

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, APRIL 18, 2012

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the 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 Michael Edney, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, County Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, DSS Director Liston Smith, Officer Jerry Rice, Delinquent Tax Collector Lee King, Central Services Manager David Berry, Assistant County Engineer Natalie Berry, Environmental Programs Coordinator Megan Piner, IT Director Becky Snyder, and Code Enforcement Director Toby Linville.

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 Commissioner Charlie Messer.

INFORMAL PUBLIC COMMENT

1. Barbara White – In favor of solar energy and feels clean electric green energy is good.
2. Richard Freudenberger – In support of small developments of solar energy in communities.
3. Angela Fernandini – In support of solar energy and asked the Board to invest in local technology providing an opportunity for property owners.
4. Barbara Barnett – In support of solar energy and tax credits allowing savings.
5. Wanda Case Tolar – Concerned about NCDOT's plan to build a 4 foot concrete island on Highway 176 preventing left hand turns for southbound traffic. She feels this will be detrimental to already suffering businesses.
6. Janice Parker – Against solar farms, federal and state subsidies, and feels strings are attached to subsidies. All property owners have rights, including the adjoining property.
7. Ellen Rogers – Feels Special Use Permits should be used allowing solar panels. This is a better alternative than logging the land.
8. Danny Barnwell – In favor of solar farms which generate income for citizens.
9. Richard Green – In favor of solar farms. Property owners who are struggling can increase their income and maintain their property.
10. John Green – In favor of solar farms. Solar farms provide clean, safe, reliable, and affordable energy. The farms are insured and monitored, and provide an alternate revenue to help citizens pay their taxes.
11. Dennis Justice – Against the Pardee/Mission Joint Venture. He feels it is a risk.
12. Angela Robbs – Did not speak.
13. Marcia Pace – In favor of solar farms as they will provide additional revenue to help pay her taxes.
14. Glen Enggram – Request the Board look closely at solar farms before making a decision, give more attention to the school budget, and consider a citizen group to look county expenditures.

DATE APPROVED: May 7, 2012

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Messer made the motion to adopt the Agenda with the addition of discussion on a Proclamation for David Rotem, discussion on NCDOT's plan to build a 4 foot concrete divider on Highway 176, and a closed session. All voted in favor and the motion carried.

CONSENT AGENDA

Chairman Thompson made the motion to adopt the Consent Agenda with the exchange of the correct Construction Management Report. 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 2, 2012 – Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated April 5, 2012 for information only. No action was required.

Energy Management Update

An informational update was provided to the Board about the County's energy management use in the areas of electricity, natural gas, fuel and water. It compared the first quarter with previous years to show historical trends.

April Construction Management Update

David Berry had provided the Board of Commissioners with an update on Construction projects around Henderson County. This monthly 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.

Capital/Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report of the Capital and Facilities projects to the Commissioners including activity from January – March, 2012.

Historic Resource Commission Annual Report

The annual report of the Historic Resources Commission was received by the Board of Commissioners.

Budget Amendment – Sierra Nevada Economic Development Incentives

In anticipation of budgetary issues related to the expansion of Sierra Nevada into Henderson County, Staff established a special revenue fund to plan and budget for the economic development incentive payments and infrastructure development costs that will be associated with this project.

The Board is requested to approve a budget amendment, which will appropriate Fund Balance in the amount of \$1,375,000 into the Economic Development Project Fund. This appropriation will cover the FY13 payment to Sierra Nevada.

Motion:

I move the Board of Commissioners approves the Budget Amendment appropriating the funds from Fund Balance, into the Economic Development Project Fund.

Budget Amendment – ICE Program

The Henderson County Sheriff's Office requests the Board approves the budget amendment, appropriating ICE fund balance to fund existing positions within the ICE budget. There are eight positions within the ICE budget, but only five were anticipated to be filled in FY12. With all positions now filled, the budget amendment will appropriate funds to cover those personnel expenditures.

Motion:

I move the Board of Commissioners approves the budget amendment appropriating funds from the ICE fund balance.

Request for Budget Amendment to purchase Northwoods Case File Management Business Solution

Henderson County Department of Social Services, in preparation for North Carolina Families Accessing Services through Technology (NC FAST) implementation and the need to bring automation and tracking workflow to the economic service programs (Food and Nutrition Benefits and Medicaid), is requesting to purchase \$53,575 in necessary hardware and \$209,015 in Document Management software and maintenance from Northwoods Consulting Partners. The system will provide the following benefits and efficiencies:

- Provides scanning and indexing at the point where a document/client enters the agency
- Creates an updated store of case and client information for quick reference and auto-populates information to forms and other applications
- Allows staff to accomplish their daily tasks from a single application
- Stores documents and other information automatically and allows instantaneous access to electronic documents
- Brings automation and trackable workflow to various routine duties
- Will decrease the costs of copying files, paper, and file storage
- Will increase worker efficiency by two (2) hours per day (approx.)

Federal and State reimbursements for the purchase of the hardware and software/maintenance will be \$86,726 which will bring the total cost to \$175,864.

An annual maintenance cost of \$20,570 will be applicable beginning FY 13/14 and on-going. Of this amount, \$4360 is reimbursable.

Motion:

I move Board approval for the Department of Social Services to proceed with technology purchases through a budget amendment as requested.

Electronic record-keeping and transmittal requirements for certain businesses

This ordinance would require certain information required to be kept by pawnbrokers, "cash converters" (essentially purchasers of used goods and materials), "precious metals dealers" and "scrap metal dealers", all as defined by various statutes, to (1) keep the information which is statutorily required in electronic form, and (2) make it available to the Sheriff's Office in electronic form.

The Henderson County Sheriff's Office uses an organization called "Leads Online" (<http://www.leadsonline.com/main/index.php>) to allow the businesses to upload the information without cost and a minimum of effort.

Motion:

I move that the Board adopts the ordinance as present.

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Logs – four (4) included in accordance with the County's Record Retention Policy and the provisions of the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule, a copy of said page was provided, as the period of these records have expired, or they have been scanned and retained in said format.

Motion:

I move the Board approves the Public Records Disposal Request and Destruction Log.

Waterline Extension – Bumont Drive

The City of Hendersonville has requested that the County comment on the proposed water line extension to existing residents on Bumont Drive. The proposed water line is 720 linear feet. The project's location within the Urban Services area is consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet and County Review Sheet with Staff comments were provided for Board review and action.

Motion:

I move that the Board approves the Bumont Drive water line extension and direct Staff to convey the County's comments to the City of Hendersonville.

Notification of Vacancies

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

1. Green River, Tuxedo, Zirconia Small Area Planning Committee – 11 vac.

Commissioner Edney nominated Lillian Lily for position #1. Chairman Thompson made the motion to accept the appointment of Lillian Lily to position #1 by acclamation. All voted in favor and the motion carried.

Nominations

1. Environmental Advisory Committee – 1 vac.

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

2. 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.

3. Henderson County Historic Courthouse/dba Heritage Museum Board – 1 vac.

Commissioner Messer nominated Doris Eklund for position #1. Commissioner O'Connor requested that this item be rolled to the next meeting, in order to allow the Board time to persuade William Barnwell to continue to serve in position #1. It was the consensus of the Board to roll this item.

4. Henderson County Planning Board – 3 vac.

Commissioner Young nominated Steve Dozier for reappointment to position #2, and Boyce Laughter for reappointment to position #7. Commissioner Messer nominated Mike Cooper for reappointment to position #4. *Chairman Thompson made the motion to accept the reappointments of Steve Dozier to position #2, Mike Cooper to position #4, and Boyce Laughter to position #7 by acclamation. All voted in favor and the motion carried.*

5. Historic Resources Commission – 1 vac.

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

6. Home and Community Care Block Grant Advisory Committee – 1 vac.
Chairman Thompson nominated Everett Sauer for position #2. *Chairman Thompson made the motion to accept the appointment of Everett Sauer to position #2 by acclamation. All voted in favor and the motion carried.*

7. Juvenile Crime Prevention Council – 8 vac.
Commissioner Messer nominated Brandon McGaha for appointment to position #25. *Chairman Thompson made the motion to accept the appointment of Brandon McGaha to position #25 by acclamation. All voted in favor and the motion carried.*

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. Nursing/Adult Care Home Community Advisory Committee – 3 vac.
Commissioner Messer nominated Mark Haines for reappointment to position #11. *Chairman Thompson made the motion to accept the reappointment of Mark Haines to position #11 by acclamation. All voted in favor and the motion carried.*

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

11. Travel & Tourism Committee – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.

LAND DEVELOPMENT CODE TEXT AMENDMENT (TX-2012-01) REGARDING SOLAR ENERGY GENERATION FACILITIES AND SOLAR PANEL

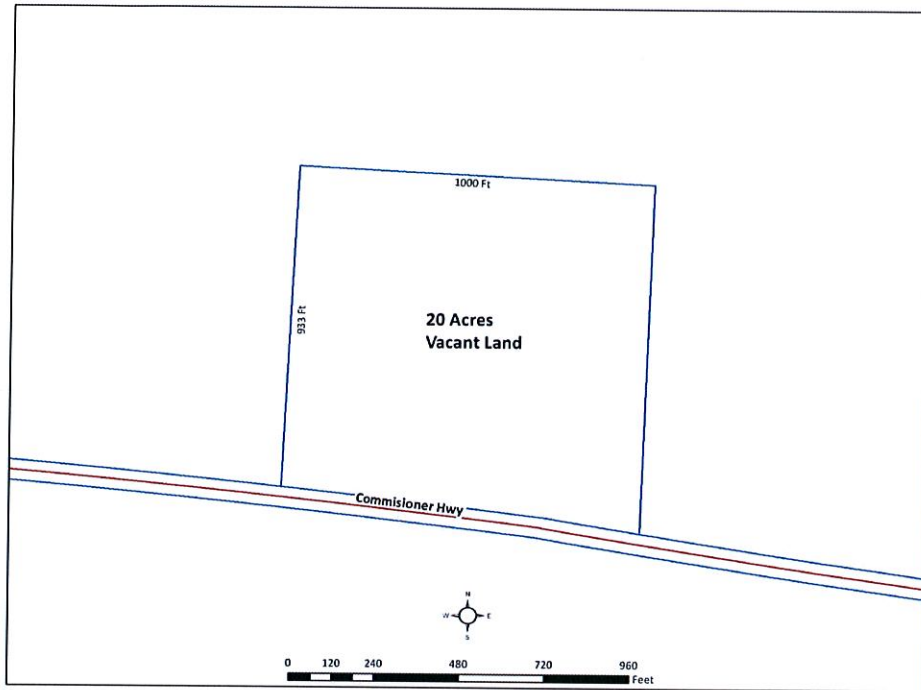
Considerations Regarding Solar Farm Installations and the Effect on Real & Personal Property Valuations

Delinquent Tax Collector Lee King provided the following information prepared by Tax Assessor Stan Duncan.

Presumptions for This Example:

- A vacant parcel of 20 acres located outside of any municipal or subdivision boundary.
- Current Highest & Best Use as open land, and possibly used for agricultural purposes (pasture or crops).
- No adjustments (either positive or negative) to the base land rates for size, shape, access, topography, etc.
- Once improved with a solar generating installation, the Highest & Best Use would be changed for the site acreage to a Commercial /Industrial rate; \$25K /ac minimum - \$40K maximum.
- All land rates based on 2011 Schedule of Values.

Parcel Valuation as Raw Land
20 acres, undeveloped @ \$8,500 / acre
Appraised Market Value: \$170,000



Parcel Valuation as Partially Improved
10 acres, undeveloped @ \$8,500 / acre
10 acres, improved w/a solar installation @ \$25K / acre
Appraised Market Value: \$335,000

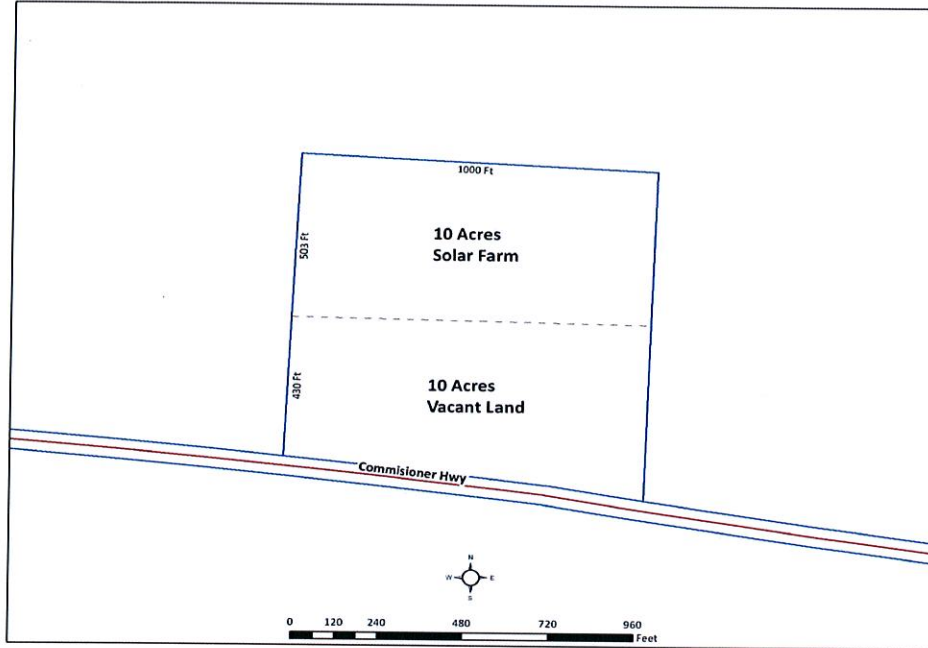


Parcel Valuation as Partially Improved

10 acres, undeveloped @ \$8,500 / acre

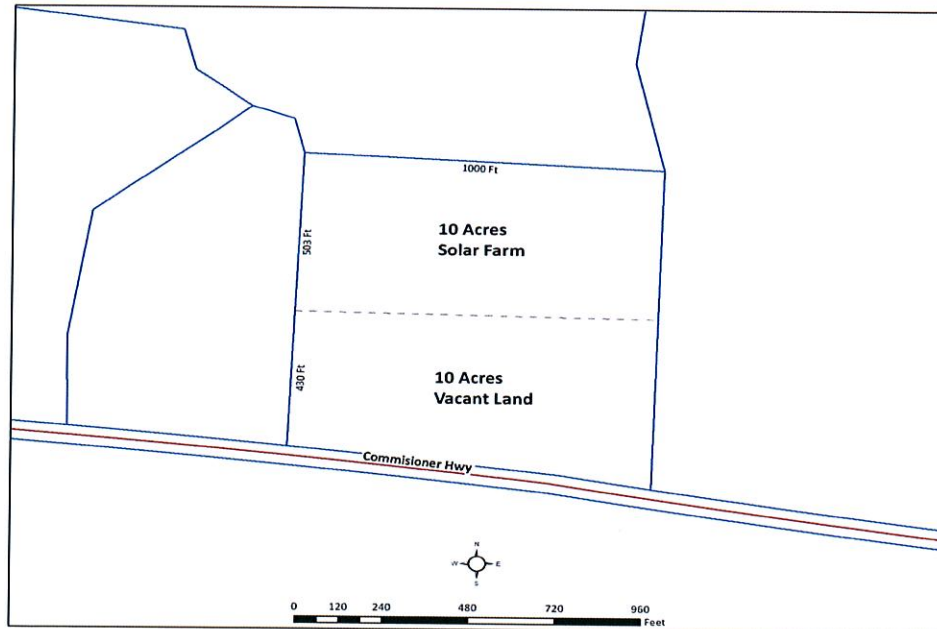
10 acres, improved w/a solar installation @ \$40K / acre

Appraised Market Value: \$485,000



Impact on Adjoining Parcel Valuations

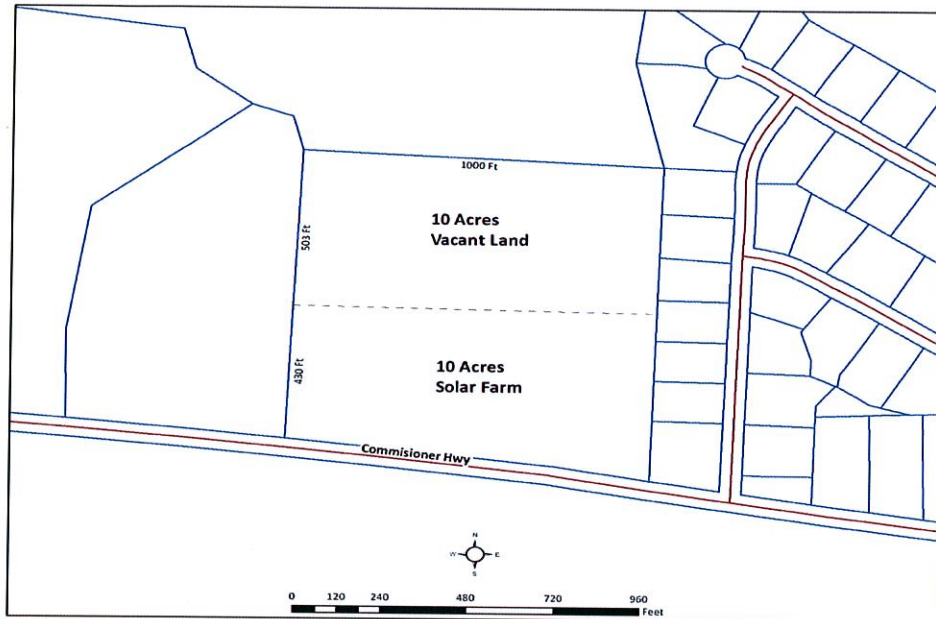
In all likelihood, if all the adjoining land is undeveloped open land or forestland, there would not be a negative impact on the market value of those parcels. Instead, there could be a positive impact. The market will determine any future adjustments.



Impact on Adjoining Parcel Valuations

As an example, if any of the adjoining parcels are improved with single-family residences, an on-site review would be undertaken with consideration given based on the market evidence available and a view as to the market value of those parcels had the solar installation existed as of 1 January 2011.

The market will determine any future adjustments.



Business-Personal Property Value

- The owner of the “solar farm” will be required to list their business-personal property as of 1 January 2013, in the same manner as any other owner of personal property used for the production of income.
- The owner of the land, if different, from the owner of the personal property, will be required to list *changes* made to the real property.
- Per G.S. 105-275(45), the business-personal property may qualify for reduction of 80% upon timely application for exclusion and showing that the property is “*used directly and exclusively for the conversion of solar energy to electricity*”.

Anthony Starr stated on January 26, 2012, the Planning Department received an application to amend the Land Development Code to allow solar energy generation facilities. Staff worked with the applicant and a local representative from the solar energy industry to develop the draft regulations. Currently, solar energy generation facilities (a.k.a. solar farms) are not permitted in Henderson County’s jurisdiction.

At the Board’s direction, staff gathered additional information and is providing a range of options for consideration by the Board. The Board may choose to use some or all of the new revisions that were developed to address concerns raised at the March 5, 2012 public hearing. The Board is requested to provide direction to staff.

The presentation provided 5 primary options for the Board to consider:

1. Approve the text amendment as originally presented on March 5, 2012
2. Deny the text amendment (but approve the portion regarding accessory solar panels)
3. Approve the text amendment with some or all of the possible changes presented
4. Require that all solar energy generation facilities obtain a special use permit (public hearing by the Board of Adjustment for applications)

5. Create a new conditional zoning district only for solar energy generation facilities (requires a public hearing by commissioners for each new site)

BACKGROUND

- NC passed law (Senate Bill 3) in 2007 mandating utility companies generate at least 12.5% of power from renewable energy sources by the year 2021
- Significant tax incentives from federal & state government for solar power generation
- Large solar generation facilities seem less likely for Henderson County
- Smaller solar energy generation facilities (less than 30 acres) seem likely
- Requires 3-phase power lines
- Facilities generating more than 2 megawatts annually require: Approval by the NC Utilities Commission
- Public Hearing by the State Certificate of Need issued by the State
- Facilities generating less than 2 megawatts annually are easier to gain required permits from the State
- A 2 megawatt facility encompasses about 15 acres
- A 2 megawatt facility would supply enough power for about 200 homes (1,500 SF) for a year
- Development costs are estimated at about \$4 per watt or \$4M for a 1 megawatt facility
- Solar Energy Generation Facilities are taxed as personal business property and not as real property
- Area examples include:
 - Kimberly Clark Corporation (Old Berkley Mill Site) on Berkley Rd. This site is within the City of Hendersonville's jurisdiction
 - Biltmore Estate (visible from I-240 westbound)
- Largest solar farm built in NC is in Davidson County, NC near Lexington

CONCERNS EXPRESSED AT MARCH HEARING:

- Tax incentives
 - 30% federal tax credit for investment costs
 - 35% state tax credit for investment costs spread over a 5 year period
 - Business property eligible for a 80% property tax exclusion (does not apply to land, buildings)
 - County has no authority to change the tax incentives
- Environmental & public safety
 - Solar panels are passive and only collect energy
 - No evidence to indicate that they concentrate radiation or solar energy
 - Unlikely that high voltage towers would be constructed due to cost
 - A large solar farm may locate near existing high voltage towers and lines (Davidson County example)
 - Near Lexington, NC
 - Largest solar farm in NC
 - Will provide power for about 2,600 homes
 - 350 acres with 250 acres built
 - \$173M investment
 - Rural area, rolling hills
 - 2 full-time onsite employees
 - Near existing neighborhood
 - Few Complaints
 - Facility toured by Henderson County staff on March 16, 2012
 - Cleveland County Example
 - Near Shelby, NC
 - 10 acres, produces 1MW
 - Gentle slope (5-10%)

- Industrial/Rural area adjacent to airport
- No full-time onsite employees
- Due to airport proximity, some initial concern about glare from pilots that was addressed with education
- Facility toured by Henderson County staff on March 28, 2012
- Only the larger solar farms would need high voltage lines and if new lines were proposed the Board of Adjustment could consider their impact on the area when approving or denying an application
- Normal soil erosion and stormwater regulations apply
- Most sites create minor amounts of impervious surface (access roads, concrete pads around invertors, etc.)
- Size of solar facilities (considerations for option 3)
 - Threshold lowered from 30 acres to 15 acres
 - ≤ 5 acres allowed in R1 & R2 as special use; allowed in all other standard zoning districts by right up to 15 acres (not 30 acres)
 - > 5 acres is not allowed in R1 & R2
 - > 15 acres allowed as special use in all other standard zoning districts
 - Remember that special use permits are not automatic and are reviewed by the Board of Adjustment after holding a hearing. Not all sites will be approved.
- Appearance (considerations for option 3)
 - Fences not allowed within required 20 foot perimeter
 - Height of structures and equipment lowered from 25 feet to 15 feet
 - 10% exception allowed for up to max 20 foot height
 - Screening required when residential use is within (250, 1000?) feet (previously required only when adjacent)
 - Cost impact would vary depending on nearby residential uses and type of screen class chosen by developer
 - Fences seem to be the most offensive aspect of appearance
 - Solar Farms will have fences for safety and security reasons
 - New text requires wire woven fences (aka chain-link) to be vinyl coated or painted with a dark green, brown or black color
 - Staff contacted fence contractors- with the vinyl coating, it increases fence costs from \$1.50 to \$4 per linear foot or about \$5k - \$13k for a 15 acre site
 - New text option requires sites greater than 15 acres to be setback 200 feet from a residential use
 - Board of Adjustment can consider appearance criteria and a proposed facility's visual impact on a neighborhood when hearing an application
- Impact on neighborhoods and effect on property values
- Maintenance and abandonment
 - Most of the project cost is associated with construction and not operations
 - Panels are designed with a 30 year operational life
 - Warranties usually cover 20 to 25 years
 - Warranties apparently allow for a 20% degradation in production over 20-25 years
 - About a 1% loss of production each year
 - New text requires removal of solar equipment and facilities if inactive for more than 6 months

POSSIBLE OPTIONS FOR THE BOARD:

1. Approve the text amendment as originally presented on March 5, 2012
 - Board may adopt drafted text as presented at public hearing held on March 3, 2012
 - No further hearings are required to adopt original text

2. Deny the text amendment portion allowing solar farms (still adopt language clarifying accessory solar panels – this option prohibits solar farms entirely)
 - Board may take action to deny the text amendment application at any time
 - No further hearings are require
 - Would have the effect of not allowing solar farms at all in Henderson County’s jurisdiction
 - Could still allow the technical amendment regarding solar panels but deny solar farms in the County
 - May not be legal to ban solar farms altogether
3. Approve the text amendment with some of all of new changes presented today
4. Special Use Permit Option – Allow Solar Energy Generation Facilities only as a Special Use Permit
 - Require that all solar farms obtain a special use permit regardless of size (change the table of uses)
 - This would require the Board of Adjustment to review each application after holding a hearing and considering the evidence of each case
 - Approval is not automatic and the applicant would need to prove that they met all the requirements
 - The Board of Adjustment can impose additional conditions as needed for a particular site
 - This option does not require an additional hearing
5. Add a new zoning district specifically for Solar Energy Generation Facilities
 - Create a new zoning district for solar farms
 - Only allow solar farms in the new district
 - Would require a rezoning for each new site
 - Could designate the zoning district as a conditional zoning which would require site plan approval and allow for conditions at the same time as the rezoning
 - This option would require further work to draft the text amendment
 - This option requires and additional hearing and review by the Planning Board
 - Could still use development requirements presented

All options are consistent with the 2020 Comprehensive Plan

Commissioner Edney made the motion to amend the ordinance and approve the text amendment as presented March 5, 2012. These amendments have been evaluated by County staff and by this Board under the 2020 Henderson County Comprehensive Plan as required under North Carolina General Statutes §153A-341. The use is consistent with the Henderson County 2020 Comprehensive Plan as it is currently written. The motion passed 3-2 with Commissioners Young and O’Connor voting nay.

RESOLUTION DESIGNATING APRIL 19TH AS HOLOCAUST REMEMBRANCE DAY

The Board of Commissioners is requested to adopt a Resolution, designating April 19th as Holocaust Remembrance Day in Henderson County.

Rabbi Phil Cohen, Ph.D. was present and thanked the Board for their time and consideration of the resolution.

Chairman Thompson made the motion that the Board adopts the Resolution designating April 18th as Holocaust Remembrance Day in Henderson County. All voted in favor and the motion carried.

PROCLAMATION – DAVID ROTEM (Add-on)

David Rotem, Chairman of the Constitution, Law and Justice Committee visited Henderson County on April 16, 2012 to begin building a direct line of communication, cooperation and coordination between the Knesset and Henderson County leaders and citizens. Dr. Sherlock Bally also visited the community to promote a friendship between Henderson County community leaders; citizens and Israel.

Commissioner O'Connor read the proclamation which is hereby attached and incorporated as a part of these minutes.

Chairman Thompson made the motion that the Board adopts the proclamation welcoming Chairman Rotem and Dr. Bally to Henderson County. All voted in favor and the motion carried.

HENDERSON COUNTY REFUSE COLLECTION

Megan Piner stated on March 14, 2012, Henderson County received proposals from a joint FRP effort between Henderson County, Henderson County Schools and Blue Ridge Community College for refuse and recycling collection. The successful bidder from this RFP was Consolidated Waste Services; CWS provided prices to all three entities that are lower than what they are currently paying for collection. Henderson County will be paying \$2,498.00 per month for pick-up of refuse at all County locations. Currently Henderson County is paying approximately \$6,700.00 per month for refuse collection. The service agreement with CWS will save Henderson County approximately \$50,500.00 per year, as well as offer consolidated billing, saving valuable staff time. The service agreement will also control for fuel charges, which currently fluctuate on current billing.

Commissioner Messer made the motion that the Board authorizes the County Engineer to sign the service agreement between Henderson County and Consolidated Waste Services. All voted in favor and the motion carried.

PROPOSAL FOR ENGINEERING SERVICES FOR TALLEY DRIVE COMMUNITY DEVELOPMENT PROJECT

Anthony Starr stated Henderson County received an \$850,000 CDBG Revitalization grant (#09-C-2066) from the NC Department of Commerce, Division of Community Investment and Assistance to provide street and drainage improvements and replace/rehabilitate six homes in the Talley Drive neighborhood. The project work includes the grading and paving of Talley Drive with associated drainage improvements.

The project requires engineering services to design the street improvements. As part of the procurement requirements associated with the grant and state law, the Planning Department released and advertised a Request for Qualifications (RFQ) for Engineering Services. On February 15, 2012, the Board selected McGill Associates and directed staff to negotiate terms of service with McGill Associates. McGill Associates provided a proposal for engineering services that included a fee for engineering & construction administration services in the amount of \$35,800 (plus \$500 for each easement plat required).

McGill Associates provided a detailed proposed with a scope of work that includes surveying, design, permitting, bidding, construction and administrative services. The proposal appears complete and covers the necessary scope of work.

The Board previously reviewed this project and approved the grant application. No County matching funds are associated with the grant.

Commissioner Young made the motion that the Board approves the McGill Associates proposal for engineering services for the Talley Drive community Revitalization project for the amount of \$35,800, plus \$500 for each easement plat, and authorizes the Planning Director to execute the necessary documents. He further moved that the Planning Director be authorized to change the scope of engineering services, it is becomes necessary, provided that the change remains at or below the approved project budget. The motion passed 4-1 with Commissioner O'Connor voting nay.

VIDEO SWEEPSTAKES GAMING

Commissioners had communicated a desire to discuss the issue of video sweepstakes gaming and if further regulation is warranted.

Commissioner Young feels the NC Legislation will make video sweepstakes gaming legal. He requested that staff look at how Henderson County can control the businesses and what basis will be set for licensing.

- Capacity measures will be set by the Fire Marshal.
- Sheriff's office must schedule visits to check for age/alcohol
- BOC should consider zoning for adult areas only

Commissioner O'Connor noted that Laurel Park has adopted a 60 day moratorium for licensing in order to consider appropriate language and restrictions. At this time there are five (5) gaming establishments located in Henderson County but outside of municipalities.

County Manager Steve Wyatt has received many calls of complaints and frustration because most citizens do not understand the laws governing gaming establishments. Cities have different authority than counties.

Attorney Russ Burrell stated there are two (2) options:

1. Regulate through zoning
2. Regulate through licensing

Mr. Burrell recommends zoning rather than licensing. Sixty (60) days is an appropriate but tight timeline. He recommended advocating with legislature to change the laws to have similar powers as the municipalities involving gaming machines. This must be handled quickly.

Commissioner O'Connor moved that staff contact Henderson County's representatives in the legislature and request local or general legislation that would allow taxation and regulation of computer "sweepstakes" gaming in the event it is not outlawed. The motion further directed that the Sheriff's Office be contacted for additional support. All voted in favor and the motion passed.

NCDOT PROPOSAL TO ADD 4 FOOT CONCRETE BARRIER ON 176 (Add-on)

Wanda Case Tolar had contacted Commissioner Edney in regard to the proposal of NCDOT to build a 4 foot concrete island on Highway 176 that would prevent travelers from making left hand turns. The wall will begin in front of the Power Substation, passing Mt. Airy Street and extending past Village Square Shopping Center to the intersection of Highway 176 at Upward Road/Highland Lake Road. This action will stop all left hand turns onto Mt. Airy Street and into the Village Square Shopping Center businesses from Highway 176/Spartanburg Highway.

Commissioner Edney made the motion that the Board directs staff to contact NCDOT engineers to reconsider this proposal. He further moved that this item be placed on the May 7th agenda and request attendance of representatives of the NCDOT in order to provide information to the Board on the proposal. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

There was nothing further at this time.

IMPORTANT DATES

Set Public Hearings Regarding Community Development Block Grants

Commissioner Messer made the motion that the Board schedules a public hearing for the CDBG

Program for Monday, May 7, 2012 at 5:30 p.m. and a second public hearing on the CDBG application regarding the Sierra Nevada project for Wednesday, May 16, 2012 at 9:00 a.m. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner O'Connor made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

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

2. 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.

All voted in favor and the motion carried.

ADJOURN

Chairman Thompson made the motion to go out of closed session and adjourn at 1:00 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 DEPARTMENT

Collector's Office
200 North Grove Street
Suite 66
Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

April 5, 2012

Re: Tax Collector's Report to Commissioners – 04/18/12 Meeting

Please find outlined below collections information through April 4th for the 2011 bills, which were mailed out on August 19th, 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: \$57,522,980.61
Payments & Releases: 55,774,300.75
Unpaid Taxes: 1,748,679.86
Percentage Collected: 96.96%
(through 04/04/12)

2010 Total Charge: \$57,524,414.37
Payments & Releases: 55,318,329.04
Unpaid Taxes: 2,206,085.33
Percentage Collected: 96.16%
(through 04/04/11)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$3,745,829.08
Payments & Releases: 2,909,303.81
Unpaid Taxes: 836,525.27
Percentage Collected: 77.67%
(through 04/04/12)

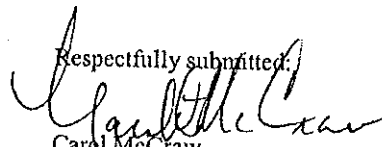
2010 Total Charge: \$3,441,914.45
Payments & Releases: 2,728,792.00
Unpaid Taxes: 713,122.45
Percentage Collected: 79.28%
(through 04/04/11)

Fire Districts All Bills:

2011 Total Charge: \$6,791,154.80
Payments & Releases: 6,481,149.43
Unpaid Taxes: 310,005.37
Percentage Collected: 95.44%
(through 04/04/12)

2010 Total Charge: \$6,664,968.31
Payments & Releases: 6,334,099.93
Unpaid Taxes: 330,868.38
Percentage Collected: 95.21%
(through 04/04/11)

Respectfully submitted:



Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Economic Development Project Fund

Please make the following line-item transfers:

What expense line-item is to be increased?

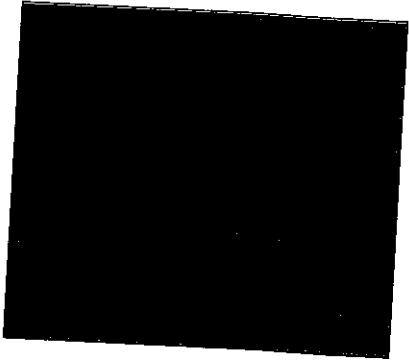
Account	Line-Item Description	Amount
<u>115980 - 598037</u>	<u>Transfer to Econ Dev Project Fund</u>	<u>\$ 1,375,000</u>
<u>375498 - 569910</u>	<u>Sierra Nevada Economic Dev</u>	<u>\$ 1,375,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990 - 401000</u>	<u>Fund Balance Appropriated</u>	<u>\$ 1,375,000</u>
<u>374498 - 403500</u>	<u>Transfer from General Fund</u>	<u>\$ 1,375,000</u>
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
 . Approved by the BOC 4/18/12

<u>Budget</u>	_____
Authorized by Department Head	<u>4/18/12</u>
	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date



**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: ICE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
385432-512100	S&W - Regular	\$ 87,323
385432-513500	401(K)	\$ 13,528
385432-518000	FICA	\$ 2,202
385432-518100	LGERS	\$ 137
385432-518200	LEOBRS	\$ 6,506
385432-518300	Medical Insurance	\$ 21,788
385432-518400	Dental Insurance	\$ 1,145

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

Account	Line-Item Description	Amount
384432-401000	Fund Balance Appropriated	\$132,629

Justification: Please provide a brief justification for this line-item transfer request.
To fund existing positions within the ICE budget. Approved by the BOC 4/18/12

_____ Authorized by Department Head	_____ Date	4/18/12
_____ Authorized by Budget Office	_____ Date	
_____ Authorized by County Manager	_____ Date	

For Budget Use Only

Batch #: _____

BA #: _____

Batch Date: _____



LINE-ITEM TRANSFER REQUEST
 HENDERSON COUNTY

Department: Department of Social Services

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115531-526020</u>	<u>Non-Expendable Supplies</u>	<u>\$22,837</u>
<u>115531-526201</u>	<u>Non-Capital Technology</u>	<u>\$239,753</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>115535-539906</u>	<u>Foster Care IVE</u>	<u>\$262,590</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
 Purchase of the hardware and Document Management software from Northwoods Consulting Partners for the purpose of automation and integration of the NC FAST information system. Approved by the BOC 4/18/12

Liston Smith 4/18/2012
 Authorized by Department Head Date

 Authorized by Budget Office Date

 Authorized by County Manager Date

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____

ARTICLE TWO -- Electronic record-keeping and transmittal requirements for certain businesses.

134-20. Definitions

(a) "Cash converter" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(b) "Pawnbroker" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(c) "Pawnshop" has the same meaning as defined in Chapter 91A of the North Carolina General Statutes.

(d) "Precious metals dealer" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.

(e) "Secondary metals recycler" has the same meaning as defined in Chapter 66 of the North Carolina General Statutes.

134-21. Electronic record-keeping.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance shall maintain an electronic inventory tracking system which is capable of delivery and transmission of all information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 (for cash converters, pawnbrokers and pawnshops) or N.C. Gen. Stat. §66-169 (for precious metals dealers) or N.C. Gen. Stat. §66-11 (for secondary metals dealers) by computer to the entity designated by the Henderson County Sheriff's Office.

134-22. Electronic transmittal of required records.

Every owner or operator of a cash converter business, pawnbroker, pawnshop, precious metals dealer or secondary metals recycler subject to this Ordinance is required to upload the information required by N.C. Gen. Stat. §§91A-7 or 91A-7.1 to the entity designated by the Henderson County Sheriff's Office within one business day of receipt of the goods purchased and/or pawned.

134-23. Effective date.

This Article is effective May 1, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

THOMAS H. THOMPSON
Chairman
WILLIAM O'CONNOR
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
J. MICHAEL EDNEY

PROCLAMATION

WHEREAS, David Rotem, Chairman of the Constitution, Law and Justice Committee, will visit Henderson County to begin building a direct line of communication, cooperation and coordination between the Knesset and Henderson County leaders and citizens; and

WHEREAS, Dr. Sherlock Bally will also visit our community to promote a friendship between Henderson County community leaders, citizens and Israel; and

WHEREAS, Israel continues to be in the news on a daily basis and the presence of Chairman Rotem and Dr. Sherlock Bally in our community gives citizens the opportunity to learn firsthand of the issues facing Israel; and

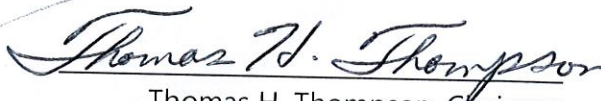
WHEREAS, the State of Israel remains a stalwart of democracy in the Middle East, as well as a local friend and ally of the United States of America; and

WHEREAS, the future of democracy and freedom in Israel and the United States, as well as the rest of the world, depends heavily upon this alliance and an unwavering commitment to support each other.


NOW, THEREFORE, BE IT PROCLAIMED, that we, the Henderson County Board of Commissioners, do hereby welcome Chairman Rotem and Dr. Bally to Henderson County.

FUTHERMORE, we express our commitment to a strengthened friendship between Henderson County and Israel.

Proclaimed this 16th day of April 2012.


Thomas H. Thompson, Chairman
Henderson County Board of Commissioners

ATTEST:


Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

THOMAS THOMPSON
Chairman
BILL O'CONNOR
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
J. MICHAEL EDNEY

RESOLUTION

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945 – six million were murdered; Roma (Gypsies), people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, we the people of Henderson County should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny; and

WHEREAS, we the people of Henderson County should actively rededicate ourselves to the principals of individual freedom in a just society; and

WHEREAS, the Day of Remembrance has been set aside for the people of Henderson County to remember the victims of the Holocaust and as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 15 through Sunday, April 22, 2012, including the Day of Remembrance known as Yom Hashoah, April 19, 2012;

NOW, THEREFORE, BE IT RESOLVED, that we, the Henderson County Board of Commissioners, do hereby proclaim Thursday, April 19, 2012 as **Holocaust Remembrance Day** in memory of the victims of the Holocaust and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of Henderson County, should work to promote human dignity and confront hate whenever and wherever it occurs.

Adopted this 18th day of April, 2012.



THOMAS THOMPSON, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

SERVICE AGREEMENT

This agreement is between Consolidated Waste Services and Henderson County.

Service will be billed monthly to Henderson County Engineering, 320 Williams Street, Hendersonville NC in the amount of \$2498.00 for the following service.

Address	# of weekly Pickups	Container Size
100 North King Street	2	8 yard
1347 Spartanburg Hwy	1	8 yard
100 North Grove Street (LEC)	1	8 yard
375 East First Avenue	5	2 -8 yards
1 Firehouse Road	1	4 yard
Justice Street (EMS Station)	1	4 yard
Vance Hill Drive (EMS Station)	1	Roll out (Curbside Pick up)
100 Commercial Blvd (EMS Station)	1	Roll out (Curbside Pick up)
School House Road (Etowah Park)	1	4 yard
318 4th Ave East (Impound Lot)	1	4 yard
1 Historic Courthouse Square	1	4 yard
1200 Spartanburg Highway	3	8 yard
801 Glover Street (Jackson Park)	1	2 -4 yards
201 North Washington Street	1	8 yard
200 South Main Street	1	4 yard
75 Central Street	1	4 yard
Cooperative Extension (Jackson Park)	1	8 yard

SERVICE INITIATION

Service at 100 North King Street will commence July 10, 2012. Service at Cooperative Extension will commence July 20, 2012. Service at 100 North Grove Street will commence September 29, 2012. All other service will commence July 1, 2012.

TERMS AND CONDITIONS

Consolidated Waste Services agrees to furnish the solid waste collection and disposal services (excluding all hazardous, toxic, infectious, explosive or illegal waste) and equipment specified herein and Customer agrees to make the payments as provided for herein and abide by terms and conditions of this Agreement.

This is a legally contract on the part of Consolidated Waster Services and the Customer in accordance with the terms and conditions set forth herein.

This Agreement is for a term of one (1) year, and may be extended by the Customer, Henderson County, for up to two (2) additional one (1) year terms, by giving written notice, sent by certified mail, to Consolidated Waste Services at least sixty (60) days prior to the expiration of each such term.

Customer shall protect and care for the Consolidated Waste Services equipment in its possession and accept the responsibility for said equipment, its contents and all damage thereto beyond ordinary wear and tear except when the equipment is being physically handled by Consolidated Waste Services. Customer shall not overload or place unacceptable material in the equipment or use it for incineration purposes and any spillage or problems arising from such misuses shall be considered the Customer's responsibility. Customer agrees to defend, indemnify and hold harmless Consolidated Waste Services from and against any and all claims for loss of or damage to property or injury to or death of person or persons resulting from or arising in any manner out of Customer's use or possession of any equipment furnished under this Agreement.

The Customer agrees to provide clear access to the equipment Consolidated Waste Services vehicles on schedule or requested collection days. If the equipment is blocked, thus prohibiting collection, and the Customer requests collection, it will be classified as an extra pickup and duly charged as such.

Customer acknowledges that consolidated Waste Services shall not be liable for any damages to Pavement or driving surface resulting from its trucks servicing and agreed upon area.

Notwithstanding, no adjustment of the monthly rate shall be allowed for changes in the cost of fuel used by CWS.

Notwithstanding anything in this Agreement to the contrary, the Customer's obligations to pay the cost of performing its obligations under this Agreement, including without limitation its obligations to pay all payments referenced herein shall be subject to and dependent upon appropriations being made from time to time by the Board of Commissioners for such purpose; provided, however, that the County Manager shall include in the Manager's proposed budget for each fiscal year the amount of such payments and all other amounts required to be paid under this Agreement during such fiscal year, and the County Manager or such other officer shall use his best efforts to obtain the annual appropriations of the payments throughout the term hereof.

Customer grants to the undersigned (Consolidated Waste Services) the exclusive right to collect and dispose of all of Customer's Waste Materials.

1. Payment Terms: Receipt of payment within 10 billing days of billing date
2. Default: In case of by failure of receipt of payment within 10 days of billing date, Applicant and Guarantor hereby agree to pay Consolidated Waste Services and an all court costs, collection costs, plus interest all interest and principal amounts due.

3. **Service Charge:** It is understood and agreed that a service charge of one and one-half (1-1/2%) percent a month will be charged to the account if the account is not paid in full within 25 days from the billing date.
4. **Applicants and Guarantor's Responsibility:** Applicant and Guarantor attests financial responsibility, ability, and willingness to pay our invoices in accordance with the payment terms.
5. **Credit Inquiry:** The information on this application is for the purpose of obtaining credit and is warranted to be true. Applicant and Guarantor hereby authorize Consolidated Waste Services to investigate my credit and references pertaining to my/our credit and financial responsibility.

The undersigned individual signing this Agreement on behalf of the Customer acknowledges that he or she has read and understands the terms and conditions of this Agreement and that he or she has the authority to sign the Agreement on behalf of the Customer.

CUSTOMER

CONTRACTOR

Authorized Signature

Representatives Signature

Title

Date

Date