

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 15, 1992

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.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, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager/Finance Director David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

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

Rev. Bryon Proctor of Ebenezer Baptist Church gave the invocation.

REVIEW OF MINUTES

Revised minutes of the June 17 meeting were presented for review as were minutes of the July 6 meeting. Minutes were approved as corrected.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

PUBLIC INPUT

There was none.

NOMINATIONS

1. Chairman Edney reminded the Board of 1 vacancy on the Mountain Valleys Resource Conservation & Development Program. There were no nominations so the item was rolled to the next meeting.
2. Chairman Edney reminded the Board of 2 vacancies on the Western Carolina Community Action Committee (WCCA). Commissioner McKay is willing to serve again, if nominated.

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Commissioner Good nominated Commissioner McKay to fill one of these vacancies. Commissioner Randall made the motion to suspend the rules and appoint Commissioner McKay. All voted in favor and the motion carried.

Liston Smith indicated that he does not presently have the time to serve another term. There were no other nominations so one vacancy was rolled to the next meeting.

PROPERTY TAX EXEMPTION APPEAL

Mr. Baird was not in attendance yet; the next item on the agenda was introduced.

SOLID WASTE DISPOSAL FACILITY SITE SELECTION CRITERIA

David Thompson reminded the Board that a Public Hearing was held Monday, July 13 at the Opportunity House to gain additional input on the site selection criteria for a new disposal facility. It is now appropriate for the County Commissioners to either make modifications to the criteria or to approve of the criteria so that work can begin on applying the criteria to Henderson County.

Mr. Thompson stated that staff met yesterday on the general process of how the Solid Waste Advisory Committee came up with the criteria and whether they looked at the **MUST CRITERIA** separately from the selective or subjective criteria. Staff felt that the Solid Waste Advisory Committee did a very good job as far as separating the two sections of criteria.

There was discussion of more identification being made public of the state and federal criteria. The public needs made aware that these requirements are mandatory. Mr. Thompson suggested publicizing the **MUST LIST** of criteria.

Commissioner Good made the motion to approve the criteria for the site selection as presented by the Solid Waste Advisory Committee. All voted in favor and the motion carried.

Staff Recommendation

Mr. Thompson presented a staff recommendation on how to apply the criteria to the County of Henderson.

1. He recommended a Technical Overview Committee - the function of the committee would be to apply the criteria that was developed by the Solid Waste Advisory Committee (SWAC) in an unbiased manner through the entire county. The Committee would report to the County Commissioners to give the Commissioners an idea of where the county is in the process at any given time.

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2. He recommended using the USGS quad sheets, there are about ten throughout the county. These maps give coverage on the entire county. Take the sheets one by one and apply the MUST CRITERIA. This step will eliminate many parcels. The uneliminated parts of the county can then be divided up into usable landfill sites using two or three top ranking criteria. Then all the criteria will be applied to these usable landfill sites.

Mr. Thompson reviewed a proposed schedule:

A 3-4 week period was recommended to apply the MUST CRITERIA to the entire county.

Hopefully by the end of September, the committee would have a very long list of potential sites based on the potential areas left after the MUST CRITERIA was applied.

By the middle of November, the committee should be ready with the ranking of probably 20 potential sites or less.

By January 1, 1993, the top five - seven sites should be ready to be presented to the Board of Commissioners so they can start holding Public Hearings during the month of February.

Mr. Thompson stated that the Board will get an update on this item (without being site specific) at every mid-month meeting. By consensus, Mr. Thompson was given the direction to proceed as above.

PROPERTY TAX EXEMPTION APPEAL

Robert Baird, Tax Assessor, informed the Board of a request made by Barbara H. Garrison. Ms. Garrison is Executive Director of Blue Ridge Community Health Services, Inc. Ms. Garrison is requesting the right of appeal to the Henderson County tax which was assessed on the property Blue Ridge Health Center owns, listed as parcel 99-29043.

Ms. Garrison was recognized to present the appeal to the Board. Ms. Garrison requested release of all the tax for 1990, the year they purchased the Ledbetter property which is adjacent to Blue Ridge Health Center. The property was purchased in June of 1990. The prorated tax due on the property at the time it was purchased for Blue Ridge Health Center was \$500+. Ms. Garrison stated that they have never paid tax on the other properties of Blue Ridge Health Center. Blue Ridge Health Center is a federally funded agency. Ms. Garrison stated that they have never received funds from the County. They provide an untold amount of care to the indigent people of Henderson County. Taxes were not assessed on the property for 1991 and 1992.

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There was much discussion on the issue.

Mr. Baird stated that the General Statutes allow only the person who owned the property on January 1 of the year to file an exemption. The owner on January 1 was Mr. Ledbetter. Mr. Baird reviewed the letters between himself and Ms. Garrison. He recommended, since there had been a breakdown of communications on both parties' behalf, that the Board of Commissioners consider release of the interest on the taxes.

The County Attorney recommended that the Board not honor this request because it would be illegal to contribute tax money as such.

It was the County Manager's recommendation to release the interest due to the lack of communication.

Commissioner Good made the motion that the request be denied in view of discussion heard today and recommendation by the County Attorney. Mr. Good further moved that the interest be forgiven. All voted in favor and the motion carried.

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.

MANAGER'S UPDATE

Staff brought the Board up to date on the following items:

A. Comprehensive Land Use Plan/Matt Matteson

Mr. Matteson reminded the Board that the services of Woolpert Consultants were engaged the first of this calendar year. A 22 member Comprehensive Land Use Plan Steering Committee was appointed. The committee has met on ten occasions. The committee has adopted it's goals and objectives. The Consultants have completed all their data gathering, the interviews, questionnaires, etc. The goals and objectives are being defined by Woolpert Consultants.

Mr. Matteson stated that the final product will be a series of goals, objectives, and action items. The Steering Committee hopes to have the final product to present to the Board of Commissioners for review by late fall.

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B. Cane Creek Sewer Project Phase II/Jim Erwin

Mr. Erwin reminded the Board that construction is underway on Phase II of the Cane Creek Sewer Project. The design firm has a full-time inspector on the job. Doyle Freeman of Utilities is also visiting the site daily. This project is scheduled to be completed around January 15, 1993.

C. Mud Creek Sewer Project - Section II/Jim Erwin

Mr. Erwin reminded the Board that construction is underway and going well. Lapsley Engineering has a full-time inspector on the job. Doyle Freeman of Utilities is also visiting the site daily. December 15 is the scheduled completion date. Video tapes have been made of the properties so that they can be returned to their original state.

D. Naples Area Wastewater Collection and Treatment System/Jim Erwin

Mr. Erwin stated that they are making some progress on the Naples project. They now have permission to conduct testing on site. He plans to meet with the archeologist this afternoon. Archeological and Environmental testing will follow. Federal funding on this project is not definite but has been applied for.

E. Courthouse, Law Enforcement and Jail Facilities/David Thompson

Mr. Thompson stated that the last time the Board met on this issue, they reviewed the schematics of the courthouse. At that time the Board requested operational costs and how it will impact the county's budget over the next 10-20 years. Staff is presently working on the report of operational costs.

Our staff has met with City staff to give them a better understanding of the project and site. The city was receptive of the plans. Mr. Thompson authorized the architect to start working on the actual construction plans for the courthouse. He predicted that we could go to bid by January 1, 1993 on the courthouse.

Law Enforcement - More revisions have been discussed back and forth, trying to stay in the same original footprint. Mr. Thompson felt that he has accomplished that. Last week the final revisions from the architect were sent to Law Enforcement. They haven't responded as yet.

Jail - There is a preliminary schematic done of a proposed jail design. It's time to visit other jails. Decisions need to be made whether we want intensive management in the jail cells or outside management like we have now. It will probably take six months to

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get the schematics in order for the jail. Operationally this is the most expensive part of the complex also.

Operational Costs - Mr. Thompson said that mechanical engineers are working on costing out the various expenses of utilities for the courthouse. He is working on costing out the staffing.

Mr. Thompson announced that all the property has been acquired now. We will now begin to remove the houses.

F. Upcoming Meetings/David Thompson

Mr. Thompson stated that there is one meeting he wishes clarification on from the Board. There was discussion at one time of holding a special meeting on August 10 to deal with the East Flat Rock Zoning Issue. There was discussion. A special called meeting was set for August 10 at 7:00 p.m. here. It will be a workshop on the proposed East Flat Rock zoning.

G. Administrative Manual/David Thompson

Mr. Thompson stated that alot of our policies and procedures are out-dated and haven't been reviewed in some time. He is working with the staff attorney on a format for an Administrative Manual for our Department Heads and Employees.

Eventually he hopes to have the following in the Administrative Manual:

- Personnel Ordinance
- Personnel Administrative Guidelines
- Purchasing Procedures
- ADA

Hopefully we will review the entire manual yearly and bring changes to the Board with a simple way to revise the manual. He will present a blank book to the Board with a specific format. Then each policy that the Board has ever adopted will be updated and brought to the Board for approval and inserted into the manual.

Update on HOME funding/David Nicholson

Mr. Thompson stated that Mr. Nicholson is the Treasurer of the HOME CONSORTIUM. David Nicholson informed the Board that this is the new Federal Housing program that came into effect this federal fiscal year. One million dollars is coming to this four-county region to do housing programs. To get this money the Asheville Regional Housing Consortium was formed. Right now there are twelve units of government who have chosen to be part of the four counties in the region. Mr. Nicholson stated that the Consortium was not set up early enough to guarantee that we would get the one million dollars that is supposed to come to the region. The Consortium itself decided to apply to the State Consortium for those funds.

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There is no local match required the first year. The match later could be from 10 - 30%, depending on the project. This program does not require a target area. Each unit of government will have a planning allocation but can apply for more.

The City of Asheville is the lead agency. There is an administrative charge for the program, approx. 7.5% of funds received.

EXECUTIVE SESSION

Commissioner Good made the motion for the Board to go into Executive Session as allowed under General Statute 143-118.11 to discuss the following matters:

- A. To discuss a personnel matter
- B. To discuss the acquisition of real property
- C. To consult with the County Attorney to the extent that confidentiality is required

All voted in favor and the motion carried.

Commissioner Good made the motion for the Board to go out of Executive Session.


Action

In Executive Session, Don Elkins discussed with the Board an Offer to Purchase Tax Foreclosed Property. Property was foreclosed in the name John S. Barber. Commissioner Good made the motion to approve the offer to purchase. All voted in favor and the motion carried.

There being no further business, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Chairman