

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

May 16, 2006

Henderson County Board of Commissioners
100 N. King Street
Hendersonville, NC 28792

Re: Tax Collector's Report to Commissioners – 05/17/06 Meeting

Please find outlined below collections information through May 15th for the new 2005 bills mailed out on August 31st, as well as vehicle bills.

Annual Bills G01 Only:

2005 Total Charge: \$43,573,244.32
Payments & Releases: 42,497,964.91
Unpaid Taxes: 1,073,049.24
Percentage collected: 97.54%
(1/01/05– 5/15/06)


Motor Vehicle Bills G01 Only:

2005 Total Charge: \$4,390,254.94
Payments & Releases: 3,282,504.29
Unpaid Taxes: 1,106,621.83
Percentage collected: 74.79%
(1/01/05 – 5/15/06)

Fire Districts All Bills

2005 Total Charge: \$5,037,745.87
Payments & Releases: 4,773,778.37
Unpaid Taxes: 263,601.12
Percentage collected: 94.89%
(1/01/05 – 5/15/06)

Respectfully submitted,



Terry F. Lyda,
Henderson County Tax Collector

MAY 19, 2006

PUBLIC INPUT SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

Please Print:

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
1.	Michael Spelling	2 Cozy Cove	Soccer Fields
2.	MARK ROLOFF	244 SWEETWATERHILLS DR	SOCCER
3.	FIELDING LUCAS	50 Squimint Trl	891-5291
4.	Eva Ritchey	1928 Brevard Rd	WARP
5.	David & Tralife	24 DeLooy	Animal Control
6.	DICK SAIRD	5711 Hidden LAKE	PUBLIC HEARINGS
7.			
8.			
9.	Debra Stierwalt	1166 N Lake Summit Rd	Tuxedo
10.	Douglas Cossins	Tuxedo	Park
11.			
12.			
13.			

Presentation to the HC Board of Commissioners 5/19/2006 by Fielding G. Lucas 50 Squirrel trail, H'ville, NC 28791, luke22@bellsouth.net, 891-5291.

Mr. Chairman, Board Members, County staff.

Some initial thoughts on the JFAC meeting last Wednesday morning.

1. Looking at the site drawings for both Sugar Loaf and Hillandale, school placement would appear to eliminate any practical possibility of school growth by addition of another wing as originally envisioned for Clear Creek Fletcher, and Marlowe or even by adding a classroom module as is done in many counties. I realize that this school board has no intention of having more than a nominal 600 students in an elementary school, based upon current HCPS class size policy, But, given the measures being taken by such counties as Wake, Johnston and Cabaras to deal with economic and growth realities it seems short sighted to restrict the options open to future school boards who will likely have to face those same realities.
2. No one mentioned the capacity of the schools if you followed the State elementary class size payment rules. This changes a 604 school to a 648 capacity school, a 7.3% capacity increase without requiring a single brick of construction. I have illustrated this calculation on a sheet accompanying this presentation that also shows the process used to fund reduced class sizes to their present and just proposed budget levels over the past four years
3. The possible application of the proceeds of the sale of the Tuxedo School were never discussed.
4. I would have thought the Elkamet experience would have shown the commercial value of the Fairgrounds property. Is locating the Transportation Maintenance building there the best use of this property?
5. I have not done a detailed analysis of the cost estimates but it looks to me like a request for about \$25 million more next year. Wow! Everything I read in the other newspaper says that there is a growing concern over North Carolina indebtedness particularly when local debt is added in. There is also growing concern over the lushness of some school construction programs. A recent Raleigh News-Observer story showing a comparison of Johnston and Wake counties demonstrated that Wake was paying \$3 million more for comparable elementary schools and both were pleased with their products. One also hears that suggested facility guidelines may become rules when State money is involved.
6. You may remember that just before the 1997 bond referendum, the state requested a detailed capital needs forecast covering the next ten years. The assembly of all those requests resulted in a State bond that funded the Marlow school. They did a similar thing this year resulting in the preparation of a document in response to the 2005-2006 State Facility Needs Survey. This document describes growth provisions for each school and new school including an estimated cost and priority for each effort. As the earlier version did, this survey includes a certification by the Board of Education and also by this board reading as follows: "The Henderson County Board of Commissioners has reviewed this survey for submission to the State School Board" and signed by the Chairman and County Manager I do not have the final draft but understand it was submitted to the State several months ago. For your information the BOE certification reads as follows: "The Henderson County Public Schools Board of Education hereby submits its Facility Needs Survey dated 11/15/2005 listing all improvements and additional facilities needed to accommodate projected enrollments through the 2014-15 school year and improvements to existing facilities to provide safe, comfortable environments that support the educational programs. We do hereby certify that the needs identified

herein are a true representation of our situation. Alternatives were considered and this plan provides the best balance between cost and benefit to our students. We understand that costs have been standardized to statewide averages to provide uniform comparisons.” Given your questions re a plan for the future it would seem that if you translate priorities to date ranges, this document gives you everything you need and if its final draft is good enough for the state to use for its planning it ought to meet your needs as well with minimum additional effort.

Thank you for listening

Actual Proposed Class Size Reduction Budget Requests	Cost to County	Action
<u>School Year 2002-2003</u>		
Reduce the average class size in grades K-1 to 19 and to 21 in Grade 2		
7 Additional classroom teachers	\$338,954	Funded
<u>School Year 2003-2004</u>		
Reduce the average class size in grades 3 and 4 to 23 and to 24 in grade 5		
7 Additional classroom teachers	\$345,191	Funded
<u>School Year 2005-2006</u>		
Reduce the average class size to 21 in grade 3; and to 23 in grades 4 and 5 ... was requested in 2004-2005 Proposed Budget but not funded"		
6 Additional classroom teachers	\$305,035	Funded
<u>School Year 2006-2007</u>		
Reduce the average class size in grade 5 to 23		
6 Additional classroom teachers	\$317,488	
(Total number of County Funded additional teachers requested)	26	
(Total salaries and benefits cost, not adjusted for inflation)	\$1,306,668	

... The year 4 goal of reduction of class size to 25 in grades 6, 7, and 8 was accomplished in 2005-2006 with the help of state funding. Therefore the last goal remaining to be funded is included above. In addition to achieving the Year 5 goal, the classroom teaching positions requested above will enable the previously funded class size reduction goals to be maintained at the following levels.

	HCPS		State Requirements	
	LEA Average Goal	LEA Average Goal	Individual Class Maximum	State
Kindergarten and Grade 1	19	21	24	210
Grade 2 and 3	21	21	24	210
Grade 4 and 5	23	26	29	208
Grades 6, 7, and 8	25	26	29	20
Elementary Comparisons	Classrooms	HCPS		648
K-1	10	190		
2-3	10	210		
4-5	8	204		
Special Needs	2	20		
School Totals	30	604		



Presentation to Henderson County Board of Commissioners
Issue: WHKP
May 19, 2006

My name is Eva Ritchey, chair of the Henderson County Democratic Party, here in behalf of the Henderson County Democratic Executive Committee.

We come before you to present the Democratic Party's unanimously approved statement on Henderson County's illegal relationship with WHKP. It is our position that the promotion and distribution of political and religious matter on what is supposed to be the county's governmental access channel is both unjust and illegal.

On January 2nd, 2001 the Henderson County Board of Commissioners passed The Henderson County Television Broadcast Policies and Procedures signed by Chairman William Moyer. This document was for the purpose of regulating Henderson County's Government Channel currently operating as HCTV on MediaCom's Channel 11.

- Under Policy 2 regarding the taxpayer owned cable Channel 11, "The County will strive to provide programming that is fair, accurate, balanced and without regard to partisanship or ideology..." and
- Policy 3, "HCTV will be operated in a manner to comply with all applicable federal, state and local laws...including but not limited to MediaCom's "Public, Educational and Governmental Access Rules" which limit the type of programming the County can air on its government channel."
- It is further stated in Policy 7, subset D "Programs which promote, endorse, or advertise any nonprofit agency, private business, commercial service or product, profit-making activity, political candidate or partisan cause will not be aired."
- This document was reissued October 14, 2004.

On August 1st, 2005 the Henderson County Democratic Party approached this board and pointed out that the monopoly that WHKP had been given over this taxpayer supported channel as well as partisan material that was being broadcast over Channel 11 constituted a breach of the County's Television Broadcast Policies and Procedures. We stated, "...this service does not grant WHKP or any other industry the right to a monopoly of a public channel. Therefore, The Henderson County Democratic Party opposes the monopoly that WHKP has on our publicly financed government cable Channel 11."

It would seem that MediaCom felt the same way in regards to a monopolistic arrangement on a publicly owned channel since the following statement was reported in the Hendersonville Times News on November 20, 2003, "MediaCom has said that use of the radio station is legally not permissible, County Attorney Angela Beeker said."

The only action that the board took on August 1st, 2005 was to remove Rush Limbaugh from Channel 11. Your limited action allowed WHKP to continue its monopoly status with assurances that the Board would craft another policies and procedures document that removed partisan and commercial content from the Channel 11 government channel. The Board also charged WHKP to come back in a timely manner with a plan to remove all partisan and commercial broadcasts.

WHKP did not remove partisan and commercial programming from Government Channel 11.

On subsequent appearances the Henderson County Democratic Party continued to request that Channel 11 conform to the Henderson County Broadcast Policies and Procedures. The matter was delayed repeatedly and a competing business, WTZQ's requests for fair and equal treatment were denied.

On January 18, 2006 the Henderson County Board of Commissioners released a Draft Request for Proposals for Audio Broadcasting. In this draft on page 3 under the subheading "III. Program Restrictions", it states, "...3. Programs which promote, endorse, or advertise any non-profit agency, private business, commercial service or product, profit-making activity, political candidate, or partisan cause. 4. Programs pertaining, directly or indirectly, to lotteries or other programs involving prize or chance..."

Has this Draft policy been followed? Please listen to the following segment of broadcast copied directly from Channel 11 on April 3, 2006.

(Play segment with campaign ad for Commissioner Larry Young and commercial for a private business.)

It should be noted that we also have recordings of campaign commercials for another commissioner on this board as well as commercials for prize drawings and religious content.

The Henderson County Democratic Party opposed then, and opposes now, the monopoly that WHKP has on our publicly financed government cable Channel 11. This issue is fundamental to preserving our First Amendment rights of free speech and fair access to that speech for all citizens. It is wrong for Henderson County Commissioners to use our only publicly financed channel to propagate an

agenda of partisan political views. Government at all levels must not exist to promote partisan political candidates. Government on any and every level must not be allowed to promote which business wins and which business loses. Business should stand or fail on its own resources and government should not give advantages to one over another. Government must not give advantages to one business or political ideology over another. **The current monopolistic arrangement is nothing less than a public give away of an important community resource to a private commercial interest.** WHKP is using this gift of a potentially vital public resource to promote partisan political views.

Members of the Board of Commissioners, it is now time to restrict the use of our government Channel 11 to the purpose for which it was created—government programs. All political, commercial and religious programming must be removed from this taxpayer channel. The Democratic Party has only one goal in this issue--**the fair and equal treatment of all citizens.** Presently, all citizens are not being treated fairly and equally. The current monopolistic arrangement gives a public resource to a private commercial interest and it is using a public resource to

- promote partisan political views,
- to promote your own elected positions at taxpayer expense,
- to promote one religious belief over another, and
- to promote one business at the expense of another.

If all political, religious, and commercial programming is not removed from Channel 11 by June 1st, the Henderson County Democratic Party will proceed to legal action. The Henderson County Democratic Party is left with no option but to seek immediate legal redress regarding this most important issue.

The Henderson County Democratic Party Executive Committee

May 19, 2006

Chairman and Members
Henderson County
Board of Commissioners

SUBJECT: Public Hearing Procedures

This is to formalize my public comment remarks of May 19th, 2006, informally suggesting that you consider revising the way public hearings are conducted in this county.

At the beginning of the public hearing or immediately before the public hearing is opened, recommend that a short summary presentation be made stating the facts of the issue under review and the staff's rationale for their position.

Further, recommend that every public question and suggestion be addressed by the Board at the end of the public hearing or immediately after closing.

Sincerely,

A handwritten signature in cursive script that reads "Dick Baird".

Dick Baird
Management Engineer (Organization Doctor)

May 19, 2006

Chairman and Members
Henderson County
Board of Commissioners

SUBJECT: Unresolved Public Hearing Questions

The following questions were asked of the Board of Commissioners at the May 1st formal public hearing concerning approval of four capital projects totaling \$51 million:

Why are classrooms in the school projects being designed bigger yet class size is decreasing?

Why are vacant classrooms not utilized through intelligent scheduling during the summer break to preclude the need for new construction at this time?

Why is the public being asked to pay for the entire historic courthouse renovation when a nonprofit corporation was created to raise half the funding?

These are legitimate questions that you should have asked early in project development, but did not. For the record, please provide formal reply to the public and me on the above three questions.

Sincerely,



Dick Baird
Management Engineer (Organization Doctor)

Henderson County
Community Child Protection Team

Chuck McGrady, Chair:

(828) 674-6118

May 15, 2006

Mr. William L. Moyer, Chairman
Henderson County Board of Commissioners
100 N. King Street
Hendersonville, NC 28792-5097

Re: Annual Report of the Henderson County Community Child Protection Team

Dear Mr. Moyer,

This is a belated report of the Henderson County Community Child Protection Team (CCPT). As the County Commission probably already knows, the CCPT was active much of last year with its principal focus being the court system. The CCPT recognized that the court system was the primary impediment to the placement of children either with new families or with foster families, and the CCPT sought additional resources and new procedures to streamline the delays in handling child-related cases. At our urging (under the leadership of our former chair, Mary Murray), the County Commission funded an additional DSS attorney and clerical support, and with our support the various agencies got together to develop a court calendar that the Chief District Court Judge adopted which has apparently moved cases more quickly through the courts. With the cooperation of the local judges, we also sought to hold local attorneys more accountable for being on time for court hearings. At least initially, the changes sought by the CCPT have seemed to work and DSS social workers, guardians ad litem, and attorneys have said the system is working better.

With the completion of its advocacy work related to the court system late last year, the County Commission made a decision to restructure the CCPT. Recognizing that several of the community representatives had been CCPT members for years and many of the agency representatives had begun missing meetings, the County Commission appointed five new community representatives.

Over the past six months, we've been going through a new member orientation. At each meeting one or more of the agencies had explained the role their agency plays in the child

protection system. Each of the community representatives has committed to attending a court session, and the CCPT has also discussed the "Children's Summit" which is scheduled for September. The County Commission asked all county agencies to support this effort, and CCPT expects to work closely with the Summit organizers.

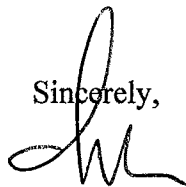
Most recently, the CCPT received an update on the DSS budget and undertook a case review of an "average" DSS case. The idea was to review an average case so that everyone could see the typical case handled by DSS. I've recently been asked by Commissioner Young to look at a case in which he has some specific concerns, and I'm going to ask CCPT to review that case when it next does a case review. My expectation is that CCPT will do 3 -4 case reviews each year.

The Community Child Protection Team is composed of agency representatives, child advocates and citizens at large who have as their mission to identify and address gaps or deficiencies in services and resources in our child protective services and report those deficiencies to the County Commissioners. The CCPT team works collaboratively with community partners, promoting public awareness, advocating for action that addresses the child protection needs of Henderson County. Aside from the five community representatives and the designated agency representatives, the CCPT has asked the Healing Place and the Children & Family Resource Center to send representatives to its meeting. Margo Nagle, a former community representative, continues to work with CCPT to monitor the court system, and CCPT has been asked by the DSS Board to continue to monitor the court system to insure that the court system efficiently and fairly handles children's cases.

The CCPT meets every month on the first Thursday at noon in the Commissioners' Meeting Room. We usually have good attendance. My expectation is that Nancy Mitchell, a former DSS Board Chair, will be elected as the new CCPT chair at our next meeting. I had agreed to chair the CCPT when the County Commission appointed new community representatives, but I don't think that a county commissioner ought to be chairing this committee, and I've submitted my resignation now that everyone is fully oriented.

I have enjoyed my brief stint as chair of the CCPT. As I explained to my contact at the North Carolina Division of Social Services, I think we made the right decision to bring on some new people on as "community representatives" on the CCPT. It is sort of unusual to bring five new members on at once, but it was easier to orient them all at once, and we've been able to get the agency representatives back engaged, and that is a key to the success of this team.

Sincerely,



Chuck McGrady
Chair

**11:00 am PUBLIC HEARING
SIGN UP SHEET**

Update – 10 Year Solid Waste Management Plan

Friday May 19, 2006

Please Print

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**11:00 am PUBLIC HEARING
SIGN UP SHEET**

Blue Ridge Community College Special Use Permit & Variance
Friday May 19, 2006

Please Print

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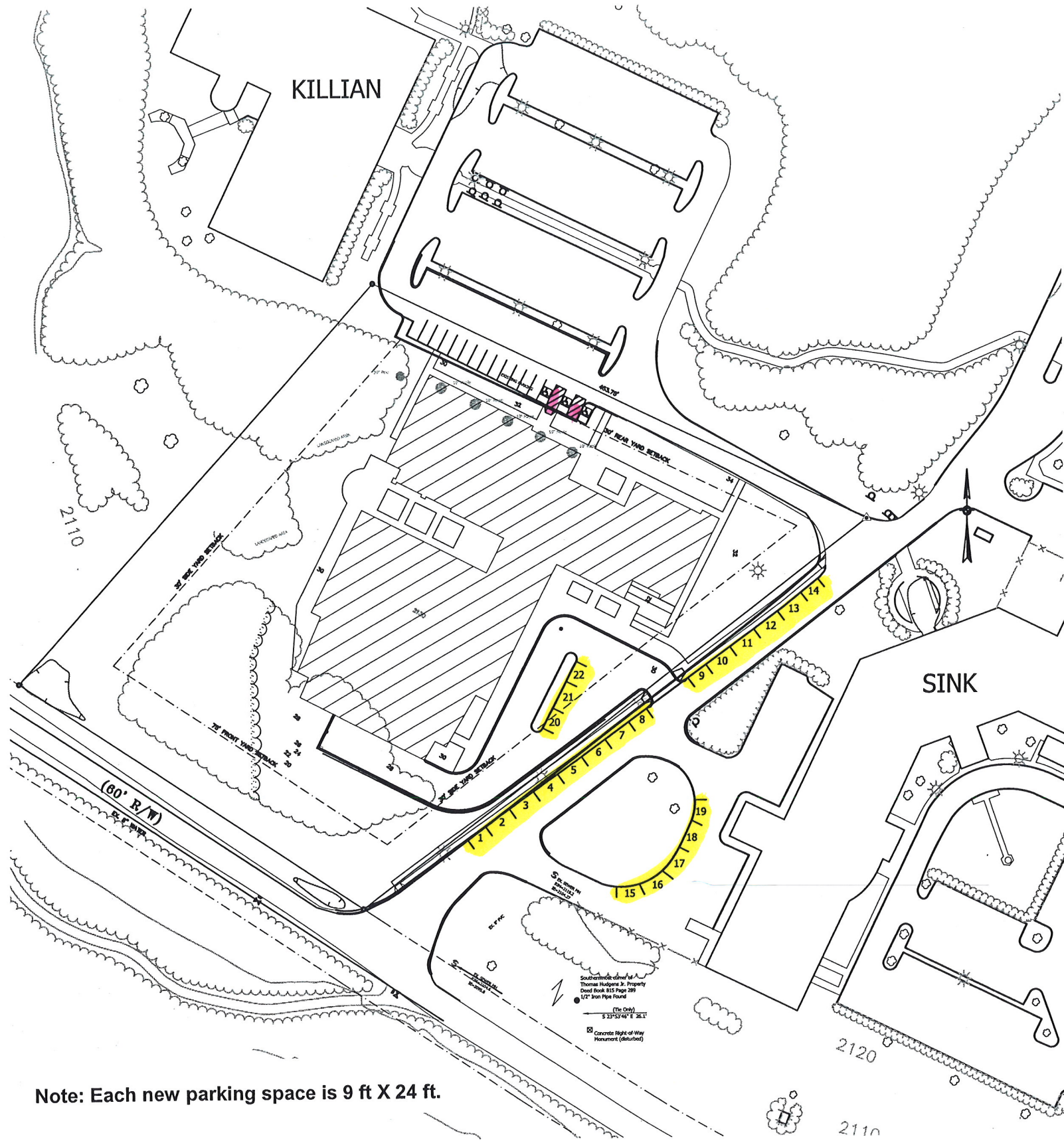
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Note: Each new parking space is 9 ft X 24 ft.

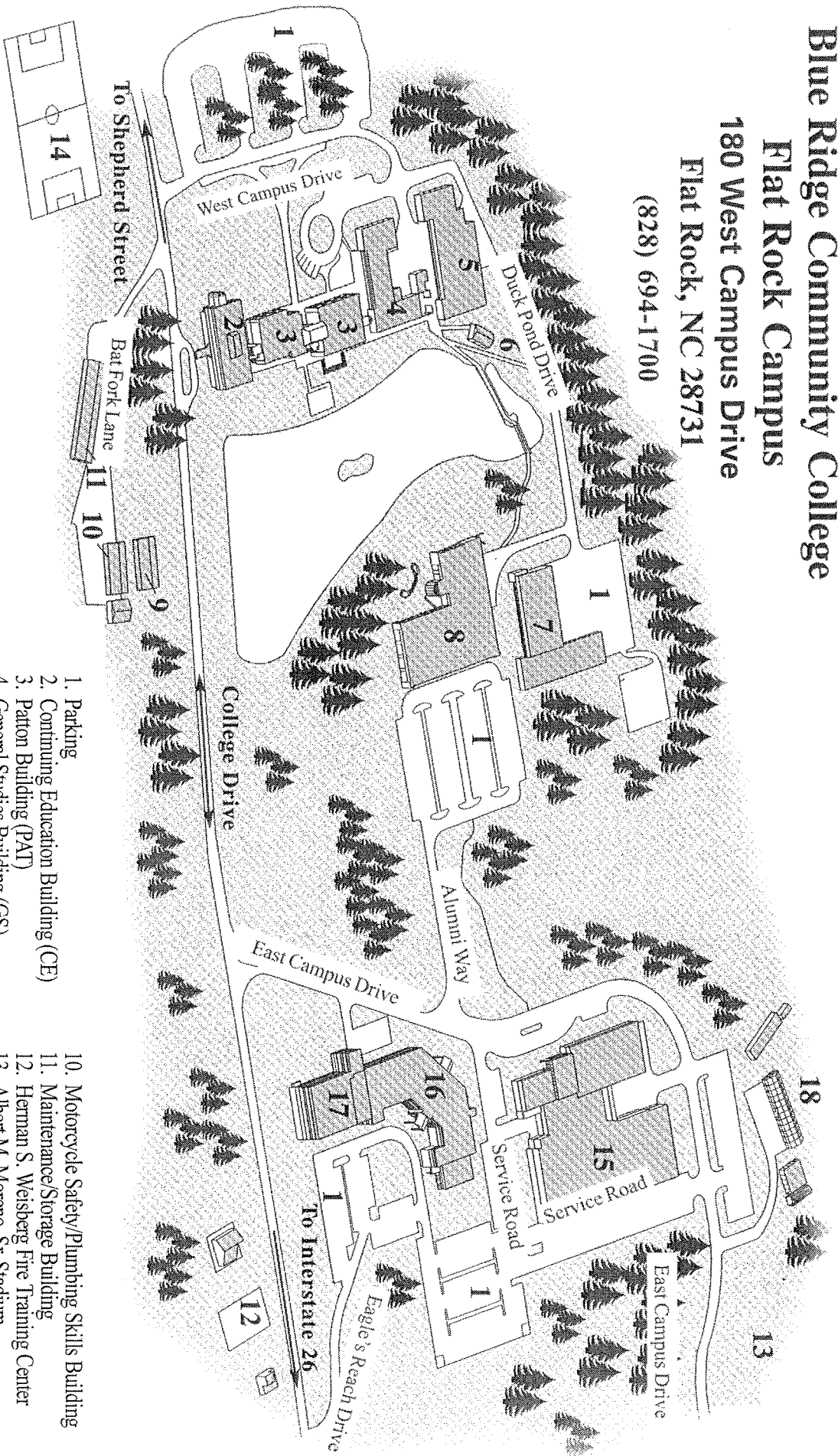
BLUE RIDGE COMMUNITY COLLEGE
TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER
 HENDERSON COUNTY, NORTH CAROLINA

ARCHITECTURE PEARCE BRIDLEY COOK + LEE P.A.
 1 West Park Square B&E Building Suite 1501 Asheville, North Carolina 28801

NEW PARKING FOR THE TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER

**Blue Ridge Community College
Flat Rock Campus
180 West Campus Drive
Flat Rock, NC 28731**

(828) 694-1700

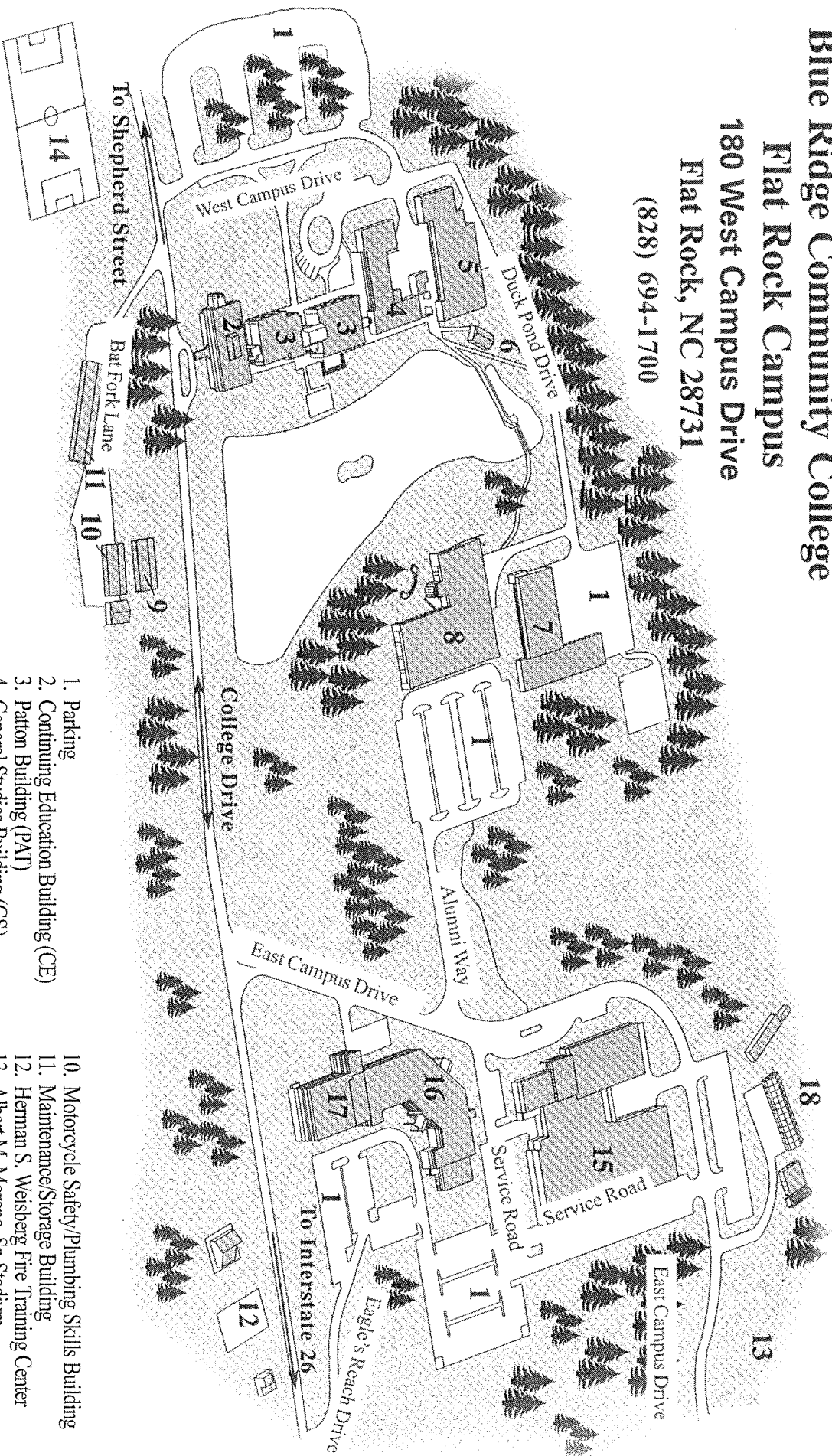


1. Parking
2. Continuing Education Building (CE)
3. Patton Building (PAT)
4. General Studies Building (GS)
5. Arts and Sciences Building (AS)
6. Picnic Shed
7. Industrial Skills Center (ISC)
8. William D. Kilian Building
9. Groundskeeping Building
10. Motorcycle Safety/Plumbing Skills Building
11. Maintenance/Storage Building
12. Herman S. Weisberg Fire Training Center
13. Albert M. Moreno, Sr. Stadium
14. Soccer Fields
15. Joe D. Spearman, Sr. Building
16. David W. Sink, Jr. Building
17. Royce P. Phelps "Bo" Thomas Auditorium
18. Bullington Greenhouse

Blue Ridge Community College

Flat Rock Campus

180 West Campus Drive
 Flat Rock, NC 28731
 (828) 694-1700



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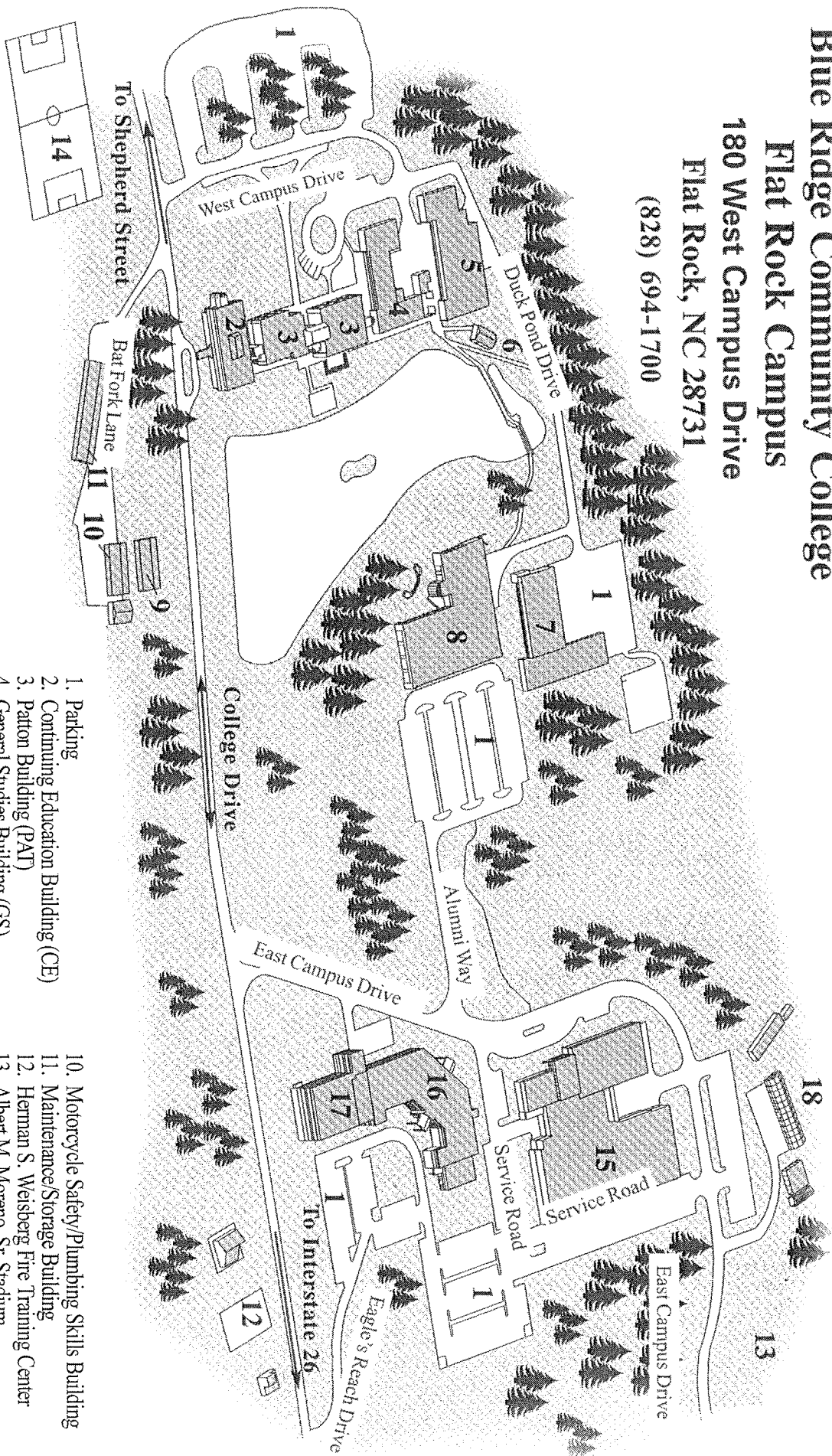
Blue Ridge Community College

Flat Rock Campus

180 West Campus Drive

Flat Rock, NC 28731

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BRCC Flat Rock Campus

Parking Survey – Peak Use

This table reflects the number of cars counted by Sheriff Deputies on two peak use days when classes are in session.

Building	Total Existing Parking Spaces	Tuesday 10:00 AM 3/3/06	Wednesday 10:00 AM 3/15/06	Average of the two days	Percent of Spaces Filled
Patton Building & General Studies Building	564	290	417	354	63%
Arts & Sciences Building	13	0	4	4	31%
Continuing Education Build	5	10*	6*	8	160%
Industrial Skills Building	81	21	23	22	27%
Plumbing Building	20	17*	16*	17	85%
Killian Building	144	46	65	56	39%
Spearman Building	121	53	86	70	57%
Sink Building	262	198	157	178	68%
Total	1,210	N/A	N/A	709	59%

* Includes BRCC maintenance vehicles and delivery trucks double parked

BRCC Flat Rock Campus

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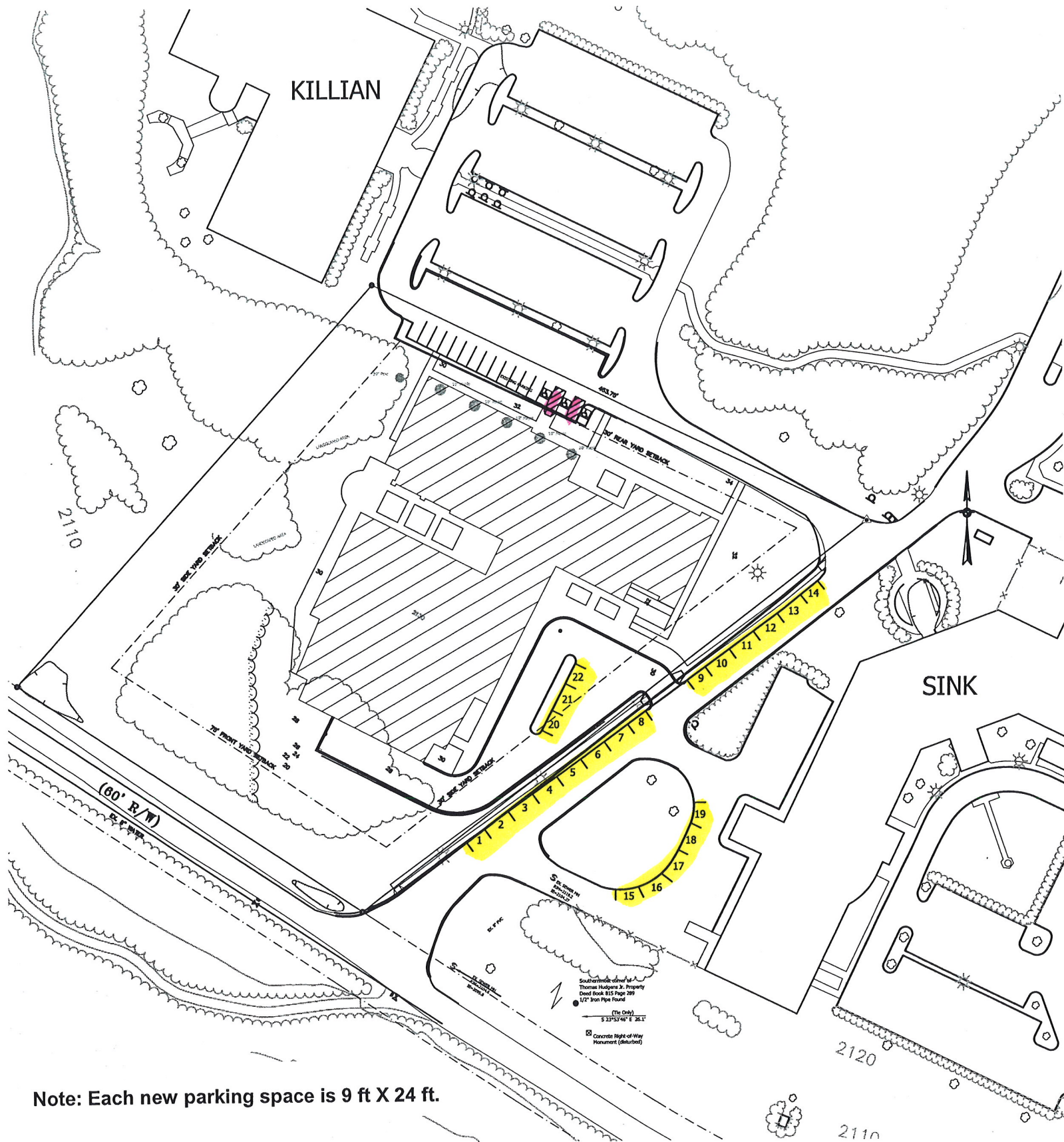
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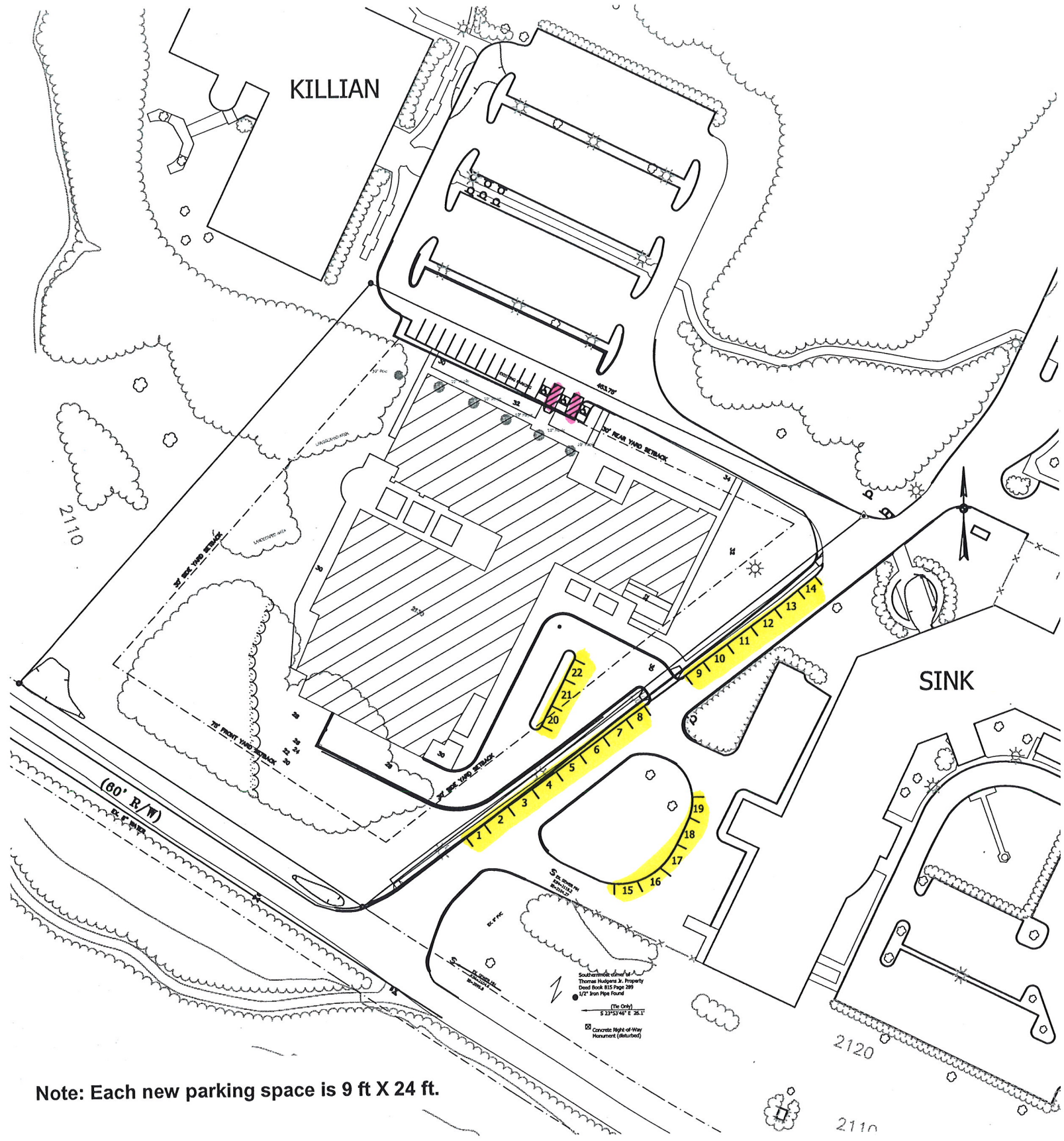


Note: Each new parking space is 9 ft X 24 ft.

BLUE RIDGE COMMUNITY COLLEGE
TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER
 HENDERSON COUNTY, NORTH CAROLINA

A R O B E C L U R E Pearce Bridley Coxe + Lee P A
 1 Wood Park Square Bldg 1501 Asheville, North Carolina 28801

NEW PARKING FOR THE TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER



Note: Each new parking space is 9 ft X 24 ft.

BLUE RIDGE COMMUNITY COLLEGE
TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER
 HENDERSON COUNTY, NORTH CAROLINA

ARCHITECTURE Pearce Brinkley Coose + Lee P.A.
 1 West Pack Square BEAT Building Suite 1501 Asheville, North Carolina 28801

NEW PARKING FOR THE TECHNOLOGY EDUCATION AND DEVELOPMENT CENTER

QUASI-JUDICIAL PROCEEDING OUTLINE

- *MOTION TO GO INTO PUBLIC HEARING (needed from commissioners)*
- *(OPENING STATEMENT)*

Ladies and Gentlemen, a quasi-judicial proceeding is being held today on the following petition **In the Matter of the Petitions regarding the Blue Ridge Community College Technology Education and Development Center**, where the Board Of Trustees Of Blue Ridge Community College is the petitioner. A quasi-judicial proceeding, much like a court proceeding, is a one in which one's individual's rights are being determined under specific rules of procedure. As such, not every person has a right to give evidence in a quasi-judicial proceeding. Under the Rules of Procedure for quasi-judicial proceedings, only persons who can demonstrate that they will be affected by the outcome of the decision are allowed to participate in the proceeding.

All persons who are allowed to speak and participate in this hearing, including all witnesses that will be called, must be placed under oath.

The proceedings will be as follows:

- The Board will ask any persons (other than the petitioner and the Henderson County Planning Staff) who desire to become parties to this action to explain how they would be affected by this proceeding. For example, they may be the owner of an adjoining parcel of property, or have some other special and unique interest that justifies their participation as a party. You should understand that you do not have to be a party in order to testify in this proceeding, if some other party calls you as a witness.
- Then all witnesses and parties will be sworn as a group to tell the truth in their testimony.
- The Board will then have the Planning Staff summarize the petition, and what is sought by the petitioner.
- The Board will then have the petitioner or the petitioner's attorney present their evidence in support of the request.
- Each party has the right to ask questions of the witnesses.
- After the petitioner is finished presenting evidence, the other parties are then allowed to present their evidence.

- Again, each witness who testifies may be asked questions by the other parties.
- The members of this Board may also ask questions.
- After the evidence is presented the Board will discuss the issues raised and will make a decision. The Board's decision must be made in writing within 45 days of the hearing.
- We will now identify the parties. The Board acknowledges the petitioner, Board Of Trustees Of Blue Ridge Community College, and the Planning Staff as parties to this proceeding. Are there any other persons present who can demonstrate that they will be affected by the outcome of this proceeding and who wish to be a party to this proceeding?

[Persons coming forward need to state their name, address, and how they will be affected by the outcome of the proceeding - i.e. adjacent property owners. The Board of Commissioners then determines which, if any, will be allowed as parties.]

- All parties should now give their name(s) and address(es) to the Clerk. The Clerk will now swear in all parties and witnesses.
- There are two matters involving the same parties on today's agenda: the special use permit for the Blue Ridge Community College Technology Education and Development Building, and a variance involving the same building. Is there any objection to hearing both matters simultaneously. [***Assuming none (if an objection is heard, the Board can still determine to hear them together.)***] As no objection was heard, we will hear the two matters together.
- *Evidence – staff overview.*
- *Evidence – petitioner's evidence.*
- *Cross examination by other parties.* Do any of the other parties wish to ask the witness any questions? Please limit your input at this point to questions only. You will be allowed to testify and present evidence at a later point. Do any members of the Board have any questions for the witness?
- *Evidence – other parties' evidence.*
- *Cross examination by other parties.*
- *Evidence – planning staff's additional evidence, if any.*
- *Rebuttal evidence by petitioner, if any.*

- *Cross examination by other parties.*
- *Closing remarks by petitioner, if any.*
- *Closing remarks by other parties, if any.*
- *Closing remarks by staff, if any.*
- *BOARD DISCUSSION:* Now that the evidence has been presented and the closing remarks concluded, it would be appropriate for the Commissioners to discuss the issues presented today.
- *VOTE AND DECISION:* We can either vote today, directing staff to bring back findings of fact and conclusions consistent with the decision to a future meeting of the Board for our review, or we can continue our discussion and decision until a later date. I remind the Board, however, that the Board must issue a written decision within 45 days of the conclusion of the hearing.
- *MOTION TO GO OUT OF HEARING.*