

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
AUGUST 2, 2010

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

Those present were: Chairman Bill Moyer, Vice-Chairman Mark Williams, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Associate County Attorney Sarah Zambon, Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, Research/Budget Analyst Amy Brantley, Sheriff Rick Davis, Chief Deputy Greg Cochran, Construction Manager David Berry, Fire Marshall Rocky Hyder, Deputy Tax Collector Lee King, Animal Services Director Brad Rayfield, Tax Collector/Assessor Stan Duncan, Lieutenant of Animal Control Jeff Patterson, Lieutenant Vanessa Gilbert, EMS Director Terry Layne, Code Enforcement Director Toby Linville, Transportation Planner Hope Bleecker, Communication Director Lisha Corn, Property Addressing Coordinator Curtis Griffin and officer David Pearce (as security).

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Briar McDowell of the Crab Creek Crawdads 4-H Club.

### INVOCATION

County Manager Steve Wyatt gave the invocation.

Chairman Moyer stated a celebration was held in the lobby of the Historic Courthouse today in observance of Dr. George Jones 90<sup>th</sup> birthday to thank him for his many years of service to the community.

It was noted that during the last month Flat Rock Playhouse held the play "12 Angry Men" in the courtroom which required cancellation of a few meetings. At the last performance the Commissioners were presented with a framed playbill including signatures of the actors. The play was a huge success and brought much needed business to the downtown merchants during challenging and economic times.

### INFORMAL PUBLIC COMMENT

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

1. Dan Ames - "I live in Fletcher and this is not intended to get any retributions, as far as money, to me but it is to show evidence of a felony that occurred in the County that has not been processed. I was advised by a judge to contact the motor vehicle department to determine ownership of a vehicle. The owner of that vehicle had signed a bill of sale, and it was notarized, saying that she had sold that car on a given date. The motor vehicle department traced it for me and they indicated that it remained in her ownership until July after that February incident. The person that she supposedly sold the vehicle was a very close friend of hers and he had signed documents saying that he never owned the vehicle. She claims that she sold it to him. This false bill of sale influenced the Fletcher Police Department in handling the distribution or the action on this case.

DATE APPROVED: AUGUST 18, 2010

They refused to take any action. I'm trying to talk to Jeff Hunt about it, I made 6 applications at his office to talk to him and he is always out of the county and I have a current application but doesn't appear that I'm going to get to talk to him. I'm seventy-nine and a half and I'd like to speak to him before I pass on. I think this should be investigated. I have all the evidence that is needed. The person according to state law should be either fined or imprisoned. Nothing has been done to this person."

2. Fielding Lucas – Mr. Lucas had recently been a victim of identity theft. This had happened several years prior. He was bothered because within 2 hours he received a mechanical telephone call from an organization trying to convince him that he should enlist in their identity theft program. He advised people to check their accounts frequently.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested the addition of a discussion item "Transport Van for Detention Center", the deletion of "Revaluation", and an additional closed session.

*Commissioner McGrady made the motion to adopt the Agenda as amended. All voted in favor and the motion carried.*

**CONSENT AGENDA**

*Commissioner McGrady 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 1, 2010 – Special Called Meeting
- June 1, 2010 – Special Called Meeting
- June 7, 2010 – Regularly Scheduled Meeting
- June 8, 2010 – Special Called Meeting

**Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated July 23, 2010 for information only. No action was required.

**Tax Refunds**

A list of 22 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

**Tax Releases**

A list of 20 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

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

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

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

Information Technology – encumbrance of final technology purchases for FY2010 in May  
Rescue Squad – 4th quarter non-profit contribution paid in advance at beginning of the quarter  
Mental Health – payout of Mental Health MOE funds as requested  
Juvenile Justice Programs – grant funded programs paid out as expenditures are incurred  
Veteran’s Services – fiscal year expenditures running ahead of budget  
NC Cardiovascular Health – grant funded program completed for the year  
DSS-Smartstart – grant funded program requiring a budget amendment prior to fiscal year end

The YTD deficit in the Travel and Tourism Fund is the result of lower occupancy tax collections due to the current economy, less travel and reduced room rates being offered for stays. The Board approved one percent increase in the occupancy tax rate will produce more funding to cover operational costs and bring the Fund back in to a positive financial position in FY2011.

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

The YTD deficit of \$8,595 in the Edneyville Park Project is recreation equipment purchased and additional soccer field work required by the state that will be reimbursed from the State PARTF Grant. This grant was extended to complete additional field work and should be closed out in FY2010.

The YTD deficit in the Law Enforcement Center Project is expenditures that will be reimbursed from financing proceeds that are expected to be available in the second quarter of FY2011.

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

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

Suggested Motion:

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

#### **Henderson County Public Schools Financial Reports – May 2010**

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

Suggested Motion:

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

#### **Capital / Facilities Status Reports**

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for the period ended July 2010 on Capital and Facilities projects.

#### **Construction Management Update**

Construction Manager David H. Berry & Associates, LLC had provided a monthly status report to the Commissioners for Henderson County facilities.

**Fuel and Energy Reduction Plan Status**

This agenda item is an update to the Board on the status of the County’s energy and fuel reduction plan.

Electric (KWH) used by Fiscal Year

Dept/Building	FY 2008	FY 2009	FY 2010	% Change FY08 and FY09	% Change FY09 and FY10	% Change FY08 and FY10
95 Courthouse	2,037,888	1,947,840	1,950,336	-4.4%	0.1%	-4.3%
Animal Services	223,867	155,680	182,360	-30.5%	17.1%	-18.5%
Board of Elections	45,461	35,598	34,975	-21.7%	-1.8%	-23.1%
Central Services	80,904	63,998	48,162	-20.9%	-24.7%	-40.5%
Cooperative Extension	126,876	79,882	84,163	-37.0%	5.4%	-33.7%
Emergency Services	122,758	115,609	122,791	-5.8%	6.2%	0.0%
Historic Courthouse	373,311	585,688	542,026	56.9%	-7.5%	45.2%
Human Services	1,538,980	1,378,404	1,309,734	-10.4%	-5.0%	-14.9%
King Street Building	593,894	494,400	515,575	-16.8%	4.3%	-13.2%
Library	783,181	654,777	529,561	-16.4%	-19.1%	-32.4%
Recreation	473,991	462,036	541,725	-2.5%	17.2%	14.3%
Sheriff	1,295,225	1,307,040	1,270,091	0.9%	-2.8%	-1.9%
Solid Waste	177,496	97,820	92,721	-44.9%	-5.2%	-47.8%
Travel & Tourism	113,409	106,302	118,291	-6.3%	11.3%	4.3%
Utilities	145,310	146,738	142,732	1.0%	-2.7%	-1.8%
Youth	97,380	92,160	87,640	-5.4%	-4.9%	-10.0%
<b>Total</b>	<b>8,229,931</b>	<b>7,723,972</b>	<b>7,572,883</b>	<b>-6.1%</b>	<b>-2.0%</b>	<b>-8.0%</b>

Gas Usage (Therms) by Fiscal Year

Dept/Building	FY 2008	FY 2009	FY 2010	% Change FY08 and FY09	% Change FY09 and FY10	% Change FY08 and FY10
95 Courthouse	25,662	29,413	28,012	14.6%	-4.8%	9.2%
Board of Elections	1,136	1,274	1,799	12.1%	41.2%	58.4%
Central Services	6,402	7,081	7,093	10.6%	0.2%	10.8%
Emergency Services	3,294	4,404	4,538	33.7%	3.0%	37.8%
Historic Courthouse	9,815	12,865	13,449	31.1%	4.5%	37.0%
Human Services	35,959	26,193	24,662	-27.2%	-5.8%	-31.4%
King Street Building	1,143	1,131	1,151	-1.0%	1.8%	0.7%
Library	6,417	8,478	10,067	32.1%	18.7%	56.9%
Sheriff	28,091	31,288	29,608	11.4%	-5.4%	5.4%
<b>Total</b>	<b>117,919</b>	<b>122,127</b>	<b>120,379</b>	<b>3.6%</b>	<b>-1.4%</b>	<b>2.1%</b>

## Water Usage (in gallons) by Fiscal Year

Dept/Building	FY 2008	FY 2009	FY 2010	% Change FY08 and FY09	% Change FY09 and FY10	% Change FY08 and FY10
95 Courthouse	4,250,000	3,773,200	4,498,100	-11.2%	19.2%	5.8%
Animal Services	242,600	176,400	184,700	-27.3%	4.7%	-23.9%
Board of Elections	12,300	13,600	6,200	10.6%	-54.4%	-49.6%
Central Services	25,200	18,300	24,400	-27.4%	33.3%	-3.2%
Cooperative Extension	387,500	472,000	482,000	21.8%	2.1%	24.4%
Emergency Services	91,800	84,700	193,800	-7.7%	128.8%	111.1%
Historic Courthouse	79,000	45,600	39,500	-42.3%	-13.4%	-50.0%
Historical Society	84,200	26,200		-68.9%		
Human Services	447,300	472,700	461,900	5.7%	-2.3%	3.3%
King Street Building	34,500	28,400	35,100	-17.7%	23.6%	1.7%
Library	724,300	644,700	611,000	-11.0%	-5.2%	-15.6%
Parks & Recreation	290,200	329,900	370,000	13.7%	12.2%	27.5%
Sheriff	514,700	472,100	383,500	-8.3%	-18.8%	-25.5%
Solid Waste	364,400	481,300	565,000	32.1%	17.4%	55.0%
Travel & Tourism	183,800	121,300	92,800	-34.0%	-23.5%	-49.5%
Utilities	21,900	12,800	22,900	-41.6%	78.9%	4.6%
Youth	228,800	202,600	191,400	-11.5%	-5.5%	-16.3%
<b>Total</b>	<b>7,982,500</b>	<b>7,375,800</b>	<b>8,162,300</b>	<b>-7.6%</b>	<b>10.7%</b>	<b>2.3%</b>

## Fuel Data by Fiscal Year

Dept/Building	FY 2008	FY 2009	FY 2010	% Change FY08 and FY09	% Change FY09 and FY10	% Change FY08 and FY10
Animal Services	5,060	2,831	426	-44.0%	-84.9%	-91.6%
Fire Marshal	2,319	2,531	2,478	9.1%	-2.1%	6.8%
Cooperative Ext.	482	285	391	-40.9%	37.3%	-18.8%
EMS	23,441	21,773	21,914	-7.1%	0.6%	-6.5%
Garage	7,173	5,121	1,138	-28.6%	-77.8%	-84.1%
Health	13,299	6,722	6,039	-49.5%	-10.2%	-54.6%
Inspections	13,593	7,722	7,492	-43.2%	-3.0%	-44.9%
Library	1,139	879	1,022	-22.8%	16.3%	-10.3%
Motor Pool	2,023	1,451	1,069	-28.3%	-26.3%	-47.2%
Planning	464	285	332	-38.6%	16.6%	-28.4%
Recreation	215	283	2,249	31.5%	695.1%	945.7%
Erosion		347	1,158			
Public Buildings		2,010	4,513			
Utilities	2,052	2,193	2,136	6.9%	-2.6%	4.1%
Sheriff	114,860	117,508	111,857	2.3%	-4.8%	-2.6%
Youth Home	2,490	2,165	2,455	-13.1%	13.4%	-1.4%
Rescue Squad	2,353	2,508	3,135	6.6%	25.0%	33.2%
WCCA	23,020	22,052	22,693	-4.2%	2.9%	-1.4%
Vocational Solutions	3,670	3,688	3,621	0.5%	-1.8%	-1.3%

Soil and Water	436	318	324	-27.1%	1.8%	-25.8%
Travel & Tourism	109	93	107	-14.3%	14.8%	-1.6%
Work First	1,108	868	854	-21.7%	-1.6%	-22.9%
Tax Assessor	1,642	1,280	1,302	-22.0%	1.7%	-20.7%
DSS	1,240	1,300	1,638	4.8%	26.0%	32.2%
Code Enforcement	1,410	1,087	1,275	-23.0%	17.4% -	9.6%
Property Addressing	355	430	475	21.1%	10.5%	33.8%
Landfill		892	1,813		103.2%	
Detention			6,090			
Unknown		272				
<b>Total</b>	<b>223,954</b>	<b>208,894</b>	<b>209,997</b>	<b>-6.7%</b>	<b>0.5%</b>	<b>-6.2%</b>

### Immigrations and Customs Enforcement (ICE) Update

Sheriff Rick Davis presented the following information to provide the Board with an update on the Immigrations and Customs Enforcement (ICE) Program.

<b>287(g) Program Statistics - 3rd Quarter</b>	
January 1, 2010 - March 31, 2010	
# Inmates Interviewed	63
# Inmates Processed	59
Detainers Lodged	63
203's Lodged	53
<b>Of the Number Processed:</b>	
851 Aggravated Felon	5
862 NTA	26
871 Re-Entry	3
B&B Ordered Deported	1
STIP	10
VR	14
Mandatory	43
Non-Mandatory	16
<b>Charges</b>	
DWI	14%
Drugs	15%
Robbery	0
Sex Crimes	1%
Assault	6%
Domestic Violence	11%
ICE Arrest	0
Resist	5%

Traffic	31%
Fraud	0
Alcohol / D&D	6%
Larceny	6%
B&E	0
Trespass	0
Other	9%
Misdemeanors	74
Felonies	14

### Designation of Voting Delegate to NCACC 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 Pitt County on August 26 – 29, 2010.

#### Suggested Motion:

*I move the Board designate Chairman Moyer as Henderson County's voting delegate to the NCACC Annual Conference.*

### Non-Profit Performance Agreements

Subsequent to the approval of the FY 2010-2011 Budget, staff had distributed the funding agreements to the non-profit agencies receiving County allocations.

#### Funding Agreements

1. Arts Council of Henderson County
2. Blue Ridge Literacy Council
3. Boys and Girls Club
4. Children and Family Resources Center
5. Community Development Council
6. Council on Aging
7. Dispute Settlement Center
8. Environmental and Conservation Organization
9. Healing Place
10. Historic 7<sup>th</sup> Avenue District Inc.
11. Housing Assistance Corporation
12. Mainstay
13. Medical Loan Closet
14. Partnership for Economic Development
15. Pisgah Legal Services
16. The Free Clinics – Medifind
17. The Free Clinics – Volunteer Program
18. United Way 211 Program
19. Vocational Solutions
20. Western Carolina Community Action – Medical Transport
21. Western Carolina Community Action – Transportation Grant
22. WNC Communities

Suggested Motion:

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

**Animal Services Budget Amendment**

In FY09-10, the Animal Services Department received an \$18,715 grant from PetSmart to be used for spay-neuter services. Of that amount, \$12,422 was utilized in FY10. The remaining funds were rolled into the County's fund balance at the end of the fiscal year. This Budget Amendment re-appropriates the remaining \$6,293 from fund balance for use in FY11 in accordance with the grant requirements.

A budget amendment to transfer the necessary funding from fund balance to the Animal Services budget for the program was provided for the Board's consideration.

Suggested Motion:

*I move the Board of Commissioners approves the budget amendment to appropriate \$6,293 in fund balance to the Animal Services budget.*

**Animal Services Advisory Committee By-Laws Revisions**

The Animal Services Advisory Committee reviewed its bylaws and recommends several changes outlined in the provided draft bylaws. The most significant change creates a 3 member subcommittee to hear appeals so that the whole board does not have to be present, thereby allowing appeals to be heard more promptly.

These changes were recommended by the Animal Services Advisory Committee at its June 2010 meeting.

Suggested Motion:

*I move the approval of the changes to the Henderson County Animal Services Advisory Committee Bylaws.*

**Conveyance of strip of land to City of Hendersonville for re-routing of Sixth Avenue**

The City of Hendersonville has requested that the Board grant to it ownership of two parcels in fee simple, and three easements.

The property in questions is a part of the "Hendersonville Elementary School" property. Title to this property is currently held in the County of Henderson due to outstanding financings of school projects for which this property serves as collateral. The parcels and easements are to be used in connection with the construction of the new "US Highway 64 Connector", allowing traffic bound for the School and the Junior High School to move from the current highway ) (and avoiding relocation of the cemetery bounding both sides of the current highway).

The two parcels for which ownership is sought are strips of land (one about 1/40<sup>th</sup> of an acre). Two of the easements are for drainage purposes, and the other is a temporary construction easement.

Both the Henderson County Board of Education and the lenders who hold the loans for which the Elementary School is collateral have agreed to convey the property to the City of Hendersonville. The Board of Education considered this matter in April of 2010, but the lenders have only recently executed the releases of the property. The County was notified of the same July 21, 2010.

Suggested Motion:

*I move that the Board convey the property described in the Deed provided with the agenda item to the City of Hendersonville.*

**Revision to the bylaws of the Henderson County Recreation Advisory Board**



The Board is requested to amend the bylaws for the Henderson County Recreation Advisory Board. The amendment would allow the Board to hear appeals regarding staff decisions on Parks and Recreation Department policies and procedures as applied to individuals.

Suggested Motion:

*I move that the Board approves the amendments to the bylaws for the Recreation Advisory Board.*

**FY 2010-2011 Fee Schedule**

The Board of Commissioners is requested to add the following new fees to the FY 2010-2011 Fee Schedule.

<u>Department</u>	<u>Item</u>	<u>Fee</u>
Soil Erosion and Sedimentation Control	Storm Water Plan Review fee	\$505
Inspections	Retaining Wall	\$100

The Soil Erosion and Sediment Control Division is in the process of organizing to enforce the new Storm Water Phase 2 law in Henderson County. The start date for enforcement of this new regulation will be September 1, 2010. The fee of \$505.00 is to cover the cost of staff review of plans submitted for construction projects, inspections done during construction and follow-up of the working condition of the BMP's installed during that construction.

The retaining wall fee is a direct result of a change in the building code, which now requires that retaining walls be permitted.

Suggested Motion:

*I move the Board of Commissioners amend the FY 2011 Fee Schedule to incorporate the new fees as proposed.*

**West request for refund of deed excise tax**

Attorney D. Samuel Neill has requested, on behalf of Fred E. West and wife, Doris M. West, the refund of the sum of Three Hundred Dollars (\$300.00) in real property conveyance excise tax ("deed stamps"). The deed in question represented real estate located in Transylvania County, not Henderson County, but was incorrectly recorded in the Henderson County Register of Deeds Office.

Pursuant to N.C. Gen. Stat. § 105-228.37, a request for refund of overpayment of real property conveyance excise tax must be made within six months of the date of payment. The payment was made on or about 17 April 2010. The Henderson County Register of Deeds Office was first notified of the alleged overpayment by letter from Mr. Neill shortly thereafter. An Affidavit of Correction was filed with the Register of Deeds 26 May 2010. A letter to the Board of Commissioners to the same effect was received 20 July 2010, and the person making the request has agreed to waive notice (see below) of the consideration of their request.

If the Board determines that a refund is in order, the refund will be of the County's portion (1/2) of the tax paid, plus interest.

Motion Suggested:

*I move that the Board grant the refund requested insofar as it conforms to the requirements of N.C. Gen. Stat. §105-228.37(b).*

**Budget Amendment to Re-appropriate Grant Funds for Compressed Natural Gas (NCG) Station**

The Board of Commissioners previously approved appropriation of American Recovery and Reinvestment Act (ARRA) grant funds in the amount of \$610,500 for the CNG Station. Those funds were appropriated to the FY10 County budget. A total of only \$141,177 was expended during FY10, leaving an unspent balance of grant funding in the amount of \$469,323. Staff anticipated greater expenditures in FY10 than were actually realized due to delays resulting from grant requirements pertaining to federal rules. The approved

FY11 budget includes \$350,000 to complete the project based on an estimate which was formulated in March. Staff requests approval of the provided line item transfer request, which re-appropriates the \$119,323 unspent difference from the FY10 budget.

The CNG station is currently under construction and is scheduled to be completed in the fall. Construction contracts to complete the project total \$568,880. This construction cost is being paid for entirely by the ARRA grant funds.

Suggested Motion:

*I move the Board approves the provided budget amendment authorizing re-appropriation of unspent grant funds in the amount of \$119,323 for the CNG project.*

#### **Resolution of intent to close a public right of way**

Planning Department staff requests the Board to approve the provided resolution of intent to close a public right of way.

North Carolina General Statute 153A-241 requires the Board to pass a resolution of its intent when petitioned to close an easement or right of way.

Suggested Motion:

*I move the Board approves the resolution of intent for closure of any known right of ways that may exist for SR 1661 (Cave Inn Drive).*

#### **Proposal from Graybar – Henderson County Lighting Retrofit Project**

On June 7, 2010 the Board approved a grant from the State Energy Office for the amount of \$183,101.00. This proposal is for items for the Henderson County Lighting Retrofit project that will upgrade T12 to T8 fluorescent lighting and include occupancy sensors in the County. It also includes the upgrade of 72 lights in the City of Hendersonville from T8 to T5 lights. Energy savings in Henderson County are estimated at \$27,000 per year. These energy savings will be monitored and verified by a third-party hired by the State Energy Office. This project involves no local funding.

On 6/14/2010 the Request for Proposals was posted in the Hendersonville Times-News and was posted on the Henderson County website. The RFP was kept on the Henderson County website for a period of 7 days. On 6/21/2010 at 2:00 pm three bids were opened publicly. Henderson County received bids from Graybar, Blue Ridge Lighting Supply Inc. and Phillips Lighting Company. Graybar is the lowest responsible bidder with a proposal at \$98,613.80.

Suggested Motion:

*I move that the Board approve the proposal from Graybar for \$98,613.80 for the Henderson County Lighting Retrofit project.*

#### **Surplus of Playground Equipment at Old Health Department**

The Quality Maintenance program of the Children and Family Resource Center requests the piece of playground equipment currently located behind the Old Health Department. Jill Hussey owner and Director of Little Red School will be responsible for removal of the playground equipment.

The Little Red School is a private entity that works the Quality Maintenance Program of the Children and Family Resource Center (a not for profit organization). The Quality Maintenance Program works with various organizations to maintain or improve their Star Rating, a quality system of the State of North Carolina.

Suggested Motion:

*I move that the Board approve the surplus of the playground equipment at the Old Health Department to Jill Hussey to be given to the Children and Family Resource Center.*

### **House Bill 1691 & the 911 Fund**

House Bill 1691 “An act to Amend the Statutes Governing Emergency Telephone Service”, was signed into law on July 23, 2010. Section 9 of HB 1691 allows for a one time use of 50% of an agency’s 911 Fund Balance, as determined on July 1, 2010, for public safety purposes. These funds are not to be transferred into the General Fund but are to remain in the Emergency Telephone System Fund. This one time amount can be used only in FY 2010-11 and/or 2011-12. The Sheriff’s Office requests that the 911 Fund balance be restricted for use by the 911 Center only.

#### **Suggested Motion:**

*I move the Board authorizes the County Manager to restrict the 911 Fund Balance for use by the 911 Center only.*

### **Collective Bargaining Resolution**

A resolution was provided opposing federally mandated collective bargaining. The resolution also urges members of the North Carolina delegation in the U.S. House of Representatives and the U.S. Senate to oppose any bill that contains these provisions.

#### **Suggested Motion:**

*I move the approval of the resolution opposing collective bargaining and authorize the Chairman to execute the resolution on behalf of the Henderson County Board of Commissioners.*

### **2011 Holiday Schedule**

The proposed 2011 Holiday Schedule for Henderson County Local Government agencies is as follows:

## **HENDERSON COUNTY**

### **2011 HOLIDAY SCHEDULE**

<b>HOLIDAY</b>	<b>DATE(S)</b>	<b>WEEKDAY(S)</b>
New Year’s Day	December 31, 2010	Friday
ML King, Jr.’s Birthday	January 17, 2011	Monday
Good Friday	April 22, 2011	Friday
Memorial Day	May 30, 2011	Monday
Independence Day	July 4, 2011	Monday
Labor Day	September 5, 2011	Monday
Veteran’s Day	November 11, 2011	Friday
Thanksgiving	November 24 & 25, 2011	Thursday & Friday
Christmas	December 26 & 27, 2011	Monday & Tuesday

Suggested Motion:

*I move that the Board approves the 2011 Holiday Schedule as presented.*

### **Surplus Vehicles**

A resolution (Exhibit A) declaring the provided list (Exhibit B) of vehicles no longer used by the County as surplus property was provided for the Board's consideration. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

Suggested Motion:

*I move that the Board approve the resolution provided declaring the provided 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.*

### **2010 ARC Energy RFP**

A grant application will be submitted prior to the August 31, 2010 deadline for the 2010 ARC Energy RFP overseen by the Appalachian Regional Council. This grant is for \$5,000 for a Building Permit Rebate Program to rebate up to \$500 in permit fees for certified LEED or HealthyBuilt Homes. No monetary contributions are requested from Henderson County. This grant will be administered by the Engineering Department in conjunction with the permit center. The current draft of the grant proposal was provided.

Suggested Motion:

*I move that the Board authorize the County Engineer to submit the 2010 ARC Energy RFP for the Building Permit Rebate Program.*

### **Energy Efficiency in Government Buildings Grant**

A grant application will be submitted prior to the August 10, 2010 deadline for the Energy Efficiency in Government Buildings Grant overseen by the North Carolina Energy Office. The Henderson County, North Carolina HVAC and Control System Upgrade Project is for \$360,270 for controls for Henderson County buildings (Main Library, King Street Building, Human Services, and 1995 Courthouse), \$9,168 for optimization at the Historic Courthouse, and \$51,965 for a new HVAC system for the Whitmire Building for the City of Hendersonville. The total proposal will cost \$421,403. An estimated \$82,000 will be received from Duke Energy, the local utility service provider, in energy efficiency incentives. Subtracting out the incentives received from Duke Energy, the total grant proposal will be for \$339,403. Henderson County will not leverage matching funds. The costs savings are estimated at \$60,515 and approximately 2,712,063 kBtu of energy will be saved in the first year. This also equates to an estimated 509.2 metric tons of greenhouse gases cut. The current draft of the proposal was provided.

Suggested Motion:

*I move that the Board authorize the County Engineer to submit the Energy Efficiency in Government Buildings Grant application for the HVAC and Control System Upgrade Project.*

## **NOMINATIONS**

### **Notification of Vacancies**

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

1. Animal Services Committee – 1 vac.
2. Cemetery Advisory Committee – 1 vac.
3. Child Fatality Prevention Team – 2 vac.
4. Fire and Rescue Advisory Committee – 1 vac.
5. Home and Community Care Block Grant Advisory Committee – 1 vac.
6. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

**Nominations**

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

1. Animal Services Committee – 1 vac.

Chairman Moyer nominated Mary Sue Cervini for position #5. *Chairman Moyer made the motion to accept the appointment of Mary Sue Cervini to position #5 by acclamation. All voted in favor and the motion carried.*

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

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

3. Downtown Hendersonville, Inc. – 1 vac.

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

4. Historic Resources Commission – 1 vac.

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

5. Juvenile Crime Prevention Council – 9 vac.

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

6. Mountain Area Workforce Development Board – 2 vac.

Chairman Moyer nominated Marilyn Williams for position #1 and Joseph Freeman for position #5. *Chairman Moyer made the motion to accept the appointment of Marilyn Williams to position #1 and Joseph Freeman to position #5 by acclamation. All voted in favor and the motion carried.*

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

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

8. Senior Volunteer Services Advisory Council – 3 vac.

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

9. Solid Waste Advisory Committee – 1 vac.

During the June 7, 2010 meeting James Kisner, Charles Allen and Thomas McMinn were nominated. Commissioner Messer withdrew his nomination for Charles Allen. The Board was polled with the following results.

Chuck McGrady	Mark Williams	Bill Moyer	Charlie Messer	Larry Young
<i>Kisner</i>	<i>McMinn</i>	<i>Kisner</i>	<i>McMinn</i>	<i>McMinn</i>

*By majority of votes Thomas McMinn was appointed to position #9.*

**TRANSPORT VAN FOR DETENTION CENTER**

Sheriff Rick Davis approached the Board of Commissioners requesting that he be permitted to purchase a prisoner transport van for the Detention Center using a portion of drug forfeiture funds and/or available ICE funds that will be coming to Henderson County in the near future. Although the drug forfeiture funds haven't been received by the County at this time, the funds are forthcoming and the purchase of the transport van is necessary immediately. To purchase and equip the van, the Sheriff would need \$49,646 from the General Fund, which would be reimbursed when the drug forfeiture funds have been received.

Sheriff Davis explained the current vehicle has approximately 81,000 miles on it and is no longer safe.

While this vehicle is not appropriate for transport of prisoners and has an escape risk, it is however suitable for the library. The new vehicle for the Detention Center would not require multiple officers and vehicles to accomplish the same mission. The state is getting more selective of when they pick prisoners up and Sheriff Davis feels this is done for economic reasons. The state delays picking up and/or receiving of prisoners and this in turn costs Henderson County. The reimbursement is at a lower rate. The new van can move up to 8 people at a time which is double the capacity of the current mini-van.

*Commissioner Williams made the motion that the Sheriff be permitted to purchase the aforementioned van and equip it using General Fund funds to be reimbursed with forthcoming drug forfeiture and/or available ICE funds available to the County. All voted in favor and the motion carried.*

#### **FY 2009-2010 TAX COLLECTION SETTLEMENT; FY 2010-2011 TAX ORDER FOR COLLECTION**

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):

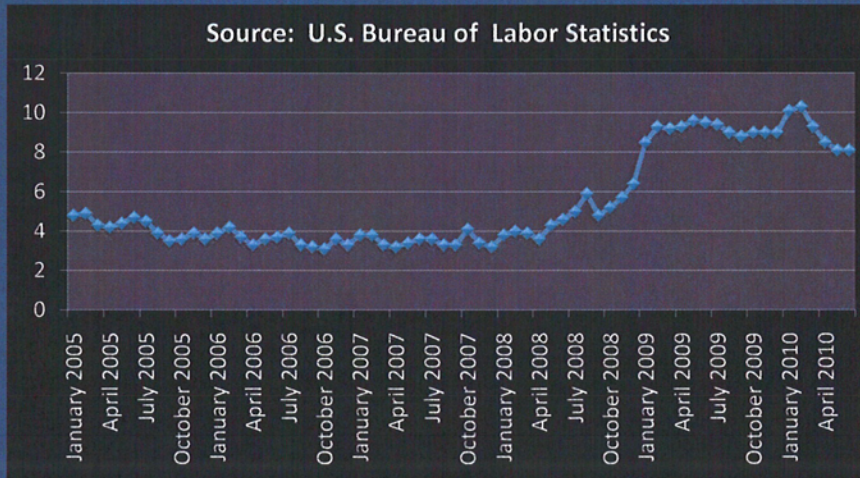
- (a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.
- (b) **SETTLEMENT.** The Tax Collector must 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 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 FY2011 taxes, plus all outstanding delinquent taxes.

Stan Duncan stated on June 29, 2009 as part of the budget process, the Board of Commissioners charged the Tax Collector's Office with a collection of \$57,832,467.00 in current year taxes, and \$1,520,000.00 in prior year taxes, interest, and penalties. As of Jun 30, 2010 the tax department had collected the following toward the original charge as stated in the FY 2009-2010 Budget Ordinance:

- \$58,914,148.60 for current year (2009) taxes which is \$1,081,681.60 above the charge as stated in the Budget Ordinance.
- \$1,663,147.24 for prior year's taxes that have become delinquent which is \$143,147.25 above the delinquent charge as stated in the Budget Ordinance.

Mr. Duncan compared the unemployment rate between January 2005 – June 2010.

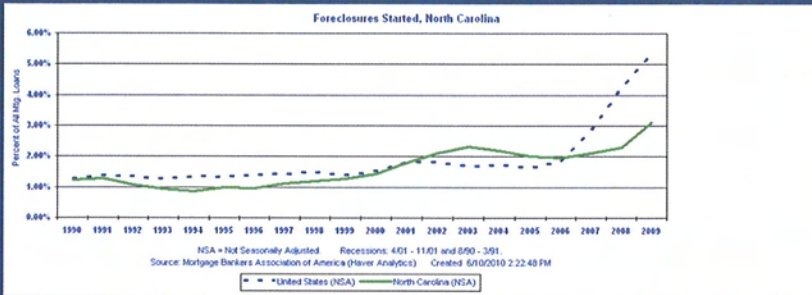
## Henderson County Unemployment Rate Over Time January 2005 – June 2010



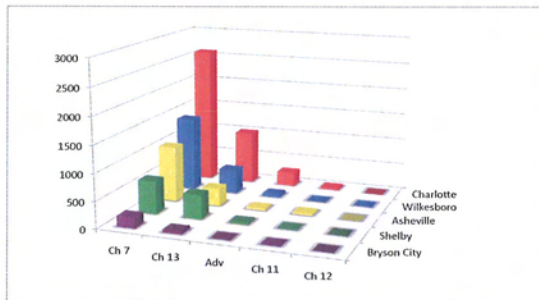
## Unemployment Rate Comparison by Year January 2005 - June 2010



# North Carolina Foreclosure Starts By Year



## 2009 BANKRUPTCY FILINGS BY DIVISIONAL OFFICE

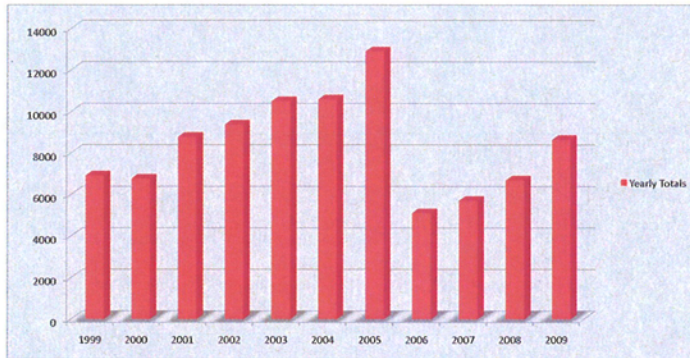


	Ch 7	Ch 13	Adv	Ch 11	Ch 12
Bryson City	196	52	7	7	0
Shelby	618	452	33	8	0
Asheville	1045	326	37	37	1
Wilkesboro	1397	460	59	6	2
Charlotte	2595	999	266	36	1

Chapter 7 – No Asset Case – Total Liquidation of Assets  
 Chapter 13 – Individual Reorganization  
 Adv – Adversary Proceeding – Creditor has a dispute with Debtor and does not want claim dismissed.  
 Chapter 11 – Business Reorganization  
 Chapter 12 – Streamlined Chapter 11 for Farmers and Fishermen      Source: US Bankruptcy Court WNC



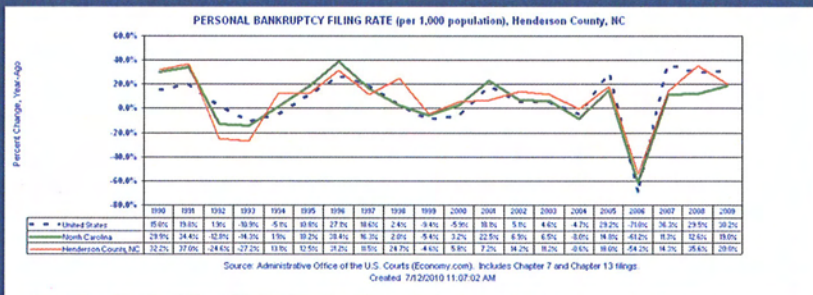
TEN YEAR COMPARISON FOR ANNUAL BANKRUPTCY FILINGS



1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6909	6761	8777	9373	10494	10585	12897	5108	5706	6684	8640

Bankruptcy Abuse and Protection Act was enacted in late 2005 to protect against frivolous bankruptcy filings, this in turn resulted in a drop in the number of filings for year 2006. This chart represents total filings for the entire Western District of North Carolina – U. S. Bankruptcy Court. Source: U.S. Bankruptcy Court - WNC

## Personal Bankruptcy Filing Rate Henderson County



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

- 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 received 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 (\$1,185,681.10);
  4. The principal amount of taxes included in the insolvent list determined in accordance with subdivision (a)(2) (\$582,202.33), above;
  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 to 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. (\$368,880.80 collected of \$449,011.00 billed)

**2009 - 10 BUDGET ORDINANCE**

2009 Taxes (Annual Yr)	Tax Base Tax Rate	\$ 12,905,000.00 0.462	
	Gross Potential	\$ 59,621,100.00	Met Percentage Goal on 21 May 2010
	Collection Rate	0.97	Met Dollar Goal on 21 April 2010
	Levy Charge	\$ 57,832,467.00	

*2009 Tax Bills were mailed on 5 August 2009, due on 1 September, and subject to interest if delinquent on 6 January 2010.*

**2008 & Prior Yr**

Delinquents: (Taxes, Interest, Penalties & Costs)	Total Charge	\$ 1,520,000.00	Met Dollar Goal on 15 April 2010
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**ANNUAL LEVY CHARGE:**

Property Type	Original Tax Base PROJECTIONS on which the Tax Rate was set	Resulting Tax Revenue PROJECTED & Levy Charged	NET LEVY CHARGED as of 30 June 2010	NET LEVY COLLECTED as of 30 June 2010	Percent COLLECTED	Net Charge Above Projected
<i>Real</i>	\$ 11,280,000.00	\$ 52,113,600.00				
<i>Personal</i>	\$ 710,000.00	\$ 3,280,200.00				
<i>Pub. Serv.</i>	\$ 165,000.00	\$ 762,300.00				
<b>Total Annual</b>	<b>\$ 12,155,000.00</b>	<b>\$ 56,156,100.00</b>	<b>\$ 57,024,352.18</b>	<b>\$ 55,555,077.86</b>	<b>97.42%</b>	<b>1.55%</b>
<i>1st 4 Months</i>	\$ 270,000.00	\$ 1,247,400.00				
<i>2nd 4 Months</i>	\$ 265,000.00	\$ 1,224,300.00				
<i>Last 4 Months</i>	\$ 215,000.00	\$ 993,300.00				
<b>TOTAL RMV's</b>	<b>\$ 750,000.00</b>	<b>\$ 3,465,000.00</b>	<b>\$ 3,821,735.12</b>	<b>\$ 3,352,965.67</b>	<b>87.73%</b>	<b>10.30%</b>
<b>TOTAL Base</b>	<b>\$ 12,905,000.00</b>	<b>\$ 59,621,100.00</b>	<b>\$ 60,846,087.30</b>	<b>\$ 58,908,043.53</b>	<b>96.81%</b>	<b>2.05%</b>
Deferred Bills	\$ -	\$ -	\$ 7,171.21	\$ 6,105.07	85.13%	<i>Not Projected</i>
<b>TOTAL OF ALL 2009-10FY LEVY CHARGES:</b>			<b>\$ 60,853,258.51</b>	<b>\$ 58,914,148.60</b>	<b>96.81%</b>	<b>2.07%</b>

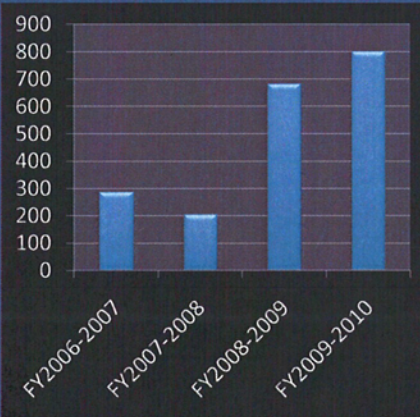
**DELINQUENT CHARGE:**

All Property Types (Real, Personal, RMV's) <i>For Tax Bills created in 2008 and prior years.</i>		\$ 1,520,000.00	\$ 1,663,147.25	109.42%
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Deputy Tax Collector Lee King explained that an enforced collection action is defined as an attachment of funds via a tax payer; funds in a bank account.

## Enforced Collection Actions

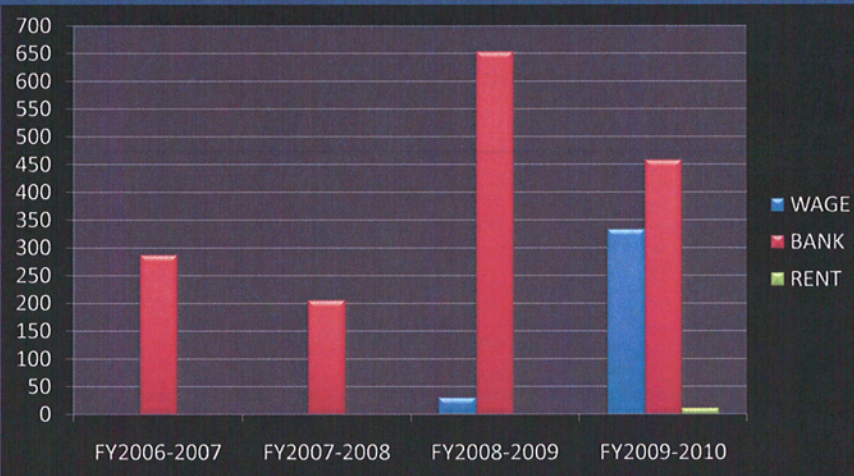
Total Number of Actions



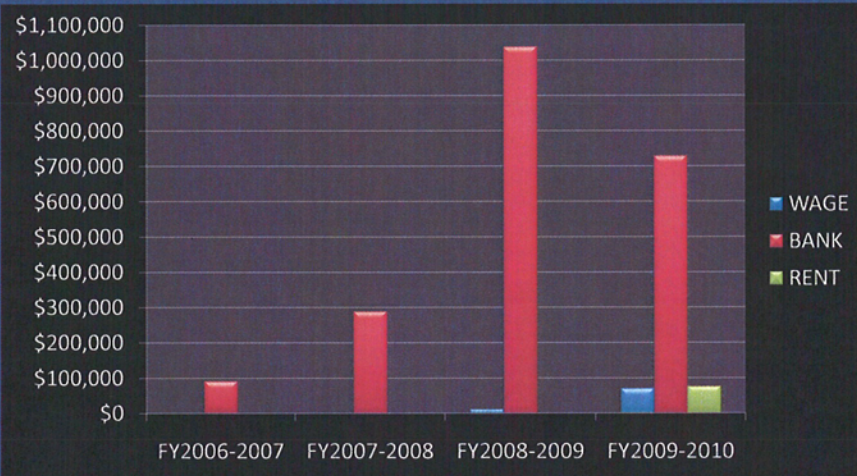
Resulting Monies Collected



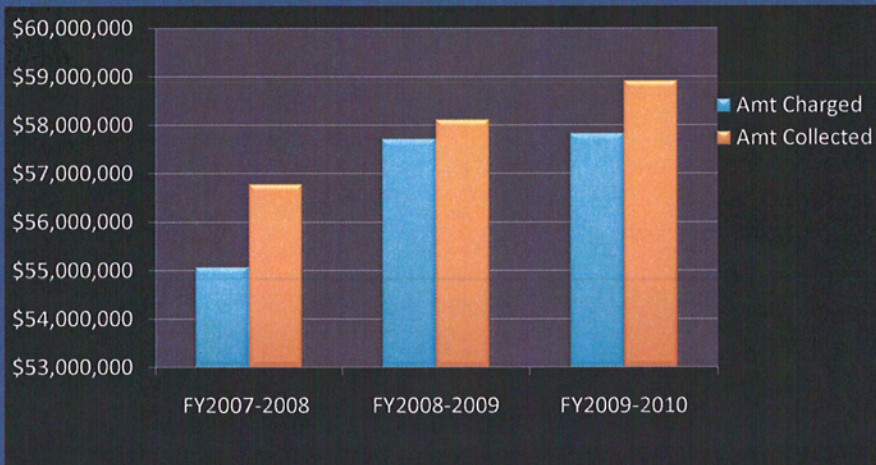
## # of Enforced Collection Actions



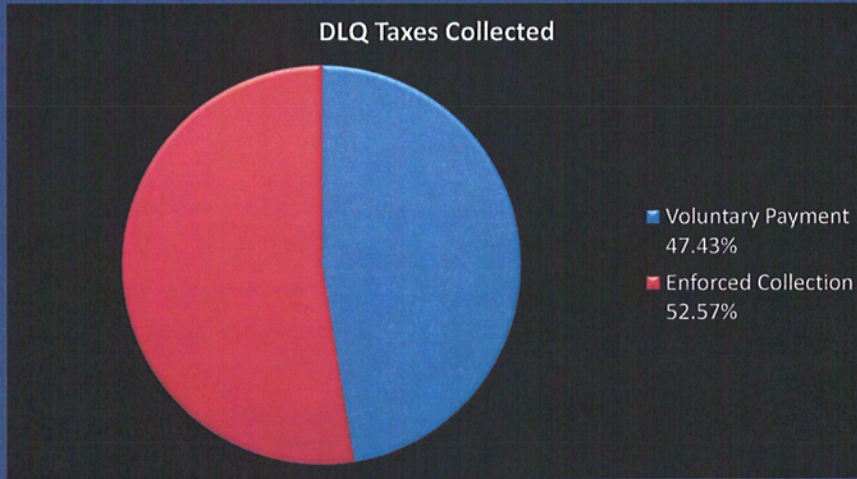
## \$ Collected by Enforced Actions



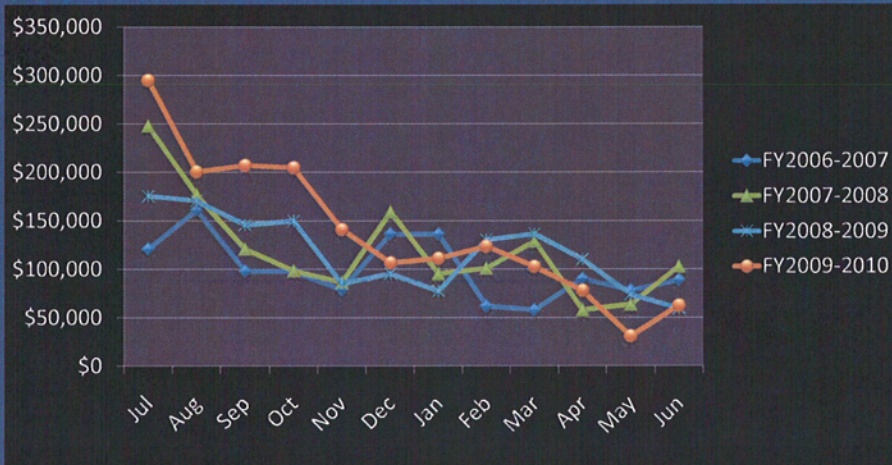
## Annual Collections Activity All Years Cumulative



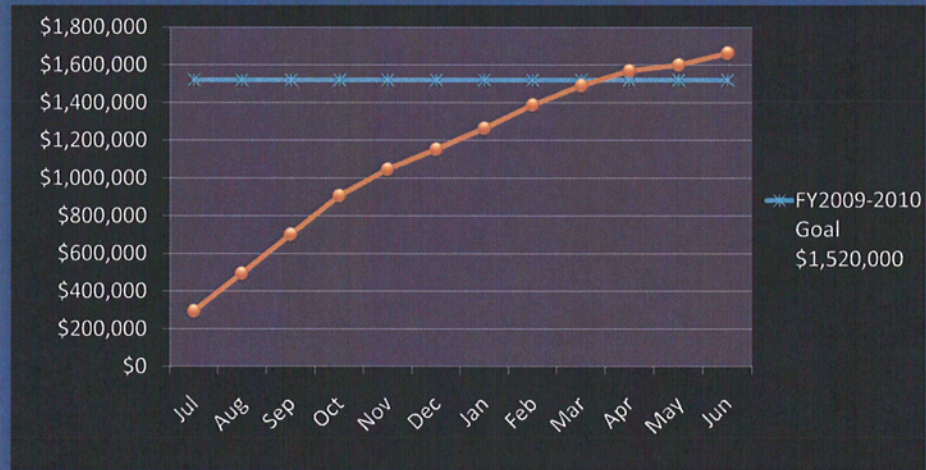
## Percentage of DLQ Taxes Collected Method of Payment



## DLQ Collections Activity by FY

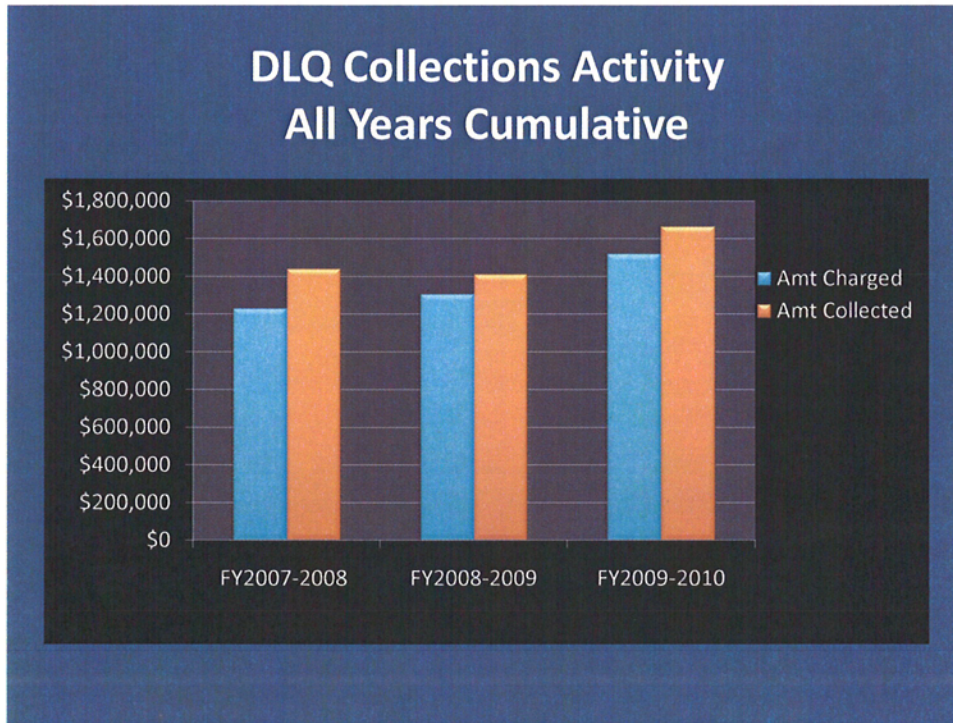


### DLQ Collections Activity FY2009-2010



### DLQ Collections Activity All Years Cumulative





*Commissioner Messer made the motion that the Board approves the tax collector’s settlement for Fiscal Year 2010 taxes, and further approves the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2011 taxes. All voted in favor and the motion carried.*

**MATERIAL RECOVERY FACILITY (MRF) UPDATE – FY 2010 SOLID WASTE CAPITAL IMPROVEMENT PROJECTS**

Marcus Jones stated the Engineering Department is concerned that the risk associated with developing the County MRF has grown significantly since the Solid Waste Feasibility Study was completed in July 2009 and approved on October 21, 2009. The Feasibility Study is the analysis from McGill and Associates that developed the Solid Waste Capital Improvement Plan (CIP) projects. In turn, the study also developed the financial analysis to show that the Solid Waste Enterprise Fund can afford to pay for CIP. The following are a list of points to support this concern:

- Capital Improvement Estimates: The Stoney Mountain Transfer Facility (SMTF) improvements are estimated at approximately \$2 million with the MRF at \$1 million. The improvements at SMTF are tracking close to the initial budget estimate with additional funding brought into the project from NCOT. However the MRF project budget has increased about 25% to \$1.25 million due to up-fit costs associated with the possible leased building.
- Capital Improvement Funding: The CIP is proposed to be paid for from approximately \$2 million from the Solid Waste Fund balance and \$1 million from borrowed funds. These borrowed funds will add debt service of about \$100,000 to the annual operational budget. Funding improvements from the Fund balance will obviously have less of an impact on the annual operating budget than borrowed funds. With the improvements at the SMTF being safety driven, it is logical to associate them as a higher priority and also to associate the less risky funding from the fund balance with these improvements. Therefore, the MRF would be the portion of the CIP associated with borrowed money and additional debt service.
- Annual Operating Budget for the Solid Waste Enterprise Fund: Prior to FY2010, the Solid Waste Enterprise Fund was generating about 10% revenues over expenses (about \$500,000) annually. This is what has grown the Fund’s fund balance to over \$2,000,000 to pay for a majority of the CIP. Unfortunately due to an approximate 15% decrease in volume of trash received and a significant reduction in interest income, these retained earnings have not materialized for FY2010. We are tracking

to generate revenues to meet expenses with only a small amount retained. The reduction in volume of trash is affecting all jurisdictions and the recovery of this volume is expected to occur with the recovery of the economy. This recovery may be beyond even FY2011. In short, the buffer of \$500,000 in the operating budget is likely gone for the foreseeable future.

- MRF Operating Budget: In addition to the additional debt service mentioned above associated with the MRF of \$100,000, there is additional operating expenditures to run the facility: lease payment, labor, utilities, etc. This is currently budgeted at approximately \$300,000. At the time of the Feasibility Study, the “buffer” mentioned above would have covered the debt service and the MRF operating expenditures in the unlikely event that the recycling markets fall off substantially. Obviously during the typical and current market, the MRF revenue would cover its own expenses with the possibility to supplement the Enterprise Fund balance but market fluctuations are possible as discussed below.
- Recycling Material Markets: Recycling Markets are a typical commodity market that experiences fluctuations in pricing. A substantial decrease in the market price was experienced after the initial downturn in the Economy which would have put a MRF in a deficit revenue position. However, the market quickly recovered and has returned to 2007 levels for the past year.
- Current County Process for Recycling: Currently the partially separated material from our convenience center and the single-stream material from the private haulers is outsource to private MRF's. For the volume the County is currently generating (about 5,000 tons) the associated cost for processing and handling is about \$50,000 net or 1% of the operating budget. While this is not a significant expense and easily absorbed in the budget, it does not reflect the lost revenue from processing the material at an in house facility. Also it is important to note that with the recent and future State regulations and increased Citizen Participation in recycling, this volume will grow. In turn the expense of out sourcing the material will grow to the point that more funds are expended than would be required to operate an in house MRF. The loss of revenue compounds this point. However, for the near future out sourcing is a feasible option.
- MRF Competition: Currently there is only one MRF in the region and the prices it charges / pays reflect the lack of competition. Its prices are significantly higher than other nearby regions. With the current demand communicated to us by other jurisdictions and businesses, it seems possible that another private MRF could be successful in the region should Henderson County not pursue a MRF at this time. While this may represent a lost opportunity for the County, it may also drive the price / cost of out sourcing to a more feasible and sustainable option for the County.

The above points indicate that even with the recycling markets generating typical revenues from a proposed County MRF, the room for error is currently very small due to the decreased revenues from the current Solid Waste operations. Should the recycling markets decline significantly, the Enterprise fund will be put in a deficit position. Requiring a possible increase in tipping fees or at some point should the tipping fees become non-competitive, a supplement from the General Fund.

In the near future, out sourcing the County recycling is feasible. Also, suspending the development of a County MRF may give the trash volume time to recover, and in turn the “buffer” in the Enterprise Fund may give the private industry time to develop and offer a sustainable out sourcing option. Furthermore, additional time will allow the fund balance to grow (hopefully) and reduce the amount of debt service needed for a MRF in the future.

Lastly, next calendar year, we will know the magnitude of any cost increases due to our new Hauling Contract for Waste.

Chairman Moyer noted this is a valid issue but did not feel that putting the project off for a year was the answer. He felt staff should continue to study other options, looking at other ways to accomplish this project after all of the work that has been done.

After further discussion, it was the consensus of the Board that study continue looking at other options and see what can be done to continue the progress made on this project.



**APPROVAL OF THE LOW BID AND PURCHASE OF THE EMS AMBULANCES**

Rocky Hyder stated the Board is requested to approve the lowest responsive bid and authorize the Emergency Services Director to proceed with purchasing 1, 2010 Chevrolet Type III ambulance. Bidding was conducted between June 18<sup>th</sup> and July 16<sup>th</sup> 2010. The lowest responsive bidder is Southeastern Emergency Vehicles with a total bid of \$116,855. The vehicle purchase was approved in the Emergency Medical Services FY 10-11 budget in the amount of \$120,000. The plans are to purchase this vehicle.

The lowest overall bid from Taylor Made ambulance did not meet Henderson County's bid specifications. Taylor Made did not submit the required specification check list therefore no documentation was provided to ensure the specifications were met, rendering the bid non-responsive.

Commissioner Williams questioned if local bidders were able to meet the qualifications and Mr. Hyder responded they have been in contact and delivered a bid package to all local dealers to make them aware of the bid process in hopes that the dealers will contact the winning bidder in order to provide them with a chance. The average life span is typically 3 years, however he feels the Chevrolet model with the G chassis may be able to provide 4 good years.

*Commissioner Young made the motion the Henderson County Board of Commissioners accepts the lowest responsive bid from Southeastern Emergency Vehicles for 1 Chevrolet Type III ambulance for \$116,855 and authorize the Emergency Services Director to make the purchase. All voted in favor and the motion carried.*

**TUXEDO MILL DEMOLITION PROJECT BIDS**

County Manager Steve Wyatt stated the Board has heard concerns and had a thorough discussion in regards to the Tuxedo Mill over the last few months. As part of the budget process it was determined to try to get an actual cost of what it would take to clean up the site. Information will be shared in regards to environmental concerns possible sub surface. Ultimately the decision is not only about the bid and the bid amount, is what the Board of Commissioners see as the future for the site and what the potential is for a community use down the road. This is not a small investment.

County Attorney Russ Burrell stated the site has been determined by the Board to be a public nuisance and therefore are asking for an abatement of that nuisance. Under the statute once notice had been given 2 times to the owner, the Board has the right to go in and remediate the problems. Notice has been given to the record owner and to the lender that is the holder of a lien against the property. They have held this lien for a significant period of time and have not moved forward with foreclosure. Mr. Burrell feels this is because they do not want to get involved with the very things the Board is going about doing at this time.

Chairman Moyer stated if the Board moves forward, the cost spent plus the taxes will be a lien on the property and action can be taken against the property and the County could possibly receive ownership of the property.

A memorandum was provided from the County's Construction Manager, David Berry, presenting the bid proposals from five (5) companies for the demolition of the Tuxedo Mill. The memo outlines the bid proves used by staff, general information regarding the Phase I site assessment and finally, Mr. Berry's recommendation for the Board of Commissioners to award the project to Mark Pace Construction, who provided the lowest bid on the project, which is \$126,969.

A Phase 1 Site Assessment, inclusive of lead paint and asbestos surveys, was priced, ordered, and performed by Mountain Environmental Group. The cost for the study was \$3,400. The full report was received and reviewed. The report indicates that there is a significant amount of asbestos which will require abatement. The primary asbestos containing material is pipe insulation. Smaller amounts were also found in floor mastic and some wall board materials in one of the buildings. There is also a very small amount of lead paint which was identified on one masonry wall section and will require proper handling.

RFP's (Request for Proposals) for the demolition project were posted on the Henderson County web page noting all pertinent information including notice of a mandatory (to be allowed to bid) pre-bid on-site meeting. The pre-bid meeting was held and all interested contractors and subs were given more specific bid instructions and project requirements should their company be awarded a contract to perform the work. All in attendance were allowed full access that entire afternoon to study the site and on two additional prescheduled site meetings prior to the bid date. Questions raised at the pre-bid meeting were either answered then or answered via email addendums copying all interested contractors who were in attendance at the pre-bid. In summary the bid instructions required that the bidding contractors/companies be properly licensed locally and in the state of NC, and include and show proof of, with their bid proposal, a Bid Bond which mandates the contractor or his bond company to pay a fee equal to 5% of his bid if he defaults on acceptance of his pricing. Copies of the site assessment report were made available to all bidding contractors and they were informed via email addendum that they were to include in their bid proposals the removal and disposal of any and all asbestos, lead paint, and furthermore that the handling of these components shall be as per all local, state, and federal guidelines and mandates. Further project requirements were provided to all bidding contractors should their firm be awarded a contract to perform the work. These project requirements included that the selected contractor have all county and state required licenses, provide a Performance and Payment Bond, specific amounts of insurance listing Henderson County as the additional insured, and demolition and asbestos permits as required by the county and the state. Also included in the project scope requirements was a maximum time frame to perform and complete the work of 180 days with liquidated damages (\$200.00/day) to be paid to the county starting on the 181<sup>st</sup> day. It should be noted that the demo could be done quicker but at a higher cost. The longer time frame allows a contractor, particularly one who is recycling materials, more time to salvage materials and relocate or sell them. And since there are not time restraints we were able to do this. It was explained to all bidding contractors/companies that the release of this project was subject to approval by the Henderson County Board of Commissioners after pricing was obtained.

The bid proposals were received as advertised in the conference room of the Henderson County Engineers office at 2:00 PM, Friday, June 4, 2010. Those in attendance included David Berry, Marcus Jones and staff, and any interested bidders. It was not mandatory that the bidder be present. All bids received were in order and the bid tally is as follows:

Mark Pace Construction	\$126,969
DH Griffin	\$198,750
Allison Landscaping	\$264,590
NEO Corporation	\$271,925
CST Environmental	\$317,800

The low bid was provided by a local contractor, Mark Pace Construction. Staff seeks a directive from the Board of Commissioners to proceed with awarding the project to Mark Pace Construction, entering into a contract with him, and proceeding with getting this work done. Materials are included in bid pricing. Anything found below ground such as unsuitable soils was not included in the bid and will be addressed at the time.

Chairman Moyer felt the Board has been working for a length of time to make progress on the site and he is convinced every effort has been made to work with the owner. He also feels unless the issue is forced it will sit and continue to get worse, continue to be an eyesore, a health hazard, and a safety hazard. Even with the high cost there is a greater likelihood of getting it back and possibly with a higher return. This is an ideal site for a library and park and is the only site that has been identified.

Commissioner Williams questioned from a legal side, if the County puts money into the property for clean up, will we be assuming any liability.

Mr. Burrell explained at this point the County is assuming no liability. We are protected by dealing with contractors who have seen the site and removed the County from any liability under their contract. If it ever occurs that we get to some kind of action to enforce our lien on the property and there is a sale, whoever the purchaser is at that sale, be it the County or whoever, they are in that chain of title and if there are environmental problems at that point they would attach and would weigh on the amount of bids you get at the sale.

Commissioners Williams felt the Board should continue to move forward only after an environmental hazards assessment has been done exercising extreme caution. Mr. Williams questioned the time sensitivity with the bid from Mr. Pace.

Mr. Berry explained if the Board gives directive to proceed with the contract he will contact the low bid contractor as the timeframe has passed. There is the possibility that Mr. Pace would say no. This would be brought back before the Board again.

Chairman Moyer agreed with the need for additional phases.

Commissioner McGrady stated the Green River Community Association is very supportive of the county moving forward with the project.

County Manager Steve Wyatt noted, should the Board decide to move forward, he recommended that the amount come out of the Capital Reserve Fund as there is not a line item in the budget for this project.

*Commissioner McGrady made the motion that the Board of Commissioners proceed with awarding the project to Mark Pace Construction and authorize the County Manager to execute the contract with Mark Pace Construction to begin the demolition project with the understanding that funds will be taken from the reserve. All voted in favor and the motion carried.*

#### **ANIMAL ORDINANCE REVISIONS**

Assistant County Manager Selena Coffey stated proposed revisions to the Animal Ordinance were provided to the Board. These revisions have been reviewed and recommended for the Commissioners' approval by the Animal Services Advisory Committee (ASAC) and County staff. For the Board's convenience in reviewing the Ordinance revisions, staff had compiled a summary of the revisions with descriptions and reference pages from the Ordinance.

The most significant revision and recommendation within the Ordinance is that of prohibiting the possession of inherently dangerous animals, such as hybrid animals and wild animals. Staff and the ASAC had much discussion and performed extensive research on the topic of hybrid animals and are compelled to put forward the recommendation that these inherently dangerous animals be prohibited in Henderson County due to public health and safety concerns. A key justification for this recommendation is found within the memorandum provided from Dr. Marilyn Goss Haskell, DVM, N.C. Department of Health and Human Services Public Health Veterinarian, verifying that "there are no parenteral biologics (e.g. rabies vaccines) currently licensed and approved for wolves or wolf-hybrids by the USDA". Of note, there are numerous states that have prohibited hybrid animals, whereas North Carolina leaves this decision to each individual governmental jurisdiction.

Ms. Coffey recognized members of the Animal Services Committee present, Chair Gaby Johnsen, newly appointed Mary Cervini, Animal Services Director Brad Rayfield, Associate County Attorney Sarah Zambon and Lieutenant Jeff Patterson of Animal Enforcement.

## Summary of Substantive Revisions to Animal Ordinance for Board review on August 2, 2010

Revision	Description of Revision	Reference Pages
Livestock	Adds "Livestock" to provisions related to dangerous / potentially dangerous dogs. To clarify, a dog may be deemed dangerous or potentially dangerous when it severely injures or kills livestock, in addition to injuring or killing domestic animals. The previous provision only covered domestic animals	2, 4, 8
Hybrid Definition	Removes the limitation of "dog" when referring to hybrid animals because the term "hybrid" can be used to define any animal that is the product of the breeding of any domestic animal with a non-domestic animal. For example, non-domestic felines can be red with domestic cats to produce hybrid.	3, 26, 27
Inherently Dangerous Animals	Adds a definition of and provision to prohibit the possession of inherently dangerous animals, such as hybrid animals and wild animals.	3, 24, 26, 27
Roles of Animal Services and Animal Enforcement	Clarifies and better delineates the roles and responsibilities between animal services staff and animal enforcement officers.	6, 7, 8, 9, 10, 20, 22, 25
Enclosures & Controls for Dangerous Potentially Dangerous Dogs	Strengthens language for enclosure requirements for dangerous / potentially dangerous animals. Removes "tattooing" of animals because tattooing animals is no longer a widely used practice for identification of animals.	10,11, 21, 23
Impoundment of Dangerous Potentially Dangerous Dogs	Strengthens Animal Enforcement Officers' ability to keep animals impounded when criminal charges have been brought against the owner of the animal.	12
Prohibition Against Giveaways in Public Places	Simplifies the previous language regarding prohibiting giveaways of animals in public places.	22

Note: The revisions listed above are significant Ordinance changes, whereas there are also other, substantive revisions, such as procedural clarifications or "clean-up" revisions regarding rabies vaccination vouchers, definitions, etc. included within the proposed Ordinance amendments.

Chairman Moyer asked what would be done if a hybrid animal were caught.

Ms. Coffey responded these animals cannot be adopted out. If the animal is obtained safety staff would look for rescue groups outside of the county with adequate enclosures that can safely maintain the animal. It is not the goal to euthanize hybrids and every effort would be made to find placement. Ms. Coffey, responding to Commissioner Messer, would be involving the municipalities with this ordinance.

Chairman Moyer questioned from an enforcement standpoint, will these changes help with the enforcement by the Sheriff's Department.

Sheriff Davis responded specifically when it comes to wolf hybrids it is challenging dealing with the dog bite incidents they have which is just under 1 dog bite per day, averaging for an entire year. When you are dealing with an animal that is not capable of being vaccinated, without these changes, it is putting the Animal Enforcement unit in an almost unenforceable position. These changes are very appropriate.

Lieutenant Patterson stated they are trying to avoid major issues down the road. People with more education in this matter are not able to say that the rabies vaccination will even work in hybrid animals.

Sheriff Davis noted the officers have no way of telling if the animal is a wolf hybrid. There are cases where the officers feel the animals are 100% wolf. Without some type of DNA testing it cannot be known.

Commissioner Young questioned if state law requires a wolf hybrid that has attacked another animal be put down.

Ms. Coffey responded yes, and the head of the animal must be tested by the state examiner to verify if the animal is rabid. The research being done has not been able to determine if rabies vaccination out in the forest can prevent rabies in true wild animals. Some veterinarians will give a vaccination to a hybrid but they are doing it not knowing whether it will work or not. Some insurance companies will not cover veterinarians that give rabies vaccinations to hybrid animals for malpractice suits.

*Commissioner Young made the motion that the Animal Ordinance amendments be approved as presented and be enforced effective immediately. All voted in favor and the motion carried.*

#### **REVALUATION – This item was removed from the agenda**

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

County Manager Steve Wyatt provided the Board with a brief update in regards to collective bargaining. Due to a federal effort to supersede state law which prohibits collective bargaining in North Carolina, two weeks ago the house added legislation to the war funding bill that would basically supersede North Carolina's prohibition against collective bargaining. That legislation passed the house of representatives and with the support of our representative went to the senate where a lively debate and a very close vote was taken voting not to approve procedural cloture which would cut off the discussion and essentially would make the federal law supersede state law. One of our senators (Senator Burr) supported the position previously taken by Commissioners of the NC Association of County Commissioners, league of municipalities and various cities and counties around the state. Senator Hagan did not support that position and in fact it has been reported that she did vote for cloture on that issue. Mr. Wyatt does not feel that this issue is going away although he feels for the time it was perhaps a "hail Mary pass" by attaching it to the war funding bill. It is something that Mr. Wyatt suggests the Commissioners pay attention to. If you look around the United States you read about cities laying off a third of their police officers. He commended the Sheriff's Association and the leadership of Rick Davis to support their position. Many cities and states are dealing with this issue and in Mr. Wyatt's opinion this is contributing to their financial issues. This state fortunately prohibits this position and is now under attack. Mr. Wyatt's concern is that perhaps after the election, a lame duck session of congress might take this up anew and perhaps pass that again. If you look at the cities and counties and states that have collective bargaining, there are two things that they share in common, a lot higher taxes and reduced levels of service especially in the last couple of years with the economic downturn. This is a changing issue that is extremely important that would remove a lot of the decision making (if successful) directly from county hands and put it into a negotiated position. There would be financial implications for cities and counties that would be negative.

Chairman Moyer noted that the NC Association of County Commissioners is starting their legislative goals process and the goals need to be in and approved by their board before September 15. He suggested that the Board of Commissioners look at goals in an upcoming meeting focusing on 3-5 major issues. A bold new approach is definitely needed in terms of Mental Health.

#### **IMPORTANT DATES**

Set public hearing date regarding the closing of right of way and the abandonment of state maintenance for Cave Inn Drive (SR 1661)

*Commissioner McGrady made the motion that the Board set a public hearing for September 7, 2010 at 7:00*

*p.m. regarding the abandonment of state maintenance and closure of any known right of ways or easements for Cave Inn Drive (SR 1661). All voted in favor and the motion carried.*

Set public hearing date for assignment of new street name for the new service road for US 25 Hwy connector project

*Commissioner McGrady made the motion that the Board set the public hearing for August 18, 2010 at 11:00 a.m. to discuss the proposed street name assignments. All voted in favor and the motion carried.*

Schedule a Public Hearing for the FY 2011 Rural Operating Assistance Program (ROAP) Application to the North Carolina Department of Transportation

*Commissioner McGrady made the motion that the Board schedules a public hearing on the FY 2011 Rural Operating Assistance Program grant application for Wednesday, August 18, 2010 at 11:00 a.m. All voted in favor and the motion carried.*

Schedule workshop/meeting on Recreation Parks projects and MOE Allocations

*Commissioner McGrady made the motion that the Board schedules a workshop on Parks and Recreation Maintenance Projects and MOE Allocations for Thursday, August 19, 2010 at 7:00 p.m. All voted in favor and the motion carried.*

Pardee Hospital / Parkridge Hospital

Commissioner McGrady inquired about possible future discussion regarding Pardee Hospital and Parkridge Hospital.

Chairman Moyer felt the Board should continue to have discussion to see what information comes out, and when the board deems it appropriate a meeting would be scheduled with Pardee in order for them to make a presentation to the Board addressing questions given to them in advance. At a subsequent meeting Parkridge Hospital would come in to make a presentation of how they see things and how the county would be affected.

2010 Annual Appreciation Banquet

*Commissioner Young made the motion that the Board schedules the Annual Volunteer Appreciation Banquet for Tuesday, October 19, 2010 at Highland Lake Inn. All voted in favor and the motion carried.*

Rescheduling of September mid month meeting

Due to several conflicts by Board member it was suggested that the September mid month meeting of September 15<sup>th</sup> be rescheduled for September 22<sup>nd</sup>.

*Commissioner Williams made the motion that the Board change the mid month September meeting from September 15<sup>th</sup> at 9:00 a.m. to September 22<sup>nd</sup> at 9:00 a.m. All voted in favor and the motion carried.*

#### **CLOSED SESSION**

*Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:*

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body in order to preserve the attorney-client privilege between the attorney and the public body, in order to consider and give instructions to the attorney with respect to the following claim(s):

Synovus v. County of Henderson and Lexon Insurance Company  
Henderson County Clerk of Court file number 10 CVS 1008

NCDOT vs. Henderson County and Henderson County Hospital Corporation  
Henderson County Clerk of Court file number 08 CVS 443

2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
3. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6), To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner McGrady made the motion that the Board go out of closed session and adjourn at 8:20 p.m.  
All voted in favor and the motion carried.*

Attest:

---

Teresa L. Wilson, Clerk to the Board

---

William L. Moyer, Chairman

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

Phone: 828/697-5595

Fax: 828/698-6153

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

Stan C. Duncan  
County Assessor & Tax Collector

Sandy Allison  
Administrative Assistant II

July 23, 2010

Re: Tax Collector's Report to Commissioners 08/02/10 Meeting

Please find outlined below collections information through July 22nd for the 2009 bills mailed out on August 5<sup>th</sup>, as well as registered motor vehicle bills. Fire district information is as of June 30<sup>th</sup>. As a point of reference, we also have included collections information as of the same date last year.

**Annual Bills G01 Only:**

2009 Total Charge \$57,024,352.18  
Payments & Releases: 55,663,462.13  
Unpaid Taxes: 1,360,890.05  
**Percentage collected: 97.61%**  
(through 07/22/10)

2008 Total Charge: \$55,850,131.09  
Payments & Releases: 54,814,884.86  
Unpaid Taxes: 1,035,246.23  
**Percentage Collected: 98.15%**  
(through 07/22/09)

**Motor Vehicle Bills G01 Only:**

2009 Total Charge: \$3,821,735.12  
Payments & Releases: 3,469,484.12  
Unpaid Taxes: 352,251.00  
**Percentage collected: 90.78%**  
(through 07/22/10)

2008 Total Charge: \$4,143,197.27  
Payments & Releases: 3,778,954.93  
Unpaid Taxes: 364,242.34  
**Percentage collected: 91.21%**  
(through 07/22/09)

**Fire Districts All Bills**

2009 Total Charge: \$6,585,002.63  
Payments & Releases: 6,379,272.99  
Unpaid Taxes: 205,729.64  
**Percentage Collected: 96.99%**  
(through 6/30/10)

2008 Total Charge: \$6,541,244.77  
Payments & Releases: 6,351,652.44  
Unpaid Taxes: 189,592.33  
**Percentage Collected: 97.21%**  
(through 6/30/09)

Respectfully submitted,

  
Carol McCraw,  
Deputy Tax Collector

Stan C. Duncan,  
Tax Collector



# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
Phone 828-697-4808 • Fax: 828-692-9855  
TDD: 828-697-4580  
[www.hendersoncountync.org](http://www.hendersoncountync.org)

BILL MOYER  
Chairman  
MARK WILLIAMS  
Vice-Chairman

CHUCK McGRADY  
CHARLIE MESSER  
LARRY YOUNG

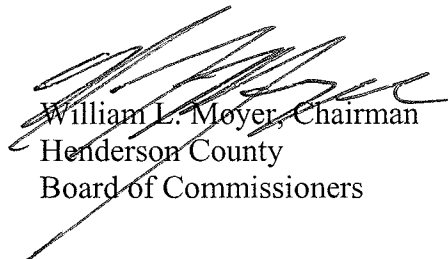
August 2, 2010

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

Dear Mr. Duncan:

Attached please find the list of tax release requests (20), and tax refund requests (22), all approved at the Henderson County Board of Commissioners' Meeting on Monday, August 2, 2010.

Sincerely,



William L. Moyer, Chairman  
Henderson County  
Board of Commissioners

WM/tlw

enclosures

**REFUNDS**

00005245 19-2002-2002-400000 FULL REBATE  
 04/29/2010 REFUND TAX YR 2009 ONLT PARCEL 0108932  
 EXEMPT PARCEL LTR DATED 9-29-2009 PER S. DUNCAN

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84173	CNTY	COUNTY	214.37	0.00	0.00	\$ 214.37
84173	CITY	VILLAGE OF FLATROCK	0.00	0.00	0.00	\$ 0.00
						Bill Total:
						\$ 214.37
						Grand Total:
						\$ 214.37

**INCORRECT OWNER BILLED FOR MANUFACTURED HOME - SOLD IN 2003 - PURSUING CORRECT OWNER BY IMMATERIAL IRREGULARITY**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84882	CNTY	COUNTY	14.73	0.00	0.00	\$ 14.73
84882	CITY	EDNEYVILLE	2.79	0.00	0.00	\$ 2.79
						Bill Total:
						\$ 17.52
						Grand Total:
						\$ 17.52

**INCORRECT OWNER BILLED FOR MANUFACTURED HOME - SOLD IN 2003 - PURSUING CORRECT OWNER BY IMMATERIAL IRREGULARITY**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84878	CNTY	COUNTY	15.97	1.60	0.00	\$ 17.57
84878	CITY	EDNEYVILLE	2.87	0.29	0.00	\$ 3.16
						Bill Total:
						\$ 20.73
						Grand Total:
						\$ 38.25

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

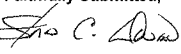
**MEETING DATE:** August 2, 2010  
**SUBJECT:** Tax Refunds  
**ATTACHMENTS:** Refund Report

**SUMMARY OF REQUEST:**

The enclosed refund requests (22) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

Type	Number of Items:	Revenue Amount:
Refunds	22	\$ 1,039.51

Faithfully Submitted,  
  
 Stan C. Duncan  
 County Assessor

**BOARD ACTION REQUEST:** Consent Approval Requested

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

**REFUNDS**

00005245 19-2002-2002-400000 FULL REBATE

**1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILLDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
65959	CNTY	COUNTY	13.70	0.00	0.00	\$ 13.70
65959	CITY	BLUE RIDGE	2.47	0.00	0.00	\$ 2.47
						Bill Total:
						\$ 16.17

**1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILLDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
65957	CNTY	BLUE RIDGE	19.65	0.00	0.00	\$ 19.65
65957	CITY	BLUE RIDGE	3.57	0.00	0.00	\$ 3.57
						Bill Total:
						\$ 23.42

**1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILLDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
65956	CNTY	BLUE RIDGE	3.88	0.00	0.00	\$ 3.88
65956	CITY	BLUE RIDGE	21.58	0.00	0.00	\$ 21.58
						Bill Total:
						\$ 25.46
						Grand Total:
						\$ 55.05

**REFUNDS**

00005245 19-2002-2002-400000 FULL REBATE

**BOAT SOLD IN 1990'S AND TAXPAYER LIVED IN BUNCOMBE COUNTY. NC REFUND TAX CREDITED BY DEBT. SET OFF. REFUND DUE.**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84834	CNTY	COUNTY	8.65	0.00	0.00	\$ 8.65
84834	CITY	FLETCHER	1.71	0.00	0.00	\$ 1.71
						Bill Total:
						\$ 10.36

**BOAT SOLD IN 1990'S AND TAXPAYER LIVED IN BUNCOMBE COUNTY. NC REFUND TAX CREDITED BY DEBT. SET OFF. REFUND DUE**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84833	CNTY	FLETCHER	2.90	0.00	0.00	\$ 2.90
84833	CITY	COUNTY	15.25	0.00	0.00	\$ 15.25
						Bill Total:
						\$ 18.15

**BOAT SOLD IN 1990'S AND TAXPAYER LIVED IN BUNCOMBE COUNTY. NC REFUND TAX CREDITED BY DEBT. SET OFF. REFUND DUE**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
84832	CNTY	COUNTY	15.25	0.00	0.00	\$ 15.25
84832	CITY	FLETCHER	2.90	0.00	0.00	\$ 2.90
						Bill Total:
						\$ 18.15
						Grand Total:
						\$ 46.55

2

3

REFUNDS

000031292-2002-2002-000000 FULL REBATE							
INDIVIDUAL ABSTRACT 381292 BILLED TO INCORRECT OWNER - INFORMATION ON FILE ON 2004 LISTING FORM. WE WILL PURSUE CORRECT OWNER BY INMATERIAL IRREGULARITY							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85943	FIRE	EDNEYVILLE	2.95	0.00	0.00	\$ 2.95	
85944	FIRE	EDNEYVILLE	2.95	0.00	0.00	\$ 2.95	
Bill Total:						\$ 7.85	
Grand Total:							\$ 7.85

000031294-2000-2000-000000 FULL REBATE							
INDIVIDUAL ABSTRACT 381292 BILLED TO INCORRECT OWNER - INFORMATION ON FILE ON 2004 LISTING FORM. WE WILL PURSUE CORRECT OWNER BY INMATERIAL IRREGULARITY							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85645	FIRE	EDNEYVILLE	2.95	0.00	0.00	\$ 2.95	
85646	FIRE	EDNEYVILLE	2.95	0.00	0.00	\$ 2.95	
Bill Total:						\$ 7.85	
Grand Total:							\$ 7.85

5

REFUNDS

000278727-2004-2004-000000 FULL REBATE							
INDIVIDUAL ABSTRACT#: 000278727-2004-2004 2000 BAYTLINER, DID NOT OWN IN 2005, SOLD AND REGISTERED IN WVA 10/4/2002 PER WILD LIFE REGISTRATION RECORDS.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
84153	FIRE	MOUNTAIN HOME	13.13	0.00	0.00	\$ 13.13	
84153	FIRE	MOUNTAIN HOME	59.38	0.00	0.00	\$ 59.38	
Bill Total:						\$ 72.51	
Grand Total:							\$ 72.51

000278777-2005-2005-000000 FULL REBATE							
INDIVIDUAL ABSTRACT#: 000278777-2005-2005 2000 BAYTLINER, DID NOT OWN IN 2005, SOLD AND REGISTERED IN WVA 10/4/2002 PER WILD LIFE REGISTRATION RECORDS.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
84154	FIRE	VALLEY HILL	6.13	0.11	0.00	\$ 6.24	
84154	FIRE	VALLEY HILL	9.50	0.15	0.00	\$ 9.65	
Bill Total:						\$ 15.89	
Grand Total:							\$ 15.89

4

REFUNDS

000288807-2008-2008-110000 VALUE DECREASE							
6 JUNIK UMW'S ORIGINALLY DISCOVERED FOR \$10,000 THEN REDUCED TO \$3,000 AFTER CONFERENCE.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85525	CITY	MILLS RIVER	32.34	0.00	0.00	\$ 32.34	
85526	CITY	MILLS RIVER	32.34	0.00	0.00	\$ 32.34	
Bill Total:						\$ 64.68	
Grand Total:							\$ 64.68

Number of Bills = 21  
+ 1  
22  
Total Amount = \$892.88  
+156.63  
\$1,039.51

7

REFUNDS

000288807-2008-2008-110000 VALUE DECREASE							
6 JUNIK UMW'S ORIGINALLY DISCOVERED FOR \$10,000 THEN REDUCED TO \$3,000 AFTER CONFERENCE.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85520	CITY	MILLS RIVER	33.25	0.00	0.00	\$ 33.25	
85521	CITY	MILLS RIVER	19.95	0.00	0.00	\$ 19.95	
Bill Total:						\$ 53.20	
Grand Total:							\$ 53.20

000288807-2008-2008-110000 VALUE DECREASE							
6 JUNIK UMW'S ORIGINALLY DISCOVERED FOR \$10,000 THEN REDUCED TO \$3,000 AFTER CONFERENCE.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85521	FIRE	F19	0.00	0.00	0.00	\$ 0.00	
85522	FIRE	F19	0.00	0.00	0.00	\$ 0.00	
Bill Total:						\$ 0.00	
Grand Total:							\$ 0.00

000288807-2008-2008-110000 VALUE DECREASE							
6 JUNIK UMW'S ORIGINALLY DISCOVERED FOR \$10,000 THEN REDUCED TO \$3,000 AFTER CONFERENCE.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85521	CITY	MILLS RIVER	39.55	14.42	0.00	\$ 53.97	
85522	CITY	MILLS RIVER	0.00	0.00	0.00	\$ 0.00	
Bill Total:						\$ 53.97	
Grand Total:							\$ 53.97

000288807-2008-2008-110000 VALUE DECREASE							
6 JUNIK UMW'S ORIGINALLY DISCOVERED FOR \$10,000 THEN REDUCED TO \$3,000 AFTER CONFERENCE.							
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billd Interest	Total	
85523	CITY	WILKS RIVER	0.00	0.00	0.00	\$ 0.00	
85524	CITY	WILKS RIVER	32.34	6.47	0.00	\$ 38.81	
Bill Total:						\$ 38.81	
Grand Total:							\$ 38.81

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PROCESS Rebate

0000136633-2009-2009-000000

Board Meeting Date :  
(For pre-approved LL/Exempt only) <None>

Property Tax Commission

PARRIS, STEPHEN BILL

W- 209407

Tax Detail	Billed Amt	Paid Amt	Due Amt	%Good	Release Amt	Rebate Amt
Late List 100%	0.00	0.00	0.00			0.00
County	1,095.79	1,095.79	0.00			132.29
Interest	0.00					
Fire District F01	201.61	201.61	0.00			24.34
Interest		0.00				
Late List 100%	0.00	0.00	0.00			0.00
Cost	0.00	0.00	0.00			0.00
Total Amount(s)	1,297.40	1,297.40	0.00			156.63

Reason : VALDCR - Value decrease

Submit

Per owner, three pieces of equipment were removed in 2008 and were not deleted on the 2009 abstract. original value was \$237,183 the corrected value is \$208,550 refund is for the difference of \$28,633 in value

8

RELEASES

REC'D III. GEORGE ROBERT

INCORRECT OWNER BILLED FOR MANUFACTURED HOME - SOLD IN 2003 - PURSUING CORRECT OWNER BY IMMATERIAL IRREGULARITY

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
84876	FIRE	EDNEYVILLE COUNTY	2.96	0.28	0.00	\$ 3.24
84873	FIRE	EDNEYVILLE COUNTY	17.62	1.78	0.00	\$ 19.40
<b>Bill Total:</b>						\$ 22.51
<b>Grand Total:</b>						\$ 22.51

INCORRECT OWNER BILLED FOR MANUFACTURED HOME - SOLD IN 2003 - PURSUING CORRECT OWNER BY IMMATERIAL IRREGULARITY

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
84876	FIRE	EDNEYVILLE COUNTY	2.47	0.25	0.00	\$ 2.72
84877	FIRE	EDNEYVILLE COUNTY	13.40	1.34	0.00	\$ 14.74
<b>Bill Total:</b>						\$ 17.46
<b>Grand Total:</b>						\$ 17.46

INCORRECT OWNER BILLED FOR MANUFACTURED HOME - SOLD IN 2003 - PURSUING CORRECT OWNER BY IMMATERIAL IRREGULARITY

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
84878	FIRE	EDNEYVILLE COUNTY	13.40	1.34	0.00	\$ 14.74
84873	FIRE	EDNEYVILLE COUNTY	2.47	0.25	0.00	\$ 2.72
<b>Bill Total:</b>						\$ 17.46
<b>Grand Total:</b>						\$ 17.46

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 2, 2010  
 SUBJECT: Tax Releases  
 ATTACHMENTS: Release Report  
 SUMMARY OF REQUEST:

The enclosed release requests (20) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

Type	Number of Items:	Revenue Amount:
Releases	20	\$ 713.78

Faithfully Submitted,  
*Stan C. Duncan*  
 Stan C. Duncan  
 County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

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

RELEASES

MILL RIDGE

1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY.

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
85998	FIRE	MILLS RIVER COUNTY	61.97	0.00	0.00	\$ 61.97
85999	FIRE	MILLS RIVER COUNTY	7.83	0.00	0.00	\$ 7.83
<b>Bill Total:</b>						\$ 69.80
<b>Grand Total:</b>						\$ 69.80

1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY.

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
85992	FIRE	MILLS RIVER COUNTY	68.40	0.00	0.00	\$ 68.40
85992	FIRE	MILLS RIVER COUNTY	8.89	0.00	0.00	\$ 8.89
<b>Bill Total:</b>						\$ 77.29
<b>Grand Total:</b>						\$ 77.29

1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY.

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
85991	FIRE	MILLS RIVER COUNTY	73.90	0.00	0.00	\$ 73.90
85990	FIRE	MILLS RIVER COUNTY	9.59	0.00	0.00	\$ 9.59
<b>Bill Total:</b>						\$ 83.49
<b>Grand Total:</b>						\$ 83.49

RELEASES

MILL RIDGE

1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY.

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
85999	FIRE	MILLS RIVER COUNTY	21.58	0.00	0.00	\$ 21.58
85998	FIRE	MILLS RIVER COUNTY	3.45	0.00	0.00	\$ 3.45
<b>Bill Total:</b>						\$ 25.03
<b>Grand Total:</b>						\$ 25.03

1999 YAMAHA BILL RELEASED. DO NOT OWN. VERIFIED OWNERSHIP BY NC WILDLIFE REGISTRATION INFORMATION. WE WILL PURSUE CORRECT OWNER BY IMMATERIAL IRREGULARITY.

Release #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Bill Interest	Total
85990	FIRE	MILLS RIVER COUNTY	29.24	0.00	0.00	\$ 29.24
85990	FIRE	MILLS RIVER COUNTY	3.88	0.00	0.00	\$ 3.88
<b>Bill Total:</b>						\$ 33.12
<b>Grand Total:</b>						\$ 33.12

RELEASES

000085282-1994-1986-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85590	CNTY	COUNTY	17.75	1.72	0.00	\$18.47
85590	FINR	MOUNTAIN HOME	2.90	0.25	0.00	\$3.15
Bill Total:						\$21.62
Total:						\$21.62

000085282-1994-1986-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85559	FINR	MOUNTAIN HOME	2.33	0.00	0.00	\$2.33
85559	CNTY	COUNTY	16.82	0.00	0.00	\$16.82
Bill Total:						\$19.15
Total:						\$19.15

000085282-1994-1986-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85558	CNTY	COUNTY	16.74	0.00	0.00	\$16.74
85558	FINR	MOUNTAIN HOME	2.17	0.00	0.00	\$2.17
Bill Total:						\$18.91
Grand Total:						\$122.57

Number of Bills = 19  
 + 1  
 = 20  
 Total Amount = \$545.41  
 + 68.37  
 \$713.78

RELEASES

000085282-1994-1986-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85565	CNTY	COUNTY	8.75	0.00	0.00	\$8.75
85565	FINR	MOUNTAIN HOME	1.66	0.00	0.00	\$1.66
Bill Total:						\$10.41
Total:						\$10.41

000085282-2000-2000-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85594	CNTY	COUNTY	9.50	0.00	0.00	\$9.50
85594	FINR	MOUNTAIN HOME	1.62	0.00	0.00	\$1.62
Bill Total:						\$11.12
Total:						\$11.12

000085282-1993-1993-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85583	CNTY	COUNTY	10.36	0.00	0.00	\$10.36
85583	FINR	MOUNTAIN HOME	1.76	0.00	0.00	\$1.76
Bill Total:						\$12.11
Total:						\$12.11

000085282-1993-1997-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85582	CNTY	COUNTY	13.16	0.00	0.00	\$13.16
85582	FINR	MOUNTAIN HOME	2.03	0.00	0.00	\$2.03
Bill Total:						\$15.19
Total:						\$15.19

000085282-1997-1997-000000 FULL REBATE  
 RELEASE BILLS 1994-2001 NEVER OWNED THIS MANUFACTURED HOME. IT BELONGED TO HIS PARENTS. HOME WAS  
 DISPOSED OF SHORTLY AFTER MOTHER'S DEATH. DEATH CERTIFICATE DATED FEBRUARY 24, 1986 ON FILE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Law List	Rebated Bill Interest	Total
85297	CNTY	COUNTY	12.26	0.00	0.00	\$12.26
85297	FINR	MOUNTAIN HOME	1.80	0.00	0.00	\$1.80
Bill Total:						\$14.06
Total:						\$14.06

Process Rebate

Rebate# 0000275144-2000-2000-000000 Board Meeting Date: (For pre-approved LR/Exempt only)  Property Tax Commission

FIRST UNITED METHODIST CHURCH OF HENDERSONVILLE INC W. 870523

Total Real Value 452,700 Land Del Value Historic Del Value Use Value 437,900

Category	Assessed Value	Assessed Value	Assessed Value	Assessed Value	Assessed Value
City C10	0.00	0.00	0.00	0.00	0.00
Interest					
Late List 100%	0.00	0.00	0.00	0.00	0.00
County	2,091.47	0.00	2,091.47		68.37
Interest			104.57		
Late List 100%	0.00	0.00	0.00		0.00
Cost	0.00	0.00	0.00		0.00
Total Amount(\$)	2,091.47	0.00	2,196.04		68.37

Abstract Details Reason: VALDCR - Value decrease  Approve  Reject

2009 TAX BILL ASSESSED VALUE ADJUSTED BY \$14,800 RESULTING FROM A MARKET VALUE REAPPRAISAL OF PROPERTY BASED ON ECONOMIC RENT POTENTIAL

6

**SUMMARY OF SUBSTANTIVE REVISIONS TO ANIMAL ORDINANCE  
FOR BOARD REVIEW ON AUGUST 2, 2010**

<b>Revision</b>	<b>Description of Revision</b>	<b>Reference Pages</b>
<b>Livestock</b>	Adds "Livestock" to provisions related to dangerous/potentially dangerous dogs. To clarify, a dog may be deemed dangerous or potentially dangerous when it severely injures or kills livestock, in addition to injuring or killing domestic animals. The previous provision only covered domestic animals.	2, 4, 8
<b>Hybrid Definition</b>	Removes the limitation of "dog" when referring to hybrid animals because the term "hybrid" can be used to define any animal that is the product of the breeding of any domestic animal with a non-domestic animal. For example, non-domestic felines can be bred with domestic cats to produce a hybrid.	3, 26, 27
<b>Inherently Dangerous Animals</b>	Adds a definition of and provision to prohibit the possession of inherently dangerous animals, such as hybrid animals and wild animals.	3, 24, 26, 27
<b>Roles of Animal Services and Animal Enforcement</b>	Clarifies and better delineates the roles and responsibilities between animal services staff and animal enforcement officers.	6, 7, 8, 9, 10, 20, 22, 25
<b>Enclosures &amp; Controls for Dangerous Potentially Dangerous Dogs</b>	Strengthens language for enclosure requirements for dangerous/potentially dangerous animals. Removes "tattooing" of animals because tattooing animals is no longer a widely used practice for identification of animals.	10, 11, 21, 23
<b>Impoundment of Dangerous Potentially Dangerous Dogs</b>	Strengthens Animal Enforcement Officers' ability to keep animals impounded when criminal charges have been brought against the owner of the animal.	12
<b>Prohibition Against Giveaways in Public Places</b>	Simplifies the previous language regarding prohibiting giveaways of animals in public places.	22

Note: The revisions listed above are significant Ordinance changes, whereas there are also other, less substantive revisions, such as procedural clarifications or "clean-up" revisions regarding rabies vaccination vouchers, definitions, etc. included within the proposed Ordinance amendments.

Excise Tax **\$0.00**

Mail after recording to Samuel H. Fritschner 145 Fifth Avenue East, Hendersonville NC 28792  
This instrument was prepared by Samuel H. Fritschner

Brief Description for the index

Southern edge,  
Hendersonville Elementary School tract

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made day of June 2010, by and between

GRANTOR

**HENDERSON COUNTY, NORTH CAROLINA**

GRANTEE

**The CITY OF HENDERSONVILLE, A North Carolina  
Municipal Corporation**  
Address: P.O. Box 1670  
Hendersonville, NC 28793

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those two certain lots or parcels of land situated in Hendersonville Township, Henderson County, North Carolina and more particularly described as follows:

All references in this description are to real property shown on that Plat recorded as Plat Slide 8034, Henderson County Registry (herein "the Plat"):

The following real property is conveyed in fee simple:

1. All that real property shown on the Plat bounded by line drawings identified as L74, L75, L77 and L76, containing 1127.64 sq. ft. more or less; and
2. All that real property south of line drawings identified as C6 and L78.

In addition, the Grantor conveys the following easements hereby:

1. A permanent drainage easement identified on the Plat as PDE 1 and bounded by line drawings identified as L80, L72, L73 and L76.
2. A Permanent drainage easement identified on the Plat as PDE 2 and bounded by line drawings identified as L82, L83, L101 and L81A.
3. A temporary construction easement identified on the Plat as area H.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:



Subject to Restrictions and Easements of Record  
Subject to rights of way of record.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by its County Clerk by authority of its Board of Commissioners, the day and year first above written.



*William Moyer*  
**WILLIAM MOYER**, Chairman,  
Board of Commissioners

USE BLACK INK ONLY

attest:

*Teresa L. Wilson*  
**Teresa L. Wilson**, Clerk

County Seal

**SEAL-STAMP**

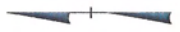
USE BLACK INK

State of North Carolina  
County of Henderson.

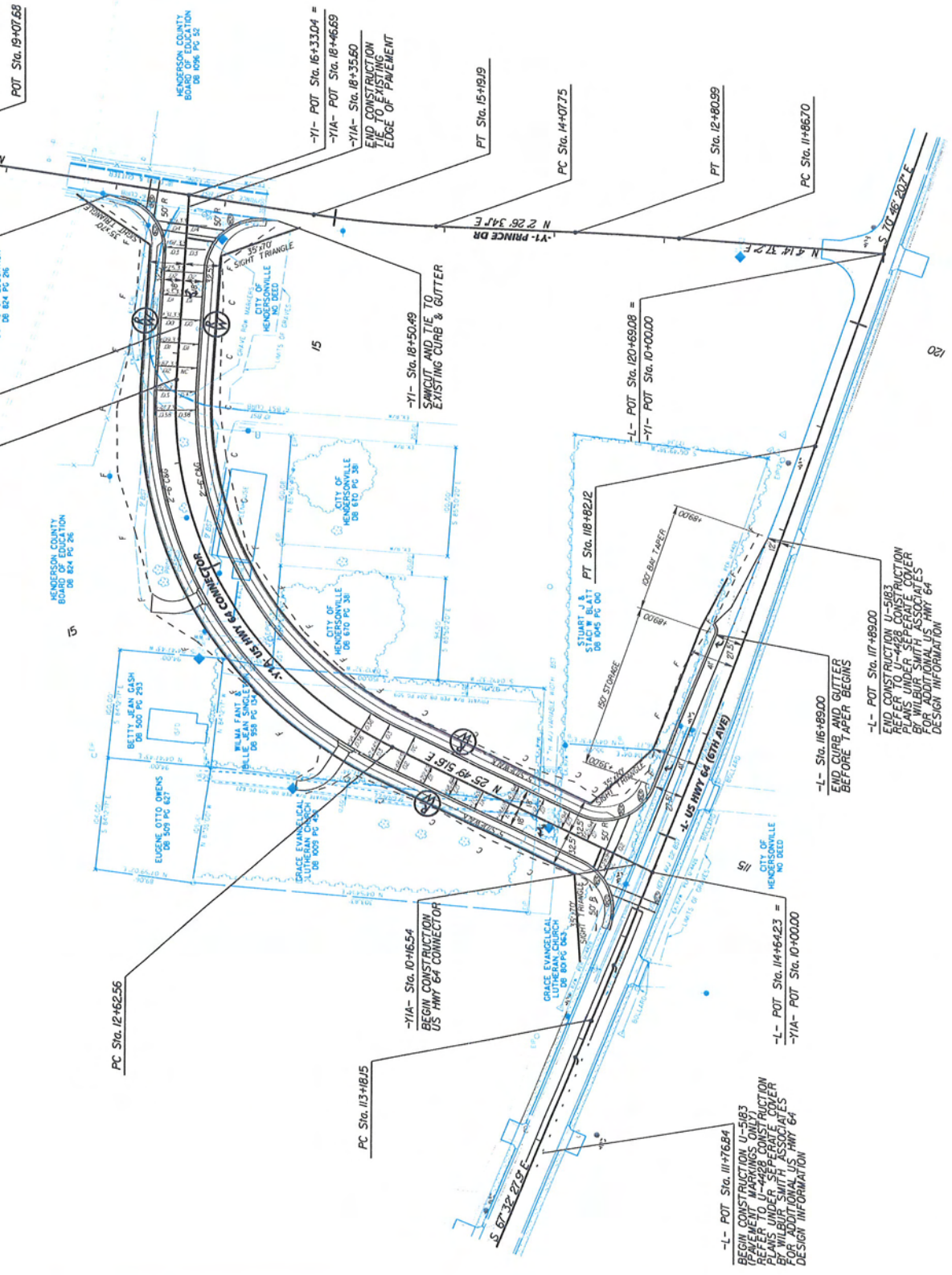
I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that **WILLIAM MOYER in his capacity as** Chairman of the Board of Commissioners of Henderson County **and Teresa L. Wilson, in her capacity as Henderson County Clerk**, appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

My commission expires: \_\_\_\_\_

\_\_\_\_\_ Notary Public



<b>-L-</b>	PI Sta. 116+00.21 Δ = 3°13'52.8" (LT) D = 0°34'22.6" L = 563.97' T = 282.08' R = 10,000.00'
<b>-YIA-</b>	PI Sta. 114+96.93 Δ = 6°36'33.5" (RT) D = 16°22'12.8" L = 413.04' T = 234.37' R = 350.00'
<b>-Y-</b>	PI Sta. 124+33.85 Δ = 1°46'03.0" (LT) D = 1°54'35.5" L = 94.29' T = 47.15' R = 3,000.00'
<b>-Y-</b>	PI Sta. 144+63.53 Δ = 6°23'07.8" (RT) D = 5°43'46.5" L = 111.45' T = 55.78' R = 1,000.00'



-L- POT Sta. 117+76.84  
 BEGIN CONSTRUCTION U-5183  
 (PAVEMENT MARKINGS ONLY)  
 PLANS UNDER SEPARATE COVER  
 BY WILBUR SMITH ASSOCIATES  
 FOR ADDITIONAL US HWY 64  
 DESIGN INFORMATION

-L- POT Sta. 117+89.00  
 END CURB AND GUTTER  
 BEFORE TAPER BEGINS  
 -L- POT Sta. 117+89.00  
 END CONSTRUCTION U-5183  
 REFER TO U-4488 CONSTRUCTION  
 PLANS UNDER SEPARATE COVER  
 BY WILBUR SMITH ASSOCIATES  
 FOR ADDITIONAL US HWY 64  
 DESIGN INFORMATION

**PROJECT REFERENCE NO.** U-5/03  
**HW SHEET NO.**  
**ROADWAY DESIGN ENGINEER**  
**HYDRAULICS ENGINEER**

---

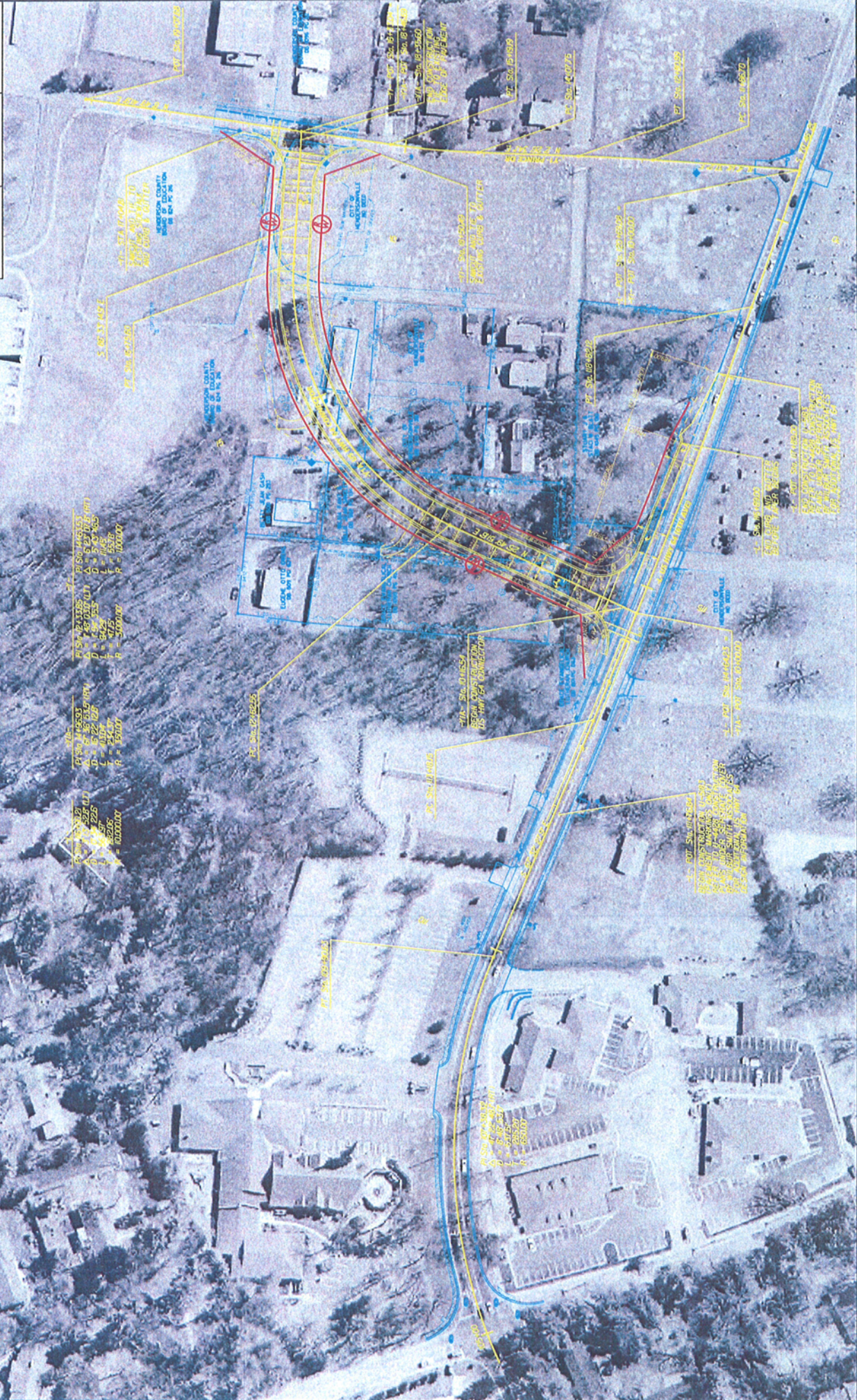
**PROJECT REFERENCE NO.** U-5/03  
**SHEET NO.** 4

---

**King-Horn and Associates, Inc.**  
 SUITE 300  
 4401 CHARLOTTE PARK DR  
 CHARLOTTE, NC 28217  
 NC LICENSE # F-4102

---

**SCALE:** AS SHOWN  
**DATE:**



**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](http://www.govdeals.com).

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

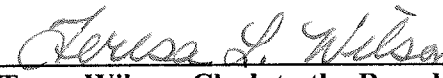
1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com) the surplus property described above to the highest bidder.
3. All surplus property will 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](http://www.hendersoncountync.org) at least ten (10) days prior to the public auction.

**THIS** the 2<sup>nd</sup> day August, 2010.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:**   
William L. Moyer, Chairman

**ATTEST:**

  
Terry Wilson, Clerk to the Board

[OFFICIAL SEAL]

**Exhibit B**

**List of Surplus Vehicles**

Year / Make / Model  
1994/Ford/F150

VIN #  
1FTEF14N8RNA69230

County Asset  
4817

# CERTIFICATE OF TITLE

TITLE NUMBER	GROSS WEIGHT	LICENSE FEE	TITLE ISSUE DATE	PREV TITLE
1406131580	10000	6.00	03/10/94	
VEHICLE IDENTIFICATION NUMBER		YEAR MODEL	MAKE	BODY STYLE
1FTEF14N8RNA69230		1994	FORD	TR

MAILING ADDRESS

HENDERSON CNTY BD OF COMMISSIONERS  
 100 N KING ST  
 HENDERSONVILLE NC 28792

OWNER(S) HENDERSON CNTY BD OF COMMISSIONERS PERM 54155R  
 NAME AND 100 N KING ST PER  
 ADDRESS HENDERSONVILLE, NC 28792  
 ODOMETER -000007

THIRD LIENHOLDER: DATE:

The Commissioner of Motor Vehicles of the State of North Carolina hereby certifies that an application for a certificate of title to the herein described vehicle has been filed pursuant to the General Statutes of North Carolina and the Division of Motor Vehicles is satisfied that the applicant is the lawful owner. Official records of the Division of Motor Vehicles reflect vehicle is subject to the liens, if any, herein enumerated at the date of issuance of this certificate.

As WITNESS, his hand and seal of this Division the day and year appearing in this certificate as the title issue date.

*Alexander Killebrew*  
 COMMISSIONER OF MOTOR VEHICLES

3RD RELEASED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SECOND LIENHOLDER: SIGNATURE OF AGENT DATE

2ND RELEASED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 FIRST LIENHOLDER: SIGNATURE OF AGENT DATE

1ST RELEASED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 ADDITIONAL LIENS: SIGNATURE OF AGENT DATE



48151885

00000000

UNIT -3 LC18

ANY ALTERATIONS OR ERASURES VOID TITLE

**RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF  
TOMMY J. and JOAN C. HEINZ, PARCEL IDENTIFICATION NUMBER 0613691197**

**WHEREAS,** North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

**WHEREAS,** The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the Tommy J. and Joan C. Heinz property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
  - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of Tommy J. and Joan C. Heinz, if the easement exists as shown by the orange color line on the attached map.
2. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the 2nd day of August, 2010

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

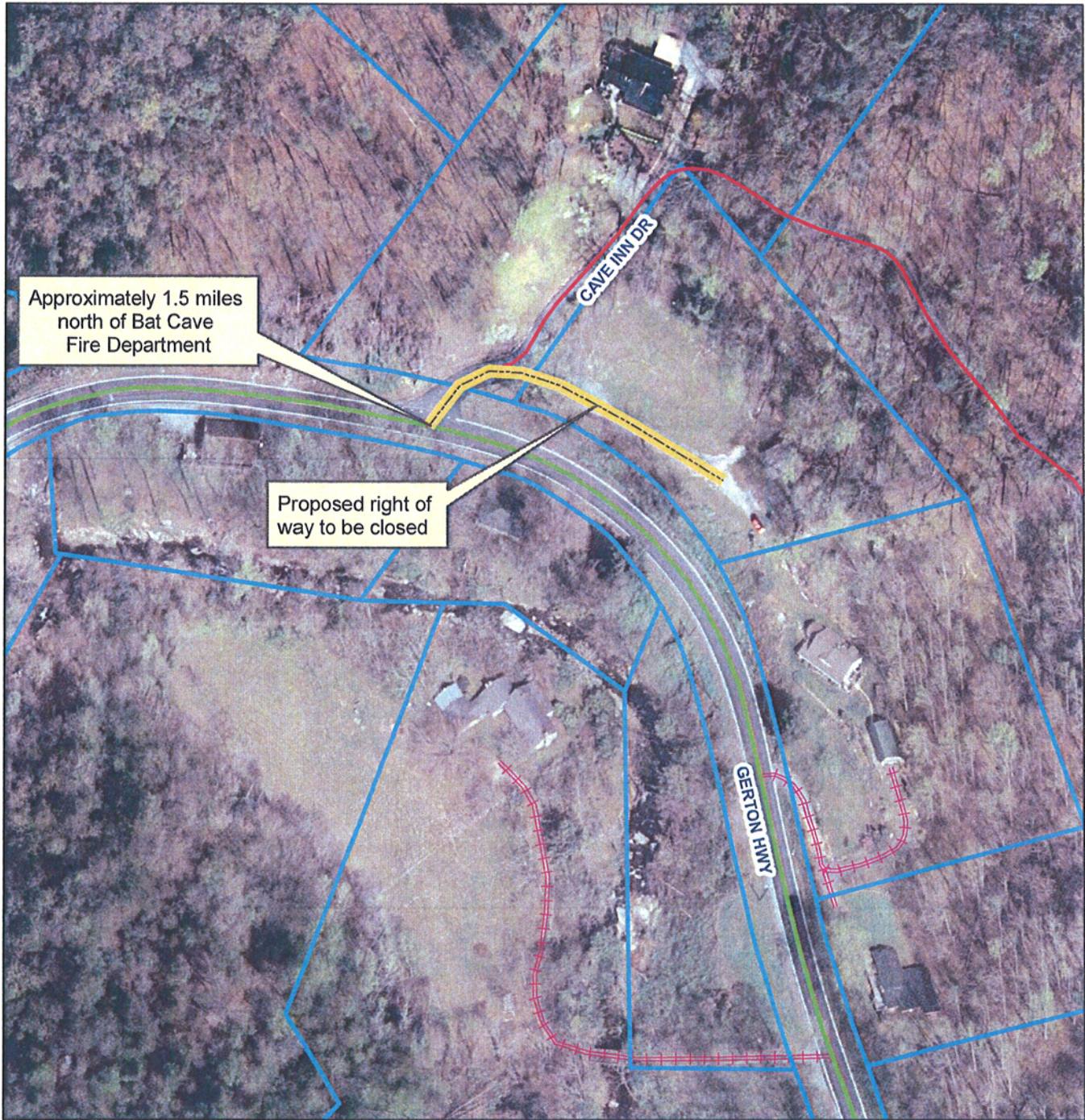
*William L. Moyer*  
William L. Moyer, Chairman

ATTESTED BY:

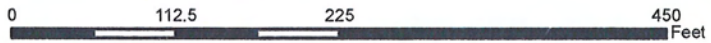
*Terry Wilson*  
Terry Wilson, Clerk to the Board

[OFFICIAL SEAL]

# SR1661 (Cave Inn Drive) Right of way closure.



Legend	
<b>Streets</b>	
<b>Road Class</b>	
	BOULEVARD
	COLLECTOR
	FREEWAY
	INTERSTATE
	LOCAL ROAD
	OUTSIDE HENDERSON COUNTY
	THOROUGHFARE
	DRIVEWAY



1 inch = 125 feet

All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

Printed by Henderson County  
Planning Department  
6/24/2010





# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 02 August 2010

**SUBJECT:** FY 2009-2010 Tax Collection Settlement; FY 2010-2011 Tax Order For Collection

**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 2011 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 2010 taxes and approval of order of collection and charge for FY 2011 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 2010 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2011 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 2nd day of August, 2010.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

  
William Moyer, Chairman

Attest: (County Seal)

  
Teresa L. Wilson, Clerk to the Board

**Resolution Approving the Settlement with the Tax Collector for the 2009-2010 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 2009-2010 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 2009-2010 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 2009-2010 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 2nd day of August, 2010.


THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

  
William Moyer, Chairman

Attest:

(County Seal)

  
Teresa L. Wilson, Clerk to the Board

**Resolution Adopting the Order of Collection for the 2010-2011 Tax Year**

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2010-2011 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 2009-2010 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 2010-2011 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2010 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2009-2010 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 2nd day of August, 2010.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

  
William Moyer, 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 2nd day of August, 2010.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY:   
\_\_\_\_\_  
**WILLIAM L. MOYER, 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*

02 August 2010

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

RE: Tax Collector's Settlement: FY 2009-2010

Dear Henderson County Commissioners:

Attached please find the Preliminary Report for FY 2009-2010 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 2009-2010, the Henderson County Tax Collector's Office collected 97.47% of the annual tax bills and 89.49% of the motor vehicle tax bills. The collections percentage for motor vehicle bills this year is a record for the office.

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 well above the last reported state average of 97.05%.

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

Respectfully submitted,



Stan C. Duncan  
Tax Collector

:wlk  
Attachment

## PRELIMINARY REPORT FOR FISCAL YEAR 2009-2010

TO: Henderson County Board of Commissioners  
FROM: Stan C. Duncan, Tax Collector  
DATE: 02 August 2010

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 2009 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 2009 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 2009-2010" dated 02 August 2010 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2009-2010.

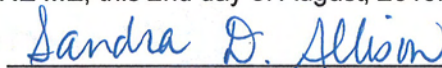
Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,



Stan C. Duncan, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME, this 2nd day of August, 2010.



Notary Public

My Commission expires:

6-29-2012



# SETTLEMENT FOR CURRENT TAXES: FY 2009-2010

as of 30 June 2010

## CHARGES TO THE TAX COLLECTOR:

	Tax & Penalty	Interest
<b>Total amount of all taxes placed in the Tax Collector's hands for collection for the year:</b>		
G01 General County	60,853,258.51	145,707.45
<b>Total General County</b>		
<b>Fire Districts:</b>		
F15 Bat Cave	85,244.31	255.26
F01 Blue Ridge	752,194.75	1,982.39
F09 Dana	486,149.18	1,385.09
F03 Edneyville	566,159.60	1,932.73
F04 Etowah-Horse Shoe	954,475.24	2,172.13
F05 Fletcher	719,238.94	1,644.69
F11 Gerton	100,641.70	219.08
F06 Green River	318,230.07	987.03
F08 Mills River	96,655.45	370.52
F07 Mountain Home	1,220,370.18	2,804.04
F12 Raven Rock	143,905.88	346.31
F02 Valley Hill	1,005,200.57	1,913.32
F14 Valley Hill No. 2	136,535.36	459.47
<b>Total Fire Districts</b>	<b>6,585,001.23</b>	<b>16,472.06</b>
<b>Municipal Districts:</b>		
C01 City of Hendersonville	307,766.12	1,410.11
C02 Town of Laurel Park	53,240.75	132.23
C03 City of Saluda	552.78	0.00
C04 Town of Fletcher	158,120.11	693.20
C50 Village of Flat Rock 51	16,810.96	36.75
Village of Flat Rock 52	10,560.29	13.99
Village of Flat Rock 56	3,407.76	3.47
C60 Town of Mills River	47,266.98	188.55
<b>Total Municipal Districts</b>	<b>597,725.75</b>	<b>2,478.30</b>
<b>SUBTOTAL</b>	<b>\$68,035,985.49</b>	<b>\$164,657.81</b>

**TOTAL CHARGE TO TAX COLLECTOR** \$68,200,643.30



**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	Outstanding Tax / Liens against Personal Property
G01 General County		58,726,604.09	246,262.74	37,336.98	145,707.45	1,441,251.38	401,803.32
<b>Total General County</b>							
<u>Fire Districts:</u>							
F15 Bat Cave	81,129.00	339.41	65.00	255.26	3,710.90	0.00	0.00
F01 Blue Ridge	716,439.44	6,618.70	863.94	1,982.39	28,272.67	0.00	0.00
F09 Dana	463,663.02	2,801.09	561.90	1,385.09	19,123.17	0.00	0.00
F03 Edneyville	542,477.10	1,667.46	718.25	1,932.73	21,296.79	0.00	0.00
F04 Etowah-Horse Shoe	919,672.29	1,853.55	580.73	2,172.13	32,368.67	0.00	0.00
F05 Fletcher	686,763.55	2,393.76	465.70	1,644.69	29,615.93	0.00	0.00
F11 Gerton	95,744.37	46.08	45.68	219.08	4,805.57	0.00	0.00
F06 Green River	305,889.30	328.53	232.71	987.03	11,779.53	0.00	0.00
F08 Mills River	93,717.29	565.09	81.17	370.52	2,291.90	0.00	0.00
F07 Mountain Home	1,191,128.37	2,883.88	853.72	2,804.04	25,504.21	0.00	0.00
F12 Raven Rock	139,664.83	60.21	84.37	346.31	4,096.47	0.00	0.00
F02 Valley Hill	984,747.56	1,148.41	568.58	1,913.32	18,736.02	0.00	0.00
F14 Valley Hill No. 2	132,178.14	129.35	100.06	459.47	4,127.81	0.00	0.00
<b>Total Fire Districts</b>	<b>6,353,214.26</b>	<b>20,835.52</b>	<b>5,221.81</b>	<b>16,472.06</b>	<b>205,729.64</b>	<b>0.00</b>	<b>0.00</b>
<u>Municipal Districts:</u>							
C01 City of Hendersonville	263,983.72	8,448.64	766.16	1,410.11	34,567.60	0.00	0.00
C02 Town of Laurel Park	49,747.66	1,083.87	99.17	132.23	2,310.05	0.00	0.00
C03 City of Saluda	552.78	0.00	0.00	0.00	0.00	0.00	0.00
C04 Town of Fletcher	139,148.48	2,932.05	417.07	693.20	15,622.51	0.00	0.00
C50 Village of Flat Rock 51	16,005.56	268.19	70.85	36.75	466.36	0.00	0.00
Village of Flat Rock 52	10,090.82	182.45	37.09	13.99	249.93	0.00	0.00
Village of Flat Rock 56	3,329.84	28.98	4.59	3.47	44.35	0.00	0.00
C60 Town of Mills River	42,183.53	775.14	393.54	188.55	3,914.77	0.00	0.00
<b>Total Municipal Districts</b>	<b>525,042.39</b>	<b>13,719.32</b>	<b>1,788.47</b>	<b>2,478.30</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL</b>	<b>\$65,604,860.74</b>	<b>\$280,817.58</b>	<b>\$44,347.26</b>	<b>\$164,657.81</b>	<b>\$1,646,981.02</b>	<b>\$458,978.89</b>	<b>\$458,978.89</b>

**TOTAL CREDITS TO TAX COLLECTOR: \$68,200,643.30**



SWORN TO AND SUBSCRIBED BEFORE ME this 2nd day of August, 2010.

My Commission Expires: 6-29-2012

Respectfully Submitted,

*Sandra D. Allison*

Sandra C. Duncan, Tax Collector

*Sandra D. Allison*

Notary Public

**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

02 August 2010

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

**RE: FY 2009-2010 Progress Report regarding Delinquent Property Tax Collections and  
Report on Efforts to Collect Delinquent Taxes**

Dear Henderson County Commissioners:

We are now in the eleventh 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 \$14,762,932.58, in delinquent tax, including interest. Of this amount, \$1,663,147.25 was collected during FY 2009-2010. At the close of this fiscal year, we have collected 99.71% of our prior-year annual tax bills (real estate and listed personal property) and 97.78% of our prior-year motor vehicle tax.<sup>1</sup>

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.<sup>2</sup> 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 (21 July 2010) no date has been set for this year's sale. 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 2009-2010 our office has instituted a new tracking program for properties that are in pre-foreclosure. Currently, 114 parcels are in this tracking program with a potential collection of

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<sup>1</sup> NCPTS Monthly County Collection Report for period 1 July 2009 to 30 June 2010

<sup>2</sup> 2007 Tax Base figures as compiled by the Henderson County Assessor

\$109,537.75 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, whereas voluntary payment made up the majority of our delinquent collections last year, that is no longer the case. This year (FY 2009-2010) we have served 458 bank account attachments totaling \$729,271.51.<sup>3</sup> Last fiscal year, our office also instituted a Wage Garnishment program. The continued success of this program resulted in 333 Wage Garnishments having to be served totaling \$69,794.80 for FY 2009-2010. Our office has diversified its portfolio of enforced collection remedies to include a Rent Attachment Program. This resulted in 11 Rent Attachments being served for a total of \$75,241.28 in taxes being collected.<sup>4</sup>

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 2009-2010, Henderson County collected \$97,837.14 through the use of Debt Setoff.<sup>5</sup> This is a decrease of almost \$66,000 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 began 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 2009-2010, Delinquent Tax Collections entered into 41 payment agreements totaling \$60,347.87 in tax revenue.<sup>6</sup>

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 770 tax bills amounting to \$334,788.46<sup>7</sup> 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 2009 was higher than 2008 with 8,640 cases. This continues a three year upswing in the number of bankruptcies and can be attributed to the economic downturn.

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<sup>3</sup> NCPTS Legal Action Report for period 1 July 2009 to 30 June 2010

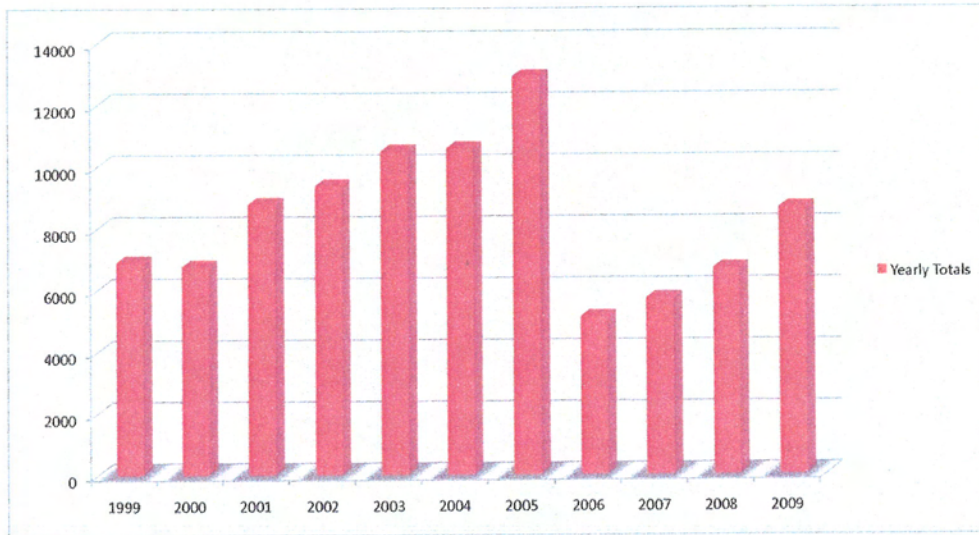
<sup>4</sup> NCPTS Legal Action Report for period 1 July 2009 to 30 June 2010

<sup>5</sup> NC Debt Setoff Detail Report (as provided by FiveStar Computing) for period 1 July 2009 to 30 June 2010

<sup>6</sup> NCPTS Payment Arrangement Summary report for period 1 July 2009 to 30 June 2010

<sup>7</sup> Query of NCPTS data containing Bankruptcy flags as prepared by the IT Department as of 1 July 2010

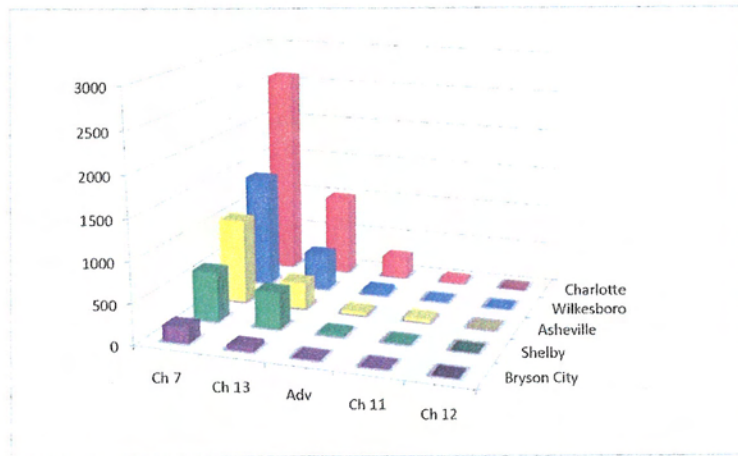
TEN YEAR COMPARISON FOR ANNUAL BANKRUPTCY FILINGS



1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6909	6761	8777	9373	10494	10585	12897	5108	5706	6684	8640

The second chart demonstrates that of the 8,640 bankruptcies filed in the Western District, 1,446 were filed in the Asheville Division. The chart also shows the breakdown of the number of each type of bankruptcy that was filed during 2009.

2009 BANKRUPTCY FILINGS BY DIVISIONAL OFFICE



	Ch 7	Ch 13	Adv	Ch 11	Ch 12
Bryson City	196	52	7	7	0
Shelby	618	452	33	8	0
Asheville	1045	326	37	37	1
Wilkesboro	1397	460	59	6	2
Charlotte	2595	999	266	36	1

Our most difficult collections remain in the area of motor vehicle tax. The total prior-year (i.e., 1998-2008) sum of outstanding motor vehicle tax is \$1,315,649.46, which represents 45.40% of the total outstanding delinquent tax.<sup>8</sup>

In closing, the progress relating to delinquent tax collections has truly been a team effort based on hard work and solid dedication. In the coming year, we will strive to maintain our progress in real estate collections while at the same time shifting our primary focus to outstanding personal property tax, which consists mostly of mobile home tax and business personal property tax.

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

<sup>8</sup> NCPTS Monthly County Collection report for period 1 July 2009 to 30 June 2010

PRIOR YEARS (1999-2008) TAX COLLECTED FOR GENERAL COUNTY:

TAX YEAR	TOTAL COUNTY LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)			ACCRUED INTEREST COLLECTED + COSTS COLLECTED			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
2008	828,227.66	6,209.22	311,488.97	96,197.28	598.25	23,033.78	906,309.12	6,807.47	325,099.63	319,858.21	271.42	97,963.74	99.43	97.65	97.64
2007	125,704.10	6,295.89	25,243.59	26,406.31	1,181.38	4,697.17	145,434.92	7,477.24	29,300.42	207,297.69	134.44	107,345.05	99.61	99.64	97.70
2006	57,525.86	2,427.40	10,393.74	16,109.99	654.64	3,035.59	72,304.19	3,082.04	13,330.27	219,739.51	0.00	112,375.94	99.56	100.00	97.73
2005	16,527.99	9.56	9,976.13	6,512.95	3.20	3,520.48	22,197.45	12.76	13,489.99	107,890.10	1,396.17	88,242.68	99.75	97.74	98.00
2004	7,963.93	8.82	6,306.77	3,214.46	3.75	2,644.18	10,507.29	12.57	8,919.50	67,381.04	265.80	79,749.82	99.83	99.65	98.02
2003	7,106.74	0.00	7,830.96	3,570.32	0.00	4,328.43	10,231.61	0.00	12,092.99	68,127.85	0.00	115,658.20	99.82	100.00	97.92
2002	6,156.05	0.00	5,259.19	3,667.16	0.00	3,943.29	9,029.18	0.00	9,189.64	82,086.37	0.00	103,578.29	99.76	100.00	97.47
2001	5,514.85	0.00	3,677.74	3,554.06	0.00	3,011.51	8,158.58	0.00	6,687.61	60,888.20	0.00	84,805.49	99.81	100.00	97.82
2000	5,240.10	0.00	3,408.27	3,187.67	0.00	3,282.51	7,654.60	0.00	6,590.51	66,821.17	0.00	91,472.86	99.78	100.00	97.63
1999/PRIOR	10,313.02	0.00	5,809.25	7,773.05	0.00	7,621.99	15,797.69	0.00	13,429.98	380,109.21	0.00	434,457.39	99.77	100.00	97.80
<b>TOTAL:</b>	<b>1,070,280.30</b>	<b>14,950.89</b>	<b>389,394.61</b>	<b>170,193.25</b>	<b>2,441.22</b>	<b>59,116.93</b>	<b>1,207,624.63</b>	<b>17,392.08</b>	<b>438,130.54</b>	<b>1,580,199.35</b>	<b>2,067.83</b>	<b>1,315,649.46</b>			

PRIOR YEARS (1999-2008) TAX COLLECTED FOR MUNICIPALITIES:

MUNICIPALITY	TOTAL CITY LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)			ACCRUED INTEREST COLLECTED + COSTS COLLECTED			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	34,836.13	0.00	0.00	4,500.35	0.00	0.00	37,853.46	0.00	0.00	179,797.54			96.47
Laurel Park	0.00	0.00	2,461.49	0.00	0.00	377.48	0.00	0.00	2,670.03	0.00	0.00	8,638.92			98.01
Saluda	0.00	0.00	43.63	0.00	0.00	3.54	0.00	0.00	47.17	0.00	0.00	124.38			98.78
Fletcher	0.00	0.00	14,197.08	0.00	0.00	1,541.76	0.00	0.00	15,402.62	0.00	0.00	28,909.14			98.10
Flat Rock 51			343.64			28.15			367.71			646.44			99.00
Flat Rock 52			172.63			13.24			179.46			143.89			99.65
Flat Rock 56			8.06			0.34			4.66			27.40			99.77
Mills River	0.00	0.00	3,226.88	0.00	0.00	323.72	0.00	0.00	3,459.04	0.00	0.00	4,155.12			98.19
<b>TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>55,289.54</b>	<b>0.00</b>	<b>0.00</b>	<b>6,788.58</b>	<b>0.00</b>	<b>0.00</b>	<b>59,954.15</b>	<b>0.00</b>	<b>0.00</b>	<b>222,442.83</b>			

PRIOR YEARS (1998-2008) TAX COLLECTED FOR FIRE DISTRICTS:

FIRE DISTRICT	TOTAL SPECIAL DISTRICT LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL SPECIAL DISTRICT CASH COLLECTED (includes Tax, Penalties, Interest & Costs)	YEAR END SPECIAL DISTRICT LEVY DUE	YEAR END COLLECTION PERCENTAGE
	Regular	Deferred	DMV	Total			
Bat Cave	2,156.59	0.00	360.89	286.23	2,833.00	3,315.25	99.48
Blue Ridge	16,670.71	523.34	9,809.60	3,986.91	31,429.05	69,996.10	99.34
Dana	11,936.76	164.94	6,540.31	2,626.48	21,447.98	33,966.63	99.15
Edneyville	15,767.29	579.93	7,371.63	4,018.61	28,084.02	48,666.58	99.05
Etowah/H/S	9,638.66	0.00	4,204.68	1,710.88	15,742.09	31,486.60	99.58
Fletcher	11,401.19	1,303.59	5,761.28	2,804.22	21,462.80	34,574.09	99.48
Gerton	3,402.49	89.24	375.78	381.57	4,258.42	3,762.63	99.45
Green River	5,634.69	0.00	2,194.88	1,184.88	9,086.82	18,604.07	99.41
Mills River	1,015.55	6.16	915.26	536.52	2,496.09	14,700.54	99.49
Min Home	12,274.53	0.00	7,856.64	2,928.66	23,224.85	57,566.00	99.51
Raven Rock	2,171.28	9.14	524.22	344.85	3,054.65	3,232.05	99.71
Valley Hill	11,358.91	0.00	4,315.64	1,825.64	17,594.17	28,373.79	99.76
Valley Hill #2	4,339.04	0.00	790.56	617.82	5,778.21	4,401.39	99.59
<b>TOTAL:</b>	<b>107,767.69</b>	<b>2,676.34</b>	<b>51,041.37</b>	<b>0.00</b>	<b>186,492.15</b>	<b>352,677.72</b>	<b>99.46</b>

TOTAL PROPERTY TAX COLLECTED FOR YEARS 1998-2007:

	TOTAL LEVY CREDIT		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL CASH COLLECTED	YEAR END LEVY DUE	YEAR END COLLECTION PERCENTAGE	
	Regular	Deferred	DMV	Total			Total	Regular
General County	1,474,625.80	55,289.54	161,485.40	231,751.40	1,863,147.25	2,897,916.64	99.67	97.65
Municipalities	55,289.54	161,485.40	161,485.40	6,788.58	59,984.15	222,442.83	99.67	99.46
Fire Districts	161,485.40	161,485.40	161,485.40	23,235.27	186,492.15	352,677.72	99.67	99.46
<b>TOTAL:</b>	<b>1,691,400.74</b>	<b>1,691,400.74</b>	<b>1,691,400.74</b>	<b>261,775.25</b>	<b>1,909,623.55</b>	<b>3,473,037.19</b>	<b>99.67</b>	<b>99.46</b>

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 columns include 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,

*[Signature]*  
Star C Duncan, Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME this 14<sup>th</sup> day of August, 2010.

*[Signature]*  
Sandra D Allison

Notary Public

My Commission expires: 6-29-2012





LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY

Department: Planning / Public Transit

Please make the following line-item transfers:

What expense line-item is to be increased?

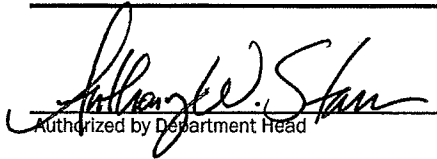
Account	Line-Item Description	Amount
<u>335497-555000</u>	<u>Capital Outlay - Buildings</u>	<u>\$ 119,323</u>
_____	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>334497-455000</u>	<u>State STP-DA funds</u>	<u>\$ 119,323</u>
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*

This amendment increases the FY11 budget expenditure line for Capital Outlay-Buildings by \$119,323 to a total of \$469,323. The amount appropriated for the project in FY10 was \$610,500. A total of only \$141,177 was expended, leaving an unspent balance of grant funds in the amount of \$469,323. \$350,000 was appropriated to the FY11 project budget. The Planning Department anticipated greater expenditures during FY10 than actually occurred due to delays resulting from grant requirements under federal rules. We are now requesting a re-appropriation of the balance of the unspent funds.

  
Authorized by Department Head

7-8-2010  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

<i>For Budget Use Only</i>	
Batch #	_____
Batch Date	_____



**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** Animal Services

*Please make the following line-item transfers:*

**What expense line-item is to be increased?**

Account	Line-Item Description	Amount
<u>115438-538100</u>	<u>Professional Services</u>	<u>\$6,293</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**What expense line-item is to be decreased? Or what additional revenue is now expected?**

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$6,293</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 In FY09-10, Animal Services received a PetSmart Grant in the amount of \$18,715. Of that amount, \$12,422 was utilized in FY10. This Budget Amendment re-appropriates the remaining \$6,293 for use in FY11 in compliance with the grant.

Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

## RESOLUTION

### OPPOSING FEDERALLY MANDATED COLLECTIVE BARGAINING

WHEREAS, The U.S. House of Representatives recently passed H.R. 413, the so-called Public Safety Employer-Employee Cooperation Act, as part of H.R. 4899, a mammoth appropriations act that includes funding for military operations in Afghanistan and Iraq, additional funding for domestic programs, and other unrelated provisions; and

WHEREAS, despite the misleading bill title, the provisions of H.R. 413 directly and completely override the longstanding North Carolina law that prohibits collective bargaining in the public sector, and mandates collective bargaining by state and local governments with public employee labor unions that represent law enforcement officers, firefighters and emergency medical personnel; and

WHEREAS, state and local elected officials understand that they have an obligation to take appropriate measures to attract and retain highly capable employees to provide essential public services, including providing adequate salaries and benefits, fair employment policies, safe working conditions and adequate training; and


WHEREAS, this proposed legislation is an unnecessary and inappropriate federal intrusion into public employment matters that should be decided by the people's elected representatives at the state and local levels of government, and an unfunded mandate at a time when state and local budgets are extraordinarily challenging; and


WHEREAS, although this very significant proposed federal mandate is so intrusive that it might be unconstitutional, there has been no deliberation about it in any committee of the House or Senate; and

WHEREAS, the inclusion of this proposed legislation and other provisions in a bill intended primarily for war funding jeopardizes continued timely and adequate funding to support operations by our troops in Afghanistan and Iraq;

NOW, THEREFORE, the Henderson County Board of Commissioners hereby expresses its strong opposition to federally mandated collective bargaining and urges members of the North Carolina delegation in the U.S. House of Representatives and the U.S. Senate to oppose any bill that contains these provisions, and do nothing on any procedural vote to increase the likelihood of passage.

This the 2nd of August, 2010.

Attest:   
Teresa L. Wilson, Clerk

  
William L. Moyer, Chairman