

DRAFT
3/20/2015
MINUTES

cc: Boc
Steve
Amy
Russ

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, MARCH 18, 2015

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Charlie Messer, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner William Lapsley, 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, Engineer Marcus Jones, Management Assistant Megan Powell, DSS Director Eric Bush, Director of Business and County Development John Mitchell, Assessor/Tax Collector Stan Duncan, Public Health Director Steve Smith, Finance Director Carey McLelland, Assistant Engineer Natalie Berry & Environmental Programs Coordinator Rachel Hodge - videotaping, Sheriff Charlie McDonald, Chief Deputy Jerry Rice, Captain Steve Carter, Fire Marshal Rocky Hyder, Chief Deputy Frank Stout, Environmental Health Supervisor Seth Swift, Deputy County Attorney Sarah Zambon, Central Services and Construction Manager David Berry and DSS Program Administrator Jerrie McFalls.

CALL TO ORDER/WELCOME

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

INVOCATION

County Manager Steve Wyatt provided the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Hawkins.

RESOLUTION – CHILD ABUSE PREVENTION MONTH

Director Eric Bush stated the Department of Social Services Board has requested the Board of Commissioners adopt a Resolution, designating April as Child Abuse Prevention Month in Henderson County. He introduced Hugh Rutledge, an Intake Supervisor, who shared additional information including several statistics.

Mr. Rutledge stated there is an on-call worker available 24 hours a day, 7 days a week, to take reports of suspected abuse or neglect. Reports can be made anonymously. In 2014, one thousand five hundred and twelve (1,512) new reports of suspected abuse or neglect were received by the Henderson County Department of Social Services. Of those reports, 87% met criteria and were accepted for investigation.

In-home social workers provide services to families where there is a risk of the children being removed from the home because of abuse or neglect. Thirty-seven (37%) percent of the intake reports are due to domestic violence and substance abuse in the family.

Chairman Thompson read the Resolution which is hereby attached and incorporated as a part of these minutes.

Commissioner Hawkins made the motion that the Board adopts a Resolution, designating April as Child Abuse Prevention Month in Henderson County. All voted in favor and the motion carried.

RESOLUTION – WE ARE HOPE WEEK

The Henderson County Board of Commissioners is requested to adopt a Resolution observing "We Are

DATE APPROVED:

Hope” Week, in the Henderson County Public School High Schools. “We Are Hope” week will be recognized from March 30, 2015 through April 3, 2015. This resolution is the result of student leaders in Henderson County Public Schools’ six high schools, who have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse.

Molly McGowan Gorsuch, PIO for Henderson County Public Schools, stated Julie Honeycutt, director of HopeRx has been working with the SGA and student leaders in all 6 area high schools, and they have created activities in their schools to recognize and learn about substance abuse and the prevention of it in their schools. Banners will be signed individually at the schools, where each student pledges they will remain substance free.

Julie Honeycutt, director of HopeRx, feels honored to work with the high schools. HopeRx is a county coalition to address prescription drug abuse and other substance abuse issues. Prevention and awareness is key and it is vital that leaders are taking a stand to be recognized in their community and schools to do the right thing. Hopefully this program can be built and taken into the middle schools and elementary schools.

Chairman Thompson read the Resolution which is hereby attached and incorporated as a part of these minutes.

Commissioner Hawkins made the motion that the Board adopts the Resolution observing “We Are Hope” substance abuse awareness week in Henderson County Public Schools’ high schools. All voted in favor and the motion carried.

RECOGNITION – COUNTY BOARD OF HEALTH DESIGNATED “NORTH CAROLINA OUTSTANDING BOARD OF HEALTH”

Chairman Thompson stated the Association of North Carolina Boards of Health (ANCBH) has awarded the Henderson County Board of Health the “North Carolina Outstanding Board of Health Award”. The Board of Commissioners acknowledges the hard work done by the Board of Health for the citizens of Henderson County.

The Henderson County Board of Health has demonstrated leadership through community involvement, interagency collaboration, citizen support and innovative public health initiatives including:

- Engagement with community stakeholders to define critical public health capacities
- Expansion of school-based influenza vaccination campaign
- Collaboration with Henderson County Partnership for health to increase efforts to prevent prescription drug abuse
- Advancement of local tobacco use prevention policy discussions

There are 85 boards of health in North Carolina, and Henderson County was one of 2 recipients for this 2015 award.

Several member of the Board of Health were in attendance and a group photo was taken including the Board of Commissioners, County Manager, and Assistant County Manager.

PUBLIC HEARING

Public Hearing Regarding Close Out for the Sierra Nevada CDBD – Economic Development Public Infrastructure Grant

Commissioner Edney made the motion that the Board go into public hearing regarding Close Out for the Sierra Nevada CDBD – Economic Development Public Infrastructure Grant. All voted in favor and the motion carried.

Senior Planner Autumn Radcliff explained before the final paperwork can be submitted on behalf of the Community Development Block Grant (CDBG) for the Sierra Nevada Economic Development Public Infrastructure (Grant #07-D-2388), Henderson County is required to hold a closeout public hearing to receive public comments concerning the grant prior to completion.

Henderson County secured CDBG funding to support the construction of public infrastructure extending an estimated 6,500 linear feet of waterlines and 950 linear feet of sewer lines to the Ferncliff Industrial Park. This public infrastructure supported the development of the Sierra Nevada Brewing facility. The total amount of CDBG-Economic Development funds equaled \$373,203.67.

PUBLIC INPUT

There was none.

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

INFORMAL PUBLIC COMMENTS

1. Sam Pratt – Mr. Pratt provided an update to the Board on the Medical Loan Closet, and ask for an increase in funding.
2. Eva Ritchey – Ms. Ritchey was disappointed in programming on Channel 11, and felt WHKP received too much airtime.

DISCUSSION/ADJUSTMENT OF 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):

March 2, 2015 - regularly scheduled meeting

Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated March 2, 2015 for information only. No action was required.

Modification of Articles and Bylaws of Henderson County Historic Courthouse Corporation

A proposed "Amended and Restated Articles of Incorporation of Henderson County Historic Courthouse Corporation", along with a proposed Amendment to the Bylaws of the corporation was provided.

The original Articles of Incorporation were created in December 2003. Amendments occurred in 2006, 2007, and 2008. The proposed "Amended and Restated Articles" restate the original articles with all the amendments to date. In addition, they make one further amendment, removing the (one) non-voting member of the Board of Directors of the corporation that was appointed by the Tourism Development Authority. This leaves nine (9) voting members and one (1) non-voting member (who must be a member of the Board of Commissioners).

The proposed amendment to the Bylaws is in accordance with the "further amendment" proposed herewith (removing one of two non-voting members). The previous amendments to the articles had already been incorporated into the Bylaws.

Motion:

I move that the Board approves the proposed Amended and Restated Articles of Incorporation of Henderson County Historic Courthouse Corporation, and approve the proposed amendment to the Bylaws of that corporation.

Budget Amendment for Call Takers

As directed at the March 2, 2015 Board of Commissioners meeting, the Budget Officer has prepared a Budget Amendment to move \$21,461 from Fund Balance to the Sheriff Department budget to allow for two new Call Taker positions. These positions will be filled as soon as possible.

Motion:

I move the Board of Commissioners approves the budget amendment as presented to move \$21,462 from Fund Balance to the Sheriff Department Budget for two Call Taker positions.

Petition for addition to State Road system

Staff received a petition to add Roasted Chestnut Trail of Chestnut Ridge Subdivision into the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petition.

Motion:

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

Public Records Disposal Request – Building Services

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the Public Records Disposal and Destruction Log provided, 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 as the period for retention has expired.

Motion:

I move that the Commissioners approves the Public Records Disposal Requests and Destruction Log as presented.

Notification of Vacancies

Chairman Thompson noted the following vacancies and opened the floor to nominations.

1. Animal Services Committee – 1 vac.
2. Henderson County Historic Courthouse Corporation dba/ Heritage Museum – 1 vac.
3. Juvenile Crime Prevention Council – 1 vac.

Nominations

1. Animal Services Committee – 2 vac.

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

2. East Flat Rock Community Plan Advisory Committee – 8 vac.

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

3. EMS Peer Review Committee – 2 vac.

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

4. Equalization and Review Committee – 2 vac.

Commissioner Edney nominated William Alexander for position #3. *Chairman Thompson made the motion to accept the reappointment of William Alexander to position #3 by acclamation. All voted in favor and the motion carried.*

5. Governmental Financing Corporation – 1 vac.

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

6. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 1 vac.

The approval of consent agenda in this meeting discontinued position #10.

7. Hendersonville Business Advisory Committee – 1 vac.

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

8. Home and Community Care Block Grant Advisory committee – 1 vac.

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

9. Hospital Corporation Board of Directors/UNCH – 1 vac.

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

10. Industrial Facilities and Pollution Control Financing Authority – 1 vac.

Commissioner Messer nominated Ronnie Edwards for position #1. *Chairman Thompson made the motion to accept the reappointment of Ronnie Edwards to position #1 by acclamation. All voted in favor and the motion carried.*

11. Juvenile Crime Prevention Council – 4 vac.

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

12. Mountain Area Workforce Development Board – 3 vac.

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

13. 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.

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

Commissioner Thompson nominated Dr. Charles Edward for position #5 and Carol Ward for position #22. *Chairman Thompson made the motion to accept the reappointment of Dr. Charles Edwards to position #5 and Carol Ward to position #22 by acclamation. All voted in favor and the motion carried.*

15. Senior Volunteer Services Advisory Council – 3 vac.

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

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Thompson noted the addition of Bent Creek property, and Fire Inspections, and requested the following order for discussion.

- A -Bent Creek Property – Add on
- B - Construction Manager at Risk Contract
- C - Sitework – Health Sciences Center
- D - Fire Inspections – Add on

Chairman Thompson made the motion to adopt the Agenda as revised above. All voted in favor and the motion carried.

BENT CREEK PROPERTY – ADD ON

County Manager Steve Wyatt explained that last year the Board entered into an interlocal agreement with the City of Asheville that related to the Bent Creek Property. Henderson County was given the property with the time constraints to conduct the sale of the property and proceeds of that sale to be split 50/50 with Henderson County and the City of Asheville. The City of Asheville would then in turn write a check to Buncombe County in the amount of their proceeds to be used for a Law Enforcement Training Center. It has been the intent of Henderson County to use the proceeds of that sale for a Law Enforcement Center/Public Safety related items.

The County, working with an appraiser, received an appraisal of \$6,815,000.00. Upon receipt of the appraisal, the Board directed staff to market the property and advise the public of the sale. Since that time there have been numerous discussions and inquiries of the property. It has been shown with considerable interest. However, given the parameters regarding the sale and the proceeds of the sale, staff for the last several weeks has been in negotiations with Buncombe County about the possibility of Buncombe County being the purchaser.

A statement of an intervention to purchase the “Bent Creek property” in Buncombe County from the Buncombe County Board of Commissioners has been received. County Manager Steve Wyatt shared an excerpt of the letter.

“Thank you for working so closely with Buncombe over the last few days as we talked through the purchase of the Bent Creek/Ferry Road property. We plan to offer this 137 acre site for an economic development project that will be a big benefit to both of our communities.

After working through many details, Buncombe County would like to offer Henderson County \$6,815,000 for the property located on Ferry Road in Buncombe County.”

This is subject to approval and action by the Board of Commissioners.

Points to remember:

- The “Bent Creek property” is more correctly “approximately 137.21 acres more particularly described in Deed Book 2152, Page 4, and in Plat Book 50 Page 107 of the Buncombe County Register of Deeds.”
- The Bent Creek property is the subject of an Interlocal Agreement with the City of Asheville. Things to remember from that agreement:
 - The agreement required that the County obtain an MAI appraisal on the property. The County did so (by Benjamin T. Beasley, MAI, dated as of August 26, 2013, finding a value of \$6,815,000.00).
 - Any conveyance must be “pursuant to N.C. Gen. Stat. 158-7.1”. More specifically, the conveyance:
 - Must be subject to conditions or covenants on the use of the property for an economic development purpose (nowhere defined; this can mean pretty much what Buncombe

- County wants it to mean), and,
- Must reserve an easement for the City of Asheville for use as a greenway.

This sale is exempt from a bid process due to the interlocal agreement and legislative backup.

Commissioner Lapsley noted for record that this Board has had interest from other parties and in fact has another offer on the table for substantially less.

Commissioner Hawkins made the motion that the Board enter into a contract to convey the "Bent Creek property" as presented (based on the letter received from Chairman Gantt of the Buncombe County Board of Commissioners) subject to compliance with the Inter-local Agreement, and further authorize the Chairman to execute any real estate documents necessary to complete the sale as well as any documents pertaining to the Interlocal Agreement. All voted in favor and the motion carried.

CONSTRUCTION MANAGER AT RISK CONTRACT

John Mitchell stated the Board of Commissioners approved selection of Vannoy Construction (Vannoy) as the Construction Manager at Risk for the Health Sciences Center project at their June 30, 2014 meeting.

Following the construction manager at risk process, Vannoy is prepared to begin construction on the project. The attached contracts formalize the agreement between Henderson County and Vannoy Construction.

The construction manager at risk process includes a Guaranteed Maximum Price (GMP). The final GMP will be determined by a series of attachments to be added to the Construction Manager at Risk Contract over the next three months as bids come in. The GMP will be a combination of bids accepted for sitework, steel and total building respectively.

The Board is requested to accept A133-2009 Standard Form of Agreement between Owner and Construction Manager as Constructor and accept A201-2007 General Conditions of Contract for Construction.

After discussion, the following changes were requested:

1. Pg 7 sec. 2.6.1 \$350 changed to \$500
2. Pg 17- change litigation to arbitration
3. Add Hospital Corporation to same extent allowing Wingate regarding change orders- specifically regarding changing deadlines or increasing cost to them or changes to the path of the project
4. General conditions page 12- staff can approve up to \$25k in change orders, \$25-\$50 can be approved by Lapsley and Hawkins, over \$50k must come back to the BOC for approval

Commissioner Lapsley made the motion that liquidated damages (page 7) be \$500 per floor, per day. All voted in favor and the motion carried.

Commissioner Lapsley made the motion that Dispute Resolution be Arbitration (page 17) rather than litigation. The motion passed 3-2 with Commissioner Thompson and Edney voting nay.

Commissioner Edney made the motion to include the Hospital Corporation to the same extent as Wingate, specifically regarding changing deadlines or increasing cost to them, or changes to the path of the project. All voted in favor and the motion carried.

Commissioner Messer made the motion that the Board approves general conditions change (page 12) allowing staff to approve change order up to \$25,000, Commissioners William Lapsley and Grady Hawkins to approve change orders between \$25,000 and \$50,000, and any change orders over \$50,000 must be brought back before the Board. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board of Commissioners approves the contract with Vannoy Construction as amended including the general conditions. All voted in favor and the motion carried.

SITWORK – HEALTH SCIENCES CENTER

County Manager Steve Wyatt provided the Board with a spreadsheet for the total project Budget reconciliation for GMP #1.

John Mitchell stated in order to meet scheduling requirements for Wingate University, the county hired a Construction Manager at Risk to expedite the construction process.

The construction manager at risk process includes a Guaranteed Maximum Price (GMP). The final GMP will be determined by a series of attachments to be added to the Construction Manager at Risk Contract over the next three months as bids come in. The GMP will be a combination of bids accepted for the sitework, steel and the total building packages respectively.

Prequalified sub-contractors submitted bids in accordance with NC General Statute. Vannoy is recommending the selection of the lowest responsible bidder. This bid is within the accepted Total Project Budget.

Total Project Budget Reconciliation for GMP#1

Hard Costs + Estimated + Contingency		03/17/2015
	Construction Costs	Notes
GMP #1 Site Development (Procured 03/12/15)	\$ 2,790,674.00	Procured includes Escalation + Contingency of \$100,069. Includes \$203,193 for Storm water & Parking changes
GMP #2 (Early Steel Package Bid date 04/09/15)	\$ 3,061,471.00	Estimated from Design Development includes contingency of \$178,634
GMP #3 (Remainder of building Bid date 06/30/15)	\$ 23,523,228.00	Estimated from Design Development includes contingency of \$1,203,918
Value management to date	\$ (2,245,005.00)	Identified Cost reductions from Design Development to 03/15/15
Addition of North Parking and storm water	\$ (203,193.00)	Pardee scope that was added to the project for parking and stormwater management
Total hard Costs	\$ 26,927,175.00	
Owner Construction Contingency	\$ 921,015.84	
Total procured, estimated, & contingency	\$ 27,848,190.84	
Soft Costs		
A/E fees	\$2,495,000.00	
Commissioning	\$195,000.00	Estimated
CM pre-con	\$125,000.00	
Geo Tech	\$6,000.00	
Survey	\$10,000.00	
Traffic Impact Analysis	\$11,000.00	
Special inspections	\$130,000.00	Estimated
Material testing	\$130,000.00	Estimated
Permitting	\$121,172.29	Estimated
FFE Budget	\$812,000.00	Estimated
Technology Budget	\$300,000.00	Estimated
Total soft costs	\$4,335,172.29	
Grant Total Project Cost	\$32,183,363.13	

Architect Chad Roberson explained that today is just for approval of GMP (Guaranteed Maximum Price) #1, Site Development.

Commissioner Lapsley made the motion that the Board of Commissioners accepts the GMP #1 for the sitework, Sixth Avenue Joint Health Education Center project in the amount of \$2,790,674.00 and directs staff to continue with the project. All voted in favor and the motion carried.

FIRE INSPECTIONS – ADD ON

Commissioner Lapsley stated the County has submitted a proposed agreement with the Town of Mills River for the County to provide certain fire inspection services for commercial buildings inside the Town of Mills River. There were a number of questions generated from that proposed contract. Since Mills River is in Commissioner Lapsley's district, he was asked to attend the Mills River Town Council meeting. Fire Marshal Rocky Hyder attended with him.

As he understands it, the State of North Carolina adopted fire codes early in the 90's requiring inspections of commercial buildings. At that time the City of Hendersonville agreed to provide those inspection services to businesses inside the city limits as part of their service to their tax base.

A number of years ago, the County offered to provide those type services to the other municipalities within the county (Flat Rock, Fletcher, and Laurel Park) based on a specific fee schedule. Individual agreements with each municipality were made to compensate the County for providing those services. When the Town of Mills River was formed, for some reason, no agreement was entered into to provide those services. The County did however provide the services to businesses inside the Town of Mills River.

Henderson County provides these services to the unincorporated areas of the county at no charge. Mr. Lapsley feels that everyone should be charged a fee, including the unincorporated areas.

County Fire Marshal Rocky Hyder stated historically back in the early 90s, county commissioners decided to provide that service as a matter of the general services. Unlike a building inspection, the request is not generated by the customer. With fire inspections, the inspector shows up at your door, does the inspection, and bills the customer for the service.

Staff of the Fire Marshal's Office completes around 1400 inspections per year, including everyone except the City of Hendersonville. (Approximately 700-800 of those inspections are in the unincorporated areas) The Extra Territorial Jurisdiction of the City of Hendersonville is inspected because technically they are still in the county. Fletcher did inspections on their own for a few years, but then chose to contract with the County. Laurel Park has chosen not to pass the cost on to their businesses, however, Fletcher and Flat Rock pass the cost on to the businesses to make it self-supporting.

Three employees are responsible for the process. The Fire Marshal does the plan and review process in handling appeals while the two inspectors are dedicated to performing the inspections.

State Law provides that cities and counties may do the inspections. If the city or county chooses not to perform the inspections, the Commissioner of Insurance is charged with providing that service for a fee. The Counties legal responsibility is for the unincorporated area. Municipalities are responsible for the incorporated area. The county is offering the service as a courtesy.

There are 3 levels of fire inspector; basic fire inspection for mercantile businesses, Level 2 is for larger businesses, and Level 3 is for most factories or industrial businesses. Each level usually takes a minimum of 2 years' experience as well as passing a certification test. Maximum credentials would require a 6 year process.

When the Village of Flat Rock was first incorporated, they wanted to pass a bill directly to the business. At that time, Rocky agreed to keep track of the exact time it took to complete the inspection for each business and send a bill to each business. It was a lot of work but produced a cost estimate of approximately \$50 per inspection, not including overhead. Therefore the price that was provided to the Town of Mills River was based on the average overall of \$50 per inspection. Clearly it doesn't account for all expenses. After the meeting with Mills River, Rocky feels we would be in a better position to withdraw our offer and let them come back with an offer.

County Manager Steve Wyatt informed the Board that he would be sending a letter to Mills River next week, unless the Board tells him not to, that says effective 07/01/2015, the handshake deal is over with and they are on their own.

It was consensus of the Board that County Manager Steve Wyatt advise Mills River that all municipalities are to be treated the same, and we cannot continue to provide fire inspection services without charging.

The Board determined that fees need to be reviewed during the budget process.

COUNTY MANAGERS REPORT

County Manager Steve Wyatt informed the Board that a couple of staff members have been asked to speak at the City and County Conference in June. He requested that the June 17th Board meeting be rescheduled to June 24th.

Chairman Thompson made the motion that the Board approves rescheduling the June 17, 2015 regularly scheduled meeting to June 24, 2015 as a regularly scheduled meeting. All voted in favor and the motion carried.

SET PUBLIC HEARING – PROJECT WING ECONOMIC DEVELOPMENT MATTER

The Board is requested to set a public hearing on economic development incentives for April 15, 2015 at 9:00 a.m.

Chairman Thompson made the motion that the Board set a public hearing on April 15, 2015 at 9:00 a.m. regarding Project Wing economic development matter. All voted in favor and the motion carried.

SET PUBLIC HEARING – DRAFT HISTORIC LANDMARK ORDINANCE AND DESIGN GUIDELINES

Autumn Radcliff stated at the request of the Historic Resource Commission (HRC), the Board of Commissioners asked staff to work with the HRC to develop and present a proposed Historic Landmark Ordinance and corresponding Design Guidelines in FY 2015. The purpose of the ordinance would be to allow for the creation and governance of historic landmarks within Henderson County through a voluntary program. The Design Guidelines, as required by state law, act as an assisting document to the ordinance detailing permitted property modifications for property owners who are approved for the program.

The Henderson County Planning Board reviewed the final draft of the Historic Landmark Ordinance at its meeting on January 15, 2015 and voted unanimously to send forth a favorable recommendation to the Board of Commissioners.

The Board of Commissioners must hold a public hearing in order to adopt the Historic Landmark Ordinance. Planning Staff recommends the Board of Commissioners set a public hearing date for Wednesday, April 15, 2015 at 9:00 AM to consider the adoption of a Historic Landmark Ordinance for Henderson County.

Chairman Thompson made the motion that the Board set a public hearing to consider a Historic Landmark

Ordinance for Henderson County for Wednesday, April 15, 2015 at 9:00 AM. 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)(5) for the following reason(s):

Pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to go out of closed session and adjourn at 1:50 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

THOMAS THOMPSON
Chairman
CHARLIE MESSER
Vice-Chairman

MICHAEL EDNEY
GRADY HAWKINS
WILLIAM LAPSLEY

RESOLUTION DESIGNATING APRIL AS CHILD ABUSE PREVENTION MONTH

- WHEREAS,** children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; and,
- WHEREAS,** all children deserve to have safe, stable, nurturing and healthy homes and communities that foster their well-being; and,
- WHEREAS,** child abuse and neglect is a public responsibility affecting both the current and future quality of life of a state; and,
- WHEREAS,** parents need support and resources to cope with stress and nurture their children to grow to their full potential; and,
- WHEREAS,** effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies and the business community;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners, at their meeting on March 18th, 2015 does hereby designate the month of April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this the 18th day of March, 2015.



THOMAS THOMPSON, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
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THOMAS THOMPSON
Chairman
CHARLIE MESSER
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
WILLIAM LAPSLEY

RESOLUTION HONORING THE OBSERVANCE OF “WE ARE HOPE” WEEK IN HENDERSON COUNTY PUBLIC SCHOOLS’ HIGH SCHOOLS

MARCH 30 – APRIL 3, 2015

WHEREAS, Substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavioral, psychological, and social consequences; and

WHEREAS, drug overdose was the leading cause of injury death in 2012 and the drug overdose death rate has more than doubled from 1999 through 2013; and

WHEREAS, substance and alcohol abuse continues to occur among children and youth in our society: 15 percent of high school students in North Carolina have tried smoking cigarettes, 8.5 percent have used chewing tobacco, 14.3 percent have tried alcohol before age 13, 23.2 percent use marijuana and 17.2 percent have taken prescription drugs without a doctor’s prescription, according to the Centers for Disease Control and Prevention’s 2013 data; and

WHEREAS, student leaders in Henderson County Public Schools’ six high schools have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and

WHEREAS, students at Balfour Education Center, East Henderson High, Henderson County Early College High, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners, that March 30–April 3, 2015, be observed in Henderson County Public Schools’ high schools as “We Are Hope” substance abuse awareness week.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 18th day of March, 2015.


THOMAS THOMPSON, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


TERESA L. WILSON, CLERK TO THE BOARD

Handout #1

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

Wednesday, March 18, 2015

Re: Tax Collector's Report to Commissioners - Meeting Date 18 March 2015

Please find outlined below collections information through 17 March 2015 for the 2014 real and personal property bills mailed out on 28 August 2014, 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:

2014 Beginning Charge: \$59,733,421.04
 Discoveries & Imm. Irreg.: \$168,011.67
 Releases & Refunds: **(\$340,609.30)**
Net Charge: \$59,560,823.41
 Unpaid Taxes: \$1,730,428.40
 Amount Collected: \$57,830,395.01
Percentage Collected: 97.09%
 Through: 17-Mar-2015

2013 Beginning Charge: \$58,589,100.53
 Discoveries & Imm. Irreg.: \$284,041.60
 Releases & Refunds: **(\$219,255.96)**
Net Charge: \$58,653,886.17
 Unpaid Taxes: \$2,149,019.28
 Amount Collected: \$56,504,866.89
Percentage Collected: 96.34%
 Through: 17-Mar-2014

Motor Vehicle Bills G01 Only:

2014 Beginning Charge: \$12,300.26
 Discoveries & Imm. Irreg.: \$0.00
 Releases & Refunds: **(\$1,161.22)**
Net Charge: \$11,139.04
 Unpaid Taxes: \$1,913.11
 Amount Collected: \$9,225.93
Percentage Collected: 82.83%
 Through: 17-Mar-2015

2013 Beginning Charge: \$2,648,200.82
 Discoveries & Imm. Irreg.: \$1,815.92
 Releases & Refunds: **(\$55,439.92)**
Net Charge: \$2,594,576.82
 Unpaid Taxes: \$309,116.06
 Amount Collected: \$2,285,460.76
Percentage Collected: 88.09%
 Through: 17-Mar-2014

Fire Districts All Bills:

2014 Beginning Charge: \$6,649,420.41
 Discoveries & Imm. Irreg.: \$15,458.62
 Releases & Refunds: **(\$46,255.93)**
Net Charge: \$6,618,623.10
 Unpaid Taxes: \$225,769.82
 Amount Collected: \$6,392,853.28
Percentage Collected: 96.59%
 Through: 17-Mar-2015

2013 Beginning Charge: \$6,875,239.26
 Discoveries & Imm. Irreg.: \$45,334.18
 Releases & Refunds: **(\$34,250.74)**
Net Charge: \$6,886,322.70
 Unpaid Taxes: \$321,256.48
 Amount Collected: \$6,565,066.22
Percentage Collected: 95.33%
 Through: 17-Mar-2014

Respectfully submitted,

Luke Small
Collections Specialist

Stan C. Duncan
Tax Collector

Amended and Restated Articles of Incorporation

of

HENDERSON COUNTY HISTORIC COURTHOUSE CORPORATION

A Non-Profit Corporation

We, the undersigned natural persons, all of the age of twenty-one years or more, acting as incorporators for the purpose of creating a non-profit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina (the "Non-Profit Corporation Act") and the several amendments thereto, do hereby set forth:

I – Name

The name of the corporation is Henderson County Historic Courthouse Corporation.

II – Duration

The period of duration of the corporation shall be perpetual.

III – Purpose

The corporation is organized and shall be operated exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code for the United States of America (as the same now exists or may be hereafter be amended, hereinafter "the Code"), including the operation of an educational and historical museum and exhibit space within the Henderson County Historic Courthouse structure.

IV – Membership

The corporation shall not have members, and shall not issue any capital stock.

V – Address of Initial Registered Agent

The name and address of the corporation's initial registered agent (and the address of the registered office and principal office) is:

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

Name: Charles Russell Burrell
Address: 1 Historic Courthouse Square, Suite 5
Hendersonville, NC 28792
County: Henderson

VI – Directors

The Board of Directors shall consist of nine (9) voting Directors, and one (1) non-voting Director, shall be elected in the manner stated herein. The names, addresses and counties of residence of the current Board of Directors are as follows:

Director 1 (term expires 30 June 20)

Name: Bessie Mac Levi Bright
Address: 3305 Spartanburg Highway
Flat Rock, NC 28731
County: Henderson

Director 2 (term expires 30 June 20)

Name: Andrew Carl Brannon
Address: 874 Brannon Road
Horse Shoe, NC 28742
County: Henderson

Director 3 (term expires 30 June 20)

Name: VACANT
Address:
County:

Director 4 (term expires 30 June 20)

Name: Carolyn Justus
Address: 1055 Stepp Mill Road
Hendersonville, NC 28792
County: Henderson

Director 5 (term expires 30 June 20)

Name: Virginia Gambell
Address: 2 Cedarbrook Drive
Hendersonville, NC 28739
County: Henderson

Director 6 (term expires 30 June 20)

Name: Patsy Farmer Jones
Address: 203 North Overlook Terrace
Hendersonville, NC 28739
County: Henderson

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

Director 7 (term expires 30 June 20)

Name: Jo Ann Stepp Fain
Address: 535 Waddell Drive
Hendersonville, NC 28792
County: Henderson

Director 8 (term expires 30 June 20)

Name: Margaret Miller L. Medlin
Address: 1300 Pinecrest Drive
Hendersonville, NC 28739
County: Henderson

Director 9 (term expires 30 June 20)

Name: James H. Toms
Address: 610 Erkwood Drive
Hendersonville, NC 28739
County: Henderson

All Directors, voting and non-voting, including the seat above designated "Vacant", and all successors, shall be elected by the Board of Commissioners of Henderson County. Voting Directors shall be elected in three groups, and their successors' terms shall end on a triennial basis.

The first group, including Director 1, Director 2 and Director 3, serving a term ending 30 June 2017, or until the election of their successors.

The second group, including Director 4, Director 5, and Director 6, serving a term ending 30 June 2015, or until the election of their successors.

The third group, including Director 7, Director 8 and Director 9, serving a term ending 30 June 2016, or until the election of their successors.

The non-voting Director shall be a member of the Board of Commissioners of Henderson County, and shall serve for a term of one year, ending each 31 December, or as soon thereafter as a successor is elected by the Board of Commissioners from among its membership.

Successor voting Directors shall serve terms of three years thereafter. Voting Directors may serve no more than two consecutive full three-year terms.

The Chair of the Board of Directors shall be elected by the Board of Commissioners of Henderson County each year, and shall serve an annual term ending 31 December each year, or until a successor is elected by the Board of Commissioners.

Voting Directors may only be removed for cause as allowed by North Carolina law.

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

VII – Powers

The corporation shall have all the powers granted non-profit corporations under the laws of the State of North Carolina so long as the same are not inconsistent with the corporation qualifying as tax-exempt under the provisions of Section 501(c)(3) of the Code.

VIII – Earnings

No part of the net earnings of the corporation shall inure to the benefit of or be distributable to any director, officer or other private person, except that the corporation may pay reasonable compensation for services rendered and may make payments and distributions in furtherance of its purposes as stated herein.

IX – Internal Affairs

Except as provided in these Articles, the internal affairs of the corporation shall be regulated and determined by its by-laws.

X – Prohibited Activities

At all times and notwithstanding merger, consolidation, reorganization, termination, dissolution or winding up of the corporation (whether voluntary or involuntary by operation of law), or any other provisions hereof:

- A. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation. The corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any activities not permitted to be carried on (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code, (ii) by a corporation contributions to which are deductible under Section 1790(c)(2) of the Code, or (iii) by a non-profit corporation created under Chapter 55A of the General Statutes of North Carolina.
- B. At no time shall the corporation engage in any activities which are unlawful under the laws of the United States, North Carolina or any other jurisdiction where any of its activities are carried on.
- C. Notwithstanding any other provision of these Articles, if at any time or times the corporation is a private foundation within the meaning of Section 509 of the Code, then during such time or times:
 - 1. The corporation shall distribute its income for each taxable year at such time and in such manner as not to subject the corporation to tax under Section 4942 of the Code;
 - 2. The corporation shall not engage in any act of self-dealing as defined in Section

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

- 4941(d) of the Code.
3. The corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Code;
 4. The corporation shall not make any investments in such manner as to subject the corporation to tax under Section 4944 of the Code; and
 5. The corporation shall not make any taxable expenditures as defined in Section 4945(d) of the Code.
- d. The corporation shall not discriminate on the basis of race, color, religion, sex, age, or national or ethnic origin in the administration of its activities.

XI – Indemnification

The Board of Directors may provide in the by-laws of the corporation that the corporation shall indemnify its current and former directors, officers, employees, and agents against expenses and liabilities incurred as a result of actual or threatened litigation arising from the performance of their official duties. The indemnification provided by the Article shall not be deemed exclusive of any other rights to which such directors, officers, employees or agents may be entitled under any By-Law, agreement, resolution of the Board of Directors, or otherwise. In no case, however, shall the corporation indemnify or reimburse any person for any federal excise taxes imposed on such individual under Chapter 42 of the Code. Further, if at any time or times the corporation is a private foundation within the meaning of Section 4095 of the Code, then during such time or times no payment shall be made under this Article if such payment would constitute an act of self-dealing (as defined-in Section 4941(d) of the Code).

XII – Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all liabilities of the corporation, convey all of the assets of the corporation to Henderson County, to be used exclusively for public purposes. Any such assets not so disposed shall be disposed of by the Clerk of Superior Court of Henderson County, North Carolina, to Henderson County, to be used exclusively for public purposes. The private property of the officers and directors of the corporation shall not be subject to payment of corporate debts to any extent whatever.

XIII – Amendments to the Articles of Incorporation and Bylaws

Neither these Articles of Incorporation nor the Bylaws may be amended in a way to prevent the corporation from qualifying as an exempt organization pursuant to Section 501(c)(3) of the Code. Amendments to the Articles of Incorporation or the Bylaws may be made by the Board of Commissioners of Henderson County. Amendments to the Bylaws may be made by the Board of Commissioners of Henderson County, or by the Board of Directors, subject to the approval of the Board of Commissioners of Henderson County.

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

XIV – Incorporators

The names and addresses of the incorporators were:

Name: Grady H. Hawkins
Address: 100 North King Street
Hendersonville, NC 28792
County: Henderson

Name: Larry R. Young
Address: 100 North King Street
Hendersonville, NC 28792
County: Henderson

Name: C. Shannon Baldwin
Address: 100 North King Street
Hendersonville, NC 28792
County: Henderson

Name: Charles Messer
Address: 100 North King Street
Hendersonville, NC 28792
County: Henderson

Name: William L. Moyer
Address: 100 North King Street
Hendersonville, NC 28792
County: Henderson

END OF AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF
HENDERSON COUNTY HISTORIC COURTHOUSE CORPORATION

Amended and Restated Articles of Incorporation of
Henderson County Historic Courthouse Corporation

The foregoing Amended and Restated Articles of Incorporation of Henderson County Historic Courthouse Corporation were adopted by the Henderson County Board of Commissioners after motion and vote, this the 18th day of March, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By:  Thomas H. Thompson

THOMAS H. THOMPSON, Chairman

Attest:

Teresa L. Wilson

TERESA L. WILSON

Clerk to the Board of Commissioners

[SEAL]

PROPOSED MODIFICATION OF BYLAWS
HENDERSON COUNTY HISTORIC COURTHOUSE CORPORATION

ARTICLE V

Section 3. Composition. The Board of Directors (except for the Initial Board of Directors named in the Articles of Incorporation, as amended) shall consist of nine regular Directors and one non-voting Director. The non-voting Director shall be a member of the Board of Commissioners of Henderson County.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Budget Office

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-512200</u>	<u>S&W-Regular</u>	<u>\$14,907</u>
<u>115431-513300</u>	<u>401K</u>	<u>\$149</u>
<u>115431-518000</u>	<u>FICA</u>	<u>\$1,140</u>
<u>115431-518100</u>	<u>Retirement-LEGERS</u>	<u>\$1,121</u>
<u>115431-518300</u>	<u>Medical Insurance</u>	<u>\$3,315</u>
<u>115431-518400</u>	<u>Dental Insurance</u>	<u>\$177</u>
<u>115431-518600</u>	<u>Workers Comp</u>	<u>\$652</u>

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$21,461</u>

Justification: Please provide a brief justification for this line-item transfer request.
Adds 2 Call Taker Positions, per Board action 3-2-2015. Approved 3-18-2015

Budget Office
Authorized by Department Head

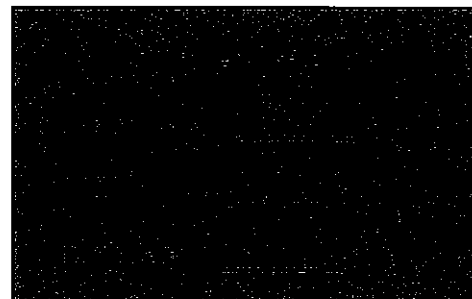
3/3/2015
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date



**HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE**

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

DEPARTMENT: BUILDING SERVICES

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
BLUEPRINTS 1 YR AFTER PERMITTED	✓		5.3	4-1-15
PERMITS + APPLICATIONS 6 YRS AFTER C.O.	✓		5.4	}
SUBSTANDARD HOUSING 2008 + PRIOR	✓		5.24	
PERMIT LOG 2008 + PRIOR	✓		5.33	
PERMIT RECEIPT BKS 2011 + PRIOR	✓		5.34	
PERMITS - MISC 2011 + PRIOR	✓		5.40	
MONTHLY REPORTS 2011 + PRIOR	✓		5.48	

*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.

Tom Stauffer
Department Head

3-3-15
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 15 day of March, 2015.

Leresa H. Wilson
Clerk to the Board



Commissioners Office

Chairman
David Gantt

District 1
Holly Jones
Brownie Newman

District 2
Ellen Frost
Mike Fryar

District 3
Joe Belcher
Miranda DeBruhl

March 17, 2015

Mr. Steven D. Wyatt, County Manager
Henderson County
1 Historic Courthouse Square, Suite 2
Hendersonville, NC 28792

Dear Steve:

Thank you for working so closely with Buncombe over the last few days as we talked through the purchase of the Bent Creek/Ferry Road property. We plan to offer this 137 acre site for an economic development project that will be a big benefit to both of our communities.

After working through many details, Buncombe County would like to offer Henderson County \$6,815,000 for the property located on Ferry Road in Buncombe County. The property, consisting of approximately 137.21 acres, is described in Deed Book 2152 at Page 4 and in Plat Book 50 at Page 107 Buncombe County, North Carolina Registry.

If you have any questions, please don't hesitate to give me or our County Manager a call.

Sincerely,

David Gantt,
Chairman

