

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
OCTOBER 15, 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 Robert D. Eklund, Vice-Chairman Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, 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.

Commissioner Don Ward came in during Informal Public Comments.

Also present were: Finance Director J. Carey McLelland, Planning Director Matt Matteson, Budget Analyst Selena Coffey, Public Information Officer Chris Coulson and County Planner Stacey Merten.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Rev. Harold McKinnish gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson stated that the title of item "E" in the agenda packet was correct, the title on the actual agenda was not. There was a change after the agenda was assembled.

David Nicholson asked that item "B" under discussion items be deleted from the agenda at the request of Carriage Park, CARRIAGE PARK SPECIAL USE PERMIT AMENDMENT. They wish to have more time to review.

Mr. Nicholson added as item "B" under discussion items, Transylvania County Resolution about Inspections.

He also asked that an addition be added under Closed Session, reason #3, NCGS 143-318.11(a)(3).

October 15, 1997

Page 2

Commissioner Hawkins requested that item "B" (Henderson County Financial Report) be pulled from the Consent Agenda and placed as #3 under Staff Reports.

INFORMAL PUBLIC COMMENTS

1. Milton Byrd - Mr. Byrd spoke concerning county/municipal relationships. He stated that the county should be requesting more interaction from the municipalities. He said that Henderson County and the municipalities should be jointly problem solving.

CONSENT AGENDA

The CONSENT AGENDA included the following:

Review/approval of Minutes - Minutes were presented for review and approval of the February 21, 1996 and the October 3, 1997 meetings.

Notification of Vacancies - The Commissioners were notified of 1 vacancy on the Criminal Justice Partnership Board. It will appear under "Nominations" on the next agenda.

Set Public Hearing on Proposed Amendments to the Zoning Ordinance Regarding Enforcement Procedures (Section 1006) - In July of 1997, the Henderson County Manager requested that the Henderson County Zoning Ordinance be amended to give staff more options for enforcement. The Henderson County Planning Board reviewed the Manager's request on July 29, 1997 and forwarded the proposed amendments to its Subcommittee on Zoning for review. Angela Skerrett met with the Subcommittee on August 11, 1997 to review the proposed amendments and their purpose. The Subcommittee offered the full Planning Board a favorable recommendation on the amendments at a meeting on August 26, 1997. **On August 25, 1997 the Planning Board voted 8 to 0 to send the Board of Commissioners a favorable recommendation on the proposed amendments to Section 1006, Penalties for Violation, subject to item D (page 3) being moved to create an item#4 under item A, Criminal Penalties (on page 1).**

The Board of Commissioners must hold a public hearing prior to taking action on the proposed amendments. Staff recommended that the hearing be scheduled for Monday, November 3, 1997 at 7:00 p.m.

**Notification of Award of Bid
Authorization to Take Bids**

October 15, 1997

Page 3

Notification of Rejection of Bids - As per the Resolution authorizing the County Manager to receive bids, award bids, reject bids, re-advertise to receive bids or waive bid bonds or deposits or performance and payment bond requirements for the purchase of apparatus, supplies, materials, or equipment, Mr. Nicholson presented information for the Board's information regarding the E-911 Relocation Project.

Edneyville Library Bids - On October 8, 1997, Henderson County staff opened bids for the construction of the new Edneyville Branch Library. We did not receive three responsive bids. Since we did not receive three complete bids, the Board could not make the award. It was recommended that the Board reject the bids at this time.

The bids were also considerably over budget. The architect and staff will review the specifications to determine any necessary changes to lower the costs.

Commissioner Good made the motion that the Board approve the CONSENT AGENDA. All voted in favor and the motion carried.

NOMINATIONS

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

Western Carolina Community Action Board of Directors - 2 vac.

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

Nursing/Adult Care Home Community Advisory Committee - 3 vac.

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

Mountain Area Workforce Development Board - 1 vac.

This is a Chamber of Commerce vacancy. We have not heard from the Chamber of Commerce.

Community Child Protection Team - 6 vac.

Commissioner Ward nominated Grace Poli, Dorothy Effinger, and Walter Harper for reappointment. Commissioner Kumor made the motion to suspend the rules and appoint these three nominees. All voted in favor and the motion carried.

October 15, 1997

Page 4

Youth Services Advisory Committee - 1 vac.

Commissioner Kumor nominated David Blackly. Commissioner Kumor made the motion to suspend the rules and appoint Mr. Blackly. All voted in favor and the motion carried.

County Welfare Plan Committee - ? vac.

Mr. Nicholson informed the Board that they must appoint a County Welfare Plan Committee. This committee is required by the new welfare reform legislation. This committee will assist with the development of a county plan for either an electing or standard county.

According to the new legislation, the duties of the committee are "to insure needs of population to be served and to review and assist in developing County plan to respond to the needs."

Membership is to include but not limited to:

- Board of Social Services
- Board of Mental Health
- Board of Public Health
- Schools
- Businesses
- Board of Commissioners
- Community Based Agencies

Following much discussion, it was the consensus of the Board for Mr. Nicholson to send letters to Social Services, Mental Health, Public Health, Board of Education, and the Chamber of Commerce requesting their recommended nominees. This will be on a future agenda under "Nominations".

FISCAL YEAR 1997-1998 BUDGET**"Guiding our Community towards Excellence"**

Selena Coffey distributed the budget documents and informed the Board that this document was named "Guiding our Community towards Excellence" which was pulled from the Board's Mission Statement. This budget document addresses the many aspects of Henderson County budgeting and has been submitted to the Government Finance Officers Association (GFOA) in application for the GFOA Distinguished Budget Awards Program. The document will be judged based on twenty-six criteria in four major categories as follows: policy orientation, financial planning, operational focus, and effective communication of the approved budget.

October 15, 1997

Page 5

Miss Coffey reviewed sections of the document with the Board and answered questions. This document is a result of three months worth of gathering information, analysis of that information, and pulling of that information together. This document covers not only financial and budgetary information but it also provides general information about the county, the history of the county, its citizens and its government.

Mr. Nicholson stated that a copy of this budget document will be at each branch of the Henderson County Library for public review as well as a copy will be sent to each municipality and the schools.

UPDATE ON PENDING ISSUES

1. Fletcher Sewer - Mr. Nicholson reminded the Board that during the budget process, the Board started a substantial increase in the two sewer districts' rates but particularly in the Cane Creek District. This was recommended by staff as they were very concerned about the fact that we were carrying a substantial deficit and had been for a number of years.

Henderson County staff are meeting to discuss ways to reduce the rates for very low income persons. Mr. Nicholson's suggestion was to model it around the qualification for old age exemption which is basically an income of less than \$15,000 and 65 years of age or permanently disabled.

Mr. Nicholson also reported to the Board that Henderson County has received notification from the Town of Fletcher that they have set aside \$200,000 and hope to do so for the next several years. They had two projects that they submitted as part of the Capital Improvements Program. Staff has met with Fletcher staff regarding these sewer issues.

There was some brief discussion regarding sewer revenues. Commissioner Kumor asked to be notified what the property tax rate would have to be to pay the sewer cost, based on debt service and customer base.

Mr. Nicholson gave a brief update on the Highway #25 sewer project. There are two alternatives being considered at this time.

2. Travel & Tourism - The Travel and Tourism Board discussed the option of joining with the Chamber of Commerce in the current

October 15, 1997

Page 6

proposal before several community groups. As the T & T Board discussed this issue, they raised certain questions that they requested she refer to Miss Skerrett and to the Board of Commissioners:

1. Please advise ownership of the T & T building. Once it has been paid for with T & T revenues, will T & T be the owner?

2. If the current proposal for reorganization progresses, one aspect of its vision is to "purchase" a portion of the T & T location to construct another facility to house the reorganization groups. From whom would the property be purchased? Can the property be purchased without going through the bidding process?

3. If the property must be "purchased" from the county, would the county return the "purchase funds" to T & T, since T & T revenues have paid debt service on the property? The T & T Board would like to use any funds to either reduce the debt and/or place funds into building maintenance.

Commissioner Kumor stated that the reorganization project, as proposed by the Chamber, is moving along well. Establishing a response to these questions would help the groups move through this project and be able to adjust for any problems this property issue may or may not create.

Angela Skerrett answered that Henderson County holds title to the building and property. It was purchased in December 1993. The purchase price for the building was \$500,000. \$550,000 was borrowed to pay for the building and to have \$50,000 to do some renovation to the building. The Travel & Tourism Board has been paying the debt service. Currently there is a balance of \$366,774.05. There is a ten year term on the loan. Henderson County would be the seller. Henderson County could sell all or a portion of the property to a non-profit that carries out a public purpose (in this case the Chamber) without going through the formal bidding process. The proceeds from the sale would have to go into the Travel & Tourism fund unless we got legislation allowing us otherwise. According to local legislation, that fund is administered by the Travel & Tourism Committee. If the property were sold to a for profit organization, the County would have to go through the formal bidding process.

October 15, 1997

Page 7

3. Henderson County Financial Report - Commissioner Hawkins asked some questions regarding clarification on the Henderson County Financial Report.

IMPORTANT DATES

It was the consensus of the Board to set a special called meeting on Wednesday, October 29 at 4:00 p.m. for a presentation on solid waste.

PARDEE HOSPITAL BUDGET SUMMARY

Frank Aaron, Chief Executive Officer of Pardee Hospital, presented a summary of the Hospital Budget. He answered several questions for the Board. Pardee Hospital currently employs 950 people. Net Hospital Income for FY 1998 is proposed at \$65,529,143. Proposed total operating expenses are \$63,894,710 leaving a proposed hospital income of \$3,168,633.

Chairman Eklund called a 10 minute recess.

Don Elkins did not return to the meeting following the recess.

TRANSYLVANIA COUNTY RESOLUTION #26 97

David Nicholson informed the Board that Transylvania County had sent a Resolution Requesting the Board of Commissioners of the County of Henderson to Render Assistance to Transylvania County in Providing Building Code Enforcement for a Limited Period of Time.

Commissioner Good made the motion to approve the request from Transylvania County and approve the submittal of a Resolution stating same, if so required. All voted in favor and the motion carried.

PROPOSED SUBDIVISION REGULATIONS

On May 21, 1997, the Planning Staff made a brief "kick-off" presentation of the proposed subdivision regulations which the Planning Board previously recommended. Complete copies of the new comprehensive regulations were presented to the Board. Summaries were also prepared and were subsequently sent to the Board and to more than 70 individuals, agencies, and organizations who deal with land development or have an interest in subdivision design.

Matt Matteson presented some of the significant elements of the proposed subdivision regulations and answered questions regarding

October 15, 1997

Page 8

the proposed ordinance. Mr. Matteson reviewed 10 of the 36 proposed changes with the Board: #4, 5, 9, 20, 21, 22, 23, 24, 33 and 35.

Following much discussion, it was the consensus of the Board for planning staff to hold meetings out in the communities, meet with the Home Builders Association, Property Owners Association, Board of Realtors, Surveyors, Engineers and Landscape Architects to receive input and then come back to the Board of Commissioners for a work session.

CLOSED SESSION

Commissioner Kumor made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 for the following reasons:

1.(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

2.(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

3.(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

Commissioner Good made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

ACTION following Closed Session

Chairman Eklund read "After consulting with our Attorney on the issue regarding the Price Road Tower we have determined the following:

October 15, 1997

Page 9

1. The Zoning Board of Adjustment has ruled that the tower located on Price Road constructed by Bell South constitutes an illegal use and violation of the Henderson County Zoning Ordinance.
2. Bell South received an order prior to completion of its construction of the tower to stop construction of the tower pending the outcome of the appeal to the Board of Adjustment. Bell South chose to complete the construction of the tower in spite of the order.
3. Based on the ruling of the Zoning Board of Adjustment the Zoning Administrator advised Bell South to abate the violation giving Bell South 30 days to do so. The 30 days has expired and Bell South has made no effort to abate the violation.
4. Bell South has appealed the Zoning Board of Adjustment decision.
5. We feel it is necessary to enforce the Henderson County Zoning Ordinance by proceeding to file an action asking the Court to order Bell South to come into compliance with the Ordinance by removing the tower.
6. We have chosen to pursue this course of action in spite of the appeal being filed by Bell South to the Court because of the uncertainty of the length of time required by the Court to resolve all matters on appeal.
7. Henderson County, not being made a party to the appeal by Bell South and the importance of enforcing the Board of Adjustment decision."

Commissioner Kumor made the motion that the Board accept the statement just read by the Chairman regarding the tower. All voted in favor and the motion carried.

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

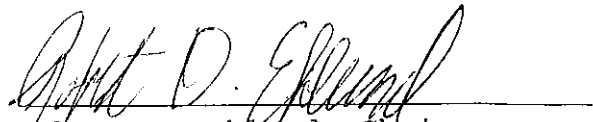
Attest:

October 15, 1997

Page 10



Elizabeth W. Corn, Clerk



Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

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BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

**Resolution Allowing Henderson County Inspectors
 To Render Assistance To Transylvania County
 In Providing Building Code Enforcement
 For A Limited Period Of Time**

WHEREAS, the Board of Commissioners of Transylvania County has, by Resolution dated October 13, 1997, requested assistance from Henderson County in performing Building Code Enforcement Services for a limited period of time; and

WHEREAS, the Henderson County Board of Commissioners is willing to render such assistance to Transylvania County for a limited period of time; and


WHEREAS, N.C.G.S. 153A-353 allows a county to designate members of another county inspection department as members of its own inspections department with the approval of the other county's governing body.

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

1. The two former Transylvania County Inspection Employees may be designated by Transylvania County as members of the Transylvania County Inspection Department with the employees' agreement for a limited time not to exceed sixty (60) days. If additional time is necessary, the Transylvania County Board of Commissioners may request additional time. The former Transylvania County employees shall be authorized to act as designated members of the Transylvania County Inspection Department during their off-duty hours from the Henderson County Inspections Department only.
2. Sam Laughter may be designated by Transylvania County as a member of the Transylvania County Inspection Department with Mr. Laughter's agreement for a limited time not to exceed sixty (60) days. If additional time is necessary, the Transylvania County Board of Commissioners may request additional time. Sam Laughter shall be authorized to act as a designated member of the Transylvania County Inspection Department during any hours that will not conflict with his ability to perform his duties as Director of the Henderson County Inspections Department.

This is the 15 day of October, 1997.

Henderson County Board of Commissioners


 Robert D. Eklund, Chairman

ATTEST


 Clerk to the Board

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