

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, MAY 2, 2011**

The Henderson County Board of Commissioners met for a regular meeting at 5:30 p.m. in the Commissioner's Meeting Room of the Henderson County Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Finance Director J. Carey McLelland, Planning Director Anthony Starr, Construction Manager David Berry, Engineer Marcus Jones, Real Property Supervisor Nick Mazzarella, Delinquent Tax Collector Lee King, Assessor/Tax Collector Stan Duncan, Fire Marshal Rocky Hyder, Property Addressing Coordinator Curtis Griffin, Recreation Director Tim Hopkin, Planners Autumn Radcliff and Parker Sloan, Research/Budget Analyst Amy Brantley, Associate County Attorney Sarah Zambon, Captain Greg Cochran and Sheriff Rick Davis.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Drue Stinnett of the Young Naturalists 4-H Club.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Rodney Wesson – Mr. Wesson stated that the Department of Juvenile Justice and Delinquency Prevention is requesting that the Board consider leaving their offices in the '95 Courthouse. Their staff and service delivery is unique, designed and targeted for court involved juvenile, as well as their families. They assess needs and match those needs with available services in and out of our community. Copiers, computer, fax machines and printers are a fixture in how they accomplish tasks. At the same time they are not able to access these technological tasks without them being in their assigned space. Certain tasks might involve walking upstairs in the courtroom, to the clerk's office, or across the street. With the move, they would be asked to have staff compete for a car to accomplish this task. They need their cars to prioritize direct services. The biggest parallel to their moving is in their direct service delivery. They need access to the court, district attorney's staff, defense attorneys and the clerk's office. Sometimes the best conversation with judges, district attorney's staff and defense attorneys is as court flows. Current space also allows them to be most successful with law enforcement in the city and county for complaints and consultations. They value their face to face conversations with deputies and officers who want to better understand the juvenile process. Complaints require some dialogue. Moving diminishes their availability to law enforcement personnel already challenged with their own work load on a variety of shifts. Their current location

APPROVED: May 18, 2011

provides an important opportunity toward a timeline for intervention and creates personal contact to achieve the best outcomes. Trying to schedule times to talk and converse with some stakeholders can be a difficult. Moving affects their office coverage and availability to their consumers. This means closing their office more often and limits their access to the county. Less availability means more phone tag and more time between questions or answers and more delay to intervene effectively. Court involved juveniles do not need more barriers. Parents, juveniles and victims drop by on their way to adult court for consultations and support. They now have the support of their entire office downstairs in the event that something unforeseen happens in court. Sometimes they may forget a paper, a file or a form or occasionally the judge may change an order. Timely support is very important. Staff can easily run upstairs and support a co-worker. After court families come downstairs to review their hearings. Confidentiality is important. Safety is also a concern; juveniles and secure custody often need to go to the court counselor's office to review their hearings and discuss what lies ahead with their treatment. They do not need another trip from court to a removed office to add further risk to the transport. Then there is the office itself. Sometimes only one (1) person mans their office. There is a panic button and the Sheriff Departments presence in the courthouse has proven to be a fast response to crisis. They would not see the same response time outside of the courthouse. There is also concern of safety for crisis after hours. The hallmark of their services is a personal touch that resists surrendering to impersonal service delivery that desensitizes and creates barriers to building possible relationships. Their location at the courthouse has been instrumental in their success and their success of collaboration with Henderson County, characterized by positive relationships. They ask that the County Commissioners consider the uniqueness of their services and choose to leave them in the courthouse to continue their success.

2. Karen Mathiesen – Ms. Mathiesen is the president of the Henderson County Association of Educators. She shared a report called “Goals for the Common Good: Exploring the Impact of Education” with the Commissioners.
3. Diane Dotson – Ms. Dotson is a 3rd grade teacher at Glenn C. Marlow Elementary School. She has cautioned the Commission before that if State funding continued to get worse, the County would need to step up financially to maintain the excellence of the schools. She feels that time has come. Ms. Dotson is concerned about the funding for teacher's assistants as they are necessary and vital personnel.
4. Karol Farlow – Ms. Farlow is a culinary arts teacher at East Henderson High School. She is concerned with what is going on with the State. Education should not be cut so drastically. She has read reports that show industry is on the rise in North Carolina. She shared statistics for employment with education. She feels the state of our County is based on education.

PUBLIC HEARINGS

Public Hearing on Assignment of new road name

Commissioner Young made the motion that the Board go into public hearing with regard to an assignment of a new road name. All voted in favor and the motion carried.

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

New Road Name

A Portion of BRONCO PASS to be renamed MAPLEWOOD KNOLL DRIVE

The road name assignment is required by Henderson County Property Addressing Ordinance (Chapter 142). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new road name. Assignment of the new road name, as presented, will avoid possible confusion when responding to emergency situations.

Staff posted signs in the affected area and mailed notices to affected property owners regarding the public hearing.

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

- Name change was requested by petition of area residents
- Henderson County Property Addressing Ordinance Sec.142-7F requires at least 66% of property owners agree with name change
- NCGS 153A-239 requires the Board to hold a public hearing to change the road name
- Public hearing notices mailed to affected property owners, placed in area of change, County offices and legal notices were run in local paper

Board may approve, disapprove or recommend a different road name



PUBLIC INPUT

There was none.

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

Commissioner Young made the motion that the Board approves the road name re-assignment for a portion of Bronco Pass to Maplewood Knoll Drive as indicated on the map provided. All voted in favor and the motion carried.

Public Hearing on Rezoning Application #R-2010-03-C

Commissioner Messer made the motion that the Board go into public hearing with regard to Rezoning Application #R-2010-03-C. All voted in favor and the motion carried.

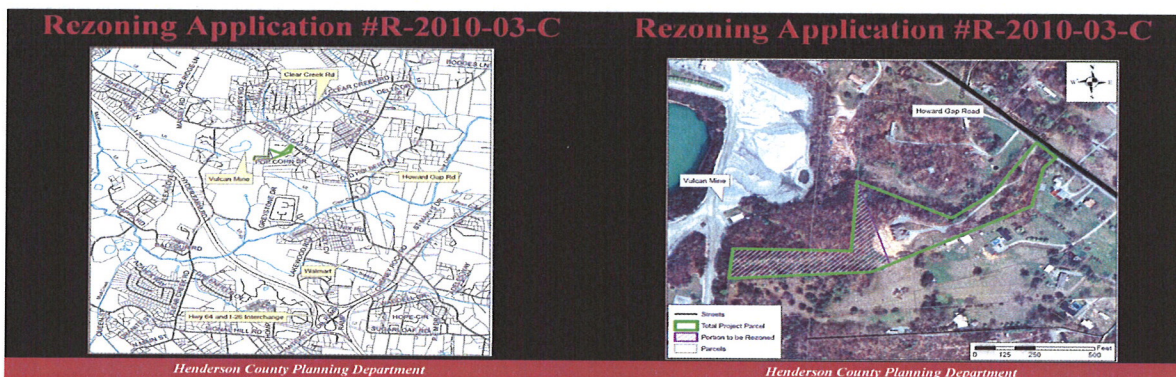
Parker Sloan stated that Billy Corn, owner submitted rezoning application #R-2010-03-C for the County to rezone approximately 2.42 acres of land, located off of Howard Gap Road (US 176), from Residential One (R1) to an Industrial Conditional (I-CD) zoning district (PIN: 9670-24-2970). The Henderson County Planning Board considered rezoning application #R-2010-03-C at its regularly scheduled meeting on February 17, 2011. The Planning Board voted 5-2 to send forward a favorable recommendation on rezoning application #R-2010-03-C to rezone the subject area to an Industrial Conditional (I-CD) zoning district.

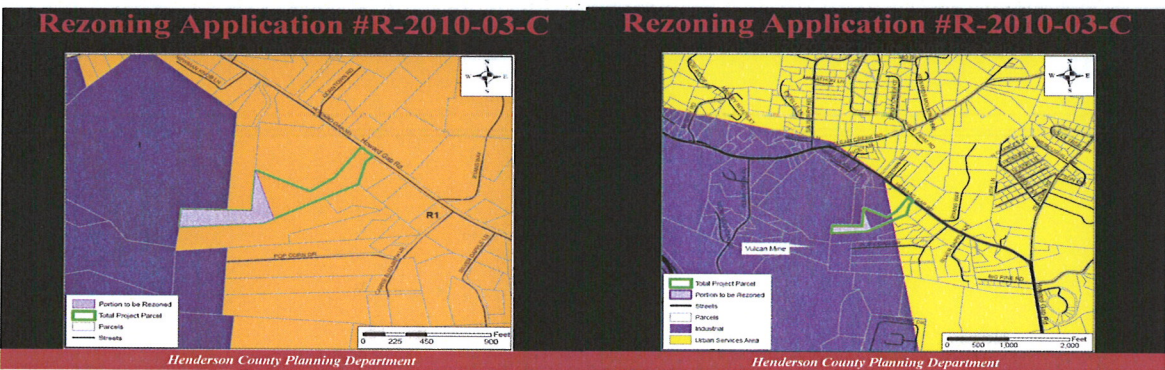
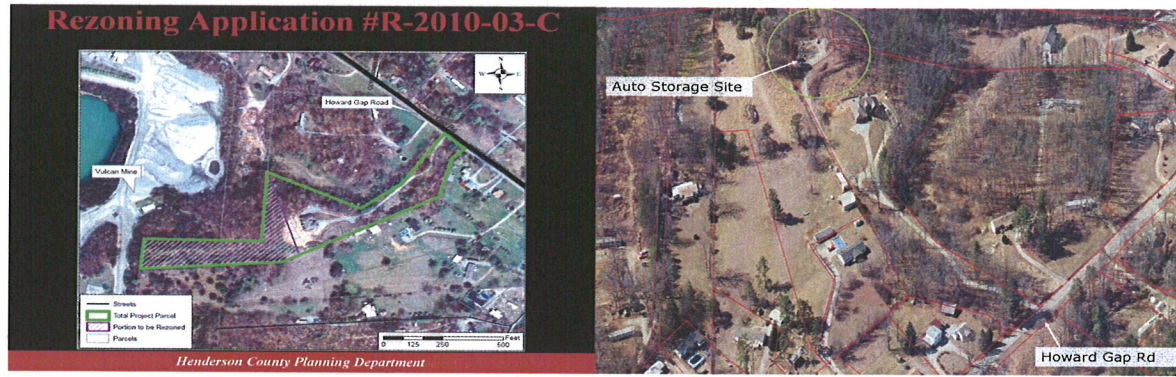
Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts. If approved, the Board must take action at its next meeting to provide an order of conditions to the applicant.

Planning Staff recommends approval of the application to rezone the subject area from a Residential 1 (R1) zoning district to an Industrial Conditional (I-CD) zoning district.

Preview:

- Billy Corn, Owner and Applicant.
- Rezone approximately 2.42 acre of a 6.26 acre tract from Residential One (R1) to Industrial Conditional (I-CD).
- Property is located off Howard Gap Road.
- The proposed use shall be for the temporary storage of vehicles associated with the applicant's automotive towing business.
- Vehicles are associated with police impoundment and general wrecker services.
- The proposed use is supported by the 2020 CCP.
- This would be the only use allowed in the I-CD.
- If the existing automotive towing business were to cease operations and move somewhere else, the subject area would immediately revert back to the original zoning R1





PUBLIC INPUT
There was none.

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

Commissioner O'Connor made the motion that the Board approves rezoning application #R-2010-03-C to rezone the subject area from a Residential 1 (R1) zoning district to an Industrial Conditional (I-CD) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan with the change in 5(a) allowing up to 15 cars for a maximum of 60 days. He further moved that the Board directs Staff to prepare an order for presentation at the next Board of Commissioners meeting. All voted in favor and the motion carried.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Edney requested the addition of two (2) closed sessions; Consult with attorney and Economic Development.

Commissioner Thompson made the motion to adopt the Agenda with the addition of two (2) closed sessions. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Young 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):

April 20, 2011– Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated April 26, 2011 for information only. No action was required

Financial Report/Cash Balance Report – March 2011

Provided for the Board's review and approval were the March 2011 County Financial Report and Cash Balance Report.

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

- Rescue Squad – 4th quarter non-profit contribution paid in advance
- Tuberculosis, Risk Reduction and DSS SmartStart Programs – 100 percent grant funded programs. The Tuberculosis and Risk Reduction Programs have pending budget amendments due to additional funding

The YTD deficit in the Capital Reserve Fund is due to the approved transfer of fund balance to the Capital Projects Fund to be used for the Tuxedo Mill Demolition and the Recreation Parks Repair/Renovation Projects.

The YTD deficit in the CDBG – Scattered Site Housing Grant Fund and the Mud Creek 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 North High/Apple Valley Middle HVAC Piping Project is due to final expenditures including change orders coming in higher than anticipated to complete project. Additional costs will be covered by sales tax refunds on project expenditures to be received for FY2011.

The YTD deficit in the Solid Waste Landfill Fund is due to a decline in solid waste user fees collected through March along with fund balance being appropriated in the current fiscal year for solid waste capital improvement plan expenditures incurred.

Request that the Board consider approving the County's March 2011 Financial Reports as presented.

Motion:

I move that the Board of Commissioners approves the March 2011 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – March 2011

The Henderson County Public Schools March 2011 Financial Reports were provided for the Board's information.

Motion:

I move the Board of Commissioners approves the Henderson County Public Schools March 2011 Financial Reports as presented.

Ambulance Procurement

Henderson County EMS would like to purchase two ambulances to replace two units under a three year lease agreement expiring in June 2011. During research of ambulance purchases in North Carolina over the past year, EMS staff discovered Wake County conducted a public bid on a substantially similar ambulance in May 2010. Staff requests the Board consider utilizing the Wake County bid to procure two ambulances. Public notice for waiver of bidding for previously bid contracts was provided in the Hendersonville Tribune on April 21, 2011.

Annual payment for this purchase is included in the current EMS budget.

Motion:

I move the Board waive the bid requirements pursuant to NCGS 143-129 and approves the purchase of two ambulances from Southeastern Specialty Vehicles.

Water Line Extension Request – Dana Fire & Rescue Department

The City of Hendersonville requests that the County comment on a proposed water line extension for the Dana Fire & Rescue Department. Although the County does not possess the formal authority to approve or deny the request, the City of Hendersonville asks for County recommendations before formally approving or denying the extension request. This request includes no County funds for the project. The Dana Fire & Rescue Department plans to provide all of the project funding.

The proposed water line is 2,290 linear feet in length. The project's location is within the Rural Transition Area and is consistent with the Henderson County 2020 Comprehensive Plan. A vicinity map, project summary and county review sheet are attached for Board review and action.

Planning Staff requests action by the Board of Commissioners to grant or deny this request. If the Board decides to approve the requested extension, the following motion has been provided.

Motion:

I move the Board approves the water extension line request for the Dana Fire and Rescue Department and direct staff to convey the County's comments to the City of Hendersonville.

Request for Boyd Property Testing

During Phase I of the Environmental report of the Boyd Property RECs (Recognized Environmental Conditions) were noted in the Environmental Report performed by ECS testing on the Boyd Property. A proposal was requested from ECS to perform a Limited Phase II Assessment (borings) to further confirm and/or establish the underground conditions of the site prior to purchase. The ECS proposal provided outlines the testing.

Motion:

I move the Board approves to proceed with Limited Phase II testing of the Boyd Property with funding coming from the Capital Reserve Fund.

Recreation Ordinance Amendments

Periodically staff reviews different ordinances to ensure that they are current with common practices and updates them as needed. Upon review of the Parks and Recreation Ordinance minor changes were made based on the current operations of the parks and existing language in other ordinances and state law. The only substantive change that was made to the Ordinance was the addition of standards regarding potential off-leash areas. While currently the County does not operate any off-leash facilities for dogs, the ordinance anticipates having standards in place if the County does have those facilities in the future.

The changes to the ordinance were reviewed by the Recreation Advisory Board at their April 12th meeting and the changes were unanimously recommended.

Motion:

I move that the Board approves the draft language to the Henderson County Recreation Ordinance as presented and unanimously supported by the Recreational Advisory Board.

Juvenile Justice and Delinquency Prevention Grant – Juvenile Crime Prevention Council County Plan FY 2007-2011

The Henderson County Juvenile Crime Prevention Council (JCPC) has approved funding for local juvenile crime preventions programs. These funds for Fiscal Year 2011-2012 in the amount of \$209,672.00 are available for this purpose through the State of North Carolina. Each program is required to provide a 30% match. The following grant applications have been recommended for approval to the Board of Commissioners by the Henderson County JCPC as follows:

1. JCPC Administration	\$3,500.00
2. Project Challenge	\$72,433.00
3. Hendersonville Police Department/Temporary Shelter	\$12,000.00
4. Hendersonville Police Department/Psychological Services	\$6,024.00
5. Boys & Girls Club of Henderson County	\$25,000.00
6. Henderson County Public Schools	\$25,000.00
7. Henderson County Dispute Settlement Center	\$44,748.00
8. *Unallocated	<u>\$20,967.00</u>
Total	\$209,672.00

Note #8: *The Council agreed, based on guidance from our area consultant, to set aside \$20,967.00, the amount projected as the anticipated reductions. This allows the programs to plan on the amount of funds actually awarded. Should the anticipated reduction request not amount to the total money in line item #9, the programs will have an opportunity to request additional funds as needed.

Staff recommends the approval of the funding for program 1-7 above as recommended by the Council. Further it is requested that the Board authorize the County Manager or Assistant County Manager to approve and execute any necessary documents for the unallocated funds on behalf of the Board of Commissioners pending their satisfaction with the grant applications.

Motion:

I move that the Board approves the applications for program #1 through #7 as listed above. I further move that the Board authorize the County Manager or Assistant County Manager to execute additional applications or necessary documents for the unallocated funds on behalf of the Board of Commissioners when they are satisfied with the applications.

Proclamation – Declaring July 2011 as Stained Glass Month

The Board of Commissioners is requested to adopt a Proclamation, declaring July, 2011 as Stained Glass Month in Henderson County.

The Board is requested to review and adopt the Proclamation, declaring July, 2011 as Stained Glass Month in Henderson County.

Motion:

I move that the Board adopts the provided Proclamation, declaring July, 2011 as Stained Glass Month in Henderson County.

Vehicle Purchase from Sheriff's Drug Forfeiture Funds

The Sheriff's Department provided two (2) budget amendment forms. The Sheriff is requesting the purchase of a sport utility vehicle and associated equipment for the vehicle to be used for drug interdiction. The vehicle will be purchase using Federal Forfeiture Funds and with no general county dollars.

Motion:

I move the Board approves the budget amendments and purchase of the vehicle and necessary equipment for the vehicle.

NOMINATIONS

Chairman Edney reminded the Board of Vacancies and opened the floor for nominations.

Notification of Vacancies

1. Nursing/Adult Care Home Community Advisory Committee – 2 vac.
2. Recreation Advisory Board – 1 vac.

Nominations

1. CJPP (Criminal Justice Partnership Program) – 2 vac.

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

2. Downtown Hendersonville, Inc. – 1 vac.

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

3. EMS Quality Management Committee – 9 vac.

Commissioner Young nominated Jim Clayton for position #19. *Chairman Edney made the motion to accept the appointment of Jim Clayton to position #19 by acclamation. All voted in favor and the motion carried.*

Fire Marshall Rocky Hyder noted that position #19 is currently held by Larry Russell, who is a vital part of the committee. He suggested extending the membership to twenty positions with position twenty being at-large and thereby appointing Mr. Clayton to that position. This item will be rolled to the next meeting for discussion.

4. Environmental Advisory Committee – 1 vac.

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

5. Henderson Country Planning Board – 1 vac.

Commission Messer nominated Stacy Rhodes for reappointment to position #5. *Chairman Edney made the motion to accept the appointment of Stacy Rhodes to position #5 by acclamation. All voted in favor and the motion carried.*

6. Juvenile Crime Prevention Council – 8 vac.

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

7. 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.

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

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

9. Senior Volunteer Services Advisory Council – 3 vac.

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

APPROVAL OF LOWEST BID FOR COMMUNITY DEVELOPMENT BLOCK GRANT – WARM COMPANY SEWER LINE IMPROVEMENTS

Anthony Starr stated the 2008 Community Development Block Grant (CDBG) Infrastructure project will assist a Henderson County business, the Warm Company, in acquiring a sewer connection. The CDBG funds provide for approximately 1,471 linear feet of gravity sewer main with a total project budget of \$200,000. As part of the procurement requirements associated with the grant, a Request for Bids (RFB) for infrastructure improvements was advertised. A total of 13 companies submitted bids.

Due to requirements by the NC Division of Community Investment, the Board is required to take action on this bid for construction services. After review of the submitted bids, it is recommended that the Board of Commissioners select Huntley Construction, the lowest qualified bidder, for the project. The bid by Huntley Construction for \$75,657.50 came in well below budget. The remaining submitted bids are available in the Planning Department for inspection.

The Board previously reviewed this project and approved the grant application. Planning Staff is now implementing the grant and no County matching funds are required. This would be Federal monies passed through the State.

Commissioner O'Connor noted that Federal money is taxpayer money.

Commissioner Messer made the motion that the Board approves Huntley Construction, the lowest qualified bidder, for construction services, authorize the Planning Director to execute a construction contract for \$75,657.50 and authorize staff to take all necessary steps to complete the infrastructure improvements pursuant to CDBG #08-C-1848. The motion passed 4-1 with Commissioner O'Connor voting nay.

PUBLIC SCHOOLS' FACILITY NEEDS SURVEY

The Board was provided with the Henderson County Public School System's Facility Needs Survey preceded by a cover letter dated April 11, 2011 from Assistant Superintendent Bill Parker.

Henderson Country Public School Superintendent David Jones stated, per the correspondence, the Public School Facility Needs Survey is required by General Statute and serves as the official report of the Public Schools' 2011-2016 Long-Range Plan. The Commissioners review and signature indicate in no way that they agree or disagree and merely a document that must be presented to the Board. This is a very fluid document and the last document contained several items that are not included in the new document for one reason or another. Previous requests were made for additional rooms at Etowah which are no longer necessary based on some redistricting. There was also the possibility of a new middle school which had been deleted from the list.

Commissioner Young made the motion that the Board authorizes the Chairman and staff to sign the aforementioned documents acknowledging the County's receipt and review of the School District's 2010-2011 Facility Needs Survey. All voted in favor and the motion carried.

HAZARD MITIGATION PLAN ADOPTION

Rocky Hyder stated pursuant to North Carolina General Statute 166A and 44 Code of Federal Regulations 201.6 Henderson County has updated the Multi-Jurisdictional Hazard Mitigation Plan. This document is required in order to be eligible for State or Federal disaster assistance. The Plan identifies the hazards that Henderson County is exposed to and tries to identify plans of action that mitigate some of those hazards should we be exposed.

Mr. Hyder explained that during his employment with Henderson County the average tornado warnings has been one (1) per year which does not call for a siren. The fire departments do set off their sirens, but they cannot be heard in all areas. It has been determined that the Norah Weather Radio is best utilized in this area.

The plan was reviewed and approved by the North Carolina Division of Emergency Management and the Federal Emergency Management Agency and is presented for consideration and approval by the Board of Commissioners.

Public input has been encouraged through two public hearings conducted by the Multi-Jurisdictional Hazard Mitigation Planning Committee.

Commissioner Young made the motion that the Board adopts the Henderson County Multi-Jurisdictional Hazard Mitigation Plan by resolution as presented. All voted in favor and the motion carried.

CONSTRUCTION CONTRACT – JACKSON PARK PROJECT

Marcus Jones stated as recommended by William Buie with William G Lapsley and Associates on the letter provided, the apparent low bid for the referenced construction contract is provided for Board approval. The proposed contract is for \$493,301.98 with Tar Heel Paving. Tar Heel Paving is a local Henderson County contractor.

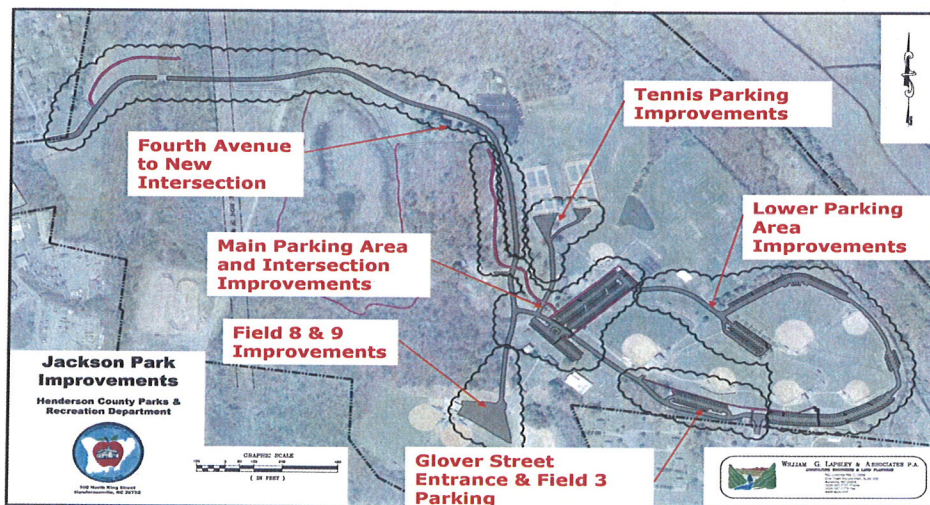
The scope of the recommended contract is detailed in the letter provided and includes sections 1, 2 and 3 from the bid. This award will allow for approximately 8% contingency for the construction project. Should the project progress smoothly without utilizing the contingency, we will be able to expand the scope of the project based on the prices established in the bid. Additionally with the input from the awarded contractor, the pavement application may be changed from overlaying to a seal coat in some areas which will increase the funding available to the project. The outcome from the contingency utilization and pavement applications will be brought back to the Board as needed for direction.

By State Statute this project was estimated to be in the formal bidding range, and therefore, the Engineer has conducted the bid process accordingly. Additionally, the project was advertised in the local newspaper, Times-News, and posted on the County website.

The proposed budget is as follows:

Tar Heel Paving Contract	\$493,301.98
Leon Allison Contract for Retaining Wall (complete)	\$ 30,000.00
Engineering Agreement (Design, Permitting & Bidding)	\$ 27,000.00
Construction Administration & Testing (if needed)	\$ 10,000.00
Construction Contingency (8%)	\$ 39,698.02
Total Project Budget	\$600,000.00

The funding for this project is currently allocated in the FY11 budget.



Project Summary

Jackson Park Project Bid Summary

• Main Entrance Road Improvements	\$160,585.13
• Main Parking Area & Intersection Improvements	\$199,519.78
• Glover Street Entrance & Field 3 Parking	\$133,197.07
• Lower Parking Area	\$103,604.26
• Field 8 & 9 Improvements	\$41,915.91
• Trail Improvements	\$120,866.29
• TOTAL LOW BID AMOUNT	\$759,688.44
• ESTIMATED CONSTRUCTION COST WAS	\$999,862.50

Different types of pavement are being investigated and there is a possibility of savings here. The drainage problem on the pavement is also being looked into and will be fixed. Work will be taking place beginning May 16, 2011 and should be completed by September 2011. Commissioner Thompson was concerned that the process was moving to slow.

Commissioner Messer made the motion that the Board of Commissioners awards the construction contract for the Jackson Park Project with the apparent low bidder Tar Heel Paving for \$493,301.98, approve the project budget and authorize the County Engineer to execute the required documents. All voted in favor and the motion carried.

OFFICE RELOCATIONS

Selena Coffey stated at its April 4, 2011 meeting, the Board of Commissioners requested that staff re-evaluate the current plans for county office relocations. The current plan includes moving some county departments from their current location at King Street to the newly renovated Old Health Department building on Spartanburg Highway. Further, the Board agreed that staff should study the feasibility of moving all tax functions from the first floor of the 1995 Courthouse to the ground floor and thereby relocating the Probation and Parole Division, Juvenile Services, CJPP, Guardian Ad-Litem and Child Support Divisions.

During this meeting, staff presented some options for the Board of Commissioners to consider with regard to office relocations based on the previous discussions.

Current Space Allocations:

- Tax Department – 7,376 square feet on 1st Floor of '95 Courthouse
- State Agencies – 10,385 square feet on Ground Floor of '95 Courthouse
 - Includes Probation & Parole, Juvenile Services, Guardian Ad Litem, CJPP, Child Support
- County Departments – Approx. 13,000 square feet at King Street Building
 - Includes Permit Center, Zoning & Code Enforcement, Planning, Building Services
- Old Health Department – 14,319 square feet renovated space available at Spartanburg Highway Building

Baseline per 4/4/2011 Board Meeting:

- Direction to study space allocation options predicated on moving Tax Department to ground level of '95 Courthouse
 - Relocating Tax Department to ground floor provides adequate space plus 3,009 square feet available expansion space

- All options presented hereafter predicated upon moving tax functions to ground level.

Option A: State Agencies Relocate to OHB / County Departments Remain at King Street

Advantages:

- Provides adequate space for state agencies plus additional 3,934 square feet expansion space at old health building
- Costs no additional county dollars
- Alleviates some parking space issues at the '95 Courthouse
- No County phone system installation necessary (cost-savings) because State agencies utilize different system

Issues:

- Security assessment necessary for old health building
- Evaluation of OHB space to determine agencies' best locations within old health building to gain efficiencies and account for clientele

Option B: State Agencies Relocate to King Street / County Departments to Old Health Building

Advantages:

- Provides adequate space for State Agencies plus additional 5,749 square feet for expansion
- Alleviates some parking space issues at the '95 Courthouse

Issues:

- Provides adequate space for County Departments at old health building but only additional 1,319 square feet for expansion space
- Requires additional moving expenses for County
- Security assessment necessary for King Street Building
- Evaluation of King St. space to determine state agencies' best locations within building to gain efficiencies and account for clientele

Option C: Relocate Child Support to HSB (An Alternate to Option A or B)

Advantages:

- Provides 2,149 ft² additional available space for State agencies in Option A or B

Issues:

- Moving expenses necessary for Child Support
- Spaces in buildings in Options A and B are finished, whereas the space at the Human Services Building is unfinished "shell" space, which would be more costly to finish

Recap of Capital Reserve Fund

Available Capital Reserve Fund	\$1,248,056
Less Earmarked Funding for Boyd Property	-\$750,000
Available	\$498,056

Commissioner Thompson made the motion that the Board of Commissioner approves the county relocation of offices including Probation and Parole, Juvenile Services, CJPP, Guardian Ad Litem and Child Support from the '95 Courthouse to the Old Health Building on Spartanburg Highway. He further moved that each department being moved have adequate space, and if not so, staff look at King Street to see if any space is available there. The number one priority is that they move to old health department building. The vote passed 4-1 with Commissioner Young voting nay.

It was the consensus of the Board that staff brings back a basic plan with options to move tax offices including costs of security and enhancements necessary by the first meeting in June.

UPWARD ROAD UPDATE

Chairman Edney updated the Board on his research into the Upward Road widening project. He had met with three (3) representatives from the NCDOT and asked if a five (5) lane was possible. He was told no, it was under contract and the Commission would not be able to make a change.

N.C. DEBT SETOFF PROGRAM – OUTSTANDING DELINQUENT EMS ACCOUNTS

Carey McLelland stated Local Governments in North Carolina can use the N.C. Debt Setoff Program to collect delinquent account balances of \$50 or more by submitting them to a clearinghouse which will attach to state income tax refunds processed by the N.C. Department of Revenue. Once submitted, the delinquent accounts will stay in the clearinghouse database until any state income tax refund becomes available to satisfy the balance due.

Staff is requesting to be able to utilize the N.C. Debt Setoff Program to attach to any state income tax refund that becomes available to collect on outstanding delinquent EMS account balances for patients that have no insurance coverage and for those patients that have insurance coverage, but does not pay 100 percent of the charges and the balance remaining has not been satisfied.

Only those EMS patient accounts that have been identified as having no insurance coverage at all or have insurance that does not pay 100 percent of the bill leaving an outstanding delinquent account balance would be submitted to this Program. No Medicare or Medicaid eligible patient accounts will be submitted to the N.C. Debt Setoff Program.

Request that the Board consider approving the use of the N.C. Debt Setoff Program by Staff for the collection of outstanding delinquent EMS account balances.

EMS ACCOUNTS RECIEVABLE - APRIL 26, 2011

Accounts receivable balance – 4/26/11	\$1,664,114
AR balance - private pay (cash) accts – 59%	\$ 986,615
10%-15% collection success rate through the N.C. Debt Setoff Program	\$ 98,662 - \$147,992
Cost of a paramedic including benefits	\$ 46,390
Total FY2011 EMS operating budget	\$4,156,546
Total FY2011 EMS revenues budgeted	<u>\$2,325,000</u>
Difference	\$1,831,546

Commissioner Messer made the motion that the Board of Commissioners approves the use of the N.C. Debt Setoff Program by Staff for the collection of delinquent EMS account balances over \$50 for patients that have no insurance coverage at all and also for those patients that have insurance coverage, but does not pay 100 percent of the charges leaving an outstanding delinquent account balance. All voted in favor and the motion carried.

AIRPORT AUTHORITY BILL

Chairman Edney discussed House Bill 552 as it pertains to the Asheville Airport for informational purposes only. Representative McGrady feels the more important things have been addressed but he would be available via phone if any Commissioners had questions. The newest bill reflects no elected officials on the Board. The Director of the Airport Authority had informed Chairman Edney that he also was available for any questions or comments from Commissioners.

President and CEO of the Partnership for Economic Development Andrew Tate stated the Partnership has been watching this bill and over the past month it has changed, but not favorably from the perspective of the Partnership for Economic Development. There are issues with the Board structure as well as issues with use and capacity of eminent domain and condemnation. The Partnership has very specific concerns

with protection of Ferncliff Industrial Park, a business park that they have worked with for a couple of years to ready and certify through the Department of Commerce. This bill states “the powers and authority of the authority created by the statute shall be construed liberally in favor of the authority”. This allows them to condemn property or declare eminent domain using the proper proceedings and is a direct threat and concern to the time and resources the Partnership has invested in Ferncliff Industrial Park.

Chairman Edney stated the current bill says “eminent domain may only be authorized jointly”, so any property in Henderson County would have to be agreed upon by this Board.

Mr. Tate agreed and felt for airport purposes, looking beyond they can initiate that condemnation process and, if you go back to the beginning of the legislation what defines airport facilities for airport purposes even includes pretty much anything that they want it to include. Another concern is that what they define as airport purpose. At one point and time this was something that was necessary or specific to aviation, and now we seen this bill blossom and words used such as beneficial or helpful to the airport. Also the last version, in section 12, says “this particular General Statute with the State does not apply to the greater Asheville Regional Airport Authority”, and if you reference that General Statute, it is the one that prevents State agencies from competing with private enterprise or business. Mr. Tate will continue to monitor the bill.

COUNTY MANAGER’S REPORT

Steve Wyatt briefly discussed issues with lottery money and the County budget. A loss of about \$518,000 in lottery funds is expected. This funding has been dedicated solely for debt service for school facilities that must be paid. Combined with the \$750,000 of ADM money taken away, you are looking at \$1.250 million that was laid out as an incentive to counties across the state the build school facilities. This is a substantial portion of the \$9.5 million in annualized school debt service. This is the value of over 1 penny of the future tax rate that is on-going. He suggested the Board voice their concerns with Representatives Guice and McGrady.

Mr. Wyatt reported that flags were being flown at half staff today in honor of Chief Warrant Officer Terry Varnadore II. The “historical flag” Betsy Ross flag will be flown this week in recognition of the achievements of the United States Special Forces and their efforts in Pakistan, especially over the weekend, and everything they have done since the inception, when that flag was first flown.

IMPORTANT DATES

Schedule a Public Hearing Regarding a Proposed Fare Increase and Service Hour Decrease for Apple Country Transit

Staff requests that the Board of Commissioners schedule a public hearing regarding proposed changes to Apple Country Transit Services. To offset increased costs associated with a new three-year operations and maintenance contract and to accommodate a 7.5% reduction in County matching funds, staff proposes an increase in transit fares and elimination of one hour of service from the schedule for all three routes between the hours of 5:30 p.m. and 6:30 p.m. for the transit system.

The proposed fare schedule is shown in the table provided. The fare increases will likely yield additional annual revenues of approximately \$8,195 to support existing services. Elimination of transit services during the last hour of the day between 5:30 p.m. and 6:30 p.m. would save approximately \$10,755 in local costs.

Annual ridership is estimated to decrease by approximately 26%, which would adjust the number of annual one-way trips from 94,000 to 69,560. Elimination of one hour of service could result in a ridership loss of 5,000 one-way trips annually. According to national standards, the fare increase may result in a

temporary decrease in ridership of 21%. WCCA increased fares on the bus service in 2006 resulting in a decrease of approximately 7% for four months.

Federal law requires local governments to hold a public hearing prior to increasing fares or decreasing transit service. The proposed service adjustments comply with Federal Transit Administration Regulations.

Planning Staff requests that the Board of Commissioners schedule a public hearing regarding a proposed fare increase and decrease of service hours for June 6, 2011 at 5:30 p.m.

Commissioner O'Connor requested ridership history, and Anthony Starr stated he would provide an overview at the public hearing.

Commissioner O'Connor made the motion that the Board schedules a public hearing regarding the proposed fare increase and decrease of service hours for Apple Country Transit on June 6, 2011 at 5:30 p.m. All voted in favor and the motion carried.

Apple Country Existing and Proposed Fare Schedule		
FARE	Existing Fare Schedule for FY 2011 (Last Changed April 2006)	Proposed Fare Schedule effective July 1, 2011
Cash Fare	75 cents	\$1.25
Half Fare for Seniors and Medicare Card Carriers	30 cents	60 cents
Children under 5	Free	Free
Para-transit service (no more than twice Fixed Route Fare)	\$1.25	\$2.50
One Trip Pass Book (20 tickets)	\$10	\$20
Monthly Pass	\$15	\$30

Schedule a Joint Meeting with UNC and Pardee Hospital Board

Chairman Edney explained this would be a joint meeting with the Pardee Hospital Board of Trustees, the Board of Commissioners, and representatives of UNC Healthcare. The purpose of the meeting will be for UNC Healthcare to make a presentation as to where they see benefits and any possible downside to the proposed partnership with Pardee and UNC. This will be a public meeting.

Chairman Edney made the motion that the Board schedules a special called meeting with representatives of UNC Healthcare and Pardee Hospital Board for May 24, 2011 at 9:30 a.m. here in the Historic Courthouse Courtroom. All voted in favor and the motion carried.

Joint meetings with Pardee Hospital Board of Trustees on May 6th and 9th to conduct CEO Interviews

Chairman Edney explained that the Pardee Board of Trustees had invited the Board of Commissioners to join them on May 6 and May 9 at 2:30 p.m. to participate in the next round of CEO interviews.

Commissioner Edney made the motion that the Board sets a special called meeting on May 6, 2011 at 2:30 p.m. and May 9, 2011 at 2:30 p.m. in the 3rd floor Boardroom of Pardee Hospital to conduct CEO interviews. All voted in favor and the motion carried.

CLOSED SESSION – ADD ON

Commissioner Messer 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.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

All voted in favor and the motion carried.

ADJOURN

Commissioner Thompson made the motion to go out of closed session and adjourn at 8:45 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, 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 26, 2011

Re: Tax Collector's Report to Commissioners – 05/02/11 Meeting

Please find outlined below collections information through April 25th for the 2010 bills, which were mailed out on August 13th, 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:

2010 Total Charge: \$57,524,414.37
Payments & Releases: 55,513,926.91
Unpaid Taxes: 2,010,487.46
Percentage Collected: 96.50%
(through 04/25/11)

2009 Total Charge: \$57,024,352.18
Payments & Releases: 55,016,266.65
Unpaid Taxes: 2,008,085.53
Percentage Collected: 96.48%
(through 04/25/10)

Motor Vehicle Bills G01 Only:

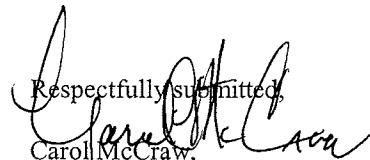
2010 Total Charge: \$3,443,101.11
Payments & Releases: 2,915,405.90
Unpaid Taxes: 527,695.21
Percentage Collected: 84.67%
(through 04/25/11)

2009 Total Charge: \$3,814,784.42
Payments & Releases: 2,993,223.48
Unpaid Taxes: 821,560.94
Percentage Collected: 78.46%
(through 04/25/10)

Fire Districts All Bills

2010 Total Charge: \$6,665,086.41
Payments & Releases: 6,379,439.58
Unpaid Taxes: 285,646.83
Percentage Collected: 95.87%
(through 04/25/11)

2009 Total Charge: \$6,583,526.14
Payments & Releases: 6,271,506.79
Unpaid Taxes: 312,019.35
Percentage Collected: 95.43%
(through 04/25/10)

Respectfully submitted,

Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Sheriff's Office 115431

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-553000</u>	<u>Capital Outlay--Vehicles</u>	<u>\$25,468.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

REVENUE

Account	Line-Item Description	Amount
<u>114431-451005</u>	<u>Federal Asset Forfeitures</u>	<u>\$25,468.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

To provide funding for the purchase of a 2011 Chevrolet Tahoe that will be used for drug interdiction. (A copy of the dealership quote is attached for information.)

J. Westerhoff
 J. Westerhoff, Business Manager
 Sheriff Rick Davis D. K. Cahra April 13, 2011
 Authorized by Department Head _____ Date _____

 Authorized by Budget Office _____ Date _____

 Authorized by County Manager _____ Date _____

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

**PROJECT SUMMARY
WATER UTILITY EXTENSION
Dana Fire & Rescue**

March 17, 2011

To: Honorable Mayor and Members of City of Council

From: Water & Sewer Department Staff

RE: STAFF RECOMMENDATION FOR ACCEPTANCE OF
WATER UTILITY EXTENSION AGREEMENT (WUEA)

This is a project to extend lines to provide water service to **the existing Dana Fire & Rescue Department**. This project is located on **Ridge Road**. This project is under the reviewing jurisdiction of **Henderson County** and is located within the **USA – Urban Services Area**. This project **will not** involve an IBT (Interbasin Transfer) from the French Broad River Basin. The entire cost of the proposed water line extension is to be paid for by **Rolling Ridge, LLC of Hendersonville, NC**.

This project requires approximately **2,920** linear feet of water line sized as following:

Approximate Length:	Description:
2,920 lf	12" DIP CL 350

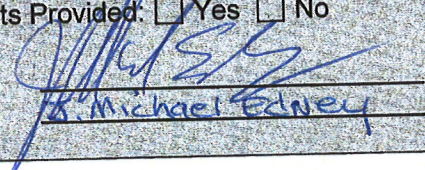
Fire Protection will be provided by the installation of 4 (four) fire hydrant(s).

The Reviewing Jurisdiction, listed below, has completed their review of this utility extension request in regard to their adopted land use plan or in terms of its future impact on existing land uses for that local government.

Reviewing Jurisdiction: **Henderson County**

Approved Disapproved (See attached form provided to the City by the Reviewing Jurisdiction)
Narrative Comments Provided: Yes No

Signing of Official:
Printed Name:


Michael Edney

Date: 5/2/11

Based on the above information, the Water & Sewer Department has the capacity to support this additional infrastructure and associated connections and hereby recommends approval of said project contingent upon final approval of construction plans and specifications by the Water & Sewer Department.

A motion is needed to approve and accept this project. Suggested wording for motion is as follows:

"I move to accept this Water Utility Extension Project and to authorize the City Manager to execute the associated Water Utility Extension Agreement on behalf of the City."

Water and Sewer Department:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date: 3-16-2011
Henderson Co. Commissioners:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date: <u>5/2/11</u> <u>AW</u>
Hendersonville City Council:	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Date: _____

Chapter 130A
PARKS AND RECREATION AREAS

[HISTORY: Adopted by the Board of Commissioners of Henderson County as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, General Regulations [Adopted 6-20-2001]

§ 130A-1. Title.

This chapter shall be referred to as the "Henderson County Parks and Recreation Ordinance."

§ 130A-2. Authority.

This chapter is enacted pursuant to N.C.G.S. 160A, Article 18, and N.C.G.S. 153A-169.

§ 130A-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DEPARTMENT -- The Parks and Recreation Department of Henderson County.

DIRECTOR -- The Director of the Parks and Recreation Department of Henderson County, or his/her designee.

OFF-LEASH AREA- an area on County Parks property that is designated by the Director as an area for dogs to exercise and socialize off leash while under the supervision of the dog's owner. It is synonymous with Dog Park.

PARK -- A park, reservation, playground, community center, recreation center, stadium or any other area or structure in the County, owned or leased or used by the County and devoted to active or passive recreation, including property owned by others and devoted to park purposes under the jurisdiction of the Department.

PERSON -- Any individual, firm, partnership, association, corporation, company or organization of any kind, but does not apply to park employees or law enforcement officers to the extent necessary to carry out their duties.

PUBLIC PLACE -- Any place which is viewable from any location open to the view of the public at large.

PUBLIC NUDITY -- A person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area or female breasts below a point from the top of the areola while in a public place, excluding toilet facilities.

SEXUAL CONDUCT -- Vaginal, anal or oral intercourse, whether actual or simulated, or masturbation.

SPECIAL EVENT- an event at the park approved by County staff that is of a temporary nature including but not limited to festivals, races, sporting events and holiday celebrations.

VEHICLE -- Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled; except wheelchairs and similar vehicles, baby carriages and vehicles in the service of the County parks or emergency vehicles.

§ 130A-4. Park property.

A. Buildings and other property. No person in a park shall:

(1) Willfully mark, deface, disfigure, adulterate, injure, tamper with or displace or remove any buildings, bridges, tables, fireplaces, railings, paving or paving materials,

water lines, or other public utilities or parts of appurtenances thereof, fences, signs, notices or placards, whether temporary or permanent, receptacles, monuments, stakes, posts, or other boundary markers, or other structures, improvements or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Force entry into any rest room or washroom that is locked or bolted; and no person over the age of six years shall enter any rest room, washroom or locker room designated for the opposite sex.

(3) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit or permission of the Director.

(4) Camp or sleep overnight in any area of the park. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purpose, such as a camper-trailer, house trailer, motor home or the like unless it is a special event approved by Henderson County.

B. Trees, shrubbery, lawns. No person in a park shall:

(1) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant; attach any rope, wire or other contrivance to any tree or plant or tie or hitch an animal to any tree or plant.

(2) Dig or remove any soil, rock or stones, or any trees, shrubs, plants, plantings, grass, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(3) Climb, stand or sit upon monuments, vases, fountains, failings, fences, shelters, trees or upon any other property, real or personal, not designated or customarily used for such purposes.

C. Wild animals, birds. No person in a park shall abuse or mistreat any animals or birds in the park

§ 130A-5. Sanitation.

No person in a park shall:

A. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary system, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

B. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cigarette or cigar butts, cans, dirt, rubbish waste, garbage or refuse, animal waste or other trash anywhere on the park grounds; except such matter may be placed in proper receptacles where provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

C. Dump, deposit or leave household garbage or waste generated outside the park in the park facilities, park receptacles or dumpsters, or on park grounds.

§ 130A-6. Traffic.

No person in a park shall:

- A. Fail to comply with the provisions of the motor vehicle traffic laws of the state and ordinances of the County in regard to equipment and operation of vehicles.
- B. Fail to obey all traffic officers, law enforcement officers and parks and recreation employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the park.
- C. Fail to obey all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.
- D. Ride or drive a vehicle at a rate of speed exceeding the posted limit, except upon such roads as the Director may specifically designate, by posted signs, for speedier travel.
- E. Drive any vehicle on any area except the paved park roads or designated parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director, except that bicycles shall be permitted on all trails unless specifically prohibited.
- F. Park a vehicle, or allow it to stand in other than an established or designated parking area, and such use shall be in accordance with the posted directions and with the instructions of any traffic officer, law enforcement officer or parks and recreation employee who may be present.
- G. Cause or permit a vehicle to obstruct the flow of traffic.
- H. Cause or permit a vehicle to be parked unattended or abandoned overnight except by permission of the Director or authorized County staff.
- I. Stand, sit, congregate or in any way block or cause a hazard for vehicles in any roadway or parking area, except as may be specifically designated by the director during special events.
- J. Do not leave a bicycle in any place where it may cause a hazard for the public.

§ 130A-7. Recreational activities.

- A. Bathing and swimming. No person in a park shall swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and posted, and in compliance with such regulations as are now or may be hereafter adopted.
- B. Boating. No person in a park shall operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters within a park.
- C. Fishing. No person in a park shall engage in commercial fishing in the park
- (1)
- D. Picnic areas, shelters and use. No person in a park shall:
 - (1) (1) Leave fire pits or barbeque grills on and unattended in the park or bring or consume alcohol in the park.
 - (2) Violate the regulations that the use of the individual picnic areas and shelters, together with fireplaces, tables and benches, follows generally the rule of "first come, first served," or occupy a reserved area without authorization.
 - (3) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, cigarette and cigar butts, and other refuse, is placed in the disposal receptacles where provided. If no such receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

§ 130A-8. Behavior.

No person in a park shall:

- A. Possess, consume, or be under the influence of:
 - (1) Any malt beverage or unfortified wine, as defined in Chapter 18B of the North Carolina General Statutes.
 - (2) Any fortified wine or spirituous liquor, as defined in Chapter 18B of the North Carolina General Statutes.
- C. Build or attempt to build a fire, except in such areas as may be designated by the Department for the building of fires; or throw or otherwise scatter lighted matches, burning cigarettes, tobacco paper or other flammable material, within any park area.
- D. Enter an area posted as "closed to the public," nor shall any person use or abet the use of any area in violation of posted notices.
- E. Engage in any disorderly conduct or behavior tending to be a breach of the public peace.
- F. Engage in public nudity in any area of the park.
- G. Engage in any sexual conduct in any area of the park.
- I. Disturb or unreasonably interfere with the activities of any other person or persons occupying an area of a park.
- K. Enter, use or remain within any park during the hours when the park is closed.

§ 130A-9. Firearms; weapons; explosives.

No person in a park shall:

- A. Carry, use or possess firearms or other dangerous weapons of any nature within any park or other recreation facility; provided, however, that this section shall not apply to sworn law enforcement officers of any branch of federal or state government or to any County or municipal law enforcement officer of any jurisdiction within Henderson County.
- B. Possess or cause to explode, discharge, burn, or otherwise set off, any pyrotechnic, firecracker, other fireworks or explosives, or to discharge or throw them into any such land or highway adjacent thereto, except as may be specifically authorized by the Henderson County Board of County Commissioners. This provision does not apply to events organized by the Department.

§ 130A-10. Merchandising, advertising and signs.

No person in a park shall:

- A. Expose, offer for sale or advertise any food, beverage, article or service, or solicit donations, except as allowed.
- B. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever; except as allowed by County policy or ordinance.
- C. No solicitation or sale within the park except at special events with the permission of the County.

§ 130A-11. Park operating policy.

- A. The opening and closing hours for each individual park or recreation facility shall be determined by the Director and shall be posted therein for public information.

B. All or any section of any park or recreation area or facility may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

C. A permit shall be obtained from the County for shelter use, parking or special events at the Park.

E. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

§ 130A-12. Liability.

Any person or persons entering into a lease or rental agreement of any recreation facility agrees to hold harmless the County of Henderson and park and recreation staff for any injuries or death occurring while using the facilities. The sponsor shall assume full responsibility.

§ 130A-13. Enforcement.

A. The Director and Sheriff's Office has the authority and responsibility to enforce any rules and regulations governing the use and maintenance of the parks and recreation facilities as adopted by the Henderson County Board of Commissioners.

B. The Director, employees of the department, the Henderson County Sheriff or his deputies, and any law enforcement officer having territorial jurisdiction over said park, shall have the authority to eject from any park any person acting in violation of this or any section of this Code, park policy, or any law of the state.

C. When there is a violation of any provision of this chapter, the County, or any person set forth in § 130A-13B, in his/her discretion, may take one or more of the courses of action set forth in Chapter 1, General Provisions, Article II, including possible criminal and civil penalties.

§ 130A-14. Off Leash Area

A. It shall be unlawful for dogs to enter or be on park property without a leash except in such areas designated as Off-Leash Areas.

B. Certain areas designated by the Director shall serve as Off-Leash Areas within the Henderson County recreation system.

1. Only dogs shall be permitted in the off leash areas. All other animals are prohibited.
2. All dogs must be under the control of an attendant who is competent and knowledgeable about the dog's behavior and has control over the animal at all times.
3. Dogs deemed dangerous under the North Carolina statute or the Henderson County Animal Ordinance or animals deemed aggressive under the Animal Ordinance shall not be permitted in the off leash areas.
4. The Director shall promulgate rules and regulations for the Off-Leash Areas.

C. Violations of this Ordinance or of the Park Rules for Off-Leash areas may be subject to a \$50 fine per violation per occurrence as per N.C.G.S 14-4.

§ 130A-15. (Reserved)

- § 130A-16. (Reserved)
- § 130A-17. (Reserved)
- § 130A-18. (Reserved)
- § 130A-19. (Reserved)
- § 130A-20. (Reserved)
- § 130A-21. (Reserved)
- § 130A-22. (Reserved)
- § 130A-23. (Reserved)
- § 130A-24. (Reserved)
- § 130A-25. (Reserved)
- § 130A-26. (Reserved)
- § 130A-27. (Reserved)
- § 130A-28. (Reserved)
- § 130A-29. (Reserved)
- § 130A-30. (Reserved)
- § 130A-31. (Reserved)
- § 130A-32. (Reserved)
- § 130A-33. (Reserved)
- § 130A-34. (Reserved)
- § 130A-35. (Reserved)
- § 130A-36. (Reserved)
- § 130A-37. (Reserved)
- § 130A-38. (Reserved)
- § 130A-39. (Reserved)
- § 130A-40. (Reserved)
- § 130A-41. (Reserved)
- § 130A-42. (Reserved)
- § 130A-43. (Reserved)
- § 130A-44. (Reserved)
- § 130A-45. (Reserved)
- § 130A-46. (Reserved)
- § 130A-47. (Reserved)
- § 130A-48. (Reserved)
- § 130A-49. (Reserved)

ARTICLE II, Child Safety Zone [Adopted 10-18-2006]

§ 130A-50. Prohibition of convicted child sex offenders in child safety zone.

A. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

CAMP -- A site where educational and recreational activities are provided for children.

CHILD SAFETY ZONE -- All parks, public libraries, school sites, camps, and the public ways within 300 feet of a park, public library, school site, or camp.

CONVICTED CHILD SEX OFFENDER -- Any person who is required to register on the North Carolina Sex Offender and Public Protection Registry pursuant to N.C.G.S. § 14-208.5 et seq., and any person convicted of any offense which could require him or her to register on the North Carolina Sex Offender and Public Protection Registry.

LOITER -- Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around a child safety zone. This term shall not include the following:

- (1) A person's mere physical presence on a school site for the purposes of:
 - (a) Dropping off or picking up such person's legal child who attends such school; or
 - (b) Meeting with school officials at the school at which such person's legal child attends; or
 - (c) Attending a school event in which such person's legal child is actively participating.
- (2) A person's mere physical presence at an event announced to and open to the general public held on a school site.

PARK -- The same as defined by § 130A-3.

PUBLIC WAY -- Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

SCHOOL SITE

- (1) The buildings and grounds of any elementary school, junior high school, high school, or pre-school or child development or child-care facility required to be licensed by the State of North Carolina; and
- (2) All school-bus stops.

PUBLIC LIBRARY -- Any library operated by Henderson County.

B. It shall be unlawful for a convicted child sex offender to knowingly loiter in any child safety zone.

§ 130A-51. Enforcement procedures.

A. If a law enforcement officer reasonably believes that a convicted child sex offender is in a child safety zone in violation of this article, the officer shall require the convicted child sex offender to provide his/her name, address, and telephone number. If the officer establishes that the individual is a convicted child sex offender, then the officer shall notify the convicted child sex offender that he/she is in violation of the article.

B. For the purposes hereof, an individual may be established as a convicted child sex offender:

- (1) If he/she is a resident of North Carolina and is required to be registered on the North Carolina Department of Public Safety Sex Offender Registration Database; or
- (2) If he/she is not a resident of North Carolina, he/she would be required to so registered if he/she was, in fact, a North Carolina resident.

§ 130A-52. Violations and penalties.

Any person violating any provision of this article, upon conviction, shall be punished by incarceration as allowed by North Carolina law, and by a fine not to exceed \$500.

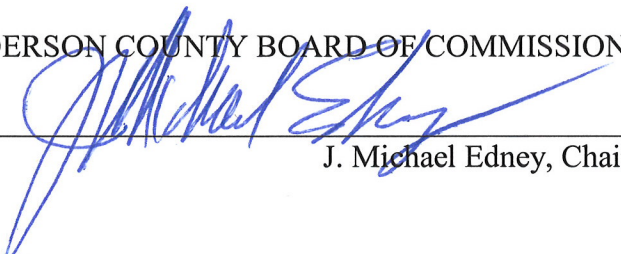
§ 130A-53. Severability.

If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

ORDERED this the 2nd day of May, 2011.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____


J. Michael Edney, Chairman

ATTEST:



Terry Wilson

Clerk to the Henderson County Board of Commissioners

Henderson

Department of Juvenile Justice and Delinquency Prevention County Funding Allocation

Available Funds: \$ 209,672 Local Match: \$ 77,196 Rate: 30%

A Program Agreement Form for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	DJJDP Funding	LOCAL FUNDING		OTHER	OTHER	Total	% Non-DJJDP Program Revenues
			Local Cash Match	Local In-Kind	State/Federal	Funds		
1	JCPC Administration	\$3,500					\$3,500	0%
2	Project Challenge	\$72,433		\$22,799			\$95,232	24%
3	H'ville Police Dept / Temp. Shelter	\$12,000		\$3,600			\$15,600	23%
4	H'ville Police Dept / Psy. Services	\$6,024		\$2,595			\$8,619	30%
5	Boys & Girls Club of Henderson Co.	\$25,000	\$12,500		\$2,500		\$40,000	38%
6	Henderson County Public School	\$25,000		\$25,202			\$50,202	50%
7	Henderson County Dispute Settlement Center	\$44,748	\$10,500		\$9,006		\$64,254	30%
8	Unallocated	\$20,967					\$20,967	0%
9							\$0	#DIV/0!
10							\$0	#DIV/0!
11							\$0	#DIV/0!
12							\$0	#DIV/0!
13							\$0	#DIV/0!
14							\$0	#DIV/0!
15							\$0	#DIV/0!
16							\$0	#DIV/0!
17							\$0	#DIV/0!
18							\$0	#DIV/0!
TOTALS:		\$209,672	\$23,000	\$54,196	\$11,506	\$0	\$298,374	30%

The above plan was derived through a planning process by the Henderson County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2011-2012.

 Chairperson, Juvenile Crime Prevention Council (Date)

[Handwritten Signature]

 Chairperson, Board of County Commissioners (Date)

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
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J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

PROCLAMATION Declaring July 2011 as Stained Glass Month

WHEREAS, Henderson County is proud of its long and rich tradition as a thriving arts and cultural center; and

WHEREAS, Henderson County is pleased to celebrate its history of making, preserving, and enjoying stained glass; and

WHEREAS, Henderson County is a leader in innovation and advancement of the stained glass craft; and

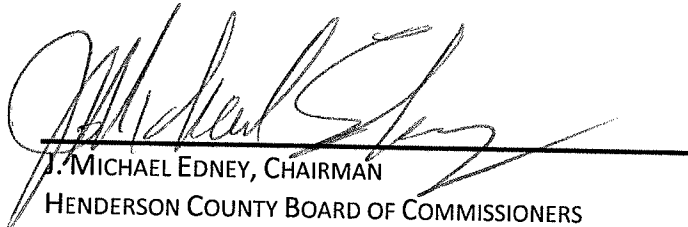
WHEREAS, Henderson County welcomes the internationally recognized American Glass Guild Summer Conference, and Western North Carolina Glass Crafters' July, 2011 activities promoting glass art in Western North Carolina; and

WHEREAS, the American Glass Guild's mission is to support and provide speakers for public lectures and seminars, encourage spirited debates, initiate fact-based research, and work toward building an environment that cultivates novices and facilitates experienced craftsmen and artists attaining a higher level of experience; and


WHEREAS, Henderson County joins the American Glass Guild in recognizing the spiritual uplifting and artistic importance of stained glass history and future cultural importance;

NOW, THEREFORE, be it resolved that we, the Henderson County Board of Commissioners, do hereby proclaim the month of July 2011 as *Stained Glass Month* in Henderson County and commend its observance to all citizens.

Adopted this the 2nd day of May, 2011.


J. MICHAEL EDNEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


TERESA L. WILSON, CLERK TO THE BOARD

HENDERSON COUNTY BOARD OF COMMISSIONERS

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LARRY YOUNG

ADOPTION RESOLUTION HENDERSON COUNTY MULTI-JURISDICTIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, the Henderson County Multi-jurisdictional Natural Hazards Mitigation Plan has been prepared by the Henderson County Multi-jurisdictional Natural Hazards Mitigation Planning Committee; and,

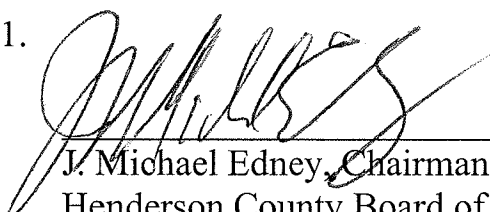
WHEREAS, the Henderson County Multi-jurisdictional Natural Hazards Mitigation Plan has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and,

WHEREAS, the County of Henderson is a local unit of government that has afforded the citizens an opportunity to comment and provide input to the Plan and the actions in the Plan; and,

WHEREAS, the Henderson Board of Commissioners has reviewed the Plan and affirms to participate in the Workgroup that will review the Plan every year and update it no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that the County of Henderson adopts the Henderson County Multi-jurisdictional Natural Hazards Mitigation Plan as this jurisdiction's Multi-hazard Mitigation Plan, and resolves to execute the actions in the Plan.

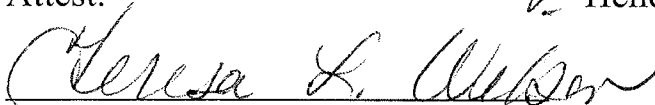
Adopted this 2nd day of May, 2011.



J. Michael Edney, Chairman

Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board

Teresa L. Wilson, Clerk to the Board