

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
OCTOBER 6, 1997

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.

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

Also present were: Planning Director Matt Matteson, Finance Director J. Carey McLelland, Assistant Staff Attorney Jennifer Jackson, Public Information Officer Chris Coulson and County Engineer Gary Tweed.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Good led the pledge of allegiance to the American Flag.

INVOCATION

James Coad gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Ward asked that one item be added under Staff Reports as "C" update on Trend.

Commissioner Good asked that one item be added under Closed Session to consult with the Attorney.

The Clerk asked that item "F" be added to the CONSENT AGENDA, Tax Refunds.

David Nicholson asked that one set of minutes be deleted from the CONSENT AGENDA, September 17, 1997.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the CONSENT AGENDA with the addition of tax refunds and the acceptance of the revised

October 6, 1997

Page 2

page of minutes for February 21, 1996 as well as the deletion of the Sept. 17 minutes. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Review/approval of minutes - Minutes were presented for review and approval of the following meetings: July 6, 1995; October 18, 1995; January 2, 1996; January 2, 1996 (2 sets); February 5, 1996; May 5, 1997; May 21, 1997; July 31, 1997 and September 11, 1997.

Notification of Rejection of Bids - As per the Resolution authorizing the County Manager to receive bids, award bids, reject bids, re-advertise to receive bids or waive bid bonds or deposits or performance and payment bond requirements for the purchase of apparatus, supplies, materials, or equipment, the County Manager informed the Board of some of these actions that had taken place.

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

1. **Community Child Protection Team** - 1 vac.
2. **Nursing/Adult Care Home Community Advisory Committee** - 2 vac.
3. **Youth Services Advisory Committee** - 1 vac.
4. **County Welfare Plan Committee** - ? vac.

Nursing/Adult Care Home Community Advisory Committee - North Carolina State Law now allows for five more members to serve on our Nursing/Adult Care Home Community Advisory Committee. Information was submitted to the Board to inform them that we can now have additional members on the committee. Staff will put this item on a future agenda for action in appointing new members.

Tax Releases - A list of 86 tax release requests was presented for the Board's review and approval.

Tax Refunds - A list of 17 tax refund requests was presented for the Board's review and approval.

NOMINATIONS

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

Western Carolina Community Action Board of Directors - 2 vac.

There were no nominations at this time so this item was rolled to the next meeting.

October 6, 1997

Page 3

Jail Committee - vac. Sheriff Erwin had suggested Bill Blalock, Bob Davidson and Bill Farrell as his representatives to the Committee. Tony Varnadore, Salley Stepp, Finley Pace, Jr., and Rev. Pollard were all nominated by the Board at the September 2 meeting.

Commissioner Hawkins made the motion to accept these four by acclamation. All voted in favor and the motion carried.

Commissioner Kumor nominated Bill Blalock, Bob Davidson and Bill Farrell as appointees and further motioned that the Board suspend the rules and appoint these three. All voted in favor and the motion carried.

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

There were no nominations at this time so this item was rolled to the next meeting.

Mountain Valleys Resource Conservation & Development Program - 1 vac. Barry Wilson was nominated at the last meeting. Commissioner Ward made the motion to suspend the rules and appoint Mr. Wilson by acclamation. All voted in favor and the motion carried.

Mountain Area Workforce Development Board - 1 vac. There were no nominations at this time so this item was rolled to the next meeting.

OFFER TO PURCHASE/FORECLOSED PROPERTY

Don Elkins informed the Board of an offer from Arezki Madji of \$600.00 for Lot#6 in Marshall Ridge Subdivision, PIN#05-01870. The previous owner of the property was Neill Tapp. This Offer To Purchase had been advertised for upset bids. None have been received. Mr. Elkins presented the Offer for final approval and authorization of Sale of Property.

Commissioner Kumor made the motion to accept the Offer To Purchase as presented. All voted in favor and the motion carried.

Angela Skerrett informed the Board that she and the Clerk were working on cleaning up the Foreclosure Policy and would be bringing revisions to the Board at one of the next two meetings for consideration.

UPDATE ON PENDING ISSUES - This is an effort to keep the lines of communication open. It gives the Chairman an opportunity to bring

October 6, 1997

Page 4

the Board up to date on issues that occur between meetings. It also is the time he will ask for direction so that we can develop our public position on current and upcoming topics.

It is also an opportunity for Commissioners to report on related committee work and assignments.

Hospital Issues - Commissioner Kumor was asked two questions at the last meeting of the Pardee Trustees:

1. What is the time line that we can expect for reorganization to be completed? Mrs. Kumor reminded them that it was as much their responsibility as the Commissioners since the Hospital Attorneys will be responsible for the "due diligence" review. They still requested that some time projection be given by our Board.

Ms. Skerrett answered that it depends on how much time the "due diligence" report takes. We do not control that report, the Hospital does.

2. What is the time frame for advising the Trustees as to the make up of the Board? Mrs. Kumor told them that our Board had discussed the importance of selecting members and that she would bring this question to our next meeting. They were interested in making sure that those on the Board of Trustees interested in continuing to serve be able to identify themselves and that the new organization would demand a realignment of terms.

Following discussion, it was the consensus of the Board that parameters be set. The current Board of Trustee members should be welcome to apply.

Once we have a good draft of the Articles of Incorporation and the Lease, a letter should be drafted to the current Hospital Board members and they as well as anyone else who wishes to apply would have a good idea of what the new organization will look like.

The Board of Commissioners wished to set a deadline of 60 days to clear this issue up.

Appleland - Angela Skerrett reminded the Board that at the end of August the Board directed staff to put lot 5-A out for sealed bids. That was done and no bids were received. Some interest has been shown if the lot were smaller than the 6 acre size at \$75,000 per acre minimum.

October 6, 1997

Page 5

Following discussion, it was the consensus of the Board to contact the Committee of 100 to get their recommendation as they are the group that are marketing the park for the Board.

Justice Academy (WNCJA) Sewer Project - David Nicholson informed the Board that the draft permit for the discharge has been issued. The permit calls for a higher level of treatment and lowers the size of the plant from 40,000 to 30,000 gallons per day. Mr. Nicholson reviewed the needs of the Justice Academy with Mr. Ed Boelte, Deputy Director of the North Carolina Justice Academy. They project their current needs at 22,000 gallons a day. This will leave little capacity to serve any other community needs.

Mr. Nicholson recommended that the Board consider placing the package treatment plant on the academy site. Because of the additional area needed to provide the higher level of treatment, the fire department site cannot be used without taking a portion of their parking lot. County staff has worked with the academy personnel and architects to locate a suitable location on site. They have agreed to place the plant in the areas near the previous sewage treatment facility utilized by the school. This would be done either through an easement or a one dollar purchase of the site. The discharge will continue to be at US Hwy.#64 and Lewis Creek. The discharge would run through a 4 inch force main to Lewis Creek.

Mr. Nicholson has also spoken to Mr. Raymond Ward, Chairman of the community committee concerning his recommendation. He has also offered to meet with the committee in order to keep them informed on the issue. Mr. Nicholson suggested that we organize another community-wide informational meeting this fall. The meeting would be sponsored by both the county and academy to update the entire community on the progress/opening of the Academy.

Following discussion, Commissioner Ward made the motion to accept the County Manager's recommendation to go into an on-site force main system. All voted in favor and the motion carried.

Mr. Ed Boelte, Deputy Director of the NC Justice Academy, stated that they hope to complete the project near the end of February, have people report to work in April and begin training in July. They will have 26 staff positions, 8 of which will be instructors. He anticipates accommodating 150 students per week. An open house will be scheduled for a later date.

October 6, 1997

Page 6

Commissioner Ward asked that a letter of appreciation be sent to Cooper Construction Company regarding the water line project on behalf of the county and the citizens of Edneyville.

Trend - Angela Skerrett and Jennifer Jackson have begun the research on Trend. Trend was formed by Resolution jointly with Transylvania County. The Resolution provides that if either Transylvania County or Henderson County wish to pursue other options, they would have to give a minimum of 12 months notice to the other jurisdiction and it would take effect July 1. The earliest time that a change could come about that could be controlled unilaterally would be July 1, 1999. This is a time frame of approx. 18 months and Ms. Skerrett felt that 18-20 months are needed to research the outstanding contracts and other documents.

Chairman Eklund informed the Board that Paul will be the interim Director of Trend until February. He doesn't want to be the Trend Director.

It was the consensus of the Board to notify Trend that the Board of Commissioners is interested in looking at what alternatives are available to provide this health service to our community. It was also suggested that our Board notify Transylvania County Board of Commissioners that we are currently studying our options.

IMPORTANT DATES

David Nicholson informed the Board that there is a need to set two special called meetings, one to meet with the DSS Board and one to meet to discuss solid waste. The Board suggested October 27 for a joint meeting with the DSS Board to discuss Welfare Reform and whether Henderson County wishes to be an electing county or a standard county.

Chairman Eklund reminded the Board of the joint meeting tomorrow night with the School Board.

On the afternoon of the October 15 meeting, staff will review subdivision regulations with the Board for about an hour.

Chairman Eklund called a 15 minute recess.

INFORMAL PUBLIC COMMENTS

October 6, 1997

Page 7

1. Bryan Aleksich - Mr. Aleksich is a member of the Board of Trustees of the Library. He stated that at their last meeting they got into a discussion regarding the Library subscription to the Wall Street Journal. It is a problem because it seems that it is a coveted newspaper and meaningful to a lot of people whose income is based on investments. Mr. Aleksich suggested that the Library get a second subscription. Mr. Snyder felt that the County Manager might take a dim view of this suggestion. Mr. Aleksich wanted to make sure that the Board would agree to a second subscription.

Following discussion, it was the consensus of the Board and also the County Manager that if a second subscription at \$175 fits into the Library budget and the Library Board of Trustees approves it, the Board of Commissioners and staff are not opposed.

Mr. Aleksich addressed Closed Sessions and reviewed two recently ratified bills which affect the Open Meetings Law. Mr. Aleksich reminded the Board that minutes of a Closed Session must be written in a manner so that persons not attending that meeting would have a reasonable understanding of what transpired including a record of positions taken by public officials during the discussion. He also reminded the Board that no vote can be taken in Closed Session. It also limits discussion on incentives for locating business and industry. Mr. Aleksich recommended that a recording be done in Closed Session so that it could be freely distributed to the media and any concerned citizens.

2. Marilyn Gordon - Ms. Gordon wished to speak regarding Carriage Park. She will be allowed to speak during that agenda discussion.

PUBLIC HEARING - On Proposed Amendment to the Carriage Park Master Plan (Special Use Permit SP-93-13)

Commissioner Kumor made the motion for the Board to go into Public Hearing on the Proposed Amendment to the Carriage Park Master Plan. All voted in favor and the motion carried.

Chairman Eklund informed those in attendance that this hearing was being held as required by Section 700 of the Henderson County Zoning Ordinance pursuant to the applicant of Carriage Park Development Corporation for an amendment to Special Use Permit 93-13 to allow a substation for Mountain Home Fire Department to be built within Carriage Park. Issues that are not related to the Fire Station as proposed will not be considered at this hearing. This will be a public hearing as members of the public are allowed

to be present however members of the public will not be allowed to speak. The reason that members of the public in general are not allowed to participate is because this hearing is a quasi-judicial hearing. The hearing will be conducted under the Henderson County Board of Commissioners Rules of Procedure for Quasi-Judicial Proceedings and Section 700 of the Zoning Ordinance. A Quasi-Judicial Hearing is a hearing in which one's individual rights are being determined under the provisions of a particular ordinance. The law requires that when the Board is making an individualized decision such as this one that the procedure for making that decision will be much like a court proceeding or quasi-judicial. All who participate will be placed under oath before speaking and all who speak will be subject to questioning by the other participants. The Commissioners may ask questions of any participant at any time. The only persons allowed to participate are those who may be affected by the outcome of the decision. In this case, it will be the Henderson County Planning Department, Carriage Park Development Corporation and anyone who can demonstrate that they will be affected by the outcome of the hearing. Mr. Dale Hamlin of Carriage Park Development Corporation will be considered as the petitioner at this proceeding. All other parties to the proceeding will be considered proponents or other interested parties.

Chairman Eklund asked if there were a number of people in the audience who wished to speak in favor, please appoint one person from each group to speak so we can hear from one and not all who will give the same opinion. He asked that the same be done for those who wish to speak in opposition.

Chairman Eklund handed out copies of letters to the Commissioners that he had received from homeowners in Carriage Park.

The parties to the proceeding were identified as:

Dale Hamlin, Carriage Park Development Corporation
Matt Matteson, Henderson County Planning Director/Zoning
Administrator for Henderson County
Justin James, resident Director of Carriage Park

These three persons were sworn in by the Clerk to the Board.

Mr. Matteson was recognized to introduce the case. This hearing is to hear comments regarding the amendment to Special Use Permit 93-

October 6, 1997

Page 9

13 to revise the Master Plan to allow the addition of a 2,300 square foot building which the developer, Carriage Park Development Corporation, intends to construct for the primary purpose to house fire trucks and associated emergency apparatus and be used and operated as a fire substation. The proposed location is in an R-30 zoning district. Henderson County Zoning Ordinance Section 602.01-9 allows civic buildings in R-30 zoning districts but with stated conditions such as set backs. The proposed fire substation as shown on the plan meets the definition for a civic building as long as such building is used for community use and is operated not for profit. Mr. Matteson showed the proposed location.

Special Use Permit 93-13 had many pages of stated conditions. There is no provision in any of the conditions which would restrict or prohibit the use of the planned unit development for a fire substation as proposed by the applicant. The proposed station is intended to be operated by the Mountain Home Volunteer Fire Department. An agreement with Mountain Home Fire Department has been presented to staff to verify such intended use. That agreement is between Carriage Park Development Corporation and the Volunteer Fire Department Board of Directors.

On August 26, 1997 the applicant submitted a formal request to amend the Master Plan to the Henderson County Planning Board. This is required before the Board of Commissioners can consider the amendment to the permit. The issue before the Planning Board was whether or not the location of the proposed fire substation was appropriate. Such request, after discussion, was given a **favorable recommendation** by the Planning Board. As Planning Director, Mr. Matteson supported the Planning Board's recommendation.

The required notice of Public Hearing was published as required and adjacent property owners received mailed notices of this hearing. The building has adequate set-back requirements from any structure or any road.

Mr. Matteson stated that the proposed fire substation meets the definition of a civic building.

Dale Hamlin - Mr. Hamlin informed the Board that in the fall of 1994 they started the discussion regarding the potential of having the fire house. They heard that Mountain Home Fire Department was going to have some excess equipment and needed a place to put it. They have met with the Mountain Home Fire Dept. Board of Directors

October 6, 1997

Page 10

over several months and have negotiated an agreement to install a facility at the expense of Carriage Park.

Mr. Hamlin passed around copies of the MEMO OF UNDERSTANDING between Carriage Park and Mountain Home Fire Dept. He then reviewed the document with the Board.

Carriage Park Development Corporation agrees to build a building. Carriage Park Development Corporation will pay for utilities until March 1, 2000. Because this agreement was negotiated in 1995, Mr. Gasperson and his Corporation do five year plans. He requested that the year 2000 be changed to 2002. Mountain Home Fire & Rescue Department Incorporation will operate the facility. They will provide the personnel to maintain and operate within the facility.

Mr. Hamlin stated that they feel the facility will benefit 100% of the residents of Carriage Park. The building represents 12/100ths of 1% of Carriage Park which is a minor impact to the land use of the facility.

Mr. Hamlin stated that they had sent a questionnaire to all the residents of Carriage Park. They received 102 of the ballots back with 94 indicating they are in favor of the fire substation and 8 indicating they are against the fire substation.

In the Henderson County Zoning Ordinance, section 700, there is a paragraph entitled purpose. Mr. Hamlin read that paragraph.

Mr. Hamlin called two witnesses: 1. John Jeter and 2. Jimmy Gasperson.

The Clerk to the Board swore in Mr. Jeter, Mr. Gasperson, Rocky Hyder and Marilyn Gordon.

John Jeter - Mr. Jeter showed the site on the Master Plan and answered some questions.

Jimmy Gasperson, Chief of Mtn. Home Fire Department - Mr. Gasperson stated that in 1995 I.S.O. came to the Mountain Home Fire Department and did a survey. They recommended a substation in the area at that time. Mtn. Home was going to sale a pumper that they had that was the oldest one and looked for a spot to house it. In the process, they had discussions with Carriage Park in 1995. They requested to be re-rated by I.S.O. and they came back in August of

October 6, 1997

Page 11

1997. Mr. Gasperson stated that a substation in Carriage Park would help the entire Mountain Home community. This would cause their rating to drop, which is currently a 6.

Mr. Gasperson also answered questions.

Justin James - Mr. James is a resident director of Carriage Park and has been asked to speak on behalf of many of the residents who were in the audience. He spoke in favor of the fire substation in the Carriage Park Development.

Rocky Hyder - Mr. Hyder is the County Fire Marshal. Mr. Hyder came forward and answered questions from the Board. He stated that Mountain Home is not a portable water district but is a hydrant district. He discussed briefly hydrant density. Hydrant density is the formula used to determine where a substation is needed. Mr. Hyder feels that this is a win/win situation for everyone concerned.

Marilyn Gordon - Ms. Gordon is a member of the Planning Board. She answered questions of the Board. She stated that the question placed before the Planning Board was "Is it allowable to place a fire substation within a PUD and is this an appropriate position within that PUD for the station?" In considering those two questions they did approve it.

CLOSING REMARKS

Dale Hamlin - none.

Matt Matteson - Mr. Matteson stated that the Development Plan is fairly specific now but wanted to know how much discretion will be given to Planning Staff regarding the activity areas. What is approved and what is not? Is the Board comfortable with giving the Planning Board the authority to approve the details?

Angela Skerrett informed the Board that if they approve the location of the fire substation, it will require some shifting around on the site plan but within the same area. She stated that if the Board did not want to have to hear this again, it would be prudent to delegate the authority to Mr. Matteson or to the Planning Board to work with Carriage Park to get the details worked out. All this could be put into an order.

October 6, 1997

Page 12

Commissioner Kumor made the motion for the Board to go out of Quasi-Judicial Hearing. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Ward made the motion that the Board go into Closed Session as allowed under NCGS 143-318.11 (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.

All voted in favor and the motion carried.

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

Chairman Eklund stated that two alternatives were presented to the Board:

1. The Board of Commissioners can vote on the decision and direct staff to bring back findings of fact consistent with the decision, or
2. The Board can discuss the evidence, arrive at a consensus without voting, and postpone final action until staff brings back a proposed written decision at the next meeting.

By consensus the Board of Commissioners agreed to find in favor of the proposal but the actual formal vote will occur at the next meeting, once everything is on paper before the Board.

The Board stated the following FINDINGS OF FACT:

- ▶ This is something that can be done in an R-30 district, which is what the Carriage Park PUD is.
- ▶ This is something that will contribute to the public health and safety of the community.
- ▶ It is something that would serve a greater part of the community in addition to the community as outlined.
- ▶ According to the testimony heard ingress and egress and pedestrian safety and convenience has been demonstrated by the Fire Marshal as well as the condition of roads and the Home Owner's Associations' responsibility for clearing the roads.
- ▶ It complies with R-30 zoning requirements.

October 6, 1997

Page 13

Chairman Eklund stated that the final vote on this item will be next Wednesday, October 15.

Mr. Eklund also asked that people not contact any of the County Commissioners before the vote next Wednesday, because this is a Quasi-Judicial decision.

REQUEST/UPDATE FROM BLUE RIBBON COMMITTEE

Bob Sanford, President of the Community Foundation of Henderson County, introduced Hall Waddell, Chairman of the Blue Ribbon Committee and Kathryn McConnell, Program Officer of the Community Foundation.

The purpose of the Blue Ribbon Committee was to facilitate a process that will enable the Committee and its sponsoring organizations to determine a course that will ensure the effective, efficient, and judicious use of community funds for human care purposes.

In a letter dated September 4 to Chairman Eklund from Mr. Sanford, he stated that the Blue Ribbon Committee met with Leslie Anderson to discuss the contract for her services. Leslie and the Committee arrived at a seven month commitment of time for a \$1,000 per month retainer. The total of \$7,000, split evenly among the funders, comes to \$2,333 each. At the September meeting of the Community Foundation Board of Directors, a motion was unanimously passed to provide \$2,333 toward this project. Community Foundation will await a response from the Board of Commissioners before proceeding.

The three way split would be: United Way, Community Foundation and Henderson County.

Mr. Waddell stated that they want to be sure that all human care services needs are met, there is no intention of trying to decrease services.

Mr. Nicholson stated that the county's share of the expense would need to come out of contingencies.

Commissioner Good made the motion to approve this request. All voted in favor and the motion carried.

PAWNBROKER'S LICENSE APPLICATION - "Happy's Trading Post"

October 6, 1997

Page 14

Ms. Skerrett handed out copies of the PAWNBROKERS ORDINANCE for the Board's review.

Mr. Ronald Del Buono has filed an application/petition to operate a Pawn Shop on Chimney Rock Road in Henderson County. He has submitted the required documents except for his permit bond.

Commissioner Kumor made the motion, based on receipt of his permit bond, to approve this application/petition. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Ward made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 for the following reasons:


1. (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.


All voted in favor and the motion carried.

Commissioner Ward 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, Commissioner Hawkins moved the meeting be adjourned. All voted in favor and the motion carried.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

RELEASE, MNT
09/26/97

COMMISSIONER'S REPORT 10/06/97
RELEASES

REL. REPORT
PAGE 1

Taxpayer Name

Tax Bill

Total

Reason

ADDOCK, DAMONA

97A8806820

\$37.27

VALUE TOO HIGH TO BILL OF SALE

ADVANCED ALARM AND LOCK

97A112442.07

\$177.19

FILED IN LIEU OF ARBITRARY

BIG HUNGRY RIVER DEV CO

97A9958066

\$50.17

LOT STEEP & ROCKY - NOT BUILDABLE,
OWNS ADJOINING LOT & HSE

BOULTON, ROBERT

97A8803267

\$5.22

RELEASE LATE PENALTY ONLY

BREEN, CHARLEEN MARIE

97A8906271

\$19.50

MH IS 1977 MODEL/DOES NOT
OWN PORCH

BRITTAIN, JOSEPH W
BRITTAIN, LINDA F

97A8804859

\$38.87

MH SOLD IN 1996

CAPPS, STEPHAN B
CAPPS, CHANDA D

97A9946259

\$218.13

MH ASSESSED ON PARCEL 99-57538
99-46259 MADE INACTIVE

CAROLINA AMUSEMENT SERVICES IN

97A173516.10

\$59.95

AMENDED RET. REBILL

CARROLL, MAYDMA WILSON

97A8805354

\$11.05

VALUED TOO HIGH

CASTER, WYLMIA B

97A9956861

\$24.38

ACREAGE RECONCILIATION. PER OWNER
ASSESS BY DEED AC .71 RELEASING
DIFFERENCE IN VALUE.

CHARLES D FULLER D/B/A
CHARLES FULLER TILE

97A168678.01

\$69.85

NO BPP FDR 1997

CONLEY, DAVID D
CONLEY, GLENDA C

97A9900371

\$11.75

TAGGED MOTORCYCLE IN MAY, 1997

CONTINENTAL RESOURCES

97A170466.10

\$59.95

DUPLICATE ASSESSMENT #170466

RELEASE, MNT
09/26/97

COMMISSIONER'S REPORT 10/06/97
RELEASES

Taxpayer Name Taxbill Total Reason

COOPER SMITH PROP. LTD. D/B/A 97A100562.01 \$299.75 SOLD BUSINESS TO P. DEMARRAS 3/96
D/B/A ECHO MOUNTAIN INN

COX, JAMES 97A9941946 \$8.25 MH MOVED TO POLK COUNTY
COX, TINA

CROSS, WILLIAM P 97A0103638 \$13.21 DO NOT OWN JOHN BOAT/LISTED
CROSS, VIRGINIA LATE PENALTY APPLIED/FILED TIMELY

DEAVER, NANCY H 97A9957773 \$59.22 CLERICAL ERROR.
CORRECT LAND TO 1.25 ACRES.
CHANGE TO RURAL HOMESITE (A9).

DOCTOR ROGERS OTC INC. 97A136784.40 \$22.76 MOVED TO GUNCOMBE COUNTY IN 1996

DUKE POWER COMPANY 97A9944506 \$449.57 BILLED UNDER SYSTEM VALUE FOR
DUKE POWER

ENRIGHT, ALDEEN 97A6801659 \$17.39 SOLD TO DONALD G. LAMP #185804

FLETCHER, MYRTLE 97A9957385 \$91.98 PROPERTY SHOULD HAVE CT IN 96.
BILL PRINTED IN WRONG NAME.
DISCOVERED TO CORRECT NAME

FREEMAN CONST CO INC 97A35789.06 \$550.00 OUT OF BUSINESS IN JAN. 1997
FREEMAN, GORDON MICHAEL D/B/A

GLOOR, DAVID ALLEN 97A63379.01 \$8.25 SOLD VEHICLE/MOVED OUT OF STATE

GONCE, CHARLES 97A0801132 \$138.14 PERSONAL PROPERTY MH INCORRECTLY
GONCE, PATSY D LISTED ON THIS ACCOUNT.
MH OWNED BY SON.

GUMPERT, HARRY WALTER 97A9939440 \$164.47 WAS SOLD TO HARRY ALLEN #185783
GUMPERT, LAURA EMMA

HALL, RAYMOND 97A8805561 \$78.97 OWNED BY C. MORGAN #169249
HALL, MARGARET E

2949

2950

Taxpayer Name	Tax Bill #	Total	Reason
HENN, FRANK C HENN, MARY ETTA	97A9946905	\$25.84	CORRECT FIELD REVIEW ERROR. CHANGE LAND TO RURAL HOMESITE.
HICKLING, WILLIAM C & WIFE	97A0701081	\$17.44	RELEASE 3,200 IN PERSONAL
HICKS, HARRY F & WIFE	97A9905628	\$8.68	AC RECONCILIATION FROM 4.92 TO 4.47 RELEASE DIFF IN VALUE
HIGH TIDE ENGINEERING INC.	97A169568.10	\$59.95	NO ASSETS/BUSINESS LOCATED IN ALABAMA
HILL, LINDA	97A9958403	\$41.28	CORRECT COMPUTER ERROR. WRONG LAND CODE ASSIGNED. CHANGE FROM A4 TO A36.
HILL, VERA DULEY	97A8801280	\$22.86	MH WAS SOLD TO T. LOGSDON IN 1996
HINDLE, JAMES M HINDLE, EDITH CAROL BURCH	97A0500200	\$132.72	PROPERTY SHOULD HAVE BEEN TRANSFERRED TO NCDOT IN 1996
INGLES MARKETS INCORP	97A9946961	\$41.31	ANNEX EFFECTIVE 7/10/97 RELEASING FIRE ONLY
JENKS, PAUL G & CHARLENE	97A0701232	\$47.88	COMPUTER ERROR. DEMOLISHED BLDG. HAD FALSE VALUE. RELEASE FOR BUILDING ONLY.
JONES, ROBERT B & WIFE	97A9928930	\$408.31	PROPERTY INCORRECTLY TRANSFERRED TO ROBERT JONES IN 95. PROPERTY IS OWNED BY CELIA GARREN
JUSTUS, JOSEPH L	97A0300625	\$10.63	ANNEX-C01 8-11-97 RELEASE 324 DAYS OF FIRE ONLY. DISCOVERY SENT TO CITY. 324 DAYS OF 13,300 = 11,807
KAPPLER, ALBERT D & WIFE	97A22640.01	\$12.56	TO CORRECT/GENERATE NEW ACCOUNT
KAR-MEL PROPERTIES, INC.	97A149770.10	\$10.90	NO ASSETS IN COUNTY IN 1997

RELEASES
09/26/97

COMMISSION REPORT 10/06/97
RELEASES

REL. REPORT
PAGE 4

Taxpayer Name

Taxbill

Total

Reason

KING, THEODORE LESTER 97A9941539 \$46.13 ADDITIONS TO STRUCTURE WERE DOUBLE
ASSESSED AFTER CHANGE FROM
PERSONAL TO REAL.

KLEVA, PHILLIP 97A8801608 \$71.18 MH SOLD TO SARAH STONE

KLIPPEL, WILLIAM C. 97A0601765 \$17.22 ACREAGE RECONCILIATION
KLIPPEL, ARLENE BETH ASSESS BY DEED ACRES ONLY

LAKE SUMMIT FOUNDATION 97A9900449 \$180.63 TAX EXEMPT STATUS

LAKE SUMMIT FOUNDATION 97A9984729 \$133.13 TAX EXEMPT STATUS

LAUREL HEALTH CARE COMPANY 97A108575.07 \$682.00 RELEASED ARB ASSESSMENT

LAURELS CAFE 97A61131.01 \$252.57 FILED IN LIEU OF ARBITRARY

LINDER, L 97A8803217 \$23.50 DOUBLE LISTED PORCHES
LINDER, LOIS

LYDA, DENNIS R 97A9939187 \$217.17 CLERICAL ERROR.
LAND USE CODE MISSING.
CORRECT VALUE FOR LAND USE.

MAXWELL, J Z 97A8805671 \$98.17 MH WAS JUNKED

MCDONALD, HARRY L 97A9939406 \$220.98 MH WAS SOLD IN 12/96
MCDONALD, MARIAN

MUD CREEK BAPTIST CHURCH 97A0114501 \$64.14 TAX EXEMPT STATUS

MUD CREEK BAPTIST CHURCH Trust 97A0117224 \$8.75 TAX EXEMPT PROPERTY

2951

2952

RELEASE, MNT
09/26/97

COMMISSIONER'S REPORT 10/06/97
RELEASES

REL. REPORT
PAGE 5

Taxpayer Name

Taxbill

Total

Reason

NAPLES HOUSING OUTLET INC 97A150997.05

\$138.60 BUSINESS CLOSED IN MARCH, 1996

NEIL, D SAMUEL AS TRUSTEE 97A9926416

\$248.86 ANNEX-C01 8-11-97 RELEASE 324 DAYS
OF FIRE ONLY. DISCOVERY SENT TO
CITY. 324 DAYS OF 311,500=276,508

NEILL, D SAMUEL TRUSTEE 97A0300898

\$36.67 ANNEX-C01 8-11-97 RELEASE 324 DAYS
OF FIRE ONLY. DISCOVERY SENT TO
CITY. 324 DAYS OF 45,900 = 40,743

NEILL, D SAMUEL/TR 97A9929472

\$52.25 ANNEX-C01 8-11-97 RELEASE 324 DAYS
OF FIRE ONLY. DISCOVERY SENT TO
CITY. 324 DAY OF 65,400 = 58,054

NICKOLAPOLAS, THOMAS G 97A0701781

\$53.95 ASSOCIATED PARCEL.
ADJUST VALUE TO SALE PRICE.

NIX, JEFFREY WAYNE 97A8805850
NIX, DALE LIVELY

\$29.13 CLERICAL ERROR.
M.H. REMOVED PRIDR TO 1-1-1997.

OWENS, ELMER RAY 97A80462.08

\$5.23 NO LONGER OWNS 1967 FORD

PACE BROTHERS CONSTRUCTION CO, 97A0115292

\$252.88 BUILDINGS WERE REMOVED IN 1996

PARRIS, ARCHIE Trustees Mud Cr 97A0115412

\$6.25 TAX EXEMPT PROPERTY

PHILLIPS, AMANDA LYNNETTE 97A8802272

\$115.76 94 OAKWOOD MH MOVED TO GEORGIA

POPPE, JASON ERICH 97A9947486
POPPE, TERRI-LYNNE

\$417.59 PROPERTY LISTED TO WRONG OWNER. REL
EASED & DISCOVERED 97 BILLS TO
CORRECT OWNERS

PRAYTOR, JERRY L 97A20412.08

\$3.08 BILLED ALSO AS TAGGED VEHICLE

PRYOR, WOODROW W & WIFE 97A9931385

\$1.27 INCLUDED IN PARCEL 99-52196

RELEA 09/26/97
 Taxpayer Name Taxbill Total Reason
 PURCELL, WILLIAM WILLIAMS III 97A99054583 \$146.69 CORRECT FIELD REVIEW ERROR.
 PURCELL, WILLA DENISE NO FINISH YET ON SECOND FLOOR.
 APPLY 75% COMPLETE.

PURCELL, ZENITH G 97A99054582 \$1166.50 CORRECT CLERICAL ERROR.
 WRONG LAND CODE AND ADJUSTMENT.
 ERROR GENERATED FOLLOWING SPLIT.
 REDMOND, PATRICIA 97A88005351 \$107.69 MH IS LISTED TO W. REDMAN
 #80398

REED, EDITH LOUISE WILKIE 97A0701951 \$109.00 ELDERLY EXEMPTION APPLIES

ROPER INSURANCE AGENCY 97A91215.01 \$119.90 FILED AN AMENDED RETURN

SEARCY, PAULINE 97A9905459 \$164.83 ANNEX EFFECTIVE 7/10/97
 CHANGE FIRE ONLY

SEARCY, PAULINE 97A9905458 \$26.96 ANNEX EFFECTIVE 7/10/97
 CHANGE FIRE ONLY

SEYMORE, SIEGEL 97A9944864 \$103.51 MH DOUBLE LISTED

SHELLEY, LUTHER 97A8802057 \$15.81 VALUE OF TT TOO HIGH
 SHELLEY, MARY

SHERRILL, DAVID WAYNE 97A0400976 \$42.00 CORRECTION TO REFLECT A 1972 MH
 SHERRILL, ELIZABETH C INSTEAD OF A 1994 MH

SHRODE, NORMAN GEORGE SR 97A99056637 \$536.16 BILL SHOULD BE INACTIVE
 SHRODE, ETHEL RUTH

SKYLAND BARBER SHQP 97A122156.10 \$51.92 FILED LISTING IN LIEU OF
 SHANAHAN, HARRY D/B/A ARBITRARY

2953 STEPP, LONNIE 97A0200693 \$12.07 CORRECT CLERICAL ERROR.
 STEPP, MARGARET PATTERSON OLD BLDG. TORN DOWN 1995.

RELEASE, MNT
09/26/97

COMMISSIONER'S REPORT 10/06/97
RELEASES

Taxpayer Name

Taxbill

Total

Reason

TALBOT, MARILYN B
BESS, DEAN R.

97A9933152

\$217.10

ASSESSED ACREAGE WAS 38.52 SHOULD
HAVE BEEN 20.88 RELEASE DIFFERENCE
IN VALUE CORRECTED FOR 98

TRULL, WILLIAM J JR
TRULL, S KIM BOGUE

97A9957848

\$372.96

ONLY LARGE HOUSE SHOULD HAVE WENT
HERE IN SPLIT

TRUSTEES OF THE CUMMINGS MEMOR 97A9925919

\$742.31

TAX EXEMPT STATUS

WARD, ALMA F
MCHUGH, MICHAEL H

97A0202098

\$25.40

RELEASE \$4,000 ELDERLY EXEMPTION

WARD, JONI L AUSTIN

97A9936687

\$499.75

TRANSFERRED COMPLETE TRACT OF
PROPERTY, SHOULD HAVE BEEN A
SPLIT DISCOVERED AS 2 BILLS FOR 97

MINES, BRYAN DAVID

97A105559.10

\$35.53

THIS BOAT RESIDES IN
TRANSYLVANIA COUNTY

WOMACK, JAMES & BETTY J

97A02023598

\$3.16

REMOVE PENALTY FOR LATE LISTING
WAS LISTED TIMELY

YOUNG, ROBERT HARRY

97A9900033

\$27.24

MH IS 1984/ NOT A 1992
ADJUSTMENT MADE

TOTAL RELEASES >>> \$11431.19

Taxpayer Name

Taxbill

Total

Reason

BURRIS, ROBERT C 95A0702996 \$580.75 PROPERTY WAS LISTED TO R BURRIS IN ERROR. COPY OF FILE SENT TO COUNTY STAFF ATTORNEY

BURRIS, ANNE S 96A0702996 \$592.25 THIS PROPERTY HAS BEEN LISTED TO R BURRIS IN ERROR. COPY OF INFO SENT TO COUNTY STAFF ATTORNEY

BURRIS, ROBERT C 96A9946467 \$150.00 THIS PROPERTY IS OWNED BY ASHEVILLE RESEARCHED AND ON FILE IN THE COUNTY STAFF ATTORNEY'S OFFICE

CANTRELL, CAROL ANITA 96A9947485 \$44.46 PROPERTY WAS LISTED TO THE WRONG PERSON SINCE 94. REFUNDING THE DIFF. CORRECT FOR 93.

CANTRELL, CAROL ANITA 95A9947485 \$42.94 PROPERTY LISTED TO THE WRONG OWNER SINCE 1994. REFUNDING THE DIFFERENC IN VALUE. CORRECT FOR 93.

CANTRELL, CAROL ANITA 94A9947485 \$9.60 PROPERTY WAS LISTED TO THE WRONG PERSON. REFUNDING THE DIFFERENCE IN VALUE. CORRECT FOR 93.

GOSNELL, CLARA E 97A192278.01 \$39.94 DOUBLE LISTED #192263

GRUCA, JOHN JR 97A9957022 \$8.00 AC RECONCILIATION ASSESS PER SLD/2119 AC OF .59 REFUND FOR DIFF IN VALUE

HARTMAN, DON R 95A9945117 \$291.33 ORDER FROM PTC APPEAL

HARTMAN, DON R 96A9945117 \$296.31 ORDER FROM PTC APPEAL

INTEGRATED DESIGN INC 96A366899.01 \$7.36 DOUBLE ASSESSMENT OF LEASED EQUIPMENT

KLIFFEL, WILLIAM C. 95A0601765 \$15.82 ACREAGE RECONCILIATION ASSESS BY DEED ACRES

KLIFFEL, ARLENE BETH 96A0601765 \$16.38 ACREAGE RECONCILIATION ASSESS BY DEED ACRES ONLY

2955

RELEASE, MNT
09/29/97

COMMISSIONER'S REPORT 10/06/97
REFUNDS

REL. REPORT
PAGE 2

2956

Taxpayer Name	Taxbill	Total	Reason
RIBB, JANET FAYE	97A8801128	\$88.68	SOLD IN 1996 TO O. ROONES #123085
RIBB, LEWIS NICHOLAS			
-----	-----	-----	-----
WILHELM, HUGO	95A9945585	\$30.10	OWNER INSISTS 63.91 SURVEY AC; NOT 66.19 GIS AC.DIFFERENCE IS 2.28 AC OWNER SAID THERE ARE NO BUILDINGS.
WILHELM, EVA MARIA			
-----	-----	-----	-----
WILHELM, HUGO	96A9945585	\$30.61	OWNER INSISTS 63.91 SURVEY AC; NOT 66.19 GIS AC.DIFFERENCE IS 2.28 AC OWNER SAID THERE ARE NO BUILDINGS
WILHELM, EVA MARIA			
-----	-----	-----	-----
WILHELM, HUGO	97A9945585	\$32.13	OWNER INSISTS 63.91 AC; NOT 66.19 GIS AC.DIFFERENCE IS 2.28 AC OWNER SAID THERE ARE NO BUILDINGS
WILHELM, EVA MARIA			

TOTAL REFUNDS >>> \$2276.66

THIS PAGE INTENTIONALLY LEFT BLANK

MINUTES**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS
October 7, 1997**

The Henderson County Board of Commissioners met for a special called meeting at 6:30 p.m. at The Cedars, 227 Seventh Avenue West, Hendersonville, North Carolina for a joint meeting with the Henderson County Board of Public Education and local State Legislators.

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Renee Kumor, Commissioner Don Ward, Assistant Staff Attorney Jennifer O. Jackson, Finance Director J. Carey McLelland and Clerk to the Board Elizabeth W. Corn.

Also present were: School Board members - Chairman Mrs. Linda Hawk, Vice-Chair Mrs. Jackie Hornsby, Mr. Ervin Bazzle, Mrs. Brenda Brock, Mr. Allen Combs, and Mr. Tom Orr. Superintendent Dr. Dan Lunsford, Dr. Doug Barker, Dr. Mary Margaret Ingle, Dr. Kohlan Flynn, Dr. Tom Ledbetter, Mr. David Jones and Mrs. Genindle Case as well as Secretary to the Superintendent Mrs. Barbara Blaine.

CALL TO ORDER/WELCOME

Mrs. Hawk welcomed all present and called the meeting to order at 7:02 p.m.

AGENDA APPROVAL

Mrs. Hornsby moved that the agenda be approved as printed. Mr. Combs seconded the motion. The motion was approved by unanimous vote.

INTRODUCTIONS/ACKNOWLEDGMENTS

Chairman Hawk requested that all present stand and give a brief self-introduction.

In addition to those listed above, also present were: Senator Tommy Jenkins; Senator and Mrs. Robert (Helen) Carpenter; Representative and Mrs. William (Sue) Ives; Principal Mr. Jim Case; School Board Attorney Mr. Kenneth Youngblood; Teacher of the Year Mrs. Joyce Jennings; Times-News Senior Reporter Mr. Harrison Metzger and Henderson County residents Mr. Dutch Burdette, Mr. Fielding Lucas and Mr. Bryan Aleksich.

Chairman Hawk thanked the State Legislative Delegation for their support of public education.

INVOCATION & DINNER

Dr. Flynn gave the invocation prior to those present going through a buffet line and enjoying a delicious dinner.

Following dinner, Dr. Lunsford expressed appreciation, on behalf of the School Board and the administrative staff, to the County Commissioners and Legislators present. He cited meeting materials distributed earlier in the meeting.

ABC'S PROGRAM REVIEW/IMPACT ON HENDERSON COUNTY

Dr. Lunsford cited the efforts of the legislative delegation in developing and funding the new ABC's program which was implemented last year. He explained that the program is the basis of how public schools in North Carolina are examined for the academic achievements of students.

Mr. David Jones, Director of Testing and Accountability, presented an overview of the ABC's program and provided information about the program's impact on the Henderson County Public School System, specifically in the areas of student academic growth and performance.

Mr. Jones and Dr. Lunsford answered questions from Commissioners and Legislators.

Commissioner Hawkins raised a question regarding the ABC's. Regarding performance standards, Henderson County was at 80%. What happens to the 20% that are not performing at grade level? There should be a 20% failure rate to match it. That is not the case.

Mr. Jones replied that they see a progression of students being at or above grade level from grade to grade up the ladder.

Dr. Lunsford stated that when principals and teachers make the decisions about whether students should be promoted or not, they look at reading, math and writing but they also look at science, social studies and the whole experience of the youngster. Typically they will not hold a youngster back or retain them if they are having a problem in only one area. They will look for ways to help that youngster as they move ahead.

RECENT LEGISLATIVE ACTION - Positive

Dr. Lunsford recognized Mr. Bazzle and Mrs. Brock as co-chairs of the School Board's Legislative Committee. He cited recent General Assembly actions that have positively impacted the school system in five areas:

- An increase in the State Technology Fund allocation
- Civil Penalty and Forfeiture Fund being directed to local school systems for technology
- Increased flexibility for public school calendar (i.e. Staff Development)

October 7, 1997

Page 3

- Teacher raises toward the national average
- The \$500,000 appropriated for children with special needs

Representative Ives thanked the School Board and system staff for providing him the opportunity to attend the meeting. He expressed appreciation for being presented detailed information about the ABC's program. Mr. Ives praised the efforts of involved staff for scheduling the joint session which provided the legislators the opportunity to receive local impressions of legislative actions. Senator Carpenter cited a more unified General Assembly this past year in the adoption of the budget and in providing positive educational programs in North Carolina.

RECENT LEGISLATIVE ACTION - Problematic

Dr. Lunsford cited legislative actions that have affected the school system problematically:

- Vacation leave for bus drivers who drive less than 19 hours per week
- Prohibiting activity bus rentals to community agencies and groups
- Extended Legislative Session which forced delay of budget and payroll decisions
- Substitute teacher pay is now less than the minimum wage
- School psychologists, audiologists and speech and language pathologists being paid on a salary schedule at the doctorate level when a doctorate has not yet been earned

Dr. Lunsford requested reexamination and consideration of some of the actions.

NEEDS FOR FUTURE CONSIDERATION

Dr. Lunsford cited needs for future consideration:

- Additional School Facilities Funding - Sales Tax
- School-level administrative salary schedule
- Need additional staff development funds to train/retrain staff
- Kindergarten early admission needs further study
- Current funding for academically gifted children (\$710.61 per child up to 4% ADM) and disabled children (\$2,131.87 per child up to a cap of 12.5% ADM) is inadequate

School Board members and County Commissioners expressed their support of alternative revenue sources other than the standard property tax, such as a sales tax.

Representative Ives stated that he felt a tax increase would be unfavorably received in the General Assembly. Senator Jenkins reported that the matter has been discussed in the Senate. He

October 7, 1997

Page 4

cited growing pressure, however, on the legislature to move in this direction.

WHAT IS YOUR REACTION TO...?

Dr. Lunsford cited four issues that may affect the school system potentially:

- The excellent School Act
- Proposed national tests for students
- Special legislative session, reference juvenile crime
- Drain on school system budgets due to Charter School implementation.

The Legislators were given the opportunity to comment on the issues cited as well as others.

Senator Carpenter voiced support of the Excellent School Act. Representative Ives cited the accomplishments of the school systems within his district. Senator Jenkins cited the General Assembly's direction to continue efforts to improve public education in North Carolina while maintaining a steady course in program implementation without constant reformation.

Dr. Lunsford expressed appreciation to Mrs. Genindle Case, Supervisor of Community and Public Relations, for her efforts in arranging the meeting, to the Board for its assistance and to all present for attending and participating in the discussions.

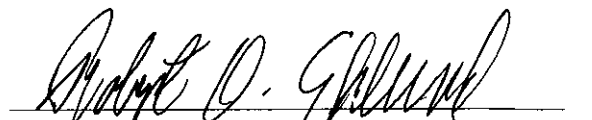
ADJOURNMENT

On behalf of the School Board, Mrs. Hawk expressed her appreciation to all attendees and cited the positive accomplishments of the activity.

There being no further business, Mrs. Hawk called for a motion to adjourn. Mr. Combs so moved. Mrs. Hornsby seconded the motion. The motion was unanimously approved at 8:52 p.m.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman