

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 3, 1992

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Meeting Room of the Henderson County Office Building.

Those present were: Chairman J. Michael Edney, Vice-Chairman Vollie G. Good, Commissioner F. Richard Baker, Commissioner Hugh D. Randall, County Manager David F. Thompson, Assistant County Manager/Finance Director David E. Nicholson, and Clerk to the Board Elizabeth W. Corn. Absent were Commissioner William McKay and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

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

Morris Kaplan, of Agudas Israel, gave the invocation.

REVIEW OF MINUTES

Minutes were presented for review of the following meetings:

July 13, 1992

July 15, 1992

July 21, 1992

Minutes were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

PUBLIC HEARING/Planning Ordinance

Commissioner Good made the motion to go into Public Hearing to hear public input on proposed amendments to the Planning Ordinance.

Matt Matteson, County Planner, stated that public notice had been given of tonight's meeting. He had supplied the Commissioners with the legal opinion from our Staff Attorney and a copy of the draft Ordinance with the proposed changes indicated on it.

Mr. Matteson stated that on June 17, the Henderson County Planning Board recommended a change to a Resolution which was adopted in March of 1964. The Resolution established the Henderson County

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Planning Board. Since 1964 there have been no amendments to that Resolution. The Planning Board recommended an Ordinance to replace the Resolution. The Ordinance formally establishes the Planning Board. The Ordinance includes language that was recommended in a model Ordinance from the North Carolina Institute of Government at Chapel Hill.

There are five items of change in the Ordinance:

1. The Old Planning Board could receive contributions. This is now eliminated to match other current County principles.
2. The Old Resolution stated that the Planning Board needed to look at subdivision regulations and zoning ordinances. This has been done already.
3. The Old Resolution did not specify that the Board of Commissioners could remove members for cause and did not specify that members have to be county residents. Those changes have been made.

There was discussion.

Commissioner Baker made the motion to close the Public Hearing. All voted in favor and the motion carried.

Commissioner Baker made the motion to adopt the proposed Planning Ordinance and rescind the 1964 Resolution. All voted in favor and the motion carried.

PUBLIC INPUT

Candler Willis - Mr. Willis spoke on Actual Use Taxation for Forest Land. He specifically wanted to know what is an acceptable plan to qualify for the forestry value. The Forest Service has about a 1 year backlog for establishing Sound Management Plans.

Dutch Burdette - Mr. Burdette requested that a new culvert be put in under Underhill Road now before the road is paved and then would have to be torn up to replace the old 24" culvert. At the present time Henderson County is putting in sewer line in that vicinity.

Richard Harris - Mr. Harris spoke in favor of a NOISE ORDINANCE for the county, particularly for densely populated areas.

Michael Oliphant - Mr. Oliphant, director, of the Housing Assistance Corporation emphasized the importance of the HOME PROGRAM (on agenda later) and asked the Board to approve it. He also requested that the Housing Assistance Corporation be used to help administer the HOME PROGRAM in Henderson County. They could

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supply some of the administrative funds and could utilize some of their volunteers.

Comments - Chairman Edney stated that Mr. Willis made some good points. He requested the Staff Attorney meet with Robert Baird and then come back to the Board with a recommendation regarding this issue.

Chairman Edney stated that informally the Board had asked the Staff Attorney to research a Noise Ordinance. He formally requested that she look into the different options and report back to the Board.

David Thompson had already spoken with Commissioner Good, Jim Erwin, and N.C. Department of Transportation and feels that the new culvert will be installed before Underhill Road is paved.

NOMINATIONS

1. Chairman Edney reminded the Board of 1 vacancy on the Mountain Valleys Resource Conservation & Development Program.

Commissioner Good nominated Terry L. Longworth, who has submitted an application indicating his interest in the Program. There were no other nominations. Commissioner Good made the motion to appoint Mr. Longworth. All voted in favor and the motion carried.

2. Chairman Edney reminded the Board of 1 vacancy on the Western Carolina Community Action Committee (WCCA). There were no nominations so the item was rolled to the next meeting.

This appointment needs to be made in August. Mr. Thompson requested that the Clerk pull general applications of those who have not specified a Board or Committee they wish to serve on. These applications need to be part of the packet for the next agenda so an appointment can be made.

COMMENDATION OF MATT MATTESON, AICP

Chairman Edney informed the Board that the County Planner, Matt Matteson, has recently received notification that he has passed the American Institute of Certified Planners examination. He is now recognized as one of 7,500 certified planners in the nation. He asked the Commissioners to take pride in this accomplishment as the planning profession utilizes this national certification as an independent means to verify the qualifications of planners. This recognition reflects Mr. Matteson's pride in his profession and in his role as County Planner.

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IMPROVEMENT GUARANTEES - Trammel Gap Subdivision

Mr. Matteson informed the Board of a request by Roy Eargle to post improvement guarantees, under Section 551 of the Henderson County Ordinance, for improvements to a 20 lot subdivision located south of the Town of Saluda in Henderson County.

The subdivision has been given preliminary plan approval by the Henderson County Planning Board with Final Plan approval being administratively withheld pending completion and inspection of road and drainage improvements. There are no other outstanding "punch list" items or conditions imposed by the Planning Board.

The developer has indicated that he will furnish a cash deposit (certified check) in the amount of \$7,500, based upon the engineer's cost estimate which includes a 25% overhead factor. The engineering is substantially complete and therefore not included in the overhead.

Mr. Matteson stated if the Board approves the developer's request, the Board's action should include at least the following items:

1. Specify method of guarantee (cash on deposit)
2. Specify work (road & drainage improvements per approved drawings)
3. Specify amount (7,500.00)
4. Set date of completion (October 1, 1992)
5. Require execution of formal agreement (sample attached to agenda materials)

Commissioner Randall made the motion to approve the improvement guarantees, subject to the approval of the County Attorney. All voted in favor and the motion carried.

WESTFELDT RIVER PARK

Doug Moon reminded the Board that Westfeldt River Park consists of 19 acres of property on the Buncombe County/Henderson County line adjacent to the airport. The Parks & Recreation Department along with the French Broad River Foundation sought out this property in 1989. In 1990 the property was found and in June of 1990, the Parks & Recreation Board voted to accept this property once the access was developed by the French Broad River Foundation. The Board of Commissioners voted to do the same in December of 1990.

The French Broad River Foundation has not been able to make their promise good to develop the access to the property. Mr. Moon recommends to remain in good standing with the property owners who gave the property, that this project be picked up and acted on once again. He has recently been notified that the French Broad River Foundation has received a grant from the Tennessee Valley Authority

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for \$2,900. This grant will help on the cost of the project. Mr. Moon requested permission to go ahead with development of access to the property and parking.

The Parks & Recreation Department will fund the balance from their maintenance and grounds/building and repair budget. The title is not in the County's name at the present time, it is in the name of the French Broad River Foundation. The third week in September is "River Week" and Mr. Moon would like to have the project finished by then. This project will give us a second access on the river (Fanning Bridge), our other access is at Blantyre River Park on the Transylvania County/Henderson County line.

Commissioner Good made the motion to approve the development as proposed, contingent upon transfer of the title to the property. All voted in favor and the motion carried.

NURSING HOME ADVISORY COMMITTEE BY-LAWS

Angela Skerrett, Staff Attorney, reminded the Board that Mr. Michael Martin, Chairman of the Nursing Home/Domiciliary Home Advisory Committee, had approached staff some time ago with a request to amend the Committee's by-laws. The Committee desired to change the membership provision of the by-laws so that members could be reappointed for successive terms.

Ms. Skerrett has researched the legality of the proposed changes and presented the Nursing Home/Domiciliary Home Advisory Committee with a draft amendment. Ms. Skerrett presented the draft amendment to the Board for their review and approval. The by-laws should be approved before any vacancies on the Nursing Home Advisory Committee are filled.

The original by-laws required an initial term of service of one year and then a one year rest period before reappointment. The amended by-laws allow successive terms with the initial term being for one year and additional terms for three years. The Nursing Home/Domiciliary Home Advisory Committee has approved the proposed amendments.

Commissioner Baker made the motion to approve the amendments to the by-laws for the Nursing Home/Domiciliary Home Advisory Committee. All voted in favor and the motion carried.

THE AMERICANS WITH DISABILITIES ACT - Grievance Procedure

The Americans With Disabilities Act was passed on July 26, 1990. Two of the Act's five titles are applicable to Henderson County. Title I governs county employment practices. Title II requires that all services and programs offered by Henderson County be accessible to individuals with protected disabilities. In

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addition, Title II imposes on county governments the responsibility of adopting a procedure through which individuals may file grievances concerning either a county's employment practices or the accessibility of a county's services and programs.

Ms. Skerrett presented a proposed Henderson County ADA Grievance Procedure submitted by the Americans With Disabilities Act County Committee (ADACC). This proposed grievance procedure was submitted to the Board for their review and approval. Henderson County needs to take action concerning this grievance procedure so that the citizens of Henderson County will have an avenue of redress for their grievances concerning the ADA and Henderson County.

This grievance procedure would allow a citizen to file a grievance with any department and the grievance would be reviewed by the department head. The procedure is designed to try to get the grievance worked out with the department head. Ms. Skerrett would be the next step if the department head couldn't satisfy the citizen filing the grievance. If Ms. Skerrett couldn't satisfy the citizen then Mr. Thompson would be next in line. Mr. Thompson, County Manager, would be the highest level of appeal within the county. The next step would be either the Courts or the Department of Justice.

There was much discussion on this item. The Commissioners wished additional time to review the grievance procedure so the item was rolled to the September 8 meeting.

REQUEST FOR TEMPORARY INSPECTOR POSITION

David Nicholson informed the Board of a request from Sam Laughter to hire a temporary electrical inspector. The Inspection Department presently has several hundred outstanding permits for load control devices. Load control inspections are only done as time is available by the regular staff.

Mr. Nicholson suggested approval for a maximum of three months to assist our Inspection Department in processing these permits. The person must be an employee of the County to perform the inspections. The County charges \$20.00 for the load control inspections. Collection of the fee through Duke Power will cover the \$6,000 cost of the temporary position, fringe benefits, and the associated travel.

Commissioner Good made the motion to approve this temporary position (3 month) for an inspector, purpose being to do inspections of the load control devices. All voted in favor and the motion carried.

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ARCHITECTURAL SERVICES - Etowah Branch Library

Mr. Thompson stated that this was an item that was discussed at the budget work sessions with County Commissioners. Etowah Branch Library is in need of renovations and correction of septic system problems. He informed the Board of a \$100,000 bequest from the Molly S. Wells Trust. One of the stipulations of the Trust is that it be spent on the Etowah Branch Library. He reviewed an Architectural proposal from Mr. O'Cain, who was the primary architect for the new main library renovations. Staff's recommendation is, if the Board approves this proposal, we would take the proposal and put it into an architectural contract through the Staff Attorney's office.

There was much discussion. By consensus the Board requested that Mr. Thompson ask Mr. Snyder to assign costs to the break-down of renovation projects and prioritize it. This will be brought back to the Board for approval at a later date. Mr. Thompson suggested that a Draft Contract for the Architect be ready for approval at the same time.

APPLICATION - HOME Program/David Nicholson

Mr. Nicholson reminded the Board that the County is part of a consortium, Asheville Regional Housing Consortium, which covers a four county area. Twelve governmental units have signed on as part of the Consortium:

1. Asheville
2. Black Mountain
3. Brevard
4. Buncombe County
5. Henderson County
6. Hendersonville
7. Hot Springs
8. Madison County
9. Montreat
10. Rosman
11. Transylvania County
12. Woodfin

The first year the consortium will apply to the state to receive one million dollars that will come to this region. Henderson County could receive about \$184,000. There is no match for the first year but administrative costs have to be paid to the City of Asheville, who is the lead agency. Administrative costs cannot be part of the money received through the consortium. Asheville will charge us 7.5% of funds we receive to cover overhead expenses or administrative costs. This money would have to come from County Funds. We also would have to pay approximately 10-15% to whatever agency we contract with for administration of the program.

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Mr. Nicholson recommended that Henderson County apply for \$200,000 from the consortium. He recommended that ten single family dwellings be rehabilitated. Henderson County would need to set aside \$40-50,000 to bring in \$200,000. We have some funds (\$30,000) available in our savings account from loan repayments. He passed around copies of a draft application form. He went into detail reviewing the grant application.

After much discussion, Commissioner Randall made the motion to file the application for \$200,000 for Henderson County as presented. All voted in favor and the motion carried.

TAX REFUNDS (8)

Chairman Edney informed the Board of eight refund requests received. Mr. Baird has reviewed all requests and submitted them for the Board's approval.

Commissioner Good made the motion to approve the tax refunds providing the paperwork is in order. All voted in favor and the motion carried.

TAX RELEASES (17)

Chairman Edney informed the Board of seventeen release requests received. Mr. Baird has reviewed all requests and submitted them for the Board's approval.

Commissioner Good made the motion to approve the tax releases providing the paperwork is in order. All voted in favor and the motion carried.

ROAD PETITIONS

Chairman Edney informed the Board of six road petitions received requesting addition to the state maintenance system. The Planning Department recommended acceptance of all but Muirfield Court (name duplication).

Commissioner Good made the motion to approve road petitions on the following:

1. Mannkiki Court
2. St. Andrews Drive
3. Doral Court
4. Foxmoor Court
5. Bay Hill Court

The sixth petition (Muirfield Court) was not approved, based on the Planning Department's recommendation. All voted in favor and the motion carried.

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EXECUTIVE SESSION

Commissioner Baker made the motion for the Board to go into Executive Session. All voted in favor and the motion carried.

Commissioner Good 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.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

J. Michael Edney
J. Michael Edney, Chairman

PUBLIC INPUT SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

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	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
✓	Candler Willis (per phone)	Actual Use Taxation on Forest land	
✓	Dutch Burdette	Browland Manor	Stock Sewer
✓	Richard Harris	1507C Greenmill Rd	Noise abt.
✓	Michael Olfendick	525 Fourth Ave.	HOME program
5.	_____	_____	_____
6.	_____	_____	_____

Public Hearing sign-up sheet 8/3/92
 re: Zoning Ordinance

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	<u>Name</u>	<u>Address</u>
1-		
2-	NONE	
3-		

10-915

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Name.....	RELEASES.....	Total.....	Reasons for Rel/Refunds.....
BARNWELL, DAVID EARL	91A9942685	\$168.00	PROPERTY IN BUNCOMBE CO PER LRM
BIDDIX, JERRY	91A39028.01.1	\$26.90	MH DOUBLE LISTED TO #81066
BRADLEY, TROY T	90A56628.08	\$31.10	MH DOUBLE LISTED TO #68788
BRADLEY, TROY T	91A56628.08	\$33.35	MH DOUBLE LISTED TO #68788
BRADLEY, TROY T	89A56628.08	\$85.45	MH DOUBLE LISTED TO #68788
BRADLEY, TROY T	88A56628.08	\$54.01	MH DOUBLE LISTED TO #68788
BROWN, CLAUDE	90A9938844	\$106.59	MH LISTED AS REAL; SHOULD BE PERS
BROWN, CLAUDE	89A9938844	\$126.04	MH LISTED AS REAL; SHOULD BE PERS
C C SHORES INC	90A9936392	\$32.85	PARCEL ASSESSED UNDER #04-00717
C C SHORES INC	89A9936392	\$28.01	PARCEL ASSESSED UNDER #04-00717
CAPPS, JESSE STANLEY	91A9941592	\$79.46	AGE & COND OF MH LISTED WRONG
CAPPS, JESSE STANLEY	90A9941592	\$70.56	AGE & CONDITION OF MH LISTED WRONG
CONNOR, EMMA	91A9942686	\$146.16	PARCEL IN BUNCOMBE CO
HARPER, WILLIAM L	91A0105963	\$841.00	PTC APPEAL RESOLVED ON LOCAL LEVEL
HARPER, BARBARA	91A0300826	\$84.68	LAND TYPE INCORRECTLY LISTED
ROGERS, RONALD G	91A76361.01	\$16.40	MH DOUBLE LISTED TO #22250
SLIMPIN, WILLIAM			
SLIMPIN, JEAN			
THOMAS, ANTHONY DALE	91A89643.08	\$20.33	84 TOYT LISTED IN BUNCOMBE IN 91
		=====	
		\$1,950.89	

17 records listed.

*Approved
8/3/92
ewc*

Refunds August 3, 1942

Name.....	REFUNDS.....	Total.....	Reasons for Ref/Refunds.....
Grant, J. Max	91A0801177	\$5.10	PROPERTY TAKEN BY 280 EXPANSION
Grant, Robert P. and Doris P.	91A9933975	\$1.02	DOT PURCHASED PORTION OF PARCEL
Lindsey, J. R. (Mrs)	91A9927969	\$8.96	PARCEL REMAPPED PER NEW DEED
Mahaffey, Sue Dalton Etal	90A0500084	\$130.83	PT OF PARCEL DBL ASSESSED BY BUNC
Morris, James L. + Wife	91A9943871	\$86.70	PART OF LAND SOLD TO DOT; HOUSE SOLD
Grant, J. Max	91A0801178	\$9.18	PROPERTY TAKEN BY HWY 280 EXT
Etowah Insulation, Inc	91A86832.01	\$921.75	ARBITRARY BILLING ADJUSTED
		=====	(Subtotal)
		\$1,163.54	
Banks, Calvin, Thomas & Patricia	91A0800159	18.87	Portion of land and Bldg taken by DOT
		<u>18.87</u>	
		<u>\$ 1,182.41</u>	Total

*approved
8/3/92
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