MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS JULY 5, 1994

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Vollie G. Good, Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Edney led the Pledge to the American Flag.

INVOCATION

Bill Dages, Assistant to the Pastor at Covenant Presbyterian Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

The Consent Agenda consisted of the following:

Review of Minutes:

May 2	2, 19	994	Regular	Meeting
June	13,	1994	Special	Called Meeting
June	14,	1994	Special	Called Meeting
June	15,	1994	Regular	Meeting
June	20,	1994	Special	Called Meeting

Henderson County Financial Report - The Financial Report for the month of May was presented for the Board's review only. No action was required.

Henderson County Board of Public Education Financial Reports - The Monthly Financial Reports for March, April, and May were presented for the Board's review only. No action was required.

Road Petition - The Board had received a petition to add Apple Blossom Lane to the State Maintenance System. Approved petitions are forwarded to North Carolina Department of Transportation for their consideration.

Tax Release Requests (5) - A list of five release requests were submitted for the Board's approval by the Henderson County Tax Assessor.

Tax Refund Requests (6) - A list of six refund requests were submitted for the Board's approval by the Henderson County Tax Assessor.

Request for Subdivision Improvement Guarantees - Southchase, Section 3 - Drew Norwood of the Windsor/Aughtry Company had submitted an application for approval of an improvement guarantee for road, drainage, water and sewer improvements for Section 3 of Southchase. The Windsor/Aughtry Company intends to provide an Irrevocable Letter of Credit from United Carolina Bank in the amount of \$325,512.50, which includes a 25% overhead factor. A draft agreement was provided for review and approval.

Vice-Chair Kumor recommended some editorial changes to the June 15 set of minutes.

Vice-Chair Kumor made the motion to approve the consent agenda with the aforementioned changes to the minutes. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Sam Neill - Mr. Neill spoke on behalf of the Lake Summit Property Owners Association. The Planning Board received a request in 1988 from the Lake Summit Property Owners Association for zoning of Lake Summit. The request was studied for two years, came before the Board of Commissioners and then was sent back to the Planning Board for some additional revision. It came back before the Board of Commissioners and was tabled until some type of reasonable access could be established for the lake. The Property Owners Association worked on this for a year and have a functioning document regarding lake access. Mr. Neill passed out copies of the document. He requested that the zoning issue be reconsidered and that the Board hold a Public Hearing for the planning proposal for Lake Summit area for some time this fall. September 6 was a recommended date from staff. Mr. Neill requested a date because of an up-coming Homeowner's Association Meeting. He wanted to announce the Public Hearing date at the meeting.

There was discussion regarding the date for Public Hearing. It was the consensus of the Board to put this on the agenda for July 20 to

set the Public Hearing at that time. It was the intent of the Board to hold the Public Hearing on September 6.

<u>PUBLIC HEARING - Rezoning Request - Ducote/McKibbin</u>

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

Karen Collins, County Planner, gave a brief overview of the request. She located the subject property on a map. Karen informed the Board of the request from Lloyd Ducote and Duane McKibbin (Horse Shoe Plaza Incorporated) to rezone a parcel of land located on US #64 West in Horse Shoe. The parcel is approximately three acres in size, bounded on the north by US #64, on the east by the Horse Shoe Post Office, on the south by Shaw's Creek, and Horse Shoe Grocery on the west. The parcel is served by water from the City of Hendersonville. There is a private sewer line which serves the nearby Hunter's Glen subdivision; however, public sewer is not available to the site. Our flood plain maps show that as much as 70% of the property may be located in the 100 year flood plain.

The applicants requested that the property be rezoned from C-1 which is residential/commercial to C-2 which is neighborhood/commercial.

Karen Collins then showed a three minute video to get the Commissioners oriented to the property and the surrounding uses. C-2 zoning would allow more flexibility in development of the property. The Planning Board reviewed this request on April 26 and they voted to send it to the Board of Commissioners with a favorable recommendation. Notices were published in the Times-News on June 10 and 17 and the Planning Department sent notices of the hearing to the applicants as well as the owners of property adjacent to the subject tracts.

Lloyd Ducote, one of the applicants, spoke briefly about the request. The original proposed use for the property was miniwarehouses but Mr. Ducote stated that they may go with a grocery store instead, which is allowable within C-2 zoning.

<u>Public Input</u> - There was none.

Vice-Chair Kumor made the motion to close the public hearing. All voted in favor and the motion carried.

Chairman Good stated that it was the practice of the Board not to make a decision at the time of a public hearing. This item will be on the next agenda for action (July 20, 1994).

<u>PUBLIC HEARING - Community Block Grant for Economic Development Projects</u>

Chairman Good stressed the fact that two public hearings must be held but the specific project need not be named at the first public hearing. This is the first public hearing. Following the formal selection of a project, a second public hearing must be held.

Vice-Chair Kumor made the motion to go into public hearing. All voted in favor and the motion carried.

Matt Matteson came before the Board with a recommendation from staff regarding a particular project. This grant offers funds for local governments that have projects that will provide jobs within There is a maximum grant amount of \$1,000.00 and the community. the number of dollars per job is \$1,500.00. Henderson County staff has been working with several industries in the Mountain Home Industrial Park to provide sewer service for which there is no At the May 2 meeting, the Board public sewer at this time. approved \$18,900 toward the extension of infrastructure, eligible under this grant as a means to recover funds for the jobs provided. If an industry can prove with this infrastructure extension that they can retain or provide new jobs, then they would be eligible. Engineering drawings have not been completed but both the Kyocera and Printpak Industries are looking at the possibility of using a forced main and pump station for approximately a mile of extension to serve the two industries. The estimated cost of this part of the project is \$256,000 of which we may be able to receive as much as \$180,000 in grants. Over a three year period, 12 additional jobs are expected to be created.

One qualification of this grant is that it must be channeled through county government. Matt Matteson has agreed to administer the project until we get grant approval. At that point in time, Jim Erwin, Director of Utilities would take over as administrator of the project.

<u>Public Input</u> - There was none.

Commissioner McKay made the motion to close the public hearing. All voted in favor and the motion carried.

This item will be on the next agenda for proposed action (July 20, 1994).

<u>PUBLIC HEARING - Installment Contract Documents for Financing of the Construction and Site Improvements of the Youth Development Emergency Shelter</u>

Vice-Chair Kumor made the motion to go into public hearing. All voted in favor and the motion carried.

Carey McLelland, Finance Director, reviewed the financing documents for the Youth Development Emergency Shelter. The documents provide

for sixty payments at \$5,748.37 per month. The amount to be borrowed is \$300,000. Carey McLelland briefly reviewed "Exhibit A" and "Exhibit B". He also reviewed the notice of public hearing, the copy of the announcement from the newspaper, and a draft of the minutes for the public hearing and presented a resolution for the Board's consideration and approval.

Commissioner Good stated that a notice of hearing had been published in the Hendersonville Times News on June 18, 1994, and that the Board would hold a public hearing on the question of the County's proposed installment financing for the construction and site improvements of the Youth Development Emergency Shelter.

At 7:30 o'clock P.M., Commissioner Good declared the public hearing open and announced that the Board would hear anyone who wished to be heard on the proposed financing. The names and addresses of the persons who spoke, summaries of their oral comments and copies of their written comments are attached as Exhibit "A" hereto.

<u>Public Input</u> - There was none.

After the Board had heard all persons who requested to be heard the public hearing was adjourned.

Commissioner McKay made the motion to close the public hearing. All voted in favor and the motion carried.

Commissioner Good then asked the Board to consider and take action on a resolution approving the proposed installment financing subject to further action of the Board.

Commissioner McKay then introduced and moved the adoption of a resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20", which was read at length and incorporated in the minutes of the meeting as Exhibit "B".

Vice-Chair Kumor seconded the motion and, after discussion, the Resolution was adopted by the following vote:

AYES: Chairman Good, Vice-Chair Kumor, Commissioner Edney,

Commissioner Randall, and Commissioner McKay.

NAYS: None.

County Manager's Statement

David Thompson, Henderson County Manager, reminded the Board that during the budget work sessions the Board was informed that there was expected a large increase in the site development costs. Over

three years ago there were estimates done on what the on-site improvements would be (costing). At that point in time estimated site development costs were \$68,475.00. Recently the Engineers reworked the estimates, based on visiting the site. Current project estimate was \$129,000.00.

David Thompson asked for revisions to the estimates to bring costs The first estimate called for asphalt paving over a stone He requested removal of the asphalt pavement, to be put as an alternate, so the decision could be made at a later time. also requested down-sizing of the wastewater system for current The current estimate for on site improvements which includes off-site improvements, getting to the water system of the City of Hendersonville, also earth work, clearing, and grubbing, grading, erosion control, seeding, deleting the paving but still maintaining a six inch stone base, concrete curb and gutter, walks, and wheel stops, drainage, actual on site water system and tap-ins, water line fittings, wastewater system as far as septic system and drain field, and a 5% contingency is \$117,346.00. Mr. Thompson gave approval to the Engineer to go ahead and go out for bids for this project because the bids must be in place to go to the LGC the first of August. Bids must be in hand at that time. Total project cost is now \$454,707.

David Thompson recommended the Board approve the financing and wait and see what bids are received in July. A final decision can be made after the bids are received and before going to the LGC the first of August.

REOUEST FROM SALVATION ARMY

The Salvation Army has requested to be exempted from the Landfill Tipping Fee. They have indicated that trash and other unusable items are being left at their Thrift Stores.

There was considerable discussion of the problem. Commissioner McKay suggested that the Board request the Manager to have on-going discussion with the Salvation Army to see if the situation might be resolved without modification of Board policies. David Thompson was asked to follow up and report back to the Board of Commissioners his findings.

REQUEST FOR SUBDIVISION IMPROVEMENT GUARANTEES - Windsor Forest, Section 1

Matt Matteson informed the Board of a request from Drew Norwood of the Windsor/Aughtry Company for approval of an improvement guarantee for road, drainage, water and sewer improvements for Section 1 of Windsor Forest. The Windsor/Aughtry Company intends to provide an Irrevocable Letter of Credit from United Carolina

Bank in the amount of \$316,224.00, which includes a 25% overhead factor. A draft agreement was reviewed.

Following considerable discussion, Commissioner McKay made the motion to approve the request for subdivision improvement guarantees as outlined by Mr. Matteson. All voted in favor and the motion carried.

<u> DRAFT - Service Sidearms Policy</u>

David Thompson informed the Board of a request from the Sheriff that the Board of Commissioners consider adopting a Service Sidearm Policy, which would allow the retiring law enforcement officers to receive their service arms. Staff drafted a proposed policy for the Board's consideration which would require the Sheriff to make requests on a case-by-case basis. The policy was drafted to give the Board flexibility in establishing a purchase price for each request. Staff recommended that the Board of Commissioners adopt a Service Sidearm Policy to reward Law Enforcement Officers retiring from Henderson County.

There was much discussion with some changes recommended in the policy. It was the consensus of the Board for staff to incorporate the changes in the policy and bring this item back to the next meeting for action (July 20, 1994).

NACo Achievement Awards

The National Association of Counties has awarded Henderson County eight NACo Achievement Awards. The following departments and programs have been selected to receive the award:

FIRE MARSHAL - Smoke Detectors Are For Everyone

LANDFILL - Solid Waste Equipment Sharing Demonstration Project

UTILITIES - Confined Space Recovery System

EMERGENCY MEDICAL SERVICES - EMS Operational Manual

EMERGENCY MEDICAL SERVICES - Paramedic Bike Team

SOIL & WATER CONSERVATION DISTRICT - Voluntary Farmland

Preservation Program

TRAVEL & TOURISM - 1994 Mountain Seasons Vacation Planner LIBRARY - Etowah Branch Library

The achievement awards will be available to be picked up at NACo's Annual Conference from July 31 through August 4 and will be recognized at the General Session of the Conference Delegates. The NACo Conference will be held in Clarke County, Nevada.

It was the recommendation of the Board to honor these employees in some way. There was discussion of possibly having a breakfast reception to honor these employees some time after the Conference so the departments could be presented with the actual award.

APPOINTMENT OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE

The North Carolina Association of County Commissioners will hold its Annual Conference on August 25-28, 1994 in Asheville. The Board of Commissioners must appoint one of its members to serve as its voting delegate for the business meeting.

Commissioner Edney nominated Chairman Good. Commissioner McKay made the motion to close nominations and appoint Chairman Good. All voted in favor and the motion carried.

FORECLOSURE- Offer to Purchase/Lloyd & Mary Mullinax

The County Attorney informed the Board of an offer of \$600 on property in the Green River Township. The property in question is six lots with the following parcel identification numbers:

#99-49676 Lots 1,2,3,4, Block 3 #99-49678 Lot 23, Block 3 #99-49677 Lot 78, Block 15

The county has owned these properties since October 7, 1939. The offer was made by Lloyd and Mary Mullinax. The combined appraised value is \$950.00. He requested the Board's review and either preliminary acceptance to advertise and accept upset bids or rejection of the offer.

Commissioner McKay made the motion to adopt the Resolution as follows:

RESOLUTION OF BOARD OF COMMISSIONERS

At the meeting of the Board held on the 5th day of July, 1994, it was upon motion duly made, seconded and carried,

RESOLVED by the BOARD OF COMMISSIONERS the Board proposed to receive the foregoing offer and the Clerk is directed to cause legal notice thereof to be published one (1) time in the Times-News, Hendersonville, NC. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until (10) ten days have elapsed from date of last publication without a qualifying upset bid having been received. Commissioner Edney seconded the motion. All voted in favor and the motion carried.

UPDATE ON CRIMINAL JUSTICE TASK FORCE

Vice-Chair Kumor informed the Board that Sedgwick James had brought a draft of the Jail Study and presented it to the Task Force as well as the Manager and Sheriff from Transylvania County. Copies were distributed in the Commissioners' mail boxes last week. The members of the Task Force have been asked to comment on the draft report. As soon as comments are received and reviewed, a final report will be prepared and presented.

The Task Force will be dissolved because they will have completed the tasks assigned to them. Renee Kumor and Michael Edney will approach the Board at a later time with their recommendation about participation in the Criminal Justice Partnership Act.

NOMINATIONS

- 1. Chairman Good reminded the Board of 1 vacancy for an alternate on the **Motor Vehicle Valuation Review Board**. There were no nominations at this time so the item was rolled to the next meeting.
- 2. Chairman Good reminded the Board of 1 vacancy on the **Henderson County Industrial Facilities & Pollution Control Authority**. There were no nominations at this time so the item was rolled to the next meeting.
- 3. Chairman Good reminded the Board of 1 vacancy on WCCA.

Commissioner Edney nominated Bill Hudson to succeed himself. Commissioner Kumor made the motion to suspend the rules and appoint Mr. Hudson. All voted in favor and the motion carried.

- 4. Chairman Good reminded the Board of 1 vacancy on the **Nursing Home/Domiciliary Home Advisory Committee**. There were no nominations at this time so the item was rolled to the next meeting.
- 5. Chairman Good reminded the Board of the need to appoint members to the Criminal Justice Partnership Act Committee.

David Thompson informed the Board that these members can be appointed at a later date. One of the requirements as we go forward with the Criminal Justice Partnership Act under NC GS is to advertise and get applicants. We must ensure that minority persons and women are fairly represented.

David Thompson recommended that an ad be placed in the Times-News that lists the different categories that the Board will appoint from and also list that the Board encourages minority and women participation.

David Thompson stated we should try to appoint these members by the August 1 Commissioners' Meeting so as not to interfere with the grant.

IMPORTANT DATES

The calendar of events was reviewed. It was the consensus of the Board to set a Public Hearing at the July 20 meeting for September 6 for Lake Summit Zoning.

David Thompson discussed briefly the need for members of this Board to attend the MSD retreat on Saturday July 9. Chairman Good and David Thompson planned to attend as well as other staff to represent Henderson County.

EXECUTIVE SESSION

Commissioner McKay made the motion that the Board go into Executive Session as allowed under General Statute 143-381.11 to discuss the following matters:

- 1. To consult with the County Attorney to the extent that confidentiality is required.
- 2. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.
- 3. To consider a personnel matter.
 All voted in favor and the motion carried.

Commissioner Randall made the motion that the Board go out of Executive Session. All voted in favor and the motion carried.

ACTION

Commissioner McKay made the motion to approve execution of a quit claim deed to Claude Branks for all of lots 89, 90 and 91 of Dameron Place. All voted in favor and the motion carried.

ADJOURN

Commissioner Randall made the motion to adjourn. All voted in favor and the motion carried.

ATTEST:

Clisabeth W. Corn, Clerk Vollie G. Good, Chairman

HENDERSON COUNTY FINANCE DEPARTMENT

100 NORTH KING ST. HENDERSONVILLE, N.C. 28792-5097

J. Carey McLelland Finance Director Phone: (704) 697-4824 Fax: (704) 692-9855 Dena S. Garey
Assistant Finance Director

EXHIBIT B

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

whereas, the County of Henderson, North Carolina desires to construct a Youth Development Emergency Shelter which will serve an important purpose for Henderson County youth and the site improvements, construction of a new nine bed residence and the renovation of an existing building for recreational purposes are very much in need (hereinafter "The Project"); and

WHEREAS, on April 20, 1994, the County of Henderson approved by Resolution the concept of financing The Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and,

WHEREAS, pursuant to said April 20, 1994 Resolution, the Board of Commissioners for the County of Henderson authorized staff to request proposals from banks for the financing of The Project; and,

WHEREAS, the Board of Commissioners for the County of Henderson passed by Resolution at their June 15, 1994 meeting their intent to finance The Project by entering into an installment contract (hereinafter "The Contract") with First Southern Savings Bank obligating the County to repay in installments an amount not to exceed \$300,000.00 financed at a fixed annual interest rate of not more than 5.63% over a term of approximately 5 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 current facility occupied by the Henderson County Youth Development Shelter and also serving as a Youth Group Home, located at 807 Willow Street, Hendersonville, North Carolina, contains approximately 3,134 square feet. The Henderson County Youth Development Shelter has a paid staff consisting of nine (9) members. The current facility is licensed for

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five (5) beds. The proposed contract is necessary or expedient due to the increased demand and referrals from various agencies. The proposed facility would increase the number of licensed beds available to nine (9) and would contain approximately 3,632 square feet of living space and 3,200 square feet of recreational space.

- 2. The proposed contract is preferable to a bond issue because it would be cost prohibitive to issue bonds for an amount of \$300,000.00. Further, the repayment period for an installment contract financing would be shorter than for a general obligation bond issue.
- 3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the financing for the Project was formally put out for competitive bids and the monthly installments to fall due on The Project will not place a burden on Henderson County's General Fund.
- 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 .98%. Further, Henderson County is not currently in default on any of its debt obligations.
- 5. The County of Henderson does not anticipate raising real property taxes to fund this project.
- 6. 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 Finance Director, the 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 5.63% and a term not exceeding 5 years, and otherwise proceed with the plan of financing for The Project described at this meeting.

HENDERSON COUNTY FINANCE DEPARTMENT

100 NORTH KING ST. HENDERSONVILLE, N.C. 28792-5097

J. Carey	McLelland
Finance	Director

Phone: (704) 697-4824 Fax: (704) 692-9855 Dena S. Garey Assistant Finance Director

- 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 Facilities.
- 3. This Resolution shall become effective upon its adoption.

This Resolution was adopted on the \preceq	day of July,
1994. The motion to adopt this resolution	ı was made by Comm∦ssioner
mokan	, seconded by Commissioner
tunor	, and passed by a vote of
5 to 0.	

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Vollie G. Good, Chairman

Attest:

Flizabeth Corn, Clerk to the Board

July 5, 1994

PUBLIC INPUT SIGN UP SHEET

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

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

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COMMISSIONER REPURE 07/08/04		COMMISSION	======================================
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SOUTHER, GARY D SOUTHER, JUDY O	92A0701459	\$66.91	MH LISTED AS PERSONAL AND REAL
SOUTHER, CARY D SOUTHER, JUDY O	3180741459	\$66.01	MH LISTED AS REAL AND PERSONAL
SOUTHER, GARY D SOUTHER, JUDY D	9390701459	\$7.0.74	MH LISTED AS PERSONAL AND REAL
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rotal REFUNDS >>> \$246.34

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96/27/94			COMMISSIONER'S REFORT 07/05/94	REL-REPORT PAGE 1
faxpayer Name	Taxbill	Total		
GLOVER, RANDY	91954764.01	0 4 .00 #	90*FDRD*TK SOLD IN 1989, BOUGHT NEW TRUCK WHICH WAS LISTED.	
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SKYLAND CINEMA	03A01661.01	\$379.15	25 C	
TEMPO MUSIC CENTER	93838374.01	\$ 27.07.07	AMENDED RETURN SURMITTED TO NEGATE ARDITRARY ASSESSMENT FOR 1993	

TOTAL RELEASES >>> \$881.06

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