

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MAY 19, 1993

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

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Chairman Good led the Pledge to the American Flag.

INVOCATION

Thad Dowdle, Pastor of Ebenezer Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Good added one item as the last thing under Consent Agenda. It was a road petition for Wayside Lane in Brookland Manor which was submitted to DOT in 1990. Chairman Good has spoken with Jay Swain of N.C. Department of Transportation. He asked that the petition be resubmitted as is.

CONSENT AGENDAA. REVIEW OF MINUTES

Minutes were presented for review and approval of the following meetings:

1. April 6, 1993
2. April 21, 1993
3. April 26, 1993
4. May 3, 1993

B. 1993-1994 CBA FUNDING

David Thompson had received a request from George Knopf, Chairman of the CBA Task Force, requesting funding as follows:

New Hope Youth Shelter     \$63,140.00

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Early Intervention                    23,365.00

New Hope had requested \$85,855 and Early Intervention \$23,365. Mr. Thompson stated that the two agencies requesting funding this year are the same that received funding last year. There is no controversy on this distribution recommendation.

C. PROCLAMATION - Small Business Week

There was no action required on this item. Chairman Good signed this Proclamation last week and wanted each Commissioner to be aware of it.

D. NOTIFICATION OF VACANCIES

The Board was informed of the following vacancies for information only. They will appear on the next agenda under "Nominations":

1. Nursing Home/Domiciliary Home Advisory Committee - 2 vacancies due to resignation

E. TAX RELEASE REQUESTS (20)

Robert Baird, County Tax Assessor, had submitted a list of tax release requests (20) for the Board's approval. He has reviewed the requests and felt that they are in order. Supporting documentation is on file in his office.

F. TAX REFUND REQUESTS (9)

Robert Baird had submitted a list of tax refund requests (9) for the Board's approval. He has reviewed the requests and felt that they are in order. Supporting documentation is on file in his office.

G. ROAD PETITION - Wayside Lane in Brookland Manor

This petition in question was submitted for the Board's approval to be resubmitted to N.C. Department of Transportation as is.

Commissioner McKay made the motion that the Board approve the consent agenda. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

Dutch Burdette - Mr. Burdette lives in Brookland Manor and stated that they are getting some results now.

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**NOMINATIONS**

1. Chairman Good reminded the Board of 1 vacancy on the **Land Of Sky Regional Council, Area Agency Advisory Council**. There were no nominations at this time so this item was rolled to the next meeting.

2. Chairman Good reminded the Board of 1 vacancy on the **Hospital Board of Trustees**. At the May 6 meeting two nominations were made for this vacancy: Commissioner Edney nominated Sandy Jackson and Chairman Good nominated Bill Altman. The item was rolled at that time due to the fact that one Commissioner was absent.

The Clerk polled the Board. Bill Altman received four votes and Sandy Jackson received one.

3. Chairman Good reminded the Board of 2 vacancies on the **Blue Ridge Community College Board of Trustees**. At the May 6 meeting Commissioner Edney nominated Dick Baker and Chairman Good nominated Gene Kopf. The item was rolled at that time due to the fact that one Commissioner was absent.

Commissioner Edney made the motion to suspend the rules and appoint these two people. All voted in favor and the motion carried.

4. Chairman Good reminded the Board of 2 vacancies on the **Library Board of Trustees**.

Morris Kaplan is interested in serving an additional term. Commissioner Randall made the motion to suspend the rules and reappoint Mr. Kaplan. All voted in favor and the motion carried. One vacancy was rolled to the next meeting.

5. Chairman Good reminded the Board of 4 vacancies on the **Recreation Committee**. Mr. Rhodes, Mr. Cagle and Mr. Gibbs are all willing to serve an additional term. Commissioner Kumor made the motion to suspend the rules and reappoint these three. All voted in favor and the motion carried. One vacancy was rolled to the next meeting.

6. Chairman Good reminded the Board of 3 vacancies on the **Henderson County Board of Health**. Chairman Good and Jon Laughter are both willing to serve an additional term. Chairman Good nominated Dr. Michael Brown to replace Dr. Slawek, who is unable to serve again. Commissioner Kumor nominated Vollie Good and Jon Laughter. Commissioner Edney made the motion to suspend the rules and appoint all three. All voted in favor and the motion carried.

7. Chairman Good reminded the Board of 1 vacancy on the **Henderson County Land Use Plan Steering Committee** due to a resignation.

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David Thompson reminded the Board that this committee was established to guide the preparation of the Land Use Plan. The Plan discusses using the Committee as a resource in the future. The Board of Commissioners has not determined what role that committee will have. He suggested rolling this vacancy until a decision is made. This item will be on hold.

8. Chairman Good reminded the Board of vacancies on the **Solid Waste Appeals Committee**. The draft by-laws were presented for review per Commissioners' request.

There was much discussion of the draft by-laws. David Thompson addressed some concerns regarding the Appeals Committee. Angela Skerrett, Staff Attorney, also addressed these concerns.

It was consensus of the Board to request David Thompson, Angela Skerrett, and Don Elkins to review and rework the by-laws and bring them back to the Board of Commissioners for approval.

#### REQUEST FOR REMOVAL OF ROOM TAX PENALTY - Ranch Motel

The Ranch Motel requested removal of the late penalty associated with the Henderson County Room Occupancy Tax. According to the local bill, the room tax is to be paid to the Henderson County Finance Department by the 15th of each month. The Ranch Motel indicated in their request that the owner, Ms. Joyce Ehlers, was in the Park Ridge Hospital at the time that the report was due. She was discharged on Saturday, April 17, 1993, and promptly hand delivered the monthly report on Monday, April 19, 1993.

The local act establishing Henderson County's Room Occupancy Tax states that the Board of Commissioners may for good cause forgive or compromise the late penalty. The late payment penalty is for the \$25.00 minimum as required in the statute.

Peter Molleur, Finance Director, recommended that the Board of Commissioners forgive the late penalty due to the inability of the motel owner to have access to her records so that she could file the report on time.

Commissioner McKay made the motion that the Board approve the recommendation of the Finance Director. All voted in favor and the motion carried.

#### HOME PROGRAM ADMINISTRATION

As discussed with the Board during February, Henderson County is participating in the Asheville Regional Housing Consortium's HOME Program for Fiscal Year 1992 State Funds. We received three proposals from organizations to provide program administration:

1. Housing Assistance Corporation

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2. Land-Of-Sky Regional Council
3. Western Carolina Community Action

These administrative services would include working with the County to identify homes, screening home owners for eligibility requirements, inspecting the homes and preparing detailed work writeups, complying with all environmental review requirements, preparing bid packages to be mailed to contractors, assisting the County in the selection of the lowest responsible bidders, maintaining all case files, providing three site inspections weekly, and completing all paperwork and reports including final inspections.

The cost of this administration would be included in the Fiscal Year 1993-94 Budget.

A committee made up of the County Manager, Assistant County Manager, Finance Director, and Planning Director has been reviewing these proposals in detail. The Committee reviewed the strengths and weaknesses of the proposals and of the organizations as well as costs.

The committee recommended that Land-Of-Sky Regional Council be the administrator for the program. David Nicholson gave reasons the committee discussed for and against all three agencies.

The Commissioners had some unanswered questions and requested that Mr. Nicholson get in touch with Land-Of-Sky at the first break. This item was rolled till later in the meeting.

#### **PLACEMENT OF LITERATURE ON COUNTY PROPERTY BY UNAFFILIATED GROUPS**

David Thompson informed the Board that we have received some complaints from citizens concerning the placement of various leaflets and pamphlets on County property, specifically, the Henderson County Courthouse. He asked the Staff Attorney to prepare a legal opinion concerning the County's abilities to regulate the placement of such literature on County property. The legal opinion was discussed.

The Board was asked to decide whether the County is going to allow the placement of such literature at the Courthouse, and whether a formal policy governing the placement of such literature in County buildings is desirable and/or necessary. There was much discussion.

It was the consensus of the Board to request David Thompson, Don Elkins, and Angela Skerrett to rework the statement. This item was rolled to the next meeting.

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Break There was a short recess. A citizen in the audience asked the Clerk if she could address the Board even though she was late arriving at the meeting and therefore did not sign up to speak.

#### INFORMAL PUBLIC INPUT

Chairman Good recognized Mrs. Wilson (Kathy) to address the Board. He authorized five minutes for her to speak.

Ms. Kathy Wilson - A resident of Charlotte. Ms. Wilson is not happy concerning the handling of her case by the Henderson County Department of Social Services. She has talked with Governor Hunt about her case. She feels that it is being unnecessarily drawn out. She feels that she is being discriminated against by DSS. There has been an investigation by the Governor's Office and she plans to request a second investigation. She has also been to the FBI in Asheville and the SBI and plans to go back to them.

#### TAX COLLECTION CLERK POSITION

David Thompson informed the Board of a request from Terry F. Lyda, Henderson County Tax Collector, concerning hiring an additional Tax Collection Clerk to assist in the new motor vehicle collection system. It is estimated that Henderson County has over 85,000 tagged vehicles. These vehicles include cars, trucks, campers, trailers, motorcycles, and any other vehicle which requires a tag to be issued by the Department of Motor Vehicles. Each of these vehicles will receive a separate billing beginning in June 1993. These bills will be processed during the year based on when the registration is due. Currently, we issue approximately 60,000 traditional tax bills. With the addition of motor vehicles, the total number of tax bills will increase to 145,000. Also, last year during the short session of the General Assembly, the state-wide legislation was changed to require a second billing for delinquent tax bills.

During the 1992-93 budget process, the Board of Commissioners approved one additional position to administer this program. Based on the number of tax bills projected and the new requirements for a second mailing of any unpaid bills, Mr. Lyda has requested an additional position.

David Thompson recommended that the Board of Commissioners approve this position, which would have been included in the recommended budget for Fiscal Year 1993-94. By filling this position prior to the beginning of the next fiscal year, we will be able to provide training to the new employee before the beginning of the billing process in June. We will also be able to assist Mr. Lyda in fulfilling the responsibilities of his office while another employee is on extended sick leave.

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

**REQUEST FOR ENDORSEMENT - WCCA Application for Headstart**

Mr. John Leatherwood, Executive Director of WCCA, approached David Thompson about the possibility of acquiring land to locate a Headstart Center utilizing \$29,302 of North Carolina Headstart Board Fund monies. The County's paralegal has researched foreclosed properties. At this point no appropriate properties have been identified.

David Thompson explained this to Mr. Leatherwood and Mr. Leatherwood stated that Western Carolina Community Action, Inc. is eligible to receive \$29,000.00 in Headstart Bond Funds to purchase or upgrade facilities for the Headstart program. They propose to utilize the funds to remodel a center at the Calvary Church in Fletcher and a security system for that center because of previous thefts. The remainder of the funds would be utilized to replace worn out outdoor playground equipment at the remaining seven Headstart centers.

In order to receive the funds, they are required to get an endorsement from the chief elected officials in the counties to be served. He requested the approval of the Henderson County Board of Commissioners to allow them to receive these funds.

Commissioner Randall made the motion to endorse these funds to update the Headstart program. All voted in favor and the motion carried.

**PROCLAMATION -Emergency Medical Services Week**

David Thompson recommended approval of the request for the Board to designate the week of May 23-29, 1993 as Emergency Medical Services Week. A draft proclamation was presented. Tom Edmundson briefed the Board on activities planned for the week.

Commissioner Edney made the motion to adopt the Proclamation. All voted in favor and the motion carried.

**WATER HYDRANT USAGE AGREEMENT**

David Thompson presented an agreement with the City of Hendersonville for use of a City hydrant at the Landfill to facilitate the rapid filling of the tanker truck used by the County for seeding operations and for fire suppression.

Eldon Owen, Solid Waste Director, stated that during this time of year they fill their hydroseeder sometimes as many as four or five times a day. It presently takes one hour and fifteen minutes to

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fill the hydroseeder. Using this fire hydrant it would take 15 minutes to fill the hydroseeder. Henderson County would have to enter into an agreement with the City to use the hydrant. Mr. Owen stated that they would have to maintain a hydrant operations log provided by the City of Hendersonville.

Don Elkins stated that the parties to the agreement should be changed from Henderson County Landfill to Henderson County and on page two of the agreement, and after "resulting from Landfill activities" **relative to the use of the water hydrant.**

Commissioner Edney made the motion to accept the agreement with the City of Hendersonville, subject to the amendments suggested by the County Attorney. All voted in favor and the motion carried.

#### **BUDGET AMENDMENT**

A Budget Amendment was presented for the Board of Commissioners' consideration to appropriate funds to cover the budget shortfall in the Maintenance Services Department for gas. This line item covers the gas heat in our buildings. This year new buildings and extra work space were added to the heating budget without a good estimate of the annual cost.

Peter Molleur, Finance Director, recommended that this shortfall be funded through the Board of Commissioners' Contingencies Account. The Maintenance Services Department does not have any under-expended line items to fund this shortfall.

Commissioner McKay made the motion to approve the recommendation of the Finance Director. All voted in favor and the motion carried.

#### **COUNTY MANAGER'S UPDATE**

##### Legislative Issues

David Thompson reminded the Board of a list of "Bills of Interest-1993" for their review. He informed the Board that staff will be happy to provide any assistance with research of specific bills of interest.

##### County Courthouse Project

David Thompson reviewed the project schedule for the Henderson County Courthouse.

There was brief discussion of financing; finance rates are holding.

There was also discussion of project management. A resident inspector was required in our contract documents with weekly site



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visits from the architectural firm. Much of the responsibility was shifted to the architectural firm in our contract documents.

The Architectural firm is requesting a renegotiation. David Thompson has told them we will look at renegotiating the contract as far as fees because we have gone from a \$21,000 project to a \$9,000 project. He has further told them we can't negotiate the intent of the AIA contract to hold them responsible and we can't negotiate our project specifications with the contractor because it protects us as a Board of County Commissioners.

At the request of the City Planning Department, there has been a revision in the site plan. Street entrances have been realigned due to a concern that one of the entrances into the parking area was directly across from an intersection.

David Thompson did not address the following because of the late hour except for:

Methane Gas Remediation He did receive a final agreement today with Cargan addressing a question regarding the flame on the flare off. David Thompson asked if it could be placed into a hillside so there wouldn't be any noise emitted.

FY 1993-94 Budget

FEMA Reimbursements

Safety Committee Progress Report

**ROAD PETITIONS/ Sweetwater Hills**

We received one single petition from the Sweetwater Hills Homeowners Association for Section II-A. The request is for 1.1 miles of roadway with 34 occupied homes.

Susan Sneed studied the plats provided with the petition and decided that the following roads should be considered for addition to the state maintenance system:

1. Fox Valley Court
2. Willow Wood Lane
3. Squirrel Trail
4. Sweetwater Hills Drive
5. Squirrel Trail Court

Commissioner Edney made the motion to accept these petitions and pass them on to the N.C. Department of Transportation. All voted in favor and the motion carried.

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**IMPORTANT DATES**

David Thompson requested some dates for budget presentation and work sessions and the next Land Use Plan work session.

These dates were discussed and set:

May 31 - 7-10:00 p.m. Budget Presentation and work session.  
 June 3 - 1- 4:00 p.m. Land Use Plan work session (BRCC)  
 June 8 - 7:00 p.m. Budget Public Hearing  
 June 16- 1:00 p.m. Budget work session

**EXECUTIVE SESSION**

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

1. To consult with the County Attorney to the extent that confidentiality is required.
2. To consider the validity, settlement, or other disposition of a claim against or on behalf of the public body or an officer or employee of the public body or in which the public body finds that it has a substantial interest; or the commencement, prosecution, defense, settlement, or litigation of a potential or pending judicial action or administrative proceeding in which the public body or an officer or employee of the public body is a party or in which the public body finds that it has a substantial interest.

All voted in favor and the motion carried.

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

**COMPREHENSIVE LAND USE PLAN WORK SESSION**

**1:00 Blue Ridge Community College - Room 151**

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

Angela Skerrett, Staff Attorney, addressed the question "Why have a Comprehensive Land Use Plan?". She gave three reasons for a Comprehensive Land Use Plan:

1. The N.C. General Statutes require it by inference.
2. To serve as protection.
3. To use as a tool.

A Comprehensive Land Use Plan can be an advisory plan or it can be a binding plan.

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Ms. Skerrett gave definitions of several verbs such as: adopt, receive, accept, take under consideration, take on, embrace, etc. Regardless of whether the Board of Commissioners adopts the plan receives the plan or whatever it can be revised or amended prior to that action. It will also need to be amended periodically.

The Board of Commissioners reviewed in detail the Goals and Objectives on page 84, 85, and part of page 86. Numerous changes in wording were made and some items were deleted.

Discussion stopped halfway through page 86, where it will begin at the next work session on the Comprehensive Land Use Plan.

The Board reconvened into regular session at 4:35 p.m.

**ACTION**

There was discussion of the Home Program Administration earlier in the meeting and it was rolled until later in the meeting.

Commissioner Edney made the motion to accept the proposal from Land Of Sky Regional Council for administration of the Home Program. A vote was taken and the motion carried four to one with Commissioner Kumor against.

There being no further business the meeting was adjourned.

ATTEST:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk

*Vollie G. Good*  
Vollie G. Good, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

WORK SESSION

COMPREHENSIVE LAND USE PLAN

MAY 19, 1993

1:00 P.M.

BLUE RIDGE COMMUNITY COLLEGE

ROOM 151 - PATTON BUILDING

- A. STATEMENT OF PURPOSE  
Vollie Good, Chairman
- B. RESPONSE TO BOARD'S REQUEST FOR THE INTERPRETATION  
OF THE LEGAL IMPACT OF TERMINOLOGY  
Angela Skerrett, Staff Attorney
- C. REVIEW OF GOALS AND OBJECTIVES (SECTION 5)  
Board of Commissioners
- D. SETTING OF NEXT MEETING AND AGENDA  
Board of Commissioners
- E. ADJOURN

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COMMISSIONER'S REPORT 05-10-93

REFUNDS PAGE 1

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Name.....	Refunds.....	Total.....	Reasons for Rel/Refunds.....
		Tax.....	
HEIDTMAN INVESTORS	92A93847.01	\$56.10	ARBITRARY ASSESSMENT PLACED ON LESSORS EQUIPMENT SHOULD HAVE BEEN LISTED AND BILLED TO LESSEE
LAMBERT, ALMA N	92A9900404	\$105.19	WRONG SQUARE FOOTAGE PICKED UP IN REVAL
LAMBERT, ALMA N	91A9900404	\$105.19	WRONG SQUARE FOOTAGE PICKED UP IN REVAL
LOGAN, CLARENCE	92A0502231	\$15.31	79 CHEV TK AND 77 CHEV 2S WERE DBL LISTED ON SAME ACCT
RAY, JANET LEE	92A83464.01	\$13.97	76*MH DBL LISTED TO ACCT 29429
SPARKS, DIXIE DEAN	92A0400954	\$11.57	76 TRIUMPH WAS SOLD IN NOV. 91
SUTTLES, PAUL C	92A7851.01	\$20.88	87 MERCURY WAS SOLD APRIL 1991
TAYLOR, CARL DAVID	90A9934699	\$30.09	SEE 1991 BOARD OF E & R
TAYLOR, CARL DAVID	90A0114009	\$16.93	SEE 1991 BOARD OF E & R
		=====	
		\$375.13	
		=====	

9 records listed.

*Approved*  
*5/19/93*  
*swc*