

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MAY 3, 1993

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

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

Chuck Evans, Pastor of Pinecrest Presbyterian Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

Review of Minutes - Minutes were presented for review and approval of the April 5, 1993 meeting.

Tax Refund Requests (8) - Robert Baird, Tax Assessor, submitted a list of 8 refund requests for the Board's approval. The supporting documentation is on file in his office.

Tax Release Requests (42) - Robert Baird submitted a list of 42 release requests for the Board's approval. The supporting documentation is on file in his office.

Notification of Vacancies - These vacancies were presented for information only. They will appear on the next agenda under "Nominations":

1. Henderson County Land Use Plan Steering Committee - 1 vacancy
2. Henderson County Recreation Committee - 1 vacancy
3. Solid Waste Appeals Committee  
Draft By-laws as per Commissioners' request

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

**INFORMAL PUBLIC COMMENTS**

1. Marvin Wehr - Mr. Wehr spoke regarding some improvements he feels need to be made to the roads, curbs, etc. in the Brooklyn Manor area on Wayside Lane. They have requested from N.C. Department of Transportation to have lines painted on the street. The Mud Creek sewer project has just gone into the Brooklyn Manor area.

2. Dutch Burdette - Mr. Burdette spoke regarding improvements to be made in the Brooklyn Manor area that he feels are a result of the sewer project construction.

After considerable discussion, Chairman Good requested that Mr. Burdette solicit lists from each of his area representatives regarding improvements to be made. He requested the list from Mr. Burdette be presented to the County Manager by May 10.

**REQUEST FOR REMOVAL OF ROOM TAX PENALTY - Echo Mountain Inn**

Echo Mountain Inn 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. According to the postmark, Echo Mountain Inn mailed their payment on January 19. The late payment penalty is for the \$25 minimum as required in the statute.

After some discussion, Commissioner Kumor made the motion to deny the request. All voted in favor and the motion carried.

**RESOLUTIONS SUPPORTING LEGISLATION TO PROHIBIT UNFUNDED FEDERAL AND STATE MANDATED LOCAL PROGRAMS**

At the Board's previous meeting, the Commissioners pulled a resolution concerning Federal and State mandated programs. The Board instructed staff to prepare two separate resolutions that would be sent to our separate Federal and State representatives. The draft resolutions were presented for Board approval as well as referenced legislation that has been introduced in North Carolina and in Washington, D.C. concerning this same issue.

After some discussion, Commissioner Edney made the motion to support/adopt these two resolutions and forward them to our State and Federal representatives. All voted in favor and the motion carried.

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**BUDGET AMENDMENT/TRANSFER OF PERSONNEL**

David Thompson informed the Board of the need to transfer three maintenance people from Les Capps' maintenance roll to the Parks and Recreation roll under Doug Moon. These three people work full time at Jackson Park. Mr. Moon has requested a new position for maintenance in his budget for next year but Mr. Thompson deleted that request from his budget stating that he can better utilize these three maintenance personnel since they will be under his direct supervision.

The Fire Code Inspector must be transferred from Inspections to the Fire Marshal's Office. Mr. Thompson felt it now appropriate to transfer this position due to the need to prepare for the mandated inspections that have been promulgated by North Carolina.

These transfers would be effective next pay period.

Commissioner Randall made the motion to approve the budget amendment for transfer of personnel as presented. All voted in favor and the motion carried.

**FEMA UPDATE**

David Thompson and Tom Edmundson attended an applicant briefing for Federal aid for storm relief on April 29, 1993. Henderson County qualified for public assistance monies for debris removal and snow removal and provision of health and safety protection such as EMS services and Sheriff's services.

Henderson County will try to coordinate this project county wide so that everyone who qualifies will make an application, either directly with FEMA or through the County.

Henderson County does not qualify as a disaster area so will not receive any assistance for individuals or small businesses. Mr. Thompson felt that we would qualify to get 100% of public assistance monies.

**REQUEST FOR AWARD OF CONTRACT FOR LANDFILL GAS MONITORING**

David Thompson has received two proposals and requested approval from the Board to negotiate a phased approach and preparation of a remediation plan with Cargan Resources, Inc. for this work. Mr. Thompson wants to be able to negotiate each scope of the work step-by-step. He felt that Cargan had the highest level of expertise.

There was much discussion. Commissioner Edney made the motion to authorize the Chairman to execute a contract with Cargan Resources, Inc. for the comprehensive assessment, installation of probes both in the fill area and around the site, testing and analysis of the

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results of the gas probes, and an estimate of the gas generation possibilities of the site, not to exceed \$28,900. All voted in favor and the motion carried.

#### NOMINATIONS

1. Chairman Good informed the Board of 1 vacancy on the **Solid Waste Advisory Committee (SWAC)** because of a resignation. Chairman Good nominated John Thomas to fill this unexpired term through March 1994. There were no other nominations. Commissioner Edney made the motion to suspend the rules and appoint Mr. Thomas. All voted in favor and the motion carried.

2. Chairman Good informed the Board of 1 vacancy on the **Land Of Sky Regional Council, Area Agency Advisory Council** due to a resignation. There was some discussion. This person must be a low-income, retired individual. The person must travel to Asheville to the meetings. There were no nominations at this time so the item was rolled to the next meeting.

3. Chairman Good informed the Board of 1 vacancy on the **Hospital Board of Trustees**. This is a six year term. Commissioner Edney nominated Sandy Jackson who is a detective with the Sheriff's Department. Chairman Good nominated Bill Altman who is with Kimberly-Clark. Since there were two nominations for one vacancy, this will appear on the next agenda under Appointments.

Since there was one Commissioner absent, this item was rolled to the next meeting. A vote will be taken at that time. There was discussion of the rules of procedure regarding voting and suspending the rules when all Board members are not present.

4. Chairman Good informed the Board of 2 vacancies on the **Blue Ridge Community College Board of Trustees**. Commissioner Edney nominated Dick Baker. Chairman Good nominated Gene Knopf. Commissioner Edney made the motion to suspend the rules and appoint these two people.

There was more discussion regarding rules of procedure. After much discussion, Commissioner Edney withdrew his motion. This item was rolled to the next meeting.

5. Chairman Good informed the Board of 1 vacancy on the **EMS Council**. Commissioner Randall nominated Tom Edmundson to succeed himself. Commissioner Edney made the motion to suspend the rules and appoint Mr. Edmundson. All voted in favor and the motion carried.

6. Chairman Good informed the Board of 1 vacancy on the **Jury Commission**. Commissioner Kumor nominated Blanche Grace to succeed herself. Commissioner Randall made the motion to suspend the rules

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and reappoint Mrs. Grace. All voted in favor and the motion carried.

7. Chairman Good informed the Board of 2 vacancies on the **Library Board of Trustees**. Because of the absence of Commissioner McKay, Commissioner Edney made the motion to roll this item to the next meeting. All voted in favor and the motion carried.

8. Chairman Good informed the Board of 1 vacancy on the **Private Industry Council**. Commissioner Kumor suggested Patty Leonard be considered for this vacancy. She has been attending the meetings at the request of Liston Smith, in his absence. After some discussion, Commissioner Kumor made the motion to roll this item to the next meeting. All voted in favor and the motion carried.

David Thompson requested some clarification regarding a DSS member and the status of Liston as an ex-officio member.

9. Chairman Good informed the Board of 3 vacancies on the **Recreation Committee**. Commissioner Randall made the motion to roll this item to the next meeting. All voted in favor and the motion carried.

10. Chairman Good informed the Board of 1 vacancy on the **Social Services Board**. Commissioner Edney nominated Renee Kumor to fill this vacancy. Commissioner Randall made the motion to suspend the rules and reappoint Commissioner Kumor. All voted in favor and the motion carried.

11. Chairman Good informed the Board of 1 vacancy on the **Henderson County Regional Water Forum**. Commissioner Kumor nominated Commissioner McKay to succeed himself. Commissioner Randall made the motion to suspend the rules and reappoint Commissioner McKay. All voted in favor and the motion carried.

12. Chairman Good informed the Board of 3 vacancies on the **Henderson County Board of Health**. Commissioner Edney made the motion to roll this item to the next meeting. All voted in favor and the motion carried.

#### IMPORTANT DATES

Commissioner Kumor reminded the Board of the Land Use Plan work session scheduled for the afternoon of May 19. Prior to going into that workshop, she requested some research and information. She requested that the staff attorney research and get an explanation on exactly what accepting the Land Use Plan would mean in terms of legal obligation. Is there another verb such as receiving or accepting that should be used and what those terms would mean.

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**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 Commissioners and reconvened as the Henderson County Board of Commissioners.

**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:

A. To consult with the County Attorney to the extent that confidentiality is required.

B. 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 to go out of Executive Session. All voted in favor and the motion carried.

There being no further business, the meeting was adjourned at 10:45 p.m.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Vollie G. Good, Chairman

REQUEST FOR BOARD ACTION

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

*Approved  
5/3/93  
ewc*

**MEETING DATE:** May 3, 1993  
**SUBJECT:** BUDGET AMENDMENT/TRANSFER OF PERSONNEL  
**ATTACHMENTS:** BUDGET AMENDMENT

**SUMMARY OF REQUEST:**

Please find attached a Budget Amendment request to transfer three maintenance employees from the Maintenance Department to the Recreation Department, and a fire code inspector from the Building Inspections Department to the Fire Marshal's Office. This budget amendment will simply transfer the budgeted amounts from the employees' old departmental budget to their new departments.

For the Commissioners' information, all three of the maintenance employees are currently assigned to work at Jackson Park but report to Les Capps administratively. I feel that the County can better utilize this personnel by having them report directly to the person using their services. One condition of this transfer is that they can be pulled from the Recreation Department if the county needs help in another area. They will be receiving more direct day-to-day supervision under this scenario and will not have to check with an off-site supervisor when they have a question as to their work priorities, etc.

I had previously stated to the Board that the Fire Inspector's position would need to be transferred to the Fire Marshal's office after the Marshal's office was established and became stable. I feel it is now appropriate to transfer this position due to the need to prepare for the mandated inspections that have been promulgated by North Carolina.

**HENDERSON COUNTY  
BUDGET AMENDMENT**

Code	Account Description	Debit	Credit
11-6120-01210	Recreation-Salaries & Wages	6,409.00	
11-6120-01810	F.I.C.A. Expense	490.00	
11-6120-01820	Retirement Expense	331.00	
11-6120-01830	Medical Insurance	720.00	
11-6120-01832	Dental Insurance	31.00	
11-6120-01260	Salaries & Wages - Part-time	4,600.00	
11-6120-01810	F.I.C.A. Expense	352.00	
11-4250-01210	Garage & Grounds-Salaries & Wages		6,409.00
11-4250-01810	F.I.C.A. Expense		490.00
11-4250-01820	Retirement Expense		331.00
11-4250-01830	Medical Insurance		720.00
11-4250-01832	Dental Insurance		31.00
11-4250-01260	Salaries & Wages - Part-time		4,600.00
11-4250-01810	F.I.C.A. Expense		352.00
11-4340-01210	Fire Marshall-Salaries & Wages	2,453.00	
11-4340-01810	F.I.C.A. Expense	188.00	
11-4340-01820	Retirement Expense	126.00	
11-4340-01830	Medical Expense	240.00	
11-4340-01832	Dental Insurance	11.00	
11-4350-01210	Inspections-Salaries & Wages		2,453.00
11-4350-01810	F.I.C.A. Expense		188.00
11-4350-01820	Retirement Expense		126.00
11-4350-01830	Medical Insurance		240.00
11-4350-01832	Dental Insurance		11.00

**BUDGET AMENDMENT**

Budget Amendment - Board of Commissioners Meeting of May 3, 1993

David Nicholson

5-3-93

Prepared by

Date

Approval

Batch

Batch Date

JV#



COMMISSIONER'S REPORT 04-26-93  
 RELEASES PAGE 2

Name.....	Releases.....	Total..... Tax.....	Reasons for Rel/Refunds.....
SHIFFERD, STANLEY KEITH	92A89590.01	\$92.52	LIVES AND PAID TAXES IN KENTUCKY
SPARKS, DEBORAH M	92A91364.07	\$41.80	DBL LISTED TO ACCT# 63732
SPARKS, RALPH L	92A0114421	\$80.40	DID NOT RECEIVE OR EXEMPTION FOR 92
TURBERVILLE, ODELL & WIFE	92A33439.01	\$10.37	JEEP WAS LISTED IN BUNCOMBE CO. UNDER BUSINESS NAME
WHITLEY, D E	92A91561.03	\$100.54	HAS NEVER OWNED A MH HERE, ONLY A CT THAT WAS PARKED AT MHP AND IS LISTED ON ACCT# 91561
WHYTE, EVELYN			LIVED AND LISTED IN BUNCOMBE CO.
WILLEY, DAVEENA W	92A31958.01	\$30.33	
THOM, DAVEENA W			
WILLIS, PHILIP COURTNEY II	92A89758.01	\$59.41	MOVED FORM HENDERSON CO. 12-90
WILLIS, PHILIP COURTNEY II	91A89758.01	\$77.97	MOVED FORM HENDERSON CO. 12-90
YOUNGBLOOD, HOMER REEVES	92A77967.01	\$28.46	TAXPAYER WAS DECEASED ON JAN. 1 92
		=====	
		\$1,873.76	

42 records listed.

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COMMISSIONER'S REPORT 04-26-93  
 REFUNDS PAGE 1

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Name.....	Refunds.....	Total..... Tax.....	Reasons for Rel/Refunds.....
CANTLON, JOHN CANTLON, LENORE	92A56823.01	\$11.46	MH SOLD TO ACCT# 56817
EMORY, DAVID SCOTT	90A9319.07	\$8.55	82 SUBA TITLE TURNED IN 10/89
EMORY, DAVID SCOTT	91A9319.07	\$8.42	82 SUBA TITLE TURNED IN 10/89
EMORY, DAVID SCOTT	92A9319.07	\$8.01	82 SUBA TITLE TURNED IN 10/89
LOHRMANN BUILDERS INC	92A9941868	\$44.88	APPEAL TO PROPERTY TAX COMMISSION
MAUSOLF, MELVIN J	92A9935782	\$2.64	LETTER REGARDING INTEREST ON THE
MAUSOLF, JOYCE A			BILL WAS NEVER RECEIVED. REFUND
			INTEREST ONLY
PRICE, RANDAL G	92A9943450	\$542.92	PARCEL PAID BY MISTAKE, SHOULD HAVE
PRICE, VICKI L			
SHELTON, DOVENIA	92A9904377	\$68.40	PAID PARCEL 99-43451 INSTEAD
		=====	OA EXEMPTION IS UNTIMELY
		\$695.28	

8 records listed.

*Approved*  
*5/3/93*  
*euc*