderson County due to the government shutdown. Portions of staff income will be lost, and there will be no daycare for some. She asked the Board to consider ways to support the program.
2. Katherine Montgomery – Ms. Montgomery feels child care funding will cease on Friday. This is a crisis for Henderson County, affecting daycares, their staff and families. She works for a small non-profit business. Nine families and twelve children are currently enrolled in her daycare will lose the service. Twenty-eight centers in Henderson County will be affected.
3. Alice Dunbar – Ms. Dunbar is the owner of a daycare. As a mother she recognizes the importance of daycare. This not only hurts the businesses, it hurts families as they cannot survive without the subsidy.
4. Bridgett Librado – Ms. Librado was very emotional and could not be understood during her comment period.
5. Elisha Freeman – Ms. Freeman is the Executive Director of the Children and Family Resource Center. Forty or more centers are at stake because of the Government shutdown. Childcare is a necessity. She asked the Board to respond with temporary support and to contact congress.
6. Denise Purcell – Ms. Purcell is the Director at St. James School for Little Folks. Support is needed to protect the children.
7. Jennifer Knaus – Ms. Knaus does not feel that the subsidy is a handout. Parents must work thirty hours per week or be enrolled in school fulltime. Some of the children receive vital therapy at daycare. She asked the Board to offer assistance.
8. Susan Lee – Mrs. Lee is the Director of His Kids, which is licensed for one hundred children. They will lose one-third of their kids without the plan. She asked the Board to do their part and help out. Some of their children would not eat if they were not in daycare. She feels the parents are doing all they can to survive.

DATE APPROVED:

- 9. Stephanie Edney/Sonya Dunlap – Stephanie and Sonya work together and seventy-five of the children in their daycare will be impacted. Twelve employees will lose their jobs.
- 10. Sheriam Clayton – Ms. Clayton works at the Children World Center which is licensed for twenty-nine kids. Friday will be the last day for some kids, and some employees will lose their jobs.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins made the motion to adopt the agenda with the addition of a discussion item on Redistricting, and a closed session. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Hawkins 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):
October 7, 2013 – regularly scheduled meeting

Tax Collector's Report

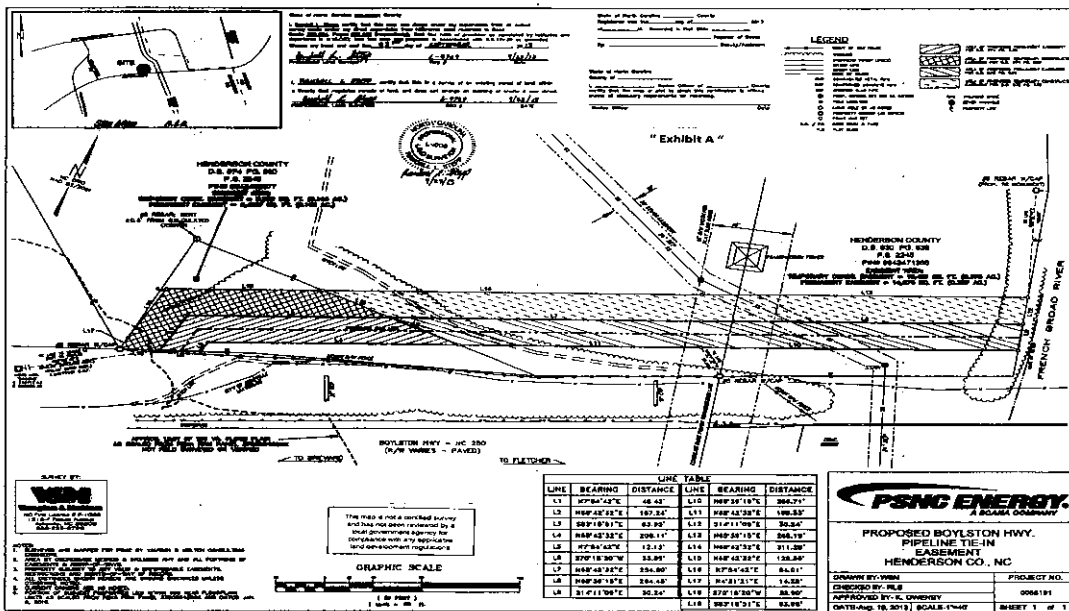
Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated October 4, 2013 for information only. No action was required.

PSNC Energy Easement Request

PSNC Energy is requesting an easement to construct an improvement to their system across land owned by the County on Boylston Highway. The proposed improvement will connect existing infrastructure at Broadpointe Industrial Park and Old Fanning Bridge Road to provide more redundant and reliable service to the new Sierra Nevada brewery and other existing industrial customers in the area.

Motion:

I move to approve the request by PSNC Energy concerning the property with the PIN: 9642462677 located on Boylston Highway, and direct staff to execute the easement.



Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended June 30, 2013

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Western Highlands Area Authority was received by the County Finance Officer on September 30, 2013.

Motion:

I move that the Board of Commissioners approves the Western Highlands Area Authority Fiscal Monitoring Report for the quarter ended June 30, 2013.

Chairman Messer reported the following vacancies and opened the floor for nominations.

Notification of Vacancies

1. Hendersonville Planning Board – 1 vac.

Nominations

1. Cemetery Advisory Committee – 1 vac.

Commissioner Thompson nominated Jerald Willingham for reappointment to position #6. *Chairman Messer made the motion to accept the reappointment of Jerald Willingham to position #6 by acclamation. All voted in favor and the motion carried.*

2. Juvenile Crime Prevention Council – 6 vac.

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

3. 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.

4. Senior Volunteer Services Advisory Council – 3 vac.

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

5. Smartstart – 1 vac.

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

DISCUSSION OF FEDERAL GOVERNMENT SHUTDOWN

County Staff, including DSS Director and Health Director provided an update to the Board on the impact to the County due to the continued Federal Government Shutdown.

County Manager Steve Wyatt stated this is the second week of slow down of 17% of the government. They are still collecting taxes and causing much difficulty in communities. Money is there if they can work out the details. The National Debt Sealing deadline is tonight and this should bring forth a major sense of urgency. The Department of Social Services and Public Health are most affected.

Eric Bush, Director for the Department of Social Services shared the affect on their programs.

The Shutdown:

- US Congress Failure to Pass a Continuing Budget Resolution
- Began October 1st – Lapse in Funding
- Lack of Funds to Reimburse States for Services
- Requiring States Use of Funds Carried Over from Prior Years, if available

Programs Not Impacted:

- Family and Children's Medicaid
- Adult Medicaid
- Title IV-E Foster Care and Adoption Assistance
- Child Support Enforcement

Block Grants Affected

- Temporary Assistance to Needy Families (TANF)
 - Investigation of Child Abuse and Neglect (Investigations/Assessments – 89 new)
 - In-Home Child Protective Services
 - Foster Care Services (113 Children in Foster Care)
 - Adoption Services
 - Loss of Funds - \$120,000 Monthly
- Social Services Block Grant (SSBG)
 - Adult Protective Services – Investigation of abuse, neglect and exploitation
 - Guardianship Services
 - In Home Services
 - Child Protective Services
 - Loss of Funds - \$192,000 Monthly
- Child Care Development Fund (CCDF)
 - Impact – Loss of Child Care for over 551 children
 - Reassignment of Eligible Children (45) to Funding thru Smart Start
 - Child Care Terminated October 18th
 - Loss of \$205,000 Monthly
- Low Income Home Energy Assistance Program (LIHEAP)
 - Help families below 130-150% of Poverty
 - State has Sufficient Funds Carried Over from Prior Fiscal Year
 - No Immediate Impact

Work first Family Assistance: Impact 184 Families

- Cash Assistance Funded by TANF Block Grant
- Payments have been made for October 2013
- State Unable to Make any Work First Family Assistance payments in November 2013

Food and Nutrition Services

- Provides Food Assistance
- Serves Over 13,500 Individuals in County
- Over \$1,300,000 Monthly
- No Funding for November

Critical Services for Vulnerable Children and Adults at Risk

- Continue Provision of –
 - Investigation of Abuse and Neglect for Children and Adults
 - Foster Care
 - In-Home Protective Case Management Services
 - Guardianship Services
 - Medication Management

Actions by Department of Social Services

- Not filling Eight Vacancies During Shutdown – Decreased Level of Services
- Reassignment of Staff to Reimbursable Programs
- Eliminate Non-Mandated Travel
- Suspend Child Care Funding
- Maximize Funding Thru Smart Start

- Charge Allowable Activities to Maintenance of Effort

Other Issues:

- No assurance of replacement of Federal Funds
- No State Funds to Replace Federal Funding
- State Worker for Services to the Blind Furloughed (Oct. 8)
- Information Contradictory and Changing Daily
- Resolution on Federal Level will not Result in Immediate State and County Resolution

Pam Foster – Public Health Director of the WIC Program provided the following information:

WIC, a program fully funded by the federal government, provided food and nutrition assistance to low-income pregnant and post-partum women, along with infants and children up to 5 years of age. Certain foods can be bought through WIC, typically through benefit check to participants. To qualify, women or children must fall under 185 percent of the federal poverty level, generally \$43,568 for a family of four.

Funding

WIC is a public health nutrition program under the jurisdiction of the United States Department of Agriculture (USDA). It is domestic discretionary program funded annually through the U.S. Senate and House Appropriations Committee. The USDA Food and Nutrition Service (FNS) drafts WIC's annual budget proposal for the Federal fiscal year (Oct 1 – Sept 30). Through the funding process Congress determines the level of funding that the Program will receive each year. Once the appropriation passes Congress and is signed into law, grants are provided to each state, and administered at the local level by county and city health centers, or private nonprofits.

Effect of Shutdown

Federal funds set to go to states for WIC benefits in the new fiscal year, which started October 1, were not distributed because of the Federal budget stalemate. Last fiscal year, the U.S. Government paid states and the District of Columbia nearly \$6.5 billion in WIC grants, on average about \$127 million per state.

On October 8, the State of North Carolina notified nearly 264,000 women, infants and children that their benefits would be suspended because of a lack of funds.

About 80 percent of those enrolled in WIC had already received benefits for October. This included clients who had been given vouchers in August and September to be used in October.

On October 10, the state used dollars left over from last fiscal year and some funding from a US. Food and Nutrition Service \$125 million contingency fund made available to continue benefits in all states through October. If this had not happened, 20 percent of DSS WIC clients would have received no benefits this month.

If the federal funding stalemate is not resolved, many states may be forced to end benefits at the end of October.

Impact of Program

- On average one out of every two babies born in the U.S. are enrolled in the WIC program.
- In Henderson County, more than 2500 women and children were enrolled in the program as of August 2013.
- North Carolina has the eighth-largest WIC population in the country.
- WIC program benefits used in local stores and markets provides economic stimulus that impacts the broader community through generating jobs and greater spending.
- Last Federal fiscal year, a total of \$1,673,936.16 was paid to local grocery stores for the redemption of WIC vouchers.

How WIC Helps

- WIC reduces fetal deaths and infant mortality.
- WIC reduces low birth weight rates and increases the duration of pregnancy.
- WIC improves the growth of nutritionally at-risk infants and children.
- WIC decreases the incidence of iron deficiency anemia in children.
- WIC improves the dietary intake of pregnant and postpartum women and improves weight gain in pregnant women.
- Pregnant women participating in WIC receive prenatal care earlier.
- Children enrolled in WIC are more likely to have a regular source of medical care and have more up to date immunizations.
- WIC helps get children ready to start school: children who receive WIC benefits demonstrate improved intellectual development.

Chairman Messer stated that childcare depends on whether the Federal Government can end their shutdown. If an agreement is met, the Department of Public Health, and Department of Social Services will continue with their services. He suggested the Board send a resolution to representatives in Raleigh, the President, Senate, majority leaders, and speaker of the house, signed by all commissioners.

County Manager Steve Wyatt stated that the Federal Government is continuing to collect taxes. If they dump these services on the County, it would require a 20% tax increase to cover the services. This is a Federal issue.

Commissioner Hawkins made the motion that a resolution be drafted and presented to members of congress, including the chief executives, imploring them to move on with getting the Government operating in a fiscal sound manner and discontinue passing the buck down to counties that do not have resources to fill the needs that the Federal Government is supposed to be filling. All voted in favor and the motion carried.

HENDERSON COUNTY AUDIT RESULTS FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Mrs. Erica Brown, CPA and Audit Manager with our external audit firm, Martin Starnes and Associates, CPAs P.A. provided a brief executive summary presentation on the fiscal year ended June 30, 2013 audit results. Mrs. Brown and Carey McLelland, Finance Director were available to answer any questions the Board of Commissioners and Management had regarding the results of the audit.

The Comprehensive Annual Financial Report (CAFR) and Compliance Letters have not been finalized as of this meeting and have not received final approval from the Local Government Commission (LGC) as required prior to the agenda deadline for this meeting. Staff does not expect any substantive changes to the CAFR. However, our external auditors and staff will report back to the Board and Management should any substantive changes occur after the LGC has reviewed the County's report. Final bound copies of the report will be provided to the Board and Management as soon as they have been printed and received.

The Finance Director was available to discuss any questions the Board and Management had after receiving and reviewing the final report in detail. The final report will also be placed on the County's website for the public to view and placed in the main branch of the public library.

Mrs. Erica Brown stated this is an unmodified opinion. The Audit Process includes:

- Planning and Risk Assessment
- Interim Procedures
- Final Procedures
- Year Around Process

*Capital Projects Funded	
<input type="checkbox"/> Boyd Property Purchase	\$ 2,007,970
<input type="checkbox"/> HCA&A Center	\$ 1,927,000
<input type="checkbox"/> Emergency Communications Project	\$ 810,898
<input type="checkbox"/> Jackson Park Renovations	\$ 324,000
<input type="checkbox"/> 911 Center Relocation Project	\$ 110,000
 Total other financing sources:	 \$ (4,816,849)
 Net change in fund balance:	 \$ (127,531)
 Fund Balance Position – General Fund	
Unassigned Fund Balance	\$ 25,467,834
BOC Policy Level (12%)	<u>\$ 13,114,376</u>
Amount OVER BOC Policy	\$ 12,353,458

The Board will be meeting in January 2014 to plan for the coming year. The money available, as part of the potential revenue should the Board decide to utilize the Fund Balance is \$12,353,458.

Carey McLelland noted that Standard & Poor’s had contacted him in regard to updating the rating for Henderson County. The most current financial information available was provided. Our rating has been bumped up from AA- to AA. When a rating is increased, it saves the county money later. It is a big accomplishment for a county our size.

INTER-LOCAL AGREEMENT WITH THE TOWN OF COLUMBUS – SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM

Marcus Jones stated the Town of Columbus has approached the Engineering Department regarding the possibility of contracting with the County to manage their Soil Erosion and Sedimentation Control Program. Considering the small volume of permits received by the Town over the past four years and possible inspection and complaint assistance from the Town’s Public Works Director, Engineering is confident this additional work can manage with existing staff and equipment. Also the Town proposes to reimburse expenses at 110%. Subsequently, the agreement was developed for Board and Council approval.

On September 19, 2013, the Town Council approved the Inter-Local Agreement pending approval from the County and North Carolina Department of Environment and Natural Resources (NCDENR). As with the County, the Town’s program is delegated to them from NCDENR, and their Sedimentation Board will need to approve the agreement.

Commissioner Edney made the motion that the Board approves the proposed inter-local agreement between Henderson County and the Town of Columbus to manage the Town’s local Soil Erosion and Sedimentation Control Program. All voted in favor and the motion carried.

EMS FRANCHISE AGREEMENTS

Rocky Hyder stated in August, 2013 the Board amended Chapter 87 (EMS) of the Henderson County Code in preparation for changes associated with the implementation of the Affordable Care Act. On August 8, 2013 following the Code amendment, EMS staff contacted all current franchise holders by certified letter and advised them of the Code changes, also providing notice of termination of the current franchise agreements with the opportunity to reapply under the new standards of Chapter 87 of the County Code. To date the County has received applications from five of the current franchisees and one additional medical transport agency. Staff has reviewed all the applications and recommendations were provided.

Non-emergency medical transportation is a necessary service for our citizens. Facilities providing services to non-ambulatory citizens find it ineffective to provide non-emergency ambulance transportation individually, necessitating a centralized service for efficiency and cost effectiveness. According to the chart below calls for this type of service show a declining trend over the last three years.

Year	Transports
2010	3348
2011	3257
2012	3100
January to Sept. 7, 2013	1595

Although the trend for quantity is declining, the community need for this type of service remains high due to limited space availability at our local hospitals and out-patient treatment facilities.

Staff reviewed franchise applications from each of the agencies in the chart below and made a recommendation of whether to support or deny a franchise based on their ability to make a positive contribution to our overall emergency medical services system and to serve the best interest of our citizens.

Applicant	Staff Recommendation
American TransMed Inc.	Deny
Arc 'Angel Trans-Support Services	Support
Gerton Fire & Rescue	Support
Henderson County Rescue Squad	Support
Medical Emergency Ambulance Inc.	Deny
Mills River Fire & Rescue	Support

Commissioner Thompson made the motion that the Board gives initial approval for franchises pursuant to Chapter 87 of the Henderson County Code to Gerton Fire & Rescue, Henderson County Rescue Squad, Mills River Fire & Rescue and Arc'Angel Trans-Support Services and deny a franchise to Medical Emergency Ambulance Inc. and American Transmed Inc., with the new franchises to begin November 8, 2013, and all franchises in existence prior to today terminating on November 8, 2013. All voted in favor and the motion carried.

REDISTRICTING – ADD ON

County Manager Steve Wyatt stated that John Mitchell and Autumn Radcliff of the County Planning Department are working with the election staff on the redistricting issue. They are also looking at legal obligations and will be reporting back in a couple of weeks on their findings.

The Commissioners discussed the suggestion of Commissioners Hawkins for rotation of Chairman the first week of every December. Commissioners Edney and Thompson were in agreement if it was not mandated.

Attorney Russ Burrell will look at options available taking into consideration if the next person is willing to serve as Chairman. This item will be back on the agenda in November.

COUNTY MANAGER

Mental Health Update

County Manager Steve Wyatt provided a brief update in regard to the New Mental Health Network. Representatives of the twenty-three (23) counties meet tonight in Asheville. The big issue is Board representation. Mr. Wyatt has spoken with a couple of legislators and feels it can be resolved, long term, that every county has at least 1 representative. It is possible there will be an interim board limited to twenty-one

(21) under the current law.

Volunteer Dinner

A volunteer recognition dinner was held on October 15, 2013 at the Activity Center and Mr. Wyatt feels everyone who attended was well pleased, and thanked staff for their work.

Commissioner Thompson stated the County Commissioners look good because of all the hard work the volunteers are doing.

Resolution Imploring Federal Government to resolve the financial crisis

Steve Wyatt shared the proposed resolution to the Federal Government drafted by staff for approval.

Commissioner Hawkins made the motion that the Board approves the resolution as presented, imploring the Federal Government to resolve the financial crisis. 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 reasons:

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
2. Pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)&(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.

ADJOURN

Commissioner Thompson made the motion to adjourn at 12:15 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

Office of the 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, October 04, 2013

Re: Tax Collector's Report to Commissioners - Meeting date 16 October 2013

Please find outlined below collections information through 03 October 2013 for the 2013 real and personal property bills mailed out on 08 August 2013, as well as registered motor vehicles billed and collected by our office. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2013 Beginning Charge: \$58,530,763.49
Discoveries & Imm. Irreg.: \$241,500.18
Releases & Refunds: (\$186,956.09)
Net Charge: \$58,585,307.58
Unpaid Taxes: \$47,300,193.60
Amount Collected: \$11,285,113.98
Percentage Collected: 19.26%
Through: 3-Oct-2013

2012 Beginning Charge: \$57,945,423.54
Discoveries & Imm. Irreg.: \$128,147.05
Releases & Refunds: (\$26,121.35)
Net Charge: \$58,047,449.24
Unpaid Taxes: \$48,052,025.78
Amount Collected: \$9,995,423.46
Percentage Collected: 17.22%
Through: 3-Oct-2012

Motor Vehicle Bills G01 Only:

2013 Beginning Charge: \$2,074,295.67
Discoveries & Imm. Irreg.: \$1,182.03
Releases & Refunds: (\$32,687.55)
Net Charge: \$2,042,790.15
Unpaid Taxes: \$907,705.40
Amount Collected: \$1,135,084.75
Percentage Collected: 55.57%
Through: 3-Oct-2013

2012 Beginning Charge: \$1,964,470.33
Discoveries & Imm. Irreg.: \$1,517.32
Releases & Refunds: (\$33,083.78)
Net Charge: \$1,932,903.87
Unpaid Taxes: \$871,181.23
Amount Collected: \$1,061,722.64
Percentage Collected: 54.93%
Through: 3-Oct-2012

Fire Districts All Bills:

2013 Beginning Charge: \$6,792,515.38
Discoveries & Imm. Irreg.: \$39,190.06
Releases & Refunds: (\$27,913.82)
Net Charge: \$6,803,791.62
Unpaid Taxes: \$5,419,589.42
Amount Collected: \$1,384,202.20
Percentage Collected: 20.34%
Through: 3-Oct-2013

2012 Beginning Charge: \$6,634,519.52
Discoveries & Imm. Irreg.: \$14,498.59
Releases & Refunds: (\$8,136.82)
Net Charge: \$6,640,881.29
Unpaid Taxes: \$5,405,016.15
Amount Collected: \$1,235,865.14
Percentage Collected: 18.61%
Through: 3-Oct-2012

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS

PREPARED BY: JANE FOY PAINTER, MULLEN HOLLAND & COOPER P.A., ATTORNEYS AT LAW
RETURN TO: PSNC Energy
(Attn: Kenneth Owenby, Engineering Department)
15 Overland Industrial Boulevard
Asheville, North Carolina 28806

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

Project No.0056191

Know all men by these presents that for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid to **Henderson County, a body corporate and politic** (hereinafter designated "Grantor"), the receipt of which is hereby acknowledged, the Grantor hereby bargains, sells, and conveys unto **Public Service Company of North Carolina, Incorporated**, a South Carolina corporation, dba PSNC Energy (hereinafter designated "Grantee"), and its successors and assigns, a perpetual and exclusive utility pipeline easement approximately thirty (30) feet in width for the purpose of installing, laying, constructing, maintaining, operating, repairing, altering, replacing, and removing gas pipeline equipment (including but not limited to valves, regulators, meters, fittings, appliances, tie-overs, pipe line markers, communications and corrosion control equipment, and appurtenant facilities) for the transportation and control of natural gas, oil, petroleum products, or any other liquids, gases, or substances which can be transported through a pipeline system under, upon, over, through and across lands of Grantor, or in which Grantor has interest situate in Henderson County, North Carolina as described in those deeds recorded in Book 930 at Page 639 and Book 974 at Page 530 in the Henderson County Registry, together with the rights of ingress and egress over and across the easement and the remaining lands of the Grantor for the purpose of obtaining access to and from the easement.

Together with a temporary construction easement across the lands of the Grantor for purposes of ingress, egress and regress and the construction, operation, repair, maintenance, and replacement by the Grantee, its agents, successors or assigns, of the gas pipeline(s).

The utility pipeline and temporary construction easements shall be located as shown on Exhibit "A" and described in Exhibit "B" both of which are attached hereto and incorporated herein by reference.

The temporary construction easement described above and hereby granted shall terminate ninety (90) days after the completion of the installation of such gas pipeline or lines. In any event this temporary construction easement shall terminate no later than one (1) year from the date of the execution of this instrument by Grantor. If Grantee decides not to proceed with construction of its gas pipeline or lines within the area for which this temporary construction easement is needed it will thereupon execute a Deed of Release indicating this temporary construction easement is terminated.

The Grantee shall have the right to assign this Easement in whole or part at any time.

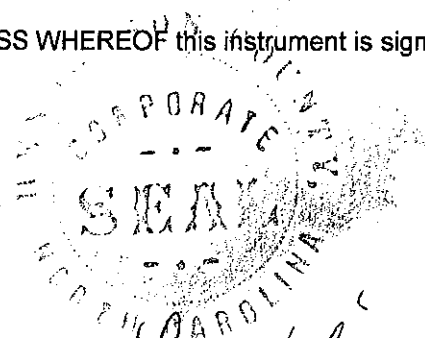
The Grantor may make full use and enjoyment of the Grantor's Property and premises included within the easement herein granted in any manner not inconsistent with the use of the easement by the Grantee; provided, however, that the Grantor, its heirs, successors and assigns, shall not construct nor permit to be constructed any house or building, or allow to be placed or installed any other obstruction, temporary or permanent, that could damage the pipeline or interfere with the operation, maintenance or repair of the pipeline by the Grantee, including, but not limited to the accumulation of

garbage, rubble, disabled vehicles, tires, or debris of any kind, nor impound nor permit to be impounded any water, nor plant trees or large shrubs, on or over the easement; and the Grantor, its heirs, successors and assigns may build roads, streets or utilities which cross over the easement, but may not construct within and along said pipeline easement any such utilities which run parallel therewith. Utility crossings of the pipeline must provide a minimum two (2) foot vertical clearance above or below the pipeline. Fences may be installed by the Grantor crossing the easement but such fences must meet specifications of the Grantee for type and to ensure safety of the pipeline and must provide accessibility to the easement suitable to Grantee. The Grantor, for itself, its successors, and assigns, further agrees not to change the grade within the easement in any manner which will reduce or increase the cover over the pipeline. Grantor shall notify Grantee in writing at least 30 days prior to any construction or maintenance activity within the area specifically covered by the easement to seek approval of such activity and to allow Grantee's representative to be present during such activity. Pipeline markers shall not be removed from the right of way.

To have and to hold said utility pipeline easement unto the Grantee, its successors, and assigns, in title forever and the undersigned hereby binds itself, its successors, and assigns to warrant and forever defend all and singular said premises unto the Grantee, its successors, and assigns, against the claims of all persons whomsoever.

It is understood and acknowledged by the undersigned that the person securing this grant is without authority to make any agreement with regard to the subject matter hereof which is not expressed herein, and that no such agreement will be binding on the Grantee.

IN WITNESS WHEREOF this instrument is signed and sealed this 16th day of October, 2013.



Henderson County, a body corporate and politic

By: Charlie Messer
Charlie Messer, Chairman of the Board of
Commissioners of Henderson County

ATTEST

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

STATE OF NORTH CAROLINA
COUNTY OF Henderson

I, Kathryn L. Finotti, Notary Public for said County and State, have personal knowledge of the identity of Teresa L. Wilson, and hereby certify that said Teresa L. Wilson, Clerk to the Board, personally appeared before me this day and voluntarily acknowledged that she is Clerk to the Board of Commissioners of Henderson County and that Charlie Messer is the Chairman of the Board of Commissioners of Henderson County, and that by authority duly given and as the act of Henderson County, the foregoing instrument was signed in its name by said Chairman, sealed with its official seal, and voluntarily attested to by herself as its Clerk as the act and deed of Henderson County, all by authority duly given by its governing body.

Witness my hand and notarial seal, this the 17th day of October, 2013.

Kathryn L. Finotti
Notary Public
Print Name: Kathryn L. Finotti
[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 3-23-18

[NOTARY SEAL] (MUST BE FULLY LEGIBLE)

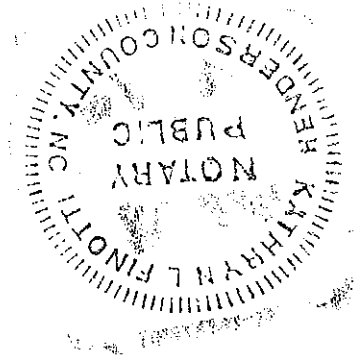


EXHIBIT "B"

30' UTILITY EASEMENT:

BEGINNING on a point, such point being located North 57 degrees 53 minutes 45 seconds East 1618.52 feet from NCGS Monument "DG5618" having grid coordinates of N = 625717.43 feet and E = 942955.32 feet, and being further located North 70 degrees 18 minutes 20 seconds East 32.90 feet from a #5 rebar with cap, and runs thence in a northeasterly direction the following four (4) courses and distances: (1) North 7 degrees 54 minutes 42 seconds East 45.42 feet to a point; (2) North 68 degrees 42 minutes 32 seconds East 167.24 feet to a point; (3) North 68 degrees 42 minutes 32 seconds East 254.80 feet to a point; and (4) North 68 degrees 39 minutes 15 seconds East 264.45 feet to a point; thence turns and runs South 14 degrees 11 minutes 09 seconds East 30.24 feet to a point; thence turns and runs in a southwesterly direction the following four (4) courses and distances: (1) South 68 degrees 39 minutes 15 seconds West 260.71 feet to a point; (2) South 68 degrees 42 minutes 32 seconds West 198.33 feet to a point; (3) South 68 degrees 42 minutes 32 seconds West 206.11 feet to a point; and (4) South 7 degrees 54 minutes 42 seconds West 12.13 feet to a point; thence turns and runs South 70 degrees 18 minutes 20 seconds West 33.85 feet to the place and point of Beginning.

Being and containing 0.337 of an acre as per unrecorded plat of easement by Randall L. Stepp, dated September 19, 2013, and titled 'PROPOSED BOYSTON HWY. PIPELINE TIE-IN EASEMENT, HENDERSON CO., NC.'

30' TEMPORARY CONSTRUCTION EASEMENT:

BEGINNING on a point, such point being located North 57 degrees 53 minutes 45 seconds East 1618.52 feet from NCGS Monument "DG5618" having grid coordinates of N = 625717.43 feet and E = 942955.32 feet, and runs thence in a northeasterly direction the following four (4) courses and distances: (1) North 7 degrees 54 minutes 42 seconds East 45.42 feet to a point; (2) North 68 degrees 42 minutes 32 seconds East 167.24 feet to a point; (3) North 68 degrees 42 minutes 32 seconds East 254.80 feet to a point; and (4) North 68 degrees 39 minutes 15 seconds East 264.45 feet to a point; thence turns and runs North 14 degrees 11 minutes 09 seconds West 30.24 feet to a point; such point being located South 18 degrees 46 minutes 45 seconds East 120.96 feet from a #5 rebar with cap; thence turns and runs in a southwesterly direction the following five (5) courses and distances: (1) South 68 degrees 39 minutes 15 seconds West 268.19 feet to a point; (2) South 68 degrees 42 minutes 32 seconds West 311.28 feet to a point; (3) South 68 degrees 42 minutes 32 seconds West 128.34 feet to a point; (4) South 07 degrees 54 minutes 42 seconds West 64.01 feet to a point; and (5) South 04 degrees 31 minutes 21 seconds West 14.28 feet to a #5 rebar with cap; thence turns and runs North 70 degrees 18 minutes 20 seconds East 32.90 feet to the place and point of Beginning.

Being and containing 0.378 of an acre as per unrecorded plat of easement by Randall L. Stepp, dated September 19, 2013 and titled "PROPOSED BOYSTON HWY. PIPELINE TIE-IN EASEMENT, HENDERSON CO., NC."

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
www.hendersoncountync.org

CHARLES D. MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

LARRY R. YOUNG
J. MICHAEL EDNEY
GRADY H. HAWKINS

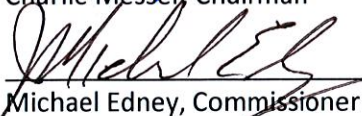
RESOLUTION

IMPLOING THE RESOLUTION OF THE FEDERAL GOVERNMENT FINANCIAL CRISIS

- WHEREAS,** The last Federal budget was passed on April 29, 2009; and
- WHEREAS,** The operations of Federal programs have been authorized and funded by continuing resolution for over four years; and
- WHEREAS,** The current continuing resolution expired on October 1, 2013; and
- WHEREAS,** The Federal Government is entering day sixteen of a partial shutdown; and
- WHEREAS,** According to the Department of Treasury the debt limit for the United States will expire on Thursday, October 17, 2013; and
- WHEREAS,** The Federal debt is nearing seventeen trillion dollars; and
- WHEREAS,** The full faith and credit of the United States is endangered by leadership's unwillingness to negotiate a fiscally sustainable budget; and
- WHEREAS,** Programs administered by Henderson County, and other local governments, on behalf of the Federal Government are impacted by the failure of the United States Government to produce a budget; and
- WHEREAS,** Examples of these programs include, but are not limited to, Women, Infants and Children (WIC), Temporary Assistance to Needy Families (TANF), Social Services Block Grant (SSBG), Child Care Development Fund (CCDF) and Low Income Home Energy Assistance Program (LIHEAP); and
- WHEREAS,** The citizens of Henderson County expect the Federal Government to fulfill its obligations;
- NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners, at their meeting on October 16, 2013, do hereby resolve and implore that the President of the United States, the Senate Majority Leader, the Speaker of the House of Representatives, and the respective minority leaders of both chambers resolve the matters of budget and debt by negotiating and adopting a fiscally sustainable budget with each house of Congress.



Charlie Messer, Chairman



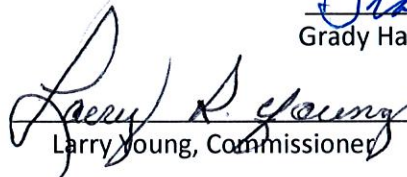
Michael Edney, Commissioner



Thomas Thompson, Vice Chairman



Grady Hawkins, Commissioner



Larry Young, Commissioner

ATTEST:



Teresa L. Wilson, Clerk to the Board

**INTERLOCAL AGREEMENT BETWEEN TOWN OF COLUMBUS AND
HENDERSON COUNTY REGARDING ADMINISTRATION OF SOIL EROSION
AND SEDIMENTATION CONTROL ORDINANCE**

This agreement is made and entered into this the ___ day of _____, 2013, by and between the Town of Columbus, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, hereinafter referred to as "TOWN," and Henderson County, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, hereinafter referred to as "COUNTY";

WHEREAS, pursuant to N.C. Gen. Stat. § 113A-60(a), TOWN has adopted an ordinance relating to soil erosion and sedimentation control, hereinafter referred to as the "Ordinance"; and

WHEREAS, preventing accelerated erosion and sedimentation is important to protect our water sources and public and private property; and

WHEREAS, environmental stability is crucial to ensure the economic and ecological strength of TOWN; and

WHEREAS, TOWN is subject to the state and federal environmental laws; and

WHEREAS, current TOWN staff are not trained to administer the Ordinance, but COUNTY staff have the expertise to administer soil and erosion control ordinances and are currently administering COUNTY's Soil Erosion and Sedimentation Control ordinance within all unincorporated areas of and four municipalities in Henderson County; and

WHEREAS, TOWN desires for COUNTY to administer the Ordinance within TOWN's corporate limits and COUNTY is willing to perform such administration on the terms set forth herein;

WITNESSETH that TOWN and COUNTY, pursuant to the authority granted by North Carolina General Statutes §160A-461, hereby covenant and agree as follows:

1. TOWN hereby contracts with COUNTY to use the services of COUNTY's Engineering Department to administer the Ordinance within TOWN's corporate limits. As such, COUNTY shall be deemed to serve as the Columbus Town Manager's designee for purposes of administering the Ordinance as is allowed by § 152.06 (Q) of the Ordinance.
2. TOWN shall provide assistance to COUNTY's enforcement officers whenever necessary.

3. All fees and charges associated with administering the Ordinance, shall be collected by TOWN and shall be the sole property of TOWN.
4. TOWN shall reimburse COUNTY for all documented costs incurred by COUNTY in the enforcement of the Ordinance plus a ten percent (10%) administration fee.
5. TOWN's Council shall hear all appeals under the Ordinance and a COUNTY enforcement officer shall attend any such Town Council hearing.
6. The initial term of this Agreement shall be for a period of six (6) months, commencing on the 1st day of _____, 2013, and terminating on the ____ day of _____, 2014. Either party may terminate the Agreement at the end of the initial term. Thereafter, this Agreement shall automatically renew for a successive six-month term at the end of each term unless notice is given by either party at least four (4) months prior to the end of the current six-month term that the party wishes to terminate the Agreement at the end of the current term. This Agreement may be terminated at any time upon mutual agreement of both parties.
7. Should any claims arise out of the services provided by COUNTY under this Agreement, TOWN agrees to indemnify and hold COUNTY, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any action brought against COUNTY, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf of TOWN that are the subject matter of this Agreement, except where such claims result from actionable acts of negligence by COUNTY.
8. COUNTY will use every effort to enforce the Ordinance, except that if any civil or criminal action becomes necessary, TOWN shall bring any legal action as may be required to effectively enforce said Ordinance, upon written notice from COUNTY of such violations. TOWN shall collect any civil penalties assessed pursuant to the Ordinance.
9. This Agreement may only be modified in a writing executed by both parties.

IN WITNESS WHEREOF, TOWN has caused this Agreement to be signed in its name by its Mayor, attested by its Clerk, and its Official Seal to be hereunto affixed, and COUNTY has caused this agreement to be signed in its name by the Chair of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.

TOWN OF COLUMBUS

By Eric McChesney, Mayor

ATTEST Devon Jackson, Clerk

HENDERSON COUNTY

By Chad Messer, Chair, Board of Commissioners

ATTEST Thomas L. Wilson, Clerk