#### MINUTES

## STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS FEBRUARY 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, County Attorney Don H. Elkins, Staff Attorney Angela Skerrett, 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

Commissioner McKay led the Pledge to the American Flag.

#### INVOCATION

Rev. Max Smith, Pastor of Main Street Baptist Church, gave the invocation.

#### DISCUSSION/ADJUSTMENT OF AGENDA

David Thompson stated that he would like to present something to the Board for discussion purposes only. Chairman Good asked that it be added to the agenda just before INFORMAL PUBLIC COMMENTS.

#### CONSENT AGENDA

Commissioner Edney requested that item "D" Request for Letter of Support - Housing Assistance Corporation, be pulled from the consent agenda for discussion.

Chairman Good placed item "D" just before item "A" of discussion items.

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

Items on the Consent Agenda:

A. Review of Minutes - Minutes were presented for review and approval of the January 20 and the January 21 meetings.

- B. Tax Refund Requests (15) Robert Baird submitted 15 refund requests for the Board's approval. He has reviewed all requests and the supporting documentation is on file in the County Assessor's Office.
- C. Tax Release Requests (26) Robert Baird submitted 26 release requests for the Board's approval. He has reviewed all requests and the supporting documentation is on file in the County Assessor's Office.
- D. Item D was pulled for discussion purposes.

## COUNTY MANAGER PRESENTATION

<u>Surplus School Properties</u> - David Thompson felt that the Board should not approach the issue of surplus school properties as a crisis but rather proceed in a step by step manner to make the best longterm decisions for the citizens involved.

He suggested that the Board of Commissioners formally correspond with the Interim Board of Education to find out their intent in relation to all surplus facilities and properties. He suggested that the Commissioners ask the Interim Board of Education these questions:

- 1. Does the Interim Board of Education have a continuous need for any of these properties, if so, which ones?
- 2. What properties have been declared surplus and/or will be declared surplus in the future?
- 3. What is the fair market value of these properties that have been declared surplus ?
- 4. If the County Commissioners have an interest in these properties, what will be the offered price to the county, not the fair market value?

In a telephone conservation with Dr. Lunsford on February 16, he informed Mr. Thompson that the Interim Board of Education has still not resolved these issues at this point in time.

Mr. Thompson further suggested that the Commissioners ask to be kept posted as these decisions are made on individual facilities by the Interim Board of Education.

There was much discussion.

It was the consensus of the Board to formalize a list of criteria on how to deal with these possible surplus properties so that no community would feel they have been treated differently than another.

#### STAFF SUGGESTIONS:

1. Receive input from the Planning Director and the Planning Board as to meeting the long term needs in the county that are stated in the Henderson County Comprehensive Land Use Plan.

2. Solicit and receive input from the Recreation Director as to the short and long term needs for recreation programs and facilities and input as to where those programs and facilities

should be located.

3. Solicit and receive input from the Library Director and the Library Board of Trustees as to the short and long term needs for library programs and facilities.

4. Hold a joint meeting with representatives from these Boards and decide how to consider requests from groups regarding surplus properties.

David Thompson stated that it is very important that we formulate a policy **before** looking at any surplus properties and considering the communities' needs.

David Thompson asked the Board to approve his recommendations as follows:

- 1. Formulate a policy to look at any and all properties and assess the needs for the communities. Establish a priority for each community.
- 2. Meet with Planning Board, Library Board and Recreation Board to assess their projected needs for the communities.
- 3. Hold Work sessions with Commissioners and representatives from these three Boards.
- 4. Meet with key leaders, inform them of what we're doing and how they can cost out their requests. Work with them to help them formulate their proposal and make a proposal to the board. Include a representative from the School Board that would know the properties and buildings and include a Commissioner representative.
- 5. These properties will have to be ranked along with other needs in the county by the Commissioners and County Manager.

Commissioner McKay made the motion that the Board approve in general the concept presented by the County Manager and authorize the Manager to proceed. All voted in favor and the motion carried.

## INFORMAL PUBLIC INPUT

1. June Barnwell- Mrs. Barnwell spoke regarding the school properties in Edneyville that will be vacated. She is in favor of using the property for the community for a library, classes, meetings, scouts, fund raisers, etc. She would like to see this property under the direction of the Recreation Department.

2. Dutch Burdette - Mr. Burdette spoke regarding the sewer project in the Brooklyn Manor area. He invited any or all of the Commissioners to tour the Brooklyn area to see the damage done that has not been repaired.

## REQUEST FOR LETTER OF SUPPORT - HOUSING ASSISTANCE CORPORATION

David Thompson informed the Board that this is money from the North Carolina Housing Trust Fund (overcharge money). It has to be used for energy related rehabilitation projects.

Mike Oliphant of the Housing Assistance Corporation, stated that the matching funds could be either HOME funds that are available to nonprofit organizations through the State of N.C. or Farmer's Home Administration Housing Preservation Grant Funds that are available to nonprofit organizations.

He requested that the funds be matched with the HOME funds. The Housing Assistance Corporation wants to draw down the funds but needs the blessing of the Board of Commissioners. They expect to renovate approximately 20 homes at a cost of approximately \$15,000 each. Twelve of the homes would be for elderly residents, four for disabled/handicapped residents and four more at their discretion. This does not require any county monies.

David Thompson explained that there is a sum of money available basically to rehabilitate low and moderate income homes that are below the minimum housing standards of North Carolina. If we do not allow a nonprofit organization to draw down the monies our name will not be in the pool for the monies.

Commissioner McKay made the motion to support this request. All voted in favor and the motion carried.

Commissioner Kumor reminded the Board that she and David Nicholson have been requested by the Board to formulate a policy in the coming year on housing needs in Henderson County.

## ADA SELF-EVALUATION, TRANSITION PLAN, ADA COMPLIANCE BY HENDERSON COUNTY

Angela Skerrett informed the Board of the members on the ADA County Committee: Sam Laughter, Mona Quinn, Les Capps, Donna Fain, Doug Moon, Lisa Merrick.

The purpose of the ADA was to remove the barriers faced by individuals with disabilities in our society. Titles I and II of the ADA apply to county governments. These titles require that the County do several things:

- 1. Appoint an ADA Coordinator
- 2. Adopt a Grievance Procedure

- 3. Develop a Transition Plan
- 4. Develop a Self-evaluation
- 5. Notify public of the ADA

Henderson County has fulfilled each requirement listed. 1992, Angela Skerrett was appointed as the ADA Coordinator for Henderson County. In September 1992, the Henderson County Board of Commissioners officially adopted a Grievance Procedure for the ADA. In July 1992, the ADA County Committee adopted a Transition plan for Henderson County. In October 1992, the final draft of the Self-Evaluation for Henderson County was finished. In January 1993, this Self-Evaluation was presented to the public and a final Self-Evaluation was completed. In July 1992, the County held its first public forum concerning the ADA. This forum was educational session to inform the public of the ADA and to answer questions concerning the ADA. In January 1993, a second public forum was held to present the Self-Evaluation to the public. Also, copies of the Grievance Procedure were distributed and questions concerning the ADA were addressed. By these actions, Henderson County has complied with the specific provisions of Title II of the Americans With Disabilities Act of 1990.

David Thompson informed the Board that there is no requirement that the Board formally adopt the Self-Evaluation or the Transition Plan. However, he felt that it is important the that Board be aware of Ms. Skerrett's and her committee's efforts to be proactive on ensuring our compliance. He also informed the Board that the costs of the transition plan will be in his proposed FY 1993-1994 Budget.

Angela Skerrett informed the Board that there are 215 services and programs offered by the county.

Commissioner Kumor made the motion to adopt the Self-Evaluation and the Transition Plan. All voted in favor and the motion carried.

## <u> GRANTS - Cooperative Extension</u>

David Nicholson informed the Board that the Cooperative Extension Service has received two grants. This requires no county funding. The first grant is for a part-time temporary position for the purpose of establishing a Middle School After-School Program for youth ages 12-14. The funding for the position and related expenses will be funded through the State 4-H Program.

The second grant is a TVA request, a grant for a composting demonstration trailer. No county funds are required. This would be used at schools for Farm/City Day and other public presentations to explain composting in the community.

Larry Swabe, 4-H agent with the N.C. Cooperative Extension Service in Henderson County, introduced Karen Smith who is the Middle

School project coordinator and Steve Norwood who is the community schools coordinator.

There was discussion and Mr. Swabe answered questions.

Commissioner McKay made the motion to approve the two grants and budget amendments to allow David Nicholson to carry these out. All voted in favor and the motion carried.

# REQUEST FOR MONEY TO INSTALL SEWER SERVICE AT FIREMEN'S TRAINING CENTER

Rocky Hyder requested approval of the Board to hook up a municipal sewer line for the Firemen's Training Center. EPA has put monetary constraints on them until this is done. This will eliminate the need for the EPA permit, and in turn, allow operation of the hazardous materials training facilities.

After conferring with Gary Tweed, of Bill Lapsley and Associates, Mr. Hyder presented two options that are available to achieve the sewer line hookup:

Option A would be an 8" diameter gravity sewer line which would connect to the recently completed 8" diameter gravity line that serves Blue Ridge Community College at an estimated cost of \$21,450.00.

Option B would be a pump station and forced main which would connect to the recently completed 8" diameter gravity sewer line that services Blue Ridge Community College at an estimated cost of \$9,000.00.

The two options were presented to Jim Erwin and it was his recommendation to pursue Option B. Therefore, Rocky requested the Board to consider appropriating \$9,000.00 to install Option B of the sewer service plus \$800.00 for estimated electrical installation for this system.

David Thompson informed the Board that Mr. Hyder has told him at this point in time he cannot conduct hazardous materials training at the Center due to EPA permit requirements. Mr. Thompson is concerned that if we wait until budget approval, it may be six months before we can offer this training which he and Mr. Hyder feel is unacceptable.

Mr. Nicholson informed Mr. Thompson that we still have a balance of \$180,000 in contingencies. Since this sewer line would be one of the highest priorities in the upcoming fiscal year, Mr. Thompson recommended an appropriation from contingencies so this training will not be delayed further.

Commissioner McKay made the motion to approve the recommendation of Option B and appropriate approximately \$9,000.00 from contingencies. All voted in favor and the motion carried.

## PROPOSED ZONING ORDINANCE AMENDMENT

Matt Matteson reminded the Board that we have previously held a public hearing on a proposed amendment to the Zoning Ordinance to permit Planned Unit Developments (PUDs) in R-40, T-20, and O & I zoning districts.

Henderson County has received two letters of concern. After some discussion, Commissioner McKay stated that he is opposed to changing R-40 to include PUDs.

After considerable more discussion, Commissioner Edney made the motion to postpone action on this until the Board receives and reviews the Land Use Plan. The Board should receive the updated Land Use Plan next week. A vote was taken and the motion carried four to one with Commissioner McKay voting against.

## SOLID WASTE ORDINANCE

Nippy Page, Solid Waste Coordinator, presented the final Solid Waste Ordinance to the Board. Three concerns were addressed at the last meeting, there have been no changes in the Ordinance since that meeting.

Commissioner Kumor made the motion to adopt the final draft of the Solid Waste Ordinance. All voted in favor and the motion carried.

#### DSS STAFFING REQUESTS

Liston Smith, DSS Director, requested fourteen staff positions of the 30.5 recommended positions by David M. Griffith & Associates. Prioritization of these fourteen is based on negative impact of below standard levels of service, enhanced revenue achievement and cost savings, department management team recommendations and community input through the Kids Count project.

This request is Phase I of an effort to improve department effectiveness and efficiency following the study by David M. Griffith & Associates and State Regional Office.

Staffing recommendations are at maximum productivity using application of Human Resource Management productivity analysis.

A clear and demonstrated effort to provide adequate services to better protect our community's abused and neglected children is top priority.

David Thompson made a counter recommendation based on his attempt to stabilize the agency until the new Fiscal Year when the agency's requests can be compared and prioritized to other Departmental requests.

Mr. Thompson recommended the Board approve 9 additional positions in DSS immediately. He recommended that the Board of Commissioners and the DSS Board together formulate what our local standards will be. These positions will help provide stabilization in DSS.

After much discussion, Commissioner Edney made the motion to allow 12 new positions, as follows:

- 1 Foster care Recruitment/Training Specialist
- 1 Child Protection Treatment Supervisor
- 3 Child Protection Treatment Workers
- 1 Child Protection Investigation Intake Worker
- 1 Child Protection Clerk
- 1 AFDC Lead
- 1 Medicaid Supervisor
- 1 AFDC Worker
- 1 Food Stamp Worker
- 1 Fraud Worker

A vote was taken with the motion carrying three to two, Commissioners Randall and McKay voted against.

## PROPOSED CRIME\$TOPPERS RESOLUTION

Previously, the Board considered a proposed statutory amendment which would impose an additional one dollar fee on every criminal defendant with the monies being given to the local Crime\$toppers, Inc. The Board requested that the N.C. Association of County Commissioners (NCACC) be contacted concerning this amendment.

The Staff Attorney, Angela Skerrett, spoke with Mr. Jim Blackburn, General Counsel for the NCACC, concerning this issue. Mr. Blackburn offered the following comments. it has been his experience that the General Assembly is very hesitant to increase these fees. Generally, when the NCACC is supporting the increase in criminal fees, the increase is for monies to fund needed law enforcement and jail facilities, or the increase is needed to fund the sheriffs' retirement funds. He felt that earmarking funds collected as criminal fees can present some problems. He also felt collecting funds via the court system for a private non-profit agency can be problematic as well. While Mr. Blackburn indicated his support for agencies such as Crime\$toppers, Inc., the tenor of his statements concerning increasing criminal fees for their support was unfavorable.

The Sheriff's Department has stated that they favor the proposed amendment as has Tommy Thompson, Clerk of Superior Court.

Commissioner McKay made the motion to approve the request supporting the statutory amendment. A vote was taken and the motion carried three to two, Commissioners Randall and Edney voted against.

### JANITORIAL BIDS

David Nicholson informed the Board of the recommendation from Les Capps, Director of Maintenance Services, for the awarding of janitorial contracts. Mr. Capps recommended the bids be awarded as follows:

Praytor Janitorial Service:	
Henderson County Courthouse	\$15,900
Fletcher Library	2,400
Health Department	13,800
Mophead Cleaning Service:	
Cooperative Extension	2,400.00
Main Library	16,800.00
Etowah Library	1,080.00
JOBS Building	1,400.00
Trust Building	5,000.00
Something Special	
County Office Building	19,457,22

The County Manager informed the Board of two changes in this year's contracts. Due to the issues associated with blood-born pathogens, we have greatly increased the required services at the Health Department. He also recommended that the contract for the County Office Building be awarded to Something Special. He hopes that this will provide both better cleaning services and employment for our disabled citizens. Mr. Thompson recommended the Board approve these contracts as presented.

Commissioner McKay made the motion to approve the contracts as recommended. All voted in favor and the motion carried.

## SALE OF FORECLOSED PROPERTIES

## MORGAN, Ruby & Lee

Don Elkins informed the Board of a bid on the Ruby & Lee Morgan property in the amount of \$8,500. We received numerous upset bids during this process but this is the final bid, having received no upset bid after advertising for 10 days.

Commissioner Edney made the motion to adopt the resolution and accept the offer of purchase for \$8,500 and authorize a deed be made to Chad and Betty Golightly. All voted in favor and the motion carried.

## SHERMAN, Denver N. & Wife

Don Elkins informed the Board of a bid on the Sherman property in the amount of \$491.49. This is the owner who bid the back taxes. This property would have to be advertised once and wait 10 days before making a deed.

Commissioner McKay made the motion to convey the property back to the Shermans for \$491.49 plus advertising expense. All voted in favor and the motion carried.

## **NOMINATIONS**

- 1. Chairman Good informed the Board of 1 vacancy on the industrial Development Committee. There were no nominations at this time so the item was rolled.
- 2. Chairman Good informed the Board of 1 vacancy on the Recreation Committee. There were no nominations at this time so the item was rolled.
- 3. Chairman Good informed the Board of 1 vacancy on the Henderson County Council for Women. There were no nominations at this time so the item was rolled.
- 4. Chairman Good informed the Board of 1 vacancy on the Land Of Sky Regional Council, Area Agency Advisory Council due to a resignation. There were no nominations at this time so the item was rolled.
- 5. Chairman Good informed the Board of 1 vacancy on the Community Child Protection Team. There were no nominations at this time so the item was rolled.
- 6. Chairman Good informed the Board of vacancies on the Solid Waste Appeals Committee. There were no nominations at this time so the item was rolled.

## IMPORTANT DATES

David Thompson informed the Board that the March 25 meeting with the other Municipalities has been confirmed for 9:00 a.m. at City Hall, item for discussion is the Comprehensive Land Use Plan.

## **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.

## HENDERSON COUNTY BOARD OF COMMISSIONERS

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

DAVID F. THOMPSON COUNTY MANAGER

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

## R E S O L U T I O N SUPPORT FOR CRIMESTOPPERS PROGRAMS

WHEREAS, communities all over the free world have realized the value of joining the efforts of private citizens, the news media and law enforcement in the fight against crime; and

WHEREAS, Crime\$toppers International and the North Carolina Crime\$toppers programs are recognized for their contributions to this fast growing and world-wide program for citizen protection;

WHEREAS, Crime\$toppers International has solved over 350,000 felony cases world-wide and led to the seizure of over two billion dollars of stolen property and drugs; the program has been responsible for the conviction of 60,000 defendants and has a 97% conviction rate; and

WHEREAS, various Crime\$topper programs within North Carolina depend on community generated donations for their operation, which often fall short of needed funds thus restricting some programs.

NOW, THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners, to request our legislative delegation to support an increase in court costs by \$1 per case throughout the state, which would remain within the counties and would support existing Crime\$topper programs; and

FURTHER BE IT RESOLVED, that this resolution be spread upon the minutes of the February 17, 1993 meeting and copies be forwarded to our legislative delegation.

Approved this 17th day of February, 1993.

Vollie G. Good, Chairman

ATTEST:

Clerk (to the Board

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15 records listed.

## February 17, 1993

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

## **ACTION**

Commissioner Edney made the motion to direct the Library staff to open on Sundays 1-6:00 p.m. during March and April as a test. A vote was taken and the motion failed two to three.

There being no further business, the meeting was adjourned.

ATTEST:

<u>Cluable W. (On</u> Elizabeth W. Corn, Clerk

Vollie G. Good, Chairman