

MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS AUGUST 4, 1997

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

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

Also present: Planning Director Matt Matteson, County Planner Karen Collins, Public Information Officer Chris Coulson, and County Engineer Gary Tweed.

Absent were: Chairman Bob Eklund and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Hawkins requested one item "E" Retention/Destruction of Meeting Tapes be deleted from the consent agenda. It was added onto the end of the meeting for discussion purposes.

Commissioner Ward added two items to UPDATE ON PENDING ISSUES as #7 Hiring Freeze and #8 Privatization of Softball Program.

CONSENT AGENDA

Commissioner Ward made the motion to approve the Consent Agenda as presented, with the exception of "E" Retention/Destruction of Meeting Tapes. All voted in favor and the motion carried.

The Consent Agenda included the following:

Review/approval of Minutes: July 7, 1997.

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Minutes were presented for review and approval of the July 7 Commission meeting.

Tax Refunds (15)

A list of 15 tax refund requests were presented for approval by the Board of Commissioners.

Tax Releases (21)

A list of 21 tax release requests were presented for approval by the Board of Commissioners.

Notification of Vacancies:

The Commissioners were informed of the following vacancies which will appear under "Nominations" on the next agenda:

- 1. Nursing/Adult Care Home Community Advisory Committee 1 vacancy due to resignation. This is not a designated position.
- 2. Mountain Valleys Resource Conservation & Development Program 1 vacancy due to resignation.
- 3. Henderson County Child Protection Team 1 vacancy due to resignation.

Request for Improvement Guarantees - Cimarron Forest, Phase II Carnes & Woodard Builders, Inc. requested permission to post a subdivision improvement guarantee to cover the estimated costs for the completion of road construction in Cimarron Forest, Phase II. Cimarron Forest is off US #191 in the Hendersonville Township. The Preliminary Plan for this subdivision was approved by the Henderson County Planning Board on November 28, 1995. At their meeting on May 27, 1997, the Planning Board granted a three month extension for Cimarron Forest, Phase II.

Carnes & Woodard Builders, Inc. have provided an Irrevocable Letter of Credit from Centura Bank in the amount of \$70,272.43, which will cover the estimated costs for the completion of the road construction plus the required 25% overhead. A sample agreement was provided. The Agreement must be approved as to form, by the Staff Attorney. Upon preparation and execution of this formal agreement the Final Plat may be approved and recorded and lots subsequently sold.

Planning Staff has reviewed the request and **recommended approval** in accordance with Section 551 of the Henderson County Land Development Ordinance.

INFORMAL PUBLIC COMMENTS

Page 3

- 1. Timothy Lyda Mr. Lyda passed around a hand-out to the Board regarding development issues in Henderson County. He had concerns regarding the steady rapid growth in Henderson County, etc.
- 2. Fielding Lucas Mr. Lucas spoke briefly regarding his opposition to the proposed School Bond referendum planned for this fall.
- 3. Raymond Ward Mr. Ward addressed the WNCJA sewer system with the board. He felt that the sewer site should have already been chosen. He felt that things were moving too slowly.
- 4. Susan Brenker Ms. Brenker requested that the Board keep the sewer system small, for use by the Justice Academy, Edneyville Fire Station, and few residents. She also showed concern over water quality in the area.

<u>PUBLIC HEARING - Proposed Amendments to the Henderson County Zoning</u> <u>Ordinance regarding Wireless Telecommunication Towers (as defined)</u>

Commissioner Hawkins made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Matt Matteson reminded the Board that at the May 21 meeting, the Board of Commissioners discussed proposed amendments to the Henderson County Zoning Ordinance related to regulating wireless telecommunication towers in zoned areas. The Board asked staff to revise the proposed amendments to these things:

- Distinguish between wireless telecommunication towers and radio/TV towers;
- 2. Prohibit wireless telecommunication towers in residential areas; and
- 3. Allow such towers in selected non-residential districts, but with site conditions.

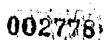
Staff did this and presented the revised amendments to the Board at the June 8, 1997 meeting at which time the Board set tonight's public hearing. In keeping with the Board's direction, the provisions regarding radio and television towers have been left unchanged and may be revisited following consideration of these amendments which address cellular/PCS towers.

The 90 day moratorium on wireless telecommunication towers that the Board imposed on July 7, 1997 affects the construction of towers in both zoned and unzoned areas within the County's jurisdiction.

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Matt passed around a hand-out of items for Board Consideration Regarding Proposed Zoning Amendments on Wireless Telecommunications Towers.

- 1. Should the maximum tower height be different in different zoning districts, i.e., more restrictive in commercial than industrial districts?
- 2. How should the amendments address wireless telecommunications towers which are affixed to other structures such as buildings, billboards, high voltage power lines, etc.? How should such new additions be measured? Should towers be permitted on buildings in 0 & I districts?
 - 3. Should the amendments establish the minimum setback distance between the base of a tower and the boundaries of the property on which such tower sits?
 - 4. Should the Ordinance set a fixed fall radius or should the fall radius be reduced if an engineer can certify that the structure will "fall inward?"
 - 5. Should the fall radius for a wireless telecommunication tower be contained within the zoning district in which the base of a tower sits? Note: If so, this would still not address towers in the rural districts which may be sited near residential lots. Should the fall radius also be restricted to the lot on which the base of the tower sits?
- 6. The proposed amendments state that "there shall be no inhabited buildings or structures located within the fall radius." Should this statement be clarified, that is, should non-residential structures such as retail businesses, schools, churches, etc. be restricted from the fall radius area. Should such restrictions be extended to farm buildings?
 - 7. Should co-location of telecommunication facilities be encouraged?
 - 8. Should the Ordinance address aesthetic issues such as towers in the "viewshed" of historical sites, scenic areas or protected mountain ridges?
 - 9. Should the type of tower carry different restrictions (i.e., monopole, guyed tower, lattice truss, etc.) and should camouflaging towers be encouraged?



- 10. Should the matter of discontinued tower use be addressed in the Ordinance.
- 11. Should the Ordinance require notice of tower applications before permits are issued?
- 12. How should governmental towers be addressed in the Ordinance?

Public Input

- 1. Ken Iburg Mr. Iburg spoke in opposition of cell towers in residential areas.
- 2. <u>Melanie Huggins Ms. Huggins spoke in opposition of cell towers</u> in residential areas. Ms. Huggins stated that during the last lightning storm the new cell tower was hit by lightning three times.
- 3. Judith & Jim (Dr.) Nourse Dr. & Mrs. Nourse asked to be allowed to speak together. Dr.Nourse stated that many residents of the area of the new cell tower have lost trust in government. He spoke of the mental health issue and how that affects ones health. He and Mrs. Nourse agreed that they felt that their community had been raped.
- 4. Marilyn Gasque Ms. Gasque suffers from a sensitivity to radioactivity. She moved here from Charleston because of health problems. Following her move here she discontinued all her pain medication. She has begun to feel pain again and to suffer from the radioactivity of this cellular tower near her home.
- <u>5. Chuck McGrady</u> Mr. McGrady opposes this Ordinance but would support a stronger one. He feels that this Ordinance does not protect enough people in the county, only those in zoned areas.
- <u>6. Dr.& Mrs. John McDarress Dr. McDarress is a retired surgeon</u> and spoke of the psychological issue regarding mental illness and decreased health. He objects to cell towers in residential areas.
- 7. Kay Nelson Ms. Nelson does not feel that such a tower should be in anyone's backyard. She hopes the tower will come down as quickly as it went up.
- 8. Garth Adcock Mr. Adcock, a Bell South representative, is a resident of Greer, S.C. He stated that Bell South wants to operate with the County under guidelines. He encourages the adoption of an Ordinance but they would like to have input into the drafting of the Ordinance.

- 9. Don Soula Mr. Soula read a letter that the League of Property Owners had addressed to Mr. Eklund. He spoke of the tower at the intersection of Price Road and Old Kanuga Road. He spoke of the increasing growth in Henderson County and feels that the growth falls to the Board of Commissioners and their staff to control.
- 10. Jeremiah Farrington Mr. Farrington is a retired engineer. He sees a real need for an environmental impact study, environment including people affected.
- 11. Diane Dorsey Ms. Dorsey said that she feels betrayed and can't understand how this could happen because of the safety issue.
- 12. Lamar Gudger (Atty.) Mr. Gudger discussed the proposed Ordinance stating that Henderson County needs more protection and also needs more notice.
- 13. John Hill Mr. Hill spoke of opposition to towers in residential areas.
- 14. Cynthia Hines Sabot Ms. Sabot stating that this recent tower is a real eyesore and stated that it flashes in her bedroom window. She spoke briefly of health concerns for herself, her family, and her neighbors.

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

No action was taken.

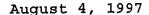
Chairman Hawkins called a 10 minute recess.

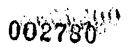
Following recess, Chairman Hawkins allowed one additional person to have input as "INFORMAL PUBLIC COMMENTS". This gentleman had arrived too late to sign up to speak at that time on the agenda.

<u>Tom Zimmerman</u> - Mr. Zimmerman addressed the Board requesting some help for a local 12 year old Little League Softball Team. Our local team is one of eight (across the United States) that will be going to the Babe Ruth Bambino National World Series in Orlando.

Following discussion, the Board agreed to allow the team (12 players and their coaches) to use their 15 passenger van for this trip. This help will keep them from having to rent a van. The Commissioners wished the team well in Orlando.

<u>PUBLIC HEARING - To Amend the Henderson County Water Supply</u>
Watershed Ordinance





Commissioner Kumor made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Matt stated in February of 1997, the North Carolina Environmental Management Commission, in response to a resolution by the Board of Commissioners, amended the boundaries of the Upper French Broad River Watershed (WS-IV Classification). These map amendments have been conveyed to the County via a small scale map (1:115,000) showing detail insufficient for local enforcement. The Henderson County Water Supply Watershed Ordinance does not have a provision for the Board to approve any maps, relying only on State issued maps. The Ordinance must be modified to allow map interpolation and formal Board approval.

At their meeting on June 24, 1997, the Henderson County Planning Board voted to send these proposed amendments with a favorable recommendation.

Public Input - There was none.

Staff recommended an amendment to allow the Board of Commissioner to adopt a watershed map under GIS system.

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

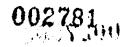
No action was taken.

E-911 Relocation Project - Construction Bids

As a part of the E-911 Relocation Project, a portion of the ground floor at 100 N. King Street and some rooms and structures at the historic Courthouse will be renovated. Grier-Fripp Architects have assisted the Sheriff's Office in soliciting bids for the construction contract pertaining to these renovations. Although the project is quite extensive, the drawings may assist in figuring out what the overall construction project should look like.

Project bids were received on Thursday, July 24, 1997, as was indicated on the Bid Tabulation Sheets. Although single-prime and multi-prime bids were received, the lowest responsive bidder appears to be the multiple prime bid composed of H&M Constructors (General Contractor), Elcon Service (Electrical), and Martin Heating & Air Conditioning (Mechanical).

Staff requested permission to approve the three contracts for low bids as presented.



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Following discussion, Commissioner Kumor made the motion to accept the three low bids, as presented. All voted in favor and the motion carried.

SOLID WASTE TRANSFER STATION BIDS

Gary Tweed reminded the Board that at the last Board meeting direction was given to go out for bid again on the Solid Waste Transfer Station. After proper advertisement, bids were received and opened on Thursday, July 31, 1997. The Bid Tabulation Sheet indicates the bid results.

Staff recommended approval of the low bid and award of the contract to H&M Constructors.

Following discussion, Commissioner Hawkins made the motion to approve the low bid as presented. All voted in favor and the motion carried.

WNCJA- Sewer

Gary Tweed requested the Board to decide between two possible sites for the location of the 40,000 gallon treatment plant to serve the Western North Carolina Justice Academy (WNCJA) and adjoining residences. There are two possible sites under consideration. The first site is behind the Edneyville Fire Department and the second site on property owned by Mr. Riley Jones.

Both sites will meet the basic requirements for the location. The fire department, which the community committee supported, would require the waste water to be pumped up behind the station and the plant to be located within an enclosed building. The Jones site is being offered to the county in exchange for 3,600 gallons per day capacity. The flow to this site would be through gravity and not require the building. The fire department, recreation park, and library could be served by gravity.

David Nicholson stated that Staff understands the community's concern over changing the site from the fire station. However, the plant will be sized the same at either site and would allow for a few additional customers at the Jones site. Mr. Jones's offer should be considered y the Board due to the reasons outlined by Mr. Gary Tweed's memorandum of July 22, 1997. The construction time frames are the same at either site and the costs should be less at the Jones site because of eliminating the pump and building.

Following much discussion, Commissioner Kumor made the motion to site the treatment plant at the Fire Station, the vicinity behind

the fire station. A vote was taken and the motion carried three to one with Commissioner Good voting nay.

UPDATE ON PENDING ISSUES

Update on Hospital Reorganization

Commissioner Kumor made a presentation to the Board based on the recent meeting she attended of the Pardee Hospital Board of Trustees. She hung large pages of notes from that meeting for Board comment as follow:

CONCERNS EXPRESSED BY HOSPITAL BOARD OF TRUSTEES

| CONCINIO BALKS | |
|------------------------|---|
| Sam McGuirt | Brings hospital into political arena - political decisions would influence health care |
| Charlie Byrd | Increases local government control and will Increase cost, reduce efficiency |
| Jamie Jamison | Indebtedness - respect for hospital's <u>low</u> debt History - self supporting outfit - no tax burden on county - only hospital in state not in debt |
| Bill Altman | Disappointed no appreciation for current operation & respect knowledge of Trustees - size of Board with Little A |
| Dan Waddell | Proposal adds more government control |
| Dr. John Caldemeyer | Slow down process to respond to changes in health care - increase time demands on Board of Commissioners |
| Don Holder | History of responsible Trustees |
| Dr. Dick Shuffstall | Interested in County response to concerns raised here |
| Dr. Peter Goodfield | Disappointed at plan - too restrictive. Hopes Board of Commissioners will revise proposal |
| Sam McGuirt | Proposal inconsistent with what's happening in industry. Out of step with what's current. |
| Mark White | Trustees want to do what's best for hospital. There is no ulterior motive. Trustee's are frustrated. |

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Open Meetings Laws Community relations Healthcare for the community Ability of Big A to sell off assets

Trustees Questions

1. What are Board of Commissioners' concerns about Big A?
Before joint meeting - individually.

2. Other Little "A" - debt, county support, Board of Commissioners involvement

Info. Out before meeting.

3. Little A cost - money & efficiency
Does it increase health care costs
What value is added to healthcare by more involvement by the Board of
Commissioners

Comments from Commissioners @ Meeting of 8/4/97

Grady: No comment

Don: Elected Board should make decision, Board of Commissioners

Pardee - people's hospital

Big A not appropriate

Big A with limitations may be acceptable

TRUST - must look to future boards, may need more

restrictions

Vollie: Keep politics out

BOC chair should not appoint all trustees Appreciates hospital staff & trustees

Big A with limitations

Must remain a community hospital

Renee: Defined Pardee - all types assets

Goals - are the goals the same?

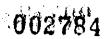
Community Health Planning

There was one page missing from Commissioner Kumor's presentation, which was comments from Sharon Alexander, Hospital Attorney.

School Bond Committee

Dr. Lundsford wrote a letter to Mr. Eklund, dated July 16, asking if the Board of Commissioners wished to be part of the process of educating the public regarding the up-coming school bond issue. They will be forming a committee for this purpose and wondered if the Board wanted a committee member.

Commissioner Good volunteered to serve on the committee.



Annual Volunteer Appreciation Banquet -

David Nicholson asked the Board if they wished to have the Annual Appreciation Banquet for volunteers again this year - they responded affirmatively. He discussed the fact that we have outgrown The Chariot and the possibility of maybe holding it at the Grand Hall at Highland Lake Conference Center this year. The Clerk was directed to make inquiries about both places for either a Tuesday or a Thursday in October.

Blue Ridge Community Health Services Foundation, Inc. Lunch meeting at the Medical Center

This item had been precipitated by a letter to Mr. Eklund from Rebecca Boswell of the Blue Ridge Community Health Services Foundation, Inc. Mr. Eklund was not present to elaborate. No action was taken. This will likely be on the next agenda.

Town Meetings - Scheduled for Dixie Diner 12:00-1:00 p.m. first one scheduled for September 10, next one November 12. Commissioner Ward plans to attend the September 10 meeting and either David Nicholson or Chris Coulson also plan to be present.

Privatization of Softball Program

Commissioner Ward reminded the Board that they had discussed the need to privatize or bid out the summer softball program. No decision was made at the time, partly because the year had already started. Now summer softball has come to a close. Mr. Ward feels that timing is right now for a decision.

David Nicholson is working on this presently and will bring it back to the Board for review soon.

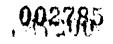
Hiring Freeze

Commissioner Ward recommended a hiring freeze county wide. He feels a need to review any and all vacancies to determine if there is a true need to fill them. He feels that we might be over staffed in some departments.

David Nicholson strongly recommended against this and discussed briefly Direction Henderson County. He informed the Board that there is already a process to review any vacancies and rewrite job descriptions, if necessary upon review, before filling a vacancy. Following discussion, no motion nor any action was taken. The County Manager's recommendation was honored.

Retention/Destruction of Meeting Tapes

Following discussion on the item, Commissioner Ward made the motion that board policy be to keep the meeting tapes for one year before destruction. A vote was taken and the motion carried unanimously.



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Commissioner Kumor suggested that the Clerk keep tapes for one year but also keep a record of anyone who asks for the tapes during that time. If no one requests to listen to the tapes then there may not be a need to keep them for a year. It was the consensus of the Board to revisit this policy in one year.

IMPORTANT DATES

David Nicholson reviewed the Commissioners Calendar with the Board. Attention was called to a letter from Larry Harmon inviting all the Commissioners to tour the county parks on July 15 at 5:30~p.m.

Mr. Nicholson also informed the Board of the possibility of the need for two special called meetings in the near future, one to discuss subdivision regulations and one to discuss solid waste issues.

NOMINATIONS

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

- 1. Western Carolina Community Action Board of Directors 1 vac. There were no nominations at this time so this item was rolled to the next meeting.
- 2. Youth Advisory Board 2 vac.

There were no nominations at this time so this item was rolled to the next meeting. Anne Whitmire was nominated at an earlier meeting to fill one of the vacancies.

- 3. Land Of Sky Regional Council Advisory Council on Aging 1 vac. Commissioner Kumor nominated Amy Young for reappointment. There were no other nominations at this time. A vote will be taken at the next meeting.
- 4. Henderson County Child Fatality Prevention Team 3 vac.

 Commissioner Kumor nominated Walter Harper, Nancy Underwood, and

 Etta Cannon. A vote will be taken at the next meeting.
- 5. Jail Committee 4 vac.

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

6. Nursing/Adult Care Home Community Advisory Committee - 3 vac. Commissioner Kumor nominated Shirley Ann Taylor, Laura E. Blackwell, and Carl W. Lintjer. A vote will be taken at the next meeting.

7. Community Child Protection Team - 1 vac.

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

CANE CREEK WATER & SEWER DISTRICT

Commissioner Kumor made the motion for the Board to go into Cane Creek Water & Sewer District. All voted in favor and the motion carried.

Commissioner Kumor made the motion for the Board to go out of Cane Creek Water & Sewer District and to go into Mud Creek Water & Sewer District. All voted in favor and the motion carried.

MUD CREEK WATER & SEWER DISTRICT

Commissioner Ward made the motion for the Board to go out of Mud Creek and to reconvene as the Henderson County Board of Commissioners. 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 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the areas served by the public body and (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

No action was taken following Closed Session.

There being no further business to come before the Board, the meeting was adjourned at approximately 11:28 p.m.

ATTEST:

Elizabeth W. Corn, Clerk

Robert D. Eklund, Chairman

ADDENDUM to minutes - missing page from hospital presentation-pg.10.

COMMENTS FROM SHARON ALEXANDER, HOSPITAL ATTORNEY

Disaster for hospital

- self-limiting (reactive entity)
- limit powers of Big A 131E - 31(a)
- Little A subject to county government

Limitations

- property disposal
- public bidding
- Equipment
 - -limitation on debt Caps by BOC
 - -County debt limit Costs
- -Independence of Big A without debt
- -Branch facilities Need more flexibility

Some powers were omitted - are significant

- ability to delegate
- restriction of ownership property also involves time delay for BOC approvals
- employee status change costly to hospital
- fiscal year transition admin. concerns
- size of Board

Proposed change does not change concerns currently faced.

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE:

August 4, 1997

SUBJECT:

Tax Refunds

ATTACHMENTS:

Refund Report

The enclosed refund requests (15) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These refund requests are submitted for the approval by the Henderson County Board of Commissioners.

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|------------------------|---|---------------------------------------|---------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------------|--|------------------------------|---------------|--|
| * DEC | LIGHT, ANDRE H | LIFE CARE CENTER OF H'VILLE | LIFE CARE CENTER OF H'VILLE | HENSLEY, MARY JO | HENDERSONVILLE COUNTRY CLUB IN | ELECTRONIC SERVICES | DREAMS DOMINION INC | COUNTRY CROSSING INC. | Taxpayer Name | RELEASE.MNT 07/28/97 |
| 96A0401437 | 96A0114198 | 95A128184.02 | 96A128184,02 | 95A11070.07 | 91A9943061 | 93A34999.01 | 96A9943061 | 94A34999.01 | 95A34999.01 | 96A149179.06 | 96A9957008 | 96A153486.09 | Taxbir | |
| \$44.60 | \$117.98 | \$048.00 | \$788.41 | \$55,40 | \$414.03 | \$364.21 | \$383.17 | \$298.97 | \$141.74 | \$0.00 | \$27.83 | \$40°.04 | Total | COMMISSIONER'S REFU |
| CONSENT ORDER FROM PTC | STATE APPEAL ONLY ONLY ONLY ONLY ONLY ONLY ONLY ONLY | AMENDED COST BASIS OF DISCOVERY | AMENDED COST BASIS OF DISCOVERY | PAID TAXES TO BUNCOMBE CTY FOR | REFUND TO TMA AUDIT | REFUND DUE TO TMA AUDIT | REFUND DUE TO TMA AUDIT | REFUND DUE TO TMA AUDIT | REFUND DUE TO TMA AUDIT | MINIMAL SUPPLIES | INCORRECT ACREAGE AMOUNT DUE TO A MAPPING ERROR. | DOUBLE LISTED IN MACHINERY & | \$0n | ====================================== |

| 47/28/97 REFUNDS | | ינכ | SFUNDS | PAGE 2 |
|----------------------|----------------|----------|--|--|
| 70. Taxpayer Name | Faxb) | Tota 1 | Reason | 11 11 11 11 11 11 11 11 11 11 11 11 11 |
| PEARSALL, ARTHUR H | 96A115478,20,1 | \$31.46 | #31.46 APPEAL FINDINGS BILLED ON ACCT #35190 | |
| TDM CORPORATION | 96A1Z0957.05.1 | \$709.31 | #709.31 TMA DISCOVERY AMENDED | |

TOTAL REFUNDS >>>

\$4275.03

002791

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE:

August 4, 1997

SUBJECT:

Tax Releases

ATTACHMENTS:

Release Report

The enclosed release requests (21) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

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|---|---|---|--|-------------------------------|
| er Name | Taxbil} | Total | | |
| BANC ONE LEASING CORP | 96A69528.07 | #500.05 | EQUIPMENT SOLD TO STEELCASE PRIOR TO '96 ASSESSMENT DATE | 1 1 1 1 |
| BOMBA, CHRISTOPHER A . | 96A0800936.1 | \$728,33 | THIS IS AN ACCOUNT/PARCEL REOCCURRI G PROBLEM. PARCEL DE FROM OLD ACCOU | |
| CASPOLE, JOHN M TRUSTEE CASPOLE, BERNICE T TRUSTEE | 96A0117061.1 | \$767.00 | THIS IS AN ACCOUNT/PARCEL REDCCURRI G PROBLEM. PARCEL DE FROM OLD ACCOU NT HOPEFULLY FIXED FOR GOOD! | |
| ELECTRONIC SERVICES | 96A149179.06 | # 1 # 5 6 4 1 * 3 5 1 | AMENDED RETURN DNLY MINIMAL SUPPLIES | ; ; ; ; ; |
| EXCEL FINANCIAL CD | 96A156765.10 | #04.98 | EQUIPMENT BELONGS TO TROY'S | |
| FOUNTAIN TRACE HOMEOWNERS ASSO | 95A9937737 | \$40.91 | TAX EXEMPT PROPERTY | |
| FOUNTAIN TRACE HOMEOWNERS ASSO | 95A9940337 | # 6 P | PROPERTY TAX EXEMPT |]]] } E |
| FOUNTAIN TRACE HOMEOWNERS ASSO | 95A9937736 | \$45.45 | PROPERTY IS TAX EXEMPT | 1 |
| GOSNELL, PATRICIA ANN | 9648803838 | \$76,65 | MH BELONGS TO D. FRADY #115584 | |
| HAVENSHIRE INN | 95A97035.01 | \$4721.75 | FILED BANKRUPTCY 3/91 | ! ! ! ! ! |
| HAVENSHIRE INN C/D CINDY FINDLEY | 93A97035.01 | \$237.60 | FILED BANKRUFTCY 3/91 | 1 |
| C/O CINDY FINDLEY | 96A97035.01 | \$5656.75 | FILED BANKRUPTCY 3/91 | |
| HAVENSHIRE INN C/O CINDY FINDLEY | 94A97035,01 | \$475,20 | FILED BANKRUPTCY 3/91 | |
|) | | | 4 | |

| | | | 1 | |
|--------|---|---------------------------------------|--|--------------------------------------|
| | MH DOES NOT BELONG TO A. | \$129,70 | 96A8805545 | WHITESIDE, AARDN CECIL |
| | THIS PARCEL BILLED IN ERROR | \$59.80 | 95A9940830 | SOUTHERN BELL TELEPHONE & TELG |
| | DOUBLE LISTED | \$104,74 | 95A8804063 | LEDBETTER, HARRIET S |
| | OWNED BY E. STEHLIN #56427 | \$30.73 | 96A8800031.1 | KAILIMAI: LARRY, KAILIMAI: HESTER |
| | TAX EXEMPT PROPERTY | \$47.60 | 95A0502217 | JUSTUS, JOSEPH D'IN |
| | OUT OF BUSINESS IN 1996 | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | 96A94150.06 | ISAACS, OSCAR JR D/B/A |
| | SOLD IN 9/94 TO C. COLSON ACCT #161271 | \$98.90 | 95A9938859 | HUTCHINGS, EVERETT |
| | AMENDED RETURN SUBMITTED REBILLED INTO NEW NAME | \$4259.20 | 96496108.01 | HISTORIC WOODFIELD INN INC |
| | | Total | Taxbill | Taxpayer Name |
| | E 11 11 11 11 11 11 11 11 | | ! | |
| PAGE 2 | | | FI 10 18 18 17 17 11 11 11 11 11 11 11 11 11 11 11 | 07/28/97 |
| | R'S REPORT 08/04/97 | COMMISSIONER'S | | RELEASE.MNT |

TOTAL RELEASES >>> \$17756.86

MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 18, 1997

The Henderson County Board of Commissioners met for a special called meeting at 5:30 p.m. in the Kaplan Auditorium at the Henderson County Public Library.

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: Wally McBride (Attorney) of Hutton & Williams.

CALL TO ORDER/WELCOME

Chairman Eklund called the meeting to order and welcomed those in attendance. The purpose of this meeting is for Commissioners to meet with county staff and Wally McBride of Hutton & Williams to review the Manager's plan. This meeting will last approx. one hour. The Board will reconvene at 7:00 p.m. for a joint meeting with the Board of Trustees of Margaret R. Pardee Memorial Hospital regarding Hospital Reorganization. Mr. Eklund reminded the Board that the County Manager gave the Commissioners a Resolution about 10 days ago.

Mr. Nicholson handed out copies of that Resolution. The last Resolution establishing Pardee Hospital was adopted in 1951. After researching the various options available to us, David Nicholson recommended a Little Authority. Mr. Nicholson reviewed some of the powers of a Little Authority versus a Big Authority.

Some of the items the Resolution addressed that the Board had discussed previously were:

Size of the Hospital Board - recommended eleven members, one of whom would be a Commissioner. This is under 9-A, the Board would not be constrained by the rules of 9-B. According to State Law, we cannot create a Big Authority with limited powers, it is all or none; therefore, creations of a 9-A authority or Little Authority was recommended.

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By-laws must be approved by the Board of Commissioners and amendments to the by-laws must be approved by the Board of Commissioners with some exceptions.

Change fiscal year to align with the county fiscal year. Budget must be approved by the Commissioners.

Employees of the hospital should be viewed as county employees.

The Authority Board would report annually to the Board of Commissioners.

Joint ventures - offers flexibility.

General Powers - reviewed list of powers for a Big Authority.

This Resolution can be revised tomorrow, next week, or later.

Periodic review - report within 60 days.

There was very much discussion. The Commissioners asked Mr. McBride many questions. One main question asked was the risk and liability to the Board of Commissioners and to the county tax payers.

No Action was Taken.

This part of the meeting was adjourned at 6:40 p.m.

7:00 p.m. - Special Called Meeting Joint Meeting with Board of Trustees of Margaret R. Pardee Memorial Hospital

Chairman Eklund called the meeting to order. Dick Nash was recognized as the mediator for the meeting. He is a N.C. certified mediator and will facilitate the meeting.

Chairman Eklund introduced the County Commissioners, all five of whom were present.

Charlie Byrd introduced the Board of Trustee members present: Mark White, President; Charles Byrd; Bill Altman; J.B. Henderson; William Jamison; Don Holder; Sam McGuirt; Peter Goodfield, M.D.; Dan Waddell and Richard Shuffstall. Absent was Dorothy Marlowe.

Also present: Attorney Walter McBride; Facilitator Dick Nash; Dr. John Caldemeyer, Chief of Staff; Attorneys Sharon Alexander and Tom Stukes.

FACILITATOR

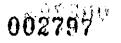
Facilitator Dick Nash stated that the purpose of the meeting was to try to get the Commissioners and Trustees to work out their differences regarding the Hospital Authority. He reviewed the ground rules for the meeting.

Charlie Byrd, standing in for Mark White (Mr. White had laryngitis), made a slide presentation starting with the Hospital Mission Statement - "Margaret R. Pardee Memorial Hospital is the center of a community health care system providing a continuum of quality, compassionate, cost-effective health care services on a nonprofit basis for the citizens of Henderson County."

He explained who Pardee Hospital is and who they serve as well as 21 types of services provided to the community besides regular hospital care. He noted that with the exception of a portion of the 1980 bonds which were recently reissued by the County in order to obtain a better interest rate, the hospital had not received any financial support from the County in a number of years. It was stressed that the hospital is debt-free.

Mr. Byrd stated that the purpose of this meeting was to review four unresolved issues of 37 in the Big Authority, covered by NAGS 131E-19, which were discussed at a joint meeting of the Commissioners and Trustees in November 1996. A fifth, joint ventures, has since been noted and added to the list.

Legal Council to the Commissioners had advised them that local government cannot limit the powers of a Big Authority. The State Attorney General today has provided a written opinion that conditions can be placed on the terms of the lease agreement for a Big Authority. Thirty three hospitals in North Carolina are



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considered Big Authorities, with only eleven considered Little Authorities.

The Commissioners and Trustees agreed that their purpose is to provide the best health care for patients and the community. Other concerns expressed by the hospital trustees about the Little Authority (County Manager's proposal):

- Unclear lines of authority
- Increased administrative burdens, inefficiency and time delays
- Complexity and scope of hospital affairs would overburden the Commissioners
- Potential for politics to interfere with running the hospital
- Manage care is increasing financial risk which is extended to the county without the authority
- Tax benefit to donors may not exist
- The hospital board may not be needed

Following the slide presentation, each Board member was given a chance to speak. The consensus of their statements was that they request a Big Authority for Pardee Hospital.

The Commissioners noted that the draft document previously distributed to the County Commissioners does not imply that the Commissioners feel the hospital needs more oversight. The Commissioners are not interested in running the hospital but in how to protect the assets of the County. There is no lack of trust of the Commissioners for the Hospital Trustees. The Commissioners do not intend to sell the hospital. Hospital funds are wisely used. Other comments by one or more Commissioners:

- The hospital needs to have some degree of public scrutiny.
- The best elements of the Big Authority and the Little Authority should be combined.
- The Trustees will have more responsibilities with the Big Authority.
- The hospital should become the health care planner and advisory for the community into the next millennium.

Resolution of Specific Issues:

1. Eminent Domain - The hospital does not want the power of eminent domain. Both boards agreed it would be the responsibility

of county government to condemn property. This could be stated as a condition in the lease agreement for the hospital authority.

- 2. Sale or Transfer of Real Property The hospital does not want the power to sell real property. Both boards agreed it would be the responsibility of county government to authorize sale or transfer of real property. This could be stated as a condition in the lease agreement for the hospital authority.
- 3. Ability to Incur Debt The hospital is concerned that the county's debt limit would impact its ability to borrow. The hospital proposed that if the authority borrows money that the debt limit not exceed 50% of the capital budget. No agreement was voiced. Further discussion needed.
- 4. Appointment of the Board The Commissioners would retain the right to appoint the Hospital Board. The Trustees expressed concern at the six member board called for in the Little Authority. The Commissioners expressed concern that all authority members would be chosen only by the Chairman of the Commissioners. These items will need further discussion.
- 5. Joint Ventures The Board of Trustees wanted to retain the right to enter into contracts and other arrangements without the approval of the Board of Commissioners. A concern was expressed about the ownership of hospital assets in a joint venture. It was noted that the hospital, and therefore the county, would always own a predetermined percentage of the total value in joint ventures. Joint ventures allow the hospital to engage in services it otherwise would be unable to participate in on a regional, state, and national basis. This item needs more discussion before the two boards can reach agreement.

No action was taken. The Commissioners will discuss the Hospital Authority at their meeting on August 20, 1997 at 9:00 a.m.

There being no further business to come before the Board, the meeting was adjourned.

Attest:

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Elizabeth W. Corn, Clerk

Robert D. Eklund, Chairman

BOARD OF COMMISSIONERS OF HENDERSON COUNTY

| (the | The Board "County") | of Com | missione t | ers of He | enderson Cou on August | nty, | North , 199 | Carolina 7. |
|------|---------------------|--------|---------------|---------------------------------------|---------------------------|-------------|----------------|----------------|
| | Present: | Chair | Robert | Eklund, | presiding, | and | | |
| | | | | · · · · · · · · · · · · · · · · · · · | | | | |
| | Absent: | | ***** | ***** | **** | | _ <u>,</u> | |

The following resolution was discussed and its title was read

RESOLUTION PROVIDING FOR (I) THE LEASE, UPON CERTAIN CONDITIONS, OF MARGARET R. PARDEE MEMORIAL HOSPITAL REAL PROPERTY TO HENDERSON COUNTY HOSPITAL AUTHORITY; (II) RESCISSION OF PORTIONS OF THE RESOLUTION OF JUNE 4, 1951 OF THE HENDERSON COUNTY BOARD OF COMMISSIONERS; (III) THE VESTING IN HENDERSON COUNTY HOSPITAL POWER OBLIGATION, ΟF THE AUTHORITY TO ADMINISTER, OPERATE AND MAINTAIN MARGARET R. PARDEE MEMORIAL HOSPITAL; AND (IV) HOSPITAL HENDERSON COUNTY TOCONTRACTS, LEASES, THE AUTHORITY ALL OF PARDEE MARGARET R. AGREEMENTS TO WHICH MEMORIAL HOSPITAL IS A PARTY, AND THE RIGHT TO USE THE NAME MARGARET R. PARDEE MEMORIAL HOSPITAL.

WHEREAS, by a resolution adopted on June 4, 1951, the Board of Commissioners of Henderson County, North Carolina (the "Board"), the Board of Trustees (the "Board of Trustees") for Margaret R. Pardee Memorial Hospital (the "Hospital") was created and entrusted with the administration and operation of the public hospital in Henderson County (the "County"); and

WHEREAS, by a resolution adopted on July ____, 1997, the Board created Henderson County Hospital Authority to assume the administration and operation of the Hospital and subsequently appointed the initial commissioners for such Authority (the "commissioners"); and

WHEREAS, the Board believes that it is in the best interest of the County and in the best interest of the public health and welfare to vest in Henderson County Hospital Authority the obligation, power and authority to administer, operate and maintain the Hospital;

WHEREAS, the Board believes that is in the best interest of the County and in the best interest of the public health and

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welfare to lease all of the facilities of the Hospital to the said Authority for a term of _____ years pursuant to a lease agreement which has been reviewed by the Board, the commissioners and the Board of Trustees;

WHEREAS, the Board believes that is in the best interest of the County and in the best interest of the public health and welfare to assign to the Hospital Authority all of the County's right, title and interest in and to (a) all contracts, leases and agreements to which the Hospital is a party; and (b) the right to use the name "Margaret R. Pardee Memorial Hospital" with all patient lists and all other intangible property belonging to the Hospital.

NOW THEREFORE, the Board of Commissioners of Henderson County, meeting in regular session at Hendersonville, North Carolina on August, _____, 1997, do the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY:

Section 1. The Board hereby rescinds those portions of the 1951 Resolution granting to the Board of Trustees the authority and obligation to oversee the administration, operation and maintenance of Margaret R. Pardee Memorial Hospital.

Section 2. The Board hereby vests in Henderson County Hospital Authority, in accordance with Article 2, Part B of Chapter 131E of the North Carolina General Statutes, subject to the acceptance by the Authority of the terms of the lease agreement attached hereto, all obligation, power and authority to oversee the administration, operation and maintenance of the Hospital.

Section 2. The Board hereby assigns to the Hospital Authority all right, title, interest and obligation in, to and under the following:

- a. All contracts, options, leases and other agreements to which the Hospital is a party, including, without limitation, those contracts that are listed on Exhibit hereto; and
- b. The name Margaret R. Pardee Memorial Hospital and all patient lists and other intangible rights and interests, including goodwill used in connection with the Hospital.

Section 3. The Board hereby approves the lease of the Hospital to the Hospital Authority for a term of _____ years for a rent of \$10.00 per annum and pursuant to the other terms contained in the lease agreement, a copy of which is attached hereby as Exhibit ___ and incorporated herein by reference. The Board further directs _____ to execute and deliver the Lease Agreement on behalf of the County.

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Section 4. This resolution shall take effect only upon (i) the ratification and approval of the foregoing Sections 1-3 by the Board of Trustees and the commissioners; (ii) its passage by the Board and (iii) acceptance by the commissioners of the terms of the lease agreement and execution and delivery of the said lease agreement by the commissioners.

| Commissioner resolution, Comm resolution was pa | issioner | | passage seconded wing vote: | tne | the motion, | forego | oing the |
|---|-------------|------|-----------------------------------|-----|-------------|--------|-------------|
| Ayes: | | · | | | | | |
| Noes: | | | | | | | |
| | 4.4.4.4.4.4 | **** | +++++++ | | | | |

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I, Elizabeth W. Corn, Clerk of the Board of Commissioners of Henderson County, North Carolina, DO HEREBY CERTIFY that the foregoing is at rue and complete copy of so much of the proceedings of the Board of commissioners for said County at a regular meeting duly called and held on August ______, 1997, as it relates in any way to the resolution hereinabove set forth and that said proceedings are recorded in Minute Book ______ of the minutes of the said County. Pursuant to N.C.G.S. §143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said County is on file in my office.

WITNESS my hand and the common seal of said County, this the day of August, 1997.

Clerk to the Board of Commissioners

(SEAL)

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| Exhibit A | |
|------------|---------------|
| of County | Commissioners |
| Resolution | |
| | , 1997 |

| | PPLICATION FOR INCO DERSON COUNTY HOS | | |
|---|--|--|--|
| Pursuant to N.C.G.S | S. § 131E-19, the undersign | ed hereby certify and set four | th |
| (1) As evidenced by Commissioners for the Coun health and welfare to create | ity of Henderson, North Car | , 1997, the rolina has found it is in the interest. | Board of County erest of the public |
| (2) The name of the | corporation is Henderson C | County Hospital Authority; | |
| (3) The Board of C appointed the undersigned as | county Commissioners for the initial Commissioner of | the County of Henderson, No of such Hospital Authority; | • |
| (4) The names and of follows: | official residence of each o | of the undersigned initial Com | missioners are as |
| NAME | | OFFICIAL RESIDEN | CE |
| | | | |
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| (5) Attached hereto as S | Schedule 1 is a certified copy | of the Resolution of the Board of County |
|---------------------------------|--------------------------------|---|
| Commissioners for the County | of Henderson, North Caroli | ina, adopted on July, 1997 evidencing the |
| creation of the Hospital Author | rity, and a copy of the Certi | ificate of Appointment of the undersigned |
| commissioner on | , 1997. At | in Hendersonville, |

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Henderson County, North Carolina, the undersigned initial Commissioners were inducted into and took such office.

- (6) The undersigned initial Commissioners desire that the Henderson County Hospital Authority to become a public body and a body corporate in politics pursuant to Article 2, Part B of Chapter 131-E of the North Carolina General Statutes.
 - (7) The term of the office of each of the undersigned initial Commissioners is as follows:

NAME

TERM THROUGH

- (8) The location of the principal office of the corporation is 715 Fleming Street, Hendersonville, Henderson County, North Carolina.
- (9) In order to benefit the public health and welfare of the citizens of the County of Henderson, North Carolina, and induce the Board of County Commissioners of the County of Henderson, North Carolina to lease Margaret R. Pardee Memorial Hospital to the Henderson County Hospital Authority, on behalf of themselves, their successors and the Henderson County Hospital Authority, the undersigned initial commissioners hereby agree that the Henderson County Hospital Authority shall be subject to the right of the Henderson County Board of Commissioners to at any time and without cause remove any one member or all members of the Commissioners of the Henderson County Hospital Authority notwithstanding any provision of the North Carolina General Statutes particularly any provision of Article II, Part B of Chapter 131-E of the said North Carolina General Statutes.

IN WITNESS WHEREOF, the undersigned have set forth their names.

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COUNTY OF HENDERSON On ______, 1997, ______ personally appeared before me, a Notary Public in and for said County and State, and having been duly sworn certifies that (s)he personally appeared before is a commissioner of the Henderson County Hospital Authority, and that (s)he personally signed the aforesaid articles of Incorporation and that the facts contained therein are true. Sworn to and subscribed before me, this the day of ______, 1997. Notary Public My commission expires: **CERTIFICATION** STATE OF NORTH CAROLINA COUNTY OF HENDERSON hereby certifies that she personally The undersigned knows the individuals executing the above application, knows that they have been appointed as the initial Commissioners of the Henderson County Hospital Authority and each subscribe to the application and took an oath of office with respect thereto in my presence. This the _____, 1997. Secretary of the Board of Commissioners

STATE OF NORTH CAROLINA

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