

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MONDAY, AUGUST 4, 2014

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, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: PIO Kathryn Finotti (video-taping), Finance Director J. Carey McLelland, Engineer Marcus Jones, Assessor/Tax Collector Stan Duncan, Environmental Programs Coordinator Rachel Hodge, Director of Business and County Development John Mitchell, HR Director Jan Prichard, Property Addressing Coordinator Curtis Griffin, Fire Marshal Rocky Hyder, Sheriff's Department PIO Frank Stout, Library Director William Snyder, Assistant Engineer Natalie Berry, Recreation Director Tim Hopkin, Budget Analyst Megan Powell, Corporal Brent Hall and Deputy Terry Foster as security.

### CALL TO ORDER/WELCOME

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

### INVOCATION

Victor Rampey of Main Street Baptist Church provided the invocation.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Naomi McIlvaine of the Henderson County 4-H.

### DISCUSSION/ADJUSTMENT OF AGENDA

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

### CONSENT AGENDA

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

CONSENT AGENDA consisted of the following:

#### **Minutes**

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

July 16, 2014 – regularly scheduled meeting

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

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated July 24, 2014 for information only. No action was required.

#### **Amendment to Henderson County Code of Ordinances, Chapter 41, Property Addressing**

Staff was directed to update the Property Addressing ordinance at the July 16, 2014 Board of commissioners' meeting. One update is presented to limit the submission of road name change petitions to one per year per road regardless if the petition is approved or disapproved.

Motion:

DATE APPROVED: August 20, 2014

*I move the Board approves the ordinance change and directs staff to incorporate it into the Henderson County Code of Ordinances.*

**Notification of Vacancies**

Chairman Messer noted the following vacancies and opened the floor to nominations.

- 1. Environmental Advisory Committee – 1 vac.
- 2. Fire and Rescue Advisory Committee – 1 vac.
- 3. Henderson County Zoning Board of Adjustment – 1 vac.
- 4. Hendersonville City Zoning Board of Adjustment – 2 vac.
- 5. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

**Nominations**

- 1. EMS Peer Review Committee – 3 vac.

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

- 2. Environmental Advisory Committee – 2 vac.

Commissioner Thompson requested that the Board waive the rules and allow appointment of these two positions and the notification of vacancy position at this meeting. It was the consensus of the Board to waive the rules.

Commissioner Thompson nominated Kimberly Baird for position #2, Janet Allen for position #8, and Ryan Cannon for position #9. *Chairman Messer made the motion to accept the appointments of Kimberly Baird to position #2, Janet Allen to position #8, and Ryan Cannon to position #9 by acclamation. All voted in favor and the motion carried.*

- 3. Henderson County Planning Board – 1 vac.

Commissioner Young nominated Ronald Kauffman for position #3 at the previous meeting and this item was rolled to this meeting by consensus of the Board.

Commissioner Edney nominated Chuck Edwards for position #3.

The Board was polled with the following results:

Mr. Edney	Mr. Thompson	Mr. Messer	Mr. Hawkins	Mr. Young
1.Edwards	1.Edwards	1.Edwards	1.Kauffman	1.Kauffman

*Chuck Edwards was appointed with the majority of votes.*

- 4. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

- 5. Juvenile Crime Prevention Council – 7 vac.

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

- 6. Mountain Area Workforce Development Board – 3 vac.

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

- 7. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

8. Nursing/Adult Care Home Community Advisory Committee – 5 vac.

Commissioner Hawkins nominated Aubrey Carruth for position #3. Commissioner Young nominated Kathleen Dunn for position #18. *Chairman Messer made the motion to accept the reappointments of Aubrey Carruth to position #3 and Kathleen Dunn to position #18 by acclamation. All voted in favor and the motion carried.*

9. Senior Volunteer Services Advisory Council – 2 vac.

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

10. Social Services Board – 1 vac.

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

There is only one application on file: Mary Murray. There is concern of conflict because Ms. Murray is the Chair of the Juvenile Crime Prevention Council (JCPC) which does counteract with DSS. Her load with JCPC is also heavy. Attorney Russ Burrell stated there is no statute reason that she can't serve in both, just the obvious reason of how it would be perceived.

11. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

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

**EMERGENCY SERVICES FACILITIES SPACE NEEDS ASSESSMENT**

County Manager Steve Wyatt stated at the July 16<sup>th</sup> meeting, the County Manager presented the Emergency Services Facilities Space Needs Assessment to the Board. Following review of the Assessment, the Board is requested to have a more thorough discussion of the report's finding. Steve Allen with Solutions for Local Government, as well as representatives from the emergency services organizations will be present to answer questions from the Board.

**Purpose & Introduction**

The purpose of this study was to assess the space needs of the County's Emergency Management Department, the County's EMS Department (Administration and EMS Station #1) and the Henderson County Rescue Squad, which while not a County Department, works hand-in-hand with each of the referenced departments. The process involved first, the assessment individually of each department's functional requirements and the space necessary to adequately address those requirements. Next, meetings were facilitated with department representatives together to determine the feasibility of sharing common spaces and ultimately the consolidation of all three into one new building. Space requirements, once determined, were followed with an identification of the necessary site requirements, an estimate of probable construction and project related costs, and commentary as to the basis for where a new facility should be located.

**2. Background**

The Henderson County Emergency Management Office includes the Emergency Services Director and the County Fire Marshal functions. It also houses the Emergency Operations Center (EOC) from which centralized control and response is directed during any major weather event or declared emergency occurring in the County. The department currently has five (5) employees and was moved into renovated space in the lower level of the former County Administration building in 2007. The emergency Management Director oversees the operation of the County's Emergency Medical Services department and is the County's principal liaison with the Henderson County Rescue Squad.

Henderson County Emergency Medical Services (*EMS*) provides advanced life support response to medical emergencies throughout Henderson County, 24 hours per day. Ambulances are currently deployed from four

strategically located stations including the main station located next to Pardee Hospital in downtown Hendersonville; it is this station which is addressed in this report.

The average annual call volume over the past three years (2011-2013) has been just under 11,600 per year. Significant also, is that the average increase in the number of calls/year over the same period has been just under 600. The number of full-time, part-time and auxiliary personnel currently numbers 68. The main station, which also includes department administrative, training and billing personnel, has been occupied by EMS since 1978.

The Henderson County Rescue Squad was established in 1957 as a (then) all volunteer organization to respond to emergency and life threatening events anywhere in Henderson County. While remaining all volunteer for many years, the Squad today includes 72 paid full-time, part-time and volunteer members. Today also, the Squad provides back up and support to the Henderson County EMS, all non-emergency medical transports between hospitals, patient residences and assisted living facilities within the County. Its rescue capabilities include certifications and subsequent response in several categories of technical rescue including; swift-water, high angle/rope, dive recovery, wilderness & urban search, and confined space rescue. The Rescue Squad has been in its current building since 1973.

While the squad averaged over 500 calls for service per year for 2011-2013, it is expected to exceed 2,000 calls this year (2014); for the most part due to the addition of the non-emergency medical transport service which it assumed in January.

### 3. Existing Space Limitations

Note: the acronym *nsf* (net square feet) is used in this narrative. Further discussion regarding *nsf* and *gsf* (gross square feet) is provided in Section 4, Identification of Space Needs.

#### Emergency Management

**Current Space: 3,826 nsf**

The current space is good, although several emergency vehicles and major pieces of equipment must be kept off site, several miles from the current office location. Additional warehouse type storage is needed to accommodate supplies and better addresses specific loading and unloading requirements that would make it much more efficient to deploy and issue supplies during an emergency event. Also, Additional space to accommodate a data/media control station within the EOC, with accompanying technology upgrades, would improve the receipt, formatting and redistribution of audio, visual and data regarding an emergency event as it is occurring together with the ability to monitor the response to the event.

#### Emergency Medical Services

**Current Space: 10,516 nsf**

The condition of the building which includes EMS Base #1 and the administrative, training and billing operations is "poor". As stated in the 2007 EMS Operations Assessment & Planning Study; "the building is old, not designed for the purpose it is currently used for, and is functionally inefficient."

The garage is very crowded as are the upstairs office and publically accessed entry and billing office areas. Additional storage space is badly needed. Modifications have been made within what had been the primary training room to accommodate other needs. Subsequently, the primary training room and support scenario/task training spaces were moved offsite. A two story building with the garage and ambulances on the ground level and staff and important support spaces on the second level is *very* inefficient for an EMS operation.

#### Rescue Squad

**Current Space: 9,076 nsf**

As the various specialized technical rescue capabilities have been acquired over the years so too have the specialized vehicles and equipment to support those capabilities. As well, in assuming primary responsibility for non-emergency medical transports within the County January of this year, there have been additional

increases. Needless to say the facility itself has become very crowded. Since occupying the main building in 1973, a prefabricated garage size shed and a built garage have been added on site to provide necessary enclosures for several vehicles.

Current space limitations make post incident staging for very difficult; for example, drying space for dive suits and equipment, cleaning of specialized gear and equipment, and re-supplying ambulances and response vehicles. The site itself has had several various unrelated functions and accompanying buildings added to it over the years which precludes further expansion on-site. Further, current renovations underway to the main building, necessary to accommodate the added responsibility for non-emergency medical transport program staff, will further diminish already crowded staff meeting, training and support space.

#### **4. Identification of Space Needs**

Site visits were made to each of the primary building locations, as well as the referenced off-site equipment/vehicle storage and training facilities. Inspections of the existing spaces within each building were conducted and existing square footage noted and/or physically measured. Department personnel at each location were questioned regarding their assignment and responsibilities, their individual concerns regarding space requirements and the basis for the needs identified.

Individual meetings were conducted with each County Department and with the Rescue Squad to discuss the type, function and basis for the various types of spaces needed. These meetings in each case were attended by the department heads and various employees.

Individual space lists were prepared for each focusing on the type of space and its intended function without regard to what size the space(s) should be; i.e. emphasis on need versus “how big”. Following agreement on the individual spaces needed, discussions addressed the number of people intended to use each space, the type of equipment or vehicle that was going to be housed in the space, and/ the quantities of materials, supplies, etc. that was going to be stored, used, consumed, etc. each space; ultimately, to estimate the approximate size of each space.

Space lists identifying individual spaces and total department area needs were then developed, documented, and reviewed with each department. The results are identified in the department space lists that follow.

Note that the first series of space lists identify the primary (main) building requirements only. Garage spaces which will include the vehicle bays are addressed separately and follow the primary building space lists.

The bold blue number at the upper right corner of the individual space lists is the current total net square feet (nsf) of the noted department’s current facilities.

#### **“Net” vs. “Gross” Square Footage**

The interior, usable dimensions of a space or work area constitute the area’s “Net Square Feet” or NSF. When wall thicknesses, stairwells, common circulation areas, interior mechanical space, etc. is all considered, the total building area that results is referred to as the total “Gross Square Feet”, or GSF.

The Area/Building Multiplier used to calculate the net-to-gross difference in a building may also be referred to as the efficiency factor. This number will vary depending on the type of building and the complexity of its design requirements. In the case of the building addressed in this report, the net-to-gross “multiplier” will typically range from 25-30percent. The designer of the building may adjust that number in some instances, for example the referenced garage/vehicle bays are intended to have no interior walls yet will encompass several thousand square feet; i.e. a more efficient (smaller percentage) multiplier may be applied.

<b>Emergency Management</b>	<b>3826</b>
<b>Space/Area</b>	<b>NSF</b>
<b>Public Access</b>	
Entrance Vestibule	60
Lobby/Seating	80
Small Conference Room [6]	150
Public Restroom	60
<b>Personnel</b>	
Administrative Assistant	132
Director	240
Fire Marshal	156
AFM/FI/PR; also w/Plan Review	288
<b>Staff Support</b>	
Copy/Work Room	156
File Room	144
Fire Marshal Equipment	120
Server Room	80
Utility Room 100	
Evidence Storage (Secure)	150
<b>Emergency Operations</b>	
Secure Entrance Vestibule to EOC	60
Transition Lobby	192
IT/Data/Tech. Work Space	100
Operations Center	728
Op Center Equipment/Media Control	120
Restroom w/Shower-Men	150
Restroom w/Shower-Women	140
Bunkroom-Men	140
Bunkroom-Women	140
Dining/Break Area	120
Kitchen w/Pantry	156
Janitor Closet	60
General Equip & Supply Storage-A	800
General Equip & Supply Storage-B	200
Back-up UPS	200
<b>Total Net Square Feet (NSF):</b>	<b>5222</b>

<b>Emergency Medical Services</b>	<b>10516</b>
<b>Space/Area</b>	<b>NSF</b>
<b>Public Access &amp; Billing</b>	
Entrance Vestibule	60
Lobby/Seating	80
Public Restroom	60
Reception	24
Billing Supervisor	120
Billing Office	240
Copy/Workroom	156
Medical Records	320
Staff Restrooms	180
EMS Billing Break Area	110
<b>EMS Administration</b>	

Manager	156
Training Officer	120
Quality Assurance	120
Logistics	120
Future	120
Training Materials & Equipment	320
Conference Room (8)	200
<b>Base Operations</b>	
Staff Entrance Vestibule	60
Mudroom & Gear	150
Staff Reports/Work Room	180
Supply & Stockroom	600
Narcotics Storage	100
Shift Supervisors [4]	192
Field Training/Asst. Supervisor Office	192
Copy/Work Room	120
Conf Room (4-6 people)	150
Storage room/ Tactical Medic team gear	80
<b>Staff Support</b>	
Dayroom	288
Kitchen/Dining	144
Supply	20
Fitness Room	250
Restroom/Shower-Men	100
Restroom/Shower-Women	120
Lockers (72)	576
Bunk Room-Men [2]	240
Bunk Room-Women [2]	240
Bunk Room-Supervisors [2]	240
Server	80
Utility	100
UPS	150
Janitor Closet	60
<b>Training</b>	
Multipurpose/Classroom [40]	1000
Scenario Rooms	648
Chair, Table, Mat Storage	150
<b>Total Net Square Feet (NSF):</b>	<b>8736</b>
<b>Henderson County Rescue</b>	<b>9076</b>
<b>Space/Area</b>	<b>NSF</b>
<b>General Public Access</b>	
Entrance Vestibule	60
Lobby/Seating	80
Public Restroom	60
<b>Admin &amp; Staff Offices</b>	
Chief	156
Deputy Chief	156
Assistant Chief(s) [2]	180
Assistant Chief [Finance]	132
Captain(s)	160

Billing/Reception	132
Gen. Office [Future]	132
Gen. Office/Small Meeting Room (16)	400
Records storage	208
<b>Base Operations</b>	
Staff Entrance Vestibule	60
Mudroom & Gear	168
Mail Room	96
Supply & Equipment Storage-A	600
Supply & Equipment Storage-B	200
EMT Reports/Workroom	192
Shift Supervisor	120
<b>Staff Support</b>	
Dayroom	288
Kitchen/Dining	120
Supply/Pantry	24
Restroom/Shower-Men	160
Restroom/Shower-Women	170
Lockers (72)	576
Bunk Room-Men [2]	140
Bunk Room-Women [2]	140
Bunk Room [2]	70
Laundry Space	30
Janitor Closet	60
Meeting Room [60 adults @ tables]	1200
Meeting Room Storage	200
Utility	80
UPS	150
IT / Server Room	100
<b>Total Net Square Feet (NSF):</b>	<b>6800</b>

<b>Garage Area/Space by Department</b>	<b>NSF</b>	<b>Subtotal</b>
<b>Emergency Management</b>		
State Med Assist Trailer	521	
Light Tower/Trailer	278	
Generator	62	
Ranger & trailer	174	1035
<b>EMS</b>		
Vehicle Bays-Type B	5100	
Decon Shower	30	
Laundry	132	
Restroom	60	
Biohazard Closet	16	
Equipment/Splint Wash & Dry	120	
Utility	100	
Air Tanks	80	
General Storage	200	
Vehicle Wash Bay	798	
Battery Chargers	40	
Bike Team Equipment	80	6756
<b>Rescue</b>		



Vehicle Bays-Type A	8160	
Vehicle Bays-Type B	3400	
Decon Shower	30	
Restroom	50	
HD Laundry	80	
Drying Room	200	
Work Bench & Tool Room	180	
Utility Room	156	
General Storage	600	
Air Compressor / SCBA Room	150	
Vehicle Wash Bay	798	13804
<b>Total Net Square Feet (NSF):</b>		<b>21595</b>

### Space Summary by Department

All numbers are in net square feet (nsf)

Department	Building	Garage	Total NSF
Emergency Management	5222	1035	6257
Emergency Medical Services	8736	6756	15492
Rescue Squad	6800	13804	20604
Total	20758	21595	42353

### 5. Consolidation & Shared Use

Meetings were held with Department heads and various staff specifically to discuss opportunities for sharing space in a single building. And, although the day-to-day responsibilities and demands placed on each department are different, each has enough in common, particularly if located in the same building, to consider the possibilities. The obvious consideration also, as long as efficiencies are not compromised, is that reducing total square footage will reduce the cost of construction.

In the discussions that occurred a number of areas were identified within each department's individual space list that was considered:

- Building lobby & reception area
- Training/multipurpose meeting space
- Server & utility rooms
- Vehicle wash area
- Backup UPS space
- Kitchen space
- General storage space

And, although no department "lost" access to the spaces it needed, the breakdown of how the shared space was distributed was as follows:

Department	Calculated as Individual Buildings			Consolidated	
	Building	Garage	Total	Reductions	Rev. Total
Emergency Management	5222	1035	6257	1145	5112
Emergency Medical Services	8736	6756	15492	1480	14012
Rescue Squad	6800	13804	20604	1728	18876
Total	20758	21595	42353	4353	38000

It is significant to note that the 4,353 square foot reduction is NET square feet; will translate into a reduction of approximately 5,400 gross square feet of building.

Garage space was discussed further as well. The vehicles and major pieces of equipment normally stored in garage space were identified as those that needed temperature controlled space and those that did not. Those that did were designated for “Type A” space and those that did not were designated for “Type B” space.

- Type A space is that which will be located attached to the primary building itself and be consistent in construction materials and appearance as the main building.
- Type B space will be enclosable and securable, however, separate (but convenient) to/from the main building and with the only utility required being electricity.

At present, the breakdown of the Garage space by type is as follows:

Garage A                    17160 nsf  
 Garage B                    4435 nsf

**6. Site Requirements**

When considering site requirements for a building project the immediate concerns will include the footprint of the building (gross square feet) and parking requirements. Additional site requirements that the eventual designer must also consider will include:

- Safe access and egress to and from the property
- Site perimeter and internal vehicle circulation; staff, visitors, vendors, and deliveries
- Setbacks that may be required or desired from roadways and/or adjoining properties
- Security of the site; limiting/restricting vehicle access to certain areas, and/or security fencing
- Water retention or detention of runoff resulting from paved areas

Estimated Site Requirements			
Area Requirements	NSF	Mult.	GSF
Building w/Garage A Space	37,918	1.25	47,398
Garage B Space	4,435	1.15	5,100
Parking – Staff			35,750
Parking – Public			3,900
Access/egress & site driveways			14,500
Building/parking-driveway buffer			3,520
Staging/loading/on site activities			10,900
Adjoining property setbacks			14,000
Water runoff/retention			8,000
Total Land Area (square feet)			<b>182,718</b>
Total Land Area (acres)			<b>4.19</b>

**7. Probable Costs**

When discussing the probable costs of a public building project, particularly a new building project, it is essential for budgeting purposes that two major categories of costs be addressed. The first is Construction Costs, for both the building and the building site. The second is Project Related Costs; those costs that will occur before, during and immediately after construction. Further explanation of these categories is offered as follows:

Construction Costs:

- Base Construction Costs-the brick, mortar, steel, and glass that comprises the building structure
- Site Development-the required grading, excavating, utilities, and paving

**Project Related Costs:**

- Design Fees-architectural & engineering design fees and expenses
- Site & Construction Materials Testing-soil tests, concrete consistency tests, etc.
- Printing Costs- primarily for construction documents printed & distributed during bidding
- Fixtures, Furnishings & Equipment-estimate of those items not otherwise provided by the contractor
- Construction Escalation-from date of estimate to the estimated date of construction start
- Project Contingencies-set aside required by Local Government Commission for public projects

**Preliminary Estimate of Probable Construction & Project Related Costs**

<b>Construction</b>	<b>GSF</b>	<b>Unit Cost</b>	<b>Total</b>
Main Building	47,398	\$ 125	\$ 5,924,750
Support Vehicle Garage	5,100	\$ 95	\$ 484,500
Site Development		Estimate	\$ 500,000
<b>Subtotal-Construction Costs:</b>			<b>\$ 6,909,250</b>
<b>Project Related</b>		<b>Unit Cost</b>	<b>Total</b>
A/E Design Fees		0.07	\$ 483,648
Site & Materials Testing		0.0025	\$ 17,273
Printing		Lump Sum	\$ 16,000
Fixtures, Furnishings & Equipment		0.04	\$ 276,370
Escalation		0.05	\$ 345,463
Contingencies			\$ 345,463
<b>Subtotal-Project Related Costs:</b>			<b>\$ 1,484,216</b>
<b>Total Estimated Project Costs:</b>			<b>\$ 8,393,466</b>

**8. Facility Location**

The consolidated facility that has been discussed thus far will house EMS, Rescue and Emergency Management. Conceivably, Emergency Management could be located almost anywhere when it comes to monitoring and directing a response to an emergency event. Rescue, in the event that they are called upon for their technical rescue capabilities, a location generally central within the County would be preferred. As to the Squad’s recently assumed responsibilities regarding non-emergency medical transports (currently estimated to exceed 1,200 calls this year), a location in Hendersonville would be most convenient. However, with a volume of almost 12,000 emergency calls per year, it will be *critical* that EMS Base #1 is centrally located to respond to the area of the County where the considerable majority of those calls continue to occur year after year. In other words, the most appropriate location for this consolidated emergency services facility should be that which will be most appropriate for EMS.

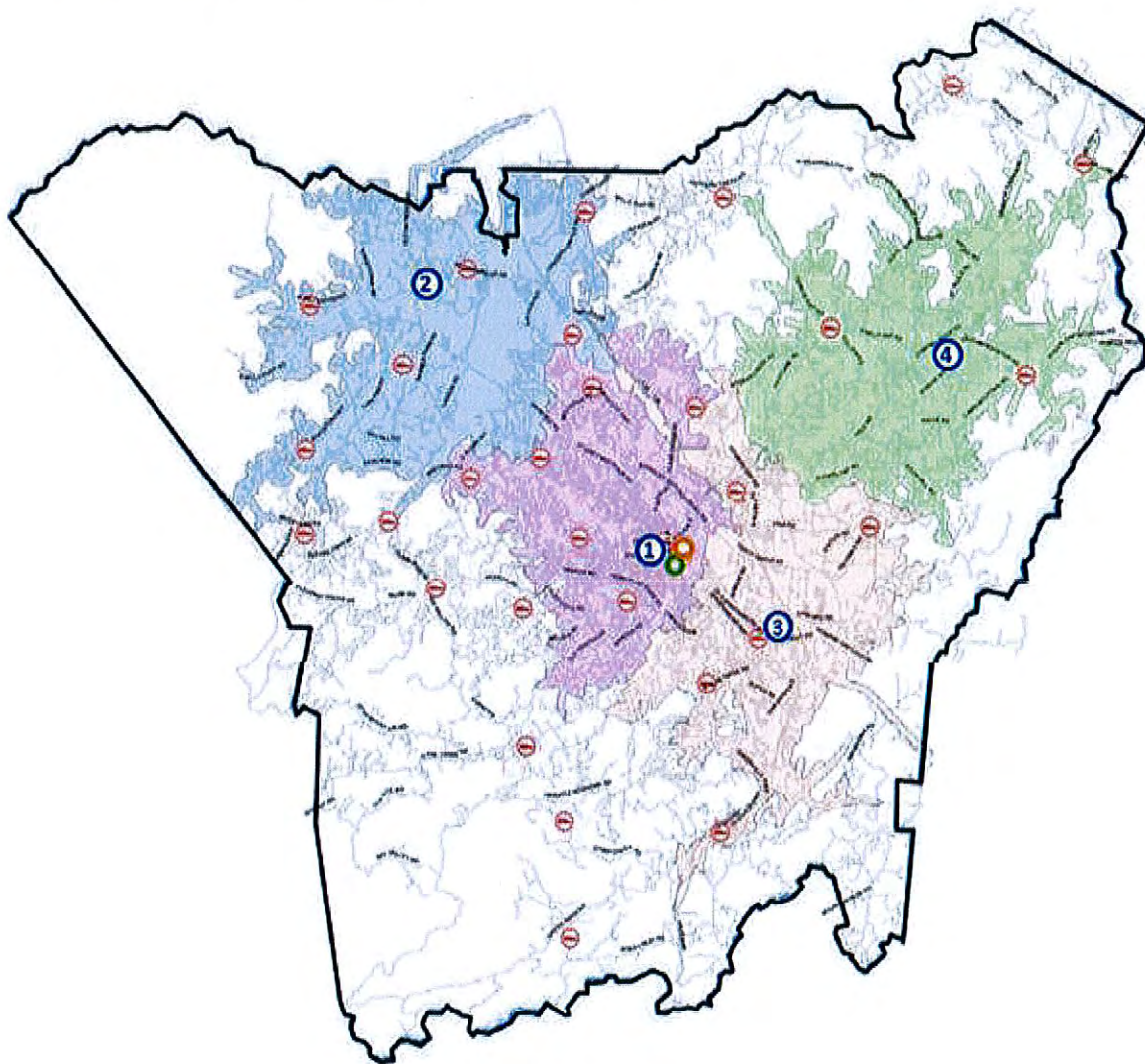
The maps and accompanying comments that follow further illustrate these concerns.

**MAP #1**

- This map first identifies, with the blue outlined circles, the current locations of the four EMS stations within the County.
- The orange and green circles adjacent EMS station #1 represents the locations of Emergency Management and Rescue respectively.
- The smaller red outlined circles represent the location of 30 fire service stations that belong to 12 County Fire Departments and the City of Hendersonville.

- The pastel colored areas that correspond to each of the four EMS stations represent the nine (9) minute travel distance perimeters in every direction from the respective bases.
- Nine minutes is significant in that it is the EMS Department’s time objective for responding to critical medical emergencies.
- Of course there are white areas remaining on the map; many of them, at least currently, are sparsely populated and subsequently experience (comparatively) far fewer emergency calls; EMS does respond to all calls into these areas, however, with medical first responder assistance from the area fire departments.

**EMS Station Locations w/9 Minute Response Boundaries**

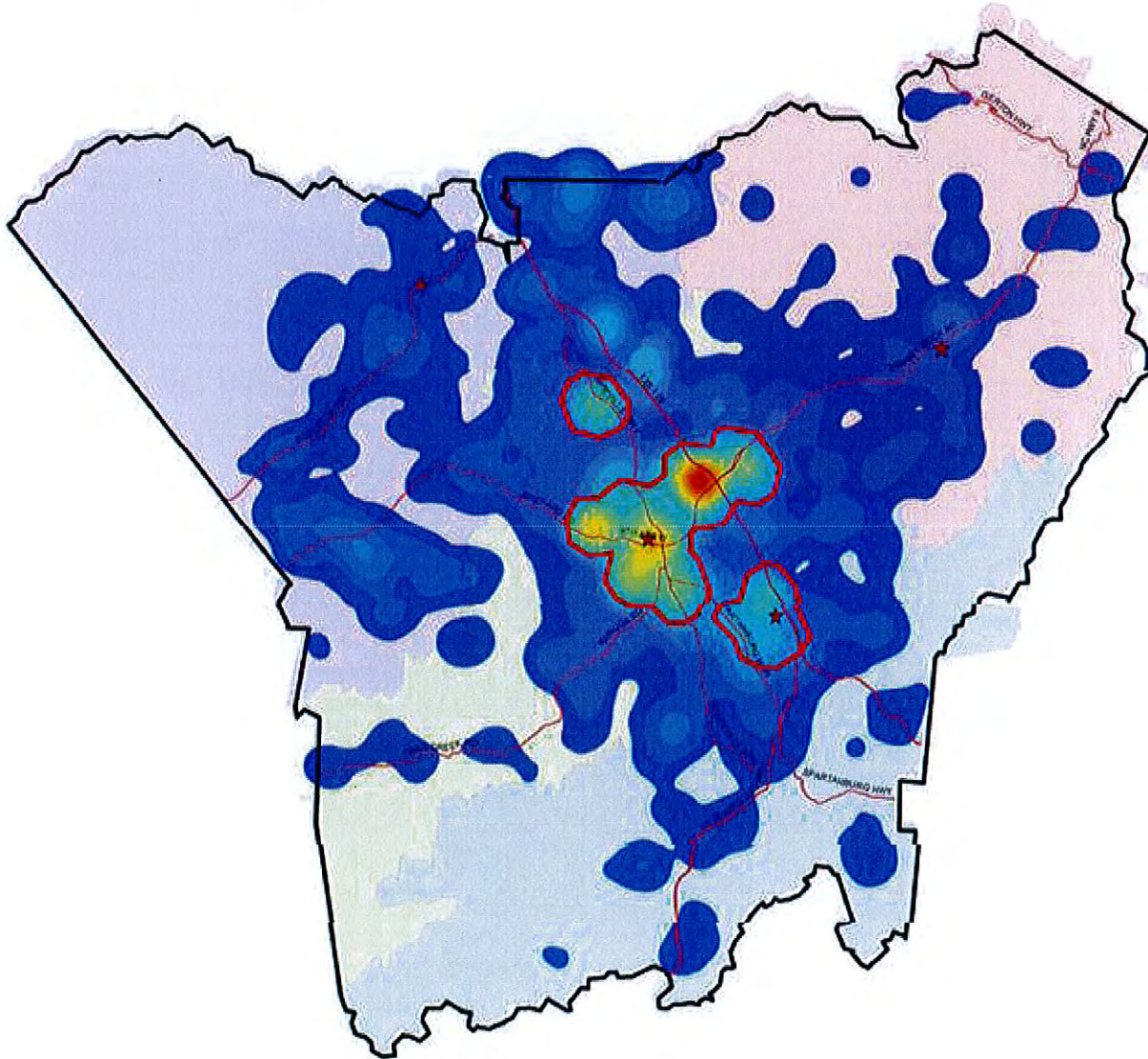


**MAP #2**

- As the title of this map suggests the color variations represent the varying areas of EMS call volume within the County.
- The solid dark blue and purple represent areas within which calls occurred, however few and far between.

- In the bright light blue areas the call volumes were quite dense in terms of numbers, with the yellow, orange and red areas being where, if mapped in traditional fashion, the calls would literally be stacked on top of one another.
- EMS currently deploys one 2-person Advanced Life Support (ALS) ambulance each, out of stations 2, 3, and 4; and two 2-person ALS ambulances out station 1.
- The highest density areas are outlined with the heavy red line, and will be illustrated further on the map that follows.

### EMS Call Density “Hot Spots”

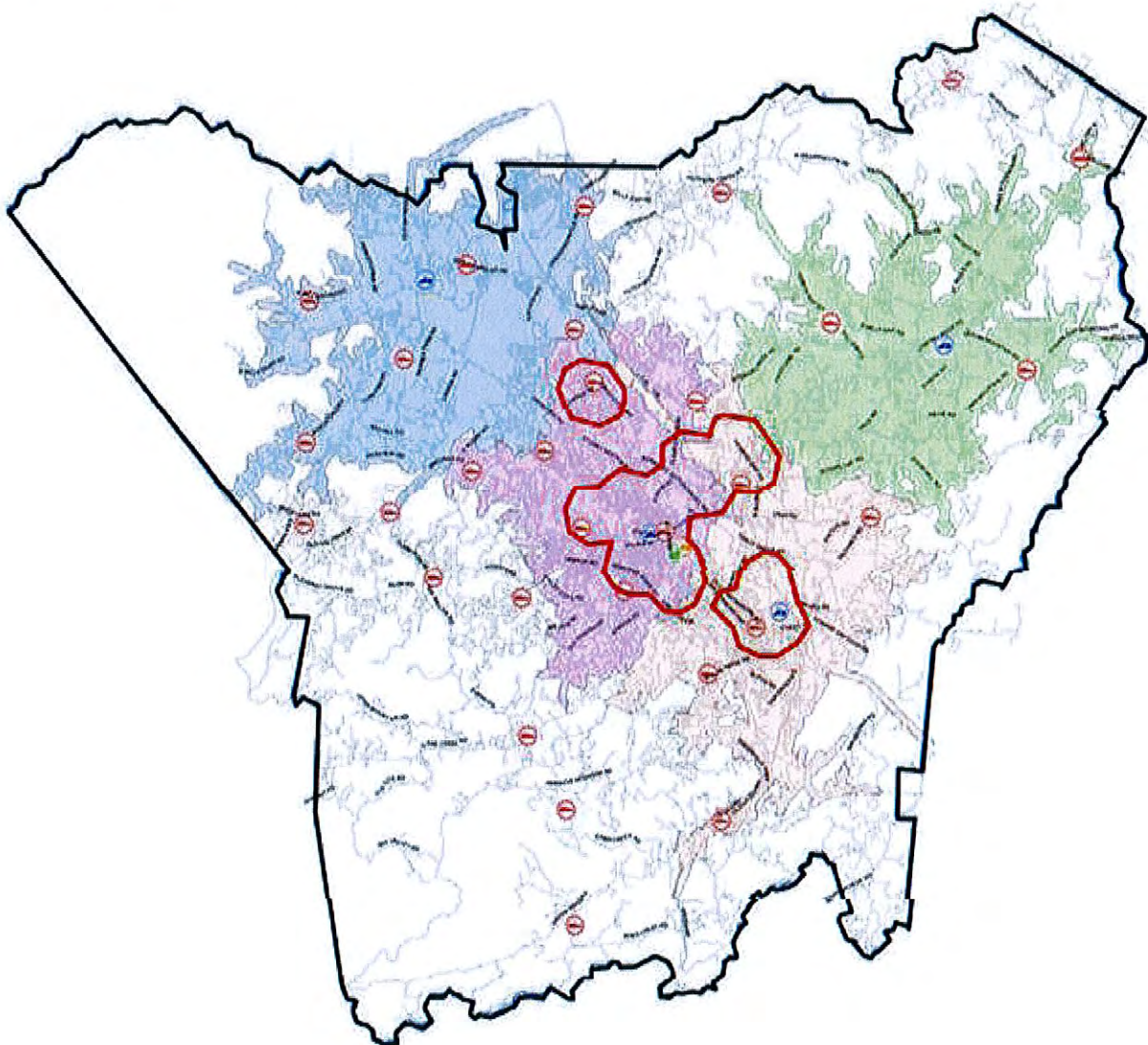


### MAP #3

- Here, the call density “hot spots” are outlined on MAP #1 that depicted the 9-minute response boundaries of each EMS station.
- EMS station #3 is in the middle of the lower encircled hot spot and station #1 is in the middle of the large central hotspot and within convenient distance to the remaining circled area.

- The red arrow points to the location of a building that the County requested the consultant assess for possible reuse and location of the consolidated Emergency Services Facility.
- It was determined not to be an appropriate location or structure for the purposes defined here.
- Relocating EMS station #1 to this location, less than a mile from station #3, would literally take away coverage of the area of the County having the highest EMS call volume; i.e. it would turn the current red shaded area white.
- The entire enclosed, heated/cooled area of the building is approximately 67,000 square feet
- The total projected size of the consolidated Emergency Services facility proposed totals 52,500 square feet; however, the area needing to be heated and cooled is less than 20,000 square feet.
- The proposed Emergency Services facility needs to remain within the City of Hendersonville.

#### EMS Call Density “Hot Spots”



County Manager Steve Wyatt that Jimmy Brissie and Rocky Hyder had been instrumental in this process. Dr. Molly Parkhill had stated that Blue Ridge Community College will possibly come on site for training, opening up space at the college. Jay Kirby has lots of ideas and would also like to be a part of the process on

behalf of UNC Healthcare/Pardee. There are other entities to consider and many other possible opportunities.

The next steps need to be determined by the Board.

After discussion, Mr. Wyatt stated “it is clear that the Board wishes to begin the planning process, looking at partnering and possibilities”. He further stated “I will be working with Steve Allen for partner considerations, options, locations, and cost, and bring back a progress report in 30-45 days.”

*It was the consensus of the Board to authorize the County Manager to enter into an agreement with Solutions For Local Government for this project.*

**CONSTRUCTION CONTRACT AWARD – TUXEDO PARK PROJECT**

Construction Contract: Marcus Jones stated as directed by the Board with the approval of \$425,000 for Tuxedo Park in the current budget, the subject project was bid on June 18, 2014. Bids were opened on July 3, 2014 with the results and recommendation detailed on the letter provided from Will Buie, PE (WGLA Engineering, LLC). The recommended contract includes the base bid and all of the alternates which will complete the first two phases of the Park’s Master Plan and portions of the third phase. The bid tabulation and recommended project budget were also provided.

There are several important points of note:

1. The recommendation was unanimously approved by the Green River community Association during their July 22, 2014 meeting. The recommendation was presented as option number 1 on slide number 6.

## Tuxedo Park

Serving the Green River Community

A Partnership Between  
Green River Community Association & Henderson County

PROJECT UPDATE

### Tuxedo Park – Project Status

- ◆ All permits for construction have been secured
- ◆ Construction documents were completed
- ◆ Bids were received from contractors on July 3, 2014
- ◆ Received word that PARTF grant request was not funded

---

### Tuxedo Park – Bid Summary

- ◆ Bids ranged from \$232,388 - \$384,695
- ◆ Low bid for base and all alternates was \$328,328
- ◆ Base bid included demolition, grading for parking areas, trails and meadow, stormwater facilities, etc.
- ◆ Alternate bids included paving of all parking area, paving of trails, top soil and grassing for meadow area, planting of trees and shrubs

### Complete Master Plan for Tuxedo Park



### Phase 1 & 2 Master Plan for Tuxedo Park



### Tuxedo Park – Options Moving Forward

- ◆ Option 1 – Complete base bid and alternates which totals approximately \$337,000 with approximately \$87,000 for contingency, future grant match or additional park components
- ◆ Option 2 – Complete \$200,00 of project and reserve \$225,000 as match for next PARTF funding cycle

### Tuxedo Park – Summary of Costs Option 1

◆ Allison Base Bid	\$232,388
◆ Alternate Bid Items	\$95,940
◆ Testing, Admin, Etc.	\$9,500
◆ Total with Alternates	\$337,828
◆ County Allocation	\$425,000
◆ Remaining for contingencies and future projects	\$87,172

### Tuxedo Park – Next Steps

- ◆ Meeting with Community 7/22/14
- ◆ County Commissioners consider project 8/4/14
- ◆ Begin construction – August 2014
- ◆ Complete Construction – Fall 2014

2. The County received notification after the Parks and Recreation Trust Fund (PARTF) Board’s July meeting that the Tuxedo Park grant application was not successful. Typically, the PARTF board awards grants during their May meeting; however, the State budget has not been approved delaying their process. In fact, the July awards are still contingent on the State allocation to PARTF. Our PARTY representative reported to Recreation Director Tim Hopkin, that these budget issues further delay or remove the possibility of a second round of grants to be awarded this year. The likely next opportunity to bring PARTF funds into the Project will be from a new application next year.
3. With the very favorable bid, the scope of the recommended contract will satisfy the scope proposed in the PARTF grant application submitted this year. In addition, depending on the amount of contingency needed during construction, there could be as much as \$85,000 remaining for a grant application next year.
4. The Community Association expressed a strong desire to start and hopefully complete the project this construction season. The recommended contract will allow construction to begin in August and be substantially complete by November.

Marcus explained that the scope of what they wish to accomplish with the grant application was basic grading, drainage, and development of a trails and the parking areas and paving. This contract will allow us to accomplish that, even without the PARTF grant.

Staff presented for Board approval the low bidder as recommended by WGLA. The proposed contract is for \$328,328.00 with Allison Construction. Funding for the project was allocated in this year’s approved budget.

*Commissioner Hawkins made the motion that the Board award the construction contract for the Tuxedo*



*Park project with the low bidder Allison Construction for \$328,328.00 and authorize the County Engineer to execute the required documents. All voted in favor and the motion carried.*

#### **LETTER OF CONDITIONS FOR USDA GRANT – OLD FAIRGROUNDS GRADING PROJECT**

Marcus Jones stated with the County's USDA grant application dated February 14, 2014, the Letter of Conditions, Resolution and supporting document need Board approval and the Chairman's Signature. Ms. Pam Hysong, Area Director for USDA was available to answer questions regarding the documents or the grant process. Will Buie from WGLA Engineering, and Andrew Tate with the Partner for Economic Development, were also available for more project specific questions from the Board.

The project scope is to prepare the site for a potential Industry by grading a generic building pad that is ready for an Industries building construction. The project design is complete with permitting in progress. With USDA approval, the project could be bid and completed during this calendar year. The \$75,000 local match has been approved in the current budget; the USDA grant is for \$175,000.

It is requested that the Board adopt the resolution accepting the requirements detailed in the Letter of Conditions provided with the August 4, 2014 letter from USDA for the Old Fairgrounds Grading Project grant.

*Commissioner Thompson made the motion that the Board adopts the resolution accepting the requirements detailed in the Letter of Conditions provided with the August 4, 2014 letter from USDA for the Old Fairgrounds Grading Project grant. All voted in favor and the motion carried.*

#### **COUNTY MANAGER'S REPORT**

Steve Wyatt recognized Bill Snyder and noted that Mr. Snyder will be retiring in September 2014.

Bill Snyder stated that he has a little over 25 years with the County and 42 total years with libraries. He feels Henderson County is exceptional in providing to their libraries.

Amy Brantley recognized Trina Rushing and noted she would be covering as the Interim Director effective October 1, 2014. Mrs. Rushing joined the county in 2002 and has played all roles in the library.

Trina Rushing thanked the Board for the opportunity to serve as Interim Library Director.

#### **CANE CREEK WATER AND SEWER DISTRICT**

*Chairman Messer made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.*

Please see separate Cane Creek minutes for action.

*Chairman Messer made the motion to go out of session as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.*

#### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(4) & (6), for the following reasons:

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

2. Pursuant to N.C. Gen. Stat. §143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. Pursuant to N.C. Gen. Stat. §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(4) & (6). All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Young made the motion to go out of closed session and adjourn at 8:00 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

# 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

Thursday, July 24, 2014

## Re: Tax Collector's Report to Commissioners - Meeting Date 04 August 2014

Please find outlined below collections information through 23 July 2014 for the 2013 real and personal property bills mailed out on 08 August 2013, as well as registered motor vehicles billed and collected by our office. As a point of reference, we also have included collections information as of the same date last year.

### Annual Bills G01 Only:

**2013 Beginning Charge:** \$58,589,371.71  
Discoveries & Imm. Irreg.: \$285,361.96  
Releases & Refunds: (\$236,484.85)  
**Net Charge:** \$58,638,248.82  
Unpaid Taxes: \$1,149,752.32  
Amount Collected: \$57,488,496.50  
**Percentage Collected:** 98.04%

Through: 23-Jul-2014

**2012 Beginning Charge:** \$57,948,543.21  
Discoveries & Imm. Irreg.: \$310,120.10  
Releases & Refunds: (\$140,348.33)  
**Net Charge:** \$58,118,314.98  
Unpaid Taxes: \$1,138,507.06  
Amount Collected: \$56,979,807.92  
**Percentage Collected:** 98.04%

Through: 23-Jul-2013

### Motor Vehicle Bills G01 Only:

**2013 Beginning Charge:** \$2,675,010.72  
Discoveries & Imm. Irreg.: \$1,815.92  
Releases & Refunds: (\$62,064.76)  
**Net Charge:** \$2,614,761.88  
Unpaid Taxes: \$155,820.72  
Amount Collected: \$2,458,941.16  
**Percentage Collected:** 94.04%

Through: 23-Jul-2014

**2012 Beginning Charge:** \$4,459,975.56  
Discoveries & Imm. Irreg.: \$3,765.57  
Releases & Refunds: (\$95,308.62)  
**Net Charge:** \$4,368,432.51  
Unpaid Taxes: \$500,307.90  
Amount Collected: \$3,868,124.61  
**Percentage Collected:** 88.55%

Through: 23-Jul-2013

### Fire Districts All Bills:


**2013 Beginning Charge:** \$6,878,771.58  
Discoveries & Imm. Irreg.: \$45,334.18  
Releases & Refunds: (\$35,987.56)  
**Net Charge:** \$6,888,118.20  
Unpaid Taxes: \$175,219.02  
Amount Collected: \$6,712,899.18  
**Percentage Collected:** 97.46%

Through: 23-Jul-2014

**2012 Beginning Charge:** \$6,943,765.63  
Discoveries & Imm. Irreg.: \$47,088.48  
Releases & Refunds: (\$29,448.59)  
**Net Charge:** \$6,961,405.52  
Unpaid Taxes: \$206,542.80  
Amount Collected: \$6,754,862.72  
**Percentage Collected:** 97.03%

Through: 23-Jul-2013

Respectfully submitted,



Luke Small  
Collections Specialist

Stan C. Duncan  
Tax Collector



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

August 4, 2014

Dear Mr. Hyatt:

Attached is a copy of the Letter of Conditions upon which the Henderson County Board of Commissioners must take action. Below is a list of items along with detailed instruction that need Council's action.

Several are documents that have signatures that need to be "attested". Please ensure that the Chairman signs each document and that the Clerk to the Board of Commissioners witnesses the signature of the chairman by signing and sealing the document with the county's seal.

1. **Letter of Conditions:** The Board of Commissioners must *adopt a resolution* accepting the requirements in the Letter of Conditions. The resolution must also include a statement that they also accept the mitigation measures required in the project environmental assessment. Provide Rural Development with a copy of the adopted resolution. A sample resolution is attached; however, if you prefer to create your own resolution, it must contain the same information as in the sample provided.
2. **Form 1942-46, Letter of Intent to Meet Conditions:** The Chairman must sign this form.
3. **Form 1940-1, Request for Obligation of Funds:** The Chairman must sign this form.
4. **Form 400-1, Equal Opportunity Agreement:** The Chairman must sign this form, with his signature attested by the Clerk.
5. **Form 400-4, Assurance Agreement:** The Chairman must sign this form, with his signature attested by the Clerk.
6. **Form AD 1047, Certification Regarding Debarment, Suspension etc...:** The Chairman must sign this form.
7. **Form AD 1049, Certification Regarding Drug-free Workplace:** The Chairman must sign this form. In addition, the Board of Commissioners must pass a resolution accepting the drug-free workplace provisions as specified in this document. The sample resolution contains language necessary to meet this requirement.

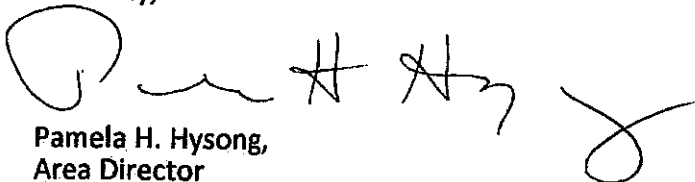
Rural Development  
84 Coxe Avenue, Suite 1E; Asheville, NC 28801  
Phone: 828-254-0916 Ext. 5, Fax: 828-254-9952

USDA is an equal opportunity provider and employer.

8. **Certification of Compliance:** The Chairman must sign this form.
9. **Form SF-3881, ACH Vendor/Miscellaneous Payment Enrollment form:** Used to set up the ACH transfer of grant funds to the County's designated bank account, the "Payee" and "Financial Institution Information" portions must be completed. Return the form to this office.
10. **Certified List of Elected Officials:** Provide a **certified** list of the names of the elected officials comprising the Henderson County Board of Commissioners, offices held, and when their respective terms of office end.
11. **Copy of your Current Audit Agreement:** Provide a copy of the County's agreement with the auditor for the current year.
12. **Resolution accepting Final Plans/Specifications:** Once the final plans and specifications are prepared by the project engineer and prior to bidding the project, the Board of Commissioners must pass a resolution accepting the plans and specifications.

Please feel free to call me if you have any questions. I will be glad to assist you any way that I can.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela H. Hysong', written in a cursive style.

Pamela H. Hysong,  
Area Director



**United States Department of Agriculture  
Rural Development**

Mr. Charlie Messer, Chairman  
Henderson County Board of Commissioners  
1 Historic Courthouse Square, Suite 1  
Hendersonville, NC 28792

August 4, 2014

RE: Letter of Conditions  
Old Fairgrounds Grading Project

Dear Mr. Messer:

This letter establishes conditions that must be understood & agreed to by you before further consideration may be given to the application. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or application must be reported to and approved by Rural Development by written amendment to this letter. Any changes not approved by Rural Development shall be cause for discontinuing processing of the application.

This letter is not to be considered as approval of a Appalachian Regional Commission (ARC) Grant funded under the Rural Housing Service Community Facilities Grant Program of Rural Development or as a representation as to the availability of funds. The docket may be completed on the basis of an ARC grant not to exceed \$175,000 and an applicant contribution of \$75,000 for a total project cost of \$250,000.

This letter establishes conditions that must be understood and agreed to by you before further consideration may be given to the application. This grant will be administered, on behalf of the Appalachian Regional Commission (ARC) by USDA through the State and Area staff of USDA, Rural Development and in accordance with the Memorandum of Agreement between the Appalachian Regional Commission and Rural Development dated August 6, 1998 that became effective August 24, 1998.

Any changes in project costs, sources of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by USDA Rural Development by written amendment to this letter. Any changes not approved by Rural Development shall be cause for discontinuing processing of the application.

84 Coxie Avenue, Suite 1E, Asheville, North Carolina 28801  
Phone: (828) 254-0916 Ext 7 • Cell: (828)-273-3373 • Fax: (828) 696-2915 • TDD: (919) 873-2003  
Web: <http://www.rurdev.usda.gov/nc> Email: [pam.hysong@nc.usda.gov](mailto:pam.hysong@nc.usda.gov)  
**Committed to the future of rural communities.**

"USDA is an equal opportunity provider, employer and lender."  
To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 328-W, Whitten Building, 14<sup>th</sup> and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5984 (voice or TDD).

Please complete and return the attached Form RD 1942-46, 'Letter of Intent to Meet Conditions' if you desire that further consideration be given to your application.

If the conditions set forth in this letter are not met within 12 months from the date hereof, USDA-Rural Development reserves the right to discontinue processing the application.

**Disbursement of Funds:**

The applicant contribution in the amount of \$75,000 will be the first funds disbursed. ARC grant funds are the last monies to be disbursed. Because the ARC grant funds are the last monies used to fund the project, any excess project funds will be reimbursed to ARC.

**Organization:**

The applicant must provide a certification concerning its organization, authority to enter installment purchase contracts, and compliance with special laws and regulations in accordance with Rural Development Instruction 1942-A, paragraph 1942.17(k)(1)(i).

**Accounting, Audits, and Reports:**

- **Annual Audits:** Accounting and auditing will be established and maintained in accordance with requirements of Rural Development Instruction 1942-A, paragraph 1942.17(q), O.M. B. Circular 133, and the NC General Statutes.
- **Financial Accounting during Construction:** During the construction period, the applicant must provide monthly reports using form SF 425, Financial Status Report and the Project Outlay Report. All disbursements must be documented with copies of invoices.

**Insurance and Bonding:**

Insurance and bonding should be obtained in accordance with USDA Rural Development Instruction 1942.17(j)(3) and maintained after grant closing until the grant is paid-in-full. The following minimum amounts will be considered adequate:

- **Fidelity Bond:** Fidelity Bond coverage must be obtained and maintained for all officials entrusted with the receipt and disbursement of funds, and custody of valuable property. The minimum amount of the bond should be \$50,000.
- **General Corporation Liability:** Liability coverage including vehicular liability should be obtained in amounts determined adequate by the corporation and its attorney.
- **Worker's Compensation:** Coverage should be maintained in accordance with State Law, if /when Center Community Center Association hires paid employees.
- **Fire, Theft, and Collision (Vehicles):** Coverage in an amount equal to the depreciated replacement value of the building held as security for the Rural Development grant.

The applicant must furnish a certificate of insurance and bonding to USDA, Rural Development

**Grant Resolution:**

A resolution must be passed agreeing to the terms and conditions of this letter. Adoption of this document should be made a part of the official minutes of the applicant. The applicant is to provide for, execute, and comply with Form RD 400-4, Assurance Agreement and form AD 1049, Certification Regarding Drug-free Workplace, must also be formally adopted on the same date.

**Debarment Certification:**

Prior to grant approval, the applicant must certify that they are not debarred or suspended from Federal Non-procurement Programs by use of Form AD-1047, Certification Regarding Debarment, Suspension, Ineligibility, and other Responsibility Matters – Primary Covered Transactions. Also, form AD-1048, Certificate Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower Tier Covered Transactions, must be executed by lower tier parties (builders, contractors, dealers, suppliers, manufacturers and others) involved in transactions exceeding \$25, 000.00.

**Processing Checklist:**

All applicable items set out in form NC 1942-13, Processing Checklist (Community Facility, Public Body), apply to this project and become a part of this Letter of Conditions.

**Disposition of Property:**

The grantee understands that any property acquired or improved with Federal Grant funds may have us and disposition conditions which apply to the property as provided by 7 CFR parts 3015, 3016, or 3019 in effect at this time and as may be subsequently modified. The grantee understands that any sale or transfer of property is subject to the interest of the United States Government in the market value, in proportion to its participation in the project, as provided by 7 CFR parts 3015, 3016, or 3019 in effect at this time and as may be subsequently modified.

**Debarment Certification:**

Prior to grant closing, the Applicant must certify that they are not debarred or suspended from Federal Non-procurement Program by use of Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions." Also, Form AD-1048, "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions," must be executed by lower tier parties (builders, contractors, dealers, suppliers, manufacturers, and others) involved in transactions exceeding \$25,000.



**Procurement of Construction Services & Supplies / Equipment:**

The project shall be formally advertised for bids in accordance with RD Instruction 1942-A, paragraph 1942.189 and state and local laws and regulations applicable to this type of procurement. Procurement by other than formal advertising may be used upon written concurrence by Rural Development in accordance with Rural Development Instruction 1942-A, paragraph 1942.18(k). Formal advertising may be used for any procurement, however, at the option of the applicant.

Contracts shall be awarded on the basis of the lowest bid of acceptable materials and equipment and in accordance with RD Instruction 1942.18. If contract award is proposed to other than the lowest bidder, documentation for such must be provided to Rural Development. The Rural Development State Engineer must provide written concurrence prior to the awarding of any contract by the Applicant.

**Mitigation Measures:**

The environmental assessment identified environmental resources that must be protected through the use of mitigation measures. The required mitigation measures are attached as Exhibit A to this document and must be accepted and enforced during both construction and once the project is operational.

**Processing Checklist:**

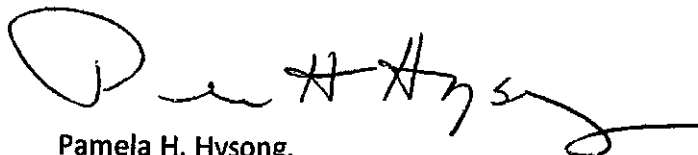
All applicable items set out in form NC 1942-13, Processing Checklist (Community Facility-Public Body), apply to this project and become a part of this Letter of Conditions.

**Other Conditions:**

- a. Compliance with Special Laws and Regulations.
- b. State Pollution Control or Environmental Protection Agency standards
- c. Consistency with other development plans
- d. State agency regulating water rights
- e. Civil Rights Act of 1964.
- f. Title IX of the Education Amendments of 1972
- g. Section 504 of the Rehabilitation Act of 1973
- h. Age Discrimination Act of 1975

Please feel free to contact me if you have any questions about any of the above conditions.

Sincerely,



Pamela H. Hysong,  
Area Director

## **Exhibit A-Mitigation Measures**

- 1. Temporary or permanent herbaceous vegetation will be planted on all bare soil immediately following any ground-disturbing activities in order to prevent soil erosion. No exotic plant species will be used as temporary or permanent vegetative cover.**
- 2. There will be strict compliance with the approved erosion and sedimentation control plan.**
- 3. Settling ponds will collect storm water runoff from the impervious surfaces (roof, parking lots, and sidewalks).**
- 4. Riparian buffers will be maintained for intermittent and perennial streams.**
- 5. Although the project site was not required to be surveyed for archaeological, should artifacts or burial remains be unearthed during excavation, construction will be stopped immediately and the findings reported to the owner and project engineer.**
- 6. Should a stream crossing be required to provide access to the central water and/or sewer services, directional boring perpendicular to the stream are required. Stream banks will be promptly stabilized during construction and monitored post-construction.**

**BE IT RESOLVED**

That **Henderson County** accepts the conditions set forth in a Letter of Conditions dated August 4, 2014:

That the **Chairman of the Board of Commissioners** be authorized to execute all forms necessary to obtain a **grant** from USDA Rural Development, including, but not limited to the following forms:

- |                 |  |
|-----------------|--|
| Form RD 1942-46 | Letter of Intent to Meet Conditions                            |
| Form RD 400-1   | Equal Opportunity Agreement                                    |
| Form RD 400-4   | Assurance Agreement  |
| Form RD 1940-1  | Request for Obligation of Funds                                |
| Form AD-1047    | Certification Regarding Debarment Primary Covered Transactions |
| Form AD-1049    | Certification Regarding Drug-free Workplace                    |
| Unnumbered Form | Certificate of Compliance                                      |

That **Henderson County, through its Board of Commissioners** hereby agrees to abide by the mitigation requirements of the Environmental Assessment, a copy of which is attached to Letter of Conditions.

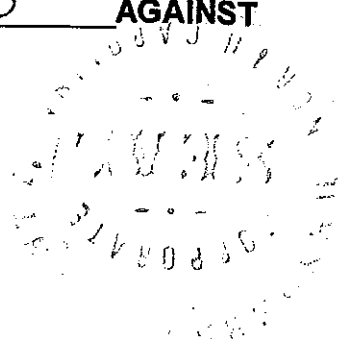
This resolution is to become a part of the official minutes of **Henderson County's Board of Commissioners** meeting held on **Monday, August 4, 2014**.

Motion Made By: ✓ Tommy Thompson and

Seconded by: ✓ \_\_\_\_\_ that the resolution be approved.

MOTION PASSED ✓ 5 FOR ✓ 0 AGAINST

BY: ✓ Charles D. Messer  
Charles D. Messer, Chairman  
Henderson County Board of Commissioners



Attest: ✓ 8/4/14 (Date) BY: ✓ Teresa L. Wilson  
Teresa Wilson, Clerk to the Board

Form RD 1942-46  
(Rev. 6-10)

Position 3  
UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT

FORM APPROVED  
OMB NO. 0575-0015  
OMB NO. 0570-0062

LETTER OF INTENT TO MEET CONDITIONS

Date 08-04-2014

TO: United States Department of Agriculture

Rural Development

\_\_\_\_\_  
(Name of USDA Agency)

84 Coxe Avenue, Suite 1E  
Asheville, NC 28801

\_\_\_\_\_  
(USDA Agency Office Address)  
\_\_\_\_\_

We have reviewed and understand the conditions set forth in your letter dated 08-04-2014 . It is our intent to meet all of them not later than 08-30-2014 .

Henderson County

\_\_\_\_\_  
(Name of Association)

BY Charles D. Messer

Charles D. Messer, Chairman

\_\_\_\_\_  
(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a persons is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015 and 0570-0062. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data. needed, and completing and reviewing the collection of information.

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED ( )  
Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.

<b>1. CASE NUMBER</b> ST CO BORROWER ID 38-045-*****0307		<b>LOAN NUMBER</b>	<b>FISCAL YEAR</b>
<b>2. BORROWER NAME</b> Henderson County		<b>3. NUMBER NAME FIELDS</b> 1 (1, 2, or 3 from Item 2)	
		<b>4. STATE NAME</b> North Carolina	
		<b>5. COUNTY NAME</b> Henderson	

GENERAL BORROWER/LOAN INFORMATION

<b>6. RACE/ETHNIC CLASSIFICATION</b> 1 - WHITE 4 - HISPANIC 2 - BLACK 5 - API 3 - AI/AN		<b>7. TYPE OF APPLICANT</b> 1 - INDIVIDUAL 8 - ORG. OF FARMERS 2 - PARTNERSHIP 7 - NONPROFIT-SECULAR 3 - CORPORATION 8 - NONPROFIT-FAITH BASED 4 - PUBLIC BODY 9 - INDIAN TRIBE 5 - ASSOC. OF FARMERS 10 - PUBLIC COLLEGE/UNIVERSITY 11 - OTHER		<b>8. COLLATERAL CODE</b> 1 - REAL ESTATE 4 - MACHINERY ONLY 2 - REAL ESTATE 5 - LIVESTOCK ONLY AND CHATTEL 6 - CROPS ONLY 7 - SECURED BY BONDS 3 - NOTE ONLY OR CHATTEL ONLY 8 - RLF ACCT		<b>9. EMPLOYEE RELATIONSHIP CODE</b> 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.	
<b>10. SEX CODE</b> 6 1 - MALE 3 - FAMILY UNIT 2 - FEMALE 4 - ORG. MALE OWNED 5 - ORG. FEMALE OWNED 6 - PUBLIC BODY		<b>11. MARITAL STATUS</b> 1 - MARRIED 3 - UNMARRIED (INCLUDES 2 - SEPARATED WIDOWED/DIVORCED)		<b>12. VETERAN CODE</b> 1 - YES 2 - NO		<b>13. CREDIT REPORT</b> 2 1 - YES 2 - NO	
<b>14. DIRECT PAYMENT</b> (See FMI)		<b>15. TYPE OF PAYMENT</b> 1 - MONTHLY 3 - SEMI-ANNUALLY 2 - ANNUALLY 4 - QUARTERLY		<b>16. FEE INSPECTION</b> 2 1 - YES 2 - NO			
<b>17. COMMUNITY SIZE</b> 1 - 10 000 OR LESS (FOR SFH AND 2 - OVER 10,000 HPG ONLY)		<b>18. USE OF FUNDS CODE</b> (See FMI)					

COMPLETE FOR OBLIGATION OF FUNDS

<b>19. TYPE OF ASSISTANCE</b> 097 (See FMI)		<b>20. PURPOSE CODE</b> 1		<b>21. SOURCE OF FUNDS</b>		<b>22. TYPE OF ACTION</b> 1 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION	
<b>23. TYPE OF SUBMISSION</b> 1 1 - INITIAL 2 - SUBSEQUENT		<b>24. AMOUNT OF LOAN</b>		<b>25. AMOUNT OF GRANT</b> \$175,000.00			
<b>26. AMOUNT OF IMMEDIATE ADVANCE</b>		<b>27. DATE OF APPROVAL</b> MO DAY YR		<b>28. INTEREST RATE</b> 0 %		<b>29. REPAYMENT TERMS</b>	

COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS

<b>30. PROFIT TYPE</b> 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT							
<b>31. DISASTER DESIGNATION NUMBER</b> (See FMI)				<b>32. TYPE OF SALE</b> 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN			
<b>33. OBLIGATION DATE</b> MO DA YR				<b>34. BEGINNING FARMER/RANCHER</b> (See FMI)			

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder COPY 1 - Finance Office COPY 2 - Applicant/Lender COPY 3 - State Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0062. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

Subect to Rural Development Instruction 1942-A, the Letter of Conditions, the grant agreement with the Appalachian Regional Commission (ARC) and the Memorandum of Agreement with ARC.

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. YES NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date August 4, 20 14

Charles D. Messer, Chairman of the Board

(Signature of Applicant)

Date \_\_\_\_\_, 20 \_\_\_\_\_

(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Title: \_\_\_\_\_

38. TO THE APPLICANT: As of this date \_\_\_\_\_, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated 8/4/2014 between the County of Henderson

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the "Secretary") issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as, but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

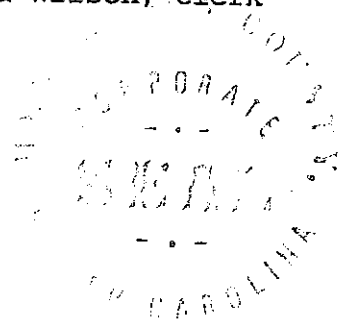
\_\_\_\_\_  
Recipient

\_\_\_\_\_  
Recipient

(CORPORATE SEAL)

Attest: *Teresa H. Wilson*  
Teresa Wilson, Clerk Secretary

Henderson County  
Name of Corporate Recipient  
By: *Charles D. Messer*  
Charles D. Messer President  
Chairman, Board of Commissioners





Position 3

USDA  
Form RD 400-4  
(Rev. 06-10)

**ASSURANCE AGREEMENT**  
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED  
OMB No. 0575-0018  
OMB No. 0570-0062

The \_\_\_\_\_  
County of Henderson  
(name of recipient)

1 Historic Courthouse Square  
Suite 1, Hendersonville, NC 28792  
(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Risk Management Agency, or the Farm Service Agency, (hereafter known as the "Agency") regulations promulgated thereunder, 7 C.F.R. § 1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. § 15.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.

2. Recipient shall:

(a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.

(b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.

(c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U. S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.

3. The obligations of this agreement shall continue:

(a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.

(b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.

(c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.

4. Upon any breach or violation this agreement the Government may, at its option:

(a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.

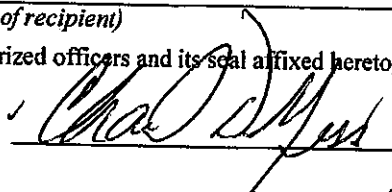
(b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, \_\_\_\_\_ the County of Henderson  
(name of recipient) on this

date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

(SEAL)  
Teresa Wilson  
Teresa Wilson, Clerk  
Title

  
08-04-2014  
Recipient  
Date  
Charles D. Messer, Chairman of the Board  
Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018 and 0570-0062. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Henderson County
Organization Name

Old Fairgrounds Grading Project
PR/Award Number or Project Name

Charles D. Messer, Chairman
Name(s) and Title(s) of Authorized Representative(s)

Board of Commissioners

Handwritten signature of Charles D. Messer
Signature(s)

08-04-2014
Date

### Instructions for Certification

1. By signing and submitting this form, the prospective primary participant is providing the certification set out on the reverse side in accordance with these instructions.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on this form. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this form that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

U.S. DEPARTMENT OF AGRICULTURE

CERTIFICATION REGARDING  
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)  
ALTERNATIVE I - FOR GRANTEEES OTHER THAN INDIVIDUALS

This certification is required by the regulations implementing Section 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D: 41 U.S.C.701 et seq.), 7 CFR Part 3017. Subpart F, Section 3017.600, Purpose: The January 13, 1989, regulations were amended and published as Part 11 of the May 25, 1990 Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON PAGE 3)

Alternative I

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position

title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or, local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Old Henderson County Fairgrounds  
James Street  
East Flat Rock, NC

Check  If there are workplaces on file that are not identified here.

Henderson County

Organization Name

Old Fairgrounds Grading Project

Award Number or Project Name

Charles D. Messer, Chairman of the Board of Commissioners

Name and Title of Authorized Representative

  
Signature

8/4/2014

Date

## INSTRUCTIONS FOR CERTIFICATION

1. **By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.**
2. **The certification set out on pages 1 and 2 is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.**
3. **Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace - requirements.**
4. **Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).**
5. **If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s). If it previously identified the workplaces in question (see paragraph three).**
6. **Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:**

**"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);**

**"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or States criminal drug statutes;**

**"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;**

**"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g. volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces)**


**Certification of Compliance with Local/Municipal Requirements**

TO: Pamela H. Hysong Area Director  
USDA, Rural Development  
84 Coxe Avenue, Suite 1E  
Asheville, NC 28801

RE: Henderson County  
ARC Grant  
Old Fairgrounds Grading Project

This is to certify that Henderson County is in compliance with Federal, State, and Local requirements in accordance with USDA, Rural Development Instruction 1780.15 (a), (b), (c), (d) include the following:

- a. Compliance with Special Laws and Regulations.
- b. State Pollution Control or Environmental Protection Agency standards
- c. Consistency with other development plans
- d. State agency regulating water rights
- e. Civil Rights Act of 1964.
- f. Title IX of the Education Amendments of 1972
- g. Section 504 of the Rehabilitation Act of 1973
- h. Age Discrimination Act of 1975
- i. Compliance with A-133 Audit Requirements.

BY:   
 Charles D. Messer  
 TITLE: Chairman, Board of Commissioners  
 DATE: August 4, 2014

# ACH VENDOR/MISCELLANEOUS PAYMENT ENROLLMENT FORM

OMB No. 1510-0056  
Expiration Date 07/31/09

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

## PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

## AGENCY INFORMATION

FEDERAL PROGRAM AGENCY <b>USDA - Rural Development</b>		
AGENCY IDENTIFIER: <b>USDA</b>	AGENCY LOCATION CODE (ALC): <b>Asheville</b>	ACH FORMAT: <input type="checkbox"/> CCD+ <input type="checkbox"/> CTX
ADDRESS: <b>84 Coxe Ave, Suite 1E, Asheville, NC 28801</b>		
CONTACT PERSON NAME: <b>Pamela H Hysong, Area Director</b>		TELEPHONE NUMBER: <b>(828-254-0916 Ext 5</b>
ADDITIONAL INFORMATION:		

## PAYEE/COMPANY INFORMATION

NAME:	SSN NO. OR TAXPAYER ID NO.
ADDRESS:	
CONTACT PERSON NAME:	TELEPHONE NUMBER: (       )

## FINANCIAL INSTITUTION INFORMATION

NAME:	
ADDRESS:	
ACH COORDINATOR NAME:	TELEPHONE NUMBER: (       )
NINE-DIGIT ROUTING TRANSIT NUMBER:	
DEPOSITOR ACCOUNT TITLE:	
DEPOSITOR ACCOUNT NUMBER:	LOCKBOX NUMBER:
TYPE OF ACCOUNT: <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX	
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL: (Could be the same as ACH Coordinator)	TELEPHONE NUMBER: (       )



### **Instructions for Completing SF 3881 Form**

1. **Agency information Section** - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. Also, the appropriate box for ACH format is checked.
2. **Payee/Company Information Section** - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. **Financial Institution Information Section** - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Also, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

### **Burden Estimate Statement**

The estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East-West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.

May 6, 2014

The Honorable Pat McCrory  
Governor of North Carolina  
Office of the Governor  
20301 Mail Service Center  
Raleigh, North Carolina 27699-0301

Re: Fairgrounds Site Development and  
Grading (NC-17721)

Dear Governor McCrory:

Enclosed is a copy of the Appalachian Regional Commission's approval of a grant for the referenced project dated May 2, 2014.

Appalachian Regional Commission funds in the amount of \$175,000 have been made available to the Administrator, Utilities Program, U.S. Department of Agriculture.

A copy of the approval is enclosed.

Sincerely yours,

CHARLES S. HOWARD  
Interim Executive Director

Enclosure

cc: State Alternate  
Olivia Collier ✓  
Julie Lawhorn  
Files



**APPALACHIAN  
REGIONAL  
COMMISSION**     *A Proud Past,  
A New Vision*

### Notice to Obligate

<p><b>TO:</b> John Padalino U.S. Department of Agriculture, Rural Development Utilities Program South Building, Room 5135-S 14th &amp; Independence Avenue, SW Washington, DC 20250 Attn: Cheryl Francis</p>	<p><b>CC:</b> Ermina Brannum U.S. Department of Agriculture, Rural Development Financial Accounting Branch Bldg. 104 FC-361 4300 Goodfellow Blvd. St. Louis, MO 63120</p>
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Pursuant to the Appalachian Regional Development Act of 1965, as amended, the Appalachian Regional Commission has approved the referenced project under appropriation 46X0200. Rural Development has agreed to obligate and administer the grant under the Memorandum of Agreement between ARC and USDA.

**ARC Project Number:** NC-17721  
**Project Title:** Fairgrounds Site Development and Grading  
**Grantee:** Henderson County  
**Approved Funding:**

<b>ARC</b>	\$175,000	70 %
<b>Local</b>	\$75,000	30 %
<b>Total Project Cost</b>		<b>\$250,000 100 %</b>

Authorized USDA Administrative Charge: \$5,750.

Approved:

Earl Gohl Jr.  
Federal Co-Chair

**RECEIVED**  
2  
MAY 02 2014

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

Date



**APPALACHIAN  
REGIONAL  
COMMISSION**     *A Proud Past,  
A New Vision*

**To:** Earl F. Gohl, Federal Co-Chair  
**Subject:** Fairgrounds Site Development and Grading  
 NC-17721-214-14  
**Grantee:** Henderson County  
 Hendersonville, NC  
**County:** Transitional: Henderson

**Basic Agency:** Rural Development  
**Goal:** ARC Goal 3, Objective 2. State Strategy 3.2.2: Assist in efforts to leverage additional funds that support development of needed infrastructure.

**Purpose:** To grade and conduct site work on an industrial property for the purpose of supporting up to two businesses

<b>Funding:</b> ARC (AD)	\$175,000	70%
Local	\$75,000	30%
<b>Total</b>	<b>\$250,000</b>	<b>100%</b>

This approval will require the use of the Commission's Discretionary Authority to provide 70% grant funding. Local - Henderson Co.: \$75,000

**Description:**

The proposed project will allow Henderson County to complete site development and rough grading improvements for a 17.2 acre tract to make the property marketable as an industrial site. The grading effort will result in two distinct building pads. Henderson County owns the property, located in East Flat Rock, an unincorporated, economically distressed area of Henderson County. All necessary utilities are available at the site and it is located in close proximity to Interstate 26, the Asheville Regional Airport, and rail infrastructure.

**Rationale/Benefits:**

The grading effort will reduce the time that a prospective client would need to begin construction. The site has capacity to support one to two new businesses and create up to 100 new jobs. The Henderson County Partnership for Economic Development and other

NC-17721-214-14

regional economic development partners are actively marketing the site as an ideal industrial property with multiple transportation access systems and full utility connections. The region has recently attracted national corporations to locate east-coast facilities nearby in part due to the area's natural environment and quality of life. However, the mountainous terrain and associated infrastructure construction costs are barriers to locate, secure, and develop viable industrial sites in western NC. After site development and grading, private sources will contribute to further development of the site. The property could be fully occupied within one year following the completion of the proposed improvements.

The project will also support the county's efforts to remove the property from the NC Department of Environment and Natural Resources (NCDENR) Inactive Hazardous Waste Site Priority List. The property was previously used as a fire prevention training site. As a result the site improvements, the county will re-purpose an abandoned site into a revenue-producing property.

As this project is located in a distressed area of a transitional county and is a special development opportunity, the county has requested discretionary authority to reduce the non-ARC match rate to 30 percent.

**Performance Measure (Outputs):**

Expected performance measures include the following outputs: 17.2 acres graded to become 'pad-ready.'

**Performance Measure (Outcomes):**

As a speculative building site there are no formal job creation commitments, however, expected outcomes include 102 jobs created.

This project will have no impact on distressed areas. The project is consistent with the ARC Act and Code and is recommended for funding.

**RECOMMENDED:**



Charles S. Howard  
Interim Executive Director

**UNITED STATES DEPARTMENT OF AGRICULTURE  
Rural Utilities Service**

**BULLETIN 1780-32**

**SUBJECT:** Memorandum of Agreement with Appalachian Regional Commission

**TO:** State Directors, Rural Development

**ATTN.:** Rural Utilities Program Directors

**EFFECTIVE DATE OF MEMORANDUM OF AGREEMENT:** August 24, 1998

**EFFECTIVE DATE OF BULLETIN:** Date of approval of bulletin.

**EXPIRATION DATE:** Four years from effective date.

**OFFICE OF PRIMARY INTEREST:** Assistant Administrator,  
Water and Environmental Programs

**AVAILABILITY:** This bulletin is available on the Rural Utilities Service Internet at  
<http://www.usda.gov/rus/water/regs.htm>.

**PURPOSE:** This RUS bulletin provides the Memorandum of Agreement between the Federal Co-Chairman of the Appalachian Regional Commission and the Under Secretary of Rural Development.



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Gary J. Morgan  
Acting Assistant Administrator  
Water and Environmental Programs

9-5-2000  
Date

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TABLE OF CONTENTS

1 Purpose

2 Agreement

Exhibit

Exhibit A Memorandum of Agreement

1 Purpose

The purpose of this bulletin is to provide the Memorandum of Agreement between the Appalachian Regional Commission and the Rural Utilities Service.

2 Agreement

The Memorandum of Agreement can be found as Exhibit A to this bulletin.



**MEMORANDUM OF AGREEMENT**

**Between**

**The Federal Co-Chairman of the Appalachian Regional Commission**

**and the**

**Under Secretary of Rural Development  
United States Department of Agriculture**

1. The Federal Co-Chairman of the Appalachian Regional Commission (hereinafter Commission) and the Under Secretary of Rural Development of the Department of Agriculture (USDA), on behalf of the Administrators of Rural Utilities Service, Rural Housing Service and Rural Business-Cooperative Service (hereinafter the Services), make this agreement in furtherance of the Appalachian Regional Development Act of 1965, as amended (hereinafter the Appalachian Act or ARDA).
2. The Appalachian Act authorizes economic development programs and projects to assist the Appalachian Region to meet its special problems. Section 214 of the ARDA provides authority for grants of Federal financial assistance under the Appalachian Act to supplement grant assistance under other Federal grant-in-aid programs. This assistance can be of two types:
  - (i). to supplement Federal grants by providing Appalachian Act funds to add on to other Federal grants thereby increasing the Federal contribution above the percentage of Federal share authorized for such grant under the basic program; or
  - (ii). where sufficient funds are not available under a qualifying Federal grant program, to provide ARDA funds to be used for all or part of the basic grant of Federal financial assistance under such program.In either case, the total Federal contribution for projects assisted under Section 214 is limited to eighty (80) percent of total project costs.
3. Accordingly, ARC will approve grant assistance pursuant to the general provisions of this agreement and the provisions in Sections 214, 223 and 303 of the Appalachian Act and will make the funds therefor available to the Services, and the Services will award, administer and report to ARC on these grants.
4. The Federal Co-Chairman, subject to such conditions and limitations as he may prescribe, will from time to time make available to the Services funds appropriated to the Commission, to be used to carry out programs and projects pursuant to Section 223 of the ARDA and for the administrative expenses incident thereto.
5. The Commission will inform the Services in writing of each ARC project to be assisted; the amount approved for each; the costs and funding plan on which it premised its approval; and any specific terms, conditions, and limitations thereon not otherwise provided for in this agreement.
6. The Services will inform the Commission promptly of any change in such project costs or funding plan, and the Commission may, as a result, approve an appropriate increase or decrease in the amount of funds available for such project.

7. The Commission may revoke or revise its approval of any program or project if the work intended to be undertaken is not started or placed under contract by the Services within 18 months after the date of the Services' grant agreement or contract.
8. The Services will incorporate in each agreement involving ARC funds appropriate provisions to insure compliance with the ARDA and other applicable Federal laws.
9. The Services will furnish to the Commission (a) a copy of the executed grant agreement, and amendments thereto, for each project involving transferred funds; (b) copies of such information, data, documents, or other materials pertaining to projects as the Commission may require; (c) a final report on the costs of each program or project, in sufficient detail to permit a reasonable review of the expenditures; and (d) such progress and financial reports as may be necessary or required by law or regulation.
10. The parties to this Memorandum of Agreement will follow the implementing procedures [attached] for all administrative actions taken pursuant to this Agreement.
11. Under this Agreement, the Services will be paid a fee by the Appalachian Regional Commission for the administration of projects which do not include any Agriculture/Rural Development funds. The amount of the fee and interval of payment will be determined subsequently by the parties to this Agreement and be incorporated into the implementing procedures attachment.

                  / S /                    
JESSE L. WHITE, JR.  
Federal Co-Chairman

                  / S /                    
JILL LONG THOMPSON  
Under Secretary

Aug. 6, 1998  
Date

Aug. 6, 1998  
Date