

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, JULY 18, 2018

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Mike Edney, Vice-Chairman Grady Hawkins, Commissioner Tommy Thompson, Commissioner Charlie Messer, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Clerk to the Board Teresa L. Wilson, and Attorney Russ Burrell.

Also present were: Management Assistant Megan Powell, Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Recreation Director Carleen Dixon, Captain Benjy Bryant, Construction Manager David Berry, Compensation-Benefits and HRIS Manager Mary Alice Jackson, HR Director Jan Prichard, Planner Stedman Smith, Tax Administrator Darlene Burgess, Deputy Tax Collector Luke Small, Planning Director Autumn Radcliff, DSS Director Jerrie McFalls, Sheriff Charlie McDonald, Animal Services Director Brad Rayfield, Lieutenant Mike Marsteller, Assistant Finance Director Randall Cox, Facilities Project Coordinator Thad Ninnemann, Public Health Director Steve Smith, EMS Director Mike Barnett, Environmental Programs Coordinator Rachel Kipar, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, and Deputy Ken McCraw as security.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by County Manager Steve Wyatt.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Reagan Gage, the NCACC Youth Voice Summit Representative.

THANK YOU BY CHAIRMAN EDNEY

Chairman Edney stated he was glad to be back and thanked everyone for their cards, letters and prayers on behalf of his daughter and family.

PUBLIC HEARINGS

2018-80 Rezoning Application #R-2018-04, Roger Gagnon

Commissioner Hawkins made the motion to go into public hearing regarding Rezoning Application #R-2018-04. All voted in favor and the motion carried.

Stedman Smith stated Rezoning Application #R-2018-04, which was initiated on April 2nd, 2018 at the request of applicant and owner, Mr. Roger Gagnon, who requests the County rezone approximately 0.57 acres of land (thereafter the "Subject Area") from a Local Commercial (LC) zoning district to a Community (CC) zoning district. The Subject Area is located off Asheville Highway near Ripley Avenue.

The request for a zoning change is to bring the subject area into compliance with the Land Development Code. Currently, the subject area is in violation due to the amount of "Outdoor Storage" on the property.

DATE APPROVED: August 6, 2018

Local Commercial does not allow Outdoor Storage >5000 square feet, however Community Commercial does. The applicant would still be required to acquire a Special Use permit if the property is rezoned.

The Planning Board reviewed this request at its May 17th meeting a voted to send forth a favorable recommendation. The Planning Board also recommended that when the applicant seeks a special use permit from the Zoning Board of Adjustment, the applicant should be required to install fencing around the entirety of the subject area if the special use permit is approved.

Public Notice:

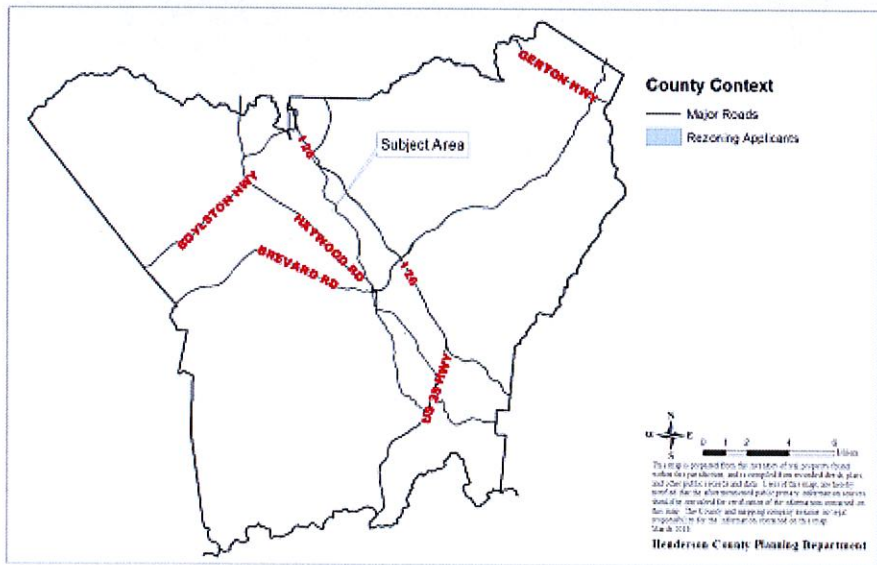
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notice of the July 18th, 2018 public hearing regarding rezoning application #R-2018-04 was published in the Times-News on June 29th, 2018 and published a second time on July 6th, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on June 25th, 2018 and posted signs advertising the hearing on the Subject Area on June 26th, 2018.

Board Action Requested:

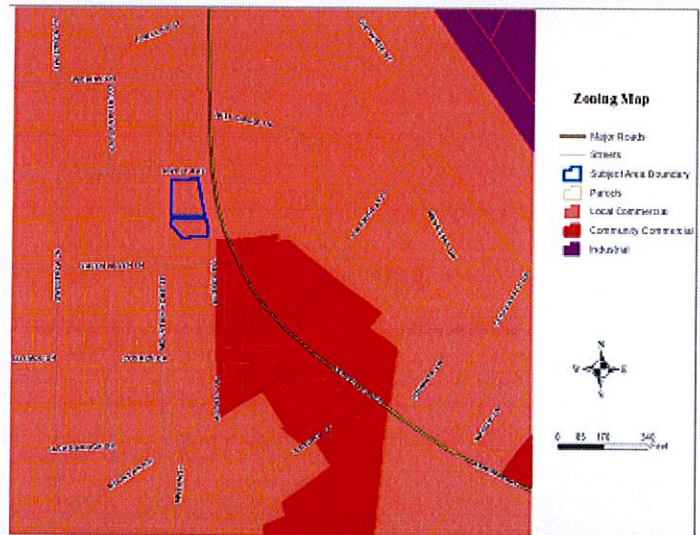
If approved, State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

- Application Summary
- Rezoning Request: R-2018-04
- Submitted on April 2nd, 2018
- Applicant/Owner: Mr. Roger Gagnon
- Rezone from Local Commercial (LC) Zoning to Community Commercial (CC) Zoning
- 0.57 Acres
- 1 Parcel

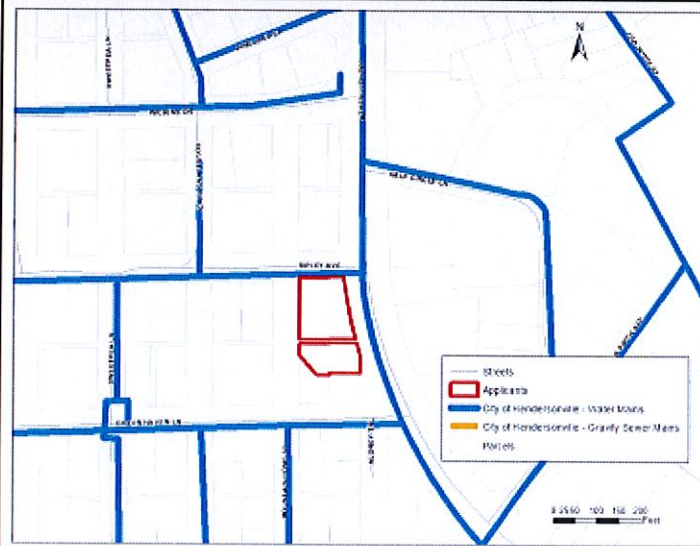
County Context



Current Zoning Map



Public Utilities



Public Input

1. John Lawrence, adjacent property owner, is in agreement with the Rezoning as long as the fencing required with the Special Use Permit is done. He will be coming back to the Board at a later date regarding a right-of-way on the property.

Chairman Edney disclosed that he is involved with the rezoning as an attorney. He asked the county attorney if this is a conflict.

Russ Burrell responded that Chairman Edney had made this known and he did not see a conflict.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Messer made the motion that the Board adopt the resolution regarding the consistency with the CCP. He further moved that the Board approve rezoning application #R-2018-04 to rezone the Subject Area to a Community Commercial (CC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information. All voted in favor and the motion carried.

Cancelation Request - Rezoning Application #R-2018-05

Stedman Smith stated Rezoning Application #R-2018-05 was initiated on March 29, 2018 and requests that the County rezone approximately 38.54 acres of land from Local Commercial to Industrial. The acreage consists of 9 adjoining parcels. The property owners of the 9 parcels include Roger Byers, Rolling Ridge, Inc. and Byers Precision Fabricators PSP. Lynn Johnson will be serving as agent along with representatives of the Henderson County Partnership for Economic Development. Stockholders and Directors of Rolling Ridge Inc. were notified of the rezoning application at their March 2018 meeting and all were in favor of the original request.

The Planning Board reviewed this request at its May 17th meeting and voted 7-1 to send forth a favorable recommendation to rezone the subject area to an Industrial zoning district. Following this meeting, it was brought to staff's attention that the application needed to be amended to address a parcel originally thought to be included in the rezoning application. Staff will be meeting with the property owners to discuss their desires to be part of the rezoning request. The application will need to be amended to address this parcel and a portion of the subject area. As a result, the rezoning application is being forwarded back to the Planning Board for its review and recommendation and the public hearing will need to be rescheduled for a later date with proper notification.

Commissioner Hawkins made the motion that the Board cancel the public hearing on rezoning application #R-2018-05 to allow the Planning Board to review and make a recommendation on the amended application. All voted in favor and the motion carried.

Proposed Right of Way Closure – off Muirfield Court

Commissioner Thompson made the motion to go into public hearing regarding the proposed Right-of-Way. All voted in favor and the motion carried.

Autumn Radcliff stated originally this petition was a request that came directly to the county attorney requesting closure of Right of Way from Mr. Thomas Plott. The Petitioner is requesting a 60 foot ROW shared by petitioner and a neighbor to be closed and property resurveyed to show closure. This was a paper right-of-way and no road was ever constructed. It was originally a part of the Rugby Highlands Subdivision. The intention of the right-of-way was to serve future phases of the subdivision that were never constructed and at this point will never be constructed. The land behind the property has already changed hands. The Board approved a Resolution of intention to close the right of way and to hold a public hearing on this ROW closure at its 16 May 2018 meeting.

The advertisement was made for the right-of-way closure.

Public Input

1. Attorney Cindy Sherman, retained by Steven Clark, stated he had did not receive notice of the public hearing by certified mail. She requested a continuation of the public hearing.

Attorney Russ Burrell stated notice was given from the roads administrative office. Notice, as he understands it, was published and was posted on the sight which he believes what is required by the statute. The Board cannot close a right-of-way if it is someone's sole right-of-way to the property. The

email he received this morning raised that issue. He has raised this issue with the applicant's attorney and it was his understanding that it had been resolved.

Ms. Brewer, Attorney for the client stated notice was given and published. It should not have to be continued.

Chairman Edney made the motion to go out of public hearing. All voted in favor and the motion carried.

Chairman Edney made the motion to continue the public hearing to the August 15, 2018 at 9:00 a.m. meeting. All voted in favor and the motion carried.

Economic Development Incentives for Project Garden

A public hearing has been scheduled for today in the above matter. The hearing is to consider the request of Project Garden Company (the "Company") for economic development incentives.

Commissioner Messer made the motion to go into public hearing for consideration of economic development incentives for Project Garden. All voted in favor and the motion carried.

Brittany Brady, President of the Henderson County Partnership for Economic Development, stated Project Garden is an existing industry within Henderson County and the Town of Mills River. The company also has multiple footprints across the region employing over 260 individuals, with roughly 30 currently employed in the county. To improve and expand their production capacities and consolidate resources, the company is considering new development in northern Henderson County within the Town of Mills River. The company currently owns a building in the Town of Mills River where product cultivation, customer service and marking functions are performed, and leases a distribution facility in East Flat Rock.

They initially explored expanding at their Mills River location. When the parcel would not accommodate the desired building footprint, they began a real estate search within the region. The new development will not hinder operations at the current Mills River location and company plans to maintain that location.

Through their site selection process they were made aware of a developer who was closing on a 21 acre parcel in Broadpointe Industrial Park off Butler Farms Road.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company of at least \$10,700,000.00 in real property (not including any land acquisition costs), and \$1,500,000.00 in business personal property (equipment). The project would result in the creation of thirty (30) new jobs, at an average wage of \$39,600, which is in excess of the average wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would last for a period of five years. The first year's contemplated incentive, if granted, would be not more than \$46,556.00, based on the new investment, the number of new employees, and the Board's incentives guidelines. The maximum amount of incentives to be considered in this grant over the five years would be \$268,456.00.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

Amy Sprinkle, Marketing Communications Manager, thanked the Board for their consideration. Guyer Herbs (Project Garden) has been in business since 1987. They are one of the leading US Erbil Supplement Companies. They are a unique company because they have a 350 acre farm located in

Brevard, NC where they grow over 45 species of plants. Some products you might see on the shelf are Gingko, Turmeric, and Golden Milk, etc. They have a patented seed to shelf program, so beyond just growing the plant and selecting the seeds, they also do their own harvesting, extraction of herbs, encapsulation, bottling and shipping. They have a program called "Meet your Herbs traceability program" which allows anyone who purchases their product to enter the code on the back of the bottle and see the date it was manufactured and verify that it is free of pesticides, micros and heavy metals. All of the plants are DNA tested to guarantee that anything that it says on the outside of the bottle is inside the bottle as well. Their overall goal is to make the best quality top products that people consume.

Brian Trailer, Vice-President of Operations, stated the location is ideal for the company. It's close to shipping hubs, the airport, and I-26. It's not too far from the Brevard location but still close to Asheville. The company will continue to maintain its current locations. This will give them the ability to build a custom facility that will allow for future growth. They hope to be fully functional by September-October of 2019.

Public Input

There was none.

Russ Burrell explained with economic development, a contract is written for certain investments with benefits and requires certification proving they have met the requirements. Before a check is written, obligations must be met.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Thompson made the motion to offer incentives as presented for 5 years at a maximum of \$268,456.00. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Gayle Kemp is interested in Constitutional Law. She asked the Board to read the 14th Amendment and the 1st Amendment of the Bill of Rights.
2. Ken Fitch stated the Board of Commissioners has been discussing Hendersonville High School for 3 years. He asked the Board to retain the history of the County. A school on Asheville Highway is not safe and we need to build a safe school.
3. Dennis Justice is against economic development. Smaller companies make it without the incentives. He asked that the Board of Commissioners not allow the School Board to make a decision on the High School. They decision they made with shock pads on the turf fields was not a good decision. Fletcher needs more in the recreation area, like the Activity Center.
4. Harold Hellickson spoke regarding a small group of around 20+ concerned citizens forming a local county chapter of a national organization called "Represent Us". They are the push organization behind The American Anti-Corruption Act.
5. Reagan Gage thanked the Board for choosing her to be the Youth Voice Summit Representative at the Annual NCACC Conference. She is very interested in government and she attended a leadership camp this summer in DC with the hopes of learning more about becoming more involved in our government. She participated as a senator and learned a lot about how the senate is organized as well as the challenges revising and passing legislation.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Commissioner Thompson made the motion to approve Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

- June 4, 2018 - Regularly Scheduled Meeting
- June 27, 2018 – Special Called Meeting

Motion:

I move the Board approves the minutes of June 4, 2018 and June 27, 2018 as presented.

Tax Collector’s Report

Deputy Tax Collector Luke Small had presented the Tax Collector’s Report to the commissioners dated July 2, 2018 for information only. No action was necessary.

2018- 81 Pending Releases and Refunds

The pending releases and refunds have been reviewed by the Assessor. As a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

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

<u>Type</u>	<u>Amount</u>
Total Taxes Released from the Charge	\$ 2,122.98
Total Refunds as a Result of the Above Releases	\$ 1,256.97

Motion:

I move the Board approves the Combined Release/Refund Report as presented.

County Financial Report/Cash Balance Report – May 2018

The May 2018 County Financial Report and Cash Balance Report were provided for the Board’s review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of May:

- Human Resources: workers compensation claims
- Garage: Fuel costs to be allocated to user departments
- Rescue Squad: vehicle repair costs and excess fuel costs
- Agri-Business: excess operating expenditures, which will be covered by membership fees
- Mental Health: 4th quarter and final maintenance of effort (MOE) payment remitted to Vaya Health
- Public Education: payment 10 of 10 of annual appropriation made to the public schools

The YTD deficits in the Edneyville Elementary School, the Hendersonville High School and the Law Enforcement Training Center (LETC) Projects are due to the payment of architect fees for these projects from appropriated fund balance in the Capital Projects Funds that will be reimbursed from future financings.

The YTD deficits in the Recreation Parks Improvements Projects and the Artificial Turf Field Projects is due to these projects being paid from appropriated fund balance in the Capital Projects Fund, primarily from proceeds received from the sale of the Bent Creek property as approved in the prior year’s budget.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due to sewer capital project

expenditure payments on multiple projects. Fund Balance in the Cane Creek Fund was appropriated in the approved budget to cover these capital project expenditures.

Motion:

I move that the Board of Commissioners approves the May 2018 County Financial Report and Cash Balance Report as presented.

Public Schools Financial Report/Cash Balance Report – May 2018

The Henderson County Public Schools May 2018 Local Current Expense Fund / Other Restricted Funds Financial Report were provided for the Board’s information.

Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools May 2018 Financial Report as presented.

Fireman’s Relief Fund Trustee

Pursuant to NC General Statute 58-84-46 the Board of County Commissioners is authorized to appoint Trustees to the Local Firemen’s Relief Fund. Trustees are normally appointed by recommendation of the local fire department and serve unlimited terms.

Blue Ridge Fire & Rescue Department recommends Will Sheehan to replace Ray Deso.

Motion:

I move the appointment of Will Sheehan as Local Firemen’s Relief Fund Trustees for Blue Ridge Fire & Rescue Department.

Request for Proposals on Legal Advertisements

The County has received proposals for legal notice advertising for FY2018-2019 from three newspapers. Proposal, and scoring, is shown below.

BOARD ACTION REQUESTED:

Accept proposal of the *Hendersonville Lightning* for legal notice advertisements for Henderson County for advertisements placed after this date through the end of FY2019.

PROPOSALS FOR LEGAL ADVERTISING

Asheville Citizen-Times

Ad example 1	\$294.00
Ad example 2	\$189.00
Ad example 3	\$241.50
Ad example 4	\$4,645.20

Other provisions: “All prices are subject to change” Per word cost not provided.

The Times-News

Ad example 1	\$376.96
Ad example 2	\$240.92
Ad example 3	\$258.40
Ad example 4	\$3,905.64

Other provisions: Per word cost \$0.76 per word.

The Hendersonville Lightning

Ad example 1	\$143.84
Ad example 2	\$91.93
Ad example 3	\$98.60
Ad example 4	\$1,490.31

Other provisions: Per word cost \$0.29 per word. Per line other provisions: Per word cost \$0.29 per word. Per line cost \$0.86 per line.

Motion:

I move that the Board accepts the proposal of the Hendersonville Lightning for legal notice advertisements placed after this date through the end of FY2019.

2018-82 Water easement across Etowah Elementary

The City of Hendersonville desires a water line easement across the property upon which the Etowah Elementary School is sited. This property is currently titled in the County.

The Board of Education has reviewed the proposed easement deed, and has asked for certain changes (made in the current draft now before the Board) having to do with the construction times on the property.

BOARD ACTION REQUESTED:

Approval of the draft easement, and authorization for the County Manager to execute the easement on behalf of the County.

Motion:

I move that the Board approves the draft easement, and authorize the County Manager and county staff to execute and deliver the easement to the City of Hendersonville.

Agreement – Henderson County and Safelight

The Sheriff's Office is requesting that the Board approve the County Manager to sign the agreement using grant funds provided by Safelight for the Victims Assistance Coordinator.

Motion:

I move the Board of Commissioners approves the County Manager to sign the attached agreement between Henderson County and Safelight.

Designation of Voting Delegate to NCACC Annual Conference

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate to the 111th Annual Conference of the North Carolina Association of County Commissioners to be held in in Catawba County, N.C., on August 23-25, 2018.

Motion:

I move the Board designates Commissioner Charlie Messer as Henderson County's voting delegate to the NCACC Annual Conference.

Annual Volunteer Appreciation Banquet

At the 2017 Volunteer Banquet, Commissioners requested that staff look at a different venue for the 2018 Volunteer Banquet. Staff has made inquiries and reserved the Horizon Hall at the Hendersonville Country Club for Thursday, October 18, 2018. In the past the banquet has been held on the third Tuesday of October. This date was not available and instead the banquet is scheduled tentatively for the third Thursday of October.

Motion:

I move the Board schedules the 2018 Annual Volunteer Appreciation Banquet for Thursday, October 18, 2018.

Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2018-04) – RV Parks and Park Model Parks

Due to recent application for new Recreational Vehicle (RV) Parks, the Planning Board was directed to review the current standards and provide draft recommendations to the Commissioners to address certain issues that arose during these application reviews. The Planning Board has been discussing the proposed amendments for several months. At the June 21, 2018 meeting, the Planning Board voted to send forward a favorable recommendation on the draft amendments to the existing RV Parks and proposed new language to address park model RV parks (see attached draft text amendment).

Motion:

I move that the Board sets a public hearing on the proposed Land Development Code Text Amendments (TX- 2018-04) on RV Parks and Park Model RV Parks for Wednesday, August 15, 2018 at 9:00 a.m.

Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2018-05) – Administrative Text Amendment to Flood Requirements

Based on a recent review of the Flood requirements, Staff discovered an administrative text amendment that the Board needs to discuss per the request of the Army Corp of Engineers. This amendment is an administrative change to clarify that a floodplain development permit is required for any new development in the floodplain regardless of any other required state or federal permits.

Motion:

I move that the Board sets a public hearing on the proposed Land Development Code Text Amendments (TX- 2018-05) for Wednesday, August 15, 2018 at 9:00 a.m.

Henderson County Hospital Corporation – Commissioner Appointments

During the April 18, 2018 Board meeting four of six positions on the Hospital Corporation were appointed, leaving two positions to be considered. Chairman Edney is currently in position #2 a regular position with a term expiration of 5/31/2020 and Commissioner Thompson is in position #13, a commissioner position with a term expiration of 05/31/2019.

It has been suggested to staff that these positions be switched.

Motion:

I move that Chairman Edney and Commissioner Thompson's positions be switched placing Chairman Edney in position #13 and Commissioner Thompson in position #2.

Use of Courtroom

A request was submitted on behalf of the Finance Office for use of the Courtroom on Tuesday, December 4, 2018 from 8:30 a.m. until 5:00 p.m. for a MUNIS User Group training session.

Motion:

I move that the Board approves use of the Commissioners' Meeting Room (Courtroom) as requested on Tuesday, December 4 2018 from 8:30 a.m. until 5:00 p.m. for a MUNIS User Group training session.

2018-83 Late application for Property Tax Relief

Taxpayer Kari Jellema, through her attorney in fact, seeks approval of a late application for disability

credit on her *ad valorem* real property tax. Application was due June 1, but not received by the tax office until June 26. According to County staff, had the application been timely filed it would have been granted.

Under N.C. Gen. Stat. §105-282.1(a1):

Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Motion:

I move that the Board finds that good cause exists for the failure to make timely application, and that the application be approved.

Non-Profit Performance Agreements

Subsequent to the approval of the FY 2018-2019 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

1. Arts Council of Henderson County	\$ 2,602.00
2. Blue Ridge Literacy Council	\$ 10,000.00
3. Boys and Girls Club	\$ 10,000.00
4. Boy Scouts of America, Daniel Boone Council	\$ 5,000.00
5. Children and Family Resources Center	\$ 17,340.00
6. Council on Aging	\$ 36,075.00
7. Free Clinics	\$ 27,645.00
8. Heritage Museum	\$ 99,000.00
9. Housing Assistance Corporation	\$ 11,750.00
10. Mountain True	\$ 9,120.00
11. Only Hope WNC	\$ 18,000.00
12. Safelight Inc.	\$ 47,500.00
13. St. Gerard House	\$ 20,000.00
14. United Way	\$ 10,000.00
15. Vocational Solutions	\$ 41,625.00
16. Western Carolina Community Action -- Medical Transport	\$ 11,100.00
17. Western Carolina Community Action -- Transportation Grant	\$ 38,905.00
18. WNC Communities	\$ 4,219.00

Motion:

I move the Board authorize the Chairman to execute the attached funding agreements and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.

2018-84 Full Time Scales Operator - Reclassification

The Solid Waste department is requesting reclassification of an existing auxiliary position, to a new full-time scales operator position, and to eliminate three current unfilled part-time scales operator positions.

This conversion from three part-time positions to one full-time position is needed for the following reasons:

- The volume of trash since the staff reductions during the recession has increased over 20% with a 10% increase from FY17 to FY18. The increase in volume has a direct impact on the business handled by the scales operator.
- Currently we are down 3 part-time operator positions due to turnover with no qualified applicants over the first two weeks of recruitment. We have been utilizing part-time positions to adjust to the Department's hours of operation and the cyclical nature of trash volume. However, we have reached the trash volume that two full-time operators are warranted and will not create redundancy. They can cover the 54 hours that the facility is open and also provide an inbound and outbound operator during busy hours.
- Part-time scales operator positions are difficult to fill and with the current employment market this challenge has grown. A full-time position with benefits will be much easier to fill and retain.
- This request is off budget cycle due to the complete lack of interest in the posted part-time positions. Currently, the scales house is not at sustainable staffing position.

This request will have no or a minor impact to the Department's budget. The funds for the part-time positions, \$30,000, will be transferred from the part-time line item to the line items for the new full-time position.

Motion:

I move that the Board approves the reclassification of an auxiliary position to a full time scales operator in Solid Waste, eliminate the three auxiliary positions, and transfer \$30,000 from Solid Waste part-time salaries to the full-time line items for the new position.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Commissioner Messer made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.

NOMINATIONS

Notification of Vacancies

Chairman Edney recognized the following vacancies and opened the floor for nominations.

1. Fire and Rescue Advisory Committee – 1 vac.
2. Recreation Advisory Board – 1 vac.

Commissioner Messer recognized the passing of Recreation Advisory Board member Virgil McClure and the many years of service to Henderson County.

Nominations

1. Asheville Regional Housing Consortium – 1 vac.

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

2. Fire and Rescue Advisory Committee – 1 vac.

Commissioner Hawkins nominated Zack Welch for position #1.

Chairman Edney made the motion to accept the appointment of Zack Welch to position #1 by acclamation. All voted in favor and the motion carried.

3. Henderson County Board of Health – 3 vac.

Commissioner Hawkins nominated Dr. Leslie Leidecker for position #4, Mrs. Robyn Bryson for position #6, and Bo Caldwell for position #10.

Chairman Edney made the motion to accept the reappointments of Dr. Leslie Leidecker to position #4,

Mrs. Robyn Bryson to position #6, and Bo Caldwell to position #10 by acclamation. All voted in favor and the motion carried.

4. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

5. Hendersonville Planning Board – 1 vac.

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

6. Hendersonville Water and Sewer Advisory Committee – 1 vac.

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

7. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

8. Juvenile Crime Prevention Council – 14 vac.

Commissioner Thompson nominated Matthew Gruebmeier for position #1, Megan Powell for position #8. Douglas Pearson for position #13, Patty Adamic for position #15, Linda Carter for position #17, Richard Arell for position #21 and Sally Buchholz for position #24.

Chairman Edney made the motion to accept the appointments of Matthew Gruebmeier to position #1 and Megan Powell to position #8, and the reappointments of Douglas Pearson to position #13, Patty Adamic to position #15, Linda Carter to position #17, Richard Arell to position #21 and Sally Buchholz to position #24 by acclamation. All voted in favor and the motion carried.

9. Mountain Area Workforce Development Board – 5 vac.

Commissioner Messer nominated Anthony Carter for position #1, Autumn Well for position #3, Dr. Laura Leatherwood for position #4 and Mr. Terry Collins for position #6. The Chamber of Commerce had nominated Chris Hykin for position #2.

Chairman Edney made the motion to accept the reappointments of Anthony Carter to position #1, Chris Hykin to position #2, Autumn Well to position #3, Dr. Laura Leatherwood to position #4 and Mr. Terry Collins to position #6 by acclamation. All voted in favor and the motion carried.

10. Nursing/Adult Care Home Community Advisory Committee – 12 vac.

Commissioner Thompson nominated Brenda Owens for position #3.

Chairman Edney made the motion to accept the reappointment of Brenda Owens to position #3 by acclamation. All voted in favor and the motion carried.

Commissioner Messer asked that the rules be waived and an appointment made to the Recreation Advisory Board.

11. Recreation Advisory Board – 1 vac.

Commissioner Messer nominated Kenneth Wise for position #9.

Chairman Edney made the motion to accept the appointment of Kenneth Wise to position #9 by acclamation. All voted in favor and the motion carried.

12. Senior Volunteer Services Advisory Council – 2 vac.

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

2018-85 FY2017-2018 TAX COLLECTOR'S SETTLEMENT; APPROVAL FOR BOND AMOUNTS FOR TAX COLLECTOR/DEPUTY; FY 2018-2019 ORDER FOR COLLECTION

Darlene Burgess stated it is time once again for the delivery of the tax receipts to the Henderson County Tax Collector; however before they can be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

(a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.

(b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.

(c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.

(d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2018-2019 taxes, plus all outstanding delinquent taxes.

Statutory Requirements for Tax Collector's Settlement – N.C. G. S. 105-373)

The Tax Collector's Settlement must:

1. Occur after July 1 and before the Board charges the Collector with the FY2019 Levy
2. Include two lists:
 - Persons owning real property whose taxes remain unpaid; and
 - Persons not owning real property whose taxes remain unpaid (the "Insolvents List")
3. Include an accounting of all amounts charged to the Collector and the amounts allowed as credits to the Collector
4. Include a statement from the Collector stating he/she has made diligent efforts to collect the tax
5. The Settlement for prior-year taxes shall be made in whatever form is satisfactory to the County's Chief Accounting Officer and the Governing Body.

Levy Additions and Credits for the Annual Levy are listed for the County as well as Fire Districts and Saluda (this is the only Municipality for which the County bills and collects).

FY2018 ANNUAL LEVY

Includes Real Property, Personal Property, Business Personal Property, and Public Service Property billed and collected by the County

LEVY ADDITIONS				
All amounts charged to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 71,803,394.70	\$ 8,396,843.31	\$ 16,789.74	\$ 80,217,027.75
Penalty	\$ 195,360.97	\$ 16,728.67	\$ -	\$ 212,089.64
Interest	\$ 117,769.60	\$ 15,750.44	\$ -	\$ 133,520.04
TOTAL	\$ 72,116,525.27	\$ 8,429,322.42	\$ 16,789.74	\$ 80,562,637.43

LEVY CREDITS				
All sums allowed as credits to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 70,636,582.90	\$ 8,212,310.78	\$ 16,788.55	\$ 78,865,682.23
Adjustments	\$ 633,802.05	\$ 101,899.66	\$ -	\$ 735,701.72
Releases	\$ 9,452.53	\$ 1,528.71	\$ 1.19	\$ 10,982.43
Interest	\$ 117,769.60	\$ 15,750.44	\$ -	\$ 133,520.04
Unpaid Tax: Real & Personal Property	\$ 718,918.18	\$ 97,833.83	\$ -	\$ 816,752.01
Unpaid Tax: Registered Motor Vehicles	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 72,116,525.27	\$ 8,429,322.42	\$ 16,789.74	\$ 80,562,637.43

As of close of FY 2017-2018, the Henderson County Tax Collector's Office collected 99.05% of the annual tax bills and 98.97% process through Tax & Tag Together, for an aggregate collection percentage

of 99.04%.

The annual collection percentage, as reported, remains above the FY2017-2018 statewide average of 98.5% for annual tax bills.

The RMV Levy is billed and collected by the State under the Tax & Tag Together program. Taxes for the County, Fire Districts and all Municipalities are sent to the County and the County distributes the funds to the Special Districts. Because of this, all RMV collections passing through the County were included.

REGISTERED MOTOR VEHICLE (RMV) LEVY

*Includes Registered (tagged) Motor Vehicle Tax Bills that are billed and collected on behalf of the County by NC's Tax & Tag Together Program
RMV tax is not part of the Collector's charge, however it is part of the Tax Levy.*

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 6,148,065.27	\$ 790,485.12	\$ 1,219,510.13	\$ 8,158,060.52
Interest	\$ 32,243.89	\$ 4,229.64	\$ 6,648.33	\$ 43,121.86
TOTAL	\$ 6,180,309.16	\$ 794,714.76	\$ 1,226,158.46	\$ 8,201,182.38

LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Levy Collected	\$ 6,084,439.62	\$ 781,780.31	\$ 1,210,934.55	\$ 8,077,154.48
Unpaid Levy	\$ 63,625.65	\$ 8,704.81	\$ 8,575.58	\$ 80,906.04
Interest Collected	\$ 32,243.89	\$ 4,229.64	\$ 6,648.33	\$ 43,121.86
TOTAL	\$ 6,180,309.16	\$ 794,714.76	\$ 1,226,158.46	\$ 8,201,182.38

COMBINED ANNUAL & RMV LEVY

Includes (1) Real Property, Personal Property, Business Personal Property and Public Service Property billed and collected by the County; and (2) RMV tax billed and collected on behalf of the County under NC's Tax & Tag Program

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 77,951,459.97	\$ 9,187,328.43	\$ 1,236,299.87	\$ 88,375,088.27
Penalty	\$ 195,360.97	\$ 16,728.67	\$ -	\$ 212,089.64
Interest	\$ 150,013.49	\$ 19,980.08	\$ 6,648.33	\$ 176,641.90
TOTAL	\$ 78,296,834.43	\$ 9,224,037.18	\$ 1,242,948.20	\$ 88,763,819.81

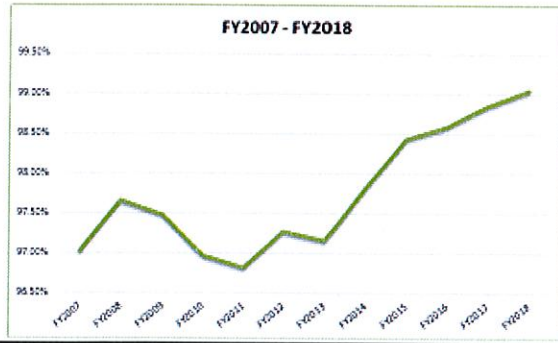
LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 76,721,022.52	\$ 8,994,091.09	\$ 1,227,723.10	\$ 86,942,836.71
Adjustments	\$ 633,802.06	\$ 101,898.66	\$ -	\$ 735,700.72
Releases	\$ 9,452.53	\$ 1,528.71	\$ 1.19	\$ 10,982.43
Interest	\$ 150,013.49	\$ 19,980.08	\$ 6,648.33	\$ 176,641.90
Unpaid Levy: Real & Personal Property	\$ 718,918.18	\$ 97,833.83	\$ -	\$ 816,752.01
Unpaid Levy: Registered Motor Vehicles	\$ 63,625.65	\$ 8,704.81	\$ 8,575.58	\$ 80,906.04
TOTAL	\$ 78,296,834.43	\$ 9,224,037.18	\$ 1,242,948.20	\$ 88,763,819.81

FISCAL YEAR-END COLLECTION RATES

	FY2018	FY2017
Annual Levy	99.05%	98.79%
RMV Levy	98.97%	99.61%
Combined Levy	99.04%	98.85%

This information focuses only on the County Levy for Annual Bills and does not include Fire Districts and/or Municipal Districts

**12-YEAR TREND:
COMBINED LEVY COLLECTION RATE**



**LEVY COLLECTED
COMPARED TO
FY2018 BUDGETED PROPERTY TAX REVENUE**

*Includes RMV Levy

	LEVY BUDGETED	LEVY COLLECTED (\$ DEPOSITED)	\$ COLLECTED OVER (UNDER) BUDGET
FY2018	\$ 74,231,301.00	\$ 78,183,956.57	\$ 3,952,655.57
FY2017	\$ 73,075,676.00	\$ 76,381,248.10	\$ 3,305,572.10
FY2016	\$ 65,998,066.00	\$ 68,524,823.14	\$ 2,526,757.14

The dollar figures on this chart reflect the amounts budgeted and the dollar amount actually collected (...dollars in the bank). It does not include adjustments and releases or unpaid tax. We're under on our prior year collections. This is because the prior-year tax levy is shrinking because more is being collected during the current year.

COLLECTOR'S EFFORTS TO COLLECT UNPAID TAX

TYPE OF ACTION	ENFORCED COLLECTION ACTIVITY			
	FY2018 ACTIVITY		FY2017 ACTIVITY	
	# OF NEW ACTIONS	\$ VALUE *	# OF NEW ACTIONS	\$ VALUE*
Payment Arrangements	278	\$ 431,850	286	\$ 519,239
Bank Account Attachments	484	\$ 629,504	364	\$ 567,905
Wage Garnishments	1,025	\$ 496,238	1,064	\$ 483,252
Rent Attachments	3	\$ 25,243	6	\$ 37,995
Garnishments of Escheated Funds	143	\$ 100,360	259	\$ 476,383
NC Debt Setoff (State Income Tax Garnishment)	3,699	\$ 1,461,997	2,690	\$ 2,268,151

* \$ Value includes the total value of each action when it was created. It should not be confused with collection activity resultant from the action. Total value includes levy, interest, penalties and any collection costs associated with the action.

FY2017-2018 Progress Report regarding Delinquent Property Tax Collections

For FY 2017-2018, \$1,423,579.89 in prior-year taxes, plus all applicable fees and interest were collected. At the close of this fiscal year, the tax office has collected 99.65% of prior-year (2016) annual tax bills (real property and listed personal property), and 99.71% of all previous years (including 2016 and years beyond the ten-year reach for enforced remedies.)

The responsibilities of the Deputy Tax Collector and staff include the monitoring and administration of statutorily-provided remedies used to collect delinquent tax. A great amount of revenue has been generated this year through the use of these remedies and the following details of effort are shown below.

- Payment Arrangements: 278 new arrangements created, potential collection of \$431,850.30
- Bank Attachments: 484 new actions created, potential collection of \$629,504.21
- Wage Garnishments: 1,025 new actions created, potential collection of \$496,238.00
- Rent Attachments: 3 new actions created, potential collection of \$25,243.10
- Pre-foreclosure: 573 new actions created, potential collection of \$595,226.03
- Monies: 143 new actions created, potential collection of \$100,360.03
- NC Debt Setoff: 3,699 new actions created, \$1,461,997.48 total taxes submitted for possible setoff

Commissioner Hawkins made the motion that the Board approve the tax collector's settlement for Fiscal Year 2017-2018 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2018-2019 taxes. All voted in favor and the motion carried.

HENDERSONVILLE HIGH SCHOOL UPDATE

The Board of Commissioners discussed the current status of the Hendersonville High School project.

Chairman Edney noted that he graduated from Hendersonville High School 1978. Ten years later (1988) he was elected to the Board of Commissioners. Between 1988 and 1996 when he served on the Board he served with the City Superintendent Mr. Randall and they went through a school merger. The community worked together with the County Schools and the Community College to pass a \$23-\$26million dollar bond that brought improvements to all the schools. We did that together as a community.

We are back to Hendersonville High School where he feels no one argues with the need to do something. He feels we must focus on the kids today and the kids of tomorrow who have not even been born yet. That is ultimately the importance of this project to him. A lot has been said and done.

The economy has improved which is not good for construction cost purposes. Escalation and inflation are driving whatever we do through the roof. Every day we put off doing something, it is costing the tax payers money and ultimately hurting the kids.

We have a letter from the School Board based on limited options of where we should be going with this project. Based on those options the School Board has said, as he understands it, that they want to go with the project with 900 seats and with two gymnasiums. It reduces the square footage by 10,000 square feet, so as far as classrooms and duplicated space, John Bryant and the School Board have cut the project to the bone as far as what they see as being needed to operate a high school in this day and age. As he reads the letter it's that or an alternative to basically to hand off to the School Board to allow them to retain a new architect and start over from square one.

Chairman Edney is not sure if either option is the greatest option. He and Chair Holt had met this morning and discussed some different middle ground options that he would like the opportunity to explore as opposed to trying to push things one way or the other or hand the ball off or whatever. One of

the options is to work with the private sector and the non-profit community to come up with the extra money to help pay for the additional seats in the auditorium. He feels everyone knows that the arts community had approached and talked about expanding the auditorium from like 900 to 1200 or 1500 seats. That was going to cost a lot of money and they felt they could raise it but there were concerns from the school folks as far as scheduling and how those things worked out. He was able to speak with one of the arts folks and asked them the general question if it was even a possibility to approach the group to come up with money to go from 400 seats to 900 seats. Obviously no commitment, but they said it was worth looking at and discussing and consider.

He feels we have too many cooks in the kitchen and we must narrow the focus on who is doing what and who is speaking with who about who and whatever. As we go forward he asked the Board to consider allowing the two chairs (Edney and Holt) to work with Chad Roberson and come up with different alternatives and options as middle ground. Let each work with their boards and see where we can go and see if we can come up with something that we can all live with. They would try to do this in a short period of time so that we are not just kicking the can down the road and raising the cost of whatever we ultimately do. If we can do that then the kids can win and we can have something that we can all be proud of.

Commissioner Hawkins stated that a Local Government Committee for Cooperative Action meeting was held yesterday, turned into a whining session instead of a cooperative session. Be that as it may, several mayors of the county took opportunity to pass on some unsolicited legal advice on how the cooperation between the Board of Commissioners and the Board of Education should occur. Commissioner Hawkins asked the County Attorney Russ Burrell to go over the procedure that is dictated in the N.C. G. S. so that everyone knows what the rule is. The important thing is that it ends up being a cooperative effort between the Board of Education, who has information to put into it, and the Board of Commissioners who are charged with the responsibility of financing it. So both of those elected boards must work together and meet the needs of the Board of Education as well as meet other needs, financial needs particularly, that the County has.

Russ Burrell responded that as the Board is well aware, the Board of Education is charged with the operation of the schools. Among the operations of the schools can include the building of the schools. They can build the schools with any funds that they have on their land. And in that context you don't exercise over them. But long ago our courts and our statutes recognized that this is unrealistic. The Board of Education doesn't possess the taxing power. Their only real source of revenue outside tax revenues are fine and forfeitures. And while in 1790 something that may have been a sufficient amount of money to build schools, it is not today. So the system that was set up for North Carolina Schools requires that the financing be done by the taxing authority and in this case, the local government, the County. Each year, (referring to 1966 NCSC case called Dilday (Beaufort County Board of Commissioners v Beaufort County Board of Education) the Board of Education surveys the needs of its school system with references to buildings and equipment. By Resolution it presents those needs together with their costs to the Commissioners who are given a reasonable time to provide the funds which they upon investigation shall find to be necessary providing the respective units with buildings suitably equipped. It is the Board of Commissioners therefore who are charged with the duties of determining which expenditures shall be made for the erection and repairs and equipment of school buildings for the county. This dual responsibility obviously requires the utmost cooperation between the two board and the full assumption and responsibility by each. If there needs to be any further underscoring of that, as you are aware the legislature this session just concluded and changed the dispute resolution system as between the Board of Commissioners and the Board of Education for current expense budgets and did not change the dispute resolution system for capital expense. The point is that both sides still have responsibilities and the law still recognizes that both must work together and if you can't it comes up with

its own dispute resolution court system. Having said that, everybody has a responsibility and it's recognized all the way through. There are cases that even say you as a Board of Commissioners (Wilson County Board of Education v Wilson County Board of Commissioners) talks about Boards of Commissioners can only fulfill their duty to tax payers by closely considering all budgets. The courts and the legislature in setting out our laws clearly recognize a dual responsibility for both boards.

Chairman Edney feels that quite frankly our Boards have been doing a great job working together as far as he is concerned.

Commissioner Messer noted that many conversations have been held regarding Hendersonville High School. About six to seven years ago we as County Commissioners were approached by Boyd Pontiac to purchase the property on Highway 25. We didn't get the job done for a couple of years but looking at future plans of Hendersonville High School we eventually purchased the property. Since then we have beat this to death. He is willing to give enough adequate time to try to come up with a compromise that will work for Henderson County. We still have items that he is concerned with. We know that when we build the school the auditorium and extra gym are on the radar. There are also pieces of the puzzle that we have talked about but they are not on the radar. One being the turf on the football field. We have a problem with the bleachers, sewer, and others. Looking at the numbers about six months ago we come up with basically three options. Option A was a lot of money, option B was a little bit less, and option C was the least. And then there is the Stillwell building. The county has put money in their budget over the last two years to repair the roof, mechanical, and etc. During the public hearing we heard about public safety among other issues. We as county commissioners have to look at the issues. After listening to the people of Henderson County he questions if this is the right thing to do. He cannot answer this question. He cannot say if building a new HHS at the current property is the right thing to do. If he had to vote today he would say no. He doesn't feel there is enough property there and the numbers are not adequate. We can build a 75,000 sq. ft. high school but it is really what the kids need down the road. He is willing to give the Chairman every opportunity to bring things back. We don't need to hurry this. We need to look at all aspects and finish closing out what we started if this is not where we need to go. We need to pull the plug. We've hired a great architect and he has done a lot of work for our schools, and other projects in Henderson County. When looking at the options we hear we want to do this and we want to do this. This is not the way we built Fletcher School, Clear Creek, Mills River, Hillandale or six or seven others. He feels there is too much animosity, too much disagreement. We may need to pull the plug and possibly look at another location or something for the best interest for 50-70 years for Henderson County.

Commissioner Thompson agreed that we need to do what is best for the children. The ones there now and the ones coming up in the future. It should not be revolving around this whole situation of our disagreements. The whole disagreement is what we will do with the Stillwell building. He has dealt with this for so long that he dreams about it. Last night however he slept very well because he came to a conclusion as to what he wanted to do. We heard people talk about whether or not things are legal. We have a good as a counsel as there is in the state. We have been hit with ideas that Supreme Court Justices have toned in on what's right and what's wrong. Supreme Court Justices are nothing more than attorneys who happen to be on the bench. They are there every day doing their thing. Anybody at this meeting, the two ladies here earlier, Mr. Edney, anyone can get elected. That does not put them on a hierarchy that's any higher than anyone else. There are statutes out there that we are dealing with and we have been dealing with them for years. It's amazing that the community, the Board of Education, or no one else told us that we were doing things illegal. They were more than happy to accept those schools as we presented them to them. We had a meeting back on May 24 and we noted at that point and time that we were not going to put any money into the school system specifically the Stillwell building or HHS other than operations. With Mr. Messer's final motion (following 3-4 motions)... "that the Board table the project until July or August to acquire additional information." That motion passed 3-2. You can tell that we

still have conflicts within our own selves as to what we believe. Mr. Craven came to us later and said he felt they had an idea here, and he brought in a plan, some drawings on a piece of paper, and of course the thing that started this whole problem to begin with was a drawing on a napkin that had no merit. Mr. Craven says can we do this can we do that. He was sitting with Mr. Craven, Mr. Wyatt and Mr. Lapsley at that particular point and time and everyone said let's look at the numbers and see where we are at. We were having a big problem with the numbers. He also told Mr. Craven that if the numbers came in and his solution, his idea, what he was presenting would be looked at. Commissioner Thompson had indicated to Mr. Craven that he had to have a definitive plan for Stillwell. Mr. Thompson has still not seen that plan. No one has given a definitive plan and the only thing anybody wants to do is fuss about the fact that they want Stillwell to live on. We have never decided to do anything but keep Stillwell. There are other buildings in the community that were designed by Stillwell also but no one is concerned about them. Whenever the dollar figures came out, they were not such that Mr. Craven felt that they fell into the area there. So what happens is that this goes to the School Board, they look at three options which is nothing more than here's what we can do with this kind of money. He feels suddenly the School Board jumped on the idea as if one of the three items is what we are giving them, and which one do you want? We never gave the School Board options. The only thing the School Board received was ideas for what would happen if this were the case. We never said would accept any of those options. We talk about public safety. Has anyone gone over at the end of the day or doing the lunch hour while school is in? There is not much public safety going on over there. Those kids are all over the campus. They are walking to the hospital to eat lunch. If public safety is such an issue, why isn't the Board of Education and the principal of that school doing something about it? No they open the doors and let them go anywhere they want to go. Yet we are into the public safety issue. I hear something every day from some constituent that says we don't need what you are doing. This is a real problem. The people in the community as a whole believes that the project is ridiculous. Mr. Thompson personally has no problem with not continuing to deal with this any further. He would like to close it down, call it quits. You have a school that was not your priority to build prior to Edneyville in any event. With the way that this matter has come about and the way that it has been dealt with and the fact that we are dealing with a postage stamp, he has no problem with selling the Boyd property and the Fassifern Court property and moving on as best we can in later years to do what we need to do about the school system.

Commissioner Hawkins feels the County has worked well with the Board of Education and he feels we will in the future. He doesn't feel at this point the County can buy into a \$63-65m project that was the option the Board of Education favored during the recent correspondence. Even if we started at that price tag as soon as possible, the students at HHS are going to be in the Stillwell building for the next three years before anything happens. As Commissioner Messer pointed out, the Board has put a considerable amount of money in some of the issues of preserving the Stillwell building. We put a new roof on it, we changed out the HVAC system and additional safety items with steps. We are in process of sealing up the building for moisture. He feels it would be adequate for classrooms for the foreseeable future. He suggested following up on Commissioner Thompson's statement. We've been chasing this price tag for the last two to three years. We have had significant delays that have driven the price up. Our resident architect from Laurel Park came to the Board with a half-baked idea about how we could save money. When the Board of Commissioners contacted the construction company he referred to, they wouldn't even come and look and what was suggested. That delayed the timing on getting the process started. And then we ran into a big project with the City of Hendersonville and stumbled for another three months waiting for some kind of resolution on rezoning. In the process, the City also wanted some additional parking and we as a Board went ahead and bought some property (Fassifern Court) to dedicate to that request. The City of Hendersonville and the other delays has cost the taxpayer about \$4.8m in architect fees and other studies that we have done trying to find some resolution. As Commissioner Thompson pointed out we have heard a lot of negatives of safety, noise, etc. on the location. He feels that the Board of Commissioners need to respond back to the Board of Education's inquiry and from his position that we

will not be able to support Option A financially. In the same letter he would request input from the Board of Education for the capital projects for the next four years. This Board needs to know that and what the plan is for the Stillwell building. If they are able to raise millions of dollars from the non-profits that doesn't affect us at all in that the Board of Education owns the Stillwell building and they can sell it or do whatever their Board decides to do with it. The Boyd property however is owned by the County and you might wonder why we would need to own the land and plan to build a building on it. The answer is simple. Many years ago the general assembly allowed via a bond referendum or by majority of vote on the Board of Commissioners to finance schools. However, to finance the schools you must own the land that it is built on. The schools that we have built in the past number of years, the land is owned by the County, as collateral for the borrowing agency so that we can borrow the money to build the building. Once that debt is paid off the County transfers that land to the Board of Education for a nominal fee. He feels Commissioner Thompson has the right idea about moving forward with correspondence to the Board of Education asking them to identify what they think their capital needs are going to be in the coming four years. We are getting ready to go into a reevaluation and this Board needs to know number one what that turns out to be and number two we need to be able to plan for four years of capital investments and adjust our tax rate accordingly and look at our debt service accordingly. With new debt service coming on and debt service that will be coming off, you need those factors to plan with. In the meantime he feels the county will do well to explore via a commercial realtor what we might be able to sell the Boyd property for that we bought to build a new school on, which turned out to be more of a request to renovate the Stillwell building which is a totally different subject, and see if we can recoup some of that \$4.8m that we have spent trying to find a path for the HHS back to the County tax payer.

Commissioner Lapsley stated the Board of Commissioners and the Board of Education exist at the vast of the state legislature. He understands that legislature made the decision that only one Board has taxing authority, the Board of Commissioners. It is this Board's decision to decide what the tax rate will be and how much money every tax payer in this county is going to be required to pony up in order to pay the expenses of operating this county including the education system. The School Board's responsibility is to look after our education program and to come up with what we should be doing and how we should do that. In that process the School Board works very hard and does a great job. We have worked extremely well together. On the former Balfour Academy the School Board came to this Board and said we need a new building for that program, we need to couple it with the Early College program and this Board agreed it was a great idea. The cost was questioned and the architect of record came up with a number, did a design, built it, and it's out there and we are all proud of it. Then in early 2015 the School Board asked for Edneyville Elementary School. This Board again agreed and looked at the options available and where should we build it. Again the architect of record was consulted and he came up with options for both boards to consider. The School Board recommended an option and the Board of Commissioners agreed. Money wise it meets the program and all the needs so we will break ground in the next few weeks on a new Edneyville Elementary School. In that same letter the School Board said that HHS has serious issues and problems and we need to deal with it, and need the help of the County Commissioners. So again we asked the architect to look at it and come up with options as to what we could do. Again, this Board's responsibility is to pony up the money. He feels when the School Board comes to us and says it will cost x amount of dollars, it is our responsibility to ask how did you come up with that amount of dollars, is this reasonable, and should the tax payers be billed and pony up the money to do that.

In recent weeks there has been considerable criticism of the project architect. He doesn't appreciate this and he feels the project architect has done a good job and has done everything asked of him on all projects. He has seen no evidence of tinkering with numbers or trying to make one option look better than another. The criticism of the architect is unfounded and he should know that. He pointed out that the architect was chosen before he joined the Board but his recollection is that in 2014 the School Board advised the Board that there were a number of capital improvement projects in the education system

coming up in the near future that the county commissioners decided that the best thing to do for the economy and consistency was to select a project architect of record to address all of these capital projects. So the Commissioners and the School Board had a joint committee that went out and solicited proposals from architects of their qualifications and jointly recommended to the School Board and to the County the selection of the architect. Again, this was cooperation between the School Board and the Board of Commissioners in the selection of the architect. Here we are in these three projects when he joined the Board late 2014. We were presented with three projects, Balfour Academy/Innovative High School, Edneyville Elementary, and Hendersonville High School. He is proud of what has been done and how hard we have worked to come up with the best projects for the lowest cost to the tax payer. In the end it is the tax payer who has to pay the bill. The decision that this Board went through almost 18 months ago with good dialogue and evaluation by both parties went well. There were delays and it is a shame that we get down to this point where we are ready to go with a brand new state of the art facility for the students, the best we could get for the students – and we had gotten there, and then all of the sudden a couple of months ago we find out that by the way we need a larger auditorium and a second gym with increased cost. This is what caused all of the turmoil and where we are today. We can go around pointing fingers about who said this and who did that but in the end that is where we are at. We have an issue related to cost that this commission has to deal with. When we wake up in the morning and we see headlines like in the paper this morning criticizing this Board for its authority, this is totally out of bounds and inappropriate and unfair to criticize this Board for acting within what he believes is their authority and their responsibility. If there is a substantial amount of folks in the community that feel this Board has overstepped its bounds then he would encourage that they select one of several options. 1) File a lawsuit and try and stop this Board from fulfilling its responsibility. 2) Contact legislatures and get a bill passed to change the law to give the School Board authority to tax the people of the county to make these decisions. 3) Get active and involved in the election of this Board and get people on here that think otherwise.

Each of the commissioners run by district, each represents a district of the county. But we are elected county wide. That means that all of the voters in this county cast a vote for or against anyone sitting on this Board. Over the last 18 months to 2 years every commissioner (elected throughout the county) every day and every week we travel throughout the county. He goes to the grocery store in Mills River, gas stations in Fletcher, to the south side of the county. He feels every commissioner will agree that when they stop in a store or see someone they know he asks how they are doing and by the way...what do you think the commissioners should do about HHS. Invariably in all of those places outside the Hendersonville City limits we hear “you people are crazy, why are you spending \$65 - \$70m on a high school in Hendersonville. The commissioners must then go through a justification process. We are absolutely influenced by this, because these are the people who vote in the election who put us into office. If you look at election statistics, where are most of the people are from? We have four high schools. Tax payers in this county that have children in the school system go to those four high schools. Well three of the four high schools are outside of the Hendersonville City limits and their loyalties are there. So talking to those talk payers they are the part of the group that says “What are you doing, this is crazy?” This is the real world of the political arena that we operate in.

The cost increase has impacted this Board. Commissioner Lapsley has worked personally very hard in the last two months, especially the last 30 days, to try and reach a compromise a conclusion that everybody could live with and support for the kids. We were that close a week ago, and then things like this come out in the paper a day before we are going to meet and this Board gets land blasted and human nature being what it is this is not a good thing. This gets people’s hair to stand up on the back of their neck and it is unfortunate that this project has been caught up in a local political situation that in the end the students and the education program is going to suffer. He feels bad but we must move on with a decision on this project. With all due respect to the Chairman we have kicked the can down the road

again and again. He doesn't see that anything different is going to happen 2-3 months from now and that is sad. He is so disappointed in the outcome and where we are but he is tired. He is tired of dealing with it. This Board has a lot on its plate. We have to deal with school resource officers and many other things to try to fund and reach out to the tax payers and ask for their support and help. He feels that we need to close the door on this one and if it needs to be reopened again in two or three years or four years, maybe after all of us have been thrown out of office and new people come in...so be it. He is not prepared to proceed with the project any further. As far as the sale of the property associated with the project, we have spent over \$4m in planning and architect fees and demolition, etc. on this project to date since buying the property on the assumption that it would be used for the school. If we are not going to do the project then we need to sale the property and recoup the tax payer's money. The only way to do that is to sale the property. He is as disappointed as anybody but staff needs to proceed to get RFP's and start the process which will take months to accomplish. If the Chairman can work out a miracle in the next sixty days then he is open to miracles. We need to stop the project with no more expenditures. A future Board of Commissioners and a future School Board can decide what to do at Hendersonville High School.

Commissioner Hawkins made the motion that the Chair respond to the Board of Education that the Board of Commissioners feel option A is not fiscally viable and that staff is directed to stop any expenditures on the Hendersonville High School project. He further moved that a list of Capital Improvements for the next four years be acquired from the Board of Education and, finally, that staff begin requesting RFP's for real estate services to sell all property acquired for the new Hendersonville High School .

Chairman Edney asked School Board Chair Amy Holt if she would like the opportunity to speak.

Amy Holt wanted to clarify a couple of points. First of all when the children at Hendersonville High are all out in the yard it is lunch time. They cannot fit into the cafeteria. They have two lunches and there is not room for them which is one of the reasons they need another school for safety reasons. Secondly her Board was directed to read the figures and meet and send a response back to the Board of Commissioners. So that is where the Board came from. Her Board was directed to look and respond. She wanted to make this clear.

Commissioner Thompson asked who directed this.

Amy Holt responded County Manager Steve Wyatt. That is where the letter came from.

Commissioner Thompson asked if she got the idea that she was given those options and she was to pick one.

Amy Holt responded absolutely, that is exactly what they were told.

Commissioner Thompson stated that this was not the way it was presented by Mr. Craven in the meetings he had dealt with. He asked Mr. Wyatt to address.

Steve Wyatt responded that they were getting things a little crossed. After Henderson County was approached by School Board Craven, we went through the process where he felt Mrs. Holt had met with each of the Board of Commissioners and it was a consensus there to go and look at those options and have those costed out. Then...what happens next? A communication, some form of communication. He wanted it in writing. He also suggested each school board member sign it however, talking with Chair Holt, and she said she would be signing the letter based upon those findings.

Amy Holt said that after the letter was sent and signed by her that Steve Wyatt requested that all school board members sign it and she said no problem she could get that...and you told me.

Steve Wyatt responded that going back to his conversation with Mr. Craven and Commissioner Messer, he had suggested some communication, a letter, and it would be best if it was signed by all the school board members. As someone has eluded, there are a lot of cooks in this kitchen, and the toast is burned.

Amy Holt responded yes.

Steve Wyatt stated to be clear a communication with something of this magnitude is in writing. Mrs. Holt did do what he had asked her to do and communicated the consensus of the Board through the letter and he appreciated her doing this.

Amy Holt said that everybody that is on her Board read the letter and approved the letter. There were two...I mean we said we prefer A, but if you are not willing to do A which was more expensive than C, then they would like to be able to have the money which was an average of the projects \$59m, which was option...that...close to what Option C was which she understood was a consensus of the Board of Commissioners. So if you are agreeing to spend that money they didn't want to do Option C, they did not want no auditorium in that building. For her Board this is not about Stillwell. We didn't...Option A doesn't include Stillwell in the school building, it just includes what is on those plans that we have received. So her Board is asking nothing to do with Stillwell right now. We are just asking to go with what is on those plans that we have been working off of now for 18 months.

Chairman Edney feels this goes back to his point that if we do anything going forward it needs to be Chair to Chair and not so many cooks in the kitchen.

Amy Holt responded absolutely.

Chairman Edney asked Mrs. Holt, based on her and her School Board's interpretation, does the School Board have a mind to talk about middle ground or options, some way to resolve this so everybody...

Amy Holt definitely does not want discussion to just end and it to be we are not doing a school. She feels like her Board feels that we need to do what is right by the students. It would be the same as any other district. If it was West they were talking about her Board would feel the same way about West High. She doesn't want discussions to end and simply not do anything with the building because that is not what is best for the kids. She will talk this through with anybody until she is blue in the face to do what is right for the school.

Commissioner Hawkins called to question.

The motion passed 4-1 with Chairman Edney voting nay.

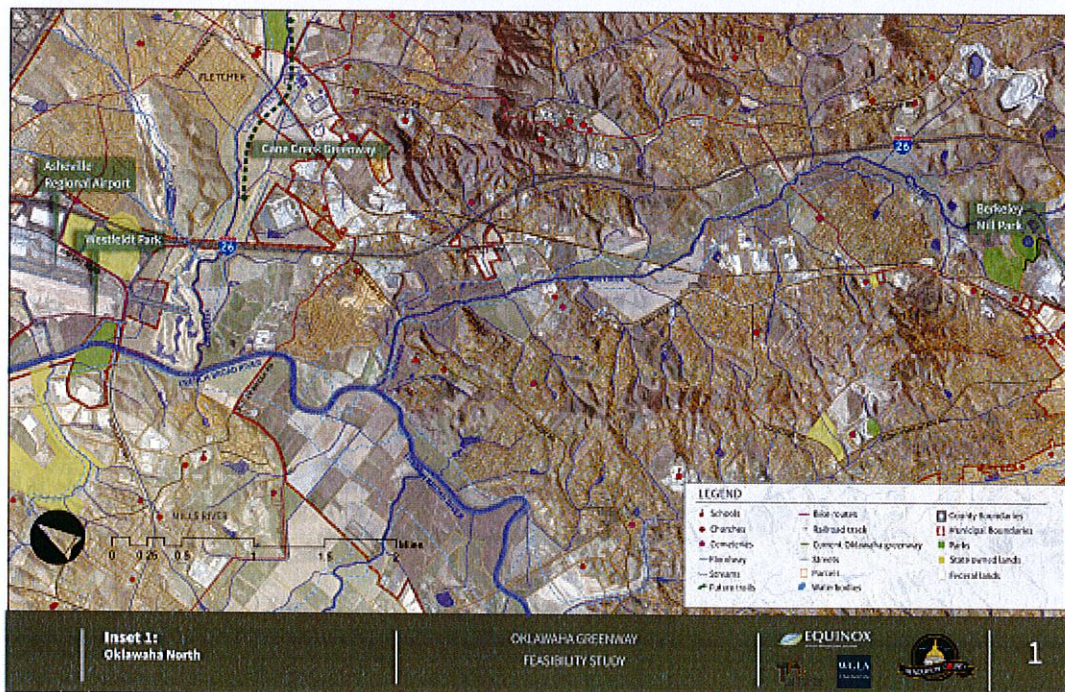
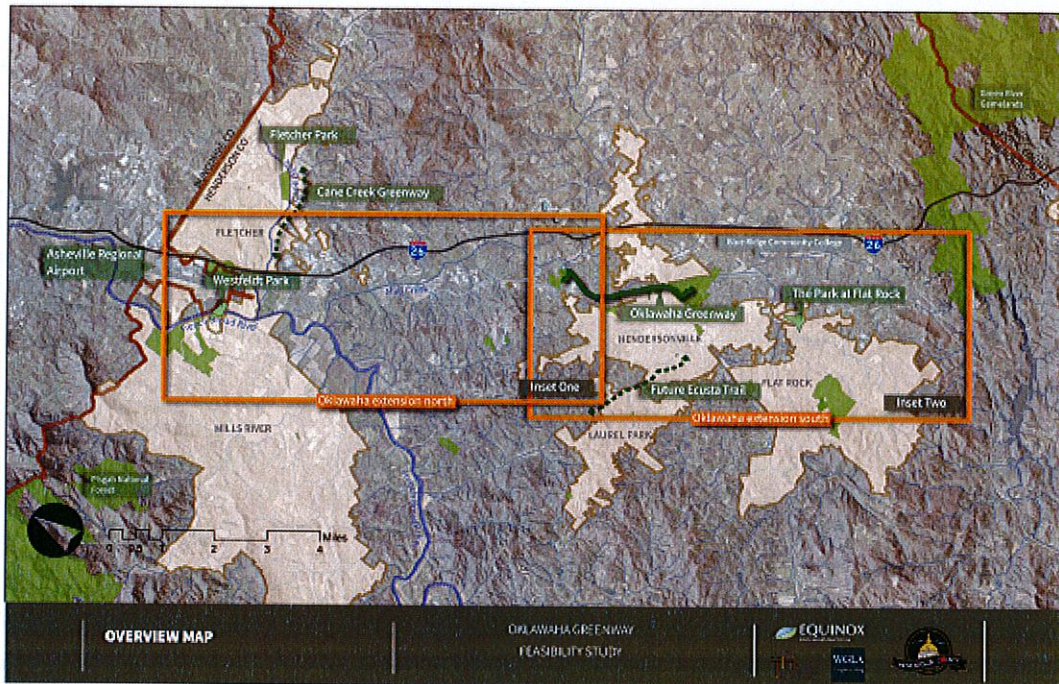
This action does not preclude the Chairman Edney from working with Chair Holt and try to come up with something and come back to the Board.

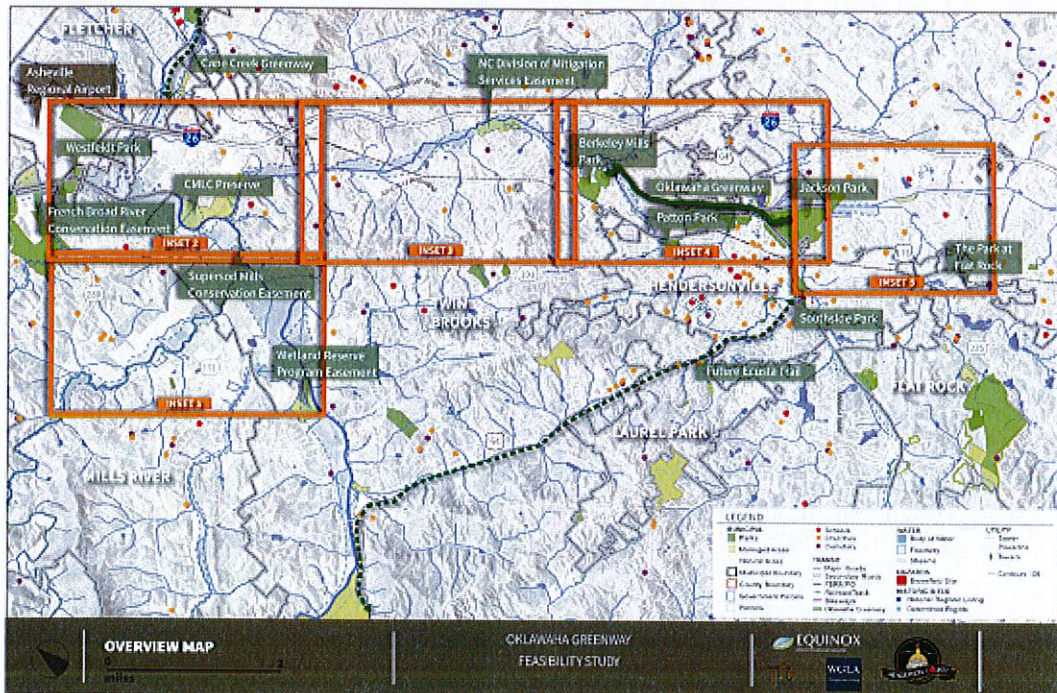
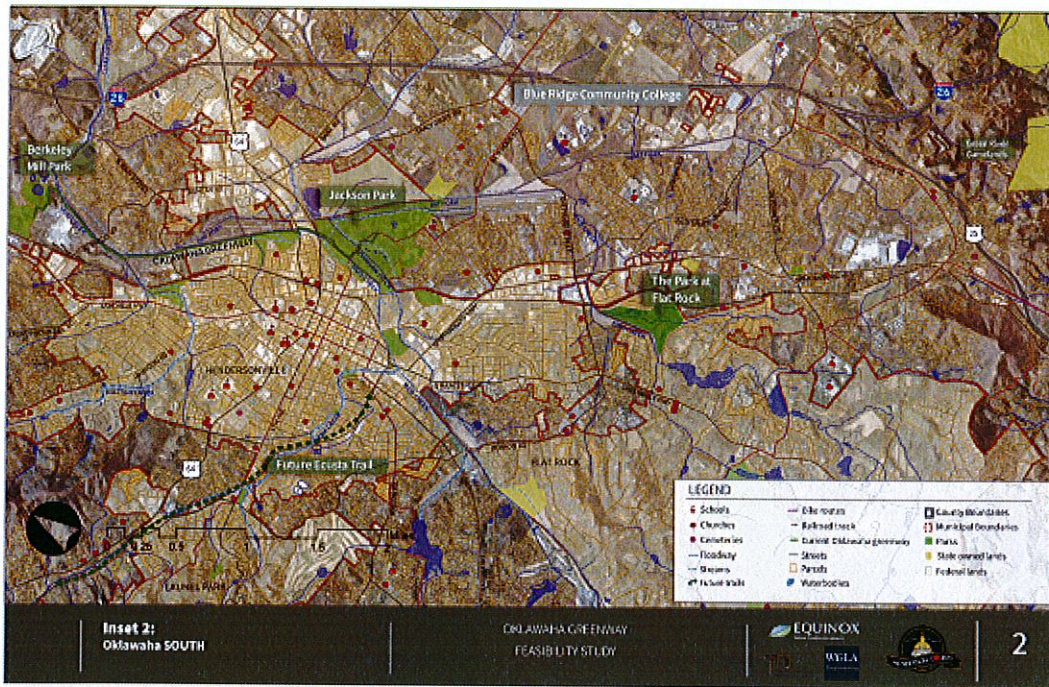
UPDATE ON THE OKLAWAHA GREENWAY FEASIBILITY STUDIES

John Mitchell, Business and Community Development Director, and David Tuch, President, Equinox Environmental provided an update.

In February of 2018, Equinox Environmental was selected to conduct feasibility studies for possible

northern and southern Oklawaha Greenway extensions. Equinox Environmental will provide an update on the schedule of work and ask for feedback from the Board of Commissioners concerning the project.





What we will be doing:

Task 1. Project Analysis & Current Conditions Assessment: Demographic, Cultural & Environmental Information

- Oversight Committee Kick off Meeting
- Data Collection & Base Mapping

Task 2. Opportunities & Barriers: Inventory & Assessment

- Inventory & Assessment

- Opportunities & Barriers Mapping

Task 3. Preliminary Landowner Outreach

- Identifying the Landowners- Develop a database of landowners within the corridor along Mud Creek and the French Broad River based on available GIS data.
- Landowner Workshop- Conduct a landowner meeting and with landowners that may be adjacent to the greenway to gauge interest in the greenway and willingness to provide a greenway easement.
- Work with key groups to assist with landowner outreach including the Henderson County Agricultural Extension and Conserving Carolina.

Task 4. Alternative Trail Alignments: Trail Recommendations

Task 5. 10-Year Action Plan

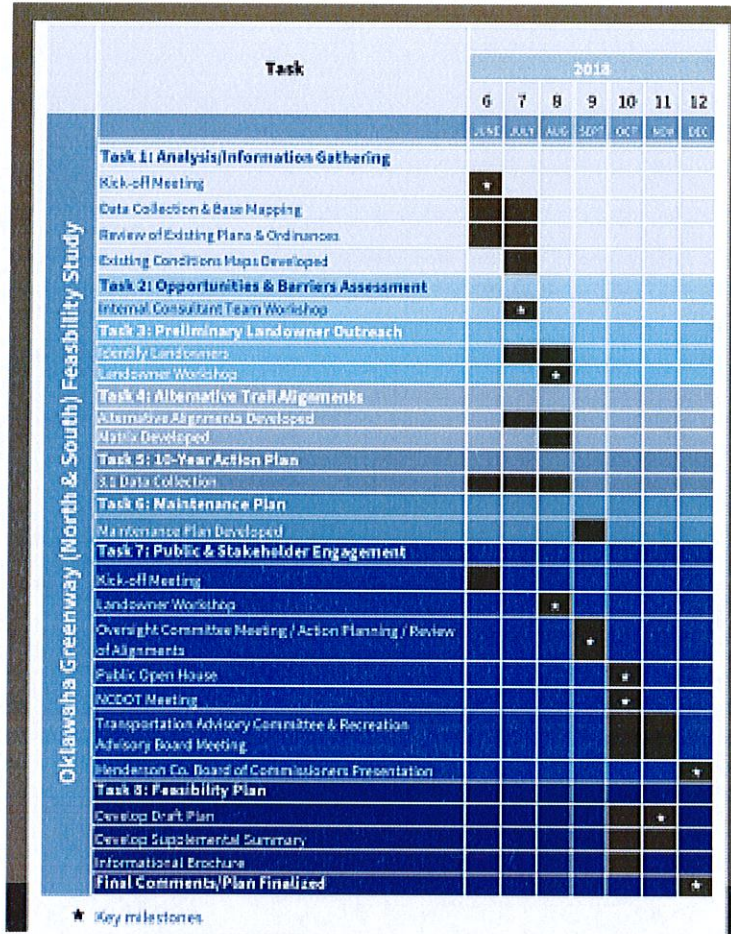
Task 6. Maintenance Plan

Task 7. Public & Stakeholder Engagement

- Kick-off Meeting
- Conduct Landowner Workshop
- Transportation Advisory Committee & Recreation Advisory Board Meeting (Committee/Commission Input)
- Client & Oversight Committee Meeting/Action Planning Workshop
- Public Open House
- NC DOT Review Meeting
- Henderson County Board of Commissioners

The image is a collage of project materials. On the left, a dark grey background features the text "What we will be doing" in large green letters, followed by "Task 8. Feasibility Study, Supplement & Brochure" in white. Below this is a "Network Typology" diagram with three columns: "Steep Slopes", "Wetlands", and "Along the River". Each column has a small image and a brief description. To the right, there is a large map titled "OPPORTUNITIES & CONSTRAINTS" showing a network of trails in various colors (blue, green, orange) over a topographic map. Below the map is a page titled "The Bike/Walk Boulevard" with a photograph of a paved path and text describing its benefits and conditions. At the bottom right, another "Network Typology" diagram is visible, showing a map with colored overlays.

The Schedule



Chairman Edney felt the project should be connected to the Carl Sandburg property and it was his memory that staff was directed so.

The Board felt it would be beneficial to have cost broken down into phases.

2018-86 ORDINANCE REVISION TO CHAPTER 16 (ANIMAL)

Brad Rayfield stated the Henderson County Sheriff's Department and Henderson County Animal Services Center have worked together to make improvements to Chapter 16 (Animals) of the County Ordinance. These revisions were presented to the Animal Services Advisory Committee and discussed, in committee, at both the July 13, 2017, and August 7, 2017, meetings. On August 7, 2017, the Advisory Committee voted to recommend the proposed revisions to the Henderson County Board of Commissioners for consideration.

Draft Revisions to Chapter 16, Animals

Brad Rayfield, Animal Services Director & Lt. Mike Marsteller, Animal Enforcement Supervisor were present to answer any questions the Board may have.

On October 18, 2017, these changes were presented to Henderson County Board of Commissioners. The Board wanted three concerns reviewed before approving the changes. On April 12, 2018, Animal Services Advisory Committee reviewed the concerns.

In addition to staff being available during the meeting, the following points provide an explanation for the proposed revisions:

- 1) The first concern was the verbiage of fines and fees in Chapter 16 and ensuring that money collected from fines and forfeitures are being properly directed to public schools.

Money collected from civil fines in Chapter 16 are appropriated to maintain public schools as outlined in ARTICLE IX, SECTION 7, "EDUCATION" of the North Carolina State Constitution. Staff have revised **§16-19 Violations and penalties** to bring clarity and establish continuity between Henderson County Code and ARTICLE IX of the North Carolina State Constitution. The Animal Services Advisory Committee has reviewed staff revisions and suggested additional revisions. Revisions are highlighted in blue in the Chapter 16 draft provided.

- 2) The second concern was related to citizen complaints regarding noise from livestock operations, specifically poultry. The Board directed staff and the Animal Services Advisory Committee to look at §16-104 in the current ordinance to identify changes that would address noise.

In Chapter 18-3 Henderson County Code (referenced below) there's already an ordinance that could offer a remedy to the issues of noise associated with poultry and other livestock. The Animal Services Advisory Committee voted not to revise or add anything to Chapter 16. If Chapter 18-3 does not adequately address your concerns pertaining to livestock, the Animal Services Advisory Committee will explore revisions or additions to Chapter 16.

§18-3. Loud and Disturbing Noise Prohibited. (C) The following acts, among others, are declared to be loud and disturbing in violation of this section if they annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary firmness and sensibilities in the vicinity where created, caused, or continued, but this enumeration shall not be deemed to be exclusive.

(3) The keeping, owning, possessing, harboring, or controlling of any animal or bird which barks, bays, yelps, howls, cries, squawks or makes any other unreasonably loud, disturbing noise continuously or incessantly for a period of 10 minutes or intermittently for a period of 30 minutes or more, thereby causing a noise disturbance.

- 3) The third concern was related to animal enforcement services being provided to municipalities by Henderson County.

The Animal Services Advisory Committee voted not to recommend any changes to Chapter 16-2 Authority and Territorial Application.

Everything below this point are revisions brought to you on October 18, 2017. These changes are highlighted in yellow in the Chapter 16 draft.

- **Page 1, § 16-1. Definitions (6):** Animal Enforcement and the Animal Services Advisory Committee are recommending the removal of §16 -27. If removed, this definition can be eliminated.
- **Page 3, § 16-1. Definitions (32):** The change is intended to underline the need for people to secure agreements in writing when asking friends or family members to temporarily keep their animals. When dealing with animal reclaims, we encounter situations when verbal arrangements cloud ownership.

- **Page 5, § 16-7. Interference or concealment. E:** This is an effort to penalize people who surrender animals under false pretense. This type of activity elevates the risk of wrongfully euthanizing an animal and is a risk to public safety.
- **Page 7, § 16-10. Dangerous/potentially dangerous dogs restricted. D (4):** This is an effort to let citizens know their options, under NCGS 67-4.1. for further appeals after the appellate Board's affirmation.
- **Page 8, § 16-10. Dangerous/potentially dangerous dogs restricted. E (5) b:** This change is an effort to prevent a dangerous dog from taking up shelter space for a long period of time. It's also recommended to remove the word private as well so that the shelter can still be an option if space is available.
- **Page 9, § 16-14. Impoundment:** The term relinquishment was added to the title of this provision because this section should also apply when an animal is brought to the shelter by a citizen.
- **Page 9, § 16-14. Impoundment. C:** Concern from Animal Shelter and Animal Services Committee is that making civil penalties due prior to release of an owner's animal will overcrowd the shelter if person is given 30 days to pay.
- **Page 10, § 16-14. Impoundment. D (6) e:** This section needs to be deleted because adopting a dog deemed aggressive or dangerous is prohibited under § 16-10. Dangerous/potentially dangerous dogs restricted. H. (2) c.
- **Page 10, § 16-14. Impoundment. H (1):** This will help county staff determine proper steps in rabies cases, locating an owner, and notifying an owner of their animal's location.
- **Page 10, § 16-14. Impoundment. H (2):** We need contact information to facilitate proper action in public health cases for locating owners or additional information related to animal's health or temperament etc.
- **Page 10, § 16-15. Voluntary relinquishment of animals companion animals:** This change keeps the public from using the shelter as a resource to get rid of unwanted animals like, snakes, birds, rabbits, livestock etc. An intake shelter is governed by laws that mandate holding periods for companion animals and to accept other animals hinders the shelter's ability to comply with laws related to minimal hold periods. The shelter will provide information to citizens that will help them place their unwanted animal. As a policy, the shelter will accept animals besides dogs, cats and ferrets when resources are available.
- **Page 11, § 16-15. Voluntary relinquishment of animals companion animals. F:** This change is to keep a dangerous dog that has been signed over from being returned to the owner once the owner has signed the animal over to Henderson County. It also still allows surrendered animals those which have not been deemed dangerous to be reclaimed for all applicable fees.
- **Page 11, § 16-17. Euthanasia of wounded, diseased, and unwanted animals:** Animal Enforcement Officer was added because after-hours emergencies may require them to contact an owner.

- **Page 13, § 16-19. Violations and penalties D (5):** Allows Animal Enforcement Sergeant to extend the time a person must pay a citation.
- **Pages 15 and 16, §16 -27. Aggressive Dog Controls:** Animal Enforcement and the Animal Services Advisory Committee recommends the removal of this section. § 16-8. Public nuisances prohibited or § 16-10. Dangerous/potentially dangerous dogs restricted, are being used instead of §16 -27 Aggressive Dog Controls
- **Page 18, § 16-53. Destruction or confinement of animal bitten by known rabid animal.** NCGS 130A-197 has been cited as an alternative to destruction.
- **Page 19 and 20, § 16-59 Spay-Neuter Assistance Incentive Program A:** Including a rabies vaccine strongly underscores the importance to the animal’s health, but more importantly public health.
In many cases, participation in this program could be the only time these animals will see a veterinarian and the only opportunity for a rabies vaccination to be administered to the animal.
- **Page 20, § 16-59 Spay-Neuter Assistance Incentive Program C (2):** We would like to use money allocated to this program to advertise the Spay Neuter Incentive Program
- **Page 20, §16-86. Companion Animal Registration:** Replacing domestic with companion to clarify that livestock is not to be included.

County Attorney Russ Burrell is to work with the Animal Services Committee and address fines in §16-9 and bring it back to the Board for further discussion and direction.

Commissioner Hawkins made the motion that the Board approves the revisions to Chapter 16 of the County Ordinance as presented.

OPIOID TAX FORCE UPDATE

Commissioner Lapsley provided an update the Board on his efforts related to the establishment of an Opioid Task Force. The issue has become serious in our County. The Task Force has a lot of expertise. They met in June and it is clear that many are dedicated but they need direction. Commissioner Lapsley asked the Commissioners to appoint a Substance Abuse Task Force.

Mission – The Task Force is empowered by the County Commissioners to:

- (1) Assess the community effort to identify & assist those citizens who have become victims of substance in Henderson County and...
- (2) Recommend a community plan to reduce substance abuse in Henderson County.

Timetable – Task Force to meet monthly for 6 months and present recommendations to the County Commission by February 1, 2019.

Task Force Members – Citizens (14) appointed by the County Commission to include:

Substances / Legal Substances	Blake Fagan, MAHEC
Illegal Substances	Frank Stout, Henderson County Sheriff’s Office
Victim Assistance	Steve Smith, Henderson County Public Health Jerrie McFalls, Henderson County DSS Judy Long, Free Clinics

Treatment Programs / Inpatient	John McCarty, MD, Pardee ER Hospital Rebecca Robinson, MD, Park Ridge Hospital William Medina, MD
Outpatient	Linda Davidson, Blue Ridge Health Joe Yurchak, Family Preservation
Education / Prevention	Julie Honeycutt, Hope RX
Public at Large Member	Stephen Mace
County Commission	William Lapsley
Legal Defense Council	J. Michael Edney

Chairman Edney requested to be part of the Task Force and stated Dinette Butler (Family Preservation) would also like to be part of the Task Force.

Commissioner Lapsley feels we need to know how many people we are dealing with and how we can help them. What the cost will be and where the funding will come from.

Commissioner Thompson made the motion to accept the timetable and members and directed staff to help at request, and further moved that Commissioner Lapsley be the Chairman of the Task Force. All voted in favor and the motion carried.

2018-87 RETIREE HEALTH INSURANCE

Chairman Edney has requested discussion of a revision to the retiree health insurance program, adding an additional provision for eligibility. The revision would add a category for employees who are at least 50 years of age, with 25 years actual years’ benefit eligible service with Henderson County, whether consecutive or not. All other provisions for eligibility, and premium payments, in the Retiree Health Insurance Program would remain intact.

Amy Brantley shared the following information:
Retiree Health Insurance Program (RHIP)

Revision – The revision would add a category for employees who are at least 50 years of age, with 25 years actual years’ benefit eligible service with Henderson County, whether consecutive or not. All other provisions for eligibility, and premium payments, in the Retiree Health Insurance Program would remain intact.

Potential Personnel Impact

Current benefit-eligible employees = 762. And of those:

- 23 - Over 65 and therefore eligible for Medicare
- 39 - Are already eligible for the RHIP
- 2 - Employees would not be impacted as they were under 20 when hired
- 444 - Employees would not be impacted as they were over 30 when hired

254 employees remain who have the potential to be impacted by the revision

- 10 employees would immediately become eligible for the RHIP, with the % covered by the County:
 - Sheriff’s Department – 3

- EMS – 2
- Human Resources – 1
- Recreation – 1
- Health – 1
- DSS – 2
- During FY 2019 – 0 employees
- During FY 2020 – 6 employees
 - Sheriff – 3
 - EMS – 1
 - Tax Collector – 1
 - DSS – 1

Potential Financial Impact in FY 2019

- Average Annual Cost per Retiree (based on FY2017 actuals) = \$21,317
 - Maximum Stop Loss Amount = \$190,000
 - 10 retirees potential range (\$213,170 - \$1,900,000)*
- *Does not include potential dependent costs

Chairman Edney made the motion to revise the Health Insurance Program for employees who are at least 50 years of age, with 25 years of actual years' benefit eligible service whether consecutive or not. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

County Manager Steve Wyatt informed the Board that the Monuments of Freedom are in their final stages with only landscaping to complete. He will be providing details of the time for a ceremony to the Board soon.

Steve Wyatt informed the Board that Rachel Kipar had accepted another job with Recycling Partnership, a National Non-Profit. Her last day with the County is Friday, July 27th. She has served all well with a unique passion for her field. She will be greatly missed.

Rachel Kipar thanked the Board and staff for the opportunity she had been provided working with the County.

CANE CREEK WATER AND SEWER DISTRICT

Chairman Edney made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Please see separate minutes for Cane Creek Water and Sewer District.

Chairman Edney made the motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Board of Commissioners. All voted in favor and the motion carried.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, & (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge or grievance against an individual public officer or employee.

Chairman Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5) & (6), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.

ADJOURN

Commissioner Messer made the motion to go out of closed session and adjourn at 1:25 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, Chairman



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2018-04; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on July 18th, 2018; and

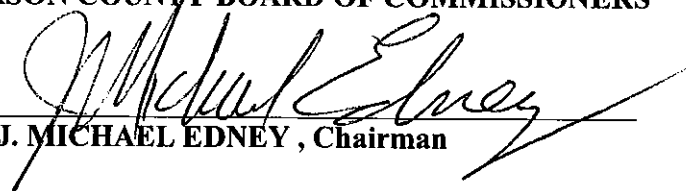
WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

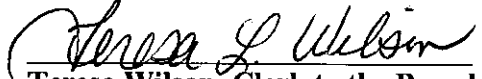
1. That the Board reviewed the proposed map amendment (#R-2018-04 applicant/agent Mr. Roger Gagnon) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 18th day of July, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
J. MICHAEL EDNEY, Chairman

ATTEST:


Teresa Wilson, Clerk to the Board

[COUNTY SEAL]



Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66
 HENDERSONVILLE, NC 28792
 PHONE: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners
 1 Historic Courthouse Square, Suite 1
 Hendersonville, NC 28792

Monday, July 02, 2018

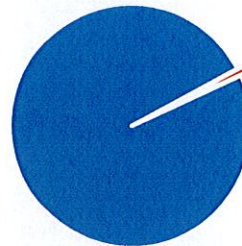
Re: Tax Collector's Report to Commissioners - Meeting Date July 18, 2018

Please find outlined below collections information through June 30, 2018 for the 2017 real and personal property bills mailed on August 4, 2017. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2017 Beginning Charge: \$71,441,669.67
 Discoveries & Imm. Irreg.: \$556,991.18
 Releases & Refunds: **(\$643,254.59)**
Net Charge: \$71,355,406.26
 Unpaid Taxes: \$679,564.02
Amount Collected: \$70,675,842.24

Paid
99.05%



Unpaid
0.95%

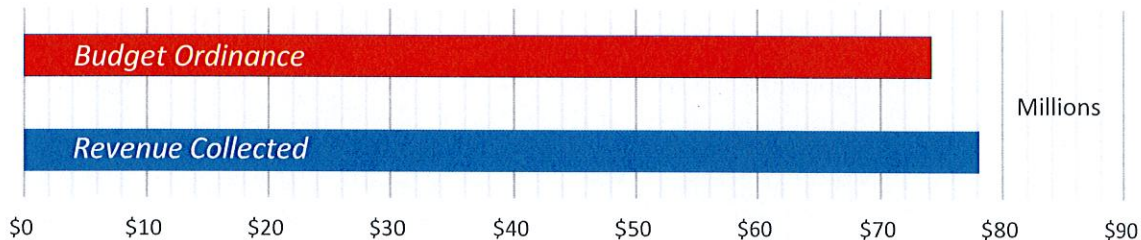
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge: \$6,148,065.27
 Unpaid Taxes: \$63,625.65
Amount Collected: \$6,084,439.62

98.97%

Henderson County FY18 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$72,826,301.00	\$76,760,281.86
Prior Years:	\$1,405,000.00	\$1,423,579.89
Budget Total:	\$74,231,301.00	YTD Revenue: \$78,183,861.75



Respectfully Submitted,

Luke Small
 Deputy Tax Collector

Darlene Burgess
 Tax Administrator

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
www.hendersoncountync.org

J. MICHAEL EDNEY
Chairman
GRADY H. HAWKINS
Vice-Chairman

CHARLES D. MESSER
WILLIAM G. LAPSLEY
THOMAS H. THOMPSON

July 18, 2018

Darlene Burgess, Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, N. C. 28792

Dear Mrs. Burgess:

Attached please find tax release requests in the amount of \$2,122.98, and tax refund requests in the amount of \$1,256.97, reviewed at the Henderson County Board of Commissioners' Meeting on Wednesday, July 18, 2018. All releases and refunds were approved.

Sincerely,


J. Michael Edney, Chairman
Henderson County Board of Commissioners

JME/tlw

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF
COMMISSIONERS**

MEETING DATE: July 18, 2018
SUBJECT: Pending Releases & Refunds
PRESENTER: Darlene Burgess, Tax Administrator
ATTACHMENT: Yes
1. Pending Release/Refund Combined Report

SUMMARY OF REQUEST:

The attached pending releases and refunds have been reviewed by the Assessor. As a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 2,122.98
Total Refunds as a Result of the Above Releases	\$ 1,256.97

BOARD ACTION REQUESTED:

The Board is requested to approve this pending release and refund report as presented.

Suggested Motion:

I move the Board approve the Combined Release/Refund Report as presented.

NCPTS Pending Release/Refund Report. Tuesday, July 03, 2018*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND	
METCALF, NELL	0000414558-2013-2013-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2013.	(\$10,200)	4922	R00NES	HENDERSON COUNTY NC	TAX		\$52.39	\$0.00	\$52.39	\$0.00	
							LATE LIST FEE		\$5.24	\$0.00	\$5.24	\$0.00	
							TOTAL:		\$57.63	\$0.00	\$57.63	\$0.00	
							TAX		\$8.67	\$0.00	\$8.67	\$0.00	
		REAVEN ROCK/SALUDA FIRE						LATE LIST FEE		\$0.87	\$0.00	\$0.87	\$0.00
		TOTAL:								\$9.54	\$0.00	\$9.54	\$0.00
		ABSTRACT TOTAL:								\$67.17	\$0.00	\$67.17	\$0.00
PACE, ELIZABETH	0000414558-2014-2014-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2014.	(\$10,200)	4921	R00NES	HENDERSON COUNTY NC	TAX		\$52.39	\$0.00	\$52.39	\$0.00	
							LATE LIST FEE		\$5.24	\$0.00	\$5.24	\$0.00	
							TOTAL:		\$57.63	\$0.00	\$57.63	\$0.00	
							TAX		\$8.67	\$0.00	\$8.67	\$0.00	
		REAVEN ROCK/SALUDA FIRE						LATE LIST FEE		\$0.87	\$0.00	\$0.87	\$0.00
		TOTAL:								\$9.54	\$0.00	\$9.54	\$0.00
		ABSTRACT TOTAL:								\$67.17	\$0.00	\$67.17	\$0.00
RAMOS, ELIDEL	0000363629-2017-2017-0000	THIS MANUFACTURED HOME IS PERSONAL PROPERTY AND NOT REAL PROPERTY. REMOVED AS REAL PROPERTY FOR 2017.	(\$88,100)	4925	MSUTTON	275 CAROLINA CIR HENDERSONVILLE NC 28792	TAX		\$605.68	\$605.68	\$497.77	\$497.77	
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00	
							TOTAL:		\$128.64	\$128.64	\$497.77	\$497.77	
							TAX		\$105.72	\$105.72	\$105.72	\$105.72	
		MOUNTAIN HOME FIRE						LATE LIST FEE		\$0.00	\$0.00	\$0.00	
		TOTAL:								\$105.72	\$105.72	\$105.72	\$0.00
		OWNER TOTAL:								\$203.19	\$203.19	\$203.19	\$0.00
		ABSTRACT TOTAL:								\$68.85	\$68.85	\$68.85	\$0.00
RAMOS, ELIDEL	000010913-2017-2017-0000	MANUFACTURED HOME WAS DESTROYED IN 2016. ABSTRACT VOIDED FOR 2017.	(\$3,600)	4934	DTUCKER	56 CHANDLER LN HENDERSONVILLE NC 28792 NC	TAX		\$20.34	\$20.34	\$20.34	\$20.34	
							LATE LIST FEE		\$2.03	\$2.03	\$2.03	\$2.03	
							TOTAL:		\$22.37	\$22.37	\$22.37	\$22.37	
							TAX		\$22.37	\$22.37	\$22.37	\$22.37	
		OWNER TOTAL:								\$22.37	\$22.37	\$22.37	\$0.00
		ABSTRACT TOTAL:								\$603.49	\$603.49	\$603.49	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, July 03, 2018*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	DISTRICT	TAX COUNTY	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TAVEL, MINDY	0000441059-2016-2016-0000	THIS MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 702005 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2016.	(\$12,800)	4924	RJONES	HENDERSON COUNTY NC	COUNTY		TAX	\$72.32	\$0.00	\$72.32	\$0.00
									LATE LIST FEE	\$7.23	\$0.00	\$7.23	\$0.00
									TOTAL:	\$14.72	\$0.00	\$14.72	\$0.00
									FLETCHER FIRE TAX		\$0.00	\$14.72	\$0.00
									LATE LIST FEE	\$1.47	\$0.00	\$1.47	\$0.00
									TOTAL:	\$16.19	\$0.00	\$16.19	\$0.00
									ABSTRACT TOTAL:	\$95.74	\$0.00	\$95.74	\$0.00
	0000441059-2017-2017-0000	THIS MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 702005 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2017.	(\$12,800)	4923	RJONES	HENDERSON COUNTY NC	COUNTY		TAX	\$72.32	\$0.00	\$72.32	\$0.00
									LATE LIST FEE	\$7.23	\$0.00	\$7.23	\$0.00
									TOTAL:	\$14.72	\$0.00	\$14.72	\$0.00
									FLETCHER FIRE TAX		\$0.00	\$14.72	\$0.00
									LATE LIST FEE	\$1.47	\$0.00	\$1.47	\$0.00
									TOTAL:	\$16.19	\$0.00	\$16.19	\$0.00
									ABSTRACT TOTAL:	\$95.74	\$0.00	\$95.74	\$0.00
									OWNER TOTAL:	(\$25,600)		\$191.48	\$0.00
									GRAND TOTALS:	(\$287,528)		\$2,122.98	\$1,256.97

*Adjustments submitted for approval on or before

Excise tax: \$0.00

This instrument was prepared by Samuel H. Fritschner

Return to: City of Hendersonville Box

EASEMENT GRANT

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

KNOW ALL MEN BY THESE PRESENTS, that the County of Henderson, hereinafter called the "Grantor," of the above named County and State have, for and in consideration of the sum of \$10.00 and other good and valuable consideration, has given, granted, sold and conveyed by these presents does give, grant, sell and convey unto the City of Hendersonville, a North Carolina Municipal Corporation, herein the Grantee, its successors and assigns an easement over and upon the lands fully described hereinafter, and attached to that real property described in those deeds recorded in Book 1050 at page 731, Henderson County Registry, for the purpose of constructing, maintaining and keeping in repair and operation water, pipe lines and conduits and all necessary appurtenances thereto in anywise appertaining with the right and privilege of ingress, egress and regress for the purpose of maintaining or enlarging said pipe lines and conduits and for making such excavations, cuts and fills as may be requisite and necessary to the maintaining of said pipe lines and conduits and such additions thereto as may from time to time become necessary.

BEING an easement for the installation, maintenance, extension and withdrawal of a public water utility line as shown on the attached survey for a more accurate description.

AND there is also granted herewith a temporary construction easement as shown on said attached survey, to last from the beginning of construction until project completion for the purpose of laying and constructing a water line.

The Grantee agrees that during the construction phase, on days when school is in session, Grantee shall not allow any construction between the hours of 7:30 a.m. and 8:30a.m., and between the hours of 2:15p.m. and 3:15p.m., to allow for high volume traffic ingress and egress to the School (the "Non-Activity Time").

AND the Grantee is further granted the right to use the said easement for operation and maintenance of the said water line. Upon completion of any work hereunder the Grantee shall restore the premises first above described to a condition as near the pre-construction condition as practicable, including the original topography, and shall repair all existing driveways and walkways damaged by the Grantee or its agents to their pre-construction condition. The Grantee shall interfere as little as reasonably possible with any plantings or improvements on said property of the Grantor, and shall further replant or replace, at the Grantee's option, any naturally-occurring or ornamental flora damaged during construction, as determined by the Grantee's Utilities Director or other authorized representative of the Grantee to be non-intrusive to the pipe line(s) and conduits being installed; provided further, the Grantor shall not erect any structures upon the easement or construct a street across said easement without the prior express written consent of the Grantee.

The Grantor covenants to and with the Grantee that the Grantor has is seized of the aforementioned real property in fee simple and has the right to grant said easement; that the Grantee shall have quiet and peaceful use and possession of said easement free from interference by all person whomsoever.

To have and to hold the described easements to the full extent set forth herein. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in accordance with the terms hereof, that title is free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

By: _____ (SEAL)

Steve Jtc

Title: County Manager

CITY OF HENDERSONVILLE
GRANTEE

by: _____
John Connet
City manager

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Teresa L. Wilson, a Notary Public of County and State aforesaid, certify that Steve Wyatt, authorized to sign in accordance with NCGS 57C-3-24 for Henderson County, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 15th day of July, 2018.

My commission expires: 10/15/2021

Teresa L. Wilson
Notary Public

State of North Carolina
County of Henderson

I, _____, a Notary Public of the County and State aforesaid, certify that John F. Connet in his capacity as city manager of the City of Hendersonville appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of July 2018.

Notary Public

SEAL

My commission expires:

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: 18 July 2018

SUBJECT: **FY 2017-2018 Tax Collector's Settlement;
Approval of Bond Amounts for Tax Collector/Deputy;
FY 2018-2019 Tax Order For Collection**

PRESENTER: **Darlene Burgess, Tax Administrator**

ATTACHMENT(S): **Proposed Order and Resolution**

SUMMARY OF REQUEST:

It is time once again for the delivery of the tax receipts to the Henderson County Tax Collector; however before they can be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

- (a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.
- (b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.
- (c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
- (d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today's meeting, which will charge the Tax Collector with the collection of FY 2018-2019 taxes, plus all outstanding delinquent taxes.

The tax collector will be available to present further information on this matter.

BOARD ACTION REQUESTED:

Approval of tax collector's settlement for FY 2017-2018 taxes and approval of order of collection and charge for FY 2018-2019 taxes.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the tax collector's settlement for Fiscal Year 2017-2018 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2018-2019 taxes.

Resolution Approving the Settlement with the Tax Collector for the 2017-2018 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the previous tax year prior to delivery of the tax receipts to the Tax Collector for the current tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the previous tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2017-2018 tax year taxes, and all delinquent taxes charged to the Tax Collector for prior tax years;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Settlement for the 2017-2018 taxes charged to the Tax Collector is hereby approved. The Board finds:
 - a. All prepayments received by the Tax Collector were properly deposited;
 - b. The settlement is in proper form;
 - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the 2017-2018 fiscal year; and
 - d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.

2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

THIS the 18th day of July, 2018.

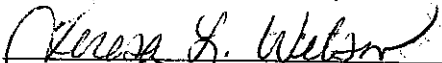
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest:

(County Seal)


Teresa L. Wilson, Clerk to the Board

Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Board of Commissioners must approve a bond amount for the Tax Collector and Deputy Tax Collector; and

WHEREAS, the Board of Commissioners is desirous of complying with N.C.G.S. 105-352;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:

1. The Bond amount for the Tax Collector shall be set at \$1,000,000 through August of 2019.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2019.

THIS the 18th day of July, 2018.

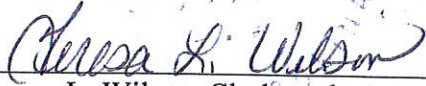
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest:

(County Seal)


Teresa L. Wilson, Clerk to the Board

Resolution Adopting the Order of Collection for the 2018-2019 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2018-2019 Tax Year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the 2017-2018 tax year; and (3) the Board of Commissioners must approve the bonds proposed for the Tax Collector (and the Deputy Tax Collector) for collection of all taxes charged for the 2018-2019 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2018 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2017-2018 tax year, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the bonds proposed for the Tax Collector and the Deputy Tax Collector;

NOW THEREFORE BE IT RESOLVED that the order of collection attached hereto is hereby adopted.

THIS the 18th day of July, 2018.

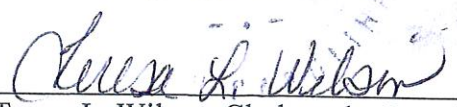
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest:

(County Seal)


Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

ORDER OF COLLECTION

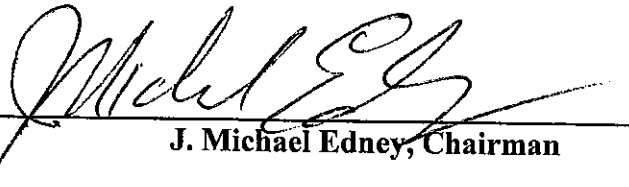
TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

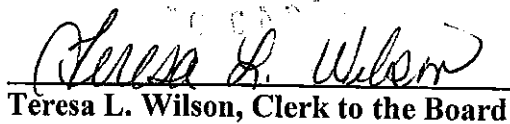
WITNESS my hand and official seal, this 18th day of July, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 


J. Michael Edney, Chairman

ATTEST: (OFFICIAL SEAL)


Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595

FAX: (828) 697-4652

*Darlene Burgess
Tax Administrator*

July 18, 2018

Henderson County Board of Commissioners
Henderson County Historic Courthouse
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

RE: Tax Collector's Settlement: FY2017-2018

Dear Henderson County Commissioners:

Attached please find the Preliminary Report for FY2017-2018 along with the Settlement for Current-Year Taxes and Delinquent Taxes. A list of all unpaid tax liens is available for your review in the Office of the Clerk to the Board.

I am happy to report that as of the close of FY2017-2018, the Henderson County Tax Collector's Office collected 99.05% of the annual tax bills and 98.97% processed through Tax & Tag Together, for an aggregate collection percentage of 99.04%.

I would like to take the opportunity to thank the staff for their hard work and dedication toward these accomplishments. The annual collection percentage, as reported, remains above the FY2017-2018 statewide average of 98.50% for annual tax bills.

Thank you for the opportunity to be of service to you.

Respectfully submitted,



Darlene Burgess

Henderson County Tax Administrator

PRELIMINARY REPORT FOR FISCAL YEAR 2017-2018

TO: Henderson County Board of Commissioners
FROM: Darlene Burgess, Tax Administrator
DATE: 18 July 2018

In accordance with N.C.G.S. 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report is (1) a list of the persons owning real property whose taxes for 2017 remain unpaid, along with the principal amount owed by each person; and (2) a list of the persons not owning real property whose personal property taxes for 2017 remain unpaid, along with the principal amount owed by each person.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a Report entitled "Settlement for Current Taxes for Fiscal Year 2017-2018" dated 30 June 2018 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2017-2018.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,



Darlene Burgess, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME, this 3 day of July, 2018.



Notary Public

My Commission expires:

3-9-2019

JENNIFER P. MORLU
Notary Public, North Carolina
Henderson County
My Commission Expires
March 09, 2019

SETTLEMENT FOR CURRENT TAXES: FY 2017-2018

Report date 30 June 2018

CHARGES TO THE TAX COLLECTOR:

Total amount of all taxes placed in the Tax Collector's hands for collection for the year:	Tax & Penalty	Interest	Charge	Credit	Difference
G01 General County	71,998,755.67	117,769.60	72,116,525.27	72,116,525.27	0.00
Total General County					
<i>Fire Districts:</i>					
F15 Bat Cave	106,071.50	225.82	106,297.32	106,297.32	0.00
F01 Blue Ridge	1,036,025.19	2,024.90	1,038,050.09	1,038,050.09	0.00
F09 Dana	590,720.27	1,374.11	592,094.38	592,094.38	0.00
F03 Edneyville	724,935.17	2,314.93	727,250.10	727,250.10	0.00
F04 Etowah-Horse Shoe	1,136,540.55	1,731.91	1,138,272.46	1,138,272.46	0.00
F05 Fletcher	951,286.09	1,284.85	952,570.94	952,570.94	0.00
F11 Gerton	128,403.60	412.51	128,816.11	128,816.11	0.00
F06 Green River	480,156.63	1,000.13	481,156.76	481,156.76	0.00
F08 Mills River	120,778.62	453.95	121,232.57	121,232.57	0.00
F07 Mountain Home	1,539,203.37	2,475.38	1,541,678.75	1,541,678.75	0.00
F12 Raven Rock	187,961.33	313.53	188,274.86	188,274.86	0.00
F02 Valley Hill	1,411,489.66	2,138.42	1,413,628.08	1,413,628.08	0.00
Total Fire Districts	8,413,571.98	15,750.44			
<i>Municipal Districts:</i>					
C01 City of Hendersonville	0.00	0.00	0.00	0.00	0.00
C02 Town of Laurel Park	0.00	0.00	0.00	0.00	0.00
C03 City of Saluda	16,789.74	0.00	16,789.74	16,789.74	0.00
C04 Town of Fletcher	0.00	0.00	0.00	0.00	0.00
C50 Village of Flat Rock 51	0.00	0.00	0.00	0.00	0.00
Village of Flat Rock 52	0.00	0.00	0.00	0.00	0.00
Village of Flat Rock 56	0.00	0.00	0.00	0.00	0.00
Town of Mills River	0.00	0.00	0.00	0.00	0.00
Total Municipal Districts	16,789.74	0.00			
SUBTOTAL	\$80,429,117.39	\$133,520.04			

TOTAL CHARGE TO TAX COLLECTOR

\$80,562,637.43

CREDITS TO THE TAX COLLECTOR:

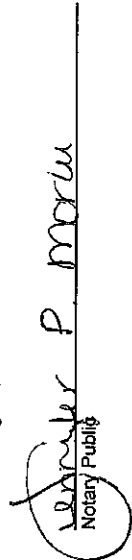
All sums deposited by the Tax Collector to the credit of the Taxing Unit:		Deposits	Adjustments	Releases	Interest	Outstanding Tax / Liens against Personal Property	Outstanding Tax / Liens against Registered Motor Vehicles
G01	General County	70,636,582.90	633,802.06	9,452.53	117,769.60	718,918.18	0.00
Total General County							
Fire Districts:							
F15	Bat Cave	103,213.28	28.82	17.71	225.82	2,811.69	0.00
F01	Blue Ridge	1,013,732.73	7,453.83	133.92	2,024.90	14,704.71	0.00
F09	Dana	579,308.11	1,407.26	172.69	1,374.11	9,832.21	0.00
F03	Edneyville	708,664.74	1,591.69	421.03	2,314.93	14,257.71	0.00
F04	Etowah-Horse Shoe	1,125,042.37	735.06	117.29	1,731.91	10,645.83	0.00
F05	Fletcher	941,213.77	618.08	80.83	1,284.85	9,373.41	0.00
F11	Gerton	127,658.73	17.01	132.06	412.51	595.80	0.00
F06	Green River	471,475.03	4,358.68	53.90	1,000.13	4,268.02	0.00
F08	Mills River	116,398.63	1,948.17	20.66	453.95	2,411.16	0.00
F07	Mountain Home	1,443,890.13	81,279.76	240.61	2,475.38	13,792.87	0.00
F12	Raven Rock	185,718.18	1,022.36	25.32	313.53	1,195.47	0.00
F02	Valley Hill	1,395,995.08	1,436.94	112.69	2,138.42	13,944.95	0.00
Total Fire Districts		8,212,310.78	101,898.66	1,528.71	15,750.44	97,833.83	0.00
Municipal Districts:							
C01	City of Hendersonville	0.00	0.00	0.00	0.00	0.00	0.00
C02	Town of Laurel Park	0.00	0.00	0.00	0.00	0.00	0.00
C03	City of Saluda	16,788.55	0.00	1.19	0.00	0.00	0.00
C04	Town of Fletcher	0.00	0.00	0.00	0.00	0.00	0.00
C50	Village of Flat Rock 51	0.00	0.00	0.00	0.00	0.00	0.00
	Village of Flat Rock 52	0.00	0.00	0.00	0.00	0.00	0.00
	Village of Flat Rock 56	0.00	0.00	0.00	0.00	0.00	0.00
C60	Town of Mills River	0.00	0.00	0.00	0.00	0.00	0.00
Total Municipal Districts		16,788.55	0.00	1.19	0.00	0.00	0.00
TOTAL		\$78,865,682.23	\$735,700.72	\$10,982.43	\$133,520.04	\$816,752.01	\$0.00

TOTAL CREDITS TO TAX COLLECTOR: \$80,562,637.43

Respectfully Submitted,

 Darlene Burgess, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME this 9 day of July, 2018.


 Notary Public

My Commission expires: 3-9-2019

JENNIFER P. MORLU
 Notary Public, North Carolina
 Henderson County
 My Commission Expires
March 09, 2019

HENDERSON COUNTY TAX COLLECTOR
200 North Grove Street, Suite 66
Hendersonville, NC 28792

Darlene Burgess
Tax Administrator

Phone: 828/697-5595
Fax: 828/698-6153
www.hendersoncountync.org/ca/

July 18, 2018

Henderson County Board of Commissioners
Henderson County Historic Courthouse
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

RE: FY 2017-2018 Progress Report regarding Delinquent Property Tax Collections

Dear Henderson County Commissioners:

For the FY2017-2018, we collected \$1,423,579.89 in prior-year taxes, plus all applicable fees and interest. At the close of this fiscal year, we have collected 99.65% of our prior-year (2016) annual tax bills (real property and listed personal property), and 99.71% for all previous years (including 2016 and years beyond our ten-year reach for enforced remedies.)

The responsibilities of the Deputy Tax Collector and staff include the monitoring and administration of statutorily-provided remedies used to collect delinquent tax. We have generated a great amount of revenue this year through the use of these remedies and are pleased to provide the following details on our efforts. While each effort is not always successful, our staff tirelessly explores all remedies for collection of delinquent taxes.


- Payment Arrangements: 278 new arrangements created, potential collection of \$431,850.30.
- Bank Attachments: 484 new actions created, potential collection of \$629,504.21.
- Wage Garnishments: 1,025 new actions created, potential collection of \$496,238.00.
- Rent Attachments: 3 new action created, potential collection of \$25,243.10.
- Pre-foreclosure: 573 new actions created, potential collection of \$595,226.03.
- Monies: 143 new actions created, potential collection of \$100,360.03.
- NC Debt Setoff: 3,699 new actions created, \$1,461,997.48 total taxes submitted for possible setoff.

The progress relating to delinquent tax collections has truly been a team effort based on persistence, commitment, dedication and pride in carrying out our statutory charge. Thank you for the opportunity to be of service to you as the governing body, and to our fellow taxpayers and citizens.

Respectfully submitted,



Luke Small
Deputy Tax Collector



Darlene Burgess
Tax Administrator

FY2017-2018 Delinquent Property Tax Collections

DELINQUENT PROPERTY TAX COLLECTED FOR GENERAL COUNTY:

TAX YEAR	TOTAL COUNTY LEVY CREDIT (Tax + Late List Penalties + Rebates and Releases)		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL COUNTY CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)		YEAR END COUNTY LEVY DUE	
	Regular	RMV	Regular	RMV	Regular	RMV	Regular	RMV
2016	601,378.22	0.00	89,286.54	0.00	663,344.93	0.00	246,352.48	0.00
2015	148,037.15	74.67	27,602.05	19.97	152,526.36	94.64	112,241.73	23.95
2014	64,572.17	39.75	19,460.15	12.12	80,686.24	51.87	81,341.01	664.15
2013	55,617.15	3,308.05	21,441.66	2,567.42	75,358.64	5,873.04	79,997.72	36,408.85
2012	49,959.90	4,858.54	22,298.32	4,762.55	71,734.28	9,581.87	71,428.73	63,182.63
2011	41,462.87	2,320.14	23,093.22	2,877.53	64,201.69	5,196.69	78,443.93	39,781.04
2010	32,418.08	1,540.02	21,099.17	2,385.99	53,494.89	3,523.61	81,352.00	35,594.62
2009	8,427.49	1,680.44	6,762.00	3,395.78	15,165.61	5,074.41	81,913.70	38,141.70
2008	5,565.92	1,709.22	5,876.90	3,737.85	11,418.16	5,446.71	114,598.20	47,961.80
2007	2,353.69	1,119.34	3,245.59	2,343.87	2,833.40	3,461.67	95,767.75	62,832.16
2006/Prior	1,405.60	1,737.12	1,511.03	2,495.83	2,833.40	4,231.72	844,138.05	948,613.31
TOTAL:	1,011,198.54	18,387.29	241,676.63	24,598.91	1,196,339.60	42,936.43	1,887,575.30	1,273,204.21

DELINQUENT PROPERTY TAX COLLECTED FOR MUNICIPALITIES:

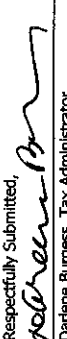
MUNICIPALITY	TOTAL CITY LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL CITY CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)		YEAR END CITY LEVY DUE	
	Regular	RMV	Regular	RMV	Regular	RMV	Regular	RMV
Hendersonville	0.00	6,251.02	0.00	1,103.20	0.00	2,759.82	0.00	176,676.63
Laurel Park	0.00	56.07	0.00	133.14	0.00	189.21	0.00	9,264.81
Saluda	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115.00
Fletcher	0.00	1,045.67	0.00	604.73	0.00	1,650.17	0.00	29,790.30
Flat Rock 51	0.00	11.72	0.00	3.92	0.00	15.64	0.00	866.09
Flat Rock 52	0.00	10.03	0.00	7.18	0.00	17.21	0.00	295.90
Flat Rock 56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27.40
Mills River	0.00	216.36	0.00	135.02	0.00	351.23	0.00	4,485.90
TOTAL:	0.00	7,590.87	0.00	1,987.19	0.00	4,983.28	0.00	221,522.03

DELINQUENT PROPERTY TAX COLLECTED FOR FIRE DISTRICTS:

FIRE DISTRICT	TOTAL SPECIAL DISTRICT LEVY CREDIT (Tax + Late List Penalties - Rebates and Releases)		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL SPECIAL DISTRICT CASH COLLECTED (Includes Tax, Penalties, Interest & Costs)		YEAR END SPECIAL DISTRICT LEVY DUE	
	Regular	RMV	Regular	RMV	Regular	RMV	Regular	RMV
Bat Cave	3,511.31	15.48	748.75	9.36	4,260.01	24.85	3,395.00	830.23
Blue Ridge	19,875.30	467.78	3,469.60	351.88	23,222.93	818.95	44,564.40	34,737.71
Dana	11,253.99	302.02	1,473.62	214.70	12,560.44	516.41	21,227.86	17,493.36
Edneyville	18,541.36	292.47	3,425.07	246.89	21,563.61	539.13	36,550.18	18,691.11
Etowah/HS	43,333.67	241.77	11,340.82	161.56	54,578.95	403.28	30,196.72	13,337.13
Fletcher	11,634.12	207.91	1,629.83	137.15	12,942.98	344.85	23,958.70	15,071.79
Gerden	465.05	11.41	49.96	7.00	514.98	18.41	257.46	961.01
Green River	7,178.24	147.46	1,338.90	94.68	2,512.19	241.99	9,868.74	5,453.37
Mills River	4,053.94	26.23	350.84	19.56	4,404.71	45.73	8,917.35	6,528.85
Mtn Home	14,113.94	391.91	1,920.72	281.85	14,511.46	653.28	21,894.07	25,286.48
Raven Rock	3,345.03	38.07	351.05	13.98	3,667.16	52.06	2,447.77	1,284.41
Valley Hill	19,107.75	190.54	2,632.46	115.61	21,471.73	305.97	17,753.82	16,002.91
Valley Hill #2	112.98	7.56	84.45	18.43	197.43	25.98	696.99	1,589.20
TOTAL:	156,526.68	2,340.63	28,816.07	1,652.65	176,398.58	3,990.96	221,669.06	158,867.56

TOTAL DELINQUENT PROPERTY TAX COLLECTED:		TOTAL LEVY CREDIT		ACCRUED INTEREST COLLECTED + COSTS COLLECTED		TOTAL CASH COLLECTED		YEAR END LEVY DUE	
		Total	Total	Total	Total	Total	Total	Total	Total
General County		1,029,585.83	266,275.54		1,295,276.03		3,160,779.51		
Municipalities		7,950.37	1,987.19		4,983.28		221,522.03		
Fire Districts		158,967.31	30,468.72		180,389.54		378,536.62		
TOTAL:		1,196,044.01	298,731.45		1,424,648.85		3,760,838.16		

Notes:
 (1) Differences in the sum of Levy Credit + Accrued Interest and Total Cash Collected is attributable to Rebates (aka Releases) and Refunds
 (2) The Year End Levy Due columns include amounts due for years prior to 2007 which are legally unenforceable.

Respectfully Submitted,

 Darlene Burgess, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME this 3 day of July, 2018.


 Notary Public

My Commission expires: 3-9-2019

JENNIFER P. MORLU
 Notary Public, North Carolina
 Henderson County
 My Commission Expires
March 09, 2019

Chapter 16
Animals
Article I - General Provisions

[HISTORY: Adopted by the Board of Commissioners of Henderson County. Amended 3-23-2005; 5-19-2006; 11-20-2013; 7-18-2018]

§ 16-1. Definitions.

The following terms are defined for purposes of this Chapter:

- (1) Adequate Food - The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal.
- (2) Adequate Shelter- Proper and adequate shelter that will protect the animal from adverse weather and will allow the animal to stand, sit, and lie down without restriction and is kept humanely clean and sanitary.
- (3) Adequate Water - The access to a sufficient supply of clean, fresh water provided at suitable intervals for the animal's physical needs and the climatic conditions.
- (4) Adoption- the legal taking of ownership voluntarily and accepting all responsibilities and liabilities therein.
- (5) Adult - A person 18 years of age or older who has not been judicially declared incompetent.
- (6) Animal Enforcement Officer - Officers from local municipalities, the Sheriff's Department or the Sheriff's designee charged with the enforcement of State Animal Laws, Local Animal Ordinance and the regulation of animals and animal owners within both incorporated and unincorporated sections of Henderson County.
- (7) Animal Services Center - The County Animal Shelter, and any other designated facilities, operated and maintained by the County for the purpose of impounding animals under the authority of this Chapter or the General Statutes for care, confinement, return to owner, adoption or euthanasia.
- (8) Animal Services Director - The director placed in supervision of the Animal Services Center.
- (9) At Large - An animal when:
 - a. Not on the owner's property,
 - b. Not under control of a competent person or unrestrained by a leash or harness, or
 - c. Not controlled by other similar physical means.
- (10) Cat - A domestic feline of either sex.
- (11) Companion Animal - Any dog, cat, or ferret.
- (12) Competent Person - A legally competent person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, humans, other animals or property.
- (13) County - Henderson County, North Carolina
- (14) Local Health Director - Health Director of the Henderson County Department of Public Health.
- (15) Dangerous/Potentially Dangerous Dog - Any dog whose behavior constitutes a risk of severely injuring or killing a human domestic animal or livestock; or which, by demonstrated behavior, is commonly accepted as dangerous. The following criteria shall be used in identifying a dangerous dog:
 - a. A dog that, without provocation, has killed or inflicted severe injury on a person.
 - b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
 - c. A dog that is determined hereunder to be potentially dangerous because the dog has engaged in one (1) or more behaviors listed below. The following criteria shall be used in identifying a potentially dangerous dog:
 1. A dog that has inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, or requiring surgery or hospitalization.
 2. A dog that has killed or inflicted severe injury upon a domestic animal or livestock when not on the owner's real property.
 3. A dog that has approached a person when not on the owner's property in an apparent attitude of attack.

- d. A dog shall not be deemed dangerous solely because it bites, attacks, or menaces:
 1. Anyone assaulting or threatening the owner or trespassing on the owner's property;
 2. Any person or other animal that has provoked, tormented, or abused it; or
 3. While protecting or defending its young.
- (16) Day - A period of 24 hours, including Saturdays, Sundays and holidays.
- (17) Department - The County Animal Services Center and Animal Enforcement.
- (18) Dog - A domestic canine of either sex.
- (19) Domestic Animal - Any animal whose physiology has been determined or manipulated through selective breeding which does not occur naturally in the wild, or which can be vaccinated against rabies with an approved rabies vaccine, and which has an established rabies quarantine observation period.
- (20) Euthanasia - The causing of death in any animal by using any humane method approved by the American Veterinary Medical Association or the North Carolina Veterinary Medical Association.
- (21) Exposed to Rabies - An animal or human bitten by or exposed to the saliva or neural tissue of any animal known or suspected to have been infected with rabies.
- (22) Frivolous - Any complaint which is filed more than 3 times by 1 person or common household within a period of 48 hours; and in which such complaint is clearly insufficient on its face and is brought about with the intent to embarrass, disturb, harass, or otherwise annoy.
- (23) General Statutes - The North Carolina General Statutes, as amended.
- (24) Harboring an Animal - Feeding or sheltering an animal 7 days or more unless the animal is being boarded for a fee at a licensed kennel.
- (25) Haven - A nonprofit organization that provides care for an animal (same as "Rescue"). A haven must comply with the companion animal registry program unless it falls under state law.
- (26) Hybrid - A "hybrid" is an animal which is the product of the breeding of a domesticated animal with a non-domesticated animal, including but not limited to other hybrid animals or wolves.
- (27) Impound - To apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.
- (28) Incorporated Area - Any area located within any incorporated municipality located wholly or in part within the County.
- (29) Inherently Dangerous Animal- Any live animal, including hybrids, which due to their inherent nature, may be considered dangerous to humans and include but is not limited to:
 - a. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).
 - b. Felidae, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
 - c. Ursidae, including any member of the bear family, or any hybrids thereof.
 - d. Venomous Reptiles.
- (30) Livestock - A term for animals that shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, fowl and swine. This does not include animals defined as "Domestic".
- (31) Microchip - An electronic identification device that is intended to be implanted within an animal.
- (32) Owner - Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping or harboring; or any person who shelters, feeds, or takes care of an animal for 7 or more consecutive days unless said animal has been boarded per written contract. An occupant of any premises on which a dog, cat or ferret remains or customarily returns is an owner under this Chapter. If a person under the age of 18 years is an owner subject to the provisions of this Chapter, the head of the household in which such person under the age of 18 years resides shall also be an owner under this Chapter and therefore subject to prosecution under this Chapter. Such household head may himself or herself be under the age of 18 years. If not a member of a household, a person under the age of 18 years shall himself be the responsible person. There may be more than 1 owner responsible for an animal.
- (33) Owner's Real Property - Any real property owned or leased by the owner, but not including any public right-of-way or common area.

- (34) Pet Shop - Any person, partnership or establishment engaging in the commercial enterprise to acquire animals for the purpose of resale or trade. Pet shops must possess a current license from the State Department of Agriculture.
- (35) Provocation - With respect to an animal that has bitten or attacked a person, domestic animal or livestock, that the animal was physically abused such as hit, kicked, agitated or teased, struck by a person with an object or part of a person's body, or that any part of the animal's body is pulled, pinched, or squeezed by a person or the animal was physically threatened.
- (36) Public Nuisance – an animal that:
 - a. Frequently runs at large as determined by one verbal or written warning or citation,
 - b. Damages, soils, or defecates on private property other than property possessed or controlled by the animal owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the animal owner or handler.
 - c. Causes unsanitary or unsafe conditions;
 - d. Causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, or interferes with persons or other domestic animals on public property including public roads adjacent to the owner's property as determined by more than one verbal or written warning.
- (37) Quarantine Order - An order issued by the local health director to secure any dog, cat or other animal specified by state law which has bitten a person for a mandatory 10 day observation period as required by N.C.G.S. 130A-196 to 199. Quarantine orders may also be issued for up to 6 months when a domestic animal suffers a rabies exposure.
- (38) Rabies Exposure - Any bite or other event in which a person or animal has been suspected of coming in contact with the saliva or nervous tissue of an animal possibly having rabies.
- (39) Secure Enclosure - An enclosure, including a house, from which an animal cannot escape unless freed by the owner. An Animal Enforcement Officer, in his/her discretion, may determine whether or not there is a secure enclosure on the premises.
- (40) Stray - A domestic animal within the County wandering at large or lost or which does not bear evidence of the identification of any owner or whose owner cannot be found.
- (41) Suspected of Having Rabies – An animal that has bitten, or exposed saliva or nervous tissue to, a person or another animal; or a wild animal that has bitten a person or domestic animal.
- (42) Trespass - Wrongful invasion of the property of another
- (43) Unaltered - An animal that has not been spayed or neutered.
- (44) Unfounded - Any complaint without merit or validity and in which a reasonable and prudent person would find a lack of merit or validity readily apparent.
- (45) Unincorporated Area - Any area of the County not within an incorporated area.
- (46) Vaccination - The administration of the rabies vaccine as required by N.C.G.S 130A-185.
- (47) Wild - An animal living in a state of nature; not tamed or domesticated. This also includes but is not limited to feral cats.

§ 16-2. Authority and Territorial Application.

- A. Purpose. As determined by state law, the Animal Services Center:
 - (1) Prevents the abuse and neglect of animals (N.C.G.S. 153A-127);
 - (2) Protects the public health, safety and welfare (N.C.G.S. 153A-121);
 - (3) Enforces regulations regarding the possession or harboring of dangerous/potentially dangerous dogs (N.C.G.S. 153A-131);
 - (4) Protects the public and domestic animals from rabies (N.C.G.S. 130A-185); and
 - (5) Educates the public regarding the proper care for animals.
- B. This article is adopted pursuant to the power granted the County in N.C.G.S. 153A-121, 153A-127, 153A-153 and 153A-442. This Chapter shall apply to all unincorporated areas of the County and to those incorporated areas of any city or town specifically requesting its enforcement by the County upon the consent of the County Board of Commissioners. This request must be in writing in the form of a resolution approved by the governing body. (In making such a request, the city or town must comply with the requirements of N.C.G.S. 153A-122.) The provisions of this article shall be enforced by the Sheriff of Henderson County.

- C. The County may contract annually with any municipality located within the County to enforce any animal restraint ordinance ("leash law") adopted by such municipality, on such terms and conditions (including the acceptability of the terms of such restraint ordinance) as are deemed advisable. Such contract shall require any such municipality to reimburse to the County all the costs associated with the enforcement of such a restraint ordinance. Henderson County shall not enforce any municipal leash or animal related laws in the municipality without a contractual agreement between the County and the municipality.

§ 16-3. Animal Service Advisory Committee.

The County Animal Service Advisory Committee shall make recommendations to the Board of Commissioners based on animal-related ordinances or policies and shall assist in establishing policies and procedures for the Animal Services Center. The Committee may undertake the study of particular areas under their authority in order to advise Henderson County staff and Board of Commissioners. The County Animal Service Advisory Committee, or a duly appointed subcommittee thereof, shall act as the Animal Service Appellate Board and hear all appeals under the Henderson County Animal Ordinance when permitted by state law. Appeals governed by state law shall go to the court of appropriate jurisdiction.

§ 16-4. General duties of Animal Services Center and Animal Enforcement

A. Duties and responsibilities of Animal Services Director:

- (1) Enforcing all County ordinances relating to the care, custody, and control of domestic animals.
- (2) Operating the County Animal Services Center pursuant to policies adopted by the County Board of Commissioners.
- (3) Keeping, or causing to be kept, accurate and detailed records of:
 - a. Impoundment and disposition of all animals coming into custody of the Animal Services Center.
 - b. All monies derived from fees and civil penalties.
 - c. Any other matters deemed necessary by the Animal Services Director.

B. Duties and responsibilities of Animal Enforcement

- (1) Enforcing all County ordinances relating to the care, custody and control of domestic animals.
 - a. Investigating all reported animal bites or other human physical contact with a suspected rabid animal, enforcing quarantine ordered for any dog or cat (ferret?) involved and submitting bite reports and reports of human contacts to the local health director
- (2) Investigating complaints with regard to animals arising under this Chapter.
- (3) Protecting animals from neglect; investigating animal mistreatment, as defined in §16-11.
- (4) Seizing and arranging for impoundment, where deemed necessary, of any animal involved in a violation of this Ordinance or the General Statutes.
- (6) Keeping, or causing to be kept, accurate and detailed records of:
 - a. Seizure, impoundment, and disposition of all animals coming into custody of the Animal Services Center.
 - b. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances and breed.
 - c. All monies derived from fees and civil penalties.
 - d. Any other matters deemed necessary by the Sheriff.

§ 16-5. Citations.

The Animal Services Director, Animal Enforcement Officers, Sheriff and Sheriff's Deputies of the County may issue citations to any person who has violated provisions of this Chapter, in accordance with §16-19.

§ 16-6. Tranquilizer guns.

Animal Enforcement Officers and Animal Services employees are authorized to store at the Animal Services Center tranquilizer guns approved for use and to use such tranquilizer guns when necessary to enforce sections of this Chapter or applicable laws for control of wild, dangerous, or diseased animals.

§ 16-7. Interference or concealment.

- A. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the Department in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the Department.
- B. Concealment of dogs and cats. It shall be unlawful for any person to conceal, for the purpose of evading the rabies vaccination or dangerous dog/ potentially dangerous dog requirement of the law, any unlicensed (if licensing requirement adopted) or unvaccinated dog or cat from any employee or agent of the Department.
- C. Filing false reports. It shall be unlawful for any person to file a false report with the Department of Animal Control, or to provide false information to an officer involving any investigation of any reported violation of this article. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.
- D. Frivolous or unfounded complaints. It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with the Department of Animal Control in order to intimidate or harass any member of the department or any animal owner, or to otherwise hinder or interfere with any function of the Department of Animal Control. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.
- E. Surrender or Reclaim any animal. It shall be unlawful for any person to impound, surrender or reclaim any animal under false pretense that may hinder the ability of any employee or agent of Henderson County to perform duties mandated by law or departmental policy. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be issued a citation of \$500.

§ 16-8. Public nuisances prohibited.

- A. Animal care constituting a nuisance. It shall be unlawful for any person to own, keep, or maintain a companion animal in such a manner as to constitute a public nuisance as defined herein.
 - (1) Maintaining animals in an unsanitary environment that results in odors considered excessive to a reasonable person; or, in an environment that is dangerous to the animal or to the public health, safety, welfare; or failure to maintain a condition of good order and cleanliness that reduces the probability of transmission of disease.
 - (2) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density, or location of animals on the property. This includes the keeping, possessing, or harboring of wild or feral animals that threaten the public health, safety or welfare.
 - (3) Maintaining an animal that is diseased and dangerous to the public health.
 - (4) Harboring, keeping, owning, or possessing an animal that is at large or is repeatedly at large.
- B. Animal behavior constituting a nuisance. It shall be unlawful for an owner to permit an animal to habitually do the following, but not limited to: chases bicycles, motor vehicles or pedestrians, damages private or public property, turns over garbage cans, deposits feces on another's private property or on public property, or an animal running at-large. The prohibition against running at-large does not apply to animals in designated off-leash areas.
- C. In addition to any other enforcement remedies available under this Chapter, if an Animal Enforcement Officer determines an animal to be a nuisance under this section, then such officer is authorized to order the owner to confine such animal in accordance with the Animal Enforcement Officer's instructions, including a permanent above-ground fence or tethering inside a fence; this does not include natural barriers. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order. In addition, any animal determined to be a nuisance under this section must be micro chipped within 10 days of the nuisance determination. Animal Enforcement is allowed to make periodic inspections.

- D. Animal Owners, where nuisances have been determined, shall be notified and ordered to abate said nuisance within 5 days by whatever means necessary. Failure to comply within this time frame shall constitute a separate offense for each day thereafter. No civil penalty shall accrue during the 5 day warning period.
- E. Reporting. Upon receipt of a detailed complaint to Animal Enforcement, the owner shall be notified by certified or registered mail or by hand delivery.
- F. Appeal. The owner shall have 5 days to appeal the nuisance determination to the Animal Services Appellate Board.
- G. Nothing in this provision is intended to conflict with the Henderson County Nuisance Ordinance, Noise Ordinance or other applicable section of the Henderson County Code.
- H. In addition, any animal determined to be a nuisance under this section must be microchipped at the owner's expense within 5 days of the nuisance determination or appeal determination.

§ 16-9. Confinement of female dog during estrus (heat).

Any owner of a female dog during its estrus (heat) period shall confine said animal in a building or secure enclosure in such a manner that the dog will not be in contact with male dogs or attract other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal that is being bred.

§ 16-10. Dangerous/potentially dangerous dogs restricted.

- A. General provisions. It shall be unlawful for any person to own or in any way maintain or harbor a dog that is dangerous/potentially dangerous, except as provided in this Chapter. Notwithstanding any exemption listed below, any dog that has killed a person shall be immediately euthanized by the Animal Services Center.
 - (1) Reporting requirement. A report must be made concerning any (a) attack or biting by a dog upon a person, livestock, or domestic animal; (b) transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog; (c) confinement to a veterinary facility; or (d) removal from territorial jurisdiction of the county. An animal's death must be reported by any of the following individuals:
 - a. owner, keeper or harbinger of a dog deemed dangerous/ potentially dangerous or of a dog that has attacked or bitten a person or domestic animal;
 - b. victim or a person witnessing such an attack or biting;
 - c. veterinarian treating a domestic animal for such an attack or biting; or
 - d. health care professional treating a person for such an attack or biting.
 - (2) The report must be made to the Sheriff's Office within 24 hours of the event.
 - (3) Failure to report an incident within 24 hours may result in criminal and civil penalties under this Ordinance and personal liability in subsequent incidents.
- B. Exemptions. The provisions of this Chapter do not apply to dogs causing injuries when:
 - (1) Used by law enforcement agencies to carry out official law enforcement duties;
 - (2) Functioning lawfully as hunting or herding dogs, or in controlling predators on the property of, or under control of, the owner when performing duties appropriate to said functions;
 - (3) Protecting the owner or owner's premises from trespassers and other criminal perpetrators while on its owner's premises; or
 - (4) Protecting itself or its young from assault, torment, or abuse.
- C. Declaration of dangerous/potentially dangerous dog. The Sheriff or his/her designee shall have the authority to declare a dog to be a dangerous/potentially dangerous dog. Any determination that a dog is dangerous/potentially dangerous shall be made in writing, summarizing the available evidence and shall be delivered or mailed by certified or registered mail to the owner. The written determinations shall order compliance with the appropriate provisions of this ordinance and may impose reasonable conditions to maintain the public health and safety.
- D. Appeal. Any person who owns a dog that has been declared dangerous/potentially dangerous shall have the right to appeal this decision to the Animal Services Appellate Board.
 - (1) Manner of appeal. The owner of a dog declared dangerous/potentially dangerous must request an appeal of the determination in writing. The written appeal must be submitted to the Animal Services Director and must be received by the Animal Services Director or

- postmarked within 5 calendar days of the receipt by the owner of notice of declaration.
- (2) Pending the appeal, the owner of a dog declared dangerous/potentially dangerous shall comply with the provisions of § 16-10E.
 - (3) Hearing procedures. Once properly appealed, the Animal Services Appellate Board shall conduct a public, quasi-judicial hearing to determine whether the declaration of the animal as dangerous/potentially dangerous is correct.
 - (4) Outcome. If the dog is affirmed by the Animal Services Appellate Board as being dangerous/potentially dangerous, then the owner shall comply with the terms of § 16-10E, F, G. Any person who owns a dog affirmed dangerous/potentially dangerous by the Animal Services Appellate Board or its designee has the right to appeal this determination to the Superior Court under NCGS 67-4.1.
- E. Enclosures and control measures for dangerous/potentially dangerous dogs. If a dog has been determined to be dangerous/potentially dangerous, as specified in this section, the dog may be retained upon the owner satisfying the following conditions:
- (1) The owner must insure that the dog, at all times on and off the owner's property, remains securely enclosed as per the Ordinance or controlled and muzzled as described below. Failure to do so shall subject the owner to civil penalty under this Chapter:
 - a. Confine the dog within the owner's residence; or
 - b. Erect and confine the dog (except when muzzled and controlled as required below), within 30 days in a securely enclosed and padlocked pen with a concrete bottom and secure top. The structure must be secured by a child-resistant lock. Pending construction of such pen, the dog must be confined within the owner's residence; or
 - c. The animal must be muzzled and under restraint by a competent person who, by means of a leash or chain, has such animal firmly under physical restraint at all times when not in a secure building or enclosure.
 - d. Any dog deemed dangerous shall not be permitted in public recreation areas, including dog parks, parks or greenways.
 - (2) The owner must post a warning sign of at least 120 square inches that is visible to any adjoining property from each exposure of the residence or the structure in which the dangerous/potentially dangerous dog is confined. The sign must have an approved graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.
 - (3) Microchip. Within 5 days of the determination or appeal determination, the owner of a dangerous/ potentially dangerous dog must demonstrate to Animal Enforcement that such dog has had a microchip implanted.
 - (4) Inspection. Animal Enforcement Officer shall cause periodic inspections to be made of the premises where the dangerous/potentially dangerous dog is kept to assure compliance with the provisions of this Ordinance. The owner must permit these inspections at any reasonable time without notice to the owner from the Animal Enforcement Officers.
 - (5) Control Measures.
 - a. All control measures required by this section must be met immediately upon the determination that the animal is dangerous/potentially dangerous except for the construction of the enclosure discussed in section 1(b) of this provision. The owner has 30 days to construct the enclosure during which time the animal must be confined indoors and may only be permitted outside under the control of a competent person by leash or chain and the animal must be muzzled. Failure to meet all control measures may result in the immediate impoundment of the animal and civil and criminal penalties.
 - b. If the owner has no place to keep the animal while the structure is being constructed, the animal may be kept at an establishment approved by Animal Enforcement at the owner's expense.
 - c. All animals deemed dangerous or potentially dangerous must be spayed or neutered within 30 days of the determination or an appeal determination.
- F. Notification. Subject to state statute.

- G. Notification prior to transfer. Prior to any transfer to a new owner (with or without consideration) of a dangerous/potentially dangerous dog, the owner must provide to the Sheriff a written statement, signed before a notary by the transferee (on a form obtained from the Animal Services Center), indicating the transferee's understanding of the transferee's obligations hereunder as an owner of a dangerous/potentially dangerous dog. If the dangerous or potentially dangerous dog is being transferred out of Henderson County or out of North Carolina.
- H. Immediate impoundment. Any dangerous/potentially dangerous dog kept in violation of this section may be immediately impounded upon issuance of any warrant for the same, pending the outcome of the criminal action. If the owner is convicted of a criminal offense of keeping a dangerous/potentially dangerous dog in violation of this section, in addition to any criminal penalties imposed, the Animal Services Director or his/her designee may euthanize the dog. Nothing herein shall be construed to in any way limit the use of civil penalties for a violation of this section.
- (1) Cost of impoundment. Costs of impoundment at the Animal Services Center shall be paid by the owner or the person liable for the animal at a daily rate as determined by the County. In instances where the Animal Services Center must impound the animal at a private facility or kennel, the person liable for the animal will pay the rate established by those facilities.
 - (2) Release from impoundment.
 - a. No dog deemed dangerous or potentially dangerous that has been impounded by the Animal Services Center shall be released to the owner from impoundment except upon proof submitted by the owner or person liable for the animal that all the elements of this Ordinance have been met as verified by Animal Enforcement. This shall not apply in instances where criminal charges have been brought against the owner.
 - b. If criminal charges have been brought against the owner for failure to comply with this Ordinance or for interference with the operations of the Animal Services Center, no dog deemed dangerous shall be released from Animal Services until determined by a court of competent jurisdiction. During this time while the dog is impounded, it cannot be euthanized and the cost of impoundment shall be charged to the owner.
 - c. No dog deemed dangerous or potentially dangerous may be adopted.

§ 16-11. Mistreatment of animals prohibited.

It shall be unlawful for any person owning, keeping or responsible for an animal to deprive, or cause the animal to be deprived of adequate food, adequate water, adequate shelter (as defined above in 16-1) and necessary medical attention.

- A. Necessary medical attention. No person owning, keeping, or responsible for an animal shall fail to supply the animal with necessary medical attention or vaccines when the animal suffers from illness, injury or disease.
- B. Adequate Shelter.
 - (1) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.
 - (2) Standards for chaining. No animal may be chained outdoors unattended without a chain/cable of suitable length designed and placed to prevent choking or strangulation, with the area free of obstacles and humanely clean so that the animal may have access to food, water, and shelter. It shall be illegal to tether, chain, stake out, tie up or otherwise similarly restrict any and all birds unless a certified wildlife rehabilitation facility.
- C. An owner of an animal shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar or harness.
- D. It shall be illegal to own, keep, or harbor an animal for the purpose of fighting other animals; or attacking other animals or people except for protecting the owner or owner's real property. It shall be illegal to sponsor, promote, organize animal fights, train animals for fighting, or provide animals for fighting including but not limited to dog fighting and cock fighting. Evidence of training animals to fight shall include but not be limited to: alterations to the animal for fighting such as removing spurs or a comb; tying animals to antagonize them and the discovery of a fighting ring or location.

- E. An owner of an animal shall not hit, physically abuse, or torment the animal.

§ 16-12. Destruction of animals that cannot be seized or confined by reasonable means.

- A. Notwithstanding any other provision of this Chapter, a dog or cat that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, may be humanely destroyed in the field by the Sheriff or other law enforcement officers.
- B. Vicious, dangerous/potentially dangerous animals so designated, wild animals, or an animal attacking a human being, another pet, or livestock may be immediately destroyed, if such destruction is necessary for the protection of the public health and safety or that of County staff.

§ 16-13. [Reserved]

§ 16-14. Impoundment and Relinquishment

- A. In general. Any animal found being mistreated or kept under unsanitary or inhumane conditions, as provided in § 16-11; any animal found to be a public nuisance, as provided in § 16-8; or any dog or cat found to be not wearing a currently valid rabies vaccination tag off the owner's property as required shall be seized, impounded, and confined by the Animal Enforcement Officer and confined in the Animal Services Center in a humane manner. Impoundment of such animal shall not relieve the owner thereof of any civil penalty which may be imposed for violation of any provision of this Chapter occurring prior to the date of the impoundment.
- B. Notice to owner. Immediately upon impounding an animal, the Sheriff or his designee, shall make reasonable efforts to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.
- C. Redemption by owner. The owner of an animal impounded under this Chapter may redeem the animal and regain possession thereof in accordance with the rules and fees set by the Board of County Commissioners in the policies for operation of the County Animal Services Center and by complying with all applicable provisions of this Chapter and by paying all fees. Fee rates shall be available for public inspection in the office of the Clerk to the Board of County Commissioners and at the Animal Services Center. The owner of the impounded animal shall be liable for the daily cost of impoundment to the Animal Services Center, as established in the fee schedule. The owner must have proof of current rabies vaccination or purchase a rabies vaccine voucher. The owner of any dogs and cats impounded for running at large in the county without a microchip or those impounded for mistreatment must purchase a voucher for microchip installation prior to release at the owner's expense unless there is a pending criminal action in the matter. All fees and expenses must be paid prior to the release of the animal.
Animal and owner must be in compliance with state and federal law prior to redemption.
- D. Adoption or euthanasia of unredeemed dog or cat.
- (1) If any impounded stray dog or cat or abandoned animal is not redeemed by the owner within 72 hours of impoundment, then such animal may be offered for adoption or destroyed in a humane manner. Animals that are voluntarily turned over to the Animal Services Center by the owner may be adopted or if adoption attempts are unsuccessful within a reasonable period (or immediately if in the opinion of the Animal Services Director adoption efforts would be fruitless or in violation of this Chapter), are subject to euthanasia.
 - (2) No animal owner may be permitted to claim his/her animal under the provisions of this section unless and until he/she shall comply with the provisions of the policies of the County Animal Services Center.
 - (3) All unaltered dogs and cats adopted from the Animal Services Center shall be spayed or neutered. This shall occur prior to adoption; or, with a voucher and/or deposit to use their own veterinarian within 30 days of adoption; or, when medically appropriate, additional penalties may be applied.
 - (4) All dogs and cats adopted from the Animal Services Center that do not already have implanted in them a microchip shall have a microchip at time of adoption or when the animal goes for spay or neuter surgery. This microchip shall be at the owner's expense.

- (5) All dogs and cats adopted from the Animal Services Center shall have proof of current rabies vaccination or purchase of a rabies vaccine voucher, prior to adoption.
 - (6) Adoption Exceptions.
 - a. The Animal Services Center has the right to refuse adoption of animals to persons less than 18 years of age.
 - b. The Animal Services Center has the right to refuse adoption of animals to persons or organizations who have been cited for violations or where there is reasonable evidence of a violation previously under this Ordinance or state law.
 - c. The Animal Services Center has the right to change an animals' ownership to a qualified non-profit organization that meets the Center's policy.
 - d. The Animal Services Center has the right to refuse adoption of animals to any individual who has relinquished an animal within the last 12 months.
 - (7) Fee Schedule for Impoundment/Adoption of Animals shall be established by the Board of Commissioners within the annual approved budget.
- E. Suspected rabid dogs or cats are not to be redeemed or adopted. Notwithstanding any other provision of this Chapter, dogs or cats impounded which appear to be suffering from rabies shall not be redeemed or adopted but shall be dealt with in accordance with N.C.G.S. Chapter 130A.
- F. Final disposition of all unclaimed animals shall be arranged for by the Animal Services Director. The Animal Services Director or designee shall retain sole authority to determine the final disposition of each animal in (its) custody once that animal becomes the property of the County of Henderson and shall not place any animal for adoption that is classified in this Chapter as prohibited.
- G. The Animal Services Center will not adopt out any animal that demonstrates or has demonstrated aggressive behavior or any animal that appears to be unhealthy.
- H. Any agencies, organizations or individuals relinquishing or impounding an animal at Henderson County Animal Services Center shall
- (1) Provide accurate information pertaining to the animal's origin or location found.
 - (2) At time of surrender, any information must be provided that will permit Henderson County future contact with the relinquishing party.

§ 16-15. Voluntary relinquishment of companion animals.

Owners wishing to relinquish companion animals in their possession may do so by delivering the same to the Animal Services Center. Such companion animals will be subject to the impoundment provisions set out in § 16-14, except that no attempt to contact the owner is required.

Owners must also affirmatively represent in writing:

- A. That he or she is the legal owner of the animal;
- B. That the owner permits the animal to be placed for adoption or humanely destroyed;
- C. That the owner will indemnify and hold the Animal Services Center and County harmless for fees, by reason of destruction of, or placement for adoption of, said animal;
- D. That the owner transfers ownership of said animal to the Animal Services Center and releases the Department from any and all future claims with respect to said animal; and
- E. Reason for surrender for data collection purposes and to notify potential adopted owners of any significant problems.
- F. The owner may seek to reclaim a relinquished animal. To do so, the owner must pay all applicable fees, including "reclaim" and/or "adoption" fees. Notwithstanding, however, no animal which has been deemed a Dangerous/Potentially Dangerous Dog, as all those terms are defined in this Chapter, may be reclaimed under any circumstances.

§ 16-16. Redemption of unvaccinated animal.

- A. Proof of vaccination. Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the Animal Services Center must obtain (and pay the fee for) a rabies vaccination to be administered within the time period as set below or receive a citation for failure to vaccinate. Animals leaving the Animal Services Center must either have proof of current rabies vaccination or purchase of rabies vaccine voucher. Animals must be vaccinated after 4 months.
- B. Payment. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming the dog or cat. The owner must pay all related fees and fines prior to the release of the animal.

§ 16-17. Euthanasia of wounded, diseased, and unwanted animals.

Notwithstanding any other provision of this Chapter, any animal impounded which is badly wounded or diseased (not suspected of rabies) and has no identification shall be subject to euthanasia immediately upon approval of the Animal Services Director or his/her designee. If the animal has identification, the Animal Services Center or Animal Enforcement Officer, shall attempt to notify the owner before euthanizing such animal.

§ 16-18. Relation to hunting laws.

Nothing in this Chapter is intended to be in conflict with the General Statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

§ 16-19. Violations and Fines

- A. Misdemeanor. The violation of any provision of this Chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in General Statutes 14-4 or other applicable law. Each violation of this Chapter (or if a continuing violation, each day in which the violation continues) is a separate offense. Each violation for each animal is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not affect the liability for fees or civil fines imposed under this Chapter.
- B. Enforcement. Enforcement of this Chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to N.C.G.S. 153A-123(d) and (e).
- C. Issuance of a citation. Issuance of a citation for violation of this Chapter is directed toward and against the owner. The purpose of issuing a citation is to affect the conduct of the owner by seeking to have the owner insure compliance with this Chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:
 - (1) Give notice of the violation(s) alleged of the owner;
 - (2) State the civil penalties for such violation(s);
 - (3) State the date by which any civil penalties for such violation(s) must be paid; and
 - (4) State that the County may initiate after such date a civil action to collect the civil penalties which are and may become due.
- D. Civil fines. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.
 - (1) The Animal Services Director, Animal Enforcement Officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this Chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of \$50 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the charging agency within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this Chapter.
 - (2) In the event that the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the fine and costs associated with collection of the fine, and/or a criminal summons may be issued against the owner or other alleged violator of this Chapter and upon conviction, the owner shall

be punished as provided by state law. The charging agency is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the County of Henderson and may call on the County Legal Department for assistance as needed.

- (3) Each violation of this Ordinance is a separate fine. Each day in violation and each animal kept in violation are considered separate offenses and may be fined for each individually.
- (4) The following civil penalties are hereby established for each incident violation of this Chapter:

<u>Section Violated</u>	<u>Animal Service Civil Penalty Schedule Description</u>	<u>Civil Penalty</u>
	*Citations shall impose upon the violator a minimum civil penalty of \$50 or such greater amounts for offences as may be set by ordinance.	
16-7A	Interference with Animal Enforcement Officer, or agent (per incident)	\$500
16-7B	Concealment of an animal to evade ordinance (per day of violation)	\$100
16-7E	Surrender or Reclaim Under False Pretense	\$500
16-8	Public nuisance : First Violation (Deputy's discretion) Seconde violation Third violation	\$50 \$200 \$300
16-10	Keeping a dangerous/potentially dangerous dog: Unattended/loose/unrestrained (per day) Without tattoo/microchip (per day) Failing to notify of change of address or death (per day) Failing to present proof of transferee responsibility (per day)	\$500 \$500 \$500 \$1,000
16-11	Mistreatment of an animal (per day)	\$500
16-19E	Release of an animal from County-owned trap (per incident)	\$100
16-24	Restraint/confinement of domestic animals required	\$50
16-26	Prohibition of giveaways in public places per incident per animal	\$50

- (5) Any person who fails to pay a fine within period of 30 days after receiving citation shall be deemed to have committed a misdemeanor and a warrant may be issued for the person's arrest. Prosecution under this section shall require proof of the occurrence of the underlying facts giving rise to the notice of citation. The Animal Enforcement Sergeant may extend time to pay on a citation due to hardship on case by case bases.

- (6) The owner of a dangerous or potentially dangerous animal shall be strictly liable in civil damages for any injuries or property damage the animal inflicts upon a person, his property or another animal as per N.C.G.S. 67-4.4.
 - (7) Violations taking place over continuous days shall be capped at 10 days per animal per violation unless there is evidence suggesting that the person has tried to interfere with Animal Enforcement Officers or obstruct justice in which case additional fines may accrue.
 - (8) The final determination regarding the imposition and number of fines shall be determined by the County and alternative settlements shall be allowed where appropriate.
 - (9) In accordance with Article IX Education, Section 7 of the North Carolina State Constitution, civil penalties collected under this Chapter shall be appropriated and used exclusively for maintaining free public schools.
- E. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the County of Henderson in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the County of Henderson.

§ 16-20. Severability.

If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

§ 16-21. Fees.

Animal Services Center fees will be set each year in the County's budget resolution. All such fees owed must be paid prior to the release of any impounded animal.

§ 16-22. Collection of dogs and cats for resale prohibited.

It shall be unlawful for any person to collect living companion animals within the County for the purpose of resale. The term "collect" shall include but is not limited to home solicitations or the setting of traps on any land within the County for the purpose of reselling animals.

§ 16-23. Notice in case of injury.

It shall be unlawful for any person who causes injury to a domestic animal by any means, specifically including, but not limited to, hitting a domestic animal with any vehicle, within 24 hours of such injury, to fail to notify at least one (1) of the following:

- A. The owner of the animal;
- B. An Animal Enforcement Officer;
- C. An appropriate law enforcement official; or
- D. The Animal Services Center.

§ 16-24. Restraint/confinement of domestic animals required.

- A. No person owning or having charge, care, custody or control of any domestic animal shall cause, permit or allow the same to be or to run at large except while on the private property or premises of the person owning or having charge, care, custody or control of such domestic animal.
- B. When not on the owner's property, a domestic animal shall be under the control of a competent person and restrained by a leash, harness or other similar means of physical control.
- C. This section pertains to all domestic animals with the following exceptions:
 - (1) Dogs used for control of livestock as long as said animal is in the process of controlling livestock.
 - (2) Dogs used or trained for hunting as long as said animal is in the process of being trained by a trainer and/or owner or on a legal hunt in the presence of the owner.
 - (3) Dogs used or trained for exhibition, performance, or obedience, or similar event, as long as said animal is in the process of participating or training for in a kennel club, field trial or similar event.
 - (4) Dogs used for law enforcement while training and/or acting in the line of duty.

- (5) Dogs may be allowed to run at large in off-leash areas of such properties as may be designated by Henderson County or the related municipality, that shall have the authority to establish such rules and regulations as reasonably necessary for the operation of such properties. Dogs in designated off-leash areas must be accompanied by their owner, be under vocal control, in the line of sight, and not cause a public nuisance, safety hazard, harass people or other domestic or wild animals.

§16-25. Animal Abandonment

Unless otherwise specified by this Ordinance, animals, including domestic and livestock, that have been abandoned by their owner shall become the property of the County. For the purpose of this Ordinance, an abandoned animal shall be defined as an animal that is on public property or is reported on private property by the property owner whose owner is unknown and cannot be determined by a reasonable search by Enforcement Officers.

- A. Adoption and Euthanasia. Animals that have been abandoned shall be held by the Animal Services Department for 72 hours unless otherwise specified by this Ordinance. After 72 hours, Animal Services may adopt out or humanely destroy any abandoned animal.
- B. Redemption. Any person claiming to be the owner of an animal must pay the reclaim fee, boarding fee, any veterinary costs and any other costs incurred by the County for the animal prior to the animal being released. Redemption is defined as reclaim for lost, abandoned animals, or animals that have violated the Animal Ordinance and shall not include animals held under quarantine. In the case of cats and dogs, no animal shall be released without being microchipped. In the case of livestock, Animal Services may require some proof from the person of ownership of this animal prior to its release.
- C. Owner Search. Enforcement Officers shall conduct a reasonable search for the owner of the abandoned animal which may include but is not limited to a microchip scan, an investigation of the neighborhood, information supplied on the Animal Services website, or notices on local media outlets.
- D. Willful Abandonment. Any person found to be willfully releasing animals into the community, including but not limited to leaving animals by the side of the road, releasing animals into parks or leaving animals in parking lots shall be guilty of a misdemeanor as defined elsewhere in this Ordinance and may incur civil and criminal penalties. People may lawfully relinquish animals to the Animal Services Center without penalty.

§16-26. Prohibition against giveaways in public places.

It shall be unlawful to display any animal in a public place for the purpose of selling, trading, or giving the animal away or used as a prize or inducement. For the purpose of this section, public place shall be defined as any place open to the general public including but not limited to malls, supermarkets, parking lots, flea markets, farmer's markets, road right-of-ways, and parks. This section does not apply to state regulated pet shops, commercial kennels, licensed animal shelters, veterinarian offices, licensed stockyards or livestock auctions or 501(c)(3) non-profits that adopt out animals with proof of rabies vaccination and alteration.

§16-27 (Reserved)

§16-28. Prohibition of possession of inherently dangerous or wild animals

- A. It shall be unlawful for any owner to keep, possess, harbor, or have under their control an inherently dangerous animal or a wild animal within the County.
- B. Exceptions: Persons with a valid and current government-issued license shall be exempt. Person must currently hold the license.
- C. Recapturing: The owner of any inherently dangerous animal or wild animal shall reimburse Henderson County for all costs incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.
- (1) Animal Enforcement may take and impound an animal under these provisions at any time for the protection of public health, safety, and welfare.
- (2) If an animal cannot be taken safely by Animal Enforcement or if proper and safe housing cannot be found for the animal, Animal Enforcement may immediately destroy the animal.
- D. Testing: In the event the County performs genetic testing on the animal, if the test provides positive returns, the owner may be held civilly liable for the cost of testing.

§16 -29. Through 16-49. (Reserved)

Article II - Miscellaneous

§ 16-50. Compliance with state rabies laws; supplement to state rabies laws.

- A. Failure to comply is unlawful. It shall be unlawful for any animal owner or other person to fail to comply with the state public health laws relating to the control of rabies.
- B. Providing procedure. It is the purpose of this Chapter to supplement the General Statutes by providing procedure for the enforcement of state laws relating to rabies control (in addition to the criminal penalties provided by the General Statutes).

§ 16-51. Rabies vaccination of dogs, cats and other pets.

- A. Failure to vaccinate is unlawful. It shall be unlawful for an owner to fail to provide current vaccination against rabies for any dog, cat, or ferret four months of age or older. Should it be required by the local health director that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current vaccination against rabies for that animal.
- B. Current rabies vaccination. The owner of every dog, cat, or ferret over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the State Veterinary Commission. Rabies vaccine shall be administered as required in N.C.G.S.130A-185.
- C. Adopted animals. Every dog, cat, or ferret adopted from the Animal Services Center shall be vaccinated by a licensed veterinarian or certified rabies vaccinator within 3 days of adoption unless the animal is under 4 months and then it shall be vaccinated when medically possible or when animal is brought back for spay or neuter surgery. If the animal is over 4 months and not vaccinated prior to adoption, a rabies vaccine voucher shall be purchased. Owners shall have the burden to provide vaccine information to Animal Enforcement and Animal Services Center after the animal received the vaccine. If proof of vaccination is not provided to Animal Services within 30 days of adoption, Animal Services shall keep the deposit. In addition, the adopted animal may be impounded by Animal Enforcement Officers and/or civil penalties may be assessed against the owner.
- D. Failure to vaccinate; penalty. The owner of a dog, cat, or ferret not having a current rabies vaccination shall be subject to a civil penalty as determined in this Chapter if such owner does not produce a valid and current rabies vaccination tag or form within 3 days of the demand for same by an Animal Enforcement Officer or law enforcement officer. Failure to produce the tag or form under this subsection is a separate offense for each animal.
- E. Certification of vaccination. The owners of dogs, cats, or ferrets 4 months of age or older shall have the dogs, cats or ferrets vaccinated against rabies with an approved vaccine administered by a licensed veterinarian or certified rabies vaccinator. The veterinarian or certified rabies vaccinator shall issue the owner of the animal a vaccination certificate and such owner shall retain such certificate until vaccination is renewed. At the time of vaccination, an owner shall be issued a metal tag by the veterinarian showing the information required by North Carolina state law.
- F. Tag required to be worn in accordance with state law G.S. 130A-190. Every owner of a dog, cat or ferret shall affix a rabies tag on the dog, cat, or ferret at all times while off its owner's premises. It shall be unlawful for any person other than the owner to remove the tag from the dog, cat or ferret.
- G. Tag, certificate, etc. not transferable. No person shall use a rabies tag or veterinarian certificate or receipt for any dog, cat, or ferret than for the dog, cat, or ferret to which the rabies tag, veterinarian certificate or receipt was issued.

- H. Owner to provide proof of vaccination. Any Animal Enforcement Officer or any law enforcement officer may at any reasonable time require an owner to provide proof of rabies vaccination for any animals. Any owner not possessing a current rabies tag, certificate or receipt for such dog, cat, or ferret over 4 months of age shall fall under the "Enforcement" section below.
- I. Impoundment. Any animal found off the owner's property not wearing the required vaccination tag or an animal that has been under investigation by law enforcement in the last 30 days and did not have proper rabies identification at the time or subsequently on or off the owner's property shall be impounded by an Animal Enforcement Officer. During the impoundment period, the Animal Enforcement Officer shall make reasonable efforts to locate the animal's owner. No animal shall be released until it is vaccinated against rabies, has a rabies voucher or the Animal Services Center is presented with evidence of its current vaccination. An animal impounded under this section shall be released to its owner upon payment of all applicable fees, payment for care during the impoundment and cost of vaccination when necessary.
- J. Enforcement.
 - (1) If an animal is found without a rabies tag on the owner's property, the owner shall have 3 calendar days to obtain proper proof of vaccination and present to Animal Enforcement.
 - a. After 3 days, Animal Enforcement may check the vaccination on the animal and if there is still no proof of rabies vaccination, the owner shall be assessed a rabies fine for 3 days.
 - b. If after 3 days, the owner has proof of rabies vaccination for the animal(s), no fine shall be assessed.
 - (2) If an animal is found off the owner's property, the animal shall be impounded for 72 hours for owner reclaim. Prior to release, the animal's vaccination history shall be verified, and a rabies vaccine voucher shall be purchased if required.

§ 16-52. Report and confinement of dogs and cats biting persons or showing symptoms of rabies.

- A. Quarantine. Every dog or cat that has bitten a person or that shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Services Center, and there upon shall be securely quarantined, at the direction of the Animal Services Center, for 10 days commencing from the time of the bite. Animals quarantined under this section shall be confined at the expense of the owner.
 - (1) All dogs and cats shall be housed at the Animal Services Center unless approved by the local health director or his/her designee in writing.
 - (2) Animals may be quarantined in approved veterinary quarantine at the veterinarian's facility. This must be approved by the local health director in writing. In instances where this option is used, the owner must sign a document produced by the County where the owner accepts all liability for the animal. At the end of the quarantine, the owner or the veterinarian must provide documentation stating the animal does not have rabies and has been properly vaccinated against rabies.
 - (3) Animals quarantined at the Henderson County Animal Services Center must be claimed no more than 24 hours after the end of the quarantine period. After this period the animal shall be considered relinquished to Henderson County Animal Services.
- B. Authority to seize animals for noncompliance. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the local health director may order seizure of the animal and its confinement for 10 days in such a place as the local health director designates, at the expense of the owner.
- C. Disposition of animal other than dog, cat or ferret. An animal other than a dog or cat or ferret that bites a person shall be immediately euthanized and its head forwarded to the North Carolina State Laboratory of Public Health for rabies testing.
- D. Quarantine of stray animals. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the Animal Services Center.
- E. Authority to euthanize unclaimed animals. If any animal is unclaimed after a 10 day confinement, then the Animal Services Director may have the animal euthanized. Mention 24 hours here?
- F. Release from quarantine. If rabies does not develop within the 10 day quarantine period under this section, the animal may be released from quarantine to its owner. If the animal had been confined by the Henderson County Sheriff's Department, upon reclaiming the animal, the owner shall pay any such fee established by resolution of the Board of County Commissioners for each day of confinement to defray the cost of sheltering the animal.

- G. Report of bites. Every physician or other medical practitioner who treats a person or persons for any animal bite or scratch or any person having knowledge of an animal bite or scratch shall within 12 hours, report such treatment to the Animal Services Center giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.
- H. Euthanization of wounded, diseased or suffering animals. Badly wounded, diseased, or suffering animals that are suspected of having rabies may be humanely euthanized immediately and the head forwarded for rabies testing.

§ 16-53. Destruction or confinement of animal bitten by known rabid animal.

- A. Animals not vaccinated against rabies that are bitten by or exposed to a known rabid animal or rabies suspect shall be immediately destroyed or the owner of the exposed or potentially exposed animal can request consideration for quarantine in lieu of destruction. Based on NCGS 130A-197, the local health director can determine final disposition of the animal.
- B. If the animal has a current rabies vaccination, it shall be revaccinated within 72 hours of the bite.

§ 16-54. Area-wide emergency quarantine.

- A. Quarantine ordered. When reports indicate a positive diagnosis of rabies in an animal found within Henderson County or any adjacent County, the local health director may order an area-wide quarantine (in Henderson County only) for such period, as he/she deems necessary. Upon invoking such emergency quarantine, no dog or cat may be taken or shipped from the County without written permission of the local health director. The local health director can place a moratorium on adoptions of animals from the County Shelter. All Animal Services and law enforcement officers are duly authorized by North Carolina General Statutes § 130A-195 to seize, impound or shoot any dog or cat found not under control in the County during an emergency quarantine. During the quarantine period, the local health director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the County.
- B. Extension of quarantine. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the local health director

§ 16-55. Postmortem rabies testing.

- A. Testing of dogs or cats under observation. If a dog or cat dies while under observation for rabies, the dog or cat shall be submitted to the State Laboratory of Public Health for rabies testing.
- B. Surrender of dead dog or cat. The carcass of any dead dog or cat exposed to rabies shall be surrendered to the Animal Services Center. The animal shall be submitted to the State Laboratory of Public Health for rabies testing.

§ 16-56. Unlawful killing or releasing of certain animals.

It shall be unlawful for any person to kill or release any dog or cat that is under observation for rabies, suspected of having been exposed to rabies, or having bitten a human; or to remove such dog or cat from the County without written permission from the local health director. Violation of this section shall be subject to civil penalties as prescribed in § 16-58.

§ 16-57. Failure to surrender dog or cat for quarantine or euthanasia.

It shall be unlawful for any person to fail or refuse to surrender any dog or cat for quarantine or euthanasia as required in this Chapter when demand is made therefore by the local health director or his/her designee.

§ 16-58. Civil penalties

In addition to and independent of any criminal penalties and other sanctions provided in this article, violation of this article may also subject the offender to the civil penalties hereinafter set forth:

- A. The Animal Services Director, Animal Enforcement Officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this Chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail

to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of \$50 or such greater amounts for offenses as may be set by this ordinance. The imposed civil penalty shall be paid in full to the Animal Services Center within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this Chapter.

- B. In the event that the owner of an animal or other alleged violator does not appear in response to the above-described citation or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or criminal summons may be issued against the owner or other alleged violator of this Chapter. Upon conviction, the owner shall be punished as provided by state law. The Sheriff is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the Department and may call on the County Legal Department for assistance as needed.
- C. The following civil penalties are hereby established and subject to revision by the Board of County Commissioners for each incident violation of this Chapter:

<u>Section Violated</u>	<u>Animal Service Civil Penalty Fee Schedule Description</u>	<u>Civil Penalty Fee</u>
16-51	Failure to have current rabies vaccination for an animal (per day, not including quarantine time)	\$100
16-56	Killing or release of an observed animal	\$500
16-57	Failure to surrender an animal for rabies quarantine (per day)	\$250

§ 16-59 Spay-Neuter Incentive Program

- A. Purpose. To promote spay and neuter of domestic dogs and cats by providing funds and education for alteration for Henderson County residents on spay and neuter services and issues. To provide rabies vaccination to animals receiving spay and neuter services.
- B. Incentive Program. For the purpose of this section, adoption means not commercially sold and includes all rescues, havens, shelters or other animal welfare, non-profit organizations in Henderson County, in addition to the County Animal Services Center.
- C. Incentive Program.
 - (1) Authority. Henderson County Animal Services Center is authorized to establish, equip, operate, maintain and provide spay/neuter and rabies vaccination services for Henderson County dogs and cats. Animal Services Center is likewise authorized to contract with any individual, corporation, nonprofit organization, governmental body or any other group for the purpose of providing alteration services for Henderson County cats and dogs.
 - (2) Incentive Fund. Henderson County Animal Services Center may establish a Spay and Neuter Incentive Program Fund to collect and distribute funds to assist eligible residents of Henderson County with financial resources for animal alteration and rabies vaccinations. These monies may also be used toward education program costs and advertising for any spay neuter program in which the county contribute funds. Funds collected at the Henderson County Animal Services Rabies Clinics shall be contributed to this fund. Reclaim fees collected from unaltered animals shall be deposited to this fund.
 - (3) SNIP Voucher program. Vouchers may be available at the Henderson County Animal Services Center to low-income residents of Henderson County which may be redeemed for spay/neuter services at designated local providers.
 - (4) Boarding charge. Henderson County Animal Services Center shall establish a return date by which a person submitting an animal for alteration shall pick up the animal or be subject to a reasonable boarding fee as established by Henderson County to commence after the return date. If the animal is not picked up within 3 business days of the return date, Animal Services shall consider the animal abandoned and/or relinquished and may transfer ownership, adopt out or euthanize the animal as necessary.

- D. Education program.
- (1) Written Information. Henderson County will prepare and distribute educational information to Henderson County pet owners regarding responsible pet ownership and retention, importance of animal alteration, and resources to assist eligible pet owners to have their animals altered.
 - (2) Educational events. Henderson County may coordinate with related organizations and individuals to provide Henderson County residents with classes, events, and other activities to enhance the community's awareness of animal issues including animal overpopulation, responsible pet ownership and retention and the importance of alteration.
 - (3) Henderson County may prepare and distribute educational information regarding responsible pet ownership, animal alteration, spay/neuter assistance, and resources for assistance with other issues.
 - (4) Educational Events. Henderson County may coordinate with related organizations and individuals to provide Henderson County residents with classes, events, and other activities to enhance the community's awareness of animal issues.

§16-60 Through 16-85. (Reserved)

Article III Companion Animal Registry

§16-86. Companion Animal Registration. No household shall own, house, or care for more than 10 companion animals on their property without registering with the Animal Services Center.

- A. Law enforcement shall be permitted to inspect all registered parties at any time. Refusal of inspection shall be grounds for registry revocation.
- B. The owner must notify Animal Services Center if the number of animals increases.

§16-87. Enforcement.

Failure to comply with the provisions of this Article may result in criminal or civil penalties as contemplated in §16-19 of this Ordinance. Violators with more than 10 companion animals who are not registered or have excess animals from their registry must pay \$50 per additional animal more than 10 per day they are in violation. Excess animals may also be impounded at the owner's expense. Excess animals impounded under this Article must be reclaimed within 24 hours of impoundment or become the immediate property of Henderson County.

§16-88. Compliance with Existing Laws.

Nothing in this Article shall be construed to conflict or supplant any federal, state or municipal laws, rules or regulations especially those concerning the licensing of kennels, shelters or pet shops. Nor shall anything in this Article conflict with any state, local, or municipal laws regarding land use.

§ 16-89 Through 16-93. (Reserved)

Article IV. Livestock

§ 16-94. Allowing livestock to run at large forbidden.

If any person shall intentionally, willfully, knowingly or negligently allow his livestock to run at large, he shall be guilty of a Class 3 misdemeanor.

§ 16-95. Impounding livestock at large; right to recover costs and damages.

Any person may take up any livestock running at large or straying and impound the same; and such impounder may recover from the owner the reasonable costs of impounding and maintaining the livestock as well as damages to the impounder caused by such livestock, and may retain the livestock, with the right to use with proper care until such recovery is had. Reasonable costs of impounding shall include any fees paid in order to locate the owner.

§ 16-96. Notice and demand when owner known.

If the owner of impounded livestock is or becomes known to the impounder, actual notice of the whereabouts of the impounded livestock must be immediately given to the owner and the impounder must then make demand upon the

owner of the livestock for the costs of impoundment and the damages to the impounder, if any, caused by such livestock.

§ 16-97. Notice when owner not known.

If the owner of the impounded livestock is not known or cannot be found, the impounder shall inform the register of deeds that he has impounded the livestock and provide the register of deeds with a description of the livestock. The register of deeds shall record the information in a book kept for that purpose, and shall charge the impounder a fee of \$10.00. The register of deeds shall immediately publish a notice of the impoundment of the animal by posting a notice on the courthouse door. The notice on the courthouse door shall be posted for 30 days, and shall contain a full description of the livestock impounded, including all marks or brands on the livestock, and shall state when and where the animal was taken up. The impounder shall publish once, in some newspaper published and distributed in the county, a notice containing the same information as the notice posted by the register of deeds. The fees for publishing the notice shall be paid by the impounder.

§ 16-98. Determination of damages by selected landowners or by referee.

If the owner and impounder cannot agree as to the cost of impounding and maintaining such livestock, as well as damages to the impounder caused by such livestock running at large, then such costs and damages shall be determined by three disinterested landowners, 1 to be selected by the owner of the livestock, 1 to be selected by the impounder and a third to be selected by the first 2. If within 10 days a majority of the landowners so selected cannot agree, or if the owner of the livestock or the impounder fails to make his selection, or if the 2 selected fail to select a third, then the Clerk of Superior Court of the county where the livestock is impounded shall select a referee. The determination of such costs and damages by the landowners or by the referee shall be final.

§ 16-99. Notice of sale and sale where owner fails to redeem or is unknown; application of proceeds.

If the owner fails to redeem his livestock within 3 days after the notice and demand as provided herein is received or within 3 days after the determination of the costs and damages as provided in this article, then, upon written notice fully describing the livestock, stating the place, date, and hour of sale posted at the courthouse door and 3 or more public places in the township where the owner resides, and after 10 days from such posting, the impounder shall sell the livestock at public auction. If the owner of the livestock remains unknown to the impounder, then, 30 days after publication of the notice required herein, the impounder shall post at the courthouse door and 3 public places in the township where the livestock is impounded a written notice fully describing the livestock, and stating the place, date, and hour of sale. After 20 days from such posting, the impounder shall sell the livestock at public auction. The proceeds of any such public sale shall be applied to pay the reasonable costs of impounding and maintaining the livestock and the damages to the impounder caused by the livestock. Reasonable costs of impounding shall include any fees paid pursuant to this article in an attempt to locate the owner of the livestock. The balance, if any, shall be paid to the owner of the livestock, if known, or, if the owner is not known, then to the school fund of the county where the livestock was impounded.

§16-100. Illegally releasing or receiving impounded livestock misdemeanor.

If any person willfully releases any lawfully impounded livestock without the permission of the impounder or receives such livestock knowing that it was unlawfully released, he shall be guilty of a Class 3 misdemeanor.

§ 16-101. Impounded livestock to be fed and watered.

If any person shall impound or cause to be impounded any livestock and shall fail to supply to the livestock during the confinement a reasonably adequate quantity of good and wholesome feed and water, he shall be guilty of a Class 3 misdemeanor.

§ 16-102. Right to feed impounded livestock; owner liable.

When any livestock is impounded under the provisions of this Chapter and remains without reasonably adequate food and water for more than 24 hours, any person may lawfully enter the area of impoundment to supply the livestock with food and water. Such person shall not be liable in trespass for such entry and may recover of the owner or, if the owner is unknown, of the impounder of the livestock, the reasonable costs of the food and water.

§ 16-103. Penalties for violation of this Article.

A violation of this article is a Class 3 misdemeanor.

§ 16-104. Domestic fowls running at large after notice.

If any person shall permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large on the lands of any other person while such lands are under cultivation in any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after having received actual or constructive notice of such running at large, he shall be guilty of a Class 3 misdemeanor.

If it shall appear to any magistrate that after 3 days' notice any person persists in allowing his fowls to run at large in violation of this section and fails or refuses to keep them upon his own premises, then said magistrate may, in his discretion, order the Sheriff or other officer to kill the fowls when they are running at large as herein provided.

§16-105. Codification of General Statutes.

This Article codifies N.C.G.S. Chapter 68, Article 3, its subsequent amendments, additions, or deletions, and the case law of the State of North Carolina arising there under.

§16-106. Through 16-125. (Reserved)



Designation of Voting Delegate to NCACC Annual Conference

I, Charlie Messer, hereby certify that I am the duly designated voting delegate for Henderson County at the 111th Annual Conference of the North Carolina Association of County Commissioners to be held in Catawba County, N.C., on August 23-25, 2018.

Signed: Charlie Messer

Title: Commissioner

Article VI, Section 2 of our Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues.”

Please return this form to Alisa Cobb by: **12 Noon on Friday, August 17, 2018:**

NCACC
353 E. Six Forks Road, Suite 300
Raleigh, NC 27609
Fax: (919) 733-1065
Email: alisa.cobb@ncacc.org
Phone: (919) 715-2685

AGREEMENT

THIS AGREEMENT is made between Safelight, Inc. dba Mainstay, Inc., hereinafter referred to as the "AGENCY" and Henderson County hereinafter referred to as the "CONTRACTOR";

WITNESSETH

That WHEREAS, the AGENCY desires to engage the CONTRACTOR to perform the professional services hereinafter described;

Therefore, the AGENCY and the CONTRACTOR do mutually agree as follows:

1. Contractual Status. The AGENCY and CONTRACTOR agree that the CONTRACTOR shall perform the services required of the CONTRACTOR herein set forth; provided, that the CONTRACTOR is not and will not by virtue of this contract acquire the status of an employee of the AGENCY.
2. Time of Performance. The effective date of this agreement is July 1, 2018 and the termination date is June 30, 2019. This contract may be extended until September 30, 2019.
3. Compensation. The AGENCY will pay CONTRACTOR at a rate of \$23.55 per hour for a total sum not to exceed \$51,563 (*amount stated in approved budget*) for approved services actually provided by the CONTRACTOR. While performing said services in paragraph 4 of this contract, the CONTRACTOR will receive monthly payments based on the number of hours worked.
4. Scope of Services to be Rendered. The CONTRACTOR hereby agrees to perform in a manner satisfactory to the AGENCY the following services:

The contracted position will provide additional legal advocacy at the Family Justice Center (FJC) including but not limited to contacting victims, scheduling hearings, communicating with their department, and accessing the online court system, overall assisting in the faster response to victim's needs.
5. Invoice. Payment under this AGREEMENT will be made upon receipt of an original invoice from CONTRACTOR documenting the services performed; hours worked providing the services, hourly rate of pay, and the amount due and payable pursuant to Paragraphs 3 and 4 of this AGREEMENT. All services must be performed to the satisfaction of the AGENCY prior to any payment being made.
6. Contract Administrator. John Lauterbach is designated as the contract administrator for this AGREEMENT. The contract administrator is responsible for monitoring the CONTRACTOR'S performance, approving payment to the CONTRACTOR and for providing evaluation of the CONTRACTOR.
7. Funding. All terms and conditions of this AGREEMENT are dependent upon and subject to the allocation of funds for the purposes set forth, and the AGREEMENT shall automatically terminate if funds cease to be available.

8. Audit of Project Records. The CONTRACTOR'S project records may be audited by the AGENCY, the Governor's Crime Commission, or duly authorized agents of either entity.
9. Taxes. The CONTRACTOR shall be considered to be an independent contractor and as such shall be responsible for all taxes. The CONTRACTOR agrees to provide the AGENCY with the CONTRACTOR'S correct taxpayer identification number upon the execution of this AGREEMENT. The CONTRACTOR agrees that failure to provide the AGENCY with a correct taxpayer number authorizes the AGENCY to withhold 20% of any amount due and payable under this AGREEMENT pursuant to the provisions of the Internal Revenue Code, Title 26, United States Code.
10. Warranty. As an independent contractor, the CONTRACTOR will hold the AGENCY harmless for any liability and personal injury that may occur from or in connection with the performance of the AGREEMENT.
11. Situs. This contract shall be governed by the laws of North Carolina.
12. Antitrust Laws. This contract is entered into in compliance with all State and Federal antitrust laws.
13. Compliance with Law. The CONTRACTOR shall remain an independent contractor and as such shall be wholly responsible for the work to be performed under the supervision of his employees. The CONTRACTOR shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of the CONTRACTOR'S business and work performance under this AGREEMENT, including those of Federal, State and local agencies having appropriate jurisdiction.
14. Certification. The CONTRACTOR certifies that they have not been debarred or suspended from receiving Federal or State funds.
15. Assignment. This AGREEMENT or any interest herein shall not be assigned or transferred by the CONTRACTOR. The CONTRACTOR shall not subcontract any work to be performed pursuant to this AGREEMENT without the written approval of the AGENCY.
16. Entire Agreement. This AGREEMENT, including any exhibits and amendments annexed hereto and any documents incorporated specifically by reference, represents the entire agreement between the parties and supersedes all prior oral and written statements or agreements. This AGREEMENT may be amended only by written amendments duly executed by the AGENCY and the CONTRACTOR.

IN WITNESS WHEREOF, the AGENCY and the CONTRACTOR have each executed the AGREEMENT, this the 18th day of July 2018.


Henderson County Manager

Safelight, Inc. dba Mainstay, Inc.



HENDERSON COUNTY PUBLIC SCHOOLS

414 Fourth Avenue West, Hendersonville, NC 28739-4261
Bo Caldwell, Superintendent

Board of Public Education
Amy Lynn Holt, *Chairperson*
Rick R. Wood, *Vice Chairperson*
Michael Absher
Mary Louise Corn
Colby Coren
Blair Craven
Lisa T. Edwards

July 11, 2018

Mr. Michael Edney, Chairman
Henderson County Board of Commissioners
One Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792

RE: Hendersonville High School Construction

Dear Mr. Edney,

On behalf of the Board of Public Education, I would like to first offer our sincere gratitude to each member of the Board of Commissioners for your tireless efforts, continued partnership, thoughtful consideration, and daily support of our school system. The level of service our staff and schools provide to the students of our community is only possible because of the support we receive from each of you.

With respect to the Hendersonville High School project, I recognize that the Board of Commissioners has committed significant time, energy, and financial resources to this endeavor over the past two and half years. I know that our Board values these commitments and seeks to make decisions now, and in the future, that respect such investment.

Over the past week, each member of the Board of Public Education has had the opportunity to review updated construction cost information for Hendersonville High School with architect Chad Roberson from Clark Nexsen. We were presented with three options that reflect construction costs in excess of the current budget approved by the Board of Commissioners. Each option challenges some element of our design priorities, educational commitments, or fiduciary responsibility.

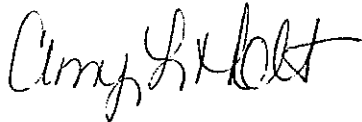
As chairperson, it is clear to me that the position of the Board of Public Education remains for the construction of Option A, which includes all elements of the requested programming, 900 seat auditorium, and an auxiliary gym. This option is projected to cost between \$63 million and \$65.2 million (includes all alternates).

Should the Board of Commissioners determine that Option A is not financially feasible, then the preferred course of action is not to pursue any of the construction options presented, but rather, that the Board of Commissioners allocate the full project budget, including escalation costs and recommended construction alternates, to the Board of Public Education in order that we "start from scratch". Based on the data provided by Clark Nexsen and Vannoy Construction, such a full project budget is estimated at approximately \$59 million, as recently presented in the Option A – C cost figures.

It is no easy task to begin again, when so much has been invested. However, I am confident that we have a shared responsibility to serve future generations with the decisions we make today, and I am truly grateful for your continued leadership and stewardship.

My thanks in advance for your support of this request, and please do not hesitate to let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Amy Lynn Holt". The signature is written in a cursive, flowing style.

HENDERSON COUNTY BOARD OF PUBLIC EDUCATION
Amy Lynn Holt, Chairperson

cc: Members, Henderson County Board of Commissioners
Mr. Steven D. Wyatt, Henderson County Manager
Members, Henderson County Board of Public Education
Mr. Bo Caldwell, Superintendent

DURING THE JULY 18, 2018 MEETING, THE BOARD ENACTED THE FOLLOWING:

2018-80 Rezoning Application #R-2018-04, Roger Gagnon

2018-81 Pending Releases and Refunds

2018-82 Water easement across Etowah Elementary

2018-83 Late application for Property Tax Relief

2018-84 Full Time Scales Operator - Reclassification

2018-85 FY2017-2018 Tax Collector's Settlement; Approval for Bond Amounts for Tax Collector/Deputy; FY 2018-2019 Order for Collection

2018-86 Ordinance Revision to Chapter 16 (Animal)

2018-87 Retiree Health Insurance