

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
JUNE 7, 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: Public Information Officer Christy DeStefano, County Engineer Marcus Jones, Planning Director Anthony Starr, Research/Budget Analyst Amy Brantley, Sheriff Rick Davis, Chief Deputy Greg Cochran, Construction Manager David Berry, Health Director Tom Bridges, Tax Collector/Assessor Stan Duncan, Delinquent Tax Collector Lee King, Library Director Bill Snyder, Auxiliary Business Manager Bill Blalock, Cooperative Extension Director Renay Knapp, Soil & Water Conservation District Director Jonathan Wallin, Lieutenant Vanessa Gilbert, and 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 Hannah Worrell of the Young Naturalists 4-H Club.

### INVOCATION

Commissioner Mark Williams gave the invocation.

### INFORMAL PUBLIC COMMENT

Chairman Moyer asked each person who had signed up for informal public comments to please limit their comments to about 3 minutes each.

1. Ken Gaylord – Mr. Gaylord spoke in regards to the 287 (g) Program. “I coach rec. soccer in Henderson County in the fourteen year old league. Saturday we played our last game of 5 seasons that my team has been together. Most of my boys are moving on to high school. In our 5 seasons we have lost 3 games. Our most exciting game this season was against the Cherokee Challenge Team in which we beat in overtime. I have a handful of outstanding players that includes my 2 sons and 3 Latino boys. One of those boys, Daniel, runs track for Apple Valley Middle School. I understand he is the fastest kid in the area, winning every meet in the 440. Daniel is also accomplished on the soccer field. He is typically the highest scorer on my team and can make you dizzy with his footwork. Daniel has a brother Jesus who is ten and comes to all of our soccer practices and games. They are exceptionally polite kids. Being American born Daniel and his brothers speak perfect English. Daniel’s parents, Carlos and Margarita, are also regular fixtures on soccer days. Carlos often assisting with the coaching. That is until three weeks ago. Carlos was pulled over by a Sheriff’s Deputy and found to have an open container in his car. Daniel told me two and a half weeks ago with some embarrassment that his father was in the county jail. I spoke with Margarita today, this morning, and he apparently was taken to Atlanta this morning where he will remain incarcerated awaiting deportation. Daniel, Jesus and Margarita were at Jackson Park for this past Saturday’s game. Margarita had a stricken look on her face. She has lost her husband, the father of her boys, and the family’s bread winner. The hardship this places on her and her boys I can only imagine. I hear many stories similar to this one about the plight of Latino families in Henderson

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County. The stories tell of families being torn apart, typically not because of criminal activity but because of misdemeanors or driving without a license. Members of the Latino community report of Sheriff's Deputies parking near by their churches or places of employment and following them without reason or provocation. If this is true, it is classic racial profiling and it is not right. The immigration issue is complex. There is an economic component, a human rights component, and a moral component. The immigrants form the base of our economic pyramid. They allow the rest of us to sit higher up on the pyramid enjoying a higher standard of living. Even the most cold hearted among us must recognize that if we could round up all of the undocumented immigrants in one week and send them south of the border, we would be fools to do it. Who would pick the apples? Who would reroof the houses? Who would landscape? Who would make the hotel beds? Who would do all the hard work for low pay that you and I are not willing to do. If 287(g) is a useful tool for law enforcement to battle crime, and it may well be, then it ought to be used in a disciplined, compassionate and precision way. At the moment in this county the word on the street is that it is being used as a blunt instrument which is instilling fear and wreaking havoc within the Latino community. For the good of the community and the reputation of the Sheriff's Department a community oversight committee needs to be formed to review 287(g). Please find assistance so that other Daniels do not have to come home from school and to find out that their families and their livelihoods have been torn apart."

2. Nubic Guido – Ms. Guido spoke in regard to the 287(g) Program. "I'd like to start with my success story and I'll make it as brief as possible just so that I can prove a point with it and hopefully bend a few hearts here and there. My parents became residents through a very difficult process. When I was 2 my parents sent for me in Mexico, both my sister and I. I was 2 my sister was 6. That didn't make us criminals right? We didn't know what we were doing. We just knew we had to come to see our parents. When we arrived the earliest I remember is living in an RV, a torn RV with my dad and him telling me that he was going to work night and day just so that we could go to school. Now I'm standing here telling you this because he did. To this day he still works 2 fulltime jobs. When I was 5 I became a legal resident. When I turned eighteen I went to Charlotte and took the oath and became a citizen myself. Now I have officially graduated from Wake Forest University. My sister graduated from Chapel Hill 4 years ago and I can't say how proud I am to be the daughter of Arturo Guido. If it weren't for him I really doubt I would be the person I am today. I doubt I would be standing here in front of you telling you that I was at one point undocumented. I can honestly say that walking into Walmart isn't easy. Walking in there, speaking Spanish, translating for somebody is hard because honestly what I get is 'speak English you are in America'. But then if that's the point then why are we trying to tell our students in the school system that we need to promote tolerance and cross cultural understanding. My little sister today, during field day at Upward Elementary School, was called a beaner and she was told by this little boy that he wasn't going to get in the obstacle course because she was a beaner. Because I was manning the obstacle course he wasn't going to get on. It's hard to believe that a 5<sup>th</sup> grader has that mind set given to him by his parents. It's hard to believe that even though he's a 5<sup>th</sup> grader, how many more people are there out there that believe the same thing. I don't want my sister growing up with that because I didn't grow up with that. I knew at one point that I had to be invisible to the world. The moment my parents gave me the opportunity to live and to go to school I realized that I wasn't going to be invisible. I will speak for those who don't have a voice. For my best friend who deserves to have the same education I do or even more. Just because she is Hispanic doesn't make her any less than I am. I am here, I am a U.S. Citizen. She deserves this more than anyone else in this world and if I could give it up I would give it up for her. Thank you."
3. Larry Rogers – Mr. Rogers was present on behalf of the Partners for Economic Progress, a business community of about seventy members. "I noticed in the paper over the weekend where several of the municipalities have seen fit to raise taxes. I would not want to be in the shoes of those folks. I'm glad I'm not running for office of that thing. But I also remind this group we are spending so far \$6.5 million more than we have. So we have to be very careful. Thank you very much."

4. Wendy Gaskins – Ms. Gaskins voiced concern over two issues. “One is the Henderson County Softball Association. Money was taken from us, \$75 per girl, when most kids don’t have one kid...I have two that I put in it. On the letters that we signed, and when we sign our children up for this ball program it states that it will carry them through the ball season and they will receive a trophy or incentive at the end stating that that’s what they get. I talked to the president over the Henderson County ball and he informed me that there wasn’t enough money in the account for them to receive incentives this year or last year in which I told him he was a liar because I have a trophy right here that they got it last year. I again in turn called the people over the Henderson County Parks and Recreation and they told me that \$10 for every girl goes to them to take care of the fields, maintain the fields, the lines, the mowing, everything like that and the rest of it is what the president David Edney has chose to do with it. There was teams...there was three teams that were six and under. There were two teams that were ten and under, and I don’t know what the eight year olds...I don’t remember how many they are but a lot of parents are upset because there was no incentives. There were six year olds that were setting there looking at the trophy and just crying. My oldest daughter got three trophies for different things that day. My youngest daughter got nothing. I just don’t feel he’s...I mean I feel someone should look into that...he’s not doing his job properly and that’s \$65 a girl because the sponsors got plaques too for sponsoring them and paying for the uniforms and everything. So that’s \$65 a girl that’s just disappeared. So where’s the money. My other complaint is Rugby Middle School about the yearbooks. I paid \$45.09 for my daughter to have a yearbook. The yearbooks were \$33; the rest was extra for personalization. I can understand mistakes happening where maybe ten or fifteen kids you know went through and they didn’t have that they ordered a yearbook and they needed to fix it. Since last Thursday I’ve been arguing back and forth and I was promised a phone call from somebody today to tell me where my money went because they told me last Thursday that my daughter hadn’t purchased a yearbook and I had to go to my bank and everything and get the cancelled check for \$45.09 so they still owe my money because there no personalization on it and I can’t get that back. But, Johnston’s tells me that its Rugby’s...they have to put it in the computer of what it is and who orders the yearbook. The lady told me at Rugby, Andrea Dennis, that she didn’t...she doesn’t do anything, she sends it straight to Johnston’s and I said well mam if you don’t do anything then how did you open the envelope and find that my check was for \$45.09 because you have that in front of you. I just think monies are disappearing in a lot of places around here that maybe should get some attention and that’s all I have to say.”
5. Orguidea Velazquez – Ms. Velazquez spoke in regards to the 287(g) Program. “I just ask you to review the suggestion that we had for you last meeting in the presentation with the coalition. We are looking to sit down with you and look for the best for our community. All the Latino coalition with all our friends and brothers and sisters, Americans like you here see. We want to sit down and look what is the best for our community. Thank you.”
6. Catherine Lynch – Ms. Lynch spoke in regard to the 287(g) Program. “I am a member of the immigrant rights coalition of Henderson County and I want to formally thank the Board of Commissioners for hearing us last month and hearing us today and in the future as well. Thank you.”

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

Chairman Moyer requested that Consent Agenda Item I, Resolution of Appreciation – Adam Keith Matthews be pulled from the agenda and replaced with Action on improvement Guarantee bond.

*Commissioner McGrady made the motion to approve the Agenda with changes as presented. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner McGrady made the motion to adopt the Consent Agenda minus Item I, Resolution of Appreciation – Adam Keith Matthews and replace it with Action on improvement Guarantee bond. 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):

May 20, 2010 – Regularly Scheduled Meeting

May 25, 2010 – Special Called Meeting

**Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated May 28, 2010 for information only. No action was required.

**Financial Report/Cash Balance Report – April 2010**

Provided for the Board's review and approval are the April 2010 County Financial Report and Cash Balance Report.

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

Rescue Squad – 4th quarter non-profit contribution paid in advance at beginning of the quarter

Mental Health – payout of Mental Health MOE funds in April

Juvenile Justice Programs – grant funded programs paid out as expenditures are incurred

Veteran's Services – fiscal year expenditures running ahead of budget

NC Cardiovascular Health – grant funded program closer to completion for the year

DSS-Smartstart – grant funded program closer to completion for the year

The YTD deficit in the Travel and Tourism Fund is mostly the result of lower occupancy tax collections due to less the current economy, less travel and reduced room rates being offered for stays. The Board approved one percent increase in the occupancy tax rate will produce more funding to cover operational costs and bring the Fund back in to a positive financial position.

The YTD deficit in the CDBG – 2008 Scattered Site Housing Project Grant Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit of \$8,595 in the Edneyville Park Project is recreation equipment purchased and additional soccer field work required by the state that will be reimbursed from the State PARTF Grant. This grant has been extended for six months until May 1st to complete the additional field work.

The YTD deficit in the North High/Apple Valley Middle Classroom Building Project and the BRCC Facilities Repairs and Renovations Project Fund are expenditures that will be reimbursed from FY2010 financing proceeds to be closed on and available in June 2010.

The temporary YTD deficit in the Solid Waste Fund is due to the timing on payment of hauling contract invoices in prior months and a large payment for the purchase of approved capital outlay equipment. There is \$301,928 in fund balance appropriated to balance the Solid Waste Fund budget in the current fiscal year.

Suggested Motion:

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

**Henderson County Public Schools Financial Reports – April 2010**

Provided were the Henderson County Public Schools April 2010 Financial Reports for the Board's information. Staff requested that the Board consider approving the School System's April 2010 Financial Reports as presented.

Suggested Motion:

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

**Final Approval of Terms and Documents for Henderson County Hospital Corporation Revenue Bond Financing**

On April 21, 2010, this Board approved application to the Local Government Commission by Henderson County Hospital Corporation for approval of Hospital Revenue Bonds.

The Board is now asked to issue the Bond Order, approving the final issuance of the Bonds.

Suggested Motion:

*I move that the Board approves the provided Bond Order, and approves in substance the form of the Third Supplemental Trust Indenture.*

**Governor's Highway Safety Program**

The Henderson County Sheriff's Office requests that the Henderson County Board of Commissioners approve the provided grant contract resolution which will provide funding for traffic safety equipment. This grant is through the Governor's Highway Safety Program, and does not involve any county funding.

Suggested Motion:

*I move the Board approves the grant contract resolution and authorizes Sheriff Rick Davis to proceed with the grant.*

**Petition for addition to State Road system**

Staff recommends approval of the provided petitions. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff has reviewed the provided petition and it appears that all affected property owners have signed the required petition.

Suggested Motion:

*I move that the Board approves the petition and forward them to the NCDOT for action.*

**Renewal of Ambulance Franchises**

Henderson County currently has a number of ambulance franchise agreements to meet the needs of Henderson County's citizens. They are on a five-year cycle, and are up for renewal this year.

North Carolina's procedures for ambulance franchising require the supply of a great amount of data from each franchisee to the county to be a part of the agreement. Henderson County has not yet received all such information, but should have all of it in hand shortly.

This item seeks the extension of the current franchises for a period of ninety (90) days, to allow for receipt of all such information, and to present executed franchise agreements for your consideration.

County staff will be present and prepared if requested to give further information on this matter.

Suggested Motion:

*I move that the Board approve the extension for a period of ninety (90) days of all existing ambulance franchise agreements with Henderson County.*

**Action of improvement guarantee bond**

The improvements guarantee on Seven Falls subdivision (all of phases one and two) expired June 2, 2010. The proposed resolution would allow an action on the bond securing performance on the bond to take place.

Suggested Motion:

*I move that the board approves the resolution allowing an action of the Seven Falls subdivision bond.*

**NOMINATIONS**

**Notification of Vacancies**

The Board was notified of the following vacancies which will appear on the next agenda for nominations:

1. Animal Services Committee – 1 vac.

**Nominations**

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

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

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

2. Downtown Hendersonville, Inc. – 1 vac.

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

3. Environmental Advisory Committee – 5 vac.

Commissioner McGrady nominated for reappointment Maryjane Pell for position #1, Richard E. DeSimone for position #5, for appointment he nominated Richard Naylor for position #7, Charlotte Wolf for position #9, and Dr. Robert A. Sweeney for position #3.

*Chairman Moyer made the motion to accept the reappointments of Maryjane Pell to position #1 and Richard DeSimone to position #5, and the appointments of Richard Naylor to position #7, Charlotte Wolf to position #9, and Dr. Robert A. Sweeney to position #3 by acclamation. All voted in favor and the motion carried.*

4. Fire and Rescue Advisory Committee – 2 vac.

The Fire and Rescue Advisory Committee had requested the appointment of Jimmy Brissie for position #4 and Thad Bryson for position #3. Commissioner Young nominated for appointment Jimmy Brissie for position #4 and Thad Bryson for position #3.

*Chairman Moyer made the motion to accept the appointments of Jimmy Brissie to position #4 and Thad Bryson to position #3 by acclamation. All voted in favor and the motion carried.*

5. Henderson County Board of Health – 4 vac.

Commissioner Young nominated for reappointment Philip Stanley for position #2, Larry Young for position #7, David Jones for position #9, and Jerry Senn for position #11.

*Chairman Moyer made the motion to accept the reappointments of Philip Stanley for position #2, Larry Young for position #7, David Jones for position #9, and Jerry Senn for position #11 by acclamation. All voted in favor and the motion carried.*

6. Henderson County Historic Courthouse dba/ Heritage Museum – 3 vac.  
Commissioner McGrady nominated for reappointment Patsy Jones for position #4. Commissioner Young nominated for appointment Judy Abrell for position #6 and John Crook for position #5.

*Chairman Moyer made the motion to accept the reappointment of Patsy Jones to position #4, and the appointments of Judy Abrell to position #6 and John Crook to position #5 by acclamation. All voted in favor and the motion carried.*

7. Historic Resources Commission – 3 vac.  
Chairman Moyer nominated for reappointment Donald Wilson for position #4 and Ronald Schultz for position #8. *Chairman Moyer made the motion to accept the reappointment of Donald Wilson to position #4 and Ronald Schultz to position #8 by acclamation. All voted in favor and the motion carried.*

8. Home and Community Care Block Grant Advisory committee – 2 vac.  
Commissioner McGrady nominated Robert Rapp for position #2.

*Chairman Moyer made the motion to accept the appointment of Robert Rapp to position #2 by acclamation. All voted in favor and the motion carried.*

9. Juvenile Crime Prevention Council – 11 vac.  
Commissioner McGrady nominated for reappointment Rev. Stephen Teal for position #10 and Karen Saine for position #18.

*Chairman Moyer made the motion to accept the reappointments of Rev. Stephen Teal to position #10 and Karen Saine to position #18 by acclamation. All voted in favor and the motion carried.*

10. Mountain Area Workforce Development Board – 4 vac.  
Commissioner McGrady nominated for reappointment Paul Webb for position #3, and Gary Droghini for position #6.

*Chairman Moyer made the motion to accept the reappointments of Paul Webb to position #3 and Gary Droghini to position #6 by acclamation. All voted in favor and the motion carried.*

11. Nursing/Adult Care Home Community Advisory committee – 3 vac.  
Commissioner McGrady nominated for reappointed Everett Sauer for position #17 and the appointment of Robert Rapp for position #10.

*Chairman Moyer made the motion to accept the reappointment of Everett Sauer to position #17 and the appointment of Robert Rapp to position #10 by acclamation. All voted in favor and the motion carried.*

12. Senior Volunteer Services Advisory Council – 3 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

13. *Social Services Board – 1 vac.*  
Commissioner McGrady nominated for appointment Donald Cooper for position #1.

*Chairman Moyer made the motion to accept the appointment of Donald Cooper to position #1 by acclamation. All voted in favor and the motion carried.*

14. Solid Waste Advisory Committee – 1 vac.  
Commissioner McGrady nominated James Kisner for position #9. Commissioner Messer nominated Charles for position #9. Commissioner Williams nominated Thomas Gregory McMinn for position #9. This item was rolled to the next meeting and the Board will be polled.

**FY 2011 BUDGET ORDINANCE**

Steve Wyatt provided the Budget Ordinance to the Board. The numbers are reflective of the budget work which began in January and went through last week. The ordinance itself is identical except for the numbers and except for one item that staff has asked the Board to consider to simplify business practice. Referring to the second page of the ordinance, basically language has been crafted at the Sheriff's request that would allow him to seek grants and other opportunities as long as there is no match or funding required by the County. On those instances he would need to come back for the Board's approval. If successful with a grant opportunity or contract of some kind the Board would have the final say.

Mr. Wyatt shared information in regards to the BRCC Baseball field. He had received an email from Dr. Molly Parkhill based on previous discussions in regards to their ballfield and Dr. Parkhill requested since at this time the Parks and Recreation has no immediate use for the ballfield and no funds have been allocated for the upgrading, the college is proposing they continue to maintain the field for their purposes. Blue Ridge Community College would need the permission of the Board should there be a need to use any County funded personnel, equipment, or perhaps fuel for the lawnmowers at BRCC to maintain the field.

Ms. Coffey noted that the Fire Department tax rates stayed the same as discussed earlier.

Commissioner Williams referred to the fund balance appropriated at \$6.4 million. He questioned with the adoption of the budget where the County would be left in terms of funds that would be remaining in and above what the Board has set at a 12% reserve policy.

Amy Brantley stated it would leave the County at \$6,802,765 left or 6.04% over the 12% reserve policy.

Commissioner Williams noted that the Board is required by state level to have 8% and this Board has set its policy at 12% which is obviously more conservative. He questioned what percentage the Fund Balance would be after the appropriation of \$6.4 million.

Ms. Coffey responded that the percentage would be 18.43% and subtracting the additional roughly half million it would be roughly 18%.

Chairman Moyer noted that funds were still available in the capital reserve, approximately one million.

Commissioner Williams questioned what made up the \$6.4 million deficit. He realized it was largely of revenues.

Ms. Coffey would have staff refer back to the tally sheet for an update.

Mr. Wyatt stated it would include loss of ADM funding, sales tax drop, drop in revenues, and decline in inspections and interest earnings for capital projects.

Chairman Moyer requested an update on the lottery funding.

Mr. Wyatt had funded it at \$900,000 but had shared three scenarios. Basically the House is reacting to the Senate budget now and is proposing a loss to us of \$300,000. It is in conference committee and there is no way to know how it will turn out. There is a vulnerability of at least \$300,000.

Chairman Moyer stated if they take the entire funding it would be a loss of \$900,000.

Mr. Wyatt reminded the Board of the \$1.5 million in reduction in sales tax which could easily be more.

Ms. Coffey shared the list of changes that were added:



• Dues and Memberships	\$ 1,710
• Fire Marshall for Communications Equipment	\$ 9,000
• Housing Assistance Corporation - Oak Haven	\$ 50,000
• Partnership for Economic Development - Additional Staff	\$ 25,000
• Partnership for Economic Development – Rent	\$ 12,900
• Forestry Services – Emergency Equipment	\$ 5,601
• HCPS – Operational	\$305,279
• Blue Ridge Community College – Operational	\$ 11,107
• Library Positions	\$ 92,982
• BRCC payback	\$ 12,990

List of changes that were subtracted:

- Half Year for the two vacant positions
- Vehicle for the Library – Found in surplus fleet

Chairman Moyer stated that each Commissioner had received a letter from the Tax Collector/Assessor with respect to his budget.

Ms. Coffey noted that County Manager staff had not received the letter and therefore did not respond formerly. Staff had quickly gone over the numbers at the beginning of this meeting and determined what they felt would happen with his budget. Mr. Duncan has three budgets to work with, the Reevaluation Budget, Collection Budget and Assessor Budget. The ordinance does allow the County Manager or his designee to move funds between departments up to \$50,000. It is staffs opinion that funds can be moved around within the three budgets or within another area in order to cover the \$18,600 additional funds requested.

Chairman Moyer stated it was his intention to adopt the budget ordinance at this meeting. If the State throws an unusual curve the remainder of the month is available to amend the budget if necessary. The only item that cannot be changed is the tax rate and there is no intention to change the tax rate in any event.

*Commissioner Young made the motion that the Board adopts the FY 2010-2011 Budget, and further move that the Chairman be authorized to execute the Budget Ordinance to be effective July 1, 2010. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board allows Blue Ridge Community College to continue maintaining their baseball field using their County allocation. All voted in favor and the motion carried.*

**RESOLUTION – FOR HENDERSON COUNTY SOLID WASTE FUNDING REQUEST TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)**

Marcus Jones stated a resolution was provided to support funding request to NCDOT for street improvements (left turn lane and entrance road) for the Stoney Mountain Transfer Facility (SMTF). In return for the street improvements, the Henderson County operations of the NCDOT will be allowed to use the SMTF at no charge for waste disposal for up to 550 tons per year.

A review of this resolution to assure a benefit to the Citizens of Henderson County is provided by the Financial Analysis included and by reviewing the budget source within NCDOT. First in reviewing the budget with NCDOT per discussions with Mark Gibbs (District Engineer for NDCOT), the funding for the turn lane and entrance road (\$360,000 per McGill estimate) is from Capital dollars out of Statewide budget. The tipping fees paid to SMTF are funded out of the NCDOT Henderson County maintenance budget. Therefore, by waiving the tipping fee to the local NCDOT operations, more funds are available for Henderson County operations at the cost of statewide capital dollars. The dollars are switched from funding Solid Waste operations to increasing NCDOT road maintenance in Henderson County.

In addition to the above information supporting the resolution, the Financial Analysis provided conservatively concludes that at NCDOT's average rate of material delivered to SMTF the County has a positive cash flow at all years. After this funding request at the average rate, there is over a \$1.2 Million positive difference in funding between the County and State. Switching to an analysis of the NCDOT rate of delivering material at the proposed limit of 550 tons and using the most costly processing, the County carries a positive cash flow until year 44 after the request. Lastly using the limit rate, the negative difference to the county after 96 years is slightly more than the original cost of the turn lane and entrance road. Note, accurate conclusions of the costs part twenty year or even five to ten years is suspect and subject to many variables; however, the general, conservative conclusion to be drawn from the Analysis is the results for Henderson County Solid Waste are very likely to be favorable.

Chairman Moyer questioned the timing as to when NCDOT will commit to do the work.

Mr. Jones stated that NCDOT is dividing the work into two projects; the turn lane and the entrance road. The entrance road is proposed for next year's budget, the turn lane in the subsequent budget. Not having the turn lanes built immediately will not affect our ability to have an access permit for our project, they will just delay the building a little. It does not have to happen with the rest of the project. Chairman Moyer felt it both projects were not done at the same time it would affect the safety.

Mr. Jones responded more information would be available at the meeting scheduled the following day with the NCDOT. In the detailed feasibility study the Board requested the \$3.2 million for the improvements did not account for receiving this half a million dollars from the NCDOT. The turn lanes are just for the left turn lane associated with the entrance. The entrance road will be built simultaneously with our project and will provide storage for vehicles coming to the scales which currently back up on Stoney Mountain Road. We should see a significant improvement in safety by getting the backed up traffic onto our property and off of Stoney Mountain Road. The left turn lanes will enhance the safety but substantial improvements to affect safety will be getting the traffic off of Stoney Mountain Road which will happen as soon as it is permitted and designed.

*Commissioner Messer made the motion that the Board adopts the Resolution in support for the funding requests from the North Carolina Department of Transportation for the turn lane and entrance road at the Stoney Mountain Transfer Facility. All voted in favor and the motion carried.*

#### **ENERGY EFFICIENCY FOR COUNTY AND MUNICIPAL BUILDINGS RECOVERY FUND**

Marcus Jones stated a grant was submitted on December 31, 2009 to the Department of Commerce, State Energy Office. Henderson County received an award letter on April 26, 2020 in the amount of \$183,101 for a lighting Retrofit Project. This project will upgrade T12 to T8 fluorescent lighting and include occupancy sensors in the County. It also includes the upgrade of 72 lights in the City of Hendersonville from T8 to T5 lights. Energy savings in Henderson County are estimated at \$27,000 per year. These energy savings will be monitored and verified by a third-party hired by the State Energy Office. This grant involves no local funding.

Chairman Moyer asked if this fund would cover the main library as this is one of the big items for savings.

Mr. Jones responded he did believe the main library would be covered. It affects just about all of the Henderson County facilities.

Commissioner McGrady questioned when moving forward with the old Health Department building and renovations at the King Street building if the electrical upgrades that are necessary would be continued. The King Street building has always been identified as problematical.

Mr. Jones responded that the King Street building would be included in the grant.

Commissioner McGrady stated that Waste Partners had reviewed a number of Henderson County buildings, just after the Human Services building was completed and he felt they should come back and look at the old Health Department building and the King Street building as they move forward.

Chairman Moyer felt when you look at Henderson County's Energy Policies, we will have long term energy issues and problems and the more we can do to prepare to get energy efficient the better. We have taken a lot of steps including the CNG Station and to become more energy efficient we have to take even more steps as it will continue to be a mounting cost.

Commissioner McGrady noted that an entire school year has passed since the two (2) LEAD schools were built; Mills River and Hillandale. The architects promised savings and after a year's time the county should be able to see if the extra money spent paid off. He would like to have a report from the school system before the end of the year of the savings proposed.

Commissioner Young would like a comparison to Sugarloaf, Clear Creek and Fletcher.

Chairman Moyer felt this would be a discussion item for the fall. He thought the energy costs comparison at the new schools should be looked at and compared to whatever standards the state uses to see how we've done.

### **UPATE ON PENDING ISSUES**

#### **Meeting Invocation Guidelines**

Chairman Moyer noted the public hearing was held with respect to invocation policy and the Board needs to establish some general guidelines as to how to involve local clergy, how to make it an open process, how to handle scheduling, and how to keep it moving along keeping it legal and at the same time accomplish what the Board wants. He suggested the Board request the County Attorney Russ Burrell to look at what other counties are doing and what the law has done and come up with a draft of a policy that is in keeping with what the Board adopted at the May 25, 2010 meeting that is manageable, workable and can be administered. Mr. Burrell would distribute the draft policy back before the Board for a future meeting for discussion no later than August, 2010.

### **COUNTY MANAGERS REPORT**

Steve Wyatt stated the school year book issue brought up during public comment would an issue for the school board for situations that could not resolved at the individual school level.

Chairman Moyer requested a brief email be sent to Dr. Page or the appropriate person with regards to the issue voiced during this meeting.

Selena Coffey stated the way the Henderson County Softball Association works is very similar to the way the Soccer Association works as well as Youth Baseball and a number of others. The Associations pay Henderson County a fee to rent the space but they have their own rules and procedures. Henderson County does not have say in how they give trophies. The head person of the association would need to be contacted and she suggested that a board meeting of the association be attended by the individual with the issue. The Parks and Recreation Director Tim Hopkin have no authority over the associations and only rent space to them.

Chairman Moyer noted if things get out of control the County does not have to rent space to the associations.

Russ Burrell stated the County does not fund the Henderson County Youth Softball in any way. We have no financial string.

### **IMPORTANT DATES**

Chairman Moyer stated that the Flat Rock Playhouse would be performing "Twelve Angry Men" in the Courtroom from July 1<sup>st</sup> through 18<sup>th</sup> which would require some moving of furniture. He suggested that the Board cancels the July 6, 2010 meeting so that furniture would not have to be moved back and forth.

*Commissioner McGrady made the motion that the Board cancels the regularly scheduled July 6, 2010 Board meeting. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board authorizes the Chairman to determine a NACo representative for the conference in July. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner McGrady made the motion that the Board adjourn at 6:50 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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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

May 28, 2010

Re: Tax Collector's Report to Commissioners: 06/07/10 Meeting

Please find outlined below collections information through May 27<sup>th</sup> for the 2009 bills mailed out on August 5<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:

2009 Total Charge \$57,024,352.18  
Payments & Releases: 55,369,213.59  
Unpaid Taxes: 1,655,138.59  
**Percentage collected: 97.10%**  
(through 05/27/10)

2008 Total Charge: \$55,850,131.09  
Payments & Releases: 54,424,851.04  
Unpaid Taxes: 1,425,280.05  
**Percentage Collected: 97.45%**  
(through 05/27/09)

### Motor Vehicle Bills G01 Only:

2009 Total Charge: \$3,821,380.36  
Payments & Releases: 3,273,735.61  
Unpaid Taxes: 547,644.75  
**Percentage collected: 85.67%**  
(through 05/27/10)

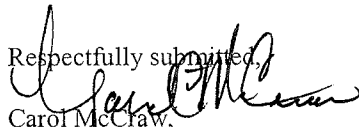
2008 Total Charge: \$4,143,197.27  
Payments & Releases: 3,567,993.90  
Unpaid Taxes: 575,203.37  
**Percentage collected: 86.12%**  
(through 05/27/09)

### Fire Districts All Bills

2009 Total Charge: \$6,584,768.82  
Payments & Releases: 6,339,036.27  
Unpaid Taxes: 245,732.55  
**Percentage collected: 96.40%**  
(through 05/27/10)

2008 Total Charge: \$6,541,237.21  
Payments & Releases: 6,303,465.80  
Unpaid Taxes: 237,771.41  
**Percentage collected: 96.50%**  
(through 05/27/09)

Respectfully submitted,

  
Carol McCraw,  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector



**HENDERSON COUNTY, NORTH CAROLINA  
BUDGET ORDINANCE  
FISCAL YEAR 2010-2011**

**BE IT ORDAINED** by the Henderson County Board of Commissioners, meeting on the 7th day of June 2010:

**SECTION 1 – GENERAL FUND REVENUES**

It is estimated that the revenues and fund balances of the General Fund, as listed below, will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011, to meet the appropriations as set forth in Section 4. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

**HENDERSON COUNTY  
GENERAL FUND BUDGET SUMMARY**

Ad Valorem Taxes	
Current Year Taxes	\$ 58,549,491
Prior Year Taxes, Interest, and Penalties	1,640,000
Local Option Sales Taxes	15,607,222
Other Taxes & Licenses	782,250
Unrestricted Intergovernmental Revenue	72,000
Restricted Intergovernmental Revenue	18,684,305
Permits & Fees	1,120,450
Sales & Services	5,364,860
Investment Earnings	250,000
Other Revenues	2,371,241
Transfers from Other Funds	328,452
Fund Balance Appropriated	6,418,905
<b>TOTAL GENERAL FUND REVENUES:</b>	<b>\$ 111,189,176</b>

**SECTION 2 – AD VALOREM TAX LEVY**

There is hereby levied for the fiscal year 2010-2011, an ad valorem property tax on all property having a situs in Henderson County as listed for taxes as of January 1, 2010, at a rate of **forty-six and two-tenths cents (\$ .462)** per one hundred dollars (\$100) of assessed value of such property, pursuant to and in accordance with the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws. This rate is based on an estimated total valuation of \$ 13,065,000,000 of taxable property and a collection rate of 97%.

**SECTION 3 – FEES, LICENSES, AND OTHER TAXES**

There is hereby levied, all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

#### SECTION 4 – GENERAL FUND APPROPRIATIONS

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for the fiscal year beginning July 1, 2010 and ending June 30, 2011. Other fund amounts as set forth in Sections 6 through 19 are also appropriated as presented in this section. In administering the program authorized under this ordinance, the County Manager is authorized to make transfers pursuant to Section 5. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes, and on the following terms and conditions:

- A) Form grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$50,000;
- D) Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The County Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.
- D) The Sheriff may execute contracts that have no monetary impact on the county government budget, ie. no match in personnel or funding. Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners.

## GENERAL FUND BUDGET SUMMARY

Governing Body	\$ 1,335,219
Dues & Non-Profit Contributions	403,059
County Manager	362,978
Administrative Services	433,720
Human Resources	454,392
Elections	808,721
Finance	770,332
Assessor	1,798,986
Tax Collections	551,063
Legal	682,732
Register of Deeds	861,313
Engineering & Facility Services – Central Services Division	966,343
Engineering & Facility Services – Garage Division	378,859
Court Facilities	190,000
Information Technology	578,037
Sheriff	13,346,671
Detention Facility	5,204,530
Emergency Services – Emergency Management Division	207,504
Emergency Services – Fire Marshal Division	397,777
Building Services	1,005,458
Wellness Clinic	378,907
Emergency Services – Emergency Medical Services Division	4,152,883
Code Enforcement – Animal Control Division	549,256
Criminal Justice Partnership Program (CJPP)	104,013
Rescue Squad	106,650
Code Enforcement – Property Addressing Division	144,059
Forestry Services	55,473
Soil & Water Conservation District	384,877
Engineering & Facility Services – Utilities Division	198,196
Planning	565,687
Code Enforcement	300,113
Soil and Sedimentation Division	153,248
Cooperative Extension	422,988
HOME Program	100,000
Economic Development	466,768
Public Health	3,247,894
Public Health – Programs Divisions	3,518,179
Public Health – Environmental Health Division	1,071,978
Home & Community Care Block Grant (H&CCBG)	742,338
Social Services – Foster Care Home	521,027
Maintenance of Effort Funding	528,612
Mental Health Services	50,012
Rural Operating Assistance Program (ROAP)	267,294



Social Services	12,616,598
Social Services – Smart Start Program	491,078
Social Services – Federal & State Programs	7,610,308
Social Services – General Assistance Division	57,000
Juvenile Justice Grant	209,672
Veterans Services	39,866
Public Library	3,376,224
Recreation	1,658,359
Public School System	
<i>Current Expense</i>	20,698,218
<i>Capital Expense</i>	449,889
Blue Ridge Community College	
<i>Operational Expense</i>	2,325,516
<i>Capital Expense</i>	90,724
Public Schools Debt Service	9,637,232
Community College Debt Service	1,706,837
Special Projects	244,000
Transfers to Other Funds	1,209,509
<b>TOTAL GENERAL FUND APPROPRIATIONS:</b>	<b>\$ 111,189,176</b>

**SECTION 5 – AUTHORIZED TRANSFER OF APPROPRIATIONS**

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- c) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- d) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.

**SECTION 6 – FIRE DISTRICTS FUND (23)**

The following is hereby appropriated and revenues estimated to be available in the **FIRE DISTRICTS** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 6,554,777</b>
<b>Appropriations</b>	<b>\$ 6,554,777</b>

**Fire District Tax Rates:** Tax Rates for these special tax districts listed are as follows:

<b>District</b>	<b>Rate</b>
Bat Cave	.090
Blue Ridge	.085
Dana	.100
Edneyville	.085
Etowah-Horse Shoe	.085
Fletcher	.095
Gerton	.115
Green River	.060
Mills River	.065
Mountain Home	.095
Saluda	.075
Valley Hill	.070
Valley Hill II	.070

**SECTION 7 – REVALUATION RESERVE FUND (25)**

The following is hereby appropriated and revenues estimated to be available in the **REVALUATION RESERVE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 718,031</b>
<b>Appropriations</b>	<b>\$ 718,031</b>

**SECTION 8 – TRAVEL & TOURISM FUND (26)**

The following is hereby appropriated and revenues estimated to be available in the **TRAVEL & TOURISM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 1,036,328</b>
<b>Appropriations</b>	<b>\$ 1,036,328</b>

**SECTION 9 – CDBG: SCATTERED SITE HOUSING FUND (27)**

The following is hereby appropriated and revenues estimated to be available in the **CDBG: SCATTERED SITE HOUSING PROGRAM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 400,000</b>
<b>Appropriations</b>	<b>\$ 400,000</b>

**SECTION 10 – EMERGENCY COMMUNICATIONS (E911) FUND (28)**

The following is hereby appropriated and revenues estimated to be available in the **EMERGENCY COMMUNICATIONS (E911)** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011. Revenues for this fund are based on a .70 cent surcharge per phone line.

<b>Revenues</b>	<b>\$ 469,720</b>
<b>Appropriations</b>	<b>\$ 469,720</b>

**SECTION 11 – CDBG: WARM COMPANY PROJECT (30)**

The following is hereby appropriated and revenues estimated to be available in the **CDBG: WARM COMPANY PROJECT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 200,000</b>
<b>Appropriations</b>	<b>\$ 200,000</b>

**SECTION 12 – PUBLIC TRANSIT PROGRAM FUND (33)**

The following is hereby appropriated and revenues estimated to be available in the **PUBLIC TRANSIT PROGRAM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 1,068,289</b>
<b>Appropriations</b>	<b>\$ 1,068,289</b>

**SECTION 13 – CDBG: WATER AND SEWER HOOKUP PROJECT (35)**

The following is hereby appropriated and revenues estimated to be available in the **CDBG: WATER AND SEWER HOOKUP PROJECT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 66,500</b>
<b>Appropriations</b>	<b>\$ 66,500</b>

**SECTION 14 – IMMIGRATIONS AND CUSTOMS ENFORCEMENT FUND (38)**

The following is hereby appropriated and revenues estimated to be available in the **IMMIGRATIONS AND CUSTOMS ENFORCEMENT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 598,531</b>
<b>Appropriations</b>	<b>\$ 598,531</b>

**SECTION 15 – GENERAL CAPITAL PROJECTS FUND (40)**

The following is hereby appropriated and revenues estimated to be available in the **GENERAL CAPITAL PROJECTS** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 304,750</b>
<b>Appropriations</b>	<b>\$ 304,750</b>
<b>Capital Projects:</b>	
PARTF - Upper Hickory Nut Gorge Trail Project	\$ 208,750
Capital Project Manager	\$ 96,000

**SECTION 16 – DEBT SERVICE FUND (50)**

The following is hereby appropriated and revenues estimated to be available in the **DEBT SERVICE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 164,364</b>
<b>Appropriations</b>	<b>\$ 164,364</b>

**SECTION 17 – SOLID WASTE ENTERPRISE FUND (60)**

The following is hereby appropriated and revenues estimated to be available in the **SOLID WASTE ENTERPRISE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 6,963,680</b>
<b>Appropriations</b>	<b>\$ 6,963,680</b>

**SECTION 18 – CANE CREEK SEWER ENTERPRISE FUND (61)**

The following is hereby appropriated and revenues estimated to be available in the **CANE CREEK SEWER ENTERPRISE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 1,461,017</b>
<b>Appropriations</b>	<b>\$ 1,461,017</b>



**SECTION 19 – JUSTICE ACADEMY SEWER FUND (63)**

The following is hereby appropriated and revenues estimated to be available in the **JUSTICE ACADEMY SEWER** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

<b>Revenues</b>	<b>\$ 38,950</b>
<b>Appropriations</b>	<b>\$ 38,950</b>

**SECTION 20 – HENDERSON COUNTY PUBLIC SCHOOLS PROVISION**

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30<sup>th</sup>) of such month. Capital outlay for the Public Schools shall be reimbursed by the County in accordance to this ordinance, based on invoices received by the County Finance Director.

**SECTION 21 – ELECTED OFFICIALS PROVISIONS**

- A) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Board of Public Education members. The Chairman shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.
- B) The Board of Commissioners hereby establishes the Commission Chairman and Commissioners annual compensation rate. The Chairman shall be compensated at an annual rate of \$ 16,801. Members of the Board, other than the Chair, shall be compensated at \$ 10,431 annually. The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.
- C) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Sheriff. The Sheriff shall be compensated at an annual rate of \$ 87,000. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.
- D) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Register of Deeds. The Register of Deeds shall be compensated at an annual rate of \$ 64,170. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.


**SECTION 22 – UTILIZATION OF THE HENDERSON COUNTY BUDGET**

This Ordinance and the Budget Document shall be the basis for the financial plan for the County of Henderson, North Carolina, during the 2010-2011 Fiscal Year. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

This Ordinance shall be effective upon its adoption.

Adopted the 7th day of June 2010.



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**William L. Moyer, Chairman  
Henderson County Board of Commissioners**

**Attest:**



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**Teresa L. Wilson, Clerk to the Board**



**Before the  
Board of Commissioners  
Of Henderson County**

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**A RESOLUTION REGARDING  
LEXON INSURANCE COMPANY BOND  
SECURING PERFORMANCE OF SEVEN FALLS, LLC.  
IMPROVEMENT GUARANTEE**

**Dated June 7, 2010**

1           WHEREAS, the Henderson County Planning Board (the "Board"), as a duly constituted agency of  
2 the County of Henderson, and Seven Falls, LLC, as the developer of a certain subdivision located in the  
3 County of Henderson and commonly referred to as Seven Falls, entered into an Performance Guarantee  
4 Agreement dated 29 July 2009, requiring the installation of certain infrastructure improvements, including  
5 roads, grading, water, sewer and drainage (together "Improvements"), and the compliance with other  
6 required permits, all to be completed on or before 1 June 2010; and,

7           WHEREAS, Seven Falls, LLC as principal and Lexon Insurance Company as surety filed with  
8 Henderson County, through the Board, a performance bond in the total amount of \$6,000,000.00; and,

9           WHEREAS, the County of Henderson has declared and does hereby again declare Seven Falls LLC  
10 in default of its obligations to install the Improvements and has given notice of such default to said  
11 developer and to Lexon Insurance Company, as surety; and,

12           WHEREAS, neither Seven Falls, LLC nor Lexon Insurance Company have since taken steps to  
13 complete the required Improvements; and,

14           WHEREAS, the cost to complete the Improvements and remediate the failure of Seven Falls LLC  
15 to comply with its obligations under the Performance Guarantee exceeds the principal amount of the bond;  
16 and,



1           WHEREAS, the construction of the Improvements was not complete as of 1 June 2010, and is not  
2 complete as of the date hereof.

3           **NOW, THEREFORE, BE IT RESOLVED**, that based upon the foregoing, the Henderson  
4 County Board of Commissioners finds that the Improvements have not been installed or completed by 1  
5 June 2010, that Seven Falls LLC has violated other permits covered by the Performance Guarantee, and  
6 hereby calls upon Lexon Insurance Company to complete said improvements or to pay the County of  
7 Henderson the principal amounts of the bond to allow the County of Henderson to complete said  
8 improvements.

9           **BE IT ADDITIONALLY RESOLVED** that this Resolution shall be forwarded to Lexon  
10 Insurance Company and that the County of Henderson shall proceed with the necessary actions to enforce  
11 County of Henderson's rights as to the bond.

Made by adopted motion of the commission, the date and year shown above.

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

WILLIAM L. MOYER, Chairman

ATTEST:

  
Teresa L. Wilson

Clerk to the Board



# North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION Form GHSP-02-A

(To be completed, attached to and become part of Form GHSP-02, Traffic Safety Project Contract.)

WHEREAS, the Henderson County Sheriff's Office (herein called the "Agency")  
(The Applicant Agency)  
has completed an application contract for traffic safety funding; and that the Henderson County Board of  
(The Governing Body of the Agency)  
Commissioners (herein called the "Governing Body") has thoroughly considered the problem  
identified and has reviewed the project as described in the contract;

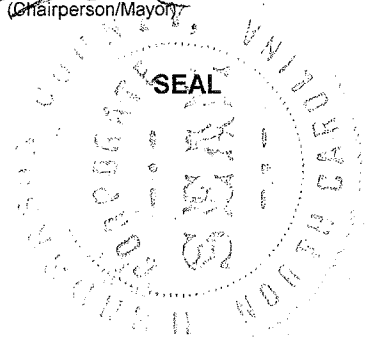
THEREFORE, NOW BE IT RESOLVED BY THE Henderson County Board of Commissioners IN OPEN  
(Governing Body)  
MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA,  
THIS      DAY OF June, 20 10, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Rick Davis, Sheriff is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal  
funding in the amount of \$ 10,000.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ -0- as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other  
appropriate persons to furnish such information, data, documents and reports as required by the contract, if  
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by [Signature]  
(Chairperson/Mayor)

ATTESTED BY [Signature]  
(Clerk)

DATE 6/7/10



# 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 for Henderson County Solid Waste Funding Request to North Carolina Department of Transportation

**WHEREAS,** Henderson County is applying for an access permit to North Carolina Department of Transportation (NCDOT) for the improvements to the Stoney Mountain Transfer Facility; and

**WHEREAS,** The Access permit will require a left turn lane on Stoney Mountain Road; and

**WHEREAS,** In return for the use of the Stoney Mountain Transfer Facility for NCDOT maintenance operations in Henderson County and per GS 36-44.1,143B-350(f),(g) (attached);, NCDOT will fund construction of the required turn lane and entrances. In addition, the entrance road will become part of the State System for maintenance; and

**WHEREAS,** NCDOT maintenance operations in Henderson County have a three year average of 250 tons varying from 85 to 507 tons, with the average cost of \$12,500 per year; and

**NOW, THEREFORE,** be it resolved that we, the Henderson County Board of Commissioners, does hereby request funding for the Stoney Mountain entrance road and turn lane from NCDOT and for the entrance road to become part of the State System for maintenance. In return Henderson County will receive materials from NCDOT for Henderson County Maintenance Operations at an annual amount not to exceed 550 tons.

Adopted this the 7<sup>th</sup> day of June, 2010.

  
WILLIAM L. MOYER, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
TERESA L. WILSON, CLERK TO THE BOARD

**G.S. 136-441.; 143B-350(f),(g).**

- a. The NCDOT will assist the individual counties in the construction of roads to serve county supervised landfills by either participating with the financing, by doing the construction on a 100 percent reimbursable basis, or by assuming the total construction cost after it has been determined to what degree that secondary road improvement funds allocated to that county will be available by the Board of Transportation, the Division Engineer and the District Engineer. The construction cost of the road to serve the landfill must be of a reasonable nature when compared to the total needs of the county, as well as available funds. The road will become a part of the state maintained system, and 60 feet of right of way must be dedicated to the NCDOT at no cost. The division of Highways must be allowed to utilize the landfill for dumping purposes free of charge.
- b. The initiation of such a project will be by a resolution from the Board of County Commissioners recommending the use of county allocated funds to partially or totally fund the road. The resolution must also state that the Division of Highways can utilize the landfill.