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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 6, 2009

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman William L. Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Attorney Russell Burrell, and Clerk to the Board Teresa L. Wilson.

Also present were: Associate County Attorney Sarah Zambon, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, Assessor/Interim Tax Collector Stan Duncan, Delinquent Tax Collector Lee King, Erosion Control Division Chief Natalie Berry, Research/Budget Analyst Amy Brantley, Internal Auditor Darlene Burgess, Animal Services Director Brad Rayfield, Planner Hope Bleecker, PIO Intern Christina DeStefano, and Officer David Pearce (Security).

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by James McDowell of the Crab Creek Crawdads 4-H Club.

INVOCATION

County Manager Steve Wyatt gave the invocation.

PRESENTATION OF NACo AWARD

Chairman Moyer stated that each year NACo (National Association of Counties) has a competition throughout the nation giving achievement awards for special programs which they determine are note worthy compared to all of the other programs throughout the entire country. Our county has received one of these awards. The award will be presented at the 13th annual NACO ceremony held in Nashville on Sunday, July 26, 2009. He presented a certificate to Animal Services Director Brad Rayfield on behalf of the Board from NACo for the Animal Services Volunteer Program.

Assistant County Manager Selena Coffey noted that Mr. Rayfield has been with the county two (2) years this November. He has done a fantastic job especially with the volunteer programs.

INFORMAL PUBLIC COMMENTS

1. Beth Nave – Ms. Nave stated that in May a proposal to the Hendersonville City Council to upgrade Municipal Code 10 (Animal Ordinance) to make it more easily enforced. It has been suggested that they use County Chapter 66 as a starting point for the amendment, since it is more definitive than the city's laws. The proposal was unanimously supported by Mayor Newman and other City Council members, and her group was instructed to continue their efforts. Because the two entities, City and County, work closely on animal cruelty cases, they were advised to present their ideas to the County Commissioners as well. During discussion and document review with City Manager Bo Ferguson, it became apparent to them that Chapter 66 also needs to be amended. They are volunteering to work with Mr. Ferguson and his counterpart at the county to add language to Code 10 and Chapter 66 to clarify and strengthen these laws. By accomplishing this, law officers will be able to take action in cases of animal cruelty, issue citations for violations, levy fines from those who violate the law, and rescue abused and neglected

DATE APPROVED _____

animals. Their goal is to develop the necessary language of the two animal ordinances to make them more easily enforced, but they also believe a by-product of the changes will be more equitable split of the workload between city and county law enforcement groups.

2. Eva Ritchey – Ms. Ritchey stated that it has often been said that it is useless to address a problem in the same manner that you always have and expect a different outcome. We have a new problem now...an ailing economy that has caused a decline in sales tax revenue and a problem that is producing more and more extreme weather. Downtown Hendersonville Inc's Trolley Committee envisioned a project that could do both. We have run it for a month with increasing success. There was such a joy in our downtown when the trolley made its way up and down the street. They want to continue. In no way would I undermine the work and accomplishments of Travel & Tourism but different times demand different strategies. We cannot expect a healthy economic passage through these perilous times without unique and different approaches. This is what has been missing. In the past 10 years, there has not been a single new dynamic initiative from Travel and Tourism. They have been faithful stewards of every traditional event, but they have brought no new ones forward. Further, they are given approximately \$1.8 million dollars in taxpayer dollars and yet there is little to no money in their budget for new ventures. More distressing, there is little to no oversight of Travel and Tourism by elected officials. She could not find one city official who knew or had any idea of what happens to that \$1.8 million dollars. The Hendersonville Trolley Company approached them with a new venture for \$5,000 and they had no money. Where is the money going? More importantly, is it really being used in the most effective ways? A look at other successful travel and tourism programs would suggest "no." The trolley program is not just an economic vehicle, it is also a means of addressing another more grave problem; "If today is a typical day on planet Earth, we lose 116 square miles of rainforest, or about an acre a second. We will lose another 72 square miles to encroaching deserts, as a result of human mismanagement and overpopulation. We will lose 40 to 100 species, and no one knows whether the number is 40 or 100. Today the human population will increase by 250,000, and today we will add 2,700 tons of chlorofluorocarbons to the atmosphere and 15 million tons of carbon. Tonight the Earth will be a little hotter, its waters more acidic, and the fabric of life more threadbare." Global warming is real and anybody who every put hot sauce on collard greens ought to know it. The more you put in the hotter it gets. The more CO2 we pump artificially into the air the greater the negative effect. We need every available tool to lower the artificial amounts of carbon dioxide we are putting in the air. We need facilities like Park N Ride. Our trolley provides an attractive alternative to the tens of cars circling the block looking for a parking space. It can work with the cooperation of elected officials. The Hendersonville Trolley Company has estimated that we can keep our service going on Friday, Saturday and Sunday if we can receive \$5,000 from each of the following entities: Henderson County, City of Hendersonville, Travel and Tourism and the Community Foundation. Ms. Ritchey requested the funds and also requested a formal reply. We are in need of new and dynamic ventures, not just the same 'ole same ole'. Our children are in need of hope for their future. At this point, we are leaving them tragedy. Please help chart a different course.
3. Bob White – Mr. White is with Blue Sun Renewal Energy out of Washington, NC. He understood that wind turbines are on the agenda as an amendment possibly allowing them in the county. He shared photos of a product specifically designed for urban and suburban installation. It is different from the propeller driven wind turbines that the Board has reviewed. It is a vertical axis wind turbine and looks more like a light pole. By turning vertically the principals are the same but the benefit is that it is almost noiseless. This turbine is designed to work in our wind speeds for this area. Birds and bats can actually see the turbine. The overall height is thirty (30) feet and was designed to be shorter than a two-story building. It comes in a variety of colors to blend in to the surroundings. One unit produces approximately 1/3 of the average homes electrical power. Green home construction, which is a higher efficiency, will produce 50% or more. They are made from recycled materials.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested that the Tax Collector's Report be pulled from the consent agenda and placed as the first discussion item.

Commissioner McGrady made the motion to approve the agenda with the change noted. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner McGrady requested the minutes of June 29, 2009 be pulled from the consent agenda.

Commissioner McGrady made the motion to approve the consent agenda minus the June 29, 2009 minutes and the Tax Collector's Report. All voted in favor and the motion carried.

The Consent Agenda included the following:

Minutes

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

June 1, 2009 - Regularly Scheduled Meeting

June 9, 2009 – Special Called Meeting

June 22, 2009 – Special Called Meeting

Tax Refund

A list of 5 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Refund Report as presented.

Tax Releases

A list of 16 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Release Report as presented.

Financial Report/Cash Balance Report – May 2009

Included for the Board's review and approval were the County Financial Report and Cash Balance Report for May 2009.

The fiscal YTD deficit in the Travel & Tourism Fund is due to the current economic situation and less revenues being collected in months that travel/lodging business is typically slower resulting in less occupancy tax collections. The Travel & Tourism Fund budget includes \$173,957 in appropriated fund balance for the current fiscal year.

The fiscal YTD deficit in the CDBG – Shuey Knolls Project Fund, the Lewis Creek Restoration Project Fund and the Public Transit Fund are temporary due to the timing of actual expenditures and the subsequent reimbursement of the expenditures from grant funds in succeeding months.

Suggested Motion:

I move that the Board of Commissioners approves the County's May 2009 Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – May 2009

Provided were the Henderson County Public Schools May 2009 Financial Reports for the Board's information.

Staff requested that the Board consider approving the School System's May 2009 Financial Reports as presented.

Suggested Motion:

I move that the Board of Commissioners approves the May 2009 Henderson County Public Schools Financial Reports as presented.

Henderson County Public Schools Quarterly Maintenance Report

The Henderson County Public Schools 2008-2009 Capital Budget Third Quarter Report was presented for the Board's review and consent approval.

Petition for addition to State Road system

It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Suggested Motion:

I move that the Board approves the petitions and forward them to NCDOT for action.

Request for road closing

North Carolina General Statute 153A-241 requires that the Board of Commissioners first adopt a resolution declaring its intent to close a public road or easement. A proposed resolution was provided declaring the Board's intent of closing a portion of an unopened road/easement bordering the property of James C. Kirkpatrick, located off Spartanburg Hwy. in East Flat Rock, North Carolina.

Suggested Motion:

I move that the Board adopts the provided resolution, and set a public hearing on the road closure for September 8, 2009, at 7:00 p.m.

Offer to purchase tax-foreclosed property – Wildwood Gardens

At the June 1 meeting, the Board of Commissioners gave provisional acceptance to the office of the Wildwood Gardens Homeowners Association, Inc., to purchase two parcels of real estate which were subject to a tax foreclosure by the County.

TRACT ONE: The property is described as Lot 5-18, Wildwood Gardens Subdivision, 0.08 acres, deed book PIN 96-42999421, with a tax value of \$1,300.00. The offered price was the sum of Ten Dollars (\$10.00).

TRACT TWO: The property is described as Lot 5-19, Wildwood Gardens Subdivision, 0.08 acres, deed book PIN 96-42999653, with a tax value of \$1,000.00. The offered price was the sum of Ten Dollars (\$10.00).

Pursuant to your policy, adopted 29 June 2005, these offers were subject to upset bids after publication of notice in The Times-News. Notice was published in The Times-News on June 10, 2009.

This is for final approval of these offers.

Suggested Motion:

I move that the Board gives final acceptance to the offer of Wildwood Gardens Homeowners Association, Inc., to purchase the parcels described in this agenda item.

Construction contract – 1995 Courthouse Back Up Power Project

As recommended by the Project Engineer and Staff, the construction contract is provided for Board approval. The contract is for \$205,500.00 with Foundation Services, LLC. This contract amount allows for adequate contingency within the original \$300,000 budget. A revised project budget is included in the recommendation letter. The funding was approved in the FY09 Budget.

This proposed contract is approximately 50% of the original estimate for the project and a reflection of the favorable construction costs the industry is currently experiencing.

Suggested Motion:

I move that the Board of Commissioners approves the construction contract with Fountain Services LLC for \$205,500.00 to construct the Back Up Power Project for the 1995 Courthouse.

Digital Radio Grant

The Henderson County Sheriff's Office requests that the Henderson County Board of Commissioners approves the provided grant application for federal assistance for the purchase of portable digital radios. The application would be submitted through the Department of Justice, and does not involve any county funding.

Suggested Motion:

I move the Board approves the provided grant application for submission.

Animal Ordinance Amendments

Provided to the Board was minor text changes to the Animal Ordinance based on practical obstacles noted by staff from the Sheriff's Department, Animal Services, and Public Health on the current language. The changes are non-substantive in nature. Please note that only the sections with changes have been included but staff would be happy to provide the Board with a full copy of the Ordinance if desired.

§66A-16 Redemption of unvaccinated animal

A. Proof of vaccination. Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the Animal Service Center must obtain (and pay the fee for) a rabies vaccination to be administered within the time period as set below or receive a citation for failure to vaccinate. Animals leaving the Animal Services Center must either have proof of current rabies vaccination or have a rabies voucher ~~and given a \$100 deposit to be reclaimed upon proof of vaccination.~~

B. Payment. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming the dog or cat. The owner must pay all related fees and fines prior to the release of the animal ~~including \$100 deposit if receiving the receipt of a rabies voucher.~~

§66A-25 Animal Abandonment

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

B. Redemption. Any person claiming to be the owner of an animal must pay the reclaim fee, boarding fee, any veterinary costs and any other costs incurred by the County for the animal prior to the animal being released. ~~For the purpose of this provision, redemption is defined as reclaim for lost, abandoned or animals that have violated the Animal Ordinance and shall not include animals held under quarantine.~~ In the case of cats and dogs, no animal shall be released without being micro chipped. In the case of livestock, Animal Services may require some proof from the person of ownership of this animal prior to its release.

§66A-51 Vaccination of dogs, cats and other pets

I. Impoundment. Any animal found off the owner's property not wearing the required vaccination tag or an animal that has been under investigation by law enforcement in the last 30 days and did not have proper rabies identification at the time or subsequently on or off the owner's property shall be impounded by an Animal Enforcement Officer. During the impoundment period, the Animal Enforcement Officer shall make reasonable efforts to locate the animal's owner. No animal shall be released until it is vaccinated against rabies, has a rabies voucher ~~with a \$100 deposit~~, or the Animal Services Center is presented with evidence of current vaccination. An animal impounded under this section shall be released to its owner upon payment of

all applicable fees, payment for care during the impoundment, and cost of vaccination when necessary. If the animal's owner is not found or the owner does not reclaim the animal section 66A-14 of this ordinance shall apply.

§66A-52 Report and confinement of dogs and cats biting persons or showing symptoms of rabies

A. Quarantine. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Service Center, and thereupon shall be securely quarantined, at the direction of the Animal Service Center, for 10 days commencing from the time of the bite. Animals quarantined under this section shall be confined at the expense of the owner.

1. All dogs and cats shall be housed at the County Animal Service Center unless approved by the Public Health Director in writing.

2. Animals may be quarantined in approved veterinary quarantine at the veterinarian's office. This must be approved by the County Director of Public Health in writing. In instances where this option is used, the owner must sign a document produced by the County where the owner accepts all liability for the animal. At the end of the quarantine, the owner or the veterinarian must provide documentation stating the animal does not have rabies and has been properly vaccinated against rabies.

3. Animals quarantined at the Henderson County Animal Shelter must be claimed no more than 24 hours after the end of the quarantine period. After this period the animal shall be considered relinquished to Henderson County Animal Services.

B. Authority to seize animals for noncompliance. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the County Director of Public Health may order seizure of the animal and its confinement for 10 days in such a place as the County Director of Public Health designates, at the expense of the owner.

~~C. Release upon permission of County Director of Public Health. Animals confined pursuant to this article shall not be released from confinement except by permission from the County Director of Public Health or his designee.~~

D. Disposition of animal other than dog, cat or ferret. An animal other than a dog or cat or ferret that bites a person shall be immediately euthanized and its head forwarded to the North Carolina State Laboratory of Public Health for rabies testing.

E. Quarantine of stray animals. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the County Animal Service Center.

F. Authority to euthanize unclaimed animals. If any animal is unclaimed after a ten-day confinement, then the County Animal Service Director may have the animal euthanized.

G. Release from quarantine. If rabies does not develop within the ten-day quarantine period under this section, the animal may be released from quarantine to its owner. If the animal has been confined by the ~~County Animal Service Center~~ Henderson County Sheriff's Department upon reclaiming the animal, the owner shall pay any such fee established by resolution of the Board of County Commissioners for each day of confinement to defray the cost of sheltering the animal.

H. Report of bites. Every physician or other medical practitioner who treats a person or persons for any animal bite or scratch or any person having knowledge of an animal bite or scratch shall within 12 hours, report such treatment to the Animal Service Center giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.

I. Euthanization of wounded, diseased or suffering animals. Badly wounded, diseased, or suffering animals, which are suspected of having rabies, may be humanely euthanized immediately, and the head forwarded for rabies testing.

§66A-53 Destruction or confinement of animal bitten by known rabid animal

A. Animals not vaccinated against rabies which are bitten by or exposed to a known rabid animal or rabies suspect shall be immediately destroyed, unless the owner agrees to strict isolation of the animal at a veterinary hospital for a period of up to six months at the owner's expense unless a similar quarantine facility is approved by the Public Health Director.

B. If the animal has a current rabies vaccination it shall be revaccinated within 72 hours of the bite.

§66A-59 Spay-Neuter Assistance Program

C. Assistance Program.

2. Assistance Fund. Henderson County Animal Services Center may establish a Spay and Neuter Assistance Program Fund to collect and distribute funds to assist eligible resident of Henderson County with financial resources for animal alteration. These monies may also be used toward the education program costs. Funds collected at Henderson County Animal Services Rabies Clinics shall be contributed to this fund.

§66A-11 Mistreatment of animals prohibited

It shall be unlawful for any person owning, keeping or responsible for an animal to deprive or cause to be deprived animal of adequate food, water, necessary medical attention and adequate shelter.

C. ADEQUATE SHELTER— protection from the weather and humanely clean conditions. No persons owning, keeping or responsible for an animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.

(1) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.

(2) Standards for chaining. No animal may be chained outdoors unattended without a chain/cable of suitable length designed and placed to prevent choking or strangulation, with the area free of obstacles and humanely clean so that the animal may have access to food, water, and shelter. It shall be illegal to tether, chain, stake out, tie up or otherwise similarly restrict any and all birds for the purpose of promoting bird aggression.

§66A-14 Impoundment

A. In general. Any animal found being mistreated or kept under unsanitary or inhumane conditions, as provided in § 66A-11; any animal found to be a public nuisance, as provided in § 66A-8; or any dog or cat found to be not wearing a currently valid rabies vaccination tag off the owner's property as required shall be seized, impounded, and confined by the Animal Enforcement Officer and confined in the Animal Service Center in a humane manner. Impoundment of such animal shall not relieve the owner thereof of any penalty which may be imposed for violation of any provision of this chapter occurring prior to the date of the impoundment.

B. Notice to owner. Immediately upon impounding an animal, the Sheriff or his designee shall make reasonable efforts to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.

C. Redemption by owner. The owner of an animal impounded under this chapter may redeem the animal and regain possession thereof in accordance with the rules and fees set by the Board of County Commissioners in the policies for operation of the County Animal Service Center and by complying with all applicable provisions of this chapter and by paying all fees and civil penalties due. Fee rates shall be available for public inspection in the office of the Clerk to the Board of County Commissioners and at the Animal Service Center. The owner of the impounded animal shall be liable for the daily cost of impoundment to the Animal Services Center, as established in the fee schedule. All animals will have proof of current rabies vaccination or a rabies voucher with a \$100 deposit and a voucher for microchip installation prior to release at the owner's expense. All fees and expenses must be paid prior to the release of the animal. All animals impounded by Animal Services shall be micro chipped.

D. Adoption or euthanasia of unredeemed dog or cat.

(1) If any impounded stray dog or cat or abandoned animal is not redeemed by the owner within 72 hours of impoundment, then such animal may be offered for adoption or destroyed in a humane manner. Animals that are voluntarily turned over to the Animal Service Center by the owner may be adopted or, if adoption attempts are unsuccessful within a reasonable period (or immediately if in the opinion of the Animal Services Director adoption efforts would be fruitless or in violation of this chapter), subject to euthanasia.

(2) No animal owner may be permitted to claim her/his animal under the provisions of this section unless and until he/she shall comply with the provisions of the policies of the County Animal Service Center.

(3) All unaltered dogs and cats adopted from the Animal Service Center shall be spayed or neutered prior to adoption or with a voucher and/or deposit to use their own veterinarian within 30 days of adoption. If the animal is less than 4 months old or under 2 pounds in weight or has a recognized medical condition, the animal must be altered at such time as it is deemed appropriate by a veterinarian. Animals that cannot be altered for the above reasons prior to adoption require a \$100 deposit to Animal Services and proof of alteration within 6 months of adoption. If no proof is given, the deposit shall be kept and additional penalties may be applied.

(4) All dogs and cats adopted from the Animal Service Center which do not already have implanted in them a microchip shall have the same implanted in them prior to adoption.

(5) All dogs and cats adopted from the Animal Service Center shall have proof of current rabies vaccination, or a rabies voucher and \$100 deposit, and prior to adoption as per 66A-51(C) and 66A-16.

(6) Adoption Exceptions

- a. The Animal Service Center has the right to refuse adoption of animals to persons less than 18 years of age.
- b. The Animal Service Center has the right to refuse adoption of animals to persons or organizations who have been cited for violations or where there is reasonable evidence of a violation previously under this Ordinance or state law.
- c. Animal Services has the right to deny adoption to persons who have relinquished animals recently.
- d. Organizations shall only be permitted to foster or adopt animals from the Henderson County Animal Service Center after providing evidence that all required services, care, maintenance have been provided, obtain all necessary permits and licenses for the animals and pay all related costs and fees.
- e. The Animal Service Center has the right to refuse adoption of animals to any individual who has relinquished an animal within the last 12 months.
- f. The Animal Services Center has the right to refuse the adoption of dogs deemed dangerous/ potentially dangerous by persons, organizations, or establishments and Animal Services will ensure the new owner(s) have met the requirements under this Ordinance for control measures and enclosures.

(7) Fee Schedule for Impoundment/Adoption of Animals shall be established by the Board of Commissioners within the annual approved budget.

Staff recommends the Board’s review, discussion and approval of the Animal Ordinance revisions as presented.

Suggested Motion:

I move that we approve the changes to the Animal Ordinance.

NOMINATIONS

Notification of Vacancies

- 1. Henderson County Historic Courthouse Corporation – 2 vac.

Nominations

- 1. CJPP (Criminal Justice Partnership Program) – 2 vac.

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

- 2. Dana Communities Plan Committee – 9 vac.

This item was placed in the discussion portion of the agenda.

- 3. Fire and Rescue Advisory Committee – 1 vac.

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

- 4. Henderson County Board of Health – 1 vac.

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

5. Henderson County Historic Courthouse Corporation – 3 vac.

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

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

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

7. Historic Resources Commission – 1 vac.

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

8. Jury Commission – 1 vac.

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

9. Juvenile Crime Prevention Council – 10 vac.

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

10. Mountain Area Workforce Development Board – 1 vac.

Commissioner McGrady nominated Robert Clark for reappointment to position #2. *Chairman Moyer made the motion to accept the reappointment of Robert Clark to position #2 by acclamation. All voted in favor and the motion carried.*

11. Senior Volunteer Services Advisory Council – 1 vac.

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

12. Smartstart – 1 vac.

Commissioner McGrady nominated Valerie Duckett for appointment to position #1. *Chairman Moyer made the motion to accept the appointment of Valerie Duckett to position #1 by acclamation. All voted in favor and the motion carried.*

TAX COLLECTOR'S REPORT and FY 2008-2009 TAX COLLECTION SETTLEMENT; FY 2009-2010 TAX ORDER FOR COLLECTION

Stan Duncan, Interim Tax Collector, provided the Tax Collector's Report dated June 26, 2009 for the Board's information.

Mr. Duncan stated that bringing the FY 2008-2009 Tax Collection Settlement; FY 2009-2010 Tax order for collection to the Board early is only possible due to changes made in the prior year as the process by which they prepare for the settlement. A mini settlement is done each month at the close of each month collections, making the June 30 process much simpler. Before the delivery of tax receipts, the following must occur:

1. 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.
2. 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.
3. Bond – The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
4. 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 2009 taxes, plus all outstanding delinquent taxes.

Collections had a goal of \$57,720,432.00 and actually collected \$58,114,449.65 which is \$394,017.65 above the stated goal. All of the regular real estate bills, public utility bills, registered motor vehicle bills, and personal property bills resulted in a collection rate of 97.94%. A copy of the Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector, Resolution approving the Settlement with the Tax

Collector for the 2008-2009 Tax Year, Resolution Adopting the Order of Collection for the 2009-2010 Tax Year, and Order of Collection are hereto attached and incorporated as part of the minutes.

Delinquent Tax Collector Lee King stated since inception of the project in October of 1999, they have collected \$13,099,785.33, in delinquent tax, including interest. Of this amount, \$1,410,516.59 was collected during FY 2008-2009. At the close of this fiscal year, we have collected 99.69% of our prior-year annual tax bills (real estate and listed personal property) and 97.65% of our prior-year motor vehicle tax.

The downturn in the economy resulted in an increase in the use of enforced collection remedies, whereas voluntary payment made up the majority of our delinquent collections last year, this is no longer the case. This year (FY 2008-2009) we have served 653 bank account attachments totaling \$1,037,718.22. Our office also instituted a Wage Garnishment program. We began by sending out over 1,000 letters to delinquent taxpayers advising them their wages would be garnished if they did not pay the past due taxes in their names. The success of this program resulted in only 30 Wage Garnishments having to be served totaling \$11,473.78.

Chairman Moyer questioned if there was any additional support or items needed by the tax office to help with this year's collection.

Mr. Duncan feels they are in good shape to meet the stated goal in the manager's budget ordinance to collect the funds. He is confident they can make the percentage number next year.

Commissioner McGrady made the motion that the Board approves the tax collector's settlement for Fiscal Year 2009 taxes, and further approves the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2010 taxes. All voted in favor and the motion carried.

WATERLINE EXTENSION POLICY

The Board Chairman requested this item for discussion to clarify the waterline extension policy with the City of Hendersonville. A map of the City of Hendersonville Capital Improvement Plan (CIP) for waterline extensions is included. That map also shows the County's current Growth Management Strategy of the County Comprehensive Plan.

Chairman Moyer noted he and Commissioner Williams are on the Water Supply and Distribution Task Force and part of their discussions are what issues need to be addressed. Mayor Pro-Team Barbara Volk asked that there be a discussion of the County's and the City's waterline extension policy. It is our policy currently that the City Water Department comes to the County and asks for consent for any waterlines that are run into the County before they are done. Also as part of the same task force, the City presented their capital plan for the coming year along with a map detailing where the lines are. These lines looked as if they were going out substantially into the county. The County Manager had a map put together which basically shows our comprehensive plan and then superimposed the City's waterline line capital plan on top of it. As it turns out there are only two lines that go into the area that is questionable under our comprehensive plan which have already been approved. Chairman Moyer questioned Lee Smith if there were any other lines in the capital plan beyond what is shown on the map.

Utilities Director Lee Smith responded there are no plans at this time in the current master plan to add any lines that are now shown on this map.

Chairman Moyer asked where the Cobblestone line would be fed from.

Mr. Smith responded that Cobblestone came out of what used to be Claremont; there was a hydromantic pump station there which was converted to a booster station with a tank off of Pinnacle Mountain Road for Cobblestone. Project #22 is Pinnacle Falls which has been approved as was Bearwallow and Cobblestone with the idea that they were going to install individual wells.

Two projects (#10 Bearallow extension and #22 Pinnacle Mtn. Rd. Extension) fall within the Rural Agricultural Area but were previously approved by the Board of Commissioners. All remaining City planned projects fall within the Urban Services Area or the Rural / Urban Transition Area.

Utilities Director Lee Smith explained the line from Highway 64 tying into Upward Road. This line is basically a system improvement project which will give the water department access to the southern end of their system from the new tank that has been installed on the east side. Most of these projects are systems improvements and not system expansion.

City Manager Bo Ferguson further explained that while the system crosses I-26 in several places, there is no north south line between those sections on the east side of I-26. This project ties those sections east of I-26 together so that they have circulation in the line as opposed to having dead ends.

Commissioner Williams asked where the funds come from for the dollar amounts listed.

Mr. Ferguson responded that funding comes from a number of sources including developers, current revenues, fund balance and grants.

Commissioner McGrady questioned if the City was approached by Blue Ridge Water Company for request of expansion to the Cliffs. This would be a bad decision.

Mr. Smith responded they were approached once and it was suggested that they go to the County Planning Department and seek advice; there would be many hurdles.

Commissioner McGrady made the motion that the Board of Commissioners reaffirms their support for the agreement with the City regarding extension of waterlines into unincorporated portions of the County.

Further discussion followed and neither the City nor County was certain if the agreement was in written form.

Chairman Moyer reminded the Board that the motion essentially enforces the policy / agreement with the City, that if any waterlines are extended into the County, regardless of where, they bring it before the Board of Commissioners. *All voted in favor and the motion carried.*

DANA SMALL AREA PLANNING COMMITTEE

At the May 4, 2009 Board meeting, the Board of Commissioners approved the Charter and boundary map for the Dana Community Plan Advisory Committee. It has been proposed that the committee have 9 members consisting of eight (8) citizens that live, operate a business, or own property in the boundary of the Dana Community Plan; and one (1) liaison from the Henderson County Planning Board. It may be likely that the Planning Board liaison also lives, operates a business, or owns property in the planning area. The Board of Commissioner will appoint all committee members and the Chair. The Board may also appoint an ex-officio member from the municipality that abuts the planning area (City of Hendersonville) to serve as a representative of this municipality.

Commissioner Williams feels this is a unique area. The Planning Board has recommended in the past that small area planning committees have a member of the Planning Board, who lives in the ETJ, to serve on the committee and as chair. Those individuals did reside in the perspective area. The case with Dana Small Area Planning Committee is slightly different as there is not a Planning Board member who resides in the Dana ETJ. We have received recommendation from the Planning Board that Boyce (Tommy) Laughter be considered for appointment to this committee. It is appropriate but being that he is not a resident, he would be an ex-officio/non-voting member. Commissioner Williams suggested appointing ten (10) members; 9 voting members and Tommy Laughter as the tenth member, ex-officio non-voting.

Chairman Moyer stated that Blue Ridge Community College wished to be a member and questioned if they would be ex-officio also.

Commissioner Williams stated that BRCC does border this area and he was open to them having an ex-officio member. This would require amendment of the Charter. He further suggested allowing the committee to elect their Chairman.

It was the consensus of the Board to allow these changes to the Charter of Dana Community Plan Advisory Committee.

Commissioner Williams made the motion that the Board amends the Charter of the Dana Community Plan Advisory Committee to 9 voting members living in the ETJ, 1 non-voting/ex-officio member from the Planning Board, and the Board may appoint 2 ex-officio/non-voting members (BRCC and the City of Hendersonville) and that the Committee be allowed to elect the Chairman. All voted in favor and the motion carried.

Commissioner Williams nominated Boyce (Tommy) Laughter as the Planning Board member, ex-officio/non-voting member position #10. For the 9 voting members he nominated the following: Lee Roy Nicholson for position #1, Kim Arrowood for position #2, Roger Byers for position #3, Daniel McConnell for position #4, Harry Fozzard for position #5, Thomas Thompson for position #6, Evelyn King for position #7, James Revis for positions #8, and Jeff Justus for position #9.

Commissioner McGrady requested that the appointments be rolled to the next meeting (July 15) due to the fact that some of the applications had just arrived.

It was consensus of the Board to roll this item to the next meeting.

Property Addressing Coordinator Curtis Griffin arrived.

SOIL EROSION AND SEDIMENTATION CONTROL UPDATE

County Manager Steve Wyatt stated for approximately one (1) year we have been exercising under the State's authority, our own program. We've had substantial interest inside and outside of the community.

Engineer Marcus Jones said that an internal audit of the program has been done and found in his opinion that the program is very much meeting the expectations of the Board. He recognized that a recent inspection done by the state program had a response that Henderson County was one of the most effective local programs in Western North Carolina. He noted that Natalie Berry had recently passed an important test; she has been awarded a license to practice as a professional engineer in the State of North Carolina by the North Carolina Board of Examiners of Engineers and Land Surveyors.

Natalie Berry, Erosion Control Division Chief provided the Board with an update on the status of the Soil Erosion and Sedimentation Control Division.

Status Summary

- The erosion control division has:
 - May 2009 – 2 plans
 - June 2009 – 2 plans
 - Note: Land Disturbance \geq one acre
- Amount of Land Disturbance:
 - 17.83 acres
 - Revenues - \$7,600.00
- Sketch Plans processed:
 - May 2009 – 26 sketches

- June 2009 – 23 sketches
 - Note: Land Disturbance ≤ one acre
 - Revenue - \$490.00
- Complaints received:
 - May 2009 – 26 complaints
 - June 2009 – 20 complaints

County Manger Steve Wyatt requested a report on complaints with the timeframe of follow-up.

POLK COUNTY EROSION CONTROL PROGRAM STATUS

Polk County Board of commissioners recently approved a Soil Erosion and Sedimentation Ordinance at their June 22, 2009 Board meeting. This ordinance is exactly like Henderson County's with one exception, they place bond requirements for large scale developments.

Polk County has shown interest in partnering with the Henderson County Soil Erosion and Sedimentation Program. They have submitted their Soil Erosion and Sedimentation Ordinance to DENR for review and approval with a possible 30 day turnaround. Once the ordinance is approved by DENR, the ordinance will go effective 30 days later.

APPOINTMENTS TO REGIONAL TRANSIT STUDY STEERING COMMITTEE

Planning Director Anthony Starr stated the North Carolina Department of Transportation (NCDOT) is conducting a feasibility study of transit regionalization for the Buncombe/Henderson area. The study seeks to examine ways to improve public transportation by consolidating multiple agencies into one organization. This study is one of several that already have occurred or are ongoing in the state.

NCDOT asked Henderson County, Buncombe County and the City of Asheville to participate in what will be the first of two studies. The first study (NCDOT funded at 100%) will examine costs and governance of a proposed regional transit organization. NCDOT expects the process to last four months with meetings beginning once NCDOT and the consultant finalize the scope and costs of the process. It is anticipated meetings will begin in October 2009 and continue through February or March 2010. A nine-member steering committee will be formed to oversee the consultant and local transit staff efforts for the project. Each local government is to appoint three members familiar with transit issues in their community. Committee members should be senior staff or policy committee leaders familiar with transit issues who can dedicate sufficient time to process (total of three to four meetings and material review time).

Phase two is a five year consolidation study requiring a 10% match from local governments. The second phase focuses on alternative policies and details associated with the mechanics of merging the systems. This phase will only be undertaken if the local governments wish to pursue regionalization.

Staff recommends the Board of commissioners appoints three (3) representatives from the following positions: Henderson County Senior Staff (one appointment including but not limited to the Planning Director, Assistant County Manager or County Manager); Hendersonville City Manager or other Hendersonville representative; and a Henderson County Commissioner.

Commissioner Williams made the motion that the Board of Commissioners appoints the following members to the regionalized transit study steering committee: Planning Director Anthony Starr, Assistant County Manager Selena Coffey, and Commissioner Chuck McGrady. All voted in favor and the motion carried.

SCHOOL STIMULUS PROGRAM

Staff provided the Board of Commissioners with information received on two interest-free bond financing programs recently authorized and made available through the American Recovery and Reinvestment Act (ARRA) for school capital projects.

Finance Director Carey McLelland provided the following information in regards to the 2009 American Recovery and Reinvestment Act (ARRA). He reminded the Board that several weeks prior the Governor announced the allocation of funds for two, no interest (tax credit) bond financing programs being made available through the 2009 American Recovery and Reinvestment Act.

Qualified Zone Academy Bonds (QZABs)

- A qualified zone academy is a public school or academic program that is established by and operated under the supervision of the local school system to provide education or training below the postsecondary level and has to meet certain criteria.
- The school must have established a partnership with one or more businesses (10% match support required – cash or in-kind) and be located either within an Empowerment Zone (EZ) or an Enterprise Community (EC). If not so located, at least 35 percent of students must be eligible for free or reduced cost lunches.
- Bond proceeds must be used to rehabilitate or repair public school facilities, which may include wiring and other infrastructure improvements related to providing technology, but not for personal computers, printers or other related technology.
- **The minimum amount** that may be allotted to an eligible school system is **\$500,000** and the **maximum amount is \$4,000,000**. Approved bonds must be issued within 2 years and spent within 3 years.

Qualified School Construction Bonds (QSCBs)

- Bond proceeds must be used for public school construction (including new), rehabilitation, and repair of facilities including cafeterias or land acquisition for such facilities.
- May include technology wiring and infrastructure improvements, but not for personal computers, printers or other related technology.
- May not be used for central offices, athletic facilities or bus garage facilities.
- Henderson County's 2009 allocation is \$2,052,166.37. Not match requirement.
- These bonds must be issued by December 31, 2009.

*Both bond financing programs require an application to be made (and an adoption of resolution by the local school board) by the school system to the N.C. Department of Public Instruction by July 31, 2009.

Both programs offer tax credits by the U.S. Treasury and are intended to allow us to issue the bonds without any interest component. The holders of the bonds receive a federal income tax credit in an amount equal to a percentage of the face value of the bonds. Henderson County must issue the debt and we make principal payments into a sinking bond account and the interest earned on those principal payments, over a period of time, hopefully will get us back up to what we actually have borrowed. The maximum term of indebtedness for both of these programs currently is 12 years under current market conditions. We as the county would have to make a formal application to the LGC, just as we do with any other financing, for their approval. On the application that the school system would make, the Chairman of the County Commissioners would have to sign that application as well. These programs are available for public schools only. Community Colleges or Charter Schools are not included.

County Manager Steve Wyatt made it clear that this is not grant money, it is a loan with debt servicing.

County Attorney Russ Burrell stated effectively the incentive of this program is the lack of interest cost to the county in borrowing money.

Chairman Moyer felt that the appropriate action by the Board would be to request the school system to make application for one or both of these financings.

Commissioner McGrady made the motion that the Board requests that the school board make application and authorize the Chairman and staff to proceed to make application, assuming eligibility with respect to any of the school projects that we have approved going forward with. All voted in favor and the motion carried.

Finance Director Carey McLelland noted that information received indicated that this same funding amount would be available in 2010.

PUBLIC HEARING – ON PERMANENTLY CLOSING OF EASEMENT

Commissioner McGrady made the motion that the Board to go into public hearing on permanent closing of an easement. All voted in favor and the motion carried.

Property Addressing Coordinator Curtis Griffin stated that this is a request to close a portion of a public easement that is located across the street from the Mountain Home Fire Department. All of the property except one parcel is owned by James & James Environmental Management, Inc. The other parcel is owned by Equity Trust Company. Advertising has been done and certified letters have been sent to adjoining property owners; no negative response has been received.

North Carolina General Statute 153A-241 required that a public hearing be held for the permanent closing of a public road or easement. The public hearing was set May 20, 2009 for the purpose of closing easements on the properties of James & James Environmental Management, Inc., and Equity Trust Co., Hendersonville, North Carolina.

It is recommended that the Board approves the permanent closure of easements on the said property and upon approval, sign the provided Order of Closure for recording with the County Registrar.

Public Input

1. Angela Beeker – Ms. Beeker, attorney for the applicant, stated that her client has requested this closure of easement as they would like to do a construction project and for zoning and setback purposes they need this alley to be closed.

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

Commissioner McGrady made the motion that the Board approves the closure of the easements and certify Orders of Closure. All voted in favor and the motion carried.

CONTINUED DISCUSSION ON PROPOSED LAND DEVELOPMENT CODE 2008 ANNUAL TEXT AMENDMENT 12 (TX-208-05), ACCESSORY WIND MILLS/TURBINES

Anthony Starr stated the Board held a public hearing on the proposed Land Development Code Text Amendments (TX-2008-05) on April 6, 2009 and voted unanimously to approve all of the proposed text amendments except for amendments 12, 17, 21 and 22. On May 4, 2009, the Board adopted the remaining text amendments (text amendments 17, 21 and 22) with the exception of text amendment 12 concerning wind mills / turbines as accessory uses permitted by right in all zoning districts.

Based on the Board's discussion during the public hearing on April 6, 2009 and its meeting on May 4, 2009, the Board indicated that it was not opposed to wind mills / turbines permitted as accessory uses, but was concerned with the impact to surrounding neighbors in regards to height, setback, noise and safety among others. The Board agreed to continue its discussion on text amendment 12 at its July meeting. A staff memo was provided with addition information on this remaining text amendment (text amendment 12) including a detailed description of the proposed text amendment for the Board's review.

Mr. Starr explained that there are two categories; wind turbines less than forty feet and wind turbines greater than 40 feet. Wind turbines that are less than forty feet in height would be permitted by right in all districts in conjunction with a principal residential dwelling unit or business. Turbines great than 40 feet would be only allowed as special permits in the R1 and R2 district as well as the local commercial district. The other districts would be permitted by right.

Limitations have been placed on the rotor blade size as requested at the last meeting. Rotor blades shall not exceed eight (8) feet in radius measured from the center of the support structure and shall maintain a minimum ground clearance of ten (10) feet. Wind turbines proposing a rotor blade exceeding eight (8) feet in radius shall require a special use permit and shall also meet the requirements of SR 3.17. The base of the wind turbine shall be at least ten (10) feet from surrounding property lines and setback a distance equivalent to 110 percent of the height of the wind turbine at its highest point from the property line.

Planning Staff recommends that the Board of Commissioners approve, approve with modifications, or deny proposed text amendment 12 (Land Development Code 2008 Annual Text Amendments (TX-2008-05)).

Chairman Moyer made the motion that the Board approves the proposed Land Development Code 2008 Annual Text Amendment 12 (TX-2008-02) and that this proposed text amendment is in general compliance with the recommendations of the 2020 Henderson County Comprehensive Plan.

Commissioner Williams was in favor of requiring a special use permit across the board.

The motion failed 2-3 with Commissioners Williams, Messer and Young voting nay.

Commissioner Williams made the motion that the Board approves wind turbines in all areas by way of special use permit.

After further discussion in regards to expense of special use permits, inconvenience to citizens, and knowledge of wind turbines and their noise levels, *the motion passed 3-2 with Commissioners Moyer and McGrady voting nay.*

CONSTRUCTION MANAGEMENT PROPOSAL

County Manager Steve Wyatt provided the Board with an update on Construction Management. Throughout the budget process the Board has held various discussions and considerations about the construction projects that are being undertaken involving county government, school systems, and the community college; and the Board's desire is to look at an active owner's representative representation involved in those projects. To pursue options, county staff has talked with various individuals and companies and has reported back and shared information with the Board on a couple of occasions. At the last meeting the Board discussed a proposal from a company called Construction Control and his interpretation was that the Board wanted to see options to this. He spoke with Mr. David Berry of David Berry and Associates of Saluda and he has provided a proposal in which the Board has received in form of a letter along with background information on the company.

Staff is advocating the Board's position to have an active oversight role in the projects that the Board has agreed to and funded. Staff will be presenting at the next meeting a proposal from an architect on the Health Department building, the Law Enforcement Center, and the other small projects that we have.

Commissioner Young stated that in talking with Mr. Berry, he was highly recommended by the person in the county who had worked with him on some construction projects. Mr. Young is satisfied with Mr. Berry's knowledge of construction and value engineering that he feels that Mr. Berry's proposal is within the guidelines of the budget and recommends hiring Mr. Berry's company to oversee the projects both county and school.

Commissioner Messer has met with Mr. Berry and agrees that this company is qualified to do what the Commissioners are looking for.

Chairman Moyer requested that Mr. Berry come to the podium to answer the questions of if his company could handle the size of projects and the amount of work that would be involved. He was concerned if something happened to Mr. Berry.

Mr. David Berry responded that he owns the company along with his wife and is a hands-on person. They have three (3) additional staff to assist with construction management. The projects in Henderson County would be first and foremost his responsibility and not farmed out to anyone who works for him. In the event that something should happen to him there are people that could fill in for him. Mr. Berry will be available 24/7 even though the estimate of time in his proposal is 3 days per week. Mr. Berry has worked on projects in residential, commercial, and industrial construction; most recently Walgreens.

County Manager Steve Wyatt will be working close with the person hired. He is concerned with a track record in these types of projects.

Chairman Moyer questioned in regards to construction control, if this is a three year commitment.

Mr. Wyatt responded there are options. The cost for Construction Management is about \$7,950.00 per month including their maximum charges for their travel. Mr. Berry does not have the travel issues as he lives in the community and his proposal is \$6,000 per month. The estimate of hours for the two companies is consistent.

Chairman Moyer feels that regardless of the company, a 90-120 days out provision if things are not working to anyone's satisfaction.

Mr. Wyatt felt that it would be more in the terms of 30-60 days out provision.

Commissioner McGrady commented that the County Manager has recommended accepting the proposal from Construction Control Corporation but feels he (County Manager) can work with Berry & Associates.

Commissioner Williams like the personal touch of Mr. Berry's company. His priorities are that the projects be handled quickly with quality and locally.

Commissioner Young made the motion that the Board contracts with David Berry for the time limit necessary with the clause of 90 day in/out and legal arrangement in contract to employ him as our construction management consultant.

Staff will be putting together an agreement to bring back before the Board specifically with the terms proposed by Commissioner Young. Commissioner Williams would like to see the contract by the next meeting and Attorney Burrell would have it ready by July 15 meeting.

Commissioners Williams would like the projects tracked and monitored by the internal auditor.

After further discussion all voted in favor and the motion passed.

TRANSPORTATION GRANT AWARDS

Finance Director Anthony Starr stated that several reports were made by the planning staff earlier this year about the possibility of using stimulus grants to fund the CNG station and other transportation projects. Three separate grant programs were pursued. Henderson County has been awarded a total of \$3,132,158 in funding. \$1,030,750 will be used to replace most of the bus fleet with at least three new 29' CNG buses, a new CNG ADA paratransit bus, and three CNG vans for WCCA's community transit program. The CNG station will be designed and constructed with an estimated \$350,500. Preventive maintenance funding has been awarded to WCCA for a two-year operating period as a supplement to routine operational maintenance costs. All projects are 100% funded with the exception of the Transit Center, which received a non-stimulus award in the amount of \$1,671,847 and requires a 20% match. The value of the parcel can be used to reduce the match requirement. Funds will not be awarded for that project until 2014 and it is estimated that the project will take 18 months to complete.

Guidelines for the stimulus programs require that construction or procurement contracts should be issued by the end of December 2009. Staff will begin work on the CNG station immediately by hiring a design consultant. The project is likely to be completed between March and July 2010. Staff anticipates award of the bus contract by November with anticipated delivery of the vehicles in January 2011. The vans likely will be purchased on the state contract and delivery dates are not yet established. More detailed timelines for the 29' CNG bus project and the CNG station were provided.

Other STP-DA funding awards were given for local projects including the Oakdale Cemetery Connector in Hendersonville, the Cane Creek Greenway and St. Johns sidewalk in Fletcher, and a sidewalk along Little River Road in Flat Rock. The full list of STP-DA awards for regional projects was also provided.

In the not so distant future bidding would begin as well as bids for the vehicles.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

There was nothing further at this time.

IMPORTANT DATES

Set Public Hearings for Community Development Block Grant (CDBG) Application.

Commissioner McGrady made the motion that the Board sets the first required public hearing for August 3, 2009 at 7:00 p.m. on the CDBG grant application; and he further moved that the Board sets the second required public hearing for August 19, 2009 at 11:00 a.m. on the specific planned uses outlined in the grant applications. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):

1. (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
2. (a)(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 by or against an individual public officer or employee.

All voted in favor and the motion carried.

ADJOURN

Commissioner McGrady made the motion to adjourn the meeting at 9:30 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808 • Fax: 828-698-4443

TDD: 828-697-4580

www.hendersoncountync.org

BILL MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

CHUCK McGRADY
MARK WILLIAMS
LARRY YOUNG

JAMES & JAMES ENVIRONMENTAL MANAGEMENT INC., AND EQUITY TRUST CO. PARCEL IDENTIFICATION NUMBERS 9650885933, 9650884829, 9650893094 AND 9650895015

WHEREAS, the Henderson County Board of Commissioners on May 20, 2009 adopted a resolution of intent to consider closing the easements located on the properties of James & James Environmental Management Inc., and Equity Trust Co. parcel identification numbers 9650885933, 9650884829, 9650893094 and 9650895015 and a public hearing thereon was held July 6, 2009; and

WHEREAS, the closing of easements on the properties of James & James Environmental Management Inc., and Equity Trust Co. would not be contrary to the public interest; and no individual owning property in the vicinity of the easements would be deprived of reasonable means of egress to his or her property by the closing of said easements.

NOW, THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners hereby adopts this order pursuant to North Carolina G.S. 153A-241, permanently closing the easements located on the properties of James & James Environmental Management Inc., and Equity Trust Co. which shall be shown on a plat to be provided by the party requesting the easement closure.

BE IT FURTHER RESOLVED that said plat shall be recorded by the requesting party, with the Henderson County registrar, upon approval by the County.

This the 6th day of July 2009.

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

June 26, 2009

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

Re: Tax Collector's Report to Commissioners – 07/06/09 Meeting

Please find outlined below collections information through June 25th for the 2008 bills mailed out on August 15th, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2008 Total Charge \$55,850,131.09
Payments & Releases: 54,665,846.35
Unpaid Taxes: 1,184,284.74
Percentage collected: 97.88%
(through 06/25/09)

2007 Total Charge: \$53,561,208.65
Payments & Releases: 52,632,075.48
Unpaid Taxes: 929,133.17
Percentage Collected: 98.27%
(through 06/25/08)

Motor Vehicle Bills G01 Only:

2008 Total Charge: \$4,143,197.27
Payments & Releases: 3,714,008.24
Unpaid Taxes: 429,189.03
Percentage collected: 89.64%
(through 06/25/09)

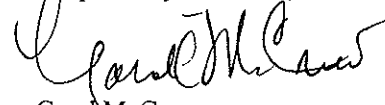
2007 Total Charge: \$4,661,839.82
Payments & Releases: 4,143,116.91
Unpaid Taxes: 518,722.91
Percentage collected: 88.87%
(through 06/25/08)

Fire Districts All Bills

2008 Total Charge: \$6,541,244.77
Payments & Releases: 6,344,625.02
Unpaid Taxes: 196,619.75
Percentage collected: 97.11%
(through 06/25/09)

2007 Total Charge: \$6,226,037.23
Payments & Releases: 6,057,455.87
Unpaid Taxes: 168,581.36
Percentage collected: 97.39%
(through 06/25/08)

Respectfully submitted,



Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Interim Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

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BILL MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

CHUCK McGRADY
MARK WILLIAMS
LARRY YOUNG


July 6, 2009

Mr. Stan Duncan, Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, N. C. 28792

Dear Mr. Duncan:

Attached please find the list of tax release requests (16) and tax refund requests (5) approved at the Henderson County Board of Commissioners' Meeting on Monday, July 6, 2009.

Sincerely,



William L. Moyer, Chairman
Henderson County Board of
Commissioners

WLM/tlw

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 6, 2009
SUBJECT: Tax Refunds
ATTACHMENTS: Refund Report

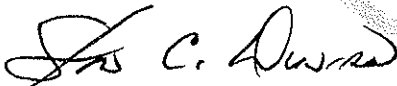
SUMMARY OF REQUEST:

The enclosed refund requests (5) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

Type	Number of Items:	Revenue Amount:
Refunds	5	\$ 174.21

Faithfully Submitted,



Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Tax Refund Report as presented."

REFUNDS

REBILINGFIELD, MICHELLE REGINA

0000169689-2004-2004-000000 FULL REBATE
 REBATE 2004 THROUGH 2008. 2004-2007 ARE REFUNDS. 2008 IS A RELEASE. THIS MH TRADED IN FOR A 1999 TITAN IN 1999.
 DOCUMENTS ON FILE. CBL 5/11/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
73676	FIRE	MOUNTAIN HOME	6.20	0.00	0.00	\$ 6.20
73676	CNTY	COUNTY	28.03	0.00	0.00	\$ 28.03
Bill Total:						\$ 34.23

0000169689-2005-2005-000000 FULL REBATE
 REBATE 2004 THROUGH 2008. 2004-2007 ARE REFUNDS. 2008 IS A RELEASE. THIS MH TRADED IN FOR A 1999 TITAN IN 1999.
 DOCUMENTS ON FILE. CBL 5/11/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
73677	FIRE	MOUNTAIN HOME	6.20	0.62	0.00	\$ 6.82
73677	CNTY	COUNTY	30.39	3.04	0.00	\$ 33.43
Bill Total:						\$ 40.25

0000169689-2006-2006-000000 FULL REBATE
 REBATE 2004 THROUGH 2008. 2004-2007 ARE REFUNDS. 2008 IS A RELEASE. THIS MH TRADED IN FOR A 1999 TITAN IN 1999.
 DOCUMENTS ON FILE. CBL 5/11/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
73678	CNTY	COUNTY	33.34	3.33	0.00	\$ 36.67
73678	FIRE	MOUNTAIN HOME	6.20	0.62	0.00	\$ 6.82
Bill Total:						\$ 43.49

0000169689-2007-2007-000000 FULL REBATE
 REBATE 2004 THROUGH 2008. 2004-2007 ARE REFUNDS. 2008 IS A RELEASE. THIS MH TRADED IN FOR A 1999 TITAN IN 1999.
 DOCUMENTS ON FILE. CBL 5/11/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
73679	FIRE	MOUNTAIN HOME	5.32	0.53	0.00	\$ 5.85
73679	CNTY	COUNTY	25.87	2.59	0.00	\$ 28.46
Bill Total:						\$ 34.31
Grand Total:						\$ 152.28

REFUNDS

STEWART CAROLYN S

0002580046-2008-2008-000000 FULL REBATE

**DOUBLE BILLED. RELEASE 2008 BILL ON VALUE FROM ADDITIONS OF MANUFACTURED HOME. ADDITIONS
DOUBLE BILLED ONLY.**

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74223	CNTY	COUNTY	6.93	0.00	0.00	\$ 6.93
74223	FEEES	ADV	15.00	0.00	0.00	\$ 15.00
74223	CITY	FLETCHER	0.00	0.00	0.00	\$ 0.00
Bill Total:						\$ 21.93
Grand Total:						\$ 21.93

Number of Bills = 5

Total Amount = \$174.21

2

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 6, 2009

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

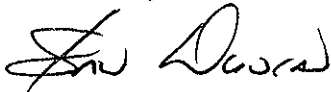
SUMMARY OF REQUEST:

The enclosed release requests (16) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

Type	Number of Items:	Revenue Amount:
Releases	16	\$1,056.23

Faithfully Submitted,



Stan C. Duncan

County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

Suggested Motion: "I move the Board approve the Tax Release Report as presented."

RELEASES

REBATING HEADQUARTERS REGINA

0000169689-2008-2008-000000 FULL REBATE
 REBATE 2004 THROUGH 2008. 2004-2007 ARE REFUNDS. 2008 IS A RELEASE. THIS MH TRADED IN FOR A 1999 TITAN IN 1999.
 DOCUMENTS ON FILE. CBL 5/11/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
73680	CNTY	COUNTY	25.87	2.59	0.00	\$ 28.46
73680	FIRE	MOUNTAIN HOME	5.32	0.53	0.00	\$ 5.85
Bill Total:						\$ 34.31
Grand Total:						\$ 34.31

BREKMAN, RICHARD PHILIP

0002580033-2007-2007-000000 FULL REBATE

RELEASE 2 BILLS ON MANUFACTURED HOME DUE TO DOUBLE BILLING OF WOOD DECKS ON PERSONAL PROPERTY MANUFACTURED HOME - ABSTRACT #: 2580033

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74992	CNTY	COUNTY	6.93	0.00	0.00	\$ 6.93
74992	CITY	MILLS RIVER	0.00	0.00	0.00	\$ 0.00
Bill Total:						\$ 6.93

0002580033-2008-2008-000000 FULL REBATE

RELEASE 2 BILLS ON MANUFACTURED HOME DUE TO DOUBLE BILLING OF WOOD DECKS ON PERSONAL PROPERTY MANUFACTURED HOME - ABSTRACT #: 2580033

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74993	CITY	MILLS RIVER	0.00	0.00	0.00	\$ 0.00
74993	CNTY	COUNTY	6.93	0.00	0.00	\$ 6.93
Bill Total:						\$ 6.93

0002580034-2007-2007-000000 FULL REBATE

RELEASE 2 BILLS ON MANUFACTURED HOME DUE TO DOUBLE BILLING OF WOOD DECKS ON PERSONAL PROPERTY MANUFACTURED HOME - ABSTRACT #: 2580034

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74994	CITY	MILLS RIVER	0.00	0.00	0.00	\$ 0.00
74994	CNTY	COUNTY	10.16	0.00	0.00	\$ 10.16
Bill Total:						\$ 10.16

0002580034-2008-2008-000000 FULL REBATE

RELEASE 2 BILLS ON MANUFACTURED HOME DUE TO DOUBLE BILLING OF WOOD DECKS ON PERSONAL PROPERTY MANUFACTURED HOME - ABSTRACT #: 2580034

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74995	CITY	MILLS RIVER	0.00	0.00	0.00	\$ 0.00
74995	CNTY	COUNTY	10.16	0.00	0.00	\$ 10.16
Bill Total:						\$ 10.16
Grand Total:						\$ 34.18

BROWN DONALD E

0002660370-2008-2008-000000 FULL REBATE

WILDLIFE ABSTRACT #2660370 TAX YEAR 2008 - FULL REBATE. THIS BOAT WAS SOLD IN 2006. THE 2008 LISTING FORM WAS RETURNED AND THE BOAT HAD BEEN REMOVED.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74025	CNTY	COUNTY	35.52	0.00	0.00	\$ 35.52
74025	FIRE	ETOWAH-HORSESHOE	6.53	0.00	0.00	\$ 6.53
Bill Total:						\$ 42.05
Grand Total:						\$ 42.05

CARRS, KEITH DANIEL

0000572719-2002-2002-000000 FULL REBATE
 RELEASE 4 YEARS OF BILLS. 1999-2002. NEVER OWNED THIS MANUFACTURED HOME. VERIFIED IN N.C.
 DIVISION OF MOTOR VEHICLES - STARS

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
75083	FIRE	BLUE RIDGE	23.66	0.00	0.00	\$ 23.66
75083	CNTY	COUNTY	131.46	0.00	0.00	\$ 131.46
Bill Total:						\$ 155.12

0000572720-2001-2001-000000 FULL REBATE
 RELEASE 4 YEARS OF BILLS. 1999-2002. NEVER OWNED THIS MANUFACTURED HOME. VERIFIED IN N.C.
 DIVISION OF MOTOR VEHICLES - STARS.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
75084	CNTY	COUNTY	138.35	0.00	0.00	\$ 138.35
75084	FIRE	BLUE RIDGE	24.90	0.00	0.00	\$ 24.90
Bill Total:						\$ 163.25

0000572721-2000-2000-000000 FULL REBATE
 RELEASE 4 YEARS OF BILLS. 1999-2002. NEVER OWNED THIS MANUFACTURED HOME. VERIFIED IN N.C.
 DIVISION OF MOTOR VEHICLES - STARS

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
75085	FIRE	BLUE RIDGE	27.06	0.00	0.00	\$ 27.06
75085	CNTY	COUNTY	150.35	0.00	0.00	\$ 150.35
Bill Total:						\$ 177.41

0000572722-1999-1999-000000 FULL REBATE
 RELEASE 4 YEARS OF BILLS. 1999-2002. NEVER OWNED THIS MANUFACTURED HOME. VERIFIED IN N.C.
 DIVISION OF MOTOR VEHICLES - STARS

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
75086	FIRE	BLUE RIDGE	26.14	0.00	0.00	\$ 26.14
75086	CNTY	COUNTY	163.40	0.00	0.00	\$ 163.40
Bill Total:						\$ 189.54
Grand Total:						\$ 685.32

RELEASES

WILSON, ROBERT

0000258316-2000-2000-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74089	FIRE	EDNEYVILLE	6.42	0.00	0.00	\$ 6.42
74089	CNTY	COUNTY	33.80	0.00	0.00	\$ 33.80
						Bill Total: \$ 40.22

0000258317-1999-1999-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74088	CNTY	COUNTY	36.75	0.00	0.00	\$ 36.75
74088	FIRE	EDNEYVILLE	6.62	0.00	0.00	\$ 6.62
						Bill Total: \$ 43.37

0000258318-1998-1998-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74087	CNTY	COUNTY	46.74	0.00	0.00	\$ 46.74
74087	FIRE	EDNEYVILLE	7.99	0.00	0.00	\$ 7.99
						Bill Total: \$ 54.73

0000258319-1996-1996-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74086	FIRE	EDNEYVILLE	6.00	0.00	0.00	\$ 6.00
74086	CNTY	COUNTY	34.35	0.00	0.00	\$ 34.35
						Bill Total: \$ 40.35

0000258320-1995-1995-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74085	CNTY	COUNTY	33.68	0.00	0.00	\$ 33.68
74085	FIRE	EDNEYVILLE	6.00	0.00	0.00	\$ 6.00
						Bill Total: \$ 39.68

5

RELEASES

0000258321-1994-1994-000000 FULL REBATE
 RELEASE BILLS: 1994, 1995, 1996, 1998, 1999 AND 2000 ON MANUFACTURED HOME, DUE TO DOUBLE BILLING. HOME BILLED
 ON 8807220. DOCUMENTATION ON FILE. CBL 5/29/2009

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
74084	CNTY	COUNTY	36.02	0.00	0.00	\$ 36.02
74084	FIRE	EDNEYVILLE	6.00	0.00	0.00	\$ 6.00
Bill Total:						\$ 42.02
Grand Total:						\$ 260.37

Number of Bills = 16

Total Amount = \$1,056.23

6

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 6 July 2009

SUBJECT: FY 2008-2009 Tax Collection Settlement; FY 2009-2010 Tax Order For Collection

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 (all references to the Tax Collector on this document and all subsequent attachments are to *Interim* Tax Collector Stan Duncan); 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 2009 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 2009 taxes and approval of order of collection and charge for FY 2010 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 2009 taxes, and further approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2010 taxes.

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 2010.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2010.

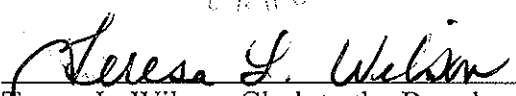
THIS the 6th day of July, 2009.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

William Moyer, Chairman

Attest: (County Seal)


Teresa L. Wilson, Clerk to the Board

Resolution Approving the Settlement with the Tax Collector for the 2008-2009 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charges 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 2008-2009 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 2008-2009 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 2008-2009 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 6th day of July, 2009.

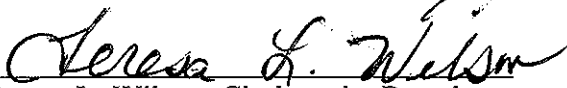
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

William Moyer, Chairman

Attest:

(County Seal)



Teresa L. Wilson, Clerk to the Board

Resolution Adopting the Order of Collection for the 2009-2010 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2009-2010 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 2008-2009 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 2009-2010 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2009 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2008-2009 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 6th day of July, 2009.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

William Moyer, Chairman

Attest:

(County Seal)

Teresa L. Wilson
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.

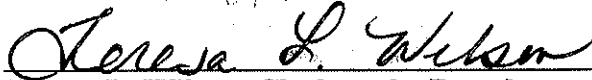
WITNESS my hand and official seal, this 6th day of July, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

WILLIAM L. MOYER, Chairman

ATTEST: (OFFICIAL SEAL)



Teresa L. Wilson, Clerk to the Board

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 697-4652

*Stan C. Duncan
Interim Tax Collector*

6 July 2009

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

RE: Tax Collector's Settlement: FY 2008-2009

Dear Henderson County Commissioners:

Attached please find the Preliminary Report for FY 2008-2009 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 FY 2008-2009, the Henderson County Tax Collector's Office collected 97.94% of the annual tax bills and 90.12% of the motor vehicle tax bills. The collections percentage for motor vehicle bills this year is a record for the office.

I would like to take the opportunity to thank the staff for their hard work and dedication toward these accomplishments. The actual collection percentages, as reported, remain well above the last reported state average of 97.38%.

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

Respectfully submitted,



Stan C. Duncan
Interim Tax Collector

:wik
Attachment

PRELIMINARY REPORT FOR FISCAL YEAR 2008-2009

TO: Henderson County Board of Commissioners
FROM: Stan C. Duncan, *Interim* Tax Collector
DATE: 6 July 2009

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 2008 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 2008 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 2007-2008" dated 6 July 2009 setting forth my full settlement for all taxes in my hands for collection for the fiscal year 2008-2009.

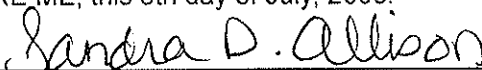
Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully submitted,



Stan C Duncan, *Interim* Tax Collector

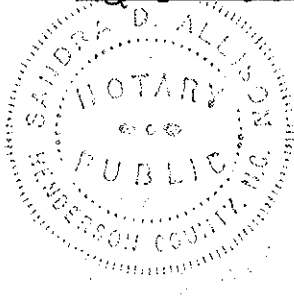
SWORN TO AND SUBSCRIBED BEFORE ME, this 6th day of July, 2008.



Notary Public

My Commission expires:

10-29-2012



SETTLEMENT FOR CURRENT TAXES: FY 2008-2009

as of 30 June 2009

CHARGES TO THE TAX COLLECTOR:

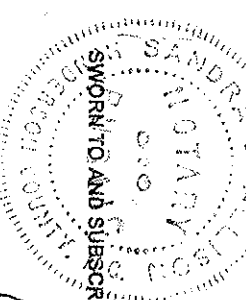
Total amount of all taxes placed in the Tax Collector's hands for collection for the year:	Tax & Penalty	Interest
G01 General County	59,998,418.76	153,498.33
Total General County		
<u>Fire Districts:</u>		
F15 Bat Cave	85,450.72	260.68
F01 Blue Ridge	749,566.18	2,437.06
F09 Dana	481,529.28	1,435.14
F03 Edneyville	658,132.92	1,832.43
F04 Etowah-Horse Shoe	934,191.61	2,190.78
F05 Fletcher	720,618.50	2,113.65
F11 Gerton	98,360.19	484.15
F06 Green River	314,961.19	855.03
F08 Mills River	98,483.01	278.01
F07 Mountain Home	1,228,170.72	2,772.41
F12 Raven Rock	142,055.04	383.15
F02 Valley Hill	993,620.87	2,034.35
F14 Valley Hill No. 2	134,443.03	527.48
Total Fire Districts	6,539,583.26	17,604.32
<u>Municipal Districts:</u>		
C01 City of Hendersonville	339,090.71	1,464.52
C02 Town of Laurel Park	54,035.79	135.23
C03 City of Saluda	1,210.42	0.46
C04 Town of Fletcher	158,967.57	715.32
C50 Village of Flat Rock 51	16,732.16	27.37
Village of Flat Rock 52	10,428.77	16.93
Village of Flat Rock 56	3,157.32	1.37
C60 Town of Mills River	46,057.97	174.78
Total Municipal Districts	629,680.71	2,535.98
SUBTOTAL	\$67,167,682.73	\$173,638.63

TOTAL CHARGE TO TAX COLLECTOR **\$67,341,321.36**

CREDITS TO THE TAX COLLECTOR:

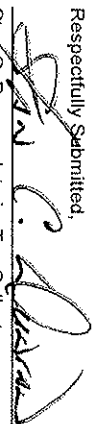
All sums deposited by the Tax Collector to the credit of the Taxing Unit:	Deposits	Rebates	Writeoffs	Interest	Outstanding Tax / Liens	
					Real Property	Personal Property
G01 General County	57,927,414.93	474,691.68	38,780.36	153,498.33	1,148,085.87	409,445.92
Total General County						
Fire Districts:						
F15 Bat Cave	81,907.35	191.91	62.78	260.68	3,288.68	0.00
F01 Blue Ridge	718,151.07	1,636.00	889.81	2,437.06	28,889.30	0.00
F09 Dana	456,352.89	4,023.39	617.34	1,435.14	21,535.66	0.00
F03 Edneyville	527,156.30	6,028.92	728.49	1,832.43	24,219.21	0.00
F04 Etowah-Horse Shoe	914,792.88	1,803.85	594.43	2,190.78	17,000.45	0.00
F05 Fletcher	696,244.10	6,544.45	546.89	2,113.65	17,283.06	0.00
F11 Gerton	93,185.95	272.75	42.30	484.15	4,859.19	0.00
F06 Green River	302,531.93	2,968.64	247.17	855.03	9,213.45	0.00
F08 Mills River	94,571.87	1,668.64	107.40	278.01	2,135.10	0.00
F07 Mountain Home	1,186,914.21	7,770.26	908.88	2,772.41	33,577.37	0.00
F12 Raven Rock	138,416.17	380.55	89.55	383.15	3,168.77	0.00
F02 Valley Hill	972,006.68	1,727.06	575.04	2,034.35	19,312.09	0.00
F14 Valley Hill No. 2	128,840.81	388.18	104.04	527.48	5,110.00	0.00
Total Fire Districts	6,309,072.21	35,404.60	5,514.12	17,604.32	189,592.33	0.00
Municipal Districts:						
C01 City of Hendersonville	287,609.60	11,097.93	856.60	1,464.52	1,464.52	39,526.58
C02 Town of Laurel Park	49,696.22	2,054.09	91.16	135.23	135.23	2,194.32
C03 City of Saluda	955.40	202.01	0.00	0.46	0.46	53.01
C04 Town of Fletcher	138,436.64	4,548.99	414.51	715.32	715.32	15,567.43
C50 Village of Flat Rock 51	16,016.01	254.96	65.26	27.37	27.37	395.93
Village of Flat Rock 52	10,074.56	127.13	37.55	16.93	16.93	189.53
Village of Flat Rock 56	3,110.14	35.66	3.46	1.37	1.37	8.06
C60 Town of Mills River	41,282.34	856.70	387.03	174.78	174.78	3,531.90
Total Municipal Districts	547,180.91	19,177.47	1,855.57	2,535.98	0.00	61,466.76
TOTAL	\$64,783,668.05	\$529,273.75	\$46,150.05	\$173,638.63	\$1,337,678.20	\$470,912.68


TOTAL CREDITS TO TAX COLLECTOR: \$67,341,321.36



My Commission expires: 6-29-2012

SWORN TO AND SUBSCRIBED BEFORE ME this 6th day of July, 2009.

Respectfully Submitted,

 Star C. Duncan, Interim Tax Collector


 Dandra D. Olson
 Notary Public

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 697-4652

*Stan C. Duncan
Interim Tax Collector*

6 July 2009

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

**RE: FY 2008-2009 Progress Report regarding Delinquent Property Tax Collections and
Report on Efforts to Collect Delinquent Taxes**

Dear Henderson County Commissioners:

We are now in the tenth year of the delinquent tax collection project and would like to take this opportunity to report our progress.

Since the inception of the project in October of 1999, we have collected \$13,099,785.33, in delinquent tax, including interest. Of this amount, \$1,410,516.59 was collected during FY 2008-2009. At the close of this fiscal year, we have collected 99.69% of our prior-year annual tax bills (real estate and listed personal property) and 97.65% of our prior-year motor vehicle tax.¹

The responsibilities of the Delinquent Tax Collections staff include the monitoring and administration of legal remedies used to collect delinquent tax. We have made a great deal of progress this year through the use of these remedies and are pleased to provide detailed information depicting this years achievements:

In Rem Foreclosures (pursuant to NCGS 105-375). Approximately 85% of Henderson County's tax base is attributable to real estate and improvements thereon.² It stands to reason, therefore, that Henderson County act assertively to preserve this revenue, and our foreclosure program serves to achieve this objective. Henderson County is one of few North Carolina counties that administer tax foreclosures from start to finish without the assistance of outside attorneys. We feel that this system increases efficiency and equates to minimal cost passed on to the taxpayers, who may already be financially distressed.

Henderson County traditionally holds a real estate tax auction annually, this past spring, we sold 3 properties at auction on the Courthouse steps on 25 March 2009. Three years ago, we had 39 properties scheduled to be auctioned. Prior to instituting a tax foreclosure, the statutes requires us to first conduct a title examination of the subject property and send notices via certified mail to all persons having an interest in the property. In addition to the statutory requirements to which we are bound, we attempt to make telephone contact with the taxpayer and in some cases, personally visit the taxpayer and/or the subject property. Additionally, we send pre-foreclosure notices to taxpayers as well as all mortgage holders as disclosed by the title examination. We also post the properties when we docket a judgment against the property. We have made remarkable progress during FY 2008-2009 relative to real property collections. The diligence of our staff has resulted in more taxes being collected and less property having to be foreclosed upon.

¹ NCPTS Monthly County Collection Report for period 1 July 2008 to 30 June 2009

² 2007 Tax Base figures as compiled by the Henderson County Assessor

Garnishments and Attachments pursuant to NCGS 105-368. The downturn in the economy resulted in an increase in the use of enforced collection remedies, whereas voluntary payment made up the majority of our delinquent collections last year, that is no longer the case. This year (FY 2008-2009) we have served 653 bank account attachments totaling \$1,037,718.22.³ Our office also instituted a Wage Garnishment program. We began by sending out over 1,000 letters to delinquent taxpayers advising them their wages would be garnished if they did not pay the past due taxes in their name. The success of this program resulted in only 30 Wage Garnishments having to be served totaling \$11,473.78.⁴

NC Debt Setoff Program (pursuant to NCGS Chapter 105A). The North Carolina Debt Setoff Program allows local government to collect outstanding debts by garnishing North Carolina State income tax refunds. Delinquent Tax Collections administers the Debt Setoff Program for the collection of property tax as well as debts owed to other county agencies. During FY 2008-2009, Henderson County collected \$163,751.78 through the use of Debt Setoff.⁵ This is an increase of almost \$60,000 over last fiscal year.

Payment Arrangements. In most instances, taxpayers are permitted to make structured payments against outstanding tax liabilities according to a predetermined payment schedule. During FY 2008-2009, Delinquent Tax Collections entered into 99 payment agreements totaling \$110,579.39 in tax revenue.⁶

Bankruptcy. As part of an effective collection program, it is important to keep abreast of the statutes and procedural issues pertaining to bankruptcy. Proofs of Claim must be filed in a timely manner when appropriate and tax bills involved in an active bankruptcy case must be carefully monitored and segregated to avoid violation of the automatic stay imposed by the Bankruptcy Court. Presently, there are 640 tax bills amounting to \$170,524.40⁷ that are involved in active bankruptcy cases. This is a slight increase over last fiscal year. As depicted in the following chart of North Carolina Bankruptcy filings, during 2006, there was a significant drop in the number of cases filed in North Carolina's Western District Court. Only 5,108 cases were filed in North Carolina Bankruptcy Court's Western District of which Henderson County is a part. This drop can be attributed to the 17 October 2005 enactment of the Bankruptcy Abuse and Protection Act which was designed to limit frivolous bankruptcy filings. This also represents a 10 year low in the number of bankruptcy filings. The number of bankruptcies filed during 2008 was higher than 2007 with 6,684 cases. This can be attributed to the economic downturn.

³ NCPTS Legal Action Report for period 1 July 2008 to 30 June 2009

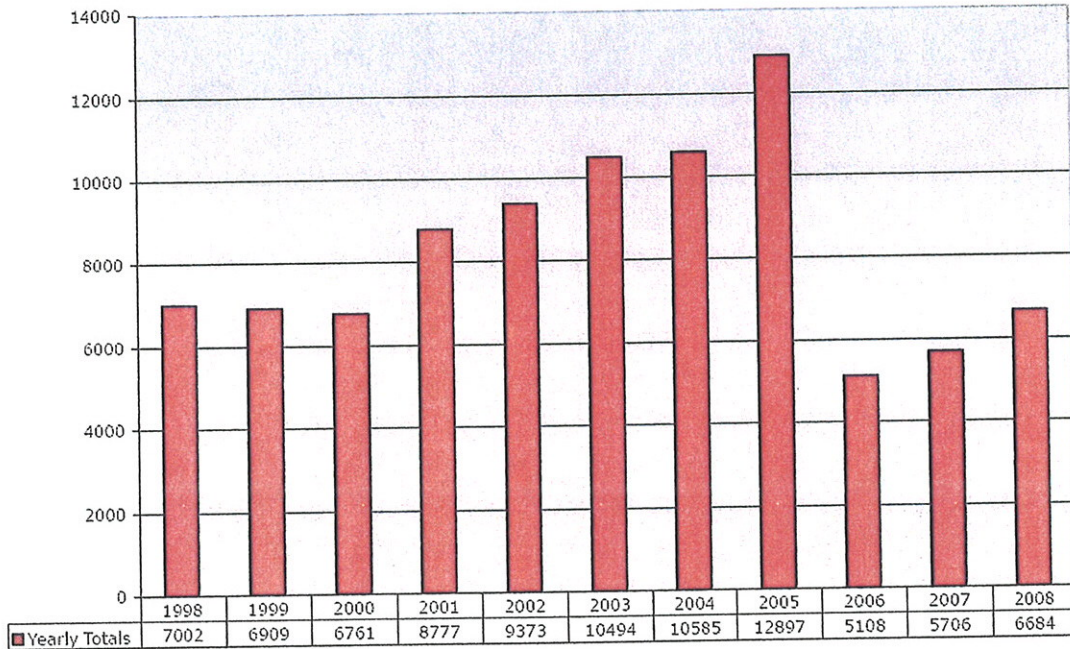
⁴ NCPTS Legal Action Report for period 1 July 2008 to 30 June 2009

⁵ NC Debt Setoff Detail Report (as provided by FiveStar Computing) for period 1 July 2008 to 30 June 2009

⁶ NCPTS Payment Arrangement Summary report for period 1 July 2008 to 30 June 2009

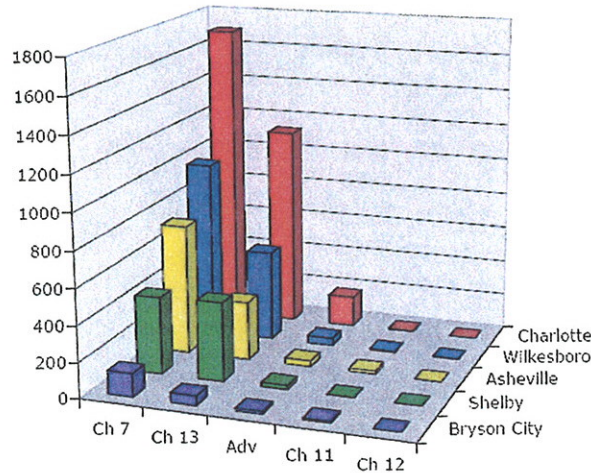
⁷ Query of NCPTS data containing Bankruptcy flags as prepared by the IT Department

Ten Year Comparison for Annual Bankruptcy Filings



The second chart demonstrates that of the 5706 bankruptcies filed in the Western District, 895 were filed in the Asheville Division. The chart also shows the breakdown of the number of each type of bankruptcy that was filed during 2007.

2008 Bankruptcy Filings by Divisional Office



	Ch 7	Ch 13	Adv	Ch 11	Ch 12
■ Bryson City	132	53	15	9	0
■ Shelby	431	440	23	1	0
■ Asheville	726	327	34	18	0
■ Wilkesboro	986	507	41	6	3
■ Charlotte	1695	1124	172	8	0

Our most difficult collections remain in the area of motor vehicle tax. The total prior-year (i.e., 1997-2007) sum of outstanding motor vehicle tax is \$1,295,591.36, which represents 46.27% of the total outstanding delinquent tax.⁸

In closing, the progress relating to delinquent tax collections has truly been a team effort based on hard work and solid dedication. In the coming year, we will strive to maintain our progress in real estate collections while at the same time shifting our primary focus to outstanding personal property tax, which consists mostly of mobile home tax and business personal property tax.

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

Respectfully submitted,

William Lee King
 Delinquent Tax Collector

cc: Stan Duncan, County Assessor/Interim Tax Collector, Carey McLelland, Finance Director

⁸ NCPTS Monthly County Collection report for period 1 July 2008 to 30 June 2009

2008-2009 Delinquent Property Tax Collections

PRIOR YEARS (1998-2007) 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			YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV
2007	535,327.51	14,305.02	355,954.91	70,238.59	838.08	25,004.88	597,820.58	10,386.87	357,895.47	333,001.79	0.00	132,588.64	99.38	100.00	97.16
2006	132,686.78	10,842.68	25,571.21	29,456.20	2,068.45	4,499.68	159,458.44	12,911.43	29,194.63	277,265.37	10.49	122,769.66	99.44	98.98	97.52
2005	32,365.24	4,824.27	12,017.29	9,294.95	1,280.23	3,324.21	32,408.70	6,104.50	15,092.22	124,418.09	1,405.73	98,218.81	99.71	97.72	97.77
2004	16,757.05	883.21	9,797.83	4,466.28	351.76	3,461.87	20,580.08	1,234.97	13,222.51	75,344.97	274.62	86,056.58	99.81	99.64	97.86
2003	13,853.16	0.00	11,977.88	4,503.99	0.00	5,570.25	17,825.42	0.00	7,022.38	75,234.59	0.00	123,489.16	99.80	100.00	97.78
2002	9,792.53	0.00	4,234.25	5,610.72	0.00	2,788.13	15,177.53	0.00	17,137.68	89,437.64	15.00	108,837.48	99.74	99.95	97.34
2001	6,059.51	0.00	3,904.79	4,837.36	0.00	3,011.73	12,291.85	0.00	6,909.73	66,403.05	0.00	88,483.23	99.80	100.00	97.72
2000	7,780.80	0.00	3,053.44	4,730.50	0.00	2,583.83	10,286.96	0.00	5,615.69	72,061.27	0.00	94,881.13	99.77	100.00	97.54
1999	6,171.87	0.00	3,596.07	5,438.88	0.00	3,305.96	10,953.25	0.00	6,895.65	64,646.33	0.00	96,799.18	99.78	100.00	97.53
1998/PRIOR	13,774.53	0.00	6,098.72	10,424.57	0.00	8,523.75	19,498.65	0.00	14,621.59	325,775.90	0.00	343,487.46	99.75	100.00	97.83
TOTAL:	774,608.98	30,856.18	436,206.39	149,004.04	4,538.52	62,074.29	896,301.27	30,617.77	483,597.55	1,502,589.00	1,705.84	1,295,591.36			

PRIOR YEARS (1998-2007) 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			YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV	Regular	Deferred	DMV
Hendersonville	0.00	0.00	38,743.23	0.00	0.00	5,302.16	0.00	0.00	41,697.02	0.00	0.00	175,107.09			96.31
Laurel Park	0.00	0.00	2,398.80	0.00	0.00	283.21	0.00	0.00	2,486.16	0.00	0.00	8,906.09			98.91
Saunders	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	115.00			98.72
Flanicher	0.00	0.00	13,959.28	0.00	0.00	1,153.12	0.00	0.00	14,455.86	0.00	0.00	27,538.79			97.98
Flat Rock 51			519.41			42.96			519.48			594.15			98.77
Flat Rock 52			218.99			12.20			221.12			126.99			99.58
Flat Rock 56			0.00			0.00			-0.75			27.40			99.69
Millis River			3,440.81			3,344.55			3,675.98			3,850.10			99.69
TOTAL:	0.00	0.00	59,191.52	0.00	0.00	10,138.20	0.00	0.00	63,034.87	0.00	0.00	216,265.61			

PRIOR YEARS (1998-2007) 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	YEAR END COLLECTION PERCENTAGE
	Regular	Deferred	DMV				
Bal Cave	1,770.75	564.42	351.62	320.60	3,011.51	2,590.70	99.53
Blue Ridge	15,453.32	455.70	10,782.32	4,630.09	31,477.58	68,642.71	99.19
Dana	8,247.77	0.00	7,065.05	2,518.57	17,915.43	32,928.87	99.06
Echeyville	14,999.52	758.82	7,763.74	4,395.42	28,162.34	48,388.73	98.95
Etowah/HS	8,476.70	152.11	4,755.53	1,884.22	15,402.61	28,865.15	99.56
Fletcher	7,174.78	24.10	6,425.43	2,163.80	15,898.90	35,226.80	99.41
Genon	321.77	0.00	263.69	63.42	648.88	2,699.57	98.53
Green River	6,622.65	267.31	2,934.04	2,017.55	11,941.20	17,417.14	99.38
Mills River	1,682.40	151.54	1,056.50	814.01	3,719.12	14,564.76	99.48
Mtn Home	13,185.62	0.00	9,443.83	3,099.28	25,876.70	44,958.85	99.57
Raven Rock	1,279.02	264.77	624.58	291.89	2,461.24	2,766.77	99.72
Valley Hill	8,311.06	754.25	4,371.87	2,015.87	15,559.01	24,931.63	99.77
Valley Hill #2	1,449.39	0.00	1,122.98	321.24	2,903.99	4,456.93	99.53
TOTAL:	88,971.75	3,393.02	56,941.18	24,535.96	174,978.51	328,456.61	99.46

TOTAL PROPERTY TAX COLLECTED FOR YEARS 1998-2007:

	TOTAL LEVY CREDIT		ACCRUED INTEREST COLLECTED +	TOTAL CASH COLLECTED	YEAR END LEVY DUE	YEAR END COLLECTION PERCENTAGE		
	Regular	Deferred				DMV		
General County			215,616.85	1,410,516.59	2,799,886.20	99.69	99.67	97.65
Municipalities			10,138.20	63,034.87	216,266.61			
Fire Districts			24,535.96	174,978.51	328,456.61		99.46	
TOTAL:			250,291.01	1,648,529.97	3,344,608.42			

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 1998 which are legally unenforceable.
- (3) With regard to Fire District entries, REG, DEF and DMV breakdowns on accrued interest and collection percentages were not available due to the formatting of the Special District Collection report

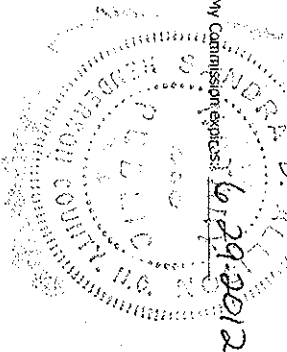
Respectfully Submitted,

Stacy C. Purcun
Stacy C. Purcun, Interim Tax Collector

SWORN TO AND SUBSCRIBED BEFORE ME this 6th day of July, 2009

Lorena D. Allison
Lorena D. Allison
Notary Public

My Commission expires 6/29/2012



HENDERSON COUNTY BOARD OF COMMISSIONERS

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Hendersonville, North Carolina 28792
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TDD: 828-697-4580
www.hendersoncountync.org

BILL MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

CHUCK McGRADY
MARK WILLIAMS
LARRY YOUNG

RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY OF JAMES C. KIRKPATRICK, PARCEL IDENTIFICATION NUMBER 9577863640

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the James C. Kirkpatrick property;

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

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
 - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of James C. Kirkpatrick, if the easement exists as shown by the red line on the attached map.
2. This resolution shall take effect immediately upon its passage.

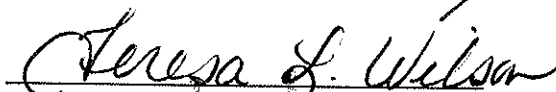
ADOPTED THIS the 6th day of July, 2009

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

William L. Moyer, Chairman

ATTESTED BY:


Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]