

MINUTES**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS
NOVEMBER 3, 1997**

The Board of Commissioners (the "Board") of the County of Henderson, North Carolina (the "County"), met in regular session in the Commissioners' Meeting Room #140, at 100 North King Street, Hendersonville, North Carolina, the regular place of meeting, at 5:30 o'clock p.m. on November 3, 1997. The following Commissioners were:

PRESENT: Chairman Bob Eklund, Vice Chairman Grady Hawkins and Commissioners Renee Kumor, Vollie Good and Don Ward.

ABSENT: None.

The following persons were also present: County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, Clerk to the Board Elizabeth W. Corn, Finance Director J. Carey McLelland, Assistant Staff Attorney Jennifer O. Jackson, Public Information Officer Chris Coulson and County Engineer Gary Tweed.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance to the American Flag.

INVOCATION

Trent Dollyhigh, Middle School Ministry of First Baptist Church in Hendersonville, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hawkins asked to remove one item from the Consent Agenda. He requested that the Henderson County Public Schools Financial Report be moved to Update on Pending Issues for some discussion.

Commissioner Ward asked that one item be added to the Update on Pending Issues - Health Care.

David Nicholson asked that one item be added to the Update on Pending Issues - School request.

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It was the consensus of the Board to approve these changes.

INFORMAL PUBLIC COMMENTS

There were none.

CONSENT AGENDA

Commissioner Hawkins made the motion to approve the Consent Agenda with the deletion of item "B" - Henderson County Public Schools Financial Report. All voted in favor and the motion carried.

CONSENT AGENDA included the following:

Review/approval of Minutes

Minutes were presented for review and approval of the following meetings: February 26, 1997, October 15, 1997 and October 27, 1997.

Henderson County Financial Report

The Henderson County Financial Report for September was submitted for the Boards' review/information.

FY 1998-1999 Budget Calendar

A copy of the proposed Henderson County Budget Calendar for fiscal year 1998-1999 was presented. This calendar establishes the dates that the County departments, the Public Schools, Blue Ridge Community College and the outside agencies will use to develop next year's budget. Staff requested the Board adopt the budget calendar.

Notification of Vacancies

The Board was notified of the following vacancies which will appear under "Nominations" on the next agenda:

1. Henderson County Zoning Board of Adjustment - 2 vac.
2. Community Child Protection Team - 6 vac.
3. Library Board of Trustees - 1 vac.
4. Henderson County Travel & Tourism Committee - 4 vac.
5. Nursing/Adult Care Home Community Advisory Committee - 1 vac.
6. Asheville Regional Housing Consortium - 1 vac.

Road Petitions

Road petitions were submitted for addition to the State Maintenance System for:

1. Spring Place Drive
2. Deep Woods Drive

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It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review.

Tax Refunds

A list of two (2) tax refund requests was submitted by the County Assessor for the Board's approval.

Tax Releases

A list of ninety-one (91) tax release requests was submitted by the County Assessor for the Board's approval.

Adjustment to Value

Based upon the powers of the Board of Commissioners as defined in the General Statutes 105-325(6), the County Assessor requested to make an adjustment to Parcel# 07-00725, Caroline P. Fishburn, Estate, from \$331,300 to \$267,600.

NOMINATIONS

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

1. Western Carolina Community Action Board of Directors - 2 vac.

Commissioner Ward nominated Dorothy Effinger to fill one of these vacancies. Commissioner Ward made the motion to suspend the rules and appoint Ms. Effinger. All voted in favor and the motion carried.

2. Nursing/Adult Care Home Community Advisory Committee - 3 vac.

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

3. Mountain Area Workforce Development Board - 1 vac.

This is a Chamber of Commerce vacancy. Their executive committee meets on Thursday and they will have a nominee for Chairman Eklund after that meeting. This item was rolled to the next meeting.

4. Community Child Protection Team - 3 vac.

Commissioner Kumor nominated Mary Murray. Commissioner Ward nominated Jane Lindsey. Commissioner Kumor made the motion to suspend the rules and appoint both Mary Murray and Jane Lindsey to the CCPT. All voted in favor and the motion carried.

5. County Welfare Plan Committee (?) vac.

Chairman Eklund nominated Grady Hawkins to serve on this committee. All voted in favor and the motion carried. Commissioner Kumor asked that the entire Board of Commissioners be put on the distribution list to receive mailings and minutes regarding this committee.

David Nicholson stated that Grace Poli will represent the Board of Social Services, Tim Purdy will represent Trend Mental Health. He has not heard from Board of Health yet. Ervin Bazzle will represent Board of Education. He hasn't heard back from the Chamber of Commerce.

6. Criminal Justice Partnership Board - 1 vac.

There were no nominations at this time so this item was rolled to the next meeting. It was the consensus of the Board to ask the Local Bar Association to submit a nominee.

HENDERSON COUNTY ANNUAL REPORT

David Nicholson distributed the Henderson County Annual Report. This report to the Board of Commissioners and the community is required under the county manager form of government. This report covers the activities of county government for the last fiscal year. Copies will be provided to the news media, libraries, schools and municipalities. This report will also be provided to the bond rating agencies.

Mr. Nicholson thanked Public Information Officer Chris Coulson and Administrative Assistant to the County Manager Avalina Merrill for the development of this report.

HISTORIC COURTHOUSE RENOVATION

Carey McLelland requested the Board of Commissioners authorize the bidding for the renovation of the Historic Courthouse and begin the process of approving the financing package. We are currently receiving proposals from firms that specialize in abatement to remove any lead-based paint and asbestos from the building.

The details of the renovation plans and bid documents are being finalized by our architects, Grier-Fripp Architects, and county staff. It was requested that the Board authorize the issuance of the bid documents. The plan is to open the bids on December 3, 1997. A copy of the bidding/construction schedule was reviewed.

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The Finance Department has received proposals for the financing of the renovation of the Historic Courthouse. Out of nine requests mailed, five proposals were received by the 2:00 p.m. deadline. A summary of the proposals received was reviewed.

The proposal from BB&T Governmental Finance has been certified as the lowest responsive proposal received at a fixed rate of 4.62% for the ten year period. Before rewarding the financing package to BB&T, the Board must approve the prepared Resolution authorizing the filing of the application with the Local Government Commission and hold a public hearing. Staff recommended that the Board set the required Public Hearing for November 19, 1997 at 9:00 a.m.

Concerning staff reports regarding the renovation of the Historic Henderson County Courthouse, Commissioner Good introduced the following Resolution which was read by title:

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF HENDERSON COUNTY, NORTH CAROLINA,
AUTHORIZING THE FILING OF AN APPLICATION
FOR APPROVAL OF AN INSTALLMENT PURCHASE CONTRACT FINANCING
AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Board of Commissioners of Henderson County North Carolina is desirous of preserving the historical integrity of the Historic Henderson County Courthouse, which is listed in the State and Federal Registers of Historic Properties, by rehabilitating the building; and

WHEREAS, on September 17, 1997, the County of Henderson approved by Resolution the concept of financing the Project by the use of an installment purchase contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and,

WHEREAS, pursuant to said September 17, 1997 Resolution, the Board of Commissioners for the County of Henderson authorized staff to request proposals from banks for financing the Project; and,

WHEREAS, the Board of Commissioners for the County of Henderson approved at their November 3, 1997 meeting their intent to finance the Project by entering into an installment purchase contract (hereinafter "the Contract") with Branch Banking and Trust Governmental Finance obligating the County to repay in quarterly

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installments an amount not to exceed \$5,600,000.00 financed at a fixed annual interest rate of 4.62% over a term of 10 years with no prepayment penalties for prepayment in whole or in part; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contact;

NOW THEREFORE, BE IT RESOLVED BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The Board of Commissioners completed a Preliminary Facilities Evaluation in February 1993; a Courthouse Rehabilitation Study in March 1996, and has determined that restoring the Historic Courthouse to its original 1905 condition would preserve its historical integrity, protect a historic landmark for the citizens of Henderson County and provide administrative offices for Henderson County Government. The Board approved the Historic Courthouse Rehabilitation Project in their Capital Improvements Plan (CIP) for fiscal year 1997, and appropriated funds for debt service on this project in fiscal year 1998.
2. The proposed contract is preferable to a bond issue because it would be cost prohibitive to issue bonds for an amount of \$5,600,000.00 after securing a favorable installment contract financing rate of 4.62%.
3. The cost of the proposed undertaking exceeds the amount that could be prudently raised from the unappropriated fund balances of Henderson County because taking \$5,600,000.00 from said fund balances would reduce the working fund balance below an acceptable level.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on the estimated costs for this project compared to other projects of similar size and nature.
5. The County of Henderson's debt management procedures and policies are good because currently, the ratio that the County's net debt bears to the assessed value or property subject to

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taxation in Henderson County is .61%. Further, Henderson County is not currently in default on any of its debt obligations.

6. The County of Henderson does not anticipate raising real property taxes further to fund the debt service on the proceeds for financing this Project as funds were appropriated by the Board of Commissioners to pay debt service in the fiscal year 1998 budget.

7. The attorney for the County of Henderson has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

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

1. The Board hereby authorized the Project. The Chairman of the Board, the County Manager, the Assistant County Manager/Staff Attorney, the Assistant Staff Attorney, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to proceed with the preparation of the Contract providing for the financing of an amount not to exceed 4.62% and a term not exceeding 10 years, and otherwise proceed with the plan of financing for the Project described at this meeting.

2. The Chairman of the Board, the County Manager, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to submit an application for the Local Government Commission's approval of the Contract pursuant to NCGS 160A-20 and NCGS 159-148, and to execute a sworn statement of debt of the County pursuant to NCGS 159-50, in connection with the financing of the Project.

3. This Resolution shall become effective upon its adoption.

Commissioner Good made a motion to:

1. Adopt the foregoing Resolution;

2. Set the public hearing on the installment financing of the renovation of the Courthouse for the 19th day of November, 1997, at 9:00 a.m. in Room #140 of the

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Administration Building located at 100 North King Street,
Hendersonville, NC 28792;

3. Direct the Henderson County Finance Director to advertise the public hearing with a notice in a form substantially similar to the following:

NOTICE OF PUBLIC HEARING

The Board of Commissioners for Henderson County, North Carolina, will hold a public hearing on the 19th day of November, 1997, at 9:00 a.m. The hearing will be held at 100 North King Street, Hendersonville, North Carolina, 28792, in Room #140.

The purpose of the public hearing is to receive public comment concerning a proposal for Henderson County to finance an amount not to exceed \$5,600,000.00 for renovations to the Historic Henderson County Courthouse pursuant to an installment financing contract.

A draft of the proposed resolution authorizing the financing is available for inspection at the Henderson County Office of Budget and Finance, 113 North Main Street, Hendersonville, NC, 28792, during regular business hours.

Commissioner Kumor seconded the motion and the motion was adopted by the following vote:

Ayes: 5
Nays: 0

Henderson County Finance Director, J. Carey McLelland, distributed copies of the draft financing documents pertaining to the installment financing of the renovation of the Historic County Courthouse.

EQUIPMENT PURCHASE
HENDERSON COUNTY LANDFILL
USED EXCAVATOR

Gary Tweed reminded the Board that as requested by the Board of Commissioners a rebid for the used hydraulic excavator was advertised and bids received October 21, 1997. On the first bid, two bids were received with Carolina Tractor being the low bid at \$146,425.00. These bids were rejected by the Board of Commissioners with a request that staff readvertise. A second advertisement for bid was made and second bids received on October

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21, 1997. Only one bid was received from Carolina Tractor at \$135,225.00. The bid is for the existing excavator currently being rented by the Solid Waste Department. The lower bid has been as a result of additional hours on the unit and additional two months rent at \$7,000 per month.

A 330L CAT excavator sells new for approximately \$250,000.00. The unit being bid by Carolina Tractor is the current 1.5 year old unit being rented by the Solid Waste Department. Similar units that are three to five years old with more hours are selling for \$160,000 to \$180,000. It is apparent that Carolina Tractor is discounting this unit due to past rent paid. To date the County has paid approximately \$148,400 in rent payments. Carolina Tractor has offered the County a very good price for this unit. In addition Carolina Tractor will finance the unit at a reduced interest rate should the County wish to finance the unit. (Copy of proposed financing attached, interest at 6%, monthly payment of \$4,093.31 for 36 months).

Based on the current activities at the Landfill it was felt that we will have need for use of the excavator for at least 12 to 18 more months. In addition to the maintenance of the sediment ponds, this unit will be used during closure of the landfill to install slope storm drains, slope grading, and excavation of cover material. The excavator is a very versatile machine and can be used in all operations at the landfill. This unit has also assisted with grading projects at Jackson Park and would be available for such future use. The excavator will be needed for the construction and operation of the C&D Landfill.

Mr. Tweed addressed the next issues also before action was taken.

REJECTION OF BIDS
EQUIPMENT PURCHASE
FRONT END LOADER

Gary Tweed informed the Board that on August 15 bids were received on a new front end wheeled loader at the office of Mr. Eldon Owen, Director, Henderson County Solid Waste Department. This equipment is to be used in the operation of the Solid Waste Transfer Station. Bids were received as outlined in bid tabulation. The bids were received and tabulated by the County Engineer, Mr. Gary T. Tweed, P.E. Specifications submitted with the bids raised questions as to whether or not the equipment being bid met the specifications

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requested by the County. On August 25, 1997 letters were sent to all bidders requesting clarification of bids. The three low bidders responded to this request. The high bidder did not respond. Both Mr. Owen and Mr. Tweed have reviewed the bids and after discussion with the County Manager recommended that all bids be rejected and that the County pursue rental of a front end wheeled loader. This recommendation is being made on the basis of cost and to allow the County time to evaluate the operation of the Solid Waste Transfer Station with respect to equipment needs. The front end loader will be operating daily in the transfer station and will need to have high reliability. It is anticipated that the loader will need to be replaced every two years due to the high use (estimated 2,500 hours per year). On a rental basis we would always be using equipment less than one year old which would result in less down time with the loader.

Commissioner Hawkins made the motion to accept the bid from Carolina Tractor for the purchase price indicated and that we reject the bids and rent the front end loader for economic reasons. All voted in favor and the motion carried.

OFFER TO PURCHASE/FORECLOSED PROPERTY

Don Elkins informed the Board that this Offer To Purchase has been advertised for upset bids. None have been received. This Offer is presented for final approval of the Board and authorization of Sale of Property.

Jeroen and Lori Renierie - \$200.00
PIN# 00-9569-5683-55
SR#1940 on Briarwood Lane
Previous owner of the property - Clara Wulburn and
Harriett A. Wulburn

Following discussion, Commissioner Hawkins made the motion to accept the bid of \$200. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Pardee Update

Angela Skerrett stated that in September the Board authorized staff to proceed with special council to the county with regard to Pardee Hospital to proceed with the formation of Pardee Hospital as a non profit. Since that time the documents have been drafted. The

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Attorneys on both sides have met and the documents have been redrafted. These documents have been presented back to the Hospital Attorney for final comment. Staff will request a special called meeting to have a work session to go through these documents with the Board of Commissioners so they can feel comfortable with what they will adopt to form the corporation.

The Hospital has been undergoing a due diligence review in the meantime. That should be completed some time in December.

Commissioner Kumor raised some questions regarding the future Hospital Board of Trustees. There was much discussion. It was the consensus of the Board to be ready to appoint the Board of Trustees members by mid-February.

Long Range Planning Committee

Chairman Eklund reviewed a memorandum from Mayor Niehoff. Mayor Niehoff would like to establish a joint county-wide planning group involving all the municipalities and the county (a Commissioner and someone from the Planning Board).

Following discussion it was the consensus of the Board to list this Committee on the next agenda for nominations, one Commissioner and one member from the Planning Board, possibly the Chairman or his designee. David Nicholson will write a letter to Mayor Niehoff and one to the Chairman of the Planning Board asking for a nominee.

Tower Committee

Jennifer Jackson gave a quick update of the Telecommunications Task Force. They have explored options regarding two Ordinances, one is a County Wide Ordinance pertaining to Communication Towers in the unzoned areas of the county, the second is some zoning amendments to make that consistent with some of the issues that would be addressed in the County Wide. On behalf of the Task Force, she requested the Board set a Public Hearing for consideration of the amendments. That will be discussed under Important Dates.

School Request

David Nicholson reminded the Board that in the Budget Ordinance for the last fiscal year, the Commissioners had required the School Board to put away 5% supplement for Teacher's Assistants. In this year's budget process it was discussed and the Board of Commissioners decided not to do that but to leave that discussion

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open to the School Board for their decision. Because David mentioned in his Budget Message that he felt he had enough money in their budget to cover that, they wondered if the Commissioners wording from last year's budget ordinance was still in effect. It is not in this year's budget ordinance. It was the consensus of the Board to leave the decision up to the School Board. They were supplied with the money.

David Nicholson stated that in a School Budget the size of our school budget, they should make the decision of where to spend that money, to allocate a supplement they may have to cut to put it in. But if it is important enough they ought to be able to give all their staff a supplement.

Mr. Nicholson will draft a letter for the Chairman's signature stating the Board's consensus.

School Financial Report

Commissioner Hawkins had requested one item to be pulled from the consent agenda for discussion here. He particularly discussed items listed under purpose code#9100, improvements to facilities and sites. He questioned the amount of money that has been spent on architect fees.

He raised three questions:

1. In the 1997 Session Laws, a prototype school design clearing house was established in order to promote the sharing of new school buildings design among the local school boards. That in itself begs to question spending a lot of architect fees prior to visiting that clearing house.
2. Several of the projects listed - those buildings are anticipated not being reconstructed or will have to be constructed somewhere else after the Board of Commissioners approves the land sale and the site form. That hasn't happened. How do you lay out the facilities for land that hasn't been purchased yet?
3. Timing - it is a couple of weeks away yet before the community decides on this issue. And yet we've spent almost \$113,000 on architect fees at this point.

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He asked that the County Manager or the Chairman inquire to the Board of Education and ask them to share with the Board the rationale of this kind of expenditure at this point in time. He felt that to say it is premature is an understatement.

Health Care

Don Ward added this item to the agenda. There was some discussion of how and why people change their mental health provider. This is not very popular, especially economically, as a single county process. There was much discussion. Commissioner Hawkins asked that staff find out the county's liability regarding Trend Mental Health.

Mr. Nicholson informed the Board that there are a lot of alternatives available to the Board regarding a mental health provider. Mr. Nicholson has been in contact with a consulting individual and a consulting firm who are working on some proposals for the Manager that would help the County try to solve the issue.

Staff will continue to research/investigate options.

RiverLink

Commissioner Kumor informed the Board that on the next agenda under Pending Issues the Director of RiverLink would like to present a rough draft of the proposal that RiverLink sent in for the American Heritage Rivers.

IMPORTANT DATES

David Nicholson requested the Board set a special called meeting for several reasons:

- Approve the minutes from September 17, 1997 which was the public hearing on the bonds.
- Pardee work shop on the documents.
- Set a Public Hearing regarding the Tower Ordinance. The Board needs the draft in hand to set the Public Hearing.
- Cablevision sell.

Following much discussion, it was the consensus of the Board to continue today's meeting to Thursday, November 6 at 1 p.m. Pardee Hospital and Cablevision probably will not be ready for that agenda.

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The Board set a Special Called Meeting for Monday, November 17 at 4:30 p.m. to review the Pardee documents.

Chairman Eklund called a recess. The Board will reconvene at 7:00 p.m.

PUBLIC HEARING - Proposed Amendments to the Henderson County Zoning Ordinance, Section 1006, Penalties for Violation

Commissioner Hawkins made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Matt Matteson stated that this Public Hearing is on amendments to Section 1006 of the Henderson County Zoning Ordinance. Section 1006 discusses penalties for violation of the Zoning Ordinance. The County Manager requested the amendments in July of 1997 to give staff more enforcement options.

On August 26 1997, the Planning Board voted 8 to 0 to send the Board of Commissioners a favorable recommendation on the proposed amendments to Section 1006, Penalties for Violation, subject to item D (page 3) being moved to create an item #4 under item A, Criminal Penalties (on page 1).

In accordance with Section 1204 of the Henderson County Zoning Ordinance and State law, notice of the public hearing was published in the October 22nd edition of the Times-News. A second notice was due to be published on October 29, 1997.

These amendments were not generated by the Planning Board, but by Henderson County staff. All the Ordinances that have penalty sections will have similar language if not identical language.

Two pages of civil and criminal penalties were reviewed. Angela Skerrett discussed the differences in the civil and criminal penalties.

Ms. Skerrett stated that the new language is designed to be an across the board enforcement tool that can be used for enforcement of any of the ordinances. She discussed our Codes of Ordinances briefly and how this would fit into the Code.

Public Input

There was none.

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Commissioner Kumor made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

Following much discussion, Commissioner Hawkins made the motion to accept these amendments excluding item "D", regarding enforcement by the Henderson County Sheriff. All voted in favor and the motion carried.

**SET PUBLIC HEARING ON REQUEST FOR NEW ZONING
APPLICATION #Z-01-97 by Wilson Farms Company**

Mr. Matteson informed the Board that Mr. John N. Walker, Managing Partner, has submitted an application on behalf of the Wilson Farms Company, requesting that the County amend the Official Zoning Map of Henderson County by extending R-40 (Estate Residential) zoning to unzoned lots in the Wilson Farms subdivision.

On October 28, 1997, the Henderson County Planning Board voted unanimously (6-0) to send the Board of Commissioners a favorable recommendation on the application. The Planning Board also recommended that portions of five lots in the adjoining Sugar Hollow subdivision, which were never zoned, be similarly R-40 so that there would be no "holes" in the Zoning Map.

The Board of Commissioners must hold a public hearing prior to taking action on the application. Planning staff recommended that the hearing be scheduled for Monday, December 1, 1997 at 7:00 p.m.

Mr. Wilson was not present for comment, as the petitioner.

Commissioner Good made the motion to set the Public Hearing for Monday, December 1, 1997 at 7:00 p.m. All voted in favor and the motion carried.

**SET PUBLIC HEARING ON REQUEST BY Philip B. Cole
Application #R-04-97**

Matt Matteson informed the Board that Mr. Philip B. Cole has submitted an application requesting the County amend the Official Zoning Map of Henderson County by rezoning property he owns on Allen Road in East Flat Rock. The subject property consists of 6.15 acres and Mr. Cole has requested that the zoning be changed from an R-20 (Low Density Residential) district to a T-15 (Medium Density Residential with Manufactured Homes) district.

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On October 28, 1997, the Henderson County Planning Board voted unanimously (6-0) to send the Board of Commissioners a favorable recommendation on rezoning the Cole property from R-20 to T-15.

The Board of Commissioners must hold a public hearing prior to taking action on the application. Planning staff recommended the hearing be scheduled for Monday, December 1, 1997 at 7:00 p.m.

Bruce Cole was present, as the petitioner, but did not wish to speak stating he would answer any questions the Board might have of him. There were none.

Commissioner Good made the motion to set the Public Hearing for Monday, December 1, 1997 at 7:00 p.m. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Ward made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 for the following reason:

1. (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, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

All voted in favor and the motion carried.

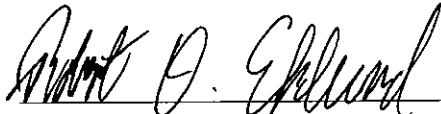
Commissioner Ward made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

Action following Closed Session

Commissioner Good made the motion to continue the meeting to Thursday, November 6 at 1:00 p.m. All voted in favor and the motion carried.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

**RESOLUTION OF THE BOARD OF COMMISSIONERS
 OF HENDERSON COUNTY, NORTH CAROLINA,
 AUTHORIZING THE FILING OF AN APPLICATION
 FOR APPROVAL OF AN INSTALLMENT PURCHASE CONTRACT FINANCING
 AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Board of Commissioners of Henderson County, North Carolina is desirous of preserving the historical integrity of the Historic Henderson County Courthouse, which is listed in the State and Federal Registers of Historic Properties, by rehabilitating the building; and

WHEREAS, on September 17, 1997, the County of Henderson approved by Resolution the concept of financing the Project by the use of an installment purchase contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and,

WHEREAS, pursuant to said September 17, 1997 Resolution, the Board of Commissioners for the County of Henderson authorized staff to request proposals from banks for financing the Project; and,

WHEREAS, the Board of Commissioners for the County of Henderson approved at their November 3, 1997 meeting their intent to finance the Project by entering into an installment purchase contract (hereinafter "the Contract") with Branch Banking and Trust Governmental Finance obligating the County to repay in quarterly installments an amount not to exceed \$5,600,000.00 financed at a fixed annual interest rate of 4.62% over a term of 10 years with no prepayment penalties for prepayment in whole or in part; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW THEREFORE, BE IT RESOLVED BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The Board of Commissioners completed a Preliminary Facilities Evaluation in February 1993; a Courthouse Rehabilitation Study in March 1996, and has determined that restoring the Historic Courthouse to its original 1905 condition would preserve its historical integrity, protect a historic landmark for the citizens of Henderson County and provide administrative offices for Henderson County Government. The Board approved the Historic Courthouse Rehabilitation Project

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in their Capital Improvements Plan (CIP) for fiscal year 1997, and appropriated funds for debt service on this project in fiscal year 1998.

2. The proposed contract is preferable to a bond issue because it would be cost prohibitive to issue bonds for an amount of \$5,600,000.00 after securing a favorable installment contract financing rate of 4.62 percent.
3. The cost of the proposed undertaking exceeds the amount that could be prudently raised from the unappropriated fund balances of Henderson County because taking \$5,600,000.00 from said fund balances would reduce the working fund balance below an acceptable level.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on the estimated costs for this project compared to other projects of similar size and nature.
5. The County of Henderson's debt management procedures and policies are good because currently, the ratio that the County's net debt bears to the assessed value of property subject to taxation in Henderson County is .61 percent. Further, Henderson County is not currently in default on any of its debt obligations.
6. The County of Henderson does not anticipate raising real property taxes further to fund the debt service on the proceeds for financing this Project as funds were appropriated by the Board of Commissioners to pay debt service in the fiscal year 1998 budget.
7. The attorney for the County of Henderson has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

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

1. The Board hereby authorizes the Project. The Chairman of the Board, the County Manager, the Assistant County Manager/Staff Attorney, the Assistant Staff Attorney, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to proceed with the preparation of the Contract providing for the financing of an amount not to exceed 4.62% and a term not exceeding 10 years, and otherwise proceed with the plan of financing for the Project described at this meeting.
2. The Chairman of the Board, the County Manager, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to submit an application for the Local Government Commission's approval of the Contract pursuant to N.C.G.S. 160A-20 and N.C.G.S. 159-148, and

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to execute a sworn statement of debt of the County pursuant to N.C.G.S. 159-50, in connection with the financing of the Project.

3. This Resolution shall become effective upon its adoption.

THIS the 3rd day of November, 1997.

HENDERSON COUNTY

BY:

Robert D. Eklund
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]

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STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Elizabeth W. Corn, Clerk to the Board of Commissioners of Henderson Count, DO HEREBY CERTIFY, as follows:

1. A regular meeting of the Board of Commissioners of the County of Henderson, a county in the State of North Carolina, was duly held on November 3, 1997, proper notice of said meeting having been given as required by North Carolina statutes, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording minutes of said Board.
2. I have compared the attached extracts with said minutes so recorded and said extracts, including the resolution contained therein, are a truly copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extracts.
3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the corporate seal of said County, this 4th day of November, 1997.

Elizabeth W. Corn

ELIZABETH W. CORN

Clerk to the Board of Commissioners

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HENDERSON COUNTY BOARD OF COMMISSIONERS

OPTIONAL PUBLIC COMMENT FORM

This public comment form is **optional**. If you do not wish to speak during the "public input" portion of the agenda or during a public hearing but would like to submit written comments to the Board, you may fill out this form and present it to the Clerk to the Board prior to the beginning of the meeting, during a recess, or immediately after the meeting.

NAME Dennis Justice DATE 11-3-1987

ADDRESS 28 Apple Blossom Park

Fletcher, NC 28732 PHONE 681-0391

Organization you are representing (if applicable) _____

Name of subject or agenda item: School system's website

Please briefly summarize your concern or comment:

I would like to bring to your attention. The
Hend. Co. Public School system's website is completely
inadequate. There is, at this moment, no address lists,
no information in general (except the names of the members
of the Board of Education, and superintendent Lunsford).

→

It is the policy of the Henderson County Board of Commissioners to allow any resident or concerned citizen the opportunity to speak on any topic relating to county government. Speakers should be brief and to the point. Written material may also be presented to the Clerk to the Board for distribution. We value your input.

3003
To demonstrate that I am right, please
check the link to the system's website by accessing
this site:

~~<http://www.members.a>~~

<http://members.aol.com/hcroundtbl/>

This is the website to the Henderson County
Roundtable, one of several groups who oppose the
school bonds. This site provides ABC test scores, links
to the U.S. & N.C. Constitutions, as well as an address
page to the public schools. The site also has extensive
coverage (over 20 pages) detailing objections & alternatives
to the school bonds.

It is greatly disappointing that those who ask us
for more debt financed monies for technology in early
grades cannot even maintain a website. "The blind cannot lead
the blind."

Please investigate this promptly and cajole the Board of Education
to get their site in order. Thank you.

Dennis Justice

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

**RESOLUTION OF THE BOARD OF COMMISSIONERS
 OF HENDERSON COUNTY, NORTH CAROLINA,
 AUTHORIZING THE FILING OF AN APPLICATION
 FOR APPROVAL OF AN INSTALLMENT PURCHASE CONTRACT FINANCING
 AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Board of Commissioners of Henderson County, North Carolina is desirous of preserving the historical integrity of the Historic Henderson County Courthouse, which is listed in the State and Federal Registers of Historic Properties, by rehabilitating the building; and

WHEREAS, on September 17, 1997, the County of Henderson approved by Resolution the concept of financing the Project by the use of an installment purchase contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and,

WHEREAS, pursuant to said September 17, 1997 Resolution, the Board of Commissioners for the County of Henderson authorized staff to request proposals from banks for financing the Project; and,

WHEREAS, the Board of Commissioners for the County of Henderson approved at their November 3, 1997 meeting their intent to finance the Project by entering into an installment purchase contract (hereinafter "the Contract") with Branch Banking and Trust Governmental Finance obligating the County to repay in quarterly installments an amount not to exceed \$5,600,000.00 financed at a fixed annual interest rate of 4.62% over a term of 10 years with no prepayment penalties for prepayment in whole or in part; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW THEREFORE, BE IT RESOLVED BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The Board of Commissioners completed a Preliminary Facilities Evaluation in February 1993; a Courthouse Rehabilitation Study in March 1996, and has determined that restoring the Historic Courthouse to its original 1905 condition would preserve its historical integrity, protect a historic landmark for the citizens of Henderson County and provide administrative offices for Henderson County Government. The Board approved the Historic Courthouse

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
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WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

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Rehabilitation Project in their Capital Improvements Plan (CIP) for fiscal year 1997, and appropriated funds for debt service on this project in fiscal year 1998.

2. The proposed contract is preferable to a bond issue because it would be cost prohibitive to issue bonds for an amount of \$5,600,000.00 after securing a favorable installment contract financing rate of 4.62 percent.
3. The cost of the proposed undertaking exceeds the amount that could be prudently raised from the unappropriated fund balances of Henderson County because taking \$5,600,000.00 from said fund balances would reduce the working fund balance below an acceptable level.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on the estimated costs for this project compared to other projects of similar size and nature.
5. The County of Henderson's debt management procedures and policies are good because currently, the ratio that the County's net debt bears to the assessed value of property subject to taxation in Henderson County is .61 percent. Further, Henderson County is not currently in default on any of its debt obligations.
6. The County of Henderson does not anticipate raising real property taxes further to fund the debt service on the proceeds for financing this Project as funds were appropriated by the Board of Commissioners to pay debt service in the fiscal year 1998 budget.
7. The attorney for the County of Henderson has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

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

1. The Board hereby authorizes the Project. The Chairman of the Board, the County Manager, the Assistant County Manager/Staff Attorney, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to proceed with the preparation of the Contract providing for the financing of an amount not to exceed 4.62% and a term not exceeding 10 years, and otherwise proceed with the plan of financing for the Project described at this meeting.
2. The Chairman of the Board, the County Manager, the Finance Director, the County Attorney, and the Clerk to the Board, are hereby authorized and directed on behalf of the County to submit an application for the Local Government Commission's approval of the Contract pursuant to N.C.G.S. 160A-20 and N.C.G.S. 159-148, and to execute a sworn statement of debt of the County pursuant to N.C.G.S. 159-50, in connection with the financing of the

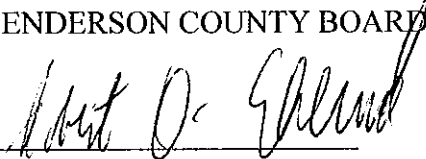
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Project.

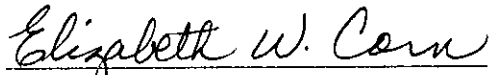
3. This Resolution shall become effective upon its adoption.

This Resolution was adopted on the 3rd day of November, 1997. The motion to adopt this resolution was made by Commissioner Vollie G. Good seconded by Commissioner Renee Kumor, and passed by a vote of 5 to 0.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Robert D. Eklund, Chairman

Attest:


Elizabeth W. Corn, Clerk to the Board

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**Breakdown of Purpose 9100 Expenditures in
Commissioners September Monthly
Financial Report**

Account Number	Account Title	Expenditures
4-9115-01-529	H'ville High AC Vocational Building	20,606.40
4-9122-01-529	Rugby First Floor Windows	21,450.00
4-9130-01-529	System - Wide Painting	10,042.00
4-9131-01-529	Edneyville Roof	56,886.00
4-9132-01-529	Atkinson Roof	18,000.00
4-9133-01-529	System - Wide Carpeting	33,771.64
4-9146-01-526	Mills River - Architect	26,920.11
4-9148-01-526	Marlow Elementary - Architect	14,357.56
4-6150-01-526	Balfour - Architect	5,220.57
4-6151-01-526	Etowah - Architect	53,840.22
4-9151-01-532	Marlow Elementary - General	330.00
4-9152-01-526	Fletcher - Architect	26,920.42
4-9152-01-529	Fletcher Engineering Fees	3,360.00
	Total	291,704.92

G.H. ? National ?

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3012

Taxpayer Name	Taxbill	Total	Reason
BARNETTE, JAMES H JR	95A0100670	\$190.09	VALUE ADJUSTED PER PTC APPEAL
BARNETTE, LINDA L			
BARNETTE, JAMES H JR	96A0100670	\$194.16	VALUE ADJUSTED PER PTC APPEAL
BARNETTE, LINDA L			

TOTAL REFUNDS >>> \$384.55

 Taxpayer Name Taxbill Total Reason
 A T & T CREDIT CORPORATION 97A156760.40 \$599.50 DOUBLE ASSESSED

ALDEN, JOAN 97A8906554 \$53.15 DELETED THIS ACCOUNT AND SET UP A NEW ACCOUNT

ALLEN, ROBERT E & WIFE 97A8901361 \$23.13 SOLD TO J. ANDREWS #189655

AMBROSE, JAMES 97A8901997 \$11.49 T/T SOLD TO PEACOCK #36065
 AMBROSE, ANTOINETTE

ASHEVILLE PACKING COMPANY 97A75236.10 \$3066.62 FILED AMENDED RETURN TO NEGATE ARBITRARY ASSESSMENT

BARNETTE, JAMES H JR 97A0100670 \$205.47 VALUE ADJUSTED PER PTC APPEAL
 BARNETTE, LINDA L

BECK, WOODROW M JR 97A9955022 \$139.61 CHANGED LAND SEGMENT ADJ. REMOVED V40. ADDED T-25.
 BECK, LUCILE H

BECK, WOODROW M JR 97A9955041 \$14.76 ADJUSTED A36 PORTION OF LAND.
 BECK, LUCILE H

BELL, CHRISTOPHER 97A8901294 \$103.42 RELEASE 1989 MH REPOSSESSED

BUECKMANN, FRANK 97A8901773 \$22.86 1969 MH WAS SOLD TO N. MCCANN #188044
 BUECKMANN, ANNE

BRADLEY, RONALD 97A8900941 \$96.83 RELEASE BILL ON MH WAS SOLD TO FREEMAN #159996
 BRADLEY, STACI

BROOKS, CHARLES EDWARD 97A8904532 \$41.72 1965 MH WAS DESTROYED & REMOVED
 BROOKS, BERNICE FIKE

BRYSON, TODD 97A8901089 \$129.52 RELEASE BILL MH SOLD TO E. BENLINE #187952
 BRYSON, TONY

3013

3014

Taxpayer Name	Taxbill	Total	Reason
CAIRNES, HUBERT C CAIRNES, BURDEAN	97A9958015	\$123.00	ELDERLY EXEMPTION
CALVARY EPISCOPAL CHURCH	97A9950777	\$40.88	EXEMPT PROPERTY
CAMP GLEN ARDEN GROUP	97A0600211	\$3240.63	PROPERTY SHOULD HAVE BEEN SPLIT. BILL CORRECTIONS TO BE MADE. ON NEW PARCELS WHEN SPLIT
CANTRELL, CAROL ANITA	97A9947485	\$464.33	PROPERTY WAS LISTED TO WRONG OWNER 97 BILLS RELEASED & DISCOVERED TO CORRECT OWNERS
CAROLINA MOUNTAIN LAND CONSERV FLORENCE, THOMAS J	97A0501039	\$13.34	1/2 OF PROPERTY SHOULD HAVE BEEN EXEMPTED PER APPROVED APPLICATION FOR LAND CONSERVANCY
CAROLINA MOUNTAIN LAND CONSERV FLORENCE, THOMAS J	97A0500552	\$436.24	1/2 OF PROPERTY SHOULD HAVE BEEN EXEMPTED PER APPROVED APPLICATION FOR LAND CONSERVANCY
CARROLL, DEBBIE	97A8804399	\$128.10	SOLD TO M. TURNER #172485
CENTRAL CAROLINA BANK AND TRUS	97A39065.04	\$37.58	EO LISTED FOR HENDERSON DIL AT 82% GOOD FACTOR SHOULD HAVE BEEN USED INSTEAD OF 90%
CLARK, RICHARD & DOROTHY M	97A8800604	\$1.71	DID NOT RECEIVE A LISTING FORM
COBURN, TONY D/B/A HENDERSONVILLE COUNSELING CTR	97A56259.01	\$52.70	FILED AMENDED RETURN TO NEGATE ARB ASSESSMENT OF 10,000
CORN, NANCY C	97A8805657	\$12.79	VALUE TOO HIGH ON 79 NORRIS
CORRAL, CRECENSIO	97A8804684	\$21.02	12X50 SOLD 1 YEARS AGO TO ALVARO ALANIS
CRABBY BILL'S BAT CAVE JT VNT	97A143752.10	\$8.95	BUSINESS CLOSED IN 1-1-97

 Taxpayer Name Taxbill Total Reason

CROUSE, VIRGINIA 97A8900350 \$2.79 DID NOT RECEIVE A LISTING FORM/LISTING PENALTY

CSI COMPUTER SALES INTERNATIONAL 97A93263.01 \$2.80 INCORRECT DEPRECIATION SCHEDULED USED

CSI COMPUTER SALES INTERNATIONAL 97A93263.07 \$13.95 DEPRECIATION SCHEDULE USED INCORRECTLY/ADJUSTMENT MADE

CURRIE, RUBY 97A8800677 \$36.70 WAS SOLD TO WENDELL GATES #185924

DALTON, REBECCA 97A9955258 \$121.92 ELDERLY EXEMPTION

DAVIS, EDNA L 97A0103131 \$392.50 TO BE DISCOVERED TO ACCT #187434

ECHO DATA SYSTEMS 97A96719.01 \$55.15 FILED AN AMENDED RETURN TO NEGATE THE ARB ASSESSMENT

EDWARDS, LINDA 97A8802964 \$33.06 SOLD TO A EDWARDS #188135

EVANS, MARY 97A9938856 \$104.16 DELE LISTED AS PERSONAL PROPERTY ON 98-00858

GALLIMORE, ELLSMORTH G 97A9948353 \$210.19 LOT DETERMINED TO BE UNBUILDABLE DUE TO SEPTIC RESTRICTIONS. LOT NOW A36 AND ASSOCIATED WITH 99-48352.

GEARHART, JIMMY 97A9949977 \$21.85 CORRECT FIELD REVIEW ERROR. M.H. NEVER ON THIS PARCEL. M.H. VANDALIZED, \$0 VALUE.

GEE WILLIAM N. M.D. 97A168958.10 \$299.75 PRACTICE OWNED BY PARDEE HOSPITAL

GLOVER, GEORGE JUDSON JR 97A9956110 \$292.10 WAS PURCHASED 6/11/96 BY MR & MRS KNEISEL - NEW '97 BILL CREATED FOR THEM

3015

3016

Taxpayer Name	Taxbill	Total	Reason
HAZEL, HOWARD JAMES & WIFE	96A8802958	\$29.41	MH LISTED ON 10885
HAZEL, HOWARD JAMES & WIFE	95A8802958	\$31.51	MH LISTED ON 10885
HENSON, GENE SCOTT HENSON, KRISTY MASSIE	97A9950734	\$79.95	ACREAGE RECONCILIATION FOR 97 FROM 4.08 AC TO 3.89 AC REMOVED ALL OUTBUILDINGS
HERAN, THOMAS	97A8801992	\$12.64	1979 TT SOLD TO SWEATMAN #187412
HIGDON, ALICE HIGDON, ALICE M	97A8802677	\$69.05	DOUBLE LISTED UNDER 88-02680
HIGHWAY 64 AMOCO	97A96692.05	\$722.21	AMENDED ARB ASSESSMENT OF \$200,000 CORRECTED VALUE IS \$94950
HIGHWAY ONE SEVENTY SIX AMOCO	97A96691.01	\$180.57	AMENDED ARB FIG.
HILL, CHARLES CARSON	97A8805905	\$111.17	BELONGS TO I. HILL #860
HOLBERT, RANDY	97A0701103	\$93.00	PARCEL FAILED TWO SEPTIC PERK TESTS FOR NOW, LOT IS NON-BUILDABLE. TEST COMPLETE PRIOR TO 1-1-97.
HOLBERT, SUSAN ALLEN HOLBERT, ANTHONY LEON	97A9948872	\$377.38	CORRECT FIELD REVIEW ERROR. HOUSE NEVER COMPLETED. HOUSE NOT LIVEABLE.
HUDGINS, JAMES V	97A8900045	\$6.54	ADDITIONS WERE DOUBLE LISTED ON 88-02537
JASON MILLER INVESTMENTS	97A8806002	\$29.21	MH SOLD TO H. MILLS
JENKINS, DAVID NEIL	97A0108683	\$102.31	PROPERTY SHOULD HAVE BEEN TRANSFERRED TO NCDOT IN 1995

Taxpayer Name	Taxbill	Total	Reason
JENKINS, DAVID NEIL	96A0108633	\$97.36	PROPERTY SHOULD HAVE BEEN TRANSFERRED TO NCDOT IN 1995
JENKINS, DAVID NEIL	95A0108633	\$201.83	PROPERTY SHOULD HAVE BEEN TRANSFERRED TO NCDOT
JOHNSON, LUELLE A	97A9936614	\$123.00	RELEASE FOR ELDERLY EXEMPTION
JUSTUS, MICHAEL NORWOOD JUSTUS, MARY B	97A9957857	\$21.88	ACREAGE ADJUSTMENT
KARAKIDO KARATE	97A129190.10	\$55.33	FILED LISTING IN LIEU OF ARBITRARY
LEMIRE, ROGER	97A8601622	\$15.53	71 MH WAS SOLD TO R. SMITH \$100909
LIVING CENTERS-SOUTHEAST INC. BRIAN CENTER OF HENDERSONVILLE	97A1556693.20	\$185.14	RELEASE FOR F02 LOCATED IN LAUREL PARK FOR 1997
MANNING, EDWARD H MANNING, FREDICE B	97A8601696	\$20.87	SOLD MH TO H. HARVEY #22339
MCAULIFFE, EDWARD THOMAS	97A9938867	\$46.06	MH CHANGED FROM REAL ESTATE TO PERSONAL PROPERTY
MCAULIFFE, GORDON EDWARD MCAULIFFE JTWROS, DEANNA LIGH	97A9938859	\$29.15	VALUE TOO HIGH
MCCRAW, BERTHA/WIDOW	97A0201316	\$636.91	PARCEL SHOULD NOT HAVE RECEIVED A '97 BILL - WAS SPLIT INTO 2 PARCELS 12/19/96
MIERZOWSKI, AVIS	97A8801651	\$25.29	SOLD TO M. LAMBERT #161614
MOTORSPORTS UNLIMITED	97A149363.10	\$59.95	BUSINESS CLOSED IN 1996

3017

Taxpayer Name	Taxbill	Total	Reason
MR PETE'S MARKET	97A86911.01	\$1742.81	FILED AMENDED RETURN TO NEGATE ARB ASSESSMENT OF 350,000

3018 NATKOW, NEIL A 97A9946023 \$303.13 CLERICAL ERROR ON GRADE
 NATKOW, SUSAN G

NEW BEGINNING INDEPENDENT BAPT 97A9940231 \$98.40 EXEMPTION STATUS

ORR, ALAN BRIAN 97A8907206 \$58.31 1984 MH DESTROYED & REPLACED WITH
 ORR, SANDRA STICK BUILT HOME

POLY PROCESSING, INC 97A0502198 \$3674.11 TO ADDRESS RULING BY DEHNR
 CONCERNING WASTE MANAGEMENT

POPPSON, JOHN 97A8806603 \$8.18 SOLD THREE YEARS AGO AND MOVED TO
 POPPSON, BONNIE TRANSYLVANIA COUNTY

RENDINA, NICK 97A9938884 \$53.73 CORRECT BUILDING USE CODE.
 PERSONAL PROPERTY M.H.

RENDINA, NICK 97A8901956 \$32.32 SOLD IN 1994 TO R. STUTTS

REVCO DISC DRUG CENTERS #582 97A35237.01 \$105.62 FILED AMENDED LISTING

RHODES, KENNETH 97A0701973 \$10.75 RELEASE PERSONAL VEHICLE

ROBERTS, SHARON WILSON 97A8802484 \$83.03 MH BELONGS TO #187298

ROME, MICHAEL BLUNT 97A8802205 \$8.07 RELEASE BILL FOR 1986 SOLD IN
 SEPTEMBER, 1996

RUSSELL, NELSON D/B/A 97A99782.01 \$209.55 FARMING ACTIVITY CEASED
 DECEMBER, 1996

 Taxpayer Name Taxbill Total Reason
 SPRINGSTON, NANCY JOANNE 97A8802533 \$147.06 1991 MH OWNED BY #87741
 SPRINGSTON, RICHARD

SUSIE'S HAIR DESIGN 97A122274.10 \$41.97 AMENDED ARB ASSESSMENT OF BPP

SWANSON, DAVID E 97A0117011 \$212.55 ALSO IN HENDERSONVL CITY
 SWANSON, CAROL A CORRECTED IN 96. CORRECTED AGAIN?

THE CITY OF HENDERSONVILLE 97A9904240 \$54.50 PARCEL SHOULD BE EXCLUDED
 BROWN, TRAVIS L

UNDERWOOD, MARY 97A8800938 \$9.86 VALUE OF MH INCREASED 1996 BILL
 NOT WORTH APPRAISED VALUE

WALDEN, EUGENE FRANKLIN 97A8804717 \$21.91 DID NOT OWN 1965 MH IN 1997
 WALDEN, WANDA MARIE

WALDEN, FRANK 97A8806982 \$15.31 DID NOT OWN 1969 MH IN 1997
 WALDEN, MARIE

WARREN, MATTIE MAE 97A8801462 \$38.93 ELDERLY EXEMPTION

WELLS, JEFF 97A8802510 \$99.81 WAS BILLED UNDER #88-03506

WILLIAMS, MICHAEL E 97A9925482 \$871.46 PROPERTY SHOULD HAVE BEEN
 WILLIAMS, HOLLY J INACTIVE FOR 1997

WITT, PAUL MICHAEL 97A9951042 \$929.39 INCORRECTLY ADDED NEW HOUSE TO THIS
 PARCEL IN 96. THERE IS NO HOUSE
 ON THIS PARCEL.

YOUNGBLOOD OIL CO INC 97A35647.01 \$91.07 AMENDED ARB VALUE

YOUNGBLOOD OIL-US 25&KIMBERLY 97A149776.10 \$599.50 NO ACTIVITY FOR 1997

3019

105-325. Powers of board of county commissioners to change abstracts and tax records after board of equalization and review has adjourned.

(a) After the board of equalization and review has finished its work and the changes it effected or ordered have been entered on the abstracts and tax records as required by G.S. 105-323, the board of county commissioners shall not authorize any changes to be made on the abstracts and tax records except as follows:

(1) To give effect to decisions of the Property Tax Commission on appeals taken under G.S. 105-290.

(2) To add to the tax records any valuation certified by the Department of Revenue for property appraised in the first instance by the Department or to give effect to corrections made in such appraisals by the Department.

(3) Subject to the provisions of subdivisions (a)(3)a and (a)(3)b, below, to correct the name of any taxpayer appearing on the abstract or tax records erroneously; to substitute the name of the person who should have listed property for the name appearing on the abstract or tax records as having listed the property; and to correct an erroneous description of any property appearing on the abstract or tax records.

a. Any correction or substitution made under the provisions of this subdivision (a)(3) shall have the same force and effect as if the name of the taxpayer or description of the property had been correctly listed in the first instance, but the provisions of this subdivision (a)(3)a shall not be construed as a limitation on the taxation and penalization of discovered property required by G.S. 105-312.

b. If a correction or substitution under this subdivision (a)(3) will adversely affect the interests of any taxpayer, he shall be given written notice thereof and an opportunity to be heard before the change is entered on the abstract or tax records.

(4) To correct appraisals, assessments, and amounts of taxes appearing erroneously on the abstracts or tax records, as the result of clerical or mathematical errors. (if the clerical or mathematical error was made by the taxpayer, his agent, or an officer of the taxpayer and if the correction demonstrates that the property was listed at a substantial understatement of value, quantity, or other measurement, the provisions of G.S. 105-312 shall apply.)

(5) To add to the tax records and abstracts or to correct the tax records and abstracts to include property discovered under the provisions of G.S. 105-312 or property exempted or excluded from taxation pursuant to G.S. 105-282.1 (a)(4).

(6) Subject to the provisions of subdivisions (a)(6)a, (a)(6)b, (a)(6)c, and (a)(6)d, below, to appraise or reappraise property when the assessor reports to the board that, since adjournment of the board of equalization and review, facts have come to his attention that render it advisable to raise or lower the appraisal of [REDACTED]

a. The power granted by this subdivision (a)(6) shall not authorize appraisal or reappraisal because of events or circumstances that have taken place or arisen since the day as of which property is to be listed.

b. No appraisal or reappraisal shall be made under the authority of this subdivision (a)(6) unless it could have been made by the board of equalization and review had the same facts been brought to the attention of that board.

c. If a reappraisal made under the provisions of this subdivision (a)(6) demonstrates that the property was listed at a substantial understatement of value, quantity, or other measurement, the provisions of G.S. 105-312 shall apply.

d. If an appraisal or reappraisal made under the provisions of this subdivision (a)(6) will adversely affect the interests of any taxpayer, he shall be given written notice thereof and an opportunity to be heard before the appraisal or reappraisal shall become final.

(7) To give effect to decisions of the board of county commissioners on appeals taken under G.S. 105-322(a).

(b) The board of county commissioners may give the assessor general authority to make any changes authorized by subsection (a), above, except those permitted under subdivision (a)(6), above.

(c) Orders of the board of county commissioners and actions of the assessor upon delegation of authority to him by the board that are made under the provisions of this section may be appealed to the Property Tax Commission under the provisions of G.S.

105-290.

(1939, c. 31 0, s. 11 08; 1971, c. 806, s. 1; 1973, c. 476, s. 193; 1987, c. 45, s. 1; c. 295, s. 8; c. 680, s. 6; 1989, c. 176, s. 2.)

Local Modification. - Buncombe: 1981 (Reg. Sess., 1982), c. 1279.

Legal Periodicals. - For note on procedural developments in the discovery of property unlisted for purposes of ad valorem taxation, see 51 N.C.L. Rev. 531 (1973).

OPINIONS OF ATTORNEY GENERAL

Board of county commissioners may not reappraise property when information as to change comes to tax supervisors attention while board of equalization and review is in session. See opinion of Attorney General to Mr. H.L. Riddle, Jr., 41 N.C.A.G. 514 (1971).

§ 105-325. 1. Special committee for motor vehicle appeals.

The board of county commissioners may appoint a special committee of its members or other persons to hear and decide appeals arising under G.S. 105-330.2(b). The county shall bear the expense of employing the committee.

(1991 (Reg. Sess., 1992), c. 961, s. 9.)

Editors Note. - Session Laws 1991 (Reg. Sess., 1992), c. 961, s. 13 makes this section effective January 1, 1993.

Xpayer Name Taxbill Total Reason

TOTAL RELEASES >>> \$23560.85

3020

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: November 3, 1997
SUBJECT: Adjustment to Value
ATTACHMENTS: NCGS 105-325

Based upon the powers of the Board of Commissioners as defined in the General Statutes 105-325(6), the County Assessor requests to make an adjustment to Parcel # 07-00725, Caroline P. Fishburn, Estate, from \$331,300 to \$267,600.

Certain facts came to my attention and warranted an adjustment. The land use codes were entered into the computer incorrectly.

This property is now appraised to like and similar properties.