

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
JUNE 19, 1991

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 Attorney Don H. Elkins, County Manager David F. Thompson, Finance Director David E. Nicholson, 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 Baker led in the Pledge to the American Flag.

INVOCATION

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

REVIEW OF MINUTES

Minutes of the May 15 meeting were presented for review. The Minutes were approved as corrected.

Minutes of the May 22 meeting were presented for review. The Minutes were approved as corrected.

Minutes of the June 3 meeting were presented for review. The Minutes were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Edney added item "G" Library Furnishings Bids, under Unfinished Business.

Chairman Edney requested that item "C" Offer to Purchase, be moved after Executive Session.

PUBLIC INPUT

Chairman Edney informed the Public that he is aware that there are several people in attendance who wish to address the Commissioners regarding the proposed asphalt plant on N. Rugby Road. He asked that they designate a spokesperson to address the Board and asked that each speaker limit their comments to two minutes.

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Chairman Edney stated that the Board of Commissioners is very much aware of the situation. A petition has been presented to the Planning Board to zone the area. That item is on the Planning Board's agenda for June 25. Chairman Edney stated that there has been some work done already and therefore there are some legal questions as to whether or not zoning at this time would affect that. There are a number of issues that need to be looked at and addressed. The Board of Commissioners share some concerns with you.

R.L. Roper - Mr. Roper spoke regarding Multivision, this is his fourth time to address the Board regarding Multivision.

E. J. Shine - Mr. Shine is representing many of the homeowners of N. Rugby Road. He spoke in opposition of the asphalt plant and presented petitions to the Board with over 1,700 signatures.

George A. Jones - Mr. Jones spoke regarding the N. Rugby Road zoning, requesting that the area be zoned farming or residential.

Ed Lilly - Mr. Lilly spoke regarding the N. Rugby Road area, especially in regards to flood plains, he left pictures of the area flooded.

Chet Parent - Mr. Parent spoke in opposition of the asphalt plant.

Ed Miller - Mr. Miller is with the Property Owners League and spoke in opposition of the asphalt plant. He is appealing to Charlie Banks to be a good neighbor and forget about the asphalt plant on N. Rugby Road.

Bob Stow - Mr. Stow spoke regarding Multivision, stating that a 15 yr. contract is too long.

Jack Moore - Mr. Moore is President of Henderson County Community Clubs and invited any or all Commissioners to attend their local Banquet Oct. 19 @ 6:30 @ The Chariot. He also invited them to the District Banquet (17 Districts) @ The Grove Park Inn on December 1 @ Noon.

Ruth Pearson - Ms. Pearson spoke regarding Multivision, is unhappy with the proposal of a 15 year contract.

#### HENDERSON COUNTY BAR ASSOCIATION/Law Library Request

Attorney Elizabeth Wyche addressed the Board regarding a request from the Henderson County Bar Association to commit county funds to upgrade a room on the third floor of the Courthouse for an expanded and complete law library in one location. This would be a capital improvement to a county owned building.

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Commissioner Baker questioned Ms. Wyche if there was any consideration by the Bar Association to share the expense of the project (initial costs of the renovation). Ms. Wyche could not speak for the other members regarding shared expenses. Facilities fees were discussed as was the fact that this would be a temporary library because of the progress being made toward the new Courthouse/Jail/Law Enforcement Facility.

Mr. Bill Snyder, Director of the Henderson County Library was questioned whether he would be able to assist with this project without any additional staff. Mr. Snyder stated that he has met with the Library Committee of the Henderson County Bar Association and stated that he could probably free up some staff to help with organization but does not have staff to work there on-going.

Commissioner Good made the motion to allot \$5,000 if the Bar Association would match those funds.

Commissioner McKay wishes to defer action at this time; therefore, would vote against the motion.

Commissioner Baker supports Mr. McKay's request to defer action at this time.

A vote was taken on Mr. Good's motion and the motion failed two to three. Ayes - Chairman Edney, Commissioner Good  
Nays - Commissioner McKay, Commissioner Baker,  
Commissioner Randall

Commissioner McKay made the motion to defer action till July 1, after the Budget Workshops. A vote was taken and the motion carried.

#### PRESENTATION OF CONSOLIDATED SCHOOL BUDGET

Mr. Nicholson presented to the Board a joint budget for the School Systems, based on their budget requests to the County Commissioners for both the County and the City School Systems. This was submitted per the Commissioners' request as part of the discussion of the agreement to continue the merger process. Mr. Nicholson informed the Board that both School Board Chairmen are here as well as some Board Members and the two Superintendents.

County School Superintendent Dan Lunsford addressed the Board stating that he anticipates the loss of \$415,000 of State Funds. Included in that is \$152,000 of energy money. He hopes to do some internal restructuring and handle the loss but wanted the Commissioners to be aware of this in case the School Board has to return to ask for additional funding at some later point. His plan is to have no teacher cuts except as an absolute last resort. In the

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development of the budget they have not asked the Commissioners to cover the State losses. The State Budget is not final as yet.

City School Superintendent Charlie Byrd addressed the Board stating that they will experience a budget shortfall from the state in a proportional amount as the County School Board. They have experienced the loss of some Administrative Positions, specifically in the instructional program. Mr. Byrd stated that this is a minimum budget that he feels they can operate with and still provide the quality of education that the community is accustomed to. They have had to reduce their staff by one teacher.

County School Board Chairman Hardy Caldwell stated that this is a "bare bones" budget. He thinks that if the budget is approved as is they can operate the schools effectively, they will have to make some cuts in some areas. If any additional cuts are necessary, it may affect the education of children in this county.

Energy costs were discussed at some length. Mr. Lunsford stated that the proposed biannual budget calls for identical cuts the second year which will totally wipe out all energy funds that they have been getting in the County School System which means they will have a \$152,000 cut this coming fiscal year and the next year another \$152,000 cut for a net decrease over two years of \$300,000.

Capital Expenditures were discussed at length. Mr. Thompson requested that the two School Superintendents meet with him and David Nicholson to devise a school by school list of priorities for capital expenditures.

#### BOND RESOLUTION/David Nicholson

Mr. Nicholson presented a bond resolution which sets the interest rate, bonds were sold on June 4. The net interest cost to the County is 6.505021 for the length of the term of the bonds. This resolution confirms the sale. We will receive the proceeds on June 25.

Mr. Nicholson informed the Board that we are very fortunate to maintain our current rates with both rating agencies- A-1 and A+. This rate keeps us in the top 10% of all counties.

\* \* \*

Commissioner McKay moved that the following resolution be adopted:

WHEREAS, the Local Government Commission of North Carolina has informed the Board of Commissioners of the County of Henderson (the "Issuer") that it has sold in the manner prescribed by law the Issuer's \$24,000,000 School Bonds and \$4,900,000 Community College Bonds, dated June 1, 1991 (collectively, the "Bonds"), and that the

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contract of sale contemplates that the Bonds shall be payable and bear interest as hereinafter provided; and

Whereas, the Board of Commissioners of the Issuer desires to take such actions as are necessary to approve the terms of such sale and to approve the official statement and final official statement circulated in connection therewith: **NOW THEREFORE**

**BE IT RESOLVED** by the Board of Commissioners of the Issuer, as follows:

1. The Bonds shall bear interest at the rates per annum as follows:

- bonds payable in the year 1992,  
6.20% per annum;
- bonds payable in the year 1993,  
6.40% per annum;
- bonds payable in each of the  
years 1994 to 2009, inclusive,  
6.50% per annum; and
- bonds payable in the year 2010,  
6.60% per annum.

2. The Official Statement dated May 17, 1991 setting forth financial and statistical data in connection with the offering of the Bonds, which was circulated with the Notice of Sale thereof, and the Final Official Statement dated June 4, 1991, are hereby approved. In connection with this approval, the Board of Commissioners of the Issuer has examined copies of the Official Statement and the Final Official Statement and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the administration of the Issuer. The Board of Commissioners of the Issuer does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement or said Final Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, provided that the council makes no recitation with respect to consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

3. This resolution shall become effective upon its adoption.

Commissioner Baker seconded the motion, and the motion was adopted by the following vote: Ayes: Chairman Edney  
Commissioner Good  
Commissioner Baker  
Commissioner Randall  
Commissioner McKay

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Nays: None

\* \* \*

**PROPOSED AMENDMENTS TO THE EXISTING 1989 CABLE T.V. ORDINANCE**

Chairman Edney stated that this is the first of three Cable T.V. matters to be presented today.

Commissioner Baker stated that the Cable T.V. Review Committee worked long and hard making the proposed amendments to the Ordinance. The Committee's intention was to provide a stronger Ordinance which dealt with some of the problems that have been encountered with the service in Henderson County.

Mark Jennings of Multivision is prepared to post a \$75,000.00 Performance Bond that the County can draw down on.

There was discussion of change of some language. Commissioner Good made the motion to adopt the amended Ordinance with the language changes made today. All voted in favor and the motion carried.

**FIRST READING of PROPOSED "FRANCHISE GRANT"**

Chairman Edney asked Mr. Matteson to summarize this item. Mr. Matteson explained that the Grant of Franchise is the instrument which awards a 15 year franchise to the company. It includes the grant itself, a construction schedule which is attached (schedule A), and a Contribution In Aid Of Construction Policy which allows basically that a new subdivision which is totally unbuilt whereby the developer is willing to pay the upfront construction costs, can use this policy to get cable service before the density requirements are met. The policy also allows for an existing subdivision or community that has less than the density requirements to be able to do the same. The Cable Company pays back the developer or residents when the density has been met.

Commissioner McKay made the motion to approve the first reading of the "Grant of Franchise" and set a Public Hearing for July 1, 1991, here, at 7:00 p.m. All voted in favor and the motion carried.

Mr. Matteson was directed to prepare an announcement of the Public Hearing.

The second reading of the "Grant of Franchise" was set for July 8, 1991 at 7:00 p.m., here.

Mr. Mark Jennings of Multivision Cable stated that despite the emotional level of this discussion, and despite their admitted defects in the past, he does not think you could find a group more dedicated to improving their operation here in the county and

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dedicated to becoming and remaining a vital part of the community. They are willing to agree to all these safeguards and hope to prove to the Board in years to come that these safeguards are unnecessary.

Commissioner Baker thanked all the membership of the Cable T.V. Review Committee.

#### RESOLUTION ESTABLISHING A CITIZENS CABLE T.V. REVIEW COMMITTEE

Commissioner Baker stated that the reason behind this resolution is to set up a Cable T.V. Review Committee who would have the time to review some of the complaints and follow-up on them. This would be a big help to the Board of Commissioners and could also help keep Multivision on their toes.

Commissioner Baker made the motion to adopt the Resolution to Establish a Citizens Cable TV Review Committee. All voted in favor and the motion carried.

This committee will be on the next agenda for nominations.

#### LIBRARY FURNISHINGS BIDS

David Nicholson spoke of the Statute that allows continuing contracts but reminded the Board that when you do this you are committing yourself in next year's budget to appropriate those funds. Those funds are included in the recommended budget as it currently stands.

Commissioner McKay made the motion to approve the recommended low bids for library furnishings totaling \$205,003.00, these funds to be appropriated in the 1991-1992 budget. All voted in favor and the motion carried.

Mr. Snyder discussed the possibility of a dedication service and a ribbon cutting ceremony. The library administration is planning on having a ribbon cutting to open the building to the public on January 2, 1991, if that date is agreeable with the Board. Normally 3-4 months later is when you formally dedicate the building.

#### APPOINTMENT OF COUNTY TAX ASSESSOR

David Thompson reviewed the statute with the Board that governs this appointment and the duties of this office. The appointment can be for a minimum of two years or maximum of four years.

Mr. Robert Baird has been with the county for a year, filling the unexpired term of the previous tax assessor.

Commissioner Good made the motion to appoint Mr. Baird as County Tax Assessor for a period of four years. There was discussion.

A vote was taken on the motion:      Aye: Commissioner Good

  Nay: Commissioner McKay  
  Chairman Edney  
  Commissioner Baker  
  Commissioner Randall

The motion failed.

Commissioner McKay made the motion to re-appoint Mr. Baird as County Tax Assessor for a period of two years.

A vote was taken on the motion:      Aye: Chairman Edney  
  Commissioner McKay  
  Commissioner Baker  
  Commissioner Randall

  Nay: Commissioner Good

The motion carried.

REQUEST FOR REMOVAL OF PENALTY FROM ROOM TAX

David Nicholson informed the Board of a request received from the Gerton Lakeside Motel, who were six days late in paying their room tax bill. The current statute states that penalty will be \$10.00 per day for every day they are late. They requested some relief from that payment of \$60.00.

Commissioner Baker made the motion to compromise the penalty to \$20.00. Mr. Baker feels that the penalty is inequitable. There was discussion. A vote was taken on the motion:

AYE: Commissioner Baker

NAY: Chairman Edney  
                            Commissioner Good  
                            Commissioner Randall  
                            Commissioner McKay

The motion failed; therefore, the request was denied.

OFFER TO PURCHASE

Chairman Edney requested that this item be rolled until after Executive Session.

RECORDS RETENTION & DISPOSITION SCHEDULE



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David Thompson informed the Board that this is a formality to get us into compliance with the General Statutes, in that you must have a Records Retention & Disposition Schedule. Since most of the things we deal with are public record, they must be disposed of as such. In order to make this schedule effective, we must send a notice to the State so they know that we are following the schedule.

Commissioner McKay made the motion to adopt the Records Retention & Disposition Schedule presented. All voted in favor and the motion carried.

#### NACO ANNUAL CONFERENCE

David Thompson informed the Board of a 1991 NACO Achievement Award for "The Hangar" (Hendersonville's Teen Center) concept that will be presented at the conference in Salt Lake City, Utah. Doug Moon, Recreation director, is requesting that Ms. Sherri Holbert be allowed to accept this award for the County in Salt Lake City.

There was much discussion. Chairman Edney suggested that a County Commissioner be in attendance in Salt Lake City and could therefore accept the award for the County.

It was consensus of the Board that with the budget restrictions this year, it is not "cost justifiable" to send staff to this meeting.

#### CONGRESSIONAL REDISTRICTING

Mr. Thompson informed the Board that there are three plans that are being discussed now in the State of N.C. for redistricting. #1 is referred to as "1991 Congressional Base Plan #1" for Federal Congressional Districts. This is the N.C. Senate's redistricting proposal for U.S. Congressional seats. #2 is referred to as "1991 Congressional Base Plan #2" and is the N.C. House's proposal for redistricting U.S. Congressional seats. #3 is referred to as "Senate Plan #1" and is the N.C. State Senatorial redistricting plan. All three of these proposed plans are posted in the Clerk's office. He also advised the Board of the up-coming public hearings on redistricting.

#### ROAD PETITIONS

Chairman Edney informed the Board of a petition received to add Kingswood Drive to the State Maintenance System.

Commissioner Baker made the motion to forward this petition to N.C. Department of Transportation for their consideration. All voted in favor and the motion carried.

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Chairman Edney informed the Board of a petition submitted by Mr. Chris Christopher requesting the District Engineer with N.C. Dept. of Transportation inspect the roads in Carriage Park. The roads in question are Carriage Park Drive, Jenny Lind Drive, Governor's Drive, and Croydon Drive. Chairman Edney asked Mr. Matteson to address this petition.

Mr. Matteson stated that Mr. Christopher, representing some of the residents of Carriage Park, had asked N.C. Dept. of Transportation to inspect the roads and they needed a formal endorsement from the County to do so. Apparently they do not wish immediate acceptance of the streets, they want to know if the streets would pass the regulations to be accepted.

There was a question as to whether to send this petition as is to the Department of Transportation, or whether to write a letter of endorsement to N.C. DOT. Chairman Edney asked Mr. Thompson to call Mr. Crisp of N.C. DOT to find out what procedure we need to follow to endorse this petition.

Commissioner Baker made the motion that the Board wishes to approve whatever it takes to pass this petition on to N.C. DOT for their consideration. All voted in favor and the motion carried.

#### VOTING DELEGATE DESIGNATION FORM FOR NCACC ANNUAL CONFERENCE

Commissioner Baker made the motion that Chairman Edney be designated the voting delegate from Henderson County. In the event that the Chairman cannot attend, the Vice-Chairman was named as voting delegate. All voted in favor and the motion carried.

#### NOTIFICATION OF VACANCIES

1. Chairman Edney informed the Board of two vacancies on Western Carolina Community Action, Inc. There were no nominations at this time. This will be a nomination for the next meeting.
2. Chairman Edney informed the Board of two vacancies on the Consolidated Planning Committee.

Chairman Edney nominated Commissioner Good and David Thompson to fill these two vacancies. Commissioner Randall made the motion to suspend the rules and appoint these two to the Consolidated Planning Committee. All voted in favor and the motion carried.

#### NOMINATIONS

1. Chairman Edney reminded the Board of two vacancies on Jobs Training Partnership Act Committee-JTPA (PIC). There were no nominations at this time so the item was rolled to the next meeting.

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2. Chairman Edney reminded the Board of one vacancy on the Land Of Sky Regional Council Advisory Council on Aging. There were no nominations at this time so the item was rolled to the next meeting.

3. Chairman Edney reminded the Board of one vacancy on the Nursing Home/Domiciliary Home Advisory Committee. There were no nominations at this time so the item was rolled to the next meeting.

4. Chairman Edney reminded the Board of one vacancy on the Western North Carolina Tomorrow. There were no nominations at this time so the item was rolled to the next meeting.

#### EXECUTIVE SESSION

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

Chairman Edney informed the audience that the Board will be back in regular session to begin Budget Workshop at 2:00 p.m.

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

#### BUDGET WORKSHOP

The Board reviewed "Administration" and "Governing Body" budgets again upon request by Commissioner Baker.

There was a great deal of discussion by departmental budgets, line item by line item. Some cuts were recommended as line items were discussed.

Departments reviewed:

- Finance
- Tax Assessor
- Tax Collector
- County Attorney
- Court Facilities
- Election
- Register of Deeds
- Data Processing
- Garage & Grounds
- Public Buildings
- Sheriff's Department
- Jail
- Civil Preparedness
- Fire Commission
- Inspections
- Emergency Medical Service

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Budget review was stopped for the evening the dates were set for future budget workshops: June 24, 25, and 27.

David Thompson reviewed House Bill 83, and Senate Bill 88 with the Board. These two bills would affect the budget.

There was alot of discussion on the budget overall.

OTHER BUSINESS

Offer to Purchase- Mace Property

Chairman Edney informed the Board of an offer to purchase from the daughter of Elmer Mace (deceased). Outstanding amount totals \$5,653.66 and the family is willing to pay it.

Commissioner Baker made the motion to receive the offer from the Mace family heirs and advertise for upset bids. All voted in favor and the motion carried.

First Alliance Church

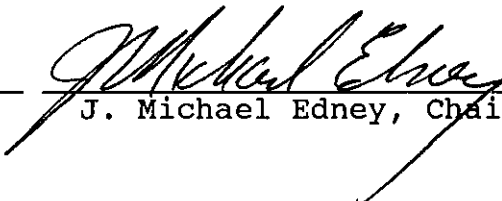
Chairman Edney informed the Board of a request from First Alliance Church, they were 11 days late filing for their tax exempt status and they are asking the Board to waive the lateness and allow them the tax exempt status for this year.

Commissioner McKay made the motion to grant the above request. All voted in favor and the motion carried.

Chairman Edney adjourned the meeting until next Monday (June 24) at 7:00 p.m.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
J. Michael Edney, Chairman

