

DRAFT

5/19/11

MINUTES

cc: B.O.C.
Steve
Selena
Russ
Christy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, MAY 18, 2011**

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

Those present were: Vice-Chairman Tommy Thompson, Commissioner Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Sheriff Rick Davis, Recreation Director Tim Hopkin, Fire Marshal Rocky Hyder, Engineer Marcus Jones, Engineering Admin. Asst. Megan Piner, Property Appraiser Dee Hill, Research/Budget Analyst Amy Brantley, Delinquent Tax Collector Lee King, Soil & Water Conservation District Director Jonathan Wallin, and HR Director Jan Prichard.

Absent was: Chairman Michael Edney

CALL TO ORDER/WELCOME

Vice-Chairman Thompson called the meeting to order and welcomed all in attendance.

INVOCATION

Reverend Julie Merritt Lee of Providence Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Young.

INFORMAL PUBLIC COMMENT

1. Fielding Lucas – Mr. Lucas informed the Board of a presentation by Mission Hospital on May 20 at the Pack Memorial Library in Asheville at 11:00 a.m. concerning the two Certificates of Needs. He urged someone from the Commission to attend.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Young made the motion to adopt the Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Young made the motion to adopt the Consent Agenda with the addition of 1 item, 'Henderson County Hospital Corporation purchase of realty from HHC Associates, LLC'. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

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

May 2, 2011 – Regularly Scheduled Meeting

May 6, 2011 – Special Called Meeting

May 9, 2011 – Special Called Meeting

APPROVED:

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated May 6, 2011 for information only. No action was required

Tax Refunds

A list of 6 refund requests was presented for the Board of Commissioners review and approval.

Motion:

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

Tax Releases

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

Motion:

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

Resolution – Henderson County Relay For Life Resolution

The 2011 Henderson County Relay For Life supporting the American Cancer Society will be taking place May 20th to May 21st at WNC Agricultural Center. Henderson County supports the efforts of its citizens in taking an active role in the fight against cancer.

Motion:

I move that the Board adopts the Resolution provided designating May 20th to May 21st as Relay For Life Day in Henderson County.

Expansion of fire protection districts

On January 3, 2011, this Board heard comments at a public hearing on the issue of expansion of the boundaries of Henderson County fire protection districts (established under Article 3A of Chapter 69 of the North Carolina General Statutes). This Board voted unanimously to support the expansion of the fire districts as provided herein, and further requested the introduction of a special bill in the legislature to allow for such expansion.

The General Assembly recently enacted "AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT" as Session Law 2011-50, and the proposed resolution is pursuant to that Session Law.

Motion:

I move that the Board adopts the "RESOLUTION REGARDING CHANGES IN BOUNDARIES OF FIRE PROTECTION DISTRICTS" included in the agenda packet.

Home & Community Care Block Grant – FY2012 County Funding Plan

Each year, the Board of Commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agenda responsible for coordinating the County Funding Plan. The Home & Community Care Block Grant is a State/Federal program administered at the local level. The proposed Funding Plan supports the service priorities identified for the current planning cycle.

At this time, the HCCBG funding for FY2012 is estimated to be \$753,766; however this amount is subject to change. As has been the standard practice in past years, in the event the funding amount changes as a result of the adoption of the State budget, the various allocations amongst service providers

will be adjusted on a pro rata basis according to each service provider's pro rata share of the total Block Grant funding.

Motion:

I move the Board appoints the County Manager's Office as the Lead Agency and approves the proposed FY2012 Funding Plan.

William Corn Conditional Rezoning (R-2010-03-C)

At this Board's May 2, 2010 meeting, a public hearing was held on the proposed conditional Industrial district rezoning for William Corn. Planning staff presented information regarding the subject property, analysis, recommendations and conditions. The Applicant was present to answer questions and discuss his business. This Board discussed the rezoning and recommended conditions. The Board made a motion to approve the rezoning with conditions which passed unanimously. This Board requested staff prepare an order based on the hearing and conditions as amended. This Order is the summation of the hearing and the discussion of the Board

Motion:

I move that the Board approves the draft Order as presented based on the Board's conditions and discussion at the public hearing.

Resolution of Appreciation – Hassan Mansouri

The Board is requested to adopt the Resolution of Appreciated for Hassan Mansouri for allowing Henderson County to use his property located across from the 1995 Courthouse for temporary parking for staff while ongoing construction to the Law Enforcement Center and parking lots of the 1995 Courthouse occurs.

Motion:

I move the Board of Commissioners adopts the Resolution of Appreciation for Hassan Mansouri.

Henderson County Hospital Corporation purchase of realty from HHC Associates, LLC

Henderson County Hospital Corporation has reached an agreement, as a part of a medical practice purchase agreement, to purchase the real estate owned by HHO Associates, LLC, subject to approval by the Board of Commissioners. This agreement is similar if not identical to several other transactions in the recent past where the hospital corporation has purchased medical practices, together with the real estate upon which they are located.

The purchase price, \$1,265,000.00, was agreed to by the hospital corporation as a part of the transaction, and will be paid wholly from hospital corporation funds. The real estate is located at 1824 Pisgah Drive in Laurel Park, NC.

Motion:

I move that the Board approves the purchase by the County on behalf of the Henderson County Hospital Corporation of the realty located at 1824 Pisgah Drive, Laurel Park, NC, as shown on the agenda item in this matter.

NOMINATIONS

Notification of Vacancies

1. Henderson County Planning Board – 1 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. Downtown Hendersonville, Inc. – 1 vac.

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

3. EMS Quality Management Committee – 19 vac.

Commissioner Messer nominated Evelyn Russell for position #2 and Tony Galloway for position #13. Commissioner Young nominated Larry Russell for position #19. *Vice-Chairman Thompson made the motion that the Board accepts the reappointments of Evelyn Russell to position #2, Tony Galloway to position #13, and Larry Russell to position #19 by acclamation. All voted in favor and the motion carried.*

Commissioner Young had nominated Jim Clayton at a previous meeting and this item was rolled to the next meeting.

4. Environmental Advisory Committee – 1 vac.

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

5. Juvenile Crime Prevention Council – 8 vac.

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

Commissioner O'Connor made the motion that the County Attorney draft and send a letter to the designated members of the Juvenile Crime Prevention Council of their obligation to serve on this council as mandated by state law, and offering what the Commission can do to facilitate their service either by changing the schedule of meetings or other assistance to organize meetings so that they can serve. The motion passed 3-1 with Commissioner Messer voting nay.

6. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

7. Nursing / Adult Care Home Community Advisory Committee – 3 vac.

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

8. Recreation Advisory Board – 1 vac.

Commissioner Messer nominated Ralph King for position #1.

The motion was tied with 2 votes for (Commissioners Messer and O'Connor) and 2 votes against (Commissioners Young and Thompson) and was rolled to the next meeting.

9. Senior Volunteer Services Advisory Council – 3 vac.

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

COUNTY MANAGER'S FY 2011-2012 RECOMMENDED BUDGET

The County Manager presented his FY2011-2012 Recommended Budget during this meeting.

Assistant County Manager Selena Coffey arrived during the budget presentation.

FY 2011 – 2012 PROPOSED BUDGET EXPENDITURES

County Government	\$ 72,692,203
Public Schools	\$ 29,129,196
Blue Ridge Community College (BRCC)	\$ 3,895,073
Total	\$105,716,472

Historical Budget Information FY 10-11 to FY 11-12

FY 2010-2011 Revised Budget Expenditures		FY2011-2012 Proposed Budget Expenditures		Difference
County Government	\$78,170,934	County Government	\$72,692,203	\$ (5,478,731)
Public Schools	\$30,949,703	Public Schools	\$29,129,196	\$ (1,820,507)
BRCC	\$ 4,123,077	BRCC	\$ 3,895,073	\$ (228,004)
TOTAL	\$113,243,814	TOTAL	\$105,716,472	\$ (7,527,242)

Historical Budget Information FY 06-07 to FY 11-12

FY 2006-2007 Revised Budget Expenditures		FY2011-2012 Proposed Budget Expenditures		Difference
County Government	\$ 78,221,736	County Government	\$72,692,203	\$ (5,529,533)
Public Schools	\$ 27,092,401	Public Schools	\$29,129,196	\$ (2,036,795)
BRCC	\$ 3,853,449	BRCC	\$ 3,895,073	\$ (41,624)
TOTAL	\$109,167,586	TOTAL	\$105,716,472	\$ (3,451,114)

Statutory Revenue Neutral Tax Rate

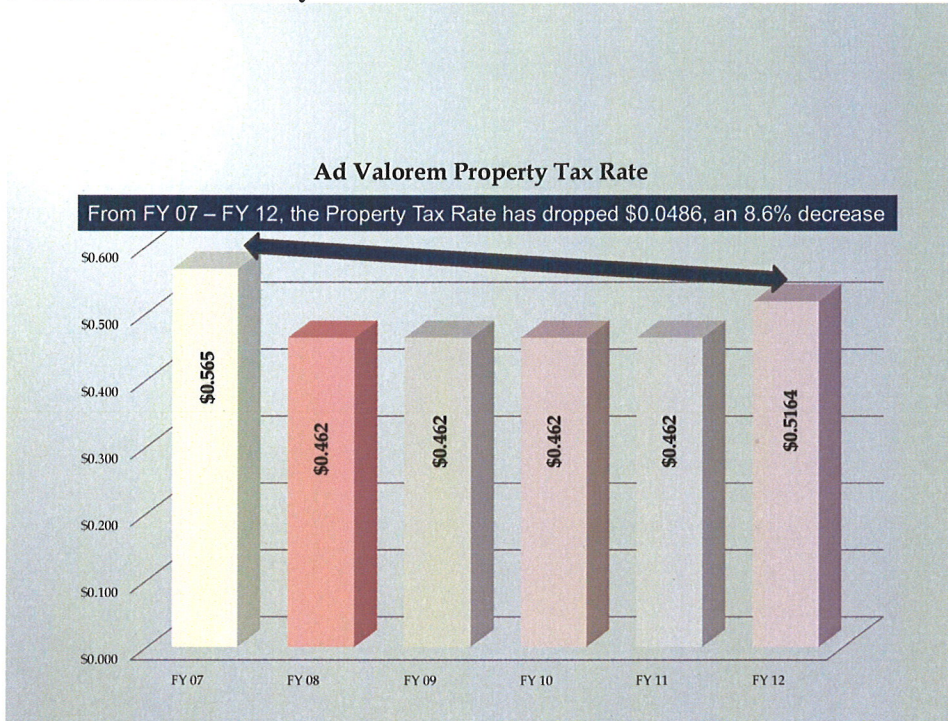
G.S. 159-11(e) defines the revenue-neutral rate as “the rate estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no revaluation had occurred.”

G.S. 159-11(e) also instructs that the revenue-neutral rate is calculated as follows:

1. Determine a rate that would produce revenues equal to those produced for the current fiscal year.
2. Increase the rate by a growth factor equal to the average annual percentage increase in the tax base due to improvements since the last general revaluation.
3. Adjust the rate to account for any annexation, de-annexation, merger, or similar event.

Current fiscal year FY2011 tax levy budgeted	\$58,549,491
Divided by FY2012 estimated tax valuation	\$11,855,000,000
Divided by first year collection rate of 97%	.97
Multiplied by average growth over last 3 years	1.0143
FY2012 revenue neutral tax rate	51.64 cents

5 Year Tax Rate History



Revaluation Impact

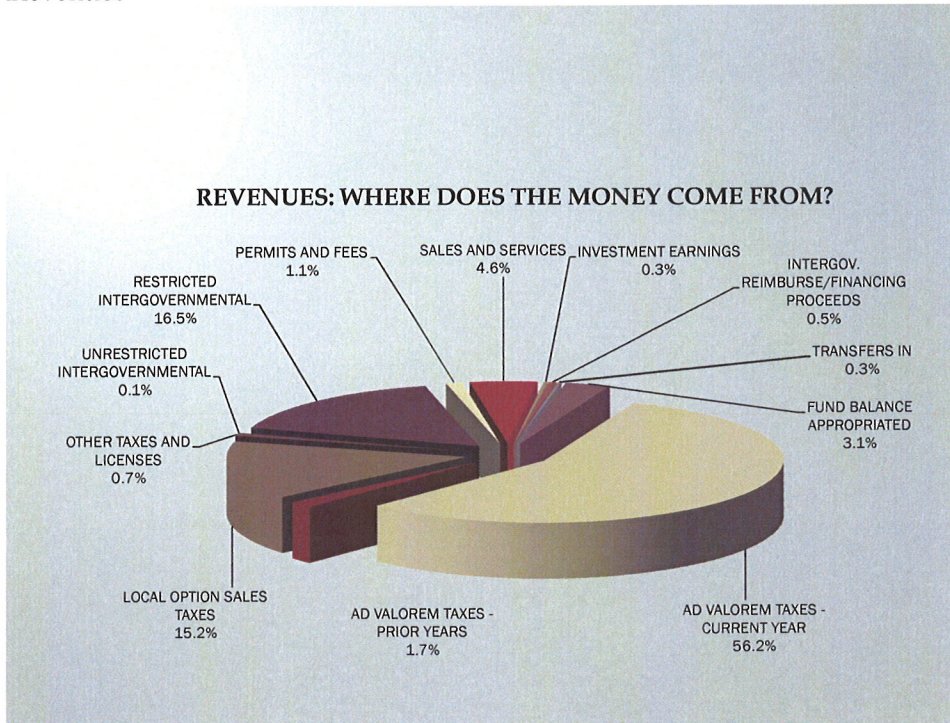
- ▣ Although the tax rate is calculated at the statutory neutral rate, each tax payer will be affected differently according to their property values.
- ▣ Example – a property valued as \$200,000 in FY 2011

	FY 2011	FY 2012 Property Valuation Decrease Scenarios					
		Less 0%	Less 5%	Less 10%	Less 15%	Less 20%	Less 25%
Property Valuation	\$ 200,000	\$ 200,000	\$ 190,000	\$ 180,000	\$ 170,000	\$ 160,000	\$ 150,000
Tax Rate	\$ 0.462	\$ 0.5164	\$ 0.5164	\$ 0.5164	\$ 0.5164	\$ 0.5164	\$ 0.5164
Property Taxes =	\$ 924.00	\$ 1,032.80	\$ 981.16	\$ 929.52	\$ 877.88	\$ 826.24	\$ 774.60

Budget Preparation Framework

- I. Property tax is held at the statutory revenue neutral rate per the 2011 county-wide property revaluation.
- II. Sales tax is projected at a \$1,000,000 reduction.
- III. All locally funded agencies are capped at a maximum of the 92.5% current fiscal year expenditures - a reduction of 7.5%.
- IV. Financial reserves are strategically utilized to fill the revenue gap.
- V. Financial reserves are protected to avoid property tax increases in the following three years, subject to actions of the State and/or Federal Government or a worsening economic climate.
- VI. Staff at all levels is challenged to do more with less and to do so with compassion and integrity to an even greater degree.
- VII. Outside agencies led by their elected and appointed Governing Boards are asked to share an equivalent percentage of the burden.

Revenues



**HENDERSON COUNTY
FY 2011 - 2012 PROPOSED BUDGET - REVENUES**

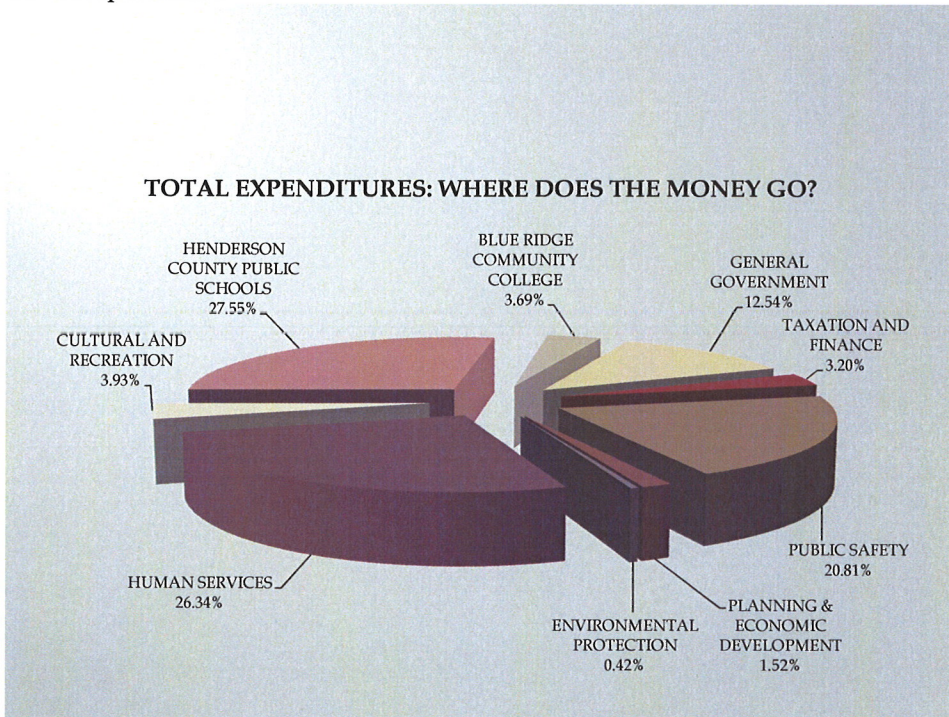
GENERAL FUND	SIGNIFICANT ISSUES FROM FY 2011 TO FY 2012
AD VALOREM TAXES - CURRENT YEAR	<i>Revaluation to affect FY2012 current year taxes; statutory revenue neutral rate</i>
AD VALOREM TAXES - PRIOR YEARS	<i>No significant issues; prior year tax collections continue to be strong; methods used for collection are expected to bring in some additional revenues in FY2012</i>
LOCAL OPTION SALES TAXES	<i>\$1 million reduction for FY2012 due to declining sales tax revenues received in the current fiscal year in a slow economic recovery</i>
OTHER TAXES AND LICENSES	<i>Excise taxes collected on real property transactions expected to continue to be down due to the current economy and real estate market</i>
UNRESTRICTED INTERGOVERNMENTAL	<i>No significant issues; flat budget estimate for FY2012</i>
RESTRICTED INTERGOVERNMENTAL	<i>Reduction in estimated federal and state funding for FY2012 including one time grants received in the current fiscal year; projected lottery proceeds reduced by 50 percent</i>
PERMITS AND FEES	<i>Slight increase in building inspection revenue anticipated for FY2012</i>
SALES AND SERVICES	<i>Reduction in direct-charged indirect cost revenues and expenditures; net budget affect is zero.</i>
INVESTMENT EARNINGS	<i>Interest rates remain low and not expected to increase sharply in FY2012</i>
INTERGOVERNMENT REIMBURSEMENT/FINANCING LOAN PROCEEDS	<i>Interdepartmental revenues associated with previous cost allocation plan budgeting no longer required</i>
TRANSFERS IN	<i>New transfer from CDBG Project Fund to cover the cost of a planner administering a new project</i>
FUND BALANCE APPROPRIATED	<i>Fund balance available for appropriation required to balance the budget; reduced by approximately 50% for FY2012 after expenditure cuts and projected revenues determined</i>

**HENDERSON COUNTY
FY 2011 - 2012 PROPOSED BUDGET - REVENUES**

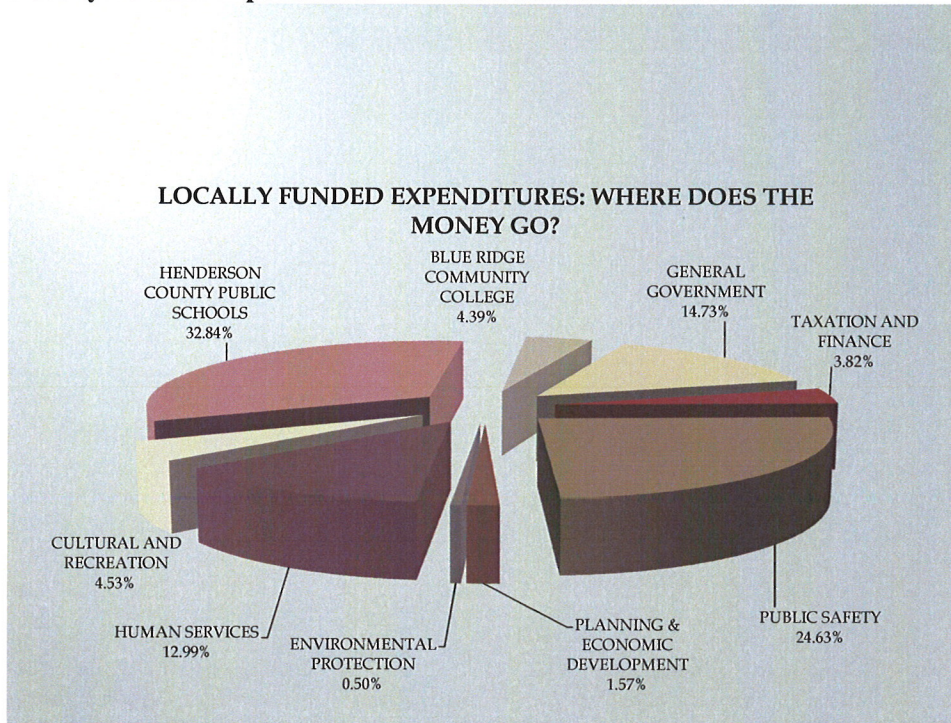
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Local Funds	
FY 2012 Proposed Budget	\$105,716,472
Minus Intergovernmental Revenues	\$ 17,442,405
Minus Mandated Maintenance of Effort	\$ 528,612
Net	\$ 87,745,455

Total Expenditures



Locally Funded Expenditures - Includes mandated debt service



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**HENDERSON COUNTY
FY 2011 - 2012 PROPOSED BUDGET - EXPENDITURES**

GENERAL FUND		SIGNIFICANT ISSUES FROM FY 2011 TO FY 2012	
GENERAL GOVERNMENT			
Governing Body		Reduction in funding available for Special Called Meetings, overtime, departmental supplies, travel and Professional Services.	
Dues and Non-Profit Contributions		Decrease in proposed Non-Profit funding, funding for NACo has been removed.	
County Manager/Admin Services		Eliminate currently vacant administrative assistant position.	
Human Resources/Wellness Clinic		Eliminates current vacant Risk Manager position, and increases Part-Time Staff by .40 FTE.	
Elections		Elimination of One Stop Voting sites, and Contracted Services which effects the number of poll workers.	
Legal		Eliminates current vacant admin assistant position.	
Register of Deeds		Reduces staffing levels by .33 FTE.	
Central Services/Garage		Reduction in Contracted Services for cleaning services contracts, to be replaced with four (4) custodial positions.	
Court Facilities		No significant issues in FY12. Revenues cover 100% of expenditures.	
Information Technology		Reduction in computer replacement.	
Debt Service		No significant issues in FY12. Debt Service scheduled to be paid at planned levels including new debt service for the LEC.	
Non-Departmental Accounts		Worker's Compensation has been reduced to meet the 7.5% reduction goal.	
Transfers From the General Fund		Transit Fund transfer has been reduced to meet the 7.5% reduction goal.	
TAXATION AND FINANCE			
Finance		Reduce (1) FT Cane Creek billing position to 52% employment.	
Tax Department		Reduction in Temp/PT funding, Legal Services and Professional and Contracted Services.	
PUBLIC SAFETY			
Sheriff		Reduction of 8 positions, and reduced funding for overtime, Wearing Apparel, DARE camp, and 4 vehicles.	
Detention Facility		Eliminates one (1) full time bailiff position from the court house.	
Emergency Management/Fire Services		Reduction in Temp/PT funds, maintenance contracts on repeater sites and consulting services.	
Building Services		Eliminates one (1) currently vacant Building Inspector position, delays replacement schedule for CNG vehicles by 1 vehicle.	
Emergency Medical Services		Eliminates Training Officer position, and 3 paramedics which would result in closing a Substation for app. 12 hrs per day.	
Animal Services		Reduction in vaccines, supplies, diagnostic tests and equipment, and elimination of transfer to the Spay Neuter Fund.	
Criminal Justice Partnership Program		No significant issues in FY12. Revenues cover 100% of expenditures.	
Rescue Squad		Reduction in contribution to Rescue Squad.	
Code Enforcement Services		Eliminates one full-time Code Enforcement Officer position, and reallocates 1 Property Addressing position.	

PLANNING & ECONOMIC	
Property Addressing	Reallocates 1 Property Addressing position to Code Enforcement.
Soil & Water Conservation	Reduces one (1) FTE to .60, will share position with HRD.
Utilities - Cane Creek Sewer District	No significant issues in FY12. Revenues cover 100% of expenditures.
Planning	Elimination of contracted services, would suspend the community planning process.
HOME Program	No significant issues in FY12. All HOME funds will be allocated directly by Asheville.
Economic Development	Reduces funding for the Partnership for Economic Development, and Historic 7th Avenue. Includes Agribusiness funding.
ENVIRONMENTAL	
Forestry Services	Forestry Service has requested \$13,200 for a vehicle replacement. Current vehicle is 7 years old with app. 100,000 miles.
Water Quality	Reduction in overtime and departmental supplies.
Cooperative Extension	Departmental reduction reflects a 10% reduction in Operating Expenditures pursuant to Board direction at the November 17, 2010 Meeting. Reduction in Cooperative Budget from FY11 Adopted to FY12 Proposed is 24%
HUMAN SERVICES	
General Public Health	Reduction in funding for Community Adult Community Flu Clinic. Adds one project position.
Environmental Health	Reduction of one .50 Admin Assistant position, to be split with Health Department and elimination of the Mosquito Program.
Home and Community Care Block Grant	No significant issues in FY12. Revenues cover 100% of expenditures.
Medical Services	No significant issues in FY12. Expenditure reduced by 7.5%.
Mental Health	No significant issues in FY12. Funding remains consistent at required levels.
Rural Operating Assistance Program	No significant issues in FY12. Revenues cover 100% of expenditures.
Social Services	Spectrum Youth Home and Program would be discontinued. Children would reside in private group homes in Buncombe County or other WNC county group homes. Five (5) In-Home Aid positions would be eliminated and the services contracted.
Social Services - SmartStart Program	No significant issues in FY12. Revenues cover 100% of expenditures.
Juvenile Justice Program	No significant issues in FY12. Revenues cover 100% of expenditures.
CULTURAL AND RECREATION	
Library	Eliminates four positions. Hours at the Main Branch would be reduced by 9 per week, and hours at the Green River and Edneyville branch would be reduced by 50%
Recreation	Eliminates one (1) currently vacant Secretary 4 position, and cuts back on Special Events such as Movie Night, Easter, July 4th events

HENDERSON COUNTY PUBLIC SCHOOLS	SIGNIFICANT ISSUES FROM FY 2010 TO FY 2011
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<i>Henderson County Public</i>	
Current Expense	Current Expense funding reduced by 7.5%
Capital Expense	Capital Expense funding reduced by 7.5%
Debt Service	No significant issues in FY12. Debt Service scheduled to be paid at planned levels.

BLUE RIDGE COMMUNITY COLLEGE	SIGNIFICANT ISSUES FROM FY 2010 TO FY 2011
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<i>Blue Ridge Community College</i>	
Current Expense	Current Expense funding reduced by 7.5%
Capital Expense	No issues - funding remains level
Debt Service	No significant issues in FY12. Debt Service scheduled to be paid at planned levels.

Next Steps

- ☐ The Board is requested to schedule a Work Session on the FY12 budget for:
 - Tuesday, May 31, 2011 at 2:00pm
- ☐ The Board is also requested to schedule a Public Hearing on the FY12 budget for:
 - Tuesday, May 31, 2011 at 6:00pm
 -

Commissioner Young made the motion that the Board schedules a budget workshop for May 31, 2011 at 2:00 p.m. and a public hearing on the FY12 Budget for May 31, 2011 at 6:00 p.m. All voted in favor and the motion carried.

PARDEE ANNUAL REPORT

Alan House, Jerry Maier and Board Chairman Bill Lapsley from Margaret R. Pardee Memorial Hospital (Henderson County Hospital Corporation) presented their Annual Report to the Board of Commissioners.

Henderson County Hospital Corporation - Excerpts from Required Auditor Communication to Board

- ✓ Unqualified opinion on financial statements
- ✓ No significant changes in accounting policies
- ✓ No management bias in estimates
- ✓ No disagreements between auditors & management
- ✓ No difficulties encountered in the audit
- ✓ No material weaknesses and no significant deficiencies

Report to County Commissioners on FY 2010

- Hospital Net Patient Revenues up 3%
- Total operating expenses up 4%
- Operating Margin of \$4.1 million compared to prior year margin of \$6.5 million.

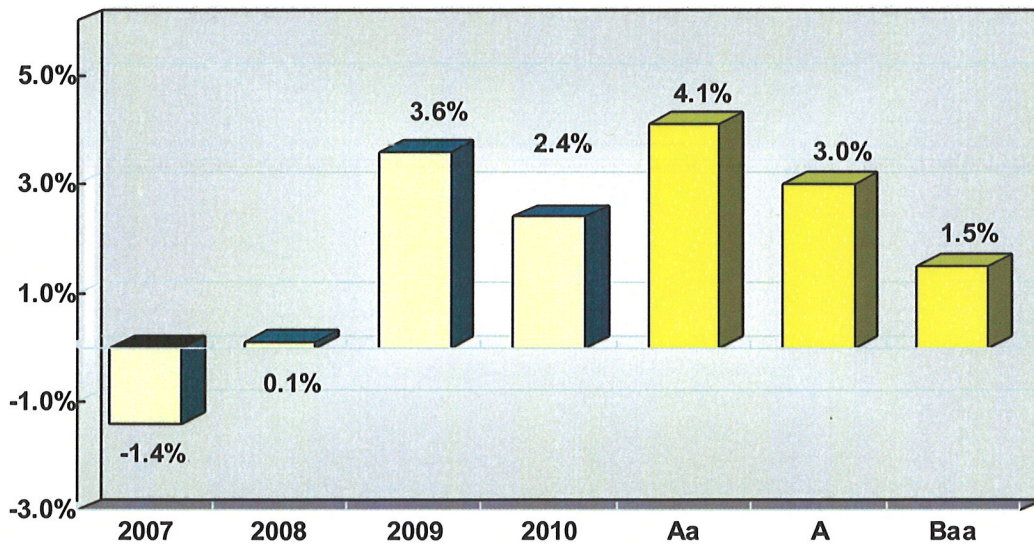
A year of investment in physician practices which contributes to increased Salaries & Wages, Benefits and Supply Costs.

Combined Statements of Revenues & Expenses.

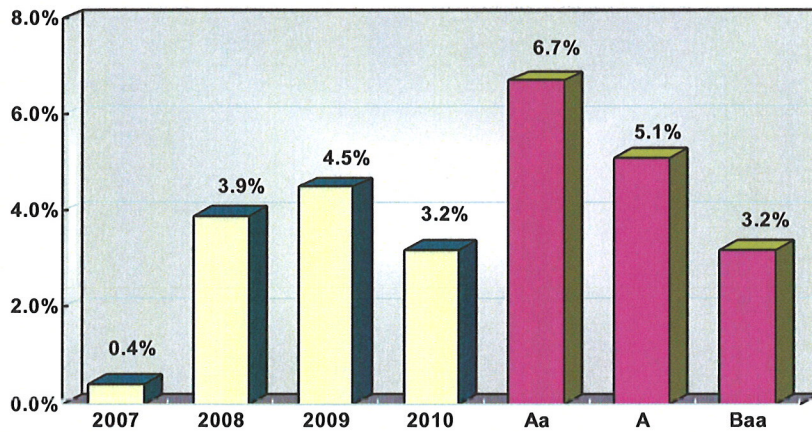
		<u>2010</u>	<u>2009</u>
OPERATING REVENUES			
Net Patient Service Revenues	3%	\$ 128,385,269	\$ 124,891,856
Other Operating Revenues		3,637,491	4,211,957
Total Operating Revenues		132,022,760	129,103,813
OPERATING EXPENSES			
Salaries, Wages and Benefits	6%	69,977,418	65,970,594
Supplies	8%	25,155,770	23,327,489
Contracted Fees		10,418,935	10,309,440
Facility Costs		11,555,893	10,779,021
Depreciation, Amortization and Other		10,840,680	12,232,586
Total Operating Expenses	4%	127,948,696	122,619,130
OPERATING INCOME	-37%	4,074,064	6,484,683
NONOPERATING INCOME (EXPENSE)			
Investment Income (Loss)		1,364,930	1,376,372
Interest Expense		(672,543)	(639,364)
Other Nonoperating Income		430,314	391,305
Net Nonoperating Income	0%	1,122,701	1,128,313
REVENUES OVER EXPENSES BEFORE CAPITAL CONTRIBUTIONS	-32%	\$ 5,196,765	\$ 7,612,996

		<u>2010</u>	<u>2009</u>
ASSETS			
Cash and Cash Equivalents	-39%	\$ 5,394,983	\$ 8,911,373
Patient Receivables, Net		21,541,010	23,584,042
Other Current Assets		5,199,954	4,841,414
Total Current Assets	-14%	<u>32,135,947</u>	<u>37,336,829</u>
Restricted Investments	24%	4,358,262	3,506,421
Pledges Receivable, Net		336,395	242,955
Total Restricted Assets		<u>4,694,657</u>	<u>3,749,376</u>
Capital Assets, Net		66,593,757	68,233,617
Investments Designated by Board	22%	52,966,343	43,409,560
Other Assets		166,667	133,175
		<u>53,133,010</u>	<u>43,542,735</u>
Total Assets	2%	<u>\$ 156,557,371</u>	<u>\$ 152,862,557</u>
LIABILITIES AND NET ASSETS			
Current Portion of Long-Term Debt	62%	\$ 2,148,138	\$ 1,327,115
Accounts Payable and Accrued Expenses	-21%	12,465,070	15,736,185
Estimated Third-Party Payor Settlements	-36%	2,606,832	4,086,758
Total Current Liabilities	-19%	<u>17,220,040</u>	<u>21,150,058</u>
Long-Term Debt, Net of Current Portion	19%	14,383,746	12,058,264
Total Liabilities		31,603,786	33,208,322
Net Assets	4%	124,953,585	119,654,235
Total Liabilities and Net Assets	2%	<u>\$ 156,557,371</u>	<u>\$ 152,862,557</u>

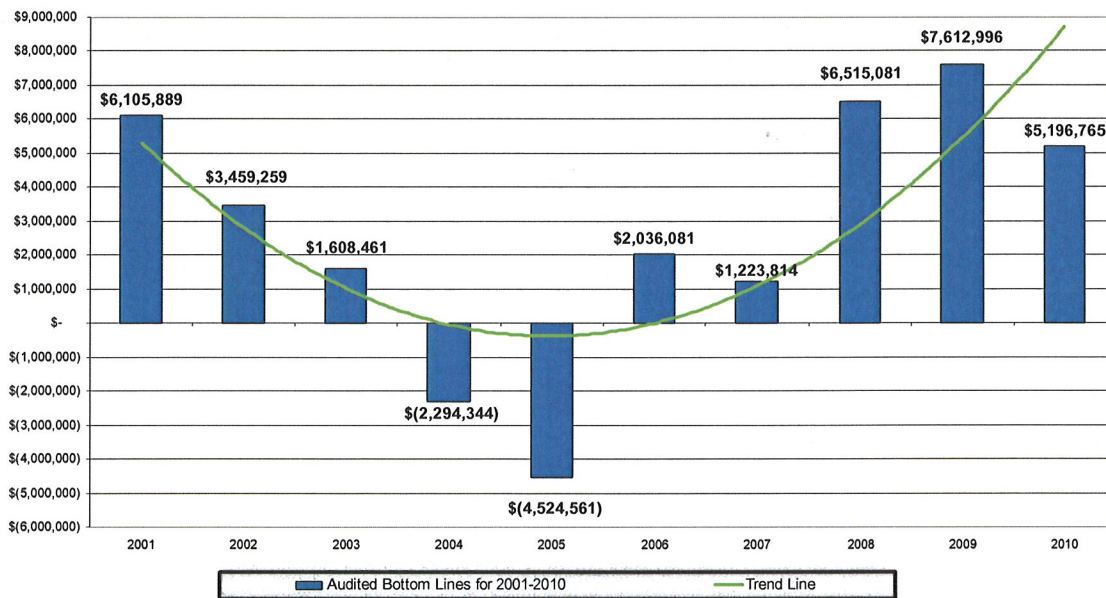
Hospital Operating Margin (FASB with Moody's Data)



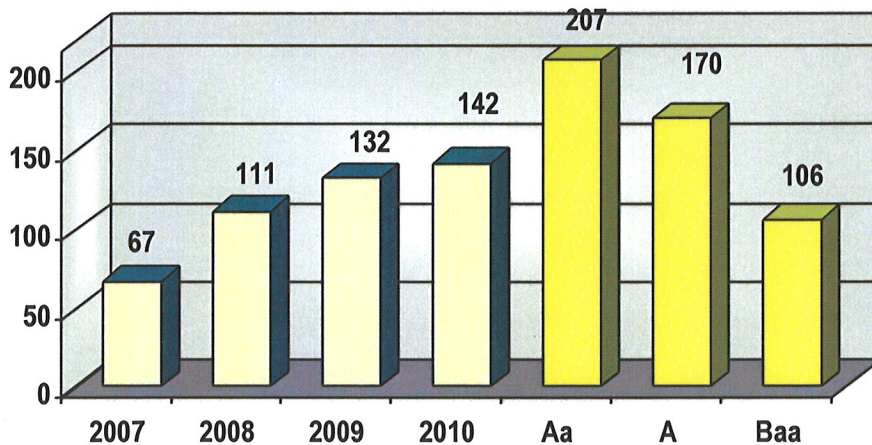
Bottom Line (FASB Presentation with Moody's Data)



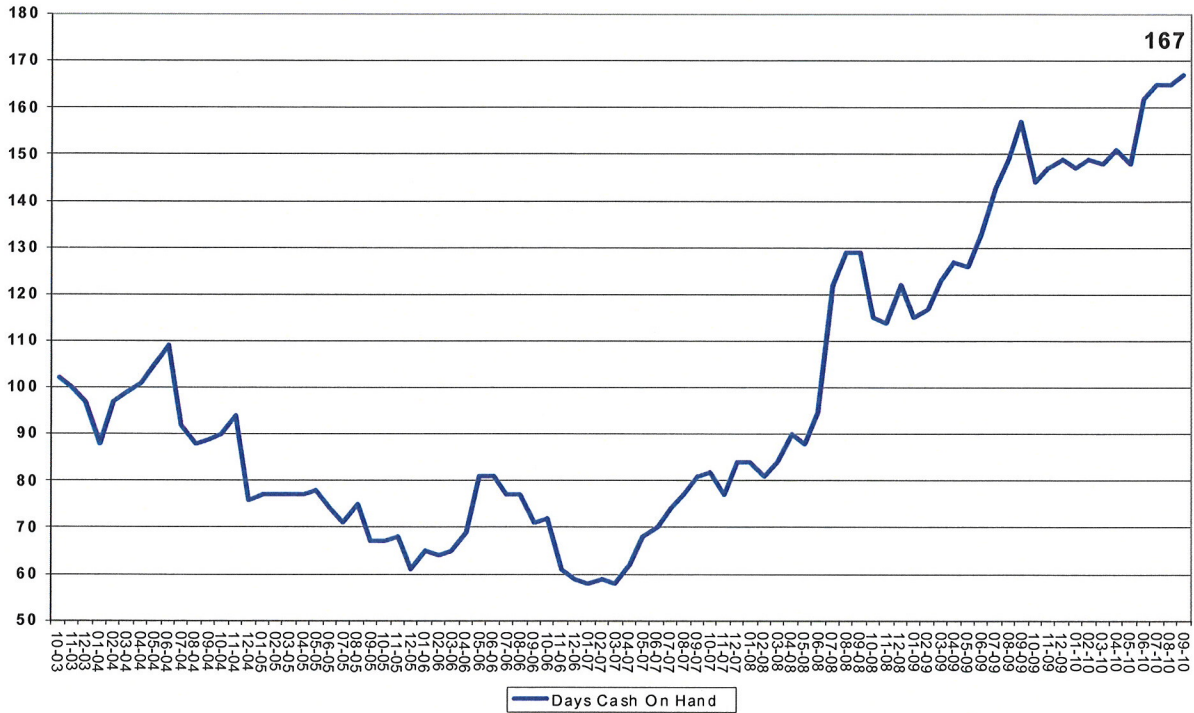
Bottom Line (GASB Audited Bottom Lines 2001 to 2010)



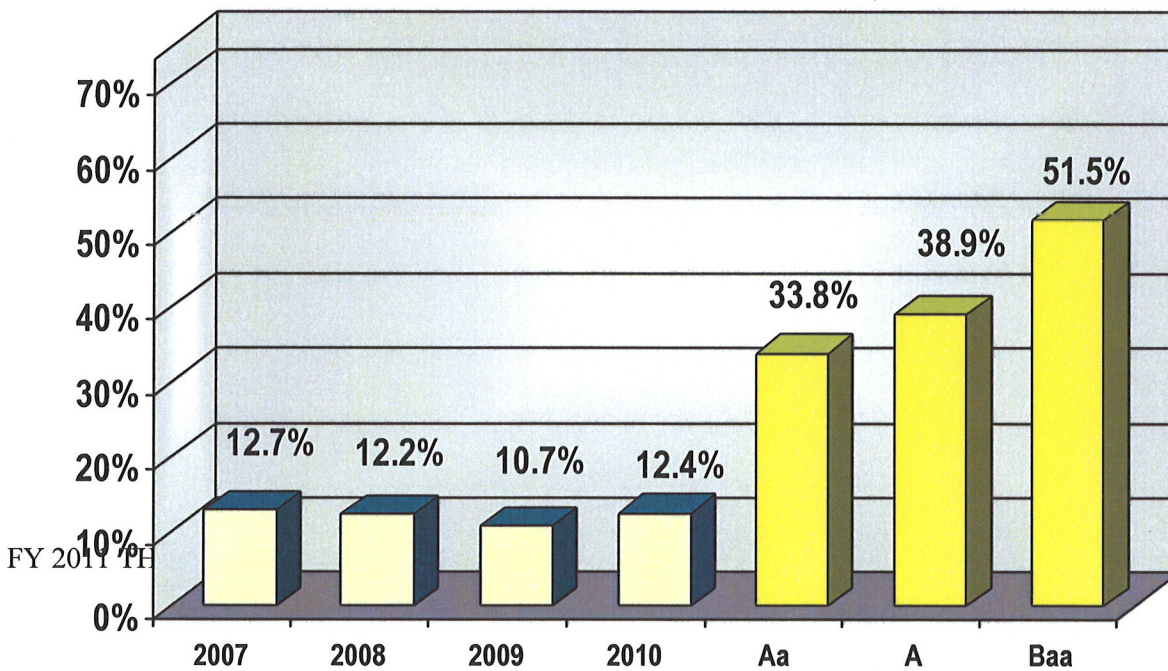
Days Cash On Hand (FASB Presentation with Moody's Data)



Days Cash On Hand (GASB Presentation 2003 to 2010) – Higher is better



Long Term Debt to Capitalization (GASB & FASB Presentation) – Lower is better



	<u>April/2011</u>	<u>April/2010</u>
YTD ADMISSIONS	4,382	4,565
YTD PHYSICIAN VISITS	48,682	41,125
YTD EMERGENCY VISITS	17,997	18,184
YTD OPERATING MARGIN	(\$534,000)	\$776,000
YTD NON-OPERATING	\$1,702,000	\$1,281,000
YTD NET INCOME	\$1,168,000	\$2,058,000

WESTFELDT PARK AND PARTNERSHIP WITH NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

Recreation Director Tim Hopkin stated the Henderson County Parks and Recreation Department would like to enter into a long term partnership with the North Carolina Wildlife Resources Commission to enhance river access and recreational opportunities to the French Broad River at the county owned Westfeldt Park.

The North Carolina Wildlife Resources Commission proposes to enhance the current boat access ramp, access road, help manage and patrol the area and potentially provide opportunities for fishing along the river bank. The expenses associated with this work would be provided by the NCWRC. The County would enter into a long term lease agreement (25 years) with the NCWRC and continue to maintain and operate the park as it does for the benefit and enjoyment of the citizens of the county.

This proposal to partner with the NCWRC has been presented to and endorsed by the Recreation Advisory Board at their meeting on April 12, 2011. The partnership would not affect the current plans for the establishment of a Dog Park in conjunction with the Town of Fletcher at Westfeldt Park.

Commissioner Messer made the motion that Henderson County enter into a long term agreement with the North Carolina Wildlife Resources Commission to enhance river access at Westfeldt Park. All voted in favor and the motion carried.

COUNTY MANAGER’S REPORT

There was nothing further.

IMPORTANT DATES

Request to Set a Public Hearing – Close Out CDBG Connection Grant (# 09-C-2029)

The NC Department of Commerce granted \$75,000 in Community Development Block Grant (CDBG) Funds for the Henderson County Water/ Sewer Connection Grant (09-C-2029). Eligible home owners were low and moderate income and located adjacent to service lines. The grant funds paid for tap fees and connections of the homes. Assisted households were selected on a first to apply first to qualify basis. The County marketed this program heavily and made significant efforts to secure qualified applicants. As a result tap fees were paid on behalf of 10 qualified home owners and the units were connected to both the City of Hendersonville and the Cane Creek sewer systems. In addition, the septic systems were closed in accordance with the Henderson County Public Health Department standards. CDBG regulations require a public hearing to close out the grant. No County matching funds were required for this project.

Commissioner Young made the motion that the Board schedules a public hearing to close out CDBG Connection Grant (# 09-C-2029) for the June 6, 2011 at 5:30 PM. All voted in favor and the motion carried.

Request to set 2 Public Hearings to Consider Economic Incentives on “Project Willow” and “Project Milton”

Project Willow:

The Board is request to set a public hearing for economic development incentives for “Project Willow”,

to be held 6 June 2011 at 5:30 p.m. The project as contemplated would be the expansion of an existing industry located within Henderson County, and would involve an investment of \$420,000.00 in personal property (equipment), and construction on real property where the value of the construction work is \$200,000.00. The project would result in the creation of from eight to eleven new employees at a pay rate of \$13.81 per hour plus health and dental insurance and other benefits.

The contemplated incentives would last for a period of five years. The first year's incentive would be \$2,007.99, based on the new investment, the number of new employees, and the Board's incentives guidelines.

Project Milton:

The Board is requested to set a public hearing for economic development incentives for "Project Milton", to be held 6 June 2011 at 5:30 p.m. The project as contemplated would be the expansion of an existing industry located within Henderson County, and would involve an investment of \$360,000.00 in personal property (equipment), and construction on real property where the value of the construction work is \$1,025,000.00. The project would result in the creation of nineteen new employees at an average pay rate in excess of \$40,000 per year, plus health and dental insurance and other benefits.

The contemplated incentives would last for a period of five years. The first year's incentive would be \$2,007.99, based on the new investment, the number of new employees, and the Board's incentives guidelines.

For both projects, at the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

Commissioner Young made the motion that the Board sets a public hearing on economic development incentives for Project Willow and for Project Milton, both to be held June 6, 2011, at 5:30 p.m. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner O'Connor made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

1. Pursuant to N.C. Gen. Stat. § 143-318.11(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. Pursuant to N.C. Gen. Stat. § 143-318.11(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 Thompson made the motion to go out of closed session and adjourn at 12:05 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Vice- Chairman

HENDERSON COUNTY TAX DEPARTMENT
Collector's Office
200 North Grove Street
Suite 66
Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

May 6, 2011

Re: Tax Collector's Report to Commissioners – 05/18/11 Meeting

Please find outlined below collections information through May 5th for the 2010 bills, which were mailed out on August 13th, 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:

2010 Total Charge \$57,524,414.37
Payments & Releases: 55,599,683.27
Unpaid Taxes: 1,924,731.10
Percentage Collected: 96.65%
(through 05/05/11)

2009 Total Charge: \$57,024,352.18
Payments & Releases: 55,151,858.89
Unpaid Taxes: 1,872,493.29
Percentage Collected: 96.72%
(through 05/05/10)

Motor Vehicle Bills G01 Only:

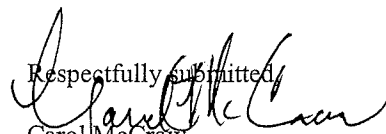
2010 Total Charge: \$3,760,136.65
Payments & Releases: 3,037,885.05
Unpaid Taxes: 722,251.60
Percentage Collected: 80.79%
(through 05/05/11)

2009 Total Charge: \$3,819,999.37
Payments & Releases: 3,075,006.41
Unpaid Taxes: 744,992.96
Percentage Collected: 80.50%
(through 05/05/10)

Fire Districts All Bills

2010 Total Charge: \$6,705,662.89
Payments & Releases: 6,406,098.33
Unpaid Taxes: 299,564.56
Percentage Collected: 95.69%
(through 05/05/11)

2009 Total Charge: \$6,584,553.33
Payments & Releases: 6,293,067.38
Unpaid Taxes: 291,485.95
Percentage Collected: 95.73%
(through 05/05/10)

Respectfully submitted,

Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

HENDERSON COUNTY BOARD OF COMMISSIONERS

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

TDD: 828-697-4580

www.hendersoncountync.org

J. MICHAEL EDNEY
Chairman
THOMAS H. THOMPSON
Vice-Chairman

CHARLIE MESSER
BILL O'CONNOR
LARRY YOUNG

May 18, 2011

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 (5) and tax refund requests (6) approved at the Henderson County Board of Commissioners' Meeting on Wednesday, May 18, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Thomas H. Thompson". The signature is written in black ink and is positioned above the typed name and title.

Thomas H. Thompson, Vice-Chairman
Henderson County
Board of Commissioners

THT/tlw

enclosures

REFUNDS

AUTO ADVANTAGE
 000042171-2009-2010-110000 FULL REBATE
 DISCOVERY WAS MADE OF LEASHOLD IMPROVEMENTS REPORTED BY TIP FOR YEARS 01 & 02. THESE ITEMS WERE CONTAINED IN THE REAL PROP VALUE AND SHOULD NOT HAVE BEEN REPORTED BY TAXPAYER AS BPP.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92305	FEES	WALF	30.00	0.00	0.00	\$ 30.00
92305	FIRE	FLETCHER	88.39	13.29	0.00	\$ 101.68
92305	CNTY	COUNTY	465.20	69.95	0.00	\$ 535.15
					Bill Total:	\$ 666.83
					Grand Total:	\$ 666.83

CARE PARTNERS INC
 0002890074-2010-2010-000000 FULL REBATE
 REFUND PROCESSED PERSONAL PROPERTY. CARE PARTNERS IS A PART OF THOMS REH. NCGS 105-278.8.
 APPROVED BY S. DUNCAN

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92389	CITY	HENDERSONVILLE	0.00	0.00	0.00	\$ 0.00
92389	CNTY	COUNTY	124.92	0.00	0.00	\$ 124.92
					Bill Total:	\$ 124.92
					Grand Total:	\$ 124.92

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 18, 2011
SUBJECT: Tax Releases
PRESENTER: Assessor
ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

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

Type	Number of Items:	Revenue Amount:
Releases	5	\$ 44.46

Faithfully Submitted,

Stan C. Duncan
 Stan C. Duncan

County Assessor

BOARD ACTION REQUESTED: Consent Approval Requested.

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

REFUNDS

FENDER, MAXINE
 0002768268-2009-2009-000000 PUV
 DUE TO RECOMBINING OF PARCELS, PUV WAS REMOVED FROM THIS PARCEL FOR 2009 AND 2010. THIS RELEASE/REFUND TO REINSTATE.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92472	CNTY	COUNTY	1,049.51	0.00	0.00	\$ 1,049.51
92472	FIRE	FLETCHER	215.81	0.00	0.00	\$ 215.81
					Bill Total:	\$ 1,265.32

0002846741-2010-2010-000000 PUV
 DUE TO RECOMBINING OF PARCELS, PUV WAS REMOVED FROM THIS PARCEL FOR 2009 AND 2010. THIS RELEASE /REFUND TO REINSTATE PUV.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92473	CNTY	COUNTY	1,073.09	0.00	0.00	\$ 1,073.09
92473	FIRE	FLETCHER	220.66	0.00	0.00	\$ 220.66
					Bill Total:	\$ 1,293.75
					Grand Total:	\$ 4,559.07

JOHN A. HODGENS JR. FAMILY LTD PARTNERSHIP
 0002769315-2009-2009-000000 PUV
 DUE TO SALE OF 4.84 ACRES IN 2008, PUV WAS REMOVED FOR TAX YEAR 2010. HOWEVER, PROPERTY WAS STILL IN PRODUCTION.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92470	FIRE	BLUE RIDGE	431.80	0.00	0.00	\$ 431.80
92470	CNTY	COUNTY	2,346.95	0.00	0.00	\$ 2,346.95
					Bill Total:	\$ 2,778.75

0002769315-2010-2010-000000 PUV
 DUE TO SALE OF 4.84 ACRES IN 2008, PUV WAS REMOVED FOR TAX YEAR 2010. HOWEVER, PROPERTY WAS STILL IN PRODUCTION.

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92468	CNTY	COUNTY	2,346.94	0.00	0.00	\$ 2,346.94
92468	FIRE	BLUE RIDGE	431.80	0.00	0.00	\$ 431.80
					Bill Total:	\$ 2,778.74
					Grand Total:	\$ 5,557.49

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 18, 2011
SUBJECT: Tax Refunds
PRESENTER: Assessor
ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (6) 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	6	\$ 8,908.31

Faithfully Submitted,

Stan C. Duncan
 Stan C. Duncan

County Assessor

BOARD ACTION REQUEST: Consent Approval Requested

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

RELEASES

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92357	CNTY	VALLEY HILL	5.24	0.00	0.00	\$ 5.24
92357	FIRE	VALLEY HILL	0.88	0.00	0.00	\$ 0.88
					Bill Total:	\$ 6.12
000668919-2003-2003-000000 FULL REBATE						
INDIVIDUAL ABSTRACT# 000668919-2003-2003-000000 4/14/11 1980 SKEETER UNREGISTERED BOAT. BILL RELEASED, DID NOT OWN						
IN 2004, REGISTERED TO NEW OWNER 5/22/2000 PER WILDLIFE REGISTRATION ON FILE.						
000668920-2002-2002-000000 FULL REBATE						
INDIVIDUAL ABSTRACT# 000668920-2002-2002-000000 4/14/11 1980 SKEETER UNREGISTERED BOAT. BILL RELEASED, DID NOT OWN						
IN 2005, REGISTERED TO NEW OWNER 5/22/2000 PER WILDLIFE REGISTRATION ON FILE.						
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92358	CNTY	VALLEY HILL	0.88	0.00	0.00	\$ 0.88
92358	FIRE	VALLEY HILL	5.24	0.00	0.00	\$ 5.24
					Bill Total:	\$ 6.12
000668920-2002-2002-000000 FULL REBATE						
INDIVIDUAL ABSTRACT# 000668920-2002-2002-000000 4/14/11 1980 SKEETER UNREGISTERED BOAT. BILL RELEASED, DID NOT OWN						
OWN IN 2002. REGISTERED TO NEW OWNER 5/22/2000 PER WILDLIFE REGISTRATION ON FILE.						
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92359	FIRE	VALLEY HILL	1.08	0.00	0.00	\$ 1.08
92359	CNTY	VALLEY HILL	6.00	0.00	0.00	\$ 6.00
					Bill Total:	\$ 7.08
000668921-2001-2001-000000 FULL REBATE						
INDIVIDUAL ABSTRACT# 000668921-2001-2001-000000 4/14/11 1980 SKEETER UNREGISTERED BOAT. BILL RELEASED, DID NOT OWN						
IN 2001, REGISTERED TO NEW OWNER 5/22/2000 PER WILDLIFE REGISTRATION ON FILE.						
Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92360	FIRE	VALLEY HILL	1.08	0.00	0.00	\$ 1.08
92360	CNTY	VALLEY HILL	6.00	0.00	0.00	\$ 6.00
					Bill Total:	\$ 7.08
					Grand Total:	\$ 26.40

Number of Bills = 5 Total Amount = \$42.46

2

RELEASES

Rebate #	Rate Type	Jurisdiction	Rebated Tax	Rebated Late List	Rebated Billed Interest	Total
92436	CNTY	BLUE RIDGE	15.25	0.00	0.00	\$ 15.25
92436	FIRE	BLUE RIDGE	2.81	0.00	0.00	\$ 2.81
					Bill Total:	\$ 18.06
					Grand Total:	\$ 18.06

1

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
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TDD: (828) 697-4580
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J. MICHAEL EDNEY
Chairman
THOMAS THOMPSON
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
BILL O'CONNOR

RESOLUTION OF APPRECIATION Hassan Mansouri


WHEREAS, Hassan Mansouri has been a resident of Henderson County for 15 years; and

WHEREAS, Hassan Mansouri is a valued business owner of Henderson County; and

WHEREAS, Hassan Mansouri has agreed to allow Henderson County to use his property across from the 1995 Courthouse for temporary parking while construction is ongoing in the parking lots of the 1995 Courthouse and the Law Enforcement center;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Hassan Mansouri for the use of his property for temporary staff parking.

Adopted this the 18th day of May, 2011.


J. MICHAEL EDNEY, CHAIRMAN THOMAS THOMPSON
HENDERSON COUNTY BOARD OF COMMISSIONERS
Vice-Chairman

ATTEST:


TERESA L. WILSON, CLERK TO THE BOARD

**Before the
Board of Commissioners
Of Henderson County**

**A RESOLUTION REGARDING
CHANGES IN BOUNDARIES OF FIRE PROTECTION DISTRICTS**

Dated May 18, 2011

1 **WHEREAS**, on January 3, 2011, this Board heard comments at a public hearing on the issue of
2 expansion of the boundaries of Henderson County fire protection districts (established under Article 3A of
3 Chapter 69 of the North Carolina General Statutes); and,

4 **WHEREAS**, the expansion of the boundaries of Henderson County fire protection districts as
5 indicated on the graphic thereof presented to the Board on January 3, 2011, would be beneficial to legal
6 rights of all the citizens of Henderson County, by expanding the tax base of the fire districts already
7 providing some coverage in the area covered by the expansion, and by allowing homeowners the area
8 covered by the expansion to procure homeowners insurance at reduced rates; and,

9 **WHEREAS**, on January 3, 2011, this Board unanimously voted in support of the expansion of the
10 fire protection districts as provided herein, and further requested the introduction of a special bill in the
11 legislature to allow for such expansion; and,

12 **WHEREAS**, on April 21, 2011, the North Carolina General Assembly enacted Session Law 2011-
13 50, "AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS
14 IN A FIRE PROTECTION DISTRICT"; and,

15 **WHEREAS**, this Resolution is adopted pursuant to Session Law 2011-50.

16 **NOW, THEREFORE, BE IT RESOLVED** as follows:



1 1. All of the unincorporated areas of Henderson County, except those lands owned by the
2 United States of America, are hereby included within the respective boundaries of Henderson County's fire
3 protection districts. A map and legend of the existing fire protection districts and their expansion hereby is
4 found at <http://www.hendersoncountync.org/depts/documents/newfiredistrictsmap.pdf>, and a copy has
5 been provided for inspection by the Board and the public at this meeting..

6 2. It is the intent of the Board by the adoption hereof not to change the boundary between any
7 existing fire protection districts.

8 3. A permanent map of the new fire protection districts showing the extensions adopted
9 herein shall be reflected on Henderson County Geographic Information System.

10 4. This action is effective 1 July 2011.

11 Adopted after motion duly made, this the 18th day of May, 2011.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____

Thomas H. Thompson

J. MICHAEL EDNEY, Chairman

Thomas Thompson, Vice -

Attest:

Aerosa L. Wilson

Clerk to the Board of Commissioners



HENDERSON COUNTY BOARD OF COMMISSIONERS

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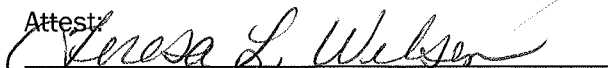
Resolution 2011 Relay For Life


- Whereas,** the American Cancer Society is a national organization that generates funds for new research, education, advocacy, and patient services in the fight against cancer; and
- Whereas,** Relay For Life is the signature fundraiser for the American Cancer Society in which 3.5 million people participate each year nationally; and
- Whereas,** the purpose of Relay For Life is to Celebrate the lives of those who have battled cancer, remember loved ones lost to the disease, and to fight to end cancer; and
- Whereas,** the 2011 Henderson County Relay For Life will take place at WNC Agricultural Center School on May 20 to May 21st; and
- Whereas,** each year hundreds of Henderson County residents join in teams to raise thousands of dollars for the American Cancer Society culminating in a night full of activities, games, entertainment and recognition of those who were touched by this disease; and
- Whereas,** one-third of Americans will be diagnosed with cancer during their lifetime and because of the fundraising efforts of Relay For Life the survival rate from the disease is 62%; and
- Whereas,** in 2010, 210 Henderson County residents obtained services and assistance from the American Cancer Society; and
- Whereas,** 285 Henderson County citizens who are cancer survivors celebrated in Henderson County's 2010 Relay For Life; and
- Whereas,** the Henderson County Relay For Life celebrates the lives of cancer survivors, remembers those who were lost to the disease and raises money to support the fight against cancer;

NOW, THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners, that May 20 – May 21st, 2011 be designated RELAY FOR LIFE Day in Henderson County, and encourages citizens in Henderson County to take an active role in the fight against cancer.

Adopted this the 18th day of May, 2011.

Attest:


Teresa L. Wilson, Clerk to the Board


J. Michael Edney, Chairman
THOMAS THOMPSON, Vice

IN THE MATTER OF THE REQUEST of William Corn,
Applicant,

To the

HENDERSON COUNTY BOARD OF COMMISSIONERS,
Approving Authority

ORDER GRANTING CONDITIONAL ZONING DISTRICT R-2010-03-C

The HENDERSON COUNTY BOARD OF COMMISSIONERS having held a public hearing on May 2, 2011 to consider the request initiated by the Board of Commissioners at the request of William Corn, to request a Conditional Zoning District, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

FINDINGS OF FACT

1. A public hearing was held by the Henderson County Board of Commissioners on conditional zoning district request R-2010-03-C. All regular members of the Board of Commissioners were present at the hearing.
2. This Order and the approval herein was moved by William O'Connor and approved by a unanimous vote of five (5) votes in the affirmative and zero (0) in opposition.
3. William Corn, hereinafter referred to as the "Applicant" is the owner of the subject property and was present at the hearing to offer information. The subject property is located off Howard Gap Road.
4. Parker Sloan is a planner with the Henderson County Planning Department. Mr. Sloan presented the evidence, analysis and recommendation of staff regarding this request.
5. Notice of a public hearing, pursuant to the North Carolina General Statute and the Henderson County Land Development Code §200A-314(C) and 200A-337(B) was duly and timely given. This notice included published notice in the Hendersonville Tribune on April 14, 2011 and April 21, 2011. First class mail was sent by Mr. Sloan to adjacent property owners on April 14, 2011. Mr. Sloan also posted signs on the property regarding the conditional zoning request on April 15, 2011.
 - a. The Applicant's conditional zoning district request is not inconsistent with the Notice of Public Hearing produced, published, and posted for the proceeding in that the notice contemplated the size and scope of the request.
6. Mr. Sloan presented a staff report, an aerial photo map, and a site plan, stipulations of the parties, notice of public hearing, certification of notification of public hearing, and a Power Point presentation to the Board of Commissioners.
7. Conditional zoning districts are described and authorized by the Henderson County Land Development Code in 200A-45 through 200A-51.
8. The subject property is 2.42 acres of a 6.26 acre tract and has a PIN of 9670-24-2970.
9. The property is off Howard Gap Road (SR. 1006) and is currently zoned residential district R-1.
10. The subject area's current zoning has been in place as R-1 since September 19, 2007 when the Land Development Code was adopted. Prior to the adoption of the Land Development Code, the property was zoned open use.
11. The subject property contains a single-family dwelling and a large fenced-in gravel yard for storing vehicles.
12. The surrounding and adjacent properties are used for residential and commercial uses.
13. A mining facility owned by Vulcan Mines, Inc. exists to the west of the property.

14. On November 1, 2010 William Corn, the applicant, submitted a request to rezone part of his parcel from R-1 (Residential One) to an I-CD (Industrial Conditional District).
15. The Applicant's request was to rezone part of the property industrial so that the applicant can use the subject property in part as a parking area for his automobile towing business.
16. Mr. Sloan submitted evidence that the Henderson County 2020 Comprehensive Plan (CCP) identified the subject area as located in the Urban Services Area and Industrial area. Planning Staff supports the rezoning because it is in keeping with the recommendation of the County Comprehensive Plan.
17. Planning staff recommends an Industrial Conditional Zoning district for this property because of the neighboring residential uses and existing automobile business onsite.
18. Conditional zoning districts are deemed more appropriate by staff to limit the industrial uses permitted on the subject area.
19. The Technical Review Committee considered the request on January 18, 2011 and voted unanimously to support the request.
20. The Planning Board reviewed the application on February 17, 2011 and voted 5-2 to recommend the proposal to the Board of Commissioners.
 - a. The Planning Board recommended that the property be split zoned so that the Applicant's home will remain residentially zoned and his business will be zoned industrial. The purpose of this was to prevent nonconforming uses on the parcel.
21. Mr. Corn is not on the rotation for impoundment with the Sheriff's Office. Most of his vehicles come from the City of Hendersonville and from Highway Patrol.
22. There were no members of the public or adjacent property owner present at the hearing offering input to the Board.
23. Commissioners raised questions regarding the height of the fence.
24. The Board of Commissioners discussed the number of cars and the length of time to keep the vehicles on the subject property.
25. The Applicant offered information regarding practically how many cars and how long they are on the property based on his business practices.
 - a. Mr. Corn said that he could fit 25 vehicles on the subject property.
 - b. Depending on the reason the cars are towed or impounded, the vehicles may be on the property between five days and two months.

CONCLUSIONS

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard. Notice was provided by mail, newspaper advertisement, and property posting. These methods of notification were certified by Mr. Sloan.
2. All parties were properly before the Board of Commissioners and all evidence presented herein was credible and reliable.
3. Henderson County Code 200A-314 and 200A-271 grants the Board of Commissioners the jurisdiction to hear and make rezoning decisions.
4. The rezoning is consistent with the Henderson County 2020 Comprehensive Plan and the rezoning should be **GRANTED** based on the reasons established below:
 - a. The property is contiguous with an industrial zone including the Vulcan Mine Property.
 - b. The subject area is in the Urban Services Area and Industrial Area of the Henderson County 2020 Comprehensive Plan and would be suitable for limited industrial uses.
 - i. The intended use of the property, automobile storage, keeps with the surrounding neighborhood of residential, commercial and mining uses;
 - ii. The recommended conditions put appropriate limits on the intensity and use of the property so that the surrounding single-family homes will not be disturbed.
 - c. Conditional zoning allows this Board to make reasonable conditions on the parcel in order to diminish or eliminate the impact the rezoning would have on the neighborhood.

- i. Conditional rezoning allows this Board to limit the industrial use on the property to solely automobile towing so that the use is not too intense to interfere with the adjacent residential areas.
 - ii. By split-zoning the property, the Applicant will be allowed to have his residence and business on the parcel.
 - iii. Both residential and industrial uses are contiguous with the surrounding area.
5. Conditional zoning districts require a public hearing but, as with other map amendments, is fundamentally a legislative decision for this Board.
 6. All below conditions have been accepted by the Applicant either in writing on the stipulations or by acceptance at the hearing and are mutually agreed upon by the Applicant and this Board.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appearing to the HENDERSON COUNTY BOARD OF COMMISSIONERS that the Rezoning must be **GRANTED**.

IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF COMMISSIONERS as follows:

The requested CONDITIONAL ZONING DISTRICT has been GRANTED. The Applicant must adhere to the conditions established in this Order as follows:

CONDITIONS

1. This Order incorporates the site plan as Attachment A and the aerial map as Attachment B and thus are part of this Order.
2. The existing fenced area on the property shall be used for the temporary storage of vehicles associated with the property owner's automotive towing business. Other commercial or automotive related uses shall not be allowed.
3. Major Site Plan is required in accordance with §200A-299 (Major Site Plan Review).
4. Adequate lighting shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. Lighting mitigation required.
 - a. Adequate lighting is defined in §200A-359 (Definitions) as "[L]ighting of areas used for vehicular and pedestrian access which serves to heighten visibility and, as a result, protect the public health, safety, and welfare."
 - b. Lighting Mitigation is defined in §200A-359 (Definitions) as "[M]itigating the impact of outdoor lighting fixtures in order to protect neighboring properties and road from direct glare or hazardous interference of any kind. Lighting mitigation typically involves directing lighting fixtures away from adjacent properties but may also include the installation of planted buffers, screens, walls, etc."
 - c. There are no other lighting requirements beyond adequate lighting and lighting mitigation.
5. Unpaved roads, travel-ways and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
6. The Applicant cannot have more than fifteen (15) vehicles in storage on the site at one time.
7. Individual vehicles may not be stored on the subject property for more than sixty (60) days.
8. The remaining portion of the Subject Area that contains an existing residential home shall remain zoned for residential uses.
9. The operations of an automotive towing use shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof building. Entrances and exits should be secured and locked during non-operating hours.
 - a. If a fence is built it must be 75 percent opaque, where all spaces are evenly distributed, and with the finished side of the fence facing adjacent properties or road. Fences longer than 20 linear feet shall be

landscaped with: a row of shrubs spaced a maximum of ten (10) feet apart, or a row of evergreen trees planted no more than 15 feet apart

10. All required parking spaces must meet the design requirements of the Land Development Code §200A-161-165. The proposed parking spaces shall comply with the landscape design standards and off street parking provisions as outlined in the Land Development Code (LDC Article V and VI). It appears the applicant is proposing 4 parking spaces and the spaces shown on the site plan meet the requirements of the Land Development Code.
11. Any signs used on site must meet current standards of Article VII of the LDC Henderson County Code §200A.
12. If the applicant has plans for future expansion of the existing business, all potential modification or expansions should be noted on the site plan.
13. Alterations to this Approval may be approved by the Planning Director or his designee as per §200A-50.

ORDERED this the 18th day of May, 2011.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Thomas H. Thompson
J. Michael Edney, Chairman
Thomas H. Thompson, Vice-Chairman

ATTEST:

Terry Wilson
Terry Wilson
Clerk to the Henderson County Board of Commissioners

ACCEPTANCE BY APPLICANT

I, William Corn, Applicant, do hereby acknowledge receipt of this Order and consent to the conditions as written in this Order.

This the _____ day of _____, 2011

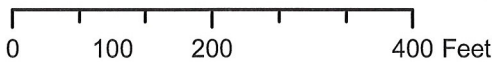
William Corn, Applicant







THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

Rezoning Application
 #R-2010-03-C
 Billy Corn, owner

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.



Legend

-  Portion to be Rezoned
-  Total Project Parcel
-  Parcels
-  Streets

