

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, FEBRUARY 16, 2011

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the 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, 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, Associate County Attorney Sarah Zambon, Construction Manager David Berry, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Fire Marshal Rocky Hyder, Delinquent Tax Collector Lee King, Assessor/Tax Collector Stan Duncan, Soil & Water Conservation District Director Jonathan Wallin, Code Enforcement Director Toby Linville, and Recreation Director Tim Hopkin.

### CALL TO ORDER/WELCOME

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 Commissioner O'Connor.

### INVOCATION

Anthony Craver of the Pentecostal Church gave the invocation.

### INFORMAL PUBLIC COMMENT

- 1) John Collins – Mr. Collins spoke on behalf of the Henderson County Veteran's Council. The NC National Guards 163<sup>rd</sup> area support medical company is headquartered here in Henderson County on Spartanburg Highway. They have been deployed for a year now and are due to come back at the end of this month. The date is not known at this time. The Veteran's Council would like to have a welcome home ceremony as well as a parade when they get back into town (possibly March 12<sup>th</sup>). He requested a proclamation for the troop when they get back home for their last year of service.
- 2) Carol James – Ms. James is a representative of SONOCO's Recycling. She requested they be added to discussions during the MRF project regarding some clarifications on their proposal that was submitted on February 9, 2011.
- 3) Beverly Green – Ms. Green spoke on behalf of Green's Six Oaks. On February 12, 2011 her family experienced devastation by fire when they lost their business. This is also devastating to the community of Green River and Tuxedo. They hope to rebuild, which would require some changes including a waste water treatment system. They have an existing permit for the system. Her plea to the Board was for them to stand behind Green's and support them in any way possible for permits.
- 4) Theron Maybin – Mr. Maybin spoke on behalf of Green's Six Oaks. Without the Green's Six Oaks, the situation will put many people out of their way to pick up even a gallon of milk. Green River has gone down tremendously in business due to the lack of city sewer and water. He asked that the county be considerate of what is being faced and the needs of the community.

### DISCUSSION/ADJUSTMENT OF AGENDA

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

APPROVED: March 7, 2011

**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):  
January 25, 2011 – Special Called Meeting

**Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated February 4, 2011 for information only. No action was required

**Tax Refunds**

A list of 7 refund requests was presented for the Board of Commissioners review and approval.

Motion:

*I move the Board approves the Tax Refund Report as presented.*

**Tax Releases**

A list of 16 tax release requests was presented for the Board of Commissioners review and approval.

Motion:

*I move the Board approves the Tax Release Report as presented*

**2011 Main Street and Government Building Recycling Program**

A draft grant application will be submitted to the North Carolina Division of Environmental Assistance and Outreach prior to the March 18, 2011 deadline. This grant application requests \$30,000 for a Main Street and Government Building Recycling Program. The grant application proposes eleven (11) recycling bins to be set in front of government buildings, forty-eight (48) permanent bins along Main Street, and the addition of two recycling cubic yard roll-offs for the Henderson County Transfer Station. This is a joint grant between the City of Hendersonville and Henderson County with matches from both the City and the Henderson County Solid Waste Division.

No money will be used as a monetary match from the general fund. In order for the grant application to be successful, approval from the board is necessary with a statement of sustainability for the Main Street Recycling Program for inclusion in the grant application package.

Motion:

*I move to support the provided 2011 Community Reduction and Recycling Grant to the Division of Environmental Assistance and Outreach.*

**Modification Agreements on CDBG Scattered Site Grant**

Community Development Block Grant (CDBG) Scattered Site Housing (SSH) program funds primary residence rehabilitation or emergency repairs for qualified low-income homeowners. The CDBG SSH Grant comes from the federal government and is used to pay for these repairs. The program is solely funded by grant money and does not cost the County any money from the general fund. The cost of repairs or rehabilitation is secured by a forgivable loan in a promissory note or deed of trust.

The County contracts with Benchmark, Inc. who administers the program with assistance and supervision by the Planning Department. Benchmark advertises the program, collects applications from interested parties, and selects the property owners who are eligible to receive the grant funding. Once the owners are selected, the County signs a loan agreement with the individuals which is secured with a Deed of Trust for the amount of the repairs or rehabilitation.

Sometimes, these original agreements have to be modified because the amount of the repairs is greater or less than initially anticipated. Today we have three such modification agreements, to which are decreases from the original, and one (Merrell) that is an increase of almost \$6,000.

Motion:

*I move that the Board directs staff to sign the Modification Agreements.*

#### **Town of Fletcher Proposal to Build a Dog Park at Westfeldt Park**

At their October 20, 2010 Board of Commissioners meeting, the Board heard a proposal to locate two fenced dog park areas within the County's Westfeldt Park. This project will be 100% funded by the Town of Fletcher. During the initial presentation, the Board requested that County staff and the Town of Fletcher work with the family who originally donated the land to the County to get their input on the concept and location. County staff and Town representatives have collaborated with the donor family and have agreed upon the location for the dog park areas.

A map was provided in the agenda showing the revised location for the dog park areas (initially proposed for alongside Old Fanning Bridge Road). The original narrative proposal from the Town of Fletcher was also provided for background information.

Motion:

*I move that the Board directs staff to move forward with this project working with the Town of Fletcher to finalize their plans for the dog park at Westfeldt including the County Manager/Assistant County Manager's execution of an agreement with the Town based on their proposal with the County having no financial commitment.*

#### **Solar Hot Water Grant for 1995 Courthouse and Detention Center**

On September 8, 2009, an agenda item was presented before the Board of Commissioners for a Renewable Energy Project Grant application to fund a Solar Hot Water Energy Project for the 1995 Courthouse and Detention Center. On February 1, 2011, Henderson County was notified preliminarily by the State of North Carolina for the receipt of a grant for this project in the amount of \$71,419. The remaining balance of this grant, estimated at \$311,744, will be funded with a Solar Energy Purchase Agreement (SEPA) through a Solar Energy Company.

Primarily, this project is for the installation of solar hot water at the Detention Center. Importantly, the Detention Center by a large margin is the biggest user of hot water of all County facilities. Furthermore, solar hot water has the most potential energy savings of all solar applications and arguably any renewable energy project. The transfer of energy use from natural gas to solar thermal is significant in reducing our environmental impact as well as the increasing our energy cost savings. The savings are more than enough to pay any debt service from the Capital costs to install the solar system. The grant funding from the State will go towards either reducing the length of the debt term or amount of debt payment. Another factor increasing the affordability of the debt is the ability for the system to be purchased by a private taxpaying organization and sell the BTUs from the solar hot water system back to the County under a Solar Energy Purchase Agreement (SEPA). The costs of the BTUs from the private company reflect cost savings from the energy savings and tax credits they receive. Also, they can further reduce costs by contracting with a power company to assist in meeting the power company's Renewable Energy and

Energy Efficiency Portfolio Standards. These Standards require power companies to invest in alternative energy. The energy savings, tax credits and power company contract generate a BTU cost significantly less than the cost from the natural gas provider. There are no County funds involved with this request.

Motion:

*I move to accept the grant from the State of North Carolina for \$71,419 to fund a Solar Thermal Energy Project for the 1995 Courthouse and Detention Center.*

#### **Construction Management Update**

David Berry had provided a monthly report as a review of the scope and status of assigned construction management responsibilities.

#### **Capital Facilities Status Reports**

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity through January 2011 on Capital and Facilities projects.

#### **Sublease of a medical office leased by Henderson County Hospital Corporation**

Henderson County Hospital Corporation seeks the Board's permission to sublease a medical office to Dr. Daniel J. Smith of Western Carolina Dermatology. Under the terms of the lease with the Corporation, and under the terms of the 2001 \$15,300,000.00 financing, sub-leases of property must either have an opinion from bond counsel to allow interest payments to remain non-taxable, or the Corporation must instead have the approval of the Board of Commissioners. In order to save the estimated \$1,200.00 bond counsel fee, the Corporation seeks the Boards approval.

The lease is for one day per week of a roughly 2,600 square foot office suite in the medical office building located at 705 Sixth Avenue West, at a monthly rental rate of \$510.00, for three years.

Motion:

*I move that the Board approves the sublease between Henderson County Hospital Corporation and Dr. Daniel J. Smith.*

#### **Memorandum of Agreement with the Town of Laurel Park**

Henderson County Emergency Services is currently coordinating a communications upgrade for the state-wide Voice Interoperability Plan for Emergency Responders (VIPER). This upgrade will provide new towers and buildings at three communications sites in Henderson County along with access to the VIPER system, and is paid for by a Homeland Security Grant in cooperation with the NC Highway Patrol. In order to finalize the new building and tower site on the Jump-Off Mountain a Memorandum of Agreement must be executed with The Town of Laurel Park which owns the property. No funding is necessary for this agreement.

Motion:

*I move the Board authorizes the Manager to sign a Memorandum of Agreement with the Town of Laurel Park for the communications site on Jump Off Mountain.*

#### **Notification of Vacancies**

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

1. Juvenile Crime Prevention Council – 1 vac.
2. WCCA Board of Directors (Western Carolina Community Action) 1 vac.

#### **Nominations**

1. Agri-Business Development Board – 11 vac.

Commissioner O'Connor nominated Kenneth Allison for position #1, Richard Jordan for position #2, Kenny Barnwell for position #3, Theron Maybin for position #4, and Mark Williams for position #5. *Chairman Edney made the motion to accept the appointments of Kenneth Allison, Richard Jordan, Kenny Barnwell, Theron Maybin, and Mark Williams by acclamation. All voted in favor and the motion carried.* Commissioner Messer nominated Roger Snyder for position #6. Commissioner O'Connor nominated Wayne Carland for position #7, Commissioner Young nominated Danny McConnell for position #8, and Commissioner Thompson nominated Noland Ramsey for position #11. *Chairman Edney made the motion to accept the appointments of Roger Snyder, Wayne Carland, Danny McConnell, and Noland Ramsey by acclamation. All voted in favor and the motion carried.*

It was the consensus of the Board to roll positions #9 and #10.

*Commissioner Thompson nominated Danny McConnell for the Chair of the Agri-Business Development Board. All voted in favor and the motion carried.*

2. Animal Services Committee – 4 vac.

Commissioner Young nominated Thomas Mitchell Freeman for position #3; Chairman Edney made the motion to reappoint Lynne Greenawalt to position #6 and Jeff Patterson to position #9, and nominated Jonathan Pernell for position #1. *Chairman Edney made the motion to accept the reappointment of Lynne Greenawalt and Jeff Patterson, and the appointment of Mitchell Freeman and Jonathan Pernell by acclamation. All voted in favor and the motion carried.*

3. Apple County Greenway Commission – 4 vac.

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

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

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

5. Downtown Hendersonville, Inc. – 1 vac.

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

6. Henderson County Historic Courthouse Corp. dba/ Heritage Museum – 3 vac.

Four nominations had been made at previous meetings; Drew Brannon, Carolyn Justus, Hilliard Staton, and Betty Carter. Ms. Carter had withdrawn her application.

*Chairman Edney made the motion to accept the appointments of Drew Brannon, Carolyn Justus, and Hilliard Staton by acclamation. All voted in favor and the motion carried.*

7. 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.

8. Juvenile Crime Prevention Council – 9 vac.

Selena Coffey had resigned from position #8 and had requested that the Board consider waiving the rules and appoint Christina DeStefano to position #8 in her place.

*Chairman Edney made the motion to appoint Christina DeStefano to position #8. All voted in favor and the motion carried.*

9. Mountain Area Workforce Development Board – 1 vac.

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

10. 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.

11. Recreation Advisory Board – 1 vac.

At a previous meeting, Ralph King and Larry Harmon were nominated for position #4. The Board was polled with the following results.

Thompson	Young	Edney	Messer	O'Connor
1.Harmon	1.King	1.Harmon	1.King	1.Harmon

*Larry Harmon was appointed to position #4 with the majority of votes.*

12. Senior Volunteer Services Advisory Council – 3 vac.

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

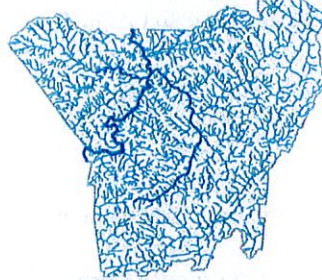
**ENVIRONMENTAL AND CONSERVATION ORGANIZATION (ECO) VWIN**

David Weintraub, Executive Director of the Environmental and Conservation Organization, provided an update to the Board on ECO's Volunteer Water Information Network (VWIN) program.

Fresh water  
is  
Vital  
to Human Life  
and  
Economic Welfare

Water Quality in Henderson County

Wherever you are water is close by!



"How do we learn about our Streams?"

**"WHY CARE ABOUT WATER QUALITY?"**

**WE All** depend on clean, safe water that meets recreational and water quality standards.

- The French Broad River will be a source of raw water to serve water customers during droughts and other emergency situations.
- The Mills River is now a source of drinking water for 56,000 people.
- The French Broad River is used extensively for recreational use; an important tourism industry.

**Biomonitoring Henderson County Streams Since 2002**

ECO volunteers monitor Henderson County streams and rivers to understand processes and patterns in the watersheds where we live, work and play.



**"How Do We Learn About Our Streams?"**  
Citizens Collecting Chemical Samples Since 1992

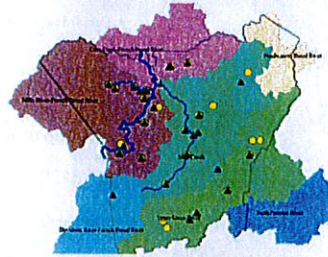


**Citizen "Eyes" and "Ears"**

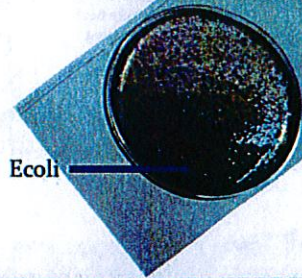
**Big Sweep and Adopt-A-Stream**



**Sampling Locations in Henderson County**  
ECO's Biomonitoring and Chemical Testing Sites

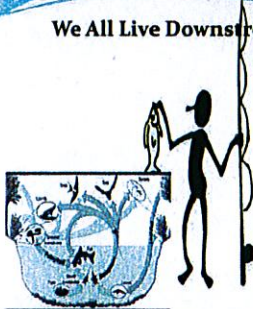


**How Safe is the Water? Bacteria?**



- Urban and Suburban run-off
- Pet waste
- Leaky septic
- Straight pipes
- Livestock access to creek

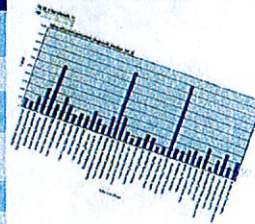
**We All Live Downstream of Someone**



- We have to look beyond the stream banks to the ENTIRE watershed to evaluate the health of a stream.
- Any activity that occurs on the land has the potential to affect the health of a stream whether it happens beside the stream or at a distant point in the watershed.
- Diane Silver, Mud Creek Restoration Coordinator

**Examples of Water Quality Issues in Henderson County**

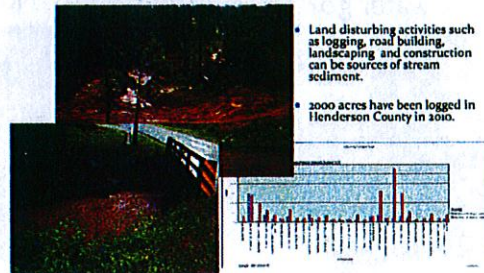
Stream/River	Problem
South Fork Mills River	Pesticides, Portion on Impaired List
Big Hungry River below dam	Sedimentation
Big Willow	Heavy Metals; Total Suspended Solids
Mud Creek	Heavy Metals; Habitat Degradation
Devils Fork	Heavy Metals; Sedimentation
Mill Pond Creek	Heavy Metals; Nutrients; Sedimentation



**Chemicals that Indicate Nutrients**

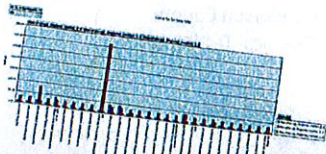
Arsenicals: Arsenites (As(III)/As(V))	Nitrates/Nitrites: Nitrites (NO <sub>2</sub> /NO <sub>3</sub> )	Orthochlorophenols (OPC)
Source is agriculture runoff	Source is septic discharge and fertilizer runoff	Source is disturbed land, failed septic tanks, fertilizer runoff

**Sediment in our Streams**



- Land disturbing activities such as logging, road building, landscaping and construction can be sources of stream sediment.
- 2000 acres have been logged in Henderson County in 2010.

### Heavy Metals



Location	Cause	Link	Effect
Indicator of the soil type, and dissolved solids in the water.	Sources can be brake linings, gasoline and diesel fuel.	Sources can be industrial wastewater and roadside soils.	Sources can be tire rubber, brake linings and industrial wastewater.

### How Can Data Improve Water Quality?

- 1998
  - Data led to grants totaling over \$1,000,000 to help farmers restore stream banks and build pesticides mixing stations.
- 2003
  - Data led to Mud Creek Watershed Restoration Projects (319 Non-point Source Pollution Control Grant)
- 2009
  - Erosion and Control Ordinance
  - Stormwater Master Plan
- 2011-2013
  - Added 5 new VWIN Sites (319 Non-point Source Pollution Control Grant)
- 2010
  - Holy Family Church-Streambank Stabilization Grant

### Mud Creek Restoration Efforts

Patton Park Riparian Buffer Reduces Urban Run-off



"Live Stakes" stabilize stream banks!

Agriculture Best Management Practices  
Henderson County Soil and Water Conservation

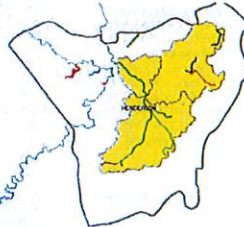


### Henderson County "Are we making progress?"

Stream/River Name	Impairment	Stream Classification	Year Placed in Class
Bit Fork	Poor Bioclassification Fish and Benthos	C	1998
Bandy Branch	Fair Bioclassification Benthos; Pesticide Concern	WS-II	2000
Clear Creek	Poor Bioclassification Benthos	B/T	2000
Devils Fork	Poor Bioclassification Benthos	C	2000
Lewis Creek	Fair Bioclassification Benthos	C/T	2008
Mud Creek	Fair Bioclassification Fish and Benthos	C	1998 and more in 2006
UT French Broad River	Low Dissolved Oxygen	B	2000
South Fork Mills River	Fair Bioclassification Benthos; Pesticide Concern	WS-II/T-I/WQ	2010

### Henderson County's Impaired Streams

The Mud Creek Watershed is one of the most altered watersheds in the Upper French Broad River Basin.



Cumulative impacts from its tributaries and habitat degradation contribute to classification as "Poor".

### Stormwater Runoff

"Where does the water go?"



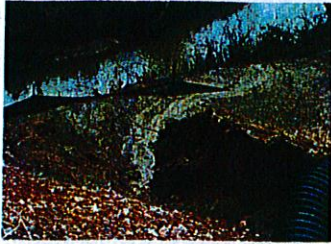
Wash Creek  
Mud Creek  
Brittain Creek

### Floods





### Erosion



### Sediment causes problems!



### Cost of Water

It takes \$0.18/1000 gallons JUST for chemicals to clean the water.

Hendersonville water treatment plant can produce 12.6 MGD (million gallons per day)



### ECO is 1/4<sup>th</sup> the Cost



- Commercial Lab • \$80,000.00/year
- VWIN • \$20,000.00/year

### Financial Benefits of Clean Water



#### Summer Camps

- The N.C. State University team found that the number of full-time equivalent jobs created beyond camp staff was 10,335 in 4 county area.
- New tax revenues created by the industry were an estimated \$13 million and the annual direct spending of camps surveyed totaled \$6 million in 4 county area.

#### Fishermen and Recreation

- \$78 million dollars.

#### Total Farm Cash Receipts in 2009

- \$98,940,000.

### Future Regulations?

EPA has completed studies that serve as a scientific foundation for developing new or revised water quality criteria for recreational waters by October 2012.

### Proactive Steps Now Saves \$\$\$\$ Later



### Land and Water

How we manage and treat the land has a

### DIRECT

impact on the ability of water to support public uses.

- Drinking water
- Fishing
- Swimming
- Aquatic habitat

### Just Watch the Kids!



**FOLLOW-UP: MATERIALS RECOVERY FACILITY (MRF) PRIVATE PARTNERSHIP REQUEST FOR PROPOSALS**

Marcus Jones explained, in reference to SONOCO and the request from Ms. James, the bidding process was clearly presented to the three proposers with a deadline of midnight February 9, 2011 to present their material. The following morning the material was compiled and sent in for the agenda process. All three complied, but unfortunately the SONOCO proposal was not viable based on the current situation. Mr. Jones feels the request to supply additional information is only a change of proposal. This would only necessitate allowing the other proposals to make changes also and take away the fairness and competitiveness of the process.

Marcus Jones stated as a continuation from the February 7<sup>th</sup> Board of Commissioner’s meeting, the RFP process for a private partnership has been revisited to account for updates to the proposals. The proposers were asked to complete their updates by the end of the day on February 9<sup>th</sup>. In addition to the two original proposals, SONOCO from Hartsville, SC submitted a proposal. After February 9<sup>th</sup> no changes to the proposals was permitted.

A summary of the current proposals is provided on the table below. Note that SONOCO’s proposal required a minimum of 6,000 tons of material from Henderson County which is approximately 50% more than our current volume. Subsequently, the proposal was not considered feasible and not included; however, SONOCO is a reputable company and the proposal was much appreciated and competitive.

Staff offers the following analysis of the proposals and recommendation. While the proposal from Curbside Management offers annual revenues that are approximately \$13,400 better in poor markets and \$21,500 better in good markets, their proposal does not satisfy the original intent of the RFP process. The ultimate objective for Henderson County is to bring competition into the recycling industry. Not only will the County’s Solid Waste operations benefit from the American’s proposal but the private haulers and their Citizen customers will benefit as well. This is not necessarily the case with the Curbside proposal. Prior to this RFP Curbside was charging the County \$30 per ton for material without covering the transportation. This was significantly higher than other regions in the State and is because of limited competition in the area. Staff recommends approving the American proposal.

Summary Table		Additional Consideration	
	American	Curbside	
Market Pricing	\$7,536	\$9,338	▶ Curbside Management
Floor Pricing:			▪ MFR located in Henderson County
Dual Stream	\$20	\$26.69	▪ Job Creation
Singlestream	\$10	\$7.50	▪ Special Event Recycling
Bagged Singlestream	\$0	\$0	▪ County Building Collection
Transportation Cost	\$0	\$0	▶ American Recycling
Consideration	Exclusivity	Exclusivity	▪ Facility locate in or near Henderson County
Contract Length	5+ years	10 years	▪ Job Creation
In-County Facility?	Possible	Yes	▪ County Building Collection
County Building Collection	Yes	Yes	

*Commissioner Messer made the motion that the Board directs the County Engineer and Attorney to complete negotiations for the contract with American Recycling of SC, LLC and bring the contract back to the Board of Commissioners for an approval at a future meeting. All voted in favor and the motion carried.*

**BLUE RIDGE FIRE AND RESCUE TAX EXEMPT LOAN AGREEMENT**

Rocky Hyder stated at the May 13, 2010 Fire and Rescue Advisory Committee meeting Blue Ridge Fire and Rescue presented a proposal to purchase a new Ladder Truck. The total amount financed will be \$775,000.00 at a fixed interest rate of 3.7% with quarterly payments of \$23,268 for 10 years. Blue Ridge Fire & Rescue held a public hearing to discuss the loan agreement on February 8, 2011 at 7:00 p.m. No tax rate increase above the revenue neutral rate will be necessary for this purchase.

The Fire & Rescue Advisory Committee unanimously approved the proposal.

Blue Ridge Fire and Rescue respectfully request the Chairman sign the provided letter to First Citizens Bank.

Chief Gary Brown discussed the Fire Department's need for the ladder truck including use for Industrial, churches, Flat Rock Playhouse, flat roof structures, etc. as examples.

*Commissioner Young made the motion that the Board authorizes the Chairman to sign the letter to First Citizens Bank on behalf of Blue Ridge Fire & Rescue. All voted in favor and the motion carried.*

**REAL PROPERTY AGREEMENTS**

The Board is requested to give final approval for an agreement involving certain real estate.

Chairman Edney explained that in the previous year the Chevrolet franchise had transferred from the Hunter family to the Boyd family. As a part of that process in order to enlarge the Boyd site, they must move from the present location. This has created an opportunity for the County and the School Board to look at the Boyd Pontiac property on Asheville Highway. This discussion began with the previous Board of Commissioners.

Russ Burrell provided the Board of Commissioners with a proposed contract with an offer to purchase by the Board, the property bonded by 9<sup>th</sup> Avenue, Oakland Street, Asheville Highway, and Church Street. The Boyd Dealership on the west side of US 25. From the County's perspective, the total sales price is \$2,750,000.00. Under this agreement, if approved, \$750,000.00 would be paid into an escrow account. The transaction would not close for a period of 18-36 months in order to allow the relocation of the dealership franchise. At such time that notice is given by the sellers that they have vacated the premises, the closing would be held and the County would owe the balance of the price, \$2 million. In the meantime, the \$750,000 deposit would be held in escrow. If for some reason the sale did not go through the County would get the escrow back plus interest earned.

Chairman Edney noted that discussions had been held with the School Board with regards to this transaction and the long range plans for the Hendersonville High School facility. It has been land locked since 1926 when it was built. This will provide us with an opportunity to use that facility for a few more generations. The School Board recognizes these financial times and they are on board with the fact that nothing else can be done with the property for at least 5 years, maybe longer. The Boyd family felt the value of the property to be much higher and have actually treated that as a gift to the County.

*Commissioner O'Connor made the motion that the Board approves the real property agreements as presented. All voted in favor and the motion carried.*

**COUNTY MANAGER'S REPORT**

David Berry provided an update on the retaining wall at Jackson Park, the renovation of the Old Health Department, and the new Law Enforcement Center.

County Manager Steve Wyatt explained, in conjunction with the purchase of property, the financing on the County's part for the Boyd property, will be partial cash and partial financing. The down payment that will be put into escrow in the amount of \$750,000 requires a budget amendment by the Board of Commissioners to transfer the \$750,000 from the capital reserve fund into a capital purchase school property fund.

*Commissioner O'Connor made the motion that the Board approves a budget amendment transferring \$750,000 from the capital reserve fund into a fund to be used for the capital purchase of school property. All voted in favor and the motion carried.*

County Manager Steve Wyatt stated with the construction and renovation projects now in process, we are now ready to begin the next phase, the planning process for the relocation of the Tax Office to the King Street facility. We are also looking at the 1995 Courthouse and how to maximum the space for the purposes of the local criminal justice court system and adjacent offices. One of the issues not yet discussed is the issue of the child support office and the possibility of relocating them to space which is vacant in the Human Services building. The child support office and function is a part of the Social Services operation.

It was the consensus of the Board that Child Support services should be moved to the Human Services building.

Break

A break was taken.

Chairman Edney called the meeting back to order.

*Commissioner Young made the motion that the Board go into public hearing in regards to Economic Development Incentives for "Project Blue Ridge". All voted in favor and the motion carried.*

**PUBLIC HEARING – ECONOMIC DEVELOPMENT INCENTIVES – “PROJECT BLUE RIDGE”**

This public hearing was previously scheduled for this day, 16 February 2011 in the above matter. The notice was published in the Hendersonville Tribune on 3 February 2011.

**NOTICE OF PUBLIC HEARING**

It is contemplated that the Board of Commissioners of Henderson County will set the public hearing noticed below at its meeting on February 7, 2011. The public hearing noticed below will be held February 16, 2011, unless the Board determines otherwise on February 7, 2011.

NOTICE IS HEREBY GIVEN pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners will hold a public hearing on February 16, 2011, at 11:00 a.m., or as soon thereafter as the Board can consider the matter, to consider the request of a company (the “Project Blue Ridge Company”) for economic development incentives.

The Project Blue Ridge Company, which has requested to remain unnamed until the date of the public hearing due to competitive pressures, is a manufacturing concern located inside and outside of the United States contemplating the expansion of Henderson County operations.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Project Blue Ridge Company of at least \$10,000,000.00 in machinery and

equipment, plus at least \$1,500,000.00 in real property and improvements. To qualify for the proposed incentives, Project Blue Ridge Company must create at least 50 new full-time employment positions.

Henderson County will consider granting assistance toward actual start-up expenditures incurred in the Project Blue Ridge Company's investment up to a maximum of One Hundred Eighty-Six Thousand Six Hundred Forty-Eight Dollars (\$186,648.00), to be paid in five (5) annual installments of Thirty-Seven Thousand Three Hundred Thirty Dollars (\$37,330.00).

If approved, the request would be funded through the general property tax revenue. The hearing will be held in the Commissioners Meeting Room of the Historic Courthouse, located at 1 Historic Courthouse Plaza, Hendersonville, NC. The public is invited to attend and comment.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

Andrew Tate provided information in regards to the Economic Development Incentive. Project "Blue Ridge" consists of a \$10 million investment in machinery and equipment which will be business personal property, and \$1.5 million in real property improvements. Along with that investment, the company is also considering employing up to 50 people at those operations over the next 5 years. This is a competitive project and this public hearing is merely to formalize the County's interest in supporting the project and is by no means an announcement or decision by the company.

Russ Burrell stated the total amount of incentives would be a maximum amount of \$186,648.00. That is calculated on the Board's schedule based on 7 years of incentives with the depreciating personal property and no depreciation of the real property investment. The personal property investment is \$10 million and the real property investment is \$1.5 million. These will be paid out over 5 years as with always there will be requirements, certainly the employment goals as well as the exact amount of the incentives will be based on the percentage of the taxes that they would be paying on those personal properties. So the depreciation, while we've calculated on a straight line depreciation, might not be exactly a straight line and is done by the Assessor each year.

Andrew Tate noted this is a process and there are other components considering support in this project that are not yet concluded. The employment number is 50 jobs and the wages associated with those jobs will be in excess of the County's average wage.

Public Input

There was none.

*Commissioner Messer 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 grant economic development incentives to the Project Blue Ridge Company up to a maximum of One Hundred Eighty-Six Thousand Six Hundred Forty-Eight Dollars (\$186,648.00), to be paid in five (5) annual installments of up to Thirty-Seven Thousand Three Hundred Thirty Dollars (\$37,330.00). All voted in favor and the motion carried.*

Andrew Tate stated that part of the process requires disclosure of the project "Blue Ridge" which is UPM Raflatac.

IMPORTANT DATES

No dates were noted.

**CLOSED SESSION**

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

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

*All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner O'Connor made the motion to go out of closed session and adjourn at 11:50 a.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/](http://www.hendersoncountync.org/tc/)

Stan C. Duncan  
County Assessor & Tax Collector

Sandy Allison  
Administrative Assistant II

February 4, 2011

## Re: Tax Collector's Report to Commissioners – 02/16/11 Meeting

Please find outlined below collections information through February 3rd for the 2010 bills, which were mailed out on August 13<sup>th</sup>, 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: 53,884,109.25  
Unpaid Taxes:        3,640,305.12  
**Percentage Collected:**    93.67%  
(through 02/03/11)

2009 Total Charge:    \$57,024,352.18  
Payments & Releases: 53,250,796.60  
Unpaid Taxes:        3,773,555.58  
**Percentage Collected:**    93.38%  
(through 02/03/10)

### Motor Vehicle Bills G01 Only:

2010 Total Charge:    \$2,864,372.76  
Payments & Releases: 2,177,104.75  
Unpaid Taxes:        687,268.01  
**Percentage Collected:**    76.01%  
(through 02/03/11)

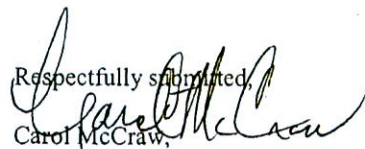
2009 Total Charge:    \$2,982,753.86  
Payments & Releases: 2,301,035.32  
Unpaid Taxes:        681,718.54  
**Percentage Collected:**    77.14%  
(through 02/03/10)

### Fire Districts All Bills

2010 Total Charge:    \$6,592,824.60  
Payments & Releases: 6,099,069.44  
Unpaid Taxes:        493,755.16  
**Percentage Collected:**    92.78%  
(through 02/03/11)

2009 Total Charge:    \$6,482,036.68  
Payments & Releases: 5,983,157.72  
Unpaid Taxes:        498,878.96  
**Percentage Collected:**    92.59%  
(through 02/03/10)

Respectfully submitted,

  
Carol McCraw,  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector

## HENDERSON COUNTY BOARD OF COMMISSIONERS

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

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

TDD: 828-697-4580  
[www.hendersoncountync.org](http://www.hendersoncountync.org)

CHARLIE MESSER  
BILL O'CONNOR  
LARRY YOUNG

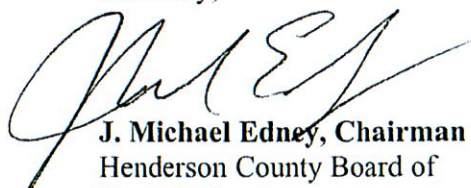
February 16, 2011

Mr. Stan Duncan, Tax Assessor  
HENDERSON COUNTY ASSESSOR'S OFFICE  
200 N. Grove Street, Suite 102  
Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find the list of tax release requests (16) and tax refund requests (7) approved at the Henderson County Board of Commissioners' Meeting on Wednesday, February 16, 2011.

Sincerely,



**J. Michael Edney, Chairman**  
Henderson County Board of  
Commissioners

JME/tlw

enclosures



REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

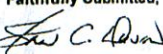
MEETING DATE: February 16, 2011  
 SUBJECT: Tax Refunds  
 ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (7) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type	Number of Items:	Revenue Amount:
Refunds	7	\$ 1,397.18

Faithfully Submitted,  
  
 Stan C. Duncan  
 County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Tax Refund Report as presented."

REFUNDS

Release #	Rate Type	Jurisdiction	Released Tax	Released Late Pen	Released Billed Interest	Total
90172	FINE	BLUE RIDGE COUNTY	25.179	0.00	0.00	\$ 25.178
90172	FINE	BLUE RIDGE COUNTY	46.33	0.00	0.00	\$ 46.33
<b>Bill Total:</b>						<b>\$ 288.12</b>
<b>Grand Total:</b>						<b>\$ 288.12</b>

Release #	Rate Type	Jurisdiction	Released Tax	Released Late Pen	Released Billed Interest	Total
0000124842-2410-2010-000000	FULL REBATE		0.00	0.00	0.00	\$ 0.00
90130	CNTY	HENDERSONVILLE COUNTY	433.82	0.00	0.00	\$ 433.82
90130	CNTY	HENDERSONVILLE COUNTY	433.82	0.00	0.00	\$ 433.82
<b>Bill Total:</b>						<b>\$ 867.64</b>
<b>Grand Total:</b>						<b>\$ 867.64</b>

REFUNDS

Release #	Rate Type	Jurisdiction	Released Tax	Released Late Pen	Released Billed Interest	Total
0000124842-2410-2010-000000	VALUE DECREASE		0.00	0.00	0.00	\$ 0.00
90130	CNTY	HENDERSONVILLE COUNTY	433.82	0.00	0.00	\$ 433.82
90130	CNTY	HENDERSONVILLE COUNTY	433.82	0.00	0.00	\$ 433.82
<b>Bill Total:</b>						<b>\$ 867.64</b>
<b>Grand Total:</b>						<b>\$ 867.64</b>

Number of Bills = 7  
 Total Amount = \$1,397.18

3

REFUNDS

Release #	Rate Type	Jurisdiction	Released Tax	Released Late Pen	Released Billed Interest	Total
0000124842-2410-2010-000000	VALUE DECREASE		0.00	0.00	0.00	\$ 0.00
90097	FINE	MOUNTAIN HOME COUNTY	21.65	0.00	0.00	\$ 21.65
90097	FINE	MOUNTAIN HOME COUNTY	106.25	0.00	0.00	\$ 106.25
<b>Bill Total:</b>						<b>\$ 127.90</b>
<b>Grand Total:</b>						<b>\$ 127.90</b>

Release #	Rate Type	Jurisdiction	Released Tax	Released Late Pen	Released Billed Interest	Total
0000124842-2410-2010-000000	FULL REBATE		0.00	0.00	0.00	\$ 0.00
90051	FINE	DIXON COUNTY	43.24	0.00	0.00	\$ 43.24
90051	FINE	DIXON COUNTY	9.36	0.00	0.00	\$ 9.36
<b>Bill Total:</b>						<b>\$ 52.60</b>
<b>Grand Total:</b>						<b>\$ 52.60</b>

2

REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

MEETING DATE: February 16, 2011

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (16) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

Type	Number of Items:	Revenue Amount:
Releases	16	\$ 2,043.38

Faithfully Submitted,

*Stan C. Duncan*

Stan C. Duncan

County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

Suggested Motion: "I move the Board approve the Tax Release Report as presented."

Release #	Rate Type	Jurisdiction	Released Tax	Released Law List	Released Billd Interest	Total
000000376-2010-2007-110000	FULL REBATE					
PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS. PROPERTY OWNER PROVIDED PHY. CERT. FOR DISABILITY. RELEASE NO REBILL. 2010-2007 DISCOVERY						
90151	FIRE	BLUE RIDGE	251.79	75.54	0.00	\$ 327.33
90151	FIRE	BLUE RIDGE	48.33	13.90	0.00	\$ 62.23
						Bill Total:
						\$ 387.56
000000376-2010-2008-110000	FULL REBATE					
PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS. PROPERTY OWNER PROVIDED PHY. CERT. FOR DISABILITY. RELEASE NO REBILL. 2010-2008						
90151	FIRE	BLUE RIDGE	48.33	9.27	0.00	\$ 57.60
90151	FIRE	BLUE RIDGE	251.75	50.36	0.00	\$ 302.15
						Bill Total:
						\$ 359.75
000000376-2010-2009-110000	FULL REBATE					
PROPERTY OWNER MET WITH MR. DUNCAN TO APPEAL DISCOVERY BILLS. PROPERTY OWNER PROVIDED PHY. CERT. FOR DISABILITY. 2010-2009						
90154	FIRE	BLUE RIDGE	251.79	25.18	0.00	\$ 276.97
90154	FIRE	BLUE RIDGE	48.33	4.63	0.00	\$ 52.96
						Bill Total:
						\$ 329.93
						Grand Total:
						\$ 1,072.24

Release #	Rate Type	Jurisdiction	Released Tax	Released Law List	Released Billd Interest	Total
000000376-2010-2009-000000	FULL REBATE					
WILD LIFE ABSTRACT. 0002781779-2009-2009 1/9/2011 1979 FIBERNG. OWNER SUPPLIED BILL OF SALE DATED 9/7/2007. 2009 BILL RELEASED.						
88209	CITY	HENDERSONVILLE	6.31	0.00	0.00	\$ 6.31
88209	CITY	HENDERSONVILLE	0.00	0.30	0.00	\$ 0.30
						Bill Total:
						\$ 6.61
000000174-2010-2010-000000	FULL REBATE					
WILD LIFE ABSTRACT. 0002807242-2010-10-2010 1/12/2011 1979 FIBERNG. OWNER SUPPLIED BILL OF SALE DATED 9/7/2007. 2010 BILL RELEASED.						
88210	FIRE	DANA	4.07	0.47	0.00	\$ 4.54
88210	FIRE	DANA	1.00	0.10	0.00	\$ 1.10
						Bill Total:
						\$ 5.64
						Grand Total:
						\$ 12.25
000000376-2010-2009-000000	FULL REBATE					
1988 EBRTIDE & MOTORS - NO LONGER OWN PER TAXPAYER 2/20/2009 - VOIDED FOR 2009. BILLED IN ERROR FOR 2010. RELEASE 2010 BILL.						
89309	FIRE	EDMONTVILLE	2.55	0.26	0.00	\$ 2.81
89309	FIRE	EDMONTVILLE	13.86	1.39	0.00	\$ 15.25
						Bill Total:
						\$ 18.06
						Grand Total:
						\$ 18.06

Release #	Rate Type	Jurisdiction	Released Tax	Released Law List	Released Billd Interest	Total
000000376-2010-2010-000000	FULL REBATE					
RELEASE 2009 AND 2010 BILLS ON PERSONAL PROPERTY MANUFACTURED HOME. CLEMICAL ERROR. TAXPAYER SIGNED LISTING FORM ON 10-15-2008 THAT MANUFACTURED HOME WAS JUNKED.						
88851	CITY	COUNTY	18.49	1.50	0.00	\$ 19.99
						Bill Total:
						\$ 20.33
						Grand Total:
						\$ 20.33

Release #	Rate Type	Jurisdiction	Released Tax	Released Law List	Released Billd Interest	Total
000000376-2010-2010-000000	VALUE DECREASE					
MANUFACTURED HOME CLASSIFIED AS A MA-MOD WHEN IT SHOULD HAVE BEEN CLASSIFIED AS A MH-MOD. OWNERS CALLED IN OCTOBER WHEN THEY RECEIVED THE FIRST NOTICE BY TAX BILL.						
89539	FIRE	BLUE RIDGE	282.28	0.00	0.00	\$ 282.28
89539	FIRE	BLUE RIDGE	48.36	0.00	0.00	\$ 48.36
						Bill Total:
						\$ 331.24
						Grand Total:
						\$ 331.24

Release #	Rate Type	Jurisdiction	Released Tax	Released Law List	Released Billd Interest	Total
000000376-2010-2010-000000	FULL REBATE					
RELEASING 2010 BILL. BUS NOT IN HENDERSON COUNTY IN 2010. CLEMICAL ERROR MADE BY PARK OWNER. 07/28/2010						
90129	FIRE	BLUE RIDGE	36.38	3.84	0.00	\$ 40.22
90129	CITY	COUNTY	197.24	18.77	0.00	\$ 216.01
						Bill Total:
						\$ 256.23
						Grand Total:
						\$ 256.23

RELEASES

000232438-2010-2010-000000 FULL REBATE  
 WILD LIFE ABSTRACT# 000232436 1/4/11 1995 POLARIS REGISTERED IN CALIFORNIA 51709 HULL ID PLE3232095,  
 CALIFORNIA REGISTRATION ON FILE, BILL RELEASED.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
89509	FIRE	ETOWAH-HORSESHOE	0.84	0.08	0.00	\$ 0.92
89505	CNTY	COUNTY	4.57	0.46	0.00	\$ 5.03
Bill Total:						\$ 5.95
Grand Total:						\$ 11.30

000232437-2010-2010-000000 FULL REBATE  
 WILD LIFE ABSTRACT# 000232397 1/4/11 1995 POLARIS REGISTERED IN CALIFORNIA 51709 HULL ID PLE34995C595,  
 CALIFORNIA REGISTRATION ON FILE, BILL RELEASED.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
89529	FIRE	ETOWAH-HORSESHOE	4.57	0.46	0.00	\$ 5.03
89529	FIRE	ETOWAH-HORSESHOE	0.54	0.06	0.00	\$ 0.60
Bill Total:						\$ 5.63
Grand Total:						\$ 11.30

000246478-2010-2010-000000 FULL REBATE  
 TAX RELIEF REMOVED BECAUSE ABSTRACT WASNT RETURNED FOR 2010. THIS RELEASE IS TO REINSTATE ELDERLY  
 EXCLUSION AND WE CAN REBILL FOR 2010 TAX YEAR. THIS WAS PART OF 2010 COMPLIANCE REVIEW.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
59472	CNTY	COUNTY	12.01	1.20	0.00	\$ 13.21
Bill Total:						\$ 13.21
Grand Total:						\$ 13.21

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RELEASES

000216232-2010-2010-000000 FULL REBATE  
 TAX RELIEF REMOVED AS PART OF 2010 COMPLIANCE REVIEW RESULTING IN ADDITIONAL BILL. THIS  
 RELEASE IS TO REINSTATE ELDERLY EXCLUSION AND REBATE THE ADDITIONAL BILL FOR 2010.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
89499	CNTY	COUNTY	154.06	0.00	0.00	\$ 154.06
89499	CNTY	HILLS RIVER	0.00	0.00	0.00	\$ 0.00
Bill Total:						\$ 154.06
Grand Total:						\$ 154.06

000244715-2010-2010-000000 FULL REBATE  
 SELLING 2010 BILL. MANUFACTURED HOME HAS BEEN GONE FOR YEARS. JAMES CONDUCTED A FIELD REVIEW TO  
 VERIFY.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
90996	FIRE	MOUNTAIN HOME	17.09	1.71	0.00	\$ 18.80
90996	FIRE	MOUNTAIN HOME	3.52	0.35	0.00	\$ 3.87
Bill Total:						\$ 22.67
Grand Total:						\$ 22.67

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RELEASES

000238813-2010-2010-000000 FULL REBATE  
 INDIVIDUAL ABSTRACT# 000288126 12/11/11 UNTRACGED MOTOR VEHICLE 1999 MERCURY MYSTIQUE DOUBLE BULED, ALSO  
 ON 2688118 (PAID)

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late Lnt	Rebated Billed Interest	Total
90159	FIRE	DAVA	1.66	0.00	0.00	\$ 1.66
90159	CNTY	COUNTY	9.15	0.00	0.00	\$ 9.15
Bill Total:						\$ 10.81
Grand Total:						\$ 10.81

Number of Bills = 16 Total Amount = \$2,042.38

6

# 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

www.hendersoncountync.org

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

CHARLIE MESSER  
BILL O'CONNOR  
LARRY YOUNG

February 16, 2011

First Citizens Bank Inc.  
P O Box 749  
Hendersonville, NC 28793

Re: Loan Agreement between First Citizens Bank Inc., and Blue Ridge Fire & Rescue Inc.

Dear Sirs:

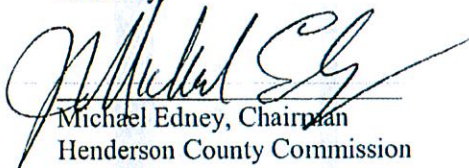
I am Chairman of the County Commissioners for Henderson County. This letter is to advise you that Blue Ridge Fire & Rescue Inc. is a qualified Fire Department assigned to protect a specific Fire District within this County.

In addition, a special ad valorem (fire) tax is assessed on the real property owners of this district. Said tax is to be used exclusively to provide equipment, facilities, and training as is necessary to provide fire protection for said district. Said funds may also be used to upgrade equipment as the need arises. This tax is collected by the County and disbursed by the Finance Office to the Fire Department on a regular basis by the County Finance Officer. The Fire Department is operated and managed by the Board of Directors of the Fire Department and the Officers of said Department. The Department is currently meeting the requirements of their fire service contract.

The Fire Department has made us aware of their intention to acquire new capital assets through a Loan Agreement with your firm.

Please be advised that the County has no objection to this transaction.

Sincerely,



Michael Edney, Chairman  
Henderson County Commission

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT**

This Memorandum is made by and between the Henderson County Board of Public Education ("the School Board") and the Henderson County Board of Commissioners ("the Commissioners"), to memorialize the terms of their agreement. The parties have agreed as follows:

1. The Commissioners will purchase certain real estate adjacent to the School Board-operated high school recorded in Book 337 at Page 14, Henderson County Registry. The real estate will be used for the expansion of the facilities at such high school.

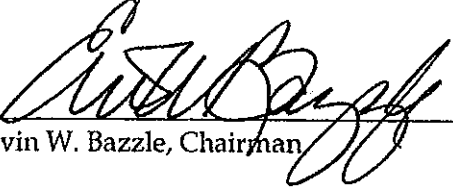
2. The School Board will immediately convey to the Commissioners the remainder of the "fairgrounds" property, a portion of which was previously conveyed to the Commissioners by deed recorded in Book 1270, at Page 747, Henderson County Registry.

3. The School Board will not request construction of school or other facilities on the real estate purchased by the Commissioners pursuant to 1, above, for a period of five (5) years from the date of this agreement.

Approved and executed by authority given, this the 16<sup>th</sup> day of February, 2011.

HENDERSON COUNTY BOARD OF PUBLIC EDUCATION

By: \_\_\_\_\_

  
Ervin W. Bazzle, Chairman

Attest:


\_\_\_\_\_  
Secretary

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

  
J. Michael Edney, Chairman

Attest:

  
Clerk to the Board

