

DRAFT

8.4.15

MINUTES

cc: BOC
Steve
Amy
Russ

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, AUGUST 3, 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: Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Finance Director Carey McLelland, Library Director Trina Rushing, Health Department Director Steve Smith, Senior Planner Autumn Radcliff, Planner Christopher Todd, Real Property Supervisor Nick Mazzarella, Assessor/Tax Collector Stan Duncan, Engineer Marcus Jones, Deputy Ken McCraw & Corporal Jeff Banks as security, 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

County Manager Steve Wyatt provided the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Kye Laughter, the Henderson County Representative to the NCACC Youth Summit.

PUBLIC HEARINGS

Public Hearing for Rezoning Application #R-2015-02 Larry Hill Property

Commissioner Messer made the motion to go into public hearing for Rezoning Application #R-2015-02 Larry Hill Property. All voted in favor and the motion carried.

Planner Christopher Todd stated rezoning Application #R-2015-02, was initiated on June 16, 2015 at the request of property owner, Larry Hill, who requests the County rezone approximately 0.47 acres of land (thereafter the "Subject Area") Local Commercial (LC) zoning district to a Residential Two Rural (R2R) zoning district.

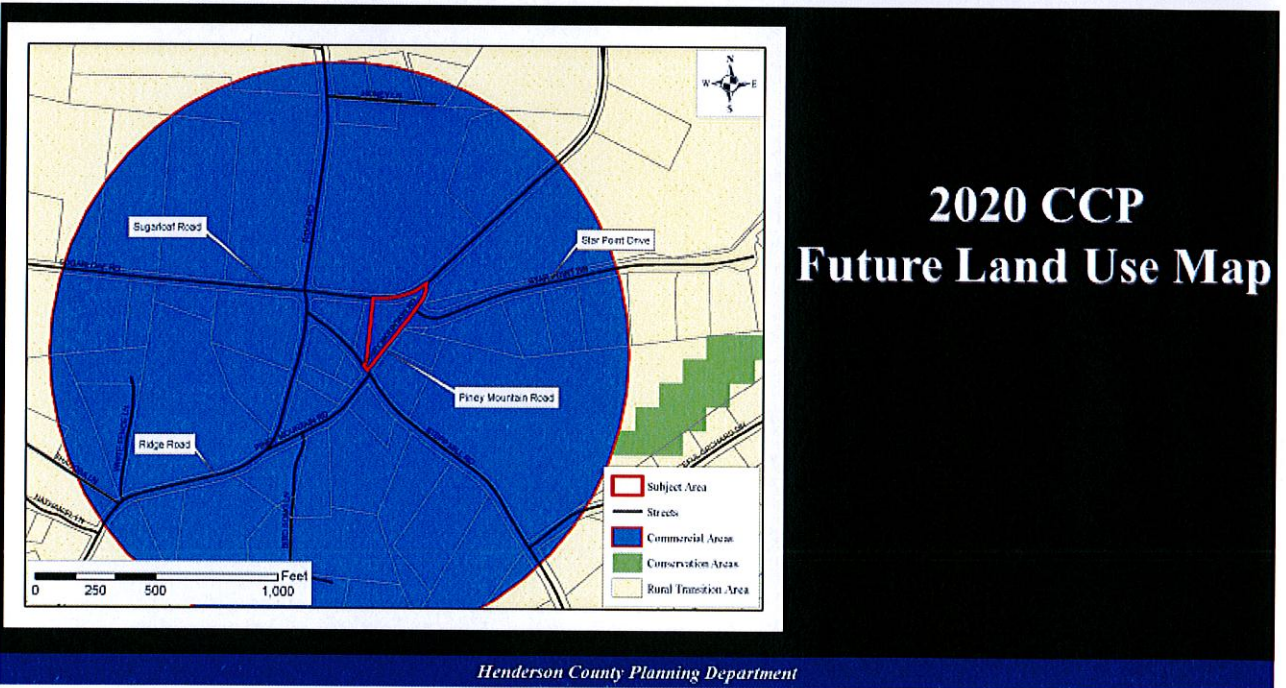
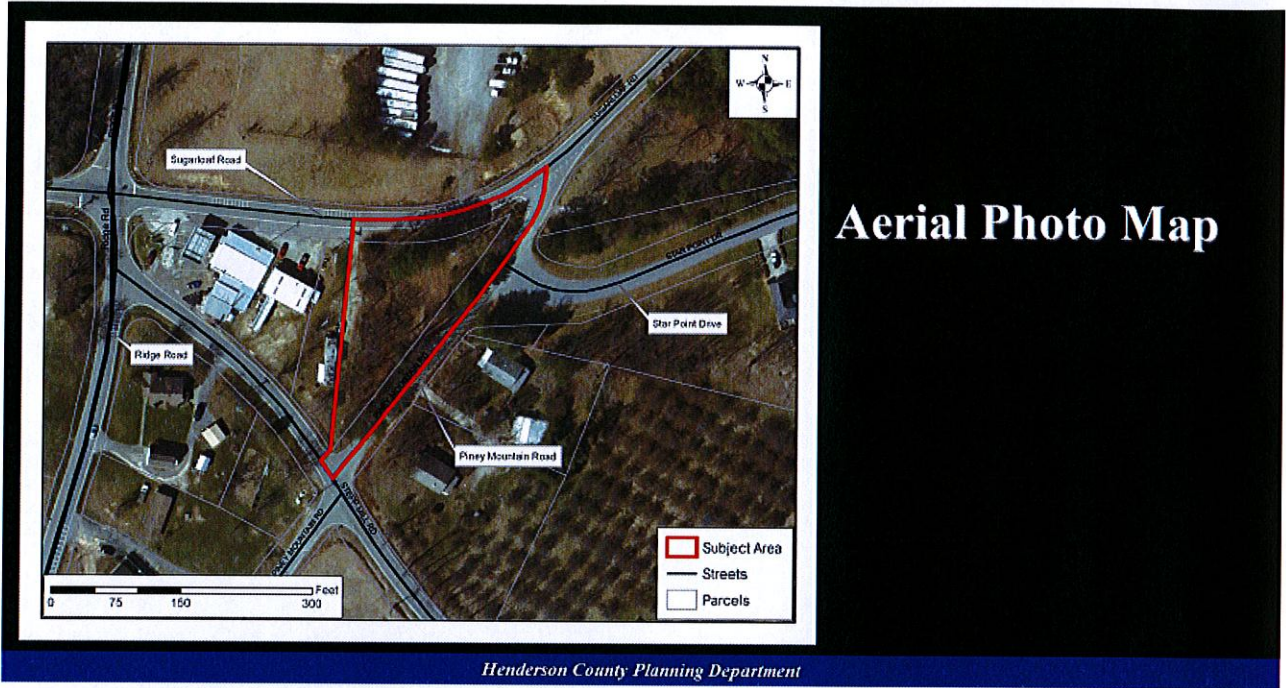
The Henderson County Planning Board considered rezoning application #R-2015-02 at its regularly scheduled meeting on July 17, 2015. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2015-02 to rezone the Subject Area to Residential Two Rural (R2R) zoning district.

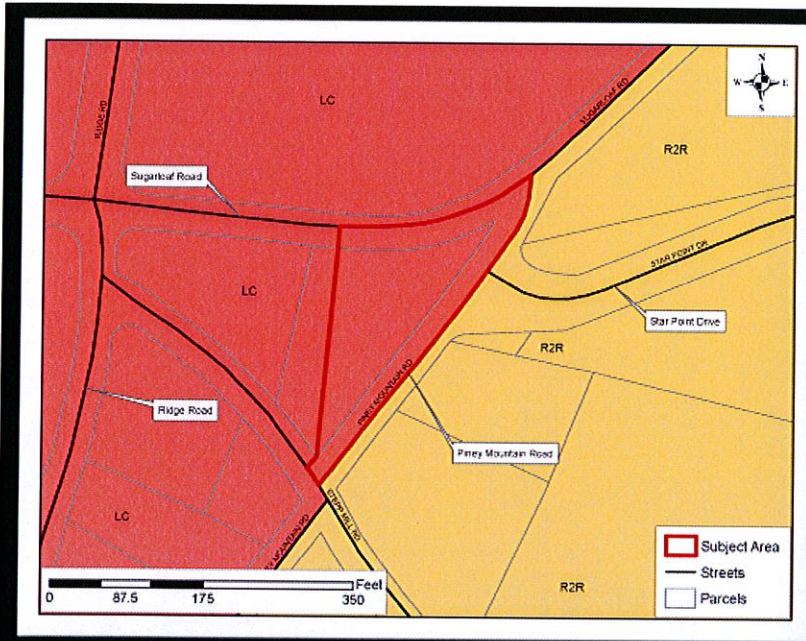
PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the August 3, 2015, public hearing regarding rezoning application #R-2015-02 were published in the Hendersonville Tribune on July 23, 2015 and July 30, 2015. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Subject Area property owner on July 23, 2015 and posted signs advertising the hearing on the Subject Area on July 23, 2015.

DATE APPROVED:

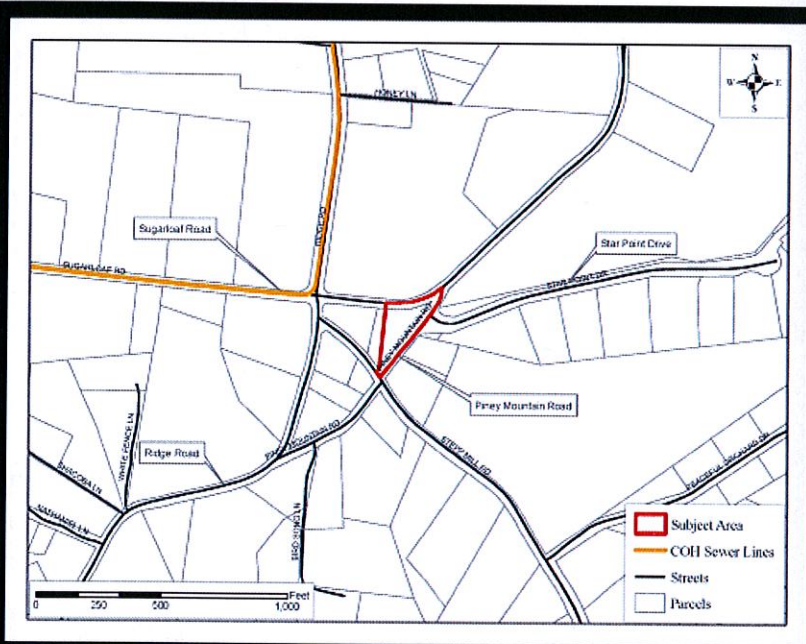
After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Residential Two Rural (R2R) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.





Current Zoning Map

Henderson County Planning Department



Public Utilities

Henderson County Planning Department

PUBLIC INPUT

There was none.

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

Chairman Thompson made the motion that the Board adopts the resolution regarding the consistency with the CCP, and further moved that the Board adopts the proposed map amendment. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Kaye Caldwell – Mr. Caldwell spoke on behalf of accommodation businesses. She feels many people come to Henderson County because of the scenery, not power lines. Duke Energy needs to re-evaluate and go to underground lines.
2. David Ardis – Mr. Ardis' residence is located below Jump Off. He owns a little less than ninety acres and the transmission lines will cross his property. They will be ugly and decrease the value of his property. The County will be flooded with re-evaluations.
3. Debra Stephens – Ms. Stephens feels the lines will decrease her property value by at least 10%. It will be a negative impact on her property and make it less marketable.
4. Judy Peyton – Ms. Peyton retired to Henderson County. She doesn't feel the power lines are necessary. They are outdated and Duke Energy needs to be more modern.
5. Norman Olson – Mr. Olson was with Judy Peyton but did not speak.
6. Thomas Hill – Mr. Hill provided a letter to the Board. He realizes the board has no jurisdiction with the transmission lines, but feels they have some control. Underground lines will be better and more modern. Transmission lines cause health risks.
7. Baird Blake – Mr. Blake spoke on behalf of the Cummings Cove Home Owners Association. The transmission lines will have an adverse effect on their properties and county revenues. He feels Duke Energy should use pre-existing right-of-ways.
8. Jaime Henderson – Mr. Henderson is part of the Fletcher Valley Defense. The transmission lines will cross his property. Duke Energy is only interested in the Corporation. Local Government should have an interest. The Board of Commissioner should be responsive as it affects their citizens.
9. Joyce Bluhm – Ms. Bluhm feels since the Commissioners control zoning, they should have some control of the transmission lines. She retired here from Michigan. The Commissioners should support their citizens. Livingston Farms property values will decrease.
10. Gordon Smith – Mr. Smith represented approximately one hundred and fifty people in Segment Twenty. He feel 1/3 of the people in the study area are not even aware. The group does not feel the new transmission lines make since, and existing right-of-ways should be used.

Chairman Thompson explained the Board only recently became aware of the transmission lines. He doesn't know what or if anything can be done. Each proposed line has opposition and some will be effected.

Commissioner Messer stated the Board will do what we can. The transmission lines will impact Henderson County and the commissioners will monitor as best they can and recommend using existing lines.

Commissioner Hawkins thanked the citizens for their input. The most important thing citizens can do is register with Duke Energy. The Board will look at this when the appropriate time arrives, and express an opinion by year end.

Commissioner Edney noted that all 5 districts are affected. The commissioners, just as the citizens, would like to see the least evasive action taken by Duke Energy.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Chairman Thompson asked for Item J "Offer to purchase tax-foreclosed property" to be pulled from agenda. He asked Stan Duncan to have staff do a spreadsheet of taxes owed at foreclosure, and taxes lost during the years that the County owned the property. Mr. Thompson feels the offer should be adequate to cover the taxes.

Commissioner Hawkins made the motion to adopt the Consent Agenda minus item J – Offer to purchase tax-foreclosed property. All voted in favor and the motion carried.

Offer to purchase tax-foreclosed property – pulled for discussion – continued to September 8th meeting
Maira Alas offered to purchase a parcel of real estate which was subjected to a tax foreclosure by the County.

The property is located on Quiet Pine Lane, and described as lots 6 and 7 of the Corn Mountain Estate subdivision., with parcel identification number 9929233 (PIN 9589190630), with a tax value of \$11,900.00. The offered price is the sum of Three Thousand Dollars (\$3,000.00).

This property was originally foreclosed by the County in 1988. No taxes have been received on the property since that time.

If the Board agrees to provisionally accept this offer, it would be subject to advertisement in the least expensive newspaper qualifying for legal publication, and further subject to ten-day period for upset bids. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners at addresses shown on GIS.

If an upset bid is received, a new advertisement is placed, and the process continues until the bidding ends. Once done, or if no upset bids are received, the matter comes back before this board for a final decision on the sale.

This item will be brought back before the Board at the September 8th agenda with spreadsheets from the Tax Office including all back taxes owed prior to foreclosure and estimated taxes owed for years the County owed the property.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

July 15, 2015 - regularly scheduled meeting

Tax Collector’s Report

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

Pending Releases & Refunds

The pending releases and refunds were reviewed by the County Assessor and as a result of that review, it was the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

These pending release and refund requests were submitted for the approval by the Henderson County Board of Commissioners.

Type	Amount:
Total Taxes Released from the Charge	\$ 2,740.92
Total Refunds as a Result of the Above Releases	\$ 1,702.30

Motion:

I move the Board approves the Combined Release/Refund Report as presented.

Remission of interest and penalties on erroneous tax bill

Two small parcels which are common property of the subdivision Meadows at Lewis Creek subdivision were erroneously listed for the tax years 2008 to the present in the name of the subdivision developer. As a result, *ad valorem* property tax bills were submitted to the wrong entity for these parcels.

The tax and land records for these parcels have been corrected. As no application for previous and current tax years for exemption have been made, the subdivision homeowners' association has agreed to pay the taxes owed on these parcels for the years in question, but seek remission of interest, penalties and other costs beyond the taxes owed.

A copy of N.C. Gen. Stat. §105-381(a)(1)a., the statute empowering the Board to act in such a circumstance ("tax imposed through clerical error"), was provided with the agenda.

Determination that the taxpayer (the homeowners' association) has a valid defense to the interest, penalties and other costs beyond the taxes owed for the years in question on the parcels in question, and release of any claim for such amounts.

Motion:

I move that the Board find that the taxpayer has a valid defense to all amounts beyond the taxes owed for the years in question, and that the Board release the taxpayer from such amounts.

Request to Use '95 Courthouse North Parking Lot

MountainTrue is hosting an event in Hendersonville on Saturday, August 22nd from 3:00pm to 7:00pm. To accommodate parking for the event, they have requested the County's permission to use the '95 Courthouse north parking lot, on the corner of 4th and Grove, from 2:00pm to 8:00pm on that date. They would use a trolley service to shuttle folks from the lots to the festival.

Motion:

I move the Board approve the use of the '95 Courthouse north parking lot by MountainTrue on Saturday, August 22nd from 2:00pm to 8:00pm.

Proposed Budget Amendment for Electronic Health Records Project hardware – Public Health

Pursuant to the Board's June 24, 2015 approval of the Electronic Health Records Project, the Henderson County Department of Public Health has completed a clinic staffing and process flow analysis for implementation of electronic health records in conjunction with Information Technology. The attached hardware detail represents the amount and cost of those information technology components. This requested budget amendment reflects the second major phase of the project, with requests for proposals (RFP's) pending for scanning of active medical records. The scanning component will represent the third and final phase of the project.

Electronic Health Records Project – Phase and Cost Detail

		Initial Cost	Projected Annual Cost
Phase I	EHR Software	\$70,264	\$14,000
Phase II	Hardware	\$88,000	Replacement cycles
Phase III	Scanning	\$126,000 (estimate)	Storage costs with EHR vendor
Total		\$284,264 (estimate)*	

*Contingency items: HIE connectivity, limited customization of software, storage costs of scanned records and secure faxing volume.

Motion:

I move the Board approves the proposed budget amendment of \$88,000 to support the acquisition of hardware needed to implement the public health electronic health records project, and approve Staff proceeding with RFP's for Phase III of the project.

Request for Use of Courtroom

Carolyn Justus of the Heritage Museum requested use of the courtroom for Tuesday, September 1, 2015, from 5:30 p.m. until 8:00 p.m. for a meeting of the Edneyville Grange along with a tour of the museum. Per the Facility Use Policy the use of the Commissioners' Meeting Room (Courtroom) must be approved by the Board of Commissioners during a regularly scheduled meeting.

Motion:

I move that the Board approves use of the Commissioners' Meeting Room (Courtroom) by the Heritage Museum on Tuesday, September 1, 2015 from 5:30 p.m. until 8:00 p.m.

NC Cardinal Memorandum of Agreement

NC Cardinal is a consortium of North Carolina public libraries that share an online catalog and integrated library system (ILS), and share resources with other member libraries. Currently, 23 NC public library systems belong to the consortium, with 4 additional systems scheduled to join during FY15-16. The Henderson County Library has been awarded LSTA funds in the amount of \$58,189 that will allow us to be one of the four systems to migrate to this online consortium this fiscal year.

All associated startup costs and the first two years of membership in the NC Cardinal consortium is fully supported by the State Library and funded using LSTA funds, which equates to an over \$80,000 savings for the County. After the initial two years, an annual cost share for continued membership will be determined based upon the size of the library's collection and patron base.

Membership to this consortium provides library patrons with free access to all resources owned by member libraries. Patrons may use their library card at any NC Cardinal library across the state, borrow titles from any member library, and return titles to any member library.

The Board is requested to approve the NC Cardinal Memorandum of Understanding as presented.

Motion:

I move that the Board approves the request for approval of the NC Cardinal Memorandum of Understanding as presented.

Solid Waste Landfill Slope Mower Bid Award

The Board is requested to approve the attached bid proposal and authorize staff to proceed with the procurement of an Aebi Slope Mower for the Henderson County Solid Waste Facility via the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole bid was received from Menzi USA for a total price of \$157,500. They are the only authorized dealer in the southeast United States for the Aebi Slope Mower specifically needed at Solid Waste.

The Slope Mower was approved as part of the Solid Waste Fiscal Year 2016 budget.

The Board is requested to accept the bid proposal from Menzi USA and authorize Henderson County staff to proceed with the purchase of an Aebi Slope Mower using the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).

Motion:

I move the Henderson County Board of Commissioners awards the purchase contract for an Aebi Slope Mower to the sole bidder, Menzi USA for \$157,500 and authorize staff to proceed with the purchase using the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).

Non-Profit Performance Agreements

Subsequent to the approval of the FY 2015-2016 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

Funding Agreements

- | | |
|--|------------|
| 1. Flat Rock Playhouse | \$ 45,000 |
| 2. Henderson County Partnership for Economic Development | \$ 336,750 |
| 3. WNC Communities | \$ 6,750 |

Motion:

I move the Board authorizes the Chairman to execute the funding agreements and, in doing so, authorizes the release of the first of the aforementioned agencies' quarterly allotments.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Commissioner Messer made the motion to approve discussion items as presented. All voted in favor and the motion carried.

Nominations

Chairman Thompson noted the vacancies and opened the floor for nominations.

Notification of Vacancies

1. Cemetery Advisory Committee – 7 vac.
2. Environmental Advisory Committee – 1 vac.
3. Fire and Rescue Advisory Committee – 1 vac.
4. Hospital Corporation Board of Directors/UNCH – 3 vac.
5. Nursing/Adult Care Home Community Advisory Committee – 3 vac.

Nominations

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

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

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

Chairman Thompson nominated Sarah Hoffert for position #10. *Chairman Thompson made the motion to accept the appointment of Sarah Hoffert to position #10 by acclamation. All voted in favor and the motion carried.*

3. EMS Peer Review Committee – 1 vac.

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

4. Environmental Advisory Committee – 1 vac.

Commissioner Messer nominated Mary Beth Hayes for position #6. *Chairman Thompson made the motion to accept the appointment of Mary Beth Hayes to position #6 by acclamation. All voted in favor and the motion carried.*

5. Equalization and Review Committee, Henderson County Board of – 1 vac.

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

6. Historic Resources Commission – 1 vac.

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

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

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

8. Juvenile Crime Prevention Council – 7 vac.

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

9. Land-of-Sky Regional Council – 1 vac.

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

10. Library Board of Trustees – 1 vac.

Commissioner Hawkins nominated Katie Winkler for position #7. *Chairman Thompson made the motion to accept the appointment of Katie Winkler to position #7 by acclamation. All voted in favor and the motion carried.*

11. Mountain Area Workforce Development Board – 1 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 – 5 vac.

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

14. Senior Volunteer Services Advisory Council – 3 vac.

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

SPECIAL NEEDS SPORTS

Mr. Donnie Jones, with Special Needs Sports, had requested time on the agenda for a brief presentation to the Board of Commissioners. Mr. Jones recognized Tim Hopkin and the staff of Parks and Recreation for being so helpful anytime he had gone to them with questions or a request. He also thanked the County Manager's office, especially Megan Powell who always went above and beyond to assist him.

Several special needs individuals who enjoy the special needs sports facility were present. They presented appreciation plaques to the Commissioners and County Manager.

UNITED STATES NATIONAL MOTTO

Mr. Rick Lanier, with the US Motto Action Committee, gave a presentation on their proposal to add the United States National Motto to county facilities. He invited Henderson County to join in displaying the National Motto "In God We Trust". It promotes patriotism and confidence in our society, and has been on the currency since 1864.

They have installed the US National Motto so far in fifty-one (51) municipalities, thirty-four (34) counties, and seventeen (17) town halls. There is no cost to the County.

Commissioner Hawkins made the motion that the Board directs staff to bring back a resolution in support of the US National Motto, locate the appropriate location for the Motto, and bring it back before the Board at the next regularly meeting (September 8, 2015). All voted in favor and the motion carried.

WHKP – CHANNEL 11

Steve Wyatt stated several years ago, the County entered into an agreement with WHKP to provide community information on Henderson County’s Channel 11. With WHKP’s recent addition of sign-on WHKP 107.7 FM, their signal will now cover all of the Henderson County cable population. With that addition, the broadcast provided on Channel 11 will no longer be needed for that community information source. Therefore, WHKP requests the Board’s permission to remove their signal from Channel 11.

Mr. Wyatt feels the broadcast removal can be accomplished within 48 hours. Staff is looking at other alternatives for background music or other options as music may not be necessary.

Commissioner Messer made the motion that the Board grant WHKP permission to remove their signal from Channel 11, and further moved that the Board adopt the Resolution of Appreciation for the many years of service provided to the citizens of Henderson County by WHKP, through their presence on Channel 11. All voted in favor and the motion carried.

COUNTY MANAGER’S REPORT

County Manager Steve Wyatt reminded the Board that the mid-month meeting for August 19th had been cancelled due to a conflict with the NCACC Annual Conference. The next meeting of the Board will be Tuesday, September 8, 2015 at 5:30 p.m.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge or grievance against an individual public officer or employee.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(6) 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 7:45 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2015-02; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on August 3, 2015; and

WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed map amendment #R-2015-02 – (Larry Hill property Rezoning) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. The Local Commercial (LC) zoning district is appropriate with the Community Service Center and Rural Transitional Area designation of the CCP; and
3. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
4. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 3rd day of August, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS



Thomas H. Thompson

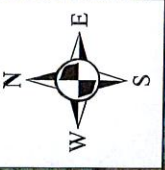
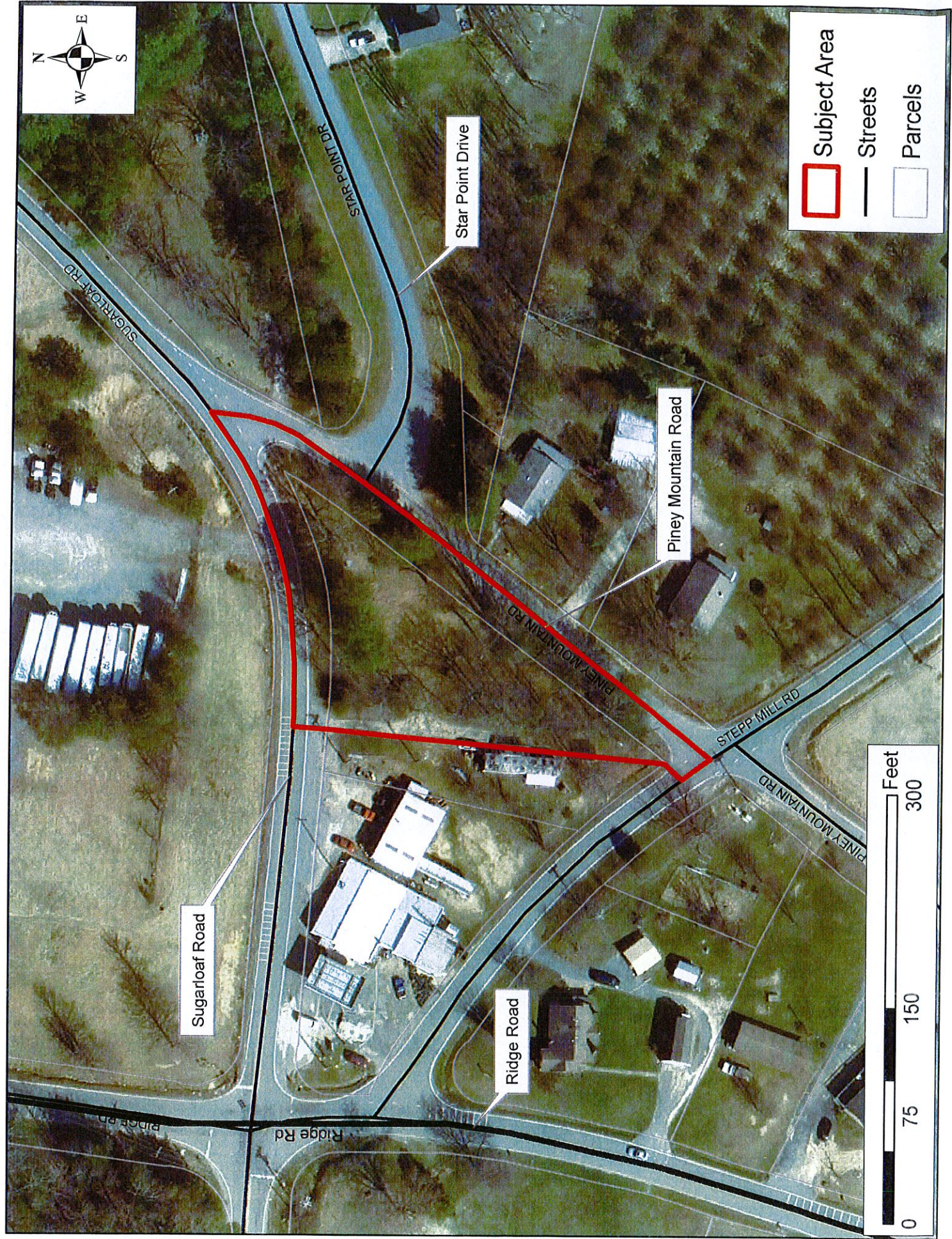
BY: Thomas H. Thompson, Chairman

ATTEST:

Teresa L. Wilson

Teresa L. Wilson, Clerk to the Board

(COUNTY SEAL)



Subject Area

Streets

Parcels

Sugarloaf Road

Ridge Road

Star Point Drive

Piney Mountain Road



**NOTICE OF PUBLIC HEARING
ON PROPOSED ZONING MAP AMENDMENT
(Rezoning Request #R-2015-02)**

The Henderson County Board of Commissioners will hold a public hearing for a proposed map amendment to the Official Zoning Map of Henderson County, North Carolina.

Rezoning Application #R-2015-02, which was initiated on June 16, 2015 at the request of property owner, Larry Hill, who requests the County rezone approximately 0.47 acres of land (hereafter the "Subject Area") Local Commercial (LC) zoning district to a Residential Two Rural (R2R) zoning district. The Subject Area can be identified by PIN number 9599797487 and is located at the intersection of Sugarloaf Road and Piney Mountain Road.

The public hearing will be held Monday, August 03, 2015, at 5:30 P.M., in the Board of Commissioners Meeting Room located in the Henderson County Historic Courthouse, at 1 Historic Courthouse Square, in Hendersonville, NC. The public is invited to attend and comment on the proposed amendment.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed amendment is available for review in the Henderson County Planning Department, 100 N. King Street, Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, call the Planning Department at (828) 697-4819.

Please note that after considering public hearing comments, the Board of Commissioners may discuss other options or make changes to the proposed amendments before taking final action. The Henderson County 2020 Comprehensive Plan will be updated and amended, as necessary, to reflect the action of the Board of Commissioners.

Terry Wilson
Clerk to the Board
Henderson County Board of Commissioners


For publication in the Hendersonville Tribune on Thursday, July 23, 2015 and Thursday, July 30, 2015.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the August 3, 2015 hearing regarding Rezoning Application #R-2015-02 was:

1. Submitted to the Hendersonville Tribune on July 21, 2015 to be published July 23, 2015 and July 30, 2015 by Christopher Todd;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 23, 2015 by Christopher Todd;
3. Sent, via first class mail, to the property owners on July 23, 2015 by Christopher Todd; and
4. Signs will be posted on the Subject Area(s) on July 23, 2015 by Christopher Todd.

The signatures herein below indicate that such notices were made as indicated herein above:

1. 

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

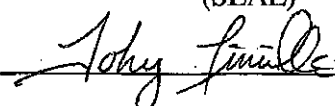
Chris Todd, and _____

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 23 day of July, 2015.

My commission expires:

5/25/16

(SEAL)

NOTARY PUBLIC

Office of the Henderson County Tax Collector

200 North Grove Street, Suite 66 • Hendersonville, NC 28792-5027

Phone: (828)697-5595 | Fax: (828)698-6153 | www.hendersoncountync.org/ca

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

23 July 2015

RE: Tax Collector's Report to Commissioners: 03 August 2015 Meeting

Please find outlined below collections information though 22 July 2015 for the 2014 real and personal property bills mailed out on 28 August 2014. As a point of reference, we also have included collections information as of the same date last year. Registered Motor Vehicles reported as billed and collected by the Department of Motor Vehicles.

Henderson County Annual Bills G01 Only:

2014 Beginning Charge: \$59,733,471.88 Discoveries & Imm. Irreg.: \$168,371.49 Releases & Refunds: (\$346,171.02) Net Charge: \$59,555,672.35 Unpaid Taxes: \$950,218.62 Amount Collected: \$58,605,453.73 Percentage Collected: 98.40% Through: 22-Jul-2015	2013 Beginning Charge: \$58,589,371.71 Discoveries & Imm. Irreg.: \$285,361.96 Releases & Refunds: (\$236,484.85) Net Charge: \$58,638,248.82 Unpaid Taxes: \$1,150,230.47 Amount Collected: \$57,488,018.35 Percentage Collected: 98.04% Through: 22-Jul-2014
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Henderson County Only Registered Motor Vehicles

Registration Month	Vehicles Registered	Gross Valuation Actual/Projected	Gross Levy	Net Levv Collection	Percentage Collected
July '14	9888	\$ 86,255,648	\$ 445,838.89	\$ 443,578.04	99.49%
Aug '14	9784	\$ 82,397,348	\$ 424,634.77	\$ 423,480.41	99.73%
Sept '14	9559	\$ 81,357,984	\$ 419,137.59	\$ 417,501.27	99.61%
Oct '14	9312	\$ 77,527,270	\$ 399,561.74	\$ 397,487.67	99.48%
Nov '14	7855	\$ 68,074,597	\$ 350,116.02	\$ 349,128.90	99.72%
Dec '14	8169	\$ 71,274,565	\$ 366,777.28	\$ 365,025.57	99.52%
Jan '15	7843	\$ 71,771,241	\$ 369,094.31	\$ 368,260.63	99.77%
Feb '15	7118	\$ 61,857,243	\$ 318,078.51	\$ 317,623.38	99.86%
Mar '15	10852	\$ 89,862,021	\$ 462,179.22	\$ 460,617.99	99.66%
Apr '15	10182	\$ 84,564,218	\$ 434,877.91	\$ 434,165.61	99.84%
May '15	10377	\$ 85,526,118	\$ 440,309.47	\$ 439,333.31	99.78%
June '15	9599	\$ 81,990,685	\$ 422,090.63	\$ 421,263.36	99.80%
TOTALS:	110538	\$ 942,458,938	\$ 4,852,696.34	\$ 4,837,466.14	99.69%

Through 14 July 2015

Fire Districts' Annual Bills Only:

2014 Beginning Charge: \$6,647,689.05 Discoveries & Imm. Irreg.: \$15,529.05 Releases & Refunds: (\$46,521.95) Net Charge: \$6,616,696.15 Unpaid Taxes: \$130,211.72 Amount Collected: \$6,486,484.43 Percentage Collected: 98.03% Through: 22-Jul-2015	2013 Beginning Charge: \$6,544,668.55 Discoveries & Imm. Irreg.: \$45,131.58 Releases & Refunds: (\$28,031.09) Net Charge: \$6,561,769.04 Unpaid Taxes: \$154,738.44 Amount Collected: \$6,407,030.60 Percentage Collected: 97.64% Through: 22-Jul-2014
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Respectfully Submitted,



Luke Small
Collections Specialist

Stan C. Duncan
Tax Collector

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

August 3, 2015

Mr. Stan Duncan, Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find tax release requests in the amount of \$2,740.92 and tax refund requests in the amount of \$1,702.30, reviewed at the Henderson County Board of Commissioners' Meeting on Monday, August 3, 2015. All refunds were approved.

Sincerely,



Thomas Thompson, Chairman
Henderson County
Board of Commissioners

THT/tlw

enclosures

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 3, 2015
SUBJECT: Pending Releases & Refunds
PRESENTER: Assessor
ATTACHMENT: Pending Release/Refund Combined Report

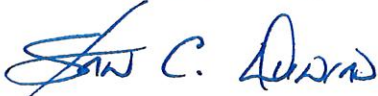
SUMMARY OF REQUEST:

The attached pending releases and refunds have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type:	Amount:
Total Taxes Released from the Charge	\$ 2,740.92
Total Refunds as a Result of the Above Releases	\$ 1,702.30

Faithfully Submitted,



Stan C. Duncan
County Assessor and Collector

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Combined Release/Refund Report as presented."

NCPTS Pending Release/Refund Report. Thursday, July 23, 2015*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
CONSERVATION FUND	0000401326-2010-2010-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$66,300)	2723	PCARVER	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$306.31	\$306.31	\$306.31	\$306.31
							VALLEY HILL #2 FIRE	LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$46.41	\$46.41	\$46.41	\$46.41
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$352.72	\$352.72	\$352.72	\$352.72
	0000401326-2011-2011-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$56,600)	2722	PCARVER	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$290.70	\$290.70	\$290.70	\$290.70
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
							VALLEY HILL FIRE	TOTAL:	\$45.28	\$45.28	\$45.28	\$45.28
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$335.98	\$335.98	\$335.98	\$335.98
	0000401326-2012-2012-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$56,600)	2721	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	COUNTY	TAX	\$290.70	\$290.70	\$290.70	\$290.70
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
							VALLEY HILL FIRE	TOTAL:	\$45.28	\$45.28	\$45.28	\$45.28
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$45.28	\$45.28	\$45.28	\$45.28
	0000401326-2013-2013-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$56,600)	2720	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	COUNTY	TAX	\$290.70	\$290.70	\$290.70	\$290.70
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
							VALLEY HILL FIRE	TOTAL:	\$48.11	\$48.11	\$48.11	\$48.11
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$338.81	\$338.81	\$338.81	\$338.81
	0000401326-2014-2014-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$56,600)	2719	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	COUNTY	TAX	\$290.70	\$290.70	\$290.70	\$290.70
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
CONSERVATION FUND	0000401326-2014-2014-0000	THIS PROPERTY CONVEYED TO THE STATE OF NORTH CAROLINA PER DEED 945/362. EXEMPT PER G.S. 278.1.	(\$56,600)	2719	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	VALLEY HILL FIRE	TOTAL			\$290.70	\$290.70
								TAX	\$48.11	\$48.11	\$48.11	\$48.11
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL			\$48.11	\$48.11
OWNER TOTAL:									ABSTRACT TOTAL	\$338.81	\$338.81	
LAMB, LEON	0000149724-2014-2014-0000	BUSINESS DISCOVERED IN 2014 FOR FAILURE TO LIST. RECEIVED LISTING FORM FOR 2015 STATING BUSINESS WAS SOLD NOVEMBER, 2013. 2014 BILL RELEASED.	(\$22,000)	2711	JKITCHEN	595 HOWARD GAP ROAD NC	COUNTY	TAX	\$112.99	\$0.00	\$112.99	\$0.00
								LATE LIST FEE	\$11.30	\$0.00	\$11.30	\$0.00
								TOTAL			\$124.29	\$0.00
								TAX	\$23.10	\$0.00	\$23.10	\$0.00
OWNER TOTAL:									ABSTRACT TOTAL	\$149.70	\$149.70	\$0.00
LAW OFFICES OF THOMAS A. BECKETT PLLC	0002886151-2015-2015-0000	BUSINESS MOVED OUT OF COUNTY 8/1/2014 TO DURHAM COUNTY.	(\$11,267)	2752	JKITCHEN	131 4TH AVE E UNINCORPORATED	COUNTY	TAX	\$57.87	\$0.00	\$57.87	\$0.00
								LATE LIST FEE	\$5.79	\$0.00	\$5.79	\$0.00
								TOTAL			\$63.66	\$0.00
								TAX	\$31.55	\$0.00	\$31.55	\$0.00
OWNER TOTAL:									ABSTRACT TOTAL	\$98.36	\$98.36	\$0.00
MORRISON, JAMES MONROE	0000140819-2014-2014-0000	COLLECTION RESEARCH. RELEASE BILLS ON PERSONAL PROPERTY MANUFACTURED HOME FOR YEARS 2009 - 2014. DOUBLE BILLED. MANUFACTURED HOME IS BEING BILLED ON ACCOUNT NUMBER 8826804.	(\$56,200)	2710	CLOWBARDO	HENDERSON COUNTY NC	COUNTY	TAX	\$185.92	\$0.00	\$185.92	\$0.00
								LATE LIST FEE	\$18.59	\$0.00	\$18.59	\$0.00
								TOTAL			\$204.51	\$0.00
								TAX	\$34.39	\$0.00	\$34.39	\$0.00
OWNER TOTAL:									ABSTRACT TOTAL	\$242.34	\$242.34	\$0.00
OWNER TOTAL:									ABSTRACT TOTAL	\$242.34	\$242.34	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
REESES BODY SHOP	0000715216-2012-2012-0000	BUSINESS CLOSED IN 2011, BILL RELEASED. DOCUMENTATION ON FILE.	(\$9,595)	2728	JKTCHEN	118 DUNCAN HILL RD UNINCORPORATED	COUNTY	TAX LATE LIST FEE TOTAL:	\$49.28 \$4.93 \$54.21	\$0.00 \$0.00	\$49.28 \$4.93 \$54.21	\$0.00 \$0.00
	0000715216-2013-2013-0000	BUSINESS CLOSED IN 2011, BILL RELEASED. DOCUMENTATION ON FILE.	(\$17,000)	2729	JKTCHEN	118 DUNCAN HILL RD UNINCORPORATED	COUNTY	TAX LATE LIST FEE TOTAL:	\$87.31 \$8.73 \$96.04	\$0.00 \$0.00	\$87.31 \$8.73 \$96.04	\$0.00 \$0.00
	0000715216-2014-2014-0000	BUSINESS CLOSED IN 2011, BILL RELEASED. DOCUMENTATION ON FILE.	(\$48,297)	2730	JKTCHEN	118 DUNCAN HILL RD UNINCORPORATED	COUNTY	TAX LATE LIST FEE TOTAL:	\$248.05 \$24.81 \$272.86	\$0.00 \$0.00	\$248.05 \$24.81 \$272.86	\$0.00 \$0.00
	OWNER TOTAL:		(\$74,892)						\$423.11	\$0.00	\$423.11	\$0.00
YOUNG, JOE	0002793479-2013-2013-0000	2013 DISCOVERY FOR FAILURE TO LIST BUSINESS. DOCUMENT RECEIVED 5/5/2015 STATING BUSINESS CLOSED DECEMBER 2012. 2013 BILL RELEASED. DOCUMENT ON FILE.	(\$9,000)	2714	JKTCHEN	77 EVANS RD UNINCORPORATED	COUNTY	TAX LATE LIST FEE TOTAL:	\$46.22 \$4.62 \$50.84	\$0.00 \$0.00	\$46.22 \$4.62 \$50.84	\$0.00 \$0.00
	0002793479-2014-2014-0000	2014 DISCOVERY FOR FAILURE TO LIST BUSINESS. DOCUMENT RECEIVED 5/5/2015 STATING BUSINESS CLOSED DECEMBER 2012. 2014 BILL RELEASED. DOCUMENT ON FILE.	(\$10,000)	2713	JKTCHEN	77 EVANS RD UNINCORPORATED	COUNTY	TAX LATE LIST FEE TOTAL:	\$51.36 \$5.14 \$56.50	\$0.00 \$0.00	\$51.36 \$5.14 \$56.50	\$0.00 \$0.00
	OWNER TOTAL:		(\$19,000)						\$97.58	\$0.00	\$97.58	\$0.00
	GRAND TOTALS:		(\$456,059)						\$1,253.11	\$0.00	\$1,253.11	\$0.00
												\$1,702.50

*Adjustments submitted for approval on or before 7/24/2015



Public Health
Prevent. Promote. Protect.

Henderson County Department of Public Health

Steven E. Smith, MPA, Health Director | Diana Curran, MD, Medical Director

1200 Spartanburg Highway, Suite 100, Hendersonville, NC 28792

Main Phone: (828) 692-4223 | Administration FAX: (828) 697-4709

Clinic FAX: (828) 697-4691 | Communicable Disease FAX: (828) 697-4504

August 3, 2015

Electronic Health Records Project – Hardware Requirements

ITEM	QUANTITY	UNIT PRICE	VENDOR	TOTAL COST
Webcam	7	\$39.95	Amazon	\$279.65
Signature Pad	22	\$210.00	SHI	\$4,620.00
Label Printers	7	\$80.70	CDW-G	\$564.90
Scanners (desktop)	17	\$884.09	SHI	\$15,029.53
Scanners (flatbed)	2	\$1,314.00	CDW-G	\$2,628.00
Desktop printers	3	\$287.49	Amazon	\$862.47
Laptops (Latitude)	26	\$2,336.14	Dell	\$60,739.64
Styluses	36	\$16.99	Dell	\$611.64
Extra docking stations	6	\$169.39	Dell	\$1,016.34
Sleeves for laptops	26	\$23.08	Dell	\$600.08
USB DVD drives	12	\$46.79	Dell	\$561.48
			GRAND TOTAL	\$87,513.73

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Health Department

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115510 - 526201</u>	<u>Non-Capital Technology</u>	<u>\$ 9,600</u>
<u>115510 - 526020</u>	<u>Non-Expendable Supplies</u>	<u>\$78,400</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>\$ 88,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
 Fund balance appropriated to fund the electronic health record software.
 Approved by the Board August 3, 2015.

Health Department
 Authorized by Department Head

8/3/2015
 Date

 Authorized by Budget Office

 Date

 Authorized by County Manager

 Date

For Budget Use Only	
Batch #	_____
BA #	_____
Batch Date	_____

State of North Carolina
County of Wake

**Department of Cultural Resources
State Library of North Carolina
NC Cardinal Memorandum of Agreement
Contract Number 2182**

This Agreement is hereby made between the North Carolina Department of Cultural Resources, State Library of North Carolina, 109 East Jones Street, Raleigh, NC (hereinafter referred to as "Department") and the Henderson County Public Library, 301 N. Washington St., Hendersonville, NC 28739 (hereinafter referred to as "Library" and together, the "Parties").

WHEREAS, NC Cardinal is a project of the State Library of North Carolina conducted in partnership with North Carolina public libraries;

WHEREAS, this collaboration leverages federal and local funds to achieve operational efficiencies and cost savings for public libraries and provide for more effective use of public resources;

WHEREAS, the use of a single, shared online catalog expands resource sharing and cooperative services among public libraries and delivers faster access to a greater number and variety of resources for library patrons;

NOW, THEREFORE, the Parties hereto, desiring to establish or renew their commitment to NC Cardinal upon the terms set forth below, do hereby agree as follows:

I. Terms and Conditions

While the Library retains autonomy over its local operations, participation in NC Cardinal requires collaboration in developing common policies and shared decision making. For acceptance into and continuing participation in NC Cardinal, the Library shall abide by the NC Cardinal Bylaws (Attachment A) and adhere to the following terms and conditions:

A. General Terms and Conditions

- 1) Comply with NC Cardinal policies, procedures, and protocols, including regulations approved by the State Library and policies of the NC Cardinal Governance Committee;
- 2) Connect to the network exclusively with equipment that is compatible with NC Cardinal;
- 3) Support the development and implementation of electronic and physical delivery of NC Cardinal materials and services to other members of NC Cardinal;
- 4) Provide in-person services to patrons of all NC Cardinal libraries in the same manner as to the Library's own patrons;
- 5) Refrain from making internal policy changes that would adversely affect other NC Cardinal libraries;
- 6) Provide Library representation at NC Cardinal General Membership meetings;
- 7) Provide Library representation and service to committees, task forces, and forums sponsored by the NC Cardinal Governance Committee;
- 8) Ensure Library personnel participation in appropriate training and continuing education programs;

- 9) Allow use of the Library's name in NC Cardinal official documents and informational sites;
- 10) Agree to and adhere to the GNU General Public License (GNU GPL) for Evergreen software, a copyleft license which ensures free software rights are preserved when the work is distributed; and
- 11) Make no changes to the Evergreen software code other than alterations of bibliographic holdings data.

B. Data Terms and Conditions

- 1) Input, maintain, and share bibliographic holdings with all NC Cardinal libraries;
- 2) Input newly acquired holdings according to the standards developed by the NC Cardinal Cataloging Committee and approved by the NC Cardinal Governance Committee;
- 3) Input, maintain, share, and keep patron records confidential according to applicable federal and State laws, including G.S. § 125-19 of the North Carolina General Statutes;
- 4) Comply with the NC Cardinal cataloging best practices and procedures for item and patron records prior to migrating data into NC Cardinal;
- 5) Restrict the creation of data records and other staff activity in NC Cardinal to authorized and trained personnel;
- 6) Enter accurate information for all NC Cardinal transactions and statistics; and
- 7) Adhere to the NC Cardinal membership policies as defined in Appendix A: Bylaws, Section 2, Membership.

C. Lending and Resource Sharing Terms and Conditions

- 1) Lend Library materials to patrons of NC Cardinal libraries in the same manner as to the Library's own patrons. This does not preclude charging standard Interlibrary Loan (ILL) fees if the loan is transacted through ILL rather than in person; and
- 2) Begin sharing Library resources with other NC Cardinal libraries through the Resource Sharing Delivery System within two (2) months of the Library's "GoLive!" date.

II. Governance Committee

- A. The Governance Committee provides guidance to the State Library of North Carolina in terms of communications, organizational structure, review of NC Cardinal Bylaws and Memoranda of Agreement, and the recommendation of cost sharing and common, consistent policies.
- B. The State Library has final decision-making authority for all matters pertaining to NC Cardinal and may override a recommendation of the Governance Committee that is determined to be:
 - 1) detrimental to the majority of NC Cardinal libraries;
 - 2) not cost-effective to implement;
 - 3) adversely impacting NC Cardinal project management and support operations; or
 - 4) negatively received by NC Cardinal's hosting vendor or the Evergreen Community at large.

III. Financial Responsibilities – State Library of North Carolina

- A. NC Cardinal is a project of the State Library of North Carolina, supported by grant funds from the Institute of Museum and Library Services under the provisions of the Federal Library Services and Technology Act. The Department shall fund migration costs and

base level access costs for the Library's participation in NC Cardinal during its migration year and one (1) additional State Fiscal Year (July 1 – June 30) of base level access costs. Base level access is defined as access to and use of the NC Cardinal Integrated Library System (ILS) software, hardware, integral components, and tools related to the statewide resource sharing distribution system.

- B. The Department shall fund and manage project administration for NC Cardinal. Project administration includes project oversight, project schedule development, vendor negotiations and contract administration, budget forecasting, migration management, development and maintenance of communications channels, and coordination of NC Cardinal Committees.
- C. The Department shall fund and manage first-line software support for NC Cardinal. First-line support includes maintaining a help ticket system, providing remote and onsite assistance, training, and facilitating communications with second-level vendor support.
- D. The Department shall fund and manage resource sharing services for NC Cardinal. Resource sharing services include delivery system administration, purchase and distribution of shipping supplies, training, vendor communications, and problem resolution.
- E. The Department retains final financial decision-making authority for all matters pertaining to the NC Cardinal Integrated Library System (ILS) and its users.
- F. The Department shall not exceed \$850,000 in total State Fiscal Year 2015-16 expenditures for NC Cardinal.

IV. Financial Responsibilities – Participating Library

- A. Upon the third (3rd) State Fiscal Year of participation in NC Cardinal, the Library shall fund its portion of branch costs and subscription costs for the NC Cardinal ILS. Subscription costs include hardware maintenance, hardware administration, database administration, Standard Internet Protocol (SIP) services, software upgrades, and second-level system support.

The Library's annual cost shall be calculated based upon the following formula:

$$(\# \text{ of Qualifying Branches} * \text{ Cost per Branch}) + (\% \text{ of Active Items} * \text{ Total ILS Subscription Cost})$$

- B. Qualifying branches are those that incur an annual outlet fee by meeting the following criteria:
 - 1) Open more than 12 hours per week
 - 2) Store and circulate items to the general public
 - 3) Act as a circulating branch as their primary responsibility
- C. Non-optional third party services may be required to support the NC Cardinal ILS and may incur additional annual costs to the Library. Non-optional third party services must be agreed to by a two-thirds majority of all NC Cardinal libraries and approved by the State Library's NC Cardinal Program Manager. Written notification of the implementation of non-optional third party services shall be given to all NC Cardinal libraries on or before July 1. The new service shall become effective July 1 of the following State Fiscal Year.

The Library's annual third party service costs shall be calculated based upon the following formula:

$$\% \text{ of Active Items} * \text{Total Annual Service Cost}$$

- D. The Library shall pay the combined total for its portion of subscription costs, if any, and third party vendor service costs, if any, as detailed in Attachment B for the current State Fiscal Year.
- E. Optional third party services that do not directly support NC Cardinal ILS maintenance may be added at the discretion of the Library. The Library shall not adopt optional third party services that may adversely affect other NC Cardinal libraries.
- F. The Library shall comply with the provisions of subscription agreements made by the Department on behalf of NC Cardinal libraries and shall accept responsibility only for the actions of the Library's own employees related to these agreements.

V. Availability of Funds

All terms and conditions of this Agreement are dependent upon and subject to the allocation of funds for the purposes set forth and the Agreement shall automatically terminate if funds cease to be available.

VI. Withdrawal from NC Cardinal

A. The Library shall have the right to discontinue participation in NC Cardinal by giving written notice on or before June 30 to the Department. The withdrawal shall be effective September 30 of the following State Fiscal Year. Upon completion of withdrawal, this Agreement shall be considered terminated.

B. Notice shall be made only through written notice to the State Librarian at the following address:

State Library of North Carolina
4640 Mail Service Center
Raleigh, NC 27699-4640

C. In the event of withdrawal, the Library shall:

- 1) lose all rights and benefits to NC Cardinal service delivery and governance;
- 2) have their patrons withdrawn from NC Cardinal resource sharing, delivery systems, and cooperative fine and fee processes;
- 3) have sole responsibility for replacement of all services provided through NC Cardinal and the Department's subscription agreements;
- 4) have sole responsibility for notifying third party software vendors of the Library's effective date of withdrawal from NC Cardinal;
- 5) pay the cost to remove the Library's complete policy set, circulation rules, hold policies, library settings, staff accounts, item records, and patron records from NC Cardinal at the current rate of its hosting vendor;
- 6) not be required to return LSTA grant monies so long as the Library is in full compliance of grant requirements; and
- 7) not receive a refund for any portion of annual subscription costs or third party vendor costs paid by the Library as the effective date of withdrawal shall occur after completion of a full service year.

- D. In the event of withdrawal, the Department shall:
 - 1) discontinue NC Cardinal funding and services for the Library on the designated termination date; and
 - 2) provide up to two (2) data export files of the Library's bibliographic, item, patron, and circulation data at no cost to the Library.

VII. Default

- A. A violation of any provision, policy, or requirement that is not corrected by the Library within sixty (60) days after written notice by the Department will constitute default under the terms of this Agreement.
- B. If default occurs, the Department may terminate the Library's participation in NC Cardinal by sending written notice of termination to the Library. The termination shall be effective on September 30 of the following State Fiscal Year.
- C. Upon receiving notice of termination from the Department, the Library shall proceed with withdrawal from NC Cardinal pursuant to Section VI above.

VIII. Modification/Amendment of Agreement

This Agreement shall not be amended orally or by performance. This Agreement must be amended only by written amendments duly executed by the Secretary of the Department of Cultural Resources or designee and the Library.

IX. Term and Termination of Agreement

- A. This Agreement shall be effective upon final signature of the Parties and shall end on June 30th of the next calendar year, unless sooner terminated as set forth in Sections VI or VII above. The Library and the Department may, either by amendment to this Agreement pursuant to Section VIII above or by approval of a new Agreement, extend the term annually by July 1 for each subsequent State Fiscal Year.
- B. If the term of this Agreement is not extended and no successor agreement is to be executed upon the expiration of the term of this Agreement, the Library shall immediately proceed with withdrawal from NC Cardinal pursuant to Section VI above. Upon completion of withdrawal, this Agreement shall be considered terminated.

X. Agreement Documents

- A. This Agreement shall consist of the following documents in order of precedence:
 - 1) Amendments to this Agreement, if any;
 - 2) This Agreement;
 - 3) Attachment A: NC Cardinal Bylaws
 - 4) Attachment B: NC Cardinal Annual Costs by Library
- B. In the event of a conflict between or among the terms of the Agreement Documents, the term in the Agreement Document with the highest precedence shall prevail. Amendments to the Agreement, if any, shall have the highest precedence, the Agreement shall have the second highest precedence, and Attachments the third highest precedence. These documents shall constitute the entire agreement between the Parties and supersede all other prior oral or written agreements.

XI. Severability

<p>Tanya Prokrym NC Cardinal Program Manager (USPS) 4640 Mail Service Center Raleigh, NC 27699-4640</p> <p>(FedEx, UPS) 109 East Jones Street Raleigh, NC 27601</p> <p>Telephone: (919)-807-7424 Facsimile: (919) 799-8748 E-mail: tanya.prokrym@ncdcr.gov</p>	<p>Roger Odom Director of Procurement and Contract Monitoring NC DCR, Purchasing Office 109 E. Jones Street Raleigh NC 27601</p> <p>Telephone: (919) 807-7269 Facsimile: (919) 733-6993 E-mail: roger.odom@ncdcr.gov</p>
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XIV. Care of Property

The Library agrees that it shall be responsible for the proper custody and care of any property furnished it for use in connection with the performance of this Contract or purchased by it for this Contract and will reimburse the State for loss of damage of such property.

XV. Access to Persons and Records

The State Auditor and the using agency's internal auditors shall have access to persons and records as a result of all Contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the Library during and after the term of the Contract to verify accounts and data affecting fees or performance).

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

IN WITNESS WHEREOF, the Library and the Department have each executed this Agreement in duplicate originals.

Henderson County Public Library

Trina M Rushing

Trina Rushing
Director

7-15-15

Date

Henderson County Board of Commissioners

Thomas W. Thompson

Tommy Thompson
Chairman

8/3/15

Date

State Library of North Carolina

Cal Shepard
State Librarian

Date

North Carolina Department of Cultural Resources

Karin Cochran
Chief Deputy Secretary

Date

Approved as to the Availability of Funds

Budget Code: 4601 / 535830 / 1495425

Sarah Dozier
Chief Financial Officer

Date

Roger Odom
Director of Procurement and Contract Monitoring

Date

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
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THOMAS H. THOMPSON
Chairman
CHARLES D. MESSER
Vice-Chairman

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

RESOLUTION IN APPRECIATION OF WHKP'S SERVICE TO HENDERSON COUNTY

- WHEREAS**, the Henderson County Board of Commissioners recognizes that WHKP has provided service to the citizens of Henderson County by providing background audio for the local government channel (HCTV-11); and
- WHEREAS**, that background audio provided community announcements, emergency messages to cable customers, critical news and weather announcements, and local sports broadcasts; and
- WHEREAS**, since 1999, WHKP has provided this service free of charge; and
- WHEREAS**, WHKP has worked with Henderson County to refine and maintain this service so that the best quality audio could be transmitted through HCTV-11 to the citizens of Henderson County; and
- WHEREAS**, the Henderson County Board of Commissioners recognizes and appreciates WHKP for their performance and dedicated years of service in providing HCTV-11 with audio background;
- NOW, THEREFORE, BE IT RESOLVED**, that we, the Henderson County Board of Commissioners, do hereby extend our warmest appreciation to WHKP for its service to the citizens of Henderson County.

Resolved, this 3rd day of August 2015.


THOMAS H. THOMPSON, Chairman
Henderson County Board of Commissioners

ATTEST:


Teresa L. Wilson, Clerk to the Board

107.7 FM

1450 Seventh Avenue East
Hendersonville, NC 28792



1450 AM

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July 20, 2015

TO: Henderson County Commissioners

RE: Morris Broadband – CABLE Channel 11

- 1) Having brought cable television to Henderson County in the late 1960's, WHKP has been a featured entity on cable TV since its very inception.
- 2) WHKP entered into an agreement with county commissioners to relieve Henderson County of the responsibility and expenses of providing community announcements and emergency messages to cable customers, broadcasting critical news and weather announcements within our regular programming services.
- 3) Now, with the sign-on of WHKP 107.7 FM it is apparent that our signal will cover all of the Henderson County cable population during both day and night-time hours to the point that our service to cable customers on Channel 11 will no longer be needed.
- 4) Morris Broadband Cable now has the automatic electronic capability to warn county residents of eminent danger through the Federal Emergency Broadcast System.
- 5) WHKP recommends that no radio station – local or area, commercial or non-commercial – be featured on Channel 11, but rather a non-commercial background music service be engaged for times when there is no television programs being broadcast by the county.

It has been the extreme pleasure of WHKP RADIO to have professionally 'fulfilled' this important service to the Henderson County Commissioners and county residents through the Cable TV system and Channel 11, and now requests the permission of the Henderson County Commissions to leave the channel when a non-commercial music service is in place.

Sincerely,

A handwritten signature in black ink that reads 'Art Cooley'.

ART COOLEY

President and General Manager

A decorative graphic at the bottom of the page featuring a blue mountain range and a red vintage-style microphone on the right side.

Where the Heavens Kiss the Peaks