

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
NOVEMBER 15, 1995

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Renee Kumor, Vice-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David F. Thompson, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, and Planner Karen Collins.

Absent was: County Attorney Don H. Elkins, who was in court. He was expected to arrive later in the meeting. Assistant County Manager David E. Nicholson came in during item B (Valley Hill Fire District Expansion) of discussion items.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge to the American Flag.

INVOCATION

Tommy Martin, Pastor of Mtn. View Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Angela Skerrett advised that one item be pulled from item "I" Nominations (#2 Henderson County Zoning Board of Adjustment) for Sam Laughter's review.

CONSENT AGENDA

Commissioner Ward made the motion to approve the consent agenda. All voted in favor and the motion carried.

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Consent Agenda included:

Review of Minutes

Minutes were presented for review and approval of the following meetings: September 27, 1993, October 6, 1993, October 11, 1993, and March 16, 1994.

Tax Refunds

A list of nine (9) tax refund requests were presented for the Board's review and approval.

Tax Releases

A list of one hundred and eight (108) tax release requests were presented for the Board's review and approval.

Budget Amendments

Two Budget Amendments are attached.

1. Budget transfer to the 'Salaries Fund in the amount of \$244,234.04.
2. Budget transfer of Retail Task Force funds to the Economic Development Fund of \$40,000.00.

Notification of Vacancies

The Board was notified of one up-coming vacancy. It will appear under "Nominations" on an up-coming agenda for action:

1. Henderson County Board of Health - 2 vacancies
terms expire 1-1-96.

INFORMAL PUBLIC INPUT

1. Mr. Hatzfeld - Mr. Hatzfeld spoke in opposition of the proposed rezoning as requested by Mr. Howard L. Rhodes (agenda item to follow).
2. Austin Grindle - Mr. Grindle also spoke in opposition to the rezoning request.
3. Paul Delkard - Mr. Delkard spoke in opposition to the rezoning request.

SET PUBLIC HEARING TO CONSIDER RENEWAL OF INDUSTRIAL PARK OPTION

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Angela Skerrett informed the Board that the current options will expire December 31, 1995. If renewed, it will expire March 31, 1996. The price to renew the option will be the quarterly interest at the Nationsbank prime rate of interest determined as of December 10, 1995 on the unpaid portion of the purchase price of \$631,854.85. The remaining acreage to be purchased includes Lot 3A, 1.8819 acres; Lot 4A, 0.332 acres; Lot 5, 22.3709 acres; and Lot 6, 9.6484 acres. The Nationsbank prime rate as of November 7, 1995 (prior to agenda preparation) was 8.75%, which would put the option payment at \$13,821.82.

The payment to renew the option for an additional three month period is due on December 20, 1995. Therefore, if approved, it would be appropriate to set a Public Hearing to consider the renewal for Monday, December 4, 1995 a 7:00 p.m.

Following discussion on the item, Commissioner Eklund made the motion to set a Public Hearing for December 4 at 7:00 p.m. All voted in favor and the motion carried.

VALLEY HILL FIRE DISTRICT EXPANSION

Rocky Hyder, Henderson County Fire Marshal, informed the Board that the Valley Hill Fire Department wishes to expand their fire district in the area of Highway 64 West at Hunters Crossing and Sunset Drive. In accordance with NCGS 69-25.11 two-thirds of the property owners have petitioned to be included in the Valley Hill fire district and the expansion has been approved by the Valley Hill Board of Directors and Fire Commissioners.

NCGS 69-25.11 requires the County Board of Commissioners to conduct a public hearing before approval of changes in a district.

Rocky informed the Board that the fire rating for Valley Hill is a #5, which represents about a 40% savings off their fire insurance.

Rocky was given a tentative date and asked to check with the Fire Department regarding a Public Hearing at the department on that date. A date will be set for the Public Hearing during an up-coming agenda item "Important Dates".

REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY APPLICATION #R-23-95, Submitted by Mr. Howard L. Rhodes

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Karen Collins stated that Mr. Howard L. Rhodes has submitted an application to amend the official zoning map of Henderson County. The Planning Board has reviewed the application and has issued a favorable recommendation on Mr. Rhodes request for C-2 zoning.

Mr. Rhodes request concerns a 3.5 acre parcel he owns at the intersection of Haywood, South Rugby Road, and North Rugby Road. In 1993 NC DOT acquired about .54 acre of Mr. Rhodes within which they realigned South Rugby Road. He requested a change from R-40 (Estate Residential) to C-2 (Neighborhood Commercial).

The Board of Commissioners must hold a public hearing prior to taking action on this application.

Mr. Rhodes came forward and petitioned the Board personally. When the new road came through it divided his property. He requested the new zoning so he could better utilize his property for a decent living.

Commissioner Edney made the motion to set a Public Hearing for December 18 at 7:00 p.m. at West Henderson High School if possible, and if not then at an alternate location. All voted in favor and the motion carried.

CONCEALED WEAPONS ORDINANCE

Angela Skerrett reminded the Board that on December 1 the new legislation allowing persons to carry a concealed handgun with a permit will go into effect.

Pursuant to the directions from this Board, staff has prepared a draft Concealed Weapons Ordinance. It was presented to the Board at the last meeting at which time it passed by a three to two vote. Therefore, according to statutes, it must come to this Board for a second reading.

The draft Ordinance presented at this time was exactly the same as the draft presented at the former meeting.

Commissioner Eklund made a motion to change the fourth paragraph, deleting the word "parks" , therefore; allowing concealed weapons in our county parks.

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There was very much discussion. There was discussion regarding allowing concealed weapons in vehicles in county parking lots. It was the consensus of the Board to discourage citizens from walking the trails at the county parks at night.

Commissioner Eklund withdrew his motion.

Chairman Kumor made the motion to adopt the Concealed Weapons Ordinance as presented. A vote was taken and the motion failed three to two.

Commissioner Edney made the motion to adopt the Ordinance as presented, to get it on the books, but to immediately direct staff to prepare amendments to the Ordinance regarding the Board's intent regarding allowing concealed handguns in county parks (excluding buildings) and county parking lots. A vote was taken and the motion passed four to one with Chairman Kumor voting nay.

SUMMARY PRESENTATION OF CHILD PROTECTIVE SERVICES BIENNIAL REVIEW FINDINGS

Frank Blazey, Chairman of the Henderson County Social Services Board addressed the Board of Commissioners. He highlighted the Henderson County's Child Protective Services stating that every two years the State does a comprehensive review of the Child Protective Services (CPS). They cover such things as emergency services, investigation, and the CPS treatment.

The State reviewed 640 cases of abuse and neglect in our county (six months worth). Eighty-two of the cases were reviewed in depth. The review involved 17 social workers. Henderson County scored 90.9 which was an increase over the last comprehensive review. Many counties have had a decrease because the standards have been raised.

Commissioner Edney commended the CPS Unit of Social Services but requested that they concentrate on the area of Parent/Agency agreements. He feels that the agreements are generally generic documents and would like to see them become more objective for parents and the department to judge themselves on regarding what needs to be done by the department and by the parents for the kids.

The CPS unit received a round of applause.

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REVISIT TO - VALLEY HILL FIRE DISTRICT EXPANSION

Rocky Hyder informed the Board that the date of Thursday, December 7 at 7:00 p.m. would be good for a Public Hearing at the Valley Hill Fire Department. He had talked with representatives of the department.

Commissioner Edney made the motion to set the Public Hearing for the proposed expansion of the Valley Hill Fire District for December 7 at 7:00 p.m. at the Valley Hill Fire Department. All voted in favor and the motion carried.

COST OF SERVICES STUDY

David Nicholson reminded the Board that during the budget process, the Board of Commissioners requested a cost of services study which would develop the full cost of services provided to the municipalities. He presented a proposal from David M. Griffith & Associates, Ltd. to develop such a document. David M. Griffith & Associates, Ltd. is considered a leader in the field of cost accounting. They have completed cost of service studies in North Carolina and throughout the southeast.

The goal of this study is to identify services provided to the municipalities and assist the Board of Commissioners with establishing charges for selected services. The technical approach and work plan for this study was described in their proposal. The fee quoted by David M. Griffith & Associates to prepare this study was \$12,000.00.

Commissioner Edney made the motion to enter into a contract with DMG for \$12,000.00 to get this study done as soon as possible. All voted in favor and the motion carried.

Break - The Chairman called a 10 minute break.

NOMINATIONS

Chairman Kumor reported to the Board on two Board Training Sessions she and Angela Skerrett had for prospective volunteers the first week in November. They trained about 40 people. Some of those names should begin to show up on appointment applications for Board/Committee appointments.

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

1. Hendersonville City Zoning Board of Adjustment - 1 vacancy

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

2. Henderson County Zoning Board of Adjustment - 4 vacancies

This item had been pulled. It will appear on the next agenda.

3. Library Board of Trustees - 1 vacancy

Commissioner Edney nominated Commissioner Eklund to succeed himself. All voted in favor and the motion carried.

4. Nursing Home/Domiciliary Home Advisory Committee - 2 vacancies

These are both designated positions and must go through the process. The Clerk will send letters out to the Nursing Homes and hold this item until the time has lapsed for waiting for responses from the Nursing Homes.

5. Henderson County Travel and Tourism Committee - 4 vacancies

Commissioner Edney nominated Chairman Kumor to succeed herself. All voted in favor and the motion carried.

It was the consensus of the Board to appoint a subcommittee of Commissioners Edney and Eklund to review this committee make up and to review appointment applications and bring recommendations back to the Board of Commissioners.

6. Henderson County Regional Water Forum - 1 vacancy

Commissioner Edney nominated Commissioner Ward to succeed himself. All voted in favor and the motion carried.

IMPORTANT DATES

Chairman Kumor reminded the Board of three Public Hearings that were added during this meeting, one on December 4, one on December 7, and one on December 18.

She also reminded the Board that "Big Wheels Deliver Meals" would be December 1.

Two agenda items were rolled until Don Elkins' arrival.

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CLOSED SESSION

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

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, and to discuss the case of Henderson County v. the City of Hendersonville. 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 Good made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

Late Arrival - Don Elkins arrived during Closed Session.

MORTGAGE METHOD OF FORECLOSURE

Don Elkins recommended that the Board grant the request of the Tax Collector, Terry F. Lyda, for the mortgage type foreclosure. It will give the tax collector another weapon in his arsenal to further increase the proceedings of collection of taxes in Henderson County.

Following discussion, Commissioner Edney made the motion to adopt whatever Resolution is necessary to authorize any and all forms of foreclosure procedures for the Tax Collector to collect unpaid taxes and in particular NCGS 105-374 mortgage style foreclosure. All voted in favor and the motion carried.

OFFER TO PURCHASE/FORECLOSED PROPERTY

Don Elkins reminded the Board of an offer to purchase from Vernon & Karen Ledbetter. Previously the Board authorized acceptance of the offer and the Clerk advertised in the Times News for upset bids. No upset bids have been received. It is appropriate at this time for the Board to approve or deny the offer.

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Commissioner Good made the motion to approve the Offer to Purchase and forward a quit claim deed to Vernon & Karen Ledbetter. All voted in favor and the motion carried.

WORK SESSION - Water Supply Watershed Rules and Watershed Districts

Present for the Work Session were: all 5 Commissioners, David Thompson, Angela Skerrett, Matt Matteson, Karen Collins, Sam Laughter, Donna Fain, Jim Erwin, and Elizabeth Corn.

Staff felt it was important that the County Commissioners prepare their position at this meeting prior to the State public hearing in December.

Staff reviewed the "Report to the Henderson County Board of Commissioners on Proposed Changes to existing Watersupply Watershed Rules and Watershed Districts".

Under State Rules, a county or city which has jurisdiction for a watershed that serves an existing or proposed surface water supply, must adopt and administer an ordinance. Henderson County has adopted such an ordinance and enforced its Water Supply Watershed Ordinance since May of 1994.

Henderson County's enforcement jurisdiction includes five watersheds. Over 160 watershed permits have been issued since May of 1994 where 4 out of 5 are in the Mills River Watershed and the balance in the French Broad River Watershed. Only one permit has been issued for the Colt Creek Watershed.

Over the past year the State has drafted text only amendments to the watershed protection rules. For the most part the changes clarified and added flexibility to how local governments can enforce their local ordinances. In August of 1995 the Environmental Management Commission (EMC) formally adopted the amendments.

The Henderson County Planning Board has met once to discuss these rule changes and has taken the position that, where the State allows, our ordinance should reflect such flexibility. A model ordinance may not be adopted until early 1997.

French Broad River Watershed Map and Classification Changes

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Matt Matteson stated that the map changes deal with the boundaries of the different watersheds. The classification changes deal with what you can do where.

Matt had five maps he shared and reviewed with the Board. He explained the basic differences between the different watershed classifications.

If the State's proposal is adopted by the EMC, the effect will be to free some 18,000 acres from WS-IV to add back some 12,400 new acres under the same WS-IV classification, a significant portion which is already zoned, for a net change of 5,600 acres. In addition, a small area around the intersection of NC 191 and NC 280 will either see a WS-II or WS-III classification. These changes should be effected by January 1997. The Board of Commissioners, to remain consistent with previous positions taken regarding watershed matters, should request the less restrictive of the two options offered for the Lower Mills River Watershed, that being the WS-III classification.

There was very much discussion.

It was the consensus of the Board to have the least restrictive watershed rules because it really is a land governance issue. The Board would rather address land governance issues in the county ordinances and keep local control.

Board Position

First of all, the Board of Commissioners believes in a high quality of water and will do whatever is necessary to preserve a high quality of water.

The individual Commissioners were to direct comments to the Chairman before the next meeting on December 4 so that staff could draft a consensus statement for the Board's approval on December 4. The Chairman will take the consensus statement to the State's Public Hearing on December 5.

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Renee Kumor
Renee Kumor, Chairman

HENDERSON COUNTY
BUDGET AMENDMENT

| Code | Account Description | Debit | Credit |
|---------------|----------------------|------------|------------|
| 11-3990-09000 | FUND BALANCE APPROP. | | 244,234.04 |
| 11-4310-01210 | SALARIES & WAGES | 206,335.27 | |
| 11-4310-01810 | FICA | 15,784.65 | |
| 11-4310-01820 | RETIREMENT:LGERS | 1,041.75 | |
| 11-4310-01822 | RETIREMENT:LEOBRS | 10,677.05 | |
| 11-4320-01210 | SALARIES & WAGES | 9,231.26 | |
| 11-4320-01810 | FICA | 706.19 | |
| 11-4320-01820 | RETIREMENT:LGERS | 457.87 | |

EXPLANATION

TO RECORD BUDGET AMENDMENT FOR BOARD OF COMMISSIONERS MEETING ON
11/15/95.

| | | |
|-------------|----------|----------|
| JCM | 11/15/95 | 11-15-95 |
| ----- | ----- | ----- |
| Prepared by | Date | Approval |

Batch

Batch Date

JV#

HENDERSON COUNTY
BUDGET AMENDMENT

| Code | Account Description | Debit | Credit |
|---------------|---------------------------|-----------|-----------|
| 11-9880-04930 | DONATIONS | | 40,000.00 |
| 11-9800-08013 | TRANSFER: ECON. DEV. FUND | 40,000.00 | |
| 29-3410-00011 | TRANSFER FROM GF | | 40,000.00 |
| 29-4920-00011 | ECON. DEV. CONTRIBUTIONS | 40,000.00 | |
| TOTALS | | 80,000.00 | 80,000.00 |

EXPLANATION

TO RECORD BUDGET AMENDMENT TO TRANSFER RETAIL TASK FORCE FUNDS TO THE ECONOMIC DEVELOPMENT FUND.

JCM
Prepared by _____ Date 11/15/95 Approval 11-15-95

Batch _____ Batch Date _____ JV# _____

AN ORDINANCE TO PROHIBIT THE CARRYING OF DEADLY WEAPONS
ON COUNTY PROPERTY AND TO NOTIFY
THE PUBLIC OF THE PROHIBITION OF CARRYING ANY DEADLY
WEAPON INTO THE HENDERSON COUNTY COURTHOUSE

WHEREAS, Chapter 398 of the 1995 Session Laws changes prior law by establishing a system that will allow private citizens to obtain permits to carry concealed handguns; and

WHEREAS, this change in the law will significantly increase the number of individuals who may legally carry concealed handguns; and

WHEREAS, the Board of Commissioners is concerned about the increased presence of concealed handguns on County property and about the threat that such increased presence will pose to the health, safety, and general welfare of the community; and

WHEREAS, N.C.G.S. 14-415.23 authorizes Counties adopt an ordinance to prohibit carrying a concealed handgun into County buildings, on their appurtenant premises, and in parks by posting a notice of the prohibition thereon in accordance with N.C.G.S. 14-415.11(c); and

WHEREAS, N.C.G.S. 14-269.4 prohibits persons not otherwise exempted from carrying any deadly weapon, openly or concealed into any Courthouse, and N.C.G.S. 14-269 prohibits persons from carrying concealed deadly weapons except handguns with a permit, but does not prohibit persons from carrying deadly weapons openly; and

WHEREAS, the Board of Commissioners has determined that the presence of any deadly weapons on County Owned or Controlled Property, as hereinafter defined, presents a threat, a danger, and a detriment to the safety of the citizens of Henderson County and is therefore desirous of prohibiting all deadly weapons on County property; and

WHEREAS, N.C.G.S. 153A-169 empowers to Board of Commissioners to "adopt by ordinance or resolution regulations concerning the use of county property . . .", and N.C.G.S. 153A-121 authorizes the Board of Commissioners to, "by ordinance, define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county. . ."; and

WHEREAS, it is not the intent of this ordinance to preempt any State laws or regulations concerning the carrying of deadly weapons, nor to regulate the carrying of deadly weapons within Henderson County generally, but only to exercise all authority given by the North Carolina General Assembly to the Henderson County Board of Commissioners to control the carrying of deadly weapons onto County Owned or Controlled Property, as hereinafter defined, specifically to: 1) prohibit persons from carrying concealed handguns on County Owned or Controlled Property, as hereinafter defined, under the authority of N.C.G.S. 14-415.23; 2) prohibit persons from carrying concealed deadly weapons onto County Owned or Controlled Property, as hereinafter defined, under the authority of N.C.G.S. 14-269; and 3) prohibit persons from carrying

deadly weapons openly under the authority of N.C.G.S. 153A-169 and 153A-121.

NOW, THEREFORE, BE IT ORDAINED by the Henderson County Board of Commissioners that:

Section 1. Name. This Ordinance shall be referred to as the "Henderson County Deadly Weapons Ordinance."

Section 2. Prohibition Against Deadly Weapons. It shall be unlawful for any person to bring any deadly weapon, openly or concealed, into any park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Henderson County, as well as the appurtenant premises to such buildings, collectively hereinafter referred to as "County Owned or Controlled Property". Deadly weapons shall include bowie knives, dirks, daggers, slung shots, loaded canes, metallic knuckles, razors, shurikins, stun guns, or other deadly weapons of like kind, as defined by N.C.G.S. 14-269.

Section 3. Posting of Signs Required. The County Manager is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Henderson County, as well as the appurtenant premises to such buildings, indicating that pursuant to the authority of N.C.G.S. 14-269 and the Henderson County Deadly Weapons Ordinance, all deadly weapons are prohibited therein, and violators will be prosecuted to the fullest extent of the law.

Section 4. Location of Signs. Signs required by Section 3 of this Ordinance shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premise, or park. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise, or park.

Section 5. Henderson County Courthouse. The County Manager shall cause a notice to be posted in conspicuous locations on and about the Henderson County Courthouse that pursuant to N.C.G.S. 14-269.4, it is unlawful for any person, not otherwise exempted by N.C.G.S. 14-269.4, to carry any deadly weapon, openly or concealed within the Henderson County Courthouse, and that violation shall be a Class 1 misdemeanor.

Section 6. Severability. In the event a Court of competent jurisdiction determines that any Section, or portion thereof, is invalid, unenforceable or otherwise unconstitutional the remainder shall remain in full force and effect.

Section 7. Penalties.

a. County Owned or Controlled Property Other than the County Courthouse. With respect to all County Owned or Controlled Property other than the Henderson County Courthouse, the following shall apply:

(1) Carrying a concealed handgun with a valid permit lawfully issued, onto any County Owned or Controlled Property in violation of this Ordinance shall be a Class 2 misdemeanor as is set out in N.C.G.S. 14-415.21(b).

(2) Carrying a concealed deadly weapon other than a handgun, gun, or pistol onto any County Owned or Controlled Property shall be a Class 2 misdemeanor as is set out in N.C.G.S. 14-269(c).

(3) Carrying a concealed gun pistol which is not a handgun, or carrying a handgun without a valid permit lawfully issued in conjunction with N.C.G.S. Article 54B, onto County Owned or Controlled Property shall be a Class 2 misdemeanor for a first offense, and a Class I felony for a second or subsequent offense as is set out in N.C.G.S. 14-269(c).

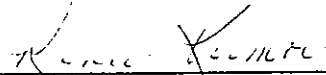
(4) Carrying a deadly weapon openly onto any County Owned or Controlled Property shall be a Class 3 misdemeanor as authorized by N.C.G.S. 14-4.

b. The Henderson County Courthouse. Carrying any deadly weapon, openly or concealed within the Henderson County Courthouse, or about the premises thereof, shall be a Class 1 misdemeanor, as is set out in N.C.G.S. 14-269.4.

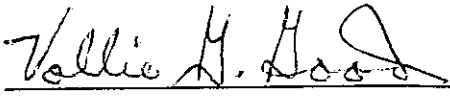
Section 8. Exemptions. This Ordinance shall not apply to any person who is exempted from the provisions of N.C.G.S. 14-269 by virtue of 14-269(b).

Section 9. Effective Date. This ordinance shall be effective on and after December 01, 1995.

Adopted this the 15th day of November, 1995.



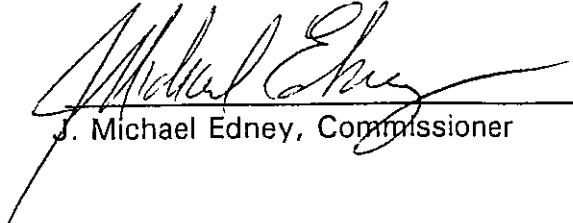
Renee Kumor, Chairman




Vollie G. Good, Vice Chairman



Bob Eklund, Commissioner

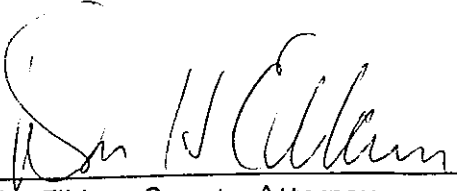


J. Michael Edney, Commissioner

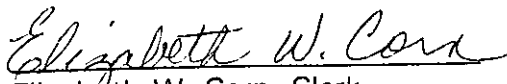


Don Ward, Commissioner

Approved As to Form:


Don H. Elkins, County Attorney

Attest: (County Seal)


Elizabeth W. Corn, Clerk

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID F. THOMPSON
COUNTY MANAGER

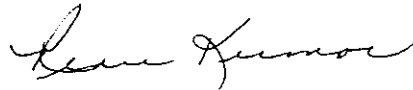
November 16, 1995

Robert Baird, County Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
400 North Main Street
Hendersonville, N. C. 28739

Dear Mr. Baird:

Attached please find the lists of tax release requests (9) and tax refund requests (108) approved at the Henderson County Board of Commissioners' Meeting on Wednesday, November 15, 1995.

Sincerely,



Renee Kumor, Chairman
Henderson County Board of
Commissioners

RK/ewc

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, November 15, 1995

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (9) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

| Refund No. | Taxpayer Name | Taxbill | Total | Reason |
|--------------|--|---------|-----------|---|
| 94A108373.09 | BALDWIN, MICHAEL GREG | | \$177.19 | CERTIFICATE OF OCCUPANCY ISSUED 3/3/94 BILLED INCORRECTLY FOR 94 |
| 91A9905221 | BARNWELL, BOBBY L BARNWELL, DEBORAH | | \$1067.39 | PER COLLECTOR'S OFFICE - THEY TOOK 2 PAYMENTS FOR THIS ACCT REFUNDING BB MASSAGEE III |
| 95A9903224 | LAURITSEN, JOHN S LAURITSEN, PATRICIA A | | \$15.21 | FIRE DISTRICT S/B F07 NOT F02 |
| 95A112205.10 | LITTLE MERMAID SEAFOOD | | \$24.33 | SHOULD BE-BILLED IN CITY NOT F01 |
| 93A0601232 | PAGE, BURGIN & WIFE | | \$74.40 | INCORRECT ACREAGE |
| 90A0601232 | PAGE, BURGIN & WIFE | | \$60.76 | INCORRECT ACREAGE |
| 92A0601232 | PAGE, BURGIN & WIFE | | \$70.68 | INCORRECT ACREAGE |
| 91A0601232 | PAGE, BURGIN & WIFE | | \$68.20 | INCORRECT ACREAGE |
| 95A9933486 | TAYLOR, RUBY | | \$5.09 | ASSESSMENT INCORRECT 1 FULL BATH ONLY |

TOTAL REFUNDS >>> \$1563.25

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, November 15, 1995

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (108) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

| Taxpayer Name | Taxbill | Total | Reason |
|--|-------------|-----------|--|
| ALLMAN, EZRA TRUSTEE ANDERS, FERMAN TRUSTEE | 95A9747170 | \$62.12 | EXEMPTION |
| APPALACHIAN CONTROLS & SERVICE \$60.72 OUT OF BUSINESS | | | |
| BECK, ETHEL L ETAL | 95A0100839 | \$288.86 | BILL NAME CHANGED - OLD BILL NOT DELETED |
| BENT TREE ROADWAY GROUP THE | 95A9906128 | \$12.63 | EXEMPT PROPERTY |
| BLUE RIDGE MARBLE AND TILE | 95A99998.01 | \$215.28 | SUBMITTED AMENDED RETURN TO NEGATE THE ARBITRARY ASSESSMENT |
| BLYTHE TV | 95A86954.01 | \$1265.00 | BUSINESS NON EXISTENT |
| BLYTHE, MIRIAM | 95A9950335 | \$224.64 | LAND NOT CORRECTLY DIVIDED INTO SEGMENTS |
| BULLARD, THOMAS ANDREW BULLARD, SUSAN | 95A0116052 | \$474.95 | PARCEL HAD THE INCORRECT TAX CODES |
| BUNCOMBE COUNTY WILDLIFE CLUB | 95A9901970 | \$527.46 | BLDG ON LEASED LAND ONLY. SHOULD NOT HAVE BEEN A LAND VALUE |
| BURGESS, KATHERYN ET AL | 95A0500207 | \$120.79 | PROPERTY INACTIVE ASSESSED BY BUNCOMBE CO |
| CABE, MATTIE L | 95A9942076 | \$74.88 | OLD AGE EXEMPT |
| CALHOUN, WILLIAM K CALHOUN, PATSY | 95A9942114 | \$127.26 | AMT LISTED IN ERROR |
| CAPELL, ERIC FRANKLIN | 95A9672.08 | \$17.06 | CLERICAL ERROR |

| Taxpayer Name | Taxbill | Total | Reason |
|---|--------------------------|----------|--|
| COLEMAN, ROBERT W COLEMAN, PEGGY SUE COMMUNITY APTS OF HIGH POINT | 95A0109137 95A9946954 | \$403.08 | DBL LISTED EXEMPT PROPERTY |
| ----- | | | |
| CONGDON, JULIA A & ADCOX, THOM | 95A9927074 | \$77.77 | INCORRECT VALUE BY 1995 REVAL |
| ----- | | | |
| CORDRAY, CHARLES S SR CORDRAY, ELIZABETH S | 95A9932533 | \$614.10 | PARCEL HAD THE INCORRECT TAX CODES |
| ----- | | | |
| CORN, EDITH LAUGHTER | 95A9954203 | \$102.35 | TAX BILL GENERATED ALSO ON 99-25897 FOR '95 |
| ----- | | | |
| CORN, EDITH LAUGHTER | 95A9954202 | \$301.30 | TAX BILL ALSO GENERATED ON 99-25897 FOR '95 |
| ----- | | | |
| COSTON, JEANNENE | 95A9951097 | \$604.53 | SHOULD HAVE RECEIVED USE VALUE DEFERMENT FOR '95 |
| ----- | | | |
| CDX, JAMES COX, TINA | 95A9950271 | \$101.66 | DW MH SOLD AND MOVED TO POLK COUNTY |
| ----- | | | |
| CRISP, MCNTY B | 95A0600572 | \$7.35 | POLK CO ASSESSES HALF OF PROPERTY |
| ----- | | | |
| DALTON, ADA LOUISE | 95A9933933 | \$88.14 | SHOULD HAVE RECEIVED USE-VALUE DEFERMENT |
| ----- | | | |
| DENNISON, THOMAS S DENNISON, LISA G | 95A0114441 | \$399.05 | PARCEL HAD THE INCORRECT TAX CODES |
| ----- | | | |
| DRYMAN, WILLIAM KENNETH DRYMAN, CHRISTINE LEE | 95A0103549 | \$36.23 | LOT WILL NOT PERC REMOVED HOME SITE |
| ----- | | | |
| EDWARDS, JESSE W SR | 95A0103363 | \$526.13 | PARCEL HAD THE INCORRECT TAX CODES |

| Taxpayer Name | Taxbill | Total | Reason |
|--|------------|-----------|---|
| FARNSWORTH, CLIFFORD NORMAN/ES | 95A0110248 | \$205.54 | SOLD TO CITY OF H'VILLE |
| FISHER, CARL B.; SR. AND MARY | 95A9949611 | \$2545.34 | ASSESSED FOR 39.84 ACRES AND SHOULD HAVE BEEN 20.92 ACRES |
| FREEMAN, DOROTHY | 95A9949270 | \$336.30 | AMT OF DEFERMENT |
| FROST, JOHN C | 95A0108478 | \$716.45 | PARCEL HAD THE INCORRECT TAX CODES |
| FRYE, LILLIE MAE | 95A0500626 | \$69.25 | OLD AGE EXEMPT |
| FURHOVDEN, HANS | 95A9928542 | \$381.23 | PARCEL HAD THE INCORRECT TAX CODES |
| GLENN, ELOISE R | 95A9948647 | \$84.75 | OLD AGE EXEMPT |
| GRIFFITH, JOHN E GRIFFITH, HOPE | 95A0101407 | \$757.56 | DISCOVER TO ACCT #144989 |
| GURWOOD, ALEXANDER G GURWOOD, JANE | 95A0114651 | \$671.03 | PARCEL HAD THE INCORRECT TAX CODES |
| HAMILTON, WILLIAM H, JR HAMILTON, MELISSA B | 95A0105770 | \$515.78 | PARCEL HAD THE INCORRECT TAX CODES |
| HARTSOCK, JEFFREY S | 95A0106608 | \$195.94 | BILL CORRECTION FOR THIS PARCEL IS 95A0106608.1 |
| HAYES, VERBLE M & WIFE | 95A0106789 | \$560.05 | PARCEL HAD THE INCORRECT TAX CODES |
| HAYNES, LEVI CATHEY HAYNES, BETTY | 95A0801760 | \$84.75 | OLD AGE EXEMPT |

| Taxpayer Name | Taxbill | Total | Reason |
|---|-------------|-----------|--|
| HEATHERLY, HENRY L HEATHERLY, MARY H | 95A0801298 | \$39.42 | SHOULD NOT BE A BLDG SITE LIMITED ACCESS TO PROPERTY |
| HENDERSON CO COUNCIL OF AGING | 95A0101234 | \$829.21 | S/B EXCLUDED |
| HENDERSON, PENNY L | 95A100444 | \$33.23 | FLETCHER IS BILLING |
| HILL, VIVIAN | 95A9936291 | \$57.50 | MANUFACTURED HOME OVER VALUED |
| HOLLAWAY, BONNIE C | 95A9949020 | \$275.16 | ADDING LAND ADJUSTMENTS FOR FLOOD |
| HUDSON, OSCAR EUGENE & WIFE | 95A0601649 | \$147.20 | ACREAGE CHANE REDUCED VALUE OLD AGE EXEMPTION |
| JARVIS, MILDRED C CO-TRUSTEE JARVIS, GEORGE M CO-TRUSTEE | 95A0701225 | \$2941.74 | SHOULD HAVE BEEN ADJUSTED FOR FLOOD PLAIN |
| JOHNSON, BEADIE H | 95A0114096 | \$75.75 | OLD AGE EXEMPT |
| JUSTICE, WYLMA C | 95A9927893 | \$2888.64 | SHOULD HAVE HAD FLOOD PLAIN ADJUSTED - VALUE ADJUSTED |
| JUSTICE, WYLMA C | 95A9927894 | \$559.32 | LAND WAS VALUED INCORRECTLY |
| JUSTUS, EUGENE G | 95A9906303 | \$104.72 | STRUCTURAL DAMAGE TERMITES |
| KUNC, RICHARD ALAN | 95A96127.01 | \$6.33 | AIRPLANE LOCATED IN FLORIDA |
| LANCASTER, PATRICK ROBERT | 95A0601095 | \$111.27 | SHOULD HAVE USE-VALUE FOR '95 |

COMMISSIONER'S REPORT 11/15/95
RELEASES

| Taxpayer Name | Taxbill | Total | Reason |
|--|-------------|----------|--|
| LEE, ISABELLE PRINCE | 95A0109195 | \$86.25 | OLD AGE EXEMPT |
| LISTON, KARL E LISTON, DOROTHY J | 95A0802860 | \$58.93 | TAG VEHICLE BILL PAID |
| LUNSFORDS EXXON | 95A35088.01 | \$55.55 | OUT OF BUSINESS |
| MAURI, JOSEPH J. (AS TRUSTEE) | 95A9904869 | \$758.43 | PARCEL HAD THE INCORRECT TAX CODES |
| MCCALL, FLORENCE | 95A0108263 | \$86.25 | OLD AGE EXEMPT |
| MCKINNISH, JIM | 95A9948272 | \$132.25 | DW MFG HOME IS ON 99-50612 FOR '95 |
| MCMURRAY, CARL M | 95A68519.01 | \$11.32 | VEHICLE TRADED IN 1983 TAXPAYER DOES NOT OWN |
| MIKE'S PUMP & WELL SERVICE | 95A96724.01 | \$63.25 | CERTIFIED LETTER AND TAX BILL RETURNED. PHONE # DISCONNECTED. |
| MILLER, JEFFREY ROBERT MILLER, SHEILA MCKINNA | 95A80485.01 | \$6.33 | TAGGED VEHICLE |
| NAPLES DIESEL SERVICE | 95A35912.07 | \$52.04 | BUSINESS CLOSED 8/94 |
| NELSON, MARY | 95A0110385 | \$43.94 | INCORRECT VALUE FROM 1995 REVAL SHOULD NOT BE PRIMARY SITE |
| NUTTING, MARIE L | 95A0112780 | \$34.34 | OLD AGE EXEMPTION |
| PARKER, CLYDE K | 95A26934.01 | \$3.28 | DIED OVER 2 YRS AGO ALL HIS PERSONALS SOLD |

| Taxpayer Name | Taxbill | Total | Reason |
|---|--------------|------------|---|
| PEARSON, TAMERA L | 95A0111441 | \$261.50 | PARCEL HAD THE INCORRECT TAX CODES |
| PENLEY, BILL & WIFE | 95A9941501 | \$45.77 | DATA INPUT ERROR SIZE/SHAPE ADJUSTMENT |
| PETALS AND SCENTS GREENHOUSES | 95A83751.01 | \$63.25 | OUT OF BUSINESS 6/94 |
| POWERS, ANGELEAN ROSE ROBERTS, FAITH BOSSART | 95A82946.01 | \$19.49 | LISTED IN ERROR |
| PURVIS, JULIUS H JR PURVIS, BARBARA L | 95A0101045 | \$50.40 | PRORATION FIRE RELEASE |
| RICHARDS, BYRON A RICHARDS, HAZEL | 95A9943413 | \$105.30 | LAND ADJUSTMENT WASN'T ENTERED |
| ROBINSON, JOHN C | 95A0112100 | \$105.80 | PARCEL HAD THE INCORRECT TAX CODES |
| RONNINGEN TRAVEL | 95A84425.01 | \$29.69 | ARBITRARY ASSESSMENT |
| ROPER, SUSAN P | 95A0113538 | \$483.29 | PARCEL HAD THE INCORRECT TAX CODES |
| RUBLE, EARL E RUBLE, ADAVIER | 95A0112103 | \$543.95 | PARCEL HAD THE INCORRECT TAX CODES |
| RUDISAIL, H L RUDISAIL, ADA DALTON | 95A9947196 | \$153.68 | LAND USE DEFERMENT WAS FIGURED ON INCORRECT ACREAGE |
| SCHILDT, HAZEL H | 95A9946865 | \$19129.25 | DATA ENTRY ERROR S/B 4.23 ACRES |
| SHANE, DON G SHANE, JANIS R | 95A9944883.1 | \$316.64 | PROPERTY IS BILLED CORRECTLY BILL 99-44883 TO 118909 GRUBB |

| Taxpayer Name | Taxbill | Total | Reason |
|---|-------------|-----------|--|
| SHERMAN, ANNIE L | 95A0103900 | \$541.08 | PARCEL HAD THE INCORRECT TAX CODES |
| SITTON, THEO | 95A0113672 | \$301.83 | PARCEL HAD THE INCORRECT TAX CODES |
| SKYLARK INN | 95A91231.01 | \$421.20 | CERTIFIED LETTER AND TAX BILL RETURNED - NO BUS EXISTS |
| SPEARMAN FOOD DISTRIBUTORS, IN | 95A0116907 | \$531.30 | PARCEL HAD THE INCORRECT TAX CODES |
| SPEARMAN FOOD DISTRIBUTORS, IN | 95A0114027 | \$405.95 | PARCEL HAD THE INCORRECT TAX CODES |
| SPEARMAN, JOE D SR | 95A0114031 | \$45.43 | PARCEL HAD THE INCORRECT TAX CODES |
| SPEARMAN, JOE D SR | 95A9932534 | \$53.48 | PARCEL HAD THE INCORRECT TAX CODES |
| STEPHENS, LOTTIE | 95A0115089 | \$45.05 | PARCEL HAD THE INCORRECT TAX CODES |
| STEPHENS, LOTTIE | 95A0115085 | \$329.94 | PARCEL HAD THE INCORRECT TAX CODES |
| STIPP, ALMA C | 95A9950297 | \$110.40 | NO ACCESS TO PROPERTY. SHOULD NOT HAVE BEEN HOMESITE |
| SUGARLOAF INVESTMENTS INC D/B/A HOJO INN | 95A80690.01 | \$1516.08 | ARBITRARY ASSESSMENT |
| THE LAYMAN FOUNDATION OF NC | 95A9943738 | \$7503.36 | 77 ACRES AND 2 BLDGS S/B EXEMPT |
| THOMAS, DEBRA G | 95A0115109 | \$51.75 | NO ACCESS - SHOULD NOT HAVE HAD HOMESITE |

COMMISSIONER'S REPORT 11/15/95
RELEASES

RELEASE. MNT
11/03/95

Taxpayer Name Taxbill Total Reason
THOMPSON, DONALD O SR 95A9946588 \$126.36 PARCEL HAD THE INCORRECT TAX CODES

THOMPSON, GLADYS C 95A0112426 \$313.95 PARCEL HAD THE INCORRECT TAX CODES

THOMPSON, HOMER E 95A0105845 \$306.58 PARCEL HAD THE INCORRECT TAX CODES
THOMPSON, MARIE W

95A9935945 \$53.24 DID NO OWN OF JAN 1, 1995

TILTON, ROBERT J 95A0106195 \$140.88 PARCEL SHOULD HAVE BEEN SPLIT IN
TILTON, ELEANOR S '94. EXEMPT

TRUSTEES OF THE A M E ZION CHU 95A0106195 \$109.30 PROPERTY ASSESSED BY BUNCOMBE CO
U G TAYLOR INC 94A9948097 THRU '94.

WATSON, SAM R & RUTH 95A0401134 \$90.40 NEIGHBORHOOD CODE WRONG

WAYCASTER, JAMES 95A0702478 \$37.88 UNTIMELY EXEMPTION

WEGNER, CHARLES A 95A0110419 \$591.68 PARCEL HAD THE INCORRECT TAX CODES
WEGNER, RUTH P

WILLIAMS, FLOYD V & WIFE 95A0114654 \$319.67 FIRE DISTRICT IS F04 NOT CITY OF
H'VILLE

WILSON, LETA K 95A0701851 \$29.32 FIELD APPRAISAL MIS JUDGEMENT

WINTER, ROBERT W 95A0103538 \$1155.18 PARCEL HAD THE INCORRECT TAX CODES
WINTER, KATHERINE E

WULBERN, CLARA 93A9903835 \$35.64 FORECLOSURE STATUS RESEARCHED
WULBERN, HARRIETT A HENDERSON COUNTY BOUGHT IN 1961
EXEMPT STATUS

| Taxpayer Name | Taxbill | Total | Reason |
|---------------------------------------|------------|---------|---|
| WULBERN, CLARA WULBERN, HARRIETT A | 95A2903835 | \$41.41 | FORECLOSURE STATUS RESEARCHED BOUGHT BY HENDERSON CO IN 1961 NOW EXEMPT |
| WULBERN, CLARA WULBERN, HARRIETT A | 94A9903835 | \$35.64 | FORECLOSURE STATUS RESEARCHED HENDERSON COUNTY BOUGHT IN 1961 EXEMPT STATUS |
| YOUNGBLOOD, EDDIE B | 95A0702695 | \$75.75 | OLD AGE EXEMPT |
| YOUNGBLOOD, LOIS KATHERINE | 95A9941598 | \$82.80 | EXEMPT |

TOTAL RELEASES >>> \$62259.49

