

**Minutes of the 1 March 2011**  
**Regular Meeting of the Yancey County Board of Commissioners**  
**Held at 7:00 o'clock p.m. in the Yancey County Courtroom**  
**Yancey County Courthouse, Burnsville, North Carolina**

Present at the 1 March 2011 meeting of the Yancey County Board of Commissioners were Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Dale England, Commissioner Michele Presnell, Commissioner Marvin Holland, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, County Attorney Donny Laws, Finance Director Lynne Hensley, Finance Officer Brandi Burleson, Sheriff Gary Banks, EDC Executive Director Wanda Proffitt, Lynn Austin, YCTA Director, Mayland Community College President John Boyd, Tax Administrator Jeff Boone, Tax Collector Fonda Thomas, Senior Center Director Vivian Hollifield, members of the media, and members of the general public.

**Call to Order and Approval of Agenda**

Chairman Riddle called the meeting to order, welcomed everyone and asked Jonathan England, son of Commissioner England to deliver the invocation. Commissioner Presnell made a motion to approve the agenda with the addition of discussion about the Ray Mine, and it was seconded by Commissioner Austin. The vote to approve was unanimous. (Attachment A)

**Public Comment**

The first person to speak before the Board was Bill Grover. He wanted to talk about the destruction of the American education system. This destruction has been caused by the American Bar who now influences our education system through Harvard and Yale, who train people like dogs. The next person to speak before the Board was Lowell Presnell. Mr. Presnell stated that he wanted to speak about the Ray Mine and the plans of the United States Forest Service to virtually close down the Ray Mine to mineral collectors. Mr. Presnell asked the Board for any help that could be given. The next person to speak to the Board was Bob Drummond, who also spoke to the Board concerning the Ray Mine and stated that he supported the position of Mr. Presnell. The next person to speak before the Board was David Peterson. Mr. Peterson asked the Board to consider a leash law or some other ordinance to govern stray animals. The final person to speak before the Board was Benny Riddle. Mr. Riddle wanted to again ask the Board to ask for something to be done about the shooting from the road on Langford Branch. He stated that the problem is getting worse and would like to have something done before someone is hurt or killed.

**Approval of Minutes**

The Board next considered minutes of meetings from February 1, 2011. Commissioner Presnell made a motion to approve these minutes and it was seconded by Commissioner Austin. The motion to approve the minutes was unanimous.

**Mayland Community College-President Dr. John Boyd**

The Board next heard from Mayland Community College President Dr. John Boyd. Dr. Boyd stated that he wanted to come and introduce himself to the Board. Dr. Boyd also stated that he looks forward to working with the Board and wants Mayland to be involved in economic development activities. He also invited the Board to a BBQ sometime in the future.

**Yancey County EDC-Wanda Proffitt, Executive Director**

The Board next heard from Wanda Proffitt, Yancey County Economic Development Commission Executive Director. Ms. Proffitt gave the Board an update about economic development in Yancey County. Ms. Proffitt stated that everyone is interested in job retention and development and she has been very excited by visiting existing businesses in the county. She further stated that there seems to be a lot of excitement in the county because of the East Yancey Sewer project and other projects that are moving forward. Ms. Proffitt also updated the Board about the Certified Entrepreneurial Community Program. This program is an intensive program for communities to go through to help develop businesses and spur job creation. She asked the Board to adopt a resolution of support for this program to show the Department of Commerce that Yancey County is serious about being a Certified Entrepreneurial Community. Upon hearing from Ms. Proffitt Commissioner Holland made a motion to approve the resolution in support of the Certified Entrepreneurial Community Program. The motion was seconded by Commissioner Austin and the vote to approve was unanimous. (Attachment B)

### **WAMY Community Action**

The Board next heard from Bobbie Willard, Program Coordinator with WAMY Community Action. Ms. Willard stated that she was required to go before the Boards of Commissioners in four counties (Watauga, Avery, Mitchell, and Yancey) to present the Community Services Block Grant Application. No action is needed on this application but one of the requirements is to present it to the four counties. Ms. Willard stated that the amount of the grant this year is for \$239,000 to serve the four counties for such things as weatherization, and providing assistance to students at Mayland. Ms. Willard stated that WAMY was hoping to help about 40 families this year with these funds. (Attachment C)

### **Senior Center-Vivian Hollifield, Director**

The Board next heard from Vivian Hollifield, Senior Center Director, concerning the Senior Center Budget. Ms. Hollifield gave a general overview of how the Senior Center is funded and what goes on there on a daily basis. Ms. Hollifield also asked the Board to approve a budget amendment to move an additional \$2,500 that the Senior Center received this year over to another line item to buy a new dishwasher and for the cost of new meal bags to carry meals in for meals on wheels. Upon hearing from Ms. Hollifield, Commissioner Austin made a motion to approve the budget amendment and to authorize the chairman to sign the necessary paperwork. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment D)

### **Yancey County Transportation Authority-CTP Grant and Public Hearing**

The Board next heard from Lynn Austin, Yancey County Transportation Director. Ms. Austin informed the Board that it was time for the Community Transportation Program (CTP) Grant once again. She stated that this year Yancey Transportation Authority (YCTA) will be asking for \$189,901 from the state, with an additional \$26,239 to come from the county. This money is used to help run YCTA each year. Ms. Austin also stated that YCTA was asking for \$44,000 this year in the grant for a lift van so that our fleet of transportation vans will still be in good shape and not get too many miles on them. Ms. Austin also informed the Board that a public hearing had to be held for this grant. Upon hearing from Ms. Austin, Chairman Riddle opened up the floor to anyone who had comments or questions about the CTP grant. Upon having no questions or comments Chairman Riddle closed the public hearing. Upon the conclusion of the public hearing Commissioner Holland made a motion to approve the Community Transportation Program Resolution. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous. (Attachment E) Ms. Austin further informed the Board that YCTA has received \$28,000 in ARRA money for preventative maintenance of the fleet of transportation vans. She stated that she sent out eleven proposals for contract and has received back four, all of which are local businesses. These have to be approved by the NC DOT and then be sent back. There is not action needed by the Board at this time.

### **Finance Office Report**

The Board next heard from Finance Officer Brandi Burleson. Ms. Burleson was bringing a budget amendment before the Board. This amendment was needed for an increase in professional services for inmates, juvenile inmates, and increases at Toe River Campground. Upon hearing from Ms. Burleson, Commissioner England made a motion to approve the budget amendment. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment F)

### **Tax Office Report**

The Board next heard from Tax Administrator Jeff Boone. Mr. Boone informed the Board about two taxpayers who have paid too much in property taxes and he requests for them to receive a refund. Upon hearing from Mr. Boone, Commissioner Austin made a motion to approve these refunds. The motion was seconded by Commissioner Presnell and the vote to approve was unanimous. (Attachment G) Mr. Boone next informed the Board that the Board of Equalization and Review must be seated soon. The advertisement has to run for 10 days and if the Board intends to appoint a Board of Equalization and Review other than the commissioners then the resolution for that has to be done before the first Monday in March. Mr. Boone asked the Board to think about three days they would be available to hear appeals from taxpayers. Right now he stated that he has about 40 appeals. The Board then heard from Tax Collector Fonda Thomas. Ms. Thomas came to the Board to ask for the Board to accept her settlement of the taxes (Attachment G-1). This is something that is required each year of the tax collector. One of the reasons for this is that taxes over 10 years old cannot be collected and those taxes need to be purged from the system. Ms. Thomas also asked the Board to allow her to develop a

system to collect overdue personal property taxes owed to the county before they can renew their tag and pay the current year taxes. Upon hearing from Ms. Thomas Commissioner England made a motion to allow the tax collector to develop a system whereby back taxes must be paid in order to pay the current year taxes to obtain a tag for a vehicle. The motion was seconded by Commissioner Austin and the vote to approve was unanimous. Ms. Thomas also asked the Board to allow Yancey County to join in House Bill 68, which is before the North Carolina General Assembly. This bill would allow Yancey County to collect taxes before the Tax Collector can certify a real property transfer. Ms. Thomas stated that right now she is not allowed to collect taxes that are owed on a piece of property is a transfer comes through. By doing this it would allow her to collect the taxes before providing certification. Upon hearing from Ms. Thomas Commissioner England made a motion to allow Yancey County to be added to the other counties in House Bill 68 by resolution. The motion was seconded by Commissioner Holland and the vote to approve was unanimous. (Attachment H)

### **Board Appointments**

The Board next considered the appointment of an individual to the WAMY Community Action Board. The name that had been submitted was that of Mr. Dan Graham. Chairman Riddle stated that he had called Mr. Graham and had spoken to his wife who stated that Mr. Graham was sick and that he would not be interested in the appointment. Having no one to indicate interest in this appointment Chairman Riddle tabled the matter until a later meeting. The next board appointment was for the Long-Term Care Advisory Committee. The individual who was recommended by the High Council of Governments was Nine Hughes. Commissioner Presnell made a motion to appoint Ms. Hughes to this position for a one year term and it was seconded by Commissioner Austin. (Attachment I)

### **County Manager Business**

The Board next heard from County Manager Nathan Bennett concerning a number of issues. Mr. Bennett informed the Board that the new Senior Resident Superior Court Judge, Phil Ginn, wants the counties to address courthouse security. Mr. Bennett also gave an update about the Mountain Air tax issue. Mr. Bennett also made the Board aware of a request from the Sons of Confederate Veterans to hold a Confederate Memorial Day recognition on May 10<sup>th</sup>. Mr. Bennett also updated the Board about the GPS/GIS issue and what is being done to get Yancey County's information out. Mr. Bennett also updated the board on the County's Employee Health Fair, a CDBG site visit, and recognized an employee of Cooperative Extension Service, Adam McCurry, who was featured in a state-wide Cooperative Extension Service publication.

### **Commissioner Business**

The Board next took up the issue of the Ray Mine and what it could do about the Forest Service Plan. General discussion followed about the proposed plan and how it will impact mineral collectors and the overall economy. After discussion Commissioner England made a motion to authorize the county manager to draft a letter to the Forest Service asking for clarification of the plan.

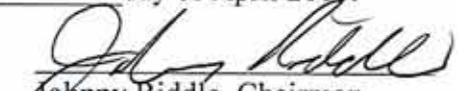
**Adjournment**

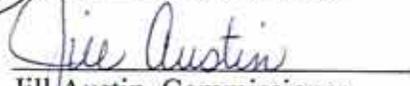
Having no further business Commissioner Austin made a motion to adjourn and it was seconded by Commissioner Holland. The vote to adjourn was unanimous.

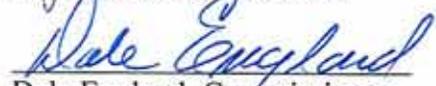
Approved and authenticated on this the 5<sup>th</sup> day of April 2011.

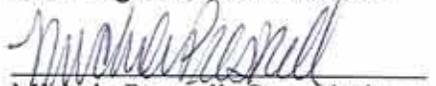
Attest:

  
J. Jason Robinson  
Clerk to the Board

  
Johnny Riddle, Chairman

  
Jill Austin, Commissioner

  
Dale England, Commissioner

  
Michele Presnell, Commissioner

  
Marvin Holland, Commissioner

(county seal)



Attachment A

COUNTYMANAGER  
Nathan Bennett



COMMISSIONERS  
Jill Austin  
Dale England  
Marvin Holland  
Michele Presnell  
Johnny Riddle

## YANCEY COUNTY

110 Town Square, Room 11 • Burnsville, North Carolina 28714  
PHONE: (828) 682-3971 • FAX: (828) 682-4301

### AGENDA YANCEY COUNTY BOARD OF COMMISSIONERS REGULAR BUSINESS MEETING

March 1, 2011

7:00 P.M.

- I. Call to Order and Invocation – Chairman Johnny Riddle
- II. Approval of the Agenda
- III. Public Comment
  - a. Benny Riddle – Hunting from the Road
- IV. Approval of Minutes
- V. Mayland Community College – President John Boyd
- VI. Yancey County Economic Development Commission – Report – Wanda Proffitt, Executive Director
  - a. RESOLUTION – Certified Entrepreneurial Community Program
- VII. Yancey County Travel and Tourism Committee – Report – Barbara Webster, Chair
- VIII. W.A.M.Y. Community Action – Community Services Block Grant Application – Bobbie Willard, Program Coordinator
- IX. Yancey County Committee on Aging (Yancey Senior Citizens Center) – Report – Vivian Hollifield, Director
  - a. Home and Community Care Block Grant for Older Adults – Budget Amendment 1
- X. Yancey County Transportation Authority – Lynn Austin, Director, YCTA
  - a. Community Transportation Program - Grant Application – Overview
  - b. **PUBLIC HEARING** – Community Transportation Program
  - c. RESOLUTION – Community Transportation Program
  - d. ARRA Preventative Maintenance Program
- XI. Finance Office Report – Lynne Hensley, Finance Director and Brandi Burleson, Finance Officer
  - a. Budget Amendment
- XII. Tax Department Report – Jeff Boone, Tax Administrator and Fonda Thomas, Tax Collector
  - a. Releases and Refunds
  - b. Board of Equalization and Review
  - c. Tax Collection Settlement
- XIII. Board Appointments
  - a. Watauga-Avery-Mitchell-Yancey (WAMY) Community Action Board
  - b. Long-Term Care Advisory Committee
- XIV. County Manager Business
- XV. Commissioner's Business
- XVI. Adjourn

Attachment B



## RESOLUTION

IN SUPPORT OF  
***YANCEY COUNTY***  
***CERTIFIED ENTREPRENEURIAL COMMUNITY***

**WHEREAS** Yancey County wishes to participate with the Town of Burnsville and the Yancey County Economic Development Commission in the Certified Entrepreneurial Community Program; and

**WHEREAS** Yancey County will work in partnership with the AdvantageWest Economic Development Group to develop the Certified Entrepreneurial Community Program in order to promote new and growing businesses; and

**WHEREAS** Yancey County is willing to collaborate across jurisdictional borders with our regional neighbors; and

**WHEREAS** the Yancey County Economic Development Commission has agreed to provide the necessary resources to conduct this program of work.

**NOW, THEREFORE, BE IT RESOLVED** that the County of Yancey is committed to working with the Town of Burnsville and the Yancey County Economic Development Commission in establishing ourselves as a Certified Entrepreneurial Community.

***ADOPTED this the 1st day of March, 2011.***

SEAL

  
J. Jason Robinson,  
Clerk to the Board of Commissioners

  
Johnny Riddle, Chairman





*Attachment C*  
**W.A.M.Y. COMMUNITY ACTION, INC.**

225 Birch Street, Suite 2  
Boone, North Carolina 28607-2688  
Telephone: 828.264.2421 Fax: 828.264.0952  
Email: admnwamy@bellsouth.net

Mary Ann Cole, Chairperson

Jane Lentz, Executive Director

MEMO

TO: Yancey County Board of County Commissioners  
FROM: WAMY Community Action, Inc.  
SUBJ: 2011-2012 Community Services Block Grant Application  
DATE: March 1<sup>st</sup>, 2011 – 7:00 p.m.

We come before you today to present WAMY Community Action, Inc.'s 2011-2012 Community Services Block Grant, (CSBG), application; this application is for 1 year of services, but represents the third year of our five year initial grant. Our funding source, the NC Office of Economic Opportunity requires that we have the county commissioners review the grant each year and be apprised of any major revisions; approval is not required, just documentation that the information was presented for review.

The following changes/corrections have been made to our application that was submitted to your office on 2/17/11:

- Page 16 of 44 – 1<sup>st</sup> paragraph has been updated to read ‘..average of **90** families per month.’
- Page 21 of 44 – Section II – Resources Available
  - Average cost per pupil updated to **\$9,961**
  - Early College students updated to **50 current** students and **30 anticipated**
- Page 22 of 44 – Section III – 6) – Updated **labor statistics and unemployment rates** by county as well as **percentage of those living below poverty.**
- Page 25 of 44 – Section I – 2) – Updated **Point in Time information** to reflect count that was conducted on 1/26/11.
  - Section II – 4) – Updated Section 8 Rental assistance to **962 households** with an approximate budget of **\$5,000,680.**
- Page 27 of 44 – Section II – 4) – Resources Available – Updated area public **transportation agencies budget to \$2,394,819** and total **passengers to \$1,287,686.**
- Page 31 of 44 – Long Range Coal – Corrected to read “**Increase by 50,** the # of families with household income above federal poverty.
- Page 40 of 44 – Participant Grievance and Appeal Policies have been developed, presented and approved by the WAMY Board at their meeting on 2/22/11.

One significant allocation change: WAMY has received notification that CSBG funding for Watauga, Avery, Mitchell and Yancey Counties will be reduced by 25%. Last program year we were able to serve 56 families; with the reduction in funding, we propose serving minimum of 40 families during the 2011-2012 Program year.

**AVERY COUNTY**  
P.O. Box 222  
723 Cranberry Street  
Newland, NC 28657

**MITCHELL COUNTY**  
P.O. Box 894  
29 Crystal Street  
Spruce Pine, NC 28777

**YANCEY COUNTY**  
P.O. Box 596  
1019 E US Hwy 19E  
Burnsville, NC 28714

Home and Community Care Block Grant for Older Adults

DOA-732 (Rev. 2/10)

County YANCEY

July 1, 2010 through June 30, 2011

REVISION #1, DATE :02-01-2011

NAME AND ADDRESS  
 COMMUNITY SERVICE PROVIDER  
Yancey Co. COA, INC.  
10 Swiss Avenue, POB 546  
Burnsville, NC 28714

County Funding Plan  
 NON-UNIT  
 Provider Services Summary

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	USDA	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
HP IID	X				1379	//////////	153	1532		1532				
HP MED MGMT	X				484	//////////	54	538		538				
IIIH CGSP-IH	X			2920		//////////		2920		2920	195	14.9744	3	248
						//////////		0		0				
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						//////////	0	0		0				
						//////////	0	0		0				
Total	////////	////////	0	2920	1863	4783	207	4990	0	4990	195	////////	3	248

\*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care	_____	_____
Transportation	_____	_____
Administrative	_____	_____
Net Ser. Cost Total	_____	_____

Certification of required minimum local match availability.  
 Required local match will be expended simultaneously  
 with Block Grant Funding.

Brandi Paulson 3/3/11  
 Signature, County Finance Officer Date

Authorized Signature, Title Date  
 Community Service Provider  
[Signature] 3/1/11  
 Signature, Chairman, Board of Commissioners Date

Attachment  
 D

NAME AND ADDRESS  
 COMMUNITY SERVICE PROVIDER  
Yancey County COA, INC.  
10 Swiss Avenue, POB 546  
Burnsville, NC 28714

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DOA-732 (Rev. 2/10)

County Yancey

July 1, 2010 through June 30, 2011

REVISION # 1, DATE :02-01-2011

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	USDA	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
Transportation		X	7100			//////////	789	7889		7889	1997	3.9507	20	2725
IHA LV1	X			56039		//////////	6227	62266		62266	4193	14.85	40	6099
Congregate	X				26429	//////////	2937	29366	5443	34809	5337	5.5025	120	9072
Home Delivered	X				89780	//////////	9976	99756	13184	112940	17348	5.7503	150	21974
Sen Ctr Operations	X				14438	//////////	1604	16042		16042			120	
						//////////	0	0		0				
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						//////////	0	0		0				
						//////////	0	0		0				
Total	//////////	//////////	7100	56039	130647	193786	21533	215319	18627	233946	28875	//////////	450	39870

\*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care	_____	_____
Transportation	_____	_____
Administrative	_____	_____
Net Ser. Cost Total	_____	_____

Certification of required minimum local match availability.  
 Required local match will be expended simultaneously  
 with Block Grant Funding.

Brandi Boulson 3/3/11  
 Signature, County Finance Officer Date

Authorized Signature, Title Date  
 Community Service Provider  
John Riddick 3/4/11  
 Signature, Chairman, Board of Commissioners Date

*Attachment E*

**CTP Grant**

**FY 2011-2012**

**YCTA IS APPLYING FOR \$144,953.00 IN THE 11-12 ADMINISTRATION BUDGET**

**LOCAL MATCH IS 15% \$21,743**

**STATE MATCH IS 5% \$7,248**

**FEDERAL SHARE 80% \$115,962**

**TOTAL REQUESTED - \$144,953.00**

**YCTA IS APPLYING FOR \$44,948.00 IN THE 11-12 CAPITOL BUDGET**

**LOCAL MATCH 10% - \$4,495.00**

**STATE MATCH 10% - \$4,495.00**

**FEDERAL SHARE 80% - \$35,958.00**

**TOTAL REQUESTED - \$44,498.00**

**Grand Total Requested - \$189,901.00**

**CTP approved in 10-11 Fiscal Year was 144,953.00**

Local Match was ..... \$21,743

State Match was..... \$7,248

Federal Share was..... \$115,962

**CTP Capitol that was approved in 10-11 FY was \$35,300**

Local Match is .....\$3,530.00

State Match is.....\$3,530.00

Federal Match is.....\$28,240.00

# COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

## Section 5311 FY 2012 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (Board Member's Name) Commissioner Holland and seconded by (Board Member's Name or N/A, if not required) Commissioner Presnell for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

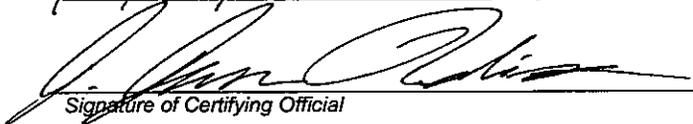
WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (Legal Name of Applicant) Yancey County Transportation Authority hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)\* Yancey County Transportation Authority, Director Lynn Austin of (Name of Applicant's Governing Body) Yancey County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (Certifying Official's Name)\* J. Jason Robinson (Certifying Official's Title) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) Yancey County Commissioners duly held on the 1<sup>st</sup> day of March, 2011.

  
Signature of Certifying Official

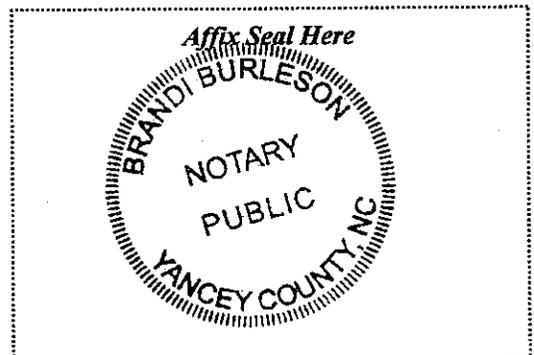
\*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) March 1, 2011

Brandi Burleson  
Notary Public\*

Brandi Burleson, 630 Pine Swamp Rd,  
Burnsville, NC 28714  
Printed Name and Address

My commission expires (date) 10/13/13



*Attachment F*

## **YANCEY COUNTY FINANCE OFFICE**

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110 TOWN SQUARE, ROOM 11, BURNSVILLE, NC 28714

PHONE (828)682-3819 • FAX (828)682-4301

FINANCE DIRECTOR, LYNNE E. HENSLEY • lhensley@yanceycountync.gov

FINANCE OFFICER, BRANDI BURLESON • bburleson@yanceycountync.gov

ASST. FINANCE OFFICER, LISA MILLER • lmiller@yanceycountync.gov

### **NOTES TO BUDGET AMENDMENT # 7**

The purpose of this budget amendment is to cover additional expenses in the line item for medical services for inmates and juvenile housing in Buncombe County. There is no control over the expenditures in these line items due to unforeseeable circumstances. We are required by law to make sure that any inmates in our care receive proper medical attention. We are also unable to house juveniles in our facility due to the extreme liability this puts on the county. We contract with Buncombe County to house these juveniles. The amendment also includes several adjustments to the Toe River Campground budget to cover much needed improvements for the 2011 camping season. This amendment does not change the amount of the overall 2010-2011 Fiscal Year Budget of \$19,201,396.

## YANCEY COUNTY COMMISSIONERS

BUDGET AMENDMENT # 7

FUND: GENERAL FUND

As entered in the minutes of the Yancey County Board of Commissioners at a meeting on Tuesday, March, 2011 the following budget amendments are to be recorded:

EXPEND. CODE	ACCOUNT	INCREASE	DECREASE
104322-5193	PROF SERVICES - MED INMATES	12,000.00	
104325-539903	JUVENILE DETENTION	6,000.00	
106125-5121	SALARIES		16,560.00
106125-5181	FICA/MED		1,267.00
106125-5182	RETIREMENT		1,145.00
106125-5260	OFFICE SUPPLIES		1,440.00
106125-5266	FUNDRAISING		2,000.00
106125-5321	TELEPHONE		585.00
106125-5341	PRINTING		750.00
106125-5363	R&M KID MTN		2,000.00
106125-5366	R&M LINCOLN PARK BALLFIELDS		1,500.00
106125-5395	TRAINING		500.00
106130-5331	ELECTRICITY		9,000.00
106130-526002	STORE INVENTORY	3,300.00	
106130-5321	TELEPHONE	300.00	
106130-5211	JANITORIAL SUPPLIES	1,300.00	
106130-524020	R&M BLDGS	5,770.00	
106130-5359	R&M GROUNDS	25,200.00	
106130-5370	ADVERTISING		1,000.00
106130-5341	PRINTING		800.00
106130-5121	SALARIES	12,305.00	
106130-5122	SALARIES PART TIME	7,300.00	
106130-5181	FICA/MED	1,500.00	
106130-5182	RETIREMENT	500.00	
104200-5239	VACCINATIONS/DRUG TESTS		5,000.00
104200-5231	SPECIAL PROG SUPPLIES		3,000.00
104200-5451	PROP & LIAB INS		10,000.00
104200-5523	COUNTY NETWORK		10,000.00
104380-5121	SALARIES		8,000.00
104380-5181	FICA/MED		928.00

TOTALS	75,475.00		75,475.00
NET CHANGE		0.00	
CURRENT BUDGET		19,201,396.00	

# Attachment G

February 15, 2011

Yancey County Commissioner

C/O Yancy County Tax Office

110 Town Square Room 1

Burnsville, NC 28714

Attention: Jeff Boone

Dear Jeff:

**We overpaid January 6, 2010 for the 2009 taxes on Lot 7 of Waterwheel Properties (PIN#083200883571.000) in the amount of \$783.00 and on Lot #15 of Waterwheel Properties (PIN#08320078426.000) in the amount of \$854.06. These overpayments were due to charges being made for dwellings that were not on lots and the lots are still undeveloped. This was not due to an error on our part and we are not aware how these lots were treated as if they had a dwelling on them. It appears to be a clerical error by your tax office.**

**Please let me know via email (email address [microfinejpm@aol.com](mailto:microfinejpm@aol.com)) when we can expect to receive this refund. Please call or email me if there are any questions.**

**Also, attached is 1/28/2011 email from Deborah Wilson from you office, who has assisted us in getting this resolved. We appreciate you giving this quickest possible attention as these funds are needed now for our ongoing operation.**

**Thank you,**



**John Martin**

**Waterwheel Properties, LLC**

**5528 Folkstone Road**

**Pfafftown, NC 27040**

**Telephone: 336-287-9035**

Subj: **2009 Tax Refund Request**  
Date: 1/28/2011 1:35:16 P.M. Eastern Standard Time  
From: Deborah Wilson, Appraiser  
To: [jeffboone@yancey.com](mailto:jeffboone@yancey.com)

**Hi John:**

**You do need to send a formal written request for refund of the overpayment on your 2009 taxes to The Yancey County Commissioners, c/o Yancey County Tax Office, 110 Town Square Room 1, Burnsville, NC 28714, Attention Jeff Boone.**

**In your request please state that you overpaid January 6, 2010 for the 2009 taxes on Lot 7 of Waterwheel Properties (PIN#083200883571.000) in the amount of \$783.00 and on Lot #15 of Waterwheel Properties (PIN#08320078426.000) in the amount of \$854.06. These overpayments were due to charges being made for dwellings that were not on lots and the lots are still undeveloped.**

**This should be written up and mailed as soon as possible, so that we can get it on the agenda for the March Commissioners meeting.**

**Below (highlighted) is copy of statute.**

*1: § 105-381. Taxpayer's remedies.*

*(a) Statement of Defense. – Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.*

*(1) For the purpose of this subsection, a valid defense shall include the following:*

- a. A tax imposed through clerical error;*
- b. An illegal tax;*
- c. A tax levied for an illegal purpose.*

*(2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.*

*(3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.*

**If you have any questions, please contact me.**

**Debbie  
Deborah Wilson, Appraiser  
Yancey County Tax Assessors Office  
110 Town Square, Burnsville, NC 28714  
828-682-2198 Phone**

828-682-4817 Fax

Website: [www.yanceycountync.gov](http://www.yanceycountync.gov)

**CONFIDENTIALITY NOTICE: This message and any attached files are intended only for use of the individual or entity to which it is addressed and may contain information that is confidential. If you have received this message in error, please notify us immediately by replying to this message and deleting it from your computer.**

WATERWHEEL PROPERTIES, INC  
5528 FOLKSTONE RD

PFAFFTOWN NC 27040

Release Date: 12/20/2010  
Value Released \$170,810

Official Tax Receipt-Original Copy-Administrative Release  
YANCEY COUNTY TAX ADMINISTRATION  
110 TOWN SQUARE, ROOM 1  
BURNSVILLE, NC 28714  
828.682.2197

Real Value	\$214,310	Taxable	\$214,310
Personal Value Exemption		Size:	1.740 A

Bill Number	PIN	Amount Due	Total Release	Balance
N2010015744	083200788426000	\$1,071.56	\$854.06	\$217.50

---

Release Distributed:

YANCEY COUNTY	\$768.65
GREEN MOUNTAIN FIRE	\$85.41

Requester: 

LOT 15 DOES NOT HAVE A DWELLING--RELEASE HOUSE & RE-CALCULATED LOT TO "UNDEVELOPED"

WATERWHEEL PROPERTIES, INC  
5528 FOLKSTONE RD

PFAFFTOWN NC 27040

Release Date: 12/20/2010  
Value Released \$156,600

Official Tax Receipt-Original Copy-Administrative Release  
YANCEY COUNTY TAX ADMINISTRATION  
110 TOWN SQUARE, ROOM 1  
BURNSVILLE, NC 28714  
828.682.2197

Real Value	\$181,600	Taxable	\$181,600
Personal Value Exemption		Size:	1.000 A

Bill Number	PIN	Amount Due	Total Release	Balance
N2010015747	083200883571000	\$908.00	\$783.00	\$125.00

Release Distributed:

YANCEY COUNTY	\$704.70
GREEN MOUNTAIN FIRE	\$78.30

Requester: *Dolores Wilson*

LOT 7 DOES NOT HAVE DWELLING--RELEASE HOUSE & RE-CALCULATED LOT TO "UNDEVELOPED".

*Attachment G (continued)*

68 Woodstock Drive  
Burnsville, N. C. 28714  
February 18, 2011

**Yancey County Board of Commissioners  
Yancey County Court House  
Burnsville, N. C. 28714**

**Gentlemen and Mesdames:**

**The purpose of this letter is to request a reimbursement for property taxes for which I have been overcharged, and that I have overpaid since 1992.**

**The property in question is two undeveloped lots located on Woodstock Drive in the Rocky Springs Heights community. My late husband and I purchased this property in 1983. Our first tax notice was in 1984, and indicated that there were two lots valued at \$8,000. and the tax was \$24.**

**In 1985, the value of these two lots was still \$8,000 but the tax was \$33.60. These numbers remained the same through 1987.**

**In 1988, the two lots were still valued at \$8,000, but the tax went up to \$40. This remained the same through 1991.**

**A new appraisal was done in 1992, and the tax bill changed from Two Lots to Two Acres, and the value went up to \$20,000, and the tax increased to \$100. This remained the same from 1993 through 1999, except the fire tax of \$8.00 which was added, beginning in 1995.**

**In 1999, a new appraisal was conducted, and from 2000 through 2007 they were still showing Two Acres, and the valuation increased to \$24,000, and the property tax was \$120. plus \$9.60 fire tax for years 2000 through 2003.**

**For years 2004 through 2007 the fire tax increased to \$12.**

**Yancey County Board of Commissioners  
February 18, 2011**

**Page Two**

**Beginning in 2008, the notice was still showing Two Acres, but the value was decreased to \$18,700, and the tax was \$84.15, plus \$9.35 fire tax. These numbers held through 2010.**

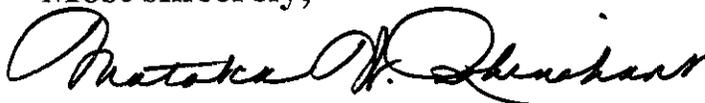
**Attached is a copy of the survey computed in September, 2010, which clearly shows that these two lots, not acres, only total 0.610 of an acre. I gave a copy of this plat to the Tax Assessor Department, and they, apparently, turned it over to the Mapping Department. The printout I received shows that the value has been dropped from \$18,700. to \$8,200. I presume that this is what my 2011 taxes will be based on.**

**I shall appreciate your studying all of these numbers and that you will come to the realization that we have been overcharged since 1992 when "somebody" changed the Two Lots, totaling 0.610 acre, to Two Acres.**

**I will be grateful for your response, and I look forward to receiving a reimbursement check in the very near future.**

**Thank you for your time and consideration.**

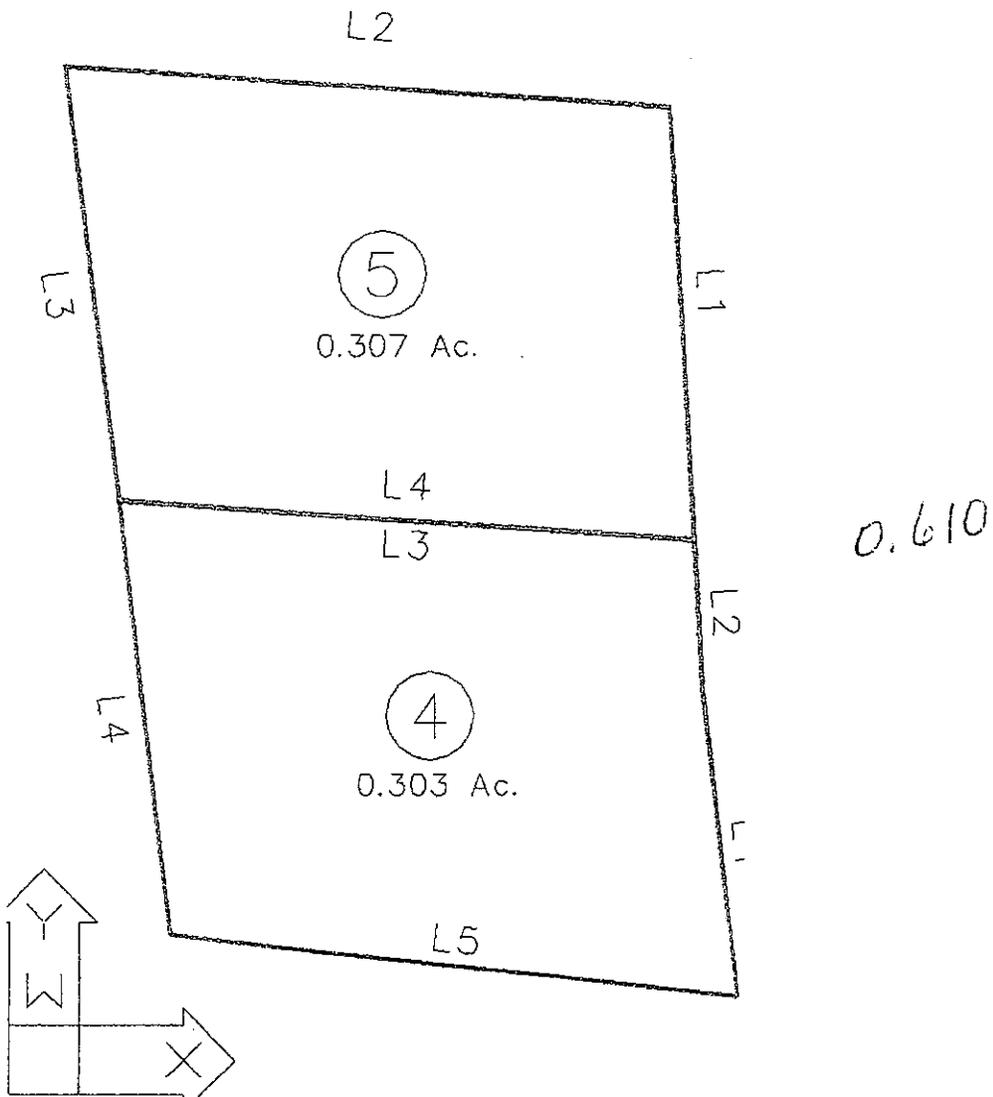
**Most sincerely,**

A handwritten signature in black ink, appearing to read "Matoka W. Rhinehart". The signature is fluid and cursive, with a large initial "M" and "R".

**Matoka W. Rhinehart (Mrs.)**

Toka Rhinehart

From: "John Young" <jyoung@ncsu>



0.61 acre

9/23/2010

**§ 105-381. Taxpayer's remedies.**

(a) Statement of Defense. – Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

- (1) For the purpose of this subsection, a valid defense shall include the following:
  - a. A tax imposed through clerical error;
  - b. An illegal tax;
  - c. A tax levied for an illegal purpose.
- (2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.
- (3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) Action of Governing Body. – Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made. The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars (\$100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

(c) Suit for Recovery of Property Taxes. –

- (1) Request for Release before Payment. – If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.
- (2) Request for Refund. – If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) Civil Actions. – Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be

rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)

**§ 105-373. Settlements.**

(a) Annual Settlement of Tax Collector. –

- (1) Preliminary Report. – After July 1 and before he is charged with taxes for the current fiscal year, the tax collector shall make a sworn report to the governing body of the taxing unit showing:
  - a. A list of the persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person; and
  - b. A list of the persons not owning real property whose personal property taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. (To this list the tax collector shall append his statement under oath that he has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection, and he shall report such other information concerning these taxpayers as may be of interest to or required by the governing body, including a report of his efforts to make collection outside the taxing unit under the provisions of G.S. 105-364.) The governing body of the taxing unit may publish this list in any newspaper in the taxing unit. The cost of publishing this list shall be paid by the taxing unit.
- (2) Insolvents. – Upon receiving the report required by subdivision (a)(1), above the governing body of the taxing unit shall enter upon its minutes the names of persons owing taxes (but who listed no real property) whom it finds to be insolvent, and it shall by resolution designate the list entered in its minutes as the insolvent list to be credited to the tax collector in his settlement.
- (3) Settlement for Current Taxes. – After July 1 and before he is charged with taxes for the current fiscal year, the tax collector shall make full settlement with the governing body of the taxing unit for all taxes in his hands for collection for the preceding fiscal year.
  - a. In the settlement the tax collector shall be charged with:
    1. The total amount of all taxes in his hands for collection for the year, including amounts originally charged to him and all amounts subsequently charged on account of discoveries;
    2. All penalties, interest, and costs collected by him in connection with taxes for the current year; and
    3. All other sums collected by him.
  - b. The tax collector shall be credited with:
    1. All sums representing taxes for the year deposited by him to the credit of the taxing unit or received for by a proper official of the unit;
    2. Releases duly allowed by the governing body;
    3. The principal amount of taxes constituting liens on real property;
    4. The principal amount of taxes included in the insolvent list determined in accordance with subdivision (a)(2), above;
    5. Discounts allowed by law;

6. Commissions (if any) lawfully payable to the tax collector as compensation; and
7. The principal amount of taxes for any assessment appealed to the Property Tax Commission when the appeal has not been finally adjudicated.

The tax collector shall be liable on his bond for both honesty and faithful performance of duty; for any deficiencies; and, in addition, for all criminal penalties provided by law.

The settlement, together with the action of the governing body with respect thereto, shall be entered in full upon the minutes of the governing body.

- (4) Disposition of Tax Receipts after Settlement. – Uncollected taxes allowed as credits in the settlement prescribed in subdivision (a)(3), above, whether represented by tax liens held by the taxing unit or included in the list of insolvents, shall, for purposes of collection, be recharged to the tax collector or charged to some other person designated by the governing body of the taxing unit under statutory authority. The person charged with uncollected taxes shall:
  - a. Give bond satisfactory to the governing body;
  - b. Receive the tax receipts and tax records representing the uncollected taxes;
  - c. Have and exercise all powers and duties conferred or imposed by law upon tax collectors; and
  - d. Receive compensation as determined by the governing body.

(b) Settlements for Delinquent Taxes. – Annually, at the time prescribed for the settlement provided in subdivision (a)(3), above, all persons having in their hands for collection any taxes for years prior to the year involved in the settlement shall settle with the governing body of the taxing unit for collections made on each such year's taxes. The settlement for the taxes for prior years shall be made in whatever form is satisfactory to the chief accounting officer and the governing body of the taxing unit, and it shall be entered in full upon the minutes of the governing body.

(c) Settlement at End of Term. – Whenever any tax collector fails to succeed himself at the end of his term of office, he shall, on the last business day of his term, make full and complete settlement for all taxes (current or delinquent) in his hands and deliver the tax records, tax receipts, tax sale certificates, and accounts to his successor in office. The settlement shall be made in whatever form is satisfactory to the chief accounting officer and the governing body of the taxing unit, and it shall be entered in full upon the minutes of the governing body.

(d) Settlement upon Vacancy during Term. – When a tax collector voluntarily resigns, he shall, upon his last day in office, make full settlement (in the manner provided in subsection (c), above) for all taxes in his hands for collection. In default of such a settlement, or in case of a vacancy occurring during a term for any reason, it shall be the duty of the chief accounting officer or, in the discretion of the governing body, of some other qualified person appointed by it immediately to prepare and submit to the governing body a report in the nature of a settlement made on behalf of the former tax collector. The report, together with the governing body's action with respect thereto, shall be entered in full upon the minutes of the governing body. Whenever a settlement must be made in behalf of a former tax collector, as provided in this subsection (d),

the governing body may deliver the tax receipts, tax records, and tax sale certificates to a successor collector immediately upon the occurrence of the vacancy, or it may make whatever temporary arrangements for the collection of taxes as may be expedient, but in no event shall any person be permitted to collect taxes until he has given bond satisfactory to the governing body.

(e) Effect of Approval of Settlement. – Approval of any settlement by the governing body does not relieve the tax collector or his bondsmen of liability for any shortage actually existing at the time of the settlement and thereafter discovered; nor does it relieve the collector of any criminal liability.

(f) Penalties. – In addition to any other civil or criminal penalties provided by law, any member of a governing body of a taxing unit, tax collector, or chief accounting officer who fails to perform any duty imposed upon him by this section shall be guilty of a Class 1 misdemeanor.

(g) Relief from Collecting Insolvents. – The governing body of any taxing unit may, in its discretion, relieve the tax collector of the charge of taxes owed by persons on the insolvent list that are five or more years past due when it appears to the governing body that such taxes are uncollectible.

(h) Relief from Collecting Taxes on Classified Motor Vehicles. The board of county commissioners may, in its discretion, relieve the tax collector of the charge of taxes on classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) that are one year or more past due when it appears to the board that the taxes are uncollectible. This relief, when granted, shall include municipal and special district taxes charged to the collector. (1939, c. 310, s. 1719; 1945, c. 635; 1947, c. 484, ss. 3, 4; 1951, c. 300, s. 1; c. 1036, s. 1; 1953, c. 176, s. 2; 1955, c. 908; 1967, c. 705, s. 1; 1971, c. 806, s. 1; 1983, c. 670, s. 22; c. 808, ss. 5-7; 1987, c. 16; 1991, c. 624, s. 3; 1991 (Reg. Sess., 1992), c. 961, s. 10; 1993, c. 539, s. 726; 1994, Ex. Sess., c. 24, s. 14(c); 1997-456, s. 27; 2006-30, s. 7.)

# Memorandum

**To:** Yancey County Board of Commissioners  
**From:** Fonda Thomas, Tax Collector  
**Date:** March 01, 2011  
**Re:** 2010 Settlement of Taxes

---

As required by G.S. 105-373, I present the Settlement of Taxes for Fiscal 10-11

<u>Billed</u>	<u>Net Collected</u>	<u>% Collected</u>	<u>% Uncollected</u>
\$11,156,153.82	\$9,725,934.90	87.18%	12.82%

# Memorandum

**To:** Yancey County Board of Commissioners  
**From:** Fonda Thomas, Tax Collector  
**Date:** March 01, 2011  
**Re:** Prior Years (1994-1999) Taxes Deemed as Insolvents

---

As required by G.S. 105-373(a) (2), I present this listing of prior years taxes deemed insolvent.

<u>Year</u>	<u>Uncollected</u>
1994-1999	\$384,627.59

# Memorandum

**To:** Yancey County Board of Commissioners  
**From:** Fonda Thomas, Tax Collector  
**Date:** March 01, 2011  
**Re:** Prior Years (1994-1999) Taxes Deemed as Insolvents

---

As required by G.S. 105-373(a) (2), I present this listing of prior years taxes deemed insolvent.

<u>TYPE OF TAXES</u>	<u>UNCOLLECTED</u>
BUSINESS & PERSONAL	\$ 54,855.75
REAL	\$ 23,423.74
VEHICLE	\$ 306,348.10
TOTAL	<u>\$ 384,627.59</u>

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## RESOLUTION

### ***Request Local Delegation Representing Yancey County in the North Carolina General Assembly to Add Yancey County to House Bill 68***

***“SHORT TITLE: TAX CERTIFICATION – Add Counties”  
“An Act to Authorize...Yancey County to Require the Payment of  
Delinquent Property Taxes Before Recording Deeds Conveying Property”***

**WHEREAS**, the Yancey County Board of Commissioners has the responsibility to adopt and manage a budget to provide a number of essential programs and services; and

**WHEREAS**, the Yancey County Board of County Commissioners depends on the revenue received from ad valorem tax collection to fund the fiscal needs of county government; and

**WHEREAS**, Yancey County is owed a large sum in delinquent property taxes and the Board of Commissioners and the Yancey County Tax Collector desire to increase the collection of these delinquent property taxes owed to Yancey County; and

**WHEREAS**, an essential tool to collect delinquent taxes is to require payment of those taxes before that property is conveyed to a new owner; and

**WHEREAS**, the authorization to require payment of delinquent taxes prior to recordation by the register of deeds is provided to the Board of Commissioners of counties included the provisions of N.C.G.S. §161-31; and

**WHEREAS**, House Bill 68, “A Bill to be Entitled an Act to Authorize Brunswick County to Require Payment of Delinquent Property Taxes Before Recording Deeds Conveying Property,” has been filed and introduced in the current 2011-12 Session of the North Carolina General Assembly and action on said bill is pending therein.

***Continued on Page 2***

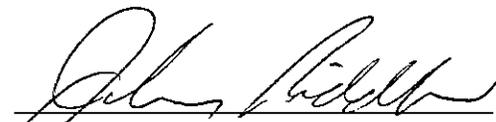
**NOW THEREFORE BE IT RESOLVED** by the Yancey County Board of County Commissioners that this Board does hereby request Yancey County's legislative delegation to the General Assembly of the Great State of North Carolina to consider the following:

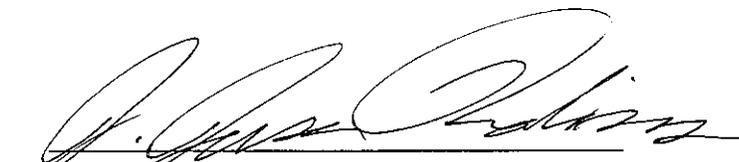
1. Introduce legislation to authorize Yancey County to require payment of delinquent property taxes before recording deeds conveying property, consistent with the provisions of N.C.G.S. § 161-31.
2. That N.C.G.S. § 161-31(b) be rewritten as pertaining to applicability of the statute to apply said sections to Yancey County, North Carolina.
3. Further, that such a bill to accomplish this request is currently pending before the House of Representatives, that being House Bill 68, and an amendment adding Yancey County thereto is respectfully be requested.
4. That this Resolution be effective upon its adoption.

**ADOPTED** unanimously this the 1<sup>st</sup> day of March, 2011 by the Yancey County Board of County Commissioners meeting in regular session.



SEAL

  
Johnny Riddle, Chairman  
Yancey County Board of Commissioners

  
J. Jason Robinson,  
Clerk to the Yancey County Board of Commissioners

# Attachment I



**Gary D. Blevins**  
*Chairman of the Board*

**Robert Johnson**  
*Vice-Chairman*

**Brenda Lyerly**  
*Secretary*

**Bill Winkler**  
*Treasurer*

**Rick Herndon**  
*Executive Director*

February 7, 2011

Jason Robinson  
Clerk to the Board  
Yancey County Courthouse  
Burnsville, NC 28714

Dear Mr. Robinson:

Nina Hughes has indicated her willingness to be appointed for a one-year term to the Yancey County Community Advisory Committee for Long Term Care. Currently, one vacancy exists on the committee. I have enclosed an updated committee roster for your information.

Please submit Ms. Hughe's name to the Commissioners for their consideration and let me know their decision at your earliest convenience. Ms. Hughe's nomination form is enclosed. If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Alex Jernigan  
Regional Ombudsman

Enclosure

468 New Market Blvd.  
Boone, NC 28607

Phone: 828-265-5434  
Fax: 828-265-5439  
TTY: 1-800-735-2962  
Voice: 1-800-735-8262

Web: [www.regiond.org](http://www.regiond.org)

RENOMINATION FORM

LONG TERM CARE  
COMMUNITY ADVISORY COMMITTEE

Nominee Background Information

Name: Nina Hughes

Home Address 1924 Bakers Creek Rd Phone (H) 284-4464  
Burnsville, NC Zip Code 28714

Business Address POB 546 Phone (W) 682-6011  
Burnsville, NC Zip Code 28714

Occupation VCCOA Adm. Asst.

Number of hours available per month for this position 2

Education H.S. Diploma; Various classes MCE; Ann Johnson  
Sen. Ctr. Mgmt. Certificate;

Business and civic experience and skills Accounting; Business Mgmt.; Served  
on WAMY BOB; VCHOME-HH; VCTA; CDBB; & others;

Areas of expertise and interest/skills work with the public, elderly, children;  
Music, Reading, Sports

THE FOLLOWING PERSONS ARE EXCLUDED BY LEGISLATION FROM SERVING ON THE COMMITTEE:

1. Persons or immediate family member of persons with a financial interest in a home served by a committee.
2. An employee or governing board member or immediate family member of an employee or governing board member of a home served by a committee. (A person paid by a home as a consultant is considered an employee).
3. The immediate family member of a patient in a home served by a committee. An "immediate family member" is defined as mother, father, sister, brother, spouse, child, grandmother, grandfather, and in-laws for the above.

I CERTIFY THAT NONE OF THE EXCLUSIONS LISTED ABOVE APPLY TO ME. I UNDERSTAND THAT I MUST NOTIFY THE OMBUDSMAN IMMEDIATELY IF MY SITUATION CHANGES WITH RESPECT TO THE ABOVE EXCLUSIONS.

Nina Hughes  
Signature of Applicant

2-2-11  
Date

Nomination form submitted by Alex Jernigan Regional LTC Ombudsman  
Name