

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, JULY 20, 2011**

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 Michael Edney, Vice-Chairman Tommy Thompson, Commissioner Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Sergeant Jeff Patterson, Corporal Mike Marsteller, Construction Manager David Berry, Assessor/Tax Collector Stan Duncan, IT Director Beck Snyder, Registrar of Deeds Nedra Moles, Animal Services Director Brad Rayfield, Internal Auditor Darlene Burgess, Engineering Administrative Assistant Megan Piner, and HR Director Jan Prichard.

CALL TO ORDER/WELCOME

Chairman Edney 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 Messer.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENT

1. Terri Thompson – Ms. Thompson spoke on behalf of the Blue Ridge Humane Society. They oppose the Animal Ordinance modifications.
2. Donna French – Ms. French is a dog obedience instructor. She opposes the change in the Animal Ordinance modifications.
3. Ruben Brown – Mr. Brown lives on a private road and asked if the Board could assist in getting a road maintenance agreement. (Chairman Edney explained that the Board has no authority with private property)
4. Mary Cervini – Mrs. Cervini opposes the ordinance modification and feels the ordinance is working great as it is now written.
5. Mike Cervini – Mr. Cervini spoke on behalf of the Community Partnership for Pets. They along with other animal welfare agencies in the county, including the county shelter, are working to provide healthy, adoptable, vaccinated, spay/neutered pets to our community. He opposes the modification to the ordinance.
6. Pam Burgess – Ms. Burgess works for the Asheville Humane Society. The AHS feels that passing such an amendment will enable the sale of animals to citizens who might otherwise choose to adopt a homeless pet from a local animal welfare agency or municipal shelter. They oppose the ordinance modification.
7. Virginia Schmidt – Ms. Schmidt opposes the ordinance change. People who bring in pets from out of state are required to have a State Health Certificate on the animal. This is not being checked.
8. Guri Andermann – Ms. Andermann was in agreement with other speakers. She requested the Board

APPROVED: August 15, 2011

- not modify the ordinance.
9. Pam McLaughlin – Ms. Laughlin feels the sellers are not professional and damage will be done. She requested the ordinance remain as is.
 10. Ray McCaslin – Mr. McCaslin was in agreement with other statements. Continue to enforce the ordinance as it is written.
 11. Fielding Lucas – Mr. Lucas has studied the new management agreement between Pardee Hospital and UNC Health Care. He feels that Pardee cannot make it alone for very long. UNC Health Care Systems has beautiful medical skills and could take Pardee out of its tertiary role here, at a really broad service facility for Henderson County, particularly for senior citizens.
 12. Erma Huntley Rhodes – Ms. Rhodes stated that animals continue to be sold at Smiley's Flea Market. She attends Smiley's regularly. She requested that the ordinance not be changed but enforced.
 13. Judith Ann Smith – Ms. Smith is associated with the Hendersonville Kennel Club and requested that the ordinance remain the same.
 14. Barbara Glassman – Ms. Glassman spoke in opposition of the modification to the Animal Ordinance. She feels making this modification will cost the County more money.
 15. Stewart David – Mr. David is president of Carolina Animal Action in Asheville. Buncombe County made the decision to not allow pet sales at Dreamland Flea Market years ago. This change did make a big positive difference. He asked the Board to consider being a good neighbor, as this will affect Buncombe County also, and not adopt the modification.
 16. Pat deLemos – Ms. deLemos feels the modification to the ordinance will only cause more problems and cost for the County.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Thompson suggested moving the Animal Ordinance modification as the first discussion item since so many people in attendance were present to hear this item.

Commissioner Thompson made the motion to adopt the Agenda with the change of order as requested. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Thompson 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):

- June 6, 2011 – Regularly Scheduled Meeting
- June 7, 2011 – Continuation of Regularly Scheduled Meeting
- June 13, 2011 – Special Called Meeting
- June 15, 2011 – Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated July 8, 2011 for information only. No action was required

Tax Refunds

A list of 3 refund requests was presented for the Board of Commissioners review and approval.

Motion:

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

Tax Releases

A tax release request was presented for the Board of Commissioners review and approval.

Motion:

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

Capital Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity during the month of April and May, 2011 on Capital and Facilities projects.

July Construction Management Update

David Berry had provided a monthly report as a review of the scope and status of assigned construction management responsibilities.

Energy Management Update

Marcus Jones provided information to the Board in regards to the County's energy management use in the areas of electricity, natural gas, and water.

Fuel data was not included in this quarter due to inaccurate information; fuel data from the fourth quarter and the end of FY2011 will be reported with the first quarter of FY 2012.

Environmental Advisory Committee Bylaws

The Environmental Advisory Committee reviewed its bylaws and recommends several changes outlined in the attached draft bylaws. Most of the changes were procedural in nature and intended to mirror the bylaws of other boards and committees in the County. The substantive changes are highlighted and underlined and include:

- Revision of the Charter and purpose to clarify the Committee's function, prevent repetition within the document and the bylaws and delete provisions that are within the jurisdiction of other boards or committees;
- Change the meetings from monthly to quarterly; and
- Allow the formation of sub-committees.

These changes were recommended by the Environmental Advisory Committee at its June meeting. No changes have been made to the provisions regarding member term, number of terms or selection of the Chair by the Board of Commissioners.

Motion:

I move the approval of the changes to the Henderson County Environmental Advisory Committee Bylaws.

Surplus Vehicles

A resolution declaring a list of vehicles no longer being used by the County was provided for the Board's for consideration as surplus property. The resolution authorizes staff to advertise the surplus vehicles for sale by electronic public auction at www.govdeals.com after the required advertisement of the sale.

Motion:

I move the Board approves the resolution declaring the list of vehicles as surplus and authorize staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement.

Partnership Expenses at Fairgrounds Property

The Partnership for Economic Development recently incurred \$47,381.95 in costs associated with the former County Fairgrounds Property. To reimburse the Partnership for those expenses, it is requested that the Board consider crediting that amount against the rent paid to the County by the Partnership until the amount expended has been met.

Motion:

I move the Board credits the \$47,381.95 expended by the Partnership for Economic Development against their rent currently being paid to the County until that amount has been met.

Annual Volunteer Appreciation Banquet

Staff requests that the Board look at their calendars regarding the date for the 2011 Annual Volunteer Appreciation Banquet. The Banquet has been held for the last several years at Highland Lake and was very successful, accommodating well the number of volunteers who daily work to better Henderson County. Staff plans to hold this year's banquet again at Highland Lake Inn, and has tentatively scheduled the date for Tuesday, October 18, 2011.

Non-Profit Performance Agreements

Subsequent to the approval of the FY 2011-2012 Budget, staff distributed the funding agreements to the non-profit agencies receiving County allocations.

1. Arts Council of Henderson County	\$9,250
2. Blue Ridge Literacy Council	\$13,225
3. Boys and Girls Club	\$10,500
4. Children and Family Resources Center	\$17,340
5. Community Development Council	\$925
6. Council on Aging	\$36,075
7. Dispute Settlement Center	\$10,500
8. Environmental and Conservation Organization	\$8,325
9. Healing Place	\$6,475
10. Historic 7 th Avenue District Inc.	\$460
11. Housing Assistance Corporation	\$11,750
12. Mainstay	\$9,900
13. Medical Loan Closet	\$4,625
14. Partnership for Economic Development	\$249,750
15. The Free Clinics – Medifind	\$5,500
16. The Free Clinics – Volunteer Program	\$21,645
17. United Way 211 Program	\$9,570
18. Vocational Solutions	\$41,625
19. Western Carolina Community Action – Medical Transport	\$11,100
20. Western Carolina Community Action – Transportation grant	\$39,754
21. WNC Communities	\$5,550

Motion:

I move the Board authorizes the Chairman to execute the funding agreements provided and in doing so, authorizes the release of the first of the aforementioned agencies' quarterly allotments.

Revised FY 12 Consolidated Agreement with the NC Department of Health and Human Services (NCDSSH)

The FY12 Consolidated Agreement with NC DHHS was approved at the March 7, 2011 meeting of the

Henderson County Board of Commissioners meeting as Consent Item K. The agreement basically sets conditions that the local health department will comply with in order to receive State and Federal funds. A revision to the year FY12 Consolidated Agreement has been sent for review and consent due to the need for some clarification as well as to include some changes based on this year's State Legislative Session. Staff's review of the revisions in this FY12 Consolidated Agreement indicates to no negative impact to Henderson County and that the Henderson County Department of Public Health can fully comply with this contract in order to receive the State and Federal allocations.

Motion:

I move that this Revised FY12 Consolidated Agreement with the NC Department of Health and Human Services be approved.

Designation of Voting Delegate to NCACC Annual Conference

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate to the Annual Conference being held in Cabarrus County, NC, on August 18 – 21, 2011.

Motion:

I move the Board designates Chairman Edney as Henderson County's voting delegate to the NCACC Annual Conference.

Public Records Disposal Request

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Logs – two (2) included in accordance with the County's Record Retention Policy and the provisions of the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule, a copy of said page was provided, as the period of these records have expired, or they have been scanned and retained in said format.

Motion:

I move the Board approves the Public Records Disposal Request and Destruction Log.

Electronic Recording of Public Meetings and Appeals

The Board was provided with the proposed language that will allow county departments to keep electronic recordings of public meetings and hearings instead of creating minutes or verbatim transcripts of these proceedings. In the departments that already have recording capabilities, electronic recordings are easier to store, access and do not require the significant staff time required to make the verbatim records.

The proposed language takes precautions in order to protect the rights of appellants and is substantially based on various passages of the North Carolina Rules of Appellate Procedure. Electronic record shall be kept in the manner established by the North Carolina Department of Cultural Resources who establishes retention schedules for all public documents.

This language will be added to Chapter 6 "Boards and Committees" of the Henderson County Code as Section 25.

MOTION:

I move the approval of the ordinance language to be inserted into the Henderson County Code as §6-25.

§6-21 through 6-24 are reserved for future use

§6-25 Record of Proceedings

- A. **Electronic recordings.** Henderson County will keep minutes of all meetings, and in cases in which a record on appeal could be required by a Court of record, a transcript, or an electronic recording in such a way that will be adequate to record fully the proceedings of each meeting, hearing or other proceeding.
1. **Public record.** Any electronic recordings are available to the public in any and all manners in which the County is capable of providing them, at a cost set by the County's fee schedule, as amended from time to time.
 2. **Electronic record retention.** Records shall be kept in accordance with North Carolina Public Records law and the records retention schedule established by the North Carolina Department of Cultural Resources.
 3. **Meeting Summary.** In instances where electronic recordings are utilized as the official minutes, boards and committees may elect to create meeting summaries including the attendance, matters discussed with any actions taken, identification of documents presented, and any votes taken. When votes are not unanimous, the meeting summary should indicate the votes of each member of the board or committee.
- B. **Record on Appeal.** Henderson County shall make the electronic recordings available to any appellant in order to prepare a verbatim transcript of the proceeding being appealed.
1. The appellant must make provision for the creation of a verbatim transcript from the electronic recording.
 2. The appellant's transcriptionist may have 45 days to prepare the transcript from the electronic recording and provide copies to the Clerk of Court and the respective parties. In certain circumstances, the time for preparation may be extended upon agreement of the parties and with the permission of the Court.
 3. The appellant shall bear the initial cost of transcription, subject to being taxed by the Court as a cost of any appeal.
 4. No part of this Ordinance is intended to conflict with North Carolina General Statutes or North Carolina Rules of Appellate Procedure. In any instance of conflict, the General Statutes and Rules of Appellate Procedure shall be followed.

Reimbursement resolution for Henderson County Hospital Corporation

Henderson County Hospital Corporation's Board of Trustees has determined it would be in the best interest of the Corporation to purchase another local medical practice, Hendersonville Hematology and Oncology, in accord with its long-term plans. Included in this purchase is the purchase of real estate used in such practice.

The Hospital Corporation contemplates that the initial purchases of this practice will be made from available cash reserves. However, the Corporation Board wants to keep open for now the option of financing these purchases. To do so, since all real estate is held in the name of the County, and since any borrowing done would (1) require County approval and (2) likely require the real estate to be pledged as collateral for the loan, this resolution is required.

Motion:

I move that the Board adopts the Reimbursement Resolution contained together with the agenda.

NOMINATIONS

Chairman Edney reminded the Board of Vacancies and opened the floor for nominations.

Notification of Vacancies

1. Fire and Rescue Advisory Committee – 1 vac.
2. Historic Resources Commission – 1 vac.
3. Hendersonville City Zoning Board of Adjustment – 3 vac.
4. Nursing/Adult Care Home Community Advisory Committee – 2 vac.

Nominations

1. CJPP (Criminal Justice Partnership Program) – 2 vac.
There were no nominations at this time so this item was rolled to the next meeting.
2. EMS Quality Management Committee – 3 vac.
There were no nominations at this time so this item was rolled to the next meeting.
3. Environmental Advisory Committee – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.
4. Henderson County Board of Health – 2 vac.
Commissioner Young nominated Barbara Stanley for position #5. *Chairman Edney made the motion to accept the appointment of Barbara Stanley to position #5 by acclamation. All voted in favor and the motion carried.*
5. Historic Resources Commission – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.
6. Juvenile Crime Prevention Council – 12 vac.
Commissioner Thompson nominated Angela Garner for position #6 and Josh Houston for position #19. *Chairman Edney made the motion to accept the appointments of Angela Garner to position #6 and Josh Houston position #19 by acclamation. All voted in favor and the motion carried.*
7. Mountain Valleys Resource Conservation and Development Program – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.
8. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
Chairman Edney nominated Aubrey Carruth for reappointment to position #3. *Chairman Edney made the motion to accept the reappointment of Aubrey Carruth to position #3 by acclamation. All voted in favor and the motion carried.*
9. Senior Volunteer Services Advisory Council – 3 vac.
Commissioner O'Connor nominated Sandy Brown for position #2. *Chairman Edney made the motion to accept the appointment of Sandy Brown to position #2 by acclamation. All voted in favor and the motion carried.*

ANIMAL ORDINANCE MODIFICATION

Members of the Board have requested that the Board consider modification of the Animal Ordinance (Chapter 66A of the Henderson County Code) asking the lines of the proposed modification to Section 66A-26 of the Code.

§66A -26 Prohibition against giveaways in public places

It shall be unlawful to sell, trade, give away or use as a prize or inducement any animal in a public place. For the purpose of this section public place shall be defined as parking lots, road right-of-ways, and parks. There are the following exceptions to the prohibitions of this section:

- a. This section does not apply to state regulated pet shops, commercial kennels, licensed animal shelters, veterinarian offices, licensed stockyards or livestock auctions or 501(c)(3) non-profits who adopt out animals with proof of rabies vaccination and alteration.
- b. This section does not apply to open-air markets, farmer's markets, or flea markets. In these locations, canines and felines may be sold provided that:
 - i. The animals have adequate shelter and appropriate shade.
 - ii. The animals have a sufficient amount of fresh water available at all times.
 - iii. All animals meeting the age and weight requirements for rabies vaccination set forth in this chapter must be vaccinated against rabies. If the animals do not meet the age and weight requirements for rabies vaccination at the time of transfer, the seller must supply the purchaser with a written notification of the purchaser's duty to obtain such vaccination.

Chairman Edney was in support of increasing venues to allow for pets to be adopted or sold at Flea Markets, but there needs to be regulations to make sure it is done in a safe manner. He suggested giving the Animal Services Committee direction that the Board would like the expansion but let the Committee come back with some recommendations on health certificates, spay/neuter, basic enforcement.

Ms. Coffey felt this could be brought back before the Board in approximately 2 months, mid month September.

Commissioner Young made the motion that the Board directs the Animal Services Committee to come back with language authorizing sale in these locations, suggesting restrictions and ways to address concerns. He further requested information in regards to the number of dogs being adopted and the cost for a medical certificate from a veterinarian. All voted in favor and the motion carried.

BREAK

A short break was taken.

FY 2010-2011 TAX COLLECTION SETTLEMENT; FY 2011-2012 TAX ORDER FOR COLLECTION

Assessor/Tax Collector Stan Duncan stated it is time once again for the delivery of the tax receipts to the Henderson County Tax Collector (all references to the Tax Collector on this document and all subsequent attachments are to Tax Collector Stan Duncan); however before they can be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

- (a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.
- (b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.
- (c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.

(d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2012 taxes, plus all outstanding delinquent taxes.

Be it ordained by the Henderson County Board of Commissioners, meeting on the 7th day of June 2010:

Ad Valorem Taxes

- Current Year Taxes \$58,549,491.00
- Prior Year Taxes, Interest, and Penalties \$1,640,000.00
- As of June 30, 2011, the tax department had collected the following toward the original charge as stated in the FY 2010-2011 Budge Ordinance:
 - \$59,261,668.78 for current year (2010-11FY) taxes; or \$712,177.78 above the charge as stated in the Budget Ordinance.
 - \$1,730,995.79 for prior year taxes that were delinquent; \$90,995.79 above the delinquent charge as stated in the Budget Ordinance.

N.C.G. S. 105-373. Settlements

Per NCGS 105-373(a)(3)b, The tax collector shall be credited with:

1. All sums representing taxes for the year deposited by him to the credit of the taxing unit or receipted for by a proper official of the unit;
2. Releases duly allowed by the governing body;
3. The principal amount of taxes constituting liens on real property (\$1,460,518.19);
4. The principal amount of taxes included in the insolvent list determined in accordance with subdivision (a)(2) (\$507,939.07);
5. Discounts allowed by law; (not applicable to Henderson Co.);
6. Commissions (if any) lawfully payable to the tax collector as compensation; and (not applicable in Henderson Co.);
7. The principal amount of taxes for any assessment appealed to the Property Tax Commission when the appeal has not been finally adjudicated. (\$110,796.49 collected of \$108,094.14 billed)

County Tax Foreclosure Statistics

- Parcels in pre-foreclosure FY2010-2011: 283
- Potential Amount of Taxes to be collected: \$363,886.29
- Number of Judgments Docketed: 12
- Amount of Taxes as of 20 July 2011 subject to Judgment: \$10,997.08
- Next Foreclosure Sale: October 2011

Mr. Duncan could not say if there was an affect or not from using the Hendersonville Tribune for Advertising. He would track for another year. Bills for 2011 will go out approximately August 15, 2011.

Commissioner Young made the motion that the Board approves the tax collector's settlement for Fiscal Year 2011 taxes, and further approves the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2012 taxes. All voted in favor and the motion carried.

CONTRACTOR SELECTION – SOLAR THERMAL HOT WATER FOR DETENTION CENTER

Marcus Jones stated during the September 8, 2009 meeting, the Board directed the Engineering Department to apply for an ARRA (Stimulus) grant for a project to install a solar thermal hot water system for the Detention Center. The system would be physically located in and on the 1995 Courthouse where the primary hot water system for the Detention Center is located. On February 1, 2011, the Engineering Department received the attached letter from the State Energy Office awarding a grant of

\$71,419 to the project. As indicated during the initial meeting, the remainder of the funding for the project would be from a Power Purchase Agreement (PPA) with the selected contractor. This Agreement would be between the County and the contractor. The County provides the location for the system and agrees to purchase the BTUs from the solar system at a rate reduced from the gas company. In return, the Contractor designs, installs, maintains and monitors the system. The grant money will be provided to the contractor and will make the PPA more favorable to the County.

Upon notification of the grant, Engineering released a Request for Proposals (RFP) for the PPA. The first RFP was due on April 15, 2010 and received only one proposal from FLS Energy. Upon recommendation from the County Attorney due to limited response, another RFP (attached) was released with an opening date of May 27, 2011. Three proposals were received in response to the 2nd RFP: FLS Energy from Asheville, SolTherm from Asheville and SunQuest from Newton, NC. An Evaluation Matrix of the three proposals which summarizes the proposals based on the performance criteria outlined in the RFP is attached. An electronic copy of the proposals is available from the Engineering Department at mpiner@hendersoncountync.org.

The three proposals represent quality contractors all capable of performing the requirements of the RFP satisfactorily. From the Evaluation Matrix, two contractors' experience stood out from the three: FLS Energy and SolTherm. Furthermore the cost effectiveness of Soltherm stood out from the three; especially considering the buyout option after six years. With execution of the buyout, the County would receive double the savings. Note that under an agreement with SolTherm, the County would not assume ownership of the Renewable Energy Credits (RECs) after the buyout. However, SolTherm would continue to maintain and monitor the system.

Based on the evaluation of the proposals in accordance with the RFP's performance criteria, Engineering recommends selection of SolTherm. This recommendation is based on satisfactory review of the agreement and lease by the County Attorney. The grant schedule requires the project be complete by December 31, 2011 which is feasible but aggressive.

Commissioner Thompson made the motion that the Board approve the selection of SolTherm for the Power Purchase Agreement and Lease for the Solar Thermal Hot Water system at the Detention Center and upon review by the County Attorney, authorize the County Engineer to execute the requirement grant and PPA documents. All voted in favor and the motion carried.

BROADCASTING POLICIES AND PROCEDURES

Christina DeStefano stated per request, equipment has been purchased and installed that gives us the ability to stream meetings live. The program, 323Link, will stream meetings in real time, as well as archive all meetings recorded on a host server for citizens to access at a later time. This allows individuals who are unable to attend meetings, as well as those who do not have cable television and this cannot review Channel 11, to watch meetings on the internet.

The current cablecast policy does not cover internet broadcasting. This new policy sets the policies and procedures for this new capability.

Commissioner Messer made the motion that the Board of Commissioners approves the Internet Broadcasting Policies and Procedures. All voted in favor and the motion carried.

UPDATE ON ABC STORE ON UPWARD ROAD

At the June 6, 2011 meeting, the Board discussed a request regarding a referendum on ABC issues. At that meeting, it was the consensus of the Board that while they had not scheduled a referendum on ABC issues, they were currently considering the possibility of one. It was also the consensus of the Board to

oppose the operation of a satellite ABC store on Upward Road at the location proposed.

Charles L. Byrd, incoming Chairman of the Hendersonville ABC Board, requested an opportunity to address the Board at this meeting regarding the June 6th discussion.

Mr. Byrd stated the local ABC Board came up with the idea of third store when they looked at the additional revenue that was generated with the second store. Sales increased after the move from Four Seasons Mall to Thompson Street and continue to increase. Distributions to Henderson County for FY2010-2011 were \$50,000, with a total of \$2,433,384.00 since opening the store in November 1960. Distributions to Henderson County Schools were \$2,336,050.00 since opening. The ABC Board has also spent \$287,295.00 in alcohol & substance educational programs in the forms of scholarships, project graduation, guidance monies, billboards, etc. during the past 10 years. These monies were not part of the distribution. GS 18B-805(c)(3) requires disbursements at a minimum of 7%. The Hendersonville ABC Board pays a maximum of 12%.

Mr. Byrd asked the Board to reconsider their response to the State ABC Commission.

Commissioner O'Connor made the motion that the Board of Commissioners reconsider the City's request for a satellite ABC store on Upward Road and make a recommendation to the state by letter of support. All voted in favor and the motion carried.

Commissioner Young made the motion that the Board instructs the Board of Elections to put a referendum on the May primary ballot for malt beverage & wine, an ABC Store and liquor by the drink. All voted in favor and the motion carried.

HENDERSON COUNTY HOSPITAL CORPORATION MANAGEMENT AGREEMENT

The Management Agreement involving Henderson County Hospital Corporation and UNC Health Care has been completed and executed and was provided to the Board for review. Chairman Edney stated the Management Agreement has been officially approved by the Hospital Board, Board of Commissioners, and the UNC System. The primary purpose of the agenda item is to make it official and open to the public.

Commissioners Thompson, Young, and Messer are in favor of the management agreement.

Commissioner O'Connor opposes the management contract with UNC Health proposed for our Pardee Hospital on two grounds:

1. UNC Health is a public entity subsidized to the tune of \$37,000,000 by North Carolina taxpayers, without their consent. We can all agree that the horrific Supreme Court decision where the City Of New London, CN seized the property of one private citizen and gave it to another, was an astounding breach of the Constitutional protection for private property. There is no difference in any government using taxes to subsidize a public entity in competition with private enterprises in the same business.
2. On what will turn out to be a pipedream of a Henderson County Medical School, the Board of Commissioners will support the Pardee affiliation with UNCH without considering any other bid from a public or private organization. It is impossible to judge whether this is a good business decision unless there are competing bids.

Chairman Edney feels the relationship with UNC will allow them to grow and be stronger, and provide more services to our people.

EVALUATION OF COUNTY BOARDS AND COMMITTEES

Chairman Edney requested the Board discuss potential evaluation of the County's Boards and Committees. He requested staff review the committees and their structure and see if can deal with them in a more concise manner. There are several committees that could be combined or even dissolved.

MAINTENANCE OF PUBLIC FACILITIES

Commissioner Thompson requested the Board discuss issues related to the maintenance of public buildings. He would like to staff to look at the possibility of getting a central maintenance crew trained in all aspects of heating, plumbing, electrical, etc. maintaining all public buildings including schools.

Commissioner Thompson made the motion that staff look at the possibility of getting a central maintenance crew trained in all aspects to work on all county buildings. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

Mr. Wyatt reminded the Board that we are \$770,000 behind in sales tax collection. He further noted that Apple Valley and North High Schools will be ready the second week of August for inspection. David Berry has arranged two dates: August 9th at 10:00 a.m. or August 10th at 2:00 p.m., should any Board member desire to attend.

CLOSED SESSION

Commissioner O'Connor made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the reasons set out in the Request for Board Action in today's Board agenda documents.

Pursuant to N.C. Gen. Stat. §143-318.11(a)(1), to prevent disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The matter is not a public record pursuant to the provisions of N.C. Gen. Stat. §143-318.11, as the purpose of this closed session is to review general accounts from previous closed sessions for approval and, in some cases, for unsealing.

Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with an attorney employed or retained by the Board to preserve attorney-client privilege.

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 Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

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.

ADJOURN

Chairman Edney made the motion to go out of closed session and adjourn at 3:15 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, 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/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

July 8, 2011

Re: Tax Collector's Report to Commissioners – 07/20/11 Meeting

Please find outlined below collections information through July 7th for the 2010 bills, which were mailed out on August 13th, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2010 Total Charge \$57,524,414.37
Payments & Releases: 55,924,607.54
Unpaid Taxes: 1,599,806.83
Percentage Collected: 97.22%
(through 07/07/11)

2009 Total Charge: \$57,024,352.18
Payments & Releases: 55,626,982.69
Unpaid Taxes: 1,397,369.49
Percentage Collected: 97.55%
(through 07/07/10)

Motor Vehicle Bills G01 Only:

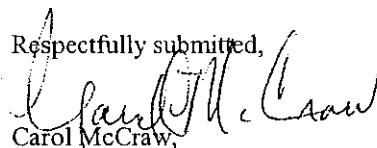
2010 Total Charge: \$3,771,693.77
Payments & Releases: 3,411,313.60
Unpaid Taxes: 360,380.17
Percentage Collected: 90.45%
(through 07/07/11)

2009 Total Charge: \$3,821,735.12
Payments & Releases: 3,435,756.74
Unpaid Taxes: 385,978.38
Percentage Collected: 89.90%
(through 07/07/10)

Fire Districts All Bills

Data Unavailable

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

J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

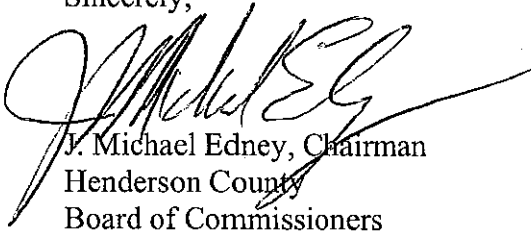
July 20, 2011

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 a tax release request, and tax refund requests (3), all approved at the Henderson County Board of Commissioners' Meeting on Wednesday, July 20, 2011.

Sincerely,



J. Michael Edney, Chairman
Henderson County
Board of Commissioners

JME/tlw

enclosures

REFUNDS

GREENE, RICHARD J. JUNCTION 00000000 FULL REBATE
DEBT SET & ACCOUNT GARNISHMENT RESEARCH-RELEASE BILLS ON MANUFACTURED HOME FOR YRS: 1989, 2000 & 2001.
HOME DESTROYED. INCIDENT REPORT ON FILE DATED 12/31/1998. DAMAGED/JUNKED. CBL 5/9/2011

Table with columns: Rebate #, Rate Type, Jurisdiction, Rebased Tax, Rebased Late List, Rebased Billed Interest, Total. Includes rows for rebates 92524 and 92524, and a grand total of \$47.26.

Number of Bills = 3 Total Amount = \$47.26

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2011
SUBJECT: Tax Refunds
PRESENTER: Assessor
ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (3) 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.

Table with columns: Type, Number of Items, Revenue Amount. Shows 3 Refunds for a total revenue of \$47.26.

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."

RELEASES

PLEMMONS, PHILIP 00000000 FULL REBATE
INDIVIDUAL ABSTRACT#: 0002460886 5/27/11 1989 PIPER AIRCRAFT. BILLED IN ERROR, BILLED ON ABSTRACT 280284.

Table with columns: Rebate #, Rate Type, Jurisdiction, Rebased Tax, Rebased Late List, Rebased Billed Interest, Total. Includes rows for rebates 92529 and 92529, and a grand total of \$175.04.

Number of Bills = 1 Total Amount = \$175.04

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2011
SUBJECT: Tax Releases
PRESENTER: Assessor
ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (1) 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.

Table with columns: Type, Number of Items, Revenue Amount. Shows 1 Release for a total revenue of \$175.04.

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."

**BYLAWS FOR
THE HENDERSON COUNTY PARKS & RECREATION ADVISORY BOARD**

Article I: Name

The name of this committee shall be called the Henderson County Parks & Recreation Advisory Board, hereinafter referred to as the "Recreation Board". The Recreation Board is formed by the Henderson County Board of Commissioners pursuant to the authority of North Carolina General Statutes 153A-76 and 160A Article 18.

Article II: Function

- A. The Recreation Board shall serve in an advisory capacity only. The Recreation Board shall provide recommendations to the Board of Commissioners, advocate for recreational services in Henderson County, and advise the Parks and Recreation Director regarding long-term planning and policies of the Parks and Recreation Department as appropriate. The Recreation Board shall also hear appeals of Parks matters as needed.
- B. The Recreation Board shall have no supervisory authority over the Parks and Recreation Director or department personnel. The Director shall report to the County Manager 's Office and shall supervise the operation and administration of the Parks and Recreation Department.

Article III: Membership

- A. The Henderson County Parks and Recreation Advisory Board shall consist of nine (9) voting members, and in addition may include a tenth non-voting, ex-officio member who is also a Henderson County Commissioner. All members shall serve three 3 year terms. Members shall be appointed by the Henderson County Board of Commissioners and may be re-appointed upon expiration of terms. Terms shall expire the first day of March. The Recreation Advisory Board may also have a non-voting member from the Henderson County schools to advise and inform the Board's recommendations from the education perspective.
- B. Compliance with Recreation Ordinance. All members must comply with the Henderson County Recreation Ordinance, and local, state and federal law as the parks system and recreation. Failure to comply with this provision may result in the immediate dismissal from the Board.

Article IV: Officers

- A. The Recreation Board shall elect its own officers, by a majority vote of the voting members. Officers shall serve a term of one year, to correspond to the County's fiscal year of July 1 – June 30. Two officers shall be elected, a Chairman and Vice-Chairman.
- B. The election of officers, Chairman and Vice-Chairman, shall take place by the following procedure:
 1. The chairman shall appoint a Policy Committee, consisting of 4 members, which shall have the responsibility of nominating officers at the May meeting of the Recreation Board.
 2. Election of officers shall take place at the June meeting.
- C. The new officers shall take office on July 1 each year, which is the beginning of the county fiscal year.
- D. It shall be the duty of the Chairman to preside at all meetings.
- E. The Vice-Chairman shall perform duties of the Chairman in the absence of the Chairman.
- F. In the absence of the Chairman and Vice-Chairman from a meeting, the longest tenured advisory board member shall serve as Chairman of that meeting.

Article V: Organization

- A. The Administrative Secretary of the Parks and Recreation Department shall serve as the Clerk of the Recreation Board. It shall be the duty of the Clerk to notify members of all meetings, to keep full and accurate minutes of all meetings, to capture the votes on the Board's recommendations, and to have a copy of the agenda and minutes of each meeting sent to each member, to the County Manager's Office and the Clerk of the Board for the Henderson County Commissioners. The meeting minutes shall be signed by the Clerk of the Recreation Board.

- B. The Director will provide program reports concerning the Recreation Departments programs, events, Park updates, and policies at the regular meetings of the Recreation Board each month as appropriate. Budget update reports will be provided as requested by the members. These reports may be in a written or spoken form. A copy of these reports or a copy of the minutes describing the reports shall be available to each member, the Henderson County Manager 's Office and the Clerk of the Board of Commissioners by the Clerk to the Recreation Board upon request. Annual reports concerning the Parks and Recreation Department, such as financial information, may be required by the County Manager 's Office and copies shall be provided to the "Recreation Board". Reports, minutes, and recommendations of the Recreational Advisory Board shall be available to the public under North Carolina Public Records Law.

Article VI: Meetings

- A. Regular meetings of the Recreation Board shall be held on the third Tuesday of each month and shall be held in the office of the Recreation Department or at some other designated place. A list of the monthly meeting dates each year shall be sent to the Clerk of the Henderson County Board of Commissioners at the beginning of each year, as per the North Carolina Open Meetings Law.
- B. Presiding Officer. The presiding officer of each meeting of the Committee shall be the chair of the Committee. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the vice-chair shall preside. In the event that neither the chair nor the vice-chair is available, the members of the Committee, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.
- C. The order of business at regular meetings shall be as follows:
1. Call to order by Chairman
 2. Approval of Minutes
 3. Public Input- public testimony not related to quasi-judicial hearings shall be limited to 3 minutes unless approved by the Chair.
 4. Information Items
 5. Unfinished Business
 6. Update from the Recreation Director
- D. Special meetings may be called by the Chairman, or upon written request from a majority of the body. Written notice of such meetings shall be mailed to each Recreation Board members home address at least 48 hours in advance of the meeting. In addition, written notice of such special called meetings shall be posted on the Recreation Department website, sent to the Clerk to the Henderson County Board of Commissioners and mailed or delivered to the media, and sent to those who have requested such notice. The notice of the special meeting shall state the purpose of said special meeting. Only those items stated in the notice can be considered at the special meeting.
- E. The meetings of the Recreation Board and all standing and special committees shall be conducted in accordance with the North Carolina Open Meetings Law.

Article VII: Committees

- A. Standing committees shall be appointed by the Chairman at the regular July meeting of each year as needed. Vacancies on the committees may be filled by the Chairman at any regular meeting.
- B. Committee meetings may be called at the request of the Chairman.
- C. Special committees and park advisory sub-committees may be appointed by the Chairman for such purposes as may be deemed necessary.
- D. The Chairman and Director shall be ex-officio members of all committees and sub-committees and as such, notified of all committee meetings.

Article VIII: Procedures

- A. A majority of the voting members present at an official meeting shall constitute a quorum. Once quorum is established at a meeting it cannot be lost for the remainder of the meeting. Quasi-Judicial proceedings must have the necessary number of members present for the entire hearing. For a motion to pass, approval must be given by a simple majority of the members present.
- B. Roberts Rules of Order- (revised edition) shall constitute the parliamentary authority for the procedures at all meetings.
- C. QUASI-JUDICIAL PROCEEDINGS. Such proceedings shall be ruled by North Carolina General Statute, case law, and the Henderson County Code and the Rules established by the Board of Commissioners.
 1. m. The Recreation Advisory Board has the authority to hear appeals of staff decisions based on Parks and Recreation Department policies and procedures. Matters concerning such issues may only be determined by the Board after conducting a quasi-judicial proceeding.
 2. Formation of Appellate Committee. The Recreation Advisory Board shall form a sub-group of 3 to 5 members to serve on the Appellate Committee. Members of the Appellate Committee shall be chosen at the same time as Officer elections.
 3. Purposes and Objectives. The purpose of these procedures is to provide an orderly method by which the Committee can hear and decide all quasi-judicial proceedings. The Board's objectives when conducting such proceedings are (1) to conduct all proceedings in a fair and efficient manner, (2) to base all decisions on competent and relevant evidence, (3) to ensure that the applicable policy and procedures are being enforced and administered in a fair and efficient manner, and, (4) to provide the citizens of Henderson County an administrative avenue to contest and appeal decisions made pursuant to the Parks and Recreation Department policies and procedures which adversely affected them.
 4. Notice. Notice shall be provided to the appellant and shall be advertised in the regular meeting notice or special meeting notice.
 5. Rules of Procedure. Each quasi-judicial proceeding must be conducted in substantial conformity with the Henderson County Board of Commissioners procedures for quasi-judicial proceeding.
 6. Decisions. Decisions shall be rendered by the Committee by a majority of the members present required to pass a motion.
 7. Written Findings. Appeal decisions shall be in writing.
 8. Minutes and Maintenance of Records. The minutes for quasi-judicial proceedings shall be taken in detail with detailed summaries of all evidence or testimony presented and statements made by members of the Board. The minutes may be verbatim transcripts of the hearing.

Article IX: Voting

- A. Tie Vote- Tie votes at meetings shall be broken by the vote of the Chairman or acting Chairman.
- B. Abstentions- Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.
- C. Duty to Vote. It is the duty of each member, including the chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest or official conduct or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.

Article X: Attendance. All members of the Committee are expected to attend the regular and/or special meetings of the Committee. Any member not able to attend must notify the secretary in advance of the meeting. Any member having missing 25% of meetings in a calendar year running July to June will be reviewed by the Committee and may be reported to the Board of Commissioners to be replaced.

Article XI: Amendments

All amendments to these bylaws shall be proposed in writing and discussed at the next meeting of the Recreation Board , then submitted to the Henderson County Board of Commissioners for final approval.


Originally adopted by the Henderson County Board of Commissioners on July 18, 1984. Amended on May 1989 and June 1992, March 1997, and March 2011.

Respectfully submitted by the Recreation Advisory Committee on this the 19th of July, 2011.



Jeff Donaldson, Chair

Approved by the Henderson County Board of Commissioners on this then 7th day of March, 2011.



J. Michael Edney, Chairman

Attest: 

Terry Wilson
Clerk to the Board

Exhibit A

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY
BY ELECTRONIC PUBLIC AUCTION**

WHEREAS, Henderson County owns vehicles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the vehicles as surplus and selling at a public auction as authorized by NCGS 160A-270; and

WHEREAS, it is the intent of the County to sell said surplus vehicles by electronic public auction at www.govdeals.com.

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

1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at www.govdeals.com the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

THIS the 20th day of July, 2011.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

J. Michael Edney, Chairman

ATTEST:

Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

Exhibit B

List of Surplus Vehicles

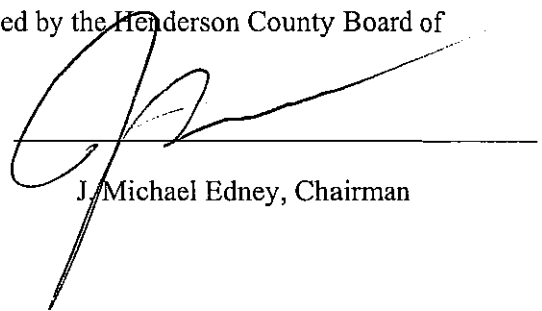
Year / Make / Model	HC#	VIN#	Asset#	Mileage
1997 FORD RANGER ROUGH SHAPE	LF-6389	1FTCR10U0VUB06668	6389	70,366
1999 DODGE DURANGO TRANSMISSION BAD	MP-017	1B4HS28Z1XF679180	11690	103,797

§6-21 through 6-24 are reserved for future use

§6-25 Record of Proceedings

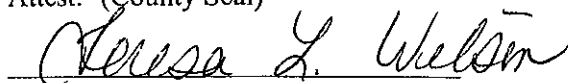
- A. Electronic recordings. Henderson County will keep minutes of all meetings, and in cases in which a record on appeal could be required by a Court of record, a transcript, or an electronic recording in such a way that will be adequate to record fully the proceedings of each meeting, hearing or other proceeding.
1. Public record. Any electronic recordings are available to the public in any and all manners in which the County is capable of providing them, at a cost set by the County's fee schedule, as amended from time to time.
 2. Electronic record retention. Records shall be kept in accordance with North Carolina Public Records law and the records retention schedule established by the North Carolina Department of Cultural Resources.
 3. Meeting Summary. In instances where electronic recordings are utilized as the official minutes, boards and committees may elect to create meeting summaries including the attendance, matters discussed with any actions taken, identification of documents presented, and any votes taken. When votes are not unanimous, the meeting summary should indicate the votes of each member of the board or committee.
- B. Record on Appeal. Henderson County shall make the electronic recordings available to any appellant in order to prepare a verbatim transcript of the proceeding being appealed.
1. The appellant must make provision for the creation of a verbatim transcript from the electronic recording.
 2. The appellant's transcriptionist may have 45 days to prepare the transcript from the electronic recording and provide copies to the Clerk of Court and the respective parties. In certain circumstances, the time for preparation may be extended upon agreement of the parties and with the permission of the Court.
 3. The appellant shall bear the initial cost of transcription, subject to being taxed by the Court as a cost of any appeal.
 4. No part of this Ordinance is intended to conflict with North Carolina General Statutes or North Carolina Rules of Appellate Procedure. In any instance of conflict, the General Statutes and Rules of Appellate Procedure shall be followed.

These revisions to the Henderson County Code were approved by the Henderson County Board of Commissioners on this the 20th day of July 2011.



J. Michael Edney, Chairman

Attest: (County Seal)



Teresa Wilson, Clerk to the Board

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 20 July 2011

SUBJECT: FY 2010-2011 Tax Collection Settlement; FY 2011-2012 Tax Order For Collection

PRESENTER: Tax Collector

ATTACHMENT(S): Proposed Order and Resolution

SUMMARY OF REQUEST:

It is time once again for the delivery of the tax receipts to the Henderson County Tax Collector (all references to the Tax Collector on this document and all subsequent attachments are to Tax Collector Stan Duncan); however before they can be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

- (a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.
- (b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.
- (c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
- (d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2012 taxes, plus all outstanding delinquent taxes.

The tax collector will be available to present further information on this matter.

BOARD ACTION REQUESTED:

Approval of tax collector's settlement for FY 2011 taxes and approval of order of collection and charge for FY 2012 taxes.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the tax collector's settlement for Fiscal Year 2011 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2012 taxes.

Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Board of Commissioners must approve a bond amount for the Tax Collector and Deputy Tax Collector; and

WHEREAS, the Board of Commissioners is desirous of complying with N.C.G.S. 105-352;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:

1. The Bond amount for the Tax Collector shall be set at \$1,000,000 through August of 2011.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2011.

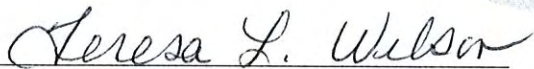
THIS the 20th day of July, 2011.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest: (County Seal)



Teresa L. Wilson, Clerk to the Board

Resolution Approving the Settlement with the Tax Collector for the 2010-2011 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the previous tax year prior to delivery of the tax receipts to the Tax Collector for the current tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the previous tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2010-2011 tax year taxes, and all delinquent taxes charged to the Tax Collector for prior tax years;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Settlement for the 2010-2011 taxes charged to the Tax Collector is hereby approved. The Board finds:
 - a. All prepayments received by the Tax Collector were properly deposited;
 - b. The settlement is in proper form;
 - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the 2010-2011 fiscal year; and
 - d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.

2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

THIS the 20th day of July, 2011.

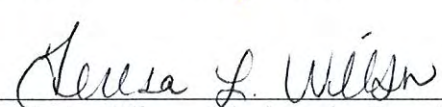
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest:

(County Seal)



Teresa L. Wilson, Clerk to the Board

Resolution Adopting the Order of Collection for the 2011-2012 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2011-2012 Tax Year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the 2010-2011 tax year; and (3) the Board of Commissioners must approve the bonds proposed for the Tax Collector (and the Deputy Tax Collector) for collection of all taxes charged for the 2011-2012 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2011 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2010-2011 tax year, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the bonds proposed for the Tax Collector and the Deputy Tax Collector;

NOW THEREFORE BE IT RESOLVED that the order of collection attached hereto is hereby adopted.

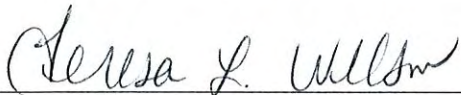
THIS the 20th day of July, 2011.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest: (County Seal)



Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

ORDER OF COLLECTION

COUNTY OF HENDERSON

TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

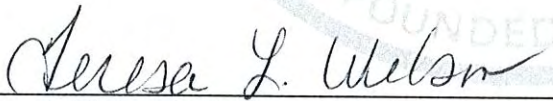
WITNESS my hand and official seal, this 20th day of July, 2011.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. MICHAEL EDNEY, Chairman

ATTEST: (OFFICIAL SEAL)



Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 697-4652

*Stan C. Duncan
Tax Collector*

20 July 2011

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

RE: Tax Collector's Settlement: FY 2010-2011

Dear Henderson County Commissioners:

Attached please find the Preliminary Report for FY 2010-2011 along with the Settlement for Current-Year Taxes and Delinquent Taxes. A list of all unpaid tax liens is available for your review in the Office of the Clerk to the Board.

I am happy to report that as of the close of FY 2010-2011, the Henderson County Tax Collector's Office collected 97.20% of the annual tax bills and 89.94% of the motor vehicle tax bills.

I would like to take the opportunity to thank the staff for their hard work and dedication toward these accomplishments. The actual collection percentages, as reported, remain above the last reported state average of 97.17%.

Thank you for the opportunity to be of service to you.

Respectfully submitted,



Stan C. Duncan
Tax Collector

wk
Attachment

PRELIMINARY REPORT FOR FISCAL YEAR 2010-2011

TO: Henderson County Board of Commissioners
FROM: Stan C. Duncan, Tax Collector
DATE: 20 July 2011

In accordance with N.C.G.S. 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report is (1) a list of the persons owning real property whose taxes for 2010 remain unpaid, along with the principal amount owed by each person; and (2) a list of the persons not owning real property whose personal property taxes for 2010 remain unpaid, along with the principal amount owed by each person.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a Report entitled "Settlement for Current Taxes for Fiscal Year 2010-2011" dated 20 July 2011 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2010-2011.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,

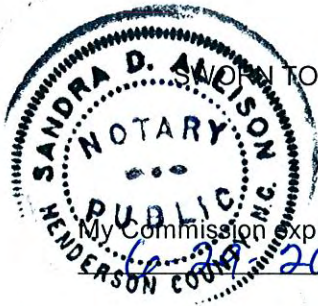


Stan C. Duncan, Tax Collector

WITNESSED AND SUBSCRIBED BEFORE ME, this 20th day of July, 2011.



Notary Public



My Commission expires: 6-29-2012

as of 30 June 2011

SETTLEMENT FOR CURRENT TAXES: FY 2010-2011

CHARGES TO THE TAX COLLECTOR:

Total amount of all taxes placed in the Tax Collector's hands for collection for the year:	Tax & Penalty	Interest
G01 General County	61,312,938.94	136,645.12
Total General County		
Fire Districts:		
F15 Bat Cave	86,105.41	242.27
F01 Blue Ridge	766,333.89	2,359.53
F09 Dana	483,857.08	1,185.85
F03 Edneyville	570,617.07	1,679.88
F04 Etowah-Horse Shoe	963,188.47	1,728.40
F05 Fletcher	784,362.55	2,941.63
F11 Gerton	104,217.29	285.20
F06 Green River	320,790.77	772.21
F08 Mills River	98,182.66	461.62
F07 Mountain Home	1,225,206.79	2,579.89
F12 Raven Rock	145,869.36	243.46
F02 Valley Hill	1,012,066.86	1,445.26
F14 Valley Hill No. 2	139,053.81	534.54
Total Fire Districts	6,699,852.01	16,459.74
Municipal Districts:		
C01 City of Hendersonville	307,612.54	1,667.72
C02 Town of Laurel Park	58,087.37	131.50
C03 City of Saluda	567.76	0.00
C04 Town of Fletcher	176,014.43	823.64
C50 Village of Flat Rock 51	16,212.82	27.06
Village of Flat Rock 52	10,368.15	18.45
Village of Flat Rock 56	3,643.28	3.99
C60 Town of Mills River	45,501.87	189.31
Total Municipal Districts	618,008.22	2,861.67
SUBTOTAL	\$68,630,799.17	\$155,966.53

TOTAL CHARGE TO TAX COLLECTOR \$68,786,765.70

CREDITS TO THE TAX COLLECTOR:

All sums deposited by the Tax Collector to the credit of the Taxing Unit:	Deposits	Rebates	Writeoffs	Interest	Outstanding Tax / Liens	
					against Real Property	Personal Property
G01 General County	59,085,624.34	201,964.36	37,369.74	136,645.12	1,608,430.49	379,550.01
Total General County						
Fire Districts:						
F15 Bat Cave	82,169.96	43.85	68.88	242.27	3,822.72	0.00
F01 Blue Ridge	731,539.74	2,094.29	884.20	2,359.53	31,815.66	0.00
F09 Dana	462,857.23	887.33	557.66	1,185.85	19,554.86	0.00
F03 Edneyville	539,862.02	3,818.44	711.42	1,679.88	26,225.19	0.00
F04 Etowah-Horse Shoe	936,116.72	1,652.10	609.66	1,728.40	24,809.99	0.00
F05 Fletcher	735,296.94	9,507.51	479.55	2,941.63	39,078.55	0.00
F11 Gerton	97,254.65	693.08	45.86	285.20	6,223.70	0.00
F06 Green River	303,872.01	1,787.60	237.33	772.21	14,893.83	0.00
F08 Mills River	90,494.99	571.77	84.84	461.62	7,031.06	0.00
F07 Mountain Home	1,199,937.93	1,554.99	867.18	2,579.89	22,846.69	0.00
F12 Raven Rock	140,827.98	292.03	95.82	243.46	4,653.53	0.00
F02 Valley Hill	985,486.80	3,375.46	575.91	1,445.26	22,628.69	0.00
F14 Valley Hill No. 2	132,762.01	178.74	105.34	534.54	6,007.72	0.00
Total Fire Districts	6,438,478.98	26,457.19	5,323.65	16,459.74	229,592.19	0.00
Municipal Districts:						
C01 City of Hendersonville	266,711.46	5,528.76	754.36	1,667.72	34,617.96	0.00
C02 Town of Laurel Park	54,121.18	1,081.03	89.80	131.50	2,795.36	0.00
C03 City of Saluda	554.42	0.00	2.58	0.00	10.76	0.00
C04 Town of Fletcher	155,771.98	2,259.04	424.98	823.64	17,558.43	0.00
C50 Village of Flat Rock 51	15,640.90	148.34	53.12	27.06	370.46	0.00
Village of Flat Rock 52	9,897.34	146.84	37.60	18.45	286.37	0.00
Village of Flat Rock 56	3,540.75	15.61	4.20	3.99	82.72	0.00
C60 Town of Mills River	41,206.05	571.27	403.58	189.31	3,320.97	0.00
Total Municipal Districts	547,444.08	9,750.89	1,770.22	2,861.67	59,043.03	0.00
TOTAL	\$66,071,547.40	\$238,172.44	\$44,463.61	\$155,966.53	\$1,838,022.68	\$438,593.04

TOTAL CREDITS TO TAX COLLECTOR: \$68,786,765.70

Respectfully Submitted,

Stan C. Duncan, Tax Collector

Stan C. Duncan

Notary Public

SWORN AND SUBSCRIBED BEFORE ME this 20 day of July, 2011.

My Commission expires 06-29-2012



Note: In the instance where a taxable value is released against a property that has a present use value deferral under NCGS 105-277.2 et seq., the system will generate a release or write off against a bill that is not to be charged to the collector until the property faces a disqualifying event. See note below for adjustments that were made due to this situation.

Note: There were releases and write offs against deferred bills (that have been not made active) in the amount of \$0.76 for F09, \$22.33 for F03, and \$6,395.90 for F08 resulting in a difference between the charge and the credits to the respective Fire Districts. There is also a difference of \$0.68 in F03 and \$3.70 in G01 resulting from an erroneous double entry from a release against an RMV tax bill. The Total Write Offs & Releases for F09, F03, F08, and G01 have been corrected to account for these differences.

HENDERSON COUNTY TAX DEPARTMENT
Collector's Office
200 North Grove Street
Suite 66
Hendersonville, NC 28792

Stan C. Duncan
County Assessor & Tax Collector

Phone: 828/697-5595
Fax: 828/698-6153
www.hendersoncountync.org/tc/

Sandy Allison
Administrative Assistant II

20 July 2011

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

**RE: FY 2010-2011 Progress Report regarding Delinquent Property Tax Collections and
Report on Efforts to Collect Delinquent Taxes**

Dear Henderson County Commissioners:

We are now in the twelfth year of the delinquent tax collection project and would like to take this opportunity to report our progress.

Since the inception of the project in October of 1999, we have collected \$16,493,928.37, in delinquent tax, including interest. Of this amount, \$1,730,995.79 was collected during FY 2010-2011. At the close of this fiscal year, we have collected 99.68% of our prior-year annual tax bills (real estate and listed personal property) and 97.91% of our prior-year motor vehicle tax.¹

The responsibilities of the Delinquent Tax Collections staff include the monitoring and administration of legal remedies used to collect delinquent tax. We have made a great deal of progress this year through the use of these remedies and are pleased to provide detailed information depicting this year's achievements:

In Rem Foreclosures (pursuant to NCGS 105-375). Approximately 85% of Henderson County's tax base is attributable to real estate and improvements thereon.² It stands to reason, therefore, that Henderson County act assertively to preserve this revenue, and our foreclosure program serves to achieve this objective. Henderson County is one of few North Carolina counties that administer tax foreclosures from start to finish without the assistance of outside attorneys. We feel that this system increases efficiency and equates to minimal cost passed on to the taxpayers, who may already be financially distressed.

Henderson County traditionally holds a real estate tax auction annually, as of today (20 July 2011), judgments have been docketed against 12 parcels with a foreclosure sale to be set for October of this year. Prior to instituting a tax foreclosure, the statutes require us to first conduct a title examination of the subject property and send notices via certified mail to all persons having an interest in the property. In addition to the statutory requirements to which we are bound, we attempt to make telephone contact with the taxpayer and in some cases, personally visit the taxpayer and/or the subject property. Additionally, we send pre-foreclosure notices to taxpayers as well as all mortgage holders as disclosed by the title examination. We also post the properties when we docket a judgment against the property. During FY 2010-2011 our office has continued a tracking program for properties that are in pre-foreclosure. Currently, 283 parcels are in this

¹ NCPTS Monthly County Collection Report for period 1 July 2010 to 30 June 2011

² 2007 Tax Base figures as compiled by the Henderson County Assessor

tracking program with a potential collection of \$363,886.29 in taxes. The diligence of our staff has resulted in more taxes being collected and less property having to be foreclosed upon.

Garnishments and Attachments pursuant to NCGS 105-368. The downturn in the economy resulted in an increase in the use of enforced collection remedies. This year (FY 2010-2011) we have served 510 bank account attachments totaling \$815,871.87.³ Our office also uses a Wage Garnishment program. The continued success of this program resulted in 520 Wage Garnishments having to be served totaling \$156,495.52 for FY 2010-2011. Our office has diversified its portfolio of enforced collection remedies to include a Rent Attachment Program. This resulted in 4 Rent Attachments being served for a total of \$19,381.36 in taxes being collected.⁴

NC Debt Setoff Program (pursuant to NCGS Chapter 105A). The North Carolina Debt Setoff Program allows local government to collect outstanding debts by garnishing North Carolina State income tax refunds. Delinquent Tax Collections administers the Debt Setoff Program for the collection of property tax as well as debts owed to other county agencies. During FY 2010-2011, Henderson County collected \$27,915.91 through the use of Debt Setoff.⁵ This is a decrease of almost \$70,000 over last fiscal year. This can be attributed to two factors. (1) Due to the economic downturn fewer citizens are receiving State income tax refunds and (2) the State of North Carolina has withheld tax refunds from its citizens resulting in a delay of receiving funds.

Payment Arrangements. Last year, our office provided a Pre Authorized Debit program, allowing taxpayers to have one or multiple debits from their financial accounts prior to the tax bill becoming delinquent which has in turn reduced the number of payment arrangements needed by taxpayers. We encourage taxpayers to enter into payment agreements prior to taxes becoming delinquent. During FY 2010-2011, Delinquent Tax Collections entered into 48 payment agreements totaling \$31,390.03 in tax revenue.⁶

Escheats. The unclaimed cash program through the North Carolina State Treasurer's Office supplemented our collection efforts this past fiscal year. 646 Escheat Attachments were served collecting \$63,569.34 in unclaimed funds toward payment of delinquent tax debts. When all other options have failed; sometimes unclaimed cash can pay all or a portion of a taxpayer's indebtedness. Escheats are a shot in the dark in most cases; therefore, it is reserved as a last resort in delinquent collections.

Bankruptcy. As part of an effective collection program, it is important to keep abreast of the statutes and procedural issues pertaining to bankruptcy. Proofs of Claim must be filed in a timely manner when appropriate and tax bills involved in an active bankruptcy case must be carefully monitored and segregated to avoid violation of the automatic stay imposed by the Bankruptcy Court. Presently, there are 655 tax bills amounting to \$198,571.21⁷ that are involved in active bankruptcy cases. This is a slight increase over last fiscal year. As depicted in the following chart of North Carolina Bankruptcy filings, during 2006, there was a significant drop in the number of cases filed in North Carolina's Western District Court. Only 5,108 cases were filed in North Carolina Bankruptcy Court's Western District of which Henderson County is a part. This drop can be attributed to the 17 October 2005 enactment of the Bankruptcy Abuse and Protection Act which was designed to limit frivolous bankruptcy filings. This also represents a 10 year low in the number of bankruptcy filings. The number of bankruptcies filed during 2010 was slightly higher than 2009 with 8,779 cases. This continues a three year upswing in the number of bankruptcies and can be attributed to the economic downturn.

³ NCPTS Legal Action Report for period 1 July 2010 to 30 June 2011

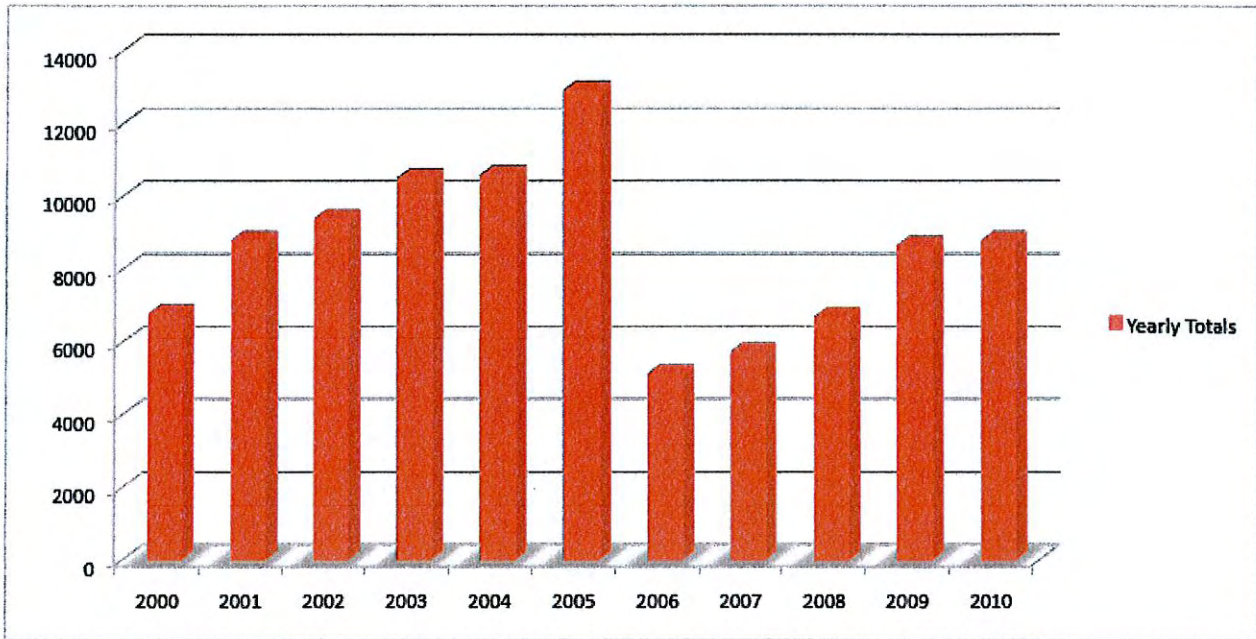
⁴ NCPTS Legal Action Report for period 1 July 2010 to 30 June 2011

⁵ NC Debt Setoff Detail Report (as provided by FiveStar Computing) for period 1 July 2010 to 30 June 2011

⁶ NCPTS Payment Arrangement Summary report for period 1 July 2010 to 30 June 2011

⁷ Query of NCPTS data containing Bankruptcy flags as prepared by the IT Department as of 1 July 2011

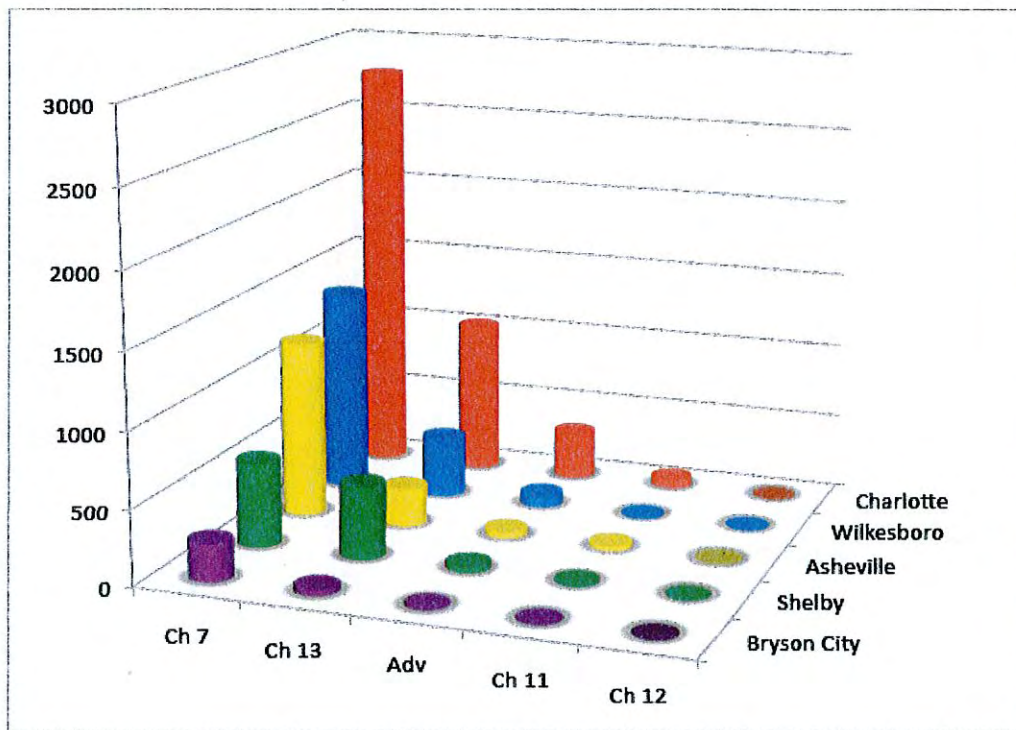
TEN YEAR COMPARISON FOR ANNUAL BANKRUPTCY FILINGS



2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
6761	8777	9373	10494	10585	12897	5108	5706	6584	8640	8779

The second chart demonstrates that of the 8,779 bankruptcies filed in the Western District, 1,518 were filed in the Asheville Division. The chart also shows the breakdown of the number of each type of bankruptcy that was filed during 2010.

2010 BANKRUPTCY FILINGS BY DIVISIONAL OFFICE



	Ch 7	Ch 13	Adv	Ch 11	Ch 12
Bryson City	253	41	7	3	0
Shelby	569	490	42	10	1
Asheville	1185	260	44	29	0
Wilkesboro	1357	405	80	9	2
Charlotte	2771	1024	318	60	0

Our most difficult collections remain in the area of motor vehicle tax. The total prior-year (i.e., 1999-2009) sum of outstanding motor vehicle tax is \$1,190,238.00, which represents 27.80% of the total outstanding delinquent tax.⁸

In closing, the progress relating to delinquent tax collections has truly been a team effort based on hard work and solid dedication. Thank you for the opportunity to be of service to you.

Respectfully submitted,

William Lee King
 Delinquent Tax Collector

cc: Stan Duncan, County Assessor/Tax Collector, Carey McLelland, Finance Director

⁸ NCPTS Monthly County Collection report for period 1 July 2010 to 30 June 2011

FY2010-2011 Delinquent Property Tax Collections

PRIOR YEARS (2000-2009) TAX COLLECTED FOR GENERAL COUNTY:

TAX YEAR	TOTAL COUNTY LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)			ACCRUED INTEREST COLLECTED + COSTS			TOTAL COUNTY CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)			YEAR END COUNTY LEVY DUE			YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV
2009	796,411.69	9,135.70	262,115.76	112,493.94	1,006.95	24,689.89	1,025,017.90	10,279.63	342,782.47	514,194.81	196.46	76,213.11	99.10	98.74	98.01
2008	101,454.71	8,439.44	14,922.54	23,154.28	1,662.07	3,612.33	108,949.83	10,101.51	18,300.36	218,403.50	196.46	83,040.20	99.61	99.01	98.00
2007	28,952.82	5,397.08	8,962.99	8,675.47	1,458.72	3,532.12	34,551.93	6,855.80	12,484.35	178,344.87	134.44	98,382.06	99.67	99.68	97.89
2006	14,242.11	72.32	6,921.24	5,495.23	26.94	3,887.54	17,765.83	99.26	10,803.74	205,497.40	0.00	105,454.70	99.58	100.00	9.87
2005	7,975.07	65.92	3,456.39	3,456.39	30.49	3,048.35	10,629.51	96.41	7,991.37	99,915.03	1,396.17	83,299.66	99.77	99.84	98.10
2004	4,465.12	60.80	3,187.19	2,551.96	33.59	2,183.75	6,312.64	94.39	5,283.55	62,915.92	265.80	76,563.03	99.84	99.65	98.05
2003	3,454.78	0.00	7,388.68	1,900.36	0.00	6,555.47	4,368.74	0.00	4,368.74	64,673.07	0.00	108,269.52	99.83	100.00	98.05
2002	3,816.59	0.00	4,808.12	2,775.00	0.00	5,264.11	6,045.28	0.00	10,049.33	78,269.78	0.00	98,770.17	99.77	100.00	97.56
2001	3,277.54	0.00	4,109.95	2,331.51	0.00	4,799.57	5,180.46	0.00	8,909.52	57,610.66	0.00	80,686.54	99.82	100.00	97.92
2000/PRIOR	7,573.93	0.00	14,153.59	9,633.84	0.00	22,981.49	15,956.22	0.00	37,132.55	439,356.45	0.00	511,776.65	99.77	100.00	97.83
TOTAL:	971,624.36	23,171.26	331,514.08	172,467.98	4,218.76	80,554.62	1,235,778.34	27,527.00	467,690.45	1,919,181.49	2,189.33	1,322,464.65			

PRIOR YEARS (2000-2009) TAX COLLECTED FOR MUNICIPALITIES:

MUNICIPALITY	TOTAL CITY LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)			ACCRUED INTEREST COLLECTED + COSTS			TOTAL CITY CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)			YEAR END CITY LEVY DUE			YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV
Hendersonville	0.00	0.00	31,636.05	0.00	0.00	5,517.06	0.00	0.00	35,743.15	0.00	0.00	182,729.09	0.00	0.00	96.61
Laurel Park	0.00	0.00	1,996.24	0.00	0.00	281.84	0.00	0.00	1,985.85	0.00	0.00	8,952.73	0.00	0.00	99.03
Saluda	0.00	0.00	9.38	0.00	0.00	2.02	0.00	0.00	11.40	0.00	0.00	115.00	0.00	0.00	98.93
Fletcher	0.00	0.00	14,074.12	0.00	0.00	1,746.19	0.00	0.00	15,331.83	0.00	0.00	30,457.53	0.00	0.00	98.19
Flat Rock S1			392.24			25.75			407.45			720.56			99.12
Flat Rock S2			227.05			14.96			226.43			166.77			99.68
Flat Rock S6			44.35			1.55			31.03			27.40			99.82
Millis River	0.00	0.00	3,766.84	0.00	0.00	368.98	0.00	0.00	4,071.49	0.00	0.00	4,303.05	0.00	0.00	98.45
TOTAL:	0.00	0.00	52,146.27	0.00	0.00	7,958.35	0.00	0.00	57,808.63	0.00	0.00	227,472.13			

PRIOR YEARS (2000-2009) TAX COLLECTED FOR FIRE DISTRICTS:

FIRE DISTRICT	TOTAL SPECIAL DISTRICT LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)			ACCRUED INTEREST COLLECTED + COSTS		TOTAL SPECIAL DISTRICT CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)		YEAR END SPECIAL DISTRICT LEVY DUE		YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred	DMV	Total	Total	Total	Total	Regular	Deferred	DMV	DMV	
Bat Cave	2,877.05	0.00	397.80	0.00	0.00	3,740.84	0.00	0.00	3,721.51	0.00	99.49	
Blue Ridge	13,564.25	0.00	8,913.02	0.00	0.00	26,707.74	0.00	0.00	74,704.17	0.00	99.34	
Dana	10,157.58	494.19	6,064.77	0.00	0.00	19,455.28	0.00	0.00	36,211.77	0.00	99.19	
Edneyville	9,495.56	792.54	6,488.72	0.00	0.00	19,764.10	0.00	0.00	52,735.93	0.00	99.08	
Etowah/HS	23,614.72	564.80	4,987.05	0.00	0.00	33,036.81	0.00	0.00	34,217.02	0.00	99.59	
Fletcher	12,916.21	56.34	9,618.24	0.00	0.00	25,606.14	0.00	0.00	37,777.30	0.00	99.49	
Georgetown	5,046.44	0.00	270.65	0.00	0.00	5,987.32	0.00	0.00	3,124.44	0.00	99.60	
Green River	7,790.31	1,024.47	1,994.45	0.00	0.00	12,487.79	0.00	0.00	20,460.53	0.00	99.41	
Mills River	1,063.88	583.30	733.57	0.00	0.00	3,000.07	0.00	0.00	15,120.44	0.00	99.50	
Mtn Home	14,473.39	0.00	7,926.92	0.00	0.00	26,521.45	0.00	0.00	59,896.73	0.00	99.54	
Raven Rock	1,700.43	0.00	590.54	0.00	0.00	2,603.96	0.00	0.00	5,010.89	0.00	99.61	
Valley Hill	11,509.11	0.00	4,714.24	0.00	0.00	18,369.00	0.00	0.00	30,609.82	0.00	99.77	
Valley Hill #2	3,256.65	0.00	713.47	0.00	0.00	4,539.79	0.00	0.00	4,508.49	0.00	99.63	
TOTAL:	117,465.58	3,515.64	53,413.44	0.00	0.00	25,617.35	0.00	0.00	201,820.29	0.00	378,099.04	99.49

TOTAL PROPERTY TAX COLLECTED FOR YEARS 2000-2009:											
TOTAL LEVY CREDIT			ACCRUED INTEREST COLLECTED + COSTS		TOTAL CASH COLLECTED		YEAR END LEVY DUE		YEAR END COLLECTION PERCENTAGE		
Total			Total		Total		Total		Regular	Deferred	DMV
General County	1,326,309.70	52,146.27	257,241.36	7,958.35	1,730,995.79	57,808.63	3,243,835.47	227,472.13	99.68	99.61	97.91
Municipalities	174,394.66	25,617.35	290,817.06	1,990,624.71	3,849,406.64	99.49					
Fire Districts	1,552,350.83										
TOTAL:	3,053,055.19	77,910.27	548,058.42	9,956.70	5,471,050.56	64,771.74	11,536,078.11	2,225,146.86	99.68	99.61	97.91

Notes:
 (1) Differences in the sum of Levy Credit + Accrued Interest and Total Cash Collected is attributable to Rebates (aka Releases) and Refunds
 (2) The Year End Levy Due column includes amounts due for years prior to 1999 which are legally unenforceable.
 (3) With regard to Fire District entries, REG, DEF and DMV breakdowns on accrued interest and collection percentages were not available due to the formatting of the Special District Collection report

Respectfully Submitted,

 Stan C. Durcan, Tax Collector

My Commission expires: NOVEMBER 15, 2012

Sandra S. Albin
 Notary Public

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on July 20, 2011 at 9:00 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman J. Michael Edney, presided.

* * *

The following members were present:

Chairman J. Michael Edney; Vice Chairman Thomas H. Thompson, Jr.; Commissioner Charlie Messer; Commissioner Larry Young; Commissioner William O'Connor.

The following members were absent:

None

Also present:

County Manager Steve Wyatt; Assistant County Manager Selena Coffey; Clerk to the Board Teresa Wilson; Finance Manager J. Carey McLelland; County Attorney Charles Russell Burrell.

* * *

Commissioner Tommy Thompson moved that the following resolution (the "Resolution"), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION OF A BUILDING FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED WITHIN THE NEXT EIGHTEEN MONTHS

WHEREAS, the Board of Commissioners of the County of Henderson, North Carolina ("County") has determined that it is in the best interests of County to acquire a building, formerly owned by Hendersonville Hematology and Oncology physicians, for use by Margaret R. Pardee Hospital (the "Project");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project is \$1,300,000.

Section 2. **Compliance with Regulations.** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Tommy Thompson, the foregoing resolution entitled "RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION OF A BUILDING FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND WITHIN THE NEXT EIGHTEEN MONTHS" was duly adopted by the following vote:


AYES:

NAYS:

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

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF HENDERSON, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION OF A BUILDING FOR USE BY MARGARET R. PARDEE HOSPITAL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED WITHIN THE NEXT EIGHTEEN MONTHS**” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 20th day of July, 2011.

WITNESS my hand and the corporate seal of the County of Henderson, North Carolina, this the 20th day of July, 2011.



Teresa Wilson
Clerk to the Board
County of Henderson, North Carolina

HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department - Assessor

	RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
		DESTROYED	*DUPLICATED		
1.	2011 Reappraisal Notices -		Forms have been scanned	Standard 6 Item # 2	
	undeliverable returned mail		+ attached to the parcel record		
2.	2011 Listing Forms -		Forms have been scanned	Standard 6 Item # 2	
	undeliverable returned mail		+ attached to the parcel record.		

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
Department Head

6 July 2011
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 20th day of July, 2011.

[Signature]
Clerk to the Board

STANDARD-6. PROGRAM OPERATIONAL RECORDS: PROPERTY APPRAISAL RECORDS. Records received and created by county tax offices necessary to meet all statutory requirements.

STANDARD-6. PROGRAM RECORDS: PROPERTY APPRAISAL RECORDS			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	AGRICULTURAL, HORTICULTURAL, AND FORESTLAND DEFERRED TAXES	Destroy in office after 10 years or two revaluation cycles, whichever occurs first.	G.S. 105-277.6
2.	APPRAISAL MONITORING RECORDS Records used to discover unlisted and under-appraised real and personal property during non-revaluation years. Includes field notes, correspondence to and from property owners, and similar records documenting changes in parcel features and characteristics used to update property records.	a) Destroy in office records concerning real property after 10 years or two revaluation cycles, whichever occurs first. b) Destroy in office records concerning personal property after two revaluation cycles. See also REVALUATION RECORDS item 16, page 35.	G.S. 105-287
3.	BOARD OF EQUALIZATION AND REVIEW (APPEALS FILE) Records associated with appeals to the Board of Equalization and Review. Includes appeal letters, hearing notices, listing information, affidavits, staff recommendations and final actions.	a) Destroy in office 4 years after final settlement appeals concerning real property. b) Destroy in office 1 year after final settlement appeals concerning personal property and motor vehicles.	G.S. 105-322 G.S. 105-323 G.S. 105-325
4.	BOARD OF EQUALIZATION AND REVIEW (MINUTES AND ATTACHMENTS) Official minutes summarizing each appeal heard before the Board of Equalization and Review.	Retain in office permanently. See the Microfilm section on page viii for instructions on microfilming.	G.S. 105-322
5.	LOCAL GOVERNMENT COMMISSION REPORTS (DEPARTMENT OF REVENUE)	Destroy in office after 3 years.	

Page **33** of the **Records Retention & Disposition Schedule - County Tax Administration - Issued by: NC Dept. of Cultural Resources, Division of Historical Resources, Archives & Records Section**
Government Records Branch; published April 1, 2004

* Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS item 11, page 17.

HENDERSON COUNTY

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: Tax Department - Assessor

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
2011 Real Property Listing Forms		Forms have been scanned and attached to the parcel record as a document	Standard Item # 6	6

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

John C. Dawson
Department Head

6 July 2011
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 20th day of July, 2011.

Alicia L. Weber
Clerk to the Board

STANDARD-6. PROGRAM OPERATIONAL RECORDS: PROPERTY APPRAISAL RECORDS. Records received and created by county tax offices necessary to meet all statutory requirements.

STANDARD-6. PROGRAM RECORDS: PROPERTY APPRAISAL RECORDS			
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* Records may be disposed of following minimum retention period only if released from audits or other official action (excluding litigation). If applicable, see LITIGATION CASE RECORDS item 11, page 17.

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

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J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice Chairman

CHARLIE MESSER
WILLIAM O'CONNOR
LARRY YOUNG

July 21, 2011

Mr. Michael C. Herring
Chief Administrator
North Carolina Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, North Carolina 27610

Dear Mr. Herring:

The purpose of this letter is to update you as to the position of the Henderson County Board of Commissioners regarding the one-half acre of land annexed by the City of Hendersonville at 755B Upward Road which has been proposed as the location of an additional ABC Store. We had previously advised you that the Board disapproved of the proposed location.

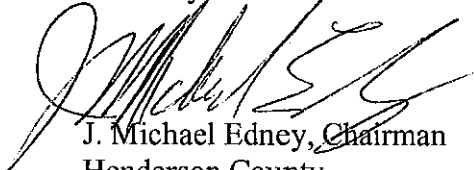
The Board met, and re-considered the proposal after it came to our attention that Charlie Byrd, incoming chairman of the Hendersonville ABC Board, had not been made aware of the time of our previous meeting. Mr. Byrd was present at our July 20, 2011 meeting and addressed all of the Boards' concerns surrounding the project.

Subsequent to Mr. Byrd's presentation the Board voted to support the application of the Hendersonville ABC Board for an additional ABC store to be located on Upward Road site.

Further, the Board voted to request the Henderson County Board of Elections to conduct a referendum regarding the sale of alcoholic beverages during the 2012 May primary.

Thank you for allowing the Board to express its position on these matters. Please feel free to contact me if you have any further questions.

Sincerely,



J. Michael Edney, Chairman
Henderson County
Board of Commissioners

cc: Charles L. Byrd