

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
NOVEMBER 21, 1990

The Henderson County Board of Commissioners met for a regularly scheduled meeting at ~~7:00 p.m.~~ ^{9:00 a.m.} in the Commissioners' Meeting Room of the Henderson County Office Building.

Those present were: Chairman William T. Drake, Vice-Chairman F. Richard Baker, Commissioner Hugh D. Randall, Commissioner Troy L. Maybin, County Attorney Don H. Elkins, County Administrator Jerry D. Myers, Finance Director David E. Nicholson, Clerk to the Board Elizabeth W. Corn, and the news media. Absent was J. Michael Edney.

Chairman Drake called the meeting to order.

MINUTES

The minutes of the September 19 meeting were presented for review. The minutes were approved as corrected.

The minutes of the November 5 meeting were presented for review and were approved as presented.

The minutes of the November 19 public hearing were presented for review and were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Drake stated under New Business item "B" needs to be moved to "B" under Unfinished Business. Item "B" under Unfinished Business needs to be made item "C". Add "D" Council on Status of Women under Unfinished Business and item "E" Mountain Home Fire District Expansion. Under New Business he deleted "C" Etowah Civic Association. Chairman Drake stated that we have received a petition this morning with some 200 signatures on it indicating that the Etowah Civic Association's name does not represent the entire community of Etowah.

FOUR SEASONS ARTS COUNCIL REQUEST

Chairman Drake recognized the representative for Four Seasons Arts Council to address this item.

Ms. Karyn Joyner came forward and addressed the Board. She reminded the Board of a letter dated September 13 requesting a match of \$4,741.00, to match what the state was giving the Arts Council, an increase of what was originally petitioned for and received from the state. Any appropriation from the State has to be matched locally to be received. At that time the Board did not approve the match. Mrs. Joyner stated that they have raised about half of that themselves and she is here requesting that the Board

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match the difference, which is \$2,341, so they can get the full increase from the state. The money will go to local non-profit cultural organizations which the Art Council gives grants to.

Four Seasons Arts Council gives grants to:

Hendersonville Chorale
 Friends of the Library
 Friends of Chamber Music
 Friends of Connemara
 Vagabond School of Drama Childrens Theatre
 Opportunity House
 Carolina Chamber Singers
 Henderson County Recreation Dept.
 City Schools
 Hendersonville Symphony Orchestra
 County Schools

There was discussion. Commissioner Maybin made the motion to take \$2,341 from contingency and approve this grant. He was impressed that they have raised \$2,400 to get part of the \$4,741. All voted in favor and the motion carried.

RESOLUTION REQUESTING STAFFING STUDIES IN LONG-TERM CARE FACILITIES

Chairman Drake asked Mrs. Vera Hill to address this item.

Mrs. Hill stated that the resolution before the board today is a revision of the former resolution of several months ago. The revised resolution was reviewed and discussed.

Commissioner Baker made the motion to adopt the revised resolution. All voted in favor and the motion carried.

NOMINATIONS

1. Chairman Drake informed the Board of one vacancy on the Youth Development Committee.

Commissioner Maybin made the motion to submit Stuart Stepp's name for this vacancy.

Commissioner Baker made the motion to suspend the rules and make this appointment. All voted in favor and the motion carried.

2. Chairman Drake informed the Board of one vacancy on the Henderson County Zoning Board of Adjustment. This is an alternate position. There were no nominations so the item was rolled to the next meeting.

3. Chairman Drake informed the Board of one vacancy on the Land-Of-Sky Retired Senior Volunteer Program (RSVP) Advisory Council.

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Commissioner Baker made the motion to submit Garry Sherrill's name for this vacancy.

Commissioner Maybin made the motion to suspend the rules and send Mr. Sherrill's name to Land-Of-Sky to be considered for this appointment. All voted in favor and the motion carried.

4. Chairman Drake informed the Board of one vacancy on the Council on the Status of Women.

Commissioner Baker made the motion to accept the recommendation from the Council and submit Beth McKee's name to fill this vacancy.

Commissioner Maybin made the motion to suspend the rules and appoint Ms. McKee to the Council on the Status of Women to fill the unexpired term of Jill Robertson, who resigned. All voted in favor and the motion carried.

COUNCIL ON THE STATUS OF WOMEN

Chairman Drake recognized Polly Kremer.

Ms. Kremer stated that she is here to take care of a very pleasant task today and it is appropriate that it falls on the day before Thanksgiving. She expressed thanks to the Henderson County Commissioners on behalf of the men and women who have served and have been served by the Council.

Ms. Kremer gave a brief history of the Council on the Status of Women stating that they just celebrated their 10th Anniversary of existence this year. 52 men and women have served on the Council during these 10 years.

She stated that throughout the Council's 10 year struggles to meet its mission, one man serving as county commissioner has observed and cautiously supported the Council's goals. She expressed their thanks to all the commissioners who have served during this period but especially wanted to honor the man who has always been there for them, William Drake. She presented a certificate of appreciation to Mr. Drake for his support of the Council on the Status of Women's goals, to access and address women's needs and concerns in Henderson County.

MOUNTAIN HOME FIRE TAX DISTRICT EXPANSION

Chairman Drake stated that we have been dealing with Mountain Home Fire Department for several months on expanding their fire district boundaries. All of the provisions of the general statutes have been met. A public hearing was held on November 19, there was only one person that questioned the expanding of the district. The

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other people at the public hearing spoke in favor. We have well over 300 signatures on the petition to expand the district. At this time it would be appropriate to take official action and expand the Mountain Home Fire District boundaries into what is called the eastern district expansion.

Commissioner Baker made the motion to approve the request of the Mountain Home Fire Department to expand their eastern district. All voted in favor and the motion carried.

ANNOUNCEMENT

Chairman Drake stated that before we go into New Business, the County Attorney would like to make an announcement. He stated that several months ago a law suit was filed against the county by a former architect that had done some work in the county, in the amount of \$100,000. The county attorney would like to comment on the outcome of that law suit.

Mr. Elkins stated that this was an arbitration hearing, complainant being Kyle C. Boone, an architect, versus Henderson County. Mr. Boone had made a claim against the county for \$100,000. The award of the arbitrators denies Mr. Boone's claim 100% and awarded \$5,586.00 to the county, representing an overcharge to the county. He understands that the attorneys in Charlotte have collected that money.

Commissioner Baker added that this came about as a result of Mr. Boone being the architect on the renovation of the courthouse and the old bank building which we now use for our tax offices, back in 1980. Because there was a reference in that contract to new facilities, his contention was that when we started talking about a new courthouse facility that he still had an open contract. After the contract was complete on the old courthouse and the bank building we did not officially send him a letter saying this contract is complete, which is not a normal procedure as far as we know. Once you get the final billing from an architect and you send him a check, that is usually notification of completion.

Chairman Drake stated that it is not normal practice to send a letter to someone telling them their contract is complete when they send you the final bill and you pay them the final amount billed, most everyone knows that that is the end of the contract. There had never been any billing submitted for any other monies. The suit was brought on the potential loss of revenue, not for any work that he had done.

PRESENTATION-1989/1990 AUDIT REPORT

Chairman Drake called on David Nicholson to present this item.

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Mr. Nicholson presented to the Board the Annual Financial Report for June 30, 1990. There are three parts to the report, an introductory section, the financial statements or the audit report, and schedules giving a 10 year history of Henderson County. He briefly reviewed the report. The highlighted department this year is the Henderson County Library.

In the report is a reproduction of the certificate of Achievement for Excellence in Financial Reporting received for the June 30, 1989 report. Mr. Nicholson thanked the firm of Hansen & Johnson Associates who did the financial report this year, and particularly thanked Carl Shaw for his assistance. He thanked his staff for an excellent job.

Carl Shaw, a partner with Hansen & Johnson Associates, addressed the Board. He is the partner assigned to the Henderson County engagement. He also thanked Mr. Nicholson and his staff for their assistance. He bragged on Henderson County for the Certificate of Achievement.

Mr. Shaw stated that an audit is like a photograph of where your financial status was as of June 30. They issue an opinion that the numbers in the report are fairly stated as of that time. They also looked at the compliance with federal laws and requirements. They found no instances of material noncompliance. They also look at the internal control structure. He stated that the financial report looks very good for Henderson County. The controls are in place and we are in compliance with federal laws and regulations.

Exceptions or items that need addressed

Mr. Shaw stated that the state has a requirement that a report for the Department of Social Services be filed with the state within seven working days after the end of the month. They found two instances where the report was filed subsequent to the seventh working day of the month. He said it was interesting to note that when they contacted the state officials concerning the requirement, they said they don't care if it is not in by the seventh working day, that if it is in by the twentieth it is okay. What we have is a conflict between what a regulation is and what is actually happening in Raleigh. The state may need to be encouraged to make some worthwhile changes regarding this regulation.

Mr. Shaw stated that in the Water and Sewer fund, which is just getting started, it hasn't really gotten into full operation and is not serving all the people that it will eventually serve. We have incurred more expenses than we have revenues so what we have is a deficit in the fund balance. That is technically a violation of a state statute. It must be disclosed.

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Chairman Drake asked him if they found anything out of the norm. Mr. Shaw said no, what they found is what they usually expect to find, no major problems. Chairman Drake then asked him if he considered Henderson County to be in sound financial condition. Mr. Shaw stated that he would like to have more fund balance. He stated that 8% is what the state considers as a good cushion to have as fund balance. He hopes that Henderson County will keep the fund balance building. Our present fund balance is 9.94%, this is the first time in a number of years that we have been above the 8%.

Chairman Drake stated that as county commissioners we must also realize that the fund balance is tax money and comes out of someone's pocket, so the least amount we can keep in there and be sound is better.

Mr. Nicholson reminded everyone that fund balance is the monies that the county spends for July, August, and September operations.

Mr. Shaw stated that the Local Government Commission is determined that if you have below 8%, you could run into cash flow problems.

LATE ARRIVAL

Commissioner J. Michael Edney came in during the audit report presentation, making him late instead of absent.

"DANGEROUS DOGS" ACT/Tom Johnson

Chairman Drake called on Tom Johnson to address this item.

Mr. Johnson reminded the Board of a letter in the agenda packet from him which includes a new state statute pertaining to declaring dogs to be dangerous dogs and specifying how to deal with them. This is new legislation directed towards protecting the public and their property from dogs that bite. Previously a dog had to bite someone before it could be declared a dangerous dog. A provision of the new statute does require the Board to designate an individual or Board that would declare a dog potentially dangerous and also an appeal board to hear any appeals.

Mr. Johnson recommends that the supervisor of the Animal Shelter be designated the individual having the authority to designate a dog as being potentially dangerous. If the owner of the dog wants to appeal, he is recommending that the appeals board be made up of three members of the Board of Health, who are already appointed by the Board of Commissions. Those three individuals would be designated on a rotating basis by the Chairman of the Board of Health.

Chairman Drake stated that this idea was presented to the Board of Health and the Board of Health did approve the recommendation.

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There was discussion.

Commissioner Randall made the motion that the Supervisor of the Animal Shelter be appointed as the person to determine the potentially dangerous dogs and that the Appeal Board be selected (three members) by the chairman of the Board of Health. All voted in favor and the motion carried.

DESIGNATION OF VOTING DELEGATE TO THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS LEGISLATIVE GOALS CONFERENCE

Chairman Drake asked the pleasure of the Board concerning this request. There was discussion. Commissioner Randall made the motion to send Vice-Chairman Dick Baker as our delegate. All voted in favor and the motion carried.

JAIL PHONE SYSTEM

Chairman Drake called on Jerry Myers to address this item.

Mr. Myers informed the Board of a request from Sheriff Jackson that we change the current method of inmate phone system from the pay phone system which is located in the hallway outside the cell block to a phone system located inside the cell block but which has certain technical requirements such as call blocking and is a collect only system. The current phone system requires the escorting of an inmate from his cell to the hallway where he makes a phonecall, then escorting him back to the cell block and putting him back in jail. The new phone system could be installed at no cost to the county and eliminates the necessity of having to escort the prisoners from the cells and back.

There was discussion and there were unanswered questions. It was decided to delay action and have someone here at the next meeting to address these questions.

PUBLIC HEARING ON INCINERATOR ORDINANCES-Location

Chairman Drake stated that the next item is the location of the proposed incinerator ordinance public hearing. He has had several calls from concerned citizens that the meeting room may not be adequate to hold the crowd. He also has had calls from folks that indicated they wanted to know where the incinerator hearing is going to be held. He explained to them that it is not an incinerator hearing, that it is an ordinance regulating incinerators. There might have been some misinformation put out or a misunderstanding of what is taking place. The Board may want to consider moving the location or changing the date.

Commissioner Baker stated that he has been contacted also. His first idea was that there would be no problem changing the location for the December 3 meeting but after looking into the matter

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further, it was found that in the County Rules of Procedure the only meeting they cannot change the location of is the first meeting in December when the new commissioners are brought on board. He had made arrangements to get Hendersonville High School for that date. He now feels, with some suggestions from the Coalition Group, that it would be better to pick another date for the public hearing so there wouldn't be a problem with having another location.

One of the two required notices is in the paper today, it could not be stopped. He asked the newspaper to help in getting information out that it will not be held on December 3. Commissioner Baker suggested that it be held January 7, giving us plenty of time to provide notification when and where the public hearing will be.

Commissioner Baker made the motion to cancel the December 3 public hearing and we will provide notification when and if it will be re-scheduled. All voted in favor and the motion carried.

CANE CREEK WATER AND SEWER DISTRICT

The Board recessed as Henderson County Board of Commissioners and convened as Cane Creek Water and Sewer District Commissioners.

The Cane Creek Water and Sewer District Commissioners adjourned and reconvened as Henderson County Board of Commissioners.

PRESENTATION OF PLAQUES

Commissioner Baker presented Chairman Drake with a county plaque for 12 years of service to Henderson County.

He presented Commissioner Maybin with a county plaque for 8 years of service to Henderson County.

He stated that both men had extended way beyond the normal expectations of service to Henderson County and Henderson County is far better because of their service. On behalf of associates here and the employees of Henderson County and citizens of the county, he extended appreciation to both men.

Chairman Drake responded saying that it had been a pleasure to serve on the Board of Commissioners since 1978. He stated that he counts it as an honor and privilege to be able to serve. He stated that we have some of the finest employees of any county in the state, the overwhelming majority perform at and above expectations. He thanked the county employees for their service to the county during this 12 years.

Commissioner Maybin agreed with what Chairman Drake said. He mentioned the audit report and stated that we are a good county and

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we have alot to be proud of. He stated that he was glad he had an opportunity to be a part of the past 8 years.

EXECUTIVE SESSION

Commissioner Maybin made the motion to go into Executive Session to discuss legal and personnel matters. All voted in favor and the motion carried.

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

Chairman Drake stated that the Board had discussed a personnel item in Executive Session involving the special county attorney fees for the Department of Social Services. He asked for a motion to increase the line item by \$30,000 with state and federal dollars.

Commissioner Edney made the motion to amend the budget for Social Services legal account by \$30,000 with state and federal dollars making up the match. All voted in favor and the motion carried.

Chairman Drake noted that the Board members officially signed the petition for Buncombe County/Henderson County Line Dispute.

Being there was no further business, Chairman Drake adjourned the meeting.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

J. Michael Edney
J. Michael Edney, Chairman
(December 5, 1990)

PUBLIC HEARING
 PURPOSE: To in-
 crease boundaries of the
 Mountain Home Fire
 Protection District.
 PLACE: Mountain
 Home Volunteer Fire
 Department.
 TIME: 7:00 P.M.
 DATE: November 19,
 1990.

As required by G.S.
 69.25.11, the Henderson
 County Board of Com-
 missioners invite all in-
 terested citizens to ap-
 pear as indicated above
 and give public comment
 concerning the increas-
 ing of the Mountain
 Home Volunteer Fire
 Protection District
 boundaries in the adjoin-
 ing territory as described
 below:

BEGINNING at an ex-
 isting point (1) in the
 Mountain Home and
 Fletcher Fire District
 line in Howard Gap
 Road, .4 miles north of
 the intersection of How-
 ard Gap and Brookside
 Camp Roads. Thence in a
 Northeasterly direction,
 with the existing Fletch-
 er Fire District to a point
 (2) on Terry's Gap Road
 being .6 miles Northwest
 of the intersection of
 Dudley Rogers and
 Terry's Gap Roads.
 Thence following the ex-
 isting Edneyville Fire
 District lines Southwest
 to a point (3) on McMinn
 Road, thence still with
 the Edneyville Fire Dis-
 trict Southeast to a point
 (4) on Fruiland Road,
 thence Southeast to a
 point (5) on U.S. 64 East,
 said point being .2 miles
 East of the Chestnut Ga-
 p/U.S. 64 intersection, the
 intersection of Edney-
 ville and Dana Fire Dis-
 tricts. Thence leaving the
 Edneyville Fire District
 and with the Dana Fire

District line (6) to a point
 on Zeb Corn Road being
 .1 mile North of Howard
 Gap Road. Continuing
 with the Dana Fire Dis-
 trict Southwest to a point
 (7) on Nix Road. Thence
 with the Dana Fire Dis-
 trict Southeasterly to a
 point (8) on Carolina Vil-
 lage Road, .5 miles North
 of the intersection of U.S.
 64; continuing Westerly
 to a point (9) on Thomp-
 son Street, joining Valley
 Hill's Fire District; con-
 tinuing Westerly to a
 point (10) on Hyder
 Street. Still following
 Valley Hill Fire District
 line Westerly to a point
 (11) on Duncan Hill
 Road, being in the exist-
 ing Mountain Home Fire
 District.

(1038) 10/27, 11/5

HENDERSON COUNTY
BOARD OF COMMISSIONERS

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

WILLIAM T. DRAKE
CHAIRMAN
TROY L. MAYBIN
F. RICHARD BAKER
J. MICHAEL EDNEY
HUGH D. RANDALL

JERRY D. MYERS
COUNTY ADMINISTRATOR

**RESOLUTION REQUESTING STAFFING STUDIES IN
LONG-TERM CARE FACILITIES**

WHEREAS, the staffing requirements for Intermediate Care and Skilled Nursing Facilities have not been updated since 1983 to reflect changes in the nursing home population; and

WHEREAS, the rules and regulations governing Medicare reimbursement in acute care hospitals have resulted in individuals being discharged from hospitals and admitted to nursing homes and domiciliary homes in much more medically fragile conditions; and

WHEREAS, the number of Alzheimer patients and other dementia residents in domiciliary homes has increased in the last five years; and

WHEREAS, additional staff reduces frustration and improves staff morale, potentially resulting in a reduction of staff turnover, and ultimately resulting in improved quality of care.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF HENDERSON AS FOLLOWS:

- 1. That this Board officially requests that staffing requirements in Skilled Nursing and Intermediate Care Facilities be carefully studied and increased as necessary to insure that proper and competent care is given to all residents of these homes.*
- 2. That this Board officially requests that staffing and Education requirements in Domiciliary Homes be carefully studied and increased as necessary to insure that proper and competent care is given to all residents of these homes.*

BE IT FURTHER RESOLVED that copies of this Resolution will be distributed to the appropriate local and state agencies and representatives.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

William T. Drake
William T. Drake, Chairman
Henderson County Board of
Commissioners