

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, MAY 6, 2013**

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, 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, Officer David Pierce as security, Director of Communications Lisha Corn, Chief Deputy Rodney Raines, Tourism Director Beth Carden, and Public Information Officer Christina Hallingse, videotaping.

Absent was: Vice-Chairman Tommy Thompson was out of the country.

### 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 Andrew Torres, from Leaders in Training 4-H Club.

### **STATE ENERGY OFFICE UTILITY SAVINGS INITIATIVE LEADERSHIP AWARD**

NC Energy Office Manager Reid Conway presented Henderson County with a certificate from the North Carolina State Energy Office in recognition for all of the energy savings projects that the County has undertaken over the last few years. Some of the actions that earned Henderson County this recognition include: lighting upgrades and the solar thermal project, funded through ARRA grants; the CNG Station and CNG vehicles in our fleet; joint maintenance meetings with BRCC and HCPS; tracking of energy usage; and solar panels at the convenience center. The Central Services Division implemented many of these projects and several of these projects required inter-jurisdictional collaboration with the City of Hendersonville participating in the lighting project and a major user of the CNG Station, which is also open for public use.

### **CAROLINA RECYCLING ASSOCIATION BILL EVANS & CAROL BOND MEMORIAL AWARD FOR OUTSTANDING TOXICITY REDUCTION**

Marcus Jones stated that Henderson County was presented with the Bill Evans & Carol Bond Memorial Award for Outstanding Toxicity Reduction during the 23<sup>rd</sup> Annual Carolina Recycling Association Conference April 10, 2013. The Bill Evans & Carol Bond Memorial Award for Outstanding Toxicity Reduction recognizes an exceptional program that is dedicated to toxicity reduction. The program receiving the award must show a strong focus on education, collection, processing and disposal. Henderson County's household hazardous waste program diverted over 2,000 gallons of household hazardous waste and over 200,000 pounds of electronic waste from being land filled last year alone. This program serves the residents of Henderson County with little or no additional cost.

### 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:

DATE APPROVED: May 15, 2013

1. 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.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.*

*Commissioner Hawkins made the motion to go out of closed session and reconvene into open session. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENTS**

1. Dennis Justice – Mr. Justice was not in favor of the merger with the Asheville water system.
2. Kaye Caldwell – Ms. Caldwell is the president of the Accommodations Association of Henderson County. She feels room rents have not recovered since the occupancy tax increase. Tourism is down in Henderson County. Ms. Caldwell feels the Tourism Development Authority should be able to determine how and where the occupancy tax dollars are spent.
3. City of Hendersonville Mayor Barbara Volk – Ms. Volk is concerned with the request by the County for the City of Hendersonville to maintain biking and walking trails along the easements in Jackson Park. The increased costs, in the range of \$200,000, would hold up progress of their loans, and they simply can't afford it. The city is willing to waive fees for connections.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Commissioner Hawkins requested that consent agenda item F – Reimbursement resolution for Henderson County Hospital Corporation financing and item J – Approval of Hospital Corporation action regarding Premier, Inc. be pulled for discussion.

Commissioner Edney requested to addition of a discussion item – Jackson Park Easement.

*Chairman Messer made the motion to adopt the agenda with pulling of consent agenda items F and J for discussion and the addition of Jackson Park Easement. All voted in favor and the motion carried.*

**Reimbursement resolution for Henderson County Hospital Corporation financing**

Hospital corporation officials request the County to adopt a reimbursement resolution for a possible financing to be undertaken during the coming fiscal year. As the County is the owner of all hospital facilities (which would likely be collateral for this financing), the financing requires County participation. A reimbursement resolution declares an issuer's official intent to reimburse itself for original expenditures with proceeds of a later financing.

This financing will cover some or all of the construction costs of the corporation's portion of the Mission-Pardee Health Campus in Fletcher. Note that Pardee's finance committee has decided not to seek financing for purchase of one-half of the value of Mission's interest in the land and buildings there at this time. Under the existing agreements, the option to purchase the same cannot be exercised until grant of the certificate of occupancy. Though not included in this resolution, this action may include the refinancing of the corporation's existing revenue bond indebtedness.

A proposed resolution was provided which was prepared by bond counsel to allow reimbursement from the proceeds of the financing of expenditures for the project made prior to the actual financing.

*Commissioner Hawkins made the motion that the Board approves the proposed resolution. Commissioner*

*Edney seconded the motion. All voted in favor and the motion carried.*

**Approval of Hospital Corporation action regarding Premier, Inc.**

Since prior to its incorporation the Henderson County Hospital Corporation has been a member/owner of Premier, Inc., a group purchasing organization operating under the “safe harbor” provisions of the Federal medical “anti-kickback” laws. As a member/owner, the hospital corporation realizes significant savings from group purchasing power.

Premier, Inc. has notified the hospital corporation of a corporate reorganization. Under the terms of the reorganization, the hospital corporation’s interest would change from owning a limited partnership interest plus stock in a privately-held corporation to holding restricted voting stock in a publicly held corporation (where the publicly held stock has limited or no voting rights).

The hospital corporation has determined that, subject to your agreement with this transaction, it would be in its best interest to retain ownership of the newly issued stock, as to not do so would impair the hospital corporation’s ability to enjoy the benefits of the purchasing alliance. This action was expressly conditioned by the Board of Trustees of the hospital corporation upon obtaining your approval of the transaction and agreeing that the ownership of this restricted stock would not constitute a “joint venture” under the lease agreement between the County and the hospital corporation and it not an unlawful investment for the corporation.

It is the opinion of your County Attorney’s office that this is not a joint venue as that term is used in the lease (Lease Section 2.11). It does not appear that this arrangement is one “for health care services or related endeavors”.

The hospital corporation is allowed only under its charter to invest its investable funds in those items permitted for county governments. However, this does not appear to be an “investment” – investing funds with the motive of returning a profit – in any traditional sense. And as such would be outside the scope of any prohibition in the corporate charter.

*Commissioner Hawkins made the motion that the board approve and ratify in all respects the proposed actions of the Board of Trustees of Henderson County Hospital Corporation with regard to the corporate reorganization of Premier, Inc., and with regard to Henderson County Hospital Corporation continuing to hold on interest in the newly reorganized Premier, Inc. All voted in favor and the motion carried.*

**CONSENT AGENDA**

*Commissioner Edney made the motion to adopt the Consent Agenda minus the Reimbursement resolution for Henderson County Hospital Corporation financing and Approval of Hospital Corporation action regarding Premier, Inc. 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):

- April 17, 2013 – regularly scheduled meeting
- April 23, 2013 – special called meeting
- April 24, 2013 – special called meeting

**Tax Collector’s Report**

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated April 26, 2013 for information only. No action was required.

**Financial Report/Cash Balance Report – March 2013**

The March 2013 County Financial Report/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 February:

- Garage – fuel purchased from Cason Companies to be charged out to departments monthly as used
- EMS – various operating expenditures running slightly ahead of average and significant capital outlay purchases (ambulances and medical equipment) have been completed
- Rescue Squad – payment of 4<sup>th</sup> quarter non-profit contribution
- Economic Development – payment of economic development incentives due to various companies
- Interfund Transfers – approved transfer of funds to purchase the former Hendersonville Christian School property and to fund various capital projects approved by the Board

The YTD deficit in the Emergency Telephone System (911) Fund is due to the encumbrance/purchase of approved technology capital outlay. Fund balance of \$271,713 was appropriated to cover expenditures in this Fund for FY2013.

The YTD deficit in the CDBG – Scattered Site Housing Fund, the CDBG – Mud Creek Grant Project Fund and the Sierra Nevada Economic Development Project Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to a timing delay in receiving payments – federal ICE revenues for March will not be received and posted until May 2013.

The temporary YTD deficit in the Solid Waste Landfill Fund is due to the solid waste hauling contract payments due for the months of February and March 2013 both being paid in March.

Motion:

*I move that the Board of Commissioners approves the March 2013 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – March 2013**

The Henderson County Public Schools March 2013 Financial Reports were provided for the Board’s information.

Motion:

*I move that the Board of Commissioners approves the Henderson County Public Schools March 2013 Financial Reports as presented.*

**Surplus Vehicles and Heavy Equipment**

A resolution was provided for Board consideration, declaring a list of surplus vehicles and heavy equipment (provided by the Solid Waste Department) that are no longer used by the County as surplus property. The resolution also authorizes the Purchasing Agent to advertise the surplus property for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

<u>Asset#</u>	<u>VIN/Serial#</u>	<u>Make</u>	<u>Model</u>	<u>Year</u>
LF6681	1M2B120C4HA059985	Mack	Roll-off truck	1987
LF2921	9TC02888	Caterpillar	D-8-N Caterpillar Dozer	1988

Motion:

*I move that the Board approves the resolution declaring the list of vehicles and heavy equipment presented as surplus and authorizes the Purchasing Agent to sell the surplus property via electronic public auction using GovDeals auction services.*

**Home & Community Care Block Grant – FY2014 County Funding Plan**

Each year, the Board of commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agency responsible for coordinating the County Funding Plan. The Home & Community Care Block Grant is a State/Federal program administered at the local level. The proposed Funding Plan supports the service priorities identified for the current planning cycle.

At this time, the HCCBG funding for FY2014 is estimated to be \$768,363. It is possible that this amount will change based on federal and state funding revisions resultant from Federal Sequestration. In the likely event that the amount does change, the HCCBG Committee has proposed implementing additional funding (or reductions in funding) to each provider based on the provider’s prorate share of total HCCBG funding.

Motion:

*I move that the Board appoints the County Manager’s office as the Lead Agency and approve the proposed FY2014 Funding Plan.*

**Energy Management Update**

A report was provided informing the Board about the County’s energy management use in the areas of electricity, natural gas, fuel and water. It compares the first quarter with previous years to show historical trends.

**Quarterly Construction Project Update**

David Berry had provided the Board of Commissioners with an update on Construction projects around Henderson County. This quarterly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities. This report is a continuation of County construction activity statuses.

**Ratification of contract for acquisition of additional potential groundwater buffer for the former landfill**

Pursuant to the instructions of the Board, a contract has been obtained allowing purchase of additional potential groundwater buffer land for the former landfill. This is presented to provide the Board’s agreement on its record.

Motion:

*I move the board ratify and approves the contract for the purchase of additional potential groundwater buffer for (and adjacent to) the former landfill site.*

**Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended March 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 FMR for Western Highlands Area Authority was received by the County Finance Officer on April 29, 2013.

Motion:

*I move that the Board of Commissioners approves the Western Highlands Area Authority Fiscal Monitoring Report for the quarter ended March 31, 2013.*

### **Records Retention and Disposition Schedule**

The NC Department of Cultural Resources issued a new County Management Records Retention and Disposition Schedule on April 15, 2013. The schedule is the primary way the Department of Cultural Resources gives its consent to destroy records as outlined in G.S. 121-5 and G.S. 132-3. Though the County has been utilizing this Schedule since its issuance, the Department of Cultural Resources has requested the Board officially approve the Schedule by signing the attached approval sheet. The entire 125 page document is available for review in the Clerk's Office.

Motion:

*I move the Board approves the Schedule as presented and authorize the County Manager and Chairman to execute the approval sheet.*

### **Resolution Accepting the Regional Analysis of Impediments to Fair Housing Choice**

The Community Development Block Grant (CDBG) program requires that the County must accept the Regional Analysis of Impediments to Fair Housing Choice (AI) to be the recipient of CDBG funds. The CDBG program contains a regulatory requirement to affirmatively further fair housing based upon Housing and Urban Development's (HUD) obligation under Section 808 of the Fair Housing Act. The AI report prepared by Benchmark CMR, Inc, contains statistical information for the entire region covering Buncombe, Haywood, Henderson, Madison and Transylvania Counties. The AI provides recommendations to improve affordable housing choices within each County. The recommendations for Henderson County (Refer to Pg. 75, Analysis of Impediments to Fair Housing Choice) are not mandatory, simply recommendations and are based on objectives identified in the Fair Housing Act.

Motion:

*I move that the Board accepts the Regional Analysis of Impediments to Fair Housing Choice.*

### **Notification of Vacancies**

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

1. Animal Services Committee – 1 vac.
2. Henderson County Historic Courthouse Corporation/dba Heritage Museum – 1 vac.
3. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

### **Nominations**

1. Animal Services Committee – 1 vac.

Commissioner Young nominated John Lynn for position #6.

*Chairman Messer made the motion to accept the appointment of John Lynn to position #6 by acclamation. All voted in favor and the motion carried.*

2. Child Protection and Fatality Prevention Team – 1 vac.

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

3. French Broad River MPO/Transportation Advisory Committee – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

4. Henderson County Zoning Board of Adjustment – 1 vac.  
Chairman Messer nominated Hunter Marks for position #9.

*Chairman Messer made the motion to accept the appointment of Hunter Marks to position #9 by acclamation. All voted in favor and the motion carried.*

5. 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.

6. Juvenile Crime Prevention Council – 7 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

7. Library Board of Trustees – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

8. 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.

9. Senior Volunteer Services Advisory Council – 2 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

10. Smartstart – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

#### **METROPOLITAN SEWERAGE DISTRICT – BOARD APPOINTMENTS**

Attorney Russ Burrell stated the latest edition of House Bill 488, an act to promote the provision of regional water and sewer services, specifies in §162A-85.3(a) the members to be appointed to the district board. This bill is not yet law, but every indication is that it very soon will be. By its terms, it becomes effective May 15, 2013, and would take the Cane Creek Water and Sewer District into the existing metropolitan water and sewerage district.

In the bill, within newly added §162A-85.3(a)(1), there is required the appointment of “[t]wo individuals by the governing body of each county served, wholly or in part, by the district”. Further, the newly added §162A-85.3(a)(5) requires the appointment of “[o]ne individual by the governing body of a county in which a watershed serving the district board is located in a municipality not served by the district, upon recommendation of that municipality. The municipality shall provide to the governing body of the county a list of three names within 30 days of written request by the county, from which the county must select an appointee if the names are provided within 30 days of written request”.

The following actions are requested to be performed by this Board, in the event that H488 becomes law in substantially its current form. (If H488 does not become law, or if its provisions are substantially amended before final passage, this action would be reexamined by this Board and modified as the Board finds necessary.) Needed, under the terms of H488, are:

- 1) Appointment of two individuals to serve on the district board for Henderson County.
- 2) Appointment of one individual to serve on the district board for Mills River.

Commissioner Hawkins nominated Sheila Franklin and Larry Young for Henderson County representatives.

Commissioner Young nominated Larry Freeman for a Mills River representative. Commissioner Edney nominated Charlie Messer for a Henderson County representative.

*Chairman Messer made the motion to accept the appointment of Larry Freeman to the Metropolitan Sewerage District Board as the Mills River representative by acclamation. All voted in favor and the motion carried.*

The Board was polled for the Henderson County representatives with two votes each.

Mike Edney	Charlie Messer	Grady Hawkins	Larry Young
1.Charlie Messer	1.Charlie Messer	1.Sheila Franklin	1.Charlie Messer
2. Larry Young	2. Larry Young	2.Larry Young	2. Larry Young

With the majority of votes, Charlie Messer and Larry Young were appointed as Henderson County representatives to the Metropolitan Sewerage District Board.

**PERMANENT UTILITY EASEMENT – JACKSON PARK INTERCEPTOR – HENDERSONVILLE UTILITIES – ADD ON**

The following motion was made by Commissioner Edney at the April 17, 2013 meeting of the Board of Commissioners.

(Excerpt from 04.17.13 minutes) Commissioner Edney made the motion that the Board approves the Permanent Utility Easement with the City of Hendersonville for the Jackson Park Sewer Interceptor located County property in Jackson Park, contingent upon the inclusion of necessary bridges for stream and swamp crossings, easement maintenance allowing for biking and walking trails, and fees waived by the City for additional park facility lines. All voted in favor and the motion carried.

Commissioner Edney responded to Mayor Volk’s request during informal public comments, and offered the following motion in regard to the easements at Jackson Park.

*Commissioner Edney made the motion to amend the conditions of the easement granted the City of Hendersonville by deleting those conditions previously listed, and inserting in lieu thereof the following:*

*The City of Hendersonville will provide (1) free taps to County buildings on the property subservient to the easement granted the City; (2) construction of a path that can be used for biking or walking over the length and a five-foot width of the service roads for the easement;(3) convey to the County a 0.98 acre lot (Henderson County Parcel Number 9958864); (4) grant to the County a right of way for access over and across the 11.09 acre parcel (Henderson County Parcel Number 9958863) for future use as a connection between Jackson Park and the County’s new Athletics and Activity Center (former site of Hendersonville Christian School).*

*The County will be responsible for maintenance of the path noted above.*

*All voted in favor and the motion carried.*

**TRAVEL SURVEY FUNDING REQUEST**

Justin Hembree stated the French Broad River Metropolitan Planning Organization (FBRMPO) is requesting funding for the purposes of conducting a travel survey which will inform a new NCDOT funded travel demand model. The NCDOT is providing full funding (\$300,000) for the purposes of preparing a new travel demand model. The MPO has identified \$288,000 in federal funding for the purposes of paying for 80% of



the travel survey costs. A 20% match from local jurisdictions is necessary to fully fund this travel survey and to receive a new travel demand model from NCDOT. The MPO is requesting Henderson County fund \$13,426 of the required \$72,000 in local match (based on the assessment of dues to its participating jurisdictions). The remaining \$58,574 has been committed by the other dues paying members. The principal benefits of a new travel study and travel demand model are:

1. More accurate data on local travel patterns,
2. Capturing missing travel data about tourist, retirement, recreational, and seasonal populations,
3. Production of additional data useful to various organizations (Travel and Tourism, Chamber of Commerce, etc), and
4. Improved investments in road projects, possibly freeing up transportation funding for other currently unfunded road projects.

The total project costs (travel survey and travel demand model) equal \$660,000. The requested \$13,426 from Henderson County represents 2% of the total project costs.

The French Broad River Metropolitan Planning Organization (FBRMPO) is requesting the Board identify and allocate \$13,426 in funding for purposes of completing a travel survey which will inform a travel demand model.

Jurisdiction – Fully broken out travel survey amounts

Buncombe County (unincorporated in MPO)	\$ 22,977
Asheville	\$ 15,065
Black Mountain*	\$ 1,418
Woodfin*	\$ 1,106
Weaverville*	\$ 564
Biltmore Forest*	\$ 243
Montreat*	\$ 131
Henderson County (unincorporated in MPO)	\$ 13,426
Hendersonville	\$ 2,373
Fletcher*	\$ 1,298
Mills River*	\$ 1,229
Flat Rock*	\$ 563
Laurel Park*	\$ 394
Haywood County (unincorporated in MPO)	\$ 6,385
Waynesville	\$ 1,783
Canton*	\$ 764
Clyde*	\$ 221
Maggie Valley*	\$ 208
Madison County (unincorporated in MPO)	\$ 1,324
Mars Hill	\$ 338
<u>Transylvania County</u>	<u>\$ 194</u>
Total (Checksum)	\$ 72,000.

*Commissioner Hawkins made the motion not to approve funding for purposes of completing a travel survey. The motion tied 2 to 2 with Commissioners Messer and Edney voting nay.*

This item will be rolled to a future meeting when all five commissioners are in attendance.

**TOURISM DEVELOPMENT AUTHORITY AGREEMENT**

David Whitson stated staff has undertaken negotiations with the Tourism Development Authority for a long-term arrangement for the use of the County’s facilities. One lease issue and one other issue remain, such that

guidance from the Board is required.

1. Rent or other allowance for the use of the real estate occupied by the Tourism Development offices (as well as some other personal property.)
2. Henderson County Historic Courthouse Corporation (Heritage Museum) funding.

It was the consensus of the Board that funding needed to continue for the Heritage Museum. No decision was made and Commissioner Edney will continue to work with the Heritage Museum. This item will be brought back before the Board after the budget process is completed.

**SEVEN FALLS UPDATE**

Russ Burrell reported that the Seven Falls litigation hearing was held this morning and the county won the lawsuit. The project will go out to bid as soon as possible.

**IMPORTANT DATES**

The Board is requested to set a public hearing on economic development incentives for Project Growth for 9:00 a.m. on May 15, 2013.

*Chairman Messer made the motion that the Board sets a public hearing on economic development incentives for Project Growth for Wednesday, May 15, 2013 at 9:00 a.m. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Hawkins made the motion to adjourn at 7:00 p.m. All voted in favor and the motion carried.*

Attest:

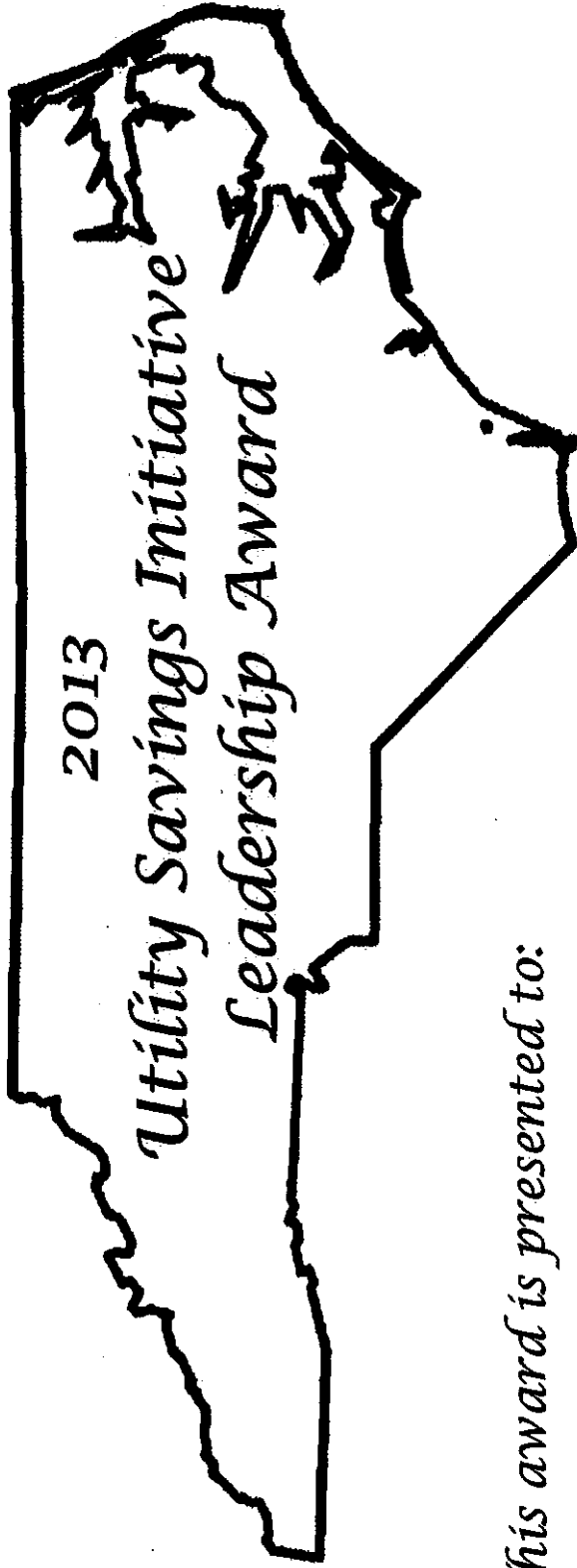
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Teresa L. Wilson, Clerk to the Board

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Charles D. Messer, Chairman

# Certificate of Recognition



This award is presented to:

Henderson County

for excellence in promoting USI principles.

Ward Lenz  
Director  
North Carolina Energy Office

Len Hoey  
Engineering Manager/USI Director  
North Carolina Energy Office

Reid Conway  
Energy Manager/Western Region  
North Carolina Energy Office



Utility Savings Initiative

North Carolina Energy Office energync.nc



# 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, April 26, 2013

## Re: Tax Collector's Report to Commissioners – 06 May 2013 Meeting

Please find outlined below collections information through 25 April 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.: \$309,581.92  
Releases & Refunds: (\$120,889.92)  
**Net Charge:** \$58,137,077.02  
Unpaid Taxes: \$1,547,285.83  
Amount Collected: \$56,589,791.19  
**Percentage Collected:** 97.34%  
Through: 25-Apr-2013

**2011 Beginning Charge:** \$57,516,609.25  
*Discoveries & Imm. Irreg.:* \$112,499.56  
*Releases & Refunds:* (\$111,465.02)  
**Net Charge:** \$57,517,643.79  
Unpaid Taxes: \$1,598,721.35  
*Amount Collected:* \$55,918,922.44  
**Percentage Collected:** 97.22%  
Through: 25-Apr-2012

### Motor Vehicle Bills G01 Only:

**2012 Beginning Charge:** \$4,117,241.64  
Discoveries & Imm. Irreg.: \$3,204.31  
Releases & Refunds: (\$77,651.44)  
**Net Charge:** \$4,042,794.51  
Unpaid Taxes: \$737,125.59  
Amount Collected: \$3,305,668.92  
**Percentage Collected:** 81.77%  
Through: 25-Apr-2013

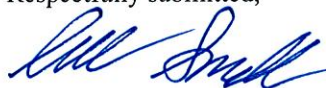
**2011 Beginning Charge:** \$3,830,933.16  
*Discoveries & Imm. Irreg.:* \$2,881.51  
*Releases & Refunds:* (\$91,322.76)  
**Net Charge:** \$3,742,491.91  
Unpaid Taxes: \$624,430.38  
*Amount Collected:* \$3,118,061.53  
**Percentage Collected:** 83.32%  
Through: 25-Apr-2012

### Fire Districts All Bills:

**2012 Beginning Charge:** \$6,901,836.04  
Discoveries & Imm. Irreg.: \$46,952.22  
Releases & Refunds: (\$27,227.29)  
**Net Charge:** \$6,921,560.97  
Unpaid Taxes: \$286,722.66  
Amount Collected: \$6,634,838.31  
**Percentage Collected:** 95.86%  
Through: 25-Apr-2013

**2011 Beginning Charge:** \$6,798,380.14  
*Discoveries & Imm. Irreg.:* \$13,359.52  
*Releases & Refunds:* (\$21,772.85)  
**Net Charge:** \$6,789,966.81  
Unpaid Taxes: \$268,643.39  
*Amount Collected:* \$6,521,323.42  
**Percentage Collected:** 96.04%  
Through: 25-Apr-2012

Respectfully submitted,



Luke Small

*Collections Specialist*

Stan C. Duncan  
*Tax Collector*

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY  
BY ELECTRONIC PUBLIC AUCTION**

**WHEREAS**, Henderson County owns the surplus vehicles and heavy equipment 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 equipment as surplus and selling at a public auction as authorized by NCGS 160A-270; and

**WHEREAS**, it is the intent of the County to sell said surplus property by electronic public auction at [www.govdeals.com](http://www.govdeals.com).

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

1. The vehicles and heavy equipment itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Purchasing Agent is hereby authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com) the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. 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.
4. A notice summarizing this resolution and the sale of the surplus property by electronic public auction shall be advertised by the Purchasing Agent on the County's website at [www.hendersoncountync.org](http://www.hendersoncountync.org) at least ten (10) days prior to the public auction.

**THIS** the 6th day of May, 2013.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

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

*Charles D. Messer*  
Charles D. Messer, Chairman

**ATTEST:**

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

[OFFICIAL SEAL]

**Exhibit B**

<u>Asset#</u>	<u>VIN/Serial#</u>	<u>Make</u>	<u>Model</u>	<u>Year</u>
LF6681	1M2B120C4HA059985	Mack	Roll-off truck	1987
LF2921	9TC02888	Caterpillar	D-8-N Caterpillar Dozer	1988



RESOLUTION ACCEPTING THE REGIONAL ANALYSIS OF IMPEDIMENT TO FAIR HOUSING CHOICE

WHEREAS, Henderson County is the recipient of Community Development Block Grant (CDBG) funds from the North Carolina Department of Commerce Small Cities CDBG Program; and

WHEREAS, the Community Development Block Grant program contains a regulatory requirement that to affirmatively further fair housing based upon Housing and Urban Development's (HUD's) obligation under Section 808 of the Fair Housing Act; and

WHEREAS, the CDBG regulation also reflects the CDBG statutory requirement that grantees will affirmatively further fair housing; and

WHEREAS, the CDBG regulation also requires that jurisdictions with a population over Ten Thousand certify that they accept an Analysis of Impediments to Fair Housing Choice; and

WHEREAS, it is the desire of the Henderson County Board of Commissioners to accept the 2012-2017 Regional Analysis of Impediments to Fair Housing Choice.

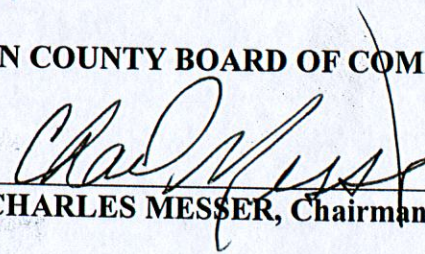
NOW, THEREFORE, BE IT RESOLVED BY The Board of Commissioners for the County of Henderson as follows:

1. That the County hereby accepts the 2012-2017 Regional Analysis of Impediments to Fair Housing Choice.
2. That this Resolution shall become effective upon its adoption.

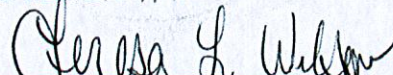
THIS the 6th day of May, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:

  
CHARLES MESSER, Chairman

ATTEST:

  
Teresa L. Wilson, Clerk to the Board

[COUNTY SEAL]

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on May 6, 2013 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Charles D. Messer presiding.

\* \* \*

The following members were present:

Chairman Charlie Messer, Commissioner Mike Edney, Commissioner Grady Hawkins, Commissioner Larry Young

The following members were absent:

Vice-Chairman Tommy Thompson

Also present:

Attorney Russ Burrell, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Clerk to the Board Teresa Wilson

\* \* \*

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

**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF OR MARGARET R. PARDEE HOSPITAL FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PARDEE CLINICAL AND PHYSICIAN AREAS OF THE MISSION PARDEE HEALTH CAMPUS FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2014**

*WHEREAS*, the Board of Commissioners of the County of Henderson, North Carolina ("*County*") has determined that it is in the best interests of Margaret R. Pardee Hospital (the "*Hospital*") to incur capital expenditures in connection with the Pardee Clinical and Physician Areas of the Mission Pardee Health Campus, all for use by the Hospital (the "*Project*");

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

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

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



Section 1. *Official Declaration of Intent.* The County presently intends, and reasonably expects, to reimburse itself or have the Hospital reimburse itself for the Original Expenditures incurred and paid by the County or the Hospital on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$7,000,000.

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

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

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

On motion of Commissioner Hawkins, seconded by Commissioner Edney, the foregoing resolution entitled "**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF OR MARGARET R. PARDEE HOSPITAL FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PARDEE CLINICAL AND PHYSICIAN AREAS OF THE MISSION PARDEE HEALTH CAMPUS FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2014**" was duly adopted by the following vote:

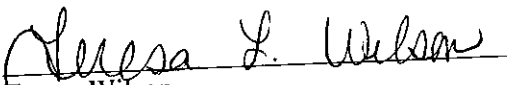
AYES: 4

NAYS: 0

STATE OF NORTH CAROLINA            )  
  )  
  )  
COUNTY OF HENDERSON            )            ss:

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF OR MARGARET R. PARDEE HOSPITAL FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PARDEE CLINICAL AND PHYSICIAN AREAS OF THE MISSION PARDEE HEALTH CAMPUS FOR USE BY MARGARET R. PARDEE HOSPITAL FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN FISCAL YEAR 2014**” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 6<sup>th</sup> day of May, 2013.

**WITNESS** my hand and the corporate seal of the County of Henderson, North Carolina, this the 6th day of May, 2013.

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