

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MARCH 1, 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: Vice-Chairman J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela Skerrett, and Clerk to the Board Elizabeth W. Corn. Absent were: Chairman Vollie G. Good, Commissioner Renee Kumor, and County Manager David F. Thompson.

CALL TO ORDER/WELCOME

Vice-Chairman Edney called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

Commissioner Randall led the Pledge to the American Flag.

INVOCATION

Mervin Garrison, Pastor of French Broad Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

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

Items on the Consent Agenda were:

A. Addition and Renovation - Health Department

Bids have been received for the addition and renovation at the Henderson County Health Department. The total of all bids is \$233,529. During the FY 92-93 Budget process, the Commissioners approved \$240,000 in Medicaid receipts for this project. William O'Cain has reviewed the low bidders and recommended that the Commissioners award the bids.

Low bidders are:

| | | |
|-------------------------|-----------------------|--------------|
| General Construction | Buncombe Construction | \$189,250.00 |
| Plumbing Construction | Pace Plumbing | 15,380.00 |
| Mechanical Construction | Martin Heating | 13,200.00 |
| Electrical Construction | D.R.Walters Electric | 15,699.00 |

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Total Separate Prime Combination of Bids \$233,529.00

David Nicholson recommended award of the low bids subject to receiving approval from the N.C. Department of Insurance on the plans and specifications for the building. It appeared the total project including the architect's fees and contingency will be within the allotted funds in the current year's budget.

B. Temporary Electrical Inspector

At the August 3, 1992 Commissioners' Meeting, the Board approved the hiring of a temporary electrical inspector. The Board approved this position for a period of three months or 400 hours. This temporary employee's responsibility was to inspect load control devices. The cost of the position and associated expenses were paid for by the permit fees.

Sam Laughter requested an extension of time for this temporary position. His request is for an additional 400 hours at a total cost of \$5,000.00. During these hours, he indicates this inspector will complete 260 load control device inspections. The cost for a load control permit is \$20.00. Based on this charge, Henderson County will receive \$5,200.00 in collected fees.

David Nicholson recommended approval of the request based on the need to complete these load control inspections. The funds to cover this position and other associated expenses would be covered by the cost of the permit.

C. Review of Minutes: January 21 & February 1.

Minutes were presented for review and approval of the January 21, 1993 and February 1, 1993 meetings.

D. Tax Refund Requests (5)

Robert Baird submitted 5 refund requests for the Board's approval. He has reviewed all the requests and supporting documentation is on file in the County Assessor's office.

David Nicholson recommended approval based on the recommendation of the County Assessor.

E. Tax Release Requests (11)

Robert Baird submitted 11 release requests for the Board's approval. He has reviewed all the requests and supporting documentation is on file in the County Assessor's office.

INFORMAL PUBLIC COMMENTS

Viola Hall - Mrs. Hall lives at Mills River and is opposed to the name "Gilreath Loop" the Board recently gave to SR# 1334 Sweetwater Road. She favored keeping the word Sweetwater in the road name.

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Ellis Parker - Mr. Parker lives at Mills River and is opposed to the name "Gilreath Loop" for SR# 1334 Sweetwater Road.

Martha Owen - Mrs. Owen lives at Mills River and is opposed to the name "Gilreath Loop" for SR# 1334 Sweetwater Road. She asked the Board what other information or documentation she could provide to help make their point. She favored keeping the word Sweetwater in the road name.

N.C. RECREATION AND NATURAL HERITAGE TRUST FUND

Doug Moon, Director of the Department of Parks and Recreation, requested the Board endorse a resolution calling for State-wide legislation to increase the excise tax on land transfers by \$1 per thousand. The revenue generated by this addition on the excise tax would provide additional funding for Parks development both at the State and Local levels.

The Bill has been proposed and the monies would be dedicated to a State Trust Fund with 40% going to State Parks, 45% to Local Parks, and 15% to the Natural Heritage Program. This is not a new tax but redirection of tax monies already in place.

David Nicholson stated that this is an amendment of a 1991 legislation. He recommended that a Bill # be incorporated into the Resolution.

Commissioner McKay made the motion for the Board to approve the resolution as requested by Mr. Moon. All voted in favor and the motion carried.

GRANT RESOLUTION - Westfeldt River Park

Doug Moon informed the Board of two Resolutions requiring the Board's approval. He requested approval of the submittal of a grant application to the Land and Water Conservation Fund (LWCF). This grant would be used for the development of the Westfeldt River Park on the French Broad River. If approved, Henderson County would receive \$30,000.00 in LWCF funding. A Public Hearing would also be required.

David Nicholson reminded the Board that they have gone on record in the past approving the development of this river park. Grants received through the Land and Water Conservation Fund require a 50% match in cash or in-kind. In the case of the Westfeldt property, the land would act as an in-kind match. Mr. Nicholson recommended that the County proceed with filing the grant application and set a date for the required public hearing.

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The two Resolutions are: 1. Resolution Authorizing the Development of Westfeldt River Park, and 2. Resolution For The Assurance of Availability of Land and Water Conservation Fund Match.

Commissioner McKay made the motion to approve the two submitted Resolutions and to set a Public Hearing here on March 11 at 11:30 a.m. Commissioner Randall seconded the motion. All voted in favor and the motion carried.

NOMINATIONS

1. Vice-Chairman Edney reminded the Board of 1 vacancy on the Industrial Development Committee. There were no nominations at this time so it was rolled to the next meeting.

2. Vice-Chairman Edney reminded the Board of 1 vacancy on the Recreation Committee. There were no nominations at this time so it was rolled to the next meeting.

3. Vice-Chairman Edney reminded the Board of 1 vacancy on the Henderson County Council for Women. There were no nominations at this time so it was rolled to the next meeting.

4. Vice-Chairman Edney 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 it was rolled to the next meeting.

5. Vice-Chairman Edney reminded the Board of 1 vacancy on the Community Child Protection Team. There were no nominations at this time so it was rolled to the next meeting.

6. Vice-Chairman Edney reminded the Board of vacancies on the Solid Waste Appeals Committee. There were no nominations at this time so it was rolled to the next meeting.

7. Vice-Chairman Edney reminded the Board of 1 vacancy on the Land Of Sky Regional Council, Senior Companion Advisory Council. There were no nominations at this time so it was rolled to the next meeting.

OFFER TO PURCHASE/FORECLOSED PROPERTY

Don Elkins informed the Board of an Offer to Purchase made on a piece of foreclosed property in the Hendersonville Township, formerly owned by J.W. Denny. The property is described as lot 147, Highland Lake Road. The Offer is made by an adjacent property owner in the amount of \$150.00.

The assessed value of the property was discussed (\$4,200) compared to the low bid of \$150. The county has had the property 48 years.

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After some discussion, Commissioner McKay made the motion to reject the offer. All voted in favor and the motion carried.

ROAD PETITIONS

The following road petitions were submitted for the Board's approval:

1. Hawthorn Drive
2. Archer Circle
3. Browning Road
4. Heathcote Road
5. Gregory Way
6. Virginia Lane
7. Valentine Street
8. Ferndale Street
9. Jody Street
10. B Street
11. Chippendale Court

None of these names are duplications; therefore, our Planning Department recommends acceptance.

Commissioner McKay made the motion to accept these petitions and forward them to N.C. Department of Transportation providing the paperwork is in order. All voted in favor and the motion carried.

IMPORTANT DATES

David Nicholson reminded the Board of the Public Hearing set at this meeting. He asked that they mark March 11 @ 11:30 a.m. on their calendars.

After some discussion the Board also decided to set a work session on the Land Use Plan for the mid-month meeting, 2 p.m. on March 17.


EXECUTIVE SESSION

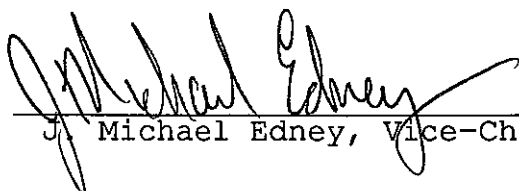
Commissioner Randall made the motion for the Board to go into Executive Session as allowed under G.S. 143-318.11 to consult with the County Attorney to the extent that confidentiality is required. All voted in favor and the motion carried.

Commissioner Randall made the motion for 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 7:45 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Vice-Chairman

R E S O L U T I O N

REQUESTING MODIFICATION OF PROPOSED LEGISLATION
AFFECTING THE RECREATION AND NATURAL HERITAGE TRUST FUND

WHEREAS, the 1991 session of the General Assembly enacted a bill that increased the excise tax on land transfers by one dollar per thousand; and

WHEREAS, Eighty-five percent of the revenues from this increase on excise tax went into the general fund of the State; and

WHEREAS, the Legislative Study Commission on Parks and Recreation has drafted legislation that would dedicate the eighty-five percent of the revenue that is currently going to the general fund to a proposed Park fund of North Carolina to be used for land acquisition; and

WHEREAS, funding from the Federal Land and Water Conservation Fund, which was a major source of support for State and Land Parks Systems for the last twenty-seven years, has decreased considerably since 1979; and

WHEREAS, the North Carolina Recreation Parks Society has requested support for modification of the proposal developed by the Legislative Study Commission on Parks and Recreation to divide the entire 1991 tax funding would be used for acquisition of land with significant natural heritage value, forty-five percent of the funding would be used for local park acquisition and development of park lands, and forty percent of the funding would go to state parks.

WHEREAS, the Henderson County Recreation and Parks Advisory Board has endorsed this formula and has requested the Board of Commissioners to also support this proposal.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF HENDERSON DO TH RESOLVE:

1. The members of the General Assembly representing the people of the County of Henderson are called on to support the modification of the proposal which has been drafted by the Legislative Study Commission on Parks and Recreation to provide for a more equitable distribution of funds for the 1991 tax increase with the funding being divided as indicated above.
2. The Clerk to the Board of Commissioners is directed to send a copy of this Resolution to each of the members of the General Assembly representing the people of the County of Henderson and to the North Carolina Association of County Commissioners.

Adopted this 1st day of March, 1993.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Vallis B. Hood
Chairman

Michael Edney
Vice-Chairman

Hugh S. Randall
Commissioner

Renee Kinnor
Commissioner

William M. Kay
Commissioner

COMMISSIONER'S REPORT 02-22-93
 REFUNDS PAGE 1

| Name..... | Refunds..... | Total..... Tax..... | Reasons for Ref/Refunds..... |
|--|----------------------------|------------------------|--|
| DRAKE, ROBERT A & WIFE FIRST CITIZENS LEASING | 92A0401163 92A7786.01.2 | \$3.14 \$169.22 | SOLD 66 FORD TK IN 1991 EQUIPMENT BELONGING TO PHOTO QUIK ONE HOUR IS LOCATED ON 660 MERRIMON AVE. ASHEVILLE, NC BUNCOMBE CO. |
| GORDON, RUPERT O & WIFE JUSTICE, CURTIS | 92A0801160 92A9939650 | \$15.15 \$61.20 | MH DBL LISTED TO ACCT# 12487 REFUND 12000 FOR OA EXEMPTION |
| STAPP, ALVIN D/B/A | 92A93001.02 | \$97.61 | DBL LISTED ON NATIONS BANK LEASING ACCT# 93001 |
| | | ===== | |
| | | \$346.32 | |

5 records listed.

COMMISSIONER'S REPORT 02-02-93
 RELEASES PAGE 1

| Name..... | Releases..... | Total..... | Reasons for Rel/Refunds..... |
|-------------------------|---------------|------------|-------------------------------------|
| | | Tax..... | |
| ABRAMCZYK, SHARON MAY | 92A95938.05 | \$12.39 | RESIDENT OF RUTHERFORD CO. |
| ANKER, JANE A | 92A83291.01 | \$42.01 | LIVES IN COLUMBIA, SC SINCE 1991 |
| DRAKE, ROBERT A & WIFE | 92A6295.04 | \$3.14 | ALREADY PAID UNDER BILL 92A001163 |
| FIDUCIARY LEASCO, INC | 91A85751.07.1 | \$0.00 | SHOULD HAVE BEEN DISCOVERED TO CWI |
| FREEMAN, DOROTHY M | 92A0500572.1 | \$36.26 | BILL WAS MADE TO WRONG PERSON. |
| FREEMAN, DOROTHY M | 92A0500572.2 | \$41.44 | THERE ARE TWO DOROTHY FREEMANS |
| MCCOY, JOHN D | 93A9944703 | \$32.97 | BILL WAS MADE TO WRONG PERSON |
| MCCOY, ELIZABETH R | | | THERE ARE TWO DOROTHY FREEMANS |
| FLEMMONS, CLARENCE R JR | 92A27333.01 | \$0.00 | RELEASE ROLLBACK B/C TAXPAYER NOT |
| FLEMMONS, ANGELA | | | IN LAND-USE FOR 1989 AND 1990. |
| SEARCY, RONALD S | 92A5908.08 | \$35.36 | LIVES AND PAYS TAXES IN TRANSYLVANI |
| SEARCY, CHERYL | | | CO. |
| THE D O THOMPSON CO | 00A9930054 | \$6.36 | LISHED AND PAID ON BILL# 00A9932310 |
| WALKER, ERIC A | 92A69318.01 | \$88.46 | TAXPAYER LISTED A CAR ON HIS |
| | | | ABSTRACT IN THE MH SPACE MISTAKENLY |
| | | | DOES NOT OWN A MH |
| | | ===== | |
| | | \$298.39 | |

11 records listed.

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/692-9855

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

DAVID F. THOMPSON
COUNTY MANAGER

**RESOLUTION AUTHORIZING THE DEVELOPMENT
OF WESTFELDT RIVER PARK**

WHEREAS, the Land and Water Conservation Fund Act of 1965 provides for the making of grants by the National Park Service, Department of the Interior of the United States Government, to States and to Local Municipalities in support of outdoor recreation projects, and such funds are available after approval of the appropriate state agency and the Department of Interior; and

WHEREAS, the State is required to insure that there will be no discrimination against any person of any race, color, sex, creed or political affiliation; and

WHEREAS, the Henderson County Board of Commissioners realizes that recreation facilities are not adequate to meet the minimum recreational needs of the people of Henderson County; and

WHEREAS, it is believed that said Board of Commissioners, with the assistance of the general public, is now in a position to lend full support to the development of a Henderson County Park.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA:


- (1) That an application be made to the National Park Service, Department of the Interior of the United States Government, through the State of North Carolina, for a development grant of \$30,000, which represents 50 percent of all costs (\$60,000), including preparation, plans, and construction of recreational facilities to be completed in the Fiscal Year 1993-94.
- (2) That the County Manager of Henderson County be authorized and directed to file such application on behalf of the County of Henderson, to provide additional information and furnish such documents as may be required by the National Park Service and the State of North Carolina, and to act as the authorized correspondent of Henderson County.
- (3) That the Director, National Park Service, Department of the Interior of the United States Government, be, and hereby is assured of, full compliance by the applicant with the regulations promulgated pursuant to Title VI of Civil Rights Act of 1964.

Adopted this the 1st day of March, 1993.



Vollie G. Good, Chairman
Henderson County Board of Commissioners

ATTEST:



Elizabeth W. Corn
Clerk to the Board

RESOLUTION FOR THE ASSURANCE OF AVAILABILITY OF
LAND AND WATER CONSERVATION FUND MATCH

State of North Carolina

County of Henderson

WHEREAS, at the March 1, 1993 meeting of the Henderson County Board of Commissioners, a motion was made and duly seconded that Henderson County agrees to the following: In the event a Land and Water Conservation Fund grant is awarded by the Department of Environment, Health and Natural Resources, Henderson County certifies and assures that it has the ability and intention to finance its 50 percent share of the total project cost of \$60,000.

Henderson County Board of Commissioners

BY:

Vollie G. Good

Chairman, Henderson County Board of
Commissioners Title

Mona W. Quinn
Notary Public

Commission expires - 4/1/97

Read, approved and adopted this 1 day of March 1993

(s) Vollie G. Good
Vollie G. Chairman Good

(s) Elizabeth W. Corn
Elizabeth Clerk W. Corn