

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 22, 1993

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 1:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Vollie G. Good, Vice-Chairman J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, Commissioner Renee Kumor, County Manager David F. Thompson, and Clerk to the Board Elizabeth W. Corn.

Absent were Assistant County Manager David E. Nicholson and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Kumor led the Pledge to the American Flag.

INVOCATION

Bill Clevenger, Chaplain of Blue Ridge Prison Ministries, gave the invocation.

CONSENT AGENDA

Commissioner Kumor made the motion that the consent agenda be approved as presented. All voted in favor and the motion carried.

Items in the Consent Agenda:

Review of Minutes - Minutes of the July 6, 1993 meeting were presented for approval.

Raven Rock Insurance District - A request was received to rename the Raven Rock Insurance District to Saluda Rural Insurance District. This request was for insurance grading purposes only and will not affect the tax district name.

Notification of Vacancies - The following list of vacancies was for information only. They will appear as "Nominations" on the next agenda:

1. Land Of Sky Regional Council, Action Committee - 1 vacancy
2. Solid Waste Advisory Committee (SWAC) - 1 vacancy
3. Western Carolina Community Action, Inc. - 2 vacancies

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DISCUSSION/ADJUSTMENT OF AGENDA

David Thompson asked that the Executive Session and the Land Use Plan Work Session be reversed, Land Use Plan Work Session will follow Executive Session.

INFORMAL PUBLIC COMMENTS

1. Dutch Burdette - Mr. Burdette addressed the Mud Creek Sewer project in the Brooklyn Manor area. He asked several questions:

1. Is the job completed?
2. Has the contractor been paid in full?
3. Is the job within budget?
4. If the job is not within budget, how much over and why?
5. From the last punch list, have all the items been completed?

2. Evelyn Nichols - Mrs. Nichols spoke on behalf of the "East Flat Rock Save the School Site Committee". If and when the Board of Education declares the school property in East Flat Rock as surplus the residents would like to be included in the process of making decisions regarding this property.

3. Merci Weitzen - Ms. Weitzen spoke regarding the possibility of the Tuxedo School property being declared surplus and the need for a community park, etc.

Chairman's comments - Mr. Good informed the public that the county is putting together some criteria for reviewing these properties and community needs.

DISCIPLINARY/GRIEVANCE PROCEDURE FOR HENDERSON COUNTY EMPLOYEES

Angela Skerrett, Staff Attorney, informed the Board of the proposed amendment to the current Personnel Resolution. The purpose of the Resolution was:

1. To reflect the change in hiring/firing authority from the Henderson County Board of Commissioners to the County Manager;
2. To update and clarify the disciplinary process for employees of Henderson County; and
3. To update and clarify the grievance procedure for employees of Henderson County.

There was some discussion concerning the grievance appeal and some changes were recommended. Ms. Skerrett will make the discussed revisions and bring this back to the Board at their next meeting.

COURTHOUSE FINANCING PROCEDURES

Peter Molleur, Finance Director, informed the Board of the favorable responses to the requests for proposal (RFP) for the financing of the new courthouse construction and site improvements

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for the law enforcement center and jail. The proposals (6) came in on July 2. The proposals were narrowed down to two finalists and second proposals were submitted to them. On July 16 the two proposals were opened. Proposals were submitted for no loan costs, a fixed rate for a seven year term, a quarterly payment schedule with the loan amount of \$6,725,805. The loan would be secured by a deed of trust on the property and the courthouse building.

The recommendation from the Finance Director is to go with Southern National Leasing (a division of Southern National Bank of Charlotte) with an interest rate of 3.97%. Approximately December 1, 1993 the first payment would be due of \$276,310 per quarter. The total loan cost over the period of the loan would be \$7,736,694.56.

Mr. Molleur asked that a Public Hearing be set today for the courthouse financing procedures. The Board will be asked to adopt the Resolution authorizing the financing at the August 2 meeting. Due to the time constraints and the need for adoption of the Resolution on the same date as the Public Hearing, it was decided to receive public input at this meeting regarding courthouse financing procedures.

Public Input

There was no one who wished to speak.

Commissioner McKay made the motion to set the Public Hearing for August 2, 1993 at 7:00 p.m., here. All voted in favor and the motion carried.

AMENDMENTS TO THE SOLID WASTE ORDINANCE

Nippy Page addressed the Board stating that SWAC was asked to review Article VI, Section 614 of the Solid Waste Ordinance because of objections from Mr. Wharton Nelson and Mr. Rick Houston. They suggested the wording pertaining to the disposal of incinerator ash was overly restrictive and would prohibit incineration as a possible future disposal alternative.

The SWAC addressed the issue at their March and July meetings. After incorporating comments from the Office of Waste Reduction and the SWAC, a proposed amendment was drafted.

Ms. Page wanted it to go on record that the members of the Solid Waste Advisory Committee (SWAC) are neither for nor against incineration. This is an issue they will study in depth when they write the Solid Waste Management Plan.

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Excused

Commissioner Good excused himself and left the meeting. Vice-Chairman Edney presided over the meeting.

There was discussion of the draft amendment. Commissioner McKay made the motion to approve the recommendation of the SWAC to change Section 614 of Article VI of the Solid Waste Ordinance, as proposed on page 15 of the enclosed agenda materials.

A vote was taken which failed two to two:

Ayes: Commissioner Randall
Commissioner McKay

Nays: Commissioner Edney
Commissioner Kumor

SUBDIVISION IMPROVEMENT GUARANTEES - Carriage Park
PUD - Sections 4 & 5

Matt Matteson, Planning Director, informed the Board of a request from the Carriage Park Development Corporation for the Board to approve a guarantee for road construction, drainage, water and sewer improvements for Carriage Park, Sections 4 & 5. The developer will provide a letter of credit in the amount of \$30,978.00, which includes a 25% overhead factor.

The application will go before the Planning Board next Tuesday. The improvements will be made by December 31, 1993.

Commissioner Kumor made the motion to accept the line of credit and the Board of Commissioners approve this, contingent upon approval by the County Attorney and the Planning Board. All voted in favor and the motion carried.

BUDGET AMENDMENT-Public Library

Bill Snyder, Library Director, requested a Budget Amendment to allow him to contract with Mr. Jody Barber to catalog the Baker-Barber photograph collection. This photographic history of Henderson County has been given by Mr. Barber to the Community Foundation and is to be held in trust for the Library. Mr. Snyder requested that the Commissioners allow the projected interest earned on the Community Foundation Endowment for the Library to be used to contract with Mr. Barber.

David Thompson recommended that the Commissioners approve the Budget Amendment and stated that this is a very valuable photographic collection of the history of Henderson County.

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

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PERSONNEL CHANGE- Public Library

Bill Snyder, Public Library Director, requested that a half-time position be made full time using funds that are currently budgeted in his Department for part-time salaries. No additional county monies would be required. Mr. Snyder feels that this staff arrangement will be more beneficial to the Library than having two part-time positions.

David Thompson recommended approval, based on Mr. Snyder's indication that this staff change will aid the Library's effectiveness in service provision and the fact that it requires no increase in county funding.

Commissioner McKay made the motion to approve the request of the Library Director and approve the personnel change. All voted in favor and the motion carried.

LAND USE PLAN WORK SESSION

There was discussion on setting a date for a Land Use Plan work session since it was on the agenda for today but time constraints and lengthy discussion will prohibit us from holding the work session today.

A work session was set for Thursday, August 5 at 1:00 p.m. at the Library, contingent upon locating a suitable room.

A short break was taken. Mr. Good returned during the break.

NOMINATIONS

1. Chairman Good reminded the Board of 3 vacancies on the Motor Vehicle Valuation Review Board (MVVRB). Commissioner Kumor nominated Lisa Young. Angela Skerrett, Staff Attorney, addressed the Board regarding a draft Resolution appointing a Special Motor Vehicle Valuation Review Board. She requested that the Board of Commissioners adopt the Resolution which would create the MVVRB before appointing anyone to that Board. Commissioner Kumor withdrew her nomination.

Commissioner McKay made the motion that the Board adopt the Resolution appointing a Special Motor Vehicle Valuation Review Board (MVVRB). All voted in favor and the motion carried.

Commissioner Kumor stated she would place Lisa Young's name in nomination at the next meeting. This item was rolled to the next meeting.

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2. Chairman Good reminded the Board of 2 vacancies on the Private Industry Council. These two vacancies need filled from the private sector. This item was rolled to the next meeting.

3. Chairman Good reminded the Board of 2 vacancies on the Nursing Home/Domiciliary Home Advisory Committee. Both Mrs. Georgi and Mr. Erwin are willing to serve an additional term, if nominated. Commissioner Edney nominated Mrs. Georgi and Mr. Erwin to serve on the Nursing Home/Domiciliary Home Advisory Committee. There was a question and Commissioner Edney withdrew his nomination until the next meeting so the question could be answered.

4. Chairman Good reminded the Board of 1 vacancy on the Western Carolina Community Action (WCCA) Board of Directors. Commissioner McKay nominated Mr. Randall to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Mr. Randall to WCCA. All voted in favor and the motion carried.

5. Chairman Good reminded the Board of 3 vacancies on the Youth Advisory Board. All three persons whose terms are expiring are willing to serve again. Commissioner Edney nominated Julia Reveille, Stuart Stepp, and Dolly Ward to fill additional terms. Commissioner McKay made the motion to suspend the rules and make these appointments. All voted in favor and the motion carried.

SURPLUS EQUIPMENT - Sheriff's Department

The Board was informed of a request from Sheriff Jackson concerning donation of their old Kodak Computer System to the Hendersonville Police Department. According to Donnie Parks, Chief of Police, the Police Department is using a similar system which is experiencing numerous breakdowns due to lack of available parts. Sheriff Jackson has requested that the Commissioners allow the Sheriff's Department to donate this unused computer system to the Hendersonville Police Department.

David Thompson recommended approval since the Sheriff's Department no longer uses this computer system. The system has no value except for spare parts.

Commissioner Edney made the motion to declare this system surplus property and donate it to the City of Hendersonville for the use of the Hendersonville Police Department. All voted in favor and the motion carried.

IMPORTANT DATES

A list of dates was reviewed.

CANE CREEK WATER & SEWER DISTRICT

**RESOLUTION OF THE HENDERSON COUNTY BOARD OF COMMISSIONERS
APPOINTING A SPECIAL MOTOR VEHICLE VALUATING REVIEW BOARD
FOR HENDERSON COUNTY**

WHEREAS, pursuant to the authority contained in N.C.G.S. Section 105-325.1 a Board of County Commissioners may appoint a special committee of its members or other persons (hereinafter called the "Motor Vehicle Valuation Review Board") to hear and decide appeals arising under N.C.G.S. Section 105-330.2(b), and

WHEREAS, the Henderson County Board of Commissioners finds the need to appoint a Motor Vehicle Valuation Review Board, and

WHEREAS, the Henderson County Board of Commissioners desires the Motor Vehicle Valuation Review Board to be bound by the terms of this Resolution.

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

1. There is hereby created a Motor Vehicle Valuation Review Board for Henderson County, such Board to consist of three (3) regular and two (2) alternate members, each to be appointed by the Henderson County Board of Commissioners. To be eligible for appointment to such Board the person must be a citizen, resident, and taxpayer of Henderson County for a period of at least three (3) years immediately preceding his/her appointment and have some knowledge of, or experience in either the automobile industry, banking, insurance, or some other background the Board of Commissioner deems appropriate.

2. The Henderson County Board of Commissioners shall designate one (1) member so appointed as Chairman of this Board. A term of service for each member shall be two (2) years from the date of the initial appointment. No member may serve more than three (3) consecutive terms.

3. Members of the Motor Vehicle Valuation Review Board shall serve at the pleasure of the Henderson County Board of Commissioners.

4. The Motor Vehicle Valuation Review Board members that sit shall be compensated twenty-five (\$25.00) dollars per session (a session equals three (3) hours or less) plus ten (\$10.00) dollars per hour for anytime over a session. The chairman of the Motor Vehicle Valuation Review Board shall be compensated thirty (\$30.00) dollars per session (a session equals three (3) hours or less) plus ten (\$10.00) dollars per hour for anytime over a session. Travel mileage expenses shall be compensated at a rate of .275 cents per mile traveled while actually engaged in a performance of their

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duties. Such mileage shall not include mileage traveled to and from the session.

5. Before entering upon their duties, each member of the Motor Vehicle Valuation Review Board shall take and subscribe the following oath and file the same with the Clerk to the Henderson County Board of Commissioners:

I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the Motor Vehicle Valuation Review Board of Henderson County, North Carolina, and that I will not allow my actions as a member of the Motor Vehicle Valuation Review Board to be influenced by personal or political friendships or obligations, so help me God.

Sworn this ___ day of _____, 19__.

Member of Motor Vehicle Valuation Review Board

Clerk of Superior Court

6. The Henderson County Assessor or his/her designee shall act as Clerk to the Motor Vehicle Valuation Review Board, shall be present at all meetings and give to the Board such information as he/she may have or can obtain with respect to valuation, situs, or taxability of any classified motor vehicles(s) in the County.

7. The Motor Vehicle Valuation Review Board shall meet on a monthly basis, or as needed. The meeting dates and times shall be established by the Assessor. All meetings shall be advertised in accordance with the North Carolina Open Meetings law.

8. It shall be the duty of the Motor Vehicle Valuation Review Board to equalize the valuation, determine situs, or taxability of all classified motor vehicle(s) in the County by hearing, reviewing, and resolving appeals brought forth by property owners of their classified motor vehicle(s), as provided in N.C.G.S 105-330.2(b).

9. The Motor Vehicle Valuation Review Board shall abide by all applicable Federal, State and Local Laws concerning an appeal.

Such laws shall include, but not be limited to, N.C.G.S. 105-330, N.C.G.S. 105-330.1 through 330.8, N.C.G.S. 105-330.9 through 105-332, N.C.G.S. 105-312(d), and N.C.G.S. 105-325.1.

10. The Motor Vehicle Valuation Review Board shall hear any and all taxpayers who own or control motor vehicle(s) assessed in the County with respect to the valuation, situs, or taxability of such property or property of others. The appealing of property owned by someone other than the motor vehicle owner may require the appellant to sign a limited power-of-attorney as prescribed by the North Carolina Department of Revenue. The decision of the Board shall be by majority of its sitting members. The Chairman must be present at each meeting along with two (2) regular or two (2) alternate members. Three (3) members present at a meeting shall constitute a quorum.

11. The Motor Vehicle Valuation Review Board shall cause a record to be kept of the disposition made of all appeals to the Board, such record to be kept by the Clerk to the Motor Vehicle Valuation Review Board. Such records shall set forth the reasons for the disposition so made, shall be filed with the Clerk to the Motor Vehicle Valuation Review Board and shall constitute a part of the public records and be available for public inspection.

12. The Motor Vehicle Valuation Review Board may appoint committees, composed of its own members or other persons to assist it in making any investigation necessary in its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the County.

13. There shall be no appeal from the Motor Vehicle Valuation Review Board under this resolution except to the North Carolina Property Tax Commission as provided by law.

Adopted this 22nd day of July, 1993.

Vellie B. Good

Chairman, Henderson County Board of Commissioners

ATTEST:

Elizabeth W. Corn
Clerk to Board of Commissioners

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The Board adjourned as the Henderson County Board of Commissioners and convened as the Cane Creek Water & Sewer District Commissioners.

The Board adjourned as the Cane Creek Water & Sewer District and reconvened as the Henderson County Board of Commissioners.

MUD CREEK WATER & SEWER DISTRICT

The Board adjourned as the Henderson County Board of Commissioners and convened as the Mud Creek Water & Sewer District Commissioners.

The Board adjourned as the Mud Creek Water & Sewer District and reconvened as the Henderson County Board of Commissioners.

EXECUTIVE SESSION

Commissioner McKay made the motion that the Board go into Executive Session as allowed under General Statute 143-318.11 to discuss the following matters:

- A. To consult with the County Attorney to the extent that confidentiality is required.
- B. To consider the acquisition of real property.

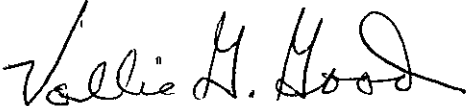
All voted in favor and the motion carried.

Commissioner McKay made the motion that the Board go out of Executive Session. All voted in favor and the motion carried.

There being no further business the meeting was adjourned at 4:55 p.m.

ATTEST:


 Elizabeth W. Corn, Clerk


 Vollie G. Good, Chairman

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

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VOLLIE G. GOOD
CHAIRMAN
J. MICHAEL EDNEY
HUGH D. RANDALL
WILLIAM MCKAY
RENEE KUMOR

DAVID F. THOMPSON
COUNTY MANAGER

RESOLUTION

**NORTH CAROLINA
HENDERSON COUNTY**

Upon motion made by Commissioner Kumor, seconded by Commissioner Edney, RESOLVED that the Board of Commissioners of the County of Henderson, approve the name change of the Raven Rock Fire Insurance District to be called the Saluda Rural Fire Insurance District. Said change to be for insurance grading purposes only and in accordance with the recorded minutes of the Henderson County Board of Commissioners meeting filed this the 22 day of July, 1993.

**NORTH CAROLINA
HENDERSON COUNTY**

This is to certify that the foregoing is a true and accurate copy of excerpt from the minutes of the Board of County Commissioners of Henderson County, adopted this 22 day of July, 1993.



Vollie G. Good, Chairman of Board of Commissioners
Henderson County

Attest:



Elizabeth W. Corn, Clerk to the Board