

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
DECEMBER 17, 1997

The Henderson County Board of Commissioners met for a special called meeting at 8:00 a.m. in the Commissioners' Meeting Room of the County Office Building, 100 North King Street, Hendersonville.

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

Chairman Eklund called the meeting to order and thanked those present for coming out early to take care of business.

CLOSED SESSION


Commissioner Ward made the motion for the Board to go into Closed Session as allowed under NCGS 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. All voted in favor and the motion carried.

Chairman Eklund made the motion for the Board to go out of Closed Session and adjourn. All voted in favor and the motion carried.

No Action was taken following Closed Session.

ATTEST:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
DECEMBER 17, 1997

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director J. Carey McLelland, Planning Director Matt Matteson and Assistant Staff Attorney Jennifer O. Jackson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Hawkins led the Pledge of Allegiance to the American Flag.

INVOCATION

S. Dean Turbeville, Minister of First Presbyterian Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Ward added one item to Staff Report "D" which was Deferred Compensation Contribution - he wished to discuss "Retirement for County Employees".

Commissioner Ward added one item to "H" as #5 "County Manager update of E-911 routing".

Commissioner Ward added one item to "H" as #6 "WCCA joint meeting".

It was the consensus of the Board to approve the adjusted agenda.

INFORMAL PUBLIC COMMENTS

1. Dutch Burdette - Mr. Burdette spoke regarding the hiring of the new Assistant Director in Recreation and the hiring freeze of new county personnel.

2. Lewis Staton - Mr. Staton spoke regarding a zoning matter adjacent to him, on Crest Road in East Flat Rock. Pleasant Place is a new subdivision under construction, off Oak Grove Road in East Flat Rock. He requested the Board review their procedures and actions in issuing zoning and building permits for group homes in compliance with NCGS 168, Article 3. He also requested the Board exercise their statutory authority and refuse to issue any further building permit for the construction of any additional family care home in Pleasant Place or on any property within a half mile radius of Pleasant Place, as empowered by NCGS 168-22.

3. Bryan Aleksich - Mr. Aleksich spoke regarding three agenda items:

#1. County's Mission Statement - He asked the Board to think about this from a legal structural standpoint. The Board of Commissioners works for the citizens. The citizens should be allowed to have input in the Mission Statement.

#2. Sales Tax Resolution - He asked the Board to consider just how much money has been provided for government schools (K-12) in just this past year.

#3. Kimberly Clark expansion - He spoke against the "gift" of \$250,000 to Kimberly Clark from the tax payers.

CONSENT AGENDA

Commissioner Hawkins made the motion to accept the Consent Agenda as corrected by hand outs. All voted in favor and the motion carried.

CONSENT AGENDA INCLUDED THE FOLLOWING:

Review/approval of Minutes - Minutes were presented for review and approval of the following meetings: May 16, 1996; August 30, 1996; November 7, 1996; November 15, 1996; June 18, 1997; August 18, 1997 and October 7, 1997.

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Notification of Vacancies - The Board was notified of the following vacancies which will appear under "nominations" on the next agenda:

1. Solid Waste Advisory Committee (SWAC) - 1 vac.
2. Asheville, Buncombe, Henderson Water Authority - 2 vac.

Road Petitions - The Board had received two road petitions for addition to the State Maintenance System:

1. Granny Apple Road
2. High Peak Road

It is the practice of this Board to accept road petitions and forward them to NC Dept. Of Transportation for their review.

Tax Releases - A list of 77 tax release requests was submitted for review and approval by the Board of Commissioners.

Tax Refunds - A list of 10 tax refund requests was submitted for review and approval by the Board of Commissioners.

NOMINATIONS

Chairman Eklund reminded the Board of the following vacancies and opened the floor to nominations:

Nursing/Adult Care Home Community Advisory Committee - 4 vac.

Rev. Martha Sachs was nominated at the last meeting. Commissioner Kumor made the motion to appoint Rev. Sachs. All voted in favor and the motion carried.

Mountain Area Workforce Development Board - 1 vac.

Bob Williford from the Chamber of Commerce recommended Gordon DeMarco (Something Special) for appointment. Chairman Eklund nominated Gordon DeMarco. Commissioner Ward made the motion to suspend the rules and appoint Gordon DeMarco. All voted in favor and the motion carried.

Criminal Justice Partnership Board - 1 vac.

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

Henderson County Zoning Board of Adjustment - 2 vac.

At the Nov. 19 meeting, Commissioner Hawkins nominated Gwen Thornburg for reappointment (Haywood District). At the Dec. 1

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meeting, Commissioner Kumor nominated Debra Stierwalt for reappointment (Lake Summit District).

Commissioner Kumor made the motion to appoint Gwen Thornburg and Debra Stierwalt. All voted in favor and the motion carried.

Library Board of Trustees - 1 vac.

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

Henderson County Travel & Tourism Committee - 4 vac.

Commissioner Kumor nominated Mr. Moyer for reappointment. Commissioner Ward nominated Myra Woods. Commissioner Good nominated Renee Kumor. Chairman Eklund nominated Dennis Page. Commissioner Hawkins nominated Don Ward.

A vote was taken on Commissioner Kumor or Commissioner Ward representing the Board of Commissioners on the Travel & Tourism Committee. A vote was taken on Commissioner Kumor as follows: Commissioner Good voted aye. A vote was taken on Commissioner Ward as follows: Ayes - Commissioner Hawkins, Commissioner Good and Chairman Eklund.

Commissioner Good made the motion to appoint Moyer, Woods, and Page. All voted in favor and the motion carried.

Long Range Planning Committee - 2 vac.

Chairman Eklund volunteered to serve. Bill Moyer has stated he will serve as Chairman of the Planning Board. Commissioner Hawkins nominated Eklund and Moyer. Commissioner Ward made the motion to suspend the rules and appoint Bob Eklund and Bill Moyer. All voted in favor and the motion carried.

Laurel Park Board of Adjustment - 1 vac.

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

Blue Ribbon Committee - 2 vac.

Commissioner Ward nominated Bob Eklund and Selena Coffey and motioned to suspend the rules and appoint both. All voted in favor and the motion carried.

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PUBLIC HEARING - To Consider Approving the Request of Kimberly-Clark for the Economic Incentive of Reimbursement of Construction Costs

Commissioner Hawkins made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Jennifer Jackson informed the board that this public hearing is required by NCGS 158-7.1 to consider the request of Kimberly-Clark Corporation, for assistance from Henderson County in the form of Economic Incentives.

Kimberly-Clark Corporation has requested Economic Incentives in exchange for the expansion of their facility located in Henderson County. Specifically, Kimberly-Clark has requested assistance in the amount of \$250,000.00 in reimbursement for construction costs associated with their facility expansion. The expansion will enable Kimberly-Clark to create and retain twenty (20) permanent full-time positions, at an hourly rate of \$13.88, that they would not otherwise have refilled.

Henderson County has advertised that the Henderson County Board of Commissioners would consider granting Economic Incentives to Kimberly-Clark consisting of reimbursement of construction costs in the amount of \$250,000.00 to be paid over a three year period. The draft agreement was reviewed.

Tim Painter, a representative from Kimberly-Clark, came forward to answer questions from the Board.

Public Input

There was none.

Commissioner Kumor made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

Commissioner Good made the motion to approve the request. All voted in favor and the motion carried.

PUBLIC HEARING - To Consider Renewal of Industrial Park Option

Commissioner Good made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

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Angela Skerrett reminded the Board that this public hearing was being held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1A, 2, 3, 3A, 4, 4A, 6, 7(revised), 7A, and two lots to be dedicated to NCDOT, for a total acreage purchased of 47.0131 acres at a price of \$1,099,697.20.

The current option will expire on December 31, 1997. If approved, this renewal will extend the option for another three month period to expire on March 31, 1998. The price to renew the option until March 31, 1998 will be the quarterly interest at the Nationsbank prime rate of interest determined as of December 10, 1997 on the unpaid portion of the purchase price of \$400,302.76. (The remaining acreage to be purchased includes Lot 5 and Lot 5A 22.3709 acres). Nationsbank prime rate December 10, 1997 was 8.50%, which would put the option payment at \$8,506.41.

The payment to renew the option for an additional three month term is due on December 20, 1997.

Public Input

There was none.

Commissioner Kumor made the motion for the Board to close the Public Hearing. All voted in favor and the motion carried.

Commissioner Kumor made the motion to approve the renewal of the Option. A vote was taken and the motion carried four to one with Commissioner Ward voting nay.

APPLICATION FOR REDUCED SEWER RATES

David Nicholson reminded the Board that it had requested staff to develop a reduced sewer rate schedule for individuals who qualify for Homestead Property Tax Exemption. In order to qualify for these reduced rates in either the Mud Creek or Cane Creek Water and Sewer Districts, a person must be at least 65 years old or permanently disabled and have an income for the preceding year of

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no more than \$15,000. These are the same standards as that for the property tax exemption. We will only require an application from persons who meet the eligibility criteria but do not own the property.

The reduced rates are similar to our previous sewer charges. These rates will only apply to a small number of users who meet the requirements. The Assessor's Office can provide us with the current property owners who currently qualify for the exemption in each district. However, this new rate schedule would also apply to renters. The Utilities Department will contact our sewer system users concerning their eligibility.

The proposed rate charts and examples of usage were presented for the Board's review. The proposed rate reduction covers both the 2,000 gallon minimum and the overage or variable amount. This would become effective January 1, 1998.

Commissioner Ward made the motion that the Board approve application for reduced sewer rates. All voted in favor and the motion carried.

REPORT ON SALES TAX REVENUE IMPACT FROM MUNICIPAL ANNEXATION OR INCORPORATION

Carey McLelland reminded the Board that annexation or incorporation by municipalities in the County has a negative impact on the amount of sales tax revenues the County will have available in future budgets. Sales tax revenues are distributed to Henderson County quarterly by the NC Department of Revenue on a per capita basis. When a municipality incorporates or annexes an unincorporated area within the County, this reduces the per capita percentage allocation distributed to the County and increases that which is distributed to the city or town. However, this reduction does not take effect immediately. The population numbers are adjusted at the beginning of each fiscal year based on annexations or incorporations that took place during the preceding fiscal year.

Fiscal Year 1995-96 was the largest reduction in sales tax revenues for the County in the most recent past. The Village of Flat Rock incorporated (1,778 persons) and the City of Hendersonville annexed unincorporated property (1,287 persons) prior to June 30,

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1995. This resulted in a loss of \$429,023 in sales tax revenue per year distributed to Henderson County during FY 1995-96.

No annexations or incorporations by municipalities occurred which significantly affected sales tax revenues during FY 1996-97.

At June 30, 1997, the Town of Laurel Park annexed unincorporated property (336 persons). The projected loss due to this annexation is \$51,507 per year. This loss was factored into sales tax revenue projections for the County's FY 1997-98 budget.

The City of Hendersonville, the Town of Fletcher, and the Town of Laurel Park are all considering further annexations during FY 1997-98 that may affect sales tax revenue projections for the FY 1998-99 budget. There is not enough information available at this time to determine if these municipalities will annex other areas or the population numbers that will be affected.

The Board was provided with information on past and proposed annexations by the City of Hendersonville and the Towns of Fletcher and Laurel Park.

Following much discussion, it was the consensus of the Board to ask legislators to study the annexation laws.

ADULT ESTABLISHMENTS

Jennifer Jackson reminded the Board that at the December 1 meeting the Board inquired into the issue of adult establishments and asked Staff to provide the Board with information pertaining to that issue at this meeting.

Ms. Jackson gave an overview of the legal and practical issues pertaining to regulation of adult establishments and asked for direction from the Board.

Commissioner Hawkins made a motion to direct Staff to look at a county-wide ordinance and for the Board to set a Public Hearing in January. All voted in favor and the motion carried. Staff will draft a moratorium for the first meeting in January.

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DEFERRED COMPENSATION CONTRIBUTION

The Board of Commissioners had requested that Staff review the program options to make a 2% contribution to a deferred compensation program. Staff has met with several companies that provide this type of program. Under current Federal legislation, there are a number of different programs that offer this type of employee benefit. It was Staff's recommendation that the Board utilize the two programs already in existence for employees. These programs are NACo's 457 Deferred Compensation Program and BB&T's Law Enforcement Program. Both of these programs are familiar and well accepted by our employees and offer numerous investment options.

In establishing this program, there are several decisions that the Board must make. Mr. Nicholson outlined the questions as follows:

1. **Should this be a matching program?** For example, to receive the County's 2%, the employee must provide a similar match.
2. **Should Law Enforcement receive this benefit?** State Law currently requires local governments to contribute 5% to a 401K plan for certified law enforcement officers. This provides these officers with an additional benefit.
3. **Should there be a waiting period associated with this program? Should this contribution begin immediately or after their probationary period or some other time period?**

Mr. Nicholson stated that once these questions are resolved, we can begin to offer this program immediately.

The Board discussed the above questions and by consensus agreed to the following answers:

1. Yes.
2. Yes, on a matching basis.
3. 1 year wait, 2% after first year. 5 yrs. = vested.

The Commissioners were also interested in revisiting the issue of Retirement for county employees.

Commissioner Ward requested a cost analysis of a supplement to Medicare for county employees regarding retirement. Mr. Nicholson

stated that this had been presented to the Board earlier. Staff will research and bring the information on this item back before the Board. The Board would also like information on what other counties do and what local industry does.

ADVERTISING OF FORECLOSED PROPERTY

David Nicholson reminded the Board that in December of 1992, the Board of Commissioners approved a policy concerning the sale of foreclosed property. This policy called for a fee of \$75.00 to cover the required advertising costs. This fee has not been raised since the policy was originally adopted and does not cover the current cost of advertising.

Staff recommended that this fee be raised to \$120.00 per advertising. This amount will cover our cost for this legal advertisement.

Commissioner Kumor made the motion to approve the recommendation. All voted in favor and the motion carried.

LANDFILL FEES/PER BAG

Mr. Nicholson stated that we currently charge a per bag fee for bagged household waste for persons bringing their waste directly to the Landfill. This charge was not raised by the Board when the tipping fee was set last month. The Solid Waste Advisory Committee has recommended the following charges:

<u>Current</u>	<u>Proposed</u>
\$2.25 for the first 5 bags	\$4.00 for the first 5 bags
.50 for additional bags	.75 for additional bags

Mr. Nicholson stated that these fees are based on the same percentage growth as the tipping fee.

Questions were raised about recycling and bringing solid waste for disposal also. There was a question raised about whether we could get blue bags for recyclables. A commissioner stated that under the current program, it is being abused. People will only try to abuse it more as rates increase.

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Commissioner Hawkins made the motion to increase the fees as discussed and to refer the questions to the Solid Waste Advisory Committee (SWAC). All voted in favor and the motion carried.

CONSTRUCTION/RENOVATION BIDS ON HISTORIC COURTHOUSE

David Nicholson informed the Board that on December 9, 1997, Henderson County and representatives of Grier-Fripp Architects received both multi-prime and single-prime bids for the construction/renovation of the Historic Courthouse. Bids were opened for the mechanical, electrical and plumbing trades. Our architects did not open the general contractor bids because they did not believe that we had received the required number of bids. The bid tabulation sheets were reviewed.

Staff recommended that the Board reject all bids on this project and authorize staff to rebid the entire project. A number of contractors indicated that the time frame for submitting bids was not long enough due to the holidays schedule.

The rejection and re-advertising of the project will not delay the project as the Local Government Commission has not approved the financing. This is expected to be approved in January of 1998.

Mr. Nicholson stated it would be appropriate for the Board to reject all bids and authorize the re-advertising of this project.

Commissioner Hawkins made the motion to reject all bids and authorize re-advertising of this project. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Sales Tax Resolution

Following discussion, the Board directed Staff to draft a Resolution regarding a state-wide 1 cent tax to benefit schools.

Mission Statement

Commissioner Hawkins offered a revised version of the County Mission Statement and suggested a workshop in the near future for the Board to discuss revision of the Mission Statement.

Pardee Hospital

Commissioner Kumor brought some questions from the Hospital Board meeting. The Hospital Trustees are eager to meet with the Board of Commissioners to discuss some issues as follows:

- ▶ Composition of Board
- ▶ Term limit - 2 x 3 years
- ▶ Time commitment
- ▶ Conflict of interest
- ▶ Resolution changes (internal document):
Small community hospital definition
Pardee as a partnership
County review for a period of time

They were also unhappy with having to pay the charges for our attorney in this experience and challenged his credentials.

The Board had much discussion:

- ▶ A 15 year lease was discussed with a 5 year notice period.
- ▶ It was the consensus of the Board that two three year terms were sufficient.
- ▶ There was discussion regarding one active member of the Medical Staff to serve on the Governing Body as well as discussion regarding a Health Care Provider to serve on that Board.
- ▶ Response to the Hospital Board regarding expenses for our attorney, so noted.
- ▶ Would the County be placing the Hospital in jeopardy of losing it's tax exempt status?

Ms. Skerrett stated that the conveyance must be approved by the County by Resolution after giving ten days prior notice by publication of the County's intent to approve it. She recommended that today the Board authorize Staff to publish a notice that the Board intends to adopt the Resolution, then readopt the Resolution after giving the public ten days to comply with that procedural requirement.

It was the consensus of the Board for the Chairman to send a letter to the Chairman of the Hospital Board of Trustees informing them of the decisions the Commissioners have reached and to ask if they still wish to meet with the Commissioners.

Update on E-911 routing

Commissioner Ward had been approached by several mail carriers regarding the change of addresses county-wide.

David Nicholson reminded the Board that the Assessor's Office has been working on the renumbering of roads in Henderson County. As part of that process, they have found over 2,000 roads in Henderson County which will have to be named. The County has been trying to coordinate this with the new area code numbers and any additional zip codes the post office is considering so that those things and the numbering would happen relatively close together so that people would only have to change their address, stationary, etc. one time.

In March of 1998, Mr. Baird's office will be presenting maps to the Post Office with the new Road Names and the numbering sequence. The Post Office will be asked to assign the zip plus four to all the new addresses.

When the Board last saw this project, they responded yes to go ahead and proceed with the project but also the Board wanted to see what kind of public education program would be presented to the citizens so they would clearly understand why this is being done. Mr. Baird plans to be at the mid-month meeting in January to make a presentation to the Board so the Board will clearly understand the process. Public education is the most important step in this process.

WCCA - Western Carolina Community Action

Commissioner Ward stated that a couple of the WCCA Board members had informed him that they had never received a letter to the WCCA Board from the Board of Commissioners requesting a joint meeting.

Chairman Eklund stated that he would send a letter.

Commissioners on Boards/Committees

The Board reviewed the table of Boards and Committees that Commissioners serve on, left some as is and made some changes as follows:

COMMISSIONERS ON BOARDS/COMMITTEES

Boards/Committees Board of Commissioners Currently are on	N.C.G.S.	Other	By- Laws	Not Required	Current ly Serving	Changes
Agriculture Advisory Board				X	Don Ward	same
ABHWA				X	Vollie Good	JAN.
CJPA	143B- 273.10(a)(1)				Renee Kumor	same
Board of Health	130A-35				Vollie Good	same
Hospital Board of Trustees				X	Renee Kumor attending now	Later
Library Board of Trustees			X		Don Ward	Vollie Good
LEPC	U.S.C.A. 42- 11001 [©]				Grady Hawkins Don Ward	same
Multipurpose Center Steering Committee				X	Bob Eklund	same
Recreation Committee			X		Don Ward, BOC Representative	same
Travel & Tourism Committee				X	Renee Kumor	Don Ward
Trend Board	122C-118				Bob Eklund	same
Henderson County Regional Water Forum				X	Don Ward	same
Welfare Reform Committee	108A-27.3 [©]				Grady Hawkins	same

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COMMISSIONERS ON BOARDS/COMMITTEES						
7th Avenue Historic District				X	Renee Kumor	same
Land-of-Sky Regional Council				X	Vollie Good	Renee Kumor
Jail Committee				X	Renee Kumor Bob Eklund	same
Long Range Planning Committee				X	Bob Eklund	same
Blue Ribbon Committee				X	Bob Eklund	same
Transportation Committee				X	Bob Eklund	same

JAN.= Term expires in December so new appointment will be addressed about January.

Later = This will be addressed when appointments are made to the new Hospital Board.

IMPORTANT DATES

Commissioner Hawkins asked that the Washington, D.C. NACo Legislative Conference be added to the calendar, February 27 through March 3, 1998.

REQUEST FOR REZONING ON ALLEN ROAD (R-20 to T-15)

Application #R-04-97 by Phillip Bruce Cole

On December 1, 1997, the Board of commissioners held a Public Hearing on an application (#R-04-97) to amend the Official Zoning Map of Henderson County submitted by Mr. Phillip B. Cole. Mr. Cole has requested that the County rezone a 6.15 acre parcel located on Allen Road in East Flat Rock from an R-20 (low density residential) district to a T-15 (medium density residential with manufactured homes) district.

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Mr. Nicholson stated that in consideration of the information and comments received to date, the Board of Commissioners may be ready to take action at this time.

Commissioner Ward made the motion to deny the request. A vote was taken and the motion carried four to one with Commissioner Good voting nay.

BASE SALARIES - Elected Officials

According to NCGS 153A-92(b)(2), the Board of Commissioners may only reduce the salaries of the county's elected officials no later than 14 days before the end of the filing period. Four years ago, the Board set a base salary for the positions of the Sheriff, Register of Deeds and Tax Collector. The filing fee for these positions is predicated on this base salary. Following the 1994 election, the Board set the salary for these individuals based upon their experience and qualifications.

Mr. Nicholson stated that Staff has developed charts for each of these three positions based on the ten counties that are nearest to our population. These charts reference the surveyed counties population, current actual salary and years of service to their communities. Based on years of service with Henderson County, we then calculated the elected official's beginning salary on Henderson County's pay scale. The base salaries for these positions based on this computation are as follows:

Sheriff	\$52,424
Register of Deeds	\$38,305
Tax Collector	\$43,089

Mr. Nicholson stated that if the Board wishes to again consider establishing a base salary for these positions, they should consider adopting the prepared Resolutions submitted for review.

Commissioner Hawkins made the motion to approve the salaries as above. All voted in favor and the motion carried.

TO SET PUBLIC HEARING ON COUNTY-WIDE TOWER ORDINANCE

Mr. Nicholson stated that due to the cancellation of the Board of Commissioners' meeting on Monday, December 8, 1997, it is necessary for the Board to set another public hearing on the proposed county-wide tower ordinance, a copy of which was previously provided to the Board.

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The Planning Board comments, the minority position report from the Telecommunications Task Force, and Staff comments were presented for the Board's review, as well as a summary of those comments.

Mr. Nicholson reminded the Board that they have adopted a moratorium concerning telecommunications towers which will remain in effect until midnight of March 4, 1998.

Staff recommended that the Board set a Public Hearing for the county-wide tower ordinance and, if desired, schedule a work session to discuss the ordinance, the changes proposed and the public input.

Commissioner Hawkins made the motion to adopt an order setting the Public Hearing for January 8 at 7:00 p.m.

OFFER TO PURCHASE LOT 5A OF APPLELAND BUSINESS PARK

Jennifer Jackson informed the Board that Henderson County has received an Offer to Purchase for the sale of Lot 5A of Appleland Business Park. The Offer was received from the Margaret D. McKibbin Revocable Trust and, as the Board authorized in its November 19 meeting, has been advertised as required by NCGS 160A-269. The published Notice of Offer, the Offer (which is attached to the draft Resolution as Exhibit 1) and NCGS 160A-269 were reviewed.

The Notice of Offer was published on November 24, 1997. More than ten (10) days have elapsed since the publication and no increased bids have been received.

It would be appropriate for the Board to consider accepting the Offer as the final offer on Lot 5A of Appleland Business Park.

Depending on the Board's wishes with regard to future renewals of the option on the remaining property in Appleland Business Park, Staff suggested that if the Board wishes to consider accepting the Offer as the final offer on Lot 5A of Appleland Business Park, the Board also consider setting a closing date of no later than March 9, 1998, with time being of the essence. This will provide for the sale of Lot 5A without having to renew the option again as to Lot

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5A. The Board had previously put this property out for sealed bid with extensive advertising but did not receive any bids.

Ms. Jackson stated that Board action to accept or reject the Offer as the final offer on the property at this meeting would be appropriate with or without a closing date limitation. Ms. Jackson recommended an outside closing date of March 19, 1998. A draft Resolution, with attachments, was presented for the Board's consideration.

Commissioner Hawkins made the motion to accept the Offer as the final offer on Lot 5A with March 19, 1998 as an outside closing date. All voted in favor and the motion carried.

SOLID WASTE ORDINANCE AMENDMENTS

Nippy Page reminded the Board that several minor changes must be made to the Solid Waste Ordinance due to the operation of the Transfer Station beginning in January, 1998. The amendments were presented to the Board at the December 1, 1997 meeting. The Solid Waste Advisory Committee has reviewed these changes and recommended the amendments to the Board of Commissioners for adoption.

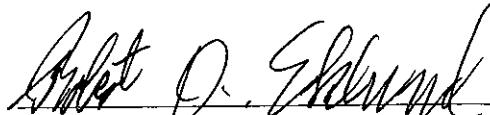
A copy of the Solid Waste Ordinance was presented to each Board member with the changes highlighted.

Following discussion, Commissioner Hawkins made the motion to accept the amendments as presented. All voted in favor and the motion carried.

There being no further business to come before the Board, Commissioner Hawkins made the motion to adjourn. All voted in favor and the motion carried.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, Henderson County owns on option on that certain real property known as Lot 5A of Appleland Business Park, Henderson County Registry, North Carolina, which consists of a +/- 6.00 acre unimproved tract that is restricted to office and institutional use, said Lot 5A being shown on that map attached to the Offer, referenced hereinbelow, as Exhibit B and hereinafter referred to as "Lot 5A"; and

WHEREAS, the Henderson County Board of Commissioners has received an Offer to Purchase and Contract on said Lot 5A from the Margaret D. McKibbin Revocable Trust indicating an offered purchase price of \$195,000.00, a copy of said Offer being attached hereto as Exhibit 1; and

WHEREAS, pursuant to N.C.G.S. 160A-269, a Notice of Offer was advertised in the Times-News on November 24, 1997, and more than ten days have passed without Henderson County receiving any upset bids of Lot 5A; and

WHEREAS, the Henderson County Board of Commissioners is desirous of exercising its option, declaring Lot 5A as surplus property, and selling Lot 5A pursuant to N.C.G.S. 160A-269, so as to return said Lot 5A to the tax rolls;

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

1. The Offer to Purchase and Contract received by Henderson County from the Margaret D. McKibbin Revocable Trust, said Offer is hereby accepted as the final offer on Lot 5A, subject to the terms and conditions of said Offer and the terms and conditions of this Resolution.
2. The Chairman of the Board of Commissioners, County Attorney, Clerk to the Board, County Manager, Assistant County Manager/Staff Attorney, and Assistant Staff Attorney are hereby authorized and directed to take such further actions as may be necessary to exercise Henderson County's option to purchase Lot 5A of Appleland Business Park and purchase Lot 5A from Cynthia Whitted on or before March 19, 1998. Upon Henderson County's purchase of Lot 5A of Appleland Business Park, said Lot 5A is hereby declared to be surplus property and the same shall be sold in accordance with the terms and conditions of the Offer and the terms and conditions of this Resolution. The closing on the sale of Lot 5A shall occur not later than March 19, 1998. Time shall be of the essence with respect to all matters contained herein and in the Offer.

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3. The Chairman of the Board of Commissioners, County Attorney, Clerk to the Board, County Manager, Assistant County Manager/Staff Attorney, and Assistant Staff Attorney are hereby authorized and directed to take such further actions as may be necessary to close the sale of Lot 5A in accordance with the terms and conditions of the Offer and the intent of this Resolution.

THIS the 17th day of December, 1997.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

Robert D. Eklund
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk to the Board

[COUNTY SEAL]

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, the Henderson County Board of Commissioners has the authority to reduce the salary, allowances or any other compensation for the Register of Deeds' position during the year of a general election pursuant to North Carolina General Statutes (NCGS) 153A-92 (b) (2); and

WHEREAS, under NCGS 153A-92 (b) (2), the Board of Commissioners must give notice by resolution of their intent to make the reduction no later than fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, calendar year 1998 is a year of general election, the period of which for filing notice of candidacy for the office of the Register of Deeds is 12:00 o'clock noon, January 2, 1998, through 12:00 o'clock noon, February 6, 1998; and

WHEREAS, The Board of Commissioners wishes to establish a base salary for the Register of Deeds to be effective for the 1998 calendar year general election at the time the person who is elected in the general election takes office;

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that the base salary for the Register of Deeds' Office shall be \$38,305 said base salary to take effect at the time the person elected to the office of the Register of Deeds in the 1998 general election takes office. Further the Register of Deeds shall be entitled to all other benefits currently in place for general County Employees in accordance with the Henderson County Personnel Resolution and any other County pay or benefits policies which may be existing now or in the future. The County Manager is directed to provide the Register of Deeds and the Board of Elections with copies of this Resolution.



Bob Eklund, Chairman
Henderson County Board of Commissioners

Attest:



Elizabeth W. Corn, Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

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CHAIRMAN
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VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

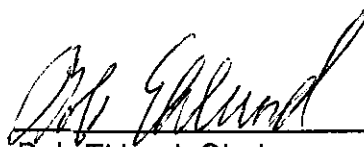
WHEREAS, the Henderson County Board of Commissioners has the authority to reduce the salary, allowances or any other compensation for the Tax Collector's position during the year of a general election pursuant to North Carolina General Statutes (NCGS) 153A-92 (b) (2); and

WHEREAS, under NCGS 153A-92 (b) (2), the Board of Commissioners must give notice by resolution of their intent to make the reduction no later than fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, calendar year 1998 is a year of general election, the period of which for filing notice of candidacy for the office of the Tax Collector is 12:00 o'clock noon, January 2, 1998, through 12:00 o'clock noon, February 6, 1998; and

WHEREAS, The Board of Commissioners wishes to establish a base salary for the Tax Collector to be effective for the 1998 calendar year general election at the time the person who is elected in the general election takes office;

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that the base salary for the Tax Collector's Office shall be \$43,089, said base salary to take effect at the time the person elected to the office of the Tax Collector in the 1998 general election takes office. Further the Tax Collector shall be entitled to all other benefits currently in place for general County Employees in accordance with the Henderson County Personnel Resolution and any other County pay or benefits policies which may be existing now or in the future. The County Manager is directed to provide the Tax Collector and the Board of Elections with copies of this Resolution.



Bob Eklund, Chairman
Henderson County Board of Commissioners

Attest:



Elizabeth W. Corn, Clerk to the Board

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
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BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, the Henderson County Board of Commissioners has the authority to reduce the salary, allowances or any other compensation for the Sheriff's position during the year of a general election pursuant to North Carolina General Statutes (NCGS) 153A-92 (b) (2); and

WHEREAS, under NCGS 153A-92 (b) (2), the Board of Commissioners must give notice by resolution of their intent to make the reduction no later than fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, calendar year 1998 is a year of general election, the period of which for filing notice of candidacy for the office of the Sheriff is 12:00 o'clock noon, January 2, 1998, through 12:00 o'clock noon, February 6, 1998; and

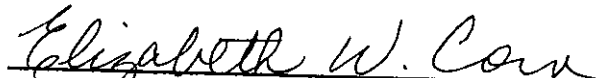
WHEREAS, The Board of Commissioners wishes to establish a base salary for the Sheriff to be effective for the 1998 calendar year general election at the time the person who is elected in the general election takes office;

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that the base salary for the Sheriff's Office shall be \$52,424, said base salary to take effect at the time the person elected to the office of the Sheriff in the 1998 general election takes office. Further the Sheriff shall be entitled to all other benefits currently in place for general County Employees in accordance with the Henderson County Personnel Resolution and any other County pay or benefits policies which may be existing now or in the future. The County Manager is directed to provide the Sheriff and the Board of Elections with copies of this Resolution.



Bob Eklund, Chairman
Henderson County Board of Commissioners

Attest:


Elizabeth W. Corn, Clerk to the Board

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REQUEST FOR BOARD ACTION**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: December 17, 1997

SUBJECT: Tax Releases

ATTACHMENTS: Release Requests

The enclosed release requests (77) 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.

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3278

Taxpayer Name Taxbill Total Reason
A R E ELECTRIC REPAIR 97A149621.10 \$47.06 FILED LISTING IN LIEU OF
ARBITRARY

ALBRITTON, JAMES N JR 97A0500009 \$10.13 TAGGED VEHICLE
ALBRITTON, GRACE G

ALBRITTON, JAMES N JR 97A8806967 \$81.22 DBLE LISTED #88-06967
ALBRITTON, GRACE G

APPEARANCES HAIR DESIGN 97A966666.01 \$110.36 AMENDED RETURN 12/9/97

BARKER HIS BIBLE CHURCH, IND & 97A9945033 \$16.51 EXEMPTION STATUS

BARNES, KENNETH 97A8807622 \$108.96 TT WAS TAGGED

BARNWELL, RANDY 97A8802110 \$10.80 OWNED & LISTED TO G. ORNELLAS
#190849

BARNWELL, RONALD GARY 97A8807077 \$100.97 SW WAS TRADED FOR DBLE WIDE

BAYNE, DARRYL BRENT 97A8807342 \$38.10 RELEASE 1997 KENT 14X60 MH
VALUE TOO HIGH

BAZZLE CARR & GASPERSOON P.A. 97A84686.01 \$346.69 FILED LISTING IN LIEU OF
ARBITRARY

BEETS, DAVE 97A8807599 \$115.26 VEHICLE IS TAGGED

BINGHAM, JIM 97A8807611 \$62.87 MOVED OUT OF PARK 2/1997
CURRENT NY TAG

BRAND, GEORGE 97A8807605 \$115.26 CURRENT TAG IN MICHIGAN

RELEASE/M.
12/09/97

COMMISSIONER'S REPORT 12/17/97
RELEASES

NEL REPORT
PAGE 2

Taxpayer Name Taxbill Total Reason

BRANTLEY BUILDERS INC 97A154214.02 \$61.32 FILED LISTING IN LIEU OF ARBITRARY

BURGESS, SAM 97A8807613 \$223.52 NO LONGER IN PARK. HAD TAG

BURKE, JACK 97A8807620 \$129.23 IT IS TAGGED

CABLE, THOMAS D 97A10080.01 \$29.85 VEHICLE IN BAD CONDITION

CAPPS, NOBLE HIGH 97A0600439.1 \$720.00 PARCEL BILLED BY BILL 97A0600439
CAPPS, NANCY LEE SP

CAPPS, NOBLE H 97A0600442.1 \$44.38 PARCEL BILLED BY 96A0600442
CAPPS, NANCY

CAPPS, NOBLE H 97A0600440.1 \$141.25 PARCEL BILLED FOR 97' BY 97A0600440
CAPPS, NANCY LEE

CARMILE, YVONNE ANITA 97A9988832 \$80.01 HEALTH DEPT. CONDEMNED.
PLUMBING REMOVED, 1-96.
STORAGE USE ONLY.

CHAMBLESS, YOUNG G 97A8801519 \$3.82 RELEASE FORCH/BILLED UNDER
ANOTHER ACCT

CHAPELEAR, ROBERT DALE 97A8807701 \$24.85 VLAUE OF MH TOO HIGH

CORN, DAVID D 97A8801289 \$24.37 WAS SOLD TO A. VENCES #115189

CORN, DAVID D 97A8801297 \$23.63 SOLD TO L KITCHEN #165524
CORN, MARTHA

COUCH, BILLY 97A8807860 \$50.49 TAGGED IN FLORIDA

3279

3280

Taxpayer Name	Taxbill	Total	Reason
DERMID, HARRY WALKER	97A9945841	\$16.51	DOT FROM MAPPED SHOULD HAVE BEEN FOR SP
DERMID, BRIGETTE			

EDNEYVILLE UNITED METHODIST CH 97A9954490 \$19.05 EXEMPT STATUS

FELDMAN, MICHAEL 97A0106701 \$125.00 ELDERLY EXEMPTION
FELDMAN, RONNA

FERGUSON, JAMES 97A8806595 \$127.83 MH BEING LISTED TO L.
FERGUSON #147689

FOX, EDWIN LEE 97A67618.07 \$10.02 SOLD 1967 VW

GAGNON, STANLEY 97A9947830 \$210.70 LISTED INCORRECTLY TO THIS
PRIOR OWNER. NOW IS REAL
AND OWNED BY JENSEN. 99-49916.

GIBBS, HARLEY A 97A8806780 \$58.37 VALUE OF 1996 MH TOO HIGH
GIBBS, JUDY B

GILLIAM, DANNY LEE 97A8800928 \$58.10 SOLD MH/NOW LOCATED IN SC

GUFFANTI, ALBERT W 97A9930802 \$18.42 AC RECONCILIATION ASSESS PER DEED
AC

HALL, ROBERT EDWARD 97A8804176 \$28.90 MH WAS SOLD BEFORE 1/1/97

HOOTS, GREGORY A 96A69089.01 \$4.66 SHOULD NOT HAVE BEEN LISTED
FOR 1996

HOUSTON, LYNDA 97A880471 \$16.73 TRANSFERRED & LISTED IN 1997
#163536

HUNTLEY, RONNIE & WIFE 97A0701163 \$29.62 CORRECT CLERICAL ERROR.
CORRECT MAPPING ERROR.
BLDG. ON WRONG PARCEL.

RELEASE M
12/09/97

COMMISSIONER
RELEASES
QRT 12/17/97

MFL REPORT
PAGE 4

Taxpayer Name Taxbill Total Reason

INGERSOLL, PAUL D 97A8805150 \$11.25 MH VALUE TOO HIGH
INGERSOLL, NANCY T

JOHNSON, DAVID P 97A8805103 \$109.19 MH HAS BEEN DISGARDED
JOHNSON, MARTHA C

JONES, BRADFORD 97A8806675 \$73.51 VALUE OF 1997 KENT TOO HIGH

JONES, ROBERT B & WIFE 97A8805789 \$23.43 PERSONAL PROPERTY WAS OWNED BY
BAPTIST STATE CONVENTION ON 1/1/97
NOT ROBERT JONES ETUX

JONES, ROBERT B & WIFE 97A8805790 \$68.77 PERSONAL PROPERTY WAS OWNED BY
BAPTIST STATE CONVENTION ON 1/1/97
NOT ROBERT JONES ETUX

LEWIS, GLENDA E 97A0701460 \$3.16 ACREAGE RECONCILIATION ASSESS BY
DEED ACRES 1.25

MANUAL WOOD-WORKERS 97A79063.05 \$345.44 AMENDED 1997 LISTING 11/24/97

MASHBURN, VERNIE B 97A8806880 \$140.53 MH LISTED & OWNED BY H. BALLARD
#177811

MATTHEWS, JOE 97A8906863 \$187.70 MH BELONGS TO T MESSER
#12666

NEWMAN, HARRY M 97A9957733 \$36.44 CORRECT CLERICAL ERROR.
NEWMAN, JESSIE M LAND CODE SHOULD BE A3%.
LOW, FLOOD PLAIN.

OSTEEN, DAVID 97A9950173 \$391.23 RELEASE DM BILL/SOLD TO
H KESSLER #155832

OWEN, CHARLES A 97A8806899 \$50.37 VALUE OF MH TOO HIGH

PAMPERED PALLET 96A97081.01 \$207.45 FILED AMENDED RETURN TO
NEGATE ARB ASSESSMENT

3281

3282

Taxpayer Name Taxbill Total Reason

PARRIS, DILLARD 97A8804296 \$29.27 MH UNDER 88-05447 DBLE LISTED

PARRIS, MARY CUTSHAW 97A8802689 \$130.63 PARRIS DOES NOT OWN OWNER IS WENDELL CAPPS

PETTIT, DONALD 97A8800122 \$18.42 CORRECT CLERICAL ERROR. BLDG. DIMENSIONS & SECTIONS WRONG.

PRICE, CHARLES L SR 97A8807721 \$108.62 MH IS OWNED BY J LAUGHTER #52807
 PRICE, CHERIE A

ROBINETTE, THEODORE D 97A8802391 \$1.27 DOES NOT OWN MH
 ROBINETTE, MITZIE D

ROBINETTE, THEODORE D 97A8801151 \$1.27 DOES NOT OWN MH
 ROBINETTE, MITZIE D

ROBINETTE, THEODORE D 97A8802329 \$23.06 MH SOLD TO J. FRANKLIN
 ROBINETTE, MITZIE D

ROHN, JAMES T & ADRIENNE J 97A8806391.1 \$105.22 RECEIVED 2 BILLS FOR SAME MH

ROLAND, BRUCE LEE 97A8805264 \$30.55 MH WAS TRADED IN 1996

SHEPPARD, JOHN 97A8806807 \$160.28 MH IS OWNED BY M. GILBERT #194438

SMITH, RALPH S 96A100909.07 \$101.72 MH WAS OWNED BY R. HANSON #117305
 SMITH, JACQUELINE A NEW OWNED BY L. JOHNSON #170766

SOUTHWIND MOTEL 97A91151.01 \$133.63 CLERICAL ERROR
 C/O LIM CHHIV CHENG

STAPP, JOHN BUFORD & WIFE 97A8806325 \$13.14 1963 MH WAS SOLD & MOVED TO TENNESSEE 1996

RELEASE 1
12/09/97

COMMISSIONER
RELINQUISHMENT
DRT 12/17/97

REPORT
PAGE 6

Taxpayer Name

Taxbill

Total

Reason

STEWART, GERALD

96A8801570

\$14.40

MH WAS PURCHASED IN 1995 & SOLD
IN 1995

SUBLETT, LILIAN OVERTON

97A9941585.1

\$197.17

MH IS LISTED TO J. GEORGE
#1892224

TANNER, WALTER A

97A9930667

\$1.26

ACREAGE RECONCILIATION

TANNER, WALTER A
TANNER, MARGARET S

97A9928095

\$4.92

ACREAGE RECONCILIATION

THORPE, DEBORAH (AKA)
NORRIS, DEBORAH LYNN

92A84247.01

\$0.00

VEHICLE WAS DLE BILLED #92A88108.0

THRIFT, TERESA B

96A8804281

\$45.73

VALUE ADJUSTMENT

TRAVIS, ROBBIE & WIFE

97A9944872

\$189.36

DM MH IS LISTED AS REAL ESTATE
TO P MINTZ #152534

TYLER, BILLY

97A8807618

\$108.96

MOTOR HOME IS TAGGED

WALKER, TARA

97A8807356

\$37.40

VALUE TOO HIGH

WARD, RICHARD F

97A8803769

\$42.37

SOLD MH/UNKNOWN OWNER

WEAVER, ELDON R
WEAVER, JEAN

97A9901265

\$3.22

1975 THAT IS NOW TAGGED

MORILESKI, RAY

97A8807614

\$106.88

1996 TT WAS NOT IN THIS PARK ON
1/1/97

TOTAL RELEASES >>>

\$6704.04

3283

REQUEST FOR BOARD ACTION**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: December 17, 1997

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Requests

The enclosed refund requests (10) 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.

RELEASE IN
12/09/97

COMMISSIONER
REFUNDS
GRT 12/17/97

REPORT
PAGE 1

Taxpayer Name	Taxbill	Total	Reason
BAPTIST STATE CONVENTION OF NC	97A0300614	\$289.88	THE MANUFACT.HOME VALUED AT 42,500 BELONGS TO ROBT & JOELLA JONES LOCATED 9681-85-1684
EDWARDS, IMOGENE	97A8901452	\$33.83	SOLD TO R KILBY #14732 S
EURICH, J FRED EURICH, EDNA	97A8800152	\$15.88	VALUE OF ADDITIONS TOO HIGH
FRANKLIN, LOUIS N & WIFE	97A0700794	\$7.56	ACREAGE RECONCILIATION ASSESS PER DEED ACREAGE
KENMURE PROPERTIES LTD	97A99547020	\$13.97	SHOULD NOT HNAVE BEEN BILLED FOR 1997
KYLE, LOUISE WORKMAN	97A9956132	\$124.00	ELDERLY EXEMPTION
LEWIS, GLENDA E	96A0701460	\$3.01	ACREAGE RECONCILIATION ASSESS BY DE ED ACRES 1.25.
TANNER, WALTER A	96A9930667	\$1.20	ACREAGE RECONCILIATION
TANNER, WALTER A TANNER, MARGARET S	96A9928095	\$4.68	ACREAGE RECONCILIATION
WRIGHT, DONNIE & WIFE	97A0702645	\$122.86	CORRECT CLERICAL ERROR. CORRECT MAPPING ERROR. BLDG. ON WRONG PARCEL.

TOTAL REFUNDS >>> \$596.87