

**MINUTES****STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS  
OCTOBER 5, 1998**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Conference Room of the Henderson County Office Building at 100 North King Street, Hendersonville, North Carolina.

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Renee Kumor, Commissioner Don Ward, Commissioner Vollie Good, County Manager David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Staff Attorney Jennifer O. Jackson, Public Information Officer Chris S. Coulson, Finance Director J. Carey McLelland, Planning Director Matt Matteson, Planner Karen Collins, and Bill Byrnes.

Absent was Assistant County Manager Angela M. Skerrett.

**CALL TO ORDER/WELCOME**

Chairman Eklund called the meeting to order and welcomed those in attendance.

**INVOCATION**

Mervin Garrison, Minister of French Broad Baptist Church, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Vice-Chair Grady Hawkins, led the Pledge of Allegiance to the American Flag.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Commissioner Ward requested one item be added to the agenda - Coordination for Senior Citizen Events. He asked that the item be added right after "Nominations".

Commissioner Hawkins requested one item added to the agenda under Staff Reports "D" as item #3 - Update from County Attorney on the Board's July 27 letter.

Commissioner Hawkins also requested that one item be pulled from Consent Agenda for discussion - Tax Collector's Report.

Don Elkins, County Attorney, asked that the above request about the July 27 letter be delayed until after closed session.

It was the consensus of the Board to approve these changes to the agenda.

**Tax Collector's Report**

Commissioner Hawkins stated that in the report to the Board, the Tax Collector indicated that he

**APPROVED**

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was waiting for a response from County Management on an additional PC. Mr. Hawkins stated that he did not see that request in the Tax Collector's budget. Is this a new item?

Terry Lyda stated that it is a new item, it is on the STAR system which is the state system where they can bring up titles. This will allow them access to titles of motor vehicles and mobile homes.

Commissioner Hawkins asked if the STAR system had been around very long and how much the PC cost? He stated that he hated to be holding up collections for a PC.

Mr. Nicholson stated that he did not receive the request until 2-3 weeks ago. We don't have money for computers because the Board froze all that money as part of the budget process. If the Board wishes to approve this PC, it would have been part of the Technology Plan that will be submitted to the Board this fall. We are trying to deal with Y2K first. Does the Board feel comfortable with going ahead and getting a price to get an extra PC for this office?

Commissioner Hawkins asked staff to research and let the Board know at the next meeting how much this PC would cost.

Now the Tax Collector's Report can go back into the Consent Agenda for approval.

### **CONSENT AGENDA**

Commissioner Ward made the motion to approve the Consent Agenda. All voted in favor and the motion carried.

The CONSENT AGENDA consisted of the following:

#### **Minutes**

Minutes were presented for the Board's review and approval of the following meetings:

- May 4, 1998, regular meeting
- May 20, 1998, regular meeting
- August 27, 1998, special called meeting
- September 16, 1998, regular meeting

#### **Tax Collector's Report**

Terry F. Lyda, Tax Collector for Henderson County, had provided the Tax Collector's Report for the Board's review and consent approval.

#### **Notification of Vacancies**

The Board was notified of the following vacancies which will appear on the next agenda under "Nominations":

1. Nursing/Adult Care Home Community Advisory Committee - 1 vac. (due to resignation)

#### **Road Petitions**

Staff had received petitions for the following roads for addition to the State Maintenance System:

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1. Gregory Way
2. Hawthorn Drive
3. Archer Circle
4. Wickham Way
5. Browning Rd. (petition for Browning Hill Rd.)

It had been the practice of this Board to accept road petitions and forward them to NC DOT for their review.

#### **Henderson County Public Schools Financial Report - August 1998**

The Henderson County Public School had submitted their August 1998 Financial Report for the Board's information.

#### **Henderson County Financial Report - August 1998**

The Henderson County Financial Report for August 1998 was submitted for the Board's information.

#### **INFORMAL PUBLIC COMMENTS**

1. Les Fleischer - Mr. Fleischer will address the Board at a later time because his item was an add-on to the agenda.

2. Helen Bernau - Ms. Bernau presented a petition to the Board seeking reduction of the sewer rates in the Town of Fletcher. She had 8 ½ pages of signatures. She stated there were 160 signatures or more on the petition.

Gary Tweed explained that the charges for both Mud Creek and Cane Creek Sewer Districts include a treatment charge (MSD) and a collection transfer charge (CCWSD including debt service).

3. Dennis Justice - Mr. Justice commented on last Saturday's forum of the school facilities issue. He had a concern about the speaker and the video, feeling it was partial. He felt there should have been an opposing view presented. He felt much better about the later part of the meeting.

He had presented a video to the Board of Commissioners back in May and felt that the citizens should see the video (Johnston County Schools) as part of a possible solution.

#### **NOMINATIONS**

Chairman Eklund reminded the Board of the following vacancies and opened the floor to nominations:

#### **1. Nursing/Adult Care Home Community Advisory Committee - 6 vac.**

Commissioner Kumor nominated Nuala Fay for reappointment. All voted in favor.

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**2. Hendersonville City Zoning Board of Adjustment - 2 vac.**

There were no nominations at this time so this item was rolled to the next meeting. Don Elkins asked that this item be rolled to the next meeting. He has been trying to contact someone in the Attorney General's Office and hopes to have a response by the next meeting.

**3. Jail Planning Advisory Committee Members - 1 vac.**

Commissioner Kumor nominated Rev. Alfredo Oveida for appointment. All voted in favor.

**4. Hendersonville City Planning Board - 1 vac.**

Commissioner Ward nominated Nick Pryor. Commissioner Kumor made the motion to suspend the rules and appoint Mr. Pryor. All voted in favor and the motion carried

**5. Henderson County Zoning Board of Adjustment - East Flat Rock; Kanuga Area**

We need a regular member and an alternate from each area.

Commissioner Hawkins nominated Lloyd Kidwell.

Commissioner Kumor nominated Anthony Engle.

Chairman Eklund nominated Todd Rangel.

A vote will be taken at the next meeting.

**CCC - add-on by Commissioner Ward**

Community Coordinating Council

Les Fleischer distributed a 2 page hand-out. He is a member of the Community Coordinating Council (CCC) for the elderly of Henderson County which is related to the Committee on Planning for Older Adults that the Board of Commissioners set up some years ago.

Our county is only one of seven in North Carolina that does not have a Senior Center, where the average senior can go to socialize with peers, have a hot meal, get routine screening exams, or meet with a counselor to get needed advice. No funds have been allotted for senior affairs including recreation whereas the figures for other age groups are substantial.

Mr. Fleischer stated that there is an urgent need for the Commissioners to take a leadership role in providing services for the average senior. The Council on Aging, the WCCA and Opportunity House do not have the resources to fund or staff necessary social and health activities that are vital to those 60 and over in our county. Those activities are not being adequately addressed.

The results of a careful survey of 3,000 seniors last year show that 41% of the seniors would attend a centrally located center if one existed. The Commissioners should seriously consider providing a site of as little as 4000 square feet, which NC considers sufficient for funding from existing sources and grants.

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Commissioner Ward asked that this information be given to Rick Harris of our County Parks & Recreation Department. Commissioner Ward volunteered to serve as the Commissioner on the CCC. He also suggested writing a letter to Mayor Niehoff requesting a volunteer to serve on the Committee.

### WORKSHOP ON JAIL PROJECT

Commissioner Kumor introduced the following who were in attendance:

Charlene Livingston, Eddie Pruett, Pat Summey, Bill Berry, and Lori Gonce who work with us, as well as Sheriff George Erwin, Lem Dermid, Bill Byrnes, and Dick Adams. Alan Antoine, Ed and Moeson from Grier-Fripp the architectural firm.

Commissioner Kumor stated that there is much talk about the escalation of the jail cost as it relates to this current planning process and one of the problems is how to keep the Board informed so that they can explain the issues to the citizens.

To begin this process, she felt it very important for the Board to see a jail built by our architects. We are not building a Mayberry Jail, but a 21<sup>st</sup> Century facility.

*She reviewed a definition that our insurer, Sedgwick James, has offered for what a county jail is: County jails detain or house individuals who have been arrested for suspected criminal conduct. Jails typically hold pretrial inmates and inmates sentenced to the courts to terms of incarceration for less than 90 days. Because most jail occupants have not been convicted of a crime and because there is often little known about these individuals at the time of arrest, it is challenging to determine their level of security risk. As a result the character of jail operations and the facilities themselves tend to have a high level of security. Inmate security classifications are described as minimum, medium, and maximum. The majority of required bed space for a county jail falls into possibly the medium security category.*

Commissioner Kumor stated that is a working definition of what a jail should be.

A video was shown of a jail in Florence, S.C. Our architect, Grier-Fripp, designed this jail. This jail is highly disciplined. In this type of setting there are many means of controlling inmates and maintaining discipline so if you see a television or a basketball hoop or telephones, be assured that these have more to do with maintaining discipline than they have to do with being soft. To maintain a high level of discipline, it is necessary to have some rewards for good behavior and thus something to lose for bad behavior. This jail is bright and very clean. Some of the things you will see in this video, such as central intake are concepts that we're planning to introduce into our system. The Manager and the Sheriff will be meeting with the local Chiefs and their managers to begin the process in this program shift.

Dick Adams, one of our Jail Volunteers, took the Board on a tour (via video) of the Florence, S.C. facility. He asked the Board to note the following things:

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- internal appearance
- positioning of the control center
- position of the duty officer
- multi-purpose center
- inmate visiting
- T.V. viewing
- intake area/arresting
- property room
- maximum security units (segregation pod)

Commissioner Kumor explained that the architects are present to answer questions. The original jail plan the Board was presented several months ago was for \$4.5 million. It would have been a jail that would have needed significant upgrade within 5-7 years which was clearly part of the up front presentation and we were looking at a financing package that went over 7 years so we would have had the phase I paid for before we got into phase II. After looking at those costs and the costs for upgrade and expansion, we have now looked at building a facility that would last longer and need less expansion in the future. That was the concept presented at this time. The costs have escalated and the bed count is at 208. This bed count is a number based on previous studies, current head count, current out posting of inmates, and drawing a graph to see where we might be going in the future. Once we have a passable jail we will also be receiving people who are sentenced to 90 days or less. That count for who would be serving a 90 day or less sentence is nonexistent. Our projections must also be based on high counts, full days, and peak times. A portion of these beds, 32 of them, will be in less secure and less costly situation to accommodate work release for those who are sentenced and for week-enders. Having this 32 bed less secure pod will reduce the building cost and reduce the concerns for contraband that come into the jail.

Commissioner Kumor explained why we are recommending this larger package:

1. The construction costs are going to be going up and 5-7 yrs. from now when we would have been looking to add phase II, we might have been forced to build a lesser facility for a lot more money.
2. We have increased the core facilities (administration, kitchen, laundry) and they are larger than the first plan the Board approved but they are also the cheapest spaces to build. If we anticipate rising construction costs, this would be a better investment of our money to build those things now. At this time we are also beginning to anticipate that there will be a drop in the interest rates.
3. We continue to have the public school needs with us and those needs are going to be with us for at least the next 10 - 15 years and we're proposing that if we build a solid jail now, we will get that need off the table and can focus on where our school needs are going to be for the next decade or more.

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This jail will need more staff. Currently the Sheriff and the Jailer are estimating it will only need three more people, not three more positions. The jail will cost money to operate.

Commissioner Kumor put in a plug for a Central Purchasing Office because of all the things that this facility will be in constant need of including bed linen, mattresses, underwear, food, and the many things that we need to operate a first class jail.

We've tried to address the staffing demands by reconfiguring our beds and we are exploring many options for cost savings. We could offer to house women inmates from other counties and receive revenue for that (if we have women guards).

Commissioner Kumor asked "What do I want from you this evening? I want you to listen to what's being said, evaluate this program, and tell me where you stand. I am your representative on this committee and I have to take this information back. The program is ready to move forward and we're ready to move forward in a lot of direction but I need to hear from you. I would also like you to be aware of the fact that we are building this jail as we proposed, for 208 beds. We can add with probably another \$1 million or so and keep us at ten million or under and make - give the architects the opportunity to work in a manner that will make it even more staff effective. The more we invest in making it staff effective, the less staff we will have and operating costs in the long-term. We can try to cut corners and try to be less expensive and still meet N.C. standards but in the long run we will make it necessary to have more staff available. So we can - and there are other issues that we can deal. We can talk about building some larger single cells now that in the future will allow us to add - make them double bunk cells so that for an investment up-front of money we can in effect build for the future another 40-50 beds to make this jail very effective out 20-25 years in my opinion. Those are things that I want you to keep in the back of your mind while you listen to Alan talk to us from Grier-Fripp because when he's finished you guys gotta tell me what you want."

Alan Antoine reviewed how the project had evolved. The new jail will totally replace the existing jail. The construction cost is at \$7.9 million and includes 208 beds. The 208 beds includes two 24 bed single cell maximum security pods, one 48 bed double cell medium security pod for males, 1 single cell male maximum security pod, 2 dormitories for a total of 72 beds, and one 32 bed work release and week-end program. They are all wet cells (include toilet facilities) and in the evening you don't have to have additional officers escorting people back and forth to the toilet facilities. For support areas you have a public lobby, jail administration, staff support, intake release, the magistrate, library, chapel, and training, health services, food services, program area, laundry, and canteen for a total area of 55,200 square feet. The master plan does include the opportunity for expansion. The kitchen and laundry area would be sized in such a way that they could accommodate double, or 416 beds.

Mr. Antoine showed a chart comparing several facilities in N.C., S.C., Indiana, and Pennsylvania. It compared the total area in square feet, the total number of beds, the area per bed. The average area per bed is 381 square feet. For planning purposes you normally look at

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between 350 and 400 square feet. The planned area per bed for our facility is 265 square feet. The average cost for the facilities listed on the graft is \$16,500,000 and we're talking \$7,900,000 for our facility. The average cost per bed in the facility is \$53,300 and proposed for our facility is \$30,128 per bed.

Commissioner Kumor stated that she would argue the point that if we want to allow the architects to a little more leeway in design with the direction that we would like to see options that will be more construction intensive and less staff intensive, we might spend money on the up-front but over the long haul we will not have the operational costs or the staffing needs that will be driving this jail as more people get into it and we'll also build in some flexibility to expand for the future and that's the discussion she felt the Board should have this evening.

Mr. Antoine stated that they normally figure over the 20 year life of a building, that the total cost, not only to build but also to operate that facility, if you consider that to be 100%, 7% of that cost over 20 years is the actual cost for the facility itself and then 93% is usually operational costs. To the extent that you can reduce that, obviously is where your greatest savings are.

#### **Jail Financing**

David Nicholson stated that there has been some discussion of going ahead with a resolution to start the financing but this Board has many questions so we may not be ready for that. It was not placed on this agenda.

Carey McLelland has been talking to financial institutions because we really were looking to get a financing package to be able to get to the Local Government Commission (LGC) for their approval so we could finance it under a bank qualified installment contract financing during this calendar year. It doesn't appear that we're quite there yet, we're working on it but we're not quite there yet. To put this into the next calendar year, there are a couple of options if you want to look at a non-traditional voted debt and that would be to look at doing a non-qualified bank financing. Mr. Nicholson is making the assumption that some time next year we will have to do something with schools which would put us over \$10 million. \$10 million is the limit. Probably a little more practical approach would be to look at a Certificate of Participation (COP.). A bank qualified or unqualified loan would basically go to the private market. A COP. looks like a bond, barks like a bond, and wags it's tail like a bond but it's not a bond because you don't pledge your taxing power. Any borrowing we do that's over one half million dollars would have to go to the LGC for approval. A COP. would allow some flexibility in time of borrowing, or extension on the years of the loan.

Our average number of inmates per day currently was 81 (in August) for a facility that can hold 78 inmates.

Very much discussion followed.

Commissioner Good made the motion to go with the long range plan presented this evening and extend the financing to 10-12 years, borrow the money, and build a jail that would be adequate



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for the future. Following continued discussion, Commissioner Good withdrew his motion.

It was the consensus of the Board to support Vollie's idea that building for the long term was a good idea. The Board wanted to take some time to review the documents they were presented this evening and to set a workshop under Important Dates.

Chairman Eklund called a 15 minute recess.

**PUBLIC HEARING - Request to Amend The Official Zoning Map**  
**Proposed Rezoning of 14.5 Acres on Greenville Highway (Application #R-03-98)**  
**by Linda Moxley & Helen Moxley Pace**

Commissioner Hawkins made the motion for the Board to go into public hearing as stated above. All voted in favor and the motion carried.

Karen Collins reminded the Board that they had scheduled for this date a public hearing on an amended application (#R-03-98) by Linda Ann Moxley and Helen Moxley Pace to rezone approximately 14.5 acres of property on the Greenville Highway (US #25 South). The subject parcels are currently zoned R-T (Transient Residential) and R-20 (Low Density Residential) and the applicants have requested that the County rezone them to R-10 (High Density Residential).

In accordance with Section 1204 of the Henderson County Zoning Ordinance and State law, a notice of the public hearing was published in the September 25, 1998 edition of the Times-News. A second notice of the hearing was scheduled for publication in the Times-News on October 2, 1998. On September 24, 1998 the Planning Department mailed notices of the hearing to the applicants and to the owners of property adjacent to and near the parcels proposed for rezoning. Planning staff posted signs advertising the hearing on the subject parcels on September 25, 1998.

Ms. Collins stated that the subject of the request is that the county rezone the subject 14.5 acres to R-10. The Board has been through this application previously so she felt no need to go into a lot of detail.

In answer to a question raised, Ms. Collins stated that Planning staff had not had any specific discussion with DOT about this intersection nor with the City of Hendersonville.

**Public Input**

There was none.

Karen Collins informed the Board that Joe Crowell, Ms. Moxley, and Ms. Pace are present in the audience.

Commissioner Kumor made the motion to close the public hearing. All voted in favor and the motion carried.

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Commissioner Good made the motion to approve the request for rezoning this property in question to R-10. All voted in favor and the motion carried.

### **COST OF LIVING INCREASE**

David Nicholson reminded the Board that the Board of Commissioners usually considers granting a cost of living increase to county employees at this time of year. Last year, the Board took a positive step to provide both a 2% salary increase and an employer match to either our 457 or 401K deferred compensation programs. Funds to continue this match were included in each of the department's budgets this fiscal year.

To assist the Board in deliberations on this matter, Mr. Nicholson provided several pieces of background information. This information includes the Consumer Price Index, a report from the North Carolina Association with salary adjustment data and a newspaper article reflecting state employees raises.

In preparing the Fiscal Year 1998-99 Budget, funds for a cost of living increase were appropriated in the Contingencies Account. Should the Board grant an increase, Mr. Nicholson suggested that it be effective the payroll period beginning on October 12, 1998.

Mr. Nicholson stated that there are 345 county employees who have monies going into the 457 program, the county is matching 2%. And we have 90 employees who have monies going into the 401K program, the county is matching. A total of 435 employees or 76% of employees have taken advantage of these programs.

Mr. Nicholson informed the Board that we began today training for our performance appraisal system and will finish up the training the department heads and supervisors tomorrow. It has taken us about a year to develop that system. Our consultant's have come in to do the training. He stated that he wants to see at least a year of performance appraisals in place before he can recommend to the County Commissioners that they tie any salary increase to that information.

Following discussion, Chairman Eklund made the motion to recommend a 2% COLA (cost of living adjustment) and continue the 2% match to the deferred compensation programs. All voted in favor and the motion carried.

### **SOLID WASTE BIDS**

David Nicholson stated that staff has gone through an analysis of the solid waste bids received for privatization of a portion of the solid waste operations. The Board's direction to staff had been to prepare a Request for Proposal (RFP) for privatization of certain solid waste functions. Some of the requirements of the RFP included a contract with two three-year terms, the bidder stating a tipping fee (assuming 60,000 tons per year) and setting a required payment to the county of a minimum lease fee of \$100,000 per year. Staff has done this.

Two bids were received and two alternates:

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Waste Management's Main Bid - They submitted the lowest responsive bid, making them eligible for consideration and award. Based upon the assumption of 60,000 tons, the total cost to the citizens over six years would be \$29,209,800. However, staff had determined that awarding a contract to Waste Management would require a subsidy from the General Fund in the amount of \$579,187/year just for operational expenses only. Based on the numbers, Mr. Nicholson could not recommend that the Board award the agreement to Waste Management.

Charlie's Parts and Wrecker's Main Bid - Their main bid was not the low bid so the Board cannot consider it. In fact, it was the highest bid received. Additionally, no bid bond or letter of credit guaranteeing the bid was included. This bid was ineligible for consideration.

Waste Management's Alternate Bid - They offered through a negotiation process, to look at lowering the hauling and disposing fee by \$3/ton. In the renegotiation, items such as requiring all of their waste stream to be processed at our transfer station should be considered. Reducing the hauling and disposal fee by \$3/ton would increase our revenues by \$3/ton or \$180,000/year assuming 60,000 tons/year. Alternatively, the County could reduce the tipping fee by \$3 and realize no net loss in revenues. The County, by accepting this alternative, would continue the operation of all solid waste programs.

Charlie's Parts and Wrecker Alternate Bid - Besides the legal issues associated with the fact that they did not submit a bid bond nor an appropriate bid guarantee, staff analyzed the bid. The subsidy for this would be over \$717,000.

Mr. Nicholson stated that it is apparent Henderson County can really operate this program as cost effective as a private company could do.

### **Recommendation**

The County Manager recommended to begin negotiations with Waste Management. These negotiations would be based upon their alternate bid to lower their hauling and disposal fee by an amount up to \$3.00. He also strongly recommended that flow control also be negotiated. The need for the waste flow through our facility is as important as lowering the tipping fee. Any revised contract would have to be taken back to the Board for consideration and approval.

There are a number of alternative solutions to addressing Henderson County's solid waste flow that are being investigated. The Solid Waste Advisory Committee is considering some of these options. Mr. Nicholson has continued to approach the idea of a regional solid waste facility with neighboring counties and solid waste providers. The discussions for alternatives or a regional facility will take a substantial amount of time to review/negotiate before the Board of Commissioners could even consider taking any action. Mr. Nicholson stated that he could see no reason to not begin the negotiations with Waste Management. Our contract with Waste Management has a six month notification clause to cancel the contract, in case we develop an alternative solution. Also since the privatization discussions began, we have had considerable employee turnover and anxiety among the remaining employees. We need to stabilize our solid

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waste workforce.

Gary Tweed explained that the closure certification and the application for a C&D landfill was a joint process. We closed the landfill and submitted that QA report and the C&D application together. Both were approved. We've been operating the C&D for about 3 weeks. He has not received the written report but was told verbally that they have approved our side slope demonstration. With respect to the C&D the Board needs to keep in mind that he only has a 2 acre area that he's working in. Projections are 6 mos. to 1 year. He does not have the C&D area worked out yet. He may not have a spot on this existing site. Mr. Tweed stated that he is in the evaluation phase now with a consultant.

Following discussion, Commissioner Hawkins made the motion to authorize the County Manager to renegotiate with Waste Management and bring that information back to the Board. All voted in favor and the motion carried.

#### **UPDATE ON PENDING ISSUES:**

##### **1. Hospital Reorganization**

Jennifer Jackson brought the Board up to date regarding this topic. At the Commissioners' last meeting they approved a big stack of documents which were the transfer agreements and all the agreements that went with it for the transfer of the hospital to the Henderson County Hospital Corporation effective November 1. Since that time both the old Hospital Board of Trustees and the New Corporation Board have met and approved the same set of documents that this Board approved on August 17. The documents have been sent off for the HICFA approval and in addition we submitted an application to the LGC on the bond issue pertaining to 131E-8. LGC will be meeting tomorrow to consider that approval. Ms. Jackson expects to bring the Board another update on that at the next Board meeting (hopefully a positive one). We only have one more meeting before the effective date of the transfer.

##### **2. Apple Industry**

Commissioner Ward attended a local meeting as the Board's representative with Congressman Taylor and several apple growers from this county and surrounding counties. There was discussion of import tariffs, trade agreements, and educating Congress.

The Apple Farmers would like the Board to consider expanding our tax base to include perishable products. Agriculture as a whole is given a 25% incentive. They requested a 25% expansion for a perishable product since the apple industry is in a desperate need in Henderson County. They appreciated the Board's work with the negotiations with the All Juice Company. They wanted to know if the County would take the first step with our local government as our goals of a State Bill to assure that any State institution (schools, prisons, and hospital) have first right of sale of perishable goods, before they go outside and buy from another State.

Commissioner Ward talked to Senator Carpenter who said he would sponsor the Bill if we would pursue it on a County level.

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Chairman Eklund asked how to get this started?

David Nicholson asked how the Board felt about offering an additional land use to people who grow perishable products or for a portion of their farm if they grow perishables. If so, do you want to do it on a local level, ask Representative Justus to do it on a Henderson County level or do you want to put it to the NC Association of County Commissioners for consideration as a State-wide legislative goal?

Following discussion, it was the consensus of the Board to pursue this both locally and State-wide. "Buy N.C. First" would be a good State-wide goal.

**SET PUBLIC HEARING ON REZONING REQUEST BY ALBERT M. MORENA**

**Application #R-05-98**

Karen Collins informed the Board that Albert M. Morena has submitted an application requesting that the County rezone approx. 2.6 acres of property on West King Street in East Flat Rock from a T-15 (Medium Density Residential with Manufactured Homes) district to a I-1 (Light Industrial district).

On September 29, 1998, the Henderson County Planning Board voted unanimously (7 to 0) to send the Board of Commissioners a favorable recommendation on the application as submitted.

The Board of Commissioners must hold a public hearing prior to taking action on the application. Planning Staff recommended that the hearing be scheduled for Monday, November 2, 1998, at 7:00 p.m.

Commissioner Kumor made the motion to set the public hearing for November 2, 1998 at 7:00 p.m. All voted in favor and the motion carried.

**PAWNBROKER'S LICENSE RENEWAL - Happy's Trading Post**

Jennifer Jackson informed the Board that Ronald Del Buono who operates Happy's Trading Post has filed an application to continue operating a pawnshop located in Edneyville.

Mr. Del Buono first applied for a Pawnbroker's License in 1997 and was issued a license which expired on September 30, 1998.

A complete renewal application has been submitted and was included in the agenda packet for the Board's review. The only item that Mr. Del Buono submitted that was not part of the packet was his financial statement. If the Board wishes to review this financial statement, it would be appropriate for the Board to go into Closed Session pursuant to NCGS 143-138.11(a)(1) and consider the same.

The Staff Attorney has reviewed the application/petition and the attachments to it and believes that everything is in order. Staff recommended that the Board consider renewing the

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Pawnbroker's License for a term of October 1, 1998 through September 30, 1999.

Commissioner Hawkins made the motion to renew the Pawnbroker's License for Happy's Trading Post. All voted in favor and the motion carried.

**PAWNBROKER'S LICENSE RENEWAL - Etowah Pawnbroker's Inc.**

Jennifer Jackson informed the Board that Bruce Gosnell who operates Etowah Pawnbrokers, Inc. has filed an application to continue operating a pawnshop at the Etowah Shopping Center in Henderson County.

Mr. Gosnell first applied for a Pawnbroker's License in 1990 and has renewed his application/petition every year since. The most current license expired on September 30, 1998.

A complete renewal application had been submitted and was included in the agenda packet for the Board's review. The only item that Mr. Gosnell submitted that was not included in the packet was his financial statement of capital assets. If the Board wishes to review this financial statement, it would be appropriate for the Board to go into closed session pursuant to NCGS 143-318.11(a)(1) and consider the same.

The Staff Attorney has reviewed the application/petition and the attachments to it and believes that everything is in order. Staff recommended that the Board consider renewing the Pawnbroker's License for a term of October 1, 1998 through September 30, 1999.

Commissioner Ward made the motion to renew the Pawnbroker's License for Etowah Pawnbrokers. All voted in favor and the motion carried.

**IMPORTANT DATES**

**Set a date for a Jail workshop**

The Board had stated that they would set a workshop for this item under Important Dates today, following an above agenda item.

David Nicholson had talked with Alan Antoine during recess of this meeting and Mr. Nicholson suggested that the Board set this workshop no sooner than November 9. Following discussion a Jail Workshop was set for November 9 at 5:30 p.m.

**Setting of Public Hearing for Codification of the County's Ordinances**

Staff requested the Board set a public hearing on the codification of the County's ordinances for November 2, 1998 at 7:00 p.m. Staff will be prepared on November 2, just prior to the public hearing, to present a brief summary of the changes codification will make. Staff recommended that the Board wait until after the public hearing to determine whether there are any issues associated with the codification which might warrant a work session and that any such work session be held after the public hearing, but before the mid-November meeting so that the code could be adopted at the mid-November meeting.

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Commissioner Kumor made the motion to set the codification public hearing for November 2, 1998 at 7:00 p.m. All voted in favor and the motion carried.

### **Appleland Meeting**

Pursuant to the Restrictive Covenants for Appleland Business Park, in order to close out the park, it is necessary for the Board to first hold a joint meeting with the owners within the park. Staff recommended the afternoon of the mid-November meeting, November 18, 1998.

We are out of options on Appleland. We need to get the property owners together to start a discussion of developing their own property owners association.

It was the consensus of the Board to have this meeting the afternoon of the mid-November meeting, November 18.

### **CLOSED SESSION**

Commissioner Ward made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

- 1.(a)(1) To prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United State, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- 2.(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.
- 3.(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.
- 4.(a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease; or (II) the amount of compensation and other material terms of an employment contract or proposed employment contract.

All voted in favor and the motion carried.

Commissioner Hawkins made the motion for the Board to go out of closed session. All voted in favor and the motion carried.

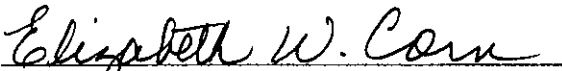
There being no further business to come before the Board, Chairman Eklund adjourned the

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meeting at 9:35 p.m.

Attest:

  
Elizabeth W. Corn, Clerk to the Board

  
Robert D. Eklund, Chairman