

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, JUNE 24, 2013

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Finance Director J. Carey McLelland, Senior Planner Autumn Radcliff, Director of Business and County Development John Mitchell, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Environmental Programs Coordinator Megan Piner, Assessor/Tax Collector Stan Duncan, HR Director Jan Prichard, Library Director Bill Snyder, Deputy County Attorney Sarah Zambon, Fire Marshal Rocky Hyder, Internal Auditor Darlene Burgess, Building Services Director Tom Stauffer, Travel & Tourism Director Beth Cardin, Captain Frank Stout, Environmental Health Supervisor Seth Swift, Soil & Water Conservation District Director Jonathan Wallin, Lieutenant Gloria Nock, Director of Communications Lisha Corn, Captain Steve Carter, Budget Specialist Jack Westerhoff, DSS Social Work Program Administrator Jerrie McFalls, and Public Information Officer Christina Hallingse, videotaping.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Larence Maley, grandson of Theron Maybin.

INFORMAL PUBLIC COMMENTS

1. Lynn Huffman – Ms. Huffman spoke in regard to the Ecusta Trail. The Ecusta Trail is great for health and recreation, and helps the economy. She visits many trails including her favorite, the “Minute Man” in Massachusetts.
2. Lauren Maybin – Miss Maybin spoke in regard to the Tuxedo Park. She feels it is much needed for the health of children and for the residents of the community.
3. Theron Maybin – Mr. Maybin asked the Board to fund the Tuxedo Park, continue with work and get it started.

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 Thompson made the motion to adopt the Consent Agenda minus the sewer easement at Jackson Park, pulled for brief discussion. All voted in favor and the motion carried.

Sewer easement at Jackson Park – pulled for brief discussion

The Board recently had a dialogue with Mayor Volk of Hendersonville, regarding granting an easement across Jackson Park property for sewer purposes, about greenways, and about other issues. As a result of that dialogue, the City of Hendersonville has agreed in substance to the agreement.

Commissioner Thompson made the motion that the Board approves the draft agreement, and authorizes the

DATE APPROVED: July 17, 2013

Chair to execute the same on behalf of the Board. 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):

May 28, 2013 – special called meeting

June 3, 2013 – regularly scheduled meeting

Tax Collector’s Report

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated June 7, 2013 for information only. No action was required.

Pending Releases & Refunds

The Pending releases and refunds had 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.

The following release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

TYPE	REVENUE AMOUNT
Releases	\$28,342.64
Refunds	\$24,951.80

Motion:

I move the Board approves the release & refund report as presented.

Proclamation – Pardee Hospital’s 60th Anniversary

Margaret R. Pardee Hospital will be celebrating its 60th Anniversary on Saturday, June 29, 2013, and has requested that the Board of Commissioners adopt a Proclamation recognizing its outstanding health care services.

Motion:

I move the Board of Commissioners adopts the Proclamation as presented, recognizing the 60th Anniversary of Margaret R. Pardee Hospital.

Firemen’s Relief Fund Trustee

Pursuant to NC General Statute 58-84-46 the Board of County Commissioners is authorized to appoint Trustees to the Local Firemen’s Relief Fund. Trustee’s are normally appointed by recommendation of the local fire department and serve unlimited terms.

Mountain Home Fire & Rescue Department recommends Mahlon Hudgins to replace Jamey Gash.

Motion:

I move the Board appoints Mahlon Hudgins as Local Firemen’s Relief Fund Trustees for Mountain Home Fire & Rescue Department.

Tourism Development Authority agreement

A proposed Agreement with the Henderson County Tourism Development Authority for FY2014 operations was provided for Board review and approval.

Motion:

I move that the Board adopts and executes the proposed Agreement. In the event that the same is not acceptable to the Board of the Tourism Development of Authority, the County Manager is authorized to extend the existing Agreement with the Authority for a period of thirty (30) days from the date of its expiry.

Agreement with Agribusiness Henderson County, Inc

A draft agreement for operations with the newly created non-profit corporation Agribusiness Henderson County, Inc was provided for Board review and approval.

Motion:

I move that the Board approves and executed the draft agreement with Agribusiness Henderson County, Inc.

Notification of Vacancies

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

1. Asheville Regional Housing Consortium – 1 vac.
2. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Nominations

1. Animal Services Committee – 1 vac.

Commissioner Young nominated Donna Young for position #5. *Chairman Messer made the motion to accept the appointment of Donna Young to position #5 by acclamation. All voted in favor and the motion carried.*

2. Blue Ridge Community College Board of Trustees – 2 vac.

Commissioner Hawkins nominated William Ramsey for position #1. Chairman Messer nominated Chip Gould for position #3. *Chairman Messer made the motion to accept the reappointment of Chip Gould to position #3 and the appointment of William Ramsey to position #1 by acclamation. All voted in favor and the motion carried.*

3. Environmental Advisory Committee – 3 vac. and Chair appointment

Commissioner Hawkins nominated Patricia Danz for Chair. *Chairman Messer made the motion to accept the appointment of Patricia Danz as Chair by acclamation. All voted in favor and the motion carried.*

4. Fire and Rescue Advisory Committee – 2 vac.

Commissioner Hawkins nominated Monte Sims for position #3. Commissioner Young nominated Jimmy Brissie for position #4. *Chairman Messer made the motion to accept the reappointments of Monte Sims to position #3 and Jimmy Brissie to position #4 by acclamation. All voted in favor and the motion carried.*

5. Henderson County Board of Health – 2 vac.

Commissioner Young nominated George Richards for position #2. *Chairman Messer made the motion to accept the reappointment of George Richards to position #2 by acclamation. All voted in favor and the motion carried.*

6. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 2 vac.

Commissioner Young nominated Carolyn Justus for position #4. Commissioner Hawkins nominated Patsy Jones for position #6. *Chairman Messer made the motion to accept the reappointment of Carolyn Justus to position #4 and the appointment of Patsy Jones to position #6 by acclamation. All voted in favor and the motion carried.*

7. Henderson Tourism Development Authority – Chair appointment

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

8. Historic Resources Commission – 4 vac.

Commissioner Young nominated Bette Carter for position #2, and Ronald Schultz for position #8. Chairman Messer nominated Donald Wilson for position #4 and Stephen Fosberg for position #6. *Chairman Messer made the motion to accept the reappointments of Bette Carter to position #2, Donald Wilson to position #4, Stephen Fosberg to position #6, and Ronald Schultz to position #8 by acclamation. All voted in favor and the motion carried.*

9. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

10. Hospital Corporation Board of Directors – 11 vac.

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

11. Jury Commission – 1 vac.

Commissioner Thompson nominated Leslie Coker for position #1. *Chairman Messer made the motion to accept the reappointment of Leslie Coker to position #1 by acclamation. All voted in favor and the motion carried.*

12. Juvenile Crime Prevention council – 20 vac.

Commissioner Thompson nominated Christopher Smith for position #1, Richard Arell for position #2, Cecilia Rossell-Hartline for position #3, Rodney Wesson for position #5, Hope Pace for position #7, Christina Hallingse for position #8, Emily Cowan for position #14, Kim Berry for position #16, Judith Wilkes for position #19, Mary Ann Hollocker for position #20, and Mary Murray for position #22.

Chairman Messer made the motion to accept the reappointments of Christopher Smith, Richard Arell, Rodney Wesson, Christina Hallingse, Judith Wilkes, Mary Ann Hollocker, and Mary Murray, and the appointments of Cecilia Rossell-Hartline, Hope Pace, Emily Cowan, and Kim Berry by acclamation. All voted in favor and the motion carried.

13. Library Board of Trustees – 1 vac.

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

14. Mountain Area Workforce Development Board – 2 vac.

Commissioner Young nominated Robert Clark for position #2. Commissioner Hawkins nominated Molly Parkhill for position #4. *Chairman Messer made the motion to accept the reappointments of Robert Clark to position #2 and Molly Parkhill to position #4 by acclamation. All voted in favor and the motion carried.*

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

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

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

Commissioner Thompson nominated Nancy Sloan for position #12. *Chairman Messer made the motion to accept the appointment of Nancy Sloan to position #12 by acclamation. All voted in favor and the motion carried.*

17. Senior Volunteer Services Advisory Council – 3 vac.

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

18. Smartstart – 1 vac.

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

19. Social Services Board – 1 vac.

Commissioner Young nominated Donald Cooper for position #1. *Chairman Messer made the motion to accept the reappointment of Donald Cooper to position #1 by acclamation. All voted in favor and the motion carried.*

SOCIAL SERVICES' INFORMATIONAL UPDATE

The DSS Board provided an informational update to the Board of Commissioners regarding various Social Services issues. The June 2013 update was provided by DSS Board member Sharon Tirrell and focused on the importance of foster parents.

Foster parents are heroes. They open up their homes and hearts to children who have had rotten lives, children who have been neglected and abused by their parents or caretakers and who have been removed from their homes by the court for their protection. Foster parents come from all kinds of backgrounds. Most foster parents are motivated by a sincere desire to help children.

National Foster Care Month is celebrated every year in May; foster parents are given recognition for their largely unsung efforts to better the lives of kids. Let me introduce you to some of my heroes. They represent the 90 foster families in Henderson County who care for 101 children in custody of the Department of Social Services (DSS.) Their identities are altered to protect privacy.

Charlotte, an unmarried professional nearing retirement, saw foster parenting as an opportunity to enrich her life. She went into it with her eyes wide open. She knew that a child who was traumatized by physical or sexual abuse or severe neglect would not be easy. She knew that a child who hadn't had enough to eat might hoard or steal food. She knew that a child bitterly disappointed by parents and afraid to trust would be hurt and angry and might test her with defiance. She knew that a child who was traumatized by physical or sexual abuse might have nightmares, might have flashbacks that could cause odd behavior and might have problems with concentration and learning. But she wanted to make a difference in a child's life. And she has. Charlotte is foster mother to Bea, an eleven year old who was severely abused and whose parents were incarcerated. Bea had been in another foster home for two years. With the help of a good therapist she was making progress. But the foster parents, who had other children as well as full-time jobs, felt they couldn't give Bea what she needed. Not surprising, Bea was very tentative at first with Charlotte. Charlotte's warm, nurturing laid-back nature and patient but firm and consistent style have paid dividends. Being an only child and not having to compete for attention was a bonus for Bea. She has bonded with Charlotte. The behaviors that were symptoms of post traumatic stress are no longer evident. She is making friends and her school work has improved. When Bea snuggles up close on the couch and wants to be hugged, that's Charlotte's reward. Charlotte would like to adopt Bea, but "I have to make sure that's what she wants," she says.

Jerry and Diane have middle school children of their own and a comfortable lifestyle. They are active in their church. They see being foster parents as part of their Christian commitment. Billy became their foster child when he was four. He came from a chaotic household. There was little supervision, no regular mealtimes or bedtimes. He was allowed to play outside at any hour. It was a challenge to socialize him to organized family and community life. Two years later he is struggling to focus in first grade. He needs tutoring, speech therapy, counseling and medication. He continues to be socially inappropriate at times but, as he matures, he is improving. His foster mother has become skilled in guiding his behavior and she has decided to home school him. Fortunately for Billy, he is attractive and charming. Diane says, "We love him unconditionally and he wants us to be his forever family." Jerry and Diane have recently adopted Billy. When Billy's needs lessen, they will probably foster another child, they say.

Most foster parents are temporary parents. Unlike Bea and Billy, most children return to their biological families or live with relatives. When children are placed in DSS custody by the court, the agency by law must create a plan for family reunification. Parents generally have a year to accomplish specific objectives with the help of an assigned social worker in order to have their children returned.

Connie and Frank have been fostering babies and toddlers for seven years. They have taken in babies for as little as one day or as long as two years. They've received "preemies" right from the hospital. They have three teenagers of their own. Connie, a stay-at-home mom, says it has been a very positive experience for her family. "The love it brings in and the love it brings out of us makes this a happier house. We smile more. And it's been good for our kids. I'd never taken care of a baby before I got married but our kids know what it is all about. We've all grown and learned so much." The hardest part Connie says is when you have to let a child go. "We become attached. It's not natural to give up a child you've learned to love. But we fill a gap that needs to be filled. It's an opportunity to give that doesn't really feel like giving. God gave us the grace to do it."

Connie and Frank maintain connections with some of the children they've fostered. They are godparents to a child who is adopted by an aunt and uncle and they visit once a month. "We've become extended family," Connie says. Another family who adopted a child sends pictures regularly. A benefit of being a foster parent is the friendships they've made with other foster parents, Connie says. "Foster parents are a very caring group of people."

Foster parents receive a stipend from DSS to cover a child's food, clothing and shelter. Health care and therapeutic services are provided by Medicaid for most children. But the hours of teaching and guidance come out of love. Foster parents must be willing to "hang in" when the going gets tough.

A number of local agencies including Henderson County DSS screen, train and support foster parents. To learn more about becoming a foster parent, e-mail familiesforkids@hendersoncountydss.org or call Darlene Stone at 694-6252.

FY2014 BUDGET ORDINANCE

Staff provided the FY 2014 Budget Ordinance for Board review and adoption at this meeting. The budget process began in January. The Board has met all legal requirements to adopt the budget. Anything can change with the exception of the tax rate. The following overview was provided:

Increase to FY13-14 Base Budget as proposed		\$109,873,300
	+ Additions	<u>\$ 2,347,739</u>
		\$112,221,039
Increase to FY13-14 Fund Balance Appropriation as proposed		\$ 4,996,583
	+ Additions	<u>\$ 1,731,736</u>
		\$ 6,728,319

Projected Available Fund Balance for FY 14-15 over 8% State Requirement \$ 6,768,436*

*Projected Available Fund Balance as of June 30, 2013 (which includes the fund balance appropriated for FY14 of \$6,728,319) minus 8% LGC Requirement.

FY 2014-2015 Base Budget Projection

FY2014-2015 Projected Available Revenue	\$105,179,925
Plus Projected Available Fund Balance	<u>\$ 6,768,436</u>
	\$111,948,361
Plus Net Cash for FY12-13	?
Variance between FY13-14 Budget and FY14-15 Projections	\$ 40,117

Commissioner Hawkins requested that the Board revisit the Fund Balance policy after the completion of the audit.

Steve Wyatt noted he had been approached in regard to a pilot project and provided an example of the per diem travel policy. These projects would be done on a year to year basis with accounting measures to the Board.

It was consensus of the Board to have staff move forward with consideration of pilot projects and bring back a report to the Board.

It was consensus of the Board that the Sheriff's Department provide copies of all contracts made by the Sheriff's Department to the County Attorney.

It was the consensus of the Board to reinstate the NACo membership effective July 1, 2013.

Commissioner Young made the motion that the Board adopts the FY2013-2014 Budget, with the addition of renewal of NACo membership at \$1710.00, and further moved that the Chairman be authorized to execute the Budget Ordinance, to be effective July 1, 2013. All voted in favor and the motion carried.

UPDATES

SEVEN FALLS

Russ Burrell noted the remediation package is out to bid, the first step of work to be done. The bid packages were made public mid last week. Anyone who wishes to bid is encouraged to do so. Information for RFP's (Request for proposals) can be found on the front page of the county website, www.hendersoncountync.org. Mr. Burrell was on site last week with the Core of Engineers and they have agreed, with some tiny changes, to the plans, and there will be no impact with the first step requiring core permits. There are some issues with obtaining permitting from the Division of Land Quality and the State. There is a mandatory pre-bid conference in the first week of July and the bids will be coming in shortly afterwards, before the mid-month meeting.

MSD LAWSUIT

Russ Burrell stated the County is technically not a part of that lawsuit at this point and not affected by anything going on. This does not mean that we will not be at some point in the future. The State could choose whether the county becomes a party in the suit, and it would be addressed at that point.

Currently there is an order in effect through consensus through August, at which time there will be a hearing in Raleigh in front of the Superior Court that will determine whether there is an injunction during the pendency of the case. If the answer is no, the transfer will go forward and it will be difficult to undo as a practical matter.

HOSPITAL CORPORATION

Commissioner Edney reported that the Memorandum of Understanding is complete. At this point lawyers are reviewing the Lease, Articles of Incorporation, and Management Agreement.

95 COURTHOUSE

Commissioner Thompson noted that settlement of courthouse space is almost complete. Security measures are still being reviewed. The goal is to bring a plan before the Board at the mid July meeting for vote.

APPOINTMENT OF STAN DUNCAN AS CHAIR TO THE NC GEOGRAPHIC COORDINATING COUNCIL

Commissioner Thompson recognized the appointment of Stan Duncan as Chairman of the NC Geographic Coordinating Council.

Mr. Duncan explained that he was fortunate to be appointed to the council last year, which deals with GIS and mapping. It is a council made up of Federal, State, Department of Commerce, Department of Public Safety, Department of Agriculture, Secretary of State's Office, and some local officials, trying to coordinate all of the GIS issues that come up from mapping deeds, right-of-ways, etc. Recently, Mr. Duncan was appointed as Chairman by the Governor. The state line survey is the most pressing issue at this time. It will also affect other counties as they begin to resolve county border disputes between jurisdictions.

DANA WATER ISSUES

Commissioner Thompson reminded the Board that Dana residents are continuing to deal with serious water issues. He questioned what Henderson County could do to assist them.

County Manager Steve Wyatt stated that the Grant applied for is now in the political process. Staff will research and develop options for the Board to review after the State adopts its budget.

COUNTY MANAGER'S REPORT

County Manager Steve Wyatt recognized the passing of Governor Jim Holshouser. Mr. Holshouser was a groundbreaking individual originally from Boone. Mr. Wyatt and Marcus Jones previously worked with "Jim" on various things. When you are in your office and "Jim" calls, and you start stuttering and stammering, he laughs and says "it's just Jim". He had a way of treating people that made you feel like you were somebody.

IMPORTANT DATES

Set Public Hearing on Ferncliff Park and Sierra Nevada – Public Infrastructure – Economic Development Community Development Block Grant - Budget Amendment

The N.C. Department of Commerce awarded Community Development Block Grant (CDBG) funding for the Ferncliff Park and Sierra Nevada Public Infrastructure –Economic Development project. The public water and wastewater infrastructure extensions are nearing completion, and are well within the project budget. CDBG regulations require the grantee to hold a public hearing to transfer available funds of \$8,499 from a construction budget line to a planning budget line to assist in the survey of the property for the purpose of completing required state and federal studies.

Chairman Messer made the motion that the Board set a public hearing for Wednesday, July 17, 2013 at 9:00 am for the purpose of a grant budget amendment to the Ferncliff Park and Sierra Nevada Public Infrastructure CDBG Project. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to adjourn at 10:05a.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTER-LOCAL AGREEMENT

This Agreement is made by and between the City of Hendersonville, a North Carolina municipal Corporation ("the City"), and the County of Henderson, a body corporate and politic of the State of North Carolina ("the County"), pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

The parties agree as follows:

1. The County will convey to the City a sewer easement along and across that area described in the attached Deed of Easement, the Exhibit hereto.
2. The City will construct an access road of appropriate width along the length of such sewer easement.
3. In addition, the City will construct over the entire length of the easement a path of five feet in width as a part of such access road, to be paved with small stones of appropriate size for a path intended for biking and walking by residents of the County and the City.
4. The County will maintain such path as appropriate for biking and walking by residents of the County and the City.
5. The City will convey to the County fee simple ownership of that lot or parcel containing 0.98 acres, more or less, known as Henderson County Parcel Number 9958864.
6. The City will convey to the County a right of way for access, ingress, egress and regress over and across the 11.09 acre, more or less, lot or parcel known as Henderson County Parcel Number 9958863, for future use as a walking and riding connection between the County's facilities at Jackson Park and the Athletics and Activities Center.
7. The parties will continue to cooperate on additional greenways and paths in the future.

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CITY OF HENDERSONVILLE

By: *Barbara G. Volk*
BARBARA G. VOLK, Mayor



Attest:

Signed: 07.15.13

Tammie K. Drake
TAMMIE K. DRAKE, City Clerk

COUNTY OF HENDERSON

By: *Charles D. Messer*
CHARLES D. MESSER, Chairman
Board of Commissioners



Attest:

Teresa L. Wilson
TERESA L. WILSON, Clerk to the Board

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE: NEORAY MOLES, REGISTER

DATE: 7/19/08 TIME: 12:30 PM

EXCISE TAX STAMP: _____

BOOK: 1367 PAGE: 400

(c)

Excise tax: \$0.00

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

WARRANTY DEED OF EASEMENT

Prepared by: Rhonda H. Wiggins

This Deed made this 10th day of July, in the year of our Lord, two thousand and eight between Henderson County, organized and existing under and by virtue of the laws of the State of North Carolina with its principal office located at 213 First Avenue East, Hendersonville of the County of Henderson and the State of North Carolina, of the first part, the City of Hendersonville, 805 Williams Street of the County of Henderson, State of North Carolina, of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of one dollar and other good and lawful consideration, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents does Bargain and Sell and Convey and Confirm, unto the said party of the second part, heirs and assigns forever, all the following described piece or parcel of land and being in the County of Henderson, and State of North Carolina, and known and designated as follows:

Being all of the sewer system(s) currently serving Jackson Park (Improvements) Plot #9572-10-4966 as recorded in the Henderson County, North Carolina Registry, in Deed Book 080612 and Page 00065 as the sewer system(s) presently exists, including all the right, title and interest of the grantor in and to the pipes, and other appurtenances utilized in the operation and maintenance of said water system(s).

There is further conveyed any easements and rights-of-way necessary as required for purposes of laying additional lines, pipes and conduits, and as means of ingress and egress to repair and maintain the entire system(s).

It is further agreed that the Grantors do hereby warrant said system(s) to be free of defects in materials and workmanship for a period of one (1) year from the date of acceptance by the Grantee and will perform any and all necessary maintenance to said system(s) during that period of time.

TO HAVE AND TO HOLD THE SAME, together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said party of the second part heirs and assigns forever.

And the said party of the first part does covenant the said party of the second part heirs and assigns, as follows: FIRST, That the said part is the owner and lawfully seized of said land and premises, SECOND, That it has good right and full power to convey the same, THIRD, That the same are free from all encumbrances whatsoever, AND,

FOURTH, That the said party of the second part heirs and assigns, shall quietly enjoy and possess the same, and that the said party of the first part, the successors and assigns, will forever warrant and defend the title to the same against all lawful claims.

IN TESTIMONY WHEREOF, said party of the first part has caused these presents to be signed in its name by the President (Vice President), and its corporate seal to be hereunto affixed and attested by its Secretary (or Assistant Secretary) the day and year first above written.

By: Marcus Jones, III
DIRECTOR, Engineering & Facilities Services, Henderson County

STATE OF North Carolina COUNTY OF Polk

I, Joanna Manley, a Notary Public of said County and State, do hereby certify that Marcus Jones personally appeared before me this day and acknowledged that he is Director of Engineering & Facilities Services for Henderson County, and further acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this 10 day of July, 2008.

My commission expires June 16, 2010

Joanna R. Manley
Notary Public Signature

Seal must be within this box

OFFICIAL SEAL
Notary Public, North Carolina
County of Polk
JOANNA R. MANLEY
My Commission Expires June 16, 2010

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

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

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

Friday, June 07, 2013

Re: Tax Collector's Report to Commissioners – 24 June 2013 Meeting

Please find outlined below collections information through 06 June 2013 for the 2012 bills mailed out on 14 August 2012, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2012 Beginning Charge: \$57,948,385.02
Discoveries & Imm. Irreg.: \$309,852.07
Releases & Refunds: **(\$124,771.01)**
Net Charge: \$58,133,466.08
Unpaid Taxes: \$1,305,215.88
Amount Collected: \$56,828,250.20
Percentage Collected: 97.75%

Through: 6-Jun-2013

2011 Beginning Charge: \$57,517,224.70
Discoveries & Imm. Irreg.: \$117,384.90
Releases & Refunds: **(\$112,894.43)**
Net Charge: \$57,521,715.17
Unpaid Taxes: \$1,364,967.51
Amount Collected: \$56,156,747.66
Percentage Collected: 97.63%

Through: 6-Jun-2012

Motor Vehicle Bills G01 Only:

2012 Beginning Charge: \$4,459,971.71
Discoveries & Imm. Irreg.: \$3,550.63
Releases & Refunds: **(\$90,133.00)**
Net Charge: \$4,373,389.34
Unpaid Taxes: \$640,932.35
Amount Collected: \$3,732,456.99
Percentage Collected: 85.34%

Through: 6-Jun-2013

2011 Beginning Charge: \$4,176,649.39
Discoveries & Imm. Irreg.: \$3,100.45
Releases & Refunds: **(\$100,254.69)**
Net Charge: \$4,079,495.15
Unpaid Taxes: \$501,433.16
Amount Collected: \$3,578,061.99
Percentage Collected: 87.71%

Through: 6-Jun-2012

Fire Districts All Bills:

2012 Beginning Charge: \$6,943,764.92
Discoveries & Imm. Irreg.: \$47,057.09
Releases & Refunds: **(\$28,761.73)**
Net Charge: \$6,962,060.28
Unpaid Taxes: \$247,095.26
Amount Collected: \$6,714,965.02
Percentage Collected: 96.45%

Through: 6-Jun-2013

2011 Beginning Charge: \$6,840,737.45
Discoveries & Imm. Irreg.: \$13,375.35
Releases & Refunds: **(\$22,935.88)**
Net Charge: \$6,831,176.92
Unpaid Taxes: \$225,514.31
Amount Collected: \$6,605,662.61
Percentage Collected: 96.70%

Through: 6-Jun-2012

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
www.hendersoncountync.org

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

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

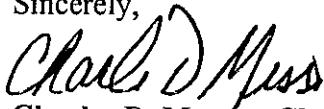
June 24, 2013

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 \$28,342.64, and tax refund requests in the amount of \$24,951.80 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, June 24, 2013. 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: June 24, 2013
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	\$ 24,951.80
Releases	\$ 28,342.64

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."

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
LAMB, CHRISTOPHER S	0000279614-2011-2011-0000	RELEASE 2011 BILL ON PERSONAL PROPERTY MANUFACTURED HOME. DOUBLE BILLED. CORRECT BILL IS ON ABSTRACT 2995429-2011-2011	(\$19,400)	1211	CLOMBARDO	HENDERSON COUNTY NC	COUNTY	TAX	\$99.64	\$0.00	\$99.64	\$0.00
								LATE LIST FEE	\$9.96	\$0.00	\$9.96	\$0.00
								TOTAL:	\$109.60	\$0.00	\$109.60	\$0.00
						DANA FIRE		TAX	\$21.34	\$0.00	\$21.34	\$0.00
								LATE LIST FEE	\$2.13	\$0.00	\$2.13	\$0.00
								TOTAL:	\$23.47	\$0.00	\$23.47	\$0.00
								ABSTRACT TOTAL:	\$133.07	\$0.00	\$133.07	\$0.00
MELGAR, MARIO	0002775445-2012-2012-0000	REFUND 2012 BILL ON PERSONAL PROPERTY MANUFACTURED HOME. MANUFACTURED HOME WAS REPOSSESSED BY VANDERBILT MORTGAGE, SOLD AND MOVED NOVEMBER 2011 TO CANTON NC. VERIFIED ON PHONE WITH LINDA JOHNSON AT VANDERBILT MTG. ALL OTHER TAXES PAID BY MR. MELGAR.	(\$24,300)	1213	CLOMBARDO	182 VICTORIA DR EAST FLAT ROCK NC 28726 NC	COUNTY	TAX	\$124.80	\$124.80	\$124.80	\$124.80
								LATE LIST FEE	\$12.48	\$12.48	\$12.48	\$12.48
								TOTAL:	\$137.28	\$137.28	\$137.28	\$137.28
						BLUE RIDGE FIRE		TAX	\$23.09	\$23.09	\$23.09	\$23.09
								LATE LIST FEE	\$2.31	\$2.31	\$2.31	\$2.31
								TOTAL:	\$25.40	\$25.40	\$25.40	\$25.40
								ABSTRACT TOTAL:	\$162.68	\$162.68	\$162.68	\$162.68
PINEDA, GABRIELA	0002995429-2012-2012-0000	RELEASE 2012 TAX BILL ON PERSONAL PROPERTY MANUFACTURED HOME. DOUBLE BILLED. CORRECT BILL FOR THIS MANUFACTURED HOME FOR 2012 IS ABSTRACT 279614-2012-2012 BILLED TO CHRISTOPHER S LAMB. BEING PAID BY CURRENT OWNER, YURIRIANA CONEJO PEREZ.	(\$24,300)	1210	CLOMBARDO	73 RICK BARFIELD LN HENDERSONVILLE NC 28792 NC	COUNTY	TAX	\$184.38	\$0.00	\$184.38	\$0.00
								LATE LIST FEE	\$18.44	\$0.00	\$18.44	\$0.00
								TOTAL:	\$202.82	\$0.00	\$202.82	\$0.00
						DANA FIRE		TAX	\$39.49	\$0.00	\$39.49	\$0.00
								LATE LIST FEE	\$3.95	\$0.00	\$3.95	\$0.00
								TOTAL:	\$43.44	\$0.00	\$43.44	\$0.00
								ABSTRACT TOTAL:	\$246.26	\$0.00	\$246.26	\$0.00
TRAMMELL, RICHARD D JR	0000743604-2008-2008-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 1.98 ACRES AFFECTED BY EASEMENT.	(\$35,900)	1226	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$209.75	\$209.75	\$209.75	\$92.86
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$209.75	\$209.75	\$209.75	\$92.86
						BAT CAVE FIRE		TAX	\$40.86	\$40.86	\$40.86	\$18.09
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$40.86	\$40.86	\$40.86	\$18.09
								ABSTRACT TOTAL:	\$18.09	\$18.09	\$18.09	\$18.09
								ABSTRACT TOTAL:	\$110.95	\$110.95	\$110.95	\$110.95

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
TRAMMELL, RICHARD D JR	0002266729-2009-2009-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 4.76 ACRES AFFECTED BY EASEMENT.	(\$35,200)	1221	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	BAT CAVE FIRE	TAX	\$45.27	\$45.27	\$31.68	\$31.68
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$194.30	\$194.30	\$194.30	
0002267437-2008-2008-0000	0002267437-2008-2008-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 6.26 ACRES AFFECTED BY EASEMENT.	(\$35,100)	1220	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$213.91	\$213.91	\$162.16	\$162.16
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$41.67	\$41.67	\$31.59	
0002267437-2009-2009-0000	0002267437-2009-2009-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 6.26 ACRES AFFECTED BY EASEMENT.	(\$35,100)	1219	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$213.91	\$213.91	\$162.16	\$162.16
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$41.67	\$41.67	\$31.59	
0002267439-2008-2008-0000	0002267439-2008-2008-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 7.10 ACRES AFFECTED BY EASEMENT.	(\$29,800)	1218	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$202.82	\$202.82	\$137.68	\$137.68
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$39.51	\$39.51	\$26.82	
0002267439-2009-2009-0000	0002267439-2009-2009-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 7.10 ACRES AFFECTED BY EASEMENT.	(\$29,800)	1217	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$202.82	\$202.82	\$137.68	\$137.68
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$39.51	\$39.51	\$26.82	
									ABSTRACT TOTAL:	\$164.50	\$164.50	\$164.50

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TRAMMELL, RICHARD D JR	0002811632-2010-2010-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1011848 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 36.19 ACRES AFFECTED BY EASEMENT.	(\$139,900)	1228	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$897.20	\$0.00	\$646.34	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$646.34	
								TAX	\$174.78	\$0.00	\$125.91	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$125.91	\$0.00
										ABSTRACT TOTAL:	\$772.25	\$0.00
0002811632-2011-2011-0000		APPLIED ADJUSTMENT ON LAND TO PARCEL #1011848 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 36.19 ACRES AFFECTED BY EASEMENT.	(\$118,500)	1227	MSUTTON	0 NO ADDRESS ASSIGNED UNINCORPORATED	COUNTY	TAX	\$845.39	\$0.00	\$608.62	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$608.62	
								TAX	\$164.60	\$0.00	\$118.50	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$118.50	\$0.00
										ABSTRACT TOTAL:	\$727.12	\$0.00
0002811632-2012-2012-0000		APPLIED ADJUSTMENT ON LAND TO PARCEL #1011848 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 36.19 ACRES AFFECTED BY EASEMENT.	(\$118,500)	1214	MSUTTON	NO ADDRESS ASSIGNED BAT CAVE NC 28710	COUNTY	TAX	\$845.39	\$0.00	\$608.62	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$608.62	
								TAX	\$164.60	\$0.00	\$118.50	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$118.50	\$0.00
										ABSTRACT TOTAL:	\$727.12	\$0.00
TRAMMELL, RICHARD DOUGLAS JR	0002547784-2008-2008-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 9.51 ACRES AFFECTED BY EASEMENT.	(\$66,600)	1216	MSUTTON	4995 CHIMNEY ROCK RD UNINCORPORATED	COUNTY	TAX	\$2,326.63	\$2,326.63	\$307.69	\$307.69
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$307.69	
								TAX	\$453.24	\$453.24	\$59.94	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$59.94	\$0.00
										ABSTRACT TOTAL:	\$367.63	\$367.63
0002547784-2009-2009-0000		APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 9.51 ACRES AFFECTED BY EASEMENT.	(\$66,600)	1215	MSUTTON	4995 CHIMNEY ROCK RD HENDERSONVILLE NC	COUNTY	TAX	\$2,326.63	\$2,326.63	\$307.69	\$307.69
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$307.69	
								TAX	\$453.24	\$453.24	\$59.94	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:			\$59.94	\$59.94
										ABSTRACT TOTAL:	\$367.63	\$367.63

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TRAMMELL, RICHARD DOUGLAS JR	0002547784-2009-2009-0000	APPLIED ADJUSTMENT ON LAND TO PARCEL #1004738 FOR CONSERVATION EASEMENT RECORDED IN DEED BOOK 1194 PAGE 584, RECORDED ON 8-18-04. 9.51 ACRES AFFECTED BY EASEMENT.	(\$66,600)	1215	MSUTTON	4995 CHIMNEY ROCK RD HENDERSONVILLE NC	BAT CAVE FIRE	TOTAL: TAX	\$453.24	\$453.24	\$307.69	\$307.69
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:			\$59.94	\$59.94
								ABSTRACT TOTAL:			\$367.63	\$367.63
											\$735.26	\$735.26
											\$28,342.64	\$24,951.80
GRAND TOTALS:			(\$133,200) (\$5,366,420)									

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
TDD: 828-697-4580
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
LARRY YOUNG

PROCLAMATION

WHEREAS, Pardee Hospital, our community hospital, has served area residents with outstanding health care service that is recognized by the nation and throughout North Carolina; and


WHEREAS, Pardee Hospital is the second largest employer in Henderson County; and

WHEREAS, Pardee Hospital is the only hospital in the Carolinas to earn the ISO 9001-2008 certification for quality; and

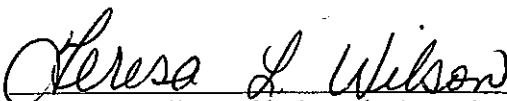
NOW THEREFORE BE IT KNOWN, that the Henderson County Board of Commissioners would like to recognize and honor the 60th Anniversary of Margaret R. Pardee Hospital.

IT IS THERE, proclaimed that Margaret R. Pardee Hospital will celebrate its 60th Anniversary on Saturday, June 29, 2013 for its outstanding and ongoing contributions and service to the health and well-being of the citizens of Henderson County since 1953,

This the 24th day of June, 2013



Charles D. Messer, Chairman

Attest:


Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTER-LOCAL AGREEMENT

This Agreement is effective July 1, 2013, pursuant to Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes by and between the Henderson Tourism Development Authority (herein after called "HCTDA"), a public authority under the North Carolina Local Government Budget and Fiscal Control Act ("the HCTDA"), and the County of Henderson, a body corporate and politic ("the County").

STATEMENT OF AGREEMENT

1. Term of Agreement and Termination:
 - a. The term of this agreement is from July 1, 2013 through June 30, 2014.
 - b. This agreement shall automatically renew from year to year unless written notice is given to the other party in accord with paragraph 1.c, below. Either party may terminate this agreement at its option, so long as done in accord with paragraph 1.c, below.
 - c. Terminations of this agreement may occur only as of June 30 of each year, and only if either party gives the other notice of its desire to terminate the agreement by not later than December 31 next preceding the June 30 termination.
2. Employees: All employees of the HCTDA shall remain employees of the County, subject to the following:
 - a. The Executive Director of HCTDA shall work at the pleasure and direction of the HCTDA Board,
 - b. All other employees shall work at the pleasure and direction of the HCTDA Executive Director.
 - c. The HCTDA will follow the County's personnel policies, except that in no event shall any employee have the right to an appeal to the County Manager.
 - d. The HCTDA will allow no action that would violate applicable law.
3. The rate of the Occupancy Tax will not be reduced during the term of this agreement. Further, the HCTDA will not modify the annual grant to the Henderson County Historic Courthouse Corporation during the term of this Agreement and any automatic renewals thereof.
4. Use of County facilities and financial terms:
 - a. The HCTDA will use the County's real property facilities, located at 201 South Main Street, Hendersonville, North Carolina. It is the intention of the parties that The Exhibit will be recalculated every year by the Finance Officer to adjust for changes in external

factors (for example, but not limited to, costs of employee benefits, costs of liability, casualty or other insurance, and other factors), and may include attributed and indirect costs. It is expressly agreed, however, that the Finance Officer shall not include in any calculations for The Exhibit any rental cost or attribution of depreciation for the facility at 201 South Main Street.

- i. Included in The Exhibit will be a determination of the full cost to the County of the employment of all employees of the HCTDA, including all benefits and other expenses.
- ii. The costs determined in The Exhibit will be in addition to, and not included in, the costs set out in North Carolina Session Law 2012-144 for administering and collecting the Occupancy Tax as noted in paragraph 7, below.

b. The HCTDA will pay to the County, on a monthly basis, all amounts listed under The Exhibit.

5. The HCTDA will use the personal property, vehicle, facilities and materials designated/purchased for support of Henderson County Tourism development and promotion.

6. The HCTDA will continue to cover the County with its performance licensing contracts with the American Society of Composers, Artists and Publishers ("ASCAP") and Broadcast Music, Inc. ("BMI"), and will refuse to allow any artists with which it contracts to perform works licensed solely by Society of European Stage Authors & Composers ("SESAC") (unless and until the HCTDA contracts with SESAC for the same).

7. The County (through the County Finance Officer who, under Session Law 2012-144 is also the Finance Officer of the HCTDA) will collect the Occupancy Tax on behalf of the HCTDA, and will provide accounting and payroll services for the HCTDA.

8. The fund balance accrued by and for the HCTDA is the property of the HCTDA, though held by the Finance Officer.

9. The Finance Officer, when acting as the Finance Officer of the HCTDA, shall fulfill all responsibilities to the HCTDA as if the Finance Officer had no responsibilities as Finance Officer of the County, and vice versa.

10. It is the intention of the parties and the desire of them that this agreement be in every instance interpreted such that:

a. The County in its finances neither benefits nor suffers detriment from the Interlocal Agreement between Henderson County and the HCTDA; and,

b. That, the HCTDA funds would neither benefit nor suffer in its finances as a result of the Interlocal Agreement between Henderson County and the HCTDA.

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Effective this 1st day of July, 2013.

COUNTY OF HENDERSON

By: Charlie Messer
CHARLIE MESSER, Chairman
Henderson County Board of Commissioners

Attest:

Teresa L. Wilson
TERESA L. WILSON, Clerk to the Board

By: _____
STEVE WYATT, County Manager

HENDERSON TOURISM DEVELOPMENT AUTHORITY

By: _____
DAVID E. NICHOLSON, Chairman

Attest:

KIMBERLY SMITH, Secretary

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AGREEMENT

THIS AGREEMENT is made this 24th day of June, 2013, by and between the County of Henderson, a body corporate and politic of the State of North Carolina, and Agribusiness Henderson County, Inc., a North Carolina non-profit corporation.

Statement of Circumstances

1. The County of Henderson ("the County") is permitted to contract with entities to carry out any public purpose which the County could otherwise perform, pursuant to N.C. Gen. Stat. §153A-449.
2. Agribusiness Henderson County, Inc. ("the Corporation") was formed to engage in activities that enhance economic opportunities in agriculture and Agribusiness for the citizens of the County, including creating and retaining quality jobs and growing the County's Agribusiness and preserving family farms. The Corporation's purpose is to promote the common Agribusiness interests of the citizens of Henderson County.
3. The purposes of the Corporation are found by the Board of Commissioners of the County to be public purposes, and the County desires to assist the Corporation in its purposes, as stated herein.

Statement of Agreement

1. The Corporation will seek to enhance and encourage the business of agriculture and related endeavors in the County for both large and small farms and farmers, as well as establishments dealing with locally-grown products. As used herein, agriculture is to include its broadest definition, expressly including but in no way limited to silviculture, horticulture, aquaculture, and the like.
2. The County will:
 - A. Provide suitable office space, in the County's discretion, with all utilities, for the Corporation.
 - B. Pay all or a portion of salary, with like proportion of all benefits (and other costs of employment, including attributed telecommunications cost) of a regular employee of the County (hereafter "employment cost"), up to but not exceeding the amount budgeted by the Board of Commissioners of the County for such purpose, of the Corporation's chief executive officer ("the CEO").
 - C. Provide reasonable cash management for an agency account maintained by the Henderson County Finance Office on behalf of the Corporation, as stated below.

3. Term: This agreement shall be for a term of one year, from the period 1 July 2013 through 30 June 2014, but shall automatically renew unless either party gives the other at least three months' notice of intent to non-renew at the end of the County's fiscal year.

4. The County's obligations to pay the cost of performing its obligations under this Agreement shall be subject to and dependent upon appropriations being made from time to time by the Board of Commissioners of the County for such purpose.

5. Usage of funds and accounts:

A. As stated above, the County will maintain an agency account on behalf of the Corporation.

B. In addition, the County will show a County general fund line item for the employment expense (salary, all benefits and all attributed costs as shown for any other employee of the County) of the CEO.

C. The County will show as a revenue item from the agency account payable to the general account line item with the CEO employment expense an amount sufficient to fund the difference between the CEO employment expense and the amount appropriated by the Board of Commissioners for such purpose.

D. The agency account for the Corporation will show an amount payable for the revenue item, and an account receivable for contributions from members or other contributors of the Corporation.

E. All funds received by the Corporation will flow through the agency account, and will be expended only in accord with County policies. Requests for expenditures from this fund shall be made on a form supplied by the County's Finance office, and be signed by the Company's CEO and a designated member of the Corporation's governing board. It is anticipated that these funds will be used to provide the revenue item referred to above, to pay necessary expenses of the Corporation, and to fund projects of the Corporation in accord with its purpose.

F. The Finance Director of the County, to the extent allowed by the County's annual Budget Ordinance, may temporarily transfer from the County's general fund up to one-third (1/3) of the amount appropriated by the Board of Commissioners of the County for funding the CEO employment expense to the agency account to be used to pay expenses of the Corporation. However, in no account may the total amount transferred or encumbered by earned or attributed employment expense of the CEO exceed the sum of the amount appropriated by the Board of Commissioners of the County and any funds existing in the County's general fund which were transferred there from the agency account for the Corporation for this purpose. Further, if the amount remaining in the County's general fund for the purpose of payment of the cost of the employment of the Corporation's CEO is significantly less than expected cost of the same for the balance of the County's fiscal year, the Finance Director shall place the issue back before the Board of Commissioners at their next scheduled meeting.

6. If the Corporation violates any of the provisions of this Agreement, the County may terminate this Agreement (upon thirty (30) days written notice of the same to the Corporation). In such event, all unexpended funds at the time of such termination, whether held by the Corporation or the County, shall be the property of and be returned to (or remain with) the County.

7. The Corporation shall not assign any interest in this Agreement and shall not transfer any interest in the Agreement without prior written consent of the County.

8. In connection with the performance of this Agreement, the Corporation shall not discriminate against any employee, applicant for employment, or program participant because of race, religion, color, sex, age, handicap, or national origin, or on account of their limited English language proficiency.

9. The Corporation shall maintain all accounts, books, ledgers, journals, and records in accordance with generally accepted accounting principles, practices and procedures.

10. The Corporation shall submit to the County a semi-annual status report in January of each year, and an annual status report in July of each year, of all program activities including a summary of the accomplishment of stated goals and objectives.

11. Should the County in the future elect to provide direct funds to the Corporation in lieu of the salary or use of space or agency account provided above, the Corporation shall provide an accounting of such County funds to the County to demonstrate that funds allocated to the Corporation have been used for the purpose(s) specified herein. The accounting report shall be submitted to the County within 30 days of the end of the contract term. Further, the County shall be entitled to audit the Corporation's expenditure of County funds at the County's discretion. Any excess funds or funds not used for the expressed purpose(s) stated herein must be returned to the County within thirty (30) days of the County's request for said funds.

12. The County shall be entitled to conduct an evaluation of the Corporation's programs and activities particularly as it relates to the accomplishments of established goals and objectives and the measurement of services being delivered.

13. All books and records shall be maintained by the Corporation for a period of at least three years from the date of the final payment under this Agreement and shall be made available for audit or evaluation upon request during regular business hours of the Corporation.

14. The Corporation must adopt a Drug-Free Workplace Policy in accordance with the Drug-Free Workplace Policy of 1988 (41 U.S.C. 701).

15. The County is in no way responsible for the administration and supervision of the Corporation's officers, employees, and agents.

16. The Agreement may only be amended by written amendments mutually agreed upon by and between the County and the Corporation.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their name by their duly authorized officers, their seals to be hereto affixed the day and year first above written.

ATTEST:

COUNTY OF HENDERSON


Clerk to the Board of Commissioners


By: CHARLIE MESSER, Chairman
Board of Commissioners

AGRIBUSINESS HENDERSON COUNTY, INC.


By: [printed name] Mark Williams
Corporate President

ATTEST:


Corporate Secretary

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


County Finance Director

4/24/13
Date



HENDERSON COUNTY, NORTH CAROLINA BUDGET ORDINANCE FISCAL YEAR JULY 1, 2013 – JUNE 30, 2014

Preamble

The County Manager's proposed budget for the Fiscal Year beginning July 1, 2013, and ending June 30, 2014 ("FY2014") was presented to the Henderson County Board of Commissioners on May 15, 2013, pursuant to the North Carolina Local Government Fiscal Control and Budget Act, Article 3 of Chapter 159 of the General Statutes. The Board of Commissioners considered the proposal, deliberated concerning it, and then held a public hearing on the budget pursuant to N.C. Gen. Stat. §159-12 on June 3, 2013.

The following Ordinance was offered by Commissioner Young, on June 24, 2013, who moved its adoption. The motion passed unanimously.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON
COUNTY, NORTH CAROLINA, THIS 24th DAY OF JUNE, 2013:**

Section 1 – General Fund

A. Appropriations

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for FY2014. Other fund amounts as set forth in this Ordinance are also appropriated as presented in this section. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance in departments subject to his control for the following purposes, and on the following terms and conditions:

- A) Grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements with a up to an anticipated contract amount of \$50,000;
- D) Purchase of supplies and materials when formal bids are not required by law, pursuant to the Manager's purchasing policy;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of and compliance with the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.
- J) The County Manager may authorize pilot programs for the County's departments, and evaluate such programs for effectiveness and efficiency.
- K) The Finance Director may temporarily transfer from the County's General Fund in the appropriation for Agribusiness Henderson County, Inc., up to one-third of the initial appropriation for that Corporation to that Corporation's agency account to be used to pay necessary expenses of that Corporation. Any such temporary

transfer shall be reimbursed during FY2014 to the General Fund by the Corporation from its agency account. Should at any point during FY2014 both (1) the remaining amount unspent in the General Fund be less than one-half (1/2) the appropriation herein and (2) the remaining amount unspent in the General Fund be less than the remaining expenses budgeted herein for FY2014, then this matter shall immediately be placed upon this Board's agenda for further action.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.
- D) The Sheriff may execute contracts that have no monetary impact on the county government budget (for example, no county match in personnel or funding). Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners.

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- C) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- D) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.
- E) The total of all amounts encumbered for outstanding purchase orders and contracts at June 30, 2013 shall be carried forward in fund balance as the amount Reserved for Encumbrances and the corresponding appropriations for these encumbrances shall not lapse in order to properly account for the payment in the fiscal year paid.

GENERAL FUND BUDGET SCHEDULE

Governing Body	\$ 375,462
Dues & Non-Profit Contributions	436,211
County Manager	319,441
Administrative Services	359,115
Human Resources	616,133
Elections	798,258
Finance	750,065
Assessor	1,551,924
Tax Collections	453,406
Legal	666,141
Register of Deeds	378,953
Engineering & Facility Services – Central Services Division	2,532,395
Engineering & Facility Services – Garage Division	324,787
Court Facilities	190,000
Information Technology	2,214,466

Sheriff	13,519,130
Detention Facility	3,753,746
Emergency Services – Emergency Management Division	214,997
Emergency Services – Fire Marshal Division	419,950
Building Services	793,094
Wellness Clinic	438,970
Emergency Services – Emergency Medical Services Division	4,456,514
Animal Services	579,744
Rescue Squad	221,860
Forestry Services	55,818
Soil & Water Conservation District	274,242
Engineering & Facility Services – Utilities Division	307,728
Planning	560,658
Code Enforcement	259,618
Cooperative Extension	315,039
ABC Board	25,000
Economic Development	759,848
AgBiz Henderson County	125,067
Public Health	6,135,045
Public Health – Environmental Health Division	970,596
Home & Community Care Block Grant (H&CCBG)	768,363
Medical Services - Autopsies	46,250
Mental Health -- Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	211,092
Social Services	12,262,735
Social Services – Smart Start Program	551,261
Social Services – Federal & State Programs	6,511,719
Social Services – General Assistance Division	57,000
Juvenile Justice Grant	193,745
Veterans Services	46,613
Public Library	2,872,241
Recreation	1,523,999
Public School System	22,070,846
Blue Ridge Community College	3,075,977
Public Schools Debt Service	8,562,351
Community College Debt Service	1,524,036
General Debt Service	3,800,106
Special Projects	420,000
Transfers to Other Funds	1,042,382

TOTAL GENERAL FUND APPROPRIATIONS: \$ 112,222,749

B. Revenues

For the operation of the Henderson County's government and its subdivisions for FY2014, it is estimated that the revenues and fund balances of the General Fund, as listed below, will be available to meet the appropriations as set forth herein. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

Ad Valorem Taxes	\$ 63,348,139
Current year general levy	\$ 61,468,139
Prior year taxes, interest and penalties	\$ 1,880,000
County share of (local option only) sales taxes	\$ 16,925,657
Other taxes and licenses	\$ 508,569

Unrestricted intergovernmental revenue	\$ 67,000
Restricted intergovernmental revenue	\$ 16,939,406
Permits and fees	\$ 1,031,500
Sales and services	\$ 5,244,534
Investment earnings	\$ 400,000
Other revenues	\$ 496,669
Transfers from other funds	\$ 531,246
Fund balance appropriated	\$ 6,730,029
TOTAL GENERAL FUND REVENUE	\$ 112,222,749

1. Ad Valorem Tax Levy

That there is hereby levied for FY2014 a property tax rate of fifty-one and thirty-six/hundredth cents (\$.5136) on each one hundred dollars (\$100) of assessed valuation of taxable property, as listed for taxes as of January 1, 2013, for the purpose of raising the revenue for current year's taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations, pursuant to and in accordance with the North Carolina Machinery Act (codified within Chapter 105 of the North Carolina General Statutes) and other applicable laws. This rate is based on an estimated total valuation of \$12,475,000,000 of taxable property and a collection rate of ninety-seven percent (97%). The Budget Ordinance also names ad valorem property taxes as the specific revenue source to fund the Tax Revaluation Reserve Fund, budgeted in Fiscal Year 2014 at \$681,313.

2. Fees, Licenses and Other Taxes

There is hereby levied all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

C. Based on the Annual Budget

The appropriations, schedules of expected revenues, and taxes levied, as stated herein, are based on the annual Budget as hereby approved, a summary of which Budget is attached as Schedule No. 1, and the terms of which Budget are hereby specifically incorporated by reference.

Section 2 – Capital Reserve Fund

The following is hereby appropriated and revenues estimated to be available in the Capital Reserve Fund for FY2014:

Revenues	\$ 225,000
Appropriations	\$ 225,000

Section 3 – Fire Districts Fund

The following is hereby appropriated and revenues estimated to be available in the Fire Districts Fund for FY2014 for payment to the appropriate corporation providing fire protection within each district:

Revenues	\$ 6,993,713
Appropriations	\$ 6,993,713

Fire District Tax Rate for these special tax districts listed are as follows (at cents per \$100 value):

District	Rate
Bat Cave	.100
Blue Ridge	.095
Dana	.110
Edneyville	.095
Etowah-Horse Shoe	.095
Fletcher	.100
Gerton	.125
Green River	.070
Mills River	.075
Mountain Home	.105
Raven Rock	.085
Valley Hill	.085
Valley Hill II	.085

Section 4 – Other Funds

A. Revaluation Reserve Fund

The following is hereby appropriated and revenues estimated to be available in the Revaluation Reserve Fund for FY2014:

Revenues	\$ 681,313
Appropriations	\$ 681,313

B. Community Development Block Grants

(1) Scattered Site Housing Program Fund

The following is hereby appropriated and revenues estimated to be available in the Community Block Development Grant: Scattered Site Housing Program Fund for FY2014:

Revenues	\$ 400,000
Appropriations	\$ 400,000

C. Emergency Telephone System Fund

The following is hereby appropriated and revenues estimated to be available in the Emergency Telephone System (“E-911”) Fund for FY2014 the following (revenues for this fund are based on a \$0.70 surcharge per phone line):

Revenues	\$ 576,591
Appropriations	\$ 576,591

D. Public Transit Fund

The following is hereby appropriated and revenues estimated to be available in the Public Transit Program Fund for FY2014:

Revenues	\$ 865,382
Appropriations	\$ 865,382

E. Immigration and Customs Enforcement Fund

The following is hereby appropriated and revenues estimated to be available in the Immigration and Customs Enforcement Fund for FY2014:

Revenues	\$ 787,667
Appropriations	\$ 787,667

F. Debt Service Fund

The following is hereby appropriated and revenues estimated to be available in the Debt Service Fund for FY 2014:

Revenues	\$ 607,062
Appropriations	\$ 607,062

G. Solid Waste Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Solid Waste Enterprise Fund for FY2014:

Revenues	\$ 5,118,604
Appropriations	\$ 5,118,604

H. Cane Creek Sewer Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Cane Creek Sewer Enterprise Fund for FY2014:

Revenues	\$ 3,111,269
Appropriations	\$ 3,111,269

I. Justice Academy Sewer Fund

The following is hereby appropriated and revenues estimated to be available in the Justice Academy Sewer Fund for FY2014:

Revenues	\$ 132,880
Appropriations	\$ 132,880

Section 5 – Public Schools

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30th) of each month.

Section 6 – Elected Officials

A. Henderson County Board of Public Education

The Chairman of the Board shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.

B. Henderson County Board of Commissioners

(1) Salary

The Chairman of the Board of Commissioners shall be compensated at an annual rate of \$17,565, paid on the same basis as other county employees. Members of the Board, other than the Chair, shall be compensated at an annual rate of \$10,906, paid on the same basis as other county employees.

(2) Expenses and Special Meetings

The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.

C. Sheriff

The Sheriff shall be compensated at an annual rate of \$ 97,500. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.

D. Register of Deeds

The Register of Deeds shall be compensated at an annual rate of \$ 67,089. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.

Section 7 – Use of Budget

This Ordinance and the budget shall be the basis for the financial plan for the County of Henderson, North Carolina, during FY2014. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

Section 8 – Effective Date

This Ordinance shall be effective by its terms for FY2014 upon adoption.

VOTING:

AYES: All

NAYS: None

Adopted this the 24th day of June, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS



By: *Charles Messer*
CHARLES MESSER, Chairman

Attest:

Teresa L. Wilson
TERESA L. WILSON, Clerk to the Board