

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, AUGUST 16, 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: Planning Director Autumn Radcliff, Engineer Marcus Jones, Director of Business and Community Development John Mitchell, Assistant County Assessor Kevin Hensley, Library Director Trina Rushing, Planner Alan McNeill, Finance Director J. Carey McLelland, Environmental Health Supervisor Seth Swift, Commercial Appraiser Mike Sutton, Social Services Director Jerrie McFalls, IT Director Becky Snyder, Public Health Director Steve Smith, Building Services Director Tom Staufer, Construction Manager David Berry, Emergency Management & Rescue Coordinator Jimmy Brissie, Assistant Engineer Natalie Berry and PIO Kathryn Finotti – videotaping, Deputy Kyle Collins as security.

### CALL TO ORDER/WELCOME

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

### INVOCATION

The invocation was provided by Pastor Steven Blanton of Ebenezer Baptist Church.

### PLEDGE OF ALLEGIANCE

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

### RESOLUTION – Rescue Squad 60<sup>th</sup> Anniversary

Chairman Edney stated the Henderson County Board of Commissioners is requested to adopt a Resolution of Appreciation recognizing the 60<sup>th</sup> anniversary of the Henderson County Rescue Squad. Organized in 1957 the Rescue Squad has provided an invaluable level of service to the citizens of Henderson County.

Chairman Edney read the Resolution aloud.

*Chairman Edney made the motion that the Board adopt the Resolution of Appreciation for the Henderson County Rescue Squad. All voted in favor and the motion carried.*

### PUBLIC HEARING

#### **Public Hearing for Rezoning Application #R-2017-03**

*Commissioner Messer made the motion to go into public hearing regarding Rezoning Application #R-2017-03. All voted in favor and the motion carried.*

Allen McNeill, Planner, stated Rezoning Application #R-2017-03, which was initiated on June 20, 2017 at the request of applicant/owner, who requests the County rezone approximately 3.43 acres of land (thereafter the "Subject Area") from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district. The Subject Area is located off Randy Drive inside The Boulders subdivision.

The Technical Review Committee heard this item at its July 18<sup>th</sup> meeting, and voted to send forth a favorable recommendation to rezone the Subject Area.

DATE APPROVED: September 5, 2017

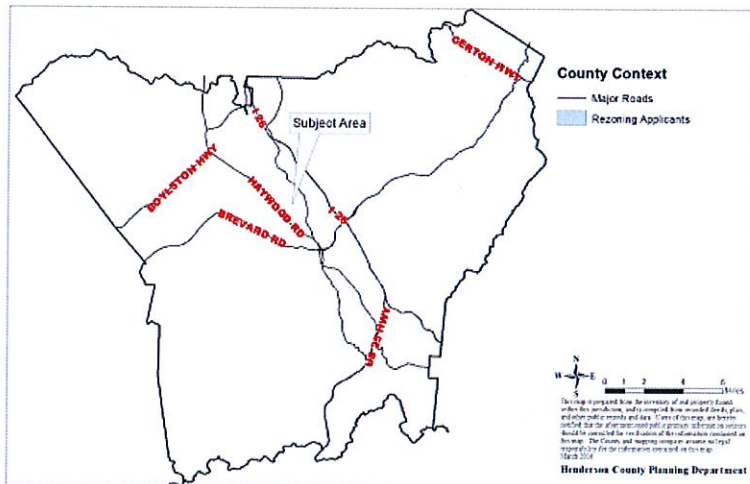
The Henderson County Planning Board considered rezoning application #R-2017-03 at its regularly scheduled meeting on July 20<sup>th</sup>, 2017. During that meeting, the Planning Board voted unanimously to send forth a favorable recommendation to rezone the Subject Area to a Residential One (R1) zoning district.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 (5) and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the August 16, 2017, public hearing regarding rezoning application #R-2017-03 were published in the Times News on August 3, 2017 and August 10, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on August 1, 2017 and the Subject Area property owners on August 1, 2017 and posted signs advertising the hearing on the Subject Area on August 3, 2017.

**Application Summary**

- Rezoning Request: R-2017-03
- Submitted on June 20, 2017
- Applicant/Owner: Peter Brower of Cliffside at Boulders, LLC
- Agent: Scott Bolyard
- Rezone from a Hendersonville City Estate Residential (R-40) zoning district to a County Residential One (R1) zoning district
- 3.43 acres

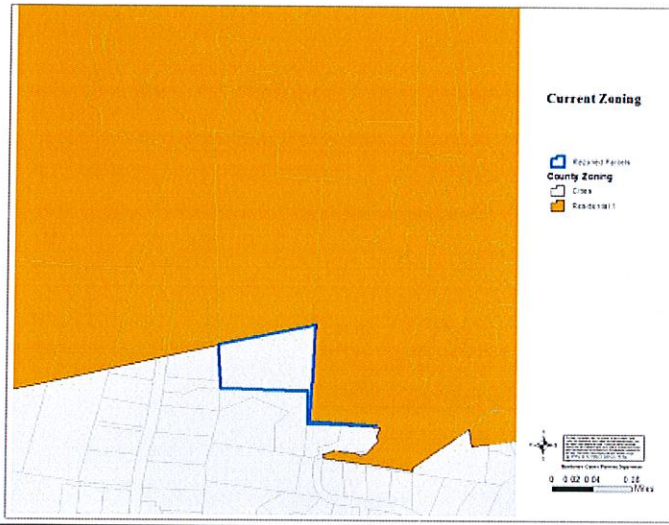
**County Context**



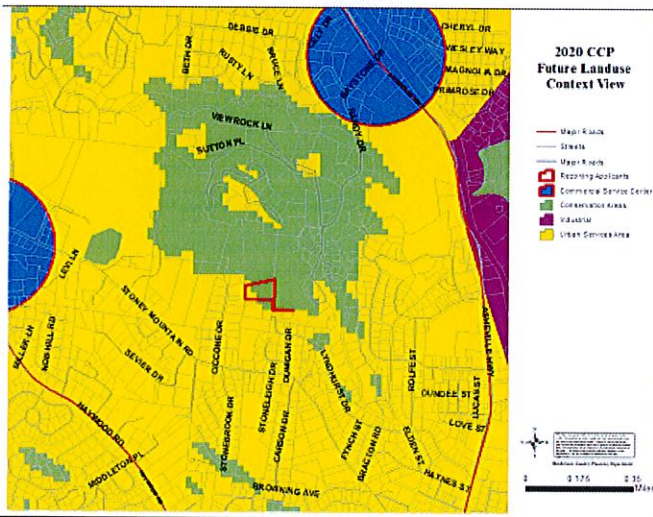
**Aerial Photo Map**



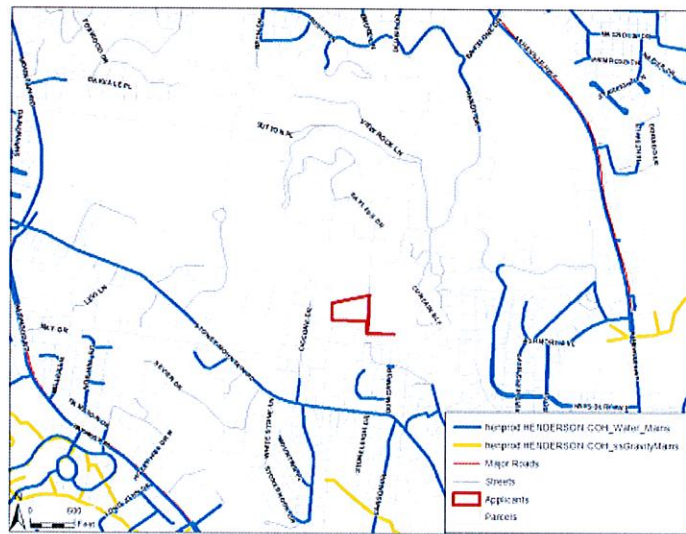
### Current Zoning Map



### 2020 CCP Future Land Use Map



### Public Utilities





The subject area was previously zoned by the City of Hendersonville as Estate Residential (R-40). On July 6, 2017, the City of Hendersonville voted to remove the portion of the Subject Area from the City's ETJ. Henderson County has 90 days or until October 3, 2017 to determine and apply a County zoning designation for the Subject Area. Commissioners agreed that being designated in the City's Extra Territorial Jurisdiction allowed the landowner no vote on plans for land use, and the County has no authority.

Public Input

There was none.

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

*Commissioner Thompson made the motion that the Board adopts the resolution regarding the consistency with the CCP and, he further moved that the Board (approve, approve with conditions or deny) rezoning application #R-2017-03 to rezone the Subject Area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENTS**

1. John DeGelleke spoke in regard to the building permit application process. When issuing building permits he feels there are two problems that need to be fixed: 1) Permits should not be issued for a structure that violate the conditions of a Special Use Permit, 2) Permits should not be issued that violate the deed of restrictions in the Covenants that apply to all homeowners in a subdivision. He suggested that Henderson County revise their building permit application process to include both the declaration requirement by the applicant when property has deed restrictions, and require a declaration by the applicant when the property has a special use permit.

**DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

*Commissioner Hawkins made the motion to approve Consent Agenda following a brief discussion of the StudentAccess Project – Memorandum of Understanding. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**StudentAccess Project – Memorandum of Understanding – pulled for discussion**

Trina Rushing, Director, stated the StudentAccess Project is a partnership between the Henderson County Public Library and Henderson County Public Schools to support students' literacy needs and educational success. Through this project, all Henderson County Public Schools students and teachers will be provided an electronic library card from the Henderson County Library System using their school ID number as their library account number.

This card will provide access to print materials and computers located within the County libraries, as well as access to e-books and online research databases that can be accessed using a library card number while in the classroom, at home, or anywhere with internet access.

Providing every student and teacher with an e-card means that online Library resources can be more easily used to enhance daily student lessons. Via NC Kids Digital Library, elementary teachers will have the opportunity to use Chromebooks and/or tablets to have students simultaneously read the same e-book; thus removing the cost associated with purchasing an entire classroom set of books. Students and teachers at all grade levels will be able to utilize Library purchased online databases to enhance learning, conduct research, and support homework needs.

*Motion:*

*I move that the Board approves the request for approval of the StudentAccess Project Memorandum of Understanding as presented.*

**Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):  
August 7, 2017 - Regularly Scheduled Meeting

**Tax Collector's Report**

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated August 3, 2017 for information only. No action was required.

**Adoption of Reimbursement Resolution – Edneyville Elementary School**

The Board is requested to adopt a reimbursement resolution, allowing the County's general fund to be reimbursed from future borrowings for certain capital expenditures related to the future construction of a new Edneyville Elementary School.

Motion:

*I move the adoption of the proposed reimbursement resolution.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

*Commissioner Messer made the motion to adopt the discussion agenda with a brief update from the School Superintendent regarding turf fields being discussed first. All voted in favor and the motion carried.*

**NOMINATIONS**

**Notification of Vacancies**

Chairman Edney noted the vacancies which appear on the next agenda under "Nominations".

1. Cemetery Advisory Committee – 7 vac.
2. Environmental Advisory Committee – 1 vac.

**Nominations**

Chairman Edney opened the floor for nominations.

1. Asheville Regional Housing Consortium – 1 vac.

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

2. Fire and Rescue Advisory Committee – 1 vac.

Commissioner Messer nominated Michael Miller for position #7. *Chairman Edney made the motion to accept the reappointment of Michael Miller to position #7 by acclamation. All voted in favor and the motion carried.*

3. Henderson Tourism Development Authority – 1 vac.

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

4. Hendersonville City Zoning Board of Adjustment – 3 vac.

Commissioner Hawkins nominated John Dekker for position #2 Jay Angel for position #3, and Aaron Westbrook for position #4. *Chairman Edney made the motion to accept the reappointments of John Dekker to position #2 Jay Angel to position #3, and Aaron Westbrook to position #4 by acclamation. All voted in favor and the motion carried.*

5. Home and Community Care Block Grant Advisory Committee – 2 vac.

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

6. Juvenile Crime Prevention Council – 3 vac.

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

7. Library Board of Trustees – 1 vac.

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

8. Nursing/Adult Care Home Community Advisory Committee – 8 vac.

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

9. Recreation Advisory Committee – 2 vac.

There were no nominations at this time and this item was rolled to the next meeting. The Commissioners would like to wait for a new director to come on board before filling these positions.

10. Senior Volunteer Services Advisory Council – 1 vac.

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

11. Walk of Fame Steering Committee – 1 vac.

Chairman Edney nominated Ronnie Pepper for position #2. *Chairman Edney made the motion to accept the appointment of Ronnie Pepper to position #2 by acclamation. All voted in favor and the motion carried.*

**UPDATE ON TURF FIELDS – BO CALDWELL**

To clarify the misleading information in the local print media about the changes in scope of the turf project, Superintendent Caldwell was asked to attend and address the issue during this meeting.

Bo Caldwell thanked the Board for the Innovative High School scheduled to open August 18, 2017. This facility is on schedule and a great new facility.

Mr. Caldwell thanked the Board for the Hendersonville High School and Edneyville Elementary School projects in process. Hendersonville High School's Stillwell Building is undergoing roof repairs at this time.

Turf fields are complete at West Henderson High School and North Henderson High School. East Henderson High School's field should be complete this month. Yesterday's paper had reported that the turf fields came in over budget. The budget was approved for turf fields, with the hope to have enough left over to repairs the tracks. With change orders, only \$161,000 was left after the completion of the turf fields. The School Board has been looking at repairing the tracks for many years and felt it would be advantageous to go ahead with the repair while the contractor was already on location. The School Board made the choice to use \$195,000 of Capital Fund Dollars along with the remaining \$161,000, and go ahead with renovation of the tracks. East Henderson's track is currently 440 meters and needs to be 400 meters. The tracks are a layer process and are not quite finished yet. They should be complete by September or October of this year.

Steve Wyatt stated that tomorrow's headlines should read "Turf Fields were under budget". He also commented that the Innovative High School will "Knock your socks off", a life changing investment.

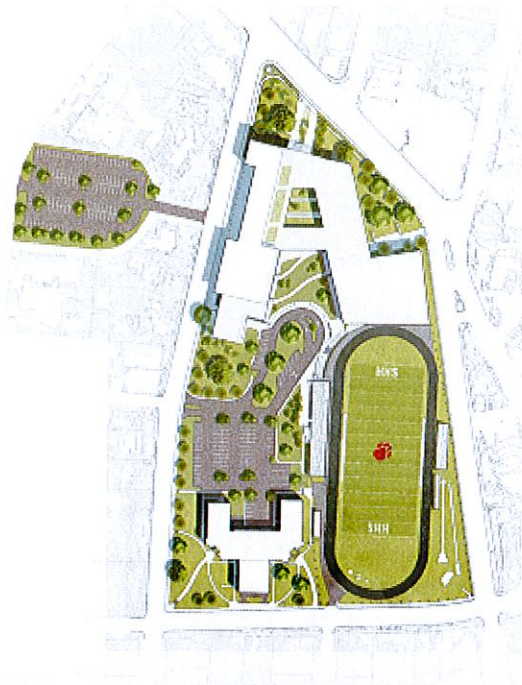
**CONSTRUCTION MANAGER AT RISK – HENDERSONVILLE HIGH SCHOOL**

John Mitchell, Business and Community Development Director stated at the November 16, 2016 meeting of the Board of Commissioners, the Board approved plans for a new Hendersonville High School, and directed staff to proceed with the project.

Staff convened a committee to select a Construction Manager at Risk to complete the project. Clark Nexsen, the Architect of Record, will present the results of the committee's work.

**Schedule**

- Advertisement for CM – January 7, 2017
- Pre-Proposal meeting-January 24, 2017
- Proposal Received- February 15, 2017
- Interviews - April 15, 2017



The Hendersonville High School project is budgeted at \$56m and is scheduled to be complete by fall of 2020.

The search for a Construction Manager at Risk is a long process. The committee was made up of many folks.

Architect Chad Roberson stated 11 proposals were received. During the interview process each applicant was given 35 minutes to share their qualifications and merits, and 25 minutes to answer questions. Vannoy

Construction came in with the highest number of points. Based on the process, the committee recommends Vannoy Construction for the Hendersonville High School Construction Manager at Risk.

*Commissioner Thompson made the motion to accept and hire Vannoy Construction as the Construction Manager at Risk for the Hendersonville High School Project. All voted in favor and the motion carried.*

**TAX DEPARTMENT SOFTWARE UPDATE**

The Tax Administrator has provided the Board with monthly updates on issues with the tax software package, also known as Denali. Farragut is the vendor that provides ongoing implementation and support services to users of the system.

Amy Brantley stated that Issue Tickets were down from 86 to 78. System Defects have gone from 54 on July 10<sup>th</sup> to 39 currently.

The NCACC has assigned David Baker effective September 11, 2017 on the NCPTS Board, a nine member committee. Amy Brantley will be serving in an at large position which is a huge asset to Henderson County.

Steve Wyatt feels there are many moving parts but we are seeing improvement. There are other counties on the system and on January 18<sup>th</sup> another county is scheduled for their re-evaluation. This is an opportunity for us to see how their re-evaluation goes and what type of response they receive from the vendor. We will continue to work through the process with useful information no matter what we do with the re-evaluation.

The Board’s annual budget retreat is in January and staff will provide recommendations at that point. In the mean time staff is looking at other vendors and doing site visits throughout the rest of this year.

Commissioner Lapsley requested the county manager provide the Board with details for termination of the contract and the cost to the county along with the impact of the re-evaluation by the next Board meeting.

Amy Brantley reported that two new appraisers have been hired and are already in the field working. Staff continues to work toward the re-evaluation actively visiting properties.

**ENVIRONMENTAL HEALTH UPDATE**

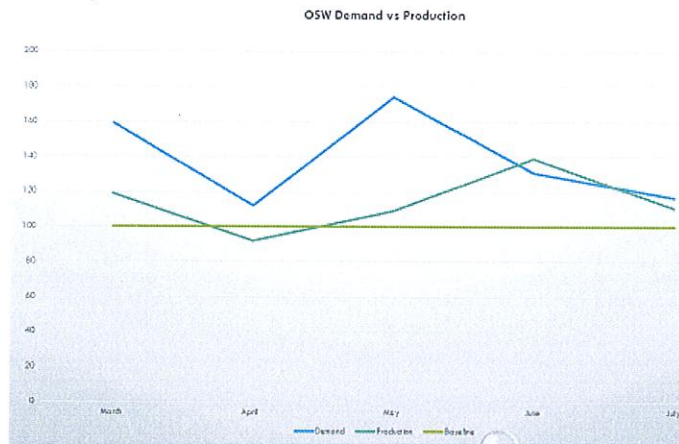
The Henderson County Health Director will update the Board on Environmental Health, septic permitting and inspections.

Steve Smith reported the July 19, 2017 Board meeting prompted an update on septic permitting and inspections. As of July 19<sup>th</sup>, applications were 4 weeks out. As of today, applications are 3 weeks out. They are making headway. New hires and interns must be trained which is a 5-6 week process. They are just now back up to full staff. During May, 175 applications were received, which is up compared to the normal 120 applications. If demand does not explode and stays on track, applications should be at a two week turnaround by September.

**OSW STAFFING STRUCTURE AND CAPACITY**

<b>EHS Staff</b>	<b>Wells</b>	<b>Wastewater</b>
Curt C.	X	X
David C.	X	X
Ronda D.	8/22/2017	10/1/2017
Trenton H.	X	Just occurred - X
Cody R.	X	X
Jessica S.	X	8/22/2017
Jonathan S.	X	X
Jeffrey S. (F & L)	X	X
8	7	6





### Strategies

- Assignment of F & L staff member to OSW during backlog
- Utilization of retired ehs for part time capacity
- Geographic assignment of work
- Expanded protocol to ensure lots are prepared and ready for evaluation
- EH Supervisor accomplishing field work
- Daily review of pending work
- Ongoing daily response for requested inspections
- Informing applicants of alternatives for time sensitive demands
- Overtime hours
- Identification of contracting capacity in the region

### Projections

- Demand is the unknown variable
- Will increase production levels to 130-140+ range with all staff Authorized
- If demand holds at 120 range or less, expect turnaround time to decrease to 2 weeks or less by end of September

## **COUNTY MANAGER'S REPORT**

### New personnel and training

County Manger Steve Wyatt stated with any new positions, they must be trained. There is not a pool of trained workers available and ready to work. Mr. Wyatt feels the community colleges need to step in and look to provide training for Environmental Health.

### Innovative High School Ribbon Cutting

County Manager Steve Wyatt reminded the Board of the Innovative High School Ribbon Cutting and Open House scheduled for August 24, 2017 at 10:00 a.m.

### Eclipse Viewing

Monday will be an educational session opportunity and observation of the Eclipse. We are not in the direct path but traffic will be an issue on Sunday, Monday and Tuesday.

Chairman Edney requested that employees be allowed time to view the eclipse.

Amy Brantley sent out this email to Department Heads.

On Monday, August 21<sup>st</sup>, much of the US will experience an eclipse, with Henderson County near the path of totality. This will be a once in a life time experience for many of us, and during this morning's Commissioners Meeting, the Board expressed a desire that any and all wishing to view the eclipse be able to

August 16, 2017

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participate if they choose to. As each department has your own unique circumstances, please work within your staff to ensure that those who wish to view the eclipse have the opportunity. Employees will need to provide their own glasses for the eclipse and should not view the eclipse without protective glasses.

**Parks & Recreation Director**

We have advertised and received applications and inquiries for the director position. By the end of next week, we will check on the applications received and continue the process.

**MSD Board Meeting**

Commissioner Lapsley reported he would be attending the MSD Board meeting regarding sewer lines this afternoon and delivering the letter of intent to merge CCWSD with MSD effective July 1, 2018.

**ADJOURN**

*Commissioner Hawkins made the motion to adjourn at 10:30 a.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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J. Michael Edney, Chairman

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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J. MICHAEL EDNEY  
Chairman  
GRADY HAWKINS  
Vice-Chairman

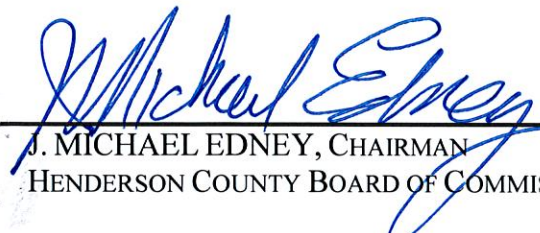
THOMAS H. THOMPSON  
CHARLES MESSER  
WILLIAM LAPSLEY

## ***RESOLUTION OF APPRECIATION HENDERSON COUNTY RESCUE SQUAD***

- WHEREAS,** The Henderson County Rescue Squad is celebrating their 60<sup>th</sup> anniversary of providing services to Henderson County; and
- WHEREAS,** The Henderson County Rescue Squad was chartered in 1957 as the “Hendersonville VFW Rescue Squad” the name later changed to the “Henderson County Rescue Squad”, a name more representative of the members who would serve as well as the community they served; and
- WHEREAS,** Since its humble beginnings the Henderson County Rescue Squad has provided innovative services to the community and continued to adapt to the County’s changing needs such as non-emergency ambulance transportation; and
- WHEREAS,** The Henderson County Rescue Squad continues to provide critical specialized rescue services and backup emergency ambulance services to Henderson County EMS; and
- WHEREAS,** Over the years the Henderson County Rescue Squad has responded to numerous disasters which have affected Henderson County and other parts of North Carolina including flooding, snow & ice storms and hurricanes; and
- WHEREAS,** The Henderson County Rescue Squad has been a regional leader, serving as a Charter Member of the Western North Carolina Association of Rescue Squads as well as providing mutual aid response to the region and across North Carolina; and
- WHEREAS,** The women and men of the Henderson County Rescue Squad remain committed, day and night, to tirelessly give their time and talents to the citizens and visitors of Henderson County and remain to this day, *“Dedicated to the Service of Henderson County.”*

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners does hereby proclaim Saturday August 26<sup>th</sup>, 2017 as the Henderson County Rescue Squad appreciation day in honor of their dedicated service to the citizens of Henderson County. In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 16th day of August 2017.

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

ATTEST:

  
\_\_\_\_\_  
TERESA L. WILSON, CLERK TO THE BOARD





## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

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

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

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

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2017-03; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on August 16, 2017; and

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

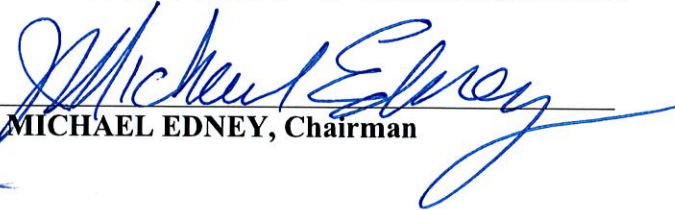
**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R-2017-03) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



THIS the 16<sup>th</sup> day of August, 2017.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY:   
J. MICHAEL EDNEY, Chairman

ATTEST:

  
Teresa Wilson, Clerk to the Board

[COUNTY SEAL]



## **MEMORANDUM OF AGREEMENT REGARDING THE HENDERSON COUNTY PUBLIC SCHOOLS COLLABORATION WITH THE HENDERSON COUNTY PUBLIC LIBRARY**

This Memorandum of Agreement (this "Agreement") is made and entered into this (date) day of (Month), 2017, between The Henderson County Board of Public Education (known as Henderson County Public Schools and referred to herein as "HCPS") located at 414 4<sup>th</sup> Avenue West, Hendersonville, NC 28739 and Henderson County Public Library (referred to herein as "the Public Library") located at 301 N. Washington Street, Hendersonville, NC 28739.

### **Background.**

In order to develop a comprehensive, strategic and sustainable collaboration that will strengthen both organizations and benefit the community by increasing literacy and educational success, the Public Library and the Henderson County Public Schools and Board of Education seeks to build a strong relationship at the administrative level in order to work together more collaboratively and demonstrate measurable impact.

By developing an infrastructure that will allow all HCPS students to access and use the Public Library's materials specified by the NC Cardinal Student Access project, the Public Library and HCPS will leverage our collaboration for innovative and cost-effective ways to better utilize the Public Library's resources to serve HCPS students, their families, and staff.

Both the HCPS and the Public Library understand that such services shall be provided at no cost to HCPS.

The term of this Agreement is from the date first written above until the agreement is canceled by either party. Either party may cancel this Agreement upon ninety (90) days written notice to the other party.

### **Vision of Relationship.**

Henderson County Public Schools and the Public Library can work together as educational partners, with the Public Library serving as an extension of the classroom—providing students with access to books, computers, reading programs, and dozens of other important educational resources during out-of-school time. Additionally, both organizations have aligned around a focus on literacy and are committed to creating a community of readers, empowering individuals with free access to information, building a welcoming place where reading, learning and imagination thrive, maximizing academic achievement, and preparing every child to lead a rich and productive life.

The parties enter this Agreement to confirm their agreements regarding these matters.

### **Agreement.**

For and in consideration of the mutual promises set forth in this Agreement, the parties mutually agree to the following:

Obligations of the Public Library.

In connection with this Agreement, the Public Library agrees to the following:

1. The Henderson County Public Library will streamline student access to databases and materials by integrating HCPS Student ID numbers and Public Library accounts through this StudentAccess initiative, allowing every student in Henderson County Public Schools instant access to Library databases and materials.
2. Work collaboratively with Henderson County Public Schools to further deepen the partnership between the agencies.

Obligations of (Henderson County Public School System).

In connection with this Agreement, the Henderson County Public School System agrees to the following:

1. Henderson County Public Schools will support implementation of the StudentAccess initiative by providing the Public Library with Student ID Number, first and last name, birthdate, school, grade, address, phone number, guardian, and email address of each student enrolled in HCPS. This database will be updated monthly beginning in September 2017 as new students enroll in the district.

In collaboration with the Public Library staff, help to facilitate the introduction of professional development opportunities for HCPS teachers surrounding the StudentAccess initiative and other Library projects.

**Confidentiality.**

1. All student data or information provided by HCPS is considered confidential under this Agreement, FERPA, and any other applicable federal or state regulations pertaining to students' education records.
2. The relationship described herein between HCPS and the Public Library falls under the school official exception of the Family Educational Rights and Privacy Act ("FERPA"). The Public Library is a school official with a legitimate education interest, as the Public Library at times needs to review education records, specifically Student IDs, in order to fulfill the Public Library's responsibilities outlined in this Agreement. For this reason, HCPS may provide education records to the Public Library without parental consent.
3. The Public Library shall use education records only for the legitimate educational purpose of providing services pursuant to this Agreement and shall not re-disclose personally identifiable information from education records to other parties for any reason, unless HCPS

provides written authorization for disclosure or the Public Library is otherwise permitted by FERPA.

4. The Public Library and its staff agree to comply with all applicable federal and state regulations governing education records, including FERPA.
5. The Public Library's staff shall sign statements in which they agree to keep confidential all HCPS student information and education records.

The Public Library's maintenance and use of any educational record shared under the terms of this Agreement shall be under the direct control of HCPS.

#### **Criminal Background Checks and The Jessica Lunsford Act.**

1. Under North Carolina law, all employers of personnel who have direct interaction with students as part of their job must conduct an annual check of such employees on the N.C. Sex Offender and Public Protection Registration Program, the N.C. Sexually Violent Predator Registration Program and the National Sex Offender Registry. The Public Library shall conduct this check on an annual basis and report its findings to the HCPS Superintendent.
2. The Henderson County Board of Education prohibits any personnel listed on such registries from having direct interaction with students.

The Public Library shall conduct criminal background checks on each new employee and volunteer. Should the Public Library hire an employee or allow a person to volunteer that has a criminal conviction of a crime, other than a minor traffic offense, and it is expected that this person shall have direct interaction with students, the Public Library shall notify the Superintendent. The Superintendent may request that this employee or volunteer have no interaction with students.

#### **General Provisions.**

1. Project Coordinator. Rick Fender, Chief Technology Officer, is designated as the Project Coordinator for HCPS. The Project Coordinator shall be the HCPS representative in connection with the Public Library's performance under this Agreement.
2. Public Library Supervisors. Trina Rushing, Library Director, and Forrest Tate, Library Technology Specialist, are designated as the Public Library Supervisors. The Public Library Supervisors are fully authorized to act on behalf of the Public Library in connection with this Agreement.
3. Expenses. Any expenses related to the provision of services incurred by the Public Library shall be the sole responsibility of the Public Library incurring such costs.
4. Termination for Convenience. In addition to all of the other rights which the HCPS and the Public Library may have to cancel this Agreement, HCPS or the Public Library shall have the



further right, without assigning any reason therefore, to terminate any work under this Agreement, in whole or in part, at any time at its complete discretion by providing ninety (90) days' notice in writing from one party to the other party.

5. No Partnership. The provisions of this Agreement are not intended to create, and shall not be interpreted to create a joint venture, a partnership or any similar relationship between the parties. No officer, manager, director, employee, agent, affiliate or other person shall be deemed to be an officer, manager, director, employee, agent, contractor or subcontractor of HCPS. Neither party will not have any right, power or authority, express or implied, to bind the other party.
6. Indemnification. To the extent provided by law, each party (the "Indemnifying Party") agrees to defend, indemnify, and hold harmless the other party, including its officers, directors, employees, and agents (each an "Indemnified Party") from and against any and all losses, damages, liabilities, expenses and costs, including reasonable legal expense and attorneys' fees ("Losses"), to which the Indemnified Party may become subject as a result of any claim, demand, action, or other proceeding by any third party to the extent that such Losses arise from acts occurring on the property of the Indemnifying Party or result from the negligence acts or omissions of the indemnifying party or its employees, volunteers or agents.
7. Governing Law and Venue. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of North Carolina. Any controversies or legal problems arising out of this agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State of North Carolina and Henderson County, North Carolina.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

---

By:

Name:

Title:

---

By:

Name:

Title:

# 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

Thursday, August 03, 2017

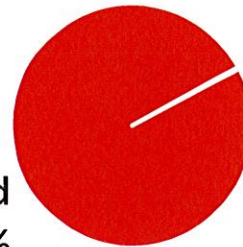
Re: Tax Collector's Report to Commissioners - Meeting Date August 16, 2017

Please find outlined below collections information through August, 2 2017 for the 2017 real and personal property bills to be mailed on August 4, 2017. Vehicles taxes are billed monthly by NC DMV.

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

<b>2017 Beginning Charge:</b>	<b>\$69,856,608.44</b>
Discoveries & Imm. Irreg.:	\$71,637.35
Releases & Refunds:	<b>(\$9,228.05)</b>
<u>Net Charge:</u>	<u>\$69,919,017.74</u>
Unpaid Taxes:	\$69,731,331.47
<b>Amount Collected:</b>	<b>\$187,686.27</b>

**Unpaid  
99.73%**



**Paid  
0.27%**

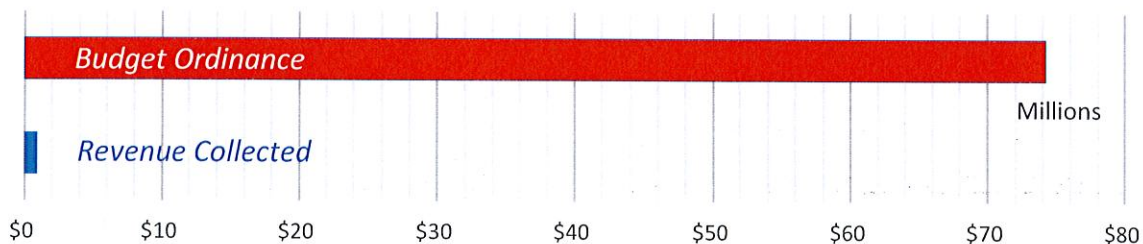
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$575,364.77
Unpaid Taxes:	\$1,849.42
<b>Amount Collected:</b>	<b>\$573,515.35</b>

**99.68%**

## Henderson County FY18 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$72,826,301.00	Ad Valorem:	\$761,201.62
Prior Years:	\$1,405,000.00	Prior Years:	\$158,407.23
<b>Budget Total:</b>	<b>\$74,231,301.00</b>	<b>YTD Revenue:</b>	<b>\$919,608.85</b>



Respectfully Submitted,

Luke Small  
Deputy Tax Collector

Darlene Burgess  
Tax Administrator

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on August 16, 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, Thomas H. Thompson, Charlie Messer, Grady Hawkins and William Lapsley.

The following members were absent: None.

Also present: County Manager Steve Wyatt, Assistant County Manager Amy Brantley, County Attorney Russ Burrell, Finance Director J. Carey McLelland and Clerk to the Board Teresa Wilson.

\* \* \*

Commissioner Hawkins moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW EDNEYVILLE ELEMENTARY SCHOOL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2019**

*WHEREAS*, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of County to finance the acquisition, construction and equipping of a new Edneyville Elementary School (the "*Project*");

*WHEREAS*, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

*WHEREAS*, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a

portion of the costs of the Project and the principal amount of Obligations currently expected to be executed and delivered by County to pay for the costs of the Project is \$25,000,000.

Section 2. *Compliance with Regulations.* The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Hawkins, the foregoing resolution entitled "**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW EDNEYVILLE ELEMENTARY SCHOOL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2019**" was duly adopted by the following vote:

AYES: 5


NAYS: 0



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 COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW EDNEYVILLE ELEMENTARY SCHOOL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2019”** adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 16<sup>th</sup> day of August, 2017.

**WITNESS** my hand and the corporate seal of the County of Henderson, North Carolina, this the 16<sup>th</sup> day of August, 2017.

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

