

**DRAFT**

3.16.17

**MINUTES**

cc: Russ  
Steve  
Amy  
Russ

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, MARCH 15, 2017**

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

Those present were: Chairman Mike Edney, Vice-Chairman Grady Hawkins, Commissioner Tommy Thompson, Commissioner Charlie Messer, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Senior Planner Autumn Radcliff, Engineer Marcus Jones, Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Finance Director Carey McLelland, Captain Jim Player, Sheriff Charlie McDonald, Deputy Robert Pace & K9 Maik, Recreation Director Tim Hopkin, Recreation Program Supervisor Laura Rice, TDA Executive Director Beth Carden, Code Enforcement Director Toby Linville, Central Services and Construction Manager David Berry, Internal Auditor Samantha Reynolds, Assistant Engineer Natalie Berry, Environmental Programs Coordinator Rachel Kipar & PIO Kathryn Finotti – videotaping, Deputy Brent Cantrell as security.

**CALL TO ORDER/WELCOME**

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

**INVOCATION**

The invocation was provided by County Manager Steve Wyatt.

**PLEDGE OF ALLEGIANCE**

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

**RESOLUTION – WE ARE HOPE WEEK**

The Henderson County Board of Commissioners is requested to adopt a Resolution designating “We Are Hope” Week, in the Henderson County Public School High Schools and Middle Schools. “We Are Hope” week will be recognized from April 3 – 7, 2017. This resolution is the result of student leaders in Henderson County Public Schools’ six high schools, and four middle schools who have joined with local Henderson County coalition HopeRx in educating their peers.

Commissioner Hawkins read the resolution aloud.

Chairman Edney shared the names of student leaders from each school in attendance.

Apple Valley Middle – Autumn Carson, Emily Cohee, Joshua Heiny, Ayanna Palma, Gianna Pedroza, Charleston Reagan & Caitlyn Vachon

Flat Rock Middle – Emma Gilliam & Nicholas Knox

Hendersonville Middle – Luc Benjamin & Grayson Ball

Rugby Middle – Daija Jackson & Margaret Ann Littauer

Balfour Education Center – Marlen Alonso, Justin Bush & Cheyenne LaMontage

Early College high – Ryan Good & Christopher Hinson

East Henderson High – Zachary Adkinson, Blakeley Bristol, Keegan Edge, Isaac Erwin, Meredith Gillespie, Austin King, Ryan Osteen & Nicholas Romer

Hendersonville High – Nick Hart, Drew Eudy & the HHS leadership class

North Henderson High – Will Baldwin & Carolina Marsh

West Henderson High – Park-Page Boline, Maci Clark, Charlotte Grush, Rebekah Littauer, Samuel Littauer, Skylar Smith & Cami Wolff

DATE APPROVED:

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

**RECOGNITION – DEPUTY ROBERT PACE AND K9 MAIK**

Sheriff McDonald recognized and congratulated Deputy Robert Pace and K9 Maik for being awarded an excellence award from the United States Police Canine Association (USPCA). Deputy Pace and Maik were the winners of the Case of the Fourth Quarter for 2016 for USPCA Region II in recognition of outstanding performance in the detection and prevention of crime. Deputy Pace is also a leader in K9 training.

Chairman Edney presented a Certificate of Recognition to Deputy Robert Pace and K9 Maik.

**PUBLIC COMMENT**

1. Philip Ellis – Mr. Ellis supports greenways and feels they are widely used by families for family time and exercise.
2. Suzanne Hale – Ms. Hale stated as a senior adult her only activity is walking on the greenways. The greenways are used by many for health reasons and has a wonderful environment. She supports greenways and is willing to give a monetary donation.
3. Jan Partin – Ms. Partin supports greenways. She feels they contribute to revenue, are used for recreation, transportation, and increase property value. She is willing to give a monetary donation.
4. Joe Sanders – Mr. Sanders is concerned about transportation cost and feels many people use the greenway for biking and walking. He is supportive of the greenway.
5. Chris Walters – Mr. Walters is against the LETC (Law Enforcement Training Center) proposed for the BRCC campus. He doesn't feel the BLET students enrolled at BRCC are enough to support the idea that the LETC enhances the program.
6. Michael Reim – Mr. Reim spoke on behalf on the Hendersonville Community Coop. He is in favor of greenways and would like to see the Oklawaha greenway extended to the HC Athletic and Activity Center and the Hendersonville Community Coop.
7. John Moore – Mr. Moore spoke against the LETC proposed for the BRCC campus. He doesn't feel a reduction in cost and design is enough. It does not need to be on the BRCC campus. He suggested the Board work on mental issues and drug problems instead.
8. Ken Shelton – Mr. Shelton is an advocate for greenways. He feels greenways help with health and transportation, and the Oklawaha greenway needs to be extended. It provides quality time for families at no cost.
9. Gray Jernigan – Mr. Jernigan is a director at Mountain True and a supporter of greenways for health and transportation as well as economic development.
10. Linda Bradley – Ms. Bradley is against turf fields. She asked the Board to do their homework. The current fields are not properly installed or maintained.

**Discussion/Adjustment of Consent Agenda**

*Commissioner Hawkins made the motion to approve Consent Agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

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

March 6, 2017 - Regularly Scheduled Meeting

**Tax Collector's Report**

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated March 3, 2017 for information only. No action was required.

**New Emergency Services Headquarters Financing**

The required initial resolution provided in the agenda prepared by the County's Bond Counsel, Parker Poe Adams & Bernstein LLP, authorizes the negotiation of an installment financing contract and provides for certain other related matters for the financing of the Emergency Services Headquarters Project.

The resolution makes the necessary findings for the project and the financing, authorizes the Finance Director to make an application to the Local Government Commission (LCG) for approval of the financing, and directs staff to retain the assistance of its bond counsel, financial advisor and the underwriter for the financing.

The resolution also sets a public hearing on the proposed financing for April 3, 2017 at 5:30 p.m. and directs the Clerk to the Board to cause a notice of public hearing to be published once and no fewer than 14 days prior to the public hearing.

Motion:

*I move that the Board of Commissioners adopts the financing resolution authorizing the negotiation of an installment financing contract and which provides for certain other related matters for the financing.*

**Budget Amendment for Markley Drive Nuisance Abatement**

Pursuant to the Board approval at their February 15, 2017 meeting, the budget amendment provided in the agenda packet allocates fund balance to pay for the nuisance abatement at Markley Drive.

Motion:

*I move the Board of Commissioners approves the Budget Amendment provided as presented to appropriate funding necessary for Code Enforcement to clean the nuisance at Markley Drive.*

**2017 Spring Litter Sweep Resolution**

The Spring 2017 Litter Sweep roadside cleanup, organized by the NC Department of Transportation, will take place April 15-29, 2017. Henderson County encourages citizens across the county to take an active role in making our community cleaner through participating in local litter sweep activities.

Motion:

*I move that the Board adopts a Resolution designating April 15-29, 2017 as the Spring 2017 Litter Sweep Roadside Cleanup Drive across Henderson County.*

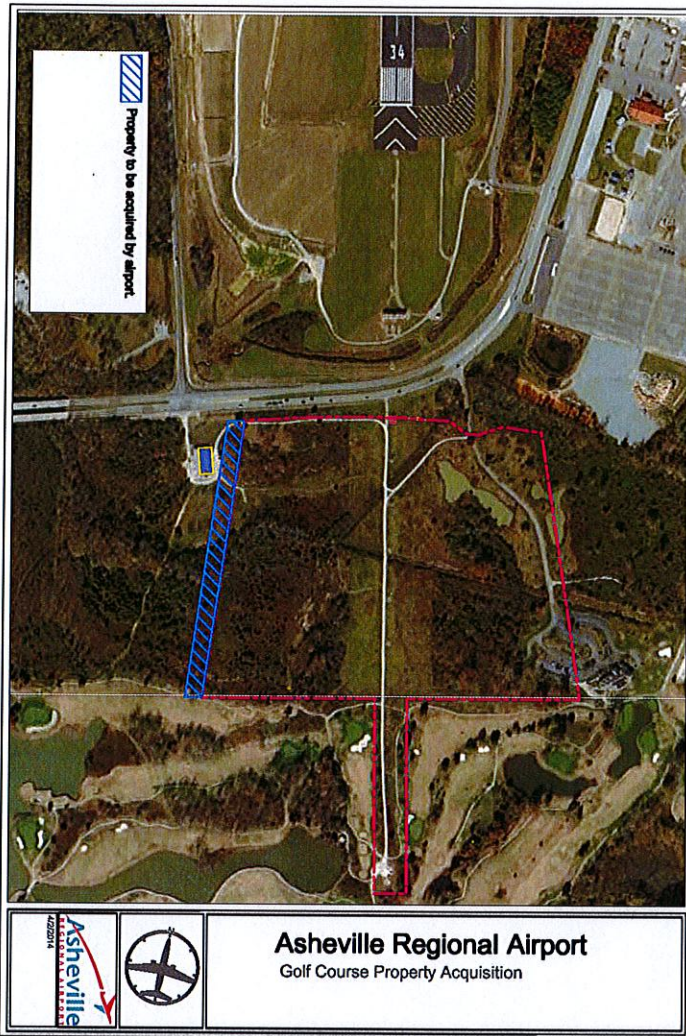
**Request by Great Asheville Regional Airport Authority ("GARAA") to acquire Henderson County land**

GARAA seeks permission to acquire +/- 2.3 acres from Warrior Golf, LLC in the Broadmoor Golf Links across Highway 280 from the airport, for the Federal Aviation Administration required runway safety area as part of the new runway under construction at the airport. Even though GARAA is an authority under North Carolina law,

[n]otwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

GARAA has reached agreement with the owners of the property to acquire this land. A map of the affected land is also included. This property is to be used as a portion of the runway safety area, as required by the Federal Aviation Administration (FAA). With the 75' realignment of the runway to the west, as part of the airfield redevelopment project, the runway safety area also needs to be realigned by the same 75'.





GARAA staff was present to provide further information on this matter if needed.

Motion:

*I move that the Board grants its approval to the acquisition by Greater Asheville Regional Airport Authority of the land described in the documents provided with the agenda.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

*Commissioner Hawkins made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.*

**NOMINATIONS**

Chairman Edney opened the floor for nominations.

1. Agriculture Advisory Board – 1 vac.

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

2. Equalization and Review, Henderson County Board of - 3 vac.

Chairman Edney had reached out to Whitney Staton, an attorney, to serve on the Board of Equalization and Review. Ms. Staton is willing to serve but has not completed an application yet. Chairman Edney asked the Board if they were willing to waive the rules and appoint Ms. Staton subject to receipt of her application.

The Board was in favor of waiving the rules in order to get Ms. Staton active on the Board as soon as possible.

Chairman Edney nominated Whitney Staton for position #3. *Chairman Edney made the motion to accept the appointment of Whitney Staton to position #3, subject to receipt of her application, by acclamation. All voted in favor and the motion carried.*

3. Fletcher Planning Board & Zoning Board of Adjustment – 1 vac.

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

4. Juvenile Crime Prevention Council – 2 vac.

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

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

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

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

Chairman Edney nominated Donna Sheline for position #6 and Bernard Brodsky for position #20. *Chairman Edney made the motion to accept the reappointments of Donna Sheline to position #6 and Bernard Brodsky to position #20 by acclamation. All voted in favor and the motion carried.*

7. Senior Volunteer Services Advisory Council – 1 vac.

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

#### **LOCAL OPTION OCCUPANCY TAX RESOLUTION – CITY OF SALUDA**

The City of Saluda, (Jana Berg, Attorney & Mayor Fred Baisden) had requested the Board's consideration of adopting a Resolution in Support of Legislation giving the City of Saluda the authority to levy an occupancy tax. Although the majority of Saluda is located in Polk County, there is a very small portion of the City located in Henderson County. Those properties (5 parcels) located in Henderson County are all residential in nature, so no impact to Henderson County revenues from an occupancy tax is anticipated.

The Attorney for Saluda, Jana Berg, was present to discuss the proposal. She read the resolution aloud. Ms. Berg informed the Board that if the legislation is passed, Saluda will develop a Tourism Development Authority to market Saluda as a tourist destination. Polk County currently levies a 3% occupancy tax county wide. Tryon and Columbus levy an additional 3% Occupancy tax.

Attorney Russ Burrell explained that Henderson County will continue to receive 5% and Saluda will receive 3% occupancy tax. Saluda is not subject to the Henderson County 6% maximum occupancy tax.

Beth Carden, Henderson Tourism Development Authority Executive Director, requested that this item be taken before the Henderson County TDA prior to approval.

Mayor Fred Baisden explained that only 5 parcels are located in the City of Saluda within Henderson County. Saluda is willing to carve out the Henderson County portion, however Representative Henson had recommended it all be included for a clean Bill. The Henderson County portion is steep and he doesn't feel a commercial business would consider the property any time in the near future.

*Commissioner Messer made the motion that the Board adopts the Resolution in Support of Legislation Giving the City of Saluda Authority to Levy an Occupancy Tax as presented. All voted in favor and the motion carried.*

#### **TURF FIELDS**

John Mitchell stated at the February mid-month meeting of the Board of Commissioners, the board directed

Clark Nexsen, the Architect of Record, to perform a cost benefit analysis of natural vs. artificial turf fields.

Wil Buie of WGLA Engineering and Tom Dalton of Clark Nexsen provided the following information.

#### Henderson County Schools Preliminary Turf Evaluation Presentation

Mr. Buie explained that proper operation of grass fields cost between \$8,000 and \$45,000 per field per year. The current budget is not adequate and proper construction of the current fields is not in place. With turf fields, there is cost of sweeping and replacement of material with use. The high school fields are currently being used over 1000 hours per year. Grass fields are good for 600 hours per year.

Mr. Dalton stated a recent project in Virginia Beach started with seven (7) natural turf fields. Three (3) of those fields were changed to synthetic turf. They now have 4 natural turf fields and 4 synthetic turf fields. The cost for the 4 synthetic turf fields was \$4.1m. Bids came in between \$4.1 and \$4.3m. The rough cost for four turf fields presented in this presentation is \$5,483,509.40. This price does not include new tracks but does include contingencies.

Mr. Buie noted that each field (West, East, North & Hendersonville) is configured differently and many things must be considered including but not limited to drainage and tracks. A study of each school would be required in order to obtain a scope of the project and refine the cost. The numbers presented today are for rubber fields such as used at the Activity Center. Coconut turf fields are significantly more in cost and must be irrigated.

Jamie McDonald of Field Turf of Georgia was in attendance and provided information in regard to their cost of turf fields. He feels the numbers could be reduced and fine-tuned. The 3 layer system is the most popular. 1 layer is all rubber, 2 layer is sand and rubber, and 3 layer is sand, sand & rubber, rubber. The more infill that is used the better the field.

Mr. McDonald stated Field Turf could do the fields for \$800,000 per field but this does not include contingencies. Not knowing the existing conditions of the fields, the cost for four fields would be \$3.2m plus contingencies. The fields could be done before fall of this year but they need to move as soon as possible.

Dr. John Bryant of the Board of Education stated 440 tracks are preferred. Two of the schools currently have 440 tracks.

County Manager Steve Wyatt noted \$3m is currently available in Capital Funds at this time to do three (3) of the fields.

Commissioners Hawkins and Thompson questioned if the School Board wants to make this a priority. A letter was received from the School Board in favor of turf fields, but again "Is it a priority?" Commissioner Thompson questioned if the project must go out for bids.

Attorney Russ Burrell explained that Field Turf has already contracted in North Carolina which would qualify their business for a contract with Henderson County.

*It was the consensus of the Board to only do three fields at this time and hold off for the time being on Hendersonville High School.*

Chairman Edney noted that installation of turf fields would not affect the school budget. \$600,000 will be built into their budget for chrome books.

Linda Bradley stated that Carolina Green, a North Carolina company had submitted a bid. She asked the Board to give Carolina Green an opportunity.

County Manager Steve Wyatt suggested RFPs for all turf companies to present a proposal with the scope of work and cost out, and bring it back to the Board at the April 19<sup>th</sup> meeting. Or, work with Field Turf to do all studies necessary and cost findings and choose a direction to take. RFPs would include engineering and the Construction Manager at Risk. He recommended putting out the RFPs with a completion date request of



August 1, 2017, asking for the best price. Mr. Wyatt asked Engineer Marcus Jones if RFPs could be done by the end of the month.

Marcus Jones responded it will be pushing it, but can be done.

*Chairman Edney made the motion that \$2.75m be designated for the purpose of installing turf fields at North Henderson, East Henderson, and West Henderson. All voted in favor and the motion carried.*

*Chairman Edney made the motion that staff solicit proposals from turf companies with a completion date of the project of August 1, 2017, and bring it back to the Board at their April 3, 2017 meeting. All voted in favor and the motion carried.*









Actual Field Use

High School Stadium Field Use				
August - November				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	2	3	12	72
Varsity Football (Game)	4	1	1	20
JV Football (Game)	4	1	6	24
Varsity Men's Soccer (Game)	2	2	14	56
JV Men's Soccer (Game)	2	2	12	48
General School Use	1	1	12	36
Community Use (Saturday)	6	1	6	42
<b>Total</b>				<b>312</b>
December - February				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	2	3	12	72
General School Use	2	3	6	36
<b>Total</b>				<b>108</b>
March - May				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	5	5	14	350
Tack (Practice)	1	5	12	60
Tack (Meet)	1	1	1	6
Varsity Women's Soccer (Game)	2	2	14	56
JV Women's Soccer (Game)	2	2	12	48
Spring Football Practice	2	5	2	20
General School Use	2	1	10	20
<b>Total</b>				<b>592</b>
<b>Total Annual Field Use</b>				<b>982</b>

Desired Field Use

High School Stadium Field Use				
August - November				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	3	3	12	108
Varsity Football (Practice)	2	5	16	160
JV Football (Practice - Shared Space)	6	0	6	36
Varsity Men's Soccer (Practice)	2	5	16	160
JV Men's Soccer (Practice - Shared Space)	4	0	6	24
Varsity Football (Game)	4	1	7	28
JV Football (Game)	4	1	6	24
Varsity Men's Soccer (Game)	2	2	14	56
JV Men's Soccer (Game)	2	2	12	48
General School Use	1	1	12	36
Community Use (Saturday)	6	1	6	42
<b>Total</b>				<b>724</b>
December - February				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	2	3	12	72
General School Use	2	3	6	36
<b>Total</b>				<b>108</b>
March - May				
	Daily Use (Hours)	Number of Days per Week	Number of Weeks per Season	Total Use (Hours)
Physical Education Class	5	5	14	350
Track (Practice)	1	5	12	60
Track (Meet)	1	1	1	6
Varsity Women's Soccer (Practice)	2	2	14	56
JV Women's Soccer (Practice - Shared Space)	6	0	6	36
Varsity Women's Soccer (Game)	2	2	14	56
JV Women's Soccer (Game)	2	2	12	48
Spring Football Practice	2	5	2	20
General School Use	2	1	10	20
<b>Total</b>				<b>672</b>
<b>Total Annual Field Use</b>				<b>1404</b>

**Shaw Comparison / Henderson County Estimate**

Expense	Shaw Sports Turf Estimates		Application to Henderson County	
	Grass Field	Synthetic Turf	Grass Field	Synthetic Turf
Initial Expense *	\$450,000	\$680,000	N/A	\$1,000,000
Maintenance Labor	\$30,000	\$2,000	\$30,000	\$2,000
Equipment	\$4,000	\$0	\$4,000	\$0
Fertilizers, Etc.	\$2,000	\$0	\$2,000	\$0
Top Seed/Sod	\$4,000	\$0	\$4,000	\$0
Water Repair	\$15,000	\$0	\$15,000	\$0
Sprinkler Repair	\$1,000	\$0	\$1,000	\$0
Line Paint	\$2,500	\$0	\$2,500	\$0
Deep Cleaning	\$0	\$4,000	\$0	\$4,000
<b>Total Annual Maintenance</b>	<b>\$58,500</b>	<b>\$2,000</b>	<b>\$58,500</b>	<b>\$2,000</b>
<b>x10 years</b>	<b>\$585,000</b>	<b>\$20,000</b>	<b>\$585,000</b>	<b>\$20,000</b>
<b>Total Cost After 10 Years</b>	<b>\$1,035,000</b>	<b>\$708,000</b>	<b>\$585,000</b>	<b>\$1,028,000</b>
<b>Average Use</b>	<b>600</b>	<b>3,000</b>	<b>600</b>	<b>3,000</b>
<b>x10 years</b>	<b>6,000</b>	<b>30,000</b>	<b>6,000</b>	<b>30,000</b>
<b>*Cost Per Use</b>	<b>\$172.50</b>	<b>\$23.60</b>	<b>\$97.50</b>	<b>\$54.27</b>

\* The cost to install Synthetic Turf fields varies depending on grading, drainage, and selected fill type. Based on local soil types, and usage of an organic fill such as coconut husks, the initial expense for Henderson County is estimated at \$1,000,000, rather than the more generic \$680,000 estimate from Shaw Sports.

**Table 1. Expected Field Condition Based on Hours of Field Use per Year**

Expected Field Condition	Field Use (Hours per Year)
Sustained good field conditions	200 hours or less
Good field conditions with some thinning of the turf and localized wear areas	400 to 600 hours
Fair field conditions; expect significant thinning and wear.	800 to 1,000 hours
Significant turf loss, field surface damage, increased potential for athlete injury	More than 1,000 hours

\*Information from NC State Cooperative Extension

Conceptual Budgeting - Turf Fields					
North, East, West, Hendersonville High School turf installation	4.0 fields	@	\$ 1,000,000.00		\$ 4,000,000.00
Escalation-Assumed construction complete by 6/2018	12.0 month	@	.37% per month	4.440%	\$ 177,600.00
<b>Sub total</b>					<b>\$ 4,177,600.00</b>
Overhead and Profit				6.0%	\$ 250,656.00
<b>Sub total</b>					<b>\$ 4,428,256.00</b>
Bonds and Insurance				1.3%	\$ 66,423.84
<b>Grand Total Construction costs</b>					<b>\$ 4,494,679.84</b>
Owner Contingency				10.0%	\$ 449,467.98
Soft Costs(AE fees, survey, permitting, geotech, special inspector, material testing agent, etc.)				12.0%	\$ 539,361.58
<b>Total Project costs</b>					<b>\$ 5,483,509.40</b>

**Assumptions for conceptual budget**

1. Limited exterior lighting improvements
2. Construction of all fields to be performed concurrently
3. Escalation is assumed to the mid point of construction
4. No excessive amounts of unsuitable soils, rock, wetlands, or storm water issues
5. No finance charges, bond procurement fees, etc. are included



Next Steps



- Perform preliminary study
- Objectives:
  - a. Visit each school and meet with athletic staff
  - b. Determine limits of turf installation
  - c. High level evaluation of required drainage improvements
  - d. Schematic layout of each field with limits of turf & recommended improvements
  - e. Schematic level estimates of probable costs
- Present finds to Commission

Overall Project Schedule

Task Name	Duration	Start	Finish
Commission approval to move forward	1 day	Wed 3/15/17	Wed 3/15/17
Preliminary study of 4 fields	35 days	Wed 3/15/17	Wed 4/19/17
Report to Commission	1 day	Wed 4/19/17	Wed 4/19/17
Approval to move forward with detailed design	1 day	Mon 5/1/17	Mon 5/1/17
Surveys of existing fields	45 days	Mon 5/1/17	Thu 6/15/17
Detailed design work	90 days	Thu 6/15/17	Wed 9/13/17
Advertisement to bid	30 days	Wed 9/13/17	Fri 10/13/17
Contract preparations and approval to proceed from Commission	31 days	Fri 10/13/17	Mon 11/13/17
Shop drawing reviews and approvals	45 days	Mon 11/13/17	Thu 12/28/17
Notice to proceed to Contractor	1 day	Mon 1/8/18	Mon 1/8/18
Construction duration	5 months	Tue 1/9/18	Mon 5/28/18

**CITY OF HENDERSONVILLE GREENWAY PROPOSAL**

Marcus Jones stated on March 3, 2017, we received a letter from John Connet, Hendersonville City Manager. The letter is in response to the Board’s condition that the City construct a gravel greenway over the sewer easement provided by the County for their sewer line through Jackson Park. The letter proposes a payment of \$173,031.26 in lieu of constructing the greenway over the easement. The payment amount is generated from the City Engineer’s estimate of the cost to construction the greenway over the sewer easement. The gravel road / greenway was a condition of the easement from the Board of Commissioners.

The letter further recommends the payment to be used for reconstruction of the Oklawaha Greenway between 4<sup>th</sup> Ave and Four Seasons Blvd. This reconstruction will eliminate the significant drainage problems that require the greenway to be closed after heavy rain. The cost to reconstruct this section of greenway is \$260,000 which will elevate the portion of the trail three feet and above the floodplain elevation.

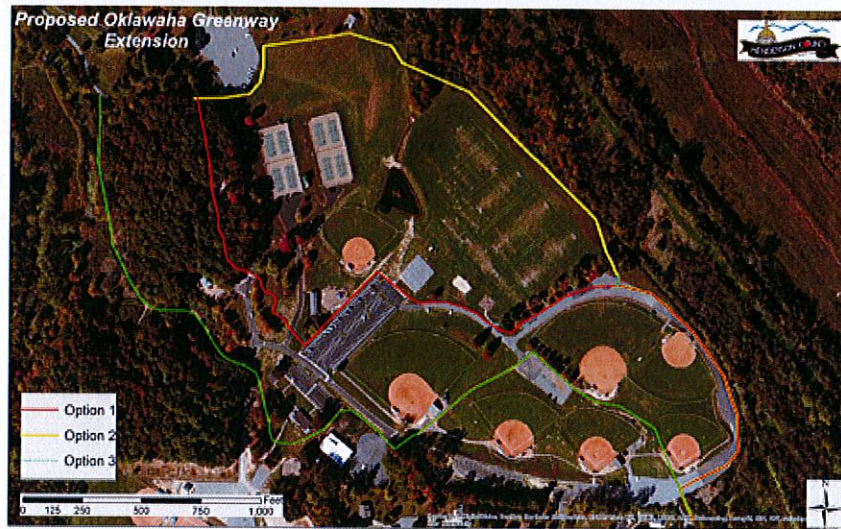
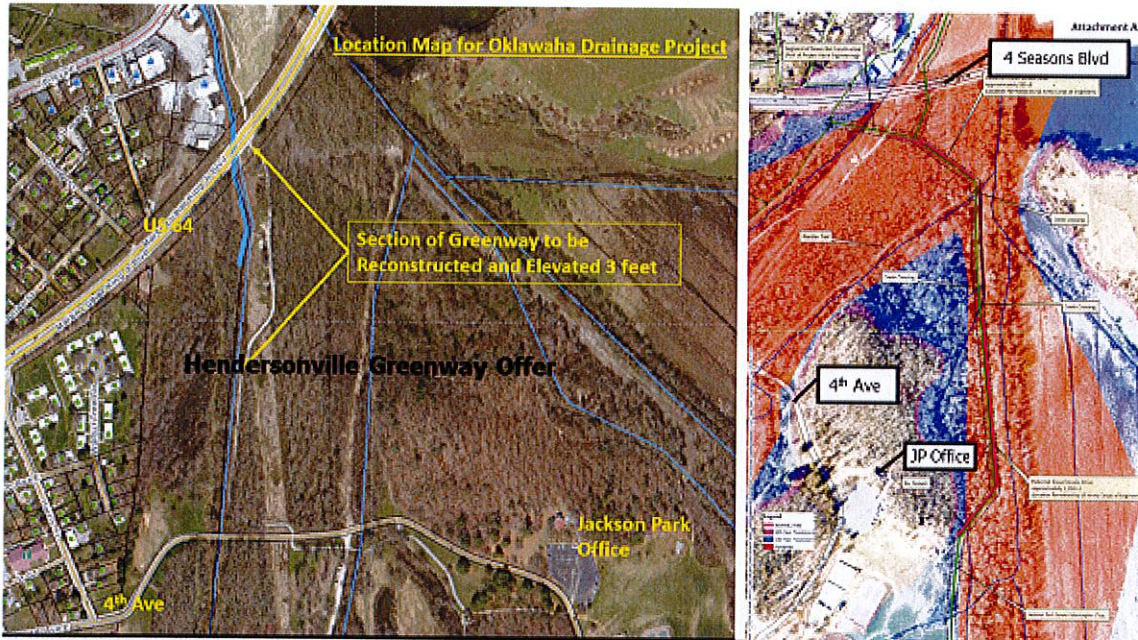
In addition to the reconstruction option, Staff has identified other possible projects for the City’s payment:

1. Extend the Oklawaha Greenway from its end point in front of the Jackson Office across the park to the Glover Street entrance side of the Park. The Recreation Advisory Committee is currently evaluating options for the alignment of the extension. Costs for the different alignments range from \$125,000 to \$280,000.
2. Extend the Oklawaha Greenway to the Athletic and Activity Center. Detailed estimates for this greenway have not been developed but preliminary estimate could be in a range of \$300,000 to \$400,000 depending on alignment and right of way availability.
3. Construct a pedestrian bridge over Mud Creek to connect the 4<sup>th</sup> Ave sidewalk to the Oklawaha Greenway: estimated cost \$300,000.

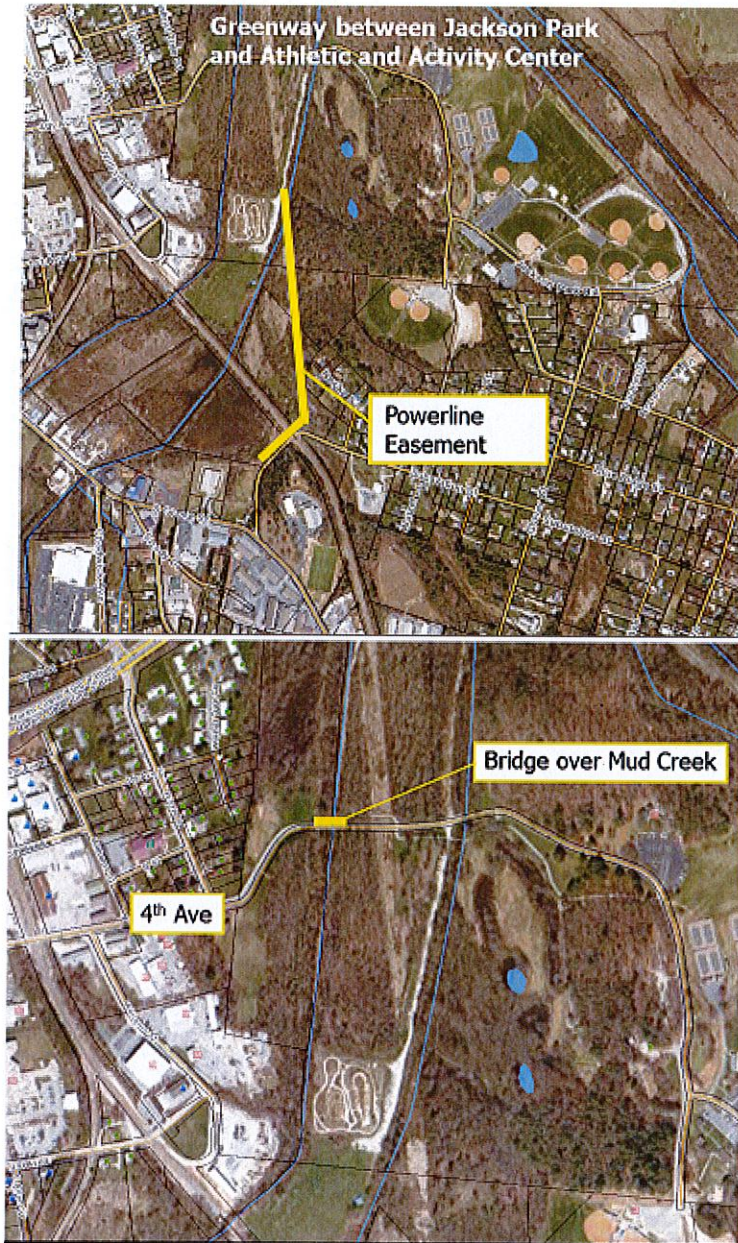


4. Develop a Recreation and Park Master Plan to include an extensive, Countywide Greenway plan. Estimates for this Master Plan are between \$75,000 and \$100,000.

It might be possible to use the City's funds to leverage a PARTF, RTP, MPO or other grants to address several of these projects. Pursuing these grants would delay the agreed to priority of the greenway reconstruction but could pay dividends by taking care of the reconstruction as well as others.







Another option is to leverage a larger grant with the City's payment to address several of these projects.

- This option would delay the agreed to priority of the greenway reconstruction but could pay dividends by taking care of reconstruction as well as others
- French Broad MPO funding
  - 20% local match for feasibility studies and construction

#### Hendersonville Greenway Offer

The following meeting occurred after the agenda item was published:

- Staff met with the MPO to confirm the funding options through their organization. The MPO was supportive of possible greenway projects.
- Staff presented this information to the Recreation Advisory Committee. They voted unanimously to recommend the MPO funding option and to again support the funding of a Recreation and Park Master Plan in the FY2018 budget.

Commissioner Lapsley explained that the MPO (Metropolitan Planning Organization) is made up of elected individuals in the area. The MPO does not have money, and NCDOT money is being utilized. It is a very extensive process. Commissioner Lapsley is Henderson County's delegate and will work hard toward the project.

*Commissioner Hawkins made the motion that the Board directs staff to work with the MPO to make a Greenway Plan County wide. All voted in favor and the motion carried.*

*Commissioner Messer made the motion that the Board directs staff to work with the City of Hendersonville to determine the use of Hendersonville's funding of \$173,031.26. All voted in favor and the motion carried.*

### **HENDERSON COUNTY SHERIFF'S OFFICE RECORDS RETENTION AND DISPOSITION SCHEDULE**

Jason Smith, Attorney for the Sheriff's Office stated this item was on the March 6, 2017 agenda and the Chairman requested it be placed back on the March 15, 2017 agenda for questions concerning the types of records being disposed.

The Government Records Section of the North Carolina State Archives located within the North Carolina Department of Cultural Resources issued an amendment to the County Sheriff's Office Records Retention and Disposition Schedule. This amendment reflects changes in North Carolina law concerning law enforcement audio and video recordings as set out in House Bill 972, Law Enforcement Recordings/No Public Record, which went into effect on October 1, 2016. This amendment establishes a 30 day retention period for audio and video recordings and makes exceptions to keep the recording longer if the recording is part of a criminal case. This schedule amendment must be approved by the Sheriff and the Henderson County Board of Commissioners for use by the Sheriff's Office.

Chairman Edney was concerned that some records would be disposed of prior to the case going to court. Mr. Smith explained that many records are retained beyond what is required for Records Retention in case they are needed later for court.

*Commissioner Hawkins made the motion that the Board approves the Amendment to the Schedule as presented and authorize the Sheriff and Chairman to execute the approval sheet. All voted in favor and the motion carried.*

### **REVIEW OF PUBLIC WATER UTILITY SYSTEMS**

Commissioner Lapsley provided a review of public water utility systems operating in Henderson County. This agenda item's purpose is to provide a mechanism for accountability and oversight of the largest public water system in Henderson County. To provide a check and balance of the future actions of City Council of the City of Hendersonville which currently has unregulated authority to do whatever it chooses with the operation of its water system. Their water system is clearly a monopoly that has expanded far beyond its legal authority. It is well past the time when the vast majority of their customers who are located outside their city limits gain a voice in its operation and its policies. If the City Council will not take a leadership position and step up to share the governance with its customer representatives then the only option available to protect the consumer is to place the system under the watchful eyes of the NC Utilities Commission.

The City claims in its press releases that it has done all these good things like a master plan and water studies, etc. that have been good for everyone.

Mr. Lapsley applauds the City Council and the system management for many of the things that they have done but that is not the issue. The issue if the decision makers for all of these matters is a governing body that does not represent all of the system customers. We have a situation where a handful of people (city voters) select the management body to make decisions that impact the largest group of the customer base. We have one municipality determining the fate of another municipality. That is a disaster waiting to happen.



**Public Water Utilities in North Carolina**

- **Public Utility** means a person, whether organized under the laws of this State or under the laws of any other State or Country, now or hereafter owning or operating in this State equipment or facilities : ... for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, . . .
- Because of the enormous capital investment in the utility infrastructure the public utility is in exclusive possession or control of the supply or trade in a commodity or service (a monopoly)

**Public Water Utility Regulation in North Carolina**

- State of North Carolina General Assembly recognized that in order to protect the consumer / customer of a public water utility that it was imperative to establish a government organization to oversee & regulate these companies operating in a community where there is no competition (monopoly)
- The State of North Carolina adopted the Public Utilities Act in 1891!
- The Act (Chapter 62) provides for the establishment of the NC Utilities Commission – a 7 member Board serving 6 year terms, appointed by the Governor
- The purpose is to provide oversight & accountability of the utility ownership/management – rates & fees, extension policies, customer service standards, etc.

**Public Water Utility Systems in Henderson County**

Name	Accounts	Population	Name	Accounts	Population
City of Hendersonville	27,400	60,000	Indian Springs MHP	42	76
Town of Laurel Park	804	2,010	Crab Creek Valley S/D	42	32
City of Asheville	750	1,875	Pinnacle Falls S/D	40	80
High Vista Estates S/D	232	738	Country Place S/D	38	60
Fox Ridge S/D	180	457	Lake Summit – North	37	172
Rambling Ridge S/D	136	200	Fruitland MHP	30	75
Cinnamon Woods S/D	126	288	Knoll Ridge MHP	30	75
Fletcher Academy	101	965	Camelot S/D	28	70
Magnolia MHP	92	138	Mountain View MHP	27	67
Hooper Valley Estates S/D	88	220	Cleta Falls S/D	27	75
Woodhaven S/D	80	198	Cliffs Valley North S/D	24	50
White Oak Village S/D	75	185	Country Acres MHP	24	30
Maple Hill MHP	74	185	Holly Tree S/D	23	95
Tuxedo Water System	66	168	Fairfield Apartments	22	56
Lake Sheila S/D	60	98	Grahams MHP	20	25
Lake Summit – South	57	178	Jeter Mountain MHP	18	45
Bearallow Valley MHP	49	124	Village of Flowers S/D	15	97
Clear Creek Meadows S/D	49	124	Mountain View Assisted Living	4	44
Oak Crest Estates S/D	49	98	<b>Totals</b>	<b>30,959</b>	<b>69,482</b>

- All public water utility operations are subject to review by the Utility Commission except:  
 Municipal owned water systems  
 Water & Sewer Authority systems established per State Statute  
 Homeowners Association water systems  
 Water Systems with less than 15 connections
- Why are these exempt?  
 The governing body which sets the rates & fees, policies, etc. are subject to recall by the consumers of the system thru the public election process. If the Board gets out of line the customers can vote them out of office.

**Municipal Public Water Systems Henderson County Exempt from NC Utilities Commission**

Owner / Municipality	Accounts	% Outside
City of Hendersonville	27,400	75 %
Town of Laurel Park	804	0 %
City of Asheville	750	44 %
City of Saluda	94	27 %

The City of Asheville & City of Saluda customers in Henderson County should be shown as 100% outside.

**Customer Imbalance**

- Is this inside/outside customer imbalance unusual?
- UNC School of Government collected data in 2011 and reports that there are 296 municipal water systems in our State

96.6 % (286) of them reported less than 50% of their customers are located outside their corporate limits.

3.4% (10) of them reported more than 50% of their customers are located outside their corporate limits.

**Leaders in Outside Customer Base**

<u>Municipality</u>	<u>Total Accounts</u>	<u>% outside</u>	<u>Water Rate</u>
Town of Linden	679	89%	0%
City of Hendersonville	25,268	75%	+ 66%
Town of Valdese	5,263	70%	+ 56%
Town of Teachey	199	70%	0%
Town of Ellenboro	827	60%	+ 28%
Town of Clyde	1,178	57%	+ 75%
Town of Hillsborough	5,168	54%	+ 95%
Town of Powellsville	250	53%	0%
Town of King	8,044	50%	+ 25%
Town of Falcon	313	50%	0%

UNC School of Government 2011 data – 2016 survey report

**City of Hendersonville Public Water System**

- Outside City customer accounts – 19,000 (72%)
  - Inside City customer accounts - 7,400 (28%)
- Total Accounts 26,400

- Outside City customer accounts –  
 Town of Laurel Park  
 Town of Fletcher  
 Town of Mills River  
 Village of Flat Rock  
 Unincorporated Henderson County

\*Data provided by the City of Hendersonville to Henderson County in March, 2015

- This imbalance of the customer base has created a situation where the governing body of the City of Hendersonville is not answerable to the vast majority of the system’s customers.
- There is no means for the customers located outside of the corporate limits to hold the governing body accountable for its actions.
- More specifically, for discriminating service to those who are located outside the city’s legally established jurisdiction.

**City of Hendersonville Water Rates & Fees**

	3,000 Gal/Month	5,000 Gal/Month	10,000 Gal/Month
Inside City Bill	\$ 14.19	\$ 19.79	\$ 33.79
Outside City Bill	\$ 21.47	\$ 30.17	\$ 51.92
Surcharge	+ 51.3%	+ 52.5 %	+ 53.7 %

How can this governance control be corrected to protect the consumers / customers?

- Option # 1 Establish a new governance board composed of members from each of the customers governing bodies (Town of Laurel Park, Town of Mills River, Town of Fletcher, Village of Flat Rock, City of Hendersonville & Henderson County)
- Option # 2 – Amend Chapter 62 Public Utilities Act to expand the jurisdiction of the NC Utilities Commission to include those municipal water systems with a customer base of 50% or more located outside its’ corporate limits.

This would result in a thorough review by the NC Utilities Commission of the City of Hendersonville Water System rates & fees to make them uniform for all customers. It would also provide a thorough review and oversight of all water system operating policies to make sure there is no discrimination of outside “city customers” vs inside “city customers”. It would make available to all customers of the system a means for holding the system’s owner/governing board accountable for their actions.

- The Henderson County Board of Commissioners have explored and supported the implementation of Option # 1 with the City of Hendersonville City Council numerous times over the past 40 years.
- Each time the subject has been presented to City Council both formally and informally they chose to keep the governance of the public utility water system under their sole control. There have been advisory boards and committees to present advice but they have always faded away over time and been given no administrative authority.
- The Henderson County Board of Commissioners, acting as elected officials for the 19,000+ customers of the City of Hendersonville water system located outside their area of jurisdiction, recently made one more attempt to gain support from the City Council to advance the implementation of Option # 1 (new governing body).
- The City Council has once again declined the request and will continue to retain total control of the largest public water utility in Henderson County.

The County Commissioners should decide whether or not to proceed with the implementation of Option # 2 (Public Utilities Act amendment). If this Board determines that such an action is in the best interest of these 19,000+ customers then a resolution supporting this option must be made as soon as possible to our Henderson County representatives in the NC General Assembly (McGrady, Henson, & Edwards). This resolution would request that they introduce legislation in the current session to accomplish this goal.

Commissioner Messer left the meeting prior to the vote.

*Grady Hawkins made the motion that the Board supports Option #2, requesting our Representatives to Amend Chapter 62 Public Utilities Act to expand the jurisdiction of the NC Utilities Commission to include those municipal water systems with a customer base of 50% or more located outside its corporate limits. The motion passed 3-1 with Commissioner Thompson voting nay.*

Chairman Edney stated the City and County work well together. A principle only needs to be addressed. The County needs the ability for waterlines outside of the municipality. It is his understanding that Representative McGrady will file a bill regardless. This is not a local bill but a statewide bill. The threat is from Raleigh and not Henderson County. The Board would like to hold future discussions with the City.

### **COUNTY MANAGER’S REPORT**

County Manager Steve Wyatt stated contrary to belief, Andrew Jackson, the seventh president of the United States, was born 250 years ago today in Waxhaw, North Carolina.

Mr. Wyatt informed the Board that internal auditor Samantha Reynolds had completed a marathon...and was feeling the effects of it today.

### **5<sup>TH</sup> AVENUE CLUBHOUSE PROPERTY**

Attorney Russ Burrell informed the Board that a 6<sup>th</sup> upset bid had been received on the Clubhouse property in the amount of \$286,000.00.

### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.



*Commissioner Thompson made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3), consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. All voted in favor and the motion carried.*

**ADJOURN**

*Chairman Edney made the motion to go out of closed session and adjourn at 2:05 p.m. All voted in favor and the motion carried.*

Attest:

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

\_\_\_\_\_  
J. Michael Edney, Chairman

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

J. MICHAEL EDNEY  
Chairman  
GRADY H. HAWKINS  
Vice-Chairman

CHARLIE MESSER  
WILLIAM G. LAPSLEY  
THOMAS H. THOMPSON

## Resolution Honoring the Observance of "We Are Hope" Week in Henderson County Public Schools' Middle & High Schools

April 3-7, 2017

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

**WHEREAS**, drug overdose was the leading cause of accidental death in the U.S. with 52,404 lethal drug overdoses and 20,101 overdose deaths specifically related to prescription pain relievers in 2015, according to the American Society of Addiction Medicine's 2016 data; and

**WHEREAS**, substance and alcohol abuse continues to occur among children and youth in our society: 13.1 percent of high school students in North Carolina currently smoke cigarettes, 49.4 percent have used electronic vapor products, 14 percent have tried alcohol before age 13, 29.2 percent currently drank alcohol, 41.2 percent have used marijuana and 17.9 percent have taken prescription drugs without a doctor's prescription, according to the Centers for Disease Control and Prevention's 2015 data; and


**WHEREAS**, student leaders in Henderson County Public Schools' six high schools and four middle schools have joined with local Henderson County coalition HopeRx, the Henderson County Department of Public Health, Blue Ridge Health, Pardee Hospital, Park Ridge Health, local free clinics, Henderson County EMS, and the Henderson County Sheriff's Office in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and

**WHEREAS**, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, Balfour Education Center, East Henderson High, Henderson County Early College High, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

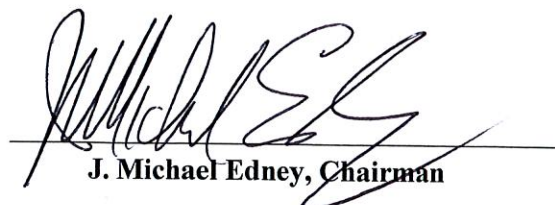
**NOW THEREFORE BE IT RESOLVED**, by the Henderson County Board of Commissioners, that April 3-7, 2017, be observed in Henderson County Public Schools' middle and high schools as "We Are Hope" substance abuse awareness week.

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

Adopted this 15th day of March 2017.

  
Teresa L. Wilson

Attest: Teresa L. Wilson, Clerk to the Board

  
J. Michael Edney, Chairman



# Certificate of Recognition

by the  
Henderson County Board of Commissioners

This certificate is awarded to

Deputy Robert Pace & K9 Maik



In recognition of receiving an excellence award from the United States Police Canine Association (USPCA) - Case of the Fourth Quarter for 2016 USPCA Region II for outstanding performance in the detection and prevention of crime.



  
J. Michael Edney, Chairman

3/15/2017  
Date

3/15/2017  
Date

Grady H. Hawkins, Vice-Chairman



# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595 | FAX: (828) 698-6153

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

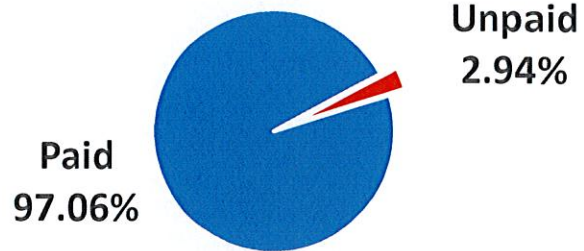
Friday, March 03, 2017

Re: Tax Collector's Report to Commissioners - Meeting Date March 15, 2017

Please find outlined below collections information through March 2, 2017 for the 2016 real and personal property bills mailed on August 8, 2016. Vehicles taxes are billed monthly by NC DMV.

## Henderson County Annual Bills (Real and Personal Property):

<b>2016 Beginning Charge:</b>	<b>\$69,946,900.37</b>
Discoveries & Imm. Irreg.:	\$781,216.74
Releases & Refunds:	(\$639,317.22)
<u>Net Charge:</u>	<u>\$70,088,799.89</u>
Unpaid Taxes:	\$2,063,629.12
<b>Amount Collected:</b>	<b>\$68,025,170.77</b>



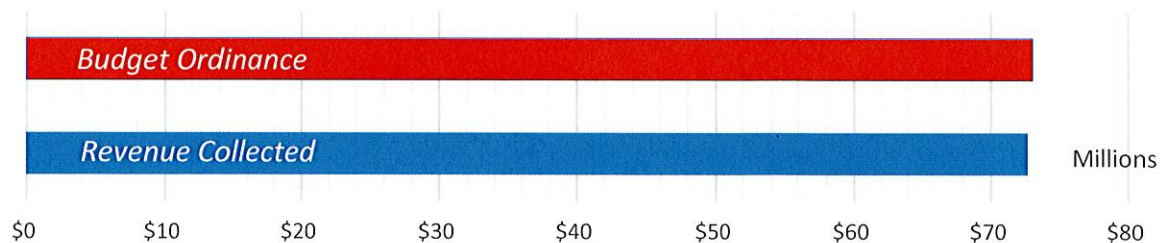
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$3,763,841.26
Unpaid Taxes:	\$17,499.34
<b>Amount Collected:</b>	<b>\$3,746,341.92</b>

**99.54%**

## Henderson County FY17 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$71,500,676.00	Ad Valorem: \$71,771,512.69
Prior Years:	\$1,575,000.00	Prior Years: \$945,848.59
<b>Budget Total:</b>	<b>\$73,075,676.00</b>	<b>YTD Revenue: \$72,717,361.28</b>



Respectfully Submitted,

Luke Small  
 Deputy Tax Collector

Darlene Burgess  
 Tax Administrator

**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 March 15, 2017 at 9:00 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman J. Michael Edney presiding.

The following members were present: J. Michael Edney , Chairman; Grady Hawkins, Vice-Chairman; Thomas H. Thompson; Charlie Messer; William G. Lapsley.

The following members were absent:

None

\* \* \* \* \*

Commissioner Hawkins moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted, by reading the title thereof (further reading waived without objection):

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

*WHEREAS*, the County of Henderson, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

*WHEREAS*, the Board hereby determines that it is in the best interest of the County to (1) enter into an Installment Financing Contract (the "*Contract*") with Henderson County Governmental Financing Corporation (the "*Corporation*") in order to pay the capital costs of (a) the acquisition, construction and equipping of an emergency services headquarters facility for the County (the "*Project*"), and (2) to enter into a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to the County's fee

simple interest in certain real property on which the Project will be located (the "Site") that will provide security for the County's obligations under the Contract;

*WHEREAS*, the County hereby determines that the acquisition, construction and equipping of the Project is essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the County by virtue of the findings presented herein;

*WHEREAS*, the County hereby determines that the Contract allows the County to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

*WHEREAS*, the County hereby determines that the estimated cost of financing the acquisition, construction and equipping of the Project is an amount not to exceed \$14,500,000, and that such cost of the acquisition, construction and equipping of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

*WHEREAS*, although the cost of financing the acquisition, construction and equipping of the Project pursuant to the Contract is expected to exceed the cost of financing the acquisition, construction and equipping of the Project pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the acquisition, construction and equipping of the Project pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring, constructing and equipping the Project; and (3) no revenues are produced by the Project so as to permit a revenue bond financing;

*WHEREAS*, the County has determined and hereby determines that the estimated cost of financing the acquisition, construction and equipping of the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

*WHEREAS*, Parker Poe Adams & Bernstein LLP, as special counsel ("*Bond Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

*WHEREAS*, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

*WHEREAS*, the County is not in default under any of its debt service obligations;



*WHEREAS*, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

*WHEREAS*, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

*WHEREAS*, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

*WHEREAS*, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust and the Project to be financed.

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:*

Section 1. ***Authorization to Negotiate the Contract.*** That the County Manager and the Finance Director, with advice from the County Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County for the financing of the acquisition, construction and equipping of the Project for a principal amount not to exceed \$14,500,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, a Deed of Trust conveying a lien and interest in the Site, including the improvements thereon, as may be required by the entity, or its assigns, providing the funds to the County under the Contract.

Section 2. ***Application to LGC.*** That the Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Bond Counsel, Financial Advisor and Underwriters.*** That the County Manager and the Finance Director, with advice from the County Attorney, are hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Raleigh, North Carolina, as bond counsel; Stephens Inc., Charlotte, North Carolina, as financial advisor; and PNC Capital Markets LLC, Charlotte, North Carolina, as underwriter.

Section 4. ***Public Hearing.*** That a public hearing (the "Public Hearing") shall be conducted by the Board of Commissioners on April 3, 2017 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, Hendersonville, North Carolina, concerning the Contract, the Deed of Trust, the proposed Project and any other transactions contemplated therein and associated therewith.

Section 5. *Notice of Public Hearing.* That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the Public Hearing.

Section 6. *Repealer.* That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. *Effective Date.* That this Resolution is effective on the date of its adoption.

On motion of Commissioner Hawkins, the foregoing resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**" was duly adopted by the following vote:

AYES: J. MICHAEL EDNEY, CHAIRMAN; GRADY HAWKINS, VICE-CHAIRMAN; THOMAS H. THOMPSON; CHARLIE MESSER; WILLIAM G. LAPSLEY.

NAYS: NONE



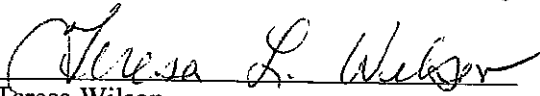
STATE OF NORTH CAROLINA )  
 )  
COUNTY OF HENDERSON )

SS:

I, TERESA WILSON, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** adopted by the Board of Commissioners of the County of Henderson, North Carolina at a meeting held on the 15th day of March, 2017.

*WITNESS* my hand and the corporate seal of the County of Henderson, North Carolina, this the 15th day of March, 2017.



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

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** Code Enforcement Services

*Please make the following line-item transfers:*

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

Account	Line-Item Description	Amount
<u>115492-530199</u>	<u>Professional Services</u>	<u>\$52,500</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>\$52,500</u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*

Board approved demolition of Nuisance property at 202 Markley Dr. Funding must come from outside department budget, unable to fund from existing 115492 budget.

Budget  
Authorized by Department Head

\_\_\_\_\_ Date

Authorized by Budget Office

\_\_\_\_\_ Date

Authorized by County Manager

\_\_\_\_\_ Date

*For Budget Use Only*

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

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

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



**GREENE'S TREE SERVICE**  
**CONSULTING**  
**TREE SURGEON • FULLY INSURED**  
 3765 EVANS RD  
 HENDERSONVILLE, NC 28739  
 (828) 693-5489

Feb 7, 2017 1216

CUSTOMERS ORDER NO.	DATE ORDERED
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO <b>Toby Linville</b>	PHONE
ADDRESS	MECHANIC
CITY	HELPER

JOB NAME AND LOCATION <b>Markley Dr</b>	<input type="checkbox"/> DAY WORK
DESCRIPTION OF WORK	<input type="checkbox"/> CONTRACT
	<input type="checkbox"/> EXTRA

**Furnish labor, equipment and insurance**

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
	Four lots, remove burned buildings and debris surrounding the buildings. Remove old wood, plastic containers, scrap metal, boats, tires, and glass.	\$ 52,500 <sup>00</sup>	
<p>Contractor will keep revenues from recyclable materials.                      Contractor will remove all junk, garbage, tires and solid waste.                      Wood debris and beneficial fill will be piled in back of property.                      Buildings, vehicles and tractors will remain on property. Vehicles will be moved to back of property and parked parallel if feasible.</p>			
<p>Digitally signed by Toby Linville                      DN: cn=Toby Linville, o=Code Enforcement, ou=Henderson County, email=tlinville@hendersoncountync.org, c=US                      Date: 2017.03.02 09:27:44 -05'00'</p> <p><b>Toby Linville</b></p>			
	<i>Allen Greene</i>		
HOURS	LABOR	AMOUNT	TOTAL MATERIALS
	MECHANICS @		

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

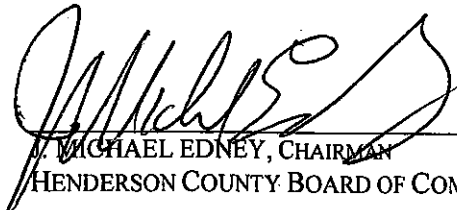
J. MICHAEL EDNEY  
Chairman  
GRADY HAWKINS  
Vice-Chairman

CHARLES MESSER  
WILLIAM LAPSLEY  
THOMAS THOMPSON

## RESOLUTION ACKNOWLEDGING APRIL 15-29, 2017 AS SPRING 2017 LITTER SWEEP ROADSIDE CLEANUP

- WHEREAS,** the North Carolina Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and
- WHEREAS,** the Henderson County Board of Commissioners will acknowledge the Spring 2017 Litter Sweep roadside cleanup which will take place April 15-29, 2017 and encourages civic and professional groups, local governments, businesses, churches, schools, families, and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and
- WHEREAS,** community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during Litter Sweep and may receive certificates of appreciation for their participation; and
- WHEREAS,** the great natural beauty of our state, Henderson County, and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and
- WHEREAS,** the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and
- WHEREAS,** the Litter Sweep cleanup will be a part of educating the youth of Henderson County regarding the importance of a clean environment to the quality of life in North Carolina;
- NOW, THEREFORE,** be it resolved that we, the Henderson County Board of Commissioners, does Hereby proclaim April 15-29, 2017 as Litter Sweep time in Henderson County and encourages citizens in all 100 counties of North Carolina to take an active role in making their communities cleaner.

Adopted this 15<sup>th</sup> day of March, 2017.

  
MICHAEL EDNEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
TERESA L. WILSON, CLERK TO THE BOARD



# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

J. MICHAEL EDNEY  
Chairman  
GRADY H. HAWKINS  
Vice-Chairman

CHARLES D. MESSER  
WILLIAM G. LAPSLEY  
THOMAS H. THOMPSON

## A Resolution in Support of Legislation Giving the City of Saluda Authority to Levy an Occupancy Tax

WHEREAS, the City of Saluda has asked its local representatives in the General Assembly to introduce a bill to authorize the City of Saluda to levy an occupancy tax; and

WHEREAS, the City of Saluda has determined that proceeds from the levy of an occupancy tax would enhance promotion and marketing of the City as a tourist destination; and

WHEREAS, a small portion of the City of Saluda is located within Henderson County and the properties located within Henderson County are few and residential in nature; and

WHEREAS, it is anticipated that levy of occupancy tax by the City of Saluda would have no or very little impact to revenues of Henderson County.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners supports the legislation giving the City of Saluda authority to levy an occupancy tax.

ADOPTED this the 15<sup>th</sup> day of March, 2017.

  
\_\_\_\_\_  
J. MICHAEL EDNEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST   
TERESA L. WILSON, CLERK TO THE BOARD



**CITY OF SALUDA**  
NORTH CAROLINA

**MAYOR**  
Fred Baisden  
**CITY MANAGER**  
Jonathan Cannon  
**COMMISSIONERS**  
Mark Oxtoby  
Carolyn Ashburn  
Stan Walker  
Leon Morgan

Friday, March 3, 2017

Henderson County Commissioners  
Attn: Steve Wyatt  
1 Historic Courthouse Square  
Suite 2  
Hendersonville NC, 28792

Dear County Commissioners,

I am writing to you on behalf of the Board of Commissioners for the City of Saluda. The City of Saluda is working with Representative Henson and Senator Hise from the NC General Assembly to prepare a Local Act for a Local Option Occupancy Tax in the 2017 General Assembly Short Session. This local act would allow Saluda to collect 3% occupancy tax within the city limits. Most of the city is located within Polk County, however a small portion of the City of Saluda is located within Henderson County. Representative Henson has requested a resolution from the governing body of Henderson County in support of this legislation.

No impact to Henderson County revenues from occupancy tax are anticipated. The properties within the city limits of Saluda and Henderson County are residential properties and few in number. Therefore, I respectfully request the Henderson County Commissioners unanimously adopt a resolution supporting the City of Saluda pursuing a Local Act to Levy an Occupancy Tax. For your convenience, I have provided a resolution for adoption.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

Fred Baisden

**Mayor**

Office: (828) 749-2581

Fax: (828) 749-9292

Email: [fred@cityofsaludanc.com](mailto:fred@cityofsaludanc.com)

Website: [www.cityofsaludanc.com](http://www.cityofsaludanc.com)

Address:



CITY COUNCIL:  
BARBARA G. VOLK  
Mayor  
STEVE CARAKER  
Mayor Pro Tem  
RON STEPHENS  
JERRY A. SMITH, JR.  
JEFF MILLER

# CITY OF HENDERSONVILLE

*The City of Four Seasons*

OFFICE OF THE CITY MANAGER  
JOHN F. CONNET

OFFICERS:  
JOHN F. CONNET  
City Manager  
SAMUEL H. FRITSCHNER  
City Attorney  
TAMMIE K. DRAKE  
City Clerk

March 3, 2017

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

RE: Jackson Park Access Road or Path

Dear Mr. Wyatt:

In June 2013, the City of Hendersonville (City) and Henderson County (County) executed an Inter-Local Agreement (Agreement) establishing the conditions for the conveyance of a Deed of Easement from the County to the City for the Jackson Park Sewer Project. One of the conditions of the conveyance was the construction of a stone path five (5') feet in width along the easement. The stated reason for the path is to allow walking and biking by City and County residents. The agreement specifies that Henderson County will be responsible for maintaining the path.

The City of Hendersonville would like to request that the Agreement be amended to eliminate the requirement for the construction of the path for the following reasons:

1. The path alignment is located within the floodway and jurisdictional wetlands and is covered by standing water a significant portion of the year. Any placement of stone or gravel will be washed away or covered by mud within a short period of time.
2. Due to the nature of the area and numerous creek crossings, which cannot be piped, it will be difficult for most residents to use the path for biking and walking. In fact, the creek crossings and high water cause one section of the path to be cut off from reasonable access from any portion of Jackson Park.
3. Even if the path is constructed, we believe it will cause a significant maintenance burden for the Henderson County Parks and Recreation Staff. We believe that burden may be so great that the path will be absorbed by the wetlands environment.
4. Finally, due to the aforementioned reasons, we do not believe that this is a wise expenditure of public funds. We believe that due to environmental conditions the trail will be used on a very limited basis, if at all, by local residents and therefore does not justify the short term investment by the City of Hendersonville or the long term investment by Henderson County.

However, we realize the construction of the path was an important consideration in the conveyance of the Deed of Easement and we would suggest the following alternative.

145 Fifth Ave. E.  
Hendersonville, NC 28792-4328

jconnet@hvlnc.gov  
www.hvlnc.gov

Phone: 828.697.3000  
Fax: 828.697.3014

The City of Hendersonville will provide a not to exceed amount of \$173,031.26 to fund the elevating and reconstruction of the existing Oklawaha Greenway from the US 64 Bridge to 4<sup>th</sup> Avenue East. This amount is based on the estimated construction cost of the aforementioned access road or path. I have attached a copy of our construction estimate for your review. The funds will be paid to Henderson County upon the completion of the work.

If this proposal is acceptable, I would request that our attorneys prepare the appropriate amendment to the 2013 Inter-Local Agreement and submit this amendment to our respective governing boards for final approval.

Thank you for your consideration in this matter. The City looks forward to discussing this matter further with the County. If you have any questions or need any additional information, please feel free to contact me at (828) 233-3201.

Sincerely,



John F. Connet  
City Manager

- Cc: Mayor and City Council
- Sam Fritschner, City Attorney
- Brent Detwiler, City Engineer
- Lee Smith, Utilities Director

**County Sheriff's Office  
Records Retention Schedule Amendment**

Amending the County Sheriff's Office Records Retention and Disposition Schedule published November 15, 2015.

**STANDARD 8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS**

Amending Item 10, Audio and Video Recordings, as shown on substitute page 57.

**APPROVAL RECOMMENDED**

\_\_\_\_\_  
County Sheriff

*Sarah E. Koonts*  
\_\_\_\_\_

Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

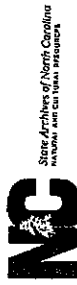
*[Signature]*  
\_\_\_\_\_  
Chairman, Bd. of County Commissioners

*Susan W. Kluttz*  
\_\_\_\_\_  
Susan W. Kluttz, Secretary  
Department of Natural and Cultural Resources

County: Henderson

October 1, 2016





STANDARD-8. PROGRAM OPERATIONAL RECORDS: SHERIFF RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.	<p><b>AUDIO AND VIDEO RECORDINGS</b> Tapes and digital recordings generated by mobile and fixed audio and video recording devices.</p> <p>Does not include <b>ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE)</b>, page 65, item 35.</p>	<p>a) Destroy in office after 30 days if not made part of a case file.*</p> <p>b) If records are made part of a case file follow disposition instructions for <b>CASE HISTORY FILE: FELONIES</b>, page 57, item 11; or <b>CASE HISTORY FILE: MISDEMEANORS</b>, page 58, item 12.</p>	Confidentiality: G.S. § 132-1.4A
11.	<p><b>CASE HISTORY FILE: FELONIES</b> Includes investigative reports, complaint reports, fingerprint cards, original arrest reports, copies of warrants, special expenditure reports; statements of seized and returned property, interview sheets; case status reports, photographs, court orders, correspondence; officer's notes, laboratory tests, court dispositions, audio or video recordings, and other related records.</p> <p>See also <b>ELECTRONIC RECORDINGS OF INTERROGATIONS (JUVENILE OR HOMICIDE)</b>, page 65, item 35.</p>	<p>a) Destroy in office records concerning solved cases after 20 years.*</p> <p>b) Retain in office records concerning unsolved cases until solved, and then follow disposition instructions in part (a).</p>	Confidentiality: G.S. § 132-1.4

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See **AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION**, page vi.

† See signature page. The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.