

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
June 18, 1997

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.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, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson and Public Information Officer Chris Coulson.

Absent were: Assistant County Manager/Staff Attorney Angela M. Skerrett and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

Chairman Eklund 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

Palmer Clemmer, Minister of Grace Lutheran Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson added one item as "A-1" Vista Hill Foundation. He also added one item under pending issues as "I-6" Jail Committee and deleted Update on 911 Project.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried. CONSENT AGENDA included:

Review/approval of Minutes

Minutes were presented for the Board's review and approval of the meeting of May 15, 1997.

Tax Releases

June 18, 1997

Page 2

A list of 52 tax release requests was presented for the Board's approval.

CIP Monthly Reports

The monthly report on current Capital Improvement Projects for the month of May was presented for the Board's information.

Resolution proclaiming July, 1997 as "Recreation and Parks Month"

In order to recognize and promote the impact and importance recreation and parks make on the daily lives of our county residents, the Henderson County Parks and Recreation Advisory Board and staff recommended the Henderson County Board of Commissioners proclaim the month of July 1997 as "Recreation and Parks Month" in Henderson County.

Resolution congratulating City of Asheville

On June 7, 1997 the City of Asheville received an All American City Award during a competition sponsored by the National Civic League and the Allstate Foundation. Over 50 participants from Asheville attended the competition in Kansas City, Missouri, including children from the Hillcrest community in Asheville. Those in attendance on behalf of the City of Asheville made a presentation based on the application, which was required to be submitted. This presentation highlighted programs sponsored by the City of Asheville such as Handmade in America, Asheville Vision Process, and Regional Health Care. The City of Asheville was one of ten cities selected from 30 finalist city applicants. The City of Asheville was one of over 120 city applicants, which originally applied for the designation. A resolution was presented congratulating the City of Asheville for being named an All American City, which brings honor and recognition to the entire Western North Carolina Region.

Written Order Granting Pardee Hospital, Et Al. Special Use Permit, SP-46-96 On Monday, June 2, 1997, the Board of Commissioners held a quasi-judicial public hearing to consider the application for Special Use Permit SP-46-96 submitted by Margaret R. Pardee Hospital, Four Seasons Hospice, Blue Ridge Community College, Toms Enterprises, Inc., and Thomas Duane Hatchett and wife, Judy Pace Hatchett. The special use permit requested was for a nursing facility and Hospice House located near the Blue Ridge Community College campus on College Drive and South Allen Road. On June 2, 1997, the Board approved the special use permit and directed staff

to bring back a written order consistent with the Board's discussion regarding the findings of fact, conclusions of law and the decision. The proposed order was presented for the Board's consideration.

Written Order to Amend Carriage Park Special Use Permit, SP-93-13

On Monday, May 5, 1997, and Wednesday, May 21, 1997, the Board of Commissioners held a quasi-judicial public hearing to consider the request of Carriage Park Development Corporation for an amendment to the Special Use Permit SP-93-13. The requested amendment was for a relocation of a boundary line between Development Parcels 23 and 24 within Carriage Park. On May 21, 1997, the Board approved the requested amendment and directed staff to bring back a written order consistent with the Board's discussion regarding the findings of fact, conclusions of law and the decision. The proposed Order was presented for the Board's consideration.

Notification of Vacancies

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

- 1. Youth Advisory Board - 1 vac.
- 2. Land Of Sky Regional Council Advisory Council on Aging - 1 vac.
- 3. Child Fatality Prevention Team - 1 vac.

INFORMAL PUBLIC COMMENTS

1. Dr. Phillip Sellers - Dr. Sellers spoke in favor of restructuring Pardee Hospital for a Hospital Authority. He briefly discussed managed care and its effect on anyone present as well as: 1. quality of care, 2. changing definition of what a hospital is, and 3. competing and contracting. Dr. Sellers was in favor of a BIG A AUTHORITY.

2. Mr. Charles Waters - Mr. Waters is an Attorney in Hendersonville. He asked the Board to restructure Pardee Hospital and grant them authority status. He reminded the Board that responsibility runs from bottom up and from top down. Hospital Authority would provide some isolation for Board of Commission responsibility for day to day operation of the Hospital and would also give the Hospital the flexibility to deal with day to day problems.

3. Bryan Aleksich - Mr. Aleksich stated his view that no money should be set aside for maintenance and repair of the schools. The School Board could find money for maintenance and repairs in their \$60 million + budget.

4. Dutch Burdette - Mr. Burdette spoke in favor of curbside recycling. He suggested the Board of Commissioners get public input regarding recycling. He has spoken to a number of waste hauler and only found one who truly recycles.

5. Raymond Ward - Mr. Ward spoke as the spokesperson for the CONCERNED CITIZENS OF EDNEYVILLE. He had a number of questions regarding the site of the package plant for the Justice Academy. He spoke regarding the discharge into Lewis Creek. He requested the Board keep the plant small to control the growth around the Justice Academy.

PUBLIC HEARING - To Consider Renewal of Industrial Park Option

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

This Public Hearing was held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway the Park Property, Lot 8, Lots 1, 1A, 2, 3, 3A, 4, 4A, 6, 7(revised), 7A, and two lots to be dedicated to NCDOT, for a total acreage purchased of 47.0131 acres at a price of \$1,099,697.20.

The current option will expire on June 30, 1997. If approved, this renewal will extend the option for another three month period to expire on September 30, 1997. The price to renew the option until September 30, 1997 will be the quarterly interest at the Nationsbank prime rate of interest determined as of June 10, 1997 on the unpaid portion of the purchase price of \$400,302.76 (the remaining acreage to be purchased includes Lot 5, 22.3709 acres). Nationsbank prime rate June 10, 1997 was 8.50%, which would put the option payment at \$8,506.41.

June 18, 1997

Page 5

The payment to renew the option for an additional three month term is due on June 20, 1997. Therefore, if the Board desired to renew the option, it would be appropriate to approve this renewal at the close of the Public Hearing.

Public Input - There was none.

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

David Nicholson asked the Board to not take action on this item until following Closed Session to discuss a possible industry.

VISTA HILL FOUNDATION - Don Gladieux

Mr. Gladieux stated that Henderson County has an extremely serious problem which is getting worse. Mr. Gladieux said that he had heard that you can tell more about a community by the way they treat their animals than how pretty their streets are or how good their sidewalks are or whether they have a good arts center. He stated he would present a solution which will not cost the county any money.

Mr. Gladieux has formed an alliance called the "Animal Welfare Alliance". A group of people have come together and are meeting monthly. They are determined to have a big impact in Henderson County on the animal problem. Their agenda at this time is:

1. We must find ways in Henderson County to make people aware of the problem and increase the adoption rate of pets.
2. We must reduce the source of the problem by spaying and neutering of pets.
3. Request the Board of Commissioners to appoint and approve four Animal Cruelty Officers (members of this alliance). As Animal Cruelty Officers, they can go onto private property to investigate animal cruelty but as private citizens they cannot.

Mr. Gladieux is a non-practicing Attorney. He currently has eight handicapped animals in his care. Personally he is building Vista Hill Foundation to be a nice home to take in animals. Once he gets it built he could accommodate 90 dogs and 45 cats.

The Board of Commissioners responded to Mr. Gladieux that they recently decided to revisit the Animal Control Ordinance in mid August.

June 18, 1997

Page 6

HENDERSON COUNTY SOLID WASTE MANAGEMENT PLAN - July 1, 1996 to July 1, 2006

David Nicholson presented the second draft of the Solid Waste Management Plan. This draft includes changes which were incorporated into the draft after the Public Hearing on June 2. It also includes changes which were suggested after the June 5 meeting of the Solid Waste Management Plan Advisory Committee (PAC) and suggested changes after the June 9 meeting between David Nicholson and President of the Waste Hauler's Association.

This Plan should be considered Phase I of a complete plan. The specifics of the recommended programs will be addressed in Phase II, complete with estimated cost and details of implementation. Due to time constraints of the July 1 deadline imposed by the State, it was not possible to conduct an in-depth study. The PAC will begin Phase II immediately.

State Statutes require that the Plan be revised every three years. If the Board chooses, the Plan could be revised every two years or even annually which would be reasonable considering the transition which is taking place now in managing solid waste in Henderson County.

Staff recommended that the Board of Commissioners approve the presented resolution adopting this plan. This action would allow us to meet the deadline required by State law. Included in the Plan are samples of resolutions for each municipality. After official adoption of the resolution by each municipality, these resolutions will be incorporated into the County's Solid Waste Management Plan.

Commissioner Kumor made the motion that the Board adopt the Resolution on County Solid Waste Management Plan. All voted in favor and the motion carried.

BLUE RIDGE COMMUNITY COLLEGE BOND REQUEST

Dr. David Sink, President of Blue Ridge Community College, addressed the Board of Commissioners requesting a bond referendum for BRCC. He shared a need for a new building on the college campus - Workforce and Lifelong Learning Building with a projected cost of \$8 million.

June 18, 1997

Page 7

Dr. Sink recognized several persons in the audience who were present to back him and support his request:

Mr. Chris Stepp, Vice-Chair of BRCC Board of Trustees
Mr. Dick Baker, BRCC Trustee, former County Commissioner
Mr. Luke Rindal, BRCC Trustee
Mr. John McCormick, BRCC Trustee
Rev. Herman Davis, BRCC Trustee
Sheriff George Erwin, BRCC Trustee
Dr. Pat Eggen, President of the Center for Lifelong Learning

Dr. Eggen had eight members present of the Center for Lifelong Learning. They represent 1,300 citizens of Henderson County who are members of the Center for Lifelong Learning which is an initiative designed for people 50 years and older who contract with the College to offer courses that they want.

This project, submitted to the County Commissioners as a part of the Capital Improvement Program, was scheduled for construction in 1998-1999 with anticipated completion in the year 2000. Since the Long Range Plan was developed, costs have risen, increasing the amount projected from \$5,825,000 to \$8 million -- \$6,750,000 for construction of the 50,000 square foot building and \$1,250,000 for equipment to furnish it. An \$8 million bond passed to build a Workforce and Lifelong Learning Building at Blue Ridge would add approximately 2 cents to the tax rate.

The Board of Trustees for the College recommended this project be put on the bond referendum for this fall.

David Nicholson said if the Board of Commissioners wishes to honestly look at this request, they should consider taking appropriate time to review this request and think about putting a bond referendum on for 1998 as opposed to this fall. County staff will have to go back to Raleigh and work with the Bond Council and the LGC (Local Government Commission).

Much discussion followed regarding bond rate, maximum indebtedness, etc. David Nicholson stated that the County is going to have to be creative and consider all alternatives for financing.

It was the consensus of the Board to add this item to Pending Issues for later in this agenda to give the Board a chance to think about this.

June 18, 1997

Page 8

Commissioner Kumor requested that the Multipurpose Center Committee be invited to appear before the Board at a meeting in the near future to give an update on their Committee activities and where they are in the project. There was consensus that this would be a good idea.

AWARD OF CONSTRUCTION BIDS FOR 911 PROJECT

David Nicholson reminded the Board that the new 911 center is going to be located in the basement of the Administration Building, currently housing the Finance Department. Reconstruction of the Finance space is necessary to accommodate the 911 center. Grier-Fripp Architects out of Charlotte, NC designed the reconstruction and put the project out to bid. Bids were received on June 16, 1997.

State law states that you can bid this out as a single prime contract up to \$500,000. The bid came in over \$500,000, primarily because a generator had been priced incorrectly in the contract. Mr. Nicholson requested the Board of Commissioners reject these bids. The bid specifications will be changed to allow for multi-prime and single prime bids.

Commissioner Ward made the motion to reject the bids. All voted in favor and the motion carried.

Chairman Eklund called a five minute recess.

REORGANIZATION OF THE YOUTH DEVELOPMENT DEPARTMENT

David Nicholson reminded the Board that because of staffing and some other things we have not been taking kids at the emergency shelter for about a month now. This gave staff the perfect opportunity to relook at what the organization of youth development is, both the shelter and community activities.

Dawn Boone, Director of Youth Development, started by introducing her team (transition team):

Dawn Boone, Director
Harri-Ann Ellis, Case Manager
Barbara Metalsky, Night Counselor
Kathy Nash, Case Manager
Tina Rutledge, Case Manager

June 18, 1997

Page 9

Leslie Anderson, Facilitator of the process
Angela Skerrett, Assistant County Manager and
the area Director for Youth Dev. Dept.
Janice McCloud, Clinical Consultant for the Dept.

Youth Development staff presented background information, the purpose of the self-study, methodology that was used as well as a chronological report of the day-to-day process. They also presented a new organization profile outlining their recommendations.

Dawn Boone then reviewed the new organizational profile with the Board:

Short Term Residential Program - the Spectrum Program
To provide 60 day placement with an extension of 30 days as necessitated by individual needs, still maintaining 90 day maximum per licensing requirements.

Staff recommended that the age limit be changed from 8-18 years to 10-16 years.

Staff recommended that staff be sent to Therapeutic Crisis Intervention (TCI) training.

Staff recommended changing the name of the New Hope Youth Shelter to the Spectrum Youth Shelter.

Staff recommended accepting CBA funding contingent upon acceptable memorandum of understanding with juvenile services.

Staff recommended design of an on-site recreation master plan.

Staff recommended staff revisit the security measures recommended by the Henderson County Sheriff's Dept.

Staff recommended implementation of specific performance measures and benchmarking.

Staff recommended implementation of an individualized professional development program for each staff.

June 18, 1997

Page 10

Staff recommended completion of the re-organizational effort by July 1, 1997.

Staff recommended entering into memorandums of understanding with all referral agencies.

Staff recommended redirection of the focus of the advisory board from internal operations to external community initiatives.

Staff recommended receiving accreditation by the Council on Accreditation.

Staff recommended establishment of a program of on-site clinical services.

Staff recommended family and parent referrals to require participation by the family mediation program PACE offered by the dispute settlement center prior to acceptance into the short term residential care program.

Staff recommended redesigning staff patterns within the full time employees currently existing. Dawn reviewed a staff configuration and a proposed schedule with the Board. The staff configuration consists of the Board of Commissioners, The County Manager, Area Director Angela Skerrett, Dept. Head Dawn Boone, 3 Case Managers. Staff recommended classifying the Assistant Director's position into a Program Coordinator's position; to reduce the number of Case Managers from four to three converting one into a Residential Counselor's position; to convert the Child Care Specialist position into a Residential Counselor's position; to combine two of the six part-time positions into one full-time Residential Counselor position; to retain the remaining four part-time positions and to retain the Night Counselor's position. Staff also recommended that two staff members be on duty at all times, especially during the night. Currently they only have the Night Counselor who provides the awake coverage. They have looked at adding a third person during the hours of 3-9 a.m. to deal with the crises.

002682

Community Wide Programs

To partner with other non-profit, for-profit agencies, and businesses in the community and to extend case management services currently offered in the shelter program to families who are not in the system already and thus are slipping through the cracks.

Ombudsmen role or skilled navigator role

To serve as a clearing house for statistics and data regarding youth in Henderson County, offer individual follow up with agencies where youth services are not being provided and to establish a network among agencies in regard to youth issues to be facilitated by youth development.

Dawn Boone stated that the next step for the year 2000 and beyond would be the reopening of the Spectrum Youth Shelter.

There was much discussion. Chairman Eklund thanked the Youth Staff for an excellent presentation. David Nicholson commended the staff for the fine job they have all done in setting goals, bench marks, etc. for their program and for wanting to achieve accreditation.

SET PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HENDERSON COUNTY ZONING ORDINANCE REGARDING WIRELESS TELECOMMUNICATION TOWERS (as defined)

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 "clean up" the amendments and bring them back. The proposed amendments have since been reviewed and modified by staff. Following 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 Board of Commissioners must hold a public hearing prior to taking action on the proposed amendments. The earliest regular evening meeting at which the Board could hold a hearing and meet

June 18, 1997

Page 12

the public notification requirements would be Monday, August 4, 1997.

Commissioner Hawkins made the motion to set the Public Hearing for August 4 at 7:00 p.m. All voted in favor and the motion carried.

FIRE PREVENTION INSPECTION AGREEMENT

Henderson County has received requests from the Village of Flat Rock and the Town of Laurel Park for the provision of fire prevention inspections and related services. These are services that the Henderson County Fire Marshal's Office is capable of providing to the municipalities on an actual cost basis.

Mr. Nicholson stated that attached as Exhibit A to a draft resolution is a draft agreement pertaining to this matter for the Board's consideration. This Agreement in draft form has been forwarded to the Finance Director for his review and to the respective municipalities for comment. Staff may be bringing back revisions to the Agreement for the Board's consideration as well.

No action was requested. This was presented for the Board's information.

HENDERSON COUNTY PUBLIC SAFETY TELEPHONE ORDINANCE, AN ORDINANCE TO ESTABLISH COUNTYWIDE 911 SERVICE

Mr. Nicholson presented, pursuant to the Board's request, a draft Ordinance to impose a surcharge on telephone service to pay for the capital cost associated with the new 911 center. The draft Ordinance imposes a \$2.50 surcharge effective November 10, 1997 through November 9, 1998; after November 9, 1998 the surcharge would be reduced to 55 cents. The General Statutes require that a Public Hearing be held on this Ordinance before it can be considered for adoption. Additionally the General Statutes require that the effective date be 120 days after adoption. Staff proposed the following scheduled:

- 06-18-97 Board set Public Hearing for 7-7-97 at 7 p.m.
- 06-23-97 Legal Notice advertised.
- 07-07-97 Public Hearing on Ordinance. Board takes action on Ordinance.
- 11-10-97 Effective date of Ordinance if Ordinance adopted (surcharge at \$2.50).
- 11-10-98 Surcharge reduced to 55 cents.

June 18, 1997

Page 13

Commissioner Good made the motion to set the Public Hearing for July 7, 1997 at 7:00 p.m. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Update on Hospital Reorganization

Our staff has met with hospital staff to hold discussions. They will meet again in about a week for further discussions. A joint meeting with both Boards is anticipated for mid to late July.

Update on School Bonds

The original resolution passed by the School Board did not meet with the approval of the Bond Council. Bond Council drafted a new resolution for the School Board which will be on their June 30 meeting agenda.

Mr. Nicholson stated that a tentative date has been discussed for a bond referendum - November 18, 1997.

BRCC Bond Request

Commissioner Ward brought up the idea of combining a Blue Ridge Community College bond request with the Public School System bonds. Dr. Sink should be ready to bring this to the Board of Commissioners for the next meeting with numbers.

Update on Justice Academy Sewer

David Nicholson passed around a cost estimate and reviewed it with the Board. Gary Tweed has estimated the cost to providing sanitary sewer service for the Justice Academy by utilizing a wastewater treatment plant site on either the Fire Station Property or the County Property just to the rear of the Fire Station. Cost estimate for this option:

Subtotal	\$562,400
Contingency	56,240
Engineering	56,240
Total Estimate	\$674,880

We could locate the wastewater treatment plant near Lewis Creek and pick up a larger service area for approximately the same cost. The treatment plant would be put inside a metal building.

Resolution - American Heritage River

This item was pulled from the Consent Agenda of June 2 by Commissioner Hawkins who wished to find out more information before taking action.

Mr. Hawkins has since received information from the Federal Register. He shared the information with the Commissioners. It was the consensus of the Commissioners to proceed with applying for this designation.

Discussion regarding whether to reschedule mid-month July meeting. Mr. Nicholson and Mr. Eklund will be in Baltimore at the NACo Conference and Mr. Hawkins will be in Nashville attending a conference. Mr. Nicholson suggested the mid-month July meeting be canceled.

Commissioner Hawkins made the motion to cancel the mid-month July meeting. All voted in favor and the motion carried.

Jail Committee

Mr. Nicholson will schedule this under "Nominations" for the next agenda. He proposed that the Board appoint the following:

- two Commissioners assigned to Committee
- Sheriff
- Jail Administrator
- County Manager
- Three Chiefs of Police
- One District and one Superior Court Judge
- District Attorney
- Clerk of Courts

The Sheriff will appoint some citizens and the Board of Commissioners will appoint some citizens (approx. four each).

NOMINATIONS

Chairman Eklund 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 - 1 vac.**

June 18, 1997

Page 15

Anne Whitmire was nominated at an earlier meeting. There were no other nominations. No one had contacted Ms. Whitmire. This item was rolled to the next meeting.

3. Henderson County Board of Health - 3 vac.

Dr. Karen Davis, Larry Baber and Pam Miller were nominated for reappointment at the last meeting. Argie Taylor was nominated. One vacancy is a veterinarian position and one is a pharmacist position. One vacancy is a public position.

Commissioner Kumor made the motion to appoint Dr. Davis and Larry Baber to fill the two designated positions. All voted in favor and the motion carried.

One vacancy was rolled to the next meeting (public position).

4. Mountain Area Workforce Development Board - 2 vac.

Ray Cantrell has submitted two nominees, Kathy Jenkins and Candy Priest. Commissioner Kumor nominated these two ladies and made the motion to suspend the rules and appoint Ms. Jenkins and Ms. Priest. All voted in favor and the motion carried.

5. Henderson County Child Fatality Prevention Program - 1 vac.

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

6. Asheville Regional Housing Consortium - Board of Directors - 1 vac.

Selena Coffey was nominated at the last meeting. Commissioner Kumor made the motion to appoint Ms. Coffey. All voted in favor and the motion carried.

IMPORTANT DATES

David Nicholson reviewed the Commissioners' calendar with the Board.

CLOSED SESSION

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

1.(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

June 18, 1997

Page 16

acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim and to discuss the case of Hollingsworth v. Patricia Miller.

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

3.(a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (1) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

4.(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.

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

BUDGET WORK SESSION AND ADOPTION

Chairman Eklund called the meeting back to order at 1:45 p.m.

David Nicholson presented the Budget Ordinance for the FY 1997-1998 Budget. Based on the Board's discussions of June 17, 1997, staff had prepared the actual Budget Ordinance.

Mr. Nicholson reviewed the Budget Ordinance in some detail. The tax rate is set on page 8, section 17.

Much discussion followed.

Commissioner Kumor stated that the budget ordinance is based on a 3 cent increase. She felt that an additional one penny (4 cent increase) should be dedicated to building up our fund balance.

June 18, 1997

Page 17

Commissioner Good suggested one half cent instead of one cent. He also recommended that \$20,000 be put back in the economic development fund in the budget for the Chamber of Commerce.

The Board had set aside \$57,000 for economic development in the proposed budget. There was discussion of moving \$20,000 of that to the Chamber of Commerce budget for economic development.

Commissioner Hawkins stated that he was not comfortable with using county funds for a position for the Chamber of Commerce.

Commissioner Good requested in writing that additional funds could go to the Chamber of Commerce for economic development, if needed. Much discussion followed.

Commissioner Kumor made the motion to approve the proposed Budget Ordinance. A vote was taken and the motion carried three to two with Commissioners Ward and Good voting nay.

There was a call for a recount. The vote again was three to two with Commissioners Ward and Good voting nay.

Chairman Eklund called a recess at 2:05 p.m. and stated that the Board would reconvene at 3 p.m. to discuss Appleland Industrial Park. Members of the Chamber of Commerce will join the Board at that time.

Reconvened at 3:00

Appleland Industrial Park

Angela Skerrett gave a quick update on Appleland Industrial Park. The Board had previously discussed what to do with Lot 5, the one remaining lot in Appleland Industrial Park.

Ms. Skerrett discussed an option for splitting Lot 5 into two lots. She also reviewed a proposed change to the Appleland Restrictive Covenants that would need to be changed if the Board decides to split Lot 5 into two lots. She also passed around an updated map of the Industrial Park and reviewed that.

In its entirety, Lot 5 is just over 22 acres. Staff's proposal was to make two lots of Lot 5, the back lot being Lot 5 with 18.4816 acres and the front lot being Lot 5A with 3.8893 acres. Staff also gave the option of selling Lot 5A for O & I (office and institutional) purposes.

June 18, 1997

Page 18

Members of the Chamber of Commerce, Bill Lapsley and Roger Hill, recommended the front part of Lot 5 either as commercial or office retail/distribution with the back part of Lot 5 remaining for industry. They felt that the back portion would likely sell for warehouse distribution rather than manufacturing. They felt that the front portion would sell for \$75,000 per acre or more and the back portion for \$25,000 per acre.

Following much discussion, Commissioner Hawkins made the motion to adopt the proposed plan, adjust our Ordinance to comply and go out to bid on the front lot and renew the option on Appleland for an additional three months. All voted in favor and the motion carried.

There being no further business to come before the Board, the meeting was adjourned at 3:27 p.m.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and,

WHEREAS, NC General Statute 130A-3069.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and,

WHEREAS, Henderson County was represented on the Henderson County Solid Waste Management Plan Advisory Committee and has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby approves the Henderson County Solid Waste Management Plan.

Adopted this 18th June of 1997.

APPROVED BY:



Grady Hawkins, Vice **CHAIRMAN**
HENDERSON COUNTY BOARD OF COMMISSIONERS
Acting Chairman

ATTESTED BY:



ELIZABETH W. CORN
CLERK TO THE BOARD

002691

THIS PAGE INTENTIONALLY LEFT BLANK

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

WHEREAS, Village of Flat Rock and Town of Laurel Park desire to contract with Henderson County for the provision by the Henderson County Fire Marshal for fire prevention inspection services; and

WHEREAS, Henderson County desires to provide such services to Village of Flat Rock and Town of Laurel Park on an actual cost basis; and

WHEREAS, Henderson County desires to memorialize its agreement for the provision of fire prevention inspections and related services, said agreement being attached hereto and incorporated herein by reference as "Exhibit A"; and

WHEREAS, the intent of the Agreement is to outline the provision of fire prevention inspections and related services to Village of Flat Rock and Town of Laurel Park by the Henderson County Fire Marshal in accordance with applicable laws and regulations on an actual cost basis;

NOW THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. The Chairman of the Henderson County Board of Commissioners and the Clerk to the Board are hereby authorized to execute the Agreement which is attached hereto as "Exhibit A" the terms of said Exhibit being incorporated herein by reference as if fully set forth herein, for Village of Flat Rock and Town of Laurel Park, and the terms of said Exhibit are hereby agreed to by the Board of Commissioners.
2. The County Attorney, the Clerk to the Board, the County Manager, the Finance Director, and the Assistant County Manager/Staff Attorney are authorized to take any further actions necessary to revise said Agreement consistent with the intent of said Agreement.

THIS the 18th day of June, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Grady Hawkins
 Grady Hawkins, Vice-Chairman
 Acting Chairman

ATTEST:

Elizabeth W. Corn
 Clerk to the Board

002693

THIS PAGE INTENTIONALLY LEFT BLANK

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

FIRE PREVENTION INSPECTION AGREEMENT

THIS AGREEMENT, by and between HENDERSON COUNTY, a North Carolina body politic and corporate, with principal offices at 100 North King Street, Hendersonville, North Carolina, 28792 (hereinafter sometimes referred to as "County"), and _____, a North Carolina municipal corporation, with principal offices at _____ (hereinafter sometimes referred to as "Municipality"), and the Henderson County Fire Marshal, who joins in the execution of this Agreement to indicate his consent thereto (hereinafter sometimes referred to as "Fire Marshal");

WITNESSETH:

WHEREAS, the Henderson County Board of Commissioners is the governing body of the County, a body politic and corporate having the legal capacity to contract pursuant to N.C.G.S. 153A - 11 and to perform inspection functions as set out in N.C.G.S. 153A-351; and

WHEREAS, on the 6th day of June, 1994, the Henderson County Board of Commissioners adopted a Fire Prevention Ordinance; and

WHEREAS, the intent of the Fire Prevention Ordinance of Henderson County and "Volume V - Fire Prevention" of the North Carolina Building Code is to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire, explosion and other related hazards;

WHEREAS, the Fire Prevention Ordinance of Henderson County Board and "Volume V -Fire Prevention" of the North Carolina Building Code is enforced by the Henderson County Fire Marshal, the Deputy Fire Marshal and Assistant Fire Marshals as certified by the North Carolina Code Officials Qualification Board; and

WHEREAS, the _____ City Council is the governing body of the Municipality, municipal corporation having the legal capacity to contract pursuant to N.C.G.S. 160A-11; and

WHEREAS, Municipalities may, under N.C.G.S. 160A-413 contract with the County in whose boundaries the municipality is located, for provision of general inspection services, including but not limited to those inspections related to fire safety;

78
002695

THIS PAGE INTENTIONALLY LEFT BLANK

WHEREAS, Municipality desires to adopt the Fire Prevention Ordinance of Henderson County and to contract with the County for provision of inspection and enforcement services as provided under the said Ordinance and under applicable federal, state and local laws and regulations;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the mutual covenants contained herein, the parties agree as follows:

1. DEFINITIONS:

- a. CODE. Shall mean "Volume V - Fire Prevention" of the North Carolina State Building Code, 1996 Edition, said Code being hereby adopted by reference and incorporated herein; together with all amendments or replacement volumes to the Code and standards adopted by reference therein which are adopted and published by the North Carolina State Building Code Council which shall be effective in Henderson County and Municipality at the time such amendments become a part of "Volume V - Fire Prevention" of the North Carolina State Building Code or replacement volumes thereto become effective.
- b. FIRE OFFICIAL. Shall mean the Henderson County Fire Marshal, the Deputy Fire Marshal, and Assistant Fire Marshals as certified by the North Carolina Code Officials Qualification Board, but generally excludes all general County inspectors; provided however, the Fire Marshal shall have the right on an as-needed basis to appoint such other qualified inspectors to serve temporarily as fire officials, but only to the extent allowed by federal, state and local law and regulations;
- c. ORDINANCE. Shall mean the Fire Prevention Ordinance of Henderson County as adopted by the Board of County Commissioners on the 6th day of June, 1994, as from time to time amended, said Ordinance being hereby adopted by reference and incorporated herein;

2. ADOPTION OF FIRE PREVENTION ORDINANCE: MUNICIPALITY shall, contemporaneously with the execution of this Agreement, adopt the ORDINANCE as one of MUNICIPALITY'S ordinances and shall provide for its enforcement by and through the Henderson County FIRE MARSHAL'S Office for so long as this Agreement is in effect. MUNICIPALITY shall not allow any municipal employee or official to impede the enforcement of the Ordinance or the Code or the performance of the duties and responsibilities under this Agreement;

002697

THIS PAGE INTENTIONALLY LEFT BLANK

3. PERIODIC INSPECTIONS:

- a. MUNICIPALITY shall provide FIRE MARSHAL with a list of buildings, structures, and premises that require periodic inspection under the Ordinance and the Code and shall have a continuing duty to advise FIRE MARSHAL of new buildings, structures and premises falling under the jurisdiction of this Agreement, the Ordinance and/or the Code. FIRE MARSHAL shall develop from said list a periodic inspection schedule as prescribed by the Code which shall be approved by the MUNICIPALITY's Council, said approval not to be unreasonably withheld.
- b. FIRE OFFICIALS shall (1) periodically inspect those buildings, structures, premises and conditions, pursuant to the schedule of periodic inspections, for the purpose of identifying activities and conditions in said buildings, structures, and premises that pose dangers of fire, explosion, or related hazards, and (2) ascertain and cause to be corrected, such conditions which may cause fire, explosion, related harms, or such conditions which constitute a violation of the Ordinance. Such periodic inspections shall be performed by FIRE OFFICIALS ONLY and shall comply with the Ordinance and the Code, and all other applicable laws and regulations.

4. **PERMITS:** Pursuant to "Chapter 4 - Permits and Certificates" of the Code, which has been specifically adopted by Ordinance, FIRE OFFICIALS shall have the authority to (1) issue or deny such Fire Prevention Code permits as deemed necessary, upon application of a person, business, or other entity under the MUNICIPALITY's jurisdiction, and (2) revoke the same, all as prescribed by Chapter 4 of the Code, by the Ordinance, and by applicable laws and regulations.

5. **INCIDENT INSPECTIONS/INVESTIGATIONS:** FIRE OFFICIALS shall inspect such buildings, structures, premises and conditions and investigate the same to determine the origin, cause and circumstances of any fire, explosion or other related incident within the MUNICIPALITY's jurisdiction, as required by applicable laws, the Ordinance and the Code. PROVIDED HOWEVER, no investigation as described herein shall be construed to encompass any criminal investigation related to any fire, explosion or other related incident, said criminal investigation being outside the scope of the FIRE OFFICIALS duties and authority and outside the scope of this Agreement. Incident inspections and investigations shall be provided to MUNICIPALITY for so long as COUNTY is providing fire inspection services to MUNICIPALITY. There shall not be any fees

002699
000000

THIS PAGE INTENTIONALLY LEFT BLANK

or compensation charged to MUNICIPALITY for incident inspections and investigations performed by FIRE OFFICIALS.

6. **CODE ENFORCEMENT PROCEDURE:** The Ordinance and the Code shall be enforced by FIRE MARSHAL by any and all methods authorized by N.C.G.S. 153A-123 and as the same is outlined in the Ordinance, including enforcement by civil penalties as prescribed by that civil penalty schedule adopted as a part of the Ordinance, criminal penalties and equitable remedies. MUNICIPALITY shall be responsible for payment of all expenses incurred by FIRE MARSHAL in any such enforcement, including, but not limited to, attorney fees.
7. **APPEALS:** All appeals concerning the results of (or procedures used during) an inspection and/or investigation or the denial or revocation of a Fire Prevention Code permit shall be to the Henderson County FIRE MARSHAL or, if applicable, to the North Carolina Building Code Council. The officers, staff and/or governing body of the MUNICIPALITY shall have no appellate jurisdiction in any matters pertaining to the services provided under this Agreement.
8. **RECORDS AND REPORTS:**
 - a. In addition to those records required by federal, state and local laws and regulations to be kept and maintained by the FIRE MARSHAL's Office, FIRE MARSHAL shall keep and maintain records on all inspections and investigations completed and pending, and all permits processed, approved, denied and revoked, pursuant to this Agreement. Such records shall include, but shall not be limited to the following:
 - i. Itemization of buildings, structures, premises and conditions inspected/investigated and reinspected (including person/entity, location, date, result/recommendation);
 - ii. Itemization of permits processed, approved, denied, revoked (including applicant, date, result, reason);
 - iii. Time spent on each inspection/investigation, reinspection (including breakdown of travel, research, conferences with business owners, depositions, court);
 - iv. Time spent on permit activities;
 - v. Time spent on administrative tasks (data processing, scheduling);
 - vi. Time spent assisting in enforcement of civil penalties;
 - vii. Costs (if any) associated with enforcement of civil penalties.
 - b. FIRE MARSHAL shall make quarterly reports to the MUNICIPALITY and to the COUNTY itemizing the number of buildings, structures, premises

0002701

THIS PAGE INTENTIONALLY LEFT BLANK

and conditions inspected/investigated and reinspected during the quarter and the time spent on each inspection/investigation and reinspection and the number of permits processed, approved, denied or revoked; In the event FIRE MARSHAL makes no inspections/investigations or reinspections in any given quarter, no report (or invoice) will be required of FIRE MARSHAL;

- c. FIRE MARSHAL shall maintain and file such records as are required by all applicable laws and regulations, including but not limited to those records required by the North Carolina Fire Commission as prescribed by N.C.G.S. Chapter 69-1.
- d. All records kept and maintained under this Agreement shall be available for inspection or copying by MUNICIPALITY during reasonable business hours.

9. COMPENSATION:

As compensation for services provided under this Agreement, MUNICIPALITY shall pay to the COUNTY all actual costs incurred by the COUNTY in provided such services. FIRE MARSHAL shall prepare and submit a quarterly invoice to the MUNICIPALITY with said invoice itemizing the actual cost to the COUNTY of the services provided during the quarter as determined by the Henderson County Finance Department. It is expressly understood and agreed that the actual cost to the COUNTY may, from time to time, increase or decrease in accordance with COUNTY pay scale adjustments, fluctuations in IRS mileage rates, telephone rate, etc. Attached hereto and incorporated herein as Exhibit A is an itemization of the current cost components as they pertain to the services contemplated under this Agreement. COUNTY agrees to provide MUNICIPALITY within an updated cost component sheet within thirty (30) days of any change in actual cost.

All payments by MUNICIPALITY to COUNTY shall be made in U.S. Dollars to COUNTY at its location specified in the invoice.

All invoiced amounts are due and payable to the COUNTY within thirty (30) days of the date of invoice. In the event that payment is not received within the time prescribed, MUNICIPALITY shall be considered in default of this Agreement and said Agreement may be terminated as provided herein.

In the event the FIRE OFFICIALS perform no inspections, investigations or reinspections in any given quarter, no invoice will be submitted.

002703
BY SUP

THIS PAGE INTENTIONALLY LEFT BLANK

10. **TERM:** The term of this Agreement shall be two (2) years from the date of execution of this Agreement. This Agreement shall automatically be extended for successive two (2) year terms. If either party wishes to terminate this Agreement, said party must give written notice to the other party ninety (90) days prior to the termination date of the initial or extended term. In the event of such extension, all the terms and conditions as set out in this Agreement shall continue in full force and effect.
11. **TERMINATION:**
- a. UPON NOTICE OF NON-EXTENSION OF TERM.
 - b. UPON MUTUAL CONSENT: This Agreement may be terminated by the parties upon written consent signed by all parties.
 - c. UPON NOTICE: This Agreement may be terminated at any time, and for any reason whatsoever, by MUNICIPALITY or COUNTY by giving the other party six (6) months advance written notice.
 - d. UPON DEFAULT: In the event of default, this Agreement shall be terminated upon thirty (30) days written notice to the defaulting party of such default, unless the defaulting party cures such default within that amount of time. In lieu of termination COUNTY may suspend performance under this Agreement until payment is received from MUNICIPALITY.
 - e. COMPENSATION UPON TERMINATION: In the event of termination, FIRE MARSHAL shall invoice MUNICIPALITY and MUNICIPALITY shall pay for all services performed under this Agreement and for actual expenses incurred up to the date of termination and such payments shall be made in the same manner as if termination had not occurred.
12. **NOTICES:** All notices given hereunder in writing shall be deemed to have been given when delivered personally or deposited in the United States mail, postage prepaid, addressed to such party at the address set forth below or at such other address as such party may have subsequently provided in writing:

MUNICIPALITY:

002705

THIS PAGE INTENTIONALLY LEFT BLANK

COUNTY: Henderson County Manager
100 North King Street
Hendersonville, NC 28792

FIRE MARSHAL: Henderson County Fire Marshal
101 East Allen Street
Hendersonville, NC 28792

13. MISCELLANEOUS:

- a. This Agreement constitutes the entire agreement of the parties hereto and no changes or modifications shall be binding upon either party except pursuant to the terms hereof or an instrument in writing signed by the parties hereto.
- b. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single instrument.
- c. In the event any term, covenant or condition of this Agreement is deemed invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- d. The failure to insist in any instance upon strict performance of the other party shall not be construed as a permanent waiver of such covenant, or as a waiver of any other of the terms or covenants contained herein, unless such waiver shall be in writing.
- e. All provisions hereof shall be performed in compliance with applicable federal, state, and local laws and regulations.
- f. MUNICIPALITY shall indemnify and hold COUNTY harmless from any and all claims, liability or damages arising from the lawful performance of this Agreement by COUNTY, FIRE MARSHAL and FIRE OFFICIALS.
- g. Neither party shall be liable to the other by reason of any failure of performance hereunder if such failure arises out of the acts of

002707

THIS PAGE INTENTIONALLY LEFT BLANK

governmental authority, acts of God, acts of public enemy, acts of civil or military authority, governmental priorities, fires, unavailability of energy resources, riots or war. Any party experiencing such an event shall give as prompt notice as possible under the circumstances and such protection from liability shall last only for the duration of the event of *force majeure*.

- h. The provisions hereof shall inure to the benefit of and bind the parties hereto and their respective heirs, successors and assigns. This document shall be considered to have been prepared equally by the parties hereto and shall not be construed more strictly against either of them. The provisions hereof shall be liberally construed to give effect to their apparent intent.
- i. The interpretation, enforcement and performance of this agreement shall be governed by the laws of the State of North Carolina.
- j. Each party agrees to work in good faith to address any unresolved matters in order to arrive at a mutually beneficial agreement.
- k. Each party represents and warrants to the other that said party has complete and unrestricted power to enter into this Agreement and that the persons executing this Agreement have been duly authorized to execute this Agreement on said party's behalf.

IN WITNESS WHEREOF the parties have placed their hands and seals this the _____ day of _____, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
Robert D. Eklund, Chairman

[OFFICIAL SEAL]

ATTEST:

Clerk to the Board

HENDERSON COUNTY FIRE MARSHAL

BY: _____
Rocky Hyder, Fire Marshal

0002709

THIS PAGE INTENTIONALLY LEFT BLANK

MUNICIPALITY

BY: _____
_____, Mayor

[OFFICIAL SEAL]

ATTEST:

Clerk

[PRE-AUDIT CERTIFICATE]

MUNICIPAL Finance Officer

002711

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A
COST COMPONENTS OF FIRE INSPECTION SERVICES
JUNE _____, 1997

HOURLY SALARIES OF EMPLOYEES:

Fire Marshal (#1553): \$20.83/hour
Fire Inspector II (#1755): \$13.53/hour
Fire Inspector II (#2515): \$12.51/hour
Administrative Assistant (#1752): \$10.69/hour

MILEAGE: Mileage amount allowed as a business deduction by the Internal Revenue Service (currently 31.5 cents/mile)

TELEPHONE CHARGES: As billed (copies of actual bills will be included with invoice)

COPIES: 10 cents per copy

RESEARCH MATERIALS ORDERED: As billed (copies of actual bills will be included with invoice)

ATTORNEY FEES: If contracted, as billed at the following hourly rates

Staff Attorney (#1251): \$32.07/hour
Assistant Staff Attorney (#2600): \$18.52/hour
Legal Assistant (#1525): \$13.53/hour

OUTSIDE EXPERTS: As billed (copies of actual bills will be included with invoice)

OUT-OF-COUNTY TRAVEL EXPENSES:

Mileage: at above-stated rate
Meals: at actual cost
Lodging: at actual cost

002713

THIS PAGE INTENTIONALLY LEFT BLANK

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, the City of Asheville was named an All American City by the National Civic League and the Allstate Foundation on June 7, 1997; and

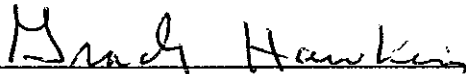
WHEREAS, the City of Asheville was selected from over 120 applicant and 30 finalist cities, and was one of ten cities selected as an All American City; and

WHEREAS, over 50 persons from the City of Asheville participated in this competition by making a presentation based on the application, which highlighted programs sponsored by the City of Asheville, such as Handmade In America, Asheville Vision Process, and Regional Health Care, and

WHEREAS, the designation of All American City by the City of Asheville brings honor and recognition to the entire Western North Carolina Region,


THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners wishes to congratulate the City of Asheville for receiving the distinguished honor of being named an All American City by the National Civic League and the Allstate Foundation. The Board of Commissioners is confident that the City of Asheville will continue to promote award-winning programs in the future.

Adopted this the 11th day of June, 1997.



Grady Hawkins, Vice Chairman
Henderson County Board of Commissioners
Acting Chairman

ATTEST:


Elizabeth W. Corn, Clerk to the Board

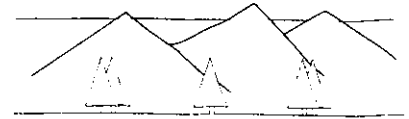
002715

THIS PAGE INTENTIONALLY LEFT BLANK



Resolution

002716
Henderson County



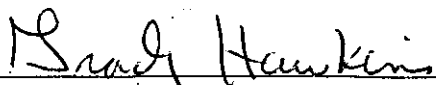
Parks & Recreation

JULY IS RECREATION AND PARKS MONTH

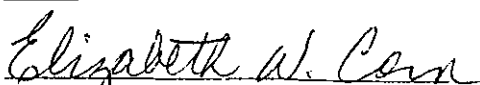
- WHEREAS, physical recreation and meaningful leisure experiences contribute to physical and mental well-being as well as the overall quality of life; and
- WHEREAS, community recreation and leisure opportunities create socially beneficial connections between and among individuals, groups, and communities; and
- WHEREAS, parks and recreation services provide preventive health benefits, support more productive workforces, enhance the desirability of locations for business and families, and stimulate tourism revenues to increase a total community economic development model; and
- WHEREAS, the provision and preservation of parks and open spaces are both an investment and insurance plan for our collective quality of life; and
- WHEREAS, July has been proclaimed Recreation and Parks Month by the National Recreation and Parks Association; and the Henderson County Parks and Recreation Advisory Board;

NOW, THEREFORE BE IT RESOLVED THAT JULY HAS BEEN DESIGNATED AS RECREATION AND PARKS MONTH in Henderson County, North Carolina by the Henderson County Board of Commissioners; and

BE IT FURTHER RESOLVED THAT all residents of this great county are encouraged to join in this nationwide celebration bringing recognition to all the benefits derived from quality public, private and non-profit recreation and park resources at the local level.


Grady Hawkins, Vice- Chairman
Henderson County Board of Commissioners
Acting Chairman

Attest


Elizabeth W. Corn
Clerk to the Board



002717

THIS PAGE INTENTIONALLY LEFT BLANK

81500
002718

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 18, 1997

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (52) 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.

RELEASE, MNT
06/10/97

COMMISSIONER'S REPORT 06/18/97
RELEASES

Taxpayer Name Taxbill Total Reason

BAYER, MARGARET GERALDINE 96A51897.03 \$46.31 DM MH WAS SOLD W/PROP TO #147734

BISHOP, JOHN 96A56287.01 \$72.66 86 14X80 TRADED NEW OWNER #98270

BLACKBURN, DOUGLAS 94A62317.02 \$33.97 MH '81 WAS REPOED IN '91

BLACKBURN, DOUGLAS 95A62317.02 \$45.11 M 81 CONN WAS REPOED IN '91
1

BLACKWELL, EDITH 96A89304613 \$18.00 M HWAS GIVEN NO E. CRUZ IN 1995 #90793

BRIGGS, WILLIAM H 96A9955039.1 \$109.81 THE 3.17A FOR THIS GEOGRAPHIC AREA 9630-34-1348 DOES NOT BELONG TO MR. BRIGGS. DISCOVERED IN ERROR.

BROOKS, FRED O 96A77640.01 \$16.31 DID NOT OWN IN 1996

BULLMAN, DANNY JOE 95A110820.01 \$20.47 1967 MH BURNED 10/94

BULLMAN, DANNY JOE 96A110820.01 \$21.00 1967 MH BURNED 10/94

CANTRELL, JULIAN MARVIN 95A9947283 \$142.26 REMOVED IMPROVEMENTS FROM TOTAL HOUSE BURNED - BILL SHOULD BE FOR LAND ONLY.

CASE, EDITH ALINE 96A8805746.2 \$63.83 MH IS OWNED BY #12203

CASE, EDITH ALINE 96A8805746.1 \$67.89 MH IS OWNED BY #12203

CASE, PERSIS MADOLON 96A9946976.1 \$237.16 PROPERTY DOUBLE BILLED TO UNRELATED ACCOUNT ?1

92200
92200
92200

002720

RELEASE MNT
06/10/97

COMMISSIONER'S REPORT 06/18/97
RELEASES

REL. REPORT
PAGE 2

Taxpayer Name	Tax Bill	Total	Reason
CORN, OSCAR LEE	96A8904656	\$14.68	VALUE TOO HIGH FOR 1997 14X72

DINGWELL, HAROLD A	96A011214.1	\$542.80	PROPERTY DOUBLE BILLED TO THIS UN-RELATED ACCOUNT??????
--------------------	-------------	----------	---

EDWARDS, ELVIS	96A8902989	\$22.02	DOUBLE LISTED #105981
----------------	------------	---------	-----------------------

FIFTH AVENUE AUTO REPAIR SHOP HEATON, GARY D/B/A	96A100012.01	\$113.30	LISTED ON ACCT #156134
---	--------------	----------	------------------------

GEORGIA, DAVID RONALD	97A16927.05.1	\$62.40	INCORRECTLY SENT A DISCOVERY BILL WHICH DOES NOT BELONG TO HIM
-----------------------	---------------	---------	--

GROOMS, LEE	96A9941505	\$36.61	MH BURNED IN 1995
-------------	------------	---------	-------------------

HALL, RITA	95A105981.06	\$21.79	DOUBLE LISTED #140598
------------	--------------	---------	-----------------------

HAWKINS, DONNA M	95A74749.01	\$104.25	MH PAID ON ACCT #322973
------------------	-------------	----------	-------------------------

HENDRIX, ANTHONY DALE HENDRIX, CHRISTY NAOMI	96A8906327	\$35.60	VALUE OF DW MH TOO HIGH
---	------------	---------	-------------------------

INGELSIDE COMPANY	96A9927372	\$161.84	PROPERTY SHOULD HAVE BEEN TRANSFERRED IN '95 TO ACCT #150558 DISCOVERY TO #150558 FOR '96
-------------------	------------	----------	---

JENNINGS, RONALD	96A8901595	\$65.88	BILLED TO WRONG PERSON
------------------	------------	---------	------------------------

KING, ELMER GENE	96A8901320	\$14.34	DOUBLE BILLED UNDER #59356
------------------	------------	---------	----------------------------

LIENEMANN, HELENE E	96A184046.05	\$132.54	MH IS ON ACCOUNT # 18131 AS REAL PROPERTY FOR 1996
---------------------	--------------	----------	--

003931

RELEASE, MNT
06/10/97

COMMISSIONER'S REPORT 06/18/97
RELEASES

REL. REPORT
PAGE 3

Taxpayer Name Taxbill Total Reason

MCCLURE, VIRGLE AS TRUSTEE 96A9956340 \$72.54 PROPERTY SHOULD HAVE BEEN EXEMPT
OWNED BY ETOWAH LIONS CLUB

GARDNER, RICHARD AS TRUSTEE

MERRILL, SEAN M 96A76477.08 \$4.69 SOLD ECAT 8/96

MOUNTAIN CAMPER 96A8803212 \$18.88 SOLD 1980 SX31 IN 1994

MOUNTAIN CAMPER 95A8803212 \$19.89 1980 SX31 SOLD IN 1994

MOWERY, LLOYD 96A147048.02.1 \$15.92 DID NOT OWN MH ON 1/1/96

PAGE, DAVID H 96A19287.01 \$7.44 VALUE TOO HIGH ON MH
PAGE, AUDREY CANNON

ROBERTS, TIMOTHY JAMES 95A8804228 \$44.38 1979 MH ON #134032

SHIPMAN, WILLIAM 96A9949101 \$234.68 PROPERTY DOUBLE BILLED TO THIS
UNRELATED ACCOUNT, CORRECTED FOR
1997

SHIPMAN, WILLIAM 95A9949101 \$155.23 PROPERTY DOUBLE BILLED TO THIS
UNRELATED ACCOUNT, CORRECTED FOR
1997

SHOPE, JESSE CLARENCE 96A9946649.1 \$270.44 MH BILLED IN ACCT #95062
SHOPE, CARTHA CARTER

SITTON, HARRIETT J 95A0801402.1 \$489.06 DISCOVERY BY ERROR/NOT CORRECTLY
RELEASED

STEFF, WAYNE & WIFE 96A8905129 \$38.00 SM MH TRADED FOR DM
LISTED ON ACCT #154492

THE MEADOWS PH VI UNIT OWNERS 96A9943794 \$0.52 INCORRECTLY CODED AS RESIDENTIAL,
THIS IS HOMEOWNERS ASSOC. AND SHOULD
BE CODED EXEMPT.

002721

025800

RELEASE MNT
05/10/97

COMMISSIONER'S REPORT 05/19/97
RELEASES

REL. REPORT
PAGE 4

002722

005153

Taxpayer Name

Taxbill

Total

Reason

VAUGHN, KENNETH
VAUGHN, DORIS

96A9944868.1

\$129.38

ALREADY BILLED IN ACCT
NUMBER 154659

WHITE, MARK K

96A8801362

\$14.37

1963 MH WAS SOLD

WHITE, MARK K

96A8806243

\$34.09

DM MH OWNED BY R. LEFFORD
ACCT #37724

WILKIE, LINDA F

96A188203.08.1

\$104.13

WORKMAN, DAVID PAUL

93A99366598

\$221.70

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

92A99366598

\$179.95

CONSENT JUDGMENT
5/27/97

WORKMAN, DAVID PAUL

94A99366598

\$220.96

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

91A99366598

\$183.95

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

96A99366598

\$305.07

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

89A99366598

\$125.31

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

95A99366598

\$300.01

CONSENT JUDGMENT 5/27/97

WORKMAN, DAVID PAUL

90A99366598

\$161.25

CONSENT JUDGMENT 5/27/97

WRIGHT, ROBERT MICHAEL
WRIGHT, SUSIE

96A60931.05

\$23.68

DOUBLE-ASSESS.
BILL TO BE PAID BY ACCT.#154639.
M.H. MOVED TO PARCEL 88-06202.

002723 004500

RELEASE.MNT
06/10/97

COMMISSIONER'S REPORT 06/18/97
RELEASES

REL. REPORT
PAGE 5

Taxpayer Name

Taxbill

Total

Reason

TOTAL RELEASES >>> \$5597.35

REQUEST FOR BOARD ACTION**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 18, 1997

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

refund?
The enclosed ~~release~~ requests (12) 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.

RELEASE, MNT
06/10/97

COMMISSIONER'S REPORT 06/18/97
REFUNDS

REL. REPORT
PAGE 1

Taxpayer Name Taxbill Total Reason

APPLE COOPERATIVE INC 96A72313.01 \$61.42 FILED AMENDED TO NEGATE ARB
ASSESSMENT

COOTS, DONALD RAY 96A63745.01 \$11.89 REFUND FOR 1960 MH NEVER OWNED

FLEMING, ROBERT L JR 96A9937678 \$47.39 THIS BILL WAS DISCOVERED TO ACCT
FLEMING, STEPHANIE C 122288 FOR CORRECTION. THIS BILL
SHOULD HAVE BEEN REFUNDED

GARRIN, CELIA 96A9938926 \$104.06 THIS WAS LRM & INCORRECTLY C/T TO
CELIA GARRIN BY MISTAKE.

HAGAN, MARSHALL G 96A9950354 \$441.05 DM ON WRONG PARCEL
HAGAN, MICHELE W /

MILLER, CAROLYN G 96A92034.02 \$20.90 REFUND MH FOR 1970 TRADED IN

PONDER, WILLIAM HERMAN 96A3857.02 \$22.32 71 MH WAS SOLD ABOUT 4 YRS AGO
PONDER, DORIS A

QUALITY FLDOR SERV INC 96A35217.01 \$1019.64 AMENDED ARBITRARY ASSESSMENT
DIFFERENCE BETWEEN 280,000 &
122,890

U S BANCORP LEASING & FINANCIA 96A135348.01 \$552.00 DOUBLE ASSESSMENT W/SKYLINE PLASTIC

WARD, ZOLLIE F 95A9949602 \$2.02 MAPPING CORRECTION PER OWNER AND
GORDON, LOIS WARD SURVEY. MAPPED TO THE OWNERS TO THE
NORTH FOR '97.

WILLIAMS, T C & WIFE 96A8802395 \$48.26 1975 UNKNOWN 14X76 MH
DBLE LISTED

WILSON, CAROLINE E 96A8802541 \$79.14 PROP OWNER PAID TAXES ON 1986
WILSON, JACK W MH BELONGING TO ACCT #86183

TOTAL REFUNDS >>> \$2409.79

002725

000

AMENDED MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
June 18, 1997

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.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, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson and Public Information Officer Chris Coulson.

Absent were: Assistant County Manager/Staff Attorney Angela M. Skerrett and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

Chairman Eklund 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

Palmer Clemmer, Minister of Grace Lutheran Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson added one item as "A-1" Vista Hill Foundation. He also added one item under pending issues as "I-6" Jail Committee and deleted Update on 911 Project.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried. CONSENT AGENDA included:

Review/approval of Minutes

Minutes were presented for the Board's review and approval of the meeting of May 15, 1997.

Tax Releases

June 18, 1997

Page 2

A list of 52 tax release requests was presented for the Board's approval.

Tax Refunds

A list of 12 tax refund requests was presented for the Board's approval.

CIP Monthly Reports

The monthly report on current Capital Improvement Projects for the month of May was presented for the Board's information.

Resolution proclaiming July, 1997 as "Recreation and Parks Month"

In order to recognize and promote the impact and importance recreation and parks make on the daily lives of our county residents, the Henderson County Parks and Recreation Advisory Board and staff recommended the Henderson County Board of Commissioners proclaim the month of July 1997 as "Recreation and Parks Month" in Henderson County.

Resolution congratulating City of Asheville

On June 7, 1997 the City of Asheville received an All American City Award during a competition sponsored by the National Civic League and the Allstate Foundation. Over 50 participants from Asheville attended the competition in Kansas City, Missouri, including children from the Hillcrest community in Asheville. Those in attendance on behalf of the City of Asheville made a presentation based on the application, which was required to be submitted. This presentation highlighted programs sponsored by the City of Asheville such as Handmade in America, Asheville Vision Process, and Regional Health Care. The City of Asheville was one of ten cities selected from 30 finalist city applicants. The City of Asheville was one of over 120 city applicants, which originally applied for the designation. A resolution was presented congratulating the City of Asheville for being named an All American City, which brings honor and recognition to the entire Western North Carolina Region.

Written Order Granting Pardee Hospital, Et Al. Special Use Permit, SP-46-96 On Monday, June 2, 1997, the Board of Commissioners held a quasi-judicial public hearing to consider the application for Special Use Permit SP-46-96 submitted by Margaret R. Pardee Hospital, Four Seasons Hospice, Blue Ridge Community College, Toms Enterprises, Inc., and Thomas Duane Hatchett and wife, Judy Pace

June 18, 1997

Page 3

Hatchett. The special use permit requested was for a nursing facility and Hospice House located near the Blue Ridge Community College campus on College Drive and South Allen Road. On June 2, 1997, the Board approved the special use permit and directed staff to bring back a written order consistent with the Board's discussion regarding the findings of fact, conclusions of law and the decision. The proposed order was presented for the Board's consideration.

Written Order to Amend Carriage Park Special Use Permit, SP-93-13

On Monday, May 5, 1997, and Wednesday, May 21, 1997, the Board of Commissioners held a quasi-judicial public hearing to consider the request of Carriage Park Development Corporation for an amendment to the Special Use Permit SP-93-13. The requested amendment was for a relocation of a boundary line between Development Parcels 23 and 24 within Carriage Park. On May 21, 1997, the Board approved the requested amendment and directed staff to bring back a written order consistent with the Board's discussion regarding the findings of fact, conclusions of law and the decision. The proposed Order was presented for the Board's consideration.

Notification of Vacancies

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

1. Youth Advisory Board - 1 vac.
2. Land Of Sky Regional Council Advisory Council on Aging - 1 vac.
3. Child Fatality Prevention Team - 1 vac.

INFORMAL PUBLIC COMMENTS

1. Dr. Phillip Sellers - Dr. Sellers spoke in favor of restructuring Pardee Hospital for a Hospital Authority. He briefly discussed managed care and its effect on anyone present as well as: 1. quality of care, 2. changing definition of what a hospital is, and 3. competing and contracting. Dr. Sellers was in favor of a BIG A AUTHORITY.

2. Mr. Charles Waters - Mr. Waters is an Attorney in Hendersonville. He asked the Board to restructure Pardee Hospital and grant them authority status. He reminded the Board that responsibility runs from bottom up and from top down. Hospital Authority would provide some isolation for Board of Commission responsibility for day to day operation of the Hospital and would

June 18, 1997

Page 4

also give the Hospital the flexibility to deal with day to day problems.

3. Bryan Aleksich - Mr. Aleksich stated his view that no money should be set aside for maintenance and repair of the schools. The School Board could find money for maintenance and repairs in their \$60 million + budget.

4. Dutch Burdette - Mr. Burdette spoke in favor of curbside recycling. He suggested the Board of Commissioners get public input regarding recycling. He has spoken to a number of waste hauler and only found one who truly recycles.

5. Raymond Ward - Mr. Ward spoke as the spokesperson for the CONCERNED CITIZENS OF EDNEYVILLE. He had a number of questions regarding the site of the package plant for the Justice Academy. He spoke regarding the discharge into Lewis Creek. He requested the Board keep the plant small to control the growth around the Justice Academy.

PUBLIC HEARING - To Consider Renewal of Industrial Park Option

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

This Public Hearing was held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway the Park Property, Lot 8, Lots 1, 1A, 2, 3, 3A, 4, 4A, 6, 7(revised), 7A, and two lots to be dedicated to NCDOT, for a total acreage purchased of 47.0131 acres at a price of \$1,099,697.20.

The current option will expire on June 30, 1997. If approved, this renewal will extend the option for another three month period to expire on September 30, 1997. The price to renew the option until September 30, 1997 will be the quarterly interest at the Nationsbank prime rate of interest determined as of June 10, 1997 on the unpaid portion of the purchase price of \$400,302.76 (the remaining acreage to be purchased includes Lot 5, 22.3709 acres).

07500

002730

June 18, 1997

Page 5

Nationsbank prime rate June 10, 1997 was 8.50%, which would put the option payment at \$8,506.41.

The payment to renew the option for an additional three month term is due on June 20, 1997. Therefore, if the Board desired to renew the option, it would be appropriate to approve this renewal at the close of the Public Hearing.

Public Input - There was none.

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

David Nicholson asked the Board to not take action on this item until following Closed Session to discuss a possible industry.

VISTA HILL FOUNDATION - Don Gladieux

Mr. Gladieux stated that Henderson County has an extremely serious problem which is getting worse. Mr. Gladieux said that he had heard that you can tell more about a community by the way they treat their animals than how pretty their streets are or how good their sidewalks are or whether they have a good arts center. He stated he would present a solution which will not cost the county any money.

Mr. Gladieux has formed an alliance called the "Animal Welfare Alliance". A group of people have come together and are meeting monthly. They are determined to have a big impact in Henderson County on the animal problem. Their agenda at this time is:

1. We must find ways in Henderson County to make people aware of the problem and increase the adoption rate of pets.
2. We must reduce the source of the problem by spaying and neutering of pets.
3. Request the Board of Commissioners to appoint and approve four Animal Cruelty Officers (members of this alliance). As Animal Cruelty Officers, they can go onto private property to investigate animal cruelty but as private citizens they cannot.

Mr. Gladieux is a non-practicing Attorney. He currently has eight handicapped animals in his care. Personally he is building Vista Hill Foundation to be a nice home to take in animals. Once he gets it built he could accommodate 90 dogs and 45 cats.

002800

002731

June 18, 1997

Page 6

The Board of Commissioners responded to Mr. Gladieux that they recently decided to revisit the Animal Control Ordinance in mid August.

HENDERSON COUNTY SOLID WASTE MANAGEMENT PLAN - July 1, 1996 to July 1, 2006

David Nicholson presented the second draft of the Solid Waste Management Plan. This draft includes changes which were incorporated into the draft after the Public Hearing on June 2. It also includes changes which were suggested after the June 5 meeting of the Solid Waste Management Plan Advisory Committee (PAC) and suggested changes after the June 9 meeting between David Nicholson and President of the Waste Hauler's Association.

This Plan should be considered Phase I of a complete plan. The specifics of the recommended programs will be addressed in Phase II, complete with estimated cost and details of implementation. Due to time constraints of the July 1 deadline imposed by the State, it was not possible to conduct an in-depth study. The PAC will begin Phase II immediately.

State Statutes require that the Plan be revised every three years. If the Board chooses, the Plan could be revised every two years or even annually which would be reasonable considering the transition which is taking place now in managing solid waste in Henderson County.

Staff recommended that the Board of Commissioners approve the presented resolution adopting this plan. This action would allow us to meet the deadline required by State law. Included in the Plan are samples of resolutions for each municipality. After official adoption of the resolution by each municipality, these resolutions will be incorporated into the County's Solid Waste Management Plan.

Commissioner Kumor made the motion that the Board adopt the Resolution on County Solid Waste Management Plan. All voted in favor and the motion carried.

BLUE RIDGE COMMUNITY COLLEGE BOND REQUEST

Dr. David Sink, President of Blue Ridge Community College, addressed the Board of Commissioners requesting a bond referendum for BRCC. He shared a need for a new building on the college

June 18, 1997

Page 7

campus - Workforce and Lifelong Learning Building with a projected cost of \$8 million.

Dr. Sink recognized several persons in the audience who were present to back him and support his request:

Mr. Chris Stepp, Vice-Chair of BRCC Board of Trustees
Mr. Dick Baker, BRCC Trustee, former County Commissioner
Mr. Luke Rindal, BRCC Trustee
Mr. John McCormick, BRCC Trustee
Rev. Herman Davis, BRCC Trustee
Sheriff George Erwin, BRCC Trustee
Dr. Pat Eggen, President of the Center for Lifelong Learning

Dr. Eggen had eight members present of the Center for Lifelong Learning. They represent 1,300 citizens of Henderson County who are members of the Center for Lifelong Learning which is an initiative designed for people 50 years and older who contract with the College to offer courses that they want.

This project, submitted to the County Commissioners as a part of the Capital Improvement Program, was scheduled for construction in 1998-1999 with anticipated completion in the year 2000. Since the Long Range Plan was developed, costs have risen, increasing the amount projected from \$5,825,000 to \$8 million -- \$6,750,000 for construction of the 50,000 square foot building and \$1,250,000 for equipment to furnish it. An \$8 million bond passed to build a Workforce and Lifelong Learning Building at Blue Ridge would add approximately 2 cents to the tax rate.

The Board of Trustees for the College recommended this project be put on the bond referendum for this fall.

David Nicholson said if the Board of Commissioners wishes to honestly look at this request, they should consider taking appropriate time to review this request and think about putting a bond referendum on for 1998 as opposed to this fall. County staff will have to go back to Raleigh and work with the Bond Council and the LGC (Local Government Commission).

Much discussion followed regarding bond rate, maximum indebtedness, etc. David Nicholson stated that the County is going to have to be creative and consider all alternatives for financing.

June 18, 1997

Page 8

It was the consensus of the Board to add this item to Pending Issues for later in this agenda to give the Board a chance to think about this.

Commissioner Kumor requested that the Multipurpose Center Committee be invited to appear before the Board at a meeting in the near future to give an update on their Committee activities and where they are in the project. There was consensus that this would be a good idea.

AWARD OF CONSTRUCTION BIDS FOR 911 PROJECT

David Nicholson reminded the Board that the new 911 center is going to be located in the basement of the Administration Building, currently housing the Finance Department. Reconstruction of the Finance space is necessary to accommodate the 911 center. Grier-Fripp Architects out of Charlotte, NC designed the reconstruction and put the project out to bid. Bids were received on June 16, 1997.

State law states that you can bid this out as a single prime contract up to \$500,000. The bid came in over \$500,000, primarily because a generator had been priced incorrectly in the contract. Mr. Nicholson requested the Board of Commissioners reject these bids. The bid specifications will be changed to allow for multi-prime and single prime bids.

Commissioner Ward made the motion to reject the bids. All voted in favor and the motion carried.

Chairman Eklund called a five minute recess.

REORGANIZATION OF THE YOUTH DEVELOPMENT DEPARTMENT

David Nicholson reminded the Board that because of staffing and some other things we have not been taking kids at the emergency shelter for about a month now. This gave staff the perfect opportunity to relook at what the organization of youth development is, both the shelter and community activities.

Dawn Boone, Director of Youth Development, started by introducing her team (transition team):

- Dawn Boone, Director
- Harri-Ann Ellis, Case Manager
- Barbara Metalsky, Night Counselor

June 18, 1997

Page 9

Kathy Nash, Case Manager
Tina Rutledge, Case Manager

Leslie Anderson, Facilitator of the process
Angela Skerrett, Assistant County Manager and
the area Director for Youth Dev. Dept.
Janice McCloud, Clinical Consultant for the Dept.

Youth Development staff presented background information, the purpose of the self-study, methodology that was used as well as a chronological report of the day-to-day process. They also presented a new organization profile outlining their recommendations.

Dawn Boone then reviewed the new organizational profile with the Board:

Short Term Residential Program - the Spectrum Program
To provide 60 day placement with an extension of 30 days as necessitated by individual needs, still maintaining 90 day maximum per licensing requirements.

Staff recommended that the age limit be changed from 8-18 years to 10-16 years.

Staff recommended that staff be sent to Therapeutic Crisis Intervention (TCI) training.

Staff recommended changing the name of the New Hope Youth Shelter to the Spectrum Youth Shelter.

Staff recommended accepting CBA funding contingent upon acceptable memorandum of understanding with juvenile services.

Staff recommended design of an on-site recreation master plan.

Staff recommended staff revisit the security measures recommended by the Henderson County Sheriff's Dept.

Staff recommended implementation of specific performance measures and benchmarking.

1-87500

002735

June 18, 1997

Page 10

Staff recommended implementation of an individualized professional development program for each staff.

Staff recommended completion of the re-organizational effort by July 1, 1997.

Staff recommended entering into memorandums of understanding with all referral agencies.

Staff recommended redirection of the focus of the advisory board from internal operations to external community initiatives.

Staff recommended receiving accreditation by the Council on Accreditation.

Staff recommended establishment of a program of on-site clinical services.

Staff recommended family and parent referrals to require participation by the family mediation program PACE offered by the dispute settlement center prior to acceptance into the short term residential care program.

Staff recommended redesigning staff patterns within the full time employees currently existing. Dawn reviewed a staff configuration and a proposed schedule with the Board. The staff configuration consists of the Board of Commissioners, The County Manager, Area Director Angela Skerrett, Dept. Head Dawn Boone, 3 Case Managers. Staff recommended classifying the Assistant Director's position into a Program Coordinator's position; to reduce the number of Case Managers from four to three converting one into a Residential Counselor's position; to convert the Child Care Specialist position into a Residential Counselor's position; to combine two of the six part-time positions into one full-time Residential Counselor position; to retain the remaining four part-time positions and to retain the Night Counselor's position. Staff also recommended that two staff members be on duty at all times, especially during the night. Currently

June 18, 1997

Page 11

they only have the Night Counselor who provides the awake coverage. They have looked at adding a third person during the hours of 3-9 a.m. to deal with the crises.

Community Wide Programs

To partner with other non-profit, for-profit agencies, and businesses in the community and to extend case management services currently offered in the shelter program to families who are not in the system already and thus are slipping through the cracks.

Ombudsmen role or skilled navigator role

To serve as a clearing house for statistics and data regarding youth in Henderson County, offer individual follow up with agencies where youth services are not being provided and to establish a network among agencies in regard to youth issues to be facilitated by youth development.

Dawn Boone stated that the next step for the year 2000 and beyond would be the reopening of the Spectrum Youth Shelter.

There was much discussion. Chairman Eklund thanked the Youth Staff for an excellent presentation. David Nicholson commended the staff for the fine job they have all done in setting goals, bench marks, etc. for their program and for wanting to achieve accreditation.

SET PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HENDERSON COUNTY ZONING ORDINANCE REGARDING WIRELESS TELECOMMUNICATION TOWERS (as defined)

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 "clean up" the amendments and bring them back. The proposed amendments have since been reviewed and modified by staff. Following 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.

085800

002737

June 18, 1997

Page 12

The Board of Commissioners must hold a public hearing prior to taking action on the proposed amendments. The earliest regular evening meeting at which the Board could hold a hearing and meet the public notification requirements would be Monday, August 4, 1997.

Commissioner Hawkins made the motion to set the Public Hearing for August 4 at 7:00 p.m. All voted in favor and the motion carried.

FIRE PREVENTION INSPECTION AGREEMENT

Henderson County has received requests from the Village of Flat Rock and the Town of Laurel Park for the provision of fire prevention inspections and related services. These are services that the Henderson County Fire Marshal's Office is capable of providing to the municipalities on an actual cost basis.

Mr. Nicholson stated that attached as Exhibit A to a draft resolution is a draft agreement pertaining to this matter for the Board's consideration. This Agreement in draft form has been forwarded to the Finance Director for his review and to the respective municipalities for comment. Staff may be bringing back revisions to the Agreement for the Board's consideration as well.

No action was requested. This was presented for the Board's information.

HENDERSON COUNTY PUBLIC SAFETY TELEPHONE ORDINANCE, AN ORDINANCE TO ESTABLISH COUNTYWIDE 911 SERVICE

Mr. Nicholson presented, pursuant to the Board's request, a draft Ordinance to impose a surcharge on telephone service to pay for the capital cost associated with the new 911 center. The draft Ordinance imposes a \$2.50 surcharge effective November 10, 1997 through November 9, 1998; after November 9, 1998 the surcharge would be reduced to 55 cents. The General Statutes require that a Public Hearing be held on this Ordinance before it can be considered for adoption. Additionally the General Statutes require that the effective date be 120 days after adoption. Staff proposed the following scheduled:

- 06-18-97 Board set Public Hearing for 7-7-97 at 7 p.m.
- 06-23-97 Legal Notice advertised.
- 07-07-97 Public Hearing on Ordinance. Board takes action on Ordinance.

June 18, 1997

Page 13

- 11-10-97 Effective date of Ordinance if Ordinance adopted (surcharge at \$2.50).
- 11-10-98 Surcharge reduced to 55 cents.

Commissioner Good made the motion to set the Public Hearing for July 7, 1997 at 7:00 p.m. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Update on Hospital Reorganization

Our staff has met with hospital staff to hold discussions. They will meet again in about a week for further discussions. A joint meeting with both Boards is anticipated for mid to late July.

Update on School Bonds

The original resolution passed by the School Board did not meet with the approval of the Bond Council. Bond Council drafted a new resolution for the School Board which will be on their June 30 meeting agenda.

Mr. Nicholson stated that a tentative date has been discussed for a bond referendum - November 18, 1997.

BRCC Bond Request

Commissioner Ward brought up the idea of combining a Blue Ridge Community College bond request with the Public School System bonds. Dr. Sink should be ready to bring this to the Board of Commissioners for the next meeting with numbers.

Update on Justice Academy Sewer

David Nicholson passed around a cost estimate and reviewed it with the Board. Gary Tweed has estimated the cost to providing sanitary sewer service for the Justice Academy by utilizing a wastewater treatment plant site on either the Fire Station Property or the County Property just to the rear of the Fire Station. Cost estimate for this option:

Subtotal	\$562,400
Contingency	56,240
Engineering	56,240
Total Estimate	\$674,880

We could locate the wastewater treatment plant near Lewis Creek and pick up a larger service area for approximately the same cost. The treatment plant would be put inside a metal building.

Resolution - American Heritage River

This item was pulled from the Consent Agenda of June 2 by Commissioner Hawkins who wished to find out more information before taking action.

Mr. Hawkins has since received information from the Federal Register. He shared the information with the Commissioners. It was the consensus of the Commissioners to proceed with applying for this designation.

Discussion regarding whether to reschedule mid-month July meeting.

Mr. Nicholson and Mr. Eklund will be in Baltimore at the NACo Conference and Mr. Hawkins will be in Nashville attending a conference. Mr. Nicholson suggested the mid-month July meeting be canceled.

Commissioner Hawkins made the motion to cancel the mid-month July meeting. All voted in favor and the motion carried.

Jail Committee

Mr. Nicholson will schedule this under "Nominations" for the next agenda. He proposed that the Board appoint the following:

- two Commissioners assigned to Committee
- Sheriff
- Jail Administrator
- County Manager
- Three Chiefs of Police
- One District and one Superior Court Judge
- District Attorney
- Clerk of Courts

The Sheriff will appoint some citizens and the Board of Commissioners will appoint some citizens (approx. four each).

NOMINATIONS

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

1. Western Carolina Community Action Board of Directors - 1 vac.

June 18, 1997

Page 15

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

2. Youth Advisory Board - 1 vac.

Anne Whitmire was nominated at an earlier meeting. There were no other nominations. No one had contacted Ms. Whitmire. This item was rolled to the next meeting.

3. Henderson County Board of Health - 3 vac.

Dr. Karen Davis, Larry Baber and Pam Miller were nominated for reappointment at the last meeting. Argie Taylor was nominated. One vacancy is a veterinarian position and one is a pharmacist position. One vacancy is a public position.

Commissioner Kumor made the motion to appoint Dr. Davis and Larry Baber to fill the two designated positions. All voted in favor and the motion carried.

One vacancy was rolled to the next meeting (public position).

4. Mountain Area Workforce Development Board - 2 vac.

Ray Cantrell has submitted two nominees, Kathy Jenkins and Candy Priest. Commissioner Kumor nominated these two ladies and made the motion to suspend the rules and appoint Ms. Jenkins and Ms. Priest. All voted in favor and the motion carried.

5. Henderson County Child Fatality Prevention Program - 1 vac.

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

6. Asheville Regional Housing Consortium - Board of Directors - 1 vac.

Selena Coffey was nominated at the last meeting. Commissioner Kumor made the motion to appoint Ms. Coffey. All voted in favor and the motion carried.

IMPORTANT DATES

David Nicholson reviewed the Commissioners' calendar with the Board.

CLOSED SESSION

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

June 18, 1997

Page 16

1.(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim and to discuss the case of Hollingsworth v. Patricia Miller.

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

3.(a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (1) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

4.(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.

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

BUDGET WORK SESSION AND ADOPTION

Chairman Eklund called the meeting back to order at 1:45 p.m.

David Nicholson presented the Budget Ordinance for the FY 1997-1998 Budget. Based on the Board's discussions of June 17, 1997, staff had prepared the actual Budget Ordinance.

Mr. Nicholson reviewed the Budget Ordinance in some detail. The tax rate is set on page 8, section 17.

Much discussion followed.

June 18, 1997

Page 17

Commissioner Kumor stated that the budget ordinance is based on a 3 cent increase. She felt that an additional one penny (4 cent increase) should be dedicated to building up our fund balance.

Commissioner Good suggested one half cent instead of one cent. He also recommended that \$20,000 be put back in the economic development fund in the budget for the Chamber of Commerce.

The Board had set aside \$57,000 for economic development in the proposed budget. There was discussion of moving \$20,000 of that to the Chamber of Commerce budget for economic development.

Commissioner Hawkins stated that he was not comfortable with using county funds for a position for the Chamber of Commerce.

Commissioner Good requested in writing that additional funds could go to the Chamber of Commerce for economic development, if needed. Much discussion followed.

Commissioner Kumor made the motion to approve the proposed Budget Ordinance. A vote was taken and the motion carried three to two with Commissioners Ward and Good voting nay.

There was a call for a recount. The vote again was three to two with Commissioners Ward and Good voting nay.

Chairman Eklund called a recess at 2:05 p.m. and stated that the Board would reconvene at 3 p.m. to discuss Appleland Industrial Park. Members of the Chamber of Commerce will join the Board at that time.

Reconvened at 3:00

Appleland Industrial Park

Angela Skerrett gave a quick update on Appleland Industrial Park. The Board had previously discussed what to do with Lot 5, the one remaining lot in Appleland Industrial Park.

Ms. Skerrett discussed an option for splitting Lot 5 into two lots. She also reviewed a proposed change to the Appleland Restrictive Covenants that would need to be changed if the Board decides to split Lot 5 into two lots. She also passed around an updated map of the Industrial Park and reviewed that.

June 18, 1997

Page 18

In its entirety, Lot 5 is just over 22 acres. Staff's proposal was to make two lots of Lot 5, the back lot being Lot 5 with 18.4816 acres and the front lot being Lot 5A with 3.8893 acres. Staff also gave the option of selling Lot 5A for O & I (office and institutional) purposes.


Members of the Chamber of Commerce, Bill Lapsley and Roger Hill, recommended the front part of Lot 5 either as commercial or office retail/distribution with the back part of Lot 5 remaining for industry. They felt that the back portion would likely sell for warehouse distribution rather than manufacturing. They felt that the front portion would sell for \$75,000 per acre or more and the back portion for \$25,000 per acre.

Following much discussion, Commissioner Hawkins made the motion to adopt the proposed plan, adjust our Ordinance to comply and go out to bid on the front lot and renew the option on Appleland for an additional three months. All voted in favor and the motion carried.

There being no further business to come before the Board, the meeting was adjourned at 3:27 p.m.

Attest:


Elizabeth W. Corn, Clerk


Robert D. Eklund, Chairman