

Hand-out
Buford Adcock
spoke @ 2-5 mtg.

0-06-2

Animal Control Nuisance Ordinance

Section 1. Public Nuisance

The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following:

- (1) Allowing one or more dogs or other animals to bark or make disturbing noises continuously or intermittently for more than 30 minutes.

Section 2. Penalties

- (1) Any violation of this ordinance shall be deemed a non-criminal violation for which a civil penalty as set forth in this ordinance may be assessed to the owner of such animal.
- (2) The owner shall be issued a written notice of violation and penalty and the owner shall require payment to be made to the town within three business days of receipt of the notice. Notice of the civil penalty and violation shall be delivered in person to the owner or mailed by certified mail, return receipt requested, to the owner's last known address.
- (3) Upon the owner's failure to pay the required amount within the designated three business day period, the town may institute a civil action in the nature of debt to recover such amount.
- (4) Penalties assessed under this ordinance shall progress as follows:

Animal Service Civil Penalty Fee Schedule

<u>Public nuisance:</u>	<u>Civil Penalty Fee</u>
First violation	Written warning only
Second violation	\$50.00
Third (and subsequent) violation (per day of Violation)	\$100.00

Section 3. Enforcement:

The Town of Fletcher Police Department shall be the enforcement authority of this ordinance.

cc: BDC
Steve

0-06-2 Animal Control Nuisance Ordinance

Approved this 8th day of January, 2007 by the Fletcher Town Council. Effective upon the date of approval of this ordinance.

William B. Moore
William B. Moore, Mayor

Attest: Janice G. Sherlock
Janice G. Sherlock, C.M.C., Town Clerk

Approved as to form:

Joseph A. Ferikes
Joseph A. Ferikes, Town Attorney

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
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WILLIAM L. MOYER
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CHARLIE MESSER
Vice-Chairman

CHUCK MCGRADY
MARK WILLIAMS
LARRY YOUNG

February 5, 2007

DRAFT

Mayor Terry Bellamy
City of Asheville
P. O. Box 7148
Asheville, NC 28802

Dear Mayor Bellamy,

I hope this letter finds you well as winter continues its march across our mountains.

My purpose today is to bring to your attention the concerns of the Henderson County Board of Commissioners along with the Town Councils of Fletcher and Mills River regarding the race track proposal reported through the media the previous week. The media reports have generated a considerable amount of interest as to the impact of such a facility on the surrounding neighborhoods and property owners. Suffice it to say that many are upset and are contacting their respective elected officials at the prospect of a race track locating in this area

Our citizens have conveyed to us numerous concerns ranging from noise, traffic congestion and hazards, as well as the environmental impact, just to mention a few. The bottom line is that these folks believe their quality of life to be threatened. Whether perception or reality, we believe their concerns are valid and should be taken seriously. At a minimum we should be informed as to the particulars of this project and given the opportunity for meaningful input. We urge you to take these concerns into consideration and begin a dialogue at the earliest possible opportunity.

Sincerely,

William L. Moyer, Chairman
Henderson County Board of Commissioners

William Moore, Mayor
Town of Fletcher

Roger Snyder, Mayor
Town of Mills River

Cc: Henderson County Board of Commissioners
Town of Fletcher Council Members
Town of Mills River Council Members

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BILL MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

LARRY YOUNG
MARK WILLIAMS
CHUCK McGRADY


RESOLUTION

WHEREAS, the Henderson County Board of Commissioners desires to sponsor the construction of stormwater treatment measures for the Lewis Creek Nature Park on behalf of NCSU Water Quality Group. The project would restore habitat, clean stormwater run-off, and enhance educational opportunities about water resources and stormwater management.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to the County for the project in the amount of \$62,000 or 66 and 2/3 percent of project construction cost, whichever is the lesser amount;
- 2) The Board delegates NCSU Water Quality Group, as the sole partner for the administration and supervision of the project; and for obtaining the balance of the project costs;
- 3) Under the administration and supervisory responsibility of the project stated in item 2, above, NCSU Water Quality Group will be responsible for obtaining all necessary State and Federal permits;
- 4) The Board will see that NCSU Water Quality Group complies with all applicable laws governing the award of contracts and the expenditure of public funds;
- 5) Under the administration and supervisory responsibility of the project stated in item 2, above, NCSU Water Quality Group will assure compliance with permit conditions and will assure safe and proper construction according to approved plans and specifications;
- 6) The Board will assure that the project is open for use by the public on an equal basis;
- 7) The Board, the Carolina Mountain Land Conservancy, and NCSU Water Quality Group will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 8) The Carolina Mountain Land Conservancy and appropriate landowners accept responsibility for the operation and maintenance of the completed project.
- 9) Participation in this project by the Board is contingent upon items 2, 3, 4, 5, 6, 7, and 8 above being completed by NCSU Water Quality Group. The Board will bear no responsibility for the grant deliverables or other items pertaining to the project should NCSU Extension not fulfill its obligations as outlined above.

Adopted by the Henderson County Board of Commissioners on this 5th day of February, 2007.



William L. Moyer
Chairman, Henderson County Board of Commissioners

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: February 5, 2007
SUBJECT: Appeal Pending Before the NC PTC
ATTACHMENTS: (None)
SUMMARY OF REQUEST: Closed Session Appearance for above.

**We have a new appeal filed before the North Carolina Property Tax Commission;
07 – PTC – 208.**

Faithfully Submitted,


Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: (None)

Suggested Motion: (None)