

**DRAFT**

CC: Bee  
Russ  
Steve  
Selena  
Christy

**MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
AUGUST 18, 2010**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman 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, County Engineer Marcus Jones, Planning Director Anthony Starr, Research/Budget Analyst Amy Brantley, Construction Manager David Berry, Tax Collector/Assessor Stan Duncan, Code Enforcement Director Toby Linville, Property Addressing Coordinator Curtis Griffin, Transportation Planner Hope Bleecker, Database Administrator Ed Parker, Real Property Supervisor Nick Mazzarella, Commercial Appraiser Mike Sutton, Senior Planner Autumn Radcliff, Soil and Water Conservation's District Director Jonathan Wallin, and Building Services Director Tom Stauffer.

**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 Commissioner McGrady.

**INVOCATION**

County Manager Steve Wyatt 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. Vincent Marini – Vincent Marini is the Producing Artistic Director at (FRP) Flat Rock Playhouse. Mr. Marini stated FRP has received an overwhelmingly positive response from the merchants and retailers in and around downtown Hendersonville regarding their recent production of "12 Angry Men" in the Historic Henderson County Courthouse. The show sold out prior to the first show. Following the close of the performance, FRP received requests for a continuation of the partnership with a more permanent location on Main Street in the future. In short term, considering the situation with the economy, FRP feels that one way they can best serve the community would be to look at additional projects downtown that would help both downtown Hendersonville and the Playhouse during this tough economy. FRP requests the opportunity to present two additional productions in 2010, each running for a minimum of four weeks. The first production would be Aaron Sorkin's "A Few Good Men" (October 6 – October 31) and the second production would be "Miracle on 34<sup>th</sup> Street" (November 17 – December 19). Additionally, FRP requests the opportunity to present a production during the summer of 2011 in the Historic Henderson County Courthouse from approximately mid-June through August. Again, guaranteeing full cooperation and flexibility with all other groups who utilize the building. FRP is well aware that the Historic Courthouse is a historic structure and will work very closely with the courthouse staff, as well as the county commissioners, to make sure they are good stewards of the location. FRP will work around any scheduling conflicts that currently exist for the actual courthouse. FRP realizes the

DATE APPROVED:

business of the courthouse is very important and has no interest in interfering with that. Timing is very important as the tickets for the October show would have to go on sell very shortly.

Chairman Moyer, referring to the proposal, questioned the dates.

Mr. Marini confirmed October 6 – 31<sup>st</sup>, and November 17 – December 19<sup>th</sup>. Performances would take place Wednesdays – Sundays and whatever conflicts exist in the courthouse would be scheduled around from the very beginning. FRP would work with courthouse staff to mitigate any additional costs that would occur because of productions and make sure that the wear and tear on the building is dealt with appropriately by the Playhouse.

Chairman Moyer suggested adding Flat Rock Playhouse's proposal as a discussion item during discussion of the agenda.

2. Jennifer Henderson – Ms. Henderson is the CEO of Blue Ridge Community Health Services. She noted that under the consent agenda the Board has an acceptance of a \$150,000 grant from the NC Rural Center for the Construction of their 27,000 square foot medical building which is a replacement facility. Ms. Henderson thanked the board for the opportunity to pursue the grant and the continued support of the Board of Commissioners.
3. Fielding Lucas – Mr. Lucas reminded the Board of an event to be held on December 7, 2010 in the courthouse, Pearl Harbor Day.

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

Chairman Moyer requested the addition of two discussion items, Van Wingerden Energy Efficiency Grant Resolution of Support, the Flat Rock Playhouse proposal, an additional closed session for personnel reasons.

Commissioner Messer requested an additional discussion item in regard to beaver problems.

*Commissioner McGrady made the motion to adopt the Agenda with four additions as noted. 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):  
August 2, 2010 – Regularly Scheduled Meeting

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

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated August 11, 2010 for information only. No action was required.

#### **Tax Refunds**

A list of 2 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

### **Tax Releases**

A list of 6 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

### **2007-2011 Strategic Plan – Quarterly Update**

The Board was provided the 2007-2011 Strategic Plan Quarterly Update for review.

Suggested Motion:

*I move the Board approves the Strategic Plan Quarterly Update as presented.*

### **Blue Ridge community Health Services – NC Rural Center Health Care Initiative Grant**

At the April 5, 2010 meeting, the Board approved a grant application to the NC Rural Center for the benefit of Blue Ridge Community Health Services (BRCHS) for their new medical building project. The County has been informed that the grant was approved, in the amount of \$150,000.

The funds will be granted to Henderson County. The County will loan the funds to BRCHS in the form of a deferred, forgivable loan. The loan will be secured with a loan performance agreement and promissory note signed by BRCHS. In addition, the County will cash match equal to 3% of the grant award. 3% of \$150,000 is \$4,500, which would be included in the FY 11-12 budget.

Suggested Motion:

*I move the Board authorizes the Chairman to execute the necessary grant documents.*

### **Petitions for addition to State Road system**

Staff recommends approval of the petitions for Linda Ann Drive in The Villas at Singleton Centre Subdivision, South Highlander Drive in Highlander Woods Subdivision, and multiple roads within Crab Creek Valley Subdivision.

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 reviewed the petitions included in the agenda and it appears that all affected property owners or developers have signed the required petition.

Suggested Motion:

*I move that the Board approve the petitions and direct staff to forward them to NCDOT.*

### **Ambulance Franchise renewals**

Pursuant to Chapter 87 of the Henderson County Code, Henderson County has granted ambulance service franchises to the following entities:

- Gerton Volunteer Fire Department and Rescue, Inc.
- Henderson County Rescue Squad, Inc.
- Medical Emergency Ambulance, Inc.
- Millis River Volunteer Fire and Rescue, Inc.
- Mission Hospital

All these franchises were temporarily renewed (for a period of ninety days) 7 June 2010, to allow for collection of all data required for renewal. All such data has been acquired from all these franchisees. Staff

recommends renewal of all these franchises.

As a grant (as opposed to renewal) of a franchise by a North Carolina County requires two votes, this matter, if approved, will appear again on the Board's 6 September 2010 agenda.

Suggested Motion:

*I move that the Board approve the renewal of all the existing ambulance franchises, and authorize the Chairman and staff to prepare and execute documentation of the same.*

#### **Use of Courtroom – 29B Judicial District Bar**

A request has been submitted on behalf of the 29B Judicial District Bar, for the Board of Commissioners to consider allowing them to use the Courtroom on Friday, October 15, 2010 from 12:00pm through 4:00pm. The Courtroom would be used for a presentation by the Chief Justice's Commission on Professionalism to the attorneys of the district. Members of District 29B include all attorneys in Henderson, Transylvania and Polk County.

The Judicial District Bar also requests the use of the Community Room on Friday, October 15, 2010 from 11:00am through 2:00pm to provide a catered lunch for attendees of the Professionalism Program.

The Board is requested to approve the use of the Courtroom on Friday, October 15, 2010 from 12:00pm through 4:00pm, and the Community Room on Friday, October 15, 2010 from 11:00am through 2:00pm.

Suggested Motion:

*I move the Board approve the use of the Courtroom on Friday, October 15, 2010 from 12:00pm through 4:00pm, and the Community Room on Friday, October 15, 2010 from 11:00am through 2:00pm.*

#### **NOMINATIONS**

##### **Notification of Vacancies**

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

1. Hendersonville City Zoning Board of Adjustment – 1 vac.
2. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

##### **Nominations**

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

1. Animal Services Committee – 1 vac.

Chairman Moyer nominated Lynn Greenawalt for position #6. *Chairman Moyer made the motion to accept the appointment of Lynn Greenawalt to position #6 by acclamation. All voted in favor and the motion carried.*

2. Cemetery Advisory Committee – 1 vac.

Commissioner McGrady nominated Warren Scott for position #1. *Chairman Moyer made the motion to accept the appointment of Warren Scott to position #1 by acclamation. All voted in favor and the motion carried.*

3. Child Fatality Prevention Team – 2 vac.

Commissioner Moyer nominated Robert Duffey for position #6. *Chairman Moyer made the motion to accept the appointment of Robert Duffey to position #6 by acclamation. All voted in favor and the motion carried.*

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

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



5. Downtown Hendersonville, Inc. – 1 vac.

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

6. Fire and Rescue Advisory Committee – 1 vac.

Commissioner McGrady nominated for reappointment Robert Wayne Dotson for position #7. *Chairman Moyer made the motion to accept the reappointment of Robert Wayne Dotson to position #7 by acclamation. All voted in favor and the motion carried.*

7. Historic Resources Commission – 1 vac.

Commissioner Young nominated Mary Poole for position #2. *Chairman Moyer made the motion to accept the appointment of Mary Poole to position #2 by acclamation. All voted in favor and the motion carried.*

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

Commissioner McGrady nominated Wanda Moore for position #3. *Chairman Moyer made the motion to accept the appointment of Wanda Moore to position #3 by acclamation. All voted in favor and the motion carried.*

9. Juvenile Crime Prevention Council – 9 vac.

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

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

Commissioner McGrady nominated Patricia Brogan for position #4 and Harold Thorne for position #18. *Chairman Moyer made the motion to accept the appointment of Patricia Brogan to position #4 and Harold Thorne to position #18 by acclamation. All voted in favor and the motion carried.*

11. Senior Volunteer Services Advisory Council – 3 vac.

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

Commissioner McGrady noted the Apple Greenway Advisory Council had not met or had a Chair for several months and requested this item to be on the next meeting agenda.

### **FLAT ROCK PLAYHOUSE PROPOSAL**

Flat Rock Playhouse has received an overwhelming positive response from the merchants and retailers in and around downtown Hendersonville regarding our recent production of “12 Angry Men” in the Historic Henderson County Courthouse. We are thankful for our success, selling every ticket to every single performance. We are also thankful for the Opportunity to be an economic engine to a host of area businesses. It is our intention in the next several years to strengthen our relationship to downtown Hendersonville, working in conjunction with Downtown Hendersonville, Inc., local merchants and retailers to create profitable and symbiotic partnerships.

In order to achieve these goals, Flat Rock Playhouse kindly makes the following request to the Henderson County Board of Commissioners.

Flat Rock Playhouse requests the opportunity to present two additional productions in 2010, each running for a minimum of four weeks. The first production would be Aaron Sorkin’s “A Few Good Men (October 6 – October 31, strategically scheduled during “leaf season”) and the second production would be Miracle on 34<sup>th</sup> Street (November 17 – December 19).

The Playhouse is aware that the Historic Henderson County Courthouse is essential to the business of government in Henderson County. Therefore, we are willing to be extremely flexible about our time in the building and are willing to work with the County to address any logistical costs incurred. We have

intentionally chosen productions that allow minimal changeover time from performance space back to meeting space. We will make our Flat Rock Playhouse staff readily available to work with the Historic Henderson County Courthouse staff to assist in any additional work incurred by our use of the building and we will work with the Heritage Museum and Downtown Hendersonville, Inc. to ensure they are able to take full advantage of the increased foot traffic that the two productions will provide. The Board of Trustees and staff of Flat Rock Playhouse are confident that we can work with the Historic Henderson County Courthouse staff to guarantee no interruption to the normal day-to-day operations of the building. It is important to Flat Rock Playhouse that this worthy partnership continues to develop and we are committed to ensuring a positive outcome.

Additionally, Flat Rock Playhouse requests the opportunity to present a production during the summer of 2011 in the Historic Henderson County Courthouse from approximately mid-June through August. Again, guaranteeing full cooperation and flexibility with all other groups who utilize the building, as stated above.

In only four weeks, Flat Rock Playhouse provided downtown Hendersonville with an additional 5,000 consumers. This directly translated to more revenue for downtown Hendersonville.

The arts and culture industry, unlike many industries, leverages a significant amount of event-related spending by its audiences. Attendance at arts events generates related commerce for local businesses such as restaurants and retail stores. In a recent study, data collected from nearly 100,000 attendees at a range of events revealed an average downtown spending of \$31.05 per person, per event, in addition to the cost of admission. This translates to at least \$150,000 in additional revenue for downtown Hendersonville business directly from our patrons who attend "12 Angry Men" over the course of only one month.

During this difficult economic time, we believe that we have an obligation to partner with both business and government to ensure that Hendersonville remains a vibrant, diverse and profitable business community.

County Manager Steve Wyatt stated the October dates of the 6<sup>th</sup> through the 31<sup>st</sup> are what the Board would specifically look at during this meeting. Referring to the Board's meeting calendar October the 4<sup>th</sup> would not be a conflict but possibly a conflict with rehearsals as far as the equipment and furnishings. The next meeting is scheduled for the 20<sup>th</sup> which is pretty much in the middle. In anticipation of this request one thought being considered is holding one of the meetings off site due to the complexity, difficulty, and the workers comp issues in moving the furnishing. The problem with off-site meeting is audio and video quality. We are limited to a single portable camera for off-site taping and it is very difficult. Basically there is one shot unless we have someone moving the camera around throughout the meeting which is an issue in itself. We have the ability to move the equipment in and out and to work around the schedule. Again it is not easy and must be managed. If a special meeting is needed in October the furniture can be moved in and out which takes approximately 4 hours to remove or reinstall the furniture.

Chairman Moyer questioning Mr. Marini asked if the board would be able to hold their October 4 meeting.

Mr. Marini stated the set up for the show is very straight forward in the courtroom and he did not feel it would be a problem. Mr. Marini would also like to utilize the Community Room in order to avoid using the courtroom when in use by the county.

Commissioner Williams was in favor of accommodating the Flat Rock Playhouse with the economic benefits but at the same time would like the least amount of disruption for county meetings as it is the primary use of the facility. If this is going to be on-going, the Board may consider hiring a professional mover with very specific instructions and proper training. Staff, of course, would always have to be available. He was concerned with possible damage to the equipment.

Mr. Marini stated Flat Rock Playhouse would be willing to provide personnel to assist and also add the courthouse as an additionally insured on their existing policy that cover many of these issues that they deal with at other venues.

Assistant County Manager Selena Coffey voiced concern with the movement of furniture and felt that it was necessary to have staff (Amy Brantley) available to do the wiring because the technology is ran throughout the pieces of equipment and furniture and is not generic equipment. There have been issues in the past with the County moving the furniture even minimally. Cameras are located on the balcony and must be protected with caution. The cameras are not quick to get back in if they are damaged. They must be sent off to be replaced or repaired which is not short term. The idea of the Playhouse getting right back into the courtroom just after a meeting sounds good but it is a great deal of work to undo all of the wiring and would take approximately 4 hours.

Mr. Marini stated in most cases they would look at the County's specific needs and alter the schedule appropriately to make sure the changeover could happen.

Chairman Moyer felt if the Board were going to allow the Playhouse to come in on a regular basis, some of the shortcuts things would no longer be done. Standard procedures would be necessary utilizing qualified trained people to do the changeover.

Commissioner McGrady felt the Board could look at using the City Government Operations Center or the current facility in which the City utilizes for their council meetings.

Heritage Museum Director Tom Orr expressed concerns with conflicts for other functions already planned for the Community Room. This happened with the Do-Tell Stories in the spring which caused difficulty with maneuvering three things at one time; Do-Tell in the Community Room, the Museum, and the Flat Rock Playhouse in the Courtroom.

*Chairman Moyer made the motion to proceed with the concept of holding an October play in the Historic Courthouse, allowing the Playhouse to move forward with their ticketing and further ask the County Manager Steve Wyatt come up with a specific guidelines of how to handle this going forward in the future so we know how everything is going to be covered.*

Commissioner Williams was in favor of working out the arrangements with the Flat Rock Playhouse for October and ongoing, but he was not in favor of disrupting the Board's meetings at this site. He was not in favor of going off site except for possibly the one exception. In general public meetings should be held in a place that is consistent so that the public will know where to go for meetings.

Chairman Moyer was supportive of Commissioner William's directive. If plays are going to be held on a regular basis, the regular scheduled meeting would continue with the furniture being moved in and out. Special called meetings could be planned off site.

Chairman Moyer reminded the Board of the motion on the floor for October. Further discussion will be held in regards to November and December. *All voted in favor and the motion carried.*

## **INVOCATIONS**

County Attorney Russ Burrell stated on June 8, 2010, this Board directed the County Attorney to draft a policy on invocations which reflected the Board's discussions after the public hearing held by the Board on the subject (May 25, 2010). A draft policy was provided to the Board. A copy of the adopted resolution is attached hereto and incorporated as a part of the minutes. Highlights:

- Board invites congregational leaders from Henderson County congregations to lead invocations at its regular meetings.

- The only content restrictions on the invocations are:
  - They are not allowed to either advance one religion or disparage another.
  - They may not advocate on issues pending before the board.
- Invitations will go to all County congregations, and invocations will be scheduled on a first to call, first scheduled basis.

Commissioner McGrady questioned if someone were not a part of a religious congregation.

Mr. Burrell responded this was clearly a political decision. The fourth circuits reasoning in doing as congregations in essence is given that we are doing this as a celebration of cultural heritage in part, the heritage by large is a congregational type activity.

Commissioner McGrady felt the county attorney had drafted a resolution which is fairly careful in trying to tie itself to existing precedents on this very difficult set of issues, and while we could maybe on policy reasons go somewhere slightly different than what is proposed, he quickly recognizes what the attorney was trying to do in protecting the Board of Commissioners and County from liability.

Commissioner Young felt that anyone who comes forward to provide prayer should be from a religious organized congregation. He recommended looking at the tax exempt status.

Chairman Moyer was in support of it being an organized group. The invitation will go out to those listed and have an established congregation. This item may have to be revisited on a regular basis in order to stay within the law.

Commissioner Williams questioned the order of prayer then pledge.

Mr. Burrell advised this would give the Board some flexibility if the law changes.

*Commissioner Williams made the motion that the Board adopts the proposed resolution. All voted in favor and the motion carried.*

*Commissioner Williams made the motion that the resolution be signed by all of the Commissioners rather than just the Chair of the Commissioners. All voted in favor and the motion carried.*

## **PREVIEW OF ZONING MAP AMENDMENTS FOR THE ETOWAH-HORSE SHOE COMMUNITIES PLAN**

Planning Director Anthony Starr stated the Board of Commissioners, by resolution, took action on the Etowah-Horse Shoe (EHS) Communities Plan on September 16, 2009. The Board of Commissioners directed various staff and boards to begin implementation of the plan with some modifications from the original draft. The Planning Board began its discussion and review of the Plan in January of 2010. The Planning Board is nearly ready to make its formal recommendation on the proposed zoning map amendments to the Board of Commissioners. The Board will need to hold a public hearing prior to taking action on the proposed zoning map amendments.

Staff prepared a preview of the proposed zoning map amendments. This preview includes areas the Planning Board's recommendation differed from the Plan's recommended zoning and the justification for the change.

### **Etowah Horse-Shoe Community Plan Background**

- On September 16, 2009, the BOC, by resolution, directed various staff & boards to begin implementation of the Plan (with modifications from the original draft)
- In January 2010 - Planning Board began reviewing and discussing the Plan recommendations per BOC direction.
- The Plan's zoning map changes, with Planning Board modifications would rezone approximately:

- 7,400 Acres (about 3% of the County)
- 3,000 property owners will receive mailed notices (10-25 days ahead of BOC hearing)
- Planning Board prepared to begin formal rezoning review following preliminary review of Plan's zoning map recommendations (with Planning Board modifications) by the BOC.

#### Planning Board Modifications to Etowah Horse-Shoe Plan Zoning Recommendations:

- Board of Commissioners' resolution on September 16, 2009, directed appointed Boards and Committees to begin implementing the Plan and provide justification for deviations from the original recommendations.
- Planning Board identified 5 areas where its zoning recommendations differed from Plan's zoning recommendations.

Chairman Moyer questioned if the Planning Board had officially taken action.

Mr. Starr responded the Planning Board is tentatively comfortable with all of the changes but will not take formal action until the public has been properly noticed by signage. The Planning Department also wanted the Board of Commissioners to have this information prior to the Planning Board's notification to the public of the recommended changes.

Commissioner Messer felt the citizens of the Etowah-Horse Shoe Community should be made aware of this process and allowed to give input.

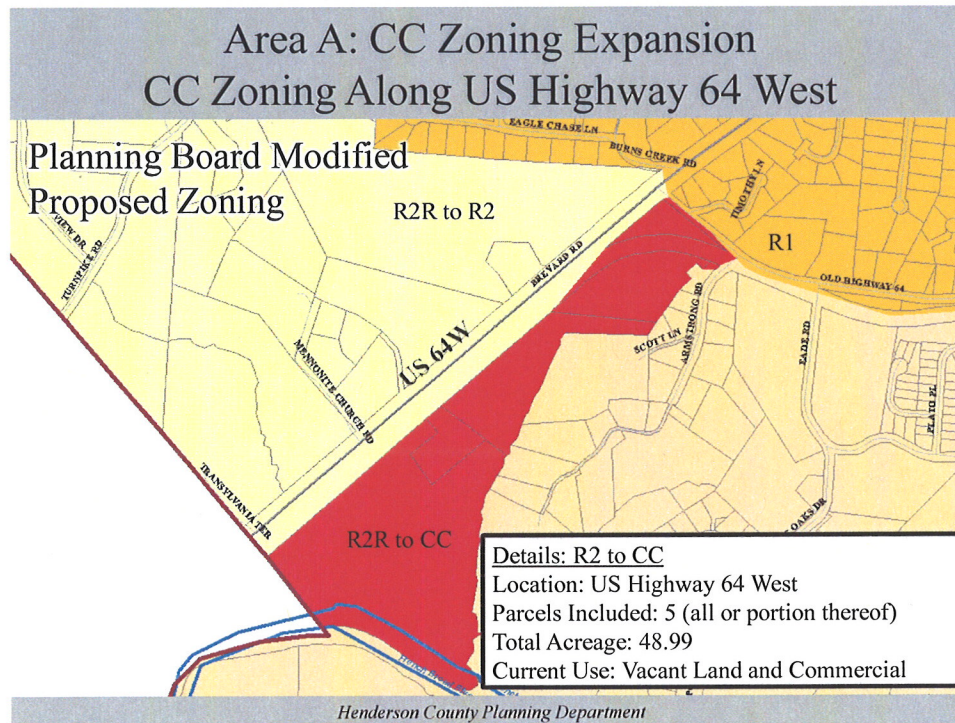
#### Next steps:

- Planning Board
  - Formal review of rezoning request
    - Signs posted in area prior to the Planning Board meeting
  - Formal recommendation on rezoning request
- Board of Commissioners
  - Public hearing held prior to rezoning implementation
  - Public Notice of Public Hearing:
    - Signs posted
    - Public notice published in the Times-News
    - All property owners of property to be rezoned and property owners adjacent to any proposed zoning changes will be notified by mail (Address data will be based on mailing address referenced on property tax information.)
  - Possible changes to proposed zoning recommendations
  - BOC approval of zoning map amendments

Senior Planner Autumn Radcliff showed the existing zoning in an area that was mostly residential with several commercial nodes located along 64W. The plans proposed commercial zonings call for expansion of the Local Commercial and Community Commercial along several of those nodes, and the addition of some new nodes that were not previously there.

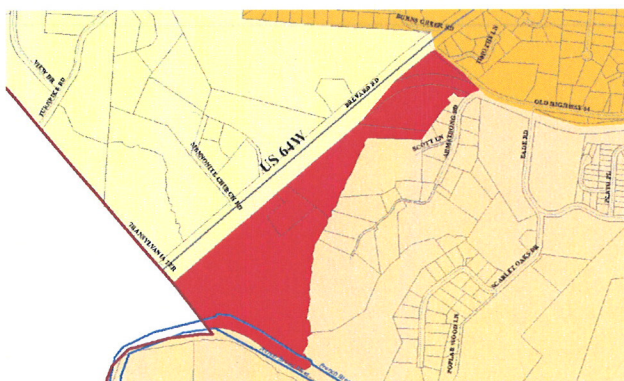
There are approximately 230 acres of additional commercial added with the plans proposals. The plan also proposes some residential zoning changes which call for expanding the R1 Zoning District and also converting much of the residential over to an R2 Zoning District. There are 5 areas that the Planning Board predominately modified in the plan. The Board previously reviewed all of the proposed changes when it reviewed the plan initially.

The first area involves adding a Community Commercial Node near the Transylvania County Line. The existing zoning there is R2R. The plan proposes adding south of Hwy 64 up to the county line a Community Commercial Node of about 44 acres. There is a small triangular area between the community commercial area is added and the existing R1 is and the Planning Board has modified the proposed zoning to include the small area. It is an approximate 4 acres and about 1 acre of that was located in the right-of-way of the railroad.



## Area A Planning Board Justification

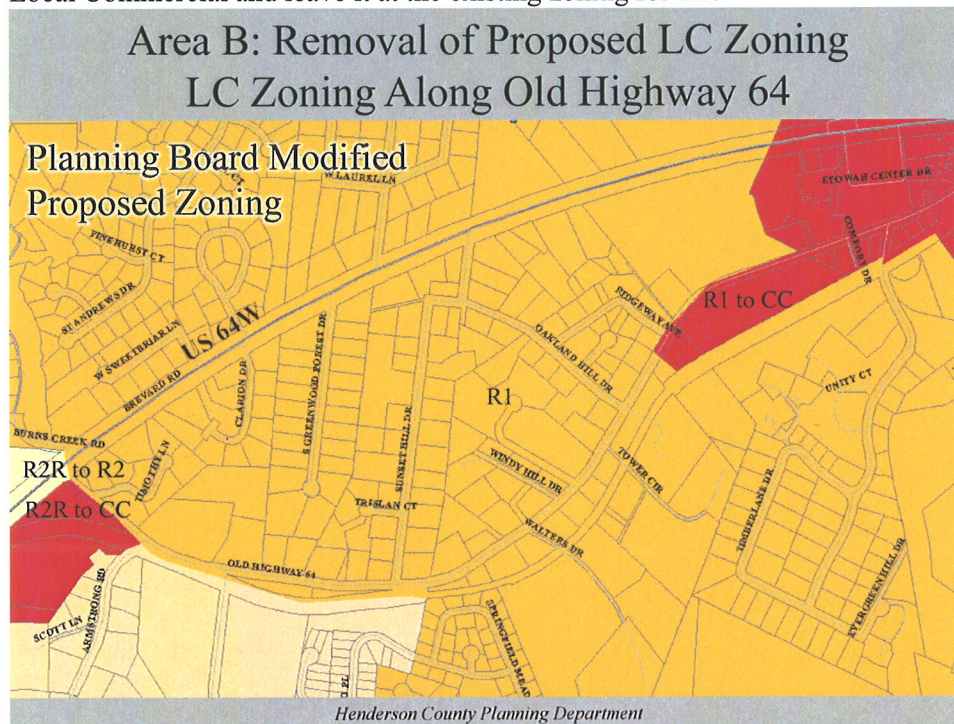
### CC Zoning Along US Highway 64 West



Planning Board felt that due to the location, setbacks and size of the parcel the allowed uses are limited and the parcel is adjacent to the west of an area recommend by the Plan for CC.

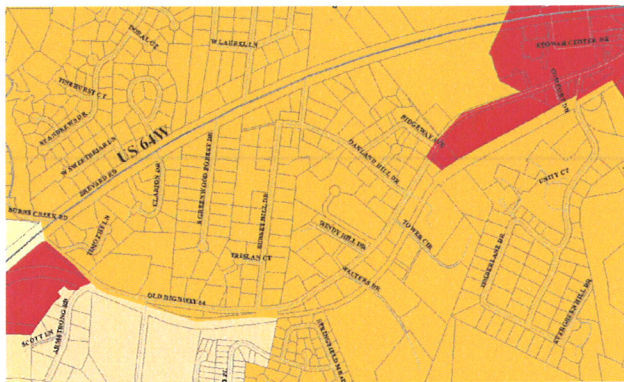


The second area is an area that is along Old Highway 64. All of the existing area is R1. The plan proposes extending the Community Commercial down and also adding in a Local Commercial Node of approximately 33 acres. After the Planning Board looked at this area, they made a modification to exclude that from being Local Commercial and leave it at the existing zoning for R1.



## Area B Planning Board Justification

### LC Zoning Along Old Highway 64 West



Planning Board recommended leaving the current R1 zoning due to the neighborhoods existing residential development and limited amount of vacant land present.

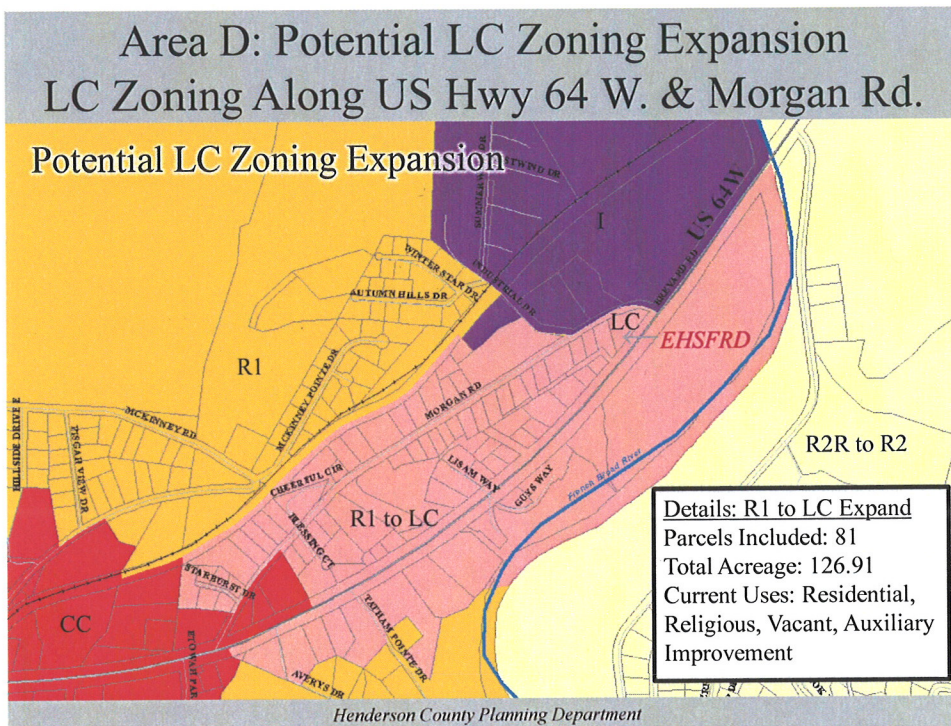
*Henderson County Planning Department*

Although the Local Commercial does allow for residential and commercial uses, it does have access to Hwy. 64 and the Planning Board did not feel it was appropriate at this time.

The third area is an expansion of Local Commercial along Morgan Road. This is the existing zoning. The

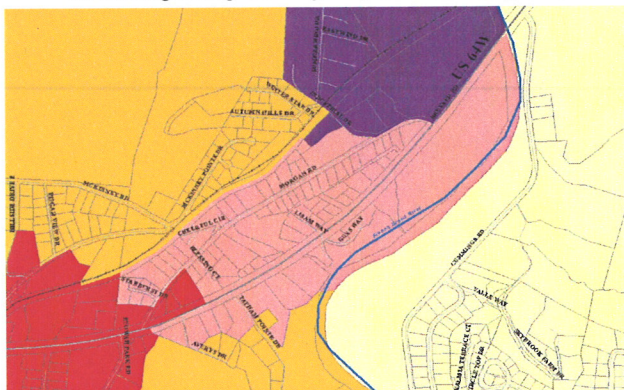


plan proposes adding Local Commercial along 64 all the way up to Morgan Road of about 100 acres. When the Planning Board looked at this they thought it was more appropriate to add the Local Commercial on both sides of Morgan Road up to railroad tracks. This was looking primarily over the next 15 years the potential for the mix of residential and light commercials uses that could happen in this area.



## Area D Planning Board Justification

LC Zoning Along Old Highway 64 W. & Morgan Rd.

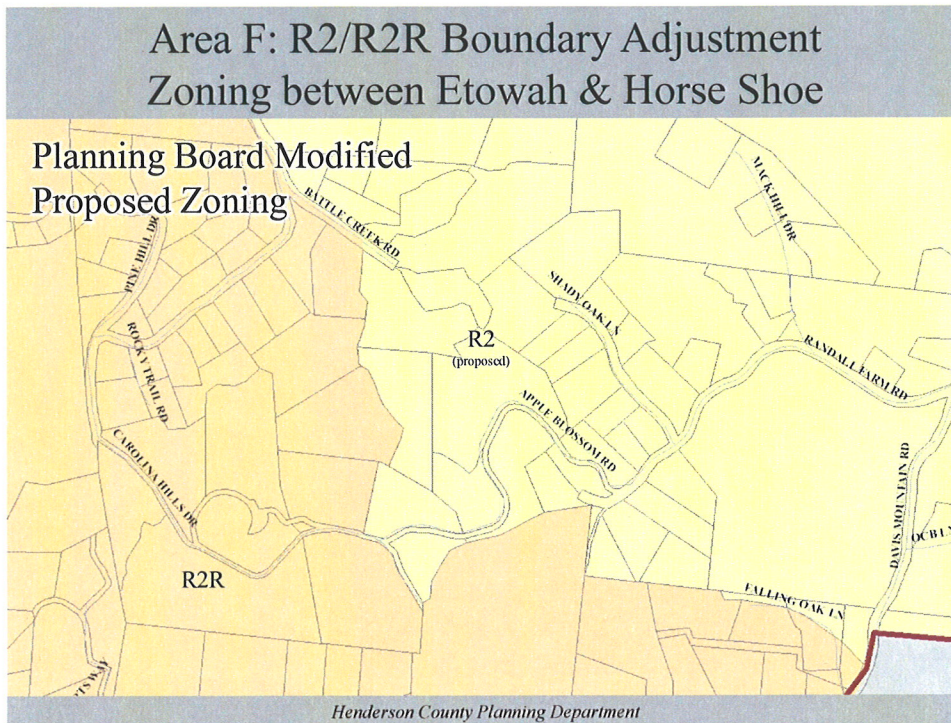


Planning Board recommended extending the LC to include both sides of Morgan Road in order to not exclude one side of the road. The Plan is a vision for the next 15 years and there is a potential for a mix of residential and light commercial uses in this area.

Henderson County Planning Department

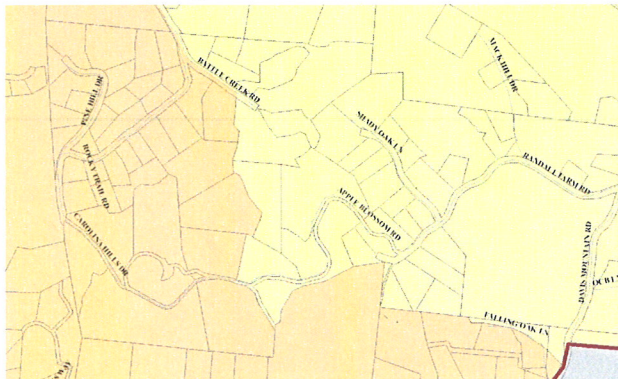


The fourth area is basically a boundary adjustment. This is the existing zoning with R40 down to the South of the study area and R2.



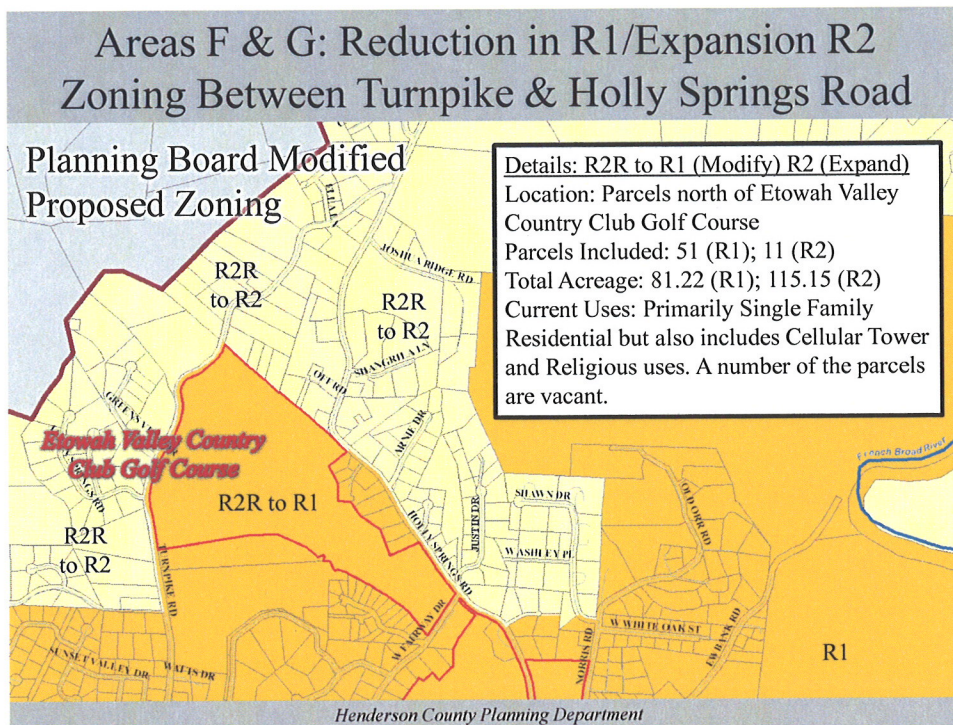
## Area F Planning Board Justification

### R2 Zoning between Etowah & Horse Shoe



Planning Board recommended using existing parcel lines to define the boundary between the R2R and the proposed R2 zoning districts in the southwest portion of the study area to prevent split zoning parcels.

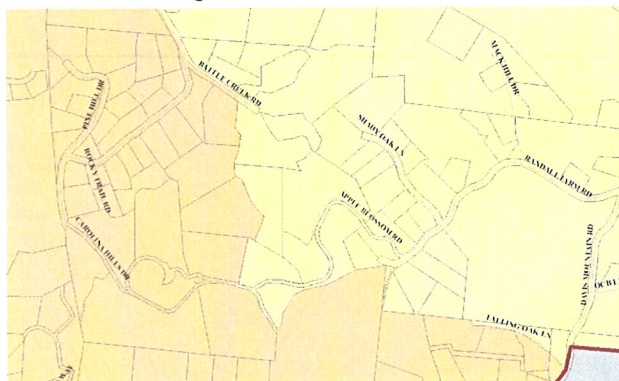




The plan proposes converting all to R2 zoning. In this area R40 Zoning District existed and when the LDC (Land Development Code) was initially adopted none of the boundaries were adjusted for the R40. The existing R40 boundary actually split zoned a number of parcels. The Planning Board proposed cleaning up that area to tie it up to the parcel lines.

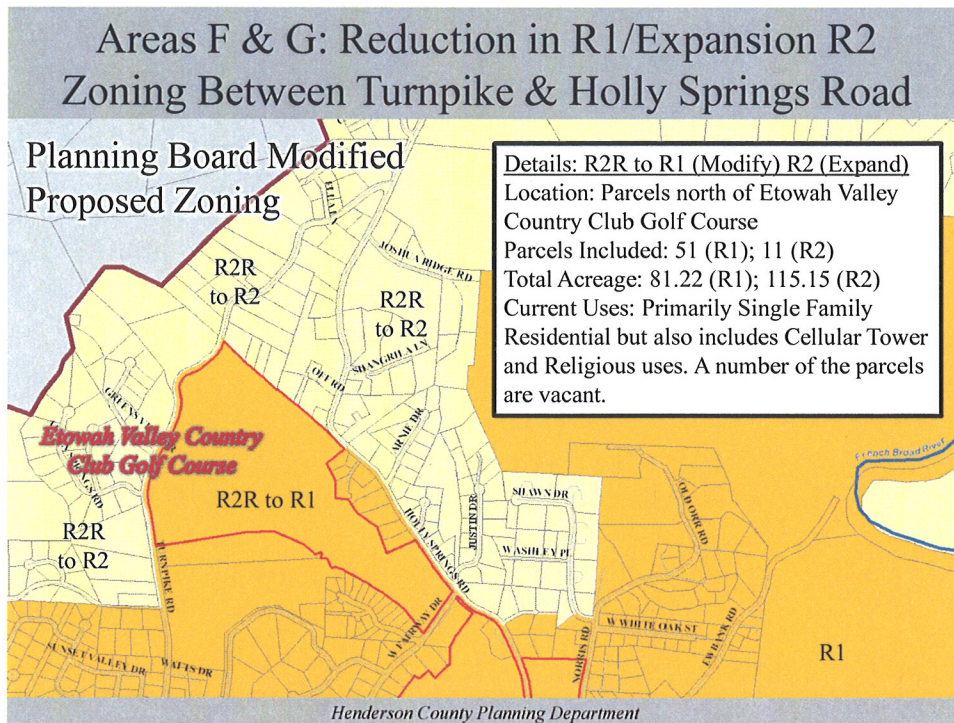
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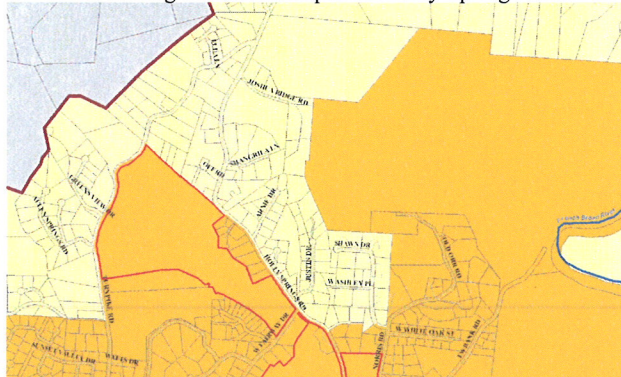
Planning Board recommended using existing parcel lines to define the boundary between the R2R and the proposed R2 zoning districts in the southwest portion of the study area to prevent split zoning parcels.





### Areas F & G Planning Board Justification

R1 Zoning between Turnpike & Holly Springs Road

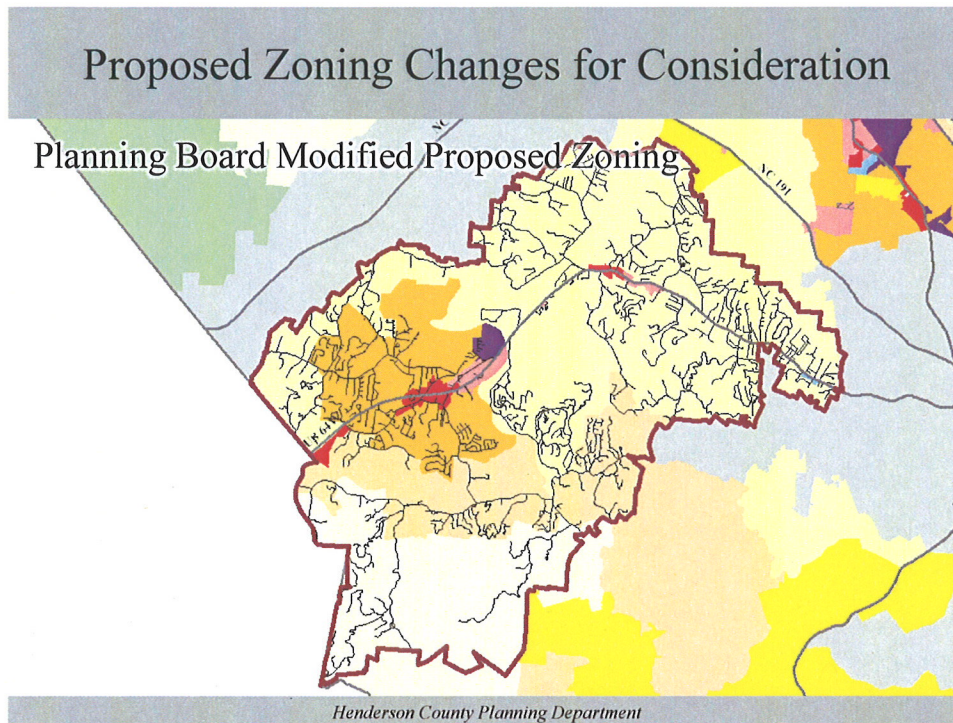


The Planning Board did not feel that the area beyond the golf course should be rezoned to allow high density development under the R1 zoning district. The Board felt that the residential uses beyond the golf course were less dense and had a rural residential character that should be zoned R2 as proposed by the Plan for the adjacent areas to the east and west.

Henderson County Planning Department

Area F is where the Etowah Valley Country Club and the golf course are located is existing zoning of R2R with R1 surrounding near Hwy. The plan proposes expanding R1 up to the golf course including the golf course property and continuing on to the Town of Mills River boundary. The Planning Board has modified this to exclude the area going from the golf course up to the Town of Mills River line. The recommendation that came through when the committee looked at this was that the golf course wanted to have R1 zoning so that they could have the ability for higher density residential. The Planning Board, when looking at this area, did not feel that the area beyond the golf course could be rezoned to allow for that high density development and due to the rural residential character it should be left R2 with the proposed adjacent area to the east and west.





The next step is that the Planning Board will have their formal review. They have gone through each of the zoning recommendations made in the plan, looked at it in detail, made some modifications, and came back to review those modifications one final time before this presentation. Signs must be posted as part of the LDC requirements before the Planning Board takes up a formal request. They will take input at that time. Once the formal recommendation has been made it will be forwarded on to the Board of Commissioners to set a public hearing. Before the public hearing, the Planning Department will repost all of the property again, approximately 30 signs throughout the study area. It will also require notification to the 3000 property owners, advertisement in the Times-News, and possible other measures to get the word out to the citizens. The Board of Commissioners is free to make any changes to the zoning recommendations prior to the Planning Board.

Responding to Commissioner Young, Mrs. Radcliff stated some of the originals recommendations for the area of Seven Falls may have cleaned up boundaries. The Planning Board did not make any amendments to the original plan proposed by Seven Falls.

*Chairman Moyer felt the appropriate action for the Board at this time would be to thank the Planning Board for their overview, indicate that no specific action is being taken at this time, and authorize them to proceed with the process that has been established and further put this into the form of a motion. All voted in favor and the motion carried.*

#### **EDNEYVILLE COMMUNITY PLAN IMPLEMENTATION**

Anthony Starr stated the Board of Commissioners adopted the Edneyville Community Plan at its meeting on May 11, 2010 and requested that Staff provide a timeline for implementation. The implementation schedule provides a broad timeline that addresses when the components will be completed or studied and is subject to change. The information includes the board, committee or staff responsible for implementation and a timeframe for when the Board might expect to address or consider each of these recommendations. This is a broad outline of when items will return to the Board of Commissioners for their consideration. Many of the advisory boards and different departments would be involved in some of these before they come back to the Board.



| <u>Recommendation</u>                                       | <u>Timeframe for BOC Consideration</u>                |
|-------------------------------------------------------------|-------------------------------------------------------|
| Zoning Map Changes                                          | Spring/Summer 2011                                    |
| LDC Text Changes                                            | Spring/Summer 2011                                    |
| Community Specific Recreation Assessment                    | Summer 2011                                           |
| Affordable Housing Criteria/Opportunities                   | Fall 2011(Dependant on Affordable Housing Trust Fund) |
| Energy Efficiency Fee Rebates                               | FY2013                                                |
| Establishment of a Greenway Fund                            | FY2013                                                |
| Construct Multi-Purpose Fields at Edneyville Community Park | FY2014                                                |
| Expand and Connect Greenway                                 | FY2014                                                |

Chairman Moyer stated that multi-purpose fields were being discussed during the special called meeting the following evening and questioned why the timeframe was FY 2014.

Mr. Starr stated the Board may take action on some things because it is part of a broader action that the Board has taken County wide. If none of these are addressed through other efforts it may come back then or even sooner. The FY 2014 date was used on the lines of when Planning felt they may come back to the Board for financing any improvements through a grant or whatever. This is clearly up to the Board.

County Manager Steve Wyatt stated effort was put forth by the Board by earmarking \$750,000 out of the capital reserve fund in the budget for parks and recreation projects. When the decision time comes the recommendation will be brought back before the Board specifically and at that time adjustments can be made to items, timeframes or schedules.

Commissioner Messer felt with the meeting on parks and recreation the following evening decisions would be made bringing the multi-purpose fields forward to this year.

Commissioner Young felt the \$750,000 was set aside in the budget for maintenance and repairs.

County Manager Steve Wyatt stated this was a decision that the Board had not yet made.

Chairman Moyer stated several proposals were on the table involving construction, and it was not his understanding that all \$750,000 would be put toward maintenance and repairs. The decision was left open for discussion by the Board at tomorrow evenings meeting. Chairman Moyer preferred that the Board defer action on the schedule until after that meeting.

Commissioner McGrady felt the items scheduled for 2011 were things that the Board would agree upon; Zoning Map Changes, LDC Text Changes, Community Specific Recreation Assessment, and Affordable Housing Criteria Opportunities. He suggested signing off on the 2011 schedule, holding the workshop the following evening, and come back with longer term scheduling.

Chairman Moyer was in agreement to move forward with Zoning Map Changes, LDC Text Changes and the Community Specific Recreation Assessment. He did not want to include Affordable Housing as no money had been budgeted to move forward with this item.

*Commissioner Messer made the motion that the Board agrees to put the three items on a consent agenda after the meeting the following evening. All voted in favor and the motion carried.*

BREAK

The board took a five minute break.

## **REAPPRAISAL SCHEDULE**

This agenda item is to provide the Board of Commissioners a general overview of the reappraisal process, including specific statutory direction, an overview of the local market, and a proposed timeline for various events required by law to put the 2011 General Reappraisal in place, effective as of January 1, 2011.

Tax Assessor/Collector Stan Duncan recognized three members of his staff who were instrumental in this presentation and going forward; Nick Mazzarella, Real Property Supervisor, Mike Sutton, Lead Commercial Appraiser, and Ed Parker, Data Base Administrator. Mr. Duncan stated the determining authority is the laws of North Carolina in a book referred to as the Machinery Act, AMP, Inc. It is referred by that name because it puts into place the machinery by which we list property, appraise property, assess property, bill for property, and collect it. "The North Carolina General Assembly, and no one else, determines how property in this State should be valued for purposes of ad valorem taxation." These laws change over time and as they change we change our processes and protocols accordingly.

The Tax Department receives many phone calls from property owners during reappraisals and the volume of calls has been higher recently due to the current market. Citizens are asking why the value of the property cannot be listed at the price they paid for it months earlier. Mr. Duncan stated this could not be done and because it has not been done there are no appeals pending at the state level as a result of this economic turndown. This is a result of staff educating the public. State wide, there are 1100 appeals currently before the state property tax commission. The bulk of which are not the result of reappraisal county years but a result of counties not explaining the process to their citizens.

### **Uniform Appraisal Standard**

All property, real and personal, shall as far as practicable be appraised or valued at its true value in money. When used in this Subchapter, the words "true value" shall be interpreted as meaning market value, that is, **the price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or to sell** and both having reasonable knowledge of all the uses to which the property is adapted and for which it is capable of being used. N.C.G.S 105-283

At this time in the country we are experiencing foreclosures and short sales. These fit under compulsion. When you have a foreclosure where the bank or lending institution owns the property, their business model is not to own property. Their business model is to loan money to someone to own property so those sales are discounted and not included in the analysis.

Chairman Moyer asked Mr. Duncan to clarify that this is not just a decision made to not consider these, it's based on the law and your interpretation of the law and the foreclosures and short sales cannot be considered and must be excluded.

Mr. Duncan stated this is correct. It is not a decision made by him or staff. There are quite a few cases that have been heard by the commission and by the courts that speak to what you can consider. Not only are foreclosures and short sales not considered but also a situation where a governmental unit is involved. You have the power of emanate domain and those sales are excluded. Sales that involve an exempt entity are excluded as well.

Mr. Duncan explained that during a bankruptcy the county is essentially stopped from pursuing enforcement collections until the bankruptcy process is complete. We must take steps to ensure that our liens continually put forth back to the bankruptcy trustee, bankruptcy courts, to make sure that our lien is the first lien. It does create more work but we will get our money eventually.

### **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 Standard, and

NOT a “foreclosure” or “short sale”.

Many people think about market value being exactly what they paid for property. The general discussion is that market value is value in exchange. That is, someone has property and they are exchanging that property for money or its cash equivalent or its mortgage equivalent. In North Carolina, it is not necessarily the most recent price that is paid for a specific property. In other words, an individual sale does not set the market for that particular property, especially when there is better evidence picked up at value. That difference evidence could be higher than what that property sold for or could be less than what that particular property sold for. It is not the highest or lowest value but the most probable value.

In the Assessor’s Office an analysis is done by looking at a group of properties, where they are located and by their property type. What they have found all across North Carolina is that property values seem to cluster around some point. If you array all of the sales that take place in say a given development with a given property type, you will find there are some at a very high per square foot basis and some at a very low per square foot basis. The clustering effect is what the courts have traditionally identified as the market and this is what is utilized to identify and build schedules which come back to the Board.

Chairman Moyer noted it is hard to explain to someone who just purchased a house and received a good deal why their reappraisal has valued the house higher than what was paid for it.

Mr. Duncan stated his office is able to show the individual the sales that have taken place prior to January 1 which indicates a better market value for their property inside that development.

### **The Task . . .**

Reappraise all real property at Market Value effective as of 1 January 2011:

65,658 Total Parcels of Real Property

62,440 Parcels of Land

37,067 Single-Family Residential Properties

3,219 Condominiums/Townhomes

4,644 Commercial/Industrial Parcels

1,602 Parcels in Present-Use Value (These parcels are being for the most part farmed that meet certain specific requirements in the law where they are appraised at a very reduced value once those stringent requirements are met.)

1,357 Parcels w/ Tax Relief

(Elderly/Disabled, and Veterans)

### **Economic Principles Involved**

1. Highest & Best Use:

Legally Permitted

Physically Possible

Financially Feasible

Generates the Greatest Net Return

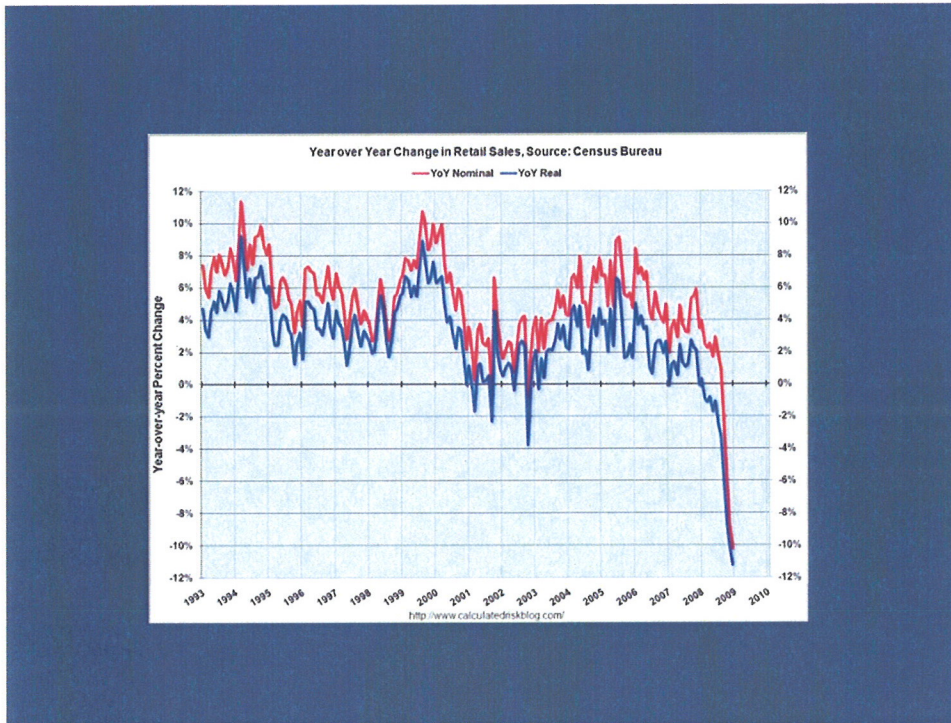
Anticipation

2. Balance
3. Change
4. Consistent Use
5. Contribution
6. Substitution
7. Supply & Demand

**The Current 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, & some manufactured housing
- **5.63%** - Registered Motor Vehicles; Licensed (tagged) Vehicles
- **1.53%** - Public Service Companies; Public Utilities and other regulated companies



From 2007 to now there have been some major changes.

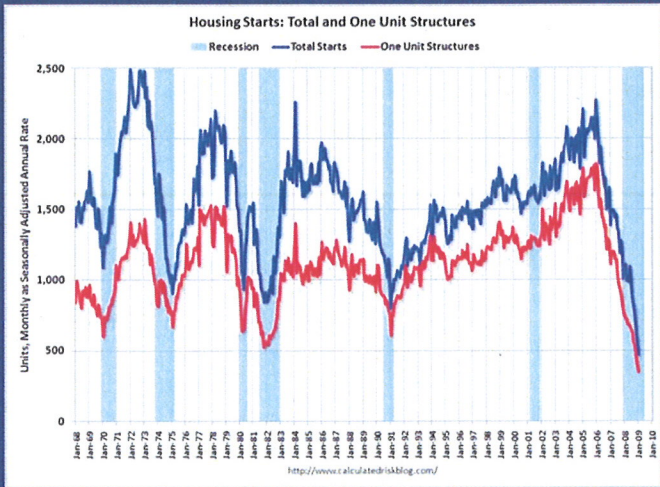
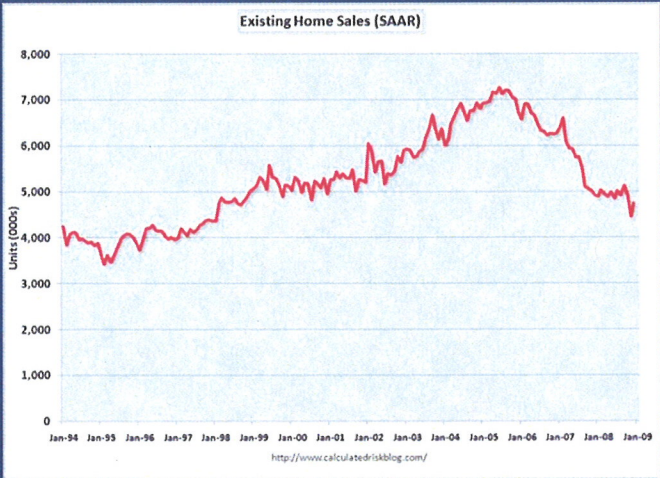
- The Land Development Code was adopted on the 19<sup>th</sup> of September, 2007.
- In January, 2008 a decline was seen in the registrations for motor vehicles.
- The General Assembly expanded the existing tax relief programs which had a negative effect on the tax base.
- Sometime around the end of the 2<sup>nd</sup> quarter, beginning of the third quarter of 2008, the real estate market in Henderson County began to stall. Nationwide the market began to decline in 2007.

The tax relief programs were needed but they also had an adverse affect on our tax base.

There has been a drop in retail sales affecting sales tax.

Mr. Duncan shared a graph of existing home sales nationally showing that sales were at a peak in 2006 with a gradual climb. The big drop occurred nationwide in 2007 and stabilized in 2008 slightly.

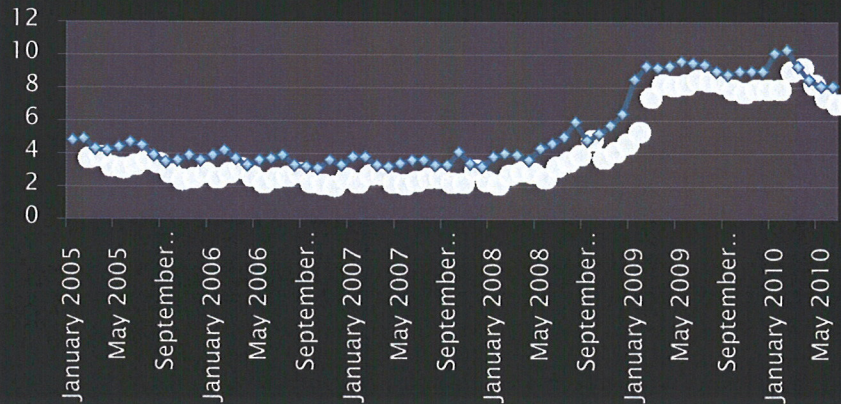
A graphic depiction of how unemployment rates have changes since January 2007 to current was shared via a power-point presentation. The source of the data was presented by county.





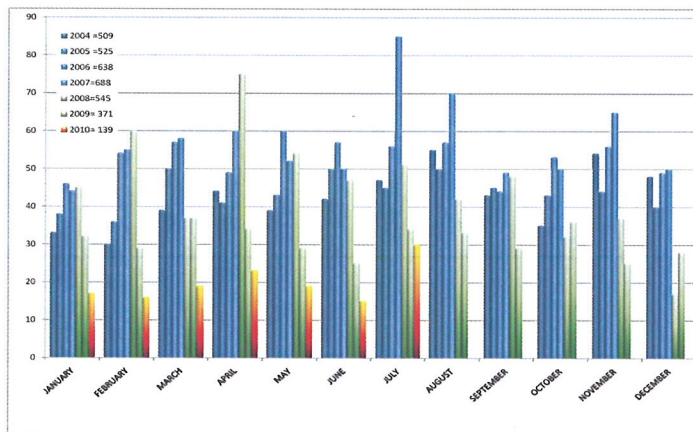
## Henderson County Unemployment Rate Over Time January 2005 – June 2010

Source: U.S. Bureau of Labor Statistics



## Plats Recorded

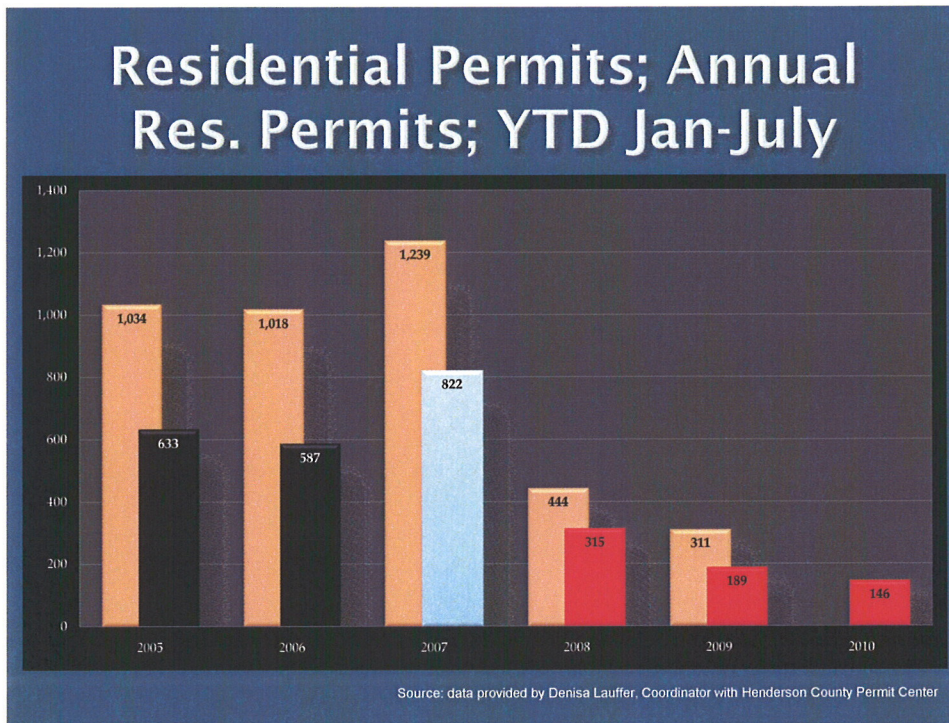
Recorded Plats by Month 2004 - July 2010



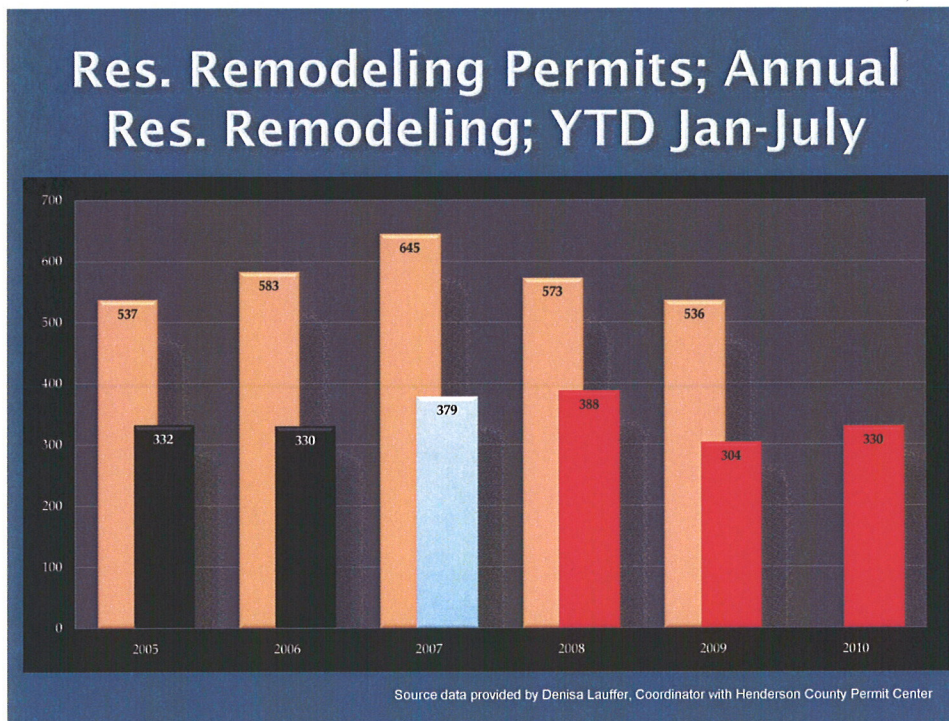
Henderson County Tax Department  
LAND RECORDS SECTION-pc  
8/12/2010

The high peak in the center of the graph above represents the surge of plats being recorded ahead of the anticipated adoption of the Land Development Code. A lot of people brought forth surveys and subdivisions of property ahead of the Land Development Code in 2007. We are down significantly in plat recordings. Many of the plat recordings are where families are subdividing land and reorienting property lines for estate planning purposes. They are not trying to create a development.



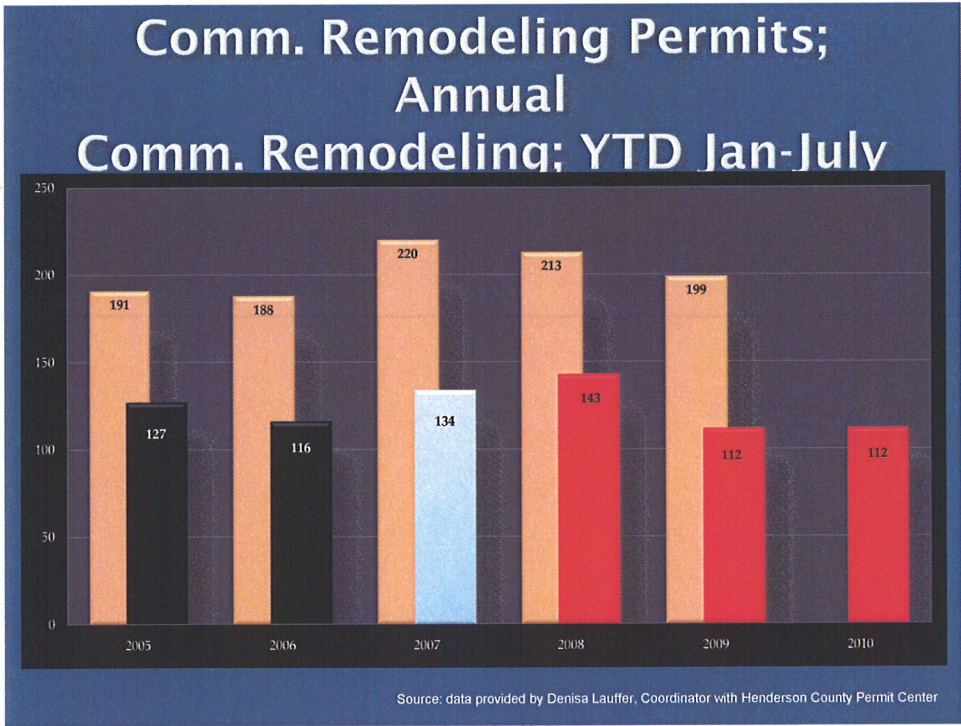
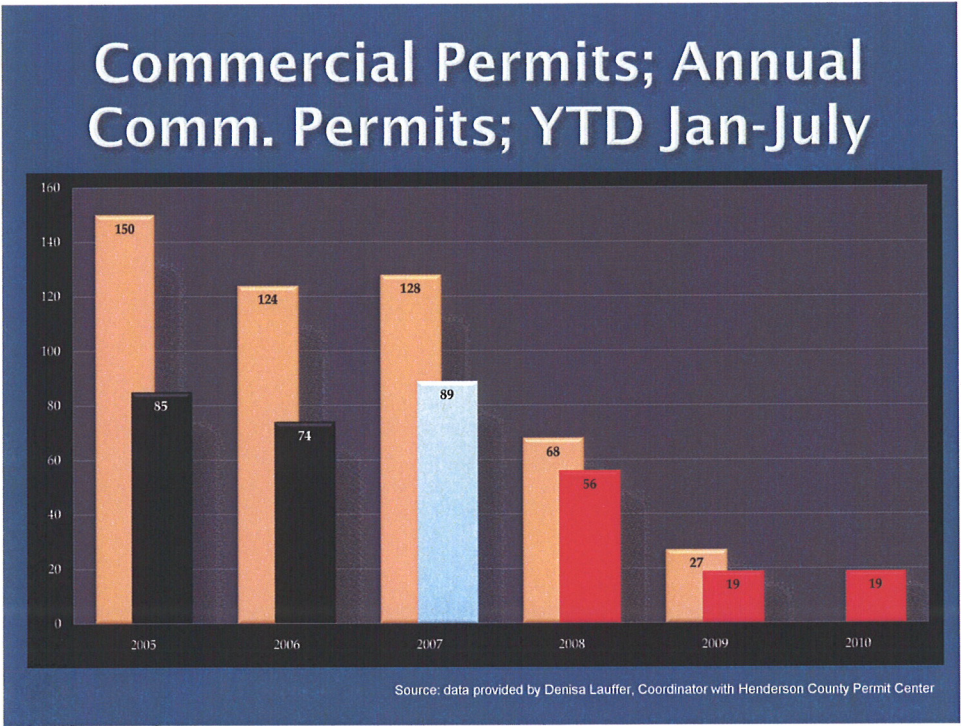


These graphs depict new home starts essentially. The annual numbers reflect a very strong year in 2007.



As a general rule, when new homes starts fall, remodeling goes up. In 2007 the remodeling was strong and only fell off about 17% through 2009. 2010 has been strong compared to 2009. In regards to the tax base, there is not as much money in a remodeling effort as there is a new home start. Commercial activity is very much related in what is going on in the entire economy. The drop off in 2007 was about 78%.





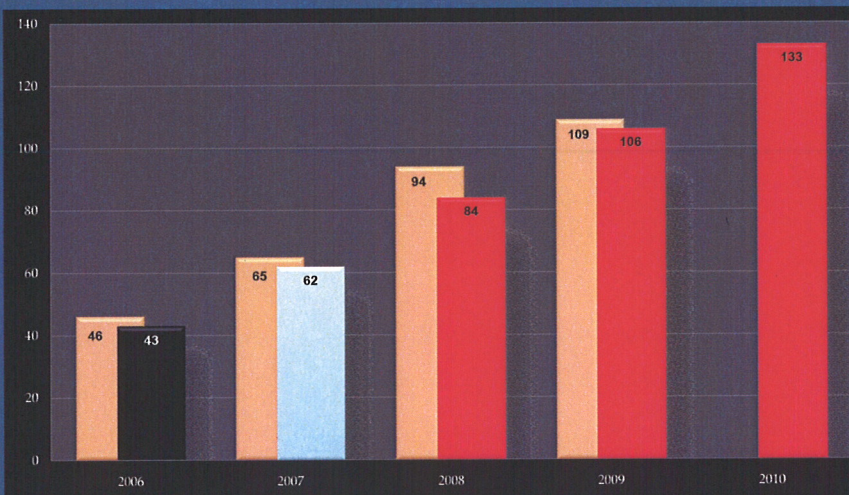


## Number of MLS Transactions YTD; January Thru July....



Market value contemplates there is a reasonable length of time that property is exposed on the market giving people the opportunity to engage in looking at property and making offers on property and considering offers on property. Forty-five to ninety days would be a typical range in a good market cycle.

## Median Days on Market Per MLS YTD; January Thru July...





## Average vs. Median Sale Price Per MLS YTD for 2010; January Thru July...



Properties are not only the market for less but they are also on the market for longer periods of time. Typically, the longer they are on the market the more adverse it is to the final sale price.

### Reappraisals Recognize...

The “Market Change” in real property:

- Generally speaking, the “Hydraulic Principle” seeks to explain how a rising market tends to raise all properties and conversely, a decreasing market tends to lower all properties.
- However, the change in markets is rarely uniform across any county. Rather, markets tend to vary by identifiable influences:
  - Location
  - Property type
  - Age / Condition

### Reappraisals Create . . .

An *equitable distribution* of the tax burden

- 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.

The 2007 Reappraisal year was the most equitable year in Henderson County for the sharing of tax burden. Everything was assessed as near as possible at 100% of its market value. The personal property since that time has been assessed every year at 100% of its market value. The value may have gone up or may have gone but it is still at 100% of its market value. Real Property has been frozen for what it was worth on January 1; 2007. Someone that built a brand new house in 2009 was assessed for what it would have been worth, had it existed brand new, in 2007.

There is always a shift when we have a reappraisal, even in the good years.

### The Shifting Burden

Level of Assessment Relative to January 1 Market Value

| Real Property  | Year        | Personal Property |
|----------------|-------------|-------------------|
| <b>100.00%</b> | <b>2011</b> | <b>100.00%</b>    |
| 94.75%         | 2010        | 100.00%           |
| 87.19%         | 2009        | 100.00%           |
| 90.75%         | 2008        | 100.00%           |
| <b>97.94%</b>  | <b>2007</b> | <b>100.00%</b>    |
| 83.83%         | 2006        | 100.00%           |
| 86.46%         | 2005        | 100.00%           |
| 92.41%         | 2004        | 100.00%           |
| <b>99.47%</b>  | <b>2003</b> | <b>100.00%</b>    |
| 85.88%         | 2002        | 100.00%           |

As the market appreciated the assessment level dropped. It equalized again in 2007. The state requires the assessor's office to conduct random sales assessment analysis each year. They are now at 103% and over assessing based on sales activity taking place in 2010. The market since January 1 of this year has fallen, in terms of what properties are selling for, relative to what they were assessed for January 1, 2007. If this trend continues to the end of the year we would be in the range of 105% - 108%. There are 32 counties over 100% and this is a concern at the General Assembly level because we do have some counties that are over 110% - 115%.

### 2007 – 2010 Market Change

Recap & Comparisons for Calendar Year 2010 . . .

| County           | 2007 Ratio<br>(2006 Sales) |               | 2010 Ratio<br>(2009 Sales) |                 |
|------------------|----------------------------|---------------|----------------------------|-----------------|
|                  | to Mkt. Value              | to Mkt. Value | % Change                   |                 |
| Brunswick        | 99.29%                     |               | 113.59%                    | Down 2.64%      |
| Burke **         | 100.00%                    |               | 100.00%                    | No Change 0.00% |
| Carteret         | 100.00%                    |               | 112.65%                    | Down 12.65%     |
| Catawba          | 97.73%                     |               | 97.85%                     | Down .12%       |
| Davidson **      | 100.00%                    |               | 100.36%                    | Down .36%       |
| Gaston **        | 96.87%                     |               | 98.35%                     | Down 1.48%      |
| <b>HENDERSON</b> | <b>97.94%</b>              |               | <b>94.75%</b>              | <b>UP 3.19%</b> |
| Iredell          | 99.40%                     |               | 98.06%                     | Up 1.34%        |
| Macon **         | 100.00%                    |               | 109.29%                    | Down 9.29%      |
| Moore **         | 100.00%                    |               | 96.52%                     | Up 3.48%        |
| New Hanover      | 97.03%                     |               | 104.59%                    | Down 7.56%      |
| Randolph **      | 96.76%                     |               | 98.19%                     | Down 1.43%      |
| Rowan            | 99.78%                     |               | 97.76%                     | Up 2.02%        |
| Rutherford       | 93.64%                     |               | 93.29%                     | Up .35%         |
| Wilkes **        | 98.66%                     |               | 96.27%                     | Up 1.39%        |

\*\* Denotes those counties delaying a 2011 reappraisal until 2013 or later.

Source: NC DOR Property Tax Division 2007/2010 Sales Assessment Ratio Studies

If the market continues in the same trend, several of the counties will be past the 115% level set by statute requiring a reappraisal. Henderson County will proceed on with the reappraisal in 2011.

### Tax Year 2007 vs. 2010...

Tax Base Components:

| 2007              |        | 2010                      |                         |
|-------------------|--------|---------------------------|-------------------------|
| \$ 10,437,410,000 | 84.89% | Real Property             | 87.18%                  |
| 873,186,000       | 7.10%  | Registered Motor Vehicles | 5.63%                   |
| 799,000,000       | 6.50%  | Personal Property         | 5.66%                   |
| 185,000,000       | 1.50%  | Public Utilities          | 1.53%                   |
| \$ 12,294,596,000 |        | <b>TOTAL Tax Base</b>     | <b>\$13,065,000,000</b> |



## 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:

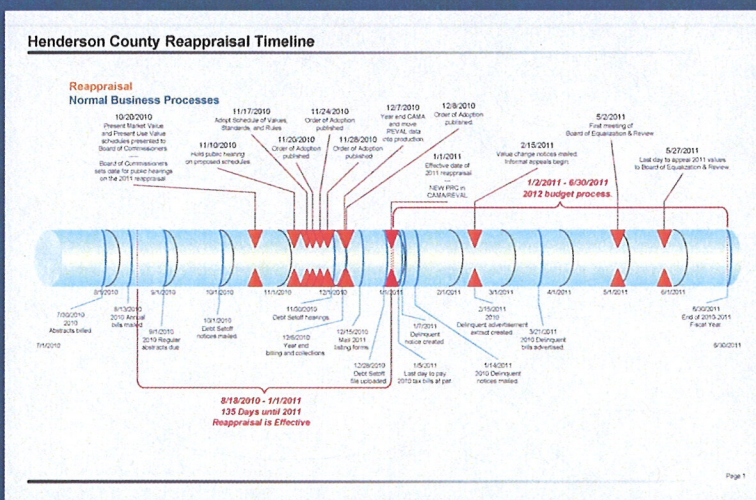
| <b>TAX YEAR</b> | <b>#</b> | <b>Value Excluded</b> | <b>% Change</b> |
|-----------------|----------|-----------------------|-----------------|
| 2006            | 913      | \$34,019,336          |                 |
| 2007            | 1,018    | \$47,725,742          | +11.5% / +40.3% |
| 2008            | 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% |

## Tax Relief Programs

Present-Use Value:

| <b>TAX YEAR</b> | <b>#</b> | <b>Value Deferred</b> | <b>% Change</b> |
|-----------------|----------|-----------------------|-----------------|
| 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%       |

# 2011 Reappraisal Timeline



**Going Forward...**

2011 Reappraisal

Real Property Values will “change”;  
some up, some down...  
some very little, some significantly...

On-going Legislation

Will seek to expand current Tax Relief Programs...

Market Climate

Confidence will lag behind positive growth...

**PUBLIC HEARINGS**

**Public Hearing for assignment of street name for new US 25 service road**

*Commissioner McGrady made the motion that the Board go into public hearing with regard to the assignment of a street name for the new US Hwy 25 service road. All voted in favor and the motion carried.*

Planning Department staff requests the Board to hold a public hearing to consider assignment of a street name for the new service road under construction that parallels the US 25 Highway connector project. This new service road absorbs all of or part of four existing named roads. It directly affects the address assignment of 12 residences and provides access to over 50 homes and businesses.

Property Addressing Coordinator Curtis Griffin stated on May 20, 2010 the Board held a public hearing for the proposed street name. At that hearing, a resident of the affected area expressed concern for the proposed road name. At the Board’s direction, staff mailed ballots to the 12 property owners along the proposed service road right-of-way. Seven ballots were returned, of which, 4 requested the proposed road name (Continental Divide Drive). Based on the ballots returned, staff proposes:

New Street Name

Continental Divide Drive

The naming or renaming of street is required by the Henderson County Property Addressing Ordinance (Chapter 142). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new street name. Assignment of the new street name will avoid possible confusion when responding to emergency situations.

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 assignment of the street name as presented for Continental Divide Drive. All voted in favor and the motion carried.*

**Public Hearing for 2011 Rural Operating Assistance Funds (ROAP)**

*Commissioner McGrady made the motion that the Board go into public hearing for the 2011 Rural Operating Assistance Funds (ROAP). All voted in favor and the motion carried.*

Transportation Planner Hope Bleecker stated the Henderson County Board of Commissioners scheduled this public hearing regarding the application for the FY11 North Carolina Department of Transportation (NCDOT) Rural Operating Assistance Program (ROAP) Grant in the amount totaling \$269,045. Henderson County’s FY11 ROAP allocation increases \$1,751 over the award received last year. The funds provide assistance for Apple Country Transit operations in the rural areas of the County.



Henderson County receives these grant funds annually and passes them through to WCCA (the designated transit provider by NCDOT in Henderson County). WCCA provides the services according to certain performance standards and pays the required match for the grant funds. The scope of the grant includes demand response transit for citizens who live in rural areas of County, senior and disabled transportation programs, employment transportation for the WorkFirst educational program, and for continuation of fixed-route transit service to Edneyville.

Two notices (English and Spanish) of the public hearing were published in the Hendersonville Times-News on Monday, August 9, 2010, which fulfill the NCDOT requirements for this grant application.

The Board of Commissioners must hold a public hearing on the application, approve the Certified Statement (attached as Appendix A) and authorize staff to file the application with the North Carolina Department of Transportation subject to any comments at the hearing.

#### 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 application and Certified Statement and authorize staff to execute all required documents for the 2011 ROAP application. All voted in favor and the motion carried.*

#### **VAN WINDERDEN ENERGY EFFICIENCY GRANT RESOLUTION OF SUPPORT**

County Manager Steve Wyatt explained there are opportunities for energy efficiency grants. There are formulas that the funding requires for participation or endorsement by various entities. Mr. Wyatt understands this company is interested in pursuing grants and one of the things that would help them to be looked on favorably is some level of public support by the elected body. Should the Board determine they are willing, a vote to support this effort would be provided in the form of a resolution. At this time, there is no funding attached to the request.

*Commissioner McGrady made the motion that the Board authorizes the Chair to sign an appropriate resolution or letter indicating the Board's support for this energy efficiency grant. All voted in favor and the motion carried.*

Commissioner Williams stated there is some criteria requirement that there be some monetary funding. He was unsure of the amount.

Chairman Moyer understood when applying for this grant, as in many cases, a local show of monetary support in addition to the resolution could be helpful. A number of groups are looking to see where they might find revenue to help support the grant. *Chairman Moyer made the motion that the Board asks the County Manager to study any grant possibilities or other sources that might be available to us other than the general fund to help support this grant application. All voted in favor and the motion carried.*

#### **BEAVER CONCERNS**

Commissioner Messer was unsure if the problem had been taken care of and felt there was concern on the south end of town.

County Manager Steve Wyatt had received one call from the City Manager. The City apparently has had several complaints and issues about beaver causing flooding problems. There is a state beaver management program that counties may participate in. To his knowledge, Henderson County has not participated in the beaver management program. There is a \$4,000 cost to the county for participation in that program. The

state basically comes in and takes care of the beaver problem. This is not something where we have budgeted for the program. Mr. Wyatt had explained to Mr. Ferguson (City Manager) that he had not had one complaint from a citizen, only from Mr. Ferguson. The City inquired if the County was interested in the program. Mr. Wyatt questioned if the City had a proposal and felt the City should pay the money. Another individual has informed Mr. Wyatt there are issues with beavers in Mills River and Fletcher as well.

Chairman Moyer had not received any complaints and felt more information was necessary.

Commissioner Messer questioned if the county and municipalities had to participate jointly for the state to offer the program.

Chairman Moyer suggested the County Manager work with the other municipality managers to see if they all want to come together and share the cost.

It was the consensus of the Board that the County Manager obtain more detail on the program and speak with the municipalities to see about a possible level of participation and bring it back to the Board at the next meeting.

### **2010 NCACC LEGISLATIVE GOALS**

County Manager Steve Wyatt stated the NCACC has announced the legislative goals development process for 2011-2012, and has invited counties to submit legislative proposals to the Association. The submission deadline for proposals is September 15, 2010 but is flexible.

Commissioner McGrady stated that most counties do not provide the association with a lot of meaningful input on legislative goals early on. He felt the goal was to bring this information back at the first meeting in September and craft a resolution or letter with views and goals important to the Commissioners in the legislative goals process.

It was the consensus of the Board to offer suggestions at the first meeting in September.

### **COUNTY MANAGER'S REPORT**

There was nothing further at this time.

### **IMPORTANT DATES**

Set a public hearing for assignment of new road name

*Commissioner McGrady made the motion that the Board set a public hearing for assignment of new road names for Tuesday, September 7, 2010 at 7:00 p.m. 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)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body in order to consider and give instructions to the attorney with respect to the following claims:

In the Matter of the Appeal of the Tax Valuation of Blue Ridge Mall, LLC, NC Property Tax Commission file 08PTC026.

In the Matter of the Appeal of the Tax Valuation of Meritor Heavy Vehicle Systems, NC Property Tax Commission file 08PTC911.

In the Matter of the Appeal of the Tax Valuation of Rockwell Heavy Vehicle Systems, Inc.,  
NC Property Tax Commission file 08PTC912

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 12:15 p.m.  
All voted in favor and the motion carried.*

Attest:

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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

August 11, 2010

Re: Tax Collector's Report to Commissioners – 08/18/10 Meeting

Please find outlined below collections information through August 10th for the 2010 bills, which will be 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     \$56,424,547.31  
Payments & Releases:     146,669.75  
Unpaid Taxes:     56,277,877.56  
**Percentage collected:     0.26%**  
(through 08/10/10)

*2009 Total Charge:     \$55,931,258.62*  
*Payments & Releases:     545,809.10*  
*Unpaid Taxes:     55,385,449.52*  
***Percentage Collected:     0.98%***  
*(through 08/10/09)*

**Motor Vehicle Bills G01 Only:**

2010 Total Charge:     \$ 974,625.41  
Payments & Releases:     542,286.64  
Unpaid Taxes:     432,338.77  
**Percentage collected:     55.64%**  
(through 08/10/10)

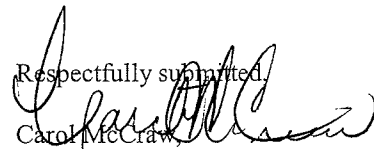
*2009 Total Charge:     \$1,044,528.72*  
*Payments & Releases:     561,900.63*  
*Unpaid Taxes:     482,628.09*  
***Percentage collected:     53.79%***  
*(through 08/10/09)*

**Fire Districts All Bills**

2010 Total Charge:     \$6,206,124.40  
Payments & Releases:     92,113.26  
Unpaid Taxes:     6,114,011.14  
**Percentage Collected:     5.19%**  
(through 08/10/10)

*2009 Total Charge:     \$6,103,431.48*  
*Payments & Releases:     107,864.47*  
*Unpaid Taxes:     5,995,567.01*  
***Percentage Collected:     5.57%***  
*(through 08/10/09)*

Respectfully submitted,

  
Carol McCraw  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

TDD: 828-697-4580

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

BILL MOYER  
Chairman  
MARK WILLIAMS  
Vice-Chairman

CHUCK McGRADY  
CHARLIE MESSER  
LARRY YOUNG

August 18, 2010

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

Dear Mr. Duncan:

Attached please find the list of tax release requests (6), and tax refund requests (2), all approved at the Henderson County Board of Commissioners' Meeting on Wednesday, August 18, 2010.

Sincerely,



William E. Moyer, Chairman  
Henderson County  
Board of Commissioners

WM/tlw

enclosures

## REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

MEETING DATE: August 18, 2010  
SUBJECT: Tax Refunds  
ATTACHMENTS: Refund Report

## SUMMARY OF REQUEST:

The enclosed refund requests (13) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

| Type    | Number of Items: | Revenue Amount: |
|---------|------------------|-----------------|
| Refunds | 2                | \$ 152.22       |

Faithfully Submitted,

*Stan C. Duncan*  
Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

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

## REFUNDS

0000447151-2002-2002-000000 FULL REBATE

INDIVIDUAL ABSTRACT#: 0000447151 8/4/10 1995 MONTEREY BOAT. OWNER LIVED IN TRANSYLVANIA COUNTY, PAID TAX ON DISCOVERY OF BOAT. PAYMENT VERIFIED WITH COPY OF RECEIPT FROM TRANSYLVANIA. BILL RELEASED.

| Rebate #     | Rate Type | Jurisdiction | Rebate Tax | Rebated Late List | Rebated Billed Interest | Total     |
|--------------|-----------|--------------|------------|-------------------|-------------------------|-----------|
| 85985        | FIRE      | VALLEY HILL  | 11.61      | 0.00              | 0.00                    | \$ 11.61  |
| 85985        | CNTY      | COUNTY       | 64.50      | 0.00              | 0.00                    | \$ 64.50  |
| Bill Total:  |           |              |            |                   |                         | \$ 76.11  |
| Grand Total: |           |              |            |                   |                         | \$ 152.22 |

0000447152-2001-2001-000000 FULL REBATE

INDIVIDUAL ABSTRACT#: 0000447152 8/4/10 1995 MONTEREY BOAT. OWNER LIVED IN TRANSYLVANIA COUNTY, PAID TAX ON DISCOVERY OF BOAT. PAYMENT VERIFIED WITH COPY OF RECEIPT FROM TRANSYLVANIA. BILL RELEASED.

| Rebate #     | Rate Type | Jurisdiction | Rebate Tax | Rebated Late List | Rebated Billed Interest | Total     |
|--------------|-----------|--------------|------------|-------------------|-------------------------|-----------|
| 85964        | CNTY      | COUNTY       | 64.50      | 0.00              | 0.00                    | \$ 64.50  |
| 85964        | FIRE      | VALLEY HILL  | 11.61      | 0.00              | 0.00                    | \$ 11.61  |
| Bill Total:  |           |              |            |                   |                         | \$ 76.11  |
| Grand Total: |           |              |            |                   |                         | \$ 152.22 |

Number of Bills = 2

Total Amount = \$152.22

## REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

MEETING DATE: August 18, 2010  
SUBJECT: Tax Releases  
ATTACHMENTS: Release Report

## SUMMARY OF REQUEST:

The enclosed release requests (79) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

| Type     | Number of Items: | Revenue Amount: |
|----------|------------------|-----------------|
| Releases | 6                | \$ 6,727.90     |

Faithfully Submitted,

*Stan C. Duncan*  
Stan C. Duncan

County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

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

## RELEASES

0002795959-2010-2010-110000 FULL REBATE

RELEASE 2010 DISCOVERY IN FULL. BUSINESS NOT OPENED 10/1/2010.

| Rebate #     | Rate Type | Jurisdiction | Rebate Tax | Rebated Late List | Rebated Billed Interest | Total    |
|--------------|-----------|--------------|------------|-------------------|-------------------------|----------|
| 85911        | FIRE      | VALLEY HILL  | 7.00       | 0.70              | 0.00                    | \$ 7.70  |
| 85911        | CNTY      | COUNTY       | 46.20      | 4.62              | 0.00                    | \$ 50.82 |
| Bill Total:  |           |              |            |                   |                         | \$ 58.52 |
| Grand Total: |           |              |            |                   |                         | \$ 58.52 |

0002887946-2010-2010-000000 FULL REBATE

TO ADD PRESENT-USE VALUE AFTER BILLS GENERATED FOR 2010.

| Rebate #     | Rate Type | Jurisdiction | Rebate Tax | Rebated Late List | Rebated Billed Interest | Total       |
|--------------|-----------|--------------|------------|-------------------|-------------------------|-------------|
| 85920        | CNTY      | COUNTY       | 1,683.53   | 0.00              | 0.00                    | \$ 1,683.53 |
| 85920        | FIRE      | EDNEYVILLE   | 309.74     | 0.00              | 0.00                    | \$ 309.74   |
| Bill Total:  |           |              |            |                   |                         | \$ 1,993.27 |
| Grand Total: |           |              |            |                   |                         | \$ 1,993.27 |

0002355966-2010-2010-110000 FULL REBATE

RELEASE 2010 DISCOVERED VALUE IN FULL. DISCOVERED UNDER TRADE NAME. TAXPAYER APPEALED DISCOVERY AND WAS RE-BILLED UNDER CORP. NAME, VNC HOUSING SOLUTIONS, LLC #2355245

| Rebate #     | Rate Type | Jurisdiction | Rebate Tax | Rebated Late List | Rebated Billed Interest | Total       |
|--------------|-----------|--------------|------------|-------------------|-------------------------|-------------|
| 85887        | FIRE      | VALLEY HILL  | 525.00     | 52.50             | 0.00                    | \$ 577.50   |
| 85887        | CNTY      | COUNTY       | 3,465.00   | 346.50            | 0.00                    | \$ 3,811.50 |
| Bill Total:  |           |              |            |                   |                         | \$ 4,389.00 |
| Grand Total: |           |              |            |                   |                         | \$ 4,389.00 |



RELEASES

REBATE MANAGEMENT ADMINISTRATION

0000439758-2010-2010-1100000 VALUE DECREASE

RELEASE PORTION OF 2010 DISCOVERED VALUE. APPEALED DISCOVERY NOTICE IN TIMELY MANNER.

| Rebate #     | Rate Type | Jurisdiction | Rebated Tax | Rebated Late List | Rebated Billed Interest | Total    |
|--------------|-----------|--------------|-------------|-------------------|-------------------------|----------|
| 85888        | FIRE      | BLUE RIDGE   | 3.99        | 0.40              | 0.00                    | \$ 4.39  |
| 85888        | CNTY      | COUNTY       | 21.71       | 2.17              | 0.00                    | \$ 23.88 |
| Bill Total:  |           |              |             |                   |                         | \$ 28.27 |
| Grand Total: |           |              |             |                   |                         | \$ 28.27 |

SECURITY INFO TECH SOLUTIONS

0002672433-2010-2010-0000000 FULL REBATE

2010 LEASED EQUIPMENT REPORTED IN ERROR TO HENDERSON COUNTY BY LESSOR. EQUIPMENT LOCATED IN BUNCOMBE COUNTY. RELEASE ENTIRE BILL.

| Rebate #     | Rate Type | Jurisdiction | Rebated Tax | Rebated Late List | Rebated Billed Interest | Total     |
|--------------|-----------|--------------|-------------|-------------------|-------------------------|-----------|
| 85969        | CITY      | FLETCHER     | 0.00        | 0.00              | 0.00                    | \$ 0.00   |
| 85969        | CNTY      | COUNTY       | 219.57      | 0.00              | 0.00                    | \$ 219.57 |
| Bill Total:  |           |              |             |                   |                         | \$ 219.57 |
| Grand Total: |           |              |             |                   |                         | \$ 219.57 |

TAYLOR INDUSTRIES INC

0002762256-2009-2009-0000000 FULL REBATE

0002762256- 2009- 2009 7/23/2010 1988 MELHART BOAT. 2008 LISTING FORM INDICATING SOLD. 2009 BILL RELEASED.

| Rebate #     | Rate Type | Jurisdiction   | Rebated Tax | Rebated Late List | Rebated Billed Interest | Total    |
|--------------|-----------|----------------|-------------|-------------------|-------------------------|----------|
| 85833        | CITY      | HENDERSONVILLE | 0.00        | 0.00              | 0.00                    | \$ 0.00  |
| 85833        | CNTY      | COUNTY         | 35.70       | 3.57              | 0.00                    | \$ 39.27 |
| Bill Total:  |           |                |             |                   |                         | \$ 39.27 |
| Grand Total: |           |                |             |                   |                         | \$ 39.27 |

Total Amount = \$6,727.90

Number of Bills = 6

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

---

**A RESOLUTION REGARDING  
INVOCATIONS AT MEETINGS  
OF THE BOARD OF COMMISSIONERS**

**Adopted 18 August 2010**

1           **WHEREAS**, Henderson County, the State of North Carolina, and the United States of America all have a  
2 rich religious heritage deserving of celebration and observance; and,

3           **WHEREAS**, opening meetings of the Board of Commissioners and other legislative bodies with an  
4 invocation seeking guidance from the Divine has become over the United States' history a part of the fabric of our  
5 society in Henderson County and elsewhere, and generally has a salutary effect on such meetings and its participants;  
6 and,

7           **WHEREAS**, the United States Supreme Court has determined in many cases, notably in *Marsh v. Chambers*,  
8 that "[t]he opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the  
9 history and tradition of this country. From colonial times through the founding of the Republic and ever since, the  
10 practice of legislative prayer has coexisted with the principles of disestablishment [of state religion] and religious  
11 freedom"; and,

12           **WHEREAS**, the purpose of such invocations has not been, is not and should not be to proselytize or  
13 advance or any one faith or belief, nor to disparage any faith or belief, but rather to focus the participants of meetings  
14 of the Board of Commissioners on their greater purposes, and to invoke guidance from a source other than the  
15 immediate concerns at hand; and,

16           **WHEREAS**, the United States Court of Appeals for the Fourth Circuit, in *Simpson v. Chesterfield County Board*  
17 *of Supervisors*, has given indication that such invocations can be permitted and proper, in circumstances where an



1 elected body invites religious leaders from its area to provide invocations without any preference to their  
2 denomination, in a manner “designed to foster widespread participation throughout the community” while  
3 solemnizing the occasion of the meeting, “expressing confidence in the future, and encouraging the recognition of  
4 what is worthy of appreciation in society”; and,

5 **WHEREAS**, the Board of Commissioners does not desire to require participation by those who attend its  
6 meetings in its invocation should such those in attendance not wish to participate, does not desire to inhibit the  
7 expression of any of the diverse religious views held by congregants within Henderson County.

8 **NOW, THEREFORE, IT IS RESOLVED** as follows:

9 A. At or immediately prior to the call to order for the conduct of public business of regular meetings  
10 of the Board of Commissioners, there shall be held an invocation, followed by the pledge of allegiance to the United  
11 States of America, inviting only those in attendance who wish to do so to participate.

12 B. The invocation shall be led by leaders of religious congregations worshipping in Henderson County,  
13 according to their beliefs, within the parameters set out in this paragraph. Such congregational leaders shall be  
14 invited by the Board to provide such invocations for Board meetings as stated below, in order to celebrate the rich  
15 and diverse religious heritage of Henderson County. The only guidance provided to such congregational leaders in  
16 their invocation shall be:

17 (1) Invocations should be intended to focus the participants of such meetings on their greater  
18 purposes, and invoke guidance from a source other than the immediate concerns at hand; and

19 (2) Invocations should be relatively brief, and should not be directed to any particular issue  
20 pending before the Board; and

21 (3) Invocations must not be intended to advance or any one faith or belief, or to disparage any  
22 other faith or belief.



1 C. No one attending such meeting, whether member Board, county employee, or any other person,  
2 shall be required to participate in any prayer that is offered, or to recite the pledge of allegiance.

3 D. Annually after the establishment of the regular meeting schedule for this Board, the Clerk to the  
4 Board shall send an annual invitation letter to the congregations worshipping within Henderson County. Such  
5 invitation shall include a copy of this Resolution. The listing of such congregations shall be obtained from sources  
6 reasonably available to the Clerk, including telephone listings, and shall also include Henderson County congregations  
7 which have informed the Clerk of their desire to participate. The invitation will request that the congregational  
8 leader contact the Clerk to schedule their participation. Participation shall be on a "first to respond, first to be  
9 scheduled" basis, and shall be scheduled by the Clerk in such a manner.

10 E. The list of congregations to whom the invitation letter is sent, and the list of scheduled invocations  
11 kept by the Clerk, shall be available for public inspection.

12 F. Should a person scheduled to provide an invocation not be present at the scheduled time and place  
13 for the same, or should no person be scheduled for a particular meeting, a member of the Board or other person  
14 designated by the Board may provide such invocation on the same terms as stated above.

15 G. This resolution is effective upon adoption.

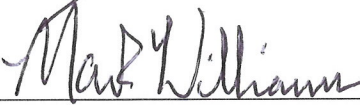
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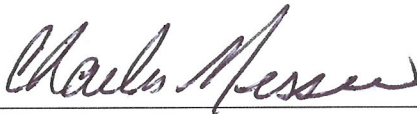
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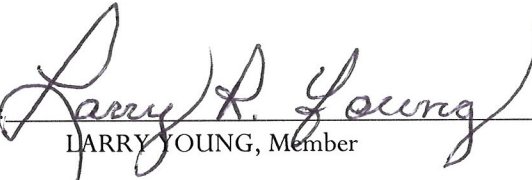
Made by adopted motion of the commission, the date and year shown above.

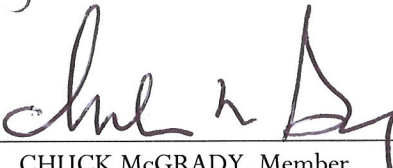
HENDERSON COUNTY BOARD OF COMMISSIONERS

By:   
WILLIAM L. MOYER, Chairman

By:   
MARK WILLIAMS, Vice Chairman

By:   
CHARLIE MESSER, Member

By:   
LARRY YOUNG, Member

By:   
CHUCK McGRADY, Member

ATTEST:

  
Clerk to the Board