MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, APRIL 20, 2011

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

Those present were: Chairman Michael Edney, Vice-Chairman Tommy Thompson, Commissioner Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, 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, Construction Manager David Berry, Research/Budget Analyst Amy Brantley, Assessor/Tax Collector Stan Duncan, Delinquent Tax Collector Lee King, Soil & Water Conservation District Director Jonathan Wallin, Building Services Director Tom Stauffer, Transportation Planner Hope Bleecker, Registrar of Deeds Nedra Moles, and HR Director Jan Prichard.

CALL TO ORDER/WELCOME
Chairman Edney called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance to the American Flag was led by Commissioner O'Connor.

INVOCATION
Reverend Richard Merck of the Naples Baptist Church gave the invocation.

INFORMAL PUBLIC COMMENT

DISCUSSION/ADJUSTMENT OF AGENDA
Chairman Edney requested the addition of one discussion item, a Resolution of Memoriam for F. Richard Baker, a former County Commissioner.

Commissioner Messer made the motion to adopt the Agenda with the addition of one discussion item. All voted in favor and the motion carried.

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

CONSENT AGENDA consisted of the following:

Minutes
Draft minutes were presented for board review and approval of the following meeting(s):
April 4, 2011 – Regularly Scheduled Meeting

APPROVED: May 2, 2011
Tax Collector’s Report
Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated April 8, 2011 for information only. No action was required

Tax Refunds
A list of 2 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 48 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

April Construction Management Update
David Berry had provided a monthly report as a review of the scope and status of assigned construction management responsibilities.

Capital Facilities Status Reports
Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity during the month of March, 2011 on Capital and Facilities projects.

Energy Management Update
County Engineer Marcus Jones provided an update to the Board about the County’s energy management use in the areas of electricity, natural gas, water and fuel. The report compares to the third quarter with previous years to show historical trends.

Resolution – To adjust the annual funding formula for the Hendersonville ABC Commission for the Fiscal Year 2011
The Board of Commissioners was requested to adopt a Resolution that would adjust the annual funding formula for the Hendersonville ABC Commission for FY 2011. The Hendersonville ABC Board wishes to continue its annual contributions to local alcoholism prevention activities consistent with prior year funding levels, but current funding of these types of activities is limited to 12% of gross profits, an amount that would prohibit the ABC Board from funding these activities at desired levels in Fiscal Year 2011. North Carolina General Statute Section 18B-805 allows the Hendersonville City Council and Henderson County Board of Commissioners to adjust the ABC Board’s profit distribution formula by parallel resolution.

Motion:
I move that the Board adopts the Resolution provided adjusting the annual funding formula for the Hendersonville ABC Commission for Fiscal Year 2011.

Use of Courtroom – 29B Judicial District Bar
A request was submitted on behalf of the 29B Judicial District Bar, for the Board of Commissioners to consider allowing them to use the Courtroom on Friday, September 23, 2011 from 8:30 a.m. through 12:00 noon. The Courtroom would be used for a continuing legal education presentation by officers and staff of the North Carolina State Bar. Member of District 29B include all attorneys in Henderson, Transylvania and Polk County.
The Judicial District Bar also requests the use of the Community Room on Friday, September 23, 2011 from 11:30 a.m. through 2:00 p.m. to provide a catered lunch for attendees of the Program.

Motion:

*I move the Board approves the use of the Courtroom on Friday, September 23, 2011 from 8:30 a.m. through 12:00 noon, and the Community Room on Friday, September 23, 2011 from 11:30 a.m. through 2:00 p.m.*

**Henderson County Code Chapter 196**

On November 15, 1995, the Board of Commissioners adopted Chapter 196 of the Henderson County Code, which deals with Deadly Weapons on County Property. The Board is now requested to consider an amendment to that chapter as it pertains to County employees. Specifically, the Board is requested to amend §196-7 “Exemptions” by striking the existing §196-7, and inserting in lieu thereof the following:

§196-7 Exemptions

This Part 1 shall not apply to:

(a) any person who is exempted from the provisions of N.C.G.S. 14-269 by virtue of N.C.G.S. 14-269(b).

(b) any County Commissioner with a valid North Carolina Concealed Carry Permit.

(c) a County employee with a valid North Carolina Concealed Carry Permit and prior approval which may be granted by the County Manager.

Motion:

*I move the Board of Commissioners amend Section 196-7 of the Henderson County Code as stated in this agenda item.*

**Designation of Plat Review Officers**

N.C. Gen. Stat. §47-30.2 requires that all persons appointed as plat review officers be so appointed by a resolution recorded in the Register of Deeds office. “Plat Review officers” insure that all plats to be recorded comply with the plat requirements set out in the General Statutes.

On September 17, 1997 this Board adopted a plat review officer resolution. This resolution was revised March 12, 2007, May 7, 2007 and June 4, 2007. This resolution also sets out certain other procedures that all plat review officers must follow.

The Board needs to update the list of those persons appointed as plat review officers. A proposed resolution was prepared and provided with the agenda packet for the Board’s consideration in order to accomplish this update. This proposed resolution restates all other persons currently appointed as plat review officers.

Motion:

*I move the Board adopts the resolution provided appointing a new list of plat review officers for Henderson County.*

**Transit Service Operating Contract (Apple Country Transit)**

Federal regulations require a new transit contract and solicitation process every five years. The County approved the current contract in 2006, which will expire on June 30, 2011. Staff issued a Request for Proposals (RFP) for the Apple Country Transit Service on February 10, 2011 for maintenance and
operations of the transit system. The RFP specified a three-year term from July 1, 2011 through June 30, 2014, with an option to renew for two additional years through June 30, 2016.

The County received two proposals from qualified providers. The successful proposer is the existing provider of the service, Western Carolina Community Action (WCCA). Analysis of the proposals was included in the staff report with the agenda packet. Staff recommends approval of the offer from WCCA in the amount of $1,746,194 with individual rates summarized in the staff report provided. The services will cost an average hourly service rate of $53.00 for the first three years. Approval of the WCCA proposal would also authorize staff to renew an option for two additional years in the amount of $1,292,217 at an average hourly service rate per year of $57.98. Specific annual hourly rates shall be charges for services as per the rates summarized in the staff report provided. Based on anticipated service levels, the proposed average rates of service are within acceptable national service hour rates. The contract reserves the right of the County to terminate the contact with 90 days written notice for any reason.

Motion:

_I move the Board authorizes the County Manager to execute a three-year contract with WCCA to perform transit service operations and maintenance for the Apple Country Transit System and also authorize the option to renew for two additional years as outlined in the staff report._

**House Bill 406 -Voluntary Agriculture Districts**

The Board of commissioners has been requested by the Agriculture Advisory Board to speak out in opposition to House Bill 406. If passed, this bill would change the qualification for Voluntary Agriculture Districts (VAD) such that property would no longer be required to participate in or qualify for Present Use Value to qualify for VAD. Such a change would allow hobby farms and backyard gardens in subdivisions to qualify.

Motion:

_I move the Board opposes House Bill 406, and authorizes the Chairman to execute any correspondence to that effect if so desired._

**Local Government Commentary on ABC permit request**

Jason Thorn and J & J Thorn Corp., seek an alcoholic beverage permit for “brown bagging”, at 3754 Brevard Road, Suite 108, Horse Shoe, North Carolina.

“The Alcoholic Beverage Control Commission shall give notice of a permit application to the Governing Body of a city or county prior to issuing a retail ABC permit.” The application, received on April 4, 2011, was included in the agenda packet.

A letter was sent to the Alcoholic Beverage Control Commission indicating no opinion by the Board of Commissioners.

**Resolution of Appreciation – Joel Mashburn**

The Board of Commissioners was requested to adopt a Resolution of Appreciation for Joel Mashburn, who served as Henderson County’s first professional administrator from April, 1979 to January, 1984. Mr. Mashburn currently serves as the County Manager in Iredell County, and will be retiring on June 30, 2011 following 36 years of service in county government.

Motion:

_I move the Board adopts the provided Resolution of Appreciation for Joel Mashburn._
Nominations

Chairman Edney explained that during the LGCCA (Local Government Committee on Cooperative Action) meeting on April 19, the decision was made to table the Apple Country Greenway Commission, and vacant positions not filled, until a reason evolved for the commission to be active.

Commissioner O’Connor made the motion that the vacant positions on the Apple Country Greenway Commission be tabled until a later date when there is reason to activate the commission. All voted in favor and the motion carried.

2. CJPP (Criminal Justice Partnership Program) – 2 vac.
There were no nominations at this time so this item was rolled to the next meeting.

Commissioner Young nominated Dottie Parker for position #6. Chairman Edney made the motion to accept the appointment of Dottie Parker to position #6 by acclamation. All voted in favor and the motion carried.

4. Downtown Hendersonville, Inc. – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.

5. EMS Quality Management Committee – 19 vac.
Commissioner Messer nominated for reappointment, Dr. Thomas Lacy for position #5, Dr. William Thiemke for position #6, Rocky Hyde for position #8, Kerri Hagedorn for position #9, Rick Livingston for position #10, Mark Stepp for position #14, Gayle Sams for position #15, and Jay Alley for position #17. Commissioner Young nominated Dr. Crittenden Harley for reappointment to position #1 and nominated Graham Fields for appointment to position #15. Chairman Edney made the motion to accept the appointments as nominated by acclamation. All voted and the motion carried.

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

7. Henderson County Planning Board – 3 vac
Chairman Edney nominated Rick Livingston for position #6. Commissioner Young nominated Judy Abrell for position #8. Chairman Edney made the motion to accept the reappointment of Rick Livingston to position #6 and the appointment of Judy Abrell to position #8 by acclamation. All voted in favor and the motion carried.

8. Home and Community Care Block Grant Advisory Committee – 1 vac.
Commissioner Thompson nominated Martha Mohidin for position #7. Chairman Edney made the motion to accept the appointment of Martha Mohidin to position #7 by acclamation. All voted in favor and the motion carried.

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

There were no nominations at this time so this item was rolled to the next meeting.
11. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.

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

RESOLUTION OF MEMORIAM – F. RICHARD BAKER – ADD ON
The Board of Commissioners was requested to adopt a Resolution of Memoriam for F. Richard Baker, who served as a Henderson County Commissioner from December 1984 until December 1992. Chairman Edney read the resolution and a copy is hereby attached and incorporated as a part of the minutes.

Chairman Edney made the motion that the Board adopts the Resolution of Memoriam for F. Richard Baker. All voted in favor and the motion carried.

BLUE RIDGE COMMUNITY COLLEGE BUDGET PRESENTATION
Representatives for the Blue Ridge Community College, including Dr. Molly Parkhill, were present to present their FY 2011-2012 budget request to the Board.

Dr. Parkhill provided updates on the $2M Repairs & Renovations funding received from Henderson County in 2009.
- Patton Building
  - Air Handlers/Duct work (100% complete)
- Arts & Science Building
  - Chiller replacement (100% complete)
- Spearman Building
  - Chiller replacement (100% complete)
- Sink Building
  - Fire alarm upgrade (85% complete)
  - Anticipated completion in April

Upcoming Repairs & Renovations Outlook
- HVAC Control Upgrades – Sink, ISC, Spearman & Killian
  - Anticipated completion in May
- Boiler Replacements – CE & ISC
  - Anticipated completion in May
- Window Replacement – CE, Patton, ISC & Spearman
  - Anticipated completion in August

FY12 Operating Budget Request - 7.5% Reduction year over year - $174,414
- Reduction in Contracted Services
  - In-house carpet cleaning, HVAC work, roof repairs, electrical work, and other repairs
  - Utility Savings from $2M R&R Work
  - Utility Savings (2 Months) - Revising Summer Working Hours

Certified staff, through attrition, has been hired and current staff has received training opportunities in order to be certified in areas of HVAC, electrical, roofing, carpeting, and several others that BRCC has been using contracted services for in the past. This will provide a significant savings to the college by completing the work in-house. They have consulted with their architect to identify energy savings as a result of the energy performance upgrades they will be making. A 12% reduction in utilities is expected for heat and gas, as well as a 5% reduction in electricity is anticipated.
FY11 Approved Operating $2,325,516
Less: 7.5% Reduction (174,414)
FY12 Operating Budget Request $2,151,102

The operating schedule for the summer term has been revised to a four day work schedule for ten weeks. Faculty and students will be on the campus Monday through Thursday and by the closure on Fridays there is hope of savings in utilities.

FY12 Capital Request - $740K
This list includes the capital projects that were requested in 2010/2011 and were not funded, and additional capital projects that were identified in their facilities condition assessment and seven year capital improvement plan which was provided to the Board of Commissioners in January.

➤ Energy Performance Projects – $105,000
➤ Health & Safety Projects - $ 97,100
➤ Compliance Requirements - $ 13,200
➤ Deferred Maintenance – $115,000
➤ Equipment Replacement - $109,700
➤ Expand Parking - $300,000

HENDERSON COUNTY PUBLIC SCHOOLS BUDGET PRESENTATION
Representatives for the Henderson County Public Schools, including Board Chairman Ervin Bazzle, were present to present their FY 2011-2012 budget request to the Board.

Chairman Bazzle had provided the Board of Commissioners with the Henderson County Public Schools Budget. Mr. Bazzle stated this year has been extremely difficult for a lot of different reasons. He felt the purchase of the Boyd Property would ensure the stability of their high schools in the foreseeable future. As other counties in the past couple of years have been cutting the public educations budget, Henderson County Commission has not. Mr. Bazzle stated for the last two years, the Henderson County Public Schools Budget has stayed still. The only thing funded in the last two cycles was state mandated benefits that had to be matched. The $4 million capital budget received last year reduced the backlog about 50%. Their capital budget has been held at under around $499,000. Considering the square footage of their buildings this has been an ongoing effort.

The State, over the last two years, has demanded the return of $4.8 million from the Schools Budget, and since 2004, slightly under $7 million. They have been losing positions steadily for the last number of years. In the last year they have failed to fill twenty-seven teaching positions and sixteen teacher’s assistant positions by not filling the positions as they became vacant. Mr. Bazzle feels that most of their budget is impacted by what happens outside of this County. Last year 79% of the funds for their budget came from Raleigh or Washington. In addition to the State cuts from their budget, this year they are projecting anywhere from 8% – 14% reduction. The school budget last year was a little over $117 million. Mr. Bazzle feels the school has cut everywhere they can. The School Board asks that the school budget be held at the current level.

The School workforce is over eighteen hundred (1800). Nine hundred (900) of these are teachers. Two hundred and seventy four (274) are teaching assistants. Mr. Bazzle feels that the harm that will come from a budget cut will be significantly more than any of the other agencies
or entities will suffer because of the cuts that are coming from other places.

**REGISTER OF DEEDS – REQUEST TO USE ROD RESTRICTED FUNDS FOR AUTOMATION, ENHANCEMENT AND DOCUMENT PRESERVATION**

Registrar of Deeds Nedra Moles stated the General Assembly enacted legislation in 2002 that required counties to place 10 percent of certain revenues generated by the Register of Deeds Office into a fund to pay for automation enhancements and document preservation. This fund is a portion of the County’s Restricted General Fund Balance.

Provided in the agenda packet for the Board’s consideration was a budget amendment to use the Register of Deeds Restricted General Fund Balance. The Register of Deeds is required to preserve and store the real property records located in the office. The records are microfilmed and sent to Archives in Raleigh, N.C. for storage and preservation. The Register of Deeds has COTT Systems as the vendor to create the microfilm from the CDs that the office generates. The cost to create this microfilm to bring the records current is $16,000.00. The cost per image is $.05 and the estimate number of images is 320,000.

The Board is also requested to approve the use of $2,500 in restricted funds to complete a plat scanning project. Completion of this project would be a tremendous asset to both the Register of Deeds and Tax Department for preservation and automation. Once the Register of Deeds Office goes on-line, the plats would also be available on-line. The original plats would then be stored for preservation, but would also be accessible if needed. None of the condominium plats have been scanned. The request was made to use these funds to hire a temporary, part-time person to come in and finish scanning the condominium plats and enter them into the system. The condominium plats will then be placed in a secure, assessable place, where they will not be handled as much. At this time the condominium plats are stored in a cabinet in no particular order. This project would not only include scanning the plats but putting them into order also so that can be found easily.

Commissioner O’Connor felt that staff should be able to complete this project without hiring a temporary, part-time person. Mrs. Moles and Assessor/Tax Collector Stan Duncan both explained that their staff was stretched thin already and did not have the extra time.

*Commission Young made the motion that the Board of Commissioners approves the budget amendment to use $16,000 for microfilming and $2,500 for a temporary to scan the remaining condominium plats in Register of Deeds Restricted General Fund Balance. All voted in favor and the motion carried.*

Chairman Edney would like to see the project completed by July 1, 2011.

**2010 CENSUS DATA PREVIEW**

Planning Director Anthony Starr stated the U.S. Census Bureau completed and released the 2010 Census local-level data to all states including the District of Columbia and Puerto Rico. While there are still a number of data products that will be released in the coming year, the available data for Henderson County allows us to begin reviewing certain trends such as population and housing. Staff will present the Board with a preview of the data that the Bureau released for Henderson County.
2010 Census Data Preview

Henderson County Board of Commissioners Meeting
April 20, 2010
Presented by: Anthony W. Starr, AICP, County Planning Director

Henderson County Planning Department

Why Census Data Matters...

- Guides local decision-makers in important community planning efforts, including where to build roads, county facilities & schools;
- Used to determine the need for additional social services, including who receives community development block & other grant programs;
- Affects representation in Congress by determining how many seats each State has in the U.S. House of Representatives. North Carolina fell short 15,000 people in gaining an additional seat in the House.
- Impacts sales tax allocation.
  - If we just miss counting 10% of our population, then the people of Henderson County lose over $12.5 million in sales tax revenue over ten years. That is money lost to other counties that Henderson County could use to build schools, parks, put more deputies on patrol, etc.
**Population Growth**

**Henderson County**
- 19.7% Growth
- 28.7% Growth
- 54.1% Growth
- 1990-2010

**North Carolina**
- 21.4% Growth
- 18.5% Growth
- 9.535,843
- 43.9% Growth
- 1990-2010

**United States**
- 13.2% Growth
- 9.7% Growth
- 249,709,769
- 308,745,538
- 24.1% Growth
- 1990-2010


**Henderson County Planning Department**

**Population Growth**

Persons added per day everyday from 2000-2010 (net)

- **Henderson County** added 4.8 people per day
- **North Carolina** added 407 people per day
- **United States** added 7,482 people per day

**Source:** US Census 2000 and 2010.

**Henderson County Planning Department**
Henderson County’s Rank in Population Compared to All Other NC Counties

1990: 30th
2000: 28th
2010: 26th


NC Counties Ranked by Population

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Note: Green and blue shading indicate movement in rank with the amount of movement represented by (1) or (2). Henderson County is shown in red.
Population by Race Category 2010

2010 Census defines 7 race categories:

1. White
2. Black and African American
3. American Indian or Alaska Native
4. Asian
5. Native Hawaiian or Other Pacific Islander
6. Some Other Race (Respondents unable to identify with the categories 1-5 above)
7. Two or More Races (Respondents that identified with more than 1 of the categories 1-5 above)
Percent Total Population Growth Attributable to Hispanic Population Growth 2000-2010

- **Henderson County**: 32% Hispanic, 68% Not Hispanic
- **North Carolina**: 28% Hispanic, 72% Not Hispanic
- **United States**: 44% Hispanic, 56% Not Hispanic

Note: Include migration, natural births, deaths.


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Housing Units and Occupancy

**North Carolina**
22.8% Total Change 2000-2010

- 2000: 3,523,944 Occupied Units, 3,132,013 Vacant Units
- 2010: 4,327,528 Occupied Units, 3,745,155 Vacant Units

48.6% Change
19.6% Change

Hispanic Population Growth

Count Hispanic Population Growth
- 1.132% 1990-2010
- 477% 1990-2000
- 114% 2000-2010
- Total Hispanic Population Change from 1990-2010 of 9,578 persons


Henderson County Planning Department

Henderson County


Henderson County Planning Department
Population by Race Category 2010


Henderson County Planning Department


North Carolina

Henderson County

United States

1990-2000

2000-2010

White 51.8% 52.9%
Black or African American 9.6% 15.9%
Asian or Pacific Islander* 0.2% 2.9%
American Indian or Alaska Native* 1.3% 1.2%
Some Other Race 4.0% 3.8%
Two or More Races*** 0.4% 0.6%

*1990 Census categories this group as American Indian, Eskimo or Aleut. This group was categorized as the originating population in 1990.
** The 2000 Census further categorizes this group into 2 subgroups (1) Asian and (2) Native Hawaiian or Other Pacific Islander.
*** The Two or More Race category was not available in the 1990 Census.

The Census: Race and Ethnicity

- Census asked respondents to identify race and ethnicity.
- Respondents reporting their ethnicity as Hispanic or Latino does not directly depict their reported race category.

  - Example: A respondent reporting their ethnicity as Hispanic or Latino might report his/her race as any of the following (among others): White, Two or More Races, or Some Other Race [Hispanic or Latino group including Mexican, Puerto Rican, Cuban, or Spanish]

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Henderson County Planning Department

Hispanic Population Growth

- 1,132% 1990-2010
- 477% 1990-2000
- 114% 2000-2010
- Total Hispanic Population Change from 1990-2010 of 9,578 persons


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Henderson County Planning Department
The Census Bureau is still in the process of releasing data of the 2010 Census. Certain data should be made available as soon as within the next few weeks or may take several months. Some data that has not been released includes:

- Detailed age distribution
- Detailed housing unit data
- Census Tract level data

Mr. Starr stated, as far as redistricting is concerned for the state, we missed getting an additional congressional seat by about 10,000 people. This is less than half of the number of troops that reside in North Carolina and are currently deployed. The Census Bureau did not count those troops that are currently in Afghanistan and Iraq as being North Carolina citizens, even though their homes are here at Fort Bragg and Camp Lejeune.

**COUNTY MANAGER’S REPORT**

Steve Wyatt stated that an issue that came up with the School Board’s presentation was their ranking in state funding. The State has in its funding, several pots of money where they fund the local school systems. There are 2 substantial pots of money that our tax money goes into but that we do not draw anything from. The first is the Small School System in which we do not qualify. The second is Low Wealth School System in which we also do not qualify. More than half of the counties of North Carolina qualified for Low Wealth Funding.

On top of about $21 million in operation and ongoing capital in the School Budget, there is about $9.5 million in debt service that is annualized. Combined this is a $30 million share of the County’s discretionary budget of approximately $78 million.

**IMPORTANT DATES**

No dates were noted.
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)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

3. 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 12:45 p.m. All voted in favor and the motion carried.

Attest:

______________________________   ______________________________
Teresa L. Wilson, Clerk to the Board   J. Michael Edney, Chairman
April 8, 2011

Re: Tax Collector's Report to Commissioners – 04/20/11 Meeting

Please find outlined below collections information through April 7th 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:

<table>
<thead>
<tr>
<th></th>
<th>2010 Total Charge</th>
<th>2009 Total Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments &amp; Releases</td>
<td>$57,524,414.37</td>
<td>$57,024,352.18</td>
</tr>
<tr>
<td>Unpaid Taxes</td>
<td>55,365,386.65</td>
<td>54,874,355.30</td>
</tr>
<tr>
<td>Percentage Collected</td>
<td>96.25%</td>
<td>96.23%</td>
</tr>
<tr>
<td>(through 04/07/11)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Motor Vehicle Bills G01 Only:

<table>
<thead>
<tr>
<th></th>
<th>2010 Total Charge</th>
<th>2009 Total Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments &amp; Releases</td>
<td>$3,442,046.07</td>
<td>$3,528,031.17</td>
</tr>
<tr>
<td>Unpaid Taxes</td>
<td>2,790,300.46</td>
<td>2,841,247.57</td>
</tr>
<tr>
<td>Percentage Collected</td>
<td>81.07%</td>
<td>80.53%</td>
</tr>
<tr>
<td>(through 04/07/11)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Fire Districts All Bills

<table>
<thead>
<tr>
<th></th>
<th>2010 Total Charge</th>
<th>2009 Total Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments &amp; Releases</td>
<td>$6,664,991.48</td>
<td>$6,548,673.19</td>
</tr>
<tr>
<td>Unpaid Taxes</td>
<td>6,345,853.15</td>
<td>6,238,732.39</td>
</tr>
<tr>
<td>Percentage Collected</td>
<td>95.38%</td>
<td>95.44%</td>
</tr>
<tr>
<td>(through 04/07/11)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Respectfully submitted,

Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector
April 20, 2011

Mr. Stan Duncan, Tax Assessor
HENDERSONVILLE COUNTY ASSESSOR’S OFFICE
200 N. Grove Street, Suite 102
Hendersonville, NC 28792

Dear Mr. Duncan:

Attached please find the list of tax release requests (48), and tax refund requests (2), all approved at the Henderson County Board of Commissioners’ Meeting on Wednesday, April 20, 2011.

Sincerely,

J. Michael Edney, Chairman
Henderson County
Board of Commissioners

JME/tlw

enclosures
REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: April 20, 2011
SUBJECT: Tax Refunds
PRESENTER: Assessor
ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:
The enclosed refund requests (2) 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    | 2               | $245.95

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."

REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: April 20, 2011
SUBJECT: Tax Releases
PRESENTER: Assessor
ATTACHMENTS: Release Report

SUMMARY OF REQUEST:
The enclosed release requests (48) 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   | 48              | $2,214.97

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."
The Board of Commissioners of Henderson County, North Carolina

Resolution of Memoriam for F. Richard "Dick" Baker April 17, 1927 – April 16, 2011

WHEREAS, Henderson County celebrates the life and service of F. Richard "Dick" Baker; and

WHEREAS, Mr. Baker served two terms as a Henderson County Commissioner from December 1984 until December 1992; and

WHEREAS, Mr. Baker served as past president of the Hendersonville Kiwanis Club; and

WHEREAS, Mr. Baker served as past Exalted Ruler of the Hendersonville Elks Lodge 1616; and

WHEREAS, Mr. Baker served as a Trustee of Blue Ridge Community College; and

WHEREAS, Mr. Baker served as a member of the Pardee Hospital Board, Chamber of Commerce, Henderson County Travel and Tourism Board, Western Carolina Community Action, and the Henderson County Parks and Recreation Board; and

THEREFORE, BE IT RESOLVED, Mr. Baker is remembered for his service and dedication to the citizens of Henderson County. The Board of Commissioners and staff extend their deepest sympathy to his family and friends.

This the 20th day of April, 2011.

Attest: J. Michael Edney, Chairman

Teresa L. Wilson, Clerk to the Board
RESOLUTION
TO ADJUST THE ANNUAL FUNDING FORMULA FOR THE HENDERSONVILLE ABC COMMISSION FOR THE FISCAL YEAR 2011

WHEREAS, the Hendersonville ABC Board desires to continue its annual contributions to local alcoholism prevention activities consistent with prior year funding levels; and

WHEREAS, current funding of these types of activities is limited to 12% of gross profits, an amount that would prohibit the ABC Board from funding these activities at desired levels in Fiscal Year 2011; and

WHEREAS, North Carolina General Statute Section 18B-805 allows the Hendersonville City Council and Henderson County Board of Commissioners to adjust the ABC Board’s profit distribution formula by parallel resolution; and

WHEREAS, the Hendersonville City Council and Henderson County Board of Commissioners desire to grant the request of the Hendersonville ABC Board for Fiscal Year 2011 only;

NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS THAT:

1) The formula which governs the distribution of profits for the Hendersonville ABC Board be adjusted as follows for Fiscal Year 2011:

From Gross Profits, the Hendersonville ABC Board may deduct funds for treatment of alcoholism or substance abuse or for research or education on alcoholism or substance abuse as provided in GS 188-805(c)(3) (but not to exceed twelve percent (12%) twenty-five percent (25%))

This change to the funding formula will be in effect through June 30, 2011, after which funds will be subject to the formula enumerated in the North Carolina General Assembly Session Law 1999-177.

Adopted this the 20th day of April, 2011.

J. MICHAEL EDNEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

TERESA L. WILSON, CLERK TO THE BOARD
RESOLUTION OF APPRECIATION
JOEL R. MASHBURN

WHEREAS, Joel R. Mashburn served as Henderson County’s first professional administrator from April, 1979 to January, 1984; and

WHEREAS, Joel R. Mashburn also served in Macon County, NC prior to coming to Henderson County and has since served in Greenville County, SC and Iredell County, NC; and

WHEREAS, Some of the highlights of Mr. Mashburn’s career in Henderson County include:
- Adoption of the first flood ordinance
- Establishment of the Cane Creek Water and Sewer District
- Bonds for the Emergency Room at Margaret R. Pardee Hospital and Atkinson Elementary
- Established the Inspections Department
- Implemented the first Land Use Plan
- Recruited industries to the County such as Rockwell International (now Meritor)
- Instrumental in the adoption of the County Seal
- Took on the first major renovation of Historic Courthouse through structural improvements

WHEREAS, Joel R. Mashburn will be retiring from County Government on June 30, 2011, after serving the citizens of Henderson, Greenville and Iredell County since beginning his career in Macon County in 1975;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Joel Mashburn for his 36 years of dedicated service in County Government.

Adopted this the 20th day of April, 2011.

J. MICHAEL EDNEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:
TERESA L. WILSON, CLERK TO THE BOARD
**LINE-ITEM TRANSFER REQUEST**

**HENDERSON COUNTY**

Department: Register of Deeds

*Please make the following line-item transfers:*

<table>
<thead>
<tr>
<th>Account</th>
<th>Line-Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>115418-539000</td>
<td>Contracted Services</td>
<td>$16,000</td>
</tr>
<tr>
<td>115418-512600</td>
<td>Temporary/Part-Time</td>
<td>$2,300</td>
</tr>
<tr>
<td>115418-518000</td>
<td>FICA</td>
<td>$200</td>
</tr>
</tbody>
</table>

*What expense line-item is to be decreased? Or what additional revenue is now expected?*

<table>
<thead>
<tr>
<th>Account</th>
<th>Line-Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>114990-401000</td>
<td>Fund Balance Approp-ROD Restrict</td>
<td>$18,500</td>
</tr>
</tbody>
</table>

**Justification:** Please provide a brief justification for this line-item transfer request. AEPF funds for microfilm creation, and temporary salary for plet scanning project. Approved by the Board of Commissioners April 20, 2011.

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Authorized by Department Head  
Date

Authorized by Budget Office  
Date

Authorized by County Manager  
Date
RESOLUTION APPOINTING PLAT REVIEW OFFICERS

WHEREAS, pursuant to N.C. Gen. Stat. §47-30.2 the Henderson County Board of Commissioners has from time to time since September 17, 1997, adopted resolutions appointing one or more named persons experienced in mapping or land records management as Review Officers, with the same being recorded in the Office of the Register of Deeds for Henderson County;

WHEREAS, the Henderson County board of Commissioners desires to update, revise and restate the persons named as Review Officers;

WHEREAS, pursuant to NCGS 47-30.2, said revision must be made by resolutions of the Board of Commissioners with said resolution being recorded in the Office of the Register of Deeds for Henderson County;

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

1. That the following persons are experienced in mapping and/or land records management, and pursuant to NCGS 47-30.2, have been and are hereby appointed as Review Officers in Henderson County:

   Tina Ball
   Matthew Cable
   Pamela Carver

   Marsha Drake
   Autumn Radcliff
   Kathleen Scanlan

   Parker Sloan
   Anthony Starr
   Eric Warren

2. That the above named persons, as Review Officers, shall comply with all statutory requirements and shall follow all procedures, statutorily prescribed and as prescribed N.C. Gen. Stat. §47-30.2 and that Resolution adopted September 17, 1997;

3. That the above list of Review Officers is a complete and inclusive list of Review Officers for Henderson County. This list replaces previous lists of review officers in the Resolutions made in September 1997, May 2007, and June 2007. Former Review Officers not listed above are no longer permitted to be Review Officers in Henderson County.

4. That the Resolution adopted September 17, 1997 will continue in effect except as modified by this Resolution;

5. That this Resolution shall be recorded in the Office of the Register of Deeds for Henderson County as soon as practicable after its adoption.

THIS the 20th day of April 2011.

HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

By: J. MICHAEL EDNEY, Chairman

Teresa L. Wilson, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON COUNTY

Kathryn L. Finotti, a Notary Public for said County and State, do hereby certify that Teresa L. Wilson personally appeared before me this day and acknowledged that she is the Clerk for the Board of Commissioners.

Witness my hand and official seal, this the 21st of April, 2011.

Kathryn L. Finotti
Notary Public

My Commission Expires 3-23-13