

DRAFT

4/16/14

MINUTES

cc: BOC  
Steve  
Amy  
Russ

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, APRIL 16, 2014

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, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Senior Planner Autumn Radcliff, Deputy Attorney Sarah Zambon, Engineer Marcus Jones, Director of Business and County Development John Mitchell, Assessor/Tax Collector Stan Duncan, Sheriff Charlie McDonald, Finance Director J. Carey McLelland, Research Budget Analyst Megan Piner, Planner Matt Cable, Property Addressing Coordinator Curtis Griffin, and PIO Christina Hallingse – videotaping.

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 Hawkins.

PUBLIC HEARING

*Chairman Messer made the motion to go into public hearing for assignment of a new road name. All voted in favor and the motion carried.*

Curtis Griffin stated the Planning Department staff requests the Board conduct a public hearing to consider assignment of a new road names. Staff received a petition from the affected property owners meeting the required majority (66%). The petition requests the following:

| <u>New Road Name</u>    | <u>Old Road Name</u> |
|-------------------------|----------------------|
| Barbaras Mountain Place | Yorkshire Boulevard  |

The road name assignment is required by Henderson County Property Addressing Ordinance (Chapter 41). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new road name. Assignment of the new road name, as presented, will avoid possible confusion when responding to emergency situations.

Staff posted signs in the affected area regarding the public hearing and advertised the public hearing in a local newspaper.

Public Input

1. James Elgin – Mr. Elgin purchased four (4) lots in 1989. He was then told that City water tanks would be on some of the property. He donated ½ acre to the city. Mr. Elgin likes the name Yorkshire Boulevard and feels it better fits the property.

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

*Commissioner Young made the motion that the Board denies the road name change to Barbaras Mountain*

DATE APPROVED:

*Place, leaving the road name of Yorkshire Boulevard. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENTS**

1. Representative Chuck McGrady – Mr. McGrady noted that legislature would be back in short session soon for budget discussions. Three of the main issues are Medicaid, Tax Reform, and teacher pay. Only local bills are allowed during short session. He recommended if the commissioners have any legislative goals, they be presented quickly. No controversial issues will be discussed during the short session.

**DISCUSSION/ADJUSTMENT OF AGENDA**

*Chairman Messer made the motion to adopt the agenda with Consent Agenda Items E & F pulled for discussion. All voted in favor and the motion carried.*

**CONSENT AGENDA**

*Commissioner Hawkins made the motion to adopt the Consent Agenda minus Item E “Henderson County Transit Station / Transfer Center”, and Item F “Reimbursement Resolution for Construction Financing” for discussion. 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):

April 4, 2014 – special called meeting

April 7, 2014 – regularly scheduled meeting

**Tax Collector’s Report**

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated April 3, 2014 for information only. No action was required.

**Resolution – Henderson County Relay For Life**

The 2014 Henderson County Relay For Life, supporting the American Cancer Society, will be taking place May 16<sup>th</sup> through May 17<sup>th</sup>, 2014 at the WNC Agricultural Center. The Board is requested to adopt the attached Resolution designating May 11<sup>th</sup> through May 17<sup>th</sup>, 2014 as Relay For Life Days in Henderson County, in support of the efforts of its citizens in taking an active role in the fight against cancer.

Motion:

*I move that the Board adopts the Resolution designating May 11<sup>th</sup> through May 17<sup>th</sup>, 2014 as Relay For Life Days in Henderson County.*

**Use of Courtroom – Heritage Museum**

A request has been submitted by Brenda Bradshaw, on behalf of the Heritage Museum, for use of the Courtroom for a play (The Sandburgs of Connemara) on Friday, October 17, 2014 from 10:00 a.m. until 9:00 p.m., Saturday, October 18, 2014 from 10:00 a.m. until 9 p.m., and Sunday, October 19, 2014 from noon until 5:00 p.m.

Motion:

*I move that the Board approves use of the Commissioners’ Meeting Room (Courtroom) as requested on behalf of the Heritage Museum, for a play (The Sandburgs of Connemara) on Friday, October 17, 2014 from 10:00 a.m. until 9:00 p.m., Saturday, October 18, 2014 from 10:00 a.m. until 9 p.m., and Sunday, October 19, 2014 from noon until 5:00 p.m.*

**The following two items were pulled for discussion.**

**HENDERSON COUNTY TRANSIT STATION / TRANSFER CENTER**  
**PULLED FOR DISCUSSION**

Planner Matt Cable stated Henderson County’s Apple Country Public Transit provides three (3) fixed route bus lines which currently transfer at the bus lane on North Grove Street. In FY 15 the system is projected to carry 110,000 customers with 38,000 passing through the transfer site, and roughly 22,000 (20%) beginning their trips at the transfer site.

In 2009, staff proposed a new transit station to be located at 4<sup>th</sup> Avenue East between the CNG station and Jackson Park for purposes of acquiring state and federal funds. State and federal funds are available to cover a significant portion of the design and construction costs of a transit station at the identified site. The County’s existing transit fund for capital projects will provide the required local match.

Staff reviewed the proposed transit station location, project purposes, funding requirements, existing transit system use, and transit ridership data and would currently recommend the County not utilize the existing state and federal funds for the transit station project as proposed in 2009 (see attached memo). Customer preference for the current transfer site’s location is reflected in recently requested increased stop frequency at this location. Seeking alternatives to the original transit station proposal could afford the County significant cost savings, alleviate federal funding regulations and be of greater benefit to the transit customers and overall transit system.

Currently awarded STPDA funds must be used beginning in FY15 and therefore Staff requests the Board of Commissioners determine its intentions with regard to STPDA and FTA funds.

**Current Transit Operations**


- 3 fixed routes originate from N Grove St at 4<sup>th</sup> Ave E
- WCCA provides office space, meeting rooms, break rooms and secured parking as part of contract at second site
- County reimburses WCCA for facilities’ costs through its negotiated contract



*Henderson County Planning Department*

**Existing Transit Station Proposal**

- 4<sup>th</sup> Ave E & Harris St
- Transit station to provide:
  - Customer amenities
  - Office space
  - Secured transit vehicle parking
- Benefits
  - Improved customer service
  - Reduced contract \$\$\$
  - More competitive bid process for transit contract



*Henderson County Planning Department*

## Awarded Funding & Local Match

- STPDA Funds
  - \$1,672,000 attributed for construction with \$418,000 local match required
  - Funds available October 2014 and County must begin spending funds
  - Available Options: (1) proceed with the project, (2) bump the funds to future FY for additional consideration/scope modification, OR (3) rescind the funds to another qualifying transportation project in the region
- FTA Funds
  - \$98,154 attributed with \$24,539 local match required for architecture and engineering.
  - Available Options: Use the funds as described or reobligate these funds to other County transit expenditures (including operations)

*Henderson County Planning Department*

## Transit Facility Construction Concerns

- NCDOT agreements & FHWA requirements
- Title IV Environmental Justice/Equity Analysis (FTA requirements which may identify the site as infeasible/unable to be used)
- Environmental Analysis (FTA level analysis may be required)
- FTA compliant bidding processes
- Rezoning approvals necessary
- NCDOT Local Programs Management Office oversight
- NCDOT Division 14 involvement
- FHWA audit at completion
- **Lack of NCDOT/FHWA experience in transit facilities construction**

*Henderson County Planning Department*

## Transit System Needs

- The County should establish:
  - Convenient location for customers to acquire information/passes with office space, dispatching facilities, meeting rooms and break rooms for its contracted provider
  - Securable parking and holding facilities for transit vehicles (with CNG slow-fill)
- Relocation of the transit site is not ideal as the site is well established, highly visible, convenient, and well frequented by customers

*Henderson County Planning Department*

## Staff Recommendations

1. Request the MPO amend the STIP to allow for STPDA to release the funds in FY 16 (to allow for additional consideration of this project, project scope revisions, and alternative use of the funds for transit improvements)
2. Seek reallocation of the existing FTA grant funds
3. Identify alternative office space for the contracted provider in the Development Services Building to be developed using existing transit funds (should the Board authorize the improvements)
4. Develop a project to include secured vehicle parking and CNG slow fill at the 4<sup>th</sup> Ave E and Harris St site to use a significant portion of the STPDA funds under the alternative fuels parameters (should the Board authorize the revised project scope)

*Henderson County Planning Department*

*Commissioner Hawkins made the motion that the Board directs staff request the MPO amend the NCDOT State Transportation Improvement Plan (STIP) to adjust the release of STPDA funds to FY 16 to provide for further consideration of the transit station project, project scope revision, and alternative use of the STPDA funds for transit improvement purposes. He further moved that staff bring this item back before the Board for additional considerations. All voted in favor and the motion carried.*

**REIMBURSEMENT RESOLUTION FOR CONSTRUCTION FINANCING  
PULLED FOR DISCUSSION**

Russ Burrell stated a proposed reimbursement resolution from bond counsel is provided for your consideration. The purpose of a reimbursement resolution is to allow construction project costs incurred prior to the closing of the (tax-free) financing to be reimbursed from the financing proceeds. It is necessary to change the not to exceed amount.

**NOTE:** The “not to exceed” figures in the two resolutions are *not* intended to accurately state the amounts of the project costs, but rather to act as a safe harbor number for the purpose of these resolutions only.

*Commissioner Edney made the motion that the Board approves the reimbursement resolution for the Joint Health Education Center financing subject to changing the not to exceed amount from \$16,500,000 to \$26,500,000. All voted in favor and the motion carried.*

**Nominations**

1. Child Protection and Fatality Prevention Team – 1 vac.

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

2. EMS Peer Review Committee -5 vac.

Commissioner Thompson nominated John Carrico for position #12. *Chairman Messer made the motion to accept the appointment of John Carrico to position #12 by acclamation. All voted in favor and the motion carried.*

3. Hendersonville Business Advisory Committee – 1 vac.

Commissioner Young nominated Tom Cooper for position #1. *Chairman Messer made the motion to accept the appointment of Tom Cooper to position #1 by acclamation. All voted in favor and the motion carried.*

4. Juvenile Crime Prevention Council – 5 vac.

Commissioner Thompson nominated Ann Du Pre Rogers for position #9. *Chairman Messer made the motion to accept the appointment of Ann Du Pre Rogers to position #9 by acclamation. All voted in favor and the motion carried.*

5. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

6. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

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

7. Senior Volunteer Services Advisory Council – 2 vac.

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

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

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

**SMOKY MOUNTAIN CENTER UPDATE - PULLED**

Shelly Foreman, Senior Director of Planning & Public Affairs for Smoky Mountain Center was unable to attend and this item was pulled.

**LEASE RENEWAL**

John Mitchell stated the current lease on the Board of Elections (95 East Central Street) building expires 30 June 2014. A proposed renewal (at lower rent) of the lease for the period through 30 June 2019 was provided. Rent lowers from \$72,000 per year to \$54,000, a 25% decrease. Other material terms remain the same.

*Commissioner Young made the motion that the Board renews its lease for the current Board of Elections building, on the terms presented in the draft lease accompanying this agenda item. 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. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

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

Chairman Messer noted the Board would return to open session.

**RECONVENE**

*Commissioner Thompson made the motion that the Board reconvene into open session. All voted in favor and the motion carried.*

**BENT CREEK PROPERTY (MSN) INTER-LOCAL AGREEMENT WITH CITY OF ASHEVILLE**

Russ Burrell informed the public that the Board had discussed a draft inter-local agreement between the City of Asheville and Henderson County, for sale of the Bent Creek property. The agreement reads that the property will be sold and proceeds split equally with the idea that funds will be used toward a Regional Law Enforcement Center, at Henderson County's discretion. Henderson County commission is in favor, and the City of Asheville will vote at their next meeting.

Commissioner Edney stated the Bent Creek property is approximately 137 acres and is in tax books valued at \$1.8 million. He feels it will sell for over \$2 million. Many good things can come out of this deal. A Law Enforcement Center would be used to enhance training for Henderson County and other neighboring counties. Legislative approval is necessary.

*Commissioner Edney made the motion that the Board approve the Inter-Local Agreement with the City of Asheville. All voted in favor and the motion carried.*

*Commissioner Edney made the motion that the Board appoints Commissioner Tommy Thompson to be a liaison, along with the Sheriff, between the City of Asheville and Henderson County. All voted in favor and the motion carried.*

Representative Chuck McGrady spoke in regard to the Inter-Local Agreement. As a former commissioner, he had spent many meetings in the past in discussion with the City of Asheville with no results. Mr. McGrady has spoken with all but one of the house members, and they are supportive. He doesn't anticipate any issues. Mr. Burrell will need to send the bill to legislature.

**ADJOURN**

*Commissioner Thompson made the motion to adjourn at 10:25 a.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

Thursday, April 03, 2014

## Re: Tax Collector's Report to Commissioners - Meeting Date 16 April 2014

Please find outlined below collections information through 02 April 2014 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:** \$58,589,100.53  
Discoveries & Imm. Irreg.: \$284,041.60  
Releases & Refunds: (\$219,404.00)  
**Net Charge:** \$58,653,738.13  
Unpaid Taxes: \$1,724,705.56  
Amount Collected: \$56,929,032.57  
**Percentage Collected:** 97.06%  
Through: 2-Apr-2014

**2012 Beginning Charge:** \$57,948,385.02  
*Discoveries & Imm. Irreg.:* \$302,994.87  
*Releases & Refunds:* (\$113,466.76)  
**Net Charge:** \$58,137,913.13  
Unpaid Taxes: \$1,750,632.55  
*Amount Collected:* \$56,387,280.58  
**Percentage Collected:** 96.99%  
Through: 2-Apr-2013

### Motor Vehicle Bills G01 Only:

**2013 Beginning Charge:** \$2,668,076.45  
Discoveries & Imm. Irreg.: \$1,815.92  
Releases & Refunds: (\$55,889.12)  
**Net Charge:** \$2,614,003.25  
Unpaid Taxes: \$301,061.06  
Amount Collected: \$2,312,942.19  
**Percentage Collected:** 88.48%  
Through: 2-Apr-2014

**2012 Beginning Charge:** \$4,115,031.57  
*Discoveries & Imm. Irreg.:* \$2,992.86  
*Releases & Refunds:* (\$70,572.75)  
**Net Charge:** \$4,047,451.68  
Unpaid Taxes: \$1,035,975.98  
*Amount Collected:* \$3,011,475.70  
**Percentage Collected:** 74.40%  
Through: 2-Apr-2013

### Fire Districts All Bills:

**2013 Beginning Charge:** \$6,878,210.09  
Discoveries & Imm. Irreg.: \$45,334.18  
Releases & Refunds: (\$34,342.85)  
**Net Charge:** \$6,889,201.42  
Unpaid Taxes: \$267,749.25  
Amount Collected: \$6,621,452.17  
**Percentage Collected:** 96.11%  
Through: 2-Apr-2014

**2012 Beginning Charge:** \$6,901,449.38  
*Discoveries & Imm. Irreg.:* \$45,626.66  
*Releases & Refunds:* (\$25,736.78)  
**Net Charge:** \$6,921,339.26  
Unpaid Taxes: \$350,432.27  
*Amount Collected:* \$6,570,906.99  
**Percentage Collected:** 94.94%  
Through: 2-Apr-2013

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector



# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1  
Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 692-9855  
[www.hendersoncountync.org](http://www.hendersoncountync.org)

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

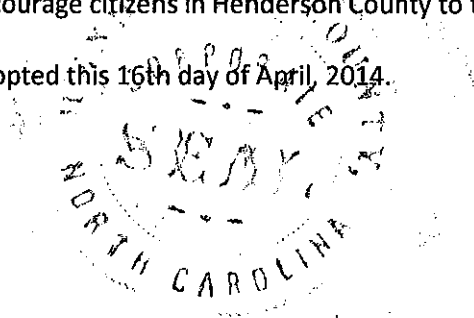
GRADY HAWKINS  
LARRY YOUNG  
J. MICHAEL EDNEY


## RESOLUTION 2014 RELAY FOR LIFE

- WHEREAS,** the American Cancer Society is a national organization that generates funds for new research, education, advocacy, and patient services in the fight against cancer; and
- WHEREAS,** Relay For Life is the signature activity for the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and
- WHEREAS,** money raised during Relay For Life supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people get well and stay well by finding cures for cancer and by fighting back; and
- WHEREAS,** the 2014 Henderson County Relay For Life will take place at the WNC Agricultural Center on May 11<sup>th</sup> through May 17<sup>th</sup>; and
- WHEREAS,** Relay For Life helped fund more than \$150 million in cancer research last year;

**NOW, THEREFORE, BE IT RESOLVED,** that we, the Henderson County Board of Commissioners, do hereby proclaim May 11<sup>th</sup> through May 17<sup>th</sup>, 2014 as Relay For Life Day in Henderson County, and encourage citizens in Henderson County to take an active role in the fight against cancer.

Adopted this 16<sup>th</sup> day of April, 2014.



  
\_\_\_\_\_  
CHARLES D. MESSER, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
TERESA L. WILSON, CLERK TO THE BOARD

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on April 16, 2014 at 9:00 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Charlie Messer presiding.

\* \* \*

The following members were present: Charlie Messer, Chairman; Tommy Thompson, Vice-Chair; J. Michael Edney; Grady Hawkins; Larry Young.

The following members were absent: None.

Also present: Steve Wyatt, County Manager; Amy Brantley, Assistant County Manager; C. Russell Burrell, County Attorney; J. Carey McLelland, Finance Director; Teresa Wilson, Clerk to the Board.

\* \* \*

Commissioner Edney moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE JOINT HEALTH EDUCATION CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2015**

*WHEREAS*, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of County to finance the acquisition, construction and equipping of the Joint Health Education Center (the "*Project*");

*WHEREAS*, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

*WHEREAS*, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$26,500,000.

Section 2. *Compliance with Regulations.* The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Edney, the foregoing resolution entitled "**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE JOINT HEALTH EDUCATION CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2015**" was duly adopted by the following vote:

AYES: CHARLIE MESSER, CHAIRMAN; TOMMY THOMPSON, VICE-CHAIR; J. MICHAEL EDNEY;  
GRADY HAWKINS; LARRY YOUNG.

NAYS: NONE.

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

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE JOINT HEALTH EDUCATION CENTER FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2015” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 16<sup>th</sup> day of April, 2014.

**WITNESS** my hand and the corporate seal of the County of Henderson, North Carolina, this the 16 day of April, 2014.



*Teresa L. Wilson*  
Teresa Wilson  
Clerk to the Board  
County of Henderson, North Carolina

STATE OF NORTH CAROLINA

**LEASE AGREEMENT**

COUNTY OF HENDERSON

THIS LEASE, made and entered into as of the 1st day of July 2014, by and between William A. Pace, Jr., of 619 Old Spartanburg Highway, Hendersonville, North Carolina (hereinafter referred to as "Lessor") and Henderson County, North Carolina with offices located at 1 Historic Courthouse Square, Suite 5, Hendersonville, NC, 28792 (hereinafter referred to as "Lessee").

**WITNESSETH:**

WHEREAS, Lessor is the owner of certain real property located at 95 East Central Street within the City of Hendersonville, North Carolina ("the Premises"); and

WHEREAS, Lessor wishes to lease the Premises to Lessee and Lessee wishes to lease the Premises from Lessor for the use of Henderson County, North Carolina;

NOW THEREFORE, for and in consideration of the mutual promises, terms and conditions as hereinafter set forth, Lessor, for himself, his heirs and assigns, does hereby lease to Lessee and Lessee does hereby lease from Lessor all of the Premises, and the improvements thereon, subject to the following terms and conditions:

**TERMS AND CONDITIONS**

1. This Lease shall begin on the 1st day of July 2014, and shall continue until June 30, 2019. The lease fee shall be \$54,000.00 each year, said amount payable in equal monthly installments.
2. During the period of this Lease, the Lessee shall be responsible for all insurance Lessee desires on the said Premises, including insurance covering the building located on the said Premises and for all utilities, including water and electricity. No coverage obtained by the Lessee shall be for the benefit of the Lessor. Lessor shall be responsible for any insurance Lessor desires on the Premises.
3. The Lessee shall be allowed to make any modifications to said Premises, at its own expense, as Lessee deems necessary, so long as a sketch is presented to the Lessor for review prior to such modifications being made. Lessee agrees that any modifications to the building that would be considered unmarketable or unreasonable will be removed by Lessee, at its own expense, at the expiration of the term of the Lease or any extension thereof. It is expressly understood and agreed that modifications to the bathrooms required by applicable law are marketable and reasonable modifications to the Premises.
4. Lessee agrees to generally maintain the Premises, plumbing, lighting, heating and air condition system and grounds, including any repairs involving parts which are \$100.00 or less.

Lessor agrees to make repairs involving labor and parts which cost in excess of \$100.00 within a reasonable time after Lessor has notice.

5. No security deposit shall be required of Lessee.

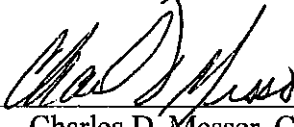
THIS the day and year first above written.

LESSOR:

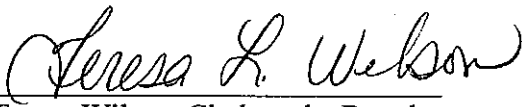
LESSEE:

HENDERSON COUNTY, NC

\_\_\_\_\_  
WILLIAM A. PACE, Jr. (SEAL)

BY:   
Charles D. Messer, Chairman  
Hend. Co. Board of Commissioners

ATTESTED BY:

  
Teresa Wilson, Clerk to the Board

STATE OF NORTH CAROLNA

COUNTY OF HENDERSON

I, \_\_\_\_\_, Notary Public for said County and State, certify that Teresa Wilson personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Henderson County, a municipal corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman of the Board of Commissioner, sealed with its corporate seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My commission expires:

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, \_\_\_\_\_, Notary Public for said County and State, certify that William A. Pace, Jr., personally appeared before me and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My commission expires:

## INTER-LOCAL AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of April, 2014, by and between the County of Henderson, a body corporate and politic of the State of North Carolina (“Henderson County”) and the City of Asheville, a North Carolina municipal corporation (“Asheville”).

WITNESSETH:

WHEREAS, the parties have the authority pursuant to Article 20 of NCGS Chapter 160A to enter into this Interlocal Agreement; and

WHEREAS, Asheville has the authority pursuant to NCGS 160A-274 to convey interests in real property to other governments upon such terms and conditions as it deems wise, and such conveyance may be with or without consideration; and

WHEREAS, Asheville and Henderson County are parties to several agreements regarding regional water issues, including the “First Amended and Restated Water Supply and Water Service Agreement” (the “1995 Agreement”); and

WHEREAS, among the terms of the 1995 Agreement are provisions regarding the “Brevard Road Site”, including the following (herein “Condition”):

*22.0 Asheville shall convey the Brevard Road Site to Henderson County to permit Henderson County to negotiate with MSD for sewer services. Henderson County shall either 1) convey the Brevard Road Site to MSD in fee simple upon condition subsequent that a wastewater treatment plant be constructed on the Brevard Road Site within ten ( 1 0) years of the date of such conveyance, or else title shall revert automatically to Asheville; or 2) convey said property to a regional water and sewer authority of which Henderson County, the Authority, and Asheville are a part. In the event that Henderson County shall not perform numbers 1) or 2) above within ten years from the date of conveyance of the Brevard Road Site to Henderson County, Henderson County shall convey the Brevard Road Site back to Asheville in fee simple absolute.*

[the “Brevard Road Site” is that real estate located at Ferry Road, Asheville, Buncombe County, North Carolina, consisting of approximately 137.21 acres more particularly described in Deed Book 2152, Page 4, and in Plat Book 1 Page 271 of the Buncombe County Register of Deeds, and referred to herein as “the Real Property”]; and

WHEREAS, pursuant to a Consent Judgment entered in Buncombe County Superior Court in 2002 (file number 01 CVS 344), the Real Property was conveyed by Asheville to Henderson County by deed recorded July 15, 2002, in Book 2852, Page 775, Buncombe County Registry, which deed incorporated the Condition in language consented to by the parties; and

WHEREAS, the parties caused to be recorded an Extension of Condition on June 14, 2012, in Book 4990, at Page 1259, in the Buncombe County Registry, extending the condition noted in B., above, for an additional period of two (2) years, ending July 14, 2014; and

WHEREAS, the parties wish to modify and extend the Condition consistent with the terms set out in this Agreement;



NOW, THEREFORE, in consideration of the premises and the sum of \$10.00 paid by Henderson County to Asheville, the receipt and sufficiency of which is hereby acknowledged, the parties do covenant and agree as follows:

1. Asheville will cause a further two year extension of condition (herein "Second Extension") to be executed and recorded, the terms of which shall be substantially similar to the condition recorded June 14, 2012;
2. Within the time provided for in the Second Extension, Henderson County shall undertake to secure a Purchase and Sale Agreement for the Property at a purchase price not less than the fair market value of the property as established by an independent MAI-certified appraisal;
3. Any conveyance of the Property shall be subject to the following:
  - a. Specific conditions or covenants on the use of the property for an economic development purpose, as set forth in N.C.a G.S. 158.1.(note – check numbers)
  - b. An easement in the name of the City of Asheville for use as a greenway and related recreational purposes. To this end, the City shall undertake to identify the route, location and dimensions of said greenway, consistent with the City's Greenway Master Plan.
4. Henderson County and Asheville shall divide the proceeds from the sale equally;
5. Asheville shall cause its share of said proceeds to be paid over to Buncombe County for use for public safety purposes;
6. Henderson County shall use its share of said proceeds for the purchase and construction of a local law enforcement training center ("the Training Center"). The design and scope of the Training Center shall be at the discretion of Henderson County, and may include a live ammunition weapons training area.

This Agreement is subject to the further condition that, prior to the conveyance contemplated herein, legislation must be enacted by the North Carolina General Assembly that either (1) ratifies this Agreement, or (2) relieves Asheville and Henderson County of compliance with the provisions of Article 16 of NCGS Chapter 160A, and the provisions of NC Sess. L. 1939-199, NC Sess. L. 2005-139, and NC Sess. L. 2005-140 (also known as the "Sullivan Acts") [note: check numbers], regarding the disposition of proceeds from the sale of public enterprise property.

Henderson County may, but is not required to, cause this Agreement, or a memorandum thereof, to be recorded in the Buncombe County Registry.

To the extent that compliance with NCGS 153A-15 is required in connection with this Agreement, Henderson County shall cause said statute to be complied with.

This Agreement shall be ratified by the City Council of Asheville and the Board of Commissioners of Henderson County, and a copy thereof shall be spread upon the minutes of both bodies.

IN WITNESS WHEREOF, the parties have executed this Agreement, the Grantor by causing it to be signed in its corporate name by its Mayor and attested by its City Clerk, and sealed with its corporate seal, and the Grantee by causing it to be signed by the Chairman of its Board of

Commissioners and attested by the Clerk to the Board of Commissioners and sealed with its seal, on the day and year first above written.

[signature page follows]

Attest:

CITY OF ASHEVILLE

\_\_\_\_\_  
Magdalen Burleson, City Clerk  
(official seal)

By: \_\_\_\_\_  
ESTHER E. MANHEIMER, Mayor

HENDERSON COUNTY BOARD  
OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Teresa Wilson, Clerk to the Board  
(official seal)

By: \_\_\_\_\_  
CHARLES D. MESSER, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Henderson County Attorney

\_\_\_\_\_  
Asheville City Attorney