

# DRAFT

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MONDAY, JUNE 3, 2013

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 Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner Larry Young, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Finance Director J. Carey McLelland, Senior Planner Autumn Radcliff, Director of Business and County Development John Mitchell, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Environmental Programs Coordinator Megan Piner, Soil & Water Conservation District Director Jonathan Wallin, Sheriff Charlie McDonald, Department of Health Administrative Assistant Cathy Nicholson, Building Services Director Tom Stauffer, Environmental Health Supervisor Seth Swift, Social Work Program Administrator Jerrie McFalls, Chief Deputy Rodney Raines, Assessor/Tax Collector Stan Duncan, Officer David Pierce as security, and Public Information Officer Christina Hallingse, (videotaping).

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Jacob Bryant of the Hawks 4-H Club.

### PUBLIC HEARINGS

#### **Public Hearing to Consider Economic Incentives for Continental Automotive Systems, Inc. ("Project Cloud")**

*Commissioner Hawkins made the motion to go into public hearing to consider economic incentives for Continental Automotive Systems, Inc. All voted in favor and the motion carried.*

President and CEO of the Henderson County Partnership for Economic Development Andrew Tate stated Continental Automotive Systems, Inc. ("Continental") is a manufacturing concern located inside and outside the United States contemplating expansion at its site in Henderson County. Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by Continental between \$30,000,000 and \$55,000,000.00 in real and business personal property (equipment) over a period of four years. The project would result in the creation of an estimated forty (40) new jobs (but not less than nineteen (19) new jobs), at an average wage of \$41,000 per year, plus other benefits. The contemplated incentives would last for a period of seven years for each year's investment (with incentives calculations based on depreciated tax value). The first year's contemplated incentive, if granted, would be between \$32,870.40 and \$81,491.20, based on the actual new investment, the number of new employees, and the Board's incentives guidelines. The range of incentives to be considered in this grant over a period of nine years would be between \$627,105.60 and \$1,115,025.58.

#### Public Input

1. Dennis Justice – Mr. Justice is against economic development incentives to big companies. He feels the companies do not need the incentives and do not create jobs.

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

DATE APPROVED:

*Commissioner Edney made the motion that the Board grants economic development incentives, under the Board's guidelines, for a period of seven years, as stated in the agenda item. All voted in favor and the motion carried.*

### **Public Hearing to hear from the public on the proposed FY 2013-2014 Budget**

The Board of Commissioners is requested to hold the public hearing on the FY 2013-2014 Budget.

*Commissioner Hawkins made the motion to go into public hearing in regard to the proposed FY 2013-2014 Budget. All voted in favor and the motion carried.*

### Public Input

1. Clay Eddleman – Mr. Eddleman is a member of the Henderson County Democratic Party. He asked the Board to stop cutting funds for the schools and instead support the schools.
2. Bob Heltman – Mr. Heltman is against public funding of the Arts, and feels they should be privately funded only.
3. Melody Heltman – Mrs. Heltman is against an increase in taxes. She feels the schools receive adequate funding, Arts should be funded privately only, and economic development is good.
4. Jane Bilello – Ms. Bilello requested that the tax rate be reduced to .50 per \$100. She feels the county can handle the requests in the budget with the reduced rate as there is plenty of money in the fund balance.
5. John McCormick – Mr. McCormick is Chair of the BRCC Board of Trustees. BRCC contributes \$13 million annually to the economy and is successful in expansion of business in Henderson County. He asked the Board to weigh the benefits of BRCC when considering the budget.
6. Angie Alley – Ms. Alley is the Executive Director of the Healing Place. The Healing Place focuses on specialized services to sexually assaulted individuals. They can no longer get grants and asked the Board for \$48,871.00 in order for them to not cut services.
7. Ron Jenkins – Mr. Jenkins is against funding the Arts, as he was last year. He requested that the Board not fund the Arts, and lower the tax rate which in turn would help the economy.
8. Liz Kendall – Ms. Kendall spoke on behalf of the Hendersonville Symphony Youth Orchestra. She feels research has proven that music is beneficial to youth in numerous ways. She asked the board to fund the Hendersonville Symphony.
9. Donna Hastie – Ms. Hastie is the Chair of the Board of Directors of the Hendersonville Symphony. She spoke highly of the Youth Education and Outreach Program and feels music is preventative and keeps youth out of trouble. Funding is down significantly and expenses have been cut to the bone.
10. Patricia Danz – Ms. Danz asked the Board to keep taxes down, continue to help with economic development, and reemphasized that music does help children.
11. Kathy Kruse – Ms. Kruse spoke in regard to the Tuxedo Park. She feels the community of Green River, Tuxedo has been left out and that the Board needs to invest more in this community.
12. Theron Maybin – Mr. Maybin thanked the Board for helping the Ag-HC Board. He asked the Board to fund the Tuxedo Park which is much needed for its kids and families.
13. Jennifer Hastings – Ms. Hastings works in the fitness field. She asked the Board to continue looking at ways for the citizens to enjoy the community such as biking trails.
14. Sam Pratt – Mr. Pratt is the Executive Director of the Medical Loan Closet. They have been playing catch-up with their budget for many years. Mr. Pratt feels the Medical Loan Closet is a \$1.2 million benefit to the county. They are looking for private funding for a new building and asked that the Commissioners support them.
15. Mike Bauer – Mr. Bauer asked that the tax rate be reduced to .50 per \$100.
16. Hillary Hart – Ms. Hart is the managing director of the Flat Rock Playhouse. FRPH is a public non-profit that brings in over \$10 million to the economy. She asked the Board to subsidize the Youth Theatre Education and Outreach Program.

17. Kim Boyette – Ms. Boyette is a teacher's assistant and concerned about losing teacher's assistants in the schools. It will have a major impact on the elementary schools as will the proposed increase of children in classrooms. She was okay with a tax increase if it was earmarked for the schools.
18. Linda Miller – Ms. Miller feels the Henderson County school systems do a wonderful job, especially on such a small budget. She recommended funding for IPAD's and Tablets, which would be a great enhancement to classrooms.

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

#### **INFORMAL PUBLIC COMMENTS**

- Donald Goldstein – Mr. Goldstein is concerned with a water issue for Brightwater that the community has been dealing with for several years.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

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

#### **CONSENT AGENDA**

*Commissioner Thompson made the motion to adopt the Consent Agenda with the addition of the Approval of application and submission of the application by the Partnership for Economic Development for the Appalachian Regional Commission Grant for Fairgrounds Site Development and Grading. The motion passed 4-1 with Commissioner Hawkins voting nay.*

CONSENT AGENDA consisted of the following:

##### **Minutes**

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

May 15, 2013 – regularly scheduled meeting

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

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated May 24, 2013 for information only. No action was required.

##### **Financial Report/Cash Balance Report – April 2013**

The April 2013 County Financial Report/Cash Balance Report was provided for the Board's review and approval.

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

- Dues/Non-Profit Contributions – payment of 4<sup>th</sup> quarter non-profit contributions to various agencies
- Garage – fuel purchased from Cason Companies to be charged out to departments monthly as used
- Information Technology – purchase of technology (hardware/software) approved in the budget
- EMS – various operating expenditures running slightly ahead of average and significant capital outlay purchases (ambulances and medical equipment) have been completed
- Rescue Squad – payment of 4<sup>th</sup> quarter non-profit contribution
- Economic Development – payment of economic development incentives due to various companies

The YTD deficit in the Emergency Telephone System (911) Fund is due to the encumbrance/purchase of approved technology capital outlay. Fund balance of \$271,713 was appropriated to cover expenditures in this Fund for FY2013.

The YTD deficit in the CDBG – Scattered Site Housing Fund, the CDBG – Mud Creek Grant Project Fund, the Sierra Nevada Economic Development Project Fund and the Upper Hickory Nut George PARTF Grant Project Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to a timing delay in receiving payments – federal ICE revenues for April will not be received and posted until June 2013. Any operational expenditures over revenues by fiscal year end will be covered by available fund balance within the ICE Fund.

The YTD deficit in the Cane Creek Water & Sewer District fund is due to the transfer of \$600,000 to the School Capital Projects Fund for the County’s cost share of the Atkinson Elementary School sewer line project. Fund balance was approved by the Board and appropriated to cover this funds transfer.

*Motion:*

*I move that the Board of Commissioners approve the April 2013 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – April 2013**

The Henderson County Public Schools April 2013 Financial Reports were provided for the Board’s information.

*Motion:*

*I move that the Board of Commissioners approves the Henderson County Public Schools April 2013 Financial Reports as presented.*

**Proclamation – Boy and Girls Club Day**

The Boys and Girls Club of Henderson County has requested the Board of Commissioners adopt a Proclamation, designating July 17, 2013 as Boys and Girls Club Day in Henderson County.

*Motion:*

*I move that the Board adopt the Proclamation, designating July 17, 2013 as Boys and Girls Club Day in Henderson County.*

**Offer to purchase tax-foreclosed property**

Mayra E. Las Marroquin has offered to purchase a parcel of real estate which was subject to a tax foreclosure by the County.

The property is described as Lot 6, Corn Mountain Estates, 0.35 acres, Henderson County PIN 96-42999421, with a tax value of \$11,300.00. The offered price is the sum of Two Thousand Dollars (\$2,000.00).

It is believed that this lot was originally foreclosed by the County in or before 1988.

If the Board agrees to provisionally accept either of these offers (or both), it/they would be subject to advertisement in *The Hendersonville Tribune* and ten-day period for upset bids pursuant to your policy, adopted 29 June 2005. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners.

NOTE: Lot 6 is shown on the County’s property records as not having been divided from (that is, without a

defined boundary with) Lot 7 (see attached Henderson County GIS map provided by offeror). It will be difficult if not impossible to draft a deed with a proper description in the absence of a survey, and the purchaser should be required to agree to either obtain their own survey or reiterate their release of the County from liability in the event a description is inadequate.

Motion:

*I move that the Board provisionally accept the offer of Mayra E. Las Marroquin to purchase the parcel described in this agenda item, subject to the procedures required by this Board for tax foreclosure sales and subject to the condition stated in this agenda item.*

**Surplus Vehicles and Equipment**

Provided for the Board’s consideration is a resolution declaring a list of Vehicles and Equipment from the Sheriff and Central Service Departments no longer used by the County as surplus property. The resolution also authorizes the Purchasing Agent to advertise the surplus property for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

<u>List of Vehicles</u>	<u>County#</u>	<u>Vin#</u>	<u>Asset#</u>	<u>Mileage</u>
2006 Chevy Trailblazer	SH123	1GNDT13S662176129	11844	91,052
2001 Ford F150 4X4	SH125	1FTRW08L11KD55642	13678	119,641
2006 Chevrolet Impala	SH242	2G1WS551569302314	12074	84,424
2008 Dodge Charger	SH206*	2B3KA43H18H206063	13364	104,628
2007 Dodge Charger	SH287*	2B3KA43H77H817715	13249	110,697
2007 Dodge Charger	SH288*	2B3KA43G27H709154	12490	69,275

<u>List of Surplus Equipment</u>	<u>Serial #</u>	<u>Asset#</u>	<u>Usage</u>
Kubota Tractor	L185-5498	1242	656hrs.-not actual

Michell Repair Manuals (app. 45)

\***Note:** SH206: Transmission cooler leaking

SH287: K-9

SH288: K-9

Motion:

*I move that the Board approve the resolution declaring the list of Vehicles and Equipment presented as surplus and authorizes the Purchasing Agent to sell the surplus property via electronic public auction using GovDeals auction services.*

**Incentives policy for use of County park facilities for sports-related economic-generating activities**

Proposed is the following policy to be offered as an incentive to any group seeking to use Henderson County Parks and Recreation Department facilities for tournaments or other sports-related economic-generating activities (“tournaments”).

Eligibility Requirements

- The tournament must include at least eight (8) teams, at least six (6) of whom must be made up of persons predominantly residing outside Henderson County.

- The tournament must be sponsored by an individual or an organization organized and existing under the laws of North Carolina for corporations, limited liability companies, or partnerships (“sponsor”).
- The sponsor must agree to abide by regulations and terms as required by ordinance or County policy.

#### Incentives

- County staff (following any applicable policy or ordinance of the Board) will set a daily fee for park and field preparation for the tournament.
- The sponsor must pay the fees for all days the park facilities are to be used.
- The County will grant an incentive to the sponsor of the amount of the fees to be charged.
- The sponsor will be allowed to charge a per-vehicle parking fee of Five Dollars (\$5.00) per vehicle, and keep all such fees, in addition to other tournament fees it may charge.

Motion:

*I move that the Board approves the proposed Incentives Policy.*

#### **2013 Community Waste Reduction and Recycling Grant**

On March 1, 2013 an application for the 2013 Community Waste Reduction and Recycling Grant was submitted to the Division of Environmental Assistance and Outreach for \$12,800 to purchase 26 permanent recycling bins for Jackson and Etowah Parks. By adding recycling bins in Jackson and Etowah Parks Henderson County will be increasing public awareness for recycling in our region. Also, these bins will also help increase the recycling rate in Henderson County helping to fulfill our goals established in the County’s Ten Year Solid Waste Management Plan to establish for a 40% solid waste reduction goal through improvements to recycling and other programs.

This grant requires matching funds of \$3,199 that will come from the Parks and Recreation budget.

Motion:

*I move the Board authorizes the County Engineer to sign the contract with NCDEAO for the grant funding of \$12,800 to purchase recycling bins for Jackson and Etowah Parks.*

#### **Revisions to Articles of Incorporation for Henderson County Hospital Corporation**

Under the terms of the Memorandum of Agreement entered into between the County, Henderson County Hospital Corporation (“the Hospital Corporation”), and the University of North Carolina Health Care System (“UNCHCS”), significant revisions are required to the corporate charter (“the Articles of Incorporation”) of the Hospital Corporation.

Counsel for the Hospital Corporation, for UNCHCS and your county attorney have drafted and revised the attached document. Rather than present only amendments, a new “restated” set of Articles is presented, incorporating the changes. As required in the Memorandum of Agreement, among other things, the attached document:

- Changes the structure of the Board of Directors (“Trustees”) of the Hospital Corporation, creating a body of 15 Trustees, as follows.
  - Four *ex officio* full members: President of UNCHCS, a designated County Commissioner; Hospital Corporation chief executive officer; Hospital Corporation chief of clinical staff
  - Eleven other members, all serving three year terms (except for the first term, which is as is designated below) in three groups:
    - Three Trustees nominated by UNCHCS (one year first term for one, two year first term for one, three year first term for one) and elected by the Board of Commissioners (“BOC”). UNCHCS nominees must be elected by BOC.

- Three Trustees selected by BOC (one year first term for one, two year first term for one, three year first term for one),
- Four Trustees nominated by the Hospital Corporation's then-existing Board, approved by UNCHCS, and elected by BOC (one year first term for two, two year first term for one, three year first term for one). If more than one nominated at a time, must be done as a slate and not as individuals (both by UNCHCS and BOC).
- Changes eligibility for additional terms (no more than two consecutive terms without a one year break for all but the *ex officio* members, with the abbreviated first terms counting toward this limit).
- Removal of any Trustee requires approval of both UNCHCS and BOC.

**Motion:**

*I move that the Board adopts the Amended and Restated Articles of Incorporation of Henderson County Hospital Corporation.*

**Travel Survey Funding Request**

The French River Metropolitan Planning Organization (FBRMPO) is requesting funding for the purposes of conducting a travel survey which will inform a new NCDOT funded travel demand model. The NCDOT is providing full funding (\$300,000) for the purposes of preparing a new travel demand model. The MPT has identified \$288,000 in federal funding for the purposes of paying for 80% of the travel survey costs. A 20% match from local jurisdictions is necessary to full fund this travel survey and to receive a new travel demand model from NCDOT. The MPO is requesting Henderson County fund \$13,426 of the required \$72,000 in local match (based on the assessment of dues to its participating jurisdictions). The remaining \$58,574 has been committed by the other dues paying members. The principal benefits of a new travel study demand model are:

1. More accurate data on local travel patterns,
2. Capturing missing travel data about tourist, retirement, recreational, and seasonal populations,
3. Production of additional data useful to various organizations (Travel and Tourism, Chamber of Commerce, etc), and
4. Improved investments in road projects, possibly freeing up transportation funding for other currently unfunded road projects.

The total project costs (travel survey and travel demand model) equal \$660,000. The requested \$13,426 from Henderson County represents 2% of the total project costs.

**Motion:**

*I move the Board allocate \$13,426 in funding for purposes of completing a travel survey which will inform a travel demand model.*

**Use of Courtroom – Jeff Hunt**

A request has been submitted on behalf of Jeff Hunt, for the Board of Commissioners to consider allowing them to use the Courtroom on Friday, June 21, 2013 from 2:00 p.m. to 5:00 p.m. The Courtroom would be used to hold the official swearing in of Jeff Hunt as a superior court judge.

A reception will follow in the Grand Community Room 219.

**Motion:**

*I move that the Board approves use of the Commissioners' Meeting Room (Courtroom) as requested on behalf of Jeff Hunt for the swearing in of Special Superior Court Judge Mark D. Martin on Friday, June 21, 2013 from 2:00 p.m. until 5:00 p.m.*

**Approval of application and submission of the application by the Partnership for Economic Development for the Appalachian Regional Commission Grant for Fairgrounds Site Development and Grading – Add-on**

The Henderson County Partnership for Economic Development (HCPED) submitted a pre-application in mid-April to the Appalachian Regional Commissioner (ARC) for consideration of a construction project to include site development and grading of the 17.12 acre former Fairgrounds site. Recently they were informed that their submission has been invited to submit a full application by the June 21, 2013 deadline.

With the current position of the property, HCPED would like to actively market the property to targeted economic development projects that would have a positive economic and employment benefit to Henderson County. They would like to take the next step towards marketing this property by grading the site, and have a very rough cost estimate of \$250,000 to do this work, based on previous due diligence for a past client. Should the ARC grant be awarded, it would cover 70% of the costs of the project (up to \$175,000), requiring 30% from other sources. We would like to request that Henderson County consider setting aside \$75,000 in the 2013-14 Budget to serve as the 30% match for this project. The soonest ARC funds would be awarded is October 2013.

Motion:

*I move that the Board allocate \$75,000 in the FY 2013-2014 Budget as a 30% match for the HCPED's ARC Grant from the Capital Reserve Fund and further move approval of submission of the application.*

**Notification of Vacancies**

Chairman Messer reminded the Board of the following vacancies and opened the floor to nominations:

1. Blue Ridge Community College Board of Trustees – 2 vac.
2. Environmental Advisory Committee – 3 vac.
3. Fire and Rescue Advisory Committee – 2 vac.
4. Henderson County Board of Health – 2 vac.
5. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 2 vac.
6. Historic Resources Commissioner – 4 vac.
7. Jury Commission – 1 vac.
8. Juvenile Crime Prevention council – 13 vac.
9. Mountain Area Workforce Development Board – 2 vac.
10. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
11. Senior Volunteer Services Advisory Council – 1 vac.
12. Social Services Board – 1 vac.

**Nominations**

1. Animal Services Committee – 1 vac.  
Position #5
2. Henderson County Historic Courthouse Corporation/dba Heritage Museum – 1 vac.  
Commissioner Young nominated Virginia Gambill for position #5. *Chairman Messer made the motion to accept the appointment of Virginia Gambill to position #5 by acclamation. All voted in favor and the motion carried.*
3. Home and Community Care Block Grant Advisory Committee – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.
4. Juvenile Crime Prevention Council – 7 vac.



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

5. Library Board of Trustees – 1 vac.

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

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

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

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

Commissioner Thompson nominated Nancy Maravilla for position #8. *Chairman Messer made the motion to accept the appointment of Nancy Maravilla to position #8 by acclamation. All voted in favor and the motion carried.*

8. Senior Volunteer Services Advisory Council – 2 vac.

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

9. Smartstart – 1 vac.

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

#### **AMERICAN TRANS-MED PRESENTATION**

Billy Anders, with American Trans-Med, gave a presentation to the Board with regard to ambulance services.

Henderson County EMS is concerned about the potential impacts of adding an additional private ambulance service to our system. For profit ambulance services by their nature must serve a customer base capable of paying for service thereby gleaning revenue from our EMS system and transferring an inordinate amount of non-paying customers to the tax payer. The Patient Protection and Affordable Care Act will likely escalate this issue, further reducing the amount of revenue available to offset expenses. The Board voted on April 1, 2013 to defer any changes to the EMS system until a comprehensive study of the Patient Protection and Affordable Care Act can be completed. This study is currently underway and with our local EMS and Hospital system, no comment has been received from the federal government with regard to the resolution passed at the same meeting.

American TransMed, Inc. proposes to provide non emergency ambulance service to Henderson County, NC. Furthermore, in staffing the ambulances, the proper personnel will be used to coincide with all applicable laws of the state in conjunction with requirements for transportation of these patients.

This service will be provided, Monday thru Friday 8 am until 5 p.m. This can be adjusted dependent upon the needs of the facilities served. All personnel will meet the requirements set forth by laws of this state concerning qualifications of ambulance personnel. Each Basic Life Support ambulance will be staffed by two personnel with at least one being a NC certified EMT-Basic which will provide patient care. American TransMed, Inc. will assume responsibility for billing all patients and or their insurance for services provided.

Commissioner Edney suggested that Rocky Hyder study this proposal and report back to the Board of Commissioners.

#### **FY 2014 BUDGET ORDINANCE**

The Board is requested to continue discussions with regard to the FY2013-2014 Budget.

County Manager Steve Wyatt explained that the Board had fulfilled its statutory obligation to hold a public hearing with regard to the budget. The Budget Ordinance must be adopted by July 1, 2013.

**FY 2013-2014 Tax Rate**

*Chairman Messer made the motion that the Board continues its current ad valorem property tax rate of \$0.5136% per one hundred dollars (\$100) of assessed value of such property for FY 2013-2014. The motion passed 3-2 with Commissioners Young and Hawkins voting nay.*

**HENDERSON COUNTY PUBLIC SCHOOLS**

*Chairman Messer made the motion that the Board funds the Public School System an expansion request of \$870,846. All voted in favor and the motion carried.*

**BLUE RIDGE COMMUNITY COLLEGE**

*Commissioner Hawkins made the motion that the Board funds Blue Ridge Community College an expansion request of \$250,000 for capital project needs. All voted in favor and the motion carried.*

**SHERIFF'S DEPARTMENT**

*Commissioner Hawkins made the motion that the Board funds the Sheriff's Department an expansion request of \$216,463.00. All voted in favor and the motion carried.*

**RESCUE SQUAD**

*Chairman Messer made the motion that the Board funds the Rescue Squad an expansion request of \$100,000. All voted in favor and the motion carried.*

**PARKS**

*Chairman Messer made the motion that the Board set aside \$225,000 for the Green River, Tuxedo, Zirconia Park, and make application for a grant in fall of 2013. All voted in favor and the motion carried.*

*It was the consensus of the Board to not amend the capital project budget for the new Athletic and Activities Center to allow staff to put the balance of the project out for bid.*

*It was the consensus of the Board that staff present the FY 2013-2014 Budget Ordinance at the June 17, 2013 meeting for consideration.*

**ADJOURN**

*Commissioner Hawkins made the motion to adjourn at 8:20 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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Charles D. Messer, Chairman

# HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

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

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

Friday, May 24, 2013

## Re: Tax Collector's Report to Commissioners – 03 June 2013 Meeting

Please find outlined below collections information through 23 May 2013 for the 2012 bills mailed out on 14 August 2012, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

### Annual Bills G01 Only:

**2012 Beginning Charge:** \$57,948,385.02  
**Discoveries & Imm. Irreg.:** \$309,852.07  
**Releases & Refunds:** (\$124,769.91)  
**Net Charge:** \$58,133,467.18  
**Unpaid Taxes:** \$1,383,575.23  
**Amount Collected:** \$56,749,891.95  
**Percentage Collected:** 97.62%  
Through: 23-May-2013

**2011 Beginning Charge:** \$57,516,609.25  
**Discoveries & Imm. Irreg.:** \$112,499.56  
**Releases & Refunds:** (\$111,573.29)  
**Net Charge:** \$57,517,535.52  
**Unpaid Taxes:** \$1,414,216.12  
**Amount Collected:** \$56,103,319.40  
**Percentage Collected:** 97.54%  
Through: 23-May-2012

### Motor Vehicle Bills G01 Only:

**2012 Beginning Charge:** \$4,459,821.87  
**Discoveries & Imm. Irreg.:** \$3,492.44  
**Releases & Refunds:** (\$88,647.15)  
**Net Charge:** \$4,374,667.16  
**Unpaid Taxes:** \$760,856.48  
**Amount Collected:** \$3,613,810.68  
**Percentage Collected:** 82.61%  
Through: 23-May-2013

**2011 Beginning Charge:** \$4,167,642.21  
**Discoveries & Imm. Irreg.:** \$2,996.36  
**Releases & Refunds:** (\$98,931.49)  
**Net Charge:** \$4,071,707.08  
**Unpaid Taxes:** \$639,420.31  
**Amount Collected:** \$3,432,286.77  
**Percentage Collected:** 84.30%  
Through: 23-May-2012

### Fire Districts All Bills:

**2012 Beginning Charge:** \$6,943,749.92  
**Discoveries & Imm. Irreg.:** \$47,057.09  
**Releases & Refunds:** (\$28,638.85)  
**Net Charge:** \$6,962,168.16  
**Unpaid Taxes:** \$269,682.76  
**Amount Collected:** \$6,692,485.40  
**Percentage Collected:** 96.13%  
Through: 23-May-2013

**2011 Beginning Charge:** \$6,839,309.84  
**Discoveries & Imm. Irreg.:** \$13,375.35  
**Releases & Refunds:** (\$22,661.81)  
**Net Charge:** \$6,830,023.38  
**Unpaid Taxes:** \$245,867.23  
**Amount Collected:** \$6,584,156.15  
**Percentage Collected:** 96.40%  
Through: 23-May-2012

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY  
BY ELECTRONIC PUBLIC AUCTION**

**WHEREAS**, Henderson County owns the Surplus Vehicles and Equipment itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of declaring the vehicles and equipment as surplus and selling at a public auction as authorized by NCGS 160A-270; and

**WHEREAS**, it is the intent of the County to sell said surplus vehicles and equipment by electronic public auction at [www.govdeals.com](http://www.govdeals.com).

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

1. The Surplus Vehicles and Equipment itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Purchasing Agent is hereby authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com) the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Purchasing Agent on the County's website at [www.hendersoncountync.org](http://www.hendersoncountync.org) at least ten (10) days prior to the public auction.

**THIS** the 3rd day of June, 2013.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_

*Charles Messer*  
**Charles Messer, Chairman**

**ATTEST:**

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

[OFFICIAL SEAL]

**Exhibit B**

**List of Vehicles and Equipment declared surplus property:**

<u>List of Vehicles</u>	<u>County#</u>	<u>Vin#</u>	<u>Asset#</u>	<u>Mileage</u>
2006 Chevy Trailblazer	SH123	1GNDDT13S662176129	11844	91,052
2001 Ford F150 4X4	SH125	1FTRW08L11KD55642	13678	119,641
2006 Chevrolet Impala	SH242	2G1WS551569302314	12074	84,424
2008 Dodge Charger	SH206*	2B3KA43H18H206063	13364	104,628
2007 Dodge Charger	SH287*	2B3KA43H77H817715	13249	110,697
2007 Dodge Charger	SH288*	2B3KA43G27H709154	12490	69,275

<u>List of Surplus Equipment</u>	<u>Serial #</u>	<u>Asset#</u>	<u>Usage</u>
Kubota Tractor	L185-5498	1242	656hrs.-not actual
Michell Repair Manuals (app. 45)			

**\*Note:** SH206: Transmission cooler leaking

SH287: K-9

SH288: K-9

# 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)

CHARLIE MESSER  
Chairman  
THOMAS THOMPSON  
Vice-Chairman

LARRY YOUNG  
J. MICHAEL EDNEY  
GRADY HAWKINS

## PROCLAMATION DESIGNATING JULY 17, 2013 AS BOYS AND GIRLS CLUB DAY

- WHEREAS,** the Boys & Girls Club of Henderson County inspires and enables all young people, especially those who need us the most, to realize their full potential as productive, caring and responsible citizens; and,
- WHEREAS,** the Boys & Girls Club delivers critical services that meet the individual needs of young people with program priorities that help youth achieve in school, prepare for careers and family life, stay active and fit, serve the community, express creativity, and choose positive, personal actions; and,
- WHEREAS,** the Boys & Girls Club serves over 1,500 youth annually coming from every school in the County's public school system at an annual cost per child of just \$5; and,
- WHEREAS,** the Boys & Girls Club upholds high ethical standards in every decision reached, every action taken, every dollar raised, every membership number reported;

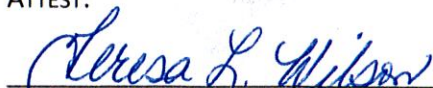
**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners, at their meeting on June 3, 2013, do hereby proclaim July 17, 2013 as Boys & Girls Club Day in Henderson County, recognizing the Club's two decades of service and commitment to improving the quality of life for many of Henderson County's youngest and neediest citizens.

Adopted this the 3<sup>rd</sup> day of June, 2013.



CHARLIE MESSER, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

**STATE OF NORTH CAROLINA  
DEPARTMENT OF THE SECRETARY OF STATE**

**RESTATED ARTICLES OF INCORPORATION  
NONPROFIT CORPORATION**

Pursuant to Section 55A-10-06 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Restated Articles of Incorporation for the purpose of amending and fully restating its Articles of Incorporation.

ARTICLE I

The name of the corporation is HENDERSON COUNTY HOSPITAL CORPORATION.

ARTICLE II

The corporation is a charitable or religious corporation as defined in N.C.G.S. Section 55A-1-40(4), and the purpose for which the corporation is organized is to provide, promote and advance health care and wellness related activities, services and purposes primarily within, and for the benefit of the residents of Henderson County, North Carolina.

ARTICLE III

The street and mailing addresses and county of the registered office of the corporation is:

Number and Street: 800 North Justice Street

City, State, Zip Code: Hendersonville, NC 28791

County: Henderson

ARTICLE IV

The name of the registered agent is: Charles Russell Burrell, whose address is 1 Historic Courthouse Square, Suite 5, Hendersonville, North Carolina 28792.

ARTICLE V

The name and address of each original incorporator was as follows:

Robert D. Eklund	1231 Ashby Lane Hendersonville, NC 28791
Grady H. Hawkins	204 Sugar Hollow Road Hendersonville, NC 28739
Vollie G. Good	231 Balsam Road Hendersonville, NC 28792
Renee Kumor	3020 Chestnut Road Hendersonville, NC 28739
Donald G. Ward, III	Route 9, Box 630 Hendersonville, NC 28792

#### ARTICLE VI

The sole member of the corporation shall be the County Henderson, North Carolina, acting by and through its Board of County Commissioners, which shall have only those rights set forth in these Articles. No other members may be added without the approval of the County of Henderson, North Carolina and the Board of Directors of the corporation. No rights reserved in these Articles to the member may be revised or affected except by amendment to these Articles approved by the County of Henderson, North Carolina and the Board of Directors of the corporation. No membership in the corporation may be transferred without the approval of all member(s) and the Board of Directors of the corporation.

#### ARTICLE VII

The Corporation shall be governed by a Board of Directors who shall be individually known as ATrustees. There shall be fifteen (15) voting Trustees.

A. Three (3) of the Trustees ("the BOC Trustees") shall be appointed by the Henderson County Board of Commissioners.

B. Three (3) of the Trustees ("the UNCHCS Trustees") shall be nominated by the University of North Carolina Health Care System (UNCHCS), for appointment by the Henderson County Board of Commissioners. The Henderson County Board of Commissioners shall



appoint all individuals nominated by UNCHCS to serve as the UNCHCS Trustees.

C. Five (5) of the Trustees ("the HCHC Trustees") shall be nominated by the then-existing Board of Trustees of the Corporation for approval by UNCHCS and appointment by the Henderson County Board of Commissioners. All HCHC Trustee nominees must be approved or disapproved by UNCHCS as a slate. Once a slate of HCHC Trustee nominees is approved by UNCHCS, the slate will then be presented to the Henderson County Board of Commissioners for appointment. All HCHC Trustee nominees presented to the Henderson County Board of Commissioners for appointment must be approved or disapproved by the Henderson County Board of Commissioners as a slate. Should either UNCHCS or the Henderson County Board of Commissioners disapprove of a slate of HCHC Trustee nominees, the process for nomination and appointment of HCHC Trustees will begin again, until a new slate of HCHC Trustees is nominated by the then-existing Board of Trustees of the Corporation and approved by UNCHCS and appointed by the Henderson County Board of Commissioners.

D. Four (4) Trustees who shall be *ex officio* Trustees, with full voting rights and the right to serve on any committee of the Board of Directors Trustees. The *ex officio* Trustees shall be as follows:

- (1) The President of UNCHCS the University of North Carolina at Chapel Hill or his/her designee;
- (2) One (1) county commissioner, designated by the Henderson County Board of Commissioners;
- (3) The Chief Executive Officer of Henderson County Hospital Corporation; and
- (4) The Chief of the Medical and Allied Health Staff of Margaret R. Pardee Memorial Hospital.

The terms of office for the Trustees who are not serving *ex officio* shall be three (3) years, and no individual not serving as an *ex officio* Trustee may serve more than two (2) successive three (3) year terms following the date of these Restated Articles of Incorporation. However, service as a Trustee prior to the date of these Restated Articles shall not be counted in this regard.

The terms of office shall be staggered such that no more than one-third (1/3) of the composition of the Board of Directors is

subject to appointment in any one year. The appointment and terms of the Board of Directors shall be as follows:

<u>SEAT</u>	<u>TERM IN YEARS (initial/full)</u>	<u>NOMINATING BODY</u>
Seat No. 1	one/three	UNCHCS
Seat No. 2	one/three	BOC
Seat No. 3	one/three	HCHC
Seat No. 4	one/three	HCHC
Seat No. 5	two/three	UNCHCS
Seat No. 6	two/three	BOC
Seat No. 7	two/three	HCHC
Seat No. 8	two/three	UNCHCS
Seat No. 9	three/three	BOC
Seat No. 10	three/three	HCHC
Seat No. 11	three/three	HCHC

The timing and process of appointments shall be as provided in the bylaws of the corporation. At all times, at least seventy-five (75%) per cent of the composition of the Board of Directors shall be residents of Henderson County, North Carolina.

No Trustee shall be subject to removal except with the consent of the Henderson County Board of Commissioners and the University of North Carolina Health Care System.

No Trustee shall receive pay for service as a Trustee except reimbursement for expenses, subject to approval of the full Board of Directors.

No Trustee may serve concurrently or within one (1) year after service on the Board of Directors on any other board for any entity which competes with the Corporation in the provision of any service.

All appointment and removal authority granted to UNCHCS herein shall immediately terminate upon termination of the management relationship between UNCHCS and the Corporation. If such relationship should terminate, the right to nominate UNCHCS Trustees shall immediately vest in the Board of Commissioners of Henderson County.

#### ARTICLE VIII

No part of the net earnings of the corporation shall inure to

the benefit of or be distributable to its directors, trustees, officers or any other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not carry on other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue code or the corresponding section of any future tax code.

#### ARTICLE IX

Upon dissolution or liquidation of the corporation, after paying or adequately providing for the debts and obligation of the corporation, the Trustees shall transfer, deliver and convey all of the corporation's moneys, properties and other assets to the County of Henderson or a governmental entity described under Section 115 of the Internal Revenue Code created by the County of Henderson for exclusively public purposes.

#### ARTICLE X

The street and mailing addresses and county of the principal office of the corporation is 800 North Justice Street; Hendersonville, Henderson County, North Carolina 28791.

#### ARTICLE XI

The corporation shall have all of the powers and obligations of a nonprofit corporation pursuant to Chapter 55A of the North Carolina General Statutes except that the corporation shall not have the power, without the express consent of the Henderson County Board of Commissioners, to undertake any of the following:

- a) sell, lease, or otherwise dispose of all or a substantial portion of its assets to an entity not controlled by the corporation, the University of North Carolina Health Care System, or the Henderson County Board of Commissioners; or

b) discontinue operation of Margaret R. Pardee Memorial Hospital as a community general hospital, providing acute medical care services.

#### ARTICLE XII

The Board of Directors shall have the authority to adopt bylaws and to amend these Articles, subject only to the provisions of Chapter 55A of the North Carolina General Statutes, and the right to Amend these Articles only pursuant to N.C. Gen. Stat. §55A-10-02. The Henderson County Board of Commissioners shall have the authority to amend these Articles by a majority vote of its members. Notwithstanding anything to the contrary contained herein, the Board of Directors shall not have the authority to adopt any amendment to these Articles which makes any change to Articles VI, VII or XI, without express approval by the Henderson County Board of Commissioners and the University of North Carolina Health Care System so long as UNCHCS is in a management relationship with the Corporation.

#### ARTICLE XIII

Except to the extent that the North Carolina General Statutes prohibit such limitation or elimination of liability of Trustees for breaches of duty, no Trustee of the corporation shall have any personal liability arising out of an action whether by or in the right of the corporation or otherwise for monetary damages for breach of any duty as a Trustee. No amendment to or repeal of this Article shall apply to or have any effect on the liability or alleged liability of any Trustee of the corporation for or with respect to any acts or omissions of such Trustee occurring prior to such amendment or repeal. The provision of this article shall not be deemed to limit or preclude indemnification of a Trustee by the corporation for any liability that has not been eliminated by this article.

#### ARTICLE XIV

These Restated Articles of Incorporation include amendments to and complete restatement of the Articles of Incorporation, filed on April 24, 1998, as those Articles were amended by Amendments filed on February 8, 2001, July 27, 2001, May 3, 2006, September 7, 2006, October 17, 2006, July 9, 2008, April 4, 2011, July 15, 2011 and April

10, 2013. Specifically, Articles I through XIII are deleted in their entirety and replaced with the respective provisions of these Restated Articles of Incorporation.

ARTICLE XV

The period of duration of the corporation shall be perpetual.

ARTICLE XVI

These restated articles will be effective on July 1, 2013, or upon their later filing with the Secretary of State of North Carolina.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

HENDERSON COUNTY HOSPITAL CORPORATION

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
CHARLES D. MESSER  
Chairman  
Henderson County Board of Commissioners