

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, JUNE 4, 2012

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 Tommy Thompson, Vice-Chairman Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, Commissioner Michael Edney, County Manager Steve Wyatt, County Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Absent was: Interim Assistant County Manager David Whitson

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Sheriff Charles McDonald, Public Health Director Tom Bridges, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, IT Director Becky Snyder, Library Director Bill Snyder, Internal Auditor Darlene Burgess, Delinquent Tax Collector Lee King, Soil and Water Conservation Director Jonathan Wallin, HR Director Jan Prichard, Parks and Recreation Director Tim Hopkin, Environmental Health Supervisor Seth Swift, Chief Deputy Rodney Raines, Lieutenant Gloria Nock, Elections Director Beverly Cunningham, Fire Marshall Rocky Hyder, Planner Matt Cable, Registrar of Deeds Nedra Moles, Property Appraiser Dee Hill, Health Director Tom Bridges, Building Services Director Tom Stauffer and officer David Pearce as security.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Christopher Branche of the Hawks 4-H Club.

PUBLIC HEARINGS

Public Hearing regarding CDBG Economic Development Application

Commissioner Messer made the motion that the Board go into public hearing. All voted in favor and the motion carried.

Planning Director Anthony Starr stated the NC Department of Commerce requires public hearings as part of its Community Development Block Grant programs. These programs provide for a variety of activities including, but not limited to, economic development, housing rehabilitation, community development, etc.

The Henderson County Partnership for Economic Development (HCPED) requests that the county apply for these CDBG funds for the benefit of a project with Sierra Nevada and Ferncliff Industrial Park. The first public hearing was held by the Board on May 7, 2012 as required by CDBG regulations. The purpose of this second hearing is to receive input on a proposed economic development CDBG application. The planned application for funds includes providing water and wastewater service to Ferncliff Industrial Park and the Sierra Nevada Brewing facility.

The proposed CDBG application would include \$533,148.10 to construct approximately 6,500 linear feet of new waterline and 950 linear feet of sewer line to serve the Ferncliff Industrial Park and the Sierra Nevada Brewing facility. The public notice for this hearing was published in the Hendersonville Tribune as required. A local match of \$26,657.40 is required for this project. Staff anticipates using a portion of the Sierra Nevada incentive payment to meet this match requirement thereby requiring no additional

DATE APPROVED: June 20, 2012

County funds.

Public Input

There was none.

Commissioner Messer made the motion that the Board authorizes the Planning Director to submit the CDBG application and other necessary grant documents on behalf of Henderson County. The motion passed 4-1 with Commissioner O'Connor voting nay.

Public Hearing for the FY2013 Rural Operating Assistance Program (ROAP)

Planner Matt Cable stated the Henderson County Board of Commissioners scheduled this public hearing regarding the FY 2013 North Carolina Department of Transportation (NCDOT) Rural Operating Assistance Program (ROAP) grant application in the amount of \$224,631. Henderson County's FY 2013 allocation is increased by \$5,807 from FY 2012 (though still reduced by \$44,414 from FY 2011 funding levels).

The County receives these grant funds annually and passes them through to Western Carolina Community Action (WCCA), the NCDOT designated Henderson County transit provider. WCCA provides transit services according to specified performance standards and supplies the required matching funds for the grant. The grant funds provide for senior and disabled transportation programs, transportation for a WorkFirst education program, the continuation of public transit service to Edneyville, and demand response transit for citizens who live in other rural areas of Henderson County.

Notices of the public hearing were published (in English) in The Hendersonville Tribune and (in Spanish) in La Voz Independiente on Thursday, May 24, 2012. The two notices fulfill NCDOT requirements for this grant application.

The Board of Commissioners must hold a public hearing on the application. Staff requests the Board approve the Certified Statement and authorize staff to file the application with the NCDOT subject to any comments at the hearing. No County funds are required for this program.

Public Input

There was none.

Commissioner Young made the motion that the Board approves the Certified Statement and authorizes staff to execute all required documents for the FY 2013 ROAP grant application. The motion passed 4-1 with Commissioner O'Connor voting nay.

Commissioner Young made the motion that the Board go out of public hearing. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENT

1. Dr. George Jones – Mr. Jones spoke in favor of the Historic Resources Commission (HRC) and asked the Board to endorse the new guidelines.
2. Susan Sneeringer – Ms. Sneeringer is the Chair of the HRC and asked the Board to review and approve the guidelines submitted in order for them to apply from grants by the state.
3. Bette Carter – Ms. Carter is a member of the HRC and asked the Board to approve the guidelines.
4. Stephen Fosberg - Mr. Fosberg is the Laurel Park Representative for the HRC and asked the Board to support the guidelines.
5. Ronald Schultz – Mr. Schultz represents District #1 for the HRC and asked the Board to support the guidelines.

6. Gayle Sams – Ms. Sams is with the Office of Emergency Management of Pardee Hospital. Pardee is the only stroke capable hospital in Henderson County. When people have symptoms of a stroke, they should get to the hospital immediately.
7. Beth Long – Ms. Long reminded the Board of Pardee Hospital's ISO Accreditation – the only hospital in the Carolina's to receive this status.
8. Terry Natwick – Ms. Natwick works for the Community Partnership for Pets (CPPI). She feels CPPI has been instrumental with their spay/neuter program in Henderson County. CPPI cannot continue with the program without funding.
9. Jill Lydic – Ms. Lydic feels CPPI goes above and beyond helping Henderson County citizens. She requested funding for the program.
10. Mary Cervini – Mrs. Cervini is a co-founder of CPPI. She feels the spay/neuter program provided by CPPI has helped control the animal population and required less euthanasia of animals. In order to continue they must have funding.
11. Mike Cervini – Mr. Cervini is a co-founder of CPPI. He feels if CPPI does not receive funding, the number of animals at the Henderson County Animal Shelter will rise, the number of calls received by the Sheriff's office will increase, and fewer animals will receive rabies vaccinations. He asked the Board to fund CPPI's \$86,000 request.
12. Liz Kendall – Ms. Kendall is with the Blue Ridge Humane Society. She spoke in favor of the CPPI spay/neuter program and feels Henderson County has the responsibility to help.
13. Beverly Hargus – Ms. Hargus is a veterinarian. She noted that CPPI spay/neuter program is available to anyone for free or low cost. She feels the longer an animal goes without being spayed or neutered negatively effects the health of the animal.
14. Tony Youngblood – Ms. Youngblood works at Animals R-US. She feels CPPI's spay/neuter program is a great program. The number one reason most people don't spay or neuter their pets is the cost. She asked the Board to fund CPPI's request for \$86,000.
15. Tom Sanders – Mr. Sanders is the owner of the Blue Ridge Pizza Company. He has applied for and ABC Permit and needed to know what is necessary to move forward.
16. Patrick Ryan – Mr. Ryan asked the Board to support CPPI. The spay/neuter program is the only solution to the overpopulation of animals in Henderson County.
17. Eleanor VanSant - Ms. VanSant is an independent rescuer. Spaying and neutering is critical. By funding CPPI the county will save money and have fewer animals to be euthanized.
18. Pat deLemos – Ms. deLemos commended Brad Rayfield for the job he is doing at Animal Services. She asked the Board to support CPPI by funding their program. Ms. deLemos feels an additional animal officer is needed in Henderson County.
19. Helen Banks – Ms. Banks feels CPPI should be funded in order to control animal population.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Messer made the motion to adopt the Agenda with the addition of a closed session and discussion of Pardee Hospital business aspects. All voted in favor and the motion carried.

CONSENT AGENDA

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

CONSENT AGENDA consisted of the following:

Minutes

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

- May 16, 2012 – Regularly Scheduled Meeting
- May 22, 2012 – Special Called Meeting
- May 29, 2012 – Special Called Meeting

Tax Collector's Report

Tax Collector Clerk Kathy Johnson had presented the Tax Collector's Report to the Commissioners dated May 25, 2012 for information only. No action was required.

County Financial Report/Case Balance Report – April 2012

The April 2012 County Financial Report and Cash Balance Report were 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 April:

- Dues/Non-Profit Contributions – 4th quarter non-profit contribution payments
- Information Technology – encumbrances for capital and non-capital technology purchases appropriated in the current fiscal year
- Criminal Justice Partnership Program – 100 percent grant funded program
- Rescue Squad – 4th quarter non-profit contribution payment
- Economic Development – pass through incentive payment of \$240,000 from the state to UPM/Raflatac.
- Mental Health – payment of mental health maintenance of effort funds appropriated for the fiscal year

The YTD deficit in the Emergency Telephone System (911) Fund is due to the payment of annual debt service (\$106,235.53) on financing for the 911 system upgrade and a transfer to the General Fund for eligible property addressing expenditures. Fund balance of \$109,755 was appropriated to cover expenditures in this Fund for FY2012.

The YTD deficit in the CDBG – the Mud Creek Grant Project Fund and the CDBG – Talley Drive Grant 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 project expenditures for the new ICE vehicle storage building, new vehicles and the purchase of equipment. Most of these expenditures have been covered through the appropriation of available fund balance in the ICE Fund. Also, due to a timing delay in receiving payments - federal ICE revenues for April will not be received and posted until June 2012.

The YTD deficit in the Solid Waste Landfill Fund is due to expenditures made for the Solid Waste Capital Improvements Project. Fund balance of \$1,950,000 was appropriated to pay for approximately 50 percent of the project expenditures in FY2012.

Motion:

I move that the Board of Commissioners approve the April 2012 County Financial Report and Cash Balance Report as presented.

Public Schools Financial Reports – April 2012

The Henderson County Public Schools provided the April 2012 Local Current Expense Fund and Other Restricted Funds Financial Reports for the Board's information.

Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools April 2012 Financial Reports as presented.

Public Transit Fund Budget Amendment – CNG Storage Spheres & Vehicles

The Engineering Department applied for and received a Blue Skies & Green Jobs grant for up to \$230,048.00 to purchase additional compressed natural gas (CNG) storage spheres that expand storage capacity for the County's CNG fueling station. This project allows the CNG station to serve a greater number of vehicles and significantly reduce the County's fuel costs for vehicles using CNG. The original CNG fueling station was completed in 2011 as a result of a transit grant. The Finance Department desires to route these additional funds through the Public Transit Fund.

The new funds also provide for the conversion to CNG of two trucks for the Cane Creek Water & Sewer District with a possible conversion of another 4 vehicles. This request amends the FY12 budget for the Transit Fund to reflect the additional revenues and expenditures associated with this project. This grant was approved by the Board of Commissioners on March 5, 2012. No County funds are required.

Motion:

I move that the Board approves the budget amendment, for the Transit Fund, as indicated in the attached form and authorize any unspent funds to be carried over to FY13.

Western Highlands Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended March 31, 2012

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The attached FMR for Western Highlands Area Authority was received by the County Finance Officer on May 10, 2012.

Motion:

I move that the Board of Commissioners approves the Western Highlands Area Authority Fiscal Monitoring Report for the quarter ended March 31, 2012.

Amendment 1 to the FY 13 Consolidated Agreement between the State of North Carolina, Division of Public Health and the Henderson County Department of Public Health

The FY 13 Consolidated Agreement between the State of North Carolina, Division of Public Health and the Henderson County Department of Public Health that was approved at the Henderson County Board of County Commissioners May 5, 2012 meeting has been amended with Amendment 1, which is a minor change merely allowing public health disciplines in addition to nursing to receive training in Management and Supervision for Public Health. Amendment 1 does not affect funding or any critical policies or procedures for this local agency.

Motion:

I motion that Amendment 1 be approved and be incorporated into the FY 2013 Consolidated Agreement between the North Carolina Division of Public Health and the Henderson County Department of Public Health.

Engineering Firm Selection for Ferncliff Park & Sierra Nevada Water & Sewer Infrastructure

Henderson County anticipates receiving funds from the N.C. Department of Commerce and the N.C. Rural Center (NCRC) to construct water and sewer infrastructure to Ferncliff Industrial Park. The County also anticipates receiving funds from the NCRC to construct on-site water and sewer infrastructure for the Sierra Nevada facility.

The Ferncliff Park project includes extending about 6,500 linear feet (LF) of waterline and 950 LF of

sewer line to the Ferncliff Industrial Park and Sierra Nevada Brewing facility site (total cost estimated at \$533,148.10). This project will be funded by a CDBG and the NCRC. A local match of \$26,657.40 is required which staff anticipates using a portion of the Sierra Nevada incentive payment to meet that local match requirement.

The Sierra Nevada on-site project includes constructing 5,600 LF of private waterline and 2,000 LF of private sewer line using funds from NCRC, Sierra Nevada Brewing, and a local match of \$10,086.92 (total cost estimated at \$406,767.10). Staff anticipates using the incentive payment to Sierra Nevada to meet this required local match.

As part of the procurement requirements associated with the grants and state law, the Planning Department released and advertised two RFQs for Engineering Services. After review of the engineering proposals, staff determined that the statements submitted by Lapsley & Associates meet the project requirements. Lapsley & Associates appears very well qualified, is a local firm, and possesses a high degree of familiarity with the project. The submitted proposals are available in the Planning Department for inspection.

Staff determined that Lapsley & Associates is well-qualified for the proposed work. To provide project continuity and construction efficiency, staff recommends that the Board select Lapsley & Associates for both projects. Two agreements are necessary for accounting purposes.

Motion:

I move that the Board select Lapsley & Associates as the engineering firm for the Ferncliff Park & Sierra Nevada water and sewer projects and authorize staff to negotiate with Lapsley & Associates to develop agreements for engineering services and return the agreements to the Board for approval.

Submitting Engineering Firms – CDBG/NCRC Project: Ferncliff Park Water & Sewer Improvements

Davis & Floyd
Contact: Genes Haynes
1305 N. Center St.
Hickory, NC 28601

Lamm Engineering Associates, PLLC
Contact: T. Andy Lamm, PE
4705 Lord Nelson Court
Raleigh, NC 27610

McGill Associates
Contact: Mark Cathey, PE
55 Broad St.
Asheville, NC 28801

Vaughn & Melton
Contact: Michael A. Calhoun, PE
1318-F Patton Avenue
Asheville, NC 28806

William G. Lapsley & Associates, P.A.
Contact: William G. Lapsley, PE
One Town Square Blvd, Suite 320
Asheville, NC 28803

Submitting Engineering Firms – NCRC Project: Sierra Nevada Brewing Water & Sewer On-Site

Improvements

Davis & Floyd
Contact: Genes Haynes
1305 N. Center St.
Hickory, NC 28601

William G. Lapsley & Associates, P.A.
Contact: William G. Lapsley, PE
One Town Square Blvd, Suite 320
Asheville, NC 28803

NOMINATIONS

1. Blue Ridge Community College Board of Trustees – 1 vac.

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

2. Community Planning Committee for Green River, Tuxedo & Green River – 1 vac.

Commissioner O'Connor nominated Anne Coletta as the Flat Rock Representative to position #12. *Chairman Thompson made the motion to accept the appointment of Anne Coletta to position #12 by acclamation. All voted in favor and the motion carried.*

3. Environmental Advisory Committee – 2 vac.

Commissioner Young nominated Dr. Robert A. Sweeney for reappointment to position #3. *Chairman Thompson made the motion to accept the reappointment of Dr. Robert A. Sweeney to position #3 by acclamation. All voted in favor and the motion carried.*

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

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

5. Fire and Rescue Advisory Committee – 2 vac.

Commissioner O'Connor nominated John Cudd for reappointment to position #1 and Christopher Mark Moore for reappointment to position #5. *Chairman Thompson made the motion to accept the reappointments of John Cudd to position #1 and Christopher Mark Moore to position #5 by acclamation. All voted in favor and the motion carried.*

6. Green River, Tuxedo, Zirconia PARK Planning Committee – 3 vac.

Commissioner O'Connor nominated Yates Pharr for position #5. Commissioner Edney nominated Karen Saine for position #6. Chairman Thompson nominated Randall Chet for position #7.

With only one other application on file, *Commissioner Messer made the motion that an additional position be added to accommodate the 8th application. All voted in favor and the motion carried.*

Commissioner Messer nominated David Worley for position #8. *Chairman Thompson made the motion to accept the appointments of Yates Pharr to position #5, Karen Saine to position #6, Randall Chet to position #7, and David Worley to position #8 by acclamation. All voted in favor and the motion carried.*

Commissioner Messer made the motion to appoint Terry Maybin as the Chair of the Green River, Tuxedo, Zirconia PARK Planning Committee. All voted in favor and the motion carried.

7. Henderson County Board of Health – 4 vac.

Commissioner O'Connor nominated Terry Hicks for reappointment to position #10. *Chairman Thompson made the motion to accept the reappointment of Terry Hicks to position #10 by acclamation. All voted in favor and the motion carried.*

8. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 3 vac.

Commissioner O'Connor nominated John Boyd for reappointment to position #9. Commissioner Messer nominated Doris Eklund for position #7. Commissioner Young nominated Marian Lowry for position #8. *Chairman Thompson made the motion to accept the reappointment of John Boyd to position #9, the appointments of Doris Eklund to position #7 and Marian Lowry to position #8 by acclamation. All voted in favor and the motion carried.*

9. Historic Resources Commission – 3 vac.

Commissioner Messer nominated for reappointment Terry Ruscin for position #1 and Dries Jansma for position #7. *Chairman Thompson made the motion to accept the reappointments of Terry Ruscin to position #1 and Dries Jansma to position #7 by acclamation. All voted in favor and the motion carried.*

10. Juvenile Crime Prevention Council – 8 vac.

Chairman Thompson nominated Karen Saine for reappointment to position #18. *Chairman Thompson made the motion to accept the reappointment of Karen Saine to position #18 by acclamation. All voted in favor and the motion carried.*

11. Mountain Area Workforce Development Board – 4 vac.

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

12. 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.

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

Commissioner O'Connor nominated Philip Martin Anderson for reappointment to position #19. *Chairman Thompson made the motion to accept the reappointment of Philip Martin Anderson to position #19 by acclamation. All voted in favor and the motion carried.*

14. Senior Volunteer Services Advisory Council – 2 vac.

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

15. Smartstart – 1 vac.

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

16. Travel & Tourism Committee – 1 vac.

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

FY 2013 BUDGET ORDINANCE

Staff provided the FY 2013 Budget Ordinance for Board review and adoption at this meeting. County Manager Steve Wyatt stated that the Tax Rate can only be amended by a judge after adoption of the budget ordinance. Anything else can be changed during the year.

The following motions were made by the Board in regard to the FY2013 Budget during this meeting:

ANIMAL SERVICES

Commissioner Edney made a motion to increase the Animal Services budget by \$50,000 for spay/neuter financial assistance. All voted in favor and the motion carried.

HENDERSON COUNTY PUBLIC SCHOOLS

Commissioner Edney requested that the total line items be combined requiring a monthly report on capital projects by David Berry to the Board of Commissioners.

BLUE RIDGE COMMUNITY COLLEGE

Chairman Thompson made the motion to fully fund Blue Ridge Community College for operating and Capital Requests of \$2,825,977.00, an increase of \$547,333.00. All voted in favor and the motion carried.

FLAT ROCK PLAYHOUSE

Commissioner Young made the motion not to fund Flat Rock Playhouse. The motion failed 1-4 with Commissioners Messer, Thompson, O'Connor, and Edney voting nay.

ENVIRONMENTAL HEALTH

Commissioner O'Connor made the motion to decrease the yearly fee for tattoo parlors from \$300 to \$20. The motion passed 3-2 with Commissioner Messer and Young noting nay.

Commissioner O'Connor made the motion to decrease the fee for inspecting public swimming pools from \$250 for one pool and \$300 for multiple pools, to \$50 per location. The motion passed 3-2 with Commissioners Young and Messer voting nay.

HENDERSON COUNTY

Commissioner O'Connor made the motion to increase all budgets in the County to FY2011 Budget as done with schools. The motion failed 1-4 with Commissioners Messer, Thompson, Young, and Edney voting nay.

TAX RATE/FUNDING OF DEFICIT

Commissioner Messer made the motion to leave the tax rate for FY2013 at \$.5136 and fund the deficit of \$5,617,206.00 out of the general fund. The motion passed 3-2 with Commissioner Young and O'Connor voting nay.

Chairman Thompson elected to move forward with discussion items and return to budget discussion at the end of the agenda.

ARCHITECTURAL AMENDMENT WITH MOSELEY & ASSOCIATES DESIGN OF 1995 COURTHOUSE (95CH) RENOVATIONS

Engineer Marcus Jones stated with the selection and contracting of Moseley & Associates as the Architect for the Law Enforcement Center, Renovations at the Old Health Building and planning for the Space Allocation of the 95 CH, staff has negotiated a proposed amendment to their agreement for \$92,938. The scope of services is to perform design, permitting and bidding for the Renovations to the 95 CH.

The Renovations to the 95 CH provide expansion space for the occupants as well as update the security for the building and parking areas. The amendment is based on layout drawings for the three floors and parking; the drawings are attachments to the amendment. These layouts are the result of a detailed planning process between Moseley and the occupants of the 95 CH over the past several months. Stan Duncan, Director for the Tax Department, has indicated that the project's schedule has become critical in order to not have a negative impact on his operations; at least a portion of the Department needs to

relocate by late Fall 2012. Fortunately, the Department has completed the planning phase of the project and is prepared to move onto design.

Unfortunately at the time this agenda memo was published, there are still notable concerns from several of the other occupants that will be located on the top two floors. Therefore, the planning phase will need to continue the agencies on these floors prior to moving into design. The Tax Department will be located on the ground floor with the IT Department and its relocation is not dependent on the other agencies. It is possible if needed to let separate construction contracts for the Tax Department and then the remainder of the agencies to accommodate the Department's aggressive schedule.

A budget for the renovations has not been established by the Board of Commissioners to date. However, a budgetary cost estimate for the renovations is also attached to the amendment; the total project cost from the estimate is \$1.7 million. This is a conservative estimate reflecting the extensive renovations requested by the occupants. Of course, the scope of the design can be scaled back to meet a lower budget or a construction contract can be developed to provide bid options to meet a lower budget. Any reductions to the amendment scope or construction contract would be based on the Board priorities. We do not anticipate the completion of the planning phase to change the estimate significantly or the scope of the proposed amendment. Construction Administration has been deleted from the amendment reducing the fee by over \$20,000.

Commissioner Thompson made the motion that the Board approves the designation of \$1,000,000 from the Capital Reserve Fund for the total project budget for renovations to the 1995 Courthouse. All voted in favor and the motion carried.

JACKSON PARK CONCESSION OPTIONS

Parks Director Tim Hopkins stated the Parks and Recreation Department has studied outsourcing the concessions stands at Jackson Park. Three concessions stands are situated at Jackson Park. It is proposed that the two concessions stands at field #4 and field 8&9 which service the Adult Softball program be considered for outsourcing.

The expenses and the revenues from operating the concessions fluctuate. The concessions operates currently more as convenience to park patrons. By charging a fee or splitting a percentage of revenues collected by a contracted concessionaire a more consistent source of revenue may be achieved. Hiring an outside concessionaire may also allow for a more diverse and expanded offering of foods and drinks.

The outsourcing of concessions is a common practice among various parks and recreation departments across the state. Through a competitive bid process we can look to find a possible partnership that would enhance our concessions services to the public.

It is requested that the BOC discuss some possible options:

- Continue to operate as we have in the past. Hire staff, stock with product, collect revenue.
- Seek groups, organizations, companies to handle all aspects of concessions (contract out)
- Offer no concessions services.

The expenses and the revenues from operating the concessions fluctuate. The concession stands operates currently more as convenience to park patrons.

- By charging a fee or splitting a percentage of revenues collected by a concessionaire, a more consistent source of revenue may be achieved.
- Hiring an outside concessionaire may also allow for a more diverse and expanded offering of food and drinks.

- The outsourcing of concessions is a common practice among various parks and recreation department across the state. Through a competitive bid process we can look to find a possible partnership that would enhance our concessions services to the public.

The Board determined that a study of the concession stands at Jackson Park needs to be completed.

TRAFFIC CALMING MEASURES IN JACKSON PARK

Parks Director Tim Hopkin stated as Jackson Park continues to be used as a way to cut through from one side of town to another, measures to curb the speed of vehicles and ensure public safety must be taken. As more and more park users choose to enjoy the trails and greenway in Jackson Park, the safety of these park users must be considered. As walkers, runners, and cyclists look to cross the park road (4th Ave. East) at the speed tables/cross walks it is safest if traffic comes to a full stop. The drivers that currently travel into, out of and just through the park have a tendency to use excessive speed traveling through the eastern side of the park.

Staff is supportive of the proposal to add traffic calming measures to enhance safety along 4th Ave. East in Jackson Park. It is requested that the Board of Commissioners discuss possible options.

- Add 2-Way stop signs at the 3 cross walks along 4th Ave East leading to Parks and Recreation office.
- Add 3-Way stop signs at the road leading to former BMX/Dog Area and at the entrance to Parks and Recreation office parking lot.
- Redesign the speed tables to ensure that speed is reduced at designated cross walks.
- Leave the road as it is.

It was the consensus of the Board to approve placement of stop signs at the crosswalks and to have staff seek the assistance of the Sheriff to place Deputies in the park with speed guns and issue tickets to speeders.

BENT CREEK PROPERTY EXTENSION

County Attorney Russ Burrell stated an extension of the term of the condition of the property deed for the approximately 137 acres in Buncombe County (“the Bent Creek property”) titled in Henderson County (though subject to a condition that it be conveyed to Metropolitan Sewerage District for use as a regional sewer facility or revert to Asheville) has been obtained. Title to this property, subject to the stated condition, was obtained in 2002. This extension has been approved by the Asheville City Council.

Commissioner Messer made the motion that the Board approves the proposed extension. All voted in favor and the motion carried.

ABC BOARD ISSUES

County Attorney Russ Burrell stated with the May 8, 2012 passage of the alcoholic beverage referenda in Henderson County, the Board may now wish to consider the establishment of a County Alcoholic Beverage Control (“ABC”) Board.

Commissioner O’Connor made the motion that the board establishes a three (3) member Board for the Henderson County Alcoholic Beverage Control Board to operate under Chapter 18B of the General Statutes. All voted in favor and the motion carried.

PARDEE HOSPITAL BUSINESS ASPECTS – ADD ON

Commissioner O’Connor was concerned with the agreement between Pardee Hospital and Mission Hospital. *Commissioner O’Connor made the motion that the Board seeks RFQs to purchase Pardee Hospital in order to find out it’s worth. The motion failed 1-4 with Commissioners Messer, Young, Thompson, and Edney voting nay.*

FY 2013 BUDGET ORDINANCE – CONTINUED

Commissioner Messer made the motion that the Board adopts the FY2012-2013 Budget, and further moves that the Chairman be authorized to execute the Budget Ordinance to be effective July 1, 2012. The motion failed 2-3 with Commissioners Young, O'Connor and Edney voting nay.

Commissioner Edney made the motion to reconsider, and adopt the Ordinance. The motion passed 4-1 with Commissioner O'Connor voting nay.

The Fiscal Year July 1, 2012 – June 30, 2013 Budget Ordinance is hereby attached and incorporated as a part of the minutes.

			Total Budget as of May 29, 2012	Total Fund Balance as of May 29, 2012	
June 4, 2012 Budget Meeting Discussion		Reductions	Additions	\$106,900,139	\$4,996,873
1	Blue Ridge Community College – Full funding for Operating and Capital Requests		\$547,333	\$107,447,472	\$5,544,206
2	Animal Services – Spay Neuter Program		\$50,000	\$107,497,472	\$5,594,206
3	Fee schedule for Environmental Health (increase fund balance but not total budget)		\$23,000	\$107,497,472	\$5,617,206
Totals following June 4, 2012		\$3,219	\$2,453,844	\$107,497,472	\$5,617,206

COUNTY MANAGER’S REPORT

There was nothing further at this time.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reason(s):

Pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Commissioner Messer made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5). All voted in favor and the motion carried.

ADJOURN

Chairman Thompson made the motion to go out of closed session and adjourn at 10:10 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

May 25, 2012

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

Please find outlined below collections information through May 26th for the 2011 bills mailed out on 19 August 2011, 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:

2011 Total Charge: \$57,629,240.73
Payments & Releases: 56,224,141.08
Unpaid Taxes: 1,405,099.65
Percentage collected: 97.56%
(through 05/25/2012.)

2010 Total Charge: \$57,524,414.37
Payments & Releases 56,018,863.58
Unpaid Taxes: 1,505,550.79
Percentage Collected: 97.38%
(through 05/25/2011)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$4,170,638.57
Payments & Releases: 3,562,752.91
Unpaid Taxes: 607,885.66
Percentage collected: 85.42%
(through 05/25/2012)

2010 Total Charge: \$3,771,693.77
Payments & Releases: 3,447,715.11
Unpaid Taxes: 323,978.66
Percentage collected: 91.41%
(through 05/25/2011)

Fire Districts All Bills

2011 Total Charge: \$6,852,685.19
Payments & Releases: 6,610,886.23
Unpaid Taxes: 241,798.96
Percentage Collected: 96.47%
(through 05/25/2012)

2010 Total Charge: \$6,705,703.16
Payments & Releases: 6,435,350.62
Unpaid Taxes: 270,352.54
Percentage Collected: 95.97%
(through 05/25/2011)

Respectfully submitted,



Kathy Johnson
Tax Collections Clerk

Stan C. Duncan
Tax Collector

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Planning - Public Transit Fund

Please make the following line-item transfers:

What expense line-item is to be increased?

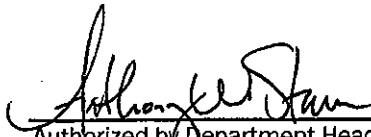
Account	Line-Item Description	Amount
<u>335497-538100</u>	<u>Professional Services</u>	<u>\$ 7,500</u>
<u>335497-555000</u>	<u>Capital Outlay - Bldgs</u>	<u>\$ 154,760</u>
<u>335497-535300</u>	<u>Maint & Repair Vehicles</u>	<u>\$ 67,788</u>
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>334497-455000</u>	<u>State Funds</u>	<u>\$ 230,048</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Grant funding awarded for the purposes of acquisition of 4 additional CNG spheres for the fueling station and upfitting of 2 Cane Creek's vehicles plus an additional 4 vehicles. Project is managed by the Engineering Department. Funding routed through Transit Fund since original transit grant paid for the CNG Station.



 Authorized by Department Head

5.22.2012

 Date

 Authorized by Budget Office

 Date

 Authorized by County Manager

 Date

For Budget Use Only

Batch # _____

Batch Date _____



City of Asheville
Office of the City Attorney

P.O. Box 7148
Asheville, NC 28802
828-259-5610
fax: 828-259-5475
www.ashevillenc.gov

May 29, 2012

Mr. C. Russell Burrell
Henderson County Attorney
One Historic Courthouse Square
Suite 5
Hendersonville, NC 28792

Re: Extension of Condition/Brevard Road

Dear Russ:

Enclosed is the Extension of Condition for the Brevard Road property. It has been executed by the City.

After the document has been recorded, please provide me with the book and page where it is recorded, or send me a copy of the recorded document.

Thank you and I look forward to continuing our discussion on the water system.

Sincerely,

Robert W. Oast, Jr.
City Attorney

RWOjr./sc

Enclosure

cc: Gary Jackson, City Manager
Steve Shoaf, Water Resources Director

Prepared by: Robert W. Oast, Jr., City Attorney

Return to: Russell Burrell, Henderson County Attorney, 1 Historic Courthouse Square,
Hendersonville, NC 28792

STATE OF NORTH CAROLINA

EXTENSION OF CONDITION

COUNTY OF BUNCOMBE

THIS EXTENSION made and entered into this ____ day of _____, 2012, by and between **CITY OF ASHEVILLE**, a municipal corporation organized and existing under the laws of the State of North Carolina, having an address of PO Box 7148, Asheville, NC 28802-7148, of Buncombe County and State of North Carolina (hereinafter "Grantor"), and **COUNTY OF HENDERSON**, a North Carolina body politic and corporate, having an address of 100 North King Street, Hendersonville, North Carolina, 28792, of Henderson County and State of North Carolina (hereinafter "Grantee");

WITNESSETH:

WHEREAS, by Special Warranty Deed recorded on July 15, 2002, in Deed Book 2852 at page 775 in the Buncombe County Registry (herein "2002 Deed"), Grantor conveyed to the Grantee certain property located on Brevard Road, consisting of approximately 137 acres, more or less, which property is described in detail in the 2002

Deed and in a plat recorded in Plat Book 50 at page 107 in the Buncombe County Registry (herein "Brevard Road Site"); and

WHEREAS, the 2002 Deed contains the following condition:

SUBJECT, HOWEVER, to the provisions of the First Amended and Restated Regional Water Supply and Water Service Agreement (hereinafter "the Regional Water Agreement") dated November 11, 1995 between COUNTY OF HENDERSON, a body politic and corporate, THE CANE CREEK WATER AND SEWER DISTRICT, a municipal body created pursuant to Chapter 162A-86 et seq. of the North Carolina General Statutes, THE ASHEVILLE/BUNCOMBE WATER AUTHORITY (aka THE REGIONAL WATER AUTHORITY OF ASHEVILLE BUNCOMBE AND HENDERSON), a joint agency created pursuant to Chapter 160A-460 et seq. of the North Carolina General Statutes, the CITY OF ASHEVILLE, a municipal corporation, and the COUNTY OF BUNCOMBE, a body politic and corporate, in particular Paragraph 22.0 which states:

Asheville shall convey the Brevard Road Site to Henderson County to permit Henderson County to negotiate with MSD for sewer services. Henderson County shall either: 1) convey the Brevard Road Site to MSD in fee simple upon condition subsequent that a wastewater treatment plant be constructed on the Brevard Road Site within ten (10) years of the date of such conveyance, or else title shall revert automatically to Asheville; or 2) convey said property to a regional water and sewer authority of which Henderson County, the Authority, and Asheville are a part. In the event that Henderson County shall not perform numbers 1) or 2) above with ten years from the date of conveyance of the Brevard Road Site to Henderson County, Henderson County shall convey the Brevard Road Site back to Asheville in fee simple absolute.

("MSD") refers to the Metropolitan Sewerage District of Buncombe County, a copy of the Regional Water Agreement may be found in Part V, Chapter 503, of the Henderson County Code.)

WHEREAS, Grantor and Grantee now wish to extend the time within which said condition is to be satisfied;

NOW, THEREFORE, in consideration of the sum of \$10.00, and for other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the parties agree that the language quoted above shall be deemed to be modified, as follows:

That portion of the second indented paragraph, above, beginning with the words "Henderson County shall either . . ." and continuing to the end such paragraph shall be modified by striking the same, and replacing it with the following:

Henderson County shall either: 1) convey the Brevard Road Site to MSD in fee simple upon condition subsequent that a wastewater treatment plant be constructed on the Brevard Road Site within twelve (12) years of the date of such conveyance, or else title shall revert automatically to Asheville; or 2) convey said property to a regional water and sewer authority of which Henderson County, the Authority, and Asheville are a part. In the event that Henderson County shall not perform numbers 1) or 2) above within twelve years from the date of conveyance of the Brevard Road Site to Henderson County, Henderson County shall convey the Brevard Road Site back to Asheville in fee simple absolute.

The date of conveyance is agreed by the parties to be July 15, 2002, the date of recordation of the 2002 Deed. The date by which Henderson County must perform numbers 1) or 2) in the foregoing paragraph is therefore July 15, 2014.

IN WITNESS WHEREOF, the parties have executed this Extension, the Grantor by causing it to be signed in its corporate name by its City Manager and attested by its City Clerk, and sealed with its corporate seal, and the Grantee by causing it to be signed by the Chairman of its Board of Commissioners and attested by the Clerk to the Board of Commissioners and sealed with its seal, on the day and year first above written.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Attest:

CITY OF ASHEVILLE

Magdalen Burleson
Magdalen Burleson, City Clerk
(official seal)

By: Gary W. Jackson
Gary W. Jackson, City Manager

HENDERSON COUNTY BOARD OF
COMMISSIONERS

Attest:

Teresa L. Wilson
Teresa Wilson, Clerk to the Board
(official seal)

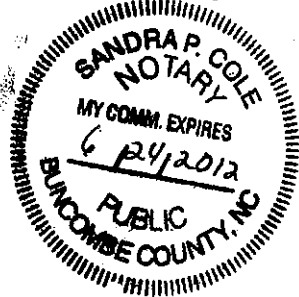
By: Thomas H. Thompson
THOMAS H. THOMPSON, Chairman



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Sandra P. Cole, a Notary Public of the County and State aforesaid certify that Magdalen Burleson personally came before me this day and acknowledged that she is the City Clerk of the City of Asheville, a North Carolina municipal corporation, and that by authority given and as the act of the corporation, that foregoing instrument was signed in its name by its City Manager and attested by herself as its City Clerk.

WITNESS my hand and notarial seal this 24 day of May, 2012.

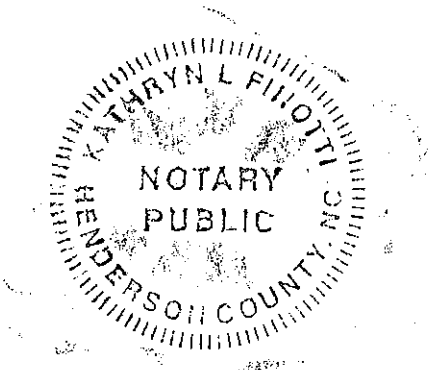


Sandra P. Cole
Notary Public
Print or type name Sandra P. Cole
My Commission Expires: 6-24-2012

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Kathryn L. Finotti, a Notary Public of the County and State aforesaid certify that Teresa Wilson personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Henderson County, North Carolina, and that by authority given and as the act of the Board, that foregoing instrument was signed in the name of the County by the Chairman of the Board of Commissioners and attested by herself as the Board's Clerk.

WITNESS my hand and notarial seal this 5th day of June, 2012.



Kathryn L. Finotti
Notary Public
Print or type name Kathryn L. Finotti
My Commission Expires: 3-23-13



Henderson County, North Carolina

Budget Ordinance

Fiscal Year July 1, 2012 - June 30, 2013

Preamble

The County Manager's proposed budget for the Fiscal Year beginning July 1, 2012, and ending June 30, 2013 ("FY2013") was presented to the Henderson County Board of Commissioners on May 16, 2012, 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 May 29, 2012.

The following Ordinance was offered by Commissioner Messer, on June 4, 2012, who moved its adoption. The motion failed, Commissioners Edney, O'Connor and Young voting against. Commissioner Edney then moved to reconsider, and adopt this Ordinance.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
HENDERSON COUNTY, NORTH CAROLINA, THIS 4TH DAY OF
JUNE, 2012:**

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 FY2013. 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.

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, 2012 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	\$ 352,937
Dues & Non-Profit Contributions	483,695
County Manager	305,107
Administrative Services	407,167
Human Resources	530,512
Elections	783,672
Finance	704,745
Assessor	1,706,312
Tax Collections	431,301
Legal	647,561
Register of Deeds	376,901
Engineering & Facility Services - Central Services Division	2,272,696
Engineering & Facility Services - Garage Division	267,130
Court Facilities	190,000
Information Technology	1,790,245
Sheriff	12,025,940
Detention Facility	4,230,795
Emergency Services - Emergency Management Division	204,778
Emergency Services - Fire Marshal Division	412,112
Building Services	801,826
Wellness Clinic	380,685
Emergency Services - Emergency Medical Services Division	3,930,229
Code Enforcement - Animal Control Division	563,601
Rescue Squad	110,360
Forestry Services	65,899
Soil & Water Conservation District	264,061
Engineering & Facility Services - Utilities Division	278,282
Planning	538,674
Code Enforcement	244,887
Cooperative Extension	321,326
Economic Development	510,801
Public Health	5,871,667
Public Health - Environmental Health Division	937,464
Home & Community Care Block Grant (H&CCBG)	768,216
Medical Services - Autopsies	46,250
Mental Health -- Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	267,294
Social Services	11,784,066
Social Services - Smart Start Program	535,741
Social Services - Federal & State Programs	6,563,273
Social Services - General Assistance Division	57,000
Juvenile Justice Grant	193,745
Veterans Services	44,888
Public Library	2,864,975
Recreation	1,418,049
Public School System	21,200,000
Blue Ridge Community College	2,825,977
Public Schools Debt Service	8,828,949
Community College Debt Service	1,616,429
General Debt Service	3,932,431
Special Projects	225,000
Transfers to Other Funds	853,209
TOTAL GENERAL FUND APPROPRIATIONS:	\$ 107,497,472

B. Revenues

For the operation of the Henderson County's government and its subdivisions for FY2013, 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	\$ 60,907,749
Current year general levy	\$ 59,132,749
Prior year taxes, interest and penalties	\$ 1,775,000
 County share of (local option only) sales taxes	 \$ 16,066,421
 Other taxes and licenses	 \$ 536,850
Unrestricted intergovernmental revenue	\$ 84,000
Restricted intergovernmental revenue	\$ 17,118,652
Permits and fees	\$ 930,750
Sales and services	\$ 4,808,836
Investment earnings	\$ 350,000
Other revenues	\$ 504,910
Transfers from other funds	\$ 572,098
Fund balance appropriated	\$ 5,617,206
 TOTAL GENERAL FUND REVENUE	 \$ 107,497,472

1. Ad Valorem Tax Levy

That there is hereby levied for FY2013 the following rate of property tax 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, 2012, 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 \$12,000,000,000 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 2013 at \$650,291.

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 FY2013:

Revenues	\$ 200,000
Appropriations	\$ 200,000

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Section 3 – Fire Districts Fund

The following is hereby appropriated and revenues estimated to be available in the Fire Districts Fund for FY2013 for payment to the appropriate corporation providing fire protection within each district:

Revenues	\$ 6,838,321
Appropriations	\$ 6,838,321
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	.065
Mills River	.075
Mountain Home	.105
Raven Rock	.085
Valley Hill	.080
Valley Hill II	.080

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 FY2013:

Revenues	\$ 650,291
Appropriations	\$ 650,291

B. Travel & Tourism Fund

The following is hereby appropriated and revenues estimated to be available in the Travel & Tourism Fund for FY2013, in revenue from the Henderson County Room Occupancy Tax (North Carolina Session Law 1987-172).

Revenues	\$ 1,297,081
Appropriations	\$ 1,297,081

C. 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 FY2013:

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

(2) Talley Drive Project Fund

The following is hereby appropriated and revenues estimated to be available in the Community Block Development Grant: Talley Drive Project Fund for FY2013:

Revenues	\$ 850,000
Appropriations	\$ 850,000

D. Emergency Telephone System Fund

The following is hereby appropriated and revenues estimated to be available in the Emergency Telephone System ("E-911") Fund for FY2013 the following (revenues for this fund are based on a \$0.70 surcharge per phone line):

Revenues	\$ 784,562
Appropriations	\$ 784,562

E. Mud Creek Watershed Protection Project Fund

The following is hereby appropriated and revenues estimated to be available in the Mud Creek Watershed Protection Project Fund for FY2013:

Revenues	\$ 255,681
Appropriations	\$ 255,681

F. Public Transit Fund

The following is hereby appropriated and revenues estimated to be available in the Public Transit Program Fund for FY2013:

Revenues	\$ 851,971
Appropriations	\$ 851,971

G. Economic Development Fund

The following is hereby appropriated and revenues estimated to be available in the Economic Development Fund for FY2013:

Revenues	\$ 2,125,000
Appropriations	\$ 2,125,000

H. Immigration and Customs Enforcement Fund

The following is hereby appropriated and revenues estimated to be available in the Immigration and Customs Enforcement Fund for FY2013:

Revenues	\$ 843,908
Appropriations	\$ 843,908

I. Debt Service Fund

The following is hereby appropriated and revenues estimated to be available in the Debt Service Fund for FY 2013:

Revenues	\$ 164,364
Appropriations	\$ 164,364

J. Solid Waste Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Solid Waste Enterprise Fund for FY2013:

Revenues	\$ 4,535,922
Appropriations	\$ 4,535,922

K. Cane Creek Sewer Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Cane Creek Sewer Enterprise Fund for FY2013:

Revenues	\$ 2,877,219
Appropriations	\$ 2,877,219

L. Justice Academy Sewer Fund

The following is hereby appropriated and revenues estimated to be available in the Justice Academy Sewer Fund for FY2013:

Revenues	\$ 38,880
Appropriations	\$ 38,880

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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 such 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 \$17,137, 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 \$10,640, 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 \$ 88,740. 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 \$ 65,453. 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 FY2013. 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.

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Section 8 – Effective Date

This Ordinance shall be effective by its terms for FY2013 upon adoption.

VOTING:

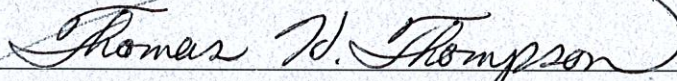
AYES: Four (Thompson, Edney, Messer and Young)

NAYS: One (O'Connor)

Adopted this the 4th day of June, 2012.

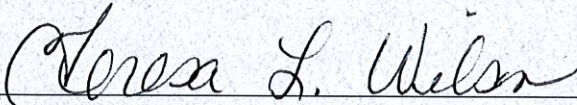
HENDERSON COUNTY BOARD OF COMMISSIONERS

By:



THOMAS H. THOMPSON, Chairman

Attest:



TERESA L. WILSON, Clerk to the Board