REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: April 2, 2007

SUBJECT: Set Public Hearing on Rezoning Application #R-2007-02

ATTACHMENTS: 1. Current Zoning Map

SUMMARY OF REQUEST:

Rezoning Application #R-2007-02, which was submitted on February 14, 2007, requests that the County rezone approximately 0.37 acres of land, located off Upward Road, from T-15 (Medium-Density Residential with Manufactured Homes) zoning district to a C-4 (Highway Commercial) zoning district. The Subject Area consists of one parcel (parcel identification number 9578909195) owned by Mr. Chris Kiefer, Applicant.

The Henderson County Planning Board considered rezoning application #R-2007-02 at its regularly scheduled meeting on March 15, 2007. During that meeting, the Planning Board voted 8 to 0 to send the Board of Commissioners a favorable recommendation to rezone the Subject Area from a T-15 zoning district to a C-4 zoning district. The Planning Board also requested that the Board of Commissioners consider rezoning two adjacent parcels totaling approximately 1.39 acres of land from a R-20 zoning district to a C-4 zoning district. These parcels are located to the north of the Subject Area across Upward Road and are currently owned by Doris McCraine (parcel identification numbers 9578908356 and 9578907354).

Before taking action on the rezoning application, the Board of Commissioners must hold a public hearing. Staff proposes that the hearing be scheduled for Monday, May 7, 2007 at 7:00 P.M.

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board of Commissioners schedule a public hearing on rezoning application #R-2007-02 for Monday, May 7, 2007, at 7:00 P.M., or schedule a special called meeting.

Suggested Motion: I move that the Board schedule a public hearing for Rezoning Application #R-2007-02 for Monday, May 7, 2007, at 7:00 P.M.
Current Zoning Map

Requested Zoning Map Amendment
Rezoning Application #R-2007-02
Mr. Chris Kiefer -- Property Owner

Note: Additional parcels shown on map are parcels owned by Doris McCraine and recommended by the Planning Board to be rezoned to C-4.

Map created by the Henderson County Planning Department on March 21, 2007
STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

ADDENDUM TO INTERLOCAL AGREEMENT

THIS ADDENDUM is made and entered this ___ day of April, 2007, by and between Henderson County, a body politic and corporate ("the county"), the Village of Flat Rock, a North Carolina municipal corporation, the Town of Fletcher, a North Carolina municipal corporation, the City of Hendersonville, a North Carolina municipal corporation, the Town of Laurel Park, a North Carolina municipal corporation, and the Town of Mills River, a North Carolina municipal corporation (together the Village of Flat Rock, the Town of Fletcher, the City of Hendersonville, the Town of Laurel Park and the Town of Mills River are referred to collectively as "the municipalities"), each having the ability and capacity to contract pursuant to the laws of the State of North Carolina.

WITNESSETH:

WHEREAS, the county and the municipalities entered into an Interlocal Agreement, dated April 27, 2006, regarding sales taxes levied within Henderson County pursuant to Articles 39, 40, 42 and 44 of Chapter 105 of the North Carolina General Statutes, the method of distribution thereof between and among the county and the municipalities ("the Agreement"); and,

WHEREAS, pursuant to Paragraph 2 of the Agreement, the Agreement shall remain in effect for the fiscal year beginning July 1, 2007 ("FY2008"), unless notice of intent to dissolve the agreement is given by any party by prior to March 1, 2007; and,

WHEREAS, no party has given notice of intent to dissolve the agreement; and,

WHEREAS, the parties wish to state their obligations for FY2008 under the Agreement.

NOW, THEREFORE, THIS AGREEMENT, and the parties state their obligations for FY2008 as follows:


2. VILLAGE OF FLAT ROCK: The Village of Flat Rock shall pay to Henderson County the sum of $219,100.38, to be paid in twelve (12) equal monthly installments, the first installment to be due October 31, 2007, and each successive payment to be due on the last day of each month thereafter, with the last installment to be due September 30, 2008. Payments shall be sent to the attention of the Henderson County Finance Director, 113 North Main Street, Hendersonville, NC 28792.

3. TOWN OF FLETCHER: The Town of Fletcher shall pay to Henderson County the sum of $202,902.08, to be paid in twelve (12) equal monthly installments, the first installment to be due October 31, 2007, and each successive payment to be due on the last day of each month thereafter, with the last installment to be due September 30, 2008. Payments shall be sent to the attention of the Henderson County Finance Director, 113 North Main Street, Hendersonville, NC 28792.

4. CITY OF HENDERSONVILLE: The City of Hendersonville shall pay to Henderson County the sum of $275,237.99, to be paid in twelve (12) equal monthly installments, the first installment to be due October 31, 2007, and each successive payment to be due on the last day of each month thereafter, with the
last installment to be due September, 2008. Payments shall be sent to the attention of the Henderson County Finance Director, 113 North Main Street, Hendersonville, NC 28792.

5. TOWN OF LAUREL PARK: The Town of Laurel Park shall pay to Henderson County the sum of $38,221.05, to be paid in twelve (12) equal monthly installments, the first installment to be due October 31, 2007, and each successive payment to be due on the last day of each month thereafter, with the last installment to be due September 30, 2008. Payments shall be sent to the attention of the Henderson County Finance Director, 113 North Main Street, Hendersonville, NC 28792.

6. TOWN OF MILLS RIVER: The Town of Mills River shall pay to Henderson County the sum of $611,037.88, to be paid in twelve (12) equal monthly installments, the first installment to be due October 31, 2007, and each successive payment to be due on the last day of each month thereafter, with the last installment to be due September 30, 2008. Payments shall be sent to the attention of the Henderson County Finance Director, 113 North Main Street, Hendersonville, NC 28792.

7. The mailing address for the county is modified to the following:

   Chairman, Henderson County Board of Commissioners
   Post Office Box 88
   Hendersonville, North Carolina 28793-0088

8. Except as expressly modified hereby, the Agreement remains in full force and effect.

The remainder of this page is left intentionally blank.
IN WITNESS WHEREOF, the parties have caused this Addendum to be duly ratified by Resolution of their governing boards and have caused this Addendum to be duly executed in their respective names and sealed in six counterparts, each to have the force and effect of an original to be effective as of the date first above written.

ATTEST: (County Seal)  

__
Clerk to the Board of Commissioners

BY: ______________________________  
Chairman, Board of Commissioners

ATTEST: (Village Seal)  

__
Town Clerk

BY: ______________________________  
Mayor

VILLAGE OF FLAT ROCK

ATTEST: (Town Seal)  

__
Town Clerk

BY: ______________________________  
Mayor

TOWN OF FLETCHER

ATTEST: (City Seal)  

__
City Clerk

BY: ______________________________  
Mayor

CITY OF HENDERSONVILLE

ATTEST: (Town Seal)  

__
Town Clerk

BY: ______________________________  
Mayor

TOWN OF LAUREL PARK

ATTEST: (Town Seal)  

__
Town Clerk

BY: ______________________________  
Mayor

TOWN OF MILLS RIVER
### FY 2006-2007

<table>
<thead>
<tr>
<th>Henderson County</th>
<th>Flat Rock</th>
<th>Fletcher</th>
<th>Hendersonville</th>
<th>Laurel Park</th>
<th>Mills River</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td>POPULATION</td>
<td>96,124</td>
<td>2,798</td>
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<tr>
<td>COMBINED POPULATION</td>
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<tr>
<td>TOTAL SALES TAX RECEIPTS</td>
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<td></td>
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<td></td>
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<tr>
<td>UNDER PER CAPITA</td>
<td>$21,599,294.15</td>
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<td>$2,720,247.34</td>
<td>$477,942.02</td>
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<table>
<thead>
<tr>
<th>AD VALOREM PROPERTY</th>
<th>Fire Dist.</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>TAX LEVY FY 2006</td>
<td>$46,647,885.02</td>
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<td>PERCENTAGE OF</td>
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<td>$4,830,088.00</td>
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<td>COMBINED LEVY</td>
<td>75.87%</td>
<td>0.85%</td>
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<td>TOTAL SALES TAX RECEIPTS</td>
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<tr>
<td>UNDER AD VALOREM</td>
<td>$21,471,735.80</td>
<td>$240,788.11</td>
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</table>

| DISTRIBUTION METHODS |   |         |                |            |            |       |         |
| DIFFERENCE BETWEEN   | ($127,558.35) | ($387,928.22) | ($263,051.38) | ($225,258.99) | ($74,353.43) | ($1,145,109.46) |

| AMOUNT PAYABLE UNDER AGREEMENT TO COUNTY at 50% to county |   |         |                |            |            |       |         |
|                                                        | $193,964.61 | $131,525.69 | $112,629.50 | $37,176.71 | $572,554.73 |

| TOTAL SALES TAX RECEIPTS UNDER AGREEMENT at 50% to county |   |         |                |            |            |       |         |
|                                                          | $22,847,145.38 | $434,752.72 | $1,019,175.34 | $2,607,617.84 | $440,765.31 | $784,198.40 |
# Henderson County Sales Tax Distribution

## FY 2007-2008

### TOTAL LOCAL OPTION SALES TAX RECEIPTS: $29,330,338.00

<table>
<thead>
<tr>
<th>Population</th>
<th>Henderson County</th>
<th>Flat Rock</th>
<th>Fletcher</th>
<th>Hendersonville</th>
<th>Laurel Park</th>
<th>Mills River</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henderson County</td>
<td>97,792</td>
<td>2,964</td>
<td>5,232</td>
<td>12,237</td>
<td>2,166</td>
<td>6,147</td>
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### PERCENTAGE OF COMBINED POPULATION 77.29% 2.33% 4.14% 9.67% 1.71% 4.66% 100.00%

### UNDER PER CAPITA

<table>
<thead>
<tr>
<th>Henderson County</th>
<th>Flat Rock</th>
<th>Fletcher</th>
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<th>Mills River</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>$22,669,072.57</td>
<td>$684,753.99</td>
<td>$1,212,825.05</td>
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<td>$502,098.45</td>
<td>$1,424,930.35</td>
<td>$29,330,338.00</td>
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### AD VALOREM PROPERTY

#### TAX LEVY FY 2007

<table>
<thead>
<tr>
<th>Henderson County</th>
<th>Flat Rock</th>
<th>Fletcher</th>
<th>Hendersonville</th>
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<th>Mills River</th>
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</thead>
<tbody>
<tr>
<td>$53,105,765.42</td>
<td>$556,619.00</td>
<td>$1,854,588.61</td>
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<td>$978,187.10</td>
<td>$466,173.56</td>
<td>$62,225,110.69</td>
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</table>

#### PERCENTAGE OF COMBINED LEVY 78.79% 0.84% 2.75% 7.79% 1.45% 0.69% 92.32%

### UNDER AD VALOREM

<table>
<thead>
<tr>
<th>Henderson County</th>
<th>Flat Rock</th>
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### DIFFERENCE BETWEEN DISTRIBUTION METHODS

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</thead>
<tbody>
<tr>
<td>$439,805.63</td>
<td>($438,200.76)</td>
<td>($405,804.16)</td>
<td>($550,475.99)</td>
<td>($76,442.09)</td>
<td>($1,222,675.77)</td>
<td>$611,037.98</td>
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</tbody>
</table>

### AMOUNT PAYABLE UNDER AGREEMENT TO COUNTY

- at 50% to county $216,100.38 $202,902.08 $275,237.99 $38,221.05 $611,037.98

### TOTAL SALES TAX RECEIPTS UNDER AGREEMENT

- at 50% to county $24,015,571.95 $465,663.82 $1,009,922.97 $2,561,409.80 $463,877.40 $813,892.47

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Comparison of FY 2007 and FY 2008 for Henderson County and its Municipalities
## Henderson County Sales Tax Distribution

<table>
<thead>
<tr>
<th>PAYMENT COMPARISON</th>
<th>Henderson County</th>
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<tr>
<td>FY 2007</td>
<td>$1,047,851.24</td>
<td>$193,964.61</td>
<td>$131,525.69</td>
<td>$112,629.50</td>
<td>$37,176.71</td>
<td>$572,554.73</td>
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<tr>
<td>FY 2008</td>
<td>$1,345,459.38</td>
<td>$219,100.38</td>
<td>$202,902.08</td>
<td>$275,237.99</td>
<td>$38,221.05</td>
<td>$611,037.88</td>
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<tr>
<td>DIFFERENCE</td>
<td>$297,608.14</td>
<td>$25,135.77</td>
<td>$71,376.39</td>
<td>$162,608.50</td>
<td>$1,044.33</td>
<td>$38,463.15</td>
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<table>
<thead>
<tr>
<th>NET SALES TAX RECEIPTS</th>
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<tbody>
<tr>
<td>FY 2007</td>
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<td>$22,847,145.39</td>
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<tr>
<td>$465,863.62</td>
</tr>
<tr>
<td>$1,009,922.57</td>
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<tr>
<td>$2,561,409.60</td>
</tr>
<tr>
<td>$463,877.40</td>
</tr>
<tr>
<td>$813,892.47</td>
</tr>
</tbody>
</table>

**NOTE:**

--FY2008 sales tax revenue projection calculated by the Henderson County Finance Department,
CERTIFICATION OF PUBLICATION

March 16, 2007

I, Jane Schoff, affirming the following under the penalties of perjury state:

I am employed by Times-News, a subsidiary of the New York Times Company. Times-News, a daily newspaper of general circulation printed and published in the city of Hendersonville, county of Henderson, and state of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of The Times-News on the following date or dates:

3/16/07

And that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 16th day of March, 2007.

(Signed) Jane Schoff

Sworn to and subscribed before me, this 16th day of March, 2007.

Deborah H. Owen
Notary Public

My Commission Expires March 1, 2011

1717 Four Seasons Blvd. • Hendersonville, N.
P. O. Box 490 • Hendersonville, NC 287
828/692-0505 • FAX 828/692-2319 • 828/693-5581
www.hendersonvillenews.com
HENDERSON COUNTY BOARD OF COMMISSIONERS
100 North King Street
Hendersonville, North Carolina 28792-5097
Phone 828-697-4808 Fax: 828-692-9855
TDD: 828-697-4580
www.hendersoncountync.org

PROCLAMATION
2007 NATIONAL DAY OF PRAYER

WHEREAS, National Days of Prayer have been part of our country’s heritage since the first one was declared by the Continental Congress in 1775; and

WHEREAS, 2 Chronicles, Chapter 7, verse 14 reads “If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land”; and

WHEREAS, leaders of our Nation have relied upon the power of prayer throughout American history; and

WHEREAS, May 3, 2007, marks the 56th consecutive observance of the National Day of Prayer, as mandated by both Congress and by our President in Public Law 100-307; and

WHEREAS, it is good that we acknowledge that we are all God’s handiwork and that it is appropriate to call upon Him in prayer; and

WHEREAS, “America, Unite in Prayer” is the theme for the 2007 National Day of Prayer;

NOW, THEREFORE, I William L. Moyer, Chairman of the Henderson County Board of Commissioners, do hereby proclaim May 3, 2007 as a “Day of Prayer” in Henderson County and urge our citizens to join together in homes, places of work, and places of worship, to pray for the unity of the hearts of all mankind, and to continue in prayer for our Nation.

[Signature]
William L. Moyer, Chairman
Henderson County Board of Commissioners

Attest:
[Signature]
Elizabeth W. Corn, Clerk to the Board