

# DRAFT

## 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 Marstellar, 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 2<sup>nd</sup>, 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:

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 17<sup>th</sup> 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.

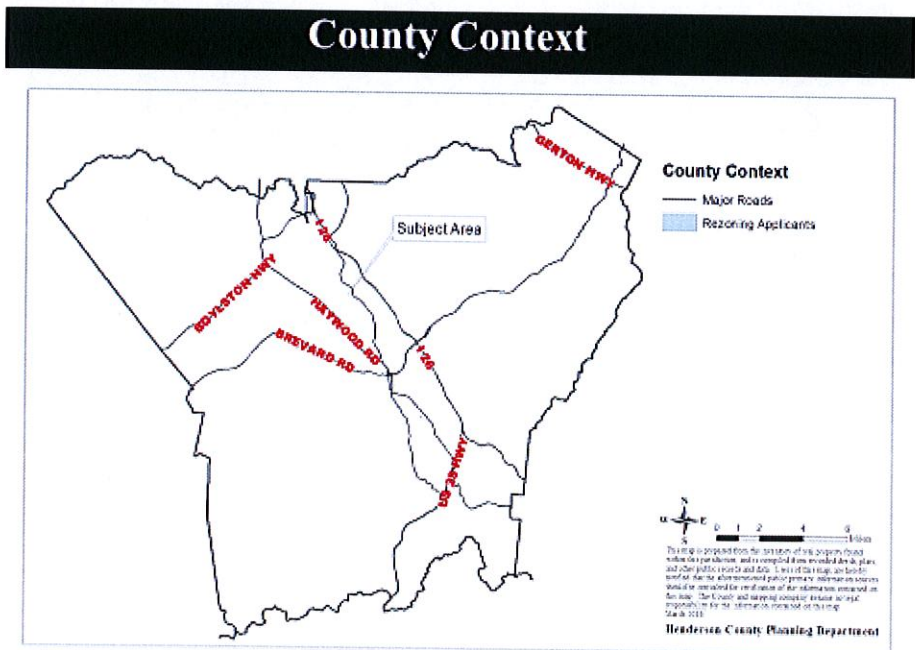
**Public Notice:**

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 18<sup>th</sup>, 2018 public hearing regarding rezoning application #R-2018-04 was published in the Times-News on June 29<sup>th</sup>, 2018 and published a second time on July 6<sup>th</sup>, 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 25<sup>th</sup>, 2018 and posted signs advertising the hearing on the Subject Area on June 26<sup>th</sup>, 2018.

**Board Action Requested:**

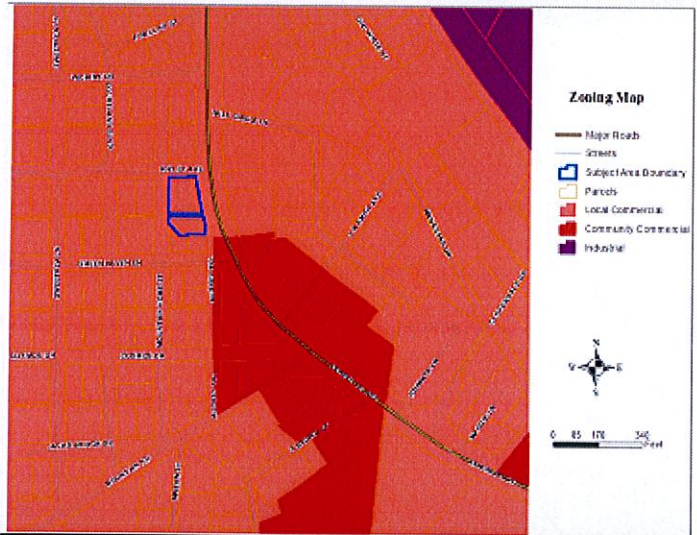
If approved, State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

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

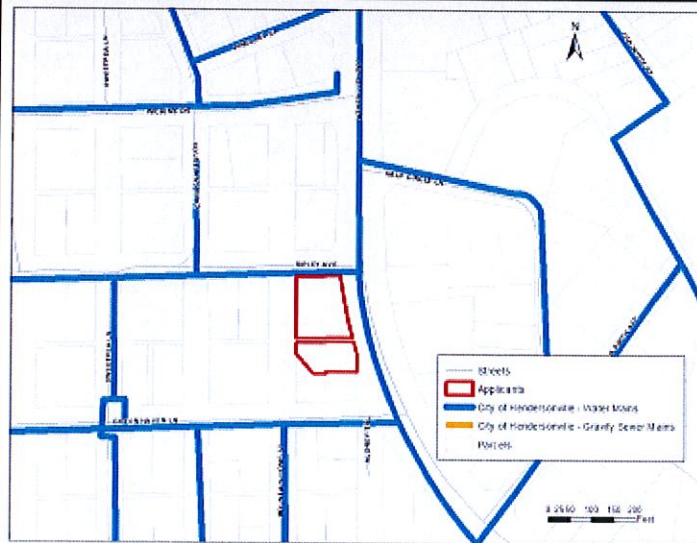




### Current Zoning Map



### 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.*

#### **Cancellation 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 17<sup>th</sup> 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 14<sup>th</sup> Amendment and the 1<sup>st</sup> 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: 4<sup>th</sup> 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 111<sup>th</sup> 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*

<b>LEVY ADDITIONS</b>				
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
<b>TOTAL</b>	<b>\$ 72,116,525.27</b>	<b>\$ 8,429,322.42</b>	<b>\$ 16,789.74</b>	<b>\$ 80,562,637.43</b>

<b>LEVY CREDITS</b>				
All sums allowed as credits to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 70,636,582.90	\$ 8,212,210.78	\$ 16,788.55	\$ 78,865,582.23
Adjustments	\$ 633,802.05	\$ 101,899.66	\$ -	\$ 735,700.72
Releases	\$ 9,452.53	\$ 1,528.71	\$ 1.19	\$ 10,982.43
Interest	\$ 117,769.80	\$ 15,750.44	\$ -	\$ 133,520.04
Unpaid Tax: Real & Personal Property	\$ 718,918.18	\$ 97,633.83	\$ -	\$ 816,552.01
Unpaid Tax: Registered Motor Vehicles	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 72,116,525.27</b>	<b>\$ 8,429,322.42</b>	<b>\$ 16,789.74</b>	<b>\$ 80,562,637.43</b>

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
<b>TOTAL</b>	<b>\$ 6,180,309.16</b>	<b>\$ 794,714.76</b>	<b>\$ 1,226,158.46</b>	<b>\$ 8,201,182.38</b>

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
<b>TOTAL</b>	<b>\$ 6,180,309.16</b>	<b>\$ 794,714.76</b>	<b>\$ 1,226,158.46</b>	<b>\$ 8,201,182.38</b>

**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
<b>TOTAL</b>	<b>\$ 78,296,834.43</b>	<b>\$ 9,224,037.18</b>	<b>\$ 1,242,948.20</b>	<b>\$ 88,763,819.81</b>

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
<b>TOTAL</b>	<b>\$ 78,296,834.43</b>	<b>\$ 9,224,037.18</b>	<b>\$ 1,242,948.20</b>	<b>\$ 88,763,819.81</b>

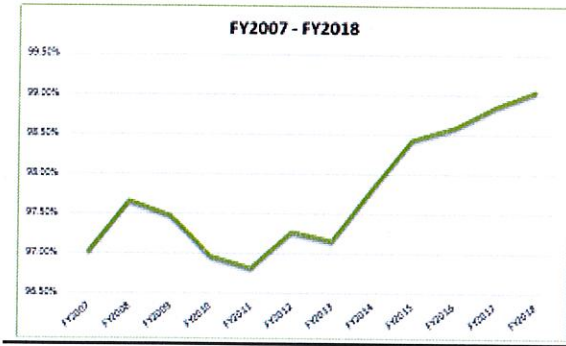


**FISCAL YEAR-END COLLECTION RATES**

	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 if 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 in 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.*

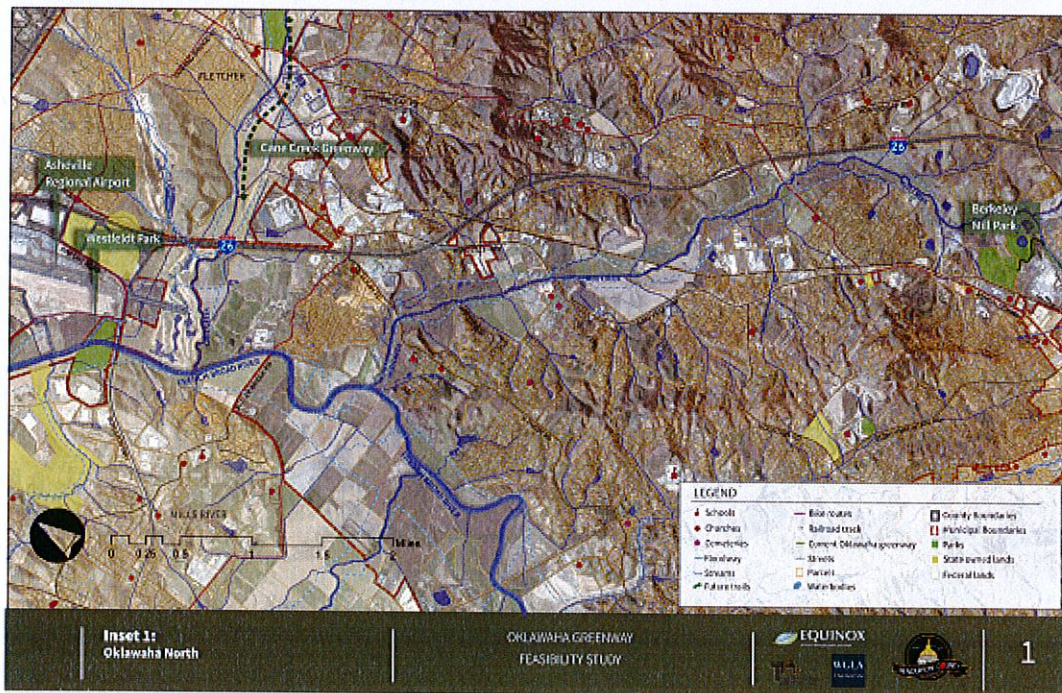
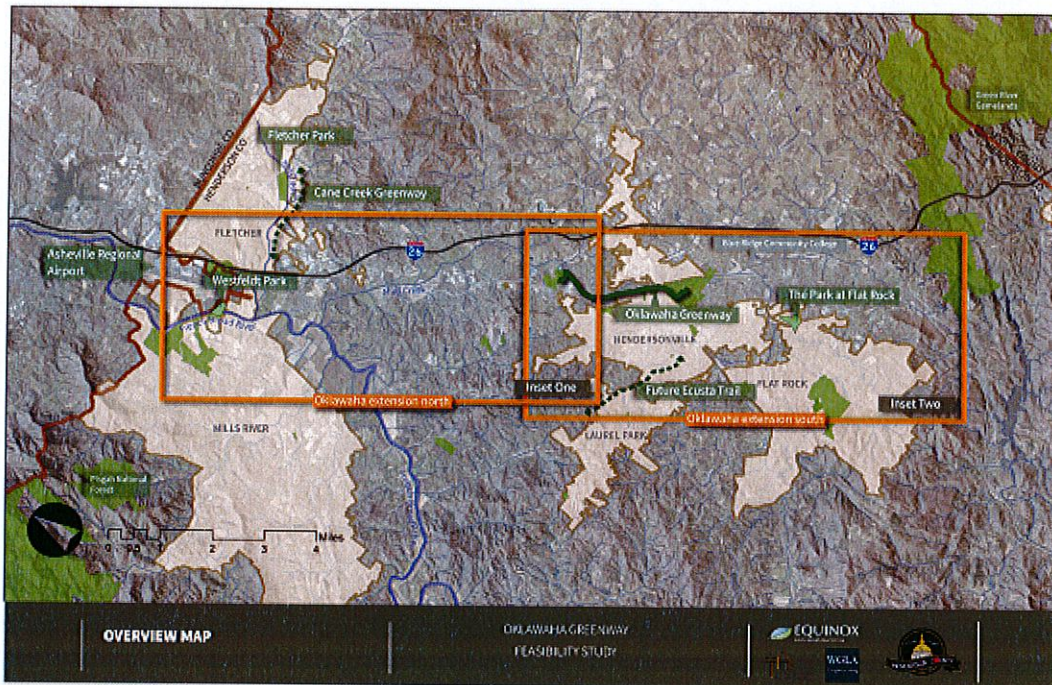
This action does not preclude the Chairman Edney from working with Chair Holt and try to come up with something and come back to the Board.

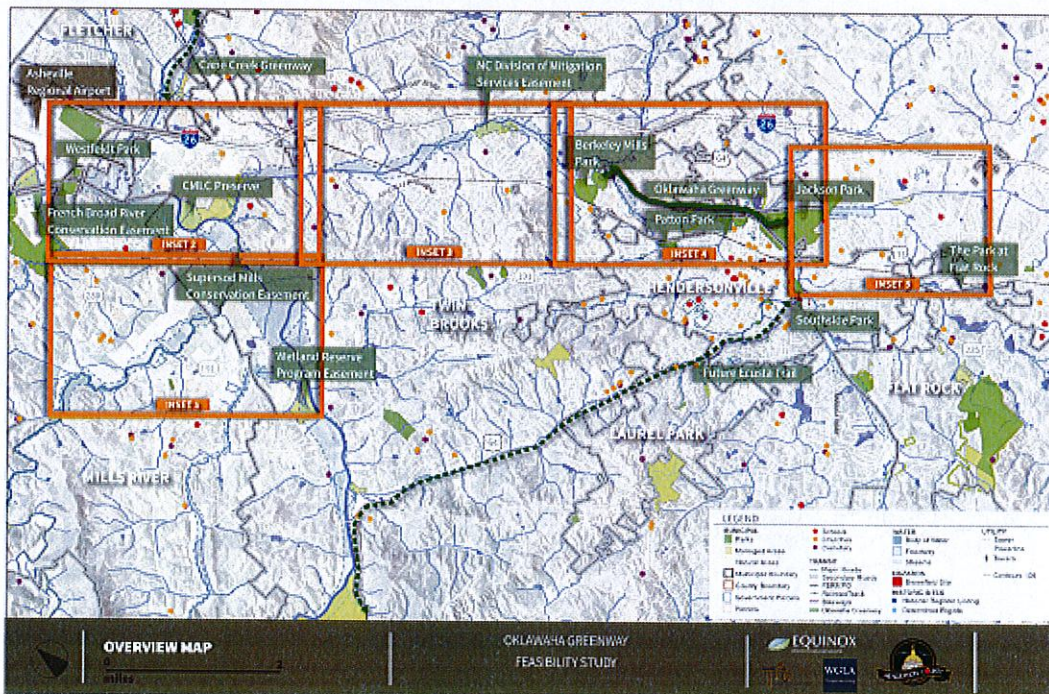
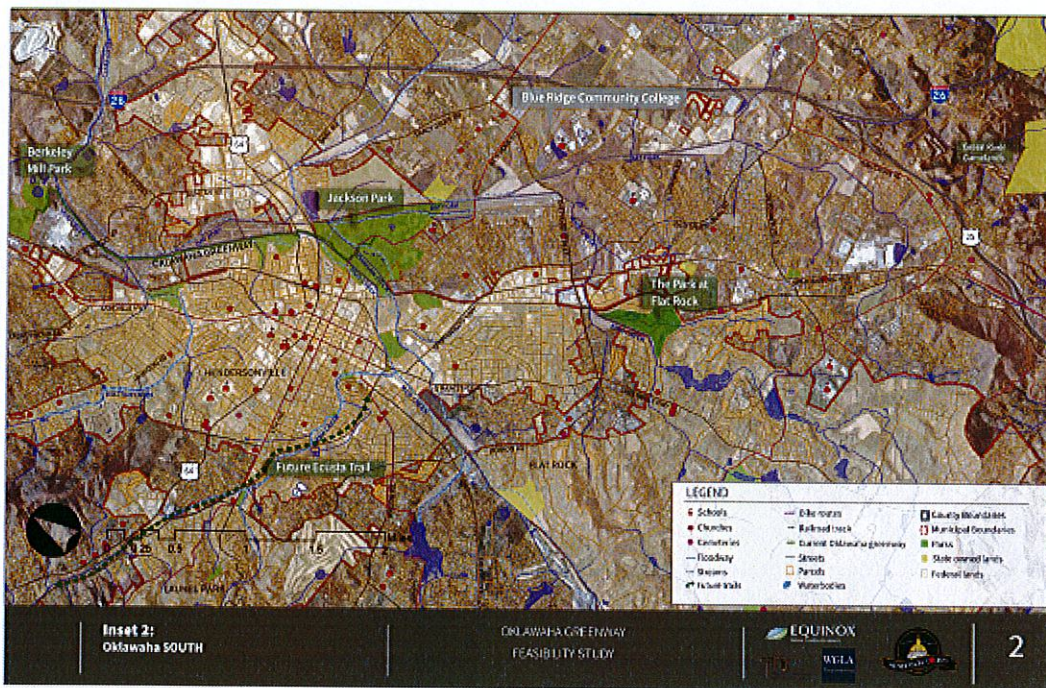
#### **UPDATE ON THE OKLAWAHA GREENWAY FEASIBILITY STUDIES**

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**

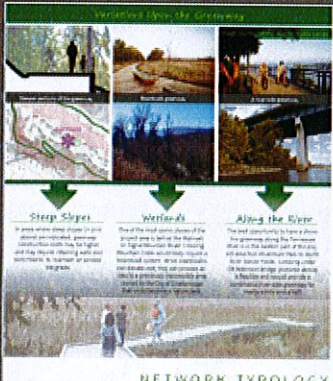
**Task 6. Maintenance Plan**

**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

## What we will be doing

**Task 8. Feasibility Study, Supplement & Brochure**

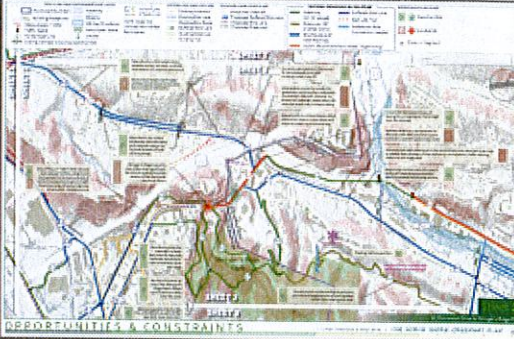


**Steep Slopes**  
In areas where steep slopes are present, a greenway alignment should be designed to follow the natural contours of the land to minimize erosion and maintain soil stability.

**Wetlands**  
Wetlands are critical ecosystems that provide numerous benefits, including water filtration and habitat for wildlife. Greenway alignments should be designed to avoid or minimize impacts on wetlands.

**Aligning the River**  
The best opportunity to have a greenway along the French Broad River is to align it with the natural path of the river, which is often found in the floodplain. This approach allows for a more natural and resilient greenway alignment.

NETWORK TYPOLOGY




OPPORTUNITIES & CONSTRAINTS

### The Bike/Walk Boulevard

**Why a Bike/Walk Boulevard?**  
Bike/walk boulevards are a type of greenway that provides a safe and comfortable environment for both cyclists and pedestrians. They are designed to be more like a traditional street, but with a focus on providing a safe and comfortable environment for both cyclists and pedestrians.

**Top of the Road Location for Bike/Walk Boulevards**  
Top of the road locations for bike/walk boulevards are primarily in the floodplain and flood plain. These locations provide the best opportunity for a bike/walk boulevard with a view of the river.

**Guidelines for a Bike/Walk Boulevard**  
Bike/walk boulevards should be designed to be safe and comfortable for both cyclists and pedestrians. They should be designed to be more like a traditional street, but with a focus on providing a safe and comfortable environment for both cyclists and pedestrians.



NETWORK TYPOLOGY

The Schedule

Task	2018						
	6	7	8	9	10	11	12
	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>Task 1: Analysis/Information Gathering</b>							
Kick-off Meeting		*					
Data Collection & Base Mapping							
Review of Existing Plans & Ordinances							
Existing Conditions Maps Developed							
<b>Task 2: Opportunities &amp; Barriers Assessment</b>							
Internal Consultant Team Workshop		*					
<b>Task 3: Preliminary Landowner Outreach</b>							
Identify Landowners							
Landowner Workshop			*				
<b>Task 4: Alternative Trail Alignments</b>							
Alternative Alignments Developed							
Maps Developed							
<b>Task 5: 10-Year Action Plan</b>							
3d Data Collection							
<b>Task 6: Maintenance Plan</b>							
Maintenance Plan Developed							
<b>Task 7: Public &amp; Stakeholder Engagement</b>							
Kick-off Meeting							
Landowner Workshop			*				
Overnight Committee Meeting / Action Planning / Review of Alignments				*			
Public Open House						*	
NCCOT Meeting						*	
Transportation Advisory Committee & Recreation Advisory Board Meeting							*
Henderson Co. Board of Commissioners Presentation							*
<b>Task 8: Feasibility Plan</b>							
Develop Draft Plan						*	
Develop Supplemental Summary						*	
Informational Brochure						*	
Final Comments/Plan Finalized							*

\* Key milestones

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 Illegal Substances	Blake Fagan, MAHEC 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 27<sup>th</sup>. 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 18<sup>th</sup>, 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.

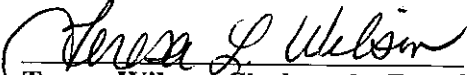
THIS the 18<sup>th</sup> day of July, 2018.

**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

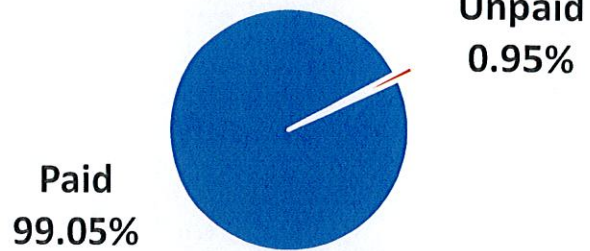
Monday, July 02, 2018

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):

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



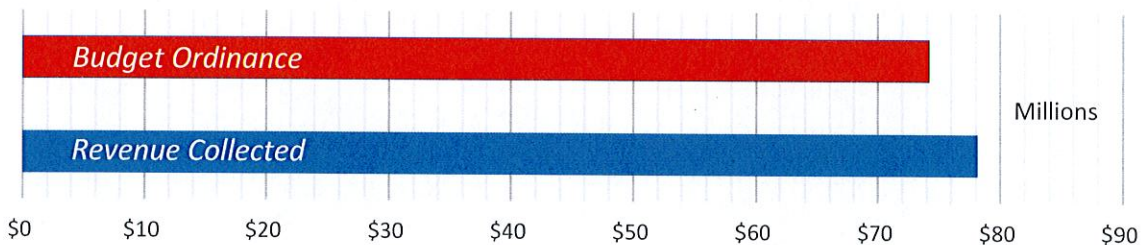
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

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

**98.97%**

## Henderson County FY18 Budget Analysis:

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



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.

<b>Type:</b>	<b>Amount:</b>
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	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
BALLARD, HAZEL M	0000606543-2016-2016-0000	PARCEL WAS BEING DOUBLE BILLED. ABSTRACT VOIDED FOR 2016.	(\$20,600)	4927	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC	COUNTY	TAX	\$116.39	\$106.40	\$116.39	\$106.40
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$116.39	\$106.40	\$106.40	
								ABSTRACT TOTAL:	\$116.39	\$106.40	\$106.40	
DETOURS	0000606543-2017-2017-0000	PARCEL WAS BEING DOUBLE BILLED. ABSTRACT VOIDED FOR 2017.	(\$20,600)	4926	PCARVER	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC	COUNTY	TAX	\$116.39	\$0.00	\$116.39	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$116.39	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$116.39	\$0.00	\$0.00	
DETOURS	0003092668-2017-2015-0000	DETOURS, LLC DID NOT OPEN FOR BUSINESS UNTIL MARCH 2015 PER SECRETARY OF STATE, AND SWORN AFFIDAVIT. ABSTRACT VOIDED FOR 2015.	(\$41,200)	4931	KHENSLEY	245 N KING ST HENDERSONVILLE NC 28792	COUNTY	TAX	\$244.62	\$244.62	\$244.62	\$106.40
								LATE LIST FEE	\$73.39	\$73.39	\$73.39	
								TOTAL:	\$318.01	\$318.01	\$318.01	
								ABSTRACT TOTAL:	\$318.01	\$318.01	\$318.01	
MCLEOD, ANTHONY TODD	0000606747-2017-2017-0000	MANUFACTURED HOME WAS PURCHASED IN JULY 2016 AND WAS RELOCATED TO MOORE COUNTY. ABSTRACT VOIDED FOR 2017.	(\$30,400)	4930	RJONES	NEED PHYSICAL ADDRESS FLAT ROCK NC 28731	COUNTY	TAX	\$171.76	\$171.76	\$171.76	\$171.76
								LATE LIST FEE	\$17.18	\$17.18	\$17.18	
								TOTAL:	\$188.94	\$188.94	\$188.94	
								ABSTRACT TOTAL:	\$188.94	\$188.94	\$188.94	
METCALF, MARTHA NELL	0000414558-2016-2016-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2016.	(\$30,400)	4919	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$57.63	\$0.00	\$57.63	\$0.00
								LATE LIST FEE	\$5.76	\$0.00	\$5.76	
								TOTAL:	\$63.39	\$0.00	\$63.39	
								ABSTRACT TOTAL:	\$63.39	\$0.00	\$63.39	
METCALF, MARTHA NELL	0000414558-2017-2017-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2017.	(\$10,200)	4918	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$57.63	\$0.00	\$57.63	\$0.00
								LATE LIST FEE	\$5.76	\$0.00	\$5.76	
								TOTAL:	\$63.39	\$0.00	\$63.39	
								ABSTRACT TOTAL:	\$63.39	\$0.00	\$63.39	
METCALF, MARTHA NELL	0000414558-2017-2017-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2017.	(\$10,200)	4918	RJONES	REAVEN ROCK/SALUDA FIRE	REAVEN ROCK/SALUDA FIRE	TAX	\$10.20	\$0.00	\$10.20	\$0.00
								LATE LIST FEE	\$1.02	\$0.00	\$1.02	
								TOTAL:	\$11.22	\$0.00	\$11.22	
								ABSTRACT TOTAL:	\$11.22	\$0.00	\$11.22	
METCALF, MARTHA NELL	0000414558-2017-2017-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2017.	(\$20,400)	4918	RJONES	REAVEN ROCK/SALUDA FIRE	REAVEN ROCK/SALUDA FIRE	TAX	\$57.63	\$0.00	\$57.63	\$0.00
								LATE LIST FEE	\$5.76	\$0.00	\$5.76	
								TOTAL:	\$63.39	\$0.00	\$63.39	
								ABSTRACT TOTAL:	\$63.39	\$0.00	\$63.39	
METCALF, MARTHA NELL	0000414558-2017-2017-0000	MANUFACTURED HOME SOLD 1/12/2012. ABSTRACT VOIDED FOR 2017.	(\$20,400)	4918	RJONES	REAVEN ROCK/SALUDA FIRE	REAVEN ROCK/SALUDA FIRE	TAX	\$10.20	\$0.00	\$10.20	\$0.00
								LATE LIST FEE	\$1.02	\$0.00	\$1.02	
								TOTAL:	\$11.22	\$0.00	\$11.22	
								ABSTRACT TOTAL:	\$11.22	\$0.00	\$11.22	

\*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	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	RJONES	HENDERSON COUNTY NC	COUNTY	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
							REAVEN ROCK/SALUDA FIRE	TAX	\$8.67	\$0.00	\$8.67	\$0.00
								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
								TOTAL:	\$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
							REAVEN ROCK/SALUDA FIRE	TAX	\$8.67	\$0.00	\$8.67	\$0.00
								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
								TOTAL:	\$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
							REAVEN ROCK/SALUDA FIRE	TAX	\$10.20	\$0.00	\$10.20	\$0.00
								LATE LIST FEE	\$1.02	\$0.00	\$1.02	\$0.00
								TOTAL:	\$11.22	\$0.00	\$11.22	\$0.00
								ABSTRACT TOTAL:	\$68.85	\$0.00	\$68.85	\$0.00
								TOTAL:	\$203.19	\$0.00	\$203.19	\$0.00
								LATE LIST FEE	\$605.68	\$605.68	\$497.77	\$497.77
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$128.64	\$128.64	\$497.77	\$497.77
								TOTAL:	\$0.00	\$0.00	\$105.72	\$105.72
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$105.72	\$105.72
								ABSTRACT TOTAL:	\$603.49	\$603.49	\$603.49	\$603.49
								TOTAL:	\$603.49	\$603.49	\$603.49	\$603.49
								LATE LIST FEE	\$20.34	\$0.00	\$20.34	\$0.00
								TOTAL:	\$2.03	\$0.00	\$2.03	\$0.00
								TOTAL:	\$22.37	\$0.00	\$22.37	\$0.00
								ABSTRACT TOTAL:	\$22.37	\$0.00	\$22.37	\$0.00
								TOTAL:	\$22.37	\$0.00	\$22.37	\$0.00
								OWNER TOTAL:	\$30,600	\$30,600	\$30,600	\$30,600
								OWNER TOTAL:	\$88,100	\$88,100	\$88,100	\$88,100
								OWNER TOTAL:	\$88,100	\$88,100	\$88,100	\$88,100
								OWNER TOTAL:	\$3,600	\$3,600	\$3,600	\$3,600
								OWNER TOTAL:	\$3,600	\$3,600	\$3,600	\$3,600
								OWNER TOTAL:	\$3,600	\$3,600	\$3,600	\$3,600

\*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	LEWY 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	ROOMES	HENDERSON COUNTY NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$72.32 \$7.23 \$79.55	\$0.00 \$0.00 \$0.00	\$72.32 \$7.23 \$79.55	\$0.00 \$0.00 \$0.00
							FLETCHER FIRE	TAX	\$14.72	\$0.00	\$14.72	\$0.00
								LATE LIST FEE TOTAL:	\$1.47	\$0.00	\$1.47	\$0.00
								ABSTRACT		\$16.19	\$95.74	\$0.00
								TOTAL:		\$0.00	\$72.32	\$0.00
								TAX	\$72.32	\$0.00	\$72.32	\$0.00
								LATE LIST FEE TOTAL:	\$7.23	\$0.00	\$7.23	\$0.00
							FLETCHER FIRE	TAX	\$14.72	\$0.00	\$14.72	\$0.00
								LATE LIST FEE TOTAL:	\$1.47	\$0.00	\$1.47	\$0.00
								ABSTRACT		\$16.19	\$95.74	\$0.00
								TOTAL:		\$0.00	\$191.48	\$0.00
								ABSTRACT		\$25.600	\$2122.98	\$1256.97
								TOTAL:		(\$287,528)		
<b>GRAND TOTALS:</b>												

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.

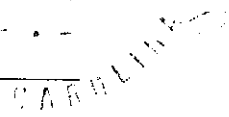
By: \_\_\_\_\_ (SEAL)

*Steve Wurt*

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 Wurt, 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;

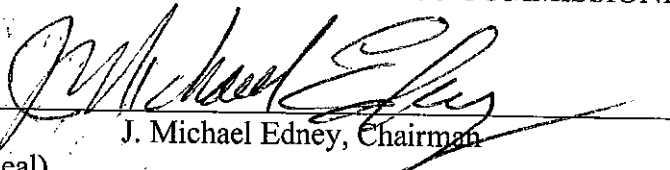
**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

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.

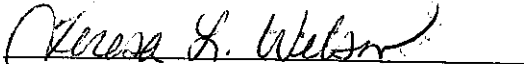
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

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.

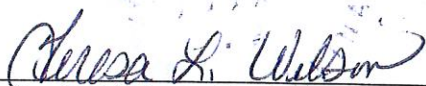
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

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.

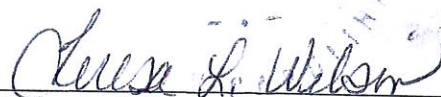
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. Michael Edney, Chairman

Attest:

(County Seal)

  
Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

ORDER OF COLLECTION

COUNTY OF HENDERSON

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.

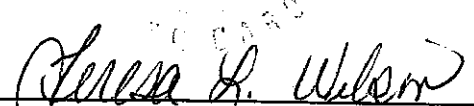
WITNESS my hand and official seal, this 18th day of July, 2018.

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:

	Interest	Charge	Credit	Difference
<b>Total amount of all taxes placed in the Tax Collector's hands for collection for the year:</b>				
G01 General County	117,769.60	72,116,525.27	72,116,525.27	0.00
<b>Total General County</b>				
<b>Fire Districts:</b>				
F15 Bat Cave	225.82	106,297.32	106,297.32	0.00
F01 Blue Ridge	2,024.90	1,038,050.09	1,038,050.09	0.00
F09 Dana	1,374.11	592,094.38	592,094.38	0.00
F03 Edneyville	2,314.93	727,250.10	727,250.10	0.00
F04 Etowah-Horse Shoe	1,731.91	1,138,272.46	1,138,272.46	0.00
F05 Fletcher	1,284.85	952,570.94	952,570.94	0.00
F11 Gerton	128,403.60	128,816.11	128,816.11	0.00
F06 Green River	480,156.63	481,156.76	481,156.76	0.00
F08 Mills River	120,778.62	121,232.57	121,232.57	0.00
F07 Mountain Home	1,539,203.37	1,541,678.75	1,541,678.75	0.00
F12 Raven Rock	187,961.33	188,274.86	188,274.86	0.00
F02 Valley Hill	2,138.42	1,413,628.08	1,413,628.08	0.00
<b>Total Fire Districts</b>	<b>15,750.44</b>			
<b>Municipal Districts:</b>				
C01 (City of Hendersonville	0.00	0.00	0.00	0.00
C02 (Town of Laurel Park	0.00	0.00	0.00	0.00
C03 (City of Saluda	16,789.74	16,789.74	16,789.74	0.00
C04 (Town of Fletcher	0.00	0.00	0.00	0.00
C50 Village of Flat Rock 51	0.00	0.00	0.00	0.00
Village of Flat Rock 52	0.00	0.00	0.00	0.00
Village of Flat Rock 56	0.00	0.00	0.00	0.00
C60 Town of Mills River	0.00	0.00	0.00	0.00
<b>Total Municipal Districts</b>	<b>0.00</b>			
<b>SUBTOTAL</b>	<b>\$133,520.04</b>			
<b>TOTAL CHARGE TO TAX COLLECTOR</b>		<b>\$80,562,637.43</b>		

**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
<b>Total General County</b>						
<b>Fire Districts:</b>						
F15 Bat Cave	103,213.28	28.82	17.71	225.82	2,811.69	2,811.69
F01 Blue Ridge	1,013,732.73	7,453.83	133.92	2,024.90	14,704.71	14,704.71
F09 Dana	579,308.11	1,407.26	172.69	1,374.11	9,832.21	9,832.21
F03 Edneyville	708,664.74	1,591.69	421.03	2,314.93	14,257.71	14,257.71
F04 Etowah-Horse Shoe	1,125,042.37	735.06	117.29	1,731.91	10,645.83	10,645.83
F05 Fletcher	941,213.77	618.08	80.83	1,284.85	9,373.41	9,373.41
F11 Gerton	127,658.73	17.01	132.06	412.51	595.80	595.80
F06 Green River	471,475.03	4,359.68	53.90	1,000.13	4,268.02	4,268.02
F08 Mills River	116,398.63	1,948.17	20.66	453.95	2,411.16	2,411.16
F07 Mountain Home	1,443,890.13	81,278.76	240.61	2,475.38	13,792.87	13,792.87
F12 Raven Rock	185,718.18	1,022.36	25.32	313.53	1,195.47	1,195.47
F02 Valley Hill	1,395,995.08	1,436.94	112.69	2,136.42	13,944.95	13,944.95
<b>Total Fire Districts</b>	<b>8,212,310.78</b>	<b>101,898.66</b>	<b>1,528.71</b>	<b>15,750.44</b>	<b>97,833.83</b>	<b>97,833.83</b>
<b>Municipal Districts:</b>						
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	16,786.55	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
<b>Total Municipal Districts</b>	<b>16,786.55</b>	<b>0.00</b>	<b>1.19</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL</b>	<b>\$78,865,682.23</b>	<b>\$735,700.72</b>	<b>\$10,982.43</b>	<b>\$133,520.04</b>	<b>\$816,752.01</b>	<b>\$0.00</b>

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

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

My Commission expires: 3.9.2019

Respectfully Submitted,

*Darlene Burgess*  
Darlene Burgess, Tax Administrator

*Jennifer P. Morlu*  
Notary Public

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/](http://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	49,999.90	4,858.54	22,298.32	4,762.55	71,734.28	9,581.87	71,428.73	63,182.63
2011	41,462.97	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	3,923.81	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	5,575.40	3,461.67	95,767.75	62,832.16
2006/Prior	1,405.80	1,737.12	1,511.03	2,495.83	2,833.40	4,231.72	844,138.05	948,613.31
<b>TOTAL:</b>	<b>1,011,198.54</b>	<b>18,387.29</b>	<b>241,676.63</b>	<b>24,598.91</b>	<b>1,196,339.60</b>	<b>42,936.43</b>	<b>1,887,575.30</b>	<b>1,273,204.21</b>

## 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	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Laurel Park	6,251.02	56.07	1,103.20	133.14	2,759.82	189.21	0.00	176,676.63
Saluda	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,264.81
Fletcher	1,045.67	11.72	604.73	3.92	1,650.17	15.64	0.00	115.00
Flat Rock 51	10.03	0.00	7.18	0.00	17.21	0.00	0.00	29,790.30
Flat Rock 52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	866.09
Flat Rock 56	216.36	0.00	135.02	0.00	351.23	0.00	0.00	295.90
Millis River	7,590.87	0.00	1,987.19	0.00	4,983.28	0.00	0.00	27.40
<b>TOTAL:</b>	<b>15,353.85</b>	<b>56.07</b>	<b>3,833.32</b>	<b>137.06</b>	<b>9,550.32</b>	<b>189.21</b>	<b>0.00</b>	<b>4,485.90</b>



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	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	34,137.71	
Dana	11,253.98	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	21,553.81	539.13	36,550.18	18,891.11	
Etowah/HS	43,333.67	241.77	11,340.82	161.56	54,578.95	403.26	30,136.72	13,337.13	
Fletcher	11,634.12	207.91	1,629.83	137.15	12,942.98	344.65	23,958.70	15,071.79	
Gaston	465.05	11.41	49.96	7.00	514.98	18.41	257.46	961.01	
Green River	7,178.24	147.45	1,338.80	94.68	2,512.19	241.99	9,868.74	5,453.37	
Mills River	4,053.84	26.23	350.84	19.56	4,404.71	45.73	8,917.35	6,528.85	
Min Home	14,113.84	391.91	1,920.72	261.85	14,511.46	653.38	21,894.07	25,286.48	
Raven Rock	3,345.03	38.07	351.05	13.98	3,667.16	52.05	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	7.58	84.45	18.43	197.43	25.98	696.99	1,599.20	
<b>TOTAL:</b>	<b>156,626.68</b>	<b>2,340.63</b>	<b>28,816.07</b>	<b>1,652.65</b>	<b>176,396.58</b>	<b>3,980.96</b>	<b>221,669.06</b>	<b>156,867.56</b>	
<b>TOTAL DELINQUENT PROPERTY TAX COLLECTED:</b>									
<b>TOTAL LEVY CREDIT</b>		<b>ACCRUED INTEREST COLLECTED +</b>		<b>TOTAL CASH COLLECTED</b>		<b>YEAR END LEVY DUE</b>			
Total		Total		Total		Total		Total	
General County	1,029,585.83	266,275.54	1,239,276.03	3,160,779.51					
Municipalities	7,590.87	1,987.19	4,983.28	221,522.03					
Fire Districts	158,867.31	30,468.72	180,389.54	376,536.62					
<b>TOTAL:</b>	<b>1,196,044.01</b>	<b>298,731.45</b>	<b>1,424,648.85</b>	<b>3,760,838.16</b>					

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*  
Darlene Burgess, Tax Administrator

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

*Jennifer P. Morlu*  
Notary Public

My Commission expires: 3-9-2019

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



## 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 111<sup>th</sup> 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](mailto: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

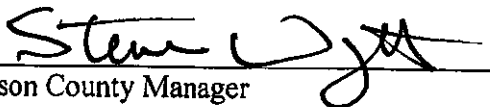
That WHEREAS, the AGENCY desires to engage the CONTRACTOR to perform the professional services hereinafter described;

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 15<sup>th</sup> day of June 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.

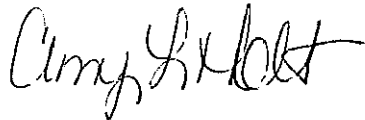
As chairperson, it is clear to me that the position of the Board of Public Education remains for the construction of Option A, which includes all elements of the requested programming, 900 seat auditorium, and an auxiliary gym. This option is projected to cost between \$63 million and \$65.2 million (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, appearing to read "Amy Lynn Holt". The signature is fluid and cursive, with the first name "Amy" being the most prominent.

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