

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, MARCH 7, 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, Associate Attorney Sarah Zambon and Clerk to the Board Teresa L. Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Health Director Tom Bridges, Recreation Director Tim Hopkin, Construction Manager David Berry, Delinquent Tax Collector Lee King, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Sheriff Rick Davis, and Officer David Pearce (as security).

Absent: Attorney Russ Burrell

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 Caleb Worrell of the Young Naturalists 4-H Club.

INVOCATION

Reverend Larry Appleby of the Stoney Mountain Baptist Church gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Paula Delorenzo – Mrs. Delorenzo is the Chair for the Community Child Protection Team. Their annual report was included in the consent agenda. Mrs. Delorenzo stated that the three areas where she feels there are problems are no funding for transportation, affordable housing, or mental health.
2. Eva Ritchey – Ms. Ritchey spoke in regards to the Council on Aging and the needed support of the Meals on Wheels program. She provided breakdown of costs of the program and requested support from the Board of Commissioners.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

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

CONSENT AGENDA consisted of the following:

APPROVED: March 16, 2011

Minutes

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

- February 7, 2011– Regularly Scheduled Meeting
- February 16, 2011 - Regularly Scheduled Meeting

Henderson County Public Schools – Quarterly Report

The Henderson County Public Schools January 2011 Local Current Expense Fund and Capital Outlay Fund Financial Reports were provided for the Board’s information.

Motion:

I move the Board of Commissioners approves the Henderson County Public Schools January 2011 Local Current Expense Fund and Capital Outlay Fund Financial Reports as presented.

Financial Report/Cash Balance Report – January 2011

The January 2011, County Financial Report and Cash Balance Report were provided for the Board’s review and approval.

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

- Non-Profit Contributions – 3rd quarter non-profit contributions paid in advance
- Fire Services – Annual emergency services equipment maintenance contract payment paid in November
- Rescue Squad – 3rd quarter non-profit contribution paid in advance
- Soil & Water Conservation – final payments made from state grant received for Streambank Restoration Project
- Mental Health – MOE payments to Western Highlands occurred in January
- Tuberculosis, Risk Reduction, IAP Health Programs and DSS SmartStart – 100 percent grant funded programs
- Public Education – schools capital expenditures reimbursed based on paid invoices submitted; two monthly budgeted payments (Feb/Jan) to BRCC accounted for at the end of January

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 – the CDBG – Warm Company Project Grant Fund and the Facilities Lighting Retrofit Grant (ARRA) Project is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Public Transit Fund is due to the timing difference between the expenditure of ARRA grant funds for the CNG Station Project and subsequent reimbursement from the N.C. Department of Transportation.

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 in January along with fund balance being appropriated in the current fiscal year for solid waste capital improvement plan expenditures incurred.

Motion:

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

Henderson County Public Schools Financial Reports – January 2011

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

Motion:

I move the Board of Commissioners approves the Henderson County Public Schools December 2010 Financial Reports as presented.

Letter of Support to NCDOT for Howard Gap Road Widening

NCDOT plans to improve Howard Gap Road from Jackson Road in Fletcher to US Highway 64 in Hendersonville. The project includes widening the two travel lanes, adding paved shoulders, improving the road geometry (sharp curves), replacing several bridges, and adding a roundabout at the intersection with Brookside Camp Road. See the attached project summary for more detailed information.

The primary purpose of the project is to improve safety. The project cost is estimated at \$23,000,000. Planning Staff requested NCDOT mark the planned 4 foot paved shoulders as dedicated bike lanes to increase safety for the project. After evaluation, the NCDOT wanted to also add "rumble strips" to the shoulders to enhance safety. To add the rumble strips and mark the paved shoulders as bike lanes, an additional one foot of paved shoulder is needed (from current plans) on each side of the road. NCDOT estimates the additional cost at \$220,490.00. The additional cost is less than 1% of the total project cost.

NCDOT requests the Board of Commissioners support for the project and the additional safety improvements (bike lanes and rumble strips). No County funds are requested or required.

Motion:

I move that the Board authorize the Chairman to send a letter of support for the project with the additions of bike lanes and rumble strips.

Recreation Trails Grant Support Letter

The Western North Carolina Alliance has asked Henderson County to write a letter supporting their Recreation Trails Grant application to develop a paddle trail along the French Broad River.

The paddle trail proposed along the French Broad River would run from Transylvania County to Madison County with a couple of campsites established along the way with willing land owners. The Henderson County section of the French Broad River would be a part of the paddle trail.

No county funding has been requested or offered for the project. The Western North Carolina Alliance has simply asked that a letter of support for their grant application be written by the county.

Staff is supportive of the work to create a paddle trail along the French Broad River. It is requested that the county signs a letter of support for the application by the Western North Carolina Alliance to the Recreation Trails Grant.

A letter has been prepared by staff supporting the application. The letter also states that no county funding will be available for the paddle trail project. The trail would be enhanced by the current county river access points at Blantyre Park and Westfeldt Park.

Motion:

I move that Henderson County write and sign a letter to support for the application from the Western North Carolina Alliance for a Recreation Trails Grant to establish a paddle trail along the French Broad River.

Recreation Advisory Board Bylaw Amendments

The Recreation Advisory Board (RAB) reviewed its bylaws and unanimously recommended several changes outlined in the draft bylaws provided in the agenda packet. All changes were highlighted with additions being underlined and deletions being struck through.

Most of the amendments presented were redrafted so the bylaws reflect current procedural practices. Substantive changes suggested in the bylaws include:

- Clarifying the Function of RAB (Article II Section A);
- Adding a non-voting member to the Board who will be an individual from the Henderson County Schools (Article III, Section A);
- Deletion of all standing committees because they were not being used. Temporary committees may be created as needed (Article VII, deletion of Section C);
- Addition of an attendance policy for members so that those missing more than 25% of meetings in a calendar year shall be reviewed by RAB and possibly report to the Board of Commissioners (Article X).

These changes were unanimously recommended by the Recreation Advisory Board at its February meeting. The bylaws will not take effect until approved by the Board of Commissioners.

Motion:

I move the approval of the changes to the Henderson County Recreation Advisory Board Bylaws.

Right of way Agreement for Transfer Station

This request is for approval for an agreement between Henderson County and Duke Energy Carolinas, LLC for three rights of ways on the Landfill and Animal Shelter properties. Duke Energy Carolinas, LLC is requesting to have a width of 10 feet on each side of the centerlines for electrical facilities both above and below ground.

These rights of ways are for the relocation of utilities for the Solid Waste Capital Improvements. These easements will cover new power lines for improvements to the Landfill property.

Motion:

I move that the board approves and authorizes the County Engineer to sign these three right of way agreements with Duke Energy Carolinas, LLC.

Surplus Vehicles

A resolution was provided for the Board's consideration declaring a list of vehicles no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Motion:

I move that the Board approves the provided resolution declaring the list of vehicles as surplus and authorizes staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement.

Consolidated Contract Agreement with the NC Department of Health and Human Services

Each year, as part of the normal budgetary process, in order to keep the funding cycles without disruption of federal and state funds, the Consolidated Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the Local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Agreement re: HIPAA compliance
- Assurance of Compliance with Title VI, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments, and the Age Discrimination Act
- Four Certification Forms re: Lobbying, Drug-Free Work Place and Environmental Tobacco Smoke, and Certification Regarding Debarment, Suspension, Ineligible and Voluntary Exclusion – Lower Tier Covered Transactions
- Agreement Addenda
- Maintenance of Effort (MOE) Report for WCH Programs
- Public Health Nurse Training Funds Reimbursement Request

Motion:

I make the motion that the Consolidated Contract Agreement for Fiscal Year 2012 between the NC Department of Health and Human Services and the Henderson County Department of Public Health be approved with the understanding that program service levels and funding support can be renegotiated when necessary.

Proclamation – April Fuels Day

The Environmental and Conservation Organization (ECO) requested that the Board adopt the provided Proclamation designating April 1st, 2011 as April Fuels Day in Henderson County.

Motion:

I move that the Board adopts the provided Proclamation designating April 1, 2011 as April Fuels Day in Henderson County.

Proclamation – Transylvania County's 150th Anniversary

Chairman Edney requested that the Board of Commissioners send a proclamation to Transylvania County congratulating them on the County sesquicentennial celebration which was held on Tuesday, February 15, 2011 at the Transylvania County Courthouse.

Motion:

I move the Board of Commissioners adopts the Proclamation congratulating Transylvania County on the County Sesquicentennial celebration which was held on Tuesday, February 15, 2011 at the Transylvania County Courthouse.

Proclamation – Sexual Violence Awareness Month

The Healing Place has requested the Henderson County Board of Commissioners adopts a Proclamation, proclaiming the month of April as Sexual Violence Awareness Month.

Motion:

I move that the Board adopts the provided Proclamation, proclaiming the month of April as Sexual Violence Awareness Month.

Community Child Protection Team Annual Report

The Community Child Protection Team provided their annual report for review by the Board.

Replace Jail Transport SUV

Using existing jail funds, the detention center needs to replace its current transport unit. The present SUV has 95,502 miles on it and has broken down twice while transporting prisoners around Western North Carolina. The length of time, from order to actual replacement for a police package vehicle, is approximately 10 months to 1 year. The projected mileage at approximate time of replacement is expected to be over 131,000 miles.

Motion:

I move the Board approves the purchase of this vehicle, and the associated line item transfer.

NOMINATIONS

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

Notification of Vacancies

1. Community Child Protection Team – 1 vac.
2. Environmental Advisory Committee – 1 vac.
3. Equalization and Review, Henderson County Board of – 3 vac.
4. Fletcher Planning Board – 1 vac.
5. Mountain Valleys Resource Conservation and Development Program – 1 vac.
6. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
7. Solid Waste Advisory Committee – 3 vac.

Nominations

1. Agri-Business Development Board – 2 vac.

Commissioner Young nominated Marvin Owings for position #10. Commissioner Thompson nominated Tom Cooper for position #9.

It was noted that position #5 had become vacant on the Agriculture Advisory Board which also left a vacancy (positions #5) on the Agri-Business Development Board. Commissioner Messer nominated Fred Pittillo for the #5 position.

Chairman Edney made a motion to accept the appointment of Marvin Owings to position # 10, Tom Cooper to position #9, and Fred Pittillo to position #5 by acclamation. All voted in favor and the motion carried.

2. Apple County Greenway Commission – 4 vac.

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

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

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

4. Downtown Hendersonville, Inc. – 1 vac.

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

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

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

6. Juvenile Crime Prevention Council – 9 vac.

Commissioner Young nominated Kendric Benjamin for position #26. *Chairman Edney made the motion to accept the appointment of Kendric Benjamin to position #26 by acclamation. All voted in favor and the motion carried.*

7. Mountain Area Workforce Development Board – 1 vac.

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

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

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

9. Senior Volunteer Services Advisory Council – 3 vac.

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

10. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

Commissioner Thompson nominated Christopher J. O'Leary for position #2. *Chairman Edney made the motion to accept the appointment of Christopher O'Leary to position #2 by acclamation. All voted in favor and the motion carried.*

GOVERNOR'S BUDGET IMPACT

Governor Perdue recently released the proposed state budget for the 2011-13 biennium, which contains several impacts to counties, with significant state funding cuts for the public school system. Specifically, the recommended budget adjustments shift the following costs, making them a local responsibility: Workers' Compensation Claims, Tort Claims and School Bus Replacement. The proposal also reduces the county share of lottery funds from 40 percent, as required by statute, to around 10 percent. This would be a revenue impact of between \$1.4 and \$1.5 million.

Staff drafted a resolution opposing the loss of county school construction dollars and the shift of state school funding responsibilities to counties for the Board's consideration.

Commissioner Young made the motion that the Board adopts the provided Resolution opposing the loss of county school construction dollars and the shift of state school funding responsibilities to counties, and direct Staff to transmit it to the members of the General Assembly representing Henderson County. All voted in favor and the motion carried.

AGRIBUSINESS PROPOSED BUDGET

Per the Board's recent direction, staff met with the Agri-Business Development Board of Directors Chairman, Danny McConnell and has scheduled the first meeting of the Agri-Business Board for Wednesday, March 9, 2011 at 5:00 p.m. in the Historic Courthouse Community room. A tentative agenda was provided in the agenda.

In order to get this Board organized, staff has prepared a proposed budget for the final quarter of the current fiscal year, ending June 30, 2011 and a proposed budget for the new fiscal year beginning July 1, 2011. These budgets were provided for the Board's review, discussion and approval. In order to develop the preliminary budgets, staff had made some assumptions with regard to the hiring/salary range for the

new Director position that will work under the supervision of the Agri-Business Development Board of Directors.

Commissioner Young made the motion that the Board accepts the salary range of \$75,000 to \$100,000 per year being the same as the Partnership for Economic Development. All voted in favor and the motion carried.

It was the consensus of the Board that Commission Thompson be the Commissioner Representative for the Agri-Business Development Board.

RESOLUTION – IN SUPPORT OF LEGISLATIVE GOAL FOR INCREASED COUNTY FLEXIBILITY TO ORGANIZE LOCAL HUMAN SERVICES

The Henderson County Board of Commissioners is requested to adopt the resolution provided in support of a proposal to allow county flexibility to organize local human services.

Commissioner Thompson made the motion that the Board adopts the provided Resolution in Support of a Legislative Goal for increased County flexibility to organize local human services.

STAFF REPORTS

There was nothing further at this time.

IMPORTANT DATES

Set Public Hearing for Rezoning Application #R-2010-03-C

Planning Director Anthony Starr stated Billy Corn, owner of subject parcel, 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 an R1 (Residential One) zoning district to an I-CD (Industrial Conditional 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.

The Henderson County Planning Board considered rezoning application #R-2010-03-C at its regularly scheduled meeting on February 17, 2011. During that meeting, the Planning Board voted 5-2 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2010-03-C to zone the Subject Area to an I-CD (Industrial Conditional District).

Before taking action on the rezoning application, the Board of Commissioners must hold a public hearing. Staff proposes that the public hearing be scheduled for April 20, 2011, at 9:00 A.M.

Commissioner Young made the motion that this item be placed on the next meeting agenda as a discussion item and asked that Anthony Starr provide a brief overview during that discussion. All voted in favor and the motion carried.

UPDATES

Commissioner Messer recognized the death of Bob Ingle and his many contributions to Henderson County.

Commissioner O'Connor made the motion that a resolution be drafted in support of the Ingle family and signed by all Commissioners. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Thompson 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.

All voted in favor and the motion carried.

ADJOURN

Commissioner Thompson made the motion to go out of closed session and adjourn at 7:30 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

February 25, 2011

Re: Tax Collector's Report to Commissioners – 03/07/11 Meeting

Please find outlined below collections information through February 24th 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: 54,675,556.76
Unpaid Taxes: 2,848,857.61
Percentage Collected: 95.05%
(through 02/24/11)

2009 Total Charge: \$57,024,352.18
Payments & Releases: 54,117,953.67
Unpaid Taxes: 2,906,398.51
Percentage Collected: 94.90%
(through 02/24/10)

Motor Vehicle Bills G01 Only:

2010 Total Charge: \$2,865,720.71
Payments & Releases: 2,363,812.27
Unpaid Taxes: 501,908.44
Percentage Collected: 82.49%
(through 02/24/11)

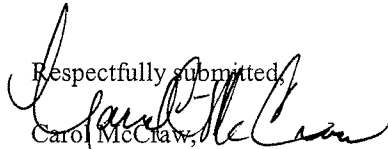
2009 Total Charge: \$2,983,301.63
Payments & Releases: 2,483,761.84
Unpaid Taxes: 499,539.79
Percentage Collected: 83.26%
(through 02/24/10)

Fire Districts All Bills

2010 Total Charge: \$6,593,138.61
Payments & Releases: 6,217,456.26
Unpaid Taxes: 375,682.35
Percentage Collected: 94.51%
(through 02/24/11)

2009 Total Charge: \$6,482,102.36
Payments & Releases: 6,106,913.94
Unpaid Taxes: 375,188.42
Percentage Collected: 94.42%
(through 02/24/10)

Respectfully submitted,


Carol McClaw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

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J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

March 8, 2011

Mr. J.B. (Joel) Setzer, Division Engineer
NC Department of Transportation, Division
253 Webster Road
Sylva, NC 28779

Dear Mr. Setzer:

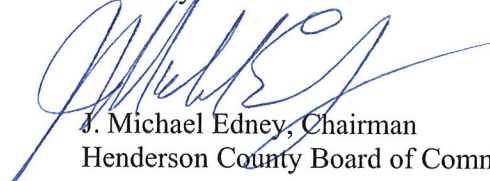
At the March 8, 2011 Board of Commissioners' meeting, the staff provided the Board of Commissioners information regarding the project to improve Howard Gap Road from Jackson Road in Fletcher to US Highway 64 in Hendersonville. The Board feels that the project will improve safety with the planned improvements which include widening the two travel lanes, adding paved shoulders, improving the road geometry (sharp curves), replacing several bridges, and adding a roundabout at the intersection with Brookside Camp Road.

The Board was informed that it is also possible to add "rumble strips" onto the shoulder and also mark those shoulders as dedicated bike lanes. Henderson County believes the addition of both the rumble strips and the bike lanes would improve the safety for both motorists and cyclists using Howard Gap Road. A portion of the road is already designated by NCDOT as an "unsigned bike route" and the creation of bike lanes for the planned shoulders seems consistent with the NC Board of Transportation's Complete Street Policy. In addition to improving safety, the bike lanes will provide economic benefits by raising the area's profile as a bike friendly destination.

The estimated cost was presented at \$220,490.00 which is less than 1% of the total project cost and no County funds are requested or required. Given that the additional cost to add the rumble strips and bike lanes are less than 1% of the project's estimated cost, we feel this is a good investment on the part of NCDOT and appreciate your willingness to add the bike lanes and rumble strips to the project scope. The Board, during their meeting, voted unanimously to support the project with the additions of rumble strips and bike lanes on both sides of Howard Gap Road for the entire project (Jackson Road to US64).

I wish to thank you for your support of this important road project for Henderson County.

Sincerely,



J. Michael Edney, Chairman
Henderson County Board of Commissioners

JME/tlw

HENDERSON COUNTY BOARD OF COMMISSIONERS

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www.hendersoncountync.org

March 7, 2011

J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

Hartwell Carson, French Broad Riverkeeper
Western North Carolina Alliance
29 N. Market Street, Suite 610
Asheville, NC 28801

Dear Mr. Carson,

Please accept this letter of support for the Recreation Trails Grant application being submitted by the Western North Carolina Alliance. The grant application to establish a French Broad River paddle trail would add an exciting recreational resource to Henderson County.

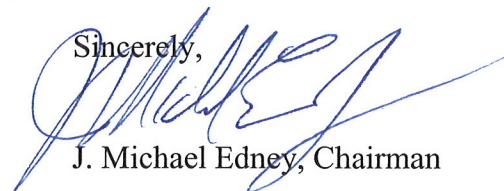
We understand that the Western North Carolina Alliance would be in charge of all work necessary to establish such a trail. The grant funds would be used to make improvements on a few campsites. It is understood that the paddle trail would follow the French Broad River from Transylvania County to Madison County and that campsites might be established in Henderson County with willing land owners.

Henderson County believes that the French Broad River is a unique asset and hopes that this paddle trail might further educate the public of the wonderful water resource that runs through the county.

Please understand that the county is offering its support for your grant application but is not able to allocate any financial resources. There will be no county funding available for this project. We hope that the current county river access facilities at Blantyre Park and Westfeldt Park in Henderson County will become an integral part of the paddle trail. The paddle trail along the river would highlight the Blantyre, Etowah, Horse Shoe and Mills River areas as the French Broad River flows north through the county.

We wish you the best of luck with your application and this exciting project to create a paddle trail along the French Broad River.

Sincerely,



J. Michael Edney, Chairman

Exhibit A

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

WHEREAS, Henderson County owns vehicles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the vehicles as surplus and selling at a public auction as authorized by NCGS 160A-270; and

WHEREAS, it is the intent of the County to sell said surplus vehicles by electronic public auction at www.govdeals.com.

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

1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at www.govdeals.com the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

THIS the 7th day of March, 2011.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

ATTEST:



Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]


Exhibit B

List of Surplus Vehicles

Year / Make / Model	HC#	VIN #	County Asset #	Mileage
1998 FORD ECONOLINE 250	SH408	1FTPS24L4WHA73200	13672	96,615
2006 CHEVROLET IMPALA	SH221	2G1WS551769302587	12080	113,080
2006 CHEVROLET IMPALA	SH261	2G1WS551369303266	12082	92,524

List of Surplus Equipment

	County Asset#
COATS 1001 TIRE BALANCER	003404
AMMCO FLOOR LIFT	003530
COATS 40-40S TIRE CHANGER	003405

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Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

PROCLAMATION

DECLARING FRIDAY APRIL 1, 2011 AS APRIL FUELS DAY

WHEREAS, Henderson County is an exceptional place to live and work; and

WHEREAS, reducing transportation fuel consumption can better sustain the quality of life for present and future generations; and

WHEREAS, reducing fuel consumption reduces the amount of money exported out of the region; and

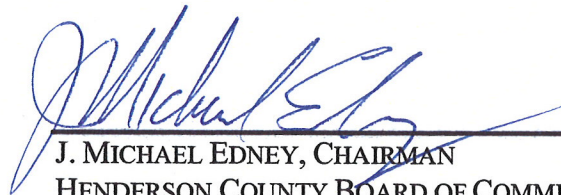
WHEREAS, reducing fuel consumption reduces expenses for Henderson County residents; and

WHEREAS, alternatives to vehicle use can promote a healthier and more enjoyable lifestyle; and

WHEREAS, the Environmental and Conservation Organization is promoting these practices for the benefit of Henderson County residents;

NOW, THEREFORE, BE IT RESOLVED, that we, the Henderson County Board of Commissioners, do hereby proclaim April 1, 2011 as "APRIL FUELS DAY" in Henderson County, and does further hereby urge every citizen to do his or her part to reduce their transportation fuel consumption by consolidating trips, carpooling, walking, biking, or telecommuting on April 1 and throughout the year.

Adopted this 7th day of March, 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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J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

RESOLUTION

OPPOSING THE LOSS OF COUNTY SCHOOL CONSTRUCTION DOLLARS AND THE SHIFT OF STATE SCHOOL FUNDING RESPONSIBILITIES TO COUNTIES

- WHEREAS,** counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina and contribute significant county funds for classroom expenses; and
- WHEREAS,** in FY 2011 Henderson County spent an estimated \$449,889 for public school capital needs, \$20,698,218 for public school operating expenses, and \$9,801,596 for debt service for construction projects; and
- WHEREAS,** Henderson County relies on local sales taxes, property taxes, the county share of lottery funds and county share of the corporate income tax to help fund public school capital needs and have issued public debt based on these revenue streams; and
- WHEREAS,** Henderson County has lost an estimated \$1.5 million in lottery and corporate income tax school construction funds over the current biennium; and
- WHEREAS,** the Governor's budget proposal permanently eliminates the county share of the corporate income tax and reduces Henderson County's lottery share by 75 percent, costing an estimated \$675,000 in FY 2012 in revenues dedicated to public school construction needs; and
- WHEREAS,** the budget proposal shifts responsibility to pay for replacement school buses (an estimated \$385,236 in FY 2010) to Henderson County; and
- WHEREAS,** the budget proposal also takes the unprecedented step of forcing Henderson County to assume the workers' compensation costs for state-paid public school employees (an estimated \$323,016 in FY 2012) and to fund school tort claims (an estimated \$42,877 in FY 2012); and
- WHEREAS,** the budget proposal reflects an overall estimated cost shift to Henderson County of \$1.35 million in FY 2012 alone, requiring counties to raise property taxes to manage a loss of this magnitude;

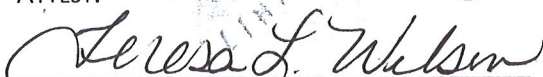
NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners adamantly opposed the unfunded mandates and the loss of county revenues included in the Governor's budget proposal; and

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly to let them know of our opposition to these unprecedented changes in county responsibility and the use of county revenues to balance the state budget.

Adopted this the 7th day of March, 2011.


J. MICHAEL EDNEY, 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, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
TDD: 828-697-4580

J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

www.hendersoncountync.org

CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

PROCLAMATION

WHEREAS, Transylvania County was formed from Henderson and Jackson Counties by an act of the North Carolina State Legislature in 1861; and

WHEREAS, Transylvania County will therefore celebrate its Sesquicentennial (150th) anniversary in the year 2011; and

WHEREAS, Transylvania County has a rich heritage worthy of honoring, and an exceptional citizenry of caring, committed and talented people; and

WHEREAS, through a wide series of activities and events, Sesquicentennial commemorations will explore their history, recognize the present, and envision their future; and

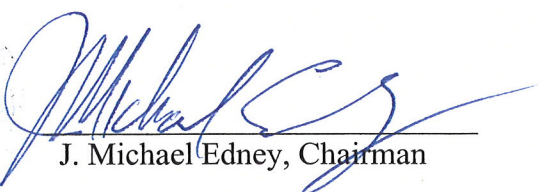
WHEREAS, these events of the County Sesquicentennial will occur throughout the year 2011; and

WHEREAS, during the Sesquicentennial year their citizens will come together, sharing stories, honoring history, celebrating the arts, and appreciating the unique place which is Transylvania County.

NOW THEREFORE BE IT KNOWN, that the Henderson County Board of Commissioners congratulates the Transylvania County Board of Commissioners for their contributions to their County's state of well-being and the activities associated with the County Sesquicentennial.

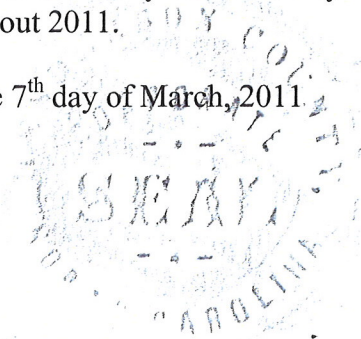
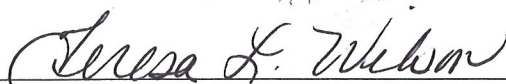
IT IS THEREFORE proclaimed that the Henderson County Board of Commissioners Honor and Congratulate Transylvania County and all of her citizens during their 150th anniversary celebration throughout 2011.

This the 7th day of March, 2011.



J. Michael Edney, Chairman

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
TDD: (828) 697-4580
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J. MICHAEL EDNEY
Chairman
TOMMY THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

Proclamation Sexual Violence Awareness Month

WHEREAS, Sexual Violence Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Henderson County; and

WHEREAS, one in four girls and one in seven boys will be a victim of child sexual abuse by their 18th birthday; and

WHEREAS, one in three women and one in six men will be the victim of sexual assault in their lifetime; and

WHEREAS, The Healing Place provided crisis intervention and counseling to 900 child and adult Henderson County victims last year; and

WHEREAS, with leadership, dedication and encouragement there is compelling evidence that we can be successful in reducing sexual violence in Henderson County through prevention education, increased awareness and holding perpetrators who commit acts of violence responsible for their actions; and

WHEREAS, we strongly support the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, and how every segment of our society can work together to better address sexual violence;

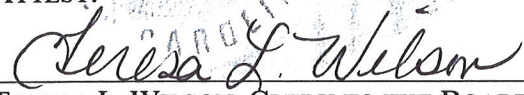
NOW, THEREFORE, be it resolved that we, the Henderson County Board of Commissioners, does hereby proclaim the month of April as **Sexual Violence Awareness Month.**

Adopted this the 7th day of March, 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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J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

RESOLUTION

IN SUPPORT OF LEGISLATIVE GOAL FOR INCREASED COUNTY FLEXIBILITY TO ORGANIZE LOCAL HUMAN SERVICES ADOPTED BY THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

- WHEREAS**, county governments across North Carolina are facing severe financial pressures during these difficult budget times; and
- WHEREAS**, county governments are looking for ways to consolidate programs and services to offer a more streamlined and efficient government to minimize administrative costs and maximize services for its citizens; and
- WHEREAS**, Henderson County is an active member in good standing of the North Carolina Association of County Commissioners; and
- WHEREAS**, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties; and
- WHEREAS**, more than 200 county officials representing 83 counties gathered in Durham County on Jan. 20-21, 2011, and debated and ultimately approved 54 proposals submitted by counties to be included in the legislative goals package; and
- WHEREAS**, one of these goals is to “allow county flexibility to organize local human services”; and
- WHEREAS**, this proposal provides all counties with the option to determine locally how they can best provide human services to their citizens;
- NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners adopts this resolution in support of the proposal to “allow county flexibility to organize local human services”;
- FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Henderson County to let them know of our support for this issue.

Adopted this 7th day of March, 2011.



J. MICHAEL EDNEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

WR No. 915547 Resp. 5530 Project CIPINC
Drawn By: DONALD J FAULKNER
Project Description: UG PRI EXT AT HENDERSON COUNTY
LANDFILL, 806 STONEY MT RD HENDERSONVILLE NC

Return Address: Duke Energy Carolinas
Attn: DONALD J FAULKNER
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792

STATE OF NORTH CAROLINA

RIGHT OF WAY AGREEMENT

COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS, That HENDERSON COUNTY LANDFILL

hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PIN #9650727217

and over and across said premises within a right-of-way strip (check applicable):

having a width of _____ feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment ; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, telecommunications or other communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

having a width of 10 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity, providing lighting services and for the communications purposes of Grantee. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions. Grantor, for itself and its successors and assigns, agrees to hold Grantee, its successors and assigns, harmless for replacement and/or repair of paving, landscaping and fences as a result of future system maintenance and repair. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 828, receipt of a copy of which is acknowledged by Grantor.

This right-of-way is given to permit the construction or modifications of facilities presently proposed. Facilities at other locations and future extensions of presently constructed facilities are not permitted by this agreement. The foregoing notwithstanding, Grantee may relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement.

IN WITNESS WHEREOF, this instrument is executed on this 7th day of MARCH, 2011

GRANTOR

By: [Signature]
Name: MARCUS A. JONES
Title: DIRECTOR

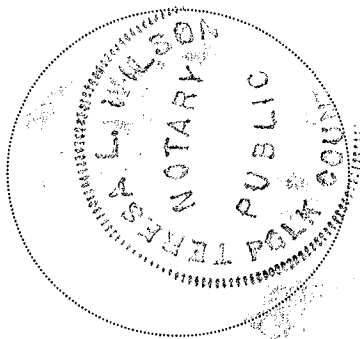
STATE OF NORTH CAROLINA
COUNTY OF POIK

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: MARCUS A. JONES

Date: 3/7/11

My Commission Expires: 10/15/2011

[Signature]
Notary Public



Affix (Notary or Corporation) Seal

WR No. 923227 Resp. 5530 Project CIPINC
Drawn By: DONALD J FAULKNER
Project Description: OH PRI LINE RELOCATE AND UG SVC
AT 806 STONEY MT RD HENDERSONVILLE NC 28792

Return Address: Duke Energy Carolinas
Attn: DONALD J FAULKNER
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792

STATE OF NORTH CAROLINA

RIGHT OF WAY AGREEMENT

COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS, That HENDERSON COUNTY LANDFILL hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PIN #9650727217

and over and across said premises within a right-of-way strip (check applicable):

having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment ; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, telecommunications or other communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

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IN WITNESS WHEREOF, this instrument is executed on this 7th day of MARCH, 2011

GRANTOR

By: [Signature]
Name: MARCUS A JONES
Title: DIRECTOR

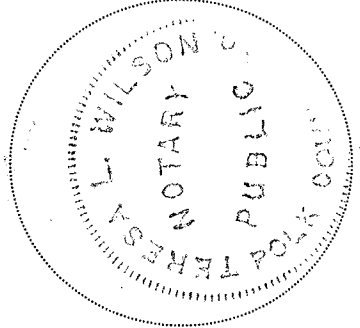
STATE OF NORTH CAROLINA
COUNTY OF POIK

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: MARCUS A. JONES

Date: 3/7/11

My Commission Expires: 10/15/2011

[Signature]
Notary Public



Affix (Notary or Corporation) Seal

WR No. 956244 Resp. 5530 Project CRCINC
Drawn By: DONALD J FAULKNER
Project Description: OH AND UG RELOCATION AT
828 STONEY MT RD, HENDERSONVILLE NC 28791

Return Address: Duke Energy Carolinas
Attn: DONALD J FAULKNER
957 SPARTANBURG HWY
HENDERSONVILLE NC 28792

STATE OF NORTH CAROLINA

RIGHT OF WAY AGREEMENT

COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS, That HENDERSON COUNTY hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PIN #9650614773
DEED BOOK - 01029
DEED PAGE - 00073

and over and across said premises within a right-of-way strip (check applicable):

having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment ; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, telecommunications or other communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

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IN WITNESS WHEREOF, this instrument is executed on this 7th day of MARCH, 2011

GRANTOR

By: [Signature]

Name: MARCUS A. JONES

Title: DIRECTOR

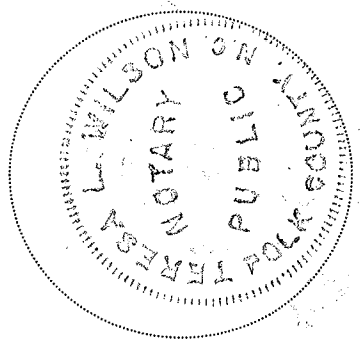
STATE OF NORTH CAROLINA
COUNTY OF POK

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: MARCUS A. JONES

Date: 3/7/11

My Commission Expires: 10/15/2011

[Signature]
Notary Public



Affix (Notary or Corporation) Seal



LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Henderson Co. Detention Center
(115432)

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>553000</u>	<u>Capital Outlay-Vehicles</u>	<u>\$ 31,000.⁰⁰</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>526000</u>	<u>Dept. Supplies & Materials</u>	<u>\$ 5,000.⁰⁰</u>
<u>538100</u>	<u>Professional Services</u>	<u>\$ 10,000.⁰⁰</u>
<u>539000</u>	<u>Contracted Services</u>	<u>\$ 16,000.⁰⁰</u>
_____	_____	_____

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

To replace replace detention transport SUV that has 95,442 miles as of today's date.

Cpt. James R. Gilbert 02/15/2011
Authorized by Department Head Date

[Signature] 3/8/2011
Authorized by Budget Office Date

[Signature] 3-8-11
Authorized by County Manager Date

For Budget Use Only

Batch # _____

Batch Date _____

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

TDD: 828-697-4580

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J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

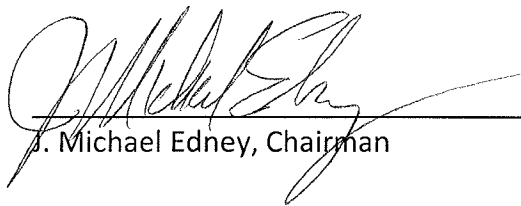
CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

RESOLUTION OF SUPPORT FOR THE FAMILY OF ROBERT INGLE

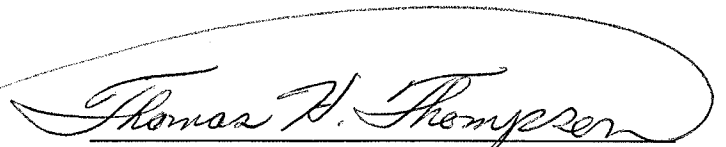
- WHEREAS,** Robert P. "Bob" Ingle has been a contributor to our local community through volunteerism with many local agencies; and
- WHEREAS,** Robert Ingle has worked with numerous local agricultural groups and organizations in order to promote locally produced foods; and
- WHEREAS,** the Henderson County Board of Commissioners recognizes Robert P. Ingle's contribution to Henderson County and Western North Carolina for the past forty-eight years; and

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners pass this resolution as a sign of support and condolence for the family and friends of Robert P. "Bob" Ingle and recognition for all he has done for our community and all of Western North Carolina.

Adopted this the 7th day of March, 2011.

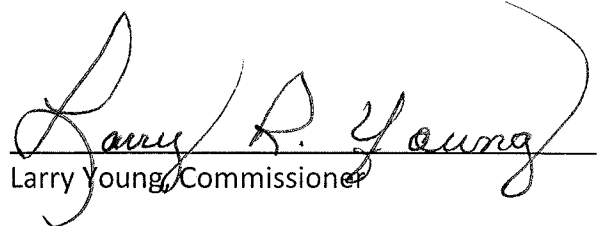


J. Michael Edney, Chairman

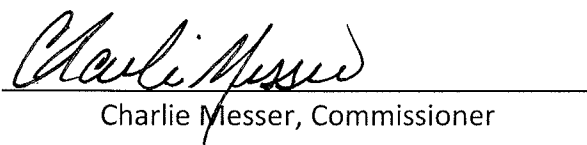


Tommy Thompson, Vice Chairman

Bill O'Connor, Commissioner



Larry Young, Commissioner



Charlie Messer, Commissioner