

MINUTES**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS
MARCH 4, 1997**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.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: Planning Director Matt Matteson, Finance Director Carey McLelland, and Library Director Bill Snyder.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Good led the pledge to the American Flag.

INVOCATION

Bob Dutton, Discipleship Training Director at Carolina Baptist Association, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Renee Kumor added as "A-1" a Resolution on Capital Facilities for the schools.

David Nicholson deleted the previously announced Public Hearing on the Appleland Option. David Nicholson added #2 under "H" - Historic 7th Ave. Committee. David Nicholson deleted item "A" under Discussion items, instead it will be on the March 19 agenda.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

The Consent Agenda included the following:

Henderson County Financial Report

The Henderson County Financial Report was presented for the Board's review for the month of January 1997.

Road Petitions

Two road petitions had been received for addition to the State Maintenance System:

1. Turnberry Court
2. Web Place

It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review.

Set Public Hearing to Consider Renewal of Industrial Park Option

A Public Hearing must be 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, Lots 1, 1-A, 2, 3, 3-A, 4, 4-A, 6, 7 (revised), 7-A, 8, and two lots 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 March 31, 1997. If approved, this renewal will extend the option for another three month period to expire on June 30, 1997. The price to renew the option until June 30, 1997 will be the quarterly interest at the NationsBank prime rate of interest determined as of March 10, 1997 on the unpaid portion of the purchase price of \$400,302.76. (The remaining acreage to be purchased includes Lot 5, 22.3709 acres.) As the agenda was prepared prior to March 10, 1997, the actual option renewal price is not reflected here. However, NationsBank prime rate as of February 25, 1997 was 8.25%, which would put the option payment at \$8,256.24.

The payment to renew the option for an additional three month term is due on March 20, 1997. Therefore, if the Board desires to renew the option, it would be appropriate to set a Public Hearing to consider the renewal for Wednesday, March 19, 1997 at 9:00 a.m.

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Notification of Vacancies

The Board was notified of the following vacancies. They will appear under "Nominations" on the next agenda:

1. Blue Ridge Community College Board of Trustees - 2 vac.
2. EMS Council - 2 vac.
3. Hospital Board of Trustees - 2 vac.
4. Library Board of Trustees - 2 vac.
5. Nursing/Adult Care Home Community Advisory Committee - 1 vac.
6. Henderson County Planning Board - 3 vac.
7. Solid Waste Advisory Committee (SWAC) - 4 vac.
8. Henderson County Regional Water Forum - 1 vac.
9. Youth Services Advisory Committee - 2 vac.

INFORMAL PUBLIC COMMENTS

1. Francis Wilder - Mr. Wilder spoke of school facility needs, especially at Fletcher Elementary School.

2. Mary Holden - Ms. Holden spoke of school facility needs at Fletcher Elementary School and others. She requested that the Commissioners not spend more money on another study.

3. Eva Ritchey - Ms. Ritchey spoke of school facility needs and requested that the Commissioners not spend more money on yet another study. She brought with her the three studies done since 1992. Ms. Ritchey said that the Chamber of Commerce has stated that it is in favor of a school bond and will work hard for the bond.

4. Don Walski - Mr. Walski spoke against the proposed fluoride to be added to the city water system. He asked if the Commissioners could help to reach the city officials. Mr. Walski spoke about the toxicity of fluoride and spoke of studies proving that fluoride affects brain function. He also mentioned uses of our water: watering lawns, laundry, washing automobiles, flushing toilets, stating that a very small percentage would be drunk by children.

David Nicholson stated that he would be happy to provide a copy of Mr. Walski's hand-out to the Mayor and City Manager tomorrow.

5. David Stoneman - Mr. Stoneman spoke of school facility needs.

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6. Jane Orwoll - Ms. Orwoll spoke of school facility needs and the need for small schools. She spoke of an immediate need for building, adding to and renovating our elementary schools.

7. Donna Crawford - Ms. Crawford applauded Mr. Hawkins for his proposal to implement an independent facilities study in order to determine how well we are using our school facilities. This particular type study has not been done in the past. She encouraged the Commissioners to move forward in hiring an outside consultant to perform the efficiency study.

8. Margaret Davidson - Mrs. Davidson was not present.

9. Patti Hubbard - Ms. Hubbard spoke of an urgent need for a new facility for Balfour Elementary School.

10. Shawn Hawkins - Mr. Hawkins also spoke of the urgent need for a new school facility for Balfour Elementary.

11. Rodney Erwin - Mr. Erwin spoke of the need for a recreation park for the Tuxedo area. He asked the Tuxedo residents in attendance to stand and there were several.

12. Margaret Davidson - Mrs. Davidson returned. She thanked the Board on behalf of the Edneyville community for the work and support regarding the Justice Academy in their community. She also thanked the Board on behalf of the Edneyville Grange.

Mrs. Davidson informed the Board of a State Grant of \$2,000 from the State Grange for the meeting room to be at the Edneyville Library. However, the Grange members had several questions regarding the meeting room:

1. Assessibility to the meeting room after business hours,
2. Size of the proposed meeting room, is it large enough to be useful to the many community groups that would be meeting there?

Mrs. Davidson asked that she be allowed to come back later in the meeting to finish her remarks.

13. Eva Ritchey - Ms. Ritchey asked for thirty more seconds. She brought forward the three reports and stated that there is an efficiency component in the state report of 1992, on page 4. She

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stated that there also is an efficiency component in the other reports.

14. Charles Palmer - Mr. Palmer asked why the Board felt an additional study was necessary. He also asked if any of the current Commissioners feel that we are currently inefficiently using our school facilities to the extent that this kind of study is warranted.

RESOLUTION - regarding School Facilities for Elementary Schools

Commissioner Kumor passed around a RESOLUTION FOR CONSTRUCTION OF ELEMENTARY SCHOOLS and made the motion to adopt the Resolution. She read it in its entirety:

RESOLUTION
FOR CONSTRUCTION OF ELEMENTARY SCHOOLS

WHEREAS, all citizens of Henderson County Have a Commitment to our future and to the children of our county, and;

WHEREAS, the construction needs for our elementary schools have been presented and prioritized by the Henderson County Public School Board of Education, and;

WHEREAS, responsibility for facilities construction funding rests with the Board of County Commissioners, and;

WHEREAS, time is of the utmost importance as we make plans to initiate construction funding,

BE IT NOW THEREFORE RESOLVED that the Henderson County Board of Commissioners determines to pursue immediate bond funding preparation for the top priority elementary school needs;

That the Board of Commissioners pledge to monitor the expense and construction of these projects in partnership with the Board of Education to demonstrate to our taxpayers our interest in cost effective construction;

That the Board of Commissioners, to further demonstrate our concern for effective cost management, as well as our concern that we maintain and protect taxpayers investments, request that the Public

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School Maintenance/Capital Projects Budget be submitted in a five year plan modeled after our CIP Process,

That the Board of Commissioners further request that the Board of Education prepare a long range capital plan to include building replacement and new building projections for the future.

Following much discussion, Commissioner Ward made the motion to table Mrs. Kumor's motion until after the Board of Commissioners meets jointly with the School Board. A vote was taken and the motion passed three to two with Commissioners Kumor and Good voting nay. Commissioner Kumor's motion was therefore tabled.

EDNEYVILLE LIBRARY SITE SELECTION

Bill Snyder reminded the Board that at the beginning of the budget year the Board approved a capital improvement project to build a permanent home for the Edneyville Public Library. The Library Board was asked to look at some possible sites. They were narrowed to two sites offered as gifts to the county.

The Library Board recommended to the Board of Commissioners that they pursue acquisition of a three acre site offered by Mr. Gaylerd Davis. This site is located on Highway 64 and is bordered by Firehouse Road. The site is offered without cost to the county, has a clean Phase One Environmental Assessment prepared by William G. Lapsley and Associates, and offers ample room for future growth. The Library Board recommended that the Board of County Commissioners approve the site and proceed with site acquisition.

The meeting room was discussed with Mr. Snyder stating that the meeting room was not a priority of the Library Board. Mr. Snyder further stated that he would be reluctant to have a meeting room attached to the library that would be available after library hours. He spoke of the county's liability.

There was some discussion as to who maintains Firehouse Road.

Following much discussion, it was the consensus of the Board of Commissioners to proceed with a land survey, investigate the road issue, etc. for the proposed site.

REVISION OF THE RECREATION BOARD BY-LAWS

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Larry Harmon (Parks & Recreation Director) and George Cagle (Recreation Board Chairman) were present. They informed the Board that the Henderson County Parks & Recreation Advisory Board and Department Director have revised and approved the by-laws for the Recreation Board. The revised by-laws are now recommended for approval by the Board of Commissioners. Included in the proposed by-laws is a change requested by the Board of Commissioners, allowing a Commissioner to be a non-voting member of the Recreation Board. Other organizational changes have also been made to the by-laws which help clarify the role and responsibilities of the Recreation Advisory Board.

Commissioner Hawkins made the motion to accept the changes as presented with the addition of one change recommended by the County Manager. A vote was taken and the motion carried four to one with Commissioner Kumor voting nay.

PROPOSED ACT AUTHORIZING THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY

Robert Baird recommended that the Board of Commissioners present to the 1997 NC General Assembly, through our State Representatives "AN ACT AUTHORIZING THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY".

Following are some of the reasons why the County Assessor made this recommendation:

1. It is very difficult to find Citizens to serve on the Board of Equalization and Review, that are qualified and willing to give of their time.
2. To look for candidates for appointment that have knowledge of the appraisal process and of the factors that drive the Market of Values.
3. To appoint (1) one Board to hear both Real and Personal Property and Motor Vehicles Appeals. This will reduce the number of candidates from 12 for (2) two boards to 8 for (1) one board.
4. To improve the public image of the Board of Equalization and Review and to maintain continuity in the appeals decisions from one year to another.
5. To update the provision of Chapter 155 adopted in the 1975 Sessions Laws of the N. C. duties and responsibilities.

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The Staff Attorney and the Assessor have discussed the proposed act and it does include the Staff Attorney's suggestions.

The Act must be submitted to the Legislative Draft Board before March 20, 1997.

The County Attorney suggested that the Board of Commissioners hold a public hearing prior to approving this request. Commissioner Hawkins made the motion to set a Public Hearing for March 19 at 9:00 a.m.

BB&T FINANCING FOR BROADPOINTE SEWER AND EDNEYVILLE LIBRARY PROJECTS

Carey McLelland reminded the Board that staff presented a set of financing documents at the last Board Meeting which were proposed for the financing of the Broadpointe Sewer and Edneyville Library Projects. A copy of the Resolution which approves the financing documents was reviewed. The Resolution authorizes the signor of the documents (in some cases the Chairman, in others the Finance Director or Clerk to the Board) to approve changes to the documents that were not substantial, so long as the Agreements in final form provided (a) for the County to finance a total amount of not more than \$736,000.00; (b) for the County's obligation to repay the amounts advanced to bear interest at an annual rate of not more than 4.49 for tax-exempt financing, or if the financing is declared to be taxable 5.68%; © for the term of the Agreements to not exceed five years; and for the annual payments to be made under the Agreements. The bank has requested further changes to the documents that staff did not feel staff had the authority to approve. Staff will therefore be requesting the Board to ratify three further changes to the documents at this meeting.

Carey reviewed the changes with the Board:

1. The taxable rate in the documents was changed from 5.68% to 7.16%. There was some confusion over what the taxable rate would be. This has no effect on the 4.49% that has been secured for this financing. If something were to kick this issue into a totally taxable status, it would be 7.16%, not 5.68%. We have no reason to believe this issue will be a taxable event.
2. The county's request for proposal stated that rates must be valid for a period of 60 days. Because we went to Raleigh and met

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with the LGC, we went outside the 60 day window. In order for BB&T to allow us to keep our 4.49% tax exempt rate, they are proposing that they would keep the first month's interest that accrues in the construction escrow fund.

3. In order to keep the accounting separate for both the Edneyville Library and the Broadpointe Sewer Project, we need to have two escrow accounts. BB&T will give us one account free and for the second account the county will pay \$250 per quarter.

Commissioner Kumor made the motion that the Board ratify the three changes presented by the Finance Director (by Resolution). All voted in favor and the motion carried.

AWARD OF JANITORIAL CONTRACTS

Carey McLelland presented a recommendation from Les Capps, Maintenance Director, concerning the award of janitorial contracts for the year beginning April 1, 1997 and ending March 31, 1998 for public buildings. The bid opening was held on February 19, 1997. Four private contractors bid for services of these buildings.

Mr. Capps' recommendation was to award the contracts as follows:

| | | |
|---------------------------|------------------|--------------------|
| COURTHOUSE..... | \$45,000.00..... | METROSERVICE |
| HEALTH DEPARTMENT..... | \$25,000.00..... | METROSERVICE |
| COOPERATIVE EXTENSION... | \$ 6,400.00..... | METROSERVICE |
| PUBLIC LIBRARY..... | \$16,800.00..... | MOPHEAD JANITORIAL |
| ETOWAH BRANCH LIBRARY... | \$ 1,200.00..... | MOPHEAD JANITORIAL |
| FLETCHER BRANCH LIBRARY.. | \$ 3,120.00..... | MOPHEAD JANITORIAL |
| DAY REPORTING CENTER.... | \$ 2,400.00..... | MOPHEAD JANITORIAL |
| LAND DEVELOPMENT..... | \$ 6,850.00..... | METROSERVICE |
| COURTHOUSE ANNEX..... | \$ 5,400.00..... | METROSERVICE |
| ANNUAL TOTAL..... | \$112,170.00 | |

The contracts are for one year with an option for a second year.

The recommendation is based on the bid proposals and the quality of service Henderson County has received in the past from providers. Mr. Capps recommended that Something Special continue to provide janitorial service for the County Office Building. Henderson County has awarded this contract in the past in support and recognition of the employment program operated by Something Special

by which persons are given the opportunity to develop the knowledge and skills necessary to become successfully employed in the future. Bid proposals were not received on the County Office Building in anticipation of Something Special providing this service. Something Special has provided a proposal at \$31,044.00 for this contact year.

Commissioner Ward made the motion to accept the recommendation and award the contracts. All voted in favor and the motion carried.

PROPOSED RECREATION PARK IN TUXEDO

Larry Harmon and George Cagle were present. Mr. Harmon stated that in the 1992 Park Master Plan, several areas of the county were identified that need to have recreation facilities. They have been working on that master plan.

Last year the Board of Commissioners appropriated funds (\$50,000) for a park in Tuxedo; however, no-one has come forward and donated property. For three years, efforts have been made to find property in the Tuxedo area for a park.

George Cagle expressed the need for a park in the Tuxedo area and stated that the residents are raising funds and offering good community support.

County Manager's Statement

David Nicholson stated if the County must purchase property, it will mean a policy change. Currently, we operate or are developing seven parks across the County. These facilities include Jackson Park, a large county park and we are constructing a regional park in the Etowah community. We have two specialized parks or facilities. These parks are the Westfeldt River Park and Stoney Mountain Activities Center. We have three community parks in the East Flat Rock, Edneyville and Dana areas.

All of these parks, except Jackson Park and Stoney Mountain Activities Center, have been joint efforts between Henderson County and individuals or community groups. In all of the other cases, Henderson County has not purchased the land. For these community parks, we have provided funding, through County or grant sources, for development and on-going maintenance.

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This request, which certainly has community support, establishes a precedent of the County purchasing the land. Previously community parks have been placed on donated land or land which has been leased to the County for a long term. This has been Henderson County's method of operation for both parks and branch libraries for several years. Both the Advisory Board and staff have sought out land which could meet either one of these methods. However, none has been offered.

David Nicholson recommended that the Board of Commissioners establish a policy about community parks. This request would allow all communities to know the ground rules for land purchase, development expenses and on-going operational expenses. If this request to purchase land is approved, he felt that many other residents in other areas will request that the Commissioners purchase land within their communities for parks.

Following much discussion, staff was directed to look at development of a clear and concise policy so that every community in the county will understand what the Board of Commissioners will offer in developing community parks. Examples Mr. Nicholson gave were if the Board of Commissioners purchases the land, the community would provide for development and vice versa.

PROPOSED LAND FOR A PARK

The Recreation Advisory Board recommended a piece of property to be purchased. The site is located next to old US25 and is less than 1/4 mile south of Green River Road. The Advisory Board requested that the county obtain an appraisal on this site. Once this property is appraised, actual negotiations with the property owner will begin. The property is a 16 acre site that is part of a large 49 acre tract of land. It is owned by 5 brothers and sisters. It is their parent's property and old home place. A real estate agent is working with the county and declines any commission on the sale. He is doing this as a service to the county and because he believes the people in Tuxedo deserve a park. The owners have asked the property be sold as a package. They would like for the County to purchase the 16 acres for the park and get an option to purchase the balance of the 33 acres.

The proposed park-site is close to the Tuxedo community. It has access to the Green River. The land is partially wooded with good

dry land and partly cleared with some flood plain land. The actual park would take about 10 acres of area for development. This would leave 6 acres for future development, to act as a buffer and for possible relocation of the county library someday in the future. We need a minimum of 10 acres for a community park.

The Board requested prices on what appraisals of the property in question would cost. Mr. Nicholson stated that staff would try to have a policy back for the Board's review/approval at the April 7 meeting. David Nicholson said that staff could have formal quotes on both the 16 acres and the 49 acres for the March 19 meeting.

UPDATE ON PENDING ISSUES

Proposed date for joint meeting with WCCA. Chairman Eklund reminded the Commissioners to put May 8 on their calendars for the joint meeting. Attempts to find out the time were unsuccessful this afternoon.

Historic 7th Avenue District. Chairman Eklund had attended a meeting of the Historic Seventh Avenue District. They asked for a member from the county to serve on their Board. Renee Kumor had already sent in her dues to be a member and therefore will represent the Board of Commissioners.

NOMINATIONS

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

1. Western Carolina Community Action Board of Directors (WCCA) - 1 vac. There were no nominations at this time so this item was rolled until following the joint meeting with WCCA.

2. Nursing/Adult Care Home Community Advisory Committee - 7 vac.
Renee Kumor nominated Dorothy Pearce and Walter Johnson.
Don Ward nominated Dorothy Effinger.
Vollie Good nominated Katherine Taylor and John J. Reed.
Don Ward nominated Betty Merrell.
Vollie Good nominated Sarah Ann (Sally) Parks.

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Commissioner Kumor made the motion to suspend the rules and appoint Dorothy Pearce, Walter Johnson, Dorothy Effinger and Katherine Taylor. All voted in favor and the motion carried.

The other names will be sent to the Nursing Homes and we must wait 10 days before making two of the appointments.

IMPORTANT DATES

David Nicholson reminded the Board of the two up-coming meetings in the Edneyville community, March 6 and March 11.

He also reminded the Board of the Grand Opening of the East Flat Rock Community Park on May 17.

Mrs. Margaret Davidson requested that she be allowed to continue where she left off earlier in the meeting regarding **Public Input**.

Margaret Davidson - Mrs. Davidson, on behalf of the Edneyville Grange, thanked the Commissioners for the support they have given the Edneyville Library.

She questioned why one site was chosen over the other for the new Edneyville Library as she felt one site had aesthetic beauty. She stated she would get with Mr. Snyder to discuss the reasons for choosing the site that was chosen.

CLOSED SESSION

Commissioner Ward 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. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

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) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on

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behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

4. (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 Kumor made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

No action was taken following Closed Session.

ATTEST:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman