

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 2, 2015

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

Those present were: Chairman Tommy Thompson, Vice-Chairman Charlie Messer, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Senior Planner Autumn Radcliff, Planner Matt Champion, Engineer Marcus Jones, Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Library Director Trina Rushing, Assessor/Tax Collector Stan Duncan, Deputy Tax Collector Phyllis Henderson, Finance Director Carey McLelland, EMS Manager Mike Barnett, PIO Kathryn Finotti & Environmental Programs Coordinator Rachel Hodge - videotaping, Sheriff Charlie McDonald, Chief Deputy Jerry Rice, and Deputies Brent Cantrell & Jacob Tipton as security.

### CALL TO ORDER/WELCOME

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

### INVOCATION

Chairman Thompson provided the invocation.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Celia Gibbs of the Barnyard Bandits 4-H Club.

### CERTIFICATE OF RECOGNITION – MADISON OGDEN

Chairman Tommy Thompson requested the Board recognize Madison Ogden, a 13 year old 8<sup>th</sup> grader at Immaculata Catholic School, on winning first place in the Elks Lodge Americanism Essay Contest. Madison participated along with 140 children from Henderson County.

Madison received a certificate and monetary gift on January 20<sup>th</sup> at the Elks Lodge. Her essay "What does the Pledge of Allegiance mean to me", will also be entered into the NC Elks West District American Essay Contest, where they will be competing for a berth in the statewide contest in early spring.

Madison's parents John and Cathy Madison were in attendance. Madison read the Essay aloud followed by the presentation of a Certificate of Recognition by Chairman Thompson. She received a standing ovation.

### PUBLIC HEARINGS

#### **Public Hearing for consideration of Economic Development Incentives for "Project Granite"**

*Commissioner Hawkins made the motion that the Board go into public hearing for consideration of Economic Development Incentives for "Project Granite". All voted in favor and the motion carried.*

A public hearing, in accord with the provisions of N.C. Gen. Stat. §158-7.1, has been scheduled regarding the "Project Granite" economic development project, and to consider the request of "Project Granite" corporation, for economic development incentives. The company has requested to remain anonymous at this time due to competitive pressures.

"Project Granite" corporation, is a manufacturing concern located outside the United States, is contemplating expansion at a new site in Henderson County.

DATE APPROVED: March 2, 2015

Andrew Tate, President of the Henderson County Partnership for Economic Development, stated under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by "Project Granite" corporation of at least \$10,600,000.00 in real property (not including any land acquisition costs), and \$16,500,000.00 in business personal property (equipment). The project would result in the creation of one hundred seventy-two (172) jobs at this site, at an average wage in excess of the average wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would be calculated over a period of seven (7) years. Based on the new investment, the number of new employees, and the Board's incentives guidelines, the maximum total amount of incentives to be considered in this grant would be \$783,625.20. The incentives would be paid over three years, and the corporation's performance of its obligations (for investment and employment, noted above) would be secured by a first lien on the real property upon which the investment is made. The company is not currently located in Henderson County. The Town of Mills River voted during its last meeting to offer incentives.

#### PUBLIC INPUT

There was none.

*Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Edney made the motion that the Board offers incentives as presented for a period of seven years pursuant to policies and guidelines. All voted in favor and the motion carried.*

#### **Public Hearing for Lower Mills River-Asheville Watershed (WS-III-BW) Boundary Change**

*Commissioner Messer made the motion to go into public hearing in regard to the Lower Mills River-Asheville (SW-IIIBW) Boundary Change. All voted in favor and the motion carried.*

Autumn Radcliff, Senior Planner stated on November 6, 2014, the North Carolina Department of Environment and Natural Resources (NCDENR) approved a request to adjust the Lower Mills River-Asheville Watershed (WS-III-BW) boundary. Henderson County Planning Department Staff submitted a revised map to NCDENR on behalf of the Town of Mills River and WGLA Engineering.

WGLA Engineering discovered the existing WS-III-BW boundary did not drain into the Mills River as previously depicted in the current watershed map. The area in question is located near NC Highway 280 in the Town of Mills River municipal limits. The proposed WS-III-BW boundary would remove approximately 117 acres from the existing WS-III-BW boundary. A total of 31 parcels would be affected by the proposed WS-III-BW boundary change, with 24 parcels being removed entirely and 7 parcels seeing a reduction in the WS-III-BW boundary on their property. The proposed WS-III-BW boundary does not affect any new parcels that are not already found in the existing WS-III-BW boundary nor increase the existing water supply watershed boundaries.

All local government's critical and protected area boundaries must be approved by the Division of Energy, Mineral, and Land Resources (DEMLR) prior to adoption by the local government. DEMLR, a division of NCDENR, approved the proposed modification on November 6, 2014.

The Henderson County Planning Board considered the proposed WS-III-BW boundary change during its regularly scheduled meeting on December 18, 2014 and voted to send forth a favorable recommendation.

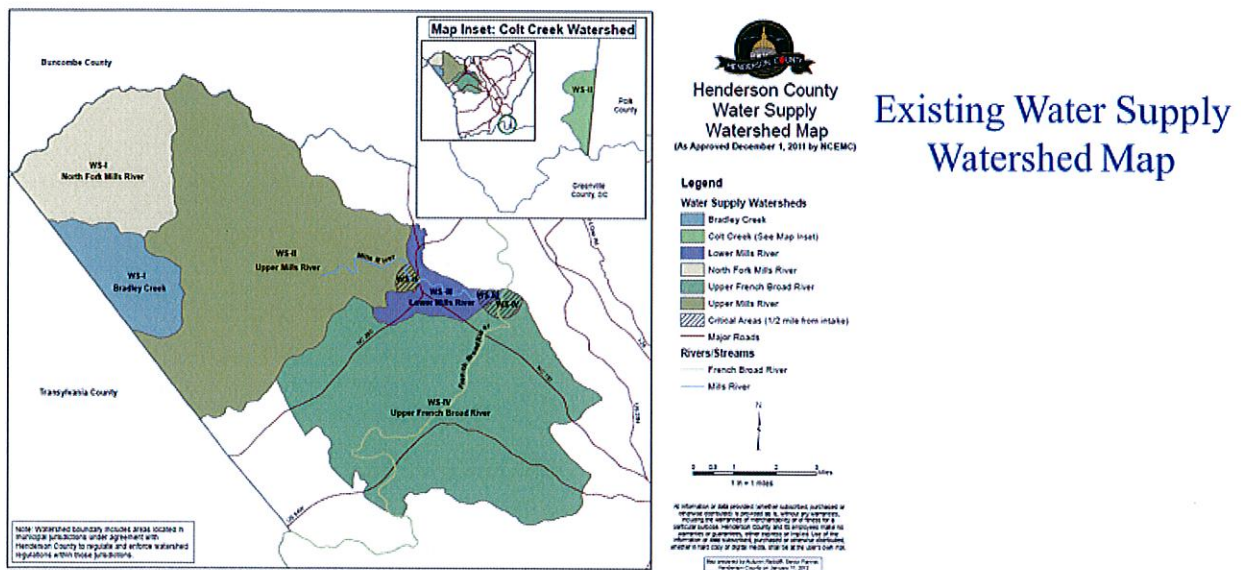
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the February 2, 2015, public hearing regarding the proposed WS-III-BW boundary

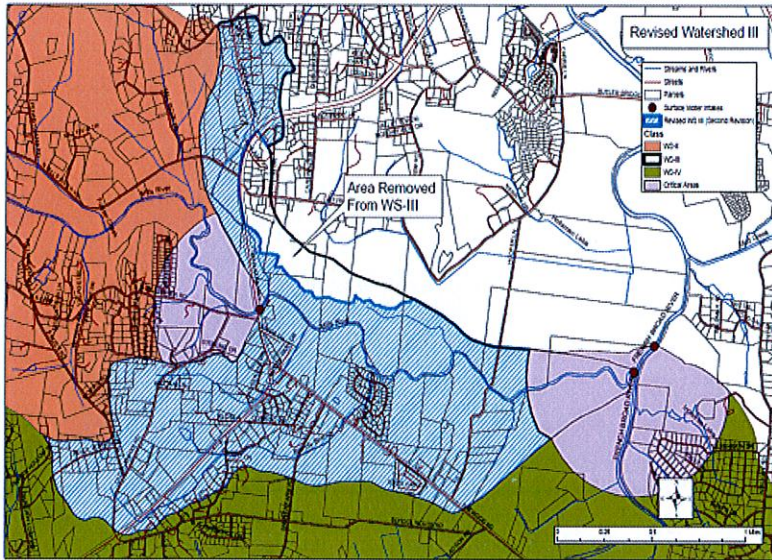
change were published in the Hendersonville Tribune on January 15, 2015 and January 22, 2015. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the subject area property owner on January 26, 2015 and posted signs advertising the hearing on the Subject Area on January 26, 2015.

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the proposed Lower Mills River-Asheville Watershed (WS-III-BW) boundary as approved by the NCDEMLR. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

**WS-III Boundary Change**

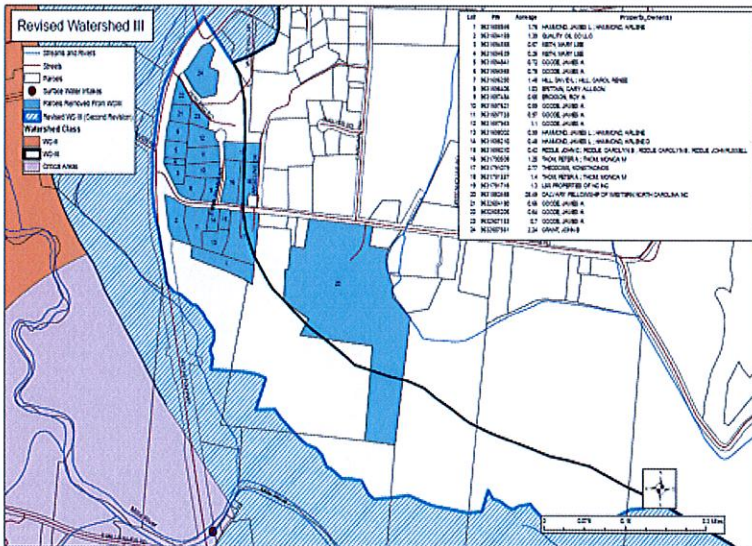
- Proposed WS-III boundary submitted on behalf of the Town of Mills River and WGLA Engineering.
- NCDENR approved the request on November 6, 2014.
- Approximately 117 acres removed from existing WS-III boundary and 31 parcels affected.





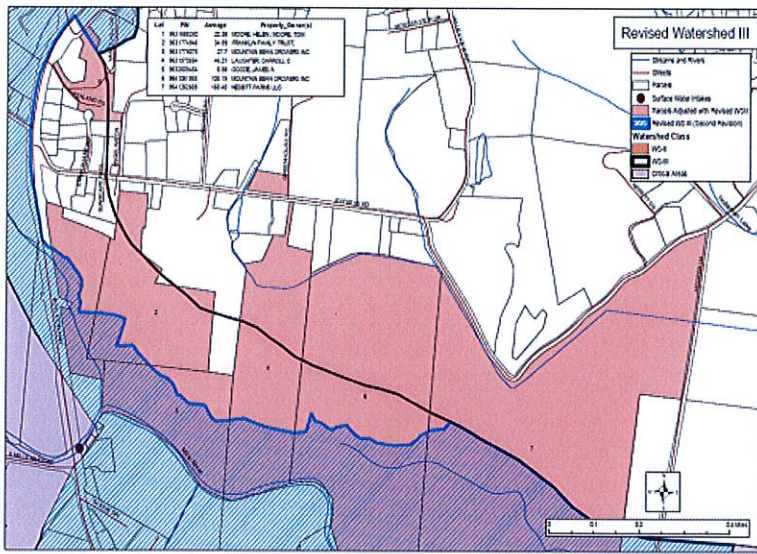
# Proposed WS-III Boundary

Henderson County Planning Department



# Parcels Removed from WS-III-BW

Henderson County Planning Department



## Parcels Adjusted in WS-III-BW

Henderson County Planning Department

### PUBLIC INPUT

There was none.

*Commissioner Messer made the motion to go out of public hearing. All voted in favor and the motion carried.*

Commissioner Lapsley requested recusal from discussion or voting.

*Commissioner Hawkins made the motion that the Board approves recusal of Commissioner Lapsley. All voted in favor and the motion carried.*

*Commissioner Messer made the motion that the Board adopts a resolution regarding the consistency with the CCP. The motion passed with four votes.*

*Commissioner Messer made the motion that the Board adopts the proposed water supply watershed map amendment. The motion passed with four votes.*

### INFORMAL PUBLIC COMMENTS

1. William Harper – Mr. Harper was concerned with flooding along Old Spartanburg Road where the Public Health Department is located. His property and the parking lot of the Health Department both flood during heavy rain approximately 2-3 times per year. There is only one storm drain under the County property and it cannot contain the waters. When the City put in sidewalks, no curbs or drains were installed.

Commissioner Lapsley felt this was within the NDCOT right-of-way and should be looked at by them. The staff engineer was asked to check permitting records for encroachments and to look into the situation.

2. Tom Orr – Mr. Orr provided a proposal to the Board in regard to a “Walk of Fame” committee. This committee would recognize outstanding contributors to the growth and development of Henderson County. It would be a five member committee with two members appointed by the County, two members by the City, and one member by the Henderson county Heritage Museum.

Chairman Thompson suggested this be put on a future agenda as a discussion item.

**DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

*Commissioner Hawkins made the motion to adopt the Consent Agenda minus Item H, "2015 HOME Grant Applications" – to be pulled for brief discussion. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):

January 5, 2015 - regularly scheduled meeting

January 21, 2015- regularly scheduled meeting

**Tax Collector's Report**

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated January 22, 2015 for information only. No action was required.

**Pending Releases & Refunds**

Pending Releases and Refunds previously reviewed by the County Assessor, were provided to the Board for review and approval. It is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

Total Taxes Released from the Charge	\$7,502.86
Total Refunds as a Result of the Releases	\$ 332.73

Motion:

*I move the Board approves the Combined Release/Refund report as presented.*

**Financial Report/Cash Balance Report – December 2014**

The December 2014 County Financial Report/Cash Balance Report was provided for the Board's review and approval.

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

- Non-Profit Contributions – 3<sup>rd</sup> quarter approved non-profit contribution payments
- Register of Deeds – operation expenditures running slightly higher than budget
- Detention Center – purchase orders encumbered for a new transport van and department supplies
- Emergency Management – purchase orders encumbered for mass casualty incident (MCI) trailers
- Fire Services – payment of volunteer fire department's annual worker's compensation premium
- EMS – purchase order/encumbrance of a new ambulance approved in the FY2015 budget
- Rescue Squad – 3<sup>rd</sup> quarter approved non-profit contribution payment
- Economic Development – annual economic development incentive payments in December
- Agri-Business – operational costs to be covered/reimbursed from Agri-business membership fees
- Mental Health – 2<sup>nd</sup> quarter Maintenance of Effort (MOE) payment to the Smoky Mountain Center

The YTD deficit in the CDBG – Scattered Site Housing Project Fund and the CDBG - Dodd Meadows Project Fund is due to the timing difference between the payment of project expenditures and subsequent reimbursement of grant funds from the state.

The YTD deficit in the Public Transit Fund is due to the payment of operational expenditures and the subsequent reimbursement of approved Federal Transit Authority (FTA) funding from the City of Asheville.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to the timing delay/lag in receiving monthly payments. Federal ICE revenues for December will not be received and posted until February 2015.

The YTD deficit in the 911 Emergency Communications Relocation Project and the Westfeldt Park Project is due to the payment of project expenditures and the subsequent reimbursement of grant funds from the NC 911 Board and the NCDENR – Recreational Trails Grant Program respectively.

The YTD deficit in the Health Sciences Education Center Project budget is due to the payment of architectural fees on the project that will be reimbursed from the proceeds of a future financing for the project in FY2015.

The YTD deficit in the Solid Waste Landfill Fund is due to operational expenditures being ahead of revenues and the one time purchase of capital outlay-equipment.

It is request that the Board consider approving the County's December 2014 Financial Reports as presented.

Motion:

*I move that the Board of Commissioners approves the December 2014 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – November 2014**

The Henderson County Public Schools November 2014 Financial Reports were provided for the Board's information.

Motion:

*I move that the Board of Commissioners approves the Henderson County Public Schools December 2014 Financial Reports as presented.*

**Habitat for Humanity Dodd Meadows Project Architect Selection**

Habitat for Humanity of Henderson County and Henderson County Homeward Bound Homeless Coalition are requesting application approval for HOME Investment Partnerships Program (HOME) funds. HOME funds are administered through the Asheville Regional Housing Consortium. All projects propose to serve County residents within a range of median household income. The median Henderson County household income in 2013 was \$47,465.

Habitat for Humanity of Henderson County is requesting \$231,750 in HOME funds in order to aid in the construction of 16 homes in phase two of the Dodd Meadows residential neighborhood off Crest Road. Habitat for Humanity plans to use the funds to pay for costs of footings and slab, HVAC, insulation, and flooring. Using the grant funds, Habitat for Humanity plans to provide affordable housing for families whose income is between 30% and 65% of the median income in Henderson County.

Homeward Bound Homeless Coalition requests \$75,000 in HOME funds to continue to provide short or medium term tenant based rental assistance to individuals of families experiencing homelessness. With these funds Henderson County Homeward Bound will assist 40 additional households move from homelessness to permanent housing.

These grants require no County matching funds. The Asheville Regional Housing Consortium requires approval by the Board of Commissioners as part of the application process. The complete applications were too lengthy to include in the agenda packet but are available upon request.

Planning Staff recommends approval of these HOME funding applications to the Asheville Regional Housing Consortium at their full amount.

Motion:

*I move that the Board approves the HOME applications for Homeward Bound and Henderson County Habitat for Humanity.*

**Service Badge and Sidearm Request – Master Deputy Jan Mitchell**

The Henderson County Sheriff's Office requests that the service badge and sidearm of Master Deputy Jan Mitchell be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Master Deputy Jan Mitchell began employment with the Henderson County Sheriff's Office on December 12th, 1994. Throughout his career he has worked as a Jailer, Deputy, and Master Deputy. Master Deputy Mitchell has served for a total of 20 years in the Sheriff's Office. He has spent his adult life serving our community and agency. To honor him and show their gratitude, the Sheriff's Department intends to present his service badge and service sidearm to him.

Sheriff McDonald makes this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

The Board is requested to allow Sheriff Charles McDonald and the Henderson County Sheriff's Office to present Master Deputy Jan Mitchell with his service badge and sidearm at no charge.

Commissioner Messer stated Deputy Jan Mitchell is a fine officer and recognized his service.

Motion:

*I move the Board allows Sheriff Charles McDonald to present the service badge and sidearm as a token of appreciation to Master Deputy Jan Mitchell.*

**2015 HOME Grant Applications – pulled for discussion**

Habitat for Humanity of Henderson County and Henderson County Homeward Bound Homeless Coalition are requesting application approval for HOME Investment Partnerships Program (HOME) funds. HOME funds are administered through the Asheville Regional Housing Consortium. All projects propose to serve County residents within a range of median household income. The median Henderson County household income in 2013 was \$47,465.

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These grants require no County matching funds. The Asheville Regional Housing Consortium requires approval by the Board of Commissioners as part of the application process. The complete applications were too lengthy to include in the agenda packet but are available upon request.



Planning Staff recommends approval of these HOME funding applications to the Asheville Regional Housing Consortium at their full amount.

Commissioner Hawkins asked Assistant County Manager Amy Brantley to share comments about the homeless program.

Ms. Brantley stated Homeward Bound is specifically dedicated to homeless individuals. They work with non-profits to fund housing. The usual timeframe is 3-6 months but could take up to 3 years.

*Commissioner Hawkins made the motion that the Board approves the HOME applications for Homeward Bound and Henderson County Habitat for Humanity. All voted in favor and the motion carried.*

### **Notification of Vacancies**

Chairman Thompson noted the following vacancies and opened the floor to nominations.

1. Agriculture Advisory Board – 3 vac.
2. Animal Services Committee – 4 vac.
3. East Flat Rock Community Plan Advisory Committee – 12 vac.
4. Home and Community Care Block Grant Advisory Committee – 1 vac.
5. Recreation Advisory Board – 3 vac.

### **Nominations**

1. EMS Peer Review Committee – 2 vac.

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

2. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 1 vac.

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

Commissioner Thompson requested the Clerk contact the Tourism Development Authority in regard to the vacant position.

3. Henderson County Transportation Advisory Committee – 1 vac.

Commissioner Hawkins nominated David Jones for reappointment to position #2. *Chairman Thompson made the motion to accept the reappointment of David Jones to position #2 by acclamation. All voted in favor and the motion carried.*

4. Hospital Corporation Board of Directors/UNCH – 1 vac.

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

5. Juvenile Crime Prevention Council – 4 vac.

Commissioner Messer nominated Gary Weinberg for position #19. *Chairman Thompson made the motion to accept the appointment of Gary Weinberg to position #19 by acclamation. All voted in favor and the motion carried.*

6. Mountain Area Workforce Development Board – 3 vac.

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

7. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

8. Nursing/Adult Care Home Community Advisory Committee – 4 vac.

Chairman Thompson nominated Annette Goetz for reappointment to position #15. *Chairman Thompson*

*made the motion to accept the reappointment of Annette Goetz to position #15 by acclamation. All voted in favor and the motion carried.*

9. Senior Volunteer Services Advisory Council – 3 vac.

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

**DISCUSSION/ADJUSTMENT OF AGENDA**

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

**TAX COLLECTOR’S REPORT AS PER NCGS 105-369(a)**

Stan Duncan stated the following tax report was provided for the Board’s information. He introduced the new Deputy Tax Collector Phyllis Henderson to the Board.

Report of Unpaid Taxes that are Liens on Real Property as required by N.C.G.S. 105-369(a) In accordance with N.C.G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes

Annual Bills (not including Motor Vehicle)

<b>2014 Beginning Charge:</b>	<b>\$59,733,153.63</b>	<b>2013 Beginning Charge:</b>	<b>\$58,588,164.92</b>
Discoveries & Imm. Irreg.:	\$167,535.98	Discoveries & Imm. Irreg.:	\$278,842.69
Releases & Refunds:	(\$333,186.38)	Releases & Refunds:	(\$214,911.36)
<b>Net Charge:</b>	<b>\$59,567,503.23</b>	<b>Net Charge:</b>	<b>\$58,652,096.25</b>
Unpaid Taxes:	\$3,539,636.09	Unpaid Taxes:	\$3,656,904.80
Amount Collected:	\$56,027,867.14	Amount Collected:	\$54,995,191.45
<b>Percentage Collected:</b>	<b>94.06%</b>	<b>Percentage Collected:</b>	<b>93.77%</b>
Through: 21-Jan-2014		Through: 21-Jan-2013	

Advertisement of Tax Liens:

Effective January 1, 1985, Ch. 1013 (H1676) amends N.C.G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the Courthouse or City Hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Effective July 1, 2006, N.C.G.S. 105-369 was amended, requiring us to provide notice to and advertise liens under the name of the “record owner as of the date the taxes became delinquent” of real property.

Update on Delinquent Tax Collections for FY2014-2015

The Office of the Tax Collector continuously submits new debts to the clearinghouse as part of the Debt Set-off Program. They now have over \$3,291,243.99 in delinquent debts (EMS, Tax, Sewer, and other debts owed to Henderson County) to be collected at the clearinghouse. The tax portion of these debts totals \$857,327.00. This will allow the tax office to receive monies if a taxpayer is due a refund on his/her state income tax or lottery winnings by attaching a tax lien to the refund/lottery winnings. Debt setoff collections since 01 July 2014 total \$13,347.23 with a tax amount of \$3,337.13.

The tax office continues to set up partial payment schedules for those taxpayers who have difficulties and hardships paying their taxes. They also monitor and maintain these partial payment arrangements to ensure taxpayers are making their payments as specified in their payment schedule.

As of 22 January 2015, staff has served the following delinquent collection attachments/garnishments:

- 96 Bank Attachments served resulting in the collection of \$33,942.39.
- 132 Wage Garnishments served and have resulted in the collection of \$56,535.32 this fiscal year.
- 86 Wage Garnishments were initiated for a potential collection of \$35,937.94.
- Two (2) Rent Attachments served resulting in the collection of \$26,369.67.
- The pre-foreclosure program has collected \$200,998.41 from 158 parcels this fiscal year.
- There are 149 parcels in pre-foreclosure representing \$126,098.59 still in potential collections.

Overall since 01 July 2014, \$1,182,668.75 has been collected in delinquent taxes for this fiscal year, this reflects 61.60% of the budgeted goal of \$1,920,000.

### **TAX COLLECTOR'S REPORT/ORDER ADVERTISING TAX LIENS**

Assessor/Tax Collector Stan Duncan presented the February Tax Collector's report (required by N.C. Gen. Stat. §105-369(a), for the Board's information. Among the information presented is the amount of delinquencies.

February is the required time for the Board to order the publication of tax lien notification for tax year 2014 to delinquent tax payers.

Having received the report of the Henderson County Tax Collector dated 22 January 2015, which report indicates that there exist unpaid taxes for Tax Year 2014 of \$3,539,636.09, (\$3,173,643.46 updated amount as of February 2, 2015), it appears to the Board of Commissioners of Henderson County and the Board so finds that it is appropriate and necessary to advertise, pursuant to N.C. Gen. Stat. §105-369, Tax Liens on Real Property for Failure to Pay Taxes.

It is recommended to the Board of Commissioners that unpaid tax liens be advertised once on 19 March 2015 (the third Wednesday in March or the week thereof). The reason for this recommendation is two-fold; (1), to give taxpayers additional time to satisfy this tax obligation without incurring the advertising fee, and (2), to ensure the local print media have ample time to prepare the printed advertisement.

*Commissioner Messer made the motion that the Board enter the proposed Order directing the Tax Collector to advertise the delinquent real property tax liens for 2014. I further direct the Tax Collector to publish such advertisement pursuant to the General Statutes in the newspaper of general circulation in Henderson County willing to so advertise at the lowest cost to the County. All voted in favor and the motion carried.*

Mr. Duncan reported that since motor vehicle taxes are now being collected with registration, they are looking at a way to obtain a report. This is the foundation year, but we are ahead at this point.

### **PREQUALIFICATION POLICY FOR SUBCONTRACTORS – HEALTH SCIENCE CENTER**

John Mitchell stated on January 19, 2015, Chad Roberson, project architect with Clark Nexsen, submitted the policy for Board approval. The policy is specific to the Health Sciences Center project and provides direction from the Board to the project team regarding prequalifying subcontractors. This policy is required by state statute for projects.

The policy assigns Vannoy Construction (Construction Manager at Risk for the project) the duties of Prequalification Committee who review the subcontractor applications based on a detailed and objective point system. Upon review, the Prequalification Committee will decide whether the application is approved

or denied. Should the applicant be denied, there is an appeal process administered by the Prequalification Official, assigned to Chad Roberson by the policy. The Prequalification Official's review and decision on the appeal are final.

With the detailed application and corresponding points system used to evaluate applications, staff has determined the policy to be objective and fair and recommends approval.

Commissioner Lapsley stated there are twenty-eight bid categories with 3-4 applicants for each category. It is a large task but worthwhile. We must make sure that the low bidder is qualified through this thorough procedure.

Board approval of the Prequalification Policy for the Health Sciences Center Project (JHEC) as submitted by Chad Roberson, project architect was requested.

*Commissioner Lapsley made the motion that the Board approves the Prequalification Policy for the Health Sciences Center Project (JHEC) as submitted by Chad Roberson, project architect. All voted in favor and the motion carried.*

#### **AMENDMENT OF SMOKING ORDINANCE**

County Attorney Russ Burrell stated in 2014, this Board adopted changes to its smoking ordinance, Chapter 17 of the County Code. The proposed amendments codify the Board's changes, as expressed in its meetings. The thrust of the changes is to create a presumption of "no smoking" in all County buildings and on all grounds of such buildings, but to allow the County Manager to create clearly defined and marked "smoking areas".

Late in 2014, new County Library Director Trina Rushing noted a problem observed in the library with the use (inside the main library building) of "e-cigarettes" (also referred to as "vaping"). This proposed amendments would including the use of "e-cigarettes" and similar devices within the definition of "smoking".

#### **Chapter 17 - Henderson County Smoking and Ordinance**

[HISTORY: Adopted by the Board of Commissioners of Henderson County. Amended 9-7-1993; 11-18-1998; 2-2-2015.]

##### **§ 17-1. Title.**

This chapter shall be called the "Henderson County Smoking Ordinance."

##### **§ 17-2. Scope.**

This chapter shall be applicable to all buildings, facilities or grounds owned, leased or occupied by Henderson County or any of its departments or agencies.

##### **§ 17-3. Statutory Authority.**

This chapter is adopted pursuant to the authority of [N.C.G.S. §§ 153A-121](#) and [130A-498](#).

##### **§ 17-4. Purpose.**

The purpose of this Chapter is to protect the health, safety and general welfare of all Henderson County employees and the general public entering any of the various buildings, facilities and grounds owned, occupied or leased by Henderson County.

##### **§ 17-5. Definitions.**

The following terms are defined for purposes of this Chapter:

- (1) County Building - Any building owned, leased or occupied by Henderson County or any of its departments or agencies, now or in the future.
- (2) "E-cigarette" – Any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen or under any other product name or description.
- (3) Grounds – An unenclosed area owned, leased, or occupied by the County government within 100 linear feet of a County Building, unless clearly defined and posted as a "Smoking Area".
- (4) Nonsmoking Area - An area where smoking is prohibited.
- (5) Smoking - Inhaling, exhaling, burning or carrying any lighted cigar, lighted cigarette or other lighted tobacco product, or any e-cigarette, in any manner or in any form.

**§ 17-6. Prohibition of Smoking in County Buildings and Grounds.**

Except as otherwise provided by this Chapter, smoking shall be prohibited in all County buildings and on all County Grounds.

**§ 17-7. Smoking Allowed Only In Designated Areas.**

The County Manager may, in his discretion, at any time, designate smoking areas accessible to the general public in each County Building or on County Grounds. Said areas shall be identified by a large, legible sign which shall read "This is a smoking area. Smoking in any other area of this building or on any other area of these grounds is prohibited." The County Manager shall have the discretion to change, move or remove any smoking area(s) in any County buildings or on any County Grounds at any time. Except in such designated areas, no smoking shall be allowed in County Buildings or Grounds.

**§ 17-8. Territorial Application**

Pursuant to [N.C.G.S. §153A-122](#), this Chapter is applicable to all County Buildings and Grounds. In addition, any provisions applying to areas which are not County Buildings or Grounds apply only to those portions of Henderson County not lying within a municipality.

**§ 17-9. No Smoking Signs.**

- A. "No Smoking," or other signs relating to this Chapter shall have letters of not less than 1 inch in height or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) no smaller than 3 inches in diameter.
- B. Signs shall be conspicuously posted in County buildings in a position clearly visible on entry into every building, and within facilities, where smoking is regulated.
- C. No person shall remove or deface any placard required to be erected by or under the authority of this section.

**§ 17-10. Violations and Penalties.**

Any violation of this chapter shall subject the violator to the penalties set forth in N.C.G.S. §130A-498(c1).

**§ 17-11. Through 17-25. (Reserved)**

*Commissioner Hawkins made the motion that the Board adopts the proposed Amendments to the Smoking Ordinance. All voted in favor and the motion carried.*

**COUNTY MANAGERS REPORT**

County Manager Steve Wyatt informed the Board that the Solid Waste Hauling contracts would end soon. Staff is in the process of negotiations with providers and looking at other options. The RFP process is being done by the Engineering Department. We are looking for the best deal for citizens and businesses. Negotiations with the current hauler were not successful with many uncertainties. What will happen with fuel cost is unknown. Staff will bring an update back before the Board within 90 days.

**CANE CREEK WATER AND SEWER DISTRICT – CLOSED SESSION – PROPERTY ACQUISITION / CLOSED SESSION – ADD ON - PERSONNEL**

*Commissioner Edney made the motion for the Board to convene as Cane Creek Water & Sewer District Board and go into closed session pursuant to N.C. General Stat §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease. He further moved that immediately following that closed session that the Board go out of session as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners and go into closed session 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 against an individual public officer or employee. All voted in favor and the motion carried.*

Please see separate Cane Creek minutes for action.

**ADJOURN**

*Commissioner Messer made the motion to go out of closed session and adjourn at 7:15 p.m. All voted in favor and the motion carried.*

Attest:

---

Teresa L. Wilson, Clerk to the Board

---

Thomas H. Thompson, Chairman

# Certificate of Recognition

by the  
Henderson County Board of Commissioners

This certificate is awarded to

*Madison Ogden*

In recognition of first place in the Elks Lodge Americanism Essay Contest  
"What does the Pledge of Allegiance mean to me?"



Thomas H. (Tommy) Thompson, Chairman

Date

Charles D. (Charlie) Messer, Vice-Chairman

Date



## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed water supply watershed map amendment with WS-III-BW boundary change; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on February 2, 2015; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed water supply watershed map amendment (WS-III-BW) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



THIS the 2<sup>nd</sup> day of February, 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

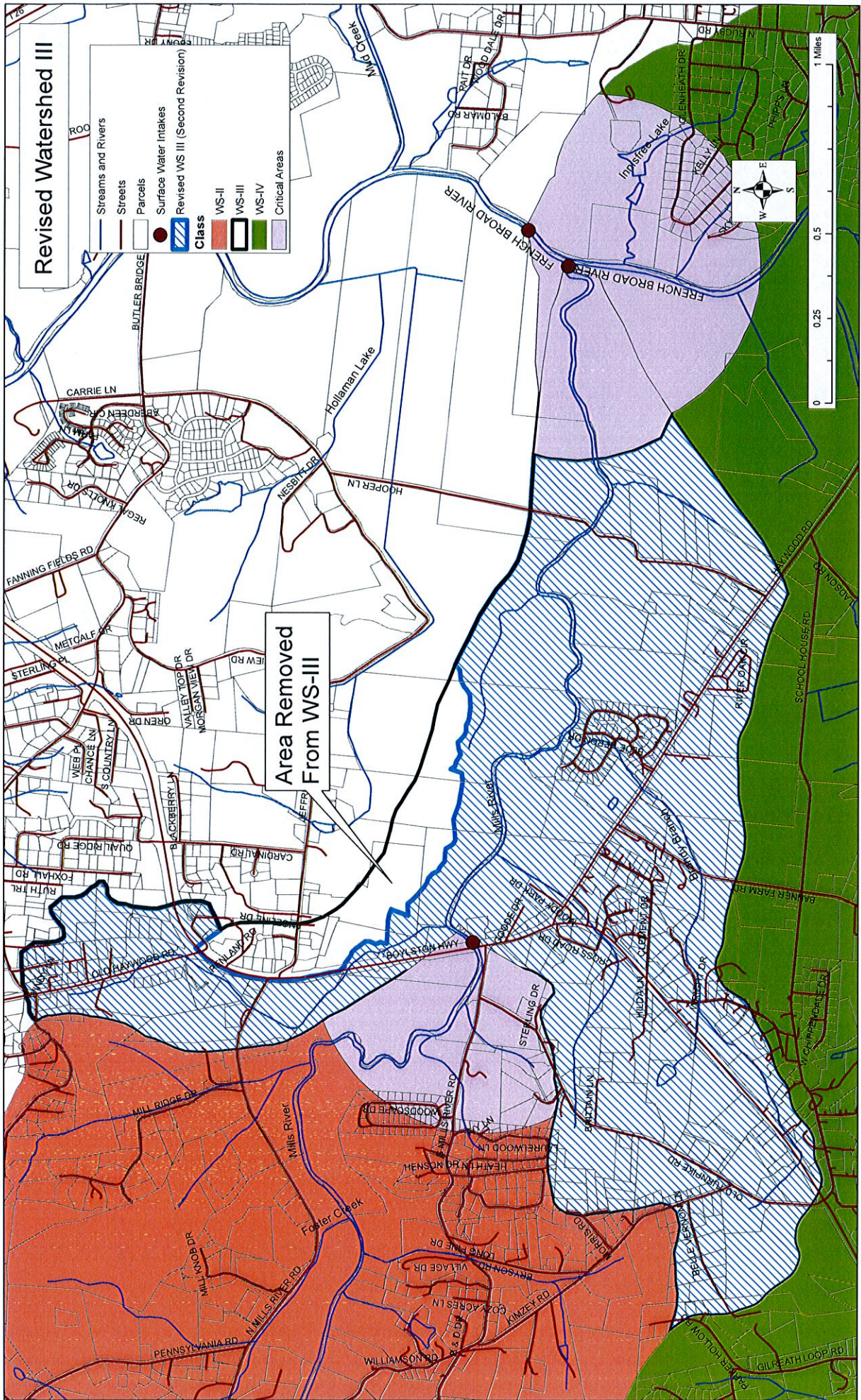
BY: *Thomas H. Thompson*  
TOMMY THOMPSON, Chairman  
*Thomas H.*

ATTEST:

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

[COUNTY SEAL]





# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners

1 Historic Courthouse Square, Suite 1

Hendersonville, NC 28792

Thursday, January 22, 2015

## Re: Tax Collector's Report to Commissioners - Meeting Date 02 February 2015

Please find outlined below collections information through 22 January 2015 for the 2014 real and personal property bills mailed out on 28 August 2014, as well as registered motor vehicles billed and collected by our office. As a point of reference, we also have included collections information as of the same date last year.

### Annual Bills G01 Only:

**2014 Beginning Charge:** \$59,733,153.63  
Discoveries & Imm. Irreg.: \$167,535.98  
Releases & Refunds: (\$333,186.38)  
**Net Charge:** \$59,567,503.23  
Unpaid Taxes: \$3,539,636.09  
Amount Collected: \$56,027,867.14  
**Percentage Collected:** 94.06%

Through: 21-Jan-2015

**2013 Beginning Charge:** \$58,588,164.92  
*Discoveries & Imm. Irreg.:* \$278,842.69  
*Releases & Refunds:* (\$214,911.36)  
**Net Charge:** \$58,652,096.25  
Unpaid Taxes: \$3,656,904.80  
*Amount Collected:* \$54,995,191.45  
**Percentage Collected:** 93.77%

Through: 21-Jan-2014

### Motor Vehicle Bills G01 Only:

**2014 Beginning Charge:** \$12,046.25  
Discoveries & Imm. Irreg.: \$0.00  
Releases & Refunds: (\$1,099.92)  
**Net Charge:** \$10,946.33  
Unpaid Taxes: \$2,868.68  
Amount Collected: \$8,077.65  
**Percentage Collected:** 73.79%

Through: 21-Jan-2015

**2013 Beginning Charge:** \$2,601,499.45  
*Discoveries & Imm. Irreg.:* \$1,815.92  
*Releases & Refunds:* (\$49,644.23)  
**Net Charge:** \$2,553,671.14  
Unpaid Taxes: \$511,836.36  
*Amount Collected:* \$2,041,834.78  
**Percentage Collected:** 79.96%

Through: 21-Jan-2014

### Fire Districts All Bills:

**2014 Beginning Charge:** \$6,649,353.15  
Discoveries & Imm. Irreg.: \$15,416.34  
Releases & Refunds: (\$45,074.23)  
**Net Charge:** \$6,619,695.26  
Unpaid Taxes: \$459,622.04  
Amount Collected: \$6,160,073.22  
**Percentage Collected:** 93.06%

Through: 21-Jan-2015

**2013 Beginning Charge:** \$6,867,815.25  
*Discoveries & Imm. Irreg.:* \$45,212.01  
*Releases & Refunds:* (\$33,403.15)  
**Net Charge:** \$6,879,624.11  
Unpaid Taxes: \$532,245.87  
*Amount Collected:* \$6,347,378.24  
**Percentage Collected:** 92.26%

Through: 21-Jan-2014

Respectfully submitted,



Luke Small

Collections Specialist

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  
www.hendersoncountync.org

THOMAS H. THOMPSON  
Chairman  
CHARLES D. MESSER  
Vice-Chairman

J. MICHAEL EDNEY  
GRADY H. HAWKINS  
WILLIAM G. LAPSLEY

February 2, 2015

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

Dear Mr. Duncan:

Attached please find tax release requests in the amount of \$7,502.86, and tax refund requests in the amount of \$332.73 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, February 2, 2015. All refunds and releases were approved.

Sincerely,



**Thomas Thompson, Chairman**  
Henderson County Board of Commissioners

THT/tlw

enclosures

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** February 2, 2015  
**SUBJECT:** Pending Releases & Refunds  
**PRESENTER:** Assessor  
**ATTACHMENTS:** Pending Release/Refund Combined Report

**SUMMARY OF REQUEST:**

The attached pending releases and refunds 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. Supporting documentation is on file in the County Assessor's Office.

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

Type	Amount:
Total Taxes Released from the Charge	\$ 7,502.86
Total Refunds as a Result of the Above Releases	\$ 332.73

Faithfully Submitted,



Stan C. Duncan

County Assessor

**BOARD ACTION REQUEST:** Consent Approval Requested

**Suggested Motion:** "I move the Board approve the Combined Release/Refund Report as presented."

**NCPTS Pending Release/Refund Report. Thursday, January 22, 2015 \***

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
BANADYGA, REX H	0002567422-2014-2014-0000	1966 FORD BILLED AS REGISTERED MOTOR VEHICLE ON TAG#BMS4062. RELEASE ANNUAL UNTAGGED MOTOR VEHICLE BILL.	(\$2,575)	2563	BSLATTERY	223 BEECHWOOD CI HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$13.23 \$1.32 \$14.55	\$0.00 \$0.00 \$14.55	\$13.23 \$1.32 \$14.55	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL</b>												
BOWEN, JERRY E	0000189173-2014-2014-0000	BUILDING STORY FACTOR CORRECTED. CHANGED FROM 2 STORY TO 1.5 STORY FOR 2014.	(\$63,500)	2576	NMAZZ	495 MISTLETOE TR HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,307.60 \$0.00 \$2,307.60	\$2,307.60 \$0.00 \$2,307.60	\$326.14 \$0.00 \$326.14	\$0.00 \$0.00 \$326.14
<b>OWNER TOTAL</b>												
BROWN, WILLIAM CLINTON	0002917322-2014-2014-0000	2007 SLUNDANCE WAS SOLD 10/3/2013. BILL OF SALE ON FILE.	(\$11,324)	2583	PNOVOTNY	85 SWEETWATER RD	COUNTY	TAX LATE LIST FEE TOTAL:	\$59.70 \$5.97 \$65.67	\$1.54 \$0.15 \$1.69	\$58.16 \$5.82 \$63.98	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL</b>												
CANTRELL, BOBBY JAMES	0002128934-2014-2014-0000	1986 EBBTIDE BILLED ON 2128933 2014-2014 AND PAID. DOUBLE BILLED. EBBTIDE RELEASED.	(\$24,170)	2587	JKTCHEN	OLD HOMESTEAD RD ETOWAH NC 28729-0352 NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$126.91 \$12.69 \$139.60	\$0.00 \$0.00 \$136.55	\$124.14 \$12.41 \$136.55	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL</b>												
COLLINS, KEVIN	0003049206-2014-2014-0000	RELEASING THE 1993 FORD CUTAWAY VAN. TAXPAYER REGISTERED AND TAGGED THE VAN ON 8/13/2014 PLATE #EV7240.	(\$1,100)	2572	PNOVOTNY	409 HIDAWAY CV HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$16.00 \$0.00 \$16.00	\$16.00 \$0.00 \$16.00	\$5.65 \$0.00 \$5.65	\$5.65 \$0.00 \$5.65
<b>OWNER TOTAL</b>												

\*Adjustments submitted for approval on or before 1/22/2015

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
DEWEY, WILLIAM WYCKOFF JR	0003081085-2014-2014-0000	2002 BULLET & 1996 BLAZER WATERCRAFT LISTED AND PAID ON BILL #2917062. DUPLICATED IN ERROR. RELEASING DUPLICATE BILL.	(\$9,750)	2569	BSLATTERY	2526 KANUGA RD HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$65.38 \$6.54	\$0.00 \$0.00	\$50.08 \$5.01	\$0.00 \$0.00
						VALLEY HILL FIRE		TAX	\$10.82	\$0.00	\$8.29	\$0.00
								LATE LIST FEE TOTAL:	\$1.08	\$0.00	\$0.83	\$0.00
								ABSTRACT TOTAL			\$64.21	\$0.00
ENTWISTLE, THOMAS EVERETT	0003012994-2014-2014-0000	2011 SUPE PERMANENT TAGGED UTILITY TRAILER SOLD PER TAXPAYER. LISTING FORMS NOT RETURNED. TITLE TRANSFERRED TO NEW OWNER 2/28/13 PER STARS. RELEASE 2014 BILL AND VOID FOR 2015.	(\$1,820)	2586	BSLATTERY	2103 SOMERSET DR HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL:	\$9.35 \$0.00	\$0.00 \$0.00	\$9.35 \$0.00	\$0.00 \$0.00
								ABSTRACT TOTAL			\$9.35	\$0.00
								TOTAL:			\$9.35	\$0.00
								ABSTRACT TOTAL			\$9.35	\$0.00
MARLIN LEASING	0003080549-2014-2014-0000	THIS ABSTRACT WAS DOUBLE ASSESSED ON #2774985.	(\$7,678)	2564	SWOOTEN	15 MCDOWELL RD NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$39.43 \$0.00	\$0.00 \$0.00	\$39.43 \$0.00	\$0.00 \$0.00
								ABSTRACT TOTAL			\$39.43	\$0.00
								TOTAL:			\$39.43	\$0.00
								ABSTRACT TOTAL			\$39.43	\$0.00
MOORE, SHEILA	0002660811-2014-2014-0000	1994 PLAYBOY WATERCRAFT WAS SOLD IN 2013 PER 2014 LISTING FORM. 2014 BILL RELEASED.	(\$910)	2560	JKTCHEN	37 MEADOWLARK LN HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$4.67 \$0.00	\$0.00 \$0.00	\$4.67 \$0.00	\$0.00 \$0.00
						BLUE RIDGE FIRE		TAX	\$0.86	\$0.00	\$0.86	\$0.00
								LATE LIST FEE TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL			\$5.53	\$0.00
MUIR, FRANCIS RUSSELL	0003081167-2014-2014-0000	1996 OMC ROUGHNECK WATERCRAFT SOLD 10/25/2013 PER BILL OF SALE. 2014 BILL RELEASED.	(\$3,430)	2567	JKTCHEN	775 CROOKED CREEK RD HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$17.62 \$1.76	\$0.00 \$0.00	\$17.62 \$1.76	\$0.00 \$0.00
						VALLEY HILL FIRE		TAX	\$2.92	\$0.00	\$2.92	\$0.00
								LATE LIST FEE TOTAL:	\$0.29	\$0.00	\$0.29	\$0.00
								ABSTRACT TOTAL			\$22.59	\$0.00

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
NICHOLS, NORMAN LEE	0002130587-2014-2014-0000	DUPLICATE. 1999 RANGER & 1989 STARCRRAFT LISTED AND BILLED ON #3065799. VOIDED.	(\$3,995)	2578	BSLATTERY	107 MAPLEWOOD KNOLL DR UNINCORPORATED	TAX COUNTY	TAX	\$20.52	\$0.00	\$20.52	\$0.00
							LATE LIST FEE	\$2.05	\$0.00	\$2.05	\$0.00	
							TOTAL:			\$22.57	\$0.00	
							TAX BLUE RIDGE FIRE		\$3.80	\$0.00	\$3.80	\$0.00
		LATE LIST FEE		\$0.38	\$0.00	\$0.38	\$0.00					
		TOTAL:				\$4.18	\$0.00					
		ABSTRACT TOTAL:				\$26.75	\$0.00					
REYNOLDS, WILLIAM J	0002197182-2004-2004-0000	RELEASE BILLS ON PERSONAL PROPERTY MANUFACTURED HOME FOR 2004 AND 2005. THESE TWO BILLS PREVIOUSLY MIGRATED FROM CAMA AS REAL PROPERTY. THIS 1,300 VALUE REPRESENTS TWO DECKS ONLY ON THIS PERSONAL PROPERTY MANUFACTURED HOME.	(\$1,300)	2561	CLOMBARDO	32 JARROD DR UNINCORPORATED	TAX COUNTY	TAX	\$6.18	\$0.00	\$6.18	\$0.00
							LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	
							TOTAL:			\$6.18	\$0.00	
							TAX ETOWAH-HORSESHOE FIRE		\$0.98	\$0.00	\$0.98	\$0.00
		LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00					
		TOTAL:				\$0.98	\$0.00					
		ABSTRACT TOTAL:				\$7.16	\$0.00					
SANDY RIDGE BERRY FARMS	0002197182-2005-2005-0000	RELEASE BILLS ON PERSONAL PROPERTY MANUFACTURED HOME FOR 2004 AND 2005. THESE TWO BILLS PREVIOUSLY MIGRATED FROM CAMA AS REAL PROPERTY. THIS 1,300 VALUE REPRESENTS TWO DECKS ONLY ON THIS PERSONAL PROPERTY MANUFACTURED HOME.	(\$1,300)	2562	CLOMBARDO	32 JARROD DR UNINCORPORATED	TAX COUNTY	TAX	\$6.70	\$0.00	\$6.70	\$0.00
							LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	
							TOTAL:			\$6.70	\$0.00	
							TAX ETOWAH-HORSESHOE FIRE		\$1.11	\$0.00	\$1.11	\$0.00
		LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00					
		TOTAL:				\$1.11	\$0.00					
		ABSTRACT TOTAL:				\$7.81	\$0.00					
SANDY RIDGE BERRY FARMS	0003029616-2014-2014-0000	RELEASE IN FULL AND REBILLED ON #3085026. SANDY RIDGE FILED A TIMELY APPEAL TO REMOVE THE DISPOSED ASSETS.	(\$2,600)	2571	SWOOTEN	284 JACOBS APPLE LANE	TAX COUNTY	TAX	\$5,693.79	\$0.00	\$5,693.79	\$0.00
							LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	
							TOTAL:			\$5,693.79	\$0.00	
							TAX EDNEYVILLE FIRE		\$1,053.17	\$0.00	\$1,053.17	\$0.00
		LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00					
		TOTAL:				\$1,053.17	\$0.00					
		ABSTRACT TOTAL:				\$6,746.96	\$0.00					
		OWNER TOTAL:	(\$1,108,604)			\$6,746.96	\$0.00					
		GRAND TOTALS:	(\$1,241,456)			\$7,502.86	\$332.73					

\*Adjustments submitted for approval on or before 1/22/2015





## Resolution Honoring Master Deputy Jan Mitchell



### For 20 Years of Law Enforcement Service and Awarding Him His Badge and Sidearm

**WHEREAS**, Master Deputy Mitchell joined the Henderson County Sheriff's Office as a Jailer on December 12, 1994 and held the ranks of Jailer, Deputy, and Master Deputy; and

**WHEREAS**, Master Deputy Mitchell's service and dedication to the Henderson County Sheriff's Office and service, dedication and accomplishments in the field of law enforcement during his 20 total years of service are hereby recognized and commended; and

**WHEREAS**, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

**WHEREAS**, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

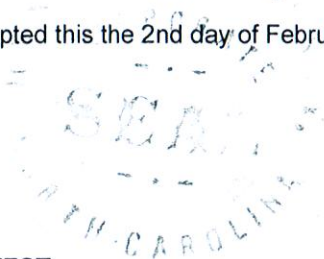
**WHEREAS**, Master Deputy Mitchell has served as a member of the Henderson County Sheriff's Office for a period of 20 years and retired from the Henderson County Sheriff's Office on December 31, 2014; and

**NOW, THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. Sheriff Charles McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Master Deputy Mitchell the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Master Deputy Mitchell his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

**BE IT FURTHER RESOLVED**, that the Henderson County Board of Commissioners recognizes and thanks Master Deputy Mitchell for his dedicated service to Henderson County and its citizens.

Adopted this the 2nd day of February, 2015.



*Thomas W. Thompson*

THOMAS THOMPSON  
CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

*Teresa S. Wilson*

TERESA WILSON  
CLERK TO THE BOARD

---

IN THE MATTER OF THE ADVERTISEMENT OF TAX LIENS

---

ORDER

Having received the report of the Henderson County Tax Collector dated 2 February, 2015, which report indicates that there exist unpaid taxes for Tax Year 2014 of \$3,173,643.46, it appears to the Board of Commissioners of Henderson County and the Board so finds that it is appropriate and necessary to advertise, pursuant to N.C. Gen. Stat. §105-369, Tax Liens on Real Property for Failure to Pay Taxes.

WHEREFORE, IT IS ORDERED that the Henderson County Tax Collector proceed to advertise the tax liens pursuant to N.C. Gen. Stat. §105-369.

Unanimously adopted, this 2<sup>nd</sup> day of February 2015.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Thomas H. Thompson  
THOMAS H. THOMPSON, Chairman

Attest:

Teresa L. Wilson  
TERESA L. WILSON, Secretary to the Board



Handout #1

# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners  
1 Historic Courthouse Square, Suite 1  
Hendersonville, NC 28792

Monday, February 02, 2015

Re: Tax Collector's Report to Commissioners - Meeting Date 02 February 2015

Please find outlined below collections information through 01 February 2015 for the 2014 real and personal property bills mailed out on 28 August 2014, as well as registered motor vehicles billed and collected by our office. As a point of reference, we also have included collections information as of the same date last year.

**Annual Bills G01 Only:**

**2014 Beginning Charge:** \$59,733,153.63  
**Discoveries & Imm. Irreg.:** \$167,558.01  
**Releases & Refunds:** (\$333,218.28)  
**Net Charge:** \$59,567,493.36  
**Unpaid Taxes:** \$3,173,643.46  
**Amount Collected:** \$56,393,849.90  
**Percentage Collected:** 94.67%  
 Through: 1-Feb-2015

**2013 Beginning Charge:** \$58,588,391.50  
**Discoveries & Imm. Irreg.:** \$279,373.87  
**Releases & Refunds:** (\$215,448.39)  
**Net Charge:** \$58,652,316.98  
**Unpaid Taxes:** \$3,351,183.02  
**Amount Collected:** \$55,301,133.96  
**Percentage Collected:** 94.29%  
 Through: 1-Feb-2014

**Motor Vehicle Bills G01 Only:**

**2014 Beginning Charge:** \$12,046.25  
**Discoveries & Imm. Irreg.:** \$0.00  
**Releases & Refunds:** (\$1,099.92)  
**Net Charge:** \$10,946.33  
**Unpaid Taxes:** \$2,849.47  
**Amount Collected:** \$8,096.86  
**Percentage Collected:** 73.97%  
 Through: 1-Feb-2015

**2013 Beginning Charge:** \$2,601,880.39  
**Discoveries & Imm. Irreg.:** \$1,815.92  
**Releases & Refunds:** (\$50,513.89)  
**Net Charge:** \$2,553,182.42  
**Unpaid Taxes:** \$490,766.69  
**Amount Collected:** \$2,062,415.73  
**Percentage Collected:** 80.78%  
 Through: 1-Feb-2014

**Fire Districts All Bills:**

**2014 Beginning Charge:** \$6,649,353.15  
**Discoveries & Imm. Irreg.:** \$15,420.85  
**Releases & Refunds:** (\$45,079.93)  
**Net Charge:** \$6,619,694.07  
**Unpaid Taxes:** \$411,774.14  
**Amount Collected:** \$6,207,919.93  
**Percentage Collected:** 93.78%  
 Through: 1-Feb-2015

**2013 Beginning Charge:** \$6,867,853.64  
**Discoveries & Imm. Irreg.:** \$45,306.92  
**Releases & Refunds:** (\$33,590.83)  
**Net Charge:** \$6,879,569.73  
**Unpaid Taxes:** \$488,329.85  
**Amount Collected:** \$6,391,239.88  
**Percentage Collected:** 92.90%  
 Through: 1-Feb-2014

Respectfully submitted,

Luke Small  
Collections Specialist

Stan C. Duncan  
Tax Collector

**Chapter 17**  
**Henderson County Smoking and Ordinance**

[HISTORY: Adopted by the Board of Commissioners of Henderson County. Amended 9-7-1993; 11-18-1998; 2-2-2015.]

**§ 17-1. Title.**

This chapter shall be called the "Henderson County Smoking Ordinance."

**§ 17-2. Scope.**

This chapter shall be applicable to all buildings, facilities or grounds owned, leased or occupied by Henderson County or any of its departments or agencies.

**§ 17-3. Statutory Authority.**

This chapter is adopted pursuant to the authority of [N.C.G.S. §§ 153A-121](#) and [130A-498](#).

**§ 17-4. Purpose.**

The purpose of this Chapter is to protect the health, safety and general welfare of all Henderson County employees and the general public entering any of the various buildings, facilities and grounds owned, occupied or leased by Henderson County.

**§ 17-5. Definitions.**

The following terms are defined for purposes of this Chapter:

- (1) County Building - Any building owned, leased or occupied by Henderson County or any of its departments or agencies, now or in the future.
- (2) "E-cigarette" – Any electronic oral device or nicotine delivery device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, hookah pen or under any other product name or description.
- (3) Grounds – An unenclosed area owned, leased, or occupied by the County government within 100 linear feet of a County Building, unless clearly defined and posted as a "Smoking Area".
- (4) Nonsmoking Area - An area where smoking is prohibited.
- (5) Smoking - Inhaling, exhaling, burning or carrying any lighted cigar, lighted cigarette or other lighted tobacco product, or any e-cigarette, in any manner or in any form.

**§ 17-6. Prohibition of Smoking in County Buildings and Grounds.**

Except as otherwise provided by this Chapter, smoking shall be prohibited in all County buildings and on all County Grounds.

**§ 17-7. Smoking Allowed Only In Designated Areas.**

The County Manager may, in his discretion, at any time, designate smoking areas accessible to the general public in each County Building or on County Grounds. Said areas shall be identified by a large, legible sign which shall read "This is a smoking area. Smoking in any other area of this building or on any other area of these grounds is prohibited." The County Manager shall have the discretion to change, move or remove any smoking area(s) in any County buildings or on any County Grounds at any time. Except in such designated areas, no smoking shall be allowed in County Buildings or Grounds.

**§ 17-8. Territorial Application**

Pursuant to [N.C.G.S. §153A-122](#), this Chapter is applicable to all County Buildings and Grounds. In addition, any provisions applying to areas which are not County Buildings or Grounds apply only to those portions of Henderson County not lying within a municipality.

**§ 17-9. No Smoking Signs.**

- A. "No Smoking," or other signs relating to this Chapter shall have letters of not less than 1 inch in height or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) no smaller than 3 inches in diameter.
- B. Signs shall be conspicuously posted in County buildings in a position clearly visible on entry into every building, and within facilities, where smoking is regulated.
- C. No person shall remove or deface any placard required to be erected by or under the authority of this section.

**§ 17-10. Violations and Penalties.**

Any violation of this chapter shall subject the violator to the penalties set forth in N.C.G.S. §130A-498(c1).

**§ 17-11. Through 17-25. (Reserved)**

**APPROVED**

*Thomas H. Thompson*

2/2/2015