

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, MARCH 17, 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: Senior Planner Autumn Radcliff, Deputy Attorney Sarah Zambon, Environmental Health Supervisor Seth Swift, Engineer Marcus Jones, Research Budget Analyst Megan Piner, Director of Business and County Development John Mitchell, Finance Director J. Carey McLelland, Deputy Fire Marshal Wally Hollis, Appraiser Dee Hill, Property Addressing Coordinator Curtis Griffin, PIO Christina Hallingse – videotaping, Corporal Jeff Banks and Corporal Brent Hall as security.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

RESOLUTION – RECOGNITION OF APRIL AS NATIONAL AUTISM AWARENESS MONTH

Chairman Messer stated a request has been made to pass a resolution designating April 2014 as “National Autism Awareness Month” and April 2nd as “National Autism Awareness Day”. The Historic Courthouse will be lit blue April 2nd in commemoration of the United Nations sanctioned World Autism Awareness Day. Commissioner Messer read the Resolution aloud and presented it to Adam Farris.

Chairman Messer made the motion that the Board approves the resolution as presented. All voted in favor and the motion carried.

Mr. Adam Farris accepted the resolution and thanked the Board. Mr. Farris spoke on behalf of National Autism Awareness Month. He has high functioning autism, turrets syndrome, attention deficit disorder, obsessive compulsive disorder, and anxiety. Mr. Farris feels these are unique abilities. Unique abilities because he is considered disabled by the Government when he gets Social Security and Social Security Disability checks, but he doesn't consider himself disabled. The reason he requests an Autism Awareness Day or Autism Awareness Month in Henderson County is because there are a lot of folks here with Autism.

Mr. Farris would like to see a Day of Acceptance in the future, friendly for wheelchairs, individuals with autism or Down's syndrome, with activities on Main Street. This will be his next request to the Board.

Autism affects one (1) in eighty-eight (88) children in the United States. When the Historic Courthouse is lit-up in blue, he will take a picture and send it to Autism Speaks for their website.

PUBLIC HEARINGS

Public Hearing in regard to Land Development code (LDC) and Minimum Housing Code Text Amendments (TX-2013-02)

John Mitchell stated with the adoption of the Land Development Code (LDC) on September 19, 2007, the Board of Commissioners directed staff to prepare annual updates to the LDC to prevent it from becoming outdated. This annual review is intended to prevent the need for a large overhaul of the entire code in the

DATE APPROVED: April 7, 2014

future. Trends and new issues are regularly emerging that require periodic updates to LDC text.

The proposed text amendments are based on the recommendations from the Henderson County Regulations Review Advisory Committee (RRAC), new federal and state laws pertaining to communication towers and strengthening the improvement guarantee requirements as requested by the County Attorney.

The Henderson County Planning Board has been discussing the draft text amendments for several meetings. The Planning Board made a motion at its January 16, 2014 meeting to send forward a favorable on the recommendations draft LDC and Minimum Housing Code Text Amendments as modified.

The required public notice of this hearing was published in the Hendersonville Tribune on March 6th, 2014 and March 13th, 2014. State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment and adopt a written statement of consistency with the County Comprehensive Plan.

Regulation Review Advisory Committee:

- Formed by the BOC on March 20, 2013
- Purpose was to advise how County regulations could be modified to make the County more business friendly
- Committee consisted of 13 members and 1 liaison from the Planning Board
- Met bi-weekly over a 4 month period
- Received input from a number of organizations and business and community groups
- Provided a final report to the BOC on July 11, 2013

Purpose of Amendments:

- Since adoption, LDC is reviewed annually and amended as needed
- RRAC provided a list of recommendations where existing County codes should be reviewed for possible amendments
- Address new legislation on communication facilities

Proposed Text Amendments

Proposed text amendments are based on:

- Annual review of the Land Development Code
- Recommendations of the RRAC
- New federal and state laws pertaining to communication towers

Minimum Housing Code Text Amendment A:

Exempt Short-term Agricultural Workforce Housing

Issue: In most cases, agricultural housing is already complying with federal housing standards or is seasonally occupied.

Recommendation: Exempt agricultural workforce housing currently complying with federal housing standards or if used for seasonal workforce housing.

- County will accept and forward complaints to the appropriate federal agency
- County will investigate any complaint on seasonal housing units
 - Year-round agricultural housing must still comply with the minimum housing code

Autumn Radcliff shared the following information:

Land Development Code Text Amendment A:

Reduce Agricultural Signage Restrictions

Issue: Agricultural signage relating to the direct sales of local products other than a produce stand are permitted as outdoor advertising and thus not permitted in residential districts. The majority of the County's agricultural land is located in residentially zoned areas.

Recommendation: Permit agricultural signage in all districts, similar to produce stands and increase the

Land Development Code Text Amendment D:

Simplify Recreational Facility Uses

Issue: The LDC has multiple recreational use types that are confusing to applicants.

Recommendation: Create one recreational facilities use to address indoor and outdoor recreation not currently permitted as a common area recreation and service facility or governmental recreational facility. Recreational facilities would not include motor sports facilities.

- Recreational facilities would be permitted by right in CC and RC districts and as a special use permit in all other zoning districts.
- Add new SR for recreational facilities

Land Development Code Text Amendment E:

Communication Facilities Amendments

Issue: Federal and state legislation now require local governments approve minor modifications to wireless telecommunication support facilities under certain thresholds.

Recommendation: Amend the standards for communication facilities to comply with federal and state regulations.

Minor Modifications are permitted and include:

- Increasing the existing vertical height by less than 10% or less than the height of one additional antenna array. (Separation from the nearest existing antenna not to exceed 20 feet.)
- Increasing the tower by 20 feet in width or less, or no more than the width of the support structures at the level of the new appurtenance. (Except where necessary to shelter the antenna from inclement weather or connect to the tower via cable.)
- Increasing the existing equipment compound by 2,500 sq ft or less.

Land Development Code Text Amendment F:

Improvement Guarantee Amendments

Issue: Current LDC regulations for improvement guarantees (IG) do not provide the County with an adequate mechanism for covering costs associated with completing projects in default.

Recommendation: As per the County Attorney's request, amend and reformat the improvement guarantee section of the LDC.

If amended, the Improvement Guarantee section would now require the following:

1. A minimum of 25% of the required on-site improvements be in place before an IG is granted.
2. All required federal, state and local permits be issued and copies submitted.
3. All associated design plans and construction specifications, including the engineer's release of said plans, copies be submitted.
4. Cost estimates for water and sewer infrastructure must be prepared by a professional engineer licensed in NC.
5. Cost estimates must include separate costs for:
 1. Roads, bridges, water and sewer, stormwater, pedestrian infrastructure, utilities, etc.
 2. Any off-site infrastructure improvements.
 3. Federal and/or state mitigation fees.
 4. Professional engineering and land surveying fees needed to complete a default IG.
6. Funds may be released provided:
 1. A new cost estimate is submitted for the remaining work.
 2. If the property/project is not in violation of any laws (including soil erosion and sedimentation control permits).
 3. No more than 4 requests for release of funds shall be allowed. (Releases are eligible when 25%, 50% and 75 % of the work is completed.)
7. Temporary access and permanent construction easements for infrastructure improvements shall be

provided.

8. The following terms shall be stated in the performance agreement:
 1. Applicants have 15 days to identify a new security provider and redeem an IG if the current security provider is in default, bankruptcy or otherwise determined to be insolvent.
 2. Specific benchmarks for completion of work are required, and the County may redeem the IG if the applicant fails to meet the self-imposed benchmarks.
 3. If the applicant is in violation of the LDC, the County may redeem the IG if the applicant has been notified of the violation and the period of remediation has passed.
9. The County may charge for construction & project admin. Costs if an IG is executed.

County Staff recommended changes not supported by Planning Board:

1. Increase the amount of the IG to 150% for subdivisions of 35 or more lots. Current amount of IG is 125%. (Recommendation supported by the County Attorney Staff.) The 125% guarantee may be acceptable if the proposed amendments are approved.
2. IG's are currently valid for a period of 1 year. Based on recommendations from local engineering firms, the Planning Board supported increasing the valid period to 18 months or 1½ years. Staff recommends leaving the current standards in place to simplify the process and because an IG is good for 1 year with a possibility of two 1 year extensions, providing adequate time to complete improvements.

Land Development Code and Minimum Housing Code Text Amendments

- January 16, 2014, Henderson County Planning Board voted to send forward a favorable recommendation of the proposed text amendments
- Public hearing is required to adopt the proposed amendments
- Public hearing advertised in the Hendersonville Tribune on March 6th and March 13th

Commissioner Hawkins made the motion to go into public hearing regarding the Land Development Code and Minimum Housing Code Text Amendments (TX-2013-02). All voted in favor and the motion carried.

Public Input

1. Rachel Hodge – Ms. Hodge is the Executive Director of ECO. She spoke in regard to Improvement Guarantees. ECO is a strong voice not only for the land and water of our region for more than twenty-six (26) years, but also for the high quality of life embodied by this community that continues to bring recreation, tourism, and industry here. What we have here is worth stronger protection. She is in support of the Improvement Guarantee to be 125% of the cost and the recommendation that the one (1) year validation period remain. Combined with other amendments being proposed, these changes cumulatively give more measured controls to county staff during the process of major developments to insure that few to no violations are enacted, thereby lessening the future risks of costs of large scale remediation. She is glad to see in the cost estimate standards that separate estimates are being requested for infrastructure including stormwater as well as off-site infrastructure improvements and mitigation fees. ECO would like to see stronger rules to encourage that those who come here with a vision to develop do so with strong consideration toward conservation where the current natural state of our environment is valued as highly as the lands or homes they intend to develop.
2. Matt Matteson – Mr. Matteson spoke in regard to Text Amendment Section B. He served on the Regulation Review Advisory Committee. He questions the need for relaxing the road set-backs (as discussed by the committee) in commercial zoning districts. Tax dollars are saved when roads are widened by not requiring a new right-of-way. Set-backs have a public safety purpose by keeping homes and businesses a safe distance from the road. Set-backs allow room for utilities and road drainage and establish conformity of structures and protect property values particularly with businesses in close proximity to one another. If set-backs are dropped back fifteen (15) feet as proposed, we are sending a signal that we have no regard for those people that sited their business properly and in accordance with the rules that have been in place for probably twenty-five (25) years. There are remedies for unique

situations. The Board of Adjustments can grant variances. Mr. Matteson is not aware of any evidence that the current set-backs have been a detriment to a business, homebuilder, or realtor. It was not in the comprehensive plan. If you drive the seven (7) mile stretch off Howard Gap Road, starting at Brookside Camp Road and go south toward Highway 64, you will see the road-widening project. You can see what not having proper set-backs can do in the first couple hundred feet. He suggested the Board take a good look at set-backs before making a decision.

- 3. David Weintraub – Mr. Weintraub feels the Improvement Guarantee proposals are a move in the right direction. One of the biggest issues with the Improvement Guarantees is the fact that once that developer (Seven Falls) left and abandoned the property, the County looked at applying the bond to the remediation; the damage caused by steep slope failure, sedimentation, and other issues. Under the current rules this was not possible. Rather than regulation reform, maybe we need to look at better, smarter and more effective rules. Steep Slope rules are needed.
- 4. Emily Reasoner – Ms. Reasoner feels the Board should take a harder look at rules so we don't deal with another "Seven Falls."

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

It was the consensus of the Board to table this item and put it back on the agenda in April allowing more for review.

John Mitchell was directed to contact each commissioner during the review period and provide answers to any questions they may have.

Public Hearing for assignment of new road name

Curtis Griffin stated the Planning Department staff requests the Board conduct a public hearing to consider assignment of a new road names. Staff received a petition from the affected property owners meeting the required majority (66%). The petition requests the following:

<u>New Road Name</u>	<u>Old Road Name</u>
Mystic Pines Way	Turkeybrush Trail

The road name assignment is required by Henderson County Property Addressing Ordinance (Chapter 41). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new road name. Assignment of the new road name, as presented, will avoid possible confusion when responding to emergency situations.

Staff posted signs in the affected area regarding the public hearing and advertised the public hearing in a local newspaper.

The Planning Department staff requests the Board hold the scheduled public hearing and consider the proposed road name change.

Commissioner Hawkins made the motion that the Board go into public hearing for consideration of assignment of a new road name. All voted in favor and the motion carried.

Public Input

There was none.

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

Commissioner Hawkins made the motion that the Board approves the road name of Mystic Pines Way as indicated on the map provided. All voted in favor and the motion carried.

Public Hearing for consideration of Economic Development Incentives “Project Dogwood”

Andrew Tate stated Barry Callebaut U.S.A. LLC, through its Mona Lisa division (located on St. Paul’s Road, in Henderson County) is considering expansion. As contemplated, the expansion would result in new taxable capital investment in the County of \$2,200,000 in real estate (not including any land purchase price) and \$2,000,000 in equipment. The project would create twelve (12) new jobs, at an initial average wage in excess of the median County wage, plus benefits. The contemplated incentive would last for four years and, if granted, would be not more than \$15,099.84 in the first year, based on the new investment, the number of new employees, and the Board’s incentives guidelines. The maximum amount of incentives to be considered in this grant over the four years would be \$55,776.96.

Mr. Mark Garrett, operations manager, was introduced and thanked the Board.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

NOTICE IS HEREBY GIVEN pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners will hold a public hearing at a special meeting on March 17, 2014, at 5:30 p.m., or as soon thereafter as the Board can consider the matter, to consider the request of Barry Callebaut U.S.A. LLC, for economic development incentives. This matter was previously referred in Board matters as “Project Andies”.

Barry Callebaut U.S.A. LLC, through its Mona Lisa foods unit, is a manufacturing concern located inside and outside Henderson County contemplating expansion at its site in Henderson County.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the company of at least \$2,200,000.00 in real property (not including any land acquisition costs), and \$2,000,000.00 in business personal property (equipment). The project would result in the creation of twelve (12) new jobs, at an initial average wage in excess of the median wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would last for a period of four years. The first year’s contemplated incentive, if granted, would be not more than \$15,099.84, based on the new investment, the number of new employees, and the Board’s incentives guidelines. The maximum amount of incentives to be considered in this grant over the four years would be \$55,776.96.

Henderson County will consider granting assistance toward actual start-up expenditures incurred in the investment of the company.

If approved, the request would be funded through the general property tax revenue.

Chairman Messer made the motion to go into public hearing for consideration of Economic Development Incentives for “Project Dogwood.” All voted in favor and the motion carried.

Public Input

There was none.

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

Commissioner Edney made the motion that the Board offers incentives as recommended. All voted in favor and the motion carried.

Public Hearing for consideration of Economic Development Incentives “Project Andies”

Andrew Tate stated Elkamet, Inc. is considering expansion of its Henderson County facilities, located on Mills Street. As contemplated, the project would result in new capital investment in equipment of \$2,500,000, and would result in the creation of fifteen (15) new jobs, each paying in excess of the average County wage, plus other benefits. The contemplated incentives would last for a period of seven years, and the first year’s incentive, if granted, would be no more than \$8,988.00, based on the new investment, the number of new employees, and the Board’s incentives guidelines. The maximum amount of incentives to be considered in this grant over the seven years would be \$42,693.00.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

NOTICE IS HEREBY GIVEN pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners will hold a public hearing at a special meeting on March 17, 2014, at 5:30 p.m., or as soon thereafter as the Board can consider the matter, to consider the request of Elkamet, Inc., for economic development incentives in a matter previously known as “Project Dogwood”.

Elkamet, Inc., is a manufacturing concern located inside and outside the United States (and Henderson County) contemplating expansion at its site in Henderson County.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by Elkamet, Inc. of at least \$2,500,000.00 in business personal property (equipment). The project would result in the creation of fifteen (15) new jobs, at an average wage in excess of the average wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would last for a period of seven years. The first year’s contemplated incentive, if granted, would be not more than \$8,988.00, based on the new investment, the number of new employees, and the Board’s incentives guidelines. The maximum amount of incentives to be considered in this grant over the seven years would be \$42,693.00

Henderson County will consider granting assistance toward actual start-up expenditures incurred in the investment of Elkamet, Inc.

If approved, the request would be funded through the general property tax revenue.

Mr. Arthur Bitner, plant manager, was introduced and thanked the Board.

Chairman Messer made the motion that the Board go into public hearing for consideration of Economic Development Incentives for “Project Andies.” All voted in favor and the motion carried.

Public Input

There was none.

Chairman Messer made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Young made the motion that the Board offer incentives as recommended. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. David Adams – Mr. Adams spoke in regard to support of greenways, bikeways and Rails to Trails. He feels more protected bike trails are needed. Greenways provide better health for citizens and bring in more tourism.

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):

February 19, 2014 – regularly scheduled meeting

Tax Collector’s Report

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated March 6, 2014 for information only. No action was required.

Pending Releases & Refunds

The County Assessor had reviewed release and refund requests, and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

<u>Type</u>	<u>Revenue Amount:</u>
Refunds	\$ 2,098.74
Releases	\$ 5,713.11

Motion:

I move the Board approves the Combined Release/Refund Report as presented.

County Financial Report/Cash Balance Report – January 2014

The December 2013 County Financial Report and Cash Balance Report was provided for the Board’s review and approval.

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

- Dues/Non-Profits – release of 3rd quarter non-profit contribution payments to agencies
- Finance – expenditures running slightly ahead of budget through January
- Fire Services – annual equipment maintenance contract payment for fire services radio equipment
- EMS – purchase order encumbered for staff wearing apparel/uniforms (\$15,929)
- Rescue Squad – purchase order encumbered for new ambulance approved in the FY2014 budget
- Soil & Water Conservation – purchase grant funded equipment (\$21,976) in January
- Economic Development – payment of scheduled economic development incentive payments due

The YTD deficit in the Emergency Telephone System (911) Fund is due to the final debt service payment on the financing to expand the current Emergency 911 Communications Center and the payment of annual technology maintenance and support contracts for the 911 communications system. The January 911 surcharge payment from the state will not be received and posted until February 2014.

The YTD deficit in the CDBG – Scattered Site Housing Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Public Transit Fund is due to a timing difference between operational expenditures of the Fund and subsequent reimbursement of federal and state grant funds for public transit.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to lower reimbursements being realized compared to previous years as well as the timing delay in receiving payments – federal ICE revenues for January will not be received and posted until March 2014

The YTD deficit in the Emergency Communications Center Relocation Project will be reimbursed from the \$3.6 million dollar grant awarded by the NC 911 Board for this project.

The YTD deficit in the Solid Waste Landfill Fund is due to the one-time purchase of capital outlay and real property purchased for buffer around the landfill in the first half of the fiscal year. The retained earnings of \$325,000 were appropriated to balance the Solid Waste Landfill Fund budget for FY2014.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due a scheduled debt service payment made on the Series 2010B Refunding Bonds in December. The retained earnings of \$1.5 million were appropriated to balance the Cane Creek Water & Sewer Fund budget in FY2014 to cover capital expenditures for sewer projects approved by the Board.

Motion:

I move the Board of Commissioners approves the January 2014 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Report – January 2014

The Henderson County Public Schools January 2014 Local Current Expense Fund / Other Restricted Funds Financial Report were provided for the Board's information.

Motion:

I move the Board of Commissioners approves the Henderson County Public Schools January 2014 Financial Report as presented.

Offer to purchase tax-foreclosed property

Donald K. Henderson has revised his initially rejected offer to purchase a parcel of real estate which was subject to a tax foreclosure by the County.

The property is described as 22 Rice Road, in Fletcher, Henderson County, with parcel identification number 9926669 (PIN 9653845717), with a tax value of \$16,900.00. The offered price is the sum of Two Thousand Dollars (\$2,000.00), plus the buyer will within thirty (30) days of closing demolish and remove all existing structures on the premises, and abandon and close the existing open well under the supervision of the Department of Public Health within thirty (30) days.

It is believed that this lot was originally foreclosed by the County in 1970. No taxes have been

received on the property since that time.

If the Board agrees to provisionally accept this offer, it would be subject to advertisement in *The Hendersonville Tribune* and ten-day period for upset bids pursuant to your policy. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners.

Motion:

I move the Board provisionally accepts the offer of Donald K. Henderson to purchase the parcel described in this agenda item, subject to the procedures required by this Board for tax foreclosure sales and subject to the condition stated in this agenda item.

Final approval of sale of tax foreclosed property

This Board gave preliminary approval to the sale of certain tax-foreclosed property located in Echo Lake, in Hendersonville Township, Henderson County, at its meeting 7 October 2013. The offer was made by W. H. Stewart, Jr., and the property is described as:

The property is described as Lot 32 (also known as Lot L 32), Echo Lake, Henderson County parcel identification number 0107555, with a tax value of \$13,600.00. The offered price is the sum of Two Thousand Five Hundred Dollars (\$2,500.00).

This lot was originally foreclosed by the County 2 October 1987.

As noted at the time of the initial approval of this offer, the lot description is such that it will be difficult if not impossible to draft a deed with a proper description in the absence of a survey, and the purchaser should be required to agree to either obtain their own survey or reiterate their release of the County from liability in the event a description is inadequate.

Motion:

I move the Board provisionally accepts the offer of W. H. Stewart, Jr., to purchase the parcel described in this agenda item, and direct the execution of a quitclaim deed to Stewart on the condition that Stewart release the County from liability in the event the property description, above, is inadequate.

DOT land donation request

Mountain Home Fire and Rescue (“MHFR”) has negotiated with the Department of Transportation of the State of North Carolina (“DOT”) for ownership of a 0.58 tract across Half Circle Drive from the existing main MHFR station. DOT has indicated to MHFR that they will not convey the tract directly to MHFR, but would be willing to convey the tract to the County, which could then allow the use by MHFR. MHFR asks the County to request DOT to convey the tract, without cost, to the County, and for the County to allow MHFR to use the tract. MHFR intends to use the tract for extension and repair of their septic system and as a location for future training activities.

The tract involved is Henderson County Parcel Number 0103783. The tract is denoted by outline on the enclosed aerial photo and is across Half Circle Lane from MHFR.

Motion:

I move the Board authorizes and directs staff to request of the North Carolina Department of Transportation the conveyance of parcel 0103783, without cost, to the County for use by Mountain Home Fire and Rescue.

Consolidated Contract Agreement with the NC Department of Health and Human Services

Each year, as part of the normal budgetary process, in order not to disrupt the funding cycles of federal and state funds, the Consolidated Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the Local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Agreement re: HIPAA compliance
- Combined Federal Certification (Assurance of Compliance with Title VI, Drug-Free Work Place, Environmental Tobacco Smoke, Debarment, and Lobbying.)
- Agreement Addenda
- Maintenance of Effort (MOE) Report for WCH Programs
- Public Health Nurse Training Funds Reimbursement Request

Motion:

I move the Consolidated Contract Agreement for Fiscal Year 2015 between the NC Department of Health and Human Services and the Henderson County Department of Public Health be approved with the understanding that program service levels and funding support can be renegotiated when necessary.

Request for Utility Easement from Duke Energy – Henderson County Athletic & Activity Center

Duke Energy has requested approval a utility easement on the Henderson County parcel #9905210 (Henderson County Athletic and Activity Center). The easement will provide access for new and relocated facilities in the area circled on Figure 1 below.

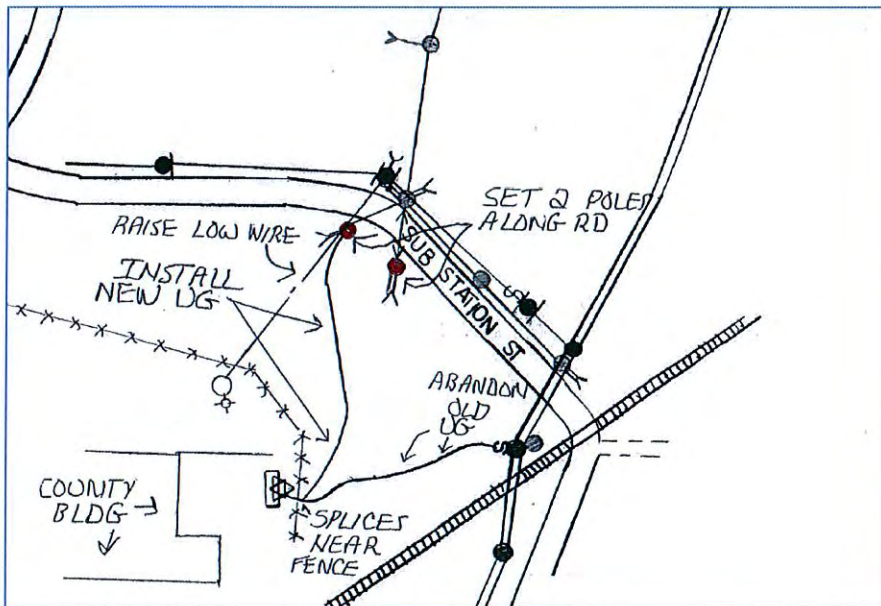
A description of the work to be performed by Duke Energy is below with Figure 2 showing a sketch of the work plan:

“The old underground primary is almost impossible to repair and the pole where it goes underground is down beside the railroad tracks where we would have a heck of a time digging it up there. I think this new underground will increase your reliability and for sure the length of the outage trying to fix it. I flagged the intended route that Mr Hopkin and his coworker agreed to back in December if you need to see the route. Also, we need to set two poles down near the road that you can't see from the building that will support your new underground and hold the span going toward town. The reason I was out there was to get that old line out of the swamp where we can maintain it. The last outage was very lengthy as we had to take a boat out to the pole and repair it.”

The easement has been review by the following Departments: Recreation, Engineering and Legal with no significant impacts or concerns to the County determined.

Motion:

I move the Board approves the Duke Energy utility easement at the Henderson County Athletic and Activity Center.



Resolution Declaring Personal Property as Surplus and Authorizing the Disposition of Personal Property by Private Sale to a Local Government Unit

Henderson County has received a request from the Buncombe County Sheriff's Department in North Carolina to purchase two (2) Golden Eagle radar units that are no longer in use by the Henderson County Sheriff's Department. The Sheriff's Public Information Officer, Major Frank Stout, negotiated a price of \$500 per radar unit for a total of \$1,000 for the two (2) radar units with the Buncombe County Sheriff's Department.

A resolution declaring the radar units as surplus and authorizing the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274 was provided for the Board's consideration and approval.

List of Radar Units:

Radar	Serial #	Asset#
Golden Eagle	XE21710	14980
Golden Eagle	XE21681	14669

Motion:

I move the Board approves the resolution declaring the list of Radar Units presented as surplus and authorizes the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274.

Smokey Mountain Center – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended December 31, 2013

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The attached FMR for the Smokey Mountain Center was received by the County Finance Officer on February 27, 2014.

Motion:

I move the Board of Commissioners approves the Smokey Mountain Center Fiscal Monitoring Report for the quarter ended December 31, 2013.

Set public hearing date regarding the re-naming of Yorkshire Boulevard

Planning Department staff requests the Board to set a public hearing to consider re-naming Yorkshire Boulevard to Barbara’s Mountain Place. The re-naming of this road will not require the assignment of any new property addresses.

The naming or renaming of the street is required by the Henderson County Property Addressing Ordinance (Chapter 41). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new road name. Assignment of the new road name is at the request of over 66% of the current property owners bordering the existing street.

Motion:

I move the Board sets the public hearing for April 16, 2014 at 9:00 A.M. to discuss the proposed road name assignments.

Budget Amendment – Rescue Squad

In late February, the county’s last private ambulance company, Arc’Angel, ceased operations. The Henderson County Rescue Squad is now in a position to pick up all non-emergency transports, greatly increasing their call volume. While the non-emergency transports are reimbursable by Medicaid and Medicare, those reimbursements do take some time to be paid to the providers, leaving the Squad with cash flow concerns. As such, Staff recommends the Board approve the attach budget amendment which would accelerate the quarterly payments made to the Rescue Squad. The amount approved would be deducted from the total under consideration for the FY2015 budget.

Motion:

I move the Board approves the budget amendment, appropriating funding for the Rescue Squad.

Resolution – Designating March, 2014 as American Red Cross Month

The Western Carolina Region of the American Red Cross has requested that the Board of Commissioners adopt a Resolution designating March – 2014 as American Red Cross Month.

Motion:

I move the Board of Commissioners adopts the Resolution as presented, designating March, 2014 as American Red Cross Month in Henderson County.

Designation of Seth Swift from the Health Department to supervise NCDOT in relocation of approximately 2 graves

Jacob Day, Right of Way Agent for the North Carolina Department of Transportation is requesting that the Board designate an individual from the Health Department to supervise and provide direction to disinter and re-inter the deceased from Moores Grove Church Cemetery to available area within Moores Grove Church Cemetery. These graves are located in the construction limits of the Howard Gap Road improvement project (B3662).

Motion:

I move the Board designates Seth Swift from the Health Department to supervise and direct the NCDOT in relocating approximately 2 graves from Moores Grove Church Cemetery to an available area within Moores Grove Church Cemetery.

BRCC baseball field lease

To prevent any mismanagement or decline in the condition of the facilities, County staff has worked with staff from the Blue Ridge Community College to secure a lease for the baseball field and surrounding area. The field will be maintained and scheduled through the Henderson County Recreation Department. The College may still use the field as long as they schedule the time with the Recreation Department.

Motion:

I move the Board approves the Memorandum and grant the County Manager authority to sign the Memorandum.

Request for Use of Historic Courthouse Front Lawn – Only Hope WNC

Only Hope WNC is a 501(c)(3) who works to raise awareness of youth homelessness. They are requesting use of the front lawn of the Historic Courthouse from 5:00 p.m. on November 15th to 8:00 a.m. on November 16th. The group will hold an overnight “sleep-out” to raise money to purchase a house for homeless youth. The group is having a port-a-potty donated for their use and will place it in the back parking lot of the Historic Courthouse.

Motion:

I move the Board adopts the application for Use of the Historic Courthouse Lawn and Courtyard for Only Hope WNC as presented.

Notification of Vacancies

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

1. Child Protection and Fatality Prevention Team – 1 vac.
2. EMS Peer Review Committee – 7 vac.
3. Environmental Advisory Committee – 1 vac.
4. Fletcher Planning Board – 1 vac.
5. Governmental Financing Corporation – 1 vac.
6. Henderson County Planning Board – 3 vac.
7. Nursing/Adult Care Home Community Advisory Committee – 5 vac.

Nominations

1. Equalization and Review, Henderson County Board of – 5 vac.

Commissioner Edney nominated Jon Laughter for position #1 and John Porter for position #4.

Commissioner Hawkins nominated Steve Dozier for position #2. Commissioner Young nominated Bessie Bright for position #6, and Michael Earle for position #8.

Chairman Messer made the motion to accept the reappointments of Jon Laughter to position #1, Steve Dozier to position #2, John Porter to position #4, Bessie Bright to position #6, and Michael Earle to position #8 by acclamation. All voted in favor and the motion carried.

2. Industrial Facilities and Pollution Control Financing Authority - 3 vac.

Commissioner Thompson nominated Arnold Sheldon for position #3 and Jon Laughter for position #6. Commissioner Hawkins nominated Diane Grant for position #4.

Chairman Messer made the motion to accept the reappointments of Arnold Sheldon to position #3, Diane Grant to position #4, and Jon Laughter to position #6 by acclamation. All voted in favor and the motion carried.

3. Juvenile Crime Prevention Council – 6 vac.

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

4. Mountain Valleys Resource Conservation and Development Program – 2 vac.

Commissioner Edney nominated Andrew Brannon for position #1.

Chairman Messer made the motion to accept the reappointment of Andrew Brannon to position #1 by acclamation. All voted in favor and the motion carried.

5. Nursing/Adult Care Home Community Advisory Committee – 3 vac.

Commissioner Thompson nominated Donna Sheline for position #6, Bernard Brodsky for position #20, and Ruth Rosauer for position #23.

Chairman Messer made the motion to accept the reappointments of Donna Sheline to position #6, Bernard Brodsky to position #20, and Ruth Rosauer to position #23 by acclamation. All voted in favor and the motion carried.

6. Senior Volunteer Services Advisory Council – 2 vac.

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

7. 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.

SMOKY MOUNTAIN CENTER UPDATE – This item was pulled for a future agenda

Shelly Foreman, Senior Director of Planning & Public Affairs for Smoky Mountain Center was scheduled to provide an update. Due to unforeseen circumstances she was unable to attend.

CONSTRUCTION CONTRACT – 1995 COURTHOUSE RENOVATIONS

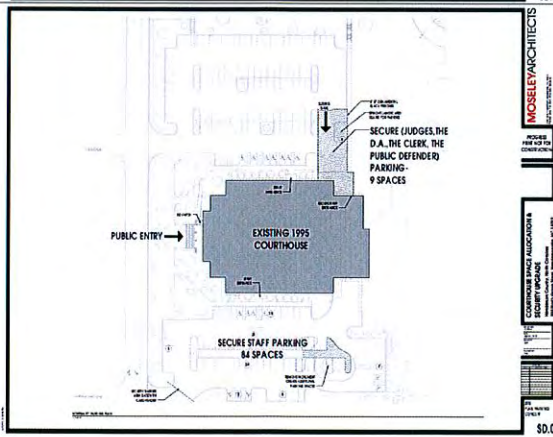
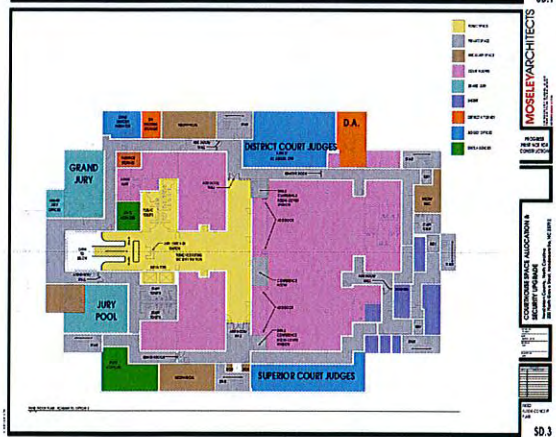
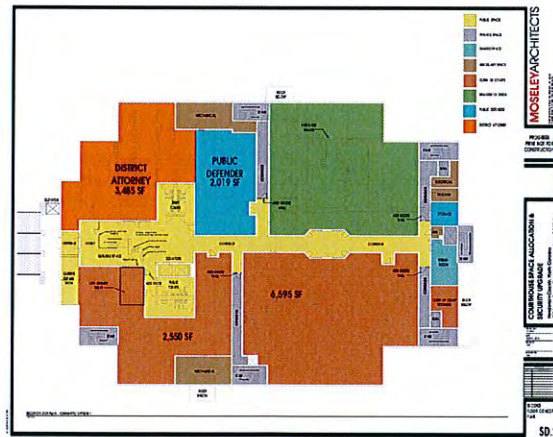
Engineer Marcus Jones stated during the Board's July 17, 2013 meeting, Engineering was directed to continue the 1995 Courthouse project based on the programming approved during the meeting. The presentation from the July 17th meeting is attached to brief the Board on the approved programming (layout) of the Courthouse. Of course, the priority for the project is to upgrade the security of the Courthouse.

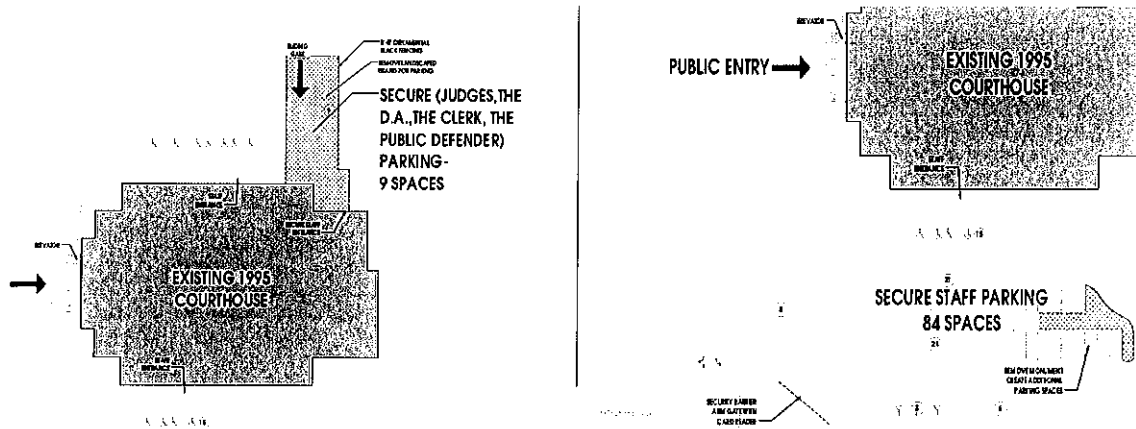
On February 4, 2014, bids were opened for the project based on Moseley Architect's subsequent design from the July 17th Board meeting. A tabulation of the bids is attached. The bids were significantly over the budget. With the approved total project budget of \$1.0 million, a construction budget will need to be

approximately \$750,000 to \$800,000. The lowest bid, Marsh Bell Construction Co, Inc., was \$1,124,173; more than \$300,000 over budget.

With the bids greater than 25% over budget, Engineering recommends rejecting the bids from the February 4th opening and to direct staff to develop projects options for the Board's consideration that are within the approved budget.

TABULATION OF BIDS												
Project: Henderson County Courthouse Space Allocation and Security Upgrade				Architect's Commission No: 530094				Bids Receipt Time: February 4, 2014 at 3:00 p.m. Bids Opening Time: Immediately Thereafter				
Bidder	License #	Attended Pre-Bid Meeting	Bid Bond Included	Number of Addenda Acknowledged	Sub Contractors Listed	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Alternate 5	Alternate 6	Base Bid With Allowance \$3,000 - Interior Panel Signs
Bolton Construction & Service of WNC, Inc.	53407	Y	Y	3	Y	\$12,450	\$21,000	\$67,700	\$18,480	\$77,600	\$135,500	\$1,273,000
Clayton Construction Company, Inc.	47800	Y	Y	3	Y	\$11,600	\$5,100	\$62,000	\$4,500	\$50,000	\$27,700	\$1,140,900
Cooper Construction Company, Inc.	4763	Y	Y	3	Y	\$13,700	\$9,450	\$71,450	\$8,600	\$49,800	\$140,000	\$1,170,800
Marsh Bell Construction Co., Inc.	23539	Y	Y	3	Y	\$13,073	\$9,152	\$65,884	\$8,962	\$48,553	\$27,975	\$1,124,173





► **Project Layout Approval**

Project Budget

- Construction & Contingency : \$825,000
- Fees: \$155,000
- Total Estimate: \$980,000
- Approved Budget: \$1,000,000
- Notes
 - Construction Cost Estimate dated 6/24/2013
 - Priority on Security Upgrades
 - No furniture included in budget

Project Schedule

- Design Complete September 18
- Bid Opening October 22
- Contract to BOC November 4
- Notice to Proceed Mid November
- Construction Complete November 2014

Note, many variables in construction schedule: Departments/Agencies work schedules, Court schedules, etc

Commissioner Hawkins made the motion that the Board rejects the February 4th bids for the 1995 Courthouse Renovations and direct staff to develop project options for the Board's consideration that are within the approved budget. All voted in favor and the motion carried.

Commissioner Edney will join Commissioner Thompson in continued efforts on the renovations.

COUNTY FLAG ADOPTION

Amy Brantley stated throughout the month of February the Public Information Officer gathered votes for the county flag design. Seven hundred forty-two (742) votes were collected through an online survey, email, call-ins, and a Hendersonville Lightning poll. Of the 742 votes, 467 (or 62.93%) voted for the tri-color flag (or the one resembling the North Carolina state flag). A vast majority of the comments we received dealt with color options (i.e. – matching the red in the flag to the red in the apple). Four (4) alternative designs were proposed, however, given the overwhelming majority toward the tri-color flag, staff recommends the adoption of the tri-color flag.



Amy Brantley will be working with staff to order an adequate amount of flags to display at facilities and events. She hopes to have the flags in 4-6 weeks.

Commissioner Hawkins made the motion that the Board adopts the tri-color flag. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

County Manager Steve Wyatt had nothing further.

Chairman Messer reminded everyone of recent losses, Mark Nesbitt and Jason Crisp. The Board offered their condolences.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), 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 Board to preserve attorney-client privilege.
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 Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.
3. Pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.
4. 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 officer or employee or prospective 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), (a)(4), (a)(5) and (a)(6). All voted in favor and the motion carried.

ADJOURN

Commissioner Edney made the motion to go out of closed session and adjourn at 8:15 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 698-4443
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

MICHAEL EDNEY
GRADY HAWKINS
LARRY YOUNG

RESOLUTION IN RECOGNITION OF APRIL AS NATIONAL AUTISM AWARENESS MONTH

- WHEREAS,** April 2014 is designated as “National Autism Awareness Month” in order to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism; and
- WHEREAS,** Wednesday, April 2nd is designated as “National Autism Awareness Day”; and
- WHEREAS,** autism is a developmental disorder that is typically diagnosed during the first 3 years of life, affecting a person’s ability to communicate and interact with others; and
- WHEREAS,** autism affects an estimated 1 in every 88 children in the United States and is more likely to occur in boys than in girls; and
- WHEREAS,** despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder.

NOW, THEREFORE, BE IT RESOLVED, that we, the Henderson County Board of Commissioners, do hereby designate April 2014 as “National Autism Awareness Month” and further designate April 2nd as “Autism Awareness Day”. We also recognize and commend the parents, relatives, and educators, of children with autism for their sacrifice and dedication in providing for the special needs of children with autism.

FUTHERMORE, in recognition of “Autism Awareness Day” on April 2nd the Henderson County Historic Courthouse will be lit blue in commemoration of the United Nations sanctioned World Autism Awareness Day.

Proclaimed this 17th day of March 2014.



Charlie Messer, Chairman
Henderson County Board of Commissioners

ATTEST:



Teresa L. Wilson, Clerk to the Board

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, March 06, 2014

Re: Tax Collector's Report to Commissioners - Meeting Date 17 March 2014

Please find outlined below collections information through 05 March 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:	\$58,589,100.53	2012 Beginning Charge:	\$57,948,385.02
Discoveries & Imm. Irreg.:	\$284,041.60	Discoveries & Imm. Irreg.:	\$302,572.20
Releases & Refunds:	(\$219,248.94)	Releases & Refunds:	(\$105,331.58)
Net Charge:	\$58,653,893.19	Net Charge:	\$58,145,625.64
Unpaid Taxes:	\$2,534,378.24	Unpaid Taxes:	\$2,203,923.85
Amount Collected:	\$56,119,514.95	Amount Collected:	\$55,941,701.79
Percentage Collected:	95.68%	Percentage Collected:	96.21%
Through: 5-Mar-2014		Through: 5-Mar-2013	

Motor Vehicle Bills G01 Only:

2013 Beginning Charge:	\$2,647,957.79	2012 Beginning Charge:	\$3,726,965.22
Discoveries & Imm. Irreg.:	\$1,815.92	Discoveries & Imm. Irreg.:	\$2,597.73
Releases & Refunds:	(\$54,803.42)	Releases & Refunds:	(\$64,135.40)
Net Charge:	\$2,594,970.29	Net Charge:	\$3,665,427.55
Unpaid Taxes:	\$351,348.78	Unpaid Taxes:	\$935,913.71
Amount Collected:	\$2,243,621.51	Amount Collected:	\$2,729,513.84
Percentage Collected:	86.46%	Percentage Collected:	74.47%
Through: 5-Mar-2014		Through: 5-Mar-2013	

Fire Districts All Bills:

2013 Beginning Charge:	\$6,875,194.02	2012 Beginning Charge:	\$6,851,620.32
Discoveries & Imm. Irreg.:	\$45,334.18	Discoveries & Imm. Irreg.:	\$45,492.95
Releases & Refunds:	(\$34,158.57)	Releases & Refunds:	(\$23,601.97)
Net Charge:	\$6,886,369.63	Net Charge:	\$6,873,511.30
Unpaid Taxes:	\$375,511.77	Unpaid Taxes:	\$389,610.44
Amount Collected:	\$6,510,857.86	Amount Collected:	\$6,483,900.86
Percentage Collected:	94.55%	Percentage Collected:	94.33%
Through: 5-Mar-2014		Through: 5-Mar-2013	

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
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CHARLES D. MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

LARRY R. YOUNG
J. MICHAEL EDNEY
GRADY H. HAWKINS

March 17, 2014

Mr. Stan Duncan, Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find tax release requests in the amount of \$5,713.11, and tax refund requests in the amount of \$2,098.74 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, March 17, 2014. All refunds and releases were approved.

Sincerely,



Charles D. Messer, Chairman
Henderson County
Board of Commissioners

CDM/tlw

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 17, 2014
SUBJECT: Pending Releases & Refunds
PRESENTER: Assessor
ATTACHMENTS: Pending Release/Refund Combined Report

SUMMARY OF REQUEST:

The attached pending releases and refunds have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type	Revenue Amount:
Refunds	\$ 2,098.74
Releases	\$ 5,713.11

Faithfully Submitted,



Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Combined Release/Refund Report as presented."

NCPTS Pending Release/Refund Report. Friday, March 07, 2014*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
CAROLINA CONF ASSOC 7TH DAY ADVENT INC	0003049184-2013-2013- 0000	10-1-2013 MR. JOHNSON (CFO-CAROLINA CONF. 7TH DAY ADVENT INC.) CAME TO THE ASSESSOR'S OFFICE. HE QUESTIONED THE TOTAL VALUE TO BE BILLED FOR 2013. THIS PARCEL (#1015385) WAS RECOMBINED WITH OTHER PARCELS OWNED BY THEM IN 2012. LAND RECORDS REMAPPED (REF. SLD 8735 DATED 12-27-2012). MIKE SUTTON REVIEWED MARKET ASSESSMENT. THIS RELEASE TO REFLECT THE ADJUSTMENT AFTER REMAPPING AND APPLYING THE PARTIAL ADJUSTMENT. A NEW BILL WAS SENT TO THE PROPERTY OWNER.	(\$26,500)	1699	COUNTY	TAX LATE LIST FEE TOTAL:	\$656.89 \$0.00	\$0.00 \$0.00	\$136.10 \$0.00	\$0.00 \$0.00
	OWNER TOTAL:		(\$26,500)						\$136.10	\$0.00
DAVIS, DANNY DWAYNE	0003057756-2013-2013- 0000	1988 FIBERKING WATERCRAFT. PREVIOUSLY VOIDED IN 2010 FOR 2011 LISTING, BILLED IN ERROR. BILL OF SALE ON FILE, SALE DATED 7/2/2010.	(\$2,120)	1870	COUNTY	TAX LATE LIST FEE TOTAL:	\$10.89 \$1.09	\$0.00 \$0.00	\$10.89 \$1.09	\$0.00 \$0.00
	OWNER TOTAL:		(\$2,120)						\$11.98	\$0.00
EPLLEE, TIMOTHY LEE	0002660504-2011-2011- 0000	2006 RANGER Z20 WATERCRAFT. CERTIFICATE OF TITLE FOR VESSEL SUPPLIED BY TAXPAYER SHOWING OWNERSHIP CHANGE EFFECTIVE 3/31/2009. COPY OF TITLE ON FILE.	(\$30,420)	1880	COUNTY	TAX LATE LIST FEE TOTAL:	\$156.24 \$15.62	\$0.00 \$0.00	\$156.24 \$15.62	\$0.00 \$0.00
	OWNER TOTAL:		(\$30,420)						\$171.86	\$0.00
					VALLEY HILL FIRE	TAX LATE LIST FEE TOTAL:	\$24.34 \$2.43	\$0.00 \$0.00	\$24.34 \$2.43	\$0.00 \$0.00
	OWNER TOTAL:		(\$2,570)						\$26.77	\$0.00
					COUNTY	TAX LATE LIST FEE TOTAL:	\$141.60 \$14.16	\$0.00 \$0.00	\$141.60 \$14.16	\$0.00 \$0.00
	OWNER TOTAL:		(\$27,570)						\$198.63	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
ELEE, TIMOTHY LEE	0002660504-2012-2012-0000	2006 RANGER Z20 WATERCRAFT. CERTIFICATE OF TITLE FOR VESSEL SUPPLIED BY TAXPAYER SHOWING OWNERSHIP CHANGE EFFECTIVE 3/31/2009. COPY OF TITLE ON FILE.	(\$27,570)	1879	VALLEY HILL FIRE	TOTAL:			\$155.76	\$0.00
						TAX		\$22.06	\$0.00	\$0.00
						LATE LIST FEE		\$2.21	\$0.00	\$2.21
						TOTAL:			\$24.27	\$0.00
ABSTRACT TOTAL:										
	0002761655-2011-2011-0000	2003 SKEETER WATERCRAFT. BILL RELEASED, BILL OF SALE SUPPLIED BY OWNER, SOLD 3/21/2003. BILL OF SALE ON FILE.	(\$14,880)	1878	COUNTY	TAX	\$76.42	\$0.00	\$76.42	\$0.00
						LATE LIST FEE	\$7.64	\$0.00	\$7.64	\$0.00
						TOTAL:			\$84.06	\$0.00
						TAX	\$14.14	\$0.00	\$14.14	\$0.00
	0002761656-2012-2012-0000	2003 SKEETER WATERCRAFT. BILL RELEASED, BILL OF SALE SUPPLIED BY OWNER, SOLD 3/21/2003. BILL OF SALE ON FILE.	(\$14,136)	1877	COUNTY	TAX	\$173.44	\$0.00	\$72.60	\$0.00
						LATE LIST FEE	\$17.34	\$0.00	\$7.26	\$0.00
						TOTAL:			\$79.86	\$0.00
						TAX	\$32.08	\$0.00	\$13.43	\$0.00
	0002761656-2013-2013-0000	2003 SKEETER WATERCRAFT. BILL RELEASED, BILL OF SALE SUPPLIED BY OWNER, SOLD 3/21/2003. BILL OF SALE ON FILE.	(\$13,425)	1876	COUNTY	TAX	\$68.95	\$0.00	\$68.95	\$0.00
						LATE LIST FEE	\$6.90	\$0.00	\$6.90	\$0.00
						TOTAL:			\$75.85	\$0.00
						TAX	\$12.75	\$0.00	\$12.75	\$0.00
	0002761656-2013-2013-0000	2003 SKEETER WATERCRAFT. BILL RELEASED, BILL OF SALE SUPPLIED BY OWNER, SOLD 3/21/2003. BILL OF SALE ON FILE.	(\$100,431)	1875	ETOWAH-HORSESHOE FIRE	TAX	\$1.28	\$0.00	\$1.28	\$0.00
						LATE LIST FEE	\$1.28	\$0.00	\$1.28	\$0.00
						TOTAL:			\$14.03	\$0.00
						TAX	\$1.28	\$0.00	\$1.28	\$0.00
ABSTRACT TOTAL:										
OWNER TOTAL: \$662.78										

Friday, March 07, 2014 11:22:06 AM

Page 2 of 6

*Adjustments submitted for approval before 3/7/2014

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
GIBBS, STEPHANIE MANGUS	0000135757-2012-2012-0000	RELEASE BILLS 2012 AND 2013 ON PERSONAL PROPERTY MANUFACTURED HOME. MANUFACTURED HOME TRADED IN AND MOVED TO DEALER LOT. OAKWOOD DOCUMENTATION ON FILE SHOWING TRADE IN DATE OF 12/9/2011.	(\$6,400)	1859	COUNTY	TAX	\$32.87	\$0.00	\$32.87	\$0.00
						LATE LIST FEE	\$3.29	\$0.00	\$3.29	\$0.00
						TOTAL:	\$36.16	\$0.00	\$36.16	\$0.00
						TAX	\$7.04	\$0.00	\$7.04	\$0.00
						LATE LIST FEE	\$0.70	\$0.00	\$0.70	\$0.00
						TOTAL:	\$7.74	\$0.00	\$7.74	\$0.00
ABSTRACT TOTAL:							\$43.90	\$0.00	\$43.90	\$0.00
GRANT, ANNE UNDERWOOD	0000135757-2013-2013-0000	RELEASE BILLS 2012 AND 2013 ON PERSONAL PROPERTY MANUFACTURED HOME. MANUFACTURED HOME TRADED IN AND MOVED TO DEALER LOT. OAKWOOD DOCUMENTATION ON FILE SHOWING TRADE IN DATE OF 12/9/2011.	(\$6,200)	1860	COUNTY	TAX	\$31.84	\$0.00	\$31.84	\$0.00
						LATE LIST FEE	\$3.18	\$0.00	\$3.18	\$0.00
						TOTAL:	\$35.02	\$0.00	\$35.02	\$0.00
						TAX	\$6.82	\$0.00	\$6.82	\$0.00
						LATE LIST FEE	\$0.68	\$0.00	\$0.68	\$0.00
						TOTAL:	\$7.50	\$0.00	\$7.50	\$0.00
ABSTRACT TOTAL:							\$42.52	\$0.00	\$42.52	\$0.00
OWNER TOTAL:									\$86.42	\$0.00
GRANT, ANNE UNDERWOOD	0002857567-2013-2013-0000	ADJUSTED LAND VALUE DUE TO POWERLINE EASEMENT BY CREATING 0.44 ACRE LANDLINE AND ELIMINATING THE DEFAULT VALUE FOR 2013	(\$4,400)	1812	COUNTY	TAX	\$719.55	\$370.31	\$22.60	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:	\$722.60	\$370.31	\$22.60	\$0.00
						TAX	\$719.55	\$370.31	\$22.60	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:	\$722.60	\$370.31	\$22.60	\$0.00
ABSTRACT TOTAL:							\$722.60	\$370.31	\$326.65	\$0.00
TAX RELIEF APPROVED PER BOARD OF E&R.									\$326.65	\$0.00
ABSTRACT TOTAL:							\$326.65	\$0.00	\$326.65	\$0.00
OWNER TOTAL:									\$349.25	\$0.00
HUGHES, JERRY LEE	0000733001-2009-2009-0000	PARCEL NUMBER 9939565 THIS RELEASE IS FOR THE VALUE OF THE HOME ONLY. RELEASE PROCESSED FOR TAX YEARS 2009, 2010 AND 2011. MODULAR HOME BURNED (15 OCTOBER 2007). MR. DUNCAN MET WITH MR. AND MRS. HUGHES ON 7 MARCH 2014 AT 9:00 AM. [NCCS REFERENCE 105-381].	(\$69,000)	1889	COUNTY	TAX	\$549.78	\$0.00	\$299.84	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:	\$549.78	\$0.00	\$299.84	\$0.00
						TAX	\$549.78	\$0.00	\$299.84	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:	\$549.78	\$0.00	\$299.84	\$0.00
ABSTRACT TOTAL:							\$549.78	\$0.00	\$299.84	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
MOUNTAIN VALLEY BAPTIST CHURCH	0003032030-2013-2013-0000	LATE APPLICATION APPROVED BY THE ASSESSOR, PARSONAGE AND 1 ACR HOMESITE EXEMPT. PASTOR LIVES IN THE PARSONAGE	(\$280,100)	1734	COUNTY	TAX	\$2,275.76	\$837.17	\$1,438.59	\$0.00
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$1,438.59	\$0.00
						ABSTRACT TOTAL:		\$1,438.59		\$0.00
NIX, JEFFREY W	0000097972-2013-2013-0000	ADJUSTMENT MADE TO ADD PUV AFTER 2013 COMPLIANCE REVIEW.	(\$280,100)	1842	COUNTY	TAX	\$335.38	\$335.38	\$268.61	\$268.61
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$268.61	\$268.61
						ABSTRACT TOTAL:		\$268.61		\$268.61
REESE, LEONARD	0003017636-2013-2013-0000	PUV FORESTRY CLASSIFICATION REINSTATED AFTER MEETING WITH PROPERTY OWNER, AND ATTORNEY CHERYL JONES ON 8-30-2013. NCGS 105-277.3(3)	(\$52,300)	1596	COUNTY	TAX	\$309.13	\$309.13	\$767.89	\$767.89
						LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
						TOTAL:			\$767.89	\$767.89
						ABSTRACT TOTAL:		\$767.89		\$767.89
SOBIN, RONALD	0002661077-2013-2013-0000	1995 SOUTHEASTERN BOAT SOLD 10/4/2012 PER NC WILDLIFE. RELEASE BILL FOR 2013	(\$149,512)	1894	COUNTY	TAX	\$4.78	\$4.78	\$4.78	\$4.78
						LATE LIST FEE	\$0.48	\$0.48	\$0.48	\$0.48
						TOTAL:			\$5.26	\$5.26
						BAT CAVE FIRE TAX	\$0.93	\$0.93	\$0.93	\$0.93
						LATE LIST FEE	\$0.09	\$0.09	\$0.09	\$0.09
						TOTAL:			\$1.02	\$1.02
						ABSTRACT TOTAL:		\$6.28		\$6.28
THE SALVATION ARMY INC	0002319274-2013-2013-0000	RELEASED IN FULL. REBILLED WITH ADJUSTED VALUE AND 10% DISCOVERY PENALTY SEE BILL NUMBER Z319274-2013-001.	(\$930)	1837	COUNTY	TAX	\$838.81	\$838.81	\$1,055.96	\$1,055.96
						LATE LIST FEE	\$83.88	\$83.88	\$0.00	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
THE SALVATION ARMY INC	0002319274-2013-2013-0000	RELEASED IN FULL, REBILLED WITH ADJUSTED VALUE AND 10% DISCOVERY PENALTY SEE BILL NUMBER 2319274-2013-001.	(\$205,600)	1837		TOTAL:			\$1,055.96	\$1,055.96
	OWNER TOTAL:		(\$205,600)					ABSTRACT TOTAL:	\$1,055.96	\$1,055.96
GRAND TOTALS:			(\$1,090,863)						\$1,055.96	\$1,055.96
									\$5,713.11	\$2,098.74

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

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

LARRY R. YOUNG
J. MICHAEL EDNEY
GRADY H. HAWKINS

March 17, 2014

Mr. Ted Greene
Division Right of Way Agent
North Carolina Department of Transportation
1594 East Main Street
Sylva, NC 28779

Dear Mr. Greene:

Wally Hollis, Deputy Fire Marshal for Henderson County has informed the Board of Commissioners that Mountain Home Fire and Rescue has negotiated with the Department of Transportation of the State of North Carolina for ownership of a 0.58 tract across Half Circle Drive from the existing main Mountain Home Fire and Rescue station.

NCDOT has indicated to Mountain Home Fire and Rescue that they will not convey the tract directly to them, but would be willing to convey the tract to the County, which could then allow the use by Mountain Home Fire and Rescue. Mountain Home Fire and Rescue intends to use the tract for extension and repair of their septic system and as a location for future training activities.

At the Board of Commissioners March 17, 2014 regularly scheduled meeting, the Board of Commissioners approved Mr. Hollis' request. The Board of Commissioners therefore request that NCDOT convey parcel 0103783, without cost, to the County for use by Mountain Home Fire and Rescue. The tract is denoted by outline on the enclosed aerial photo.

Sincerely,



Charles D. Messer, Chairman
Henderson County Board of Commissioners

CDM/tlw

Enclosures: (2) Aerial Photo of parcel, GPS map of parcel

cc: Wally Hollis



WO No. 4471573 Resp. 5530 Project SOR471573
Drawn By: D E REECE
Project Description: DBL CKT RELOCATION &
RELOCATION OF UG 3PH TO EXIST PAD TX

Return Address: Duke Energy Carolinas
Attn: EDDIE REECE
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792

Grantor's Address:

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That COUNTY OF HENDERSON 708 GROVE ST PROPERTY hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PARCEL # 9905210

PIN # 9578059489

and over and across said premises within a right-of-way strip (check applicable):

X having a width of 20 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, or regulated telephone facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

X having a width of 10 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity, providing lighting services and for the communications purposes of Grantee. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions.

Grantor, for itself and its successors and assigns, agrees to hold Grantee, its successors and assigns, harmless for replacement and/or repair of paving, landscaping and fences as a result of future system maintenance and repair. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 828, receipt of a copy of which is acknowledged by Grantor.

IN WITNESS WHEREOF, this instrument is executed on this 17th day of March, 2014

GRANTOR

By: Charlie Messer
Name: Charlie Messer
Title: Chairman

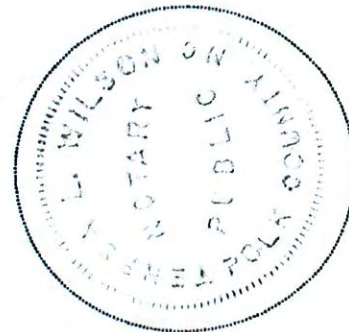
STATE OF NORTH CAROLINA
COUNTY OF Polk

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Charlie Messer

Date: 3/17/14

My Commission Expires: 10/15/2016

Leresa J. Wilson
Notary Public



Affix (Notary or Corporation) Seal

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY
BY PRIVATE SALE TO A LOCAL GOVERNMENT UNIT**

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

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the Radar Units as surplus and selling via private sale to another local governmental unit as authorized by NCGS 160A-274; and

WHEREAS, it is the intent of the County to sell said surplus Radar Units

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

1. The Radar Units itemized on the attached Exhibit B are hereby declared to be surplus property.
2. The Purchasing Agent is hereby authorized to dispose by private sale to another local governmental unit, the surplus property described above in the amount of \$1,000.00.
3. All surplus property will be sold "as is", all sales final. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

THIS the 17th day of March, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

Charles Messer
Charles Messer, Chairman

ATTEST:

Teresa L. Wilson

Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

Exhibit B

List of Radar Units:

<u>Radar</u>	<u>Serial #</u>	<u>Asset#</u>
Golden Eagle	XE21710	14980
Golden Eagle	XE21681	14669



**OFFICE OF THE SHERIFF
BUNCOMBE COUNTY, NORTH CAROLINA**

202 Haywood Street
Asheville, N.C. 28801

Van Duncan, Sheriff

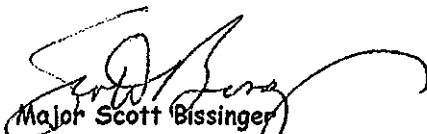
March 3, 2014

Major Scott Bissinger
Buncombe County Sheriff's Office
202 Haywood Street
Asheville, NC 28801

To Major Frank Stout
Henderson County Sheriff's Department

The Buncombe County Sheriff's Office are respectfully requesting to purchase (2) Golden Eagle radar units @ \$500.00 each from your agency. These units will be both a cost and performance asset to Buncombe County Sheriff's Office.

Thank you for your consideration,


Major Scott Bissinger
Buncombe County Sheriff's Office

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: Rescue Squad

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115442-569900</u>	<u>Payments to Other Agencies</u>	<u>\$100,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$100,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
Funding for the Rescue Squad for continued operations throughout FY14.

Budget		3/17/14
Authorized by Department Head		Date
Authorized by Budget Office		Date
Authorized by County Manager		Date



HENDERSON COUNTY BOARD OF COMMISSIONERS

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CHARLIE MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
LARRY YOUNG

RESOLUTION

IN RECOGNITION OF MARCH AS AMERICAN RED CROSS MONTH

WHEREAS, March is American Red Cross Month, a special time to recognize and thank our Everyday Heroes who reach out to help their neighbors when they are in need; and

WHEREAS, American Red Cross Heroes are on the front lines every day volunteering their time, giving blood, taking and teaching life-saving courses, or providing financial donations to help those in need; and

WHEREAS, Across the country and around the world, the American Red Cross responds to hurricanes, tornadoes, floods, wildfires, and other tragedies; and

WHEREAS, The American Red Cross was there and offered comfort when an injured service member ended up in a hospital far from home, the American Red Cross blood donors helped when a hospital patient needed blood, the American Red Cross was there when a lifeguard jumped in to save a drowning child or someone stepped up to help a heart attack victim; and

WHEREAS, The Board of Commissioners would like to remember the heroes here in Henderson County who give help to people in need, and support the military, veterans, and their families; and

WHEREAS, The month of March is dedicated to all those heroes who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies, as the community depends on the American Red Cross which relies on donations of time, money and blood to fulfill its humanitarian mission; and

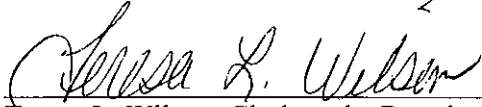
NOW, THEREFORE, BE IT RESOLVED, that we, the Henderson County Board of Commissioners, do hereby designate March 2014 as "American Red Cross Month" in Henderson County, and recognize the American Red Cross and encourage all Americans to support this organization and its noble humanitarian mission.

This the 17th day of March, 2014.



Charles D. Messer, Chairman
Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

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

LARRY R. YOUNG
J. MICHAEL EDNEY
GRADY H. HAWKINS

March 19, 2014

Jacob Day, Right of Way Agent
NC Department of Transportation
1594 E. Main Street
Sylva, NC 28779

Subject: Movement of graves at Moores Grove Church Cemetery

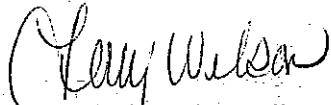
Dear Mr. Day:

At the Board of Commissioners regularly scheduled meeting of March 17, 2014, they voted unanimously to designate Seth Swift from the Henderson County Public Health Department to supervise and direct the NCDOT in relocating approximately 2 graves from Moores Grove Church Cemetery to an available are within Moores Grove Church Cemetery as per NC General Statute §65-106.

All future inquiries will need to be made directly to Mr. Swift at (828) 692-4228 or sswift@hendersoncountync.org, as he will be overseeing this project.

Additionally, Code Enforcement Director Toby Linville works directly with our Cemetery Advisory Committee, and may be able to offer some assistance with his vast knowledge of cemeteries in Henderson County. He can be reached at 697-4857 or tlinville@hendersoncountync.org.

Sincerely,



Teresa (Terry) L. Wilson, Clerk

Enclosures: 1) letter from NCDOT
2) General Statute 65-106

cc: Seth Swift
Toby Linville

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

**MEMORANDUM OF UNDERSTANDING
BRCC Baseball Field Agreement**

THIS Memorandum of Understanding is made between the Henderson County, a body corporate and politic under the laws of the State of North Carolina, and the Trustees of Blue Ridge Community College, a body corporate existing under Chapter 115D of the General Statutes of North Carolina, the date and year below written.

Statement of Facts and Circumstances:

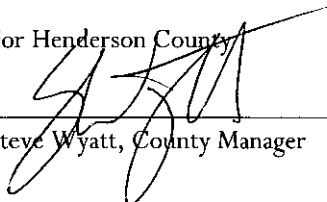
- A. Blue Ridge Community College (“BRCC”) is a public community college organized and existing under the provisions of Chapter 115D of the North Carolina General Statutes. BRCC operates in Henderson and Transylvania Counties, and is governed by its Board of Trustees (“the Trustees”), pursuant to N.C. Gen. Stat. §115D-12(a).
- B. BRCC operates a campus in Flat Rock, Henderson County, North Carolina. Among the facility located on the Flat Rock campus is a baseball field, along with attendant dugouts, facility, and other structures (collectively such field, dugouts, facility and other structures are “the baseball facility”).
- C. Pursuant to N.C. Gen. Stat. §115D-15(a), when “in the opinion of the board of trustees the use of any other real property owned or held by the board of trustees is unnecessary or undesirable for the purposes of the institution,” the Trustees pursuant to prior approval by the State Board of Community Colleges have the power to lease any property held by them for BRCC.
- D. At present, the baseball facility is not necessary for the purposes of BRCC. However, in the absence of regular maintenance and scheduling services, the baseball facility will inevitably decay and could be severely mismanaged, such that its future usefulness would be significantly impaired.
- E. Henderson County is the tax-levying authority for BRCC responsible for the Flat Rock campus. Henderson County also operates various parks and other recreation facility throughout its area, through its Parks and Recreation Department.
- F. The baseball facility could be successfully utilized by Henderson County as an additional park or recreational facility, on the terms stated herein.

Statement of Agreement and Understanding

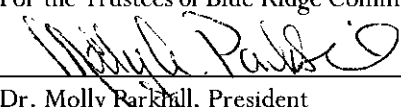
1. Henderson County shall operate the baseball facility, as follows:
 - A. Henderson County, through its Parks and Recreation Department, shall schedule the baseball facility as with any other county park or recreation facility. All using the facility must comply with any requirements or conditions determined by Henderson County.
 - B. Access to the baseball facility shall only be with the permission of Henderson County, obtained through its Parks and Recreation Department.

- C. Henderson County may contract with third parties for the temporary operation of the baseball facility, by way of example but not limitation for tournaments held in the baseball facility.
2. Henderson County shall regularly maintain the baseball facility, as follows:
 - A. Henderson County shall take reasonable care of the playing field of the baseball facility.
 - B. Henderson County may, as necessary, provide repairs to any physical structures which are part of the baseball facility.
 - C. Nothing herein shall be construed as requiring Henderson County to improve the baseball facility to a condition of a higher level or grade than as exists upon the execution of this memorandum.
 3. BRCC, on behalf of its administration, faculty or students, may obtain access to the baseball facility by scheduling the same through Henderson County's Parks and Recreation Department, on the same basis as any other third party to this memorandum.
 4. BRCC shall provide Henderson County with its current equipment to maintain the field, including but not limited to the field's lawn mower. The lawn mower shall be provided to the County in good working order, and once conveyed, any repairs to the lawn mower will be the responsibility of the County.
 5. The area Henderson County will lease from BRCC includes the recreation area and the adjacent parking lot. A map of the leased area is included with this document as Appendix A and is incorporated by reference
 6. The agreement represented by this memorandum is for a period from the date of execution until 31 December 2024. However, either party can terminate this agreement at an earlier date upon thirty (30) days written notice to the other party. Notwithstanding such notice, however, any event using the baseball facility which has been scheduled (1) prior to the receipt of such notice, and (2) which is to occur prior to or on 31 December 2024, shall be allowed to occur on the same terms upon which it was scheduling by Henderson County.
 7. Any amendments, modifications, or changes to this agreement must be in writing and approved by both parties.
 8. Henderson County will pay water and electric utility costs associated with the maintenance and use of the baseball field.

In witness hereof the parties to this Memorandum consent and agree to the above on this the 17th of March, 2014.

For Henderson County


 Steve Wyatt, County Manager

For the Trustees of Blue Ridge Community College


 Dr. Molly Parkhill, President

This Memorandum has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.



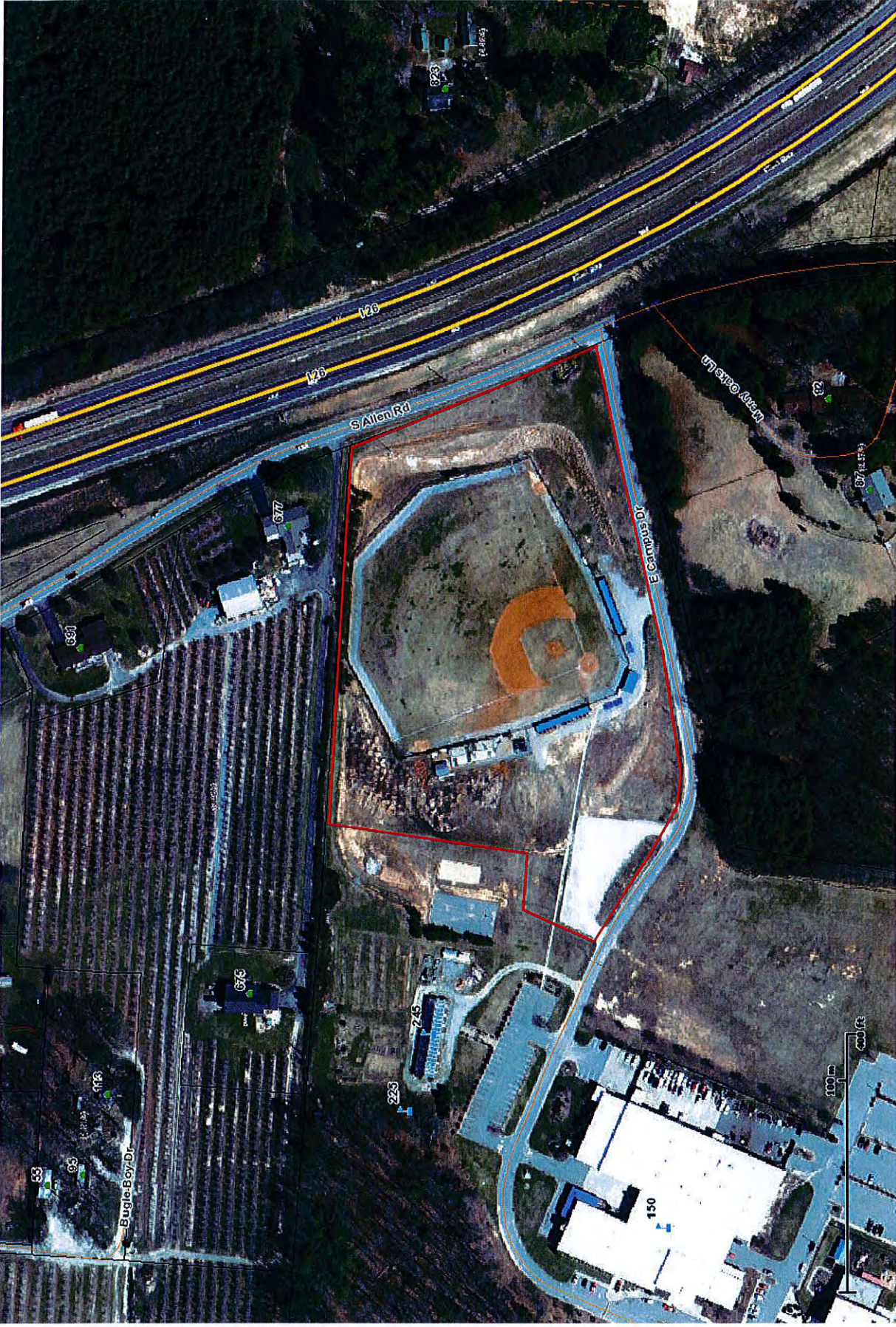
 County Finance Director

3/19/14

 Date

APPENDIX A

Map of the Lease Area



WARNING: THIS IS NOT A SURVEY.

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122



March

3, 2014