

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MARCH 17, 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. Absent was 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 Edney led the Pledge to the American Flag.

INVOCATION

Alfredo Oviedo, Pastor of the Spanish Baptist Mission, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Edney asked that a new discussion item be added for a Volunteer Appreciation Picnic in the spring for all the people who helped during the severe weather.

David Thompson asked that Tom Edmundson be added before the discussion on the picnic. Tom will give an update on the "Blizzard of '93".

Mr. Good added Tom Edmundson following the consent agenda and the picnic discussion following Tom Edmundson.

CONSENT AGENDAA. REVIEW OF MINUTES

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

1. February 3, 1993
2. February 17, 1993
3. February 23, 1993
4. March 1, 1993

B. RESOLUTION - "Affordable Housing Awareness Week"

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Mike Oliphant of the Housing Assistance Corporation submitted a resolution for the Board's approval. The Resolution would proclaim March 22-28, 1993, "Affordable Housing Awareness Week".

C. PROCLAMATION - April as Child Abuse Prevention Month

Nancy O'Leary of FOCUS submitted a proclamation for the Board's approval. The Proclamation has been approved and signed by Mayor Michalove and needs our Board's approval and the Chairman's signature. It would proclaim April as Child Abuse Prevention Month.

D. TAX RELEASES (18)

Robert Baird, County Tax Assessor, submitted a list of 18 tax release requests for the Board's approval. He has reviewed all the requests and felt the findings to be in order. The supporting documentation is on file in his office.

E. TAX REFUNDS (6)

Robert Baird submitted a list of 6 tax refund requests for the Board's approval. He has reviewed all the requests and felt that the findings are in order. The supporting documentation is on file in his office.

F. NOTIFICATION OF VACANCIES

These are for the Board's information only. They will appear for nominations on the next agenda:

1. Library Board of Trustees - 2 vacancies
2. Nursing Home/Domiciliary Home Advisory Committee - 2 vacancies
3. Henderson County Planning Board - 1 vac.

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

TOM EDMUNDSON - "Blizzard of '93"

Tom stated that the Red Cross just informed him this morning that they are closing the shelter at the National Guard Armory in East Flat Rock. There were as many as 29 families staying at the Armory. The National Guard Armory has been utilized since last Friday night. He stressed the importance of that facility to Henderson County.

Tom had nothing but praise for the Rescue Squad, the Fire Departments, and the Sheriff's Department.

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He requested and got eight Hum Vees and 16 personnel out of Lexington, N.C. to help get to the inaccessible areas of the county for health and welfare checks.

All emergency services cooperated and got the job done. He praised Rocky Hyder for coordinating the fire services. The local National Guard has helped out tremendously. The Department of Transportation was also very helpful.

Chairman Good complimented all the emergency teams and everyone who helped out during this very trying time for all of Henderson County.

Commissioner McKay made the motion that the record show that the Board expressed their appreciation to staff, all the volunteers, the National Guard, and all others involved for the tremendous job they have done in coping with this unprecedented emergency. All voted in favor and the motion carried.

David Thompson stated that Henderson County is included in the declaration as an emergency situation. He stated that this is a slow process. Henderson County will help with the damage assessment. We do expect to receive some State and Federal reimbursements.

Mr. Thompson stated that the County will give the Fire Departments reimbursements for their direct expenses. The county will then seek reimbursement from the State of N.C.

Commissioner Edney made the motion to authorize that funds come out of contingency as needed to reimburse the fire departments for their direct expenses. All voted in favor and the motion carried.

VOLUNTEER APPRECIATION PICNIC

Commissioner Edney suggested a picnic at Jackson Park in May, to be paid for by private donations. County staff will help with the planning. It was the consensus of the Board to continue with this idea.

INFORMAL PUBLIC COMMENTS

Nyoka Harris - Mrs. Harris spoke in favor of the use of the Tuxedo Elementary School, when vacated, for community purposes.

REQUEST FOR SUBDIVISION IMPROVEMENT GUARANTEES - Champion Hills, Section 2

Karen Collins, County Planner, informed the Board that the Branigar Organization has requested that the Board of Commissioners approve a guarantee for road construction, drainage, water and sewer

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improvements for Champion Hills, Section 2. The developer will provide a letter of credit in the amount of \$319,494.00 which includes a 25% overhead factor. A sample agreement was provided.

Ms. Collins stated that the Planning Board has approved a preliminary plan with the developer proposing individual sewer rather than city sewer. The amount of the letter of credit needs amended to \$200,620.00 (less sewer).

David Thompson stated that the request is in compliance with instructions given by the Board of County Commissioners in the past. Therefore, approval is recommended.

Commissioner McKay made the motion that the Board approve the guarantee for subdivision improvements for Champion Hills, Section two, subject to these items:

1. Specify method of guarantee (Irrevocable Letter of Credit)
2. Specify improvements to be completed (road construction, storm drainage, water and sewer improvements)
3. Specify amount (\$319,494.00) without sewer \$200,620.00
4. Set date of completion (April 1, 1994)
5. Require execution of a formal agreement

All voted in favor and the motion carried.

SOCIAL SERVICES SPACE RECOMMENDATIONS

David Thompson reminded the Board that during last year's budget preparation, the County Commissioners approved funding for renovation of the third floor office space. The development of this space was to relieve the then crowded conditions existing in the building mainly due to expansion of the Department of Social Services but also to give additional space to the Planning and Inspections Department.

Mr. Thompson recommended that we:

1. Proceed with minimal plans and specifications for the third floor renovation into generic administrative office space that is flexible enough for changes in use in the future.
2. Perform the majority of the work in-house utilizing county staff. If the work performed is less than \$75,000 and the work is completed by permanent staff, the county is not required to go out to formal bid thus saving a considerable amount of overhead cost. He would still have to bid out items that County Staff cannot complete but it will be under the informal bid process with no bonding requirements, need for complete construction documents, bid deposits, etc. which should lessen the overall project costs.

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3. Immediately seek maximum cost recovery from the State and Federal governments for indirect operational costs.

As part of this project, Mr. Thompson requested permission to approach the Superintendent of Schools about using their upper floor at the County School Administrative Offices. We would use it to store voting machines which are presently stored on the third floor of this building.

Commissioner Kumor made the motion to approve the Manager's recommendations for remodeling the third floor for generic office space. All voted in favor and the motion carried.

EMS FACILITY NEEDS

Mr. Thompson reminded the Board that Henderson County's Emergency Medical Services have been in need of additional space for training, housing, day-to-day business and storage. He reviewed a proposal from Mr. Emory Jackson for step one of this plan of action. Mr. Thompson recommended that the Board transfer funds from the third floor renovation monies previously discussed to pay for this assessment. The stated assessment fee is \$2,500.

After the assessment, funding can be included in the FY 1993-1994 budget. This project should be minimal in cost due to utilization of existing finished areas. Hopefully, third floor cost savings (this building) will adequately cover EMS facility modifications.

After much discussion, Commissioner McKay made the motion to approve the Managers' recommendations to include firming up the use of space of the old Nurses' quarters for EMS, the employment of Mr. Jackson to redesign it, and then to go ahead and proceed with adjusting the property for use by the EMS as he sees fit. All voted in favor and the motion carried.

PROPOSED LOCAL LEGISLATION

Mr. Thompson addressed the Board requesting the authority to draft some type of legislation for Economic Purposes, such as what Catawba County recently did.

Angela Skerrett has done a literature search and has talked with the Institute of Government about things that local governments can do. Mr. Thompson reviewed those items:

1. Acquire and develop land for an industrial park.
2. Acquire, assemble, and hold for resale property, land that is suitable for industrial or commercial use.
3. Acquire options on property suitable for industrial or commercial use.
4. Assign the option for consideration and subject to the terms

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- and conditions the county desires.
5. Acquire, construct one or more shell buildings, then lease or convey that facility to an industrial concern.
 6. Construct, extend, or own utility facilities or provide for or assist in the extension of utility services to be furnished to an industrial facility.

There is a statement in the General Statutes that the Board can acquire property and resale it back to an industry but must get fair market value consideration for that exchange. Some communities have introduced local legislation saying that part of the formula for the fair market value consideration is the property taxes that will be derived, sales taxes and other direct revenues that you derive from the industry. This can be time streamed over 10 years and use the revenue stream as part of your fair market value consideration. He would like to have this option.

David Thompsons' recommendation, if the Board wishes to act upon this, is that the Board approve the same type of legislation that Catawba County submitted as far as an amendment of session law and that we have it reviewed by the Staff Attorney. Then it would be up to the Chairman's discretion as far as which legislator he would like to approach to try to get this introduced.

Commissioner McKay made the motion that the Manager be authorized, with the Staff Attorney, to present a bill through one of our legislators to accomplish his recommendations which would give the county authority to acquire property in this manner, should we so desire. All voted in favor and the motion carried.

MANAGER'S UPDATE

David Thompson updated the Board on the following items:

1. Solid Waste Issues

a. Groundwater Monitoring - He reviewed our response to Mr. Lufty, Hydrogeologist with the Solid Waste Section of the Division of Solid Waste Management. He will share that response with the media.

His concern was that some of our wells are too deep to get a good reading on the current condition of our landfill. We are proposing some down gradient wells that are at the 20-30 foot depth range.

b. Methane Gas Remediation - He has authorized procurement of landfill gas monitors so that we can monitor methane gas on our own. We have also proposed a monitoring plan for the landfill and have sent that to the state.

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c. Site Utilization Study - This is currently being analyzed. October 1998 is the date we **must** be **out** of our current landfill. Solid Waste going into our landfill is currently 245 tons per day.

d. Impact of Waste Stream Diversion - Mr. Nicholson has come up with a dollar impact based on the total tonnage projected of 76,039 tons of solid waste during the next year. During 1992 Waste Management brought in 14,991 tons while Hyder Waste Container Co. brought in 7,850 tons. These two haulers make up 30% of our total waste stream. We are talking about a potential loss of approx. \$600,000 in lost revenue. If we lose these two haulers it could limit our ability to use other technologies.

2. Buncombe County/Henderson County Boundary Follow-Up

Mr. Thompson is particularly concerned about how to get the word out to the public as to how this is being handled. There are two sections in question. On one five mile portion both assessors have come together and come to an agreement based on the boundary commission. After the boundary commission makes a decision the boundary line must be physically located on the maps and differences between the two counties must be reconciled. The second line is an eight mile portion bordering Edneyville. This line has not been resolved yet but staff is working on it.

3. Courthouse, Law Enforcement, Jail Complex

Financing for the new Courthouse needs to be discussed at length and all options reviewed. The Board set a date to do this - April 6 at 1:00 p.m. This will be about a 3 hour meeting. Facilities evaluation will be part of the meeting also.

4. Etowah Branch Library Renovations

David Thompson asked them to break out the sewer part of this project as a separate project and contract it out so that we could get the sewer line fixed and use the facility. They are still working on plans and specifications.

5. Health Department Renovations

The bids have been awarded. Construction should begin very soon.

6. Financial Report

Financial report for February was included in the agenda packet for the Board's information. There were no questions.

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NOMINATIONS

1. Chairman Good reminded the Board of 1 vacancy on the Industrial Development Committee. There were no nominations at this time so the item was rolled to the next meeting.
2. Chairman Good reminded the Board of 1 vacancy on the Recreation Committee. Commissioner Kumor nominated Chip Gould to fill this vacancy. Commissioner McKay made the motion to suspend the rules and appoint Mr. Gould. All voted in favor and the motion carried.
3. Chairman Good reminded the Board of 1 vacancy on the Council for Women. There were no nominations at this time so this item was rolled to the next meeting.
4. 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 the item was rolled to the next meeting.
5. Chairman Good reminded the Board of 1 vacancy on the Community Child Protection Team. There were no nominations at this time so the item was rolled to the next meeting.
6. Chairman Good reminded the Board of vacancies on the Solid Waste Appeals Committee. There were no nominations at this time so the item was rolled to the next meeting.
7. Chairman Good reminded the Board of 1 vacancy on the Land Of Sky Regional Council, Senior Companion Advisory Council. Commissioner Kumor nominated Josephine Hoban to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Ms. Hoban. All voted in favor and the motion carried.

David Thompson asked the Clerk to pull the following committees from the list of nominations, for various reasons:

1. Solid Waste Appeals Committee
2. Council on Women
3. Industrial Development Committee

IMPORTANT DATES

David Thompson asked the Commissioners to please add the April 6 work session to the dates on their calendar.

He also reminded the Commissioners of the NCACC District Meeting in Waynesville on April 13 and asked that our Board be represented at that meeting. He asked that the Board members let the Clerk know if they intend to attend the Waynesville meeting so that reservations can be made.

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He also reminded them of the Legislative Briefing in Raleigh on May 5 and asked them to let the Clerk know if they intend to attend so that accommodation and reservations can be arranged.

EXECUTIVE SESSION

Commissioner McKay made the motion for the Board to go into Executive Session as allowed under General Statute 143-318.11 to consult with the County Attorney to the extent that confidentiality is required. All voted in favor and the motion carried.

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

The Board adjourned for lunch.

2:00 p.m. COMPREHENSIVE LAND USE PLAN WORK SESSION

The Board reconvened at 2:00 p.m. for the scheduled work session. There were four members of the Comprehensive Land Use Plan Steering Committee in attendance.

Chairman Good called the meeting to order and turned the meeting over to Matt Matteson. Mr. Matteson, Director of the Planning Department, reviewed the agenda briefly.

There was considerable time spent on implementation of the Plan and Goals and Objectives of the Plan with much discussion.

There was much discussion on whether the Board will accept/adopt the Comprehensive Land Use Plan. It was the consensus of the Board that much discussion would be necessary before adopting and/or formally accepting the document.

A meeting is planned for March 25 at 9:00 a.m. at City Hall. This will be a joint meeting of Henderson County, City of Hendersonville, Town of Fletcher, and Town of Laurel Park. The planned topic of discussion will be the Comprehensive Land Use Plan. It was suggested that Matt review the Goals & Objectives as the agenda for the joint meeting on March 25.

It was the consensus of the Commissioners that when the next work session is held, that the Steering Committee be included and be seated around the table with the Commissioners.

There being no further business the meeting was adjourned at 3:30 p.m.

ATTEST:

Elizabeth W. Corn

 Elizabeth W. Corn, Clerk

Vollie G. Good

 Vollie G. Good, Chairman

3/17/93

PROCLAMATION

**FOCUS
FRIENDS OF CHILDREN UNITED SERVICES**

APRIL AS CHILD ABUSE PREVENTION MONTH

WHEREAS, FOCUS, Friends of Children United Services, is a private, non-profit children's advocacy center whose purpose is to coordinate Henderson County and City of Hendersonville services to children who have been sexually abused, and,

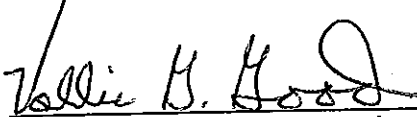
WHEREAS, FOCUS' mission is advocacy for the child and the multi-disciplinary resolution of child sexual abuse, and,

WHEREAS, FOCUS is in the midst of planning awareness campaigns to educate the citizens of Henderson County and the City of Hendersonville about the realities of child abuse and how to prevent it, and,

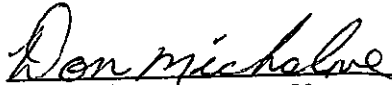
WHEREAS, FOCUS requests that the City of Hendersonville and Henderson County jointly proclaim a day in April as FOCUS Day, and,

WHEREAS, FOCUS wishes to kick-off the Blue Ribbon Campaign on April 1, 1993. The Blue Ribbon Campaign is the wearing of or displaying of blue ribbons as a way to heighten the awareness about the tragic consequences of child abuse and neglect,

NOW THEREFORE, Henderson County and the City of Hendersonville do hereby proclaim April as Child Abuse Prevention Month and thereby do designate the 7th day of April, 1993 as FOCUS Day.



Vollie G. Good, Chairman
Henderson County
Board of Commissioners



Don Michalove, Mayor
City of Hendersonville

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

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

DAVID F. THOMPSON
COUNTY MANAGER

R E S O L U T I O N

WHEREAS, Access to housing that is safe, decent and affordable is recognized as a prerequisite to the health, welfare, and safety of the residents of Henderson County; and,

WHEREAS, Homeownership can build family wealth, stability, and pride; and,

WHEREAS, Housing repair and rehabilitation programs allow elderly homeowners to continue living in their own homes; and,

WHEREAS, Businesses including home builders, real estate professionals, and financial institutions have a role in improving access to affordable housing; and,

WHEREAS, Individuals, non-profit organizations, government, churches, and civic groups all have a role in improving access to affordable housing; and,

WHEREAS, There are many programs available to Henderson County families that improve access to safe, decent, and affordable housing and there is a need to make information on these programs available.

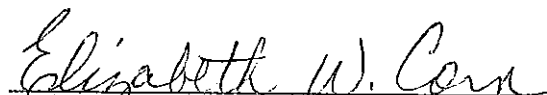
NOW THEREFORE, BE IT RESOLVED THAT: Affordable Housing Awareness Week is declared in Henderson County March 22-28, 1993.

Adopted this the 17th day of March, 1993.



Vollie G. Good, Chairman
Henderson County Board of
Commissioners

ATTEST:



Elizabeth W. Corn
Clerk to the Board

COMMISSIONER'S REPORT 03-09-93
 RELEASES PAGE 1

Name.....	Releases.....	Total..... Tax.....	Reasons for Ref/Refunds.....
CHEEK, BILLY DON	92A97907.01	\$3.65	HAS NOT LIVED IN COUNTY FOR 2-3 YEARS
COMMON GROUND DISTRIBUTORS I NC	92A90614.01	\$59.96	90 DODGE VAN IS IN BUNCOMBE CO.
HOYLE, FRANK L	92B84702.01	\$0.00	MOVED OUT OF LAUREL PARK TO 100 SENECA BLVD.
MEETINGHOUSE CREEK INC	93A9905230.1	\$59.06	ROLLBACK BILLED INCORRECTLY PARTNERSHIP SPLIT IN TWO
MEETINGHOUSE CREEK INC	93A9905230.3	\$191.75	ROLLBACK BILLED INCORRECTLY PARTNERSHIP SPLIT IN TWO
MEETINGHOUSE CREEK INC	93A9905230.4	\$191.50	ROLLBACK BILLED INCORRECTLY PARTNERSHIP SPLIT IN TWO
MEETINGHOUSE CREEK INC	93A9905230.2	\$104.24	ROLLBACK BILLED INCORRECTLY PARTNERSHIP SPLIT IN TWO
MORGAN, BRENDA GRAVELY MORGAN, CHARLES	91A29170.01	\$41.00	96 FORD TK TRADED IN 1990 AND 94
MORGAN, BRENDA GRAVELY MORGAN, CHARLES	92A29170.01	\$40.53	KAMA DIL LISTED TO ACCT# 09309 96 FORD TK TRADED IN 1990 AND 94
THOMAS, VENDETTA E THOMAS, BILLY D	90A9929146.1	\$14.30	KAMA DIL LISTED TO ACCT# 09309 ROLLBACK BILLED INCORRECTLY PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	97A9929147	\$22.03	SOLD TO DAUGHTER ROLLBACK BILLED INCORRECTLY PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	99A9929147.1	\$27.03	SOLD TO DAUGHTER ROLLBACK BILLED INCORRECTLY PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	90A9929147.1	\$64.35	SOLD TO DAUGHTER INCORRECT ROLLBACK BILLED PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	99A9929146.1	\$15.00	SOLD TO DAUGHTER INCORRECT ROLLBACK BILLED PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	91A9929146.1	\$22.95	SOLD TO DAUGHTER ROLLBACK BILLED INCORRECTLY PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	90A9929147.1	\$25.63	SOLD TO DAUGHTER ROLLBACK BILLED INCORRECTLY PARCEL
THOMAS, VENDETTA E THOMAS, BILLY D	90A9929146.1	\$20.25	SOLD TO DAUGHTER ROLLBACK BILLED INCORRECTLY PARCEL
WEST, MARGARET CHASTAIN	92A95679.02	\$13.14	SOLD TO DAUGHTER DIL LISTED TO ACCT# 3623

Approved
3/17/93
ewh

COMMISSIONER'S REPORT WJ-09-93
 RELEASES PAGE 2

Name.....	Releases.....	Total.....	Tax.....	Reasons for Rel/Refunds.....
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			\$997.13	
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18 records listed.

COMMISSIONER'S REPORT 03-00-03
 REFUNDS PAGE 1

Name.....	Refunds.....	Total.....	Tax.....	Reasons for Rel/Refunds.....
ASHLEY, WALTER E & JO ANN	92A36753.01	\$0.00		THEY LIVE IN LAUREL PARK, NOT HENDERSONVILLE. OWN RENTAL PROPERTY IN C81 ONLY
BINGHAM, SHARON MILLS	92A73149.02	\$37.76		84 PONT, 77 DODGE, AND 88 CHEV WERE NOT OWNED ON JAN 1, 1992
CFK LEASING CORP	92A95137.01	\$30.97		85 CHEV SOLD 7-17-91
STRICKLAND, HERMAN B	90A30496.01	\$50.95		GMAC PAID TAXES ON 1989 CHEV
STRICKLAND, HERMAN D	91A30496.01	\$49.39		GMAC PAID TAXES ON 89 CHEV
STRICKLAND, HERMAN B	92A30496.01	\$42.07		GMAC PAID TAXES ON 89 CHEV
		=====		
		\$210.14		

6 records listed.

*Approved
 3/17/93
 ewc*