

REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

**PUBLIC HEARING  
TO CONSIDER  
FINAL APPROVAL OF A FINANCING CONTRACT  
FOR PROJECTS AT SOLID WASTE  
April 17, 2024, at 9:30 a.m.**

ATTACHMENT(S): Draft minute extract containing proposed resolution.

SUMMARY:

A public hearing has been scheduled for April 17, 2024, at 9:30 a.m. in the above matter. Notice was published in the *Hendersonville Lightning* on March 20, 2024.

The Board gave notice that this hearing would be conducted concerning the approval of the execution and delivery of the Financing Contract and the County's the acquisition, construction and equipping of the Project. Under the proposal, the County would pay the construction and equipping of a solid waste transfer station bay (the "Project"), and (b) refinance the County's installment payment obligations related to and installment financing agreement with Brant Banking and Trust Company, the successor to which is Truist Bank, the proceeds of which were used to finance certain solid waste improvements (the "*Refunded Project*"). This would be done pursuant to an installment financing contract (the "Contract"), in a principal amount not to exceed \$10,500,000 under which the County will make certain installment payments in order to make the Project available to the County.

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

## EXTRACTS FROM MINUTES OF PUBLIC HEARING

A regular meeting of the Board of Commissioners (the “*Board*”) of the County of Henderson, North Carolina (the “*County*”) was held on April 17, 2024, at 9:30 a.m. in the Commissioners’ Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Rebecca McCall presiding.

The following Commissioners were present:

J. Michael Edney, Vice Chairman  
William Lapsley  
Daniel Andreotta  
David Hill

The following Commissioners were absent:

None

\* \* \* \* \*

The Clerk to the Board reported to the Board that notice of a public hearing stating that the County is considering entering into an installment financing contract in a principal amount not to exceed \$10,500,000 in order to (a) finance the construction and equipping of a solid waste transfer station third bay, and (b) refinance the County’s installment payment obligations related to a Financing Agreement and Deed of Trust dated as of December 9, 2011 between the County and Branch Banking and Trust Company, the successor to which is Truist Bank, the proceeds of which were used to finance certain solid waste improvements, was published in *The Henderson Lightning* on March 20, 2024 (attached as Exhibit A) stating that the Board would hold a public hearing thereon at a regular meeting to be held at this meeting, or as soon thereafter as practicable.

Commissioner \_\_\_\_\_ moved that the above-referenced public hearing begin.

**[Include any discussion.]**

Commissioner \_\_\_\_\_ moved that the public hearing be closed. The motion was seconded by Commissioner \_\_\_\_\_ and was unanimously adopted.

*HELD* the 17th day of April, 2024.

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DENISA A. LAUFFER  
Clerk to the Board  
County of Henderson, North Carolina

**EXHIBIT A**

**PUBLISHER'S AFFIDAVIT FOR PUBLIC HEARING NOTICE**

[attached]



P.O. Box 1276  
Hendersonville, NC 28793  
Phone: (828) 698-0407  
E-mail: legals@hendersonvillelightning.com  
Web: hendersonvillelightning.com

March 20, 2024

Samantha Reynolds, CPA  
Finance Director  
113 North Main Street  
Hendersonville, NC 28792

Notice of Public Hearing for Solid Waste Expansion Installment Financing Contract

I, William L. Moss, affirming the following under the penalties of perjury state:

I am editor and publisher of the *Hendersonville Lightning*, a newspaper published, issued and entered as periodical mail in the City of Hendersonville, County of Henderson and State of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of the *Hendersonville Lightning* on the following date or dates:

3/20/24

And that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 20th day of March, 2024.

(Signed)

Sworn to and subscribed before me this 20th day of March, 2024.

Notary Public

Janet R. Chapin

My commission expires December 11, 2024.

EAT ST 6	) a.m. in the Commis- sioners' Meeting Room, Henderson County
ROSALIE H DR 6	) Historic Courthouse. 486 CLOVER DR \$591.92
N, LOIS CASE RD 8	MURPHY, RANDY 9 KIRSCHMAN LN \$381.08
EL, SEAN C ARLET DR .00	OWENBY, DAVID R 112 BURNEY MOU \$374.64
CHESTER DUANE OVER DR 4	RJH DEVELOPMENT BRICKTON VILLAGE \$31.36

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March 20, 2024

Samantha Reynolds, CPA  
Finance Director  
113 North Main Street  
Hendersonville, NC 28792

Notice of Public Hearing for Solid Waste Expansic

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I am editor and publisher of the *Hendersonville Lig*  
issued and entered as periodical mail in the City o  
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date or dates:

3/20/24

And that the said newspaper in which such notice  
advertisement was published was, at the time of e  
newspaper meeting all of the requirements and qu  
General Statutes of North Carolina and is a qualific  
Section 1-597 of the General Statutes of North Ca

This 20th day of March, 2024.

(Signed) 

Sworn to and subscribed before me this 20th day

**NOTICE OF PUBLIC HEARING**

At its March 4, 2024 meeting, the Board of Commissioners (the "Board of Commissioners") of the County of Henderson, North Carolina (the "County") adopted a resolution which:

1. Authorized the County to proceed to a) finance the construction and equipping of a solid waste third transfer station bay (the "Solid Waste Facility" and such project is referred to herein as the "New Money Project"), and (b) re-finance the County's installment payment obligations related to an installment financing agreement with Branch Banking and

Trust Company, the successor to which is Truist Bank, the proceeds of which were used to finance certain solid waste improvements (the "Refunded Project" and together with the New Money Project, the "Projects"), pursuant to an installment financing contract (the "Contract"), in a principal amount not to exceed \$10,500,000.00 under which the County will make certain installment payments to make the Projects available to the County;

2. Authorized the County to proceed to provide, in connection with the Contract, as grantor, a deed of trust, security agreement and fixture filing (the "Deed of Trust") granting a lien on the real property on which the Solid Waste Facility will be located (the

"Mortgaged Property") for the benefit of the entity, or its assigns, providing the funds to the County under the Contract.

The Solid Waste Facility will be located at 191 Transfer Station Drive, Hendersonville, North Carolina 28791. The Mortgaged Property will be subject to the mortgage provided in the Deed of Trust. On payment by the County of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County's title to the Mortgaged Property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on April 17, 2024 at 9:30

a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina 28792, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract, the financing of the New Money Project, and the refinancing of the Refunded Project. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract and the Projects to be financed and refinanced thereby.

Denisa Lauffer  
Clerk to the Board of Commissioners  
County of Henderson,  
North Carolina

3/20

  
Janet R. Chapin

Notary Public

My commission expires December 11, 2024.