

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 1, 2010**

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

Those present were: Chairman Bill Moyer, Vice-Chairman Mark Williams, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Associate County Attorney Sarah Zambon, Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Construction Manager David Berry, Henderson County Assessor Stan Duncan, Soil and Water Conservation District Director Jonathan Wallin, Planner Parker Sloan, Engineer Marcus Jones, and Officer David Pearce (as security).

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Lauren Worley of the 4H Hawks Club.

### INVOCATION

Dr. Victor Rampey of the Main Street Baptist Church gave the invocation.

### PRESENTATION OF AWARD – HENDERSON COUNTY SOIL AND WATER NAMED 2010 DISTRICT OF THE YEAR

Chairman Moyer recognized representatives of the Henderson County Soil and Water Conservation District, Director Jonathan Wallin, Education Coordinator Laura Brokaw, Watershed Coordinator Shaun Moore and members of the Board of Supervisors, Chairman Drew Brannon, and Vice Chairman Theron Maybin. Chairman Moyer shared some of the accomplishments of the Soil and Water Conservation District during 2010.

- Henderson County SWCD participated in conservation programs that brought a total of more than \$777,834 into the County for Best Management Practices.
- Held and facilitated five community meetings across the county to gather information and input from the farming community and residents. This information was used to create the new Henderson County Agricultural Preservation Plan.
- Worked with several other County departments, the Agriculture Advisory Board and the Board of Commissioners to update and expand the Enhanced Agriculture District Ordinance.
- Did community outreach with hundreds of Henderson County residents via their Farm City Day booth and annual Tree Seedling Sale.
- Taught over 1,500 Henderson County students in 16 schools about a variety of environmental issues, helping their teachers meet the requirements of the NC Department of Public Instruction's standard course of study.
- Worked closely with three Henderson County high school students as they completed their senior projects.
- Sponsored six Envirothon teams – two of which went on to the State Envirothon.
- Had over 500 entries in the Soil & Water poster, essay and speech contests from Henderson County fifth, sixth, and eighth-grade students. The first place poster also won second place at the Area 1 competition.

DATE APPROVED: November 17, 2010

- Hosted the Soil Judging Contest and provided dinner for 80 high school students from Henderson, Polk and Rutherford counties.

Chairman Moyer presented a plaque to Drew Brannon for the Area 1 Outstanding District Award for outstanding accomplishments in natural resource conservation education.

#### **INFORMAL PUBLIC COMMENT**

There was none.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested the addition of a closed session for personnel matters.

*Commissioner McGrady made the motion to adopt the Agenda with the addition of a closed session for personnel matters. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner Williams 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):

October 20, 2010 – Regularly Scheduled Meeting

##### **Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated October 22, 2010 for information only. No action was required.

##### **Financial Report/Cash Balance Report – September 2010**

The September 2010 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 September:

Non-Profit Contributions – 1<sup>st</sup> quarter contributions paid to outside agencies and payment to WCCA for local transportation program match

Finance – professional services for financial management software system support paid in 1<sup>st</sup> quarter

Fire Services – payment of annual fire districts workman's compensation premium for FY2011 in 1<sup>st</sup> quarter

Mental Health – Board approved 50% payment to LME for distribution to mental health agencies

Tuberculosis, Risk Reduction Health Programs – 100 percent grant funded health programs

The YTD deficit in the CDBG – 2008 Scattered Site Housing Project Grant Fund, the CDBG – Warm Company Grant Fund, the ICE 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 federal and state governments.

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 Law Enforcement Center Project is expenditures that will be reimbursed from

financing proceeds that are expected to be available in the second quarter of FY2011.

The Parks Renovation and Repair Projects and the Tuxedo Mill Demolition Project expenditures will be covered by Capital Reserve Funds approved by the Board.

The YTD deficit in the Cane Creek Water and Sewer District Fund is temporary and primarily due to a budgeted debt service payment made in the 1<sup>st</sup> quarter.

Suggested Motion:

*I move that the Board of Commissioners approves the September 2010 County Financial Report and Cash Balance Report as presented.*

#### **Henderson County Public Schools Financial Reports – September 2010**

The Henderson County Public Schools September 2010 Financial Reports were provided for the Board's information.

Suggested Motion:

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

#### **Construction Management Update**

Construction Manager David H. Berry & Associates, LLC provided a monthly status report to the Commissioners for Henderson County facilities.

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

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for the period ended September 2010 on Capital and Facilities projects.

#### **Resolution – Non-Profit Recognition Month**

The Non-Profit community of Henderson County has requested that the Board of Commissioners adopts the provided Resolution proclaiming the month of November locally as Non-Profit Recognition Month.

Suggested Motion:

*I move the Board of Commissioners adopts the Resolution as presented, proclaiming the month of November as Non-Profit Recognition Month.*

#### **Resolution Approving the Financing Documents to Provide for the Acquisition, Construction, Furnishing and Equipping of Certain Projects**

The provided resolution approves the financing documents, in substantially final form, prepared by Bond Counsel to finance to capital costs for construction of a new Law Enforcement Center and renovations to the former Health Department Building for use as a development services center.

Should certain projects not materialize before the November 19<sup>th</sup> anticipated loan closing date, the loan amount for the project will be pulled from the final Installment Financing Contract.

Suggested Motion:

*I move the approval of the Resolution of the County of Henderson, North Carolina Approving an Installment Financing Contract to Provide for the Acquisition, Construction, Furnishing and Equipping of Certain Projects Set Forth Therein and Other Related Matters.*

#### **Edneyville Park Agreement**

The County was approached by the Edneyville Community Center Association with a proposal to trade part of the County property used for the Community Center and recreational area for an equal piece of property

owned by Robin Coward, of the Habitat for Humanity Shuey Knolls project. The properties to be exchanged are of equal size of 0.086 acres. This exchange was proposed to increase adjacent property for recreational uses in Edneyville. The Edneyville Community Center Association and Habitat for Humanity have reviewed the agreement and agreed to its terms.

**Suggested Motion:**

*I move that the Board approves the draft agreement with the Edneyville Community Center Association, Coward, and Habitat for Humanity, and directs the chairman and staff to execute the same.*

**Home and Community Care Block Grant**

The North Carolina Division of Aging and Adult Services recently allocated an additional \$11,341 to be distributed by the Home and Community Care Block Grant Advisory Committee. The Committee met on October 26, 2010, and voted to recommend allocating \$5,671 to Council to Aging for Meals on Wheels, and \$5,670 to WCCA for Medical Transportation.

The Board of Commissioners is requested to approve the Committee's recommendation, and to approve the provided budget amendment appropriating these finds into the County's budget for distribution.

**Suggested Motion:**

*I move the Board of Commissioners approves the Committee's recommendation to allocate \$5,671 to the Council on Aging for Meals on Wheels, and \$5,670 to WCCA for Medical Transportation, and approved the provided budget amendment appropriating these funds into the County's budget for distribution.*

**Notification of Vacancies**

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

1. Apple Country Greenway Commission – 4 vac.
2. CJPP (Criminal Justice Partnership Program) – 6 vac.
3. Fire Commission – 3 vac.
4. Henderson County Historic Courthouse Corp. dba/Heritage Museum – 2 vac.
5. Henderson County Zoning Board of Adjustment – 3 vac.
6. Home and Community Care Block Grant Advisory Committee – 1 vac.
7. Laurel Park Planning Board – 1 vac.
8. Travel & Tourism Committee – 4 vac.

**Nominations**

1. Apple County Greenway Commission – 2 vac.

Commissioner McGrady nominated Colette Summit for reappointment to position #2. *Chairman Moyer made the motion to accept the reappointment of Colette Summit to position #2 by acclamation. All voted in favor and the motion carried.*

2. Child Fatality Prevention Team – 1 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. Hendersonville Planning Board – 1 vac.

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

6. Juvenile Crime Prevention Council – 9 vac.

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

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

Commissioner McGrady nominated Victoria Flanagan for position #21. *Chairman Moyer made the motion to accept the appointment of Victoria Flanagan to position #21 by acclamation. All voted in favor and the motion carried.*

10. Senior Volunteer Services Advisory Council – 3 vac.

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

11. Social Services Board – 1 vac.

Commissioner McGrady nominated Eliza Graue for position #2. *Chairman Moyer made the motion to appoint Eliza Graue to position #2 by acclamation. All voted in favor and the motion carried.*

**ENERGY EFFICIENCY IN LEED CERTIFIED SCHOOLS**

Construction Manager David Berry introduced Senior Associate Jimmy Wilhide from Moseley Architects and Bo Caldwell, Senior Director for Human Resources of the Henderson County Public Schools who presented information on savings realized through the implementation of Leadership in Energy and Environmental Design (LEED) design standards related to recent school design and construction. Also present from Henderson County Schools were Assistant Superintendent Bill Parker, Energy Manager Dave Lyons, and Director of Maintenance Martin Ballard. Mr. Wilhide presented the Board of Commissioners with certificates of the certification.

A power-point presentation was presented containing the following information.

The Mills River and Hillandale Elementary Schools are the first buildings to achieve LEED Certification in Henderson County. These two schools have not only become LEED Certified schools but have become Gold LEED Certified Schools. Both schools receive a plaque which will be installed into the lobby of the school. These schools have been recognized by the EPA's Energy Star program for design.

Energy Saving Features includes:

Building Envelope

- Highly reflective roofing materials
- Windows with low-e coatings and reduced solar heat gain glass
- Increased roof and wall insulation (R-25 & R-19)

Lighting

- Solatube daylighting system – linked to daylight sensor to turn T5 lamps off when not needed
- Light Shelves, Sun Screens

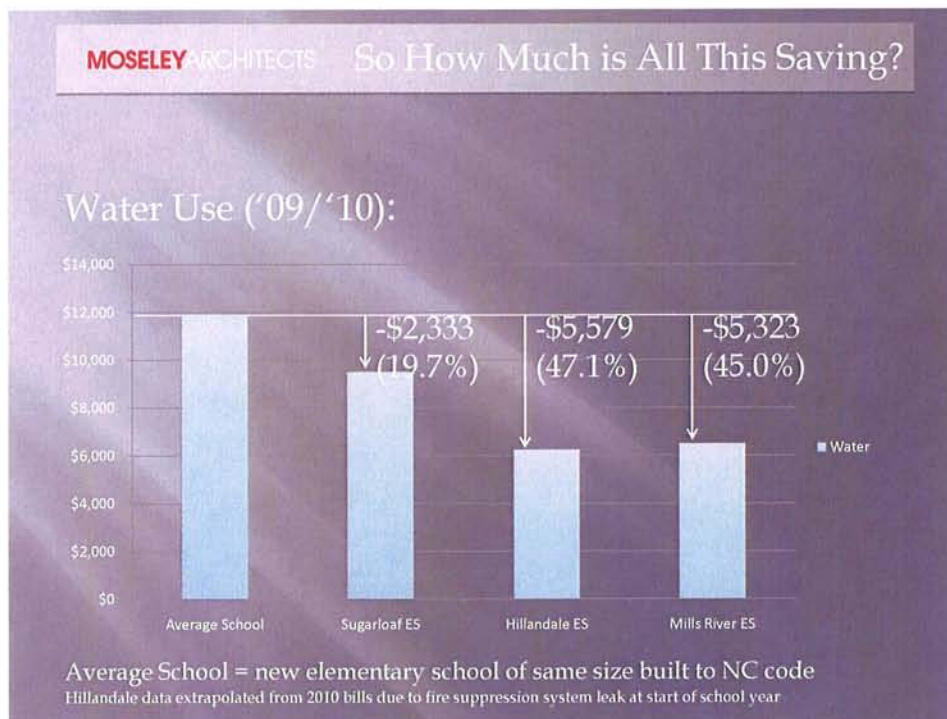
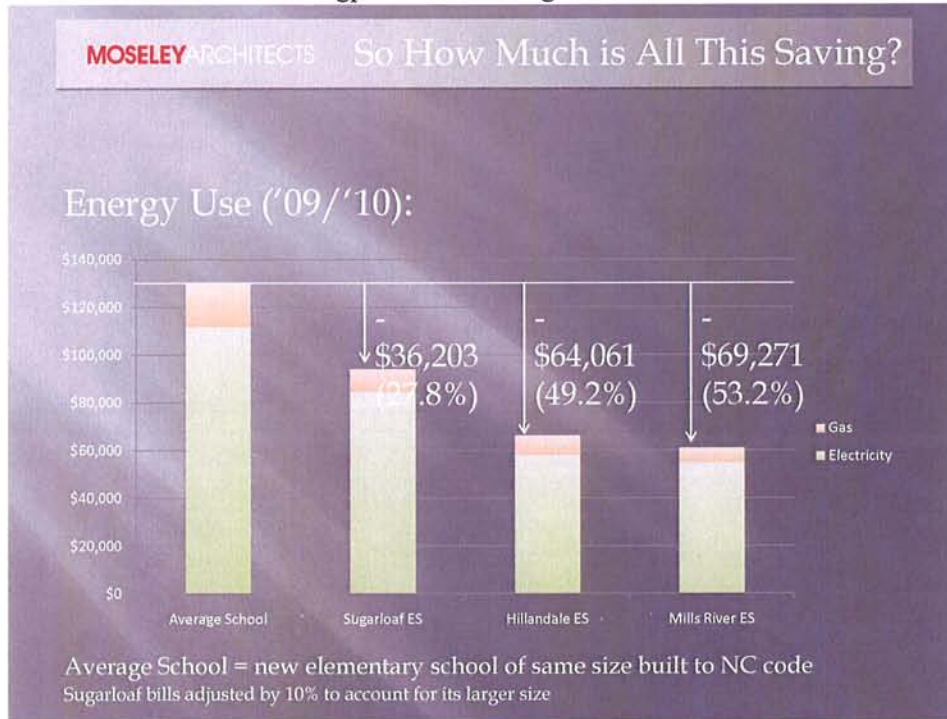
Renewable Energy

- Solar thermal panels
  - 20 panel array

- Designed to reduce gas use by 40% (kitchen, bathrooms and HVAC)
- System expands upon the design for Sugarloaf ES

Water Saving Features

- Pint-flush urinals – 0.125 gpf = 88% savings
- Dual-flush toilets – 1.6/1.1 gpf = 21% savings
- Low-flow lavatories – 0.5 gpm auto = 33% savings
- Low-flow shower – 1.5 gpm = 40% savings



Costs by LEED Credit Category

Sustainable Sites	\$5,779
Water Efficiency	\$2,888
Energy & Atmosphere	\$160,040
Materials & Resources	\$11,850
Indoor Environmental Quality	\$156,303
USGBC Certification Fees	\$3,279
<b>Total</b>	<b>\$340,139</b>

= 2.27% of project budgets

Savings (average per school):

- ☐ Energy: \$66,700 (51%)
- ☐ Water: \$5,450 (46%)

Cost (each school):

- ☐ Total: \$340,139
- ☐ % of Budget: 2.27%



40-yr Life-cycle Savings: \$5.65M per school  
 Payback Period: 4.7 years

**CONSTRUCTION CONTRACT – OLD HEALTH BUILDING RENOVATIONS**

Engineer Marcus Jones stated as recommended by Moseley Architects on the letter included in the agenda, the apparent low bid for the referenced construction contract was provided for Board approval. The proposed contract is for \$1,239,629 with Carolina Specialties Construction. This contract does include the three alternate bid items (new roof, resurfacing of the parking lot, and a security system) which were added to the construction contract. The construction estimate was \$1,688,752 for this project. The complete bid tabulation was also provided in the agenda packet.

By State Statute this project was estimated to be in the formal bidding range, and therefore, the Architect did

conduct the bid process accordingly. Additionally, the project was advertised in the local newspaper, Times-News, and posted on the County website.

*Commissioner McGrady made the motion that the Board of Commissioners approves the construction for renovations to the Old Health Building with the apparent low bidder Carolina Specialties Construction for \$1,239,629. All voted in favor and the motion carried.*

### 2011 REAPPRAISAL PROCESS

County Assessor Stan Duncan discussed the proposed 2011 reappraisal via a Power-Point presentation, with additional commentary from Steve Dozier, a local real estate agent, and Greg Burnett a local lending agent.

Market Value is "Value in Exchange" but not necessarily the most recent price paid in an arm's length transaction when competent evidence of a different value is presented, and not the highest or lowest value, but the most probable value meeting the requirements of the Uniform Appraisal Standards, and not a "foreclosure" or "short sale".

#### Statutory Distinction

- For the Real Property Appraisal staff – The Schedules of Values, Standards and Rules are to be "sufficiently detailed to enable those making appraisals to adhere to them in appraising real property."
- For the Property Owners – A property record card must be prepared and "maintained in sufficient detail to enable the property owners to ascertain the method, rules, and standards of value by which property is appraised."

The task is to reappraise all real property at Market Value effective as of January 1, 2011.

Total Parcels of Real Property - 65, 658

- 62,440 Parcels with Land
- 37,067 Single-Family Residential Properties
- 3,219 Condominiums/Townhouse
- 2,389 Vacant Acreage (greater than 5 acres)
- 4,644 Commercial/Industrial Parcels

1,602 Parcels in Present-Use Value – Agriculture, Horticulture, Forestland

1,357 Parcels w/Tax Relief – Elderly/Disabled, and Veterans

#### Comparison of Sale Types - 1 July 2008 through September 2010

NEIGHBORHOOD	Foreclosure Sales	Short Sales	Qualified Sales
Blue Ridge Villas	-	-	11
Champion Hills	9	-	29
Haywood Knolls	1	-	29
Kenmure	1	3	48
Livingston Farms	3	2	53
Southchase	-	2	37

Short sales occur when the borrower and the lender recognize that the borrower may not be able to satisfy and continue to pay on the loan or note and they come together and agree that they can sell at a loss, possibly to the lender. Since January 1, 2007, thirty-seven (37) short sales have been identified by looking at MLS data and the MLS listing in Henderson County.

#### Analysis of September MLS Sales

Total Residential MLS Transactions: 96 Residential Units  
 Average Sales Price: \$224,159  
 Median Sales Price: \$197,952



Number of Foreclosure Sales:	11
Number of "Short Sales":	3
Number of Qualified MLS Sales:	<u>61</u> Residential Units
Average Sales Price:	\$263,102
Median Sales Price:	\$227,000

## Analysis of September MLS Sales

Number of Qualified MLS Sales:	<u>61</u> Residential Units
# of Qualified Condominiums:	8
# of Qualified Townhomes:	6
# of Qualified Rural Locations:	5
# of Single-Family (subdivision) Res.:	42

<b>Assessment Ratio of the 61 Sales Based on 2007 Schedules:</b>	<b>106.56%</b>
Assessment Ratio of the 61 Sales Based on 2011 Schedules:	98.07%

Number of Single-Family Residential: 42 Residential Units

<b>Assessment Ratio Based on 2007 Schedules:</b>	<b>108.00%</b>
Assessment Ratio Based on 2011 Schedules:	98.23%

Reappraisals create an *equitable distribution* of the tax obligation.

- Personal Property (motor vehicles, business machinery & equipment, aircraft & watercraft), is appraised and assessed at Market Value each and every year.
- Real property is appraised and assessed at Market Value ONLY in the year of, and as of, the general reappraisal.

Tax Year 2007 vs. 2010 - Comparison of Tax Base Components:

Component	2007	2010	Change
REAL Property	\$ 10,437,410,000 (84.89%)	\$ 11,390,000,000 (87.18%)	\$952,590,000
Registered MV's	873,186,000 ( 7.10%)	735,000,000 ( 5.63%)	\$138,186,000
Personal Property	799,000,000 ( 6.50%)	740,000,000 ( 5.66%)	\$ 59,000,000
Public Utilities	185,000,000 ( 1.50%)	200,000,000 ( 1.53%)	\$ 15,000,000
<b>TOTAL</b>	<b>\$ 12,294,596,000</b>	<b>\$ 13,065,000,000</b>	<b>\$770,404,000</b>

With or without the reappraisal, the real property will be affected and decrease based on what is happening in today's market.

The Tax Base is comprised of:

- 87.18% - Real Property; land & improvements (structures permanently attached), including some manufactured housing
- 5.66% - Personal Property; Business-Personal (machinery & equipment, furniture, computers, etc.) aircraft, watercraft, untagged motor vehicles, and some manufactured housing
- 5.63% - Registered Motor Vehicles; Licensed (tagged) vehicles
- 1.53% - Public Service Companies; Public Utilities and other regulated companies

Registered Motor Vehicles – Economic Shift

Fiscal Year	# of Vehicles	Assessed \$
2003-04	99,196	\$766,235,095
2004-05	102,458	\$811,942,453
2005-06	104,253	\$840,878,723
2006-07	106,416	\$879,991,396
2007-08	109,064	\$915,294,554
2008-09	94,461	\$871,957,292
2009-10	91,826	\$805,929,404
2010-11 (Est.)	87,500	\$735,000,000

Tax Relief Programs

Elderly Exclusion & Veterans:

TAX YEAR	#	Value Excluded	% Change
2006	913	\$34,019,336	
2007	1,018	\$47,725,742	+11.5% / +40.3%
2008	1,251	\$62,498,363	+22.9% / +31.0%
2009	1,381	\$74,676,804	+10.4% / +19.5%
2010	1,521	\$85,664,472	+10.1% / +14.7%

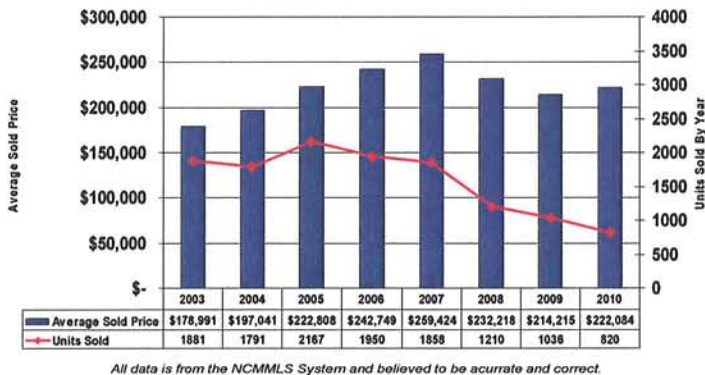
Present-Use Value:

TAX YEAR	#	Value Deferred	% Change
2006	1,595	\$ 170,973,336	
2007	1,563	\$ 384,725,934	-2.0% / +125.0%
2008	1,554	\$ 393,658,924	-.58% / +2.3%
2009	1,610	\$ 377,589,075	+.04% / -4.1%
2010	1,609	\$ 375,859,135	- / -.005%

Mr. Duncan, in light of the current economic climate and the market number of sales, feels he is in the position to do a quality reappraisal in 2011 that is fair to the public and everyone involved.

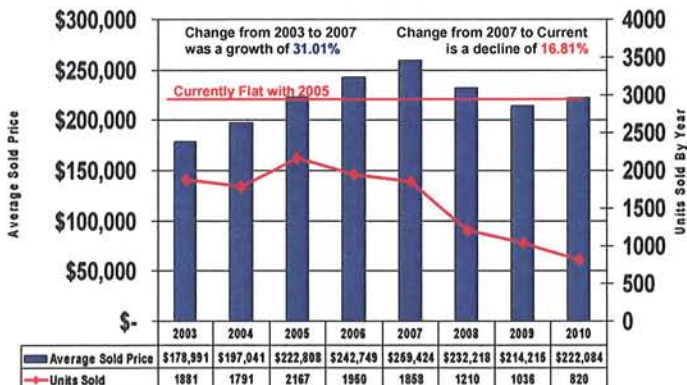
Real Estate Agent Steve Dozier from Prudential Lifestyle Realty provided the following information:

**Henderson County Housing Market**



All data is from the NCMMLS System and believed to be accurate and correct.

**Henderson County Housing Market**



All data is from the NCMMLS System and believed to be accurate and correct.

## Livingston Farm

Livingston Farm	Units Sold	Average Sold Price	Change +/-
2003	3	\$ 170,333.33	
2004	31	\$ 193,018.03	
2005	35	\$ 207,271.29	
2006	31	\$ 238,364.10	
2007	52	\$ 245,321.92	30.57%
2008	28	\$ 232,150.89	
2009	28	\$ 232,610.71	
2010	14	\$ 217,828.57	-12.62%

## Haywood Knolls

Haywood Knolls	Units Sold	Average Sold Price	Change +/-
2003	15	\$ 165,570.00	
2004	15	\$ 177,056.67	
2005	13	\$ 183,207.69	
2006	24	\$ 232,595.83	
2007	14	\$ 239,435.71	30.85%
2008	14	\$ 225,535.71	
2009	14	\$ 208,071.43	
2010	11	\$ 220,590.82	-8.54%

## Southchase

Southchase	Units Sold	Average Sold Price	Change +/-
2003	35	160122.8571	
2004	13	174838.4615	
2005	20	193381.25	
2006	17	214523.5294	
2007	15	222646.6667	28.08%
2008	15	199886.6667	
2009	16	191368.75	
2010	4	202250	-10.08%

## Blue Ridge Villas

Blue Ridge Villas	Units Sold	Average Sold Price	Change +/-
2003	4	\$ 147,250.00	
2004	7	\$ 146,480.00	
2005	5	\$ 148,300.00	
2006	3	\$ 153,000.00	
2007	2	\$ 222,750.00	33.89%
2008	5	\$ 184,100.00	
2009	5	\$ 145,200.00	
2010	3	\$ 178,333.33	-24.91%

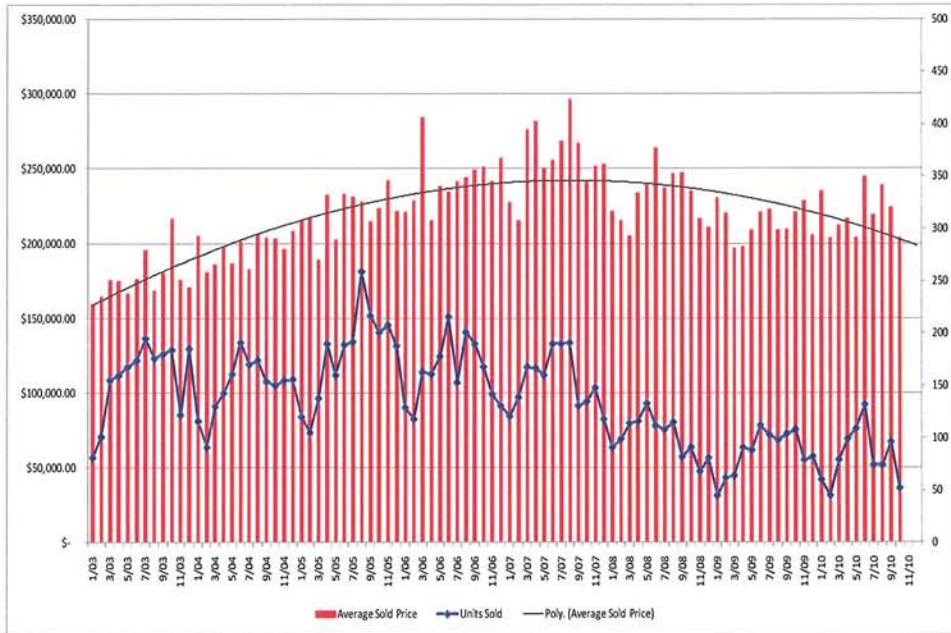
## Kenmure

Kenmure	Units Sold	Average Sold Price	Change +/-
2003	29	\$ 425,197.38	
2004	27	\$ 412,664.81	
2005	67	\$ 509,462.43	
2006	55	\$ 548,824.18	
2007	49	\$ 562,302.43	24.38%
2008	14	\$ 557,957.14	
2009	10	\$ 584,675.00	
2010	19	\$ 425,302.63	-32.21%

## Champion Hills

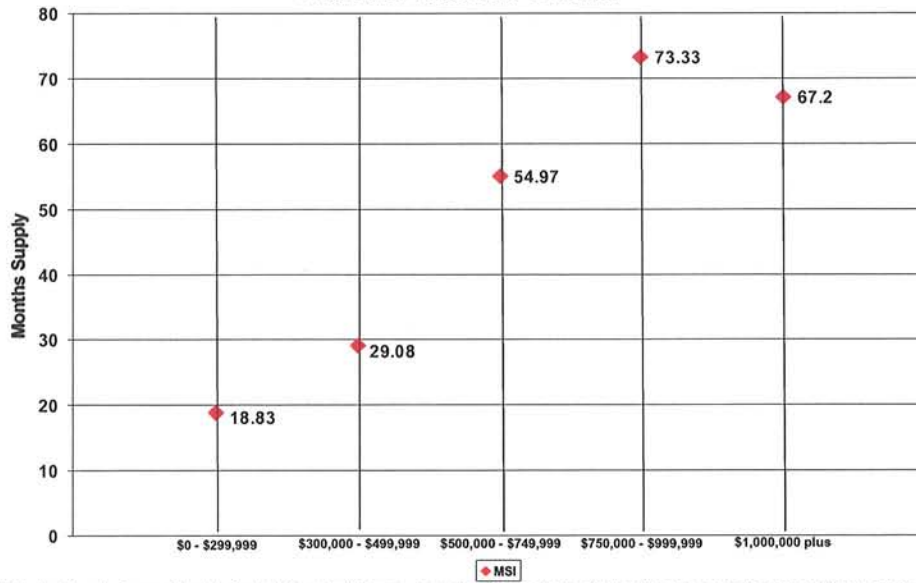
Champion Hills	Units Sold	Average Sold Price	Change +/-
2003	16	\$ 498,343.75	
2004	9	\$ 629,833.33	
2005	31	\$ 508,645.16	
2006	31	\$ 599,035.81	
2007	22	\$ 990,022.73	49.66%
2008	8	\$ 644,312.50	
2009	6	\$ 770,000.00	
2010	13	\$ 797,394.92	-24.16%

### Henderson County Housing Sales Since January 2003



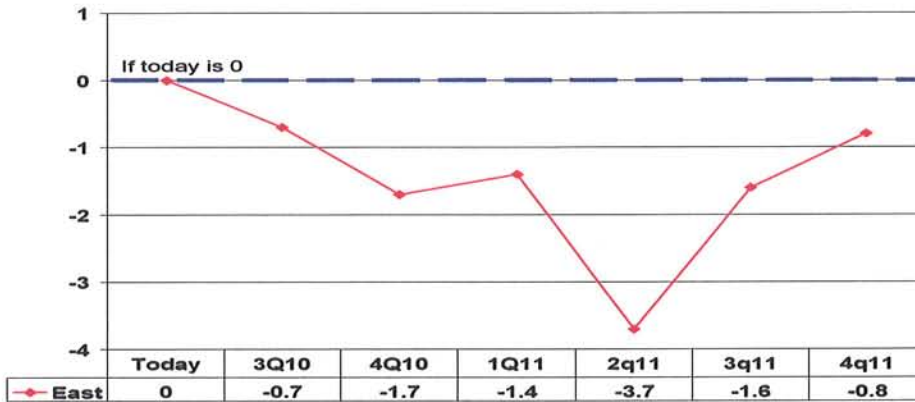
### Henderson County Months Supply Index

Additional Factors to Consider



6 Months Supply is considered a Neutral Supply of Homes. Less than 6 months is a Sellers Market, more than 6 is a Buyers Market.

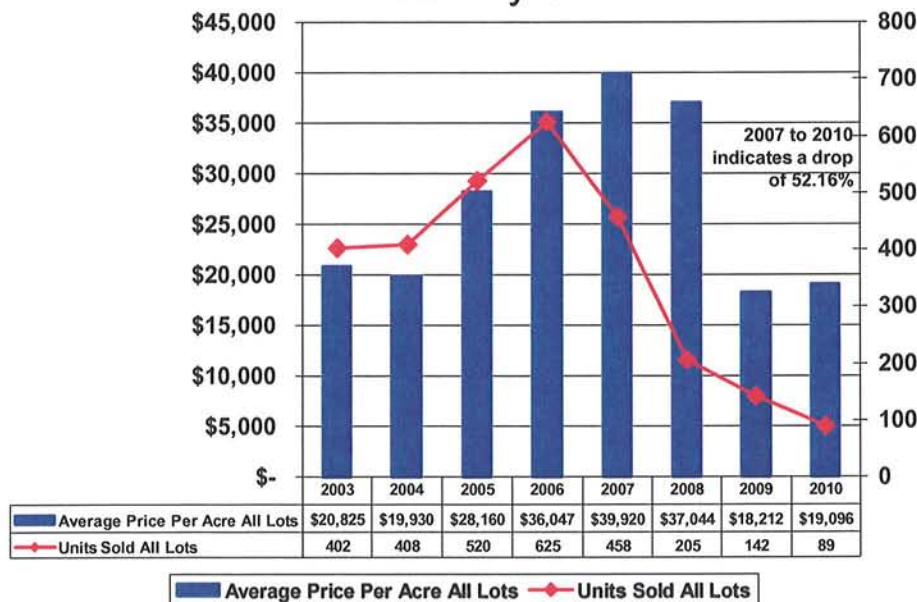
### Bank of America Housing Price Forecast



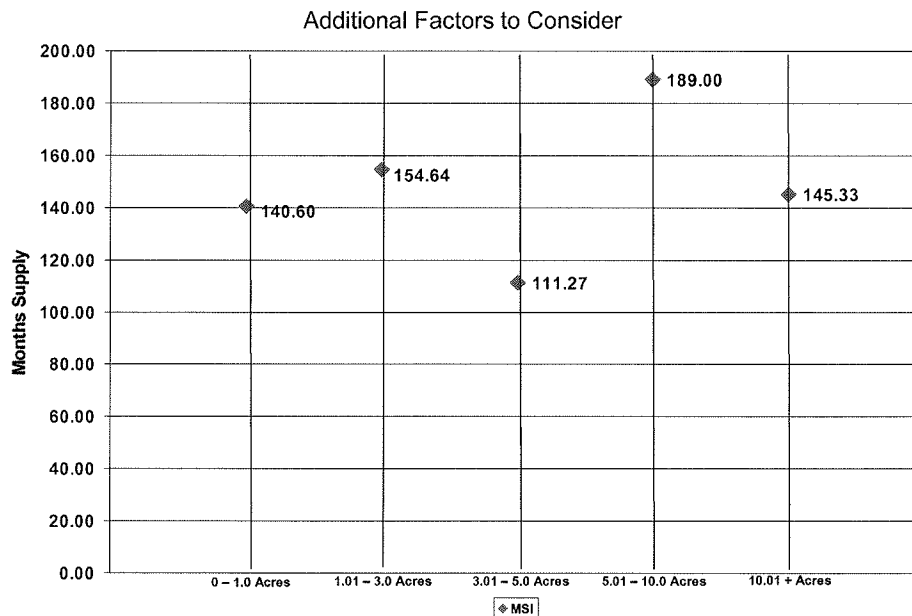
### Henderson County Land Sales 10 or more acres



### Henderson County Land Sales All Lots Any Size



## Henderson County Land Months Supply Index



6 Months Supply is considered a Neutral Supply of Homes. Less than 6 months is a Sellers Market, more than 6 is a Buyers Market.

Greg Burnette, Executive for First Citizens Bank, explained that for the last several years banks have been relying less on tax values as a method of valuing property for a credit decision. As the real estate markets become more volatile, banks in their underwriting process, were taking the much more conservative approach in trying to back down values that they were lending against. The FDIC and the Office of Thrift Supervision will not allow a bank to lend solely upon tax value, there has to be further analysis. A bank must determine what a sales price is in relation to the value of that property. For the majority of those mortgages that are conforming or sold, a true appraisal must be done in order for that loan to be sold. The most common consumer based credit secured by real estate is an equity line. For those type transactions under \$100,000.00, it is possible to use tax values when 50% or less is borrowed. If more than 50% is borrowed an automated valuation model is used. Mr. Burnette stated there is negative impact on customers because they are recognizing the fact that the property value is lower.

Chairman Moyer stated the public hearing on scheduled values has been set giving the new Board maximum flexibility. It was the consensus of the Board that the reappraisal schedules continue.

### WNC BEEF CATTLE LIVESTOCK MARKET

At the November 19, 2008 Board of Commissioners meeting, the Board unanimously voted in favor of a Resolution of Endorsement supporting a beef cattle livestock market to be located in Western North Carolina. Additionally, at the April 6, 2009 meeting, the Board adopted a resolution authorizing the county to make a \$10,000 contribution toward the livestock market.

The County has recently received a request for an additional contribution for the Livestock Market, which is currently \$37,500 short of the necessary funding. Several counties are considering providing additional funding, and Buncombe County has pledged a 50 cent match on the dollar for any additional contributions. Any additional funding that Henderson County could provide would be of assistance in closing their funding gap.

Transylvania County has made a \$5,000 contribution with a \$2,500 match from Buncombe County bringing the shortage to \$30,000. Mitchell, Macon, and McDowell Counties and possible others are still considering amounts to contribute.

County Manager Steve Wyatt noted that funds are set aside for agricultural related projects. He suggested the Board consider an “up to” amount.

*Commissioner Moyer made the motion that the Board authorizes going up to an additional \$5,000 and have the County Manager work with other counties to close the gap. All voted in favor and the motion carried.*

#### **PUBLIC HEARING -Water and Sewer Hook-Up Grant Amendment**

*Commissioner McGrady made the motion that the Board go into public hearing in regards to the Water and Sewer Hook-Up Grant Amendment. All voted in favor and the motion carried.*

Parker Sloan stated the NC Department of Commerce reserved \$75,000 in additional CDBG Grant Funds for the Henderson County Hook-Up Grant (09-C-2029) subject to receipt of an amended grant application identifying the homes to be connected to public water or sewer. Eligible home owners must be low and moderate income and must be located adjacent to service lines. The grant will pay for tap fees and connections of the homes. Assisted households will be selected on a first to apply first to qualify basis. Funds are available to connect 26 or more additional homes. Staff is reviewing a list of applicants to determine availability of lines to connect to and will undertake additional marketing of the program until a sufficient number of eligible applicants has been compiled.

No matching County funds are required for this grant.

#### **Public Input**

There was none.

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

*Commissioner McGrady made the motion that the Board approves the submittal of a grant amendment to the NC Department of Commerce for \$75,000 of additional Hook-Up funds and that the Chairman be authorized to sign the grant documents. He further moved that the Board approves the Budget Amendment, as submitted, appropriating these additional grant funds. All voted in favor and the motion carried.*

#### **STAFF REPORTS**

There was nothing further at this time.

#### **IMPORTANT DATES**

Set Public Hearing – Land Development Code 2010 Annual Text Amendments (TX-2010-02)

*Commissioner McGrady made the motion that the Board schedules a public hearing regarding the proposed LDC 2010 Annual Text Amendments for Wednesday, November 17, 2010 at 11:00 a.m. All voted in favor and the motion carried.*

Set Public Hearing on Rezoning Application #R-2010-01

*Commissioner McGrady made the motion that the Board schedules a public hearing on rezoning application #R-2010-01 for Wednesday, November 17, 2010 at 11:00 a.m. All voted in favor and the motion carried.*

Set Date for Public Hearing – Talley Drive Community Revitalization CDBG Grant Budget Amendment

*Commissioner McGrady made the motion that the Board set a public hearing for Wednesday, November 17, 2010 at 11:00 a.m. to receive citizen input concerning a budget amendment for the Talley Drive Community Revitalization CDBG grant. All voted in favor and the motion carried.*

#### **CLOSED SESSION**

*Commissioner McGrady 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)(1), to prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The purpose will be to approve general accounts of previous closed sessions, as shown on the attached log.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6), to consider the qualifications, competence performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner McGrady made the motion that the Board go out of closed session and adjourn at 8:45 p.m.  
All voted in favor and the motion carried.*

Attest:

---

Teresa L. Wilson, Clerk to the Board

---

William L. Moyer, 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

October 22, 2010

### Re: Tax Collector's Report to Commissioners – 11/01/10 Meeting

Please find outlined below collections information through October 21st 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 \$57,480,282.77  
Payments & Releases: 13,976,728.68  
Unpaid Taxes: 43,503,554.09  
**Percentage collected: 24.32%**  
(through 10/21/10)

2009 Total Charge: \$56,983,184.27  
Payments & Releases: 11,468,349.45  
Unpaid Taxes: 45,514,834.82  
**Percentage Collected: 20.13%**  
(through 10/21/09)

#### Motor Vehicle Bills G01 Only:

2010 Total Charge: \$1,657,476.90  
Payments & Releases: 1,186,622.85  
Unpaid Taxes: 470,854.05  
**Percentage collected: 71.59%**  
(through 10/21/10)

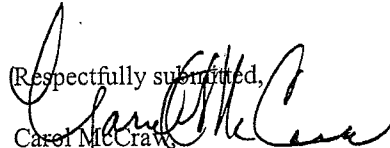
2009 Total Charge: \$1,786,313.99  
Payments & Releases: 1,282,079.78  
Unpaid Taxes: 504,234.21  
**Percentage collected: 71.77%**  
(through 10/21/09)

#### Fire Districts All Bills

2010 Total Charge: \$6,435,456.14  
Payments & Releases: 1,752,307.57  
Unpaid Taxes: 4,683,148.57  
**Percentage Collected: 29.91%**  
(through 10/21/10)

2009 Total Charge: \$6,328,509.05  
Payments & Releases: 1,366,586.06  
Unpaid Taxes: 4,961,922.99  
**Percentage Collected: 24.54%**  
(through 10/21/09)

Respectfully submitted,

  
Carol McCraw  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector

# 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  
[www.hendersoncountync.org](http://www.hendersoncountync.org)

BILL MOYER  
Chairman  
MARK WILLIAMS  
Vice-Chairman

CHUCK MCGRADY  
CHARLIE MESSER  
LARRY YOUNG

## RESOLUTION


### BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS NON-PROFIT RECOGNITION MONTH

- WHEREAS, the Non-Profit Community of the Henderson County area is comprised of more than 150 organizations which provide diverse services to the community; and
- WHEREAS, the members of the Non-Profit community are dedicated to the mission to improve the economy and quality of life of our community; and
- WHEREAS, the members of the Non-Profit community are dedicated to the specific mission of their agencies which provide services to the community; and
- WHEREAS, the members of the Non-Profit community are committed to supporting and respecting the uniqueness of each non-profit agency; and
- WHEREAS, the Non-Profit community is committed to increasing public awareness of the valuable and diverse services provided to the community;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners, at their meeting on November 1, 2010 does hereby declare the month of November as Non-Profit Recognition month and extends its sincere congratulations to the Non-Profit community of Henderson County for their dedicated and unselfish service to the community.

Adopted this the 1<sup>st</sup> day of November, 2010.

  
William L. Moyer, Chairman

  
Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

**AGREEMENT FOR EDNEYVILLE RECREATIONAL PROPERTY**

**THIS LETTER OF AGREEMENT** is being entered into by and between Henderson County, North Carolina (hereinafter referred to as "Henderson County"), Robin P. Coward, 898 Ida Rogers Drive, Hendersonville, North Carolina 28792 (hereinafter "Coward"), the Edneyville Community Center Association, (hereinafter "Edneyville") and Habitat for Humanity (hereinafter "Habitat") and is effective upon execution by both parties.

**WITNESSETH**

**WHEREAS** Henderson County is a body politic and corporate having the legal capacity to contract pursuant to NCGS 153A-11, NCGS Article 160A Chapter 12, and NCGS 153A-449;

**WHEREAS** Henderson County is desirous of contracting to acquire more contiguous property for recreational purposes;

**WHEREAS** the Edneyville Community Center Association is desirous of increased property for recreational purposes adjacent to existing recreational property;

**WHEREAS** the property owner is willing to provide the County with property in exchange for property that shall make her property more contiguous; and

**WHEREAS** the property owner's residence is part of the Shuey Knolls Habitat for Humanity community

**NOW THEREFORE**, for mutual promises and consideration as stated herein, the parties agree as follows:

1. **CONVEYANCE**. The following conveyances shall take place:
  - a. Henderson County shall convey .086 acres located at 15 Ida Rogers Drive to Robin P. Coward. This property adjoins Coward's property on the northwest side and fronts Ida Rogers Drive. Hereinafter this property shall be known as "Henderson addition".
  - b. Robin P. Coward will convey approximately .086 acres located at 898 Ida Rogers Drive to Henderson County. This tract consists of that area that lies NE of a drainage swale on the NE portion of the Robin P. Coward property. Hereinafter this property shall be known as "Coward addition".
  - c. A site plan of the property to be exchanged is included by reference to this Agreement and is labeled "Exhibit A".
  - d. Prior to recording the property additions, a final survey of the exchanged areas shall be completed to ensure the additions are equal in size.
  - e. Prior to the signing of this Agreement, an adequate appraisal has been done and been presented to all parties.
2. **MAINTENANCE**. Edneyville shall, on behalf of Henderson County, construct a fence consisting of a 4 ft tall chain link or similar along the new property line. The fence shall be approximately 300 ft in length.
3. **EXPENSES**. All costs related to this conveyance shall be paid by Edneyville including the

survey of the property, fence construction, and recording costs. No other parties shall incur any costs due to this transaction.

4. **RELEASE FROM EXISTING COVENANTS.** Habitat agrees to release any and all covenants, restrictions, or requirements placed on Coward or the property that would prohibit the exchange of these additions. The former property once conveyed to Henderson County shall not be subject to Habitat's restrictions. Habitat and Coward do agree that the restrictive covenants for Shuey Knolls as the currently exist or as they may hereafter be lawfully amended shall apply to the real property being transferred from Henderson County to Coward. Henderson County does further agree to make the conveyance to Coward subject to the Shuey Knolls restrictive covenants.
5. **ENTIRE UNDERSTANDING.** This Agreement sets forth the entire arrangement between the parties and supersedes all prior oral and written understandings, representations, and discussions between the parties respecting the subject matter of this Agreement.
6. **ASSIGNMENT.** This Agreement may not be assigned by any party without written agreement by the other parties.
7. **GOVERNING LAW.** This Agreement shall be governed by the laws of the State of North Carolina.
8. **INDEMNIFICATION.** Henderson County shall not be liable for the actions of Edneyville, its agents, contractors or partners.
9. **MISCELLANEOUS PROVISIONS.** The singular of any term used in this Agreement shall include the plural, and the masculine shall include the feminine and vice versa.
10. **PARTIES TO THIS AGREEMENT.** This Agreement gives no rights or benefits to anyone other than Henderson County, the property owner, Habitat and Edneyville.

IN WITNESS WHEREOF, parties have duly executed this agreement as of this the 1st day of November, 2010.

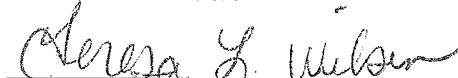
HENDERSON COUNTY

BY: \_\_\_\_\_



William W. Moyer, Chairman

ATTESTED BY:



Terry L. Wilson

[CORPORATE SEAL]

PROPERTY OWNER

BY: \_\_\_\_\_  
Robin Coward

EDNEYVILLE COMMUNITY ORGANIZATION ASSOCIATION

BY: \_\_\_\_\_, Chair

ATTESTED BY:

[CORPORATE SEAL]

\_\_\_\_\_  
\_\_\_\_\_, Secretary

HABITAT FOR HUMANITY

BY: \_\_\_\_\_, CEO

ATTESTED BY:

[CORPORATE SEAL]

\_\_\_\_\_  
\_\_\_\_\_, Secretary

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Carey McLelland, Finance Director

\*\*\*\*\*

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON Polk

I, Teresa L. Wilson, Notary Public for said County and State, certify that William Moyer personally came before me this day and acknowledged that he is the Chairman for Henderson County Board of Commissioners, a municipal corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by himself as Chair.

THIS the 1<sup>st</sup> day of November, 2010

Ceresa G. Wilson  
Notary Public

My Commission Expires: 10/15/2011 [NOTARIAL SEAL]

\*\*\*\*\*  
STATE OF NORTH CAROLINA Property Owner  
COUNTY OF HENDERSON

I, \_\_\_\_\_, Notary Public for said State and County certify that  
\_\_\_\_\_ came before me this day and acknowledged that he/she is the  
property owner of \_\_\_\_\_, and that thereby can sign this  
document regarding that property.

THIS the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ [NOTARIAL SEAL]

\*\*\*\*\*  
STATE OF NORTH CAROLINA Habitat For Humanity  
COUNTY OF HENDERSON

I, \_\_\_\_\_, Notary Public for said State and County certify that  
\_\_\_\_\_ came before me this day and acknowledged that he/she is the  
Secretary/Assistant Secretary of \_\_\_\_\_, and that by  
authority duly given and as the act of the corporation the foregoing instrument was signed in its  
name by its President/Vice President, sealed with its corporate seal, and attested by  
himself/herself as its Secretary/Assistant Secretary.

THIS the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

[NOTARIAL SEAL]

\*\*\*\*\*

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

Edneyville Community Center Association

I, \_\_\_\_\_, Notary Public for said State and County certify that  
\_\_\_\_\_ came before me this day and acknowledged that he/she is the  
Secretary/Assistant Secretary of \_\_\_\_\_, and that by  
authority duly given and as the act of the corporation the foregoing instrument was signed in its  
name by its President/Vice President, sealed with its corporate seal, and attested by  
himself/herself as its Secretary/Assistant Secretary.

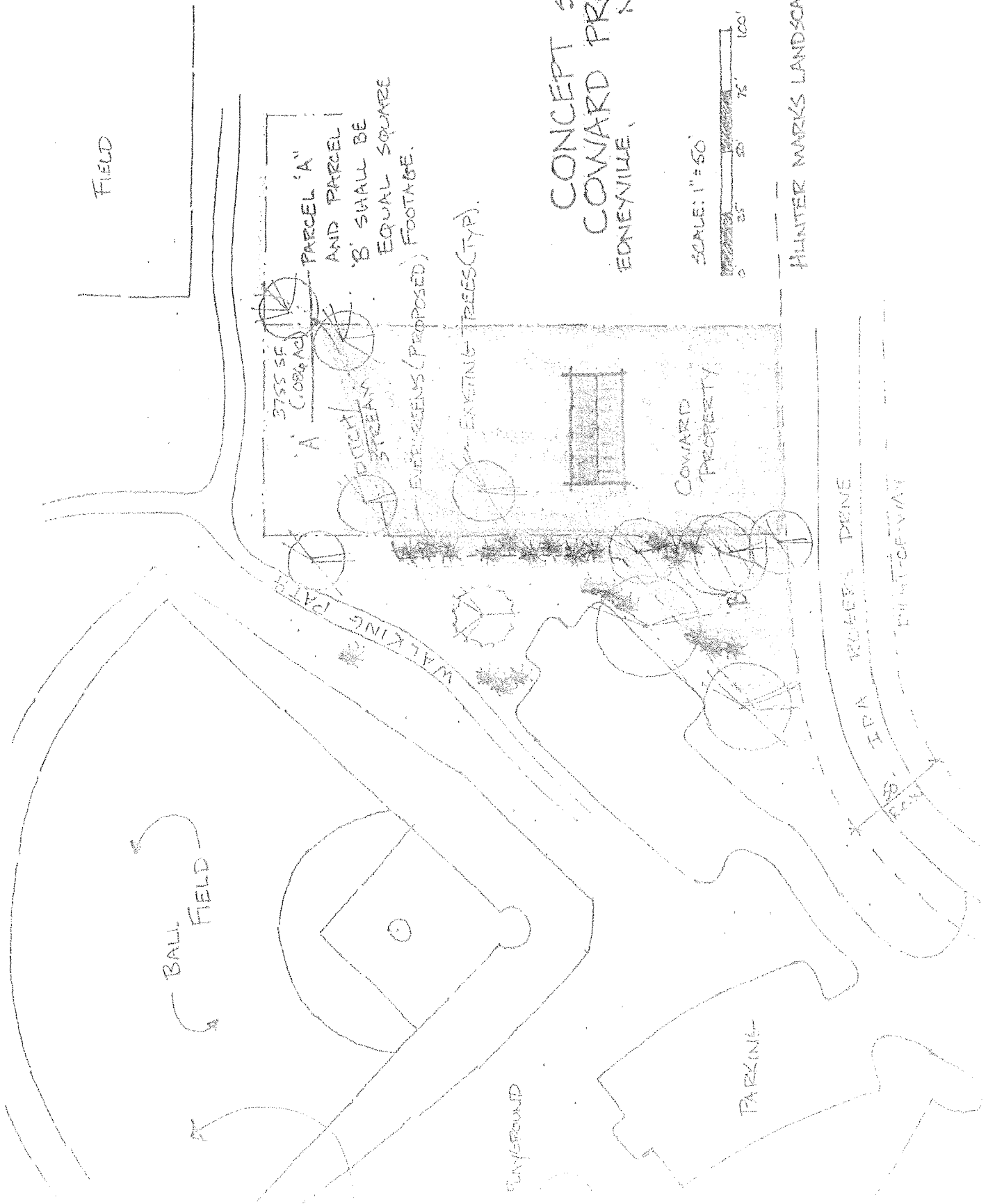
THIS the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[NOTARIAL SEAL]





CONCEPT SKETCH  
 COWARD PROPERTY  
 EDNEYVILLE, NORTH CAROLINA

SCALE: 1" = 50'



MARCH 8, 2010



NORTH

HUNTER MARKS LANDSCAPE ARCHITECTURE

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: CDBG Water & Sewer Hook-Up Project

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>355407-538108</u>	<u>Admin/Planning Costs</u>	<u>\$11,250</u>
<u>355407-555002</u>	<u>Rehabilitation Costs</u>	<u>\$63,750</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>

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

Account	Line-Item Description	Amount
<u>354407-451102</u>	<u>Community Development Grant</u>	<u>\$75,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 To account for additional CDBG funds received for water and sewer hookup project.  
 Approved by the BOC 11.1.10

Authorized by Department Head

11/3/2010  
 Date

\_\_\_\_\_  
 Authorized by Budget Office

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Authorized by County Manager

\_\_\_\_\_  
 Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Home and Community Care Block Grant

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115513-569900</u>	<u>Payments to Other Agencies</u>	<u>\$11,341</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114513-455001</u>	<u>Home &amp; Community Block Grant</u>	<u>\$11,341</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
To account for all FY11 Block Grant revenues and expenditures.

Administrative Services *[Signature]* 10.19.10  
Authorized by Department Head \_\_\_\_\_ Date

Authorized by Budget Office \_\_\_\_\_ Date

Authorized by County Manager \_\_\_\_\_ Date

For Budget Use Only	
Batch #	_____
BA #	_____
Batch Date	_____

A Regular Meeting of the Board of Commissioners (the "*Board of Commissioners*") of the County of Henderson, North Carolina (the "*County*") was held on Monday, November 1, 2010 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina.

Commissioners Present: Bill Moyer, Chairman, Mark Williams, Vice-Chairman, Chuck McGrady, Charlie Messer, Larry Young.

Commissioners Absent: None.

\* \* \* \* \*

Commissioner Williams moved that the following resolution, a copy of which was available with the Board and which was read by title, be adopted:

**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN PROJECTS SET FORTH THEREIN AND RELATED MATTERS**

*WHEREAS*, the County of Henderson, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State (the "*State*");

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Board of Commissioners of the County (the "*Board*") has previously determined, and hereby further determines, that it is in the best interest of the County to enter into (1) an installment financing contract with Branch Banking and Trust Company, a state banking corporation (the "*Bank*"), in order to pay the capital costs of the construction of a new law enforcement center (the "*Law Enforcement Center*") and the renovation of an existing County facility for use as a development services center (collectively, the "*Projects*"); and (2) a deed of trust, security agreement and fixture filing related to all or a portion of the County's fee simple interest in the real property on which the Law Enforcement Center will be located (the "*Site*" and, together with the improvements thereon, the "*Mortgaged Property*");

*WHEREAS*, the County has determined that it would be in the best interest of the County to enter into an Installment Financing Contract dated as of November 1, 2010 (the "*Contract*") between the County and the Bank in order to pay the capital costs of the Projects;

*WHEREAS*, in order to secure the County's obligations under the Contract, the County will enter into a Deed of Trust, Security Agreement and Fixture Filing dated as of November 1, 2010 (the "*Deed of Trust*") related to the Mortgaged Property;

*WHEREAS*, there have been described to the Board the forms of the Contract and the Deed of Trust (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the

Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing;

*WHEREAS*, it appears that each of the Instruments is in an appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the Board did conduct a public hearing on October 4, 2010, to receive public comment on the proposed Contract to finance the Projects; and

*WHEREAS*, the County has filed an application to the LGC for approval of the Contract;

***NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:***

Section 1. ***Ratification of Instruments.*** All actions of the County, the Chairman of the Board (the "*Chairman*"), the Clerk to the Board (the "*Clerk*"), the County Manager, the Finance Director of the County (the "*Finance Director*"), the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization to Execute the Contract.*** The County approves the acquisition of the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager, and their respective designees, are hereby authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board, and that from and after the execution and delivery of the Contract, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Authorization to Execute the Deed of Trust.*** The County approves the form and content of the Deed of Trust and that the Deed of Trust is in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager, and their respective designees, are hereby authorized, empowered and directed to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the Board, and from and after the execution and delivery of the Deed of Trust, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 4. ***County Representative.*** The Chairman, the County Manager and the Finance Director are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments, and the Chairman, the County Manager and the Finance Director are authorized to proceed with the acquisition of the Projects in

accordance with the Instruments and to seek opinions as a matter of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The County's representative and/or designee or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the transactions contemplated by the Instruments. The County's representatives are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. **Repealer.** All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 7. **Effective Date.** This Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF HENDERSON            )        SS:

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution titled “**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN PROJECTS SET FORTH THEREIN, THE REFINANCING OF CERTAIN INSTALLMENT FINANCING CONTRACT AND RELATED MATTERS**” adopted by the Board of Commissioners of the County of Henderson, North Carolina in regular session convened on the 1<sup>st</sup> day of November, 2010, as recorded in the minutes of the Board of Commissioners of the County of Henderson, North Carolina.

**WITNESS**, my hand and the seal of the County of Henderson, North Carolina, this the 2<sup>nd</sup> day of November, 2010.

(SEAL)



*Teresa L. Wilson*  
\_\_\_\_\_  
Teresa Wilson, Clerk to the Board of Commissioners  
County of Henderson, North Carolina