

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, NOVEMBER 16, 2016**

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

Also present were: Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Finance Director J. Carey McLelland, Public Health Director Steve Smith, Senior Planner Autumn Radcliff, HR Director Jan Prichard, Assistant Registrar of Deeds Willa Blair, Engineer Marcus Jones, Library Director Trina Rushing, Central Services and Construction Manager David Berry, Environmental Programs Coordinator Rachel Kipar and PIO Kathy Finotti – videotaping, and Corporal Jonathan Tankersley as security.

### CALL TO ORDER/WELCOME

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

### INVOCATION

The invocation was provided by Pastor Nate Hill of Upward Christian Fellowship.

### PLEDGE OF ALLEGIANCE

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

### INFORMAL COMMENTS

1. Ken Fitch – Mr. Fitch thanked the Board for the maps at the Library for the I-26 Widening Project. Regarding Hendersonville High School he noted this is a home for our children. Please preserve the resources necessary for support and protect our children's health and safety. Edneyville Elementary needs to be a priority. More school nurses are needed.
2. David Rhode – Mr. Rhode feels the Board of Education should be in charge of renovations and new buildings for schools by Statute. Edneyville Elementary needs to be a priority.
3. Michael Absher – Mr. Absher thanked the Board for allowing Only Hope to hold a sleep out on the front lawn. He feels Edneyville Elementary should be seen as a high priority.

Commissioner Hawkins noted the public input discussion of the applicable law, and asked attorney Burrell to discuss the applicable law.

Mr. Burrell explained that:

- If a school board has the funds on hand for the construction, either as fund balance or as a result of an appropriation by the Board of Commissioners, then the quoted statute (GS §115C-521) is applicable. Under the "traditional" school construction scheme set out in the public education statutes, the board of education determines the need for and designs the school, under GS §115C-521. However, there is a caveat to this rule: under GS §115C-521(d), "[l] Local boards of education shall make no contract for the erection of any school building unless the site upon which it is located is owned in fee simple by the board . . . ."
- Roughly 40 years ago, NC recognized that this scheme was no longer realistic, calling as it did for all the funds in advance of construction. Under the new scheme enacted, money could be borrowed for

DATE APPROVED: December 5, 2016

school construction. Since school boards have no taxing authority, the money was borrowed by the county government, pledging the school as collateral. For the county government to pledge the school as collateral, it had to first own it. So this system, under GS §160A-20, requires the land, if first owned by the school board, to be conveyed to the county government. At that point, the school system no longer has the legal authority to enter into a contract for the construction of the school building.

#### **Discussion/Adjustment of Consent Agenda**

Commissioner Edney requested that consent agenda items E & H be pulled for discussion.

*Chairman Thompson made the motion to approve Consent Agenda minus (E) Public Health Nurse II Positions – Health Department – Recommendation to maintain exempt status, and (H) Budget Amendment – Health Department Prescription Drug Overdose Prevention, pulled for discussion. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

#### **Minutes**

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

November 7, 2016 - Regularly Scheduled Meeting

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

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated November 9, 2016 for information only. No action was required.

#### **2016 HOME Grant Non-Programmed Funds Application**

The Asheville Regional Housing Consortium announced a second call for HOME grant applications for \$543,472 in HOME funds currently available for reallocation. The available HOME funds for reallocation were awarded to two projects applying for Low Income Housing Tax Credits that were not selected and withdrew their applications.

Habitat for Humanity of Henderson County is requesting application approval for HOME Investment Partnerships Program (HOME) funds. HOME funds are administered through the Asheville Regional Housing Consortium. All projects propose to serve County residents within a range of median household income. The median Henderson County household income in 2014 was \$53,482.

Habitat for Humanity of Henderson County is requesting \$154,215 in HOME funds in order to aid in the construction of 9 homes in phase five of the Dodd Meadows residential neighborhood off Crest Road. Habitat for Humanity plans to use the funds to pay for costs of footings and slab, HVAC, insulation, and flooring. Using the grant funds, Habitat for Humanity plans to provide affordable housing for families whose income is between 30% and 80% of the median income in Henderson County as adjusted for family size.

These grants require no County matching funds. The Asheville Regional Housing Consortium requires approval by the Board of Commissioners as part of the application process. The complete applications were too lengthy to include in the agenda packet but are available upon request.

#### **Motion:**

*I move that the Board approves the HOME application for Henderson County Habitat for Humanity.*

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

N.C.G.S. 161-11.3 regulates the retention of 10% of the fees collected by the Register of Deeds office. These funds are to be set aside annually in a non-reverting Automation Enhancement and Preservation Fund and are to be used for computer and imaging technology, and document preservation. The Register of Deeds is requesting that \$45,100 be released from the Automation Enhancement and Preservation Fund to pay for the following expenses:

- \$27,600 for Contracted Services for annual software maintenance renewal.
- \$17,500 for Contracted Services for automated electronic backup system for 5 years

A Budget Amendment was provided for the Board’s consideration to use the Register of Deeds Restricted General Fund Balance to pay for software maintenance and to implement the Image Shield System which will offer an offsite backup and 5 years protection of all of our digital images. With the nearing completion of the Phase 1 Digitization Project, this program will be used to protect over 2.5 million images of our documents.

Motion:

*I move the Board of Commissioners approves the budget amendment to use \$45,100 in Register of Deeds Restricted General Fund Balance.*

**Public Health Nurse II Positions – Health Department – Recommendation to maintain exempt status**

This item moved to Discussion.

**Edneyville Library Porch Enclosure Grant**

Over the past 2 years, the Edneyville Library has increased its program and service offerings for all ages by 10%. Additionally, this year’s first quarter visits to that library have increased to 10,367 as compared to 7,789 during the first quarter of FY15-16. During the warmer months, youth and adult programs and events offered at this facility are held on the screened in porch, but these activities must move into the main room of the library during the colder months. The noise and crowds associated with programs and events disrupt services to patrons wishing to utilize the library to check out materials, read, study, or use the computers. Having a dedicated space apart from the main room to hold year-round programs would alleviate this disruption.

Library staff would like to submit a grant proposal to the Community Foundation in the amount of \$60,000 that would cover the cost of fully enclosing the porch, allowing it to be utilized year-round for programs and events.

No matching funds are required.

Motion:

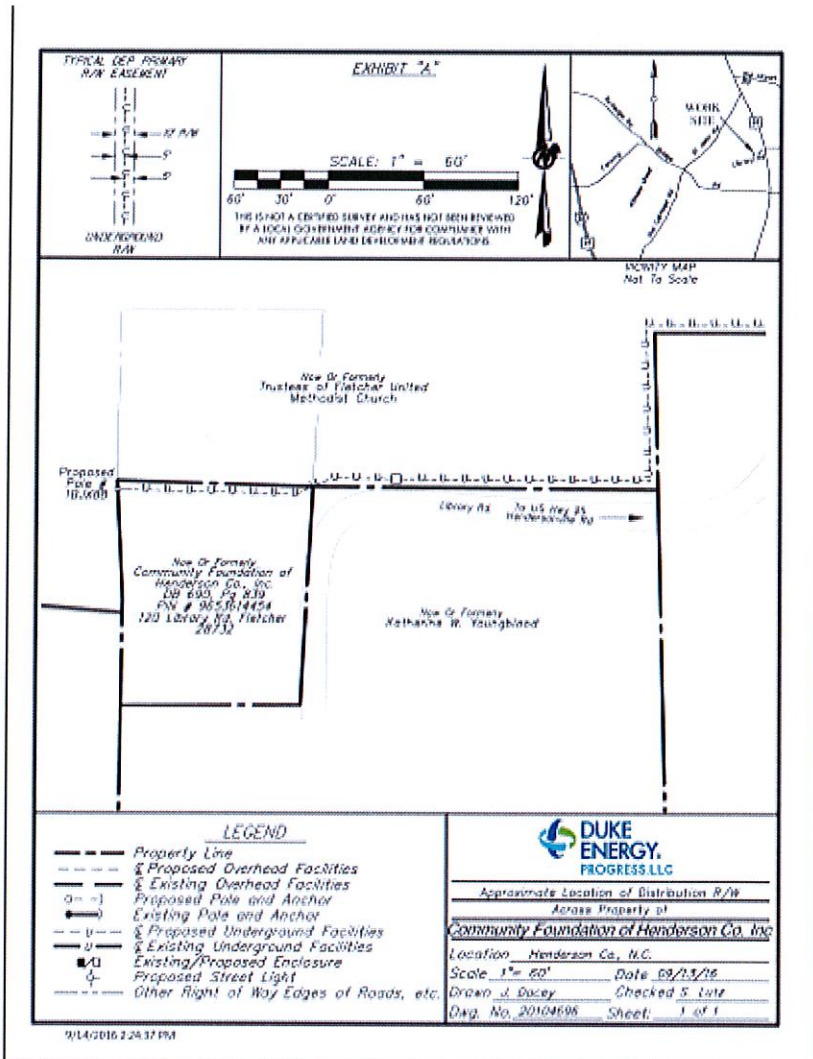
*I move that the Board approves submission of an Edneyville Porch Enclosure Grant in the amount of \$60,000 to the Community Foundation.*

**Duke Energy Easement – Fletcher Library property**

The Fletcher United Methodist Church sanctuary expansion project requires rerouting of Duke Energy power lines from their current location on Church property to a new underground route that would cross the edge of the Library parking lot. Duke Energy seeks easement rights to a portion of the Fletcher Library property so they may proceed with this rerouting project.

Motion:

*I move that the Board approves the request by Duke Energy to provide easement rights along the Fletcher Library property for the purpose of rerouting underground power lines.*



**Budget Amendment – Health Department Prescription Drug Overdose Prevention**  
 This item moved to discussion.

**Proclamation – GIS Day in Henderson County**

The Henderson County Information Technology Department has requested that the Board adopt a Proclamation designating November 16, 2016 as GIS Day in Henderson County.

GIS Day information is available at <http://www.gisday.com/>.

**Motion:**

*I move that the Board adopts the Proclamation designating November 16, 2016 as GIS Day in Henderson County.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

*Chairman Thompson made the motion to adopt the discussion agenda with the addition of Public Health Nurse II Positions – Health Department – Recommendation to maintain exempt status, and Budget Amendment – Health Department Prescription Drug Overdose Prevention, pulled for discussion. All voted in favor and the motion carried.*

**NOMINATIONS**

**Notification of Vacancies**

1. Juvenile Crime Prevention Council – 1 vac.

**Nominations**

1. Equalization and Review, Henderson County Board of – 2 vac.  
*Commissioner Hawkins nominated Glenn Compton for position #4. Chairman Thompson made the motion to accept the appointment of Glenn Compton to position #4 by acclamation. All voted in favor and the motion carried.*
2. Fire Commission – 2 vac.  
*Commissioner Messer nominated Martin Harris for position #1 and Howard Norton for position #2. Chairman Thompson made the motion to reappointment Martin Harris to position #1 and Howard Norton to position #2 by acclamation. All voted in favor and the motion carried.*
3. Henderson County Zoning Board of Adjustment – 3 vac.  
*Commissioner Hawkins nominated Anthony Engel for position #4. Chairman Thompson made the motion to accept the reappointment of Anthony Engel to position #4 by acclamation. All voted in favor and the motion carried.*
4. Hendersonville Planning Board – 1 vac.  
*Commissioner Hawkins nominated James Thorndike for position #1. Chairman Thompson made the motion to accept the reappointment of James Thorndike to position #1 by acclamation. All voted in favor and the motion carried.*
5. Juvenile Crime Prevention Council – 2 vac.  
*Commissioner Messer nominated Kimberly Marable for position #6 as noted in the vacancies. Chairman Thompson made the motion to accept the appointment of Kimberly Marable to position #6 by acclamation. All voted in favor and the motion carried.*
6. Laurel Park Planning Board – 1 vac.  
*Commissioner Hawkins nominated James Morse for position #1. Chairman Thompson made the motion to accept the reappointment of James Morse to position #1 by acclamation. All voted in favor and the motion carried.*
7. Library Board of Trustees – 1 vac.  
*There were no nominations at this time and this item was rolled to the next meeting.*
8. Nursing/Adult Care Home Community Advisory Committee – 5 vac.  
*There were no nominations at this time and this item was rolled to the next meeting.*
9. Senior Volunteer Services Advisory Council – 1 vac.  
*Commissioner Messer nominated Ralph Jennings for position #3. Chairman Thompson made the motion to accept the reappointment of Ralph Jennings to position #3 by acclamation. All voted in favor and the motion carried.*

**Public Health Nurse II Positions – Health Department – Recommendation to maintain exempt status**

The Henderson County Department of Public Health recommends expanding the current 10 month school nurse positions (6) to full time to meet the increased demands for student populations in the summer months. This action would provide a consistent staffing model for all Public Health Nurse II positions and would facilitate the maintenance of their exempt status. The proposal would protect and expand public health nursing capacity without adding another position.

The additional expense can be covered by lapsed salaries within the current FY 17 budget, but the additional salary would need to be incorporated for the FY 18 budget.

Director Steve Smith stated state funding is not sufficient to cover the cost. Currently we have 1 nurse per 1000 students during the school year and 1 nurse to 1600 students in the summer. This year's budget can handle the increase without a budget change.

HR Director Jan Prichard explained that the Department of Labor issued a regulation changing the salary of non-exempt employees. The Public Health I position does not meet the threshold as a 10 month position. These positions normally went on leave and were taken off payroll, paying their own insurance premium during that time. Human Resources proposes taking these positions to full time exempt positions at a cost of \$50,000 per year. This will be a win, win for everyone.

In the 2015/2016 budget cycle, commissioners voted to add 1 additional nurse per year until the 1 nurse for every 750 student's ratio is met.

Commissioner Lapsley informed the Commissioners that the Board of Health supports the change.

*Commissioner Edney made the motion that the Board of Commissioners approves the proposal to expand six 10 month Public Health Nurse II positions to full time and to make the necessary adjustments within Henderson County Human Resources to maintain exempt status for Public Health Nurse II positions. All voted in favor and the motion carried.*

**Budget Amendment – Health Department Prescription Drug Overdose Prevention**

The Henderson County Department of Public Health would like to expand its current efforts to prevent prescription drug overdoses. The effort would be supported by funds from the NC Division of Public Health.

The initiative and related budget amendment were discussed and approved by the Henderson County Board of Health at their October 11, 2016 meeting.

County Manager Steve Wyatt said these are unfortunate overdoses. The community is being proactive to turn around the situation working with Hope RX. The money received is used not only for the Health Department, but for the community. Mr. Wyatt requested more information on the use of Narcan.

Commissioner Edney noted that more drop off sites are needed.

Director Steve Smith stated this was a priority. He explained they are in the early stages and use of Narcan is being looked at by Hope RX, the Sheriff, and EMS. Narcan is used with overdoses of opioids. It is a life-saving drug. When someone overdoses on prescription drugs, their body stops breathing and Narcan starts it back until care arrives.



Steve Wyatt emphasized there is a crisis situation in the community and the numbers are rising. The Board of Commissioners has funded Narcan and it works through the Sheriff and EMS. There are questions however, regarding the repeat use of Narcan. Mr. Wyatt urges all citizens to look into their medicine cabinets and get rid of any prescription drugs not currently being used as prescribed.

Commissioner Lapsley noted that additional revenue will come in to offset this cost. The Board of Health is on board with the plan.

*Commissioner Messer made the motion that the Board of Commissioners approves the budget amendment appropriating additional revenue from the NC Division of Public Health in the amount of \$7,500. All voted in favor and the motion carried.*

**JOINT MEETING WITH BOARD OF EDUCATION**

At the Board's November 7, 2016, Commissioner Hawkins noted that a group had been working on the Hendersonville High School was ready to present the results of their efforts. It was the consensus of the Board to invite the Board of Public Education to hold a joint meeting beginning at 10:00 a.m. on November 16, 2016, as a part of this Board's regularly scheduled meeting.

School Board members in attendance: Ervin Bazzle, Mary Louse Corn, Colby Coren, Amy Lynn Holt, Rick Wood and Bo Caldwell.

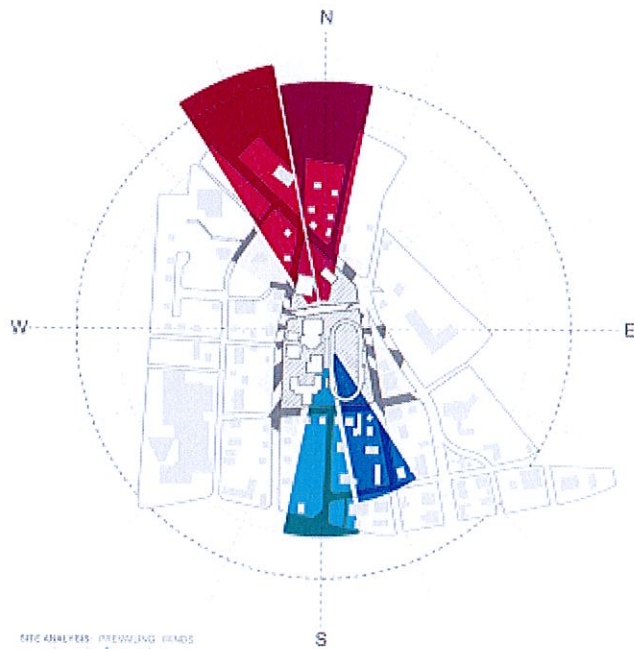
Absent were: Lisa Edwards – sick, Joshua Houston - taking care of his mother.

Chair Ervin Bazzle introduced members of the School Board.

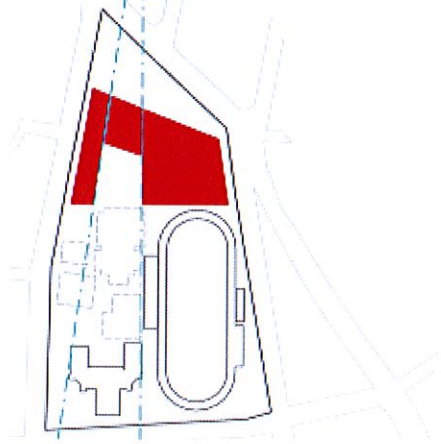
Chairman Thompson stated an informal working group has been working toward solutions for the children of Henderson County for ideas for Hendersonville High School.

Chad Roberson of Clark Nexsen provided a power-point presentation:

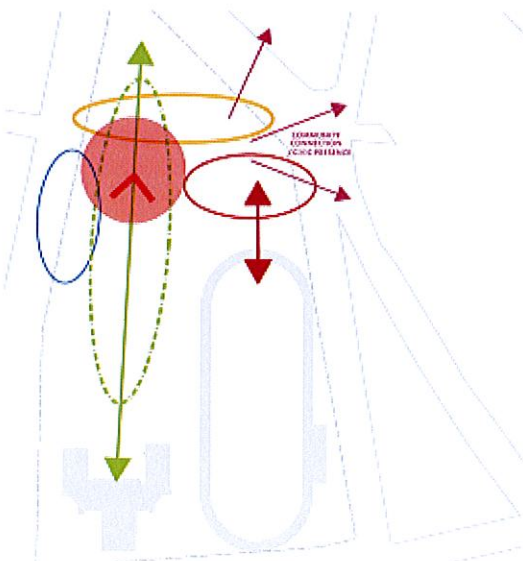




STC ANNEXES: PREWING BLENDS



- STRENGTH CONNECTION**
- ADDRESSING THE CHALLENGE OF HOW TO CONNECT THE STC ANNEXES TO THE MAIN STC



- CITY PRESENCE, COMMUNITY CONNECTION**
- TO BE A PART OF THE CITY AND TO BE A PART OF THE COMMUNITY
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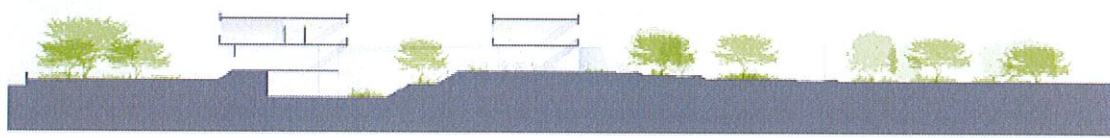
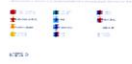
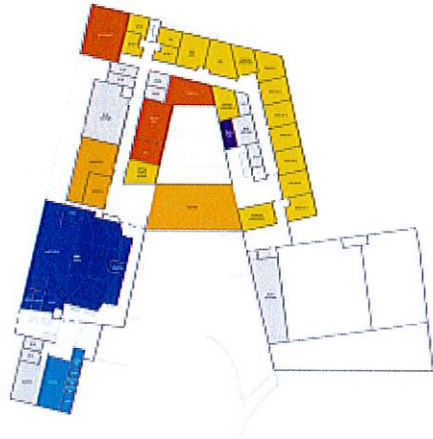


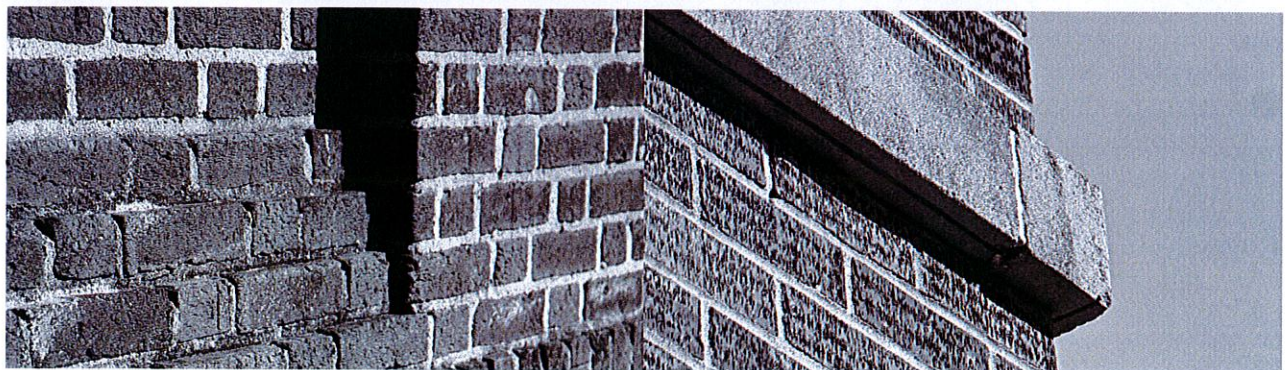
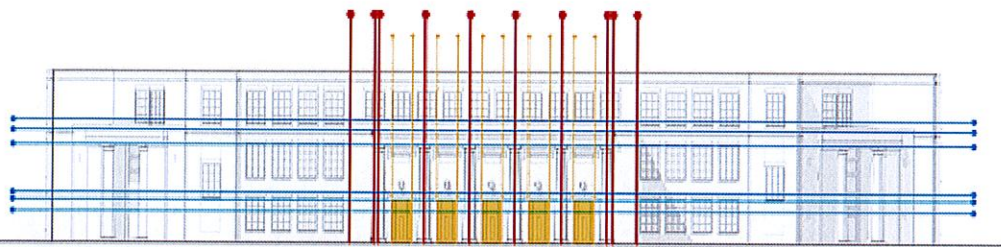
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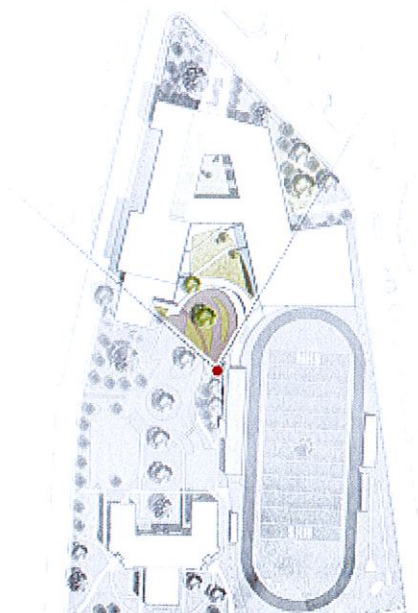
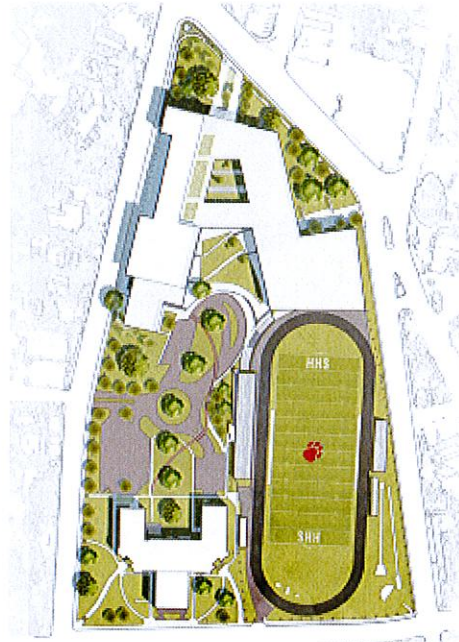
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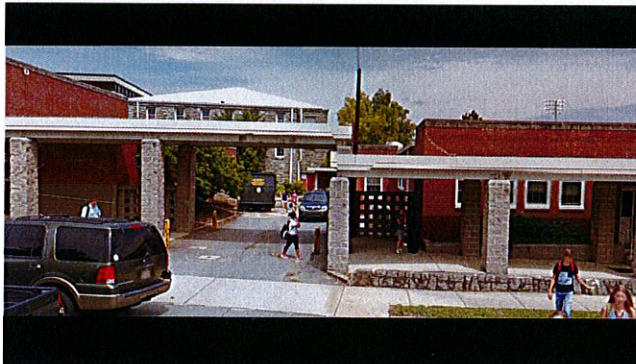
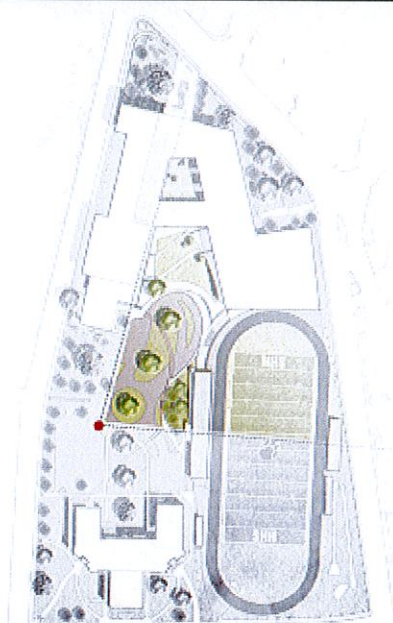
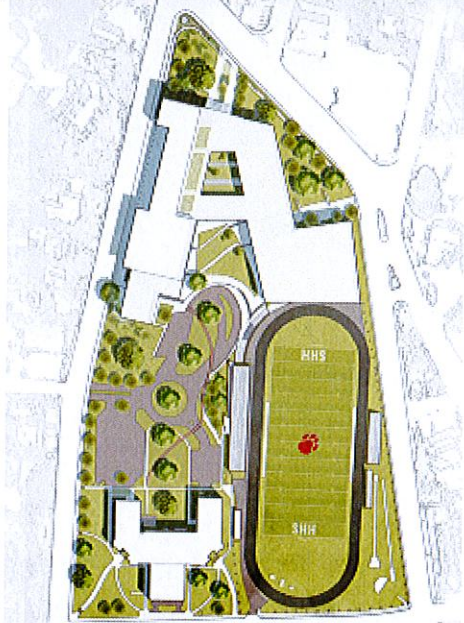
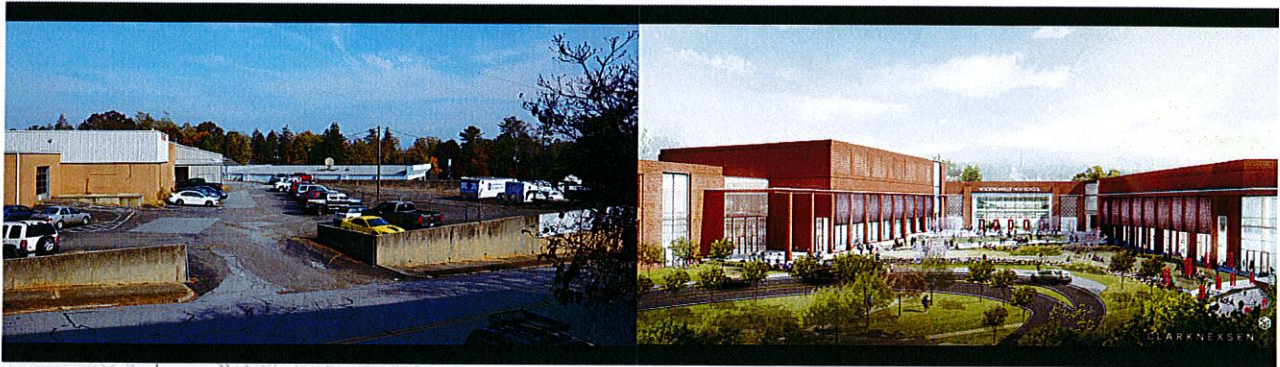




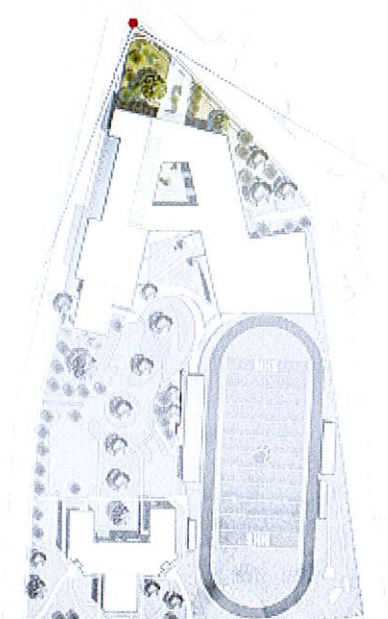
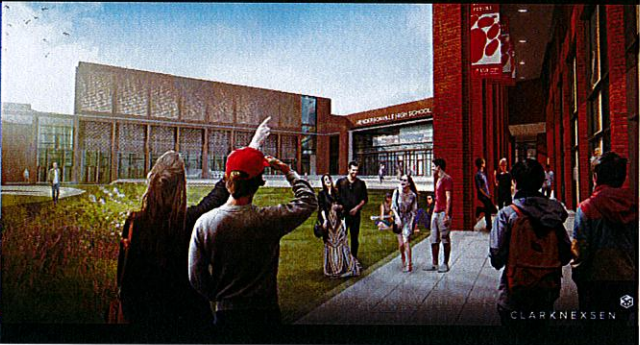
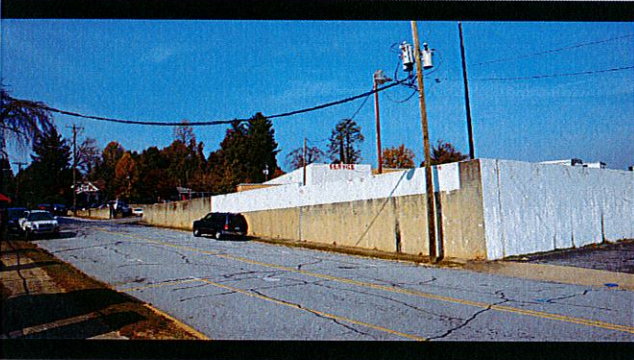
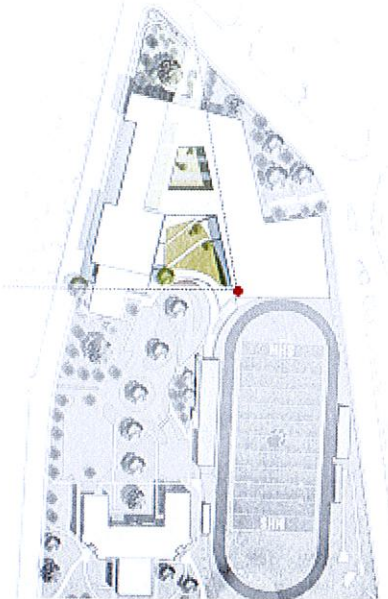




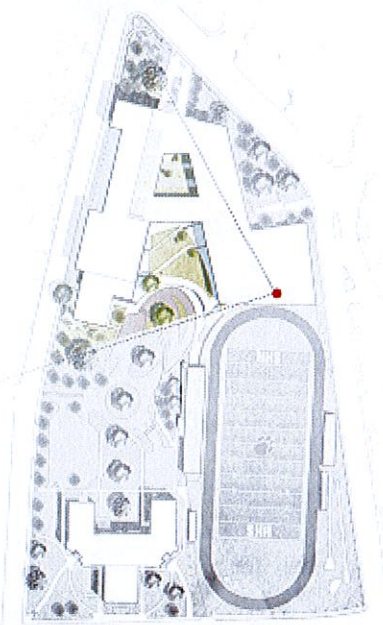
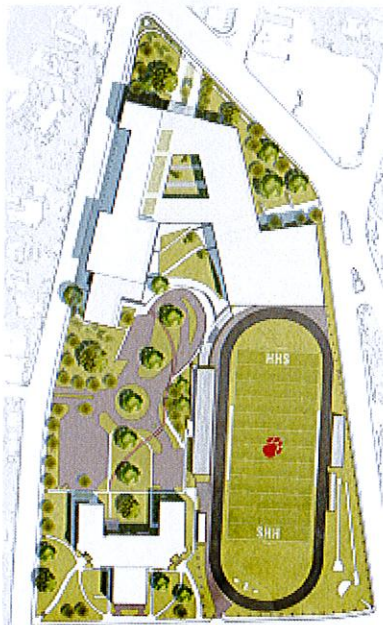




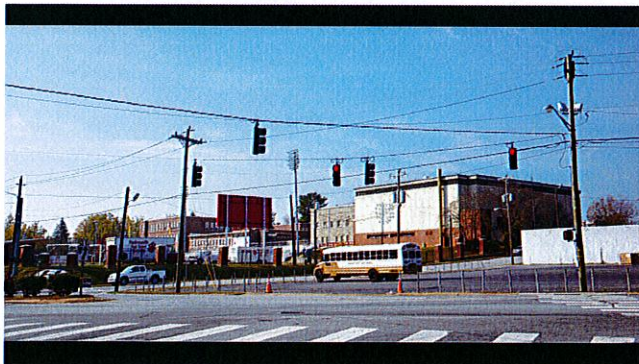
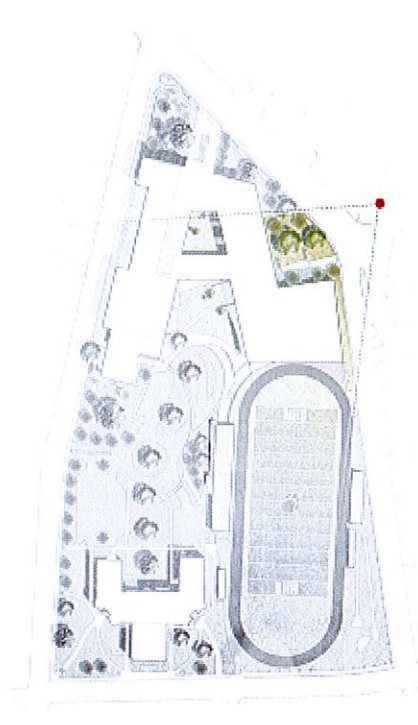
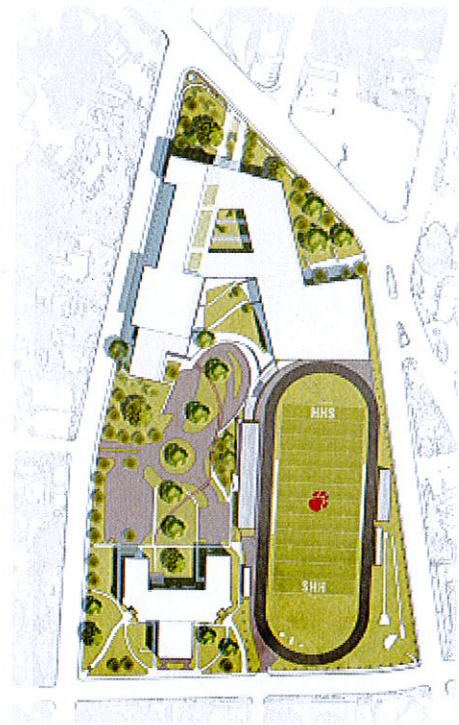




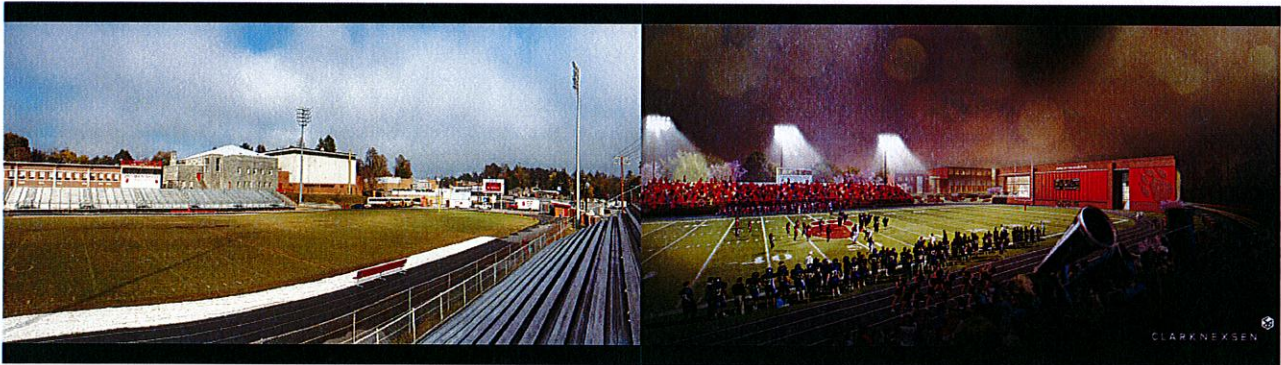
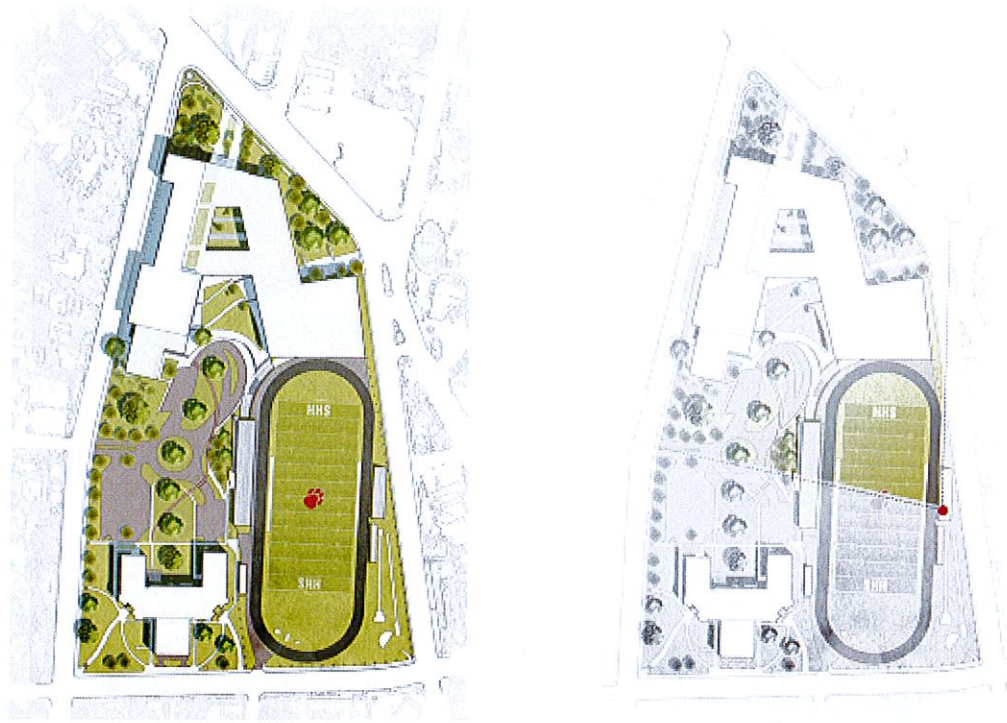












Commissioner Hawkins stated the Architects spent many hours with school staff collecting information on the needs of the school. Parking is an issue for both students and staff and remains to be so. Commissioner Lapsley suggested looking at acquiring additional property for additional parking.

BOE member Amy Lynn Holt stated the Board had met with their attorney and he feels the authority of the Statute is with the School Board. She does not feel that the Board of Commissioners can override the Board of Education Plan, and is not willing to proceed with the new HHS as it is now. She loves the plan but it is not what the Board of Education asked for.

Commissioner Hawkins responded the Board of Commissioners can pause on all plans and let the Board of Education bring a Bond Referendum forward during the next election for the citizens to vote. This will delay any further planning.

BOE member Colby Coren explained he voted for the new school. He does not feel the feasibility of renovation is there. The plan presented today by Clark Nexsen is best for the future. He stands by the

decision of a new school, and feels the other schools will be jealous. Mr. Coren asked for a commitment by the Commissioners for Edneyville Elementary to move forward.

BOE member Mary Louse Corn shared the School Board felt they were being stepped over. She cannot be against the plan presented today because it is great. She is disappointed about the Stillwell building but will not stop the plans to move forward with the new school. This has been a bumpy ride but she is ready to move forward. Ms. Corn asked the Commissioners for a commitment to Edneyville Elementary.

BOE member Rick Wood stated this had been a helpful meeting with the two Boards communicating together. He is disappointed about the Stillwell building, but the plan is exceptionable, but he doesn't feel a Bond Referendum would pass. He asked the Commissioners for a commitment to Edneyville Elementary. The two Boards must work together and move forward with the plan. Mr. Wood feels that all four high schools need artificial turf fields.

Ervin Bazzle explained he cannot vote legally unless it is a tie vote. The plans are good and cannot be questioned. Edneyville is very important and needs a commitment.

Chairman Thompson feels the Stillwell building is in bad shape and underutilized. The best use for the building is the Board of Education with the remainder used for students. The property used for the Rose Edwards building would be ideal for additional space for the library.

Commissioner Edney noted if the Stillwell building was renovated to its original floorplan, the classrooms would be tiny. "Maybe we should sell and look for property out of town (City limits)". We need to move forward with new construction of Hendersonville High School. More dialogue is needed for Edneyville Elementary in regard to size, location, new or renovate, etc. It is no question we need to do something, just how, what and when.

Commissioner Messer stated parking will always be an issue at all high schools. We need to move forward with this plan. We do not need to continue "kicking the can down the road."

Commissioner Hawkins feels it would be best for both Boards to move forward. The Stillwell building and parking are issues that the Commissioners will continue to address, along with Edneyville Elementary.

Commissioner Lapsley noted during the first month of his tenure, letters from Ervin Bazzle showed equal importance for Balfour, Edneyville, and Hendersonville High School. A package for all three will be \$110m. The Commissioner looked at all three and feel it is more than can they are willing to take on at one time. This is how it became three pieces in a close timeframe, but not all at one time. A decision was made to do the bigger job first and move down as debt service rolled off.

Mr. Lapsley agrees with Chairman Thompson in regard to the Stillwell building. We should complete the new building first, then Stillwell is empty and renovations can be done using the rooms for supplemental classrooms. The room sizes will remain the same. The auditorium would remain available. Commissioner Lapsley thinks the Board of Education would be a good fit in the Stillwell building, but it will be their decision.

*Commissioner Hawkins made the motion that staff direct the Architect to move forward with the plan for Hendersonville High School at a project budget of \$52.6m. All voted in favor and the motion carried.*

Commissioner Edney suggested the Board have staff move forward with the closure of 9<sup>th</sup> avenue.

*Commissioner Edney made the motion that the Board direct Clark Nexsen to move immediately to Edneyville Elementary when finished with Hendersonville High School. All voted in favor and the motion carried.*

*Commissioner Edney made the motion that the Board continue to be committed to look at the Stillwell building for some continued school use after the completion of architect work at Hendersonville High School and Edneyville Elementary School. All voted in favor and the motion carried.*

*Commissioner Hawkins made the motion to adjourn at 12:30 p.m. All voted in favor and the motion carried.*

Attest:

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

\_\_\_\_\_  
Thomas H. Thompson, Chairman



# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

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

Henderson County Board of Commissioners

1 Historic Courthouse Square, Suite 1

Hendersonville, NC 28792

Wednesday, November 09, 2016

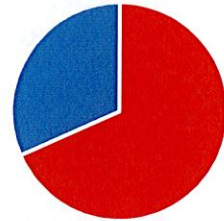
Re: Tax Collector's Report to Commissioners - Meeting Date November 16, 2016

Please find outlined below collections information through November 8, 2016 for the 2016 real and personal property bills scheduled to be mailed out on August 8, 2016. Vehicles taxes are billed monthly by NC DMV.

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

|                               |                        |
|-------------------------------|------------------------|
| <b>2016 Beginning Charge:</b> | <b>\$69,930,790.42</b> |
| Discoveries & Imm. Irreg.:    | \$296,797.75           |
| Releases & Refunds:           | <b>(\$129,005.41)</b>  |
| <u>Net Charge:</u>            | <u>\$70,098,582.76</u> |
| Unpaid Taxes:                 | \$47,947,089.40        |
| <b>Amount Collected:</b>      | <b>\$22,151,493.36</b> |

Paid  
31.60%



Unpaid  
68.40%

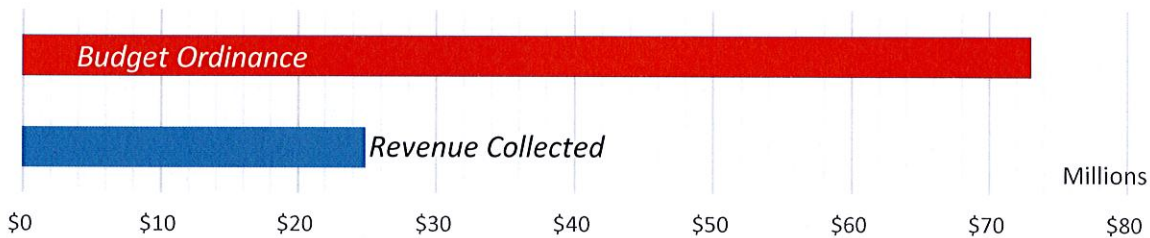
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

|                          |                       |
|--------------------------|-----------------------|
| Net Charge:              | \$2,125,343.50        |
| Unpaid Taxes:            | \$12,952.30           |
| <b>Amount Collected:</b> | <b>\$2,112,391.20</b> |

**99.39%**

## Henderson County FY17 Budget Analysis:

|                      | <u>Budget Ordinance</u> | <u>Revenue Collected</u>            |
|----------------------|-------------------------|-------------------------------------|
| Ad Valorem:          | \$71,500,676.00         | Ad Valorem: \$24,263,884.56         |
| Prior Years:         | \$1,575,000.00          | Prior Years: \$612,533.63           |
| <b>Budget Total:</b> | <b>\$73,075,676.00</b>  | <b>YTD Revenue: \$24,876,418.19</b> |



Respectfully Submitted,

Luke Small  
Deputy Tax Collector

Darlene Burgess  
Tax Administrator

LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY



Department: Register of Deeds

Please make the following line-item transfers:

What expense line-item is to be increased?

| Account                | Line-Item Description      | Amount           |
|------------------------|----------------------------|------------------|
| <u>115418 - 539000</u> | <u>Contracted Services</u> | <u>\$ 45,100</u> |
|                        |                            |                  |
|                        |                            |                  |
|                        |                            |                  |

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

| Account                | Line-Item Description                   | Amount           |
|------------------------|---|------------------|
| <u>114990 - 401002</u> | <u>Fund Balance Approp-ROD Restrict</u> | <u>\$ 45,100</u> |
|                        |   |                  |
|                        |   |                  |
|                        |   |                  |

Justification: *Please provide a brief justification for this line-item transfer request.*  
Software maintenance and support. Approved by the BOC 16 November 2016

Register of Deeds 16 November 2016  
Authorized by Department Head Date

\_\_\_\_\_  
Authorized by Budget Office Date

\_\_\_\_\_  
Authorized by County Manager Date

*For Budget Use Only*

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

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

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



EASEMENT

NORTH CAROLINA  
HENDERSON COUNTY  
WR 1095370

Prepared By: Chris Polhamus  
Return To: Duke Energy  
Attn: Sarah Lutz  
555-A Brevard Rd  
Asheville, NC 28806

THIS EASEMENT ("Easement") is made this 16<sup>th</sup> day of November, 2016, from Community Foundation of Henderson County, Inc., a North Carolina non-profit corporation, ("Grantor," whether one or more) to Duke Energy Progress, LLC, a North Carolina limited liability company, ("DEP"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEP, its successors, lessees, licensees, transferees, permittees, apportionees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of Grantor situated in Hoopers Creek Township, described as follows: PIN# 9653614454, containing 0.36 acres, more or less, and being the land described in a deed from Katherine W. Youngblood to Community Foundation of Henderson County, Inc., dated December 31, 1986, and recorded in Deed Book 690, Page 839, Henderson County Registry, (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, supporting structures such as poles, cables, wires, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being ten (10) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEP enclosure, manhole or vault vent (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes. The center line of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEP: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and pave areas where practical as determined by DEP); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which might interfere with or fall upon the Facilities; (d) to install guy wires and anchors extending beyond the limits of the Easement Area; (e) and all other rights and privileges reasonably necessary or convenient for DEP's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement area for the purposes described herein.

It is understood and agreed that the general location of the Easement Area is shown on the sketch attached hereto as Exhibit A and recorded herewith. The final and definitive location of the Easement Area shall become established by and upon the final installation and erection of the facilities by DEP in substantial compliance with Exhibit A hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEP, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEP that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, GRANTOR has caused this EASEMENT to be signed in its name by its duly authorized officer, as of the date first above written.

Community Foundation of Henderson County, Inc.  
A North Carolina non-profit corporation

By: \_\_\_\_\_  
McCray Benson

Title: President/CEO

\_\_\_\_\_  
NORTH CAROLINA, \_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that McCray Benson personally appeared before me this day and acknowledged that he is President/CEO of Community Foundation of Henderson County, Inc., a North Carolina non-profit corporation, and being authorized to do so, executed the foregoing EASEMENT on behalf of the corporation.

Witness my hand and notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CONSENT OF LESSEE

The premises (or a portion thereof) described in the foregoing Easement is subject to that certain lease dated July 18, 1988 between Community Foundation of Henderson County, Inc., as Lessor/Landlord, and Board of Commissioners of Henderson County, NC, as Lessee/Tenant, recorded in Deed Book 729 at Page 579 in the Henderson County Registry (the "Lease"). The undersigned Lessee has joined in the execution of this Easement for the sole purpose of subordinating the Lease [or consenting] to the Easement granted therein.

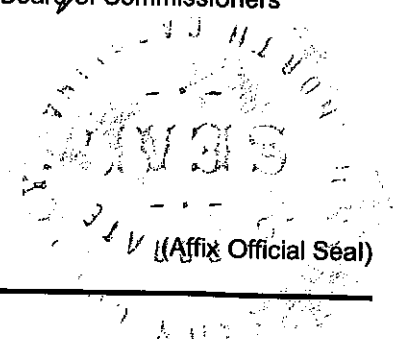
Board of Commissioners of Henderson County, NC

By: Tommy Thompson  
Tommy Thompson, Chairman Board of Commissioners

ATTEST:

Teresa L. Wilson

Teresa Wilson, Clerk to the Board



NORTH CAROLINA, Henderson COUNTY

I, JoAnne Martin Hinson, a Notary Public of Henderson County, North Carolina, certify that Teresa Wilson personally appeared before me this day and acknowledged that she is Clerk to the Board of Board of Commissioners of Henderson County, and that by authority duly given and as the act of said COUNTY, the foregoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested by herself as its Clerk to the Board.

Witness my hand and notarial seal, this 17th day of November, 2016.

JOANNE MARTIN HINSON  
Notary Public, North Carolina  
Henderson County  
My Commission Expires  
May 23, 2018

JoAnne Martin Hinson  
Notary Public  
My commission expires: May 23, 2018

TYPICAL DEP PRIMARY R/W EASEMENT

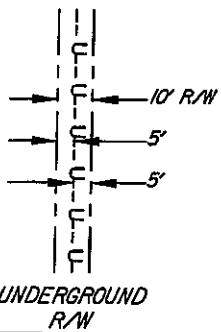
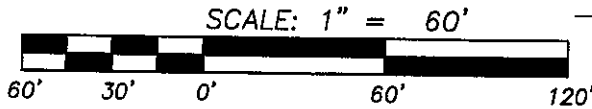
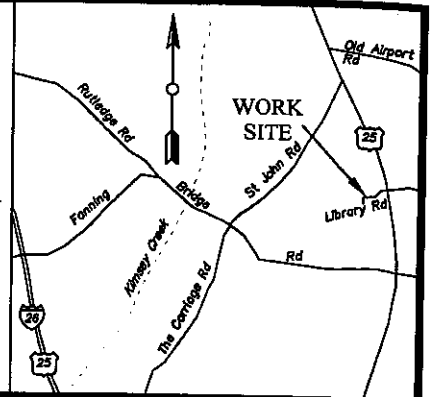


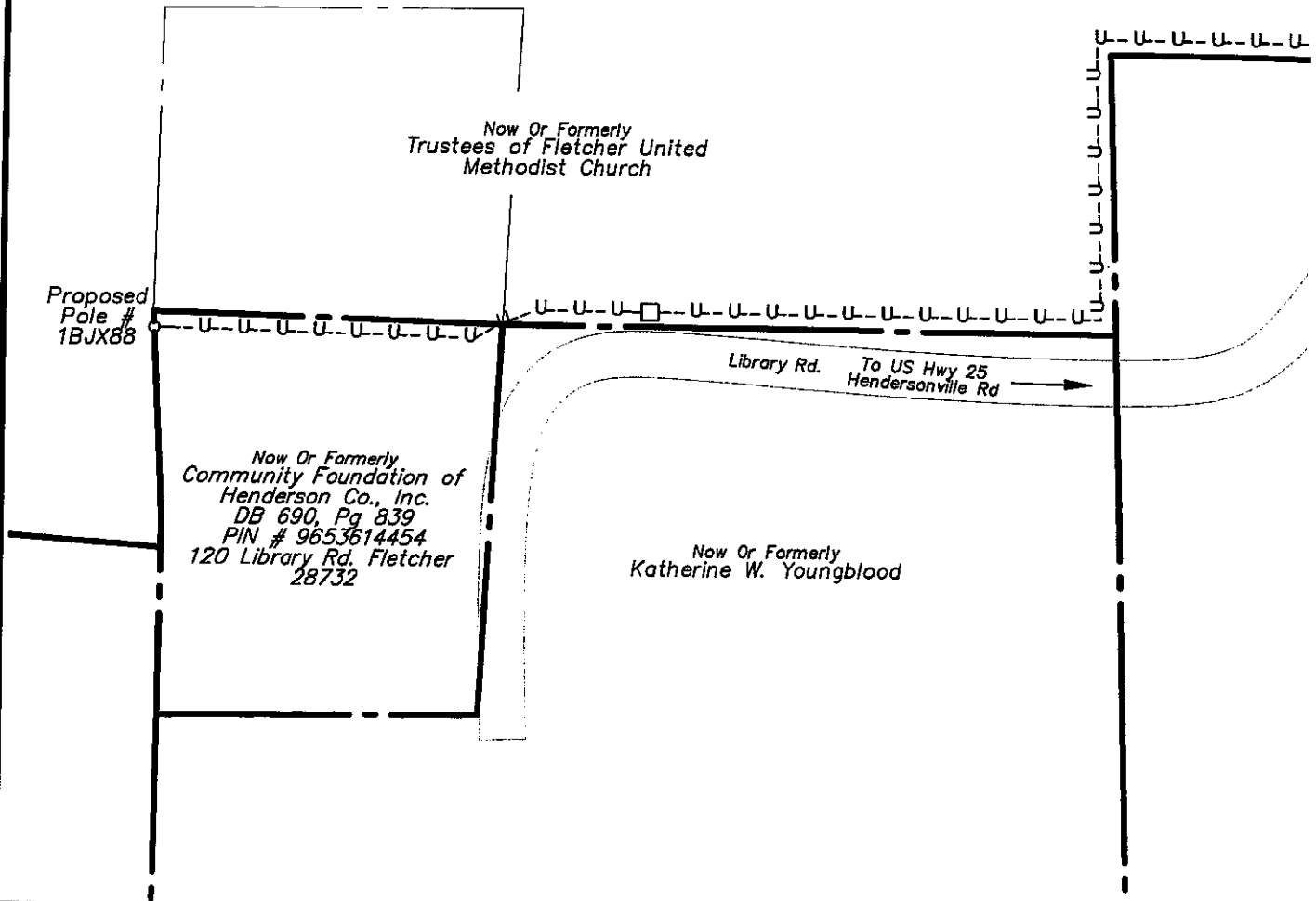
EXHIBIT "A"



THIS IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



VICINITY MAP  
Not To Scale



LEGEND

- Property Line
- ⊕ Proposed Overhead Facilities
- ⊕ Existing Overhead Facilities
- -> Proposed Pole and Anchor
- -> Existing Pole and Anchor
- - u - - ⊕ Proposed Underground Facilities
- - u - - ⊕ Existing Underground Facilities
- /□ Existing/Proposed Enclosure
- ⊙ Proposed Street Light
- - - - - Other Right of Way Edges of Roads, etc.



Approximate Location of Distribution R/W  
Across Property of

**Community Foundation of Henderson Co. Inc.**

Location Henderson Co., N.C.

Scale 1" = 60' Date 09/13/16

Drawn J. Dacey Checked S. Lutz

Dwg. No. 20104696 Sheet: 1 of 1

# 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)

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

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

## PROCLAMATION

**WHEREAS,** Henderson County is located in the Blue Ridge Mountains, in a broad basin formed by the French Broad River and its tributaries. Its diverse geography of gentle mountains, fertile valleys and rich forests has played a pivotal role in its unique history; and

**WHEREAS,** Geography Awareness Week is November 13-19, 2016; and

**WHEREAS,** National Geographic Information Systems (GIS) Day is November 16, 2016; and


**WHEREAS,** GIS is an important part of geography awareness, providing not only the study of maps, but also relationships among people, places and environments that are continuously being examined on local, national and global levels; and

**WHEREAS,** Henderson County has GIS personnel in various departments that manage the complex systems providing GIS data that is critical to health, public safety, emergency management, disaster preparedness, economic development, and quality of life of our citizens;


**NOW, THEREFORE, BE IT RESOLVED,** that we, the Henderson County Board of Commissioners, do hereby proclaim November 16, 2016 as “**GIS Day**” in Henderson County.

**FURTHERMORE,** we commend the individuals and organizations that are involved in the field of geographic information systems, and extend our gratitude to all Henderson County GIS personnel for their commitment to providing GIS resources to meet the needs of the citizens of Henderson County.

Adopted this 16<sup>th</sup> day of November, 2016.

  
THOMAS H. THOMPSON, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
TERESA L. WILSON, CLERK TO THE BOARD

LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY



Department: Health/General

Please make the following line-item transfers:

What expense line-item is to be increased?

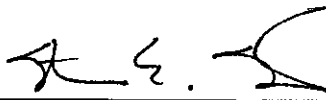
| Account              | Line-Item Description      | Amount         |
|----------------------|----------------------------|----------------|
| <u>115510 539000</u> | <u>Contracted Services</u> | <u>\$3,750</u> |
| <u>115510 537000</u> | <u>Advertising</u>         | <u>\$3,750</u> |
| _____                | _____                      | _____          |
| _____                | _____                      | _____          |
| _____                | _____                      | _____          |
| _____                | _____                      | _____          |
| _____                | _____                      | _____          |
| _____                | _____                      | _____          |

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

| Account              | Line-Item Description  | Amount         |
|----------------------|------------------------|----------------|
| <u>114510 452006</u> | <u>Health Ed State</u> | <u>\$7,500</u> |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |
| _____                | _____                  | _____          |

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

Unique one-time state funds to address prescription drug overdoses - see attached agreement addendum 472.  
Board of Health approved proposed budget amendment at October 11, 2016 meeting.

  
\_\_\_\_\_  
Authorized by Department Head

10/12/2016  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

*For Budget Use Only*

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

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

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