

**DRAFT**

5-6-15

MINUTES

cc: Bob  
Steve  
Amy  
Russ

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MONDAY, MAY 4, 2015

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman 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: Engineer Marcus Jones, Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Recreation Director Tim Hopkin, Purchasing Agent Randall Cox, Veteran's Services Officer Mike Murdock, Assessor/Tax Collector Stan Duncan, Registrar of Deeds Lee King, Sheriff Charlie McDonald, Fire Marshal Rocky Hyder, Central Services & Construction Manager David Berry, Deputies Jacob Tipton & Brent Cantrell as security, and Assistant Engineer Natalie Berry, PIO Kathy Finotti & Environmental Programs Coordinator Rachel Hodge – videotaping.

CALL TO ORDER/WELCOME

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

INVOCATION

Rabbi Philip Bentley of Agudas Israel Congregation provided the invocation.

PROCLAMATION – In Commemoration of the 70<sup>th</sup> Anniversary of VE Day – Victory in Europe Day

Chairman Thompson shared the Proclamation. World War II began in Europe on September 1, 1939, with the invasion of Poland by the forces of the Nazi Reich, and in time the nations of the world were engaged in a great and titanic struggle to preserve civilization. World War II became a global war, involving millions of people from throughout the world, and at 3:00 p.m. on May 8, 1945, British Prime Minister Winston Churchill broadcast to the world that the war in Europe had been won, victory over the brutal oppressor had been achieved. At 9:00 a.m. Washington, D.C. time, then President Harry S. Truman announced, "This is a solemn but a glorious hour. I only wish that Franklin D. Roosevelt had lived to witness this day. General Eisenhower informs me that the forces of Germany have surrendered to the United Nations. The flags of freedom fly all over Europe. For this victory we join in offering our thanks to the Providence which has guided and sustained us through the dark days of adversity. Our rejoicing is sobered and subdued by a supreme consciousness of the terrible price we have paid to rid the world of Hitler and his evil band. Let us not forget, my fellow Americans, the sorrow and the heartache which today abide in the homes of so many of our neighbors - neighbors whose most priceless possession has been rendered as a sacrifice to redeem our liberty. We can repay the debt which we owe to our God, to our dead and to our children only by work – by ceaseless devotion to the responsibilities which lie ahead of us."

Friday, May 8, 2015 is the anniversary of VE Day (Victory in Europe Day), marking 70 years since the end of the Second World War in Europe. The Henderson County Board of Commissioners, adopt this Proclamation, in commemoration of the 70<sup>th</sup> Anniversary of VE Day, with the deepest, heart-felt gratitude to the "Greatest Generation" whose toil and sacrifice allow and provide for us this privilege. May God bless America and those who serve and protect our God given freedom.

*Commissioner Hawkins made the motion to approve the proclamation. All voted in favor and the motion carried.*

DATE APPROVED:

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Veteran's Services Officer Mike Murdock along with 6 of the 16 Henderson County Veterans who served in World War II. They received a standing ovation and many applauds from those in attendance. A short commemorative video was shown.

**RESOLUTION – In Recognition of the Week of May 17 – May 23, 2015 as Henderson County EMS Week**

Chairman Thompson read the Resolution. Henderson County Board of Commissioners recognizes the vital need for Henderson County Emergency Medical Services personnel to protect the safety and health of the citizens of Henderson County. EMS workers are complemented and assisted by the predominantly volunteer Henderson County Rescue Squad which provides non-emergency EMS transports whenever needed. Both organizations have a long history of providing quality prehospital care to the residents of Henderson County.

Certified Emergency Medical Technicians (EMTs) and Paramedics are available at all times to respond to and assist with emergency medical needs through calls placed to 911. In 2014, Henderson County EMS crews responded to 12,450 calls throughout the county, and the majority of those calls were based on sudden illnesses such as stroke, heart attack or a seizure.

Henderson County EMS participates with our local and regional hospitals in lifesaving programs such as Code STEMI (cardiac patients), Code Stroke and Code Trauma to better assist patients with life threatening conditions.

Henderson County EMS works directly with Henderson County Emergency Services to provide the very best care to every single patient in need of their services and does so with professionalism, integrity and compassion.

The Henderson County Board of Commissioners recognizes and appreciates our EMS and Rescue workers during the 2015 National EMS Week and designate the week of May 17 through May 23, 2015 to be Henderson County EMS Week.

*Commissioner Messer made the motion to approve the resolution. All voted in favor and the motion carried.*

**PUBLIC HEARING**

**Public Hearing Regarding the Henderson County Hospital Corporation Deemed Reissuance (Converting 2013 Refunding Bond)**

*Commissioner Hawkins made the motion to go into public hearing regarding the Henderson County Hospital Corporation Deemed Reissuance (Converting 2013 Refunding Bond). All voted in favor and the motion carried.*

Attorney Russ Burrell stated notice was hereby given to all interested persons that the Board of Commissioners of the County of Henderson, North Carolina (the "County") will hold a public hearing on May 4, 2015 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina 28792, at which time any person may be heard regarding the conversion of certain of the County's outstanding federally tax-exempt debt from qualified governmental bonds to qualified 501(c)(3) bonds.

The County has previously issued its (1) \$9,545,000 Hospital Revenue Refunding Bond (Margaret R. Pardee Memorial Hospital Project), Series 2013, the proceeds of which were used, among other purposes, to refund (a) the County's then-outstanding Hospital Revenue Bond (Margaret R. Pardee Memorial Hospital Project), Series 2010 (the "2010 Bond"), which 2010 Bond was issued to finance the acquisition of three medical office buildings in Hendersonville, North Carolina, including medical office buildings located at 643 Fifth

Avenue West, Hendersonville, North Carolina 28739 (the "Fifth Avenue West Building"), 705 Sixth Avenue West, Hendersonville, North Carolina 28791 (the "Sixth Avenue West Building"), and 512 Sixth Avenue West, Hendersonville, North Carolina 28739 (the "OB-GYN Building"), and (b) the County's then-outstanding Hospital Revenue Bond (Margaret R. Pardee Memorial Hospital Project), Series 2008, the proceeds of which were applied, in part, to refund the County's then-outstanding Hospital Revenue Bonds (Margaret R. Pardee Memorial Hospital Project), Series 2001 (the "2001 Bonds"), which 2001 Bonds were issued to finance (a) the expansion of the emergency room facilities at Margaret R. Pardee Memorial Hospital (the "Hospital"), (b) the construction of a parking deck at the Hospital, and (c) the construction of a medical office building for the Hospital located at 709 North Justice Street, Hendersonville, North Carolina 28791 (the "North Justice Street Building") and (2) \$5,000,000 Hospital Revenue Bond (Margaret R. Pardee Memorial Hospital Project), Series 2014 (the "2014 Bond"), the proceeds of which were used to finance, among other purposes, capital up-fit improvements for the Hospital within the Pardee Clinical and Physician Areas of the Mission Pardee Health Campus, located at 2775 Hendersonville Road, Fletcher, North Carolina 28732 (the "Mission Pardee Project").

The Fifth Avenue West Building, North Justice Street Building, the Sixth Avenue West Building and the OB-GYN Building are and will be owned by the County and leased to the Hospital. The Mission Pardee Project is and will be owned by Mission Hospital, Inc., leased to Western North Carolina Healthcare Innovators III, LLC and sub-leased to the Hospital. All or a portion of each of the Fifth Avenue West Building, North Justice Street Building, the Sixth Avenue West Building, the OB-GYN Building and Mission Pardee Project will be sub-leased to Blue Ridge Community Health Services ("BRCHS"). The portion of each of the Fifth Avenue West Building, North Justice Street Building, the Sixth Avenue West Building, the OB-GYN Building and Mission Pardee Project not sub-leased to BRCHS will be operated by the Hospital.

On the conversion date, all or a portion of each of the 2013 Bond and 2014 Bond will be deemed to convert from a tax-exempt governmental obligation to a tax-exempt qualified 501(c)(3) bond for federal tax purposes. Neither the 2013 Bond nor the 2014 Bond will be redeemed, nor will there be any changes to the interest rate, payment schedule or maturity date of the 2013 Bond or 2014 Bond.

Any person wishing to comment in writing on the conversion of the 2013 Bond or the 2014 Bond or the Fifth Avenue West Building, North Justice Street Building, the Sixth Avenue West Building, the OB-GYN Building or Mission Pardee Project may forward comments, for receipt prior to the date and time of the public hearing specified above, to the Clerk of the Board of Commissioners, 1 Historic Courthouse Square, Hendersonville, North Carolina 28792.

#### PUBLIC INPUT

There was none.

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

*Commissioner Messer made the motion that the conversion of certain of the County's outstanding federally tax-exempt debt issued for the benefit of Margaret R. Pardee Memorial Hospital from "qualified governmental bonds" to "qualified 501(c)(3) bonds" for federal tax purposes be approved. All voted in favor and the motion carried.*

#### INFORMAL PUBLIC COMMENTS

1. Donnie Jones – Mr. Jones spoke in regard to paving at Jackson Park between the Special Needs Fields. Special Needs Baseball started in 2011 in order for handicapped individuals to belong to a team. They have had tremendous support from everyone. The area between the fields and the

parking lot is gravel and hard for the handicapped to maneuver. It needs paving and money has been raised to do so. They hope to have the paving complete in 2-3 weeks.

### **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):

April 15, 2015 - regularly scheduled meeting

#### **Tax Collector's Report**

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated April 23, 2015 for information only. No action was required.

#### **Financial Report/Cash Balance Report – March 2015**

The March 2015 County Financial Report and Cash Balance Report were provided for the Board's review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of March:

- Detention Center – purchase of a new transport van and maintenance & repairs to the Detention Center
- Emergency Management – purchase of two mass casualty incident (MCI) trailers
- Rescue Squad – 3<sup>rd</sup> quarter approved non-profit contribution payment
- Economic Development – pass through of a \$1.025 million NC One Fund grant payment awarded to Sierra Nevada Brewing Company
- Agri-Business – operational costs to be covered/reimbursed from Agri-business membership fees by fiscal year end

The YTD deficit in the Revaluation Reserve Fund is due to postage expense incurred for the mailing of reappraisal notices and the annual support payment made for the NC Property Tax System (NCPTS) utilized by the Tax Assessor and Tax Collector Departments.

The YTD deficit in the CDBG - Dodd Meadows Project Fund is due to the timing difference between the payment of project expenditures and subsequent reimbursement of grant funds from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to the phase out/completion of participation in this federal program by the Sheriff's Department/Detention Center and final program funding received through December 31, 2014. Fund balance has been appropriated in this Fund to cover expenditures.

The YTD deficit in the 911 Emergency Communications Relocation Project and the Westfeldt Park Project is due to the payment of project expenditures and the subsequent reimbursement of grant funds from the NC 911 Board and the NCDENR – Recreational Trails Grant Program respectively.

The YTD deficit in the Health Sciences Center Project budget is due to the payment of architectural fees on the project that will be reimbursed from the proceeds of a future financing for the project in FY2016.

The YTD deficit in the Solid Waste Landfill Fund is due primarily to the one-time purchase of capital outlay-equipment (\$218,688) and an annual loan debt service payment (\$188,800) made in January.

Motion:

*I move that the Board of Commissioners approves the March 2015 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Report – March 2015**

The Henderson County Public Schools March 2015 Local Current Expense Fund / Other Restricted Funds Financial Report was provided for the Board’s information.

Motion:

*I move that the Board of Commissioners approves the Henderson County Public Schools March 2015 Financial Report as presented.*

**Meeting Room Security**

To ensure that a safe meeting room environment exists for those in attendance at Commissioner Meetings, the Board is requested to adopt guidelines prohibiting bags and packages in the Board’s Meeting Room. Staff recommends that no bags, packages, or parcels of any sort be permitted within the meeting room without inspection, or previously approved credentials deemed appropriate by the County Manager.

Motion:

*I move the Board approves the above guidelines prohibiting bags, packages, and parcels of any sort within the meeting room, without inspection, or previously approved credentials.*

**Register of Deeds – Request to Use ROD Restricted Funds for Automation, Enhancement and Document Preservation**

N.C.G.S. 161-11.3 regulates the retention of 10% of the fees collected by the Register of Deeds office. These funds are to be set aside annually in a non-reverting Automation Enhancement and Preservation Fund and are to be used for computer and imaging technology, and document preservation. The Register of Deeds is requesting that \$7,000 be released from the Automation Enhancement and Preservation Fund to pay for the following expenses:

\$7,000 for Printing & Binding for Deed and Deed of Trust Books.

Motion:

*I move the Board of Commissioners approves the budget amendment to use \$7,000 in Register of Deeds Restricted General Fund Balance.*

**Budget Amendment – Valley Hill Fire Station #2**

At the April 15, 2015 meeting, the Board approved a motion to purchase the Valley Hill Fire Station #2. The budget amendment provided transfers the necessary funding into the Capital Reserve Fund for the purchase. The total budget amendment includes the amount necessary for the purchase, as well as necessary funding for closing costs.

Motion:

*I move the Board of Commissioners approves the budget amendment to transfer \$204,600 from Fund Balance to be used for the purchase of Valley Hill Fire Station #2.*

**Budget Amendment – Emergency Communications Project**

At the April 15, 2015 meeting, the Board approved a motion to proceed with the Emergency



Communications System Modernization and Upgrade Project. The maximum estimated cost to proceed with the project utilizing an alternative site in Edneyville was \$387,870. The budget amendment provided transfers the necessary funding into the Capital Reserve Fund for the project.

Motion:

*I move the Board of Commissioners approve the Budget Amendment to transfer \$387,870 from Fund Balance to be used for the Emergency Communications System Modernization and Upgrade Project.*

### **FY 2016 Budget Schedule**

The Board is requested to consider the following schedule with regard to the FY2015-2016 Proposed Budget.

- May 15, 2015 - Presentation of the County Manager's Proposed Budget to the Board – Proposed Budget made available on-line and in the Clerk's Office
- May 20, 2015 - Budget Workshop
- June 1, 2015 - Public Hearing and possible adoption of the FY 2016 Budget

Motion:

*I move the Board hold a budget workshop as part of the regularly scheduled meeting on Wednesday, May 20, 2015. The Board is also requested to schedule a public hearing for Monday, June 1, 2015 at 5:30 p.m.*

### **Request for Approval of a Consortium Agreement – Mountain Area Workforce Development Board**

Phillip Monk, Mountain Area Workforce Development Board Director had submitted a draft Consortium Agreement among the four counties in the Land-of-sky Region to receive and administer funds provided under the Workforce Innovation and Opportunity Act of 2014. Each of the County Commissions appoints members of the Mountain Area Workforce Development Board which provides policy guidance, planning, oversight and accountability for workforce development programs in the region.

The North Carolina Department of Commerce, Division of Workforce Solutions has requested that the local workforce Development Consortia applications be submitted to the Governor for approval before the end of May 2015. If all of the County Commission approve this Consortium Agreement, then the Workforce Board and the Chief Elected Official can move forward with the application for designation as the Mountain Area Workforce Development Consortium.

Motion:

*I move that the Board approves the request for approval of the Consortium Agreement as presented.*

### **Environmental Advisory Committee – Letter of Support**

The Board of Commissioners is requested to approve a letter of support, authored by members of the Environmental Advisory Committee, for an application being submitted by the City of Hendersonville, the City's Environmental Sustainability Board, and the City's Tree Board to become a certified Bee City affiliate. The Committee has worked with the applicants, who have requested this letter of support for the program's application.

This program is a designation awarded by the national nonprofit Bee City, USA, which "endorses a set of standards for creating sustainable habitats for pollinators, which are vital to feeding the planet. Cities, towns and communities across America are invited to adopt these standards and become a Bee City USA affiliate." Other bee cities in North Carolina include Asheville, Carrboro, and Matthews; Talent and Ashland, Oregon are the only other designated cities in the US.

Hendersonville is already a certified Tree City and this program will augment educational awareness efforts and best practices to enhance habitats for pollinators and bees locally. The Environmental Advisory

Committee supports the City's application, as only municipalities are eligible to become designated affiliates.

Through this letter of support and future efforts, the Henderson County Environmental Advisory Committee will assist the City's Environmental Sustainability Board and Tree Board with pollinator education and outreach, as well as best management practices to ensure healthy pollinator species thrive in Henderson County.

Motion:

*I move that the Board of Commissioners approve a letter of support from the Henderson County Environmental Advisory Committee for an application being submitted by the City of Hendersonville, the City's Environmental Sustainability Board, and the City's Tree Board to become a certified Bee City affiliate.*

### **Special Needs Baseball Jackson Park Improvements**

Donnie Jones, Director of Henderson County Special Needs Baseball (HCSNB) has approached the County to ask that paving be installed around the entrances to dugouts located at the Chat Jones Memorial Fields, fields 8 and 9 at Jackson Park. Fields 8 and 9 are used seasonally by HCSNB for baseball games.

Devices used to assist children in the HCSNB program have difficulty traveling over the current gravel surface at the park. Pavement over the entrance will allow easier and safer access to the fields.

Mr. Jones has raised the money and donated skilled labor necessary to complete the project, with the help of APAC and other area businesses. The project is estimated to take two days to complete.

Motion:

*I move that we accept the donation and direct staff to proceed with the project.*



### **Notification of Vacancies**

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

1. Environmental Advisory Committee -5 vac.
2. Equalization and Review, Henderson County Board of – 1 vac.
3. Fire and Rescue Advisory Committee –2 vac.
4. Henderson County Board of Health – 3 vac.
5. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 2 vac.
6. Historic Resources Commission – 3 vac.

7. Jury Commission – 1 vac.
8. Juvenile Crime Prevention Council – 12 vac.
9. Library Board of Trustees – 3 vac.

**Nominations**

1. Animal Services Committee – 3 vac.

Commissioner Lapsley nominated Kathryn Overstreet for position #7 and Carole Ann Roop for position #8. *Chairman Thompson made the motion to accept the appointments of Kathryn Overstreet to position #7 and Carole Ann Roop to position #8 by acclamation. All voted in favor and the motion carried.*

2. Blue Ridge Community College board of Trustees – 1 vac.

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

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

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

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

Commissioner Lapsley nominated Rick Holbert for position #5. Chairman Thompson nominated Andrew Hord for position #6, Commissioner Messer nominated Donald Jones for position #7. Commissioner Lapsley nominated David Moreno for position #8. Commissioner Messer nominated Deborah Merker for position #9. *Chairman Thompson made the motion to accept the appointments of Rick Holbert to position #5, Andrew Hord to position #6, Donald Jones to position #7 David Moreno to position #8, and Deborah Merker to position #9 by acclamation. All voted in favor and the motion carried.*

5. EMS Peer Review Committee – 1 vac.

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

6. Equalization and Review Committee – 1 vac.

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

7. Fire and Rescue Advisory Committee – 2 vac.

Chairman Thompson requested that rules be suspended and nominated William Hill for position #1 and Robert Griffin for position #5 effective 06/30/2105. *Chairman Thompson made the motion to accept the appointments of William Hill to position #1 and Robert Griffin to position #5 by acclamation. All voted in favor and the motion carried.*

8. Henderson County Planning Board – 3 vac.

Commissioner Hawkins nominated Roy Ford for position #4. Commissioner Messer nominated Steve Dozier for position #2. Commissioner Lapsley nominated James Miller, Jr. for position #7. *Chairman Thompson made the motion to accept the reappointment of Steve Dozier to position #2 and the appointments of Roy Ford to position #4 and James Miller, Jr. to position #7 by acclamation. All voted in favor and the motion carried.*

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. Juvenile Crime Prevention Council – 4 vac.

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



11. Mountain Area Workforce Development Board – 3 vac.  
There were no nominations at this time and this item was rolled to the next meeting.

12. 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.

13. Nursing/Adult Care Home Community Advisory Committee – 7 vac.  
Commissioner Thompson nominated Dauna Donato for position #7. Commissioner Hawkins nominated Calvin Titus for position #9. *Chairman Thompson made the motion to accept the reappointments of Dauna Donato to position #7 and Calvin Titus to position #9 by acclamation. All voted in favor and the motion carried.*

14. 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**

*Commissioner Messer made the motion to adopt the Agenda as presented. All voted in favor and the motion carried.*

**FLAT ROCK PLAYHOUSE – MOLD ABATEMENT PROJECT UPDATE**

At the Board's March 2, 2015 meeting, the Flat Rock Playhouse approached the Board for assistance with the mitigation and restoration of structures on the Flat Rock Playhouse grounds that had been identified as having mold present. The total cost for the abatement project had been estimated at \$185,000, with the request to the County being \$50,000. The Board appropriated \$50,000 from Fund Balance, and requested future updates from the Flat Rock Playhouse on the project progress.

Dane Whitlock of Flat Rock Playhouse, provided the Board with an update on the project, and the final financial information. Of the \$185,000 budget, \$140,000 has been spent and the remainder will be used for unpaid bills and uncompleted projects.

During the remediation process, as is normally the case on large complex projects, several unknown structural issues were uncovered in various locations throughout the property. To their knowledge, all have been addressed or are being addressed with exception to one item.

The roof on the Lowndes House is structurally deficient. This roof is approximately 20 years old, has missing shingles exposing organic building materials to the elements, and is directly responsible for multiple leaks over time.

It must be noted that a great deal of money was spent in having several buildings on the Playhouse property remediated, including the Lowndes House. Without a proper building envelope intact sealing the interior of the structure from moisture intrusion, the moisture problems and by extension, mold/microbial problems will eventually return. It is critical that the roof on the Lowndes House be replaced. The prevention of water/moisture intrusion is absolutely necessary for the health of the building as well as its occupants.

**PARDEE HOSPITAL UPDATE**

Jay Kirby, Pardee Hospital CEO, updated the Board on fundraising and naming rights efforts associated with the new cancer center, and sought the Board of Commissioners endorsement of the effort.

Mr. Kirby stated the Foundation kicked off a \$6 million capital campaign last Thursday night to fund the new Cancer Center. Dirt is being moved and the project has begun on the new Joint Medical Education Facility. The first floor of the facility will be housed with a consolidated cancer center by Pardee Hospital, taking advantage of the proximity and close collaboration of their radiation oncology, medical oncology, general surgery and tumor board, and acting in coordination with those at UNC Chapel Hill who are ranked in the top fifty cancer centers in the United States.

With the \$6 million they hope to bring forth the latest technology to include a linear accelerator, the same linear accelerator being used in Chapel Hill. Advanced clinical trials will be brought to Western North Carolina allowing our Medical Oncologist and Radiation Oncologist to provide care normally recognized in the center part of the state.

The ability to name the center can be obtained with a \$2.5 million donation. The Foundation has started the campaign and anything to do with the naming rights of the cancer center. They have a structured program for donations to the Pardee Foundation that will in turn name individuals for their generosity.

The Foundation anticipates completion of their \$6 million contribution over the next 3 years, and have already delivered checks in the amount of \$3 million to begin this process.

*Commissioner Edney made the motion that the Board endorses the proposed Hospital plan for fundraising as it pertains to the new cancer center. All voted in favor and the motion carried.*

#### **MILLS RIVER FIRE AND RESCUE, INC. TAX EXEMPT LOAN AGREEMENT**

Mills River Fire Chief Rick Livingston stated at the March 12, 2015 meeting of the Fire and Rescue Advisory Committee, Mills River Fire & Rescue presented a proposal to purchase a new ladder truck. The total amount financed will be \$800,000 at a fixed interest rate of 3.65% with annual payments of \$100,000 for 15 years. Mills River Fire & Rescue held a public hearing to discuss the loan agreement on April 20, 2015 at 7:00 p.m. at their department.

The Fire & Rescue Advisory Committee unanimously recommended approval of the proposed aerial apparatus purchase.

Upon inspection by the Department of Insurance, they were told they must have a ladder truck due to growth, particularly in industry.

Mills River Fire & Rescue respectfully request the Chairman sign the draft letter to First Citizens Bank.

*Commissioner Hawkins made the motion that the Board authorizes the Chairman to sign the letter to First Citizens Bank on behalf of Mills River Fire & Rescue. All voted in favor and the motion carried.*

#### **SOLID WASTE HAULING AND DISPOSAL CONTRACT**

Marcus Jones stated the current contract to transport and dispose of waste from the County's Stoney Mountain Transfer Station ends June 30, 2015. Staff negotiated with the current contractor, Republic Services to extend the current contract at a reduced price but was unsuccessful. Therefore, staff published a Request for Proposals (RFP) on February 12, 2015 to competitively bid the contract effective July 1, 2015. The proposals were received on April 2, 2015. The RFP, a tabulation of the proposals and the four proposals can be found on the County's website under "Doing Business with Henderson County:" <http://www.hendersoncountync.org/rfp/index.html>

The most competitive bid was from Republic Services at \$35.24 per ton. The proposed agreement negotiated from Republic's proposal is attached. The current agreement with Republic Services has a per ton price of \$35.88 per ton making the proposed agreement more favorable to the County. The change in price represents and annual impact on the Solid Waste budget of \$48,000 based on annual tonnage of 75,000 tons. The other two notable changes are the fuel surcharge and the annual Cost of Living Adjustment (COLA).

The fuel surcharge changes from a 1% increase / decrease for every \$0.10 change in the fuel index. The current agreement is based on a \$0.08 change in the index making the proposed agreement more favorable to the County. The price per ton over the life of the current agreement has fluctuated from \$35.88 to \$41.24 per ton based on fuel prices ranging from \$2.88 to \$4.00 per gallon. Currently, the fuel index is \$2.806 per gallon. The COLA has changed indexes from the US Department of Labor's "All Urban Consumers, US City Average, All Items" to a more specific index for the waste industry: "All Urban Consumers (Water, Sewer and Trash Collection Services) US City Average." The index change is not favorable to either Republic or the County just a more accurate representation of annual cost increases.

The proposed agreement is for five years.

Norman Chandler and Shane Walker with Republic Service were available for questions.

Marcus Jones stated the County contracted with Waste Management from the time our transfer station was built and started transferring our waste prior to the contract with Republic the County was able to extend the contract at the same terms from 1995 through 2011. At that time Waste Industries was not able to extend the contract terms because their landfill was closing and they were hauling a good bit our waste from an upstate Palmetto landfill to Homer Georgia. Since that time RFP's for a contract have been done.

Commissioner Hawkins questioned paragraph 1.D "County Area" in the draft contract, which mentions municipalities. He asked what part, if any are the municipalities involved in this contract. Are they required to take their waste to the transfer station?

Mr. Jones responded that the municipalities are customers and they are not at this time required to haul to our transfer station.

Further, Commissioner Hawkins questioned paragraph 3.6 of the contract: Republic may increase the Disposal Fees as a result of (i) any increases in taxes, fees and other governmental charges, and (ii) certain increases in costs incurred by Republic due to (a) any third party or municipal disposal facility being used, (b) changes in local, state, or federal rules, ordinances or regulations, or (c) changes in taxes, fees or other governmental charges (other than income or real property taxes), and asked for an explanation of how Republic may increase the disposal fee.

Mr. Jones explained that a typical example would be in 2008 the State of North Carolina implemented the Solid Waste Tax. A tax incurred outside of Henderson County's input.

Referring to (a) of 3.6, Commissioner Hawkins questioned "any third party of municipal disposal facility", if we were already taking the waste to a designated disposal facility.

Mr. Chandler responded they would not have any intent to direct the waste to any other disposal facility other than a Republic facility. He feels the language is referring to 'if a governmental agency came in and said you had to take it here' which would not come into play. It works the same as the taxes. South Carolina currently does not have anything on the table like that.

Commissioner Lapsley stated the disposal facility is a highly regulated and detailed, permitted facility. The contract doesn't mention that it would be Republic's responsibility to maintain those permits on the disposal facility wherever it may be. Should a facilities permit be revoked for whatever reason, and some action taken by Federal or State Government on that facility, he is concerned that Henderson County might be roped into disposing of its solid waste in an unpermitted facility or a facility in violation. This language needs to be added to the contract that it is Republic's responsibility to maintain permits for taking waste to any of the disposal facilities.

County Manager Steve Wyatt asked attorney Russ Burrell to weigh in on 8.1 of the contract "Indemnification."

Mr. Burrell felt 8.1 could be slightly broadened to cover the issues discussed.

Commissioner Edney was confused about multiple entity names included in the contract; Republic Services of Kentucky, LLC, Republic Services of South Carolina, LLC.

Mr. Chandler explained when the company originally permitted the landfill in the late 90's, the operating company (part of Republic – the arm that did the permitting) Republic Service of Kentucky, LLC, was a company called Addington, based in Kentucky, and acquired by Republic. Over the years as DBAs were changed it became South Carolina Republic Services of South Carolina. Republic Service is a national waste provider, the second largest in North America and publicly traded. Each state has its own DBA.

Commissioner Edney asked if Republic Services of North Carolina, LLC, DBA GDS of Asheville was part of the same company.

Mr. Chandler stated it was part of Republic.

Commissioner Edney was not in support of this contract as GDS of Asheville has sued the local churches and do not do good busy in Henderson County.

*Commissioner Messer made the motion that the Board approves the proposed agreement with Republic Services of Kentucky, LLC to transport and dispose of the County's waste from the Stoney Mountain Transfer Station effective July 1, 2015.*

Commissioner Hawkins asked for clarification of opposition by Commissioner Edney.

Commissioner Edney explained he is aware of at least one local church who had a contract with these folks, and was in negotiations to terminate the contract because they had found a better deal. The fine print on the back sheet of their contract said they had to send a letter by certified mail within so many days. Because they were talking to these folks and other reasons, the letter was held up and sent out a week late. This company held their feet to the fire and cost that local church thousands of dollars. If the Board goes through with a contract with this company, Commissioner Edney asked attorney Russ Burrell to draw up a contract and not use the one presented today, so that we will understand the full contract. Part of the bidding process is to save money, but it is also to find a responsible bidder.

*Commissioner Edney made the motion to table the matter. All voted in favor and the motion carried.*

### **HARPER CYCLES FLOODING REPORT**

County Engineer Marcus Jones provided an update stating Mr. William Harper, owner of Harper Cycle and Marine at 1108 Spartanburg Highway, has stated his concerns to Henderson County (County), the City of Hendersonville (City) and to the North Carolina Department of Transportation (NCDOT) regarding flooding



at his property. During the public comment periods at the Henderson County Board of Commissioners' February 2, 2015 meeting and at the City of Hendersonville City Council February 5, 2015 meeting, Mr. Harper described his flooding issue and expressed his opinion that a sidewalk installed by the County during the construction of the Human Services Building (HSB) at 1200 Spartanburg Highway has caused his property to flood. Mr. Harper's property is adjacent and to the west of the HSB (see attached aerial photo). The sidewalk in question was installed as part of the HSB development in 2005 and is on the north side of the site along Old Spartanburg Highway (OSH). The sidewalk was a requirement of the zoning permit from the City of Hendersonville and was installed under an encroachment agreement with the NCDOT. Mr. Harper requested that the County petition the City to remove the sidewalk to relieve the flooding on his property. The respective County and City Engineering Departments were subsequently instructed to investigate Mr. Harper's request.

Mr. Harper's concerns, and the focus of the reviews by the NCDOT, Henderson County and the City of Hendersonville involved three items: 1) impact to his property due to the 2005-2006 construction of the engineered stormwater system of the HSB, 2) impact to his property due to the installation of the HSB sidewalk along Old Spartanburg Highway and/or 3) the routing of off-site runoff through his property.

The following items are the result of a detailed investigation into the history, design, permitting and construction of the drainage on the Harper Cycle and Marine and Human Services parcels:

- County Maintenance Staff report that the Harper Cycle and Marine parcel flooded prior to the 2005 construction of the HSB. This indicates drainage problems on Harper Cycle and Marine parcel prior to the construction of the HSB and the sidewalk.
- The stormwater system for the HSB was engineered by McGill Associates to comply with applicable regulations. The design was then reviewed and approved by the City of Hendersonville Engineering Department on May 18th, 2005. The original 2005 survey of the existing conditions for the HSB project did not indicate a drainage feature (swale or pipe) flowing from Harper Cycle and Marine along OSH onto the HSB parcel. During a recent conversation with the design engineer for the HSB, Bill Roark, PE with McGill Associates, Mr. Roark indicated that there may have been a small swale that did not get picked up on the survey. However Mr. Roark continued, due to the elevations between Harper Cycles and the HSB, the swale would have been small and not capable of carrying a significant amount of water. Mr. Roark reported that his survey and his subsequent design identified the ditch from OSH as the established drainage pattern for stormwater from OSH. This ditch flows from OSH onto Harper cycles then onto the HSB parcel.
- Mr. Roark, PE is a licensed Engineer with the State of North Carolina and fully qualified to design the HSB drainage system. The design was also reviewed and permitted by the City's licensed Engineer for the Stormwater Permit. Additionally, the sidewalk and drainage system along OSH was approved by NCDOT under the Encroachment Agreement.
- The drainage along OSH is comprised of a ditch along Mr. Harper's property which 'T's near the boundary with HSB. The ditch continues heading southeast along OSH, where it transitions into a 15" corrugated metal pipe (CMP) approximately 20 feet in length. The CMP is not connected to any other stormwater structure or ditch. There is however, a drop inlet approximately 40 feet further along OSH, which pre-dates the 2005 project. In NCDOT's letter dated September 11, 2013 from the District Engineer, Steve Cannon, PE, he states: "Our surveys indicate the drop inlet has never had any provisions (openings, etc.) to accept water from this ditch line [the ditch line along Mr. Harper's property] and that the 15" driveway pipe is graded such that flow through the pipe is towards [Mr. Harper's] property rather than towards the drop inlet". Therefore, there is nothing to indicate that the construction of the sidewalk has had a negative impact on drainage through Mr. Harper's property or has interfered with any pre-existing drainage pattern. Mr. Cannon further states that NCDOT concluded a connection to the drop inlet on OSH would be a change in the drainage pattern, and

NCDOT will not permit any such change in the drainage pattern as Mr. Harper has requested. Mr. Cannon did state in his letter that Mr. Harper could connect the stormwater on his property to the nearest catch basin on Spartanburg Highway, which has capacity.

- Mr. Harper's concerns are not to be discounted and are certainly sincere but they are not supported by the drainage history of the parcels, surveys or engineered information available for review. At this point, Mr. Harper has not presented any surveys or engineering information supporting his request to remove the sidewalk.
- The best course of action would seem to be that Mr. Harper obtain the services of an engineer to study possible solutions to his issues. Any such study should include a detailed survey and condition assessment of Mr. Harper's existing drainage system (catch basins, pipe sizes and locations). This information would be critical in engineering possible options to solve his drainage concerns.

In summary, based upon these findings of fact, the County and City Engineering Departments do not find justification for expenditure of public funds to address Harper Cycle and Marine, private property flooding concerns. The County has developed the Human Services Building in accordance with State and Local laws and within the established Engineering principals for drainage design.

Mr. Harper has been informed of the decision.

**COUNTY MANAGERS REPORT**

County Manager Steve Wyatt thanked the Board for recognition of VE Day. It was a pleasure to have the Veterans as part of the commemoration.

Staff continues to work on the budget and plan to hold a budget workshop on May 20, 2015.

**CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11 (a)(4) for the following reason(s):

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), 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 Hawkins made the motion to go out of closed session and adjourn at 7:30 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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Thomas H. Thompson, Chairman

# 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

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

J. MICHAEL EDNEY  
GRADY H. HAWKINS  
WILLIAM G. LAPSLEY

## PROCLAMATION

### IN COMMEMORATION OF THE 70<sup>TH</sup> ANNIVERSARY OF VE DAY VICTORY IN EUROPE DAY

**WHEREAS,** World War II began in Europe on September 1, 1939, with the invasion of Poland by the forces of the Nazi Reich; and

**WHEREAS,** in time the nations of the world were engaged in a great and titanic struggle to preserve civilization; and

**WHEREAS,** World War II became a global war, involving millions of people from throughout the world; and

**WHEREAS,** at 3:00 p.m. on May 8, 1945, British Prime Minister Winston Churchill broadcast to the world that the war in Europe had been won, victory over the brutal oppressor had been achieved; and

**WHEREAS,** at 9:00 a.m. Washington, D.C. time, then President Harry S. Truman announced,

“This is a solemn but a glorious hour. I only wish that Franklin D. Roosevelt had lived to witness this day. General Eisenhower informs me that the forces of Germany have surrendered to the United Nations. The flags of freedom fly all over Europe.

For this victory we join in offering our thanks to the Providence which has guided and sustained us through the dark days of adversity.

Our rejoicing is sobered and subdued by a supreme consciousness of the terrible price we have paid to rid the world of Hitler and his evil band. Let us not forget, my fellow Americans, the sorrow and the heartache which today abide in the homes of so many of our neighbors - neighbors whose most priceless possession has been rendered as a sacrifice to redeem our liberty.

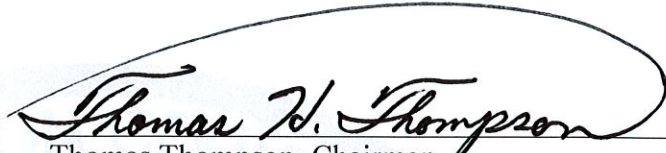
We can repay the debt which we owe to our God, to our dead and to our children only by work - by ceaseless devotion to the responsibilities which lie ahead of us.” and

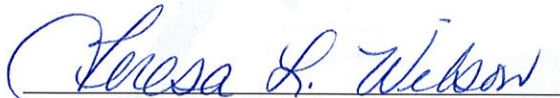
**WHEREAS,** Friday, May 8, 2015 is the anniversary of VE Day (Victory in Europe Day), marking 70 years since the end of the Second World War in Europe;

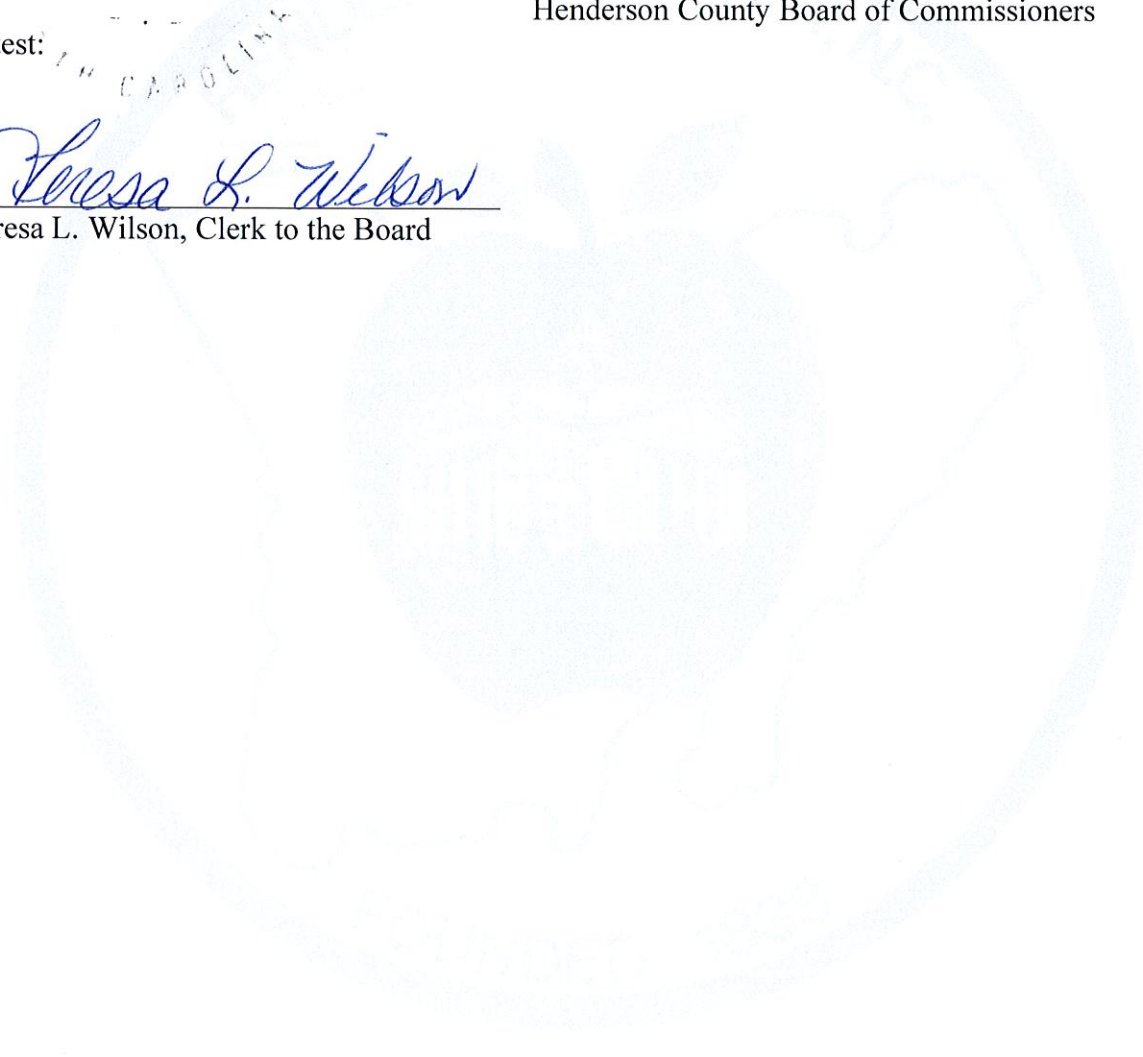
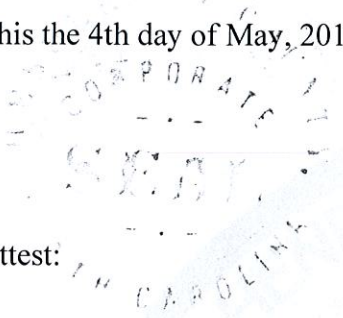
**NOW, THEREFORE, BE IT RESOLVED**, that we, the Henderson County Board of Commissioners, do hereby adopt this Proclamation, in commemoration of the 70<sup>th</sup> Anniversary of VE Day, with the deepest, heart-felt gratitude to the "Greatest Generation" whose toil and sacrifice allow and provide for us this privilege. May God bless America and those who serve and protect our God-given freedom.

This the 4th day of May, 2015.

Attest:

  
Thomas Thompson, Chairman  
Henderson County Board of Commissioners

  
Teresa L. Wilson, Clerk to the Board





# 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](http://www.hendersoncountync.org)

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

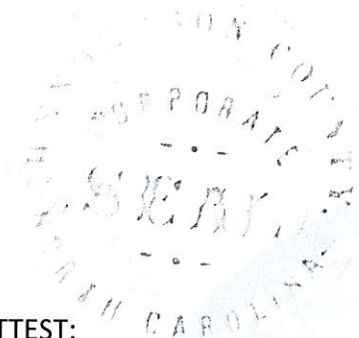
J. MICHAEL EDNEY  
GRADY H. HAWKINS  
WILLIAM G. LAPSLEY

## RESOLUTION IN RECOGNITION OF THE WEEK OF MAY 17 THROUGH MAY 23, 2015 AS HENDERSON COUNTY EMS WEEK

- WHEREAS,** the Henderson County Board of Commissioners recognizes the vital need for Henderson County Emergency Medical Services personnel to protect the safety and health of the citizens of Henderson County; and
- WHEREAS,** Henderson County's EMS workers are complemented and assisted by the predominantly volunteer Henderson County Rescue Squad which provides non-emergency EMS transports whenever needed; and
- WHEREAS,** both organizations have a long history of providing quality pre-hospital care to the residents of Henderson County; and
- WHEREAS,** certified Emergency Medical Technicians (EMTs) and Paramedics are available at all times to respond to and assist with emergency medical needs through calls placed to 911; and
- WHEREAS,** in 2014, Henderson County EMS crews responded to 12,450 calls throughout the county; and
- WHEREAS,** the majority of those calls were based on sudden illnesses such as stroke, heart attack or a seizure; and
- WHEREAS,** Henderson County EMS participates with our local and regional hospitals in life-saving programs such as Code STEMI (cardiac patients), Code Stroke and Code Trauma to better assist patients with life-threatening conditions; and
- WHEREAS,** Henderson County EMS works directly with Henderson County Emergency Services to provide the very best care to every single patient in need of their services and does so with professionalism, integrity and compassion; and
- WHEREAS,** the Henderson County Board of Commissioners recognizes and appreciates our EMS and Rescue workers during the 2015 National EMS Week;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Henderson County Board of Commissioners, do hereby designate the week of May 17 through May 23, 2015 to be Henderson County EMS Week.

Resolved, this 4<sup>th</sup> day of May 2015.



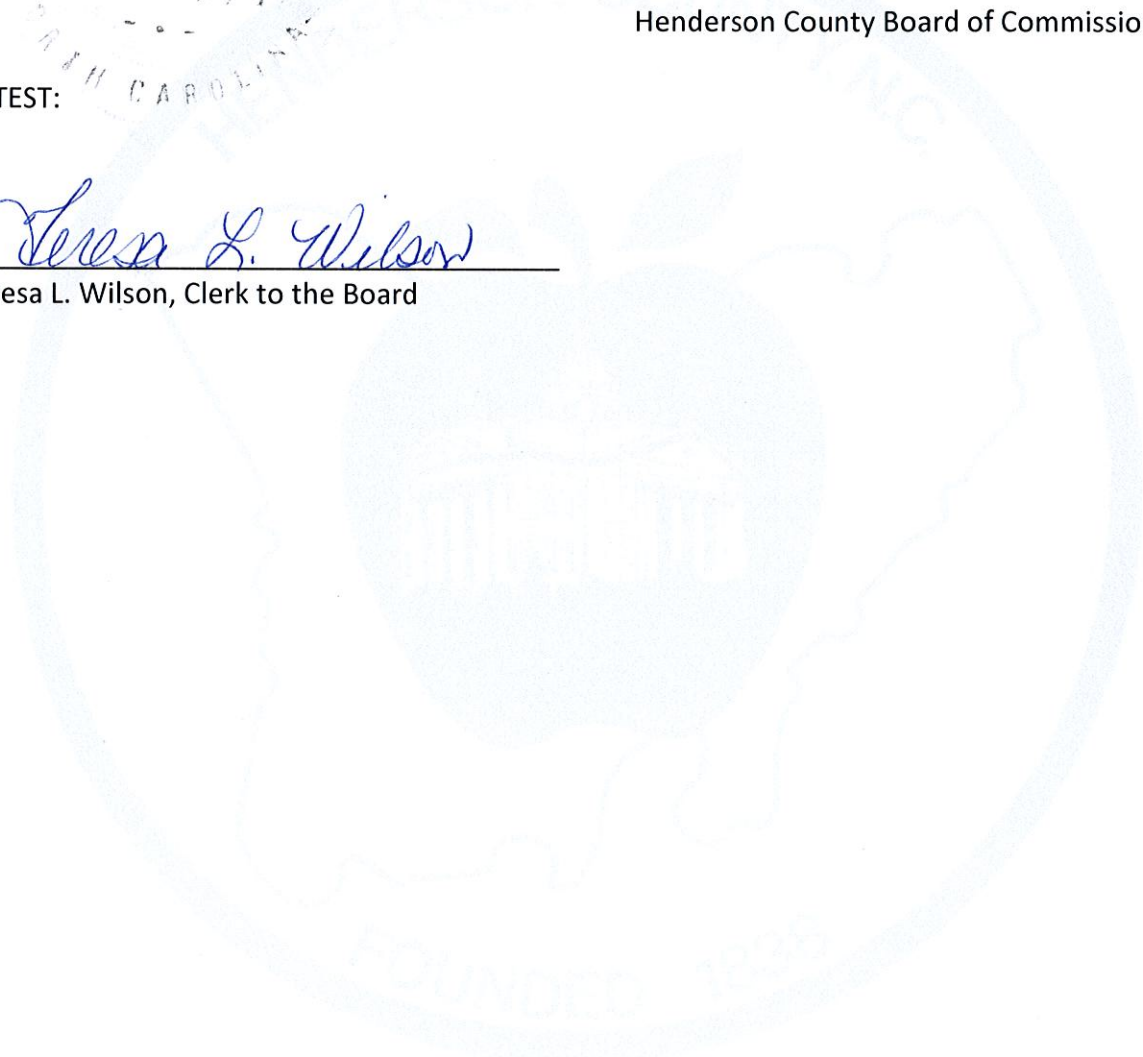
*Thomas H. Thompson*

THOMAS THOMPSON, Chairman  
Henderson County Board of Commissioners

ATTEST:

*Teresa L. Wilson*

Teresa L. Wilson, Clerk to the Board



**EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS**

A regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on May 4, 2015 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Thomas H. Thompson, presiding.

The following members were present:

Thomas Thompson, Chairman; Charlie Messer, Vice Chairman; Michael Edney, Grady Hawkins and William Lapsley.

The following members were absent:

None.

\* \* \* \* \*

The County Attorney reported to the Board of Commissioners (the "Board") that notice of a public hearing regarding the proposed conversion of certain of the County's outstanding federally tax-exempt debt issued for the benefit of Margaret R. Pardee Memorial Hospital from "qualified governmental bonds" to "qualified 501(c)(3) bonds" for federal tax purposes, was published on April 20, 2015 stating that the Board would hold a public hearing thereon on May 4, 2015 at 5:30 p.m.

The Chairman of the Board announced that the Board would hear anyone who wished to be heard regarding the proposed the proposed conversion of certain of the County's outstanding federally tax-exempt debt issued for the benefit of Margaret R. Pardee Memorial Hospital from "qualified governmental bonds" to "qualified 501(c)(3) bonds," for federal tax purposes. No one spoke at the public hearing.

Commissioner Hawkins moved that the public hearing be closed. The motion was unanimously adopted.

Commissioner Messer moved that the conversion of certain of the County's outstanding federally tax-exempt debt issued for the benefit of Margaret R. Pardee Memorial Hospital from "qualified governmental bonds" to "qualified 501(c)(3) bonds" for federal tax purposes be approved. The motion was unanimously adopted.

HELD the 4<sup>th</sup> day of May, 2015.



Teresa Wilson  
Clerk to the Board of Commissioners  
County of Henderson, North Carolina

# 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 23, 2015

## Re: Tax Collector's Report to Commissioners - Meeting Date 4 MAY 2015

Please find outlined below collections information through 22 April 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:** \$59,733,471.88  
Discoveries & Imm. Irreg.: \$168,292.46  
Releases & Refunds: (\$344,066.56)  
**Net Charge:** \$59,557,697.78  
Unpaid Taxes: \$1,381,601.42  
Amount Collected: \$58,176,096.36  
**Percentage Collected:** 97.68%

Through: 22-Apr-2015

**2013 Beginning Charge:** \$58,589,100.53  
Discoveries & Imm. Irreg.: \$284,041.60  
Releases & Refunds: (\$219,404.89)  
**Net Charge:** \$58,653,737.24  
Unpaid Taxes: \$1,577,158.74  
Amount Collected: \$57,076,578.50  
**Percentage Collected:** 97.31%

Through: 22-Apr-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: \$1,721.70  
Amount Collected: \$9,417.34  
**Percentage Collected:** 84.54%

Through: 22-Apr-2015

**2013 Beginning Charge:** \$2,668,093.76  
Discoveries & Imm. Irreg.: \$1,815.92  
Releases & Refunds: (\$57,391.73)  
**Net Charge:** \$2,612,517.95  
Unpaid Taxes: \$270,437.82  
Amount Collected: \$2,342,080.13  
**Percentage Collected:** 89.65%

Through: 22-Apr-2014

### Fire Districts All Bills:

**2014 Beginning Charge:** \$6,649,429.82  
Discoveries & Imm. Irreg.: \$15,513.90  
Releases & Refunds: (\$46,611.42)  
**Net Charge:** \$6,618,332.30  
Unpaid Taxes: \$182,059.07  
Amount Collected: \$6,436,273.23  
**Percentage Collected:** 97.25%

Through: 22-Apr-2015

**2013 Beginning Charge:** \$6,878,210.09  
Discoveries & Imm. Irreg.: \$45,334.18  
Releases & Refunds: (\$34,394.68)  
**Net Charge:** \$6,889,149.59  
Unpaid Taxes: \$246,328.46  
Amount Collected: \$6,642,821.13  
**Percentage Collected:** 96.42%

Through: 22-Apr-2014

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector



# 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

Monday, May 04, 2015

## Re: Tax Collector's Report to Commissioners - Meeting Date 4 MAY 2015

Please find outlined below collections information through 03May 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:** \$59,733,471.88  
Discoveries & Imm. Irreg.: \$168,292.46  
Releases & Refunds: **(\$344,068.53)**  
**Net Charge:** \$59,557,695.81  
Unpaid Taxes: \$1,314,876.31  
Amount Collected: \$58,242,819.50  
**Percentage Collected:** 97.79%

Through: 3-May-2015

**2013 Beginning Charge:** \$58,589,100.53  
Discoveries & Imm. Irreg.: \$284,041.60  
Releases & Refunds: **(\$219,418.44)**  
**Net Charge:** \$58,653,723.69  
Unpaid Taxes: \$1,513,226.26  
Amount Collected: \$57,140,497.43  
**Percentage Collected:** 97.42%

Through: 3-May-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: \$1,700.34  
Amount Collected: \$9,438.70  
**Percentage Collected:** 84.74%

Through: 3-May-2015

**2013 Beginning Charge:** \$2,675,010.72  
Discoveries & Imm. Irreg.: \$1,815.92  
Releases & Refunds: **(\$57,510.01)**  
**Net Charge:** \$2,619,316.63  
Unpaid Taxes: \$259,256.69  
Amount Collected: \$2,360,059.94  
**Percentage Collected:** 90.10%

Through: 3-May-2014

### Fire Districts All Bills:

**2014 Beginning Charge:** \$6,649,429.82  
Discoveries & Imm. Irreg.: \$15,513.90  
Releases & Refunds: **(\$46,611.58)**  
**Net Charge:** \$6,618,332.14  
Unpaid Taxes: \$174,449.10  
Amount Collected: \$6,443,883.04  
**Percentage Collected:** 97.36%

Through: 3-May-2015

**2013 Beginning Charge:** \$6,878,771.58  
Discoveries & Imm. Irreg.: \$45,334.18  
Releases & Refunds: **(\$34,410.79)**  
**Net Charge:** \$6,889,694.97  
Unpaid Taxes: \$236,611.37  
Amount Collected: \$6,653,083.60  
**Percentage Collected:** 96.57%

Through: 3-May-2014

Respectfully submitted,

Phyllis Henderson  
Deputy Tax Collector

Stan C. Duncan  
Tax Collector

LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY



Department: Register of Deeds

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115418-522600</u>	<u>Printing &amp; Binding</u>	<u>\$ 7,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990 - 401002</u>	<u>Fund Balance Approp-ROD Restrict</u>	<u>\$ 7,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*  
 This is to purchase additional Deed and Deed of Trust Books. We typically fill 1 Deed Book every 12 Days and 1 Deed of Trust Book every 4 Days with recorded documents.

Register of Deeds	4 May 2015
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** Capital Project Fund

*Please make the following line-item transfers:*

**What expense line-item is to be increased?**

<b>Account</b>	<b>Line-Item Description</b>	<b>Amount</b>
<u>405400 - 555000</u>	<u>Capital Outlay - Buildings &amp; Imp.</u>	<u>\$ 204,600</u>
<u>115980 - 598040</u>	<u>Transfer to Capital Project Fund</u>	<u>\$ 204,600</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

<b>Account</b>	<b>Line-Item Description</b>	<b>Amount</b>
<u>114990 - 401000</u>	<u>Fund Balance Appropriated</u>	<u>\$ 204,600</u>
<u>404400 - 403500</u>	<u>Transfer from General Fund</u>	<u>\$ 204,600</u>
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
Funding for the purchase of Valley Hill #2 Fire Station. Approved by the Board May 4, 2015.

<u>Budget</u>	<u>5/4/2015</u>
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** Capital Project Fund

*Please make the following line-item transfers:*

**What expense line-item is to be increased?**

Account	Line-Item Description	Amount
<u>405400 - 538100 - 0912</u>	<u>Professional Services</u>	<u>\$ 237,870</u>
<u>405400 - 551000 - 0912</u>	<u>Capital Outlay - Equipment</u>	<u>\$ 150,000</u>
<u>115980 - 598040</u>	<u>Transfer to Capital Project Fund</u>	<u>\$ 387,870</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>\$ 387,870</u>
<u>404400 - 403500 - 0912</u>	<u>Transfer from General Fund</u>	<u>\$ 387,870</u>
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
Fund balance appropriated to fund the Emergency Communications Project.  
Approved by the Board May 4, 2015.

<u>Budget</u>	<u>5/4/2015</u>
Authorized by Department Head _____	Date _____
Authorized by Budget Office _____	Date _____
Authorized by County Manager _____	Date _____

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_



# **Mountain Area Workforce Development Consortium Consortium Agreement**

## **ARTICLE I: TITLE AND PURPOSE**

The contiguous units of local government listed below agree to establish a consortium to act jointly as a local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Mountain Area Workforce Development Consortium.

## **ARTICLE II: MEMBERSHIP**

The Consortium shall be composed of the following independent and contiguous units of general purpose local government:

County of Buncombe  
County of Henderson  
County of Madison  
County of Transylvania

## **ARTICLE III: CERTIFICATION OF AUTHORITY**

### **1. AUTHORITY UNDER STATE AND LOCAL LAW**

The member units of government certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a local Workforce Development Area under the Workforce Innovation and Opportunity Act for the entire geographic area covered by this agreement.

### **2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT**

A copy of each duly executed resolution giving the respective counties specific authority to enter into this consortium agreement will be attached to this document and are incorporated herein by reference.

### **3. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT**

Each member unit of government designates as chief elected official for Workforce Innovation and Opportunity Act of 2014 purposes, upon whose representations the State, the Workforce Development Board, the administrative entity and the other member units may rely, the duly elected Chair of each respective County Board of Commissioners. Such person shall be the signatory of this agreement and shall be authorized to execute such other agreements as are necessary for Workforce Innovation and Opportunity Act of 2014 purposes.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR LOCAL WORKFORCE DEVELOPMENT AREA

The member units provide that the Chair of the Buncombe County Board of Commissioners shall be authorized to exercise the functions of the Workforce Development local area Chief Elected Official which are required under the Workforce Innovation and Opportunity Act for a period of two program years beginning July 1, 2015 and ending June 30, 2017. Thereafter the Chair of Henderson County Board of Commissioners shall preside as Chief Elected Official for the local Workforce Development Area for two program years, followed by the Chair of the Madison County Board of Commissioners for two program years and the Chair of the Transylvania County Board of Commissioners for two program years. Thereafter the rotation among counties begins again with the Chair of the Buncombe County Commissioners serving as the Chief Elected Official for the local Workforce Development Area for two program years.

ARTICLE IV: DURATION

This agreement will become effective on the date of the last chief elected official's signature and shall continue in effect until the local Workforce Development Area is redesignated by the Governor of North Carolina or by termination of this Agreement by a member unit of government as provided for in Article XI.

ARTICLE V: ASSURANCES AND CERTIFICATIONS

The member units will comply with the requirements of the Workforce Innovation and Opportunity Act of 2014, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and written directives and instructions relevant to local workforce development area operation from the Governor of North Carolina or his/her designee.

ARTICLE VI: FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal grant funds received through the Governor.
2. The units of local government acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Innovation and Opportunity Act, and all funds received by the local workforce development are pursuant to WIOA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any disallowed costs by the administrative entity of the local workforce development area, or any of its subrecipients or contractors, or the Workforce Development Board.
  - (a) To the extent that one or more (but not all) of the counties benefit from WIOA, the expenditure of which is disallowed for any reason, the county(ies) benefiting shall be liable for the repayment of such funds.
  - (b) To the extent that one or more of the counties cannot be identified as the benefiting county or counties of WIOA, any disallowed expenditures shall be divided among the

counties on a pro rata basis, based upon the percentage of all WIOA funds allocated to each of the counties for the program fiscal year during which the disallowed funds were disbursed.

3. Any entity or joint agency created or designated by this local workforce development area, including the Workforce Development Board, and Administrative Entity, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.
4. Nothing contained in this Agreement shall be interpreted so as to prohibit the county or counties from seeking contribution or indemnification from the administrative entity, any subrecipient, service provider or from any such responsible party or entity.

#### ARTICLE VII: ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

The member units of government agree that the Workforce Development Board shall be established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws including G.S. 143B-438.11.

The County Boards of Commissioners shall appoint members of the Workforce Development Board from among persons nominated or recommended by the appropriate agencies representative of any member county in accordance with the Workforce Innovation and Opportunity Act of 2014. The distribution of seats will be as follows: Regional Positions – 4, Buncombe – 11, Henderson – 6, Madison – 4, Transylvania – 4.

#### ARTICLE VIII: APPOINTMENT OF PERSONNEL

Appointment of administrative personnel shall be described in the Mountain Area Workforce Development Board/Chief Elected Official Agreement.

#### ARTICLE IX: REAL PROPERTY, EQUIPMENT AND SUPPLIES

The Mountain Area Workforce Development Consortium will follow all Workforce Innovation and Opportunity Act requirements governing the title, use and disposition of real property, equipment and supplies purchased with federal funds.

#### ARTICLE X: AMENDMENTS

The agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each member government and as approved by the State.

#### ARTICLE XI: TERMINATION

The parties to this agreement may request termination at any time upon six months prior written notice, such termination to be effective when the Governor considers local Workforce Development Area re-designation or at the end of the then current grant administration agreement program year.

**ARTICLE XII: HOLD HARMLESS**

Each party hereto agrees to hold the other harmless for any loss incurred, either to person or property, including "reasonable attorney" fees, due to any act or omission on the part of any county, its agents, or employees as a result of operations.

**ARTICLE XIII: DESIGNATION OF THE SUBRECIPIENT/ADMINISTRATIVE ENTITY**

The parties to this agreement designate Land-of-Sky Regional Council to serve as the subrecipient and administrative entity for funds provided to the Mountain Workforce Development Area under the Workforce Innovation and Opportunity Act of 2014.

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
(Signature)                      Date  
  
David Gantt  
\_\_\_\_\_  
(Typed Name of) Chair,  
Buncombe County Board of Commissioners

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
(Signature)                      Date  
  
Thomas H. Thompson  
\_\_\_\_\_  
(Typed Name of) Chair,  
Henderson County Board of Commissioners

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
(Signature)                      Date  
  
Wayne Brigman  
\_\_\_\_\_  
(Typed Name of) Chair,  
Madison County Board of Commissioners

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
(Signature)                      Date  
  
Mike Hawkins  
\_\_\_\_\_  
(Typed Name of) Chair,  
Transylvania County Board of Commissioners

# 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

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

J. MICHAEL EDNEY  
GRADY H. HAWKINS  
WILLIAM G. LAPSLEY

May 4, 2015

First Citizens Bank & Trust Company  
Attention: Nicola Bardsdale  
P.O. Box 749  
Hendersonville, NC 28793

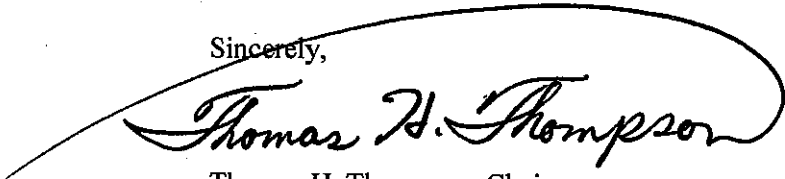
Dear Madam:

As Chairman of the Henderson County Board of Commissioners, I am writing to advise you that Mills River Fire & Rescue is assigned to protect a specific Fire District within Henderson County.

In addition, a special ad valorem (fire tax) is assessed on the real property owners of this district. Said tax is to be used exclusively to provide equipment, facilities, and training as is necessary to provide fire protection for said district. Said funds may also be used to upgrade equipment as the need arises. This tax is collected by the County and disbursed by the Finance Office to the Fire Department on a regular basis by the County Finance Officer. The Fire Department is operated and managed by the Board of Directors of the Fire Department and the Officers of said Department. The Mills River Fire Department is currently meeting the requirements of their fire service contract.

Please be advised that the County has no objection to this transaction.

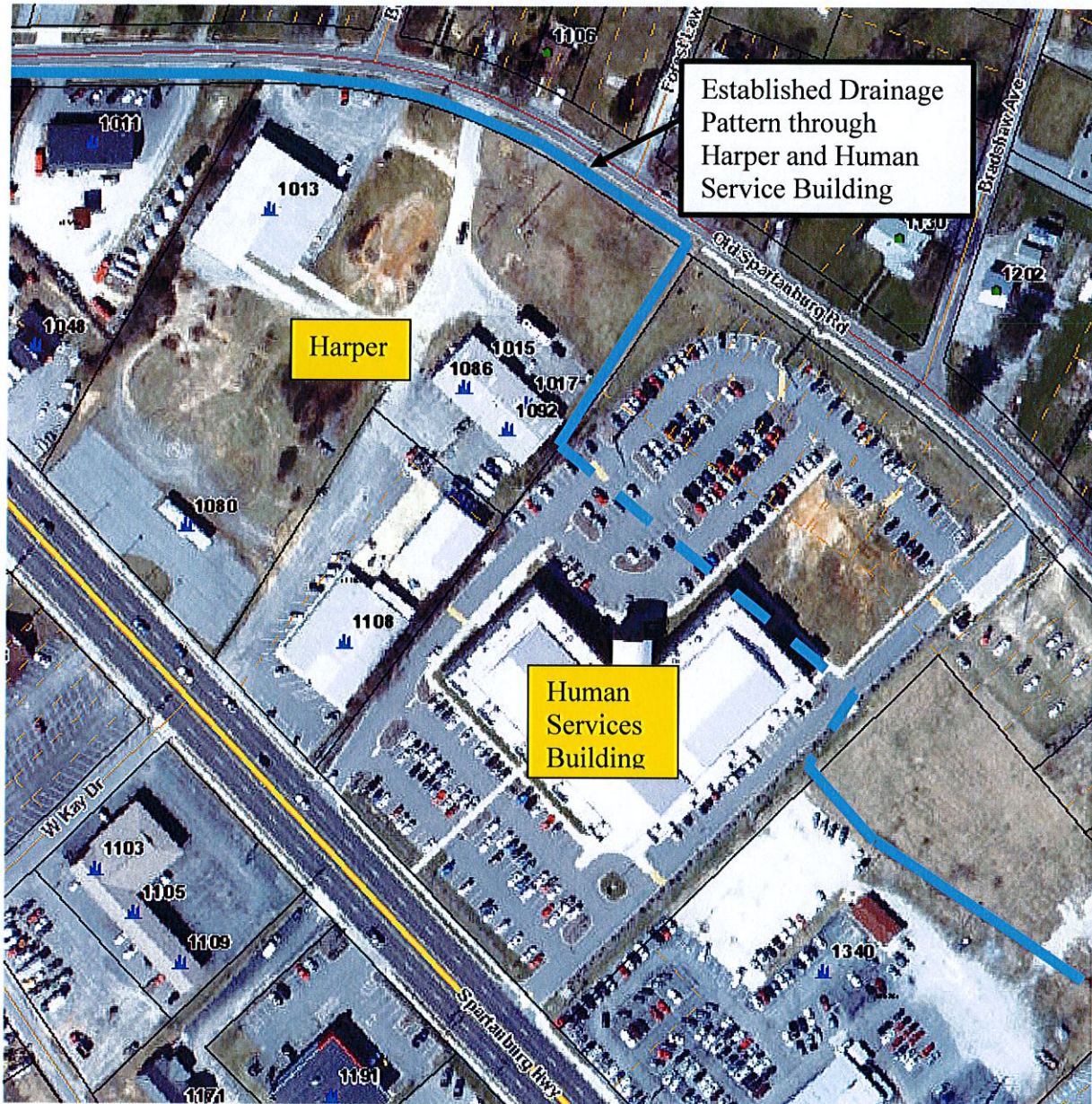
Sincerely,



Thomas H. Thompson, Chairman  
Henderson County Commission

cc: Mills River Fire Department, Fire Marshal, Finance Office





Established Drainage Pattern through Harper and Human Service Building

Harper

Human Services Building