

MINUTES**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS
AUGUST 21, 1996**

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 Renee Kumor, Vice-Chairman Vollie G. Good, Commissioner Robert D. Eklund, Commissioner J. Michael Edney, Commissioner Don Ward, County Manager David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, and Planner Karen Collins.

Absent was: Assistant County Manager/Staff Attorney Angela Skerrett.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the pledge to the American Flag.

INVOCATION

First Baptist Church Minister Steve Briggs gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson asked that two items be added to the agenda: Multipurpose Committee Report and Set Public Hearing for Appleland Option.

Commissioner Edney asked that one item be added: a discussion of the recreational uses of the regional water authority property. Mr. Lapsley was present and addressed that as well as Commissioner Edney who is the Board's representative (ABWA Board member) to the regional water authority (ABWA).

Chairman's comment - Chairman Kumor informed the Board that she was wearing her T-shirt today for the class of 2009. The children who started school this week will graduate in 2009. She stated that the Board's wishes for those students was that they will graduate, that the county is a place that they will want to stay and that they can find jobs here.

CONSENT AGENDA

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

The Consent Agenda included the following:

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Review of Minutes - January 29, 1996, February 19, 1996, April 18, 1996, May 2, 1996, May 6, 1996 x 2 sets, July 17, 1996, and August 5, 1996.

Road Petition: (for addition to State Maintenance System)

1. Saint Andrews Drive (extension)

The Board had received a road petition (for addition to the State Maintenance System) for Saint Andrews Drive.

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

Notification of Vacancies:

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

Tax Refunds (17)

A list of 17 tax refund requests were received from the County Assessor's office. They were presented for the Board's approval.

Tax Releases (17)

A list of 17 tax release requests were received from the County Assessor's office. They were presented for the Board's approval.

Resolution

The Board was asked to adopt a Resolution Celebrating WHKP's 50 Year Milestone.

INFORMAL PUBLIC COMMENTS

There were none.

REPORT - MULTIPURPOSE CENTER

Marcia Caserio, a member (co-Chair) of the Multipurpose Center Steering Committee came forward to brief the Board on the work of the committee. The committee was appointed early in May and the steering committee is a rather diverse group of individuals representing multifaceted concerns within the community. They have been meeting since May 22. The full committee has met about bi-weekly and subcommittees have been meeting weekly and sometimes twice a week regarding different matters.

The committee was charged with assisting staff with the planning and design of the facility and to assist in identifying outside professional design support to make recommendations to the Board regarding a space analysis and design, to assist the Board with design criteria that will serve the diverse needs of the citizens of Henderson County, to build community interest and support for the project through related public awareness and to devise a fund raising plan for support of the building and its operating endowment that would ultimately be carried out after the preparation of the CIP.

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Mrs. Caserio stated that they are moving along very well. They initially focused on reviewing the work of previous committees. They have reviewed reports of various committees dating back as early as 1988. It has become clear to the steering committee that this project should provide spaces for cultural as well as civic affairs in addition to offering the community another resource for emergency needs. They were recently made aware that the agricultural community had submitted a CIP proposal to the Board in 1995 that would provide an agricultural center in Henderson County. At the recommendation of Chairman Kumor, members of the committee met with representatives of the group that submitted the proposal to review the proposal from the standpoint of looking at any commonalities that could justify working together.

Recommendations:

At the last steering committee meeting, in reviewing their space needs, the steering committee adopted unanimously the recommendation that they present to the Board of Commissioners for approval the combining of the two projects. She gave reasons to do so:

- The economics of building both facilities in one area would be positive because of the shared uses of some of the spaces.
- They believe that probably the two projects can be built cheaper than one in one place and one in another.
- They think that the opportunity for outside funding resources should be greater with a joint venture. They have had some positive indication from Larry Justus at their most recent meeting that state funding possibilities would be more open for a combined project. Federal funding might also come into play with the combination of both.
- They think that in combining the projects there will be greater utilization of the center by all citizens of Henderson County making it more justifiable to the tax payers.

Their additional recommendation to the Board beyond a combined project that would encompass cultural, civic, emergency and agricultural needs would be that once and for all they would like to recommend the location. There is tremendous support for locating the facility in the downtown area. She presented a unanimous recommendation that it be located somewhere in the adjacent spaces to the new courthouse.

In order to finish the charge given to them by the Board of preparing the CIP, she requested the technical support of an architectural firm to draw preliminary lay-out drawings for them so that they can get a serious projection of operating costs. They have had an informal relationship and advice from Grier-Fripp several times during the planning process. They recommended them being hired on an hourly basis to make the needed drawings. She stated that in making that arrangement, they were in no way stating that Grier-Fripp would be the future architectural firm. They have begun the process of garnering financial support. The projection of expenditure for the preliminary lay out drawings would be around \$12,000.

She also recommended that the Board put in place staff support to enable them to look at architectural firms for the full project design.

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Mrs. Caserio stated that timing is everything. The project has been seriously studied since 1988 by various community committees. She stated that without the Board's approval of the recommendations she has made, the steering committee could accomplish no more than the previous committees have.

In review, the recommendations were:

1. Combining the two projects - multipurpose center and agricultural center
2. Location
3. Hire technical support/architectural firm
4. Staff support

As a final comment, Mrs. Caserio stated that Representative Larry Justus had met with the committee and informed the committee that the connector by-pass that has been talked about for the downtown areas has been placed in the T.I.P. (Transportation Improvement Program) and projected to be done in 1998-2000.

It was the consensus of the Board to add this item to the Update on this agenda, to give them some time to think about the recommendations.

SET PUBLIC HEARING ON REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY - APPLICATION #R-21-96 BY DAVID AND NANCY BAYLESS.

David and Nancy Bayless requested the County amend the Official Zoning Map of Henderson County by rezoning portions of a 98 acre tract of land located along the west side of US 25 North in the Balfour area, at the base of Stoney Mountain.

Karen Collins explained that three zoning districts, R-15, C-2, and I-2, currently exist on the subject property and the Baylesses requested that about 1.75 of the existing 32 acres of C-2 be rezoned to R-15, that about 16.5 of the existing 62 acres of R-15 zoning be rezoned to C-2 and that the approximately 4 acres of existing I-2 be rezoned to C-2. On July 30, 1996, the Henderson County Planning Board voted unanimously (7 to 0) to send the Board of Commissioners a favorable recommendation on the rezoning as proposed. Ms. Collins showed the property on a map.

Bill Lapsley was present, on behalf of the applicants. Paul Bayless purchased the property and has subsequently deeded it to his son, David. Bill Lapsley discussed the topography of the property which dictates the zoning also.

The Board of Commissioners must hold a public hearing prior to taking action on this application.

Commissioner Eklund made the motion to set the public hearing for October 7 at 7:00 p.m. All voted in favor and the motion carried.

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DISCUSSION OF RECREATIONAL USES OF THE REGIONAL WATER AUTHORITY PROPERTY

Commissioner Edney reminded the Board that when the Board began this agreement with ABWA, one of the thoughts was to use some of the land out in Mills River for recreational purposes. One of the early thoughts was a river front type recreation park for access to the river. Recently there has been some talk about a regional softball field type facility. Since Mr. Lapsley is familiar with the property, Commissioner Edney asked him to come give the Board a general overview of what properties he thinks might be available for recreational use. Commissioner Edney wanted to get a feel for whether the Board was inclined to do anything.

Bill Lapsley has been heavily involved with the County and the ABWA in the development of the new Mills River Regional Water Treatment Facility. That facility has been designed and is now out for bid, bids are to be received by September 11. In conjunction with the plant, the property which was purchased for that facility is approximately 350 acres. About 80-90 acres are currently planned for the water treatment facility and raw water storage basin. At the confluence of the Mills River and the French Broad is another area of 2-3 acres that involves the construction of an intake and pumping station to get the water out of the two sources and into the water treatment facility. That leaves about 250 acres of land that has been agricultural property for many years. There has been a lot of interest from agriculture for continued use of this land. There has also been interest from a number of recreational groups; softball, baseball, soccer, model airplane clubs, etc. In the months ahead the ABWA will be considering what to do with this property.

Commissioner Edney presented a basic idea of a river park, stating that there is a great potential on this property for a regional softball facility. He has spoken with our recreation director who thinks that initially four softball fields with maybe eight long-term, would fit well on a part of this property. Commissioner Edney stated that it could be a revenue producer to support itself and support other recreation activities there at the new park. He could see the potential of this being a truly regional approach to recreation and having financial resources coming not only from Henderson County but also from the other entities involved in the regional authority.

The Board's opinion was favorable. Following discussion, it was the consensus of the Board for Commissioner Edney to go to ABWA with this same proposal to see how it fits in with their Recreation Master Plan. The Board also asked that this proposal be sent to the Parks & Recreation Board for this review and comment. It was stated that the entire 250 acres is in the 100 year flood plain.

SET PUBLIC HEARING ON A REQUEST TO AMEND THE HENDERSON COUNTY ZONING ORDINANCE - PROPOSED TEXT AMENDMENT TO ESTABLISH A NEW ZONING DISTRICT FOR RESIDENTIAL USES (APPLICATION #Z-22-96) BY VIVIAN HILL.

Matt Matteson explained that Ms. Vivian Hill requested the County amend the Henderson County Zoning Ordinance by adding a new use district called "MR-15". The proposed amendment would create a medium density mixed residential district which allows, in addition to a list of uses

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permitted in many of the County's other residential districts, manufactured homes on individual lots provided certain conditions are met.

On July 30, 1996, the Henderson County Planning Board voted unanimously (7 to 0) to send the Board of Commissioners an unfavorable recommendation on the proposed text amendment. Please note that minutes from the July 30, 1996 Planning Board meeting are not yet available; however, Planning Staff did have a draft for the Board's review today.

Staff briefly presented the facts about the application to the Board of Commissioners today.

Vivian Hill, the petitioner, stated that her intent in requesting this new designation was to eliminate trailer parks or they would have gone with the T-15 zoning change request. T-15 and the R-15 designation are very similar with the exception that a T-15 designation allows trailer parks. She felt that East Flat Rock has too many high density trailer parks already. East Flat Rock is and always has been a mixed residential area; therefore, she felt that a mixed residential designation would only confirm what already exists. She only wants to add to the current R-15 designation, a provision that would allow her to put a manufactured home on her property for use by a family member. Her property is surrounded on three sides by Krekowsky's mobile home development. She has a documented severe disability. She would like for her daughter's mobile home to remain on her property in order that she and the grandchildren could assist her as the need arises as well as also providing a home for her and the grandchildren. She stated that she received from the building permits office facts that confirm that there is a great need in Henderson County for more low income housing.

Jennifer J. Giles, Vivian Hill's daughter, made the same request to the Board. According to the 1990 Census Report, 72.1% of Mothers who are single head of households and their children live below the federal poverty level. She stated that she earns below \$20,000 a year and is also a single parent with children. She stated that about half of her monthly income makes a payment on a mobile home. She stressed the need for affordable housing in our county. If there was a zoning designation allowing people to put an individual mobile home on an individual lot or family acreage and at the same time not allowing trailer parks, it could help with some of this county's tremendous housing problems.

Following much discussion, Commissioner Ward made the motion to set a public hearing for January 6, 1997 at 7:00 p.m. for this issue. All voted in favor and the motion carried.

Chairman Kumor called a five minute recess.

**PRESENTATION BY ROBERT E. SHEPHERD, EXECUTIVE DIRECTOR
LAND OF SKY REGIONAL COUNCIL**

Robert E. Shepherd explained the role of the Land-of-Sky Regional Council (LOS).

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LOS's mission is "Working with local governments, the region's leadership, and State and Federal agencies to foster desirable social, economic, cultural, and ecological conditions in the four counties that they serve." LOS is in its 30th year of service to the region.

Mr. Shepherd reviewed some of the programs that Land of Sky has done over the last 30 years:

The French Broad River Improvement Program which goes through all four counties. This led to the development of River Link to be the volunteer based effort to keep things going.

The I-26 Corridor Association.

Helped develop Blue Ridge Mountain Host - cooperation in regional tourism promotion.

Carolina West - to bring about cooperation in regional promotion for industrial development.

They served as an Appalachian Regional Commission Local Development District since 1966 - which has brought a lot of infrastructure funds into the region.

Sewer consolidation - an effort that 10 years in Buncombe County, bringing together a dozen or so individual collection systems so they could be maintained and managed under a single umbrella.

They've had a strong relationship with the EDA (Economic Development Administration).

They've worked very closely with the Tennessee Valley Authority.

They've been the Area Agency on Aging since 1973.

They have many volunteer programs including the Waste Reduction Program that is relatively new.

They're the only site currently in N.C. for civic network television.

They're currently working with a committee of County Chairmen, Managers, and Solid Waste Directors on looking at regional solid waste options.

They're coordinating very closely with Advantage West and currently administering three grants from them in tourism, economic promotion, and highway promotion.

They've done an investigation of regional air quality this past year.

A new area of infrastructure is telecommunications and technology development. They have the Mountain Area Information Network that will be serving all four counties eventually.

They are working with the State and some Appalachian Regional Commission funding to do a bottom-up plan for use of telecommunications, where the various users can come together and have the benefits of working together regionally.

Mr. Shepherd recognized some of the awards LOS has received and reviewed the nine good reasons for regional cooperation:

1. Saving money - take advantage of economies of scale.
2. Deliver quality services - spread costs to leverage services which would otherwise be beyond a single government's means.
3. Achieve greater political and economic clout.
4. Solve problems - sharing ideas and resources enhances problem solving.
5. Share scarce federal and state resources.
6. Plan more realistically for community inter-dependence.
7. Work on environmental and other "boundary-spillover" concerns.
8. Create a sense of local and regional harmony.
9. Complement strengths and weaknesses.

They have many other programs and projects to help the region.

Jim Stokoe, Assistant Director of LOS, summarized the services to Henderson County:

Carolina West, Inc., a seven county regional economic promotion group has been very busy. He discussed briefly some of their accomplishments.

Solid Waste Planning - A list of projects and grants was reviewed.

Civic Network Television (CNT).

Air Quality Planning - Henderson County will benefit from regional AQ protection/improvement.

Blue Ridge Mountain Host - Henderson County Travel & Tourism is a member.

WNC Highway Corridors Association (formerly I-26 Corridor Association).
I-26 was fully funded, Asheville Connector partially funded. I-26 will become a major artery to the Ohio Valley.

Connect NC Telecommunications Project. Renee Kumor is Chairman of the Task Force. It is a Council to be a grant applicant for the region. Planning process to identify goals for enhancing use of telecommunications technology on a collaborative basis among users (education, government, human services, health providers) across county lines.

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Mountain Area Information Network (MAIN) - A grantee/fiscal agent for a \$800,000 grant to build "community network" in 22 counties. It is now on line in Madison and Buncombe county and moving into Henderson and Transylvania counties. The network will be based in libraries, community colleges and schools for public education access.

CDBG-ED Grant-Loan - They wrote an application for a \$1 million grant for the county to loan to an afghan weaving industry to expand operations and create 67 jobs. Total project cost was \$2.5 million.

Sewer grants: Fletcher, Flat Rock, Justice Academy, and Branford Wire.

Grant Administrative Assistance - helping close out the CDBG E.D. grant for Mountain Home Industrial Park sewer.

7th Avenue Community Development Process - Assisted with planning and grant pre-development in 7th Ave. District, Hendersonville.

Home Program - FY '92-'94 (based on HUD Annual Report 10/1/94 - 6/30/96)

Westfeldt River Park Grant (in 1993) - wrote \$30,000 LWCF grant for development of park.

Grantwriting for Cane Creek and Naples Sewer Projects (pre '95) - wrote FmHA/ARC grant package. County received 2 grants @ \$200,000 each.

Programs to preserve and improve water quality in the County/Region.

Facilitated CJPP Planning Process (FY '95)

Continued T.A. in CJPP and other Criminal Justice programs such as the NC Crime Commission as needed.

CDBG - E.D. Grant - wrote application for \$292,000 sewer grant for Mountain Home Industrial Park, 400 jobs saved and 22 new jobs created.

Study feasibility of a Henderson County Erosion and Sedimentation Control Program - Examine the feasibility of a County Ordinance and enforcement program. Report is completed, awaiting Commissioners' review and action.

T.A. to Fletcher and Laurel Park on stormwater management.

GIS Database of Environmentally Sensitive Lands in the County/Region (significant natural areas, wetlands, parklands, etc.) 60% complete.

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Data/Information on Air Quality in the County.

EMS Region B Program:

Regional EMS Council '95

EMS supervision to EMS Management Institute

EMS Seminar

Basic Trauma Life Support training

Regional EMS Council '96

All of the above, plus computer purchase for EMS Base

Area Agency on Aging - The Federal Older Americans Act (OAA) requires establishment of an Area Agency on Aging (AAA) to qualify local areas for OAA funds and to plan for and help administer programs funded in part by OAA funds. In North Carolina, the 18 Councils of Government also serve as AAAs. This system is also used to "piggy-back" state Home and Community Care Block Grant funds for use by local OAA providers. In Henderson County, OAA funds are used for many services:

Assess/Monitor Home and Community Care Block Grant Providers and Henderson County Council on Aging for USDA funds.

Technical Assistance to Home and Community Care Block Grant providers.

Work closely with Henderson County Planning Committee for Older Adults.

Regional Advisory Council on Aging (4 representatives from Henderson County)

Arranged Training

Consultation & Referral Services - All information and referral requests are handled. If they are not paid by a contract, they are addressed free.

Arranged First Century Club Recognition

Oriented new Chairman and Vice-Chairman of Planning for Older Adults Committee and Lead Agency staff.

Orientation for N.C. Senior Tarheel Legislature, Delegate/Alternate.

Increased efforts to help Planning for Older Adults Committee meet priority needs.

Workshop to develop unit costs for the block grant.

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Update the Area Plan.

Customer satisfaction surveys being developed/implemented.

Retired and Senior Volunteer Program

Senior Companion Program

Senior Community Service Employment Program (Title V)

Aging Support Management Information System (MIS)

Ombudsman/Elder Abuse - 1996

Ombudsman Elder Abuse - 1995

Mayor Bob Parrish came forward and requested the Board's support and help in the Land of Sky Regional Council.

**REPORT BY LAND OF SKY REGIONAL COUNCIL
REGARDING THE FEASIBILITY OF A LOCAL SEDIMENTATION & EROSION
CONTROL PROGRAM**

On March 20, 1995, the Board of Commissioners authorized the Land-of-Sky Regional Council to prepare a report of the feasibility of a local sedimentation and erosion control program. The completed report (35 page study report) was presented for the Board's review.

David Nicholson stated that this was spurred by ECO and the Board of Commissioners. Matt Matteson was the County Staff who has worked with Land of Sky on this report. Bill Eaker from Land of Sky has been the lead person.

Mr. Matteson stated that he was happy to work with Land of Sky on this project. They did a fine job, prepared the report to our specifications in a timely manner. They were asked to address the question "Is there a need for a local Sedimentation and Erosion Control Program and is that feasible in this county at this time?" The Erosion and Sedimentation Control Program is a State program which is based on State Law that requires anyone doing any development work on an acre of land or more to keep that sediment on his own property, not to let that sediment leave and to control the run off so it does not create erosion on someone else's property. Mr. Matteson stated that the question was responded to in this manner "Yes, a local program is feasible." What will it cost? "It will cost about \$73,000 a year." Who will pay for it? "Basically developers but some of those issues can be decided upon as far as balance of developer versus county tax dollars." One of the advantages is better enforcement of what the state is doing, better service, cleaner streams and ponds. What are the disadvantages? "Higher permit costs is one." There is a list of others on page four of the report.

Mr. Eaker was asked just to prepare a very preliminary report, not to go into a lot of detail. That might be a second phase. There was a sample ordinance in the back of the report. Much of the information he prepared was based on what he found throughout the state.

David Nicholson found it interesting that at the time (May 1) there were 146 active sites in Henderson County that had been disturbed and had erosion control plans on the state's agenda. They varied in size from one acre to ten or more. There were 19% of those who had at some point in time received a violation. Since 1990 the state has fined 13 sites in Henderson County. There are four people in the Asheville office. We share an inspector with Polk and Avery counties. Haywood County has a program which is more stringent than the statewide program. They have projected that to do this program in Henderson County, there would be a need for two staff members to administer it.

Bill Eaker was present and answered some questions from the Board. There was much discussion. Mr. Eaker stated that a higher level of service will reduce erosion and sedimentation problems.

Chairman Kumor stated that there is an item on the agenda - a lot of land use questions they would like answered by staff. She asked to be able to place this as one of those questions.

REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY APPLICATION #R-16-96 BY DUKE POWER COMPANY (ACTION ITEM)

Mr. Bart Bryson, representing Duke Power, requested that the County rezone 9.3 acres of property which the company owns on the west side of Oak Grove Road in East Flat Rock. The parcel is currently zoned R-20 (Low Density Residential).

Karen Collins stated that Duke Power originally requested that the property be rezoned to an I-2 (General Industrial) district. On June 25, 1996, the Henderson County Planning Board voted 5 to 1 to send the Board of Commissioners a favorable recommendation on rezoning the Duke Power property from an R-20 district to a C-2 (Neighborhood Commercial) district. Duke Power Company representatives have stated that they do not object to a C-2 designation. Planning Staff recommended that the property be rezoned to an O&I (Office and Institutional) district.

The Board of Commissioners held a public hearing on this item on August 5, 1996.

Commissioner Eklund made the motion to go with the Planning Board's recommendation to rezone this property to a C-2 district. All voted and the motion was carried with Commissioner Kumor and Commissioner Ward voting against the motion. Commissioner Ward favored O&I zoning.

SET A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE HENDERSON COUNTY ZONING ORDINANCE REGARDING HOW THE ZONING ORDINANCE ITSELF IS AMENDED.

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At their meeting on July 30, 1996, the Henderson County Planning Board, after several months of review, unanimously recommended favorably the attached amendments to the Henderson County Zoning Ordinance. These amendments address the procedure by which one may amend the ordinance itself. Most of the proposed changes are housekeeping in nature and several are a result of new State law. Planning Staff recommended a public hearing be set for October 7, 1996.

Mr. Matteson reviewed the proposed changes:

<u>Section</u>	<u>Proposed Change</u>
1201.01	Distinguishes between two types of amendments, text amendments and map amendments.
1202	Changes receiving agency for an amendment application from the Zoning Department to the Planning Department.
1202	Changes the advance time the County has to process the application from 10 days to 30 days.
1202.01	Establishes an application procedure for text amendments.
1202.02	Clarifies application procedure for map amendments.
1203	Extends the time the Planning Board has to act on a rezoning application from 45 to 90 days, with concurrence of the applicant.
1204.01	Reduces the minimum time between newspaper publication and the public hearing from 15 to 10 days to conform with State law.
1204.02	Adds new language for mailed notice requirements based on State law.
1204.03	Adds new requirement for posting the property for rezoning and for new zoning applications.

The current Zoning Ordinance was distributed to the Board as well as a copy of the proposed Zoning Ordinance for comparison.

Commissioner Good made the motion to set a public hearing for October 7, 1996 at 7:00 p.m. All voted in favor and the motion was carried.

OPTIONAL COVERAGE RELOCATION POLICY.

Henderson County, because of its participation in the HOME Program, must adopt an Optional Coverage Relocation Benefits Policy Manual. We have received HOME funding from the Asheville

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Regional Housing Consortium for the federal fiscal years of 1992, 1994 and 1996. Our program has been designed to rehabilitate homes of the elderly and/or disabled individuals in our community.

The manual was developed by Land-of-Sky Regional Council, our administrator, to describe the options that are available to those who receive this assistance. It provides our Henderson County staff and our administrator with the needed information should we be required to relocate persons during their rehabilitation project. The costs associated with this relocation are eligible expenses under this federal funded program. This policy also provides an appeal process for those individuals or families.

Adoption of an Optional Coverage Relocation Benefits Policy Manual is a requirement under the federal regulations associated with our HOME Program. It sets forth policies to be followed should a relocation be required. Staff recommended adoption.

Commissioner Edney made the motion to approve the Optional Coverage Relocation Policy. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/Request for Direction to the Chair.

1. County-wide Emergency Addressing

Chairman Kumor reminded the Board that we have held a public hearing on doing this, adopting an ordinance, and going to an addressing mechanism that will identify all houses and should help emergency response. Since that time we have received calls from a number of new businesses requesting a decision on what the Board intends to do so they can get a new permanent address.

The project is proceeding in Mills River and Fletcher. David asked for staff direction from the Board.

It was the consensus of the Board to proceed with the concept of emergency addressing, to hold more public hearings, have more education, and for staff to bring back to the Board at the September 18 meeting a Schedule of Implementation.

2. N.C. Connect - Technology Plan

Chairman Kumor discussed this plan involving 22 counties in the region. They have asked that each county commit \$1,000 to NC Connect for a process of going to look for some additional grant money. This could be the beginning of our technology plan.

Commissioner Edney made the motion to approve the request of \$1,000 to NC Connect. All voted in favor and the motion carried.

3. Pardee/McCurry Property

Mr. McCurry appeared at one of the public hearings about the Pardee Hospital Reorganization with some issues about his property which joins Pardee Hospital.

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Several of the Commissioners have met with him as well as the County Manager. David felt it was a very complicated issue.

David Nicholson requested approval from the Board to enlist an Engineer outside Henderson County to provide information on what is happening with the McCurry property and come up with some solutions to the problem.

It was the consensus of the Board for the County Manager to proceed with hiring an Engineer.

4. **Status of Codification**

Staff has requested a draft of the Code prior to the mid November meeting from General Code Publishing Company.

5. **Multipurpose Center**

Chairman Kumor had received some questions from Marcia Caserio regarding the Multipurpose Center:

1. Has the Board agreed with the concept of combining the agriculture and multipurpose center?
2. Has the Board agreed that the placement would be downtown near the Courthouse.

Chairman Kumor asked for discussion from the Board.

Following discussion, the consensus of the Board was favorable for the combination of a cultural/agricultural center. There were some questions regarding the exact location of the structure.

Marcia Caserio came forward stating that since her presentation this morning, she had contacted Priscilla Cantrell at the Community Foundation to see if there were any funds available for the Board to tap into. She was told that there is \$40,000 that could be allocated in support of the planning and design of the project. She recommended that a letter from the Board be sent to the Community Foundation requesting the funds, as much as \$30,000 with the warning that more may be needed.

Commissioner Edney made the motion to send a letter to the Community Foundation requesting the release of money and direct our Finance Department to set up an account to hold the money. Whatever is not used of it will go back into the Foundation. All voted in favor and the motion carried.

Ms. Caserio had asked for some staff support to begin interviewing architectural firms for the final drawing of the facility. They hope to have the CIP to the Board by late October. David Nicholson discussed the possibility that maybe the CIP should be submitted for Board approval prior to the hiring of an architectural firm for final drawings. The Board authorized David Nicholson to be staff assistance to the Community Foundation.

Ms. Caserio stated that they would like to continue meeting with Grier-Fripp Architectural firm and wanted to be sure that wouldn't interfere with work the firm is currently doing for Henderson County. She was assured it would not.

Commissioner Good made the motion for the Board to go into Closed Session as permitted pursuant to 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 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.
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.

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

2:00 p.m. SOLID WASTE WORK SESSION

Chairman Kumor called the meeting back to order and there was discussion of the cycle of solid waste.

David Nicholson reminded the Board that we need to come to some short term and long term solutions. He briefly reviewed history of our Stoney Mountain Landfill. There was some discussion of the following:

LAW

1. Solid Waste Ordinance
2. NCGS 130A Article 9 "Solid Waste Management"
3. NCGS 130A Article 1, Part 2, sections 17-25
4. NCGS 143-128 Article 9 "Public Contracts"
5. NCGS 153-132.1 "To Provide for the Removal & Disposal of trash, garbage, etc."
6. NCGS 153-136 "Regulation of Solid Wastes"
7. NCGS 153A Article 15 "Public Enterprises"
8. Solid Waste Management (Administrative Code) Title 15A, Chapter 13
9. 1995 NC General Assembly Ratified Bill - House Bill 859
"Act to Revise the Solid Waste Management Act of 1989 & Related Statutes"

FLOW CONTROL

1. Whose Waste is it Anyway?
2. Recycling and the law: the flow control battle (from Resource Recycling)
3. 1993 Recent Judicial Decisions Relating to Solid Waste Flow Control
4. Flow Control Ordinances Held Unconstitutional: (June '94)
C & A Carbone, Inc. v Town of Clarkstown from Local Government Law Bulletin
5. House trashes flow control legislation by Diane S. Shea, Associate Legislative Director from County Lines (2-19-96)

RECYCLING

1. Recycling and the law: the flow control battle (from Resource Recycling)
2. Materials Recovery Facility Contract with Garbage Disposal Service, Inc.
3. Solid Waste Haulers Association "Joint Recycling Effort"
4. NC Recycling & Solid Waste Management Plan
Volume I - Assessment of Local & Regional Infrastructure and Resources
Volume II - State Strategy
Volume III - Local Government Guidance and Technical Assistance

METHANE GAS

1. Environmental Services Agreement - NC Municipal Landfill Gas, LLC

FINANCIAL INFORMATION

1. Legal Issues in the Financing of Solid Waste Disposal Facilities
(from Local Government Law Bulletin)
2. Total Revenues/Total Expenses
3. Tipping Fees from Wood Waste
4. Recycling Cost 1994 to Current
5. Solid Waste Financial Analysis by DMG
6. DRAFT - "Alternatives Cost Analysis Report" Solid Waste Disposal Options by William G. Lapsley Associates, P.A.

LANDFILL STATISTICS AND INFORMATION

1. Tire Recycling
2. White Goods/Metal Recycling
3. History of Solid Waste
4. Actual Tonnage Buried
5. Drop off Sites Weight Summary by Commodity 1994
6. Solid Waste Stream Quantity and Composition Study for Henderson County by Sandi Maurer and Robin R. Sexton
7. Transition Plan for the Henderson County NC Stoney Mountain Road Sanitary Landfill by William G. Lapsley and Associates, P.A.
8. Solid Waste Landfill Site Utilization Study, Henderson County by William G. Lapsley and Associates, P.A. (March 1993)

MISCELLANEOUS

1. Issues and Opinions (Internet Article)
2. Implications to Local Governments of the Solid Waste Management Act of 1989 (Chapter 784 of 1989 NC Session Laws) by Philip J. Prete and Elizabeth W. Dorn
3. Recent passage of HB 859 from Dexter R. Matthews, Chief Solid Waste Section
4. Changes require amendments to 1989 Solid Waste Act (3-27-96) by Ed Regan, Deputy Director from County Lines)

David discussed the changes in solid waste issues in Henderson County including but not limited to staffing, transferring, education, etc. He stated that the process needs to begin immediately. They need to find an engineer who can help staff, work on the facility design for the transfer station, the permitting, and the construction. He would prefer to work with one firm that can supervise all those issues.

On January 1998, Henderson County must contract with another entity to receive our solid waste. We have no choice. We cannot site, construct, and permit a landfill in Henderson County by January 1998. Where do we take our solid waste, a public facility or a private facility? He explained the options to the Board. If we go with a public facility, we will probably have to haul our waste. He discussed briefly the issue of fees/costs.

Mr. Nicholson stated that long-term there are no givens. There are many long-term options. He stated that it is still probably cost effective to look at either taking the solid waste outside of Henderson County to a lined facility or develop our own facility. Unless the Board offers other options, those are the two that staff will study.

Mr. Nicholson stated that staff wants to seek input from the Solid Waste Advisory Committee. He asked the Board to charge the Committee and staff to look at the long-term waste solutions for Henderson County.

Closing the Landfill Site - Because of the fact that we have to monitor that site for 30-40 years and likely forever, we need to continue to utilize the facility. What activities will we continue to have at the site. Staff feels that the transfer station should be built on that site as well as keeping the white goods area on the site, the recycling center, and a C & D landfill. We will have to continue to monitor environmental issues: ground water, methane gas, run off, etc.

Closure Costs - It is important that we work with an engineering firm to convince the state that our ideas about closure are the proper thing to do for a community who has steep slopes like we have. There is no reason to go back and put another cap on the area where the water is going to run off it, it already has a cap on it. Gary Tweed has put a good proposal together which is cost effective and environmentally sound for our community.

Three to four years down the road, who knows what will happen to the site.

Summary - Flow control changed the way that we look at things in Henderson County and it has delayed a high-tech. landfill for Henderson County. If that issue had not come to the forefront 2-3 years ago, we would probably be close to being in a new landfill as we speak. When that issue came along it certainly changed things. All the options are still on the table. Henderson County could still site a new landfill.

We need to use our current site until 1998 and beyond. We will be using that site for many years, not necessarily as a solid waste landfill but from a standpoint of other uses on the site we will continue to use the site.

We must build a transfer station and we must contract with someone to take our solid waste after January of 1998. Henderson County needs to start that process immediately.

Following David's presentation, he opened the floor to questions. Some discussion followed.

Request for Board Direction to Staff

Staff requested direction from the Board to:

1. Move the recycling center
2. Alter the traffic pattern
3. Develop a Construction & Demolition (C&D) landfill area
4. Enlarge the workface of the landfill to accept waste until January 1998
5. Begin the Transfer Station Planning
Financing, Design, and Permitting Processes
6. Review our Options
Haul outside our County
Build our own landfill
7. Start working with the SWAC to assist staff with recommendations for long-term solutions

002121
021300

August 21, 1996

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It was the consensus of the Board for staff to go ahead with the top four directives. The Board will activate the Solid Waste Advisory Committee (SWAC). Staff will bring back a recommendation of an Engineer to assist with the permitting, the design, etc.

Chairman Kumor called a brief recess. The Board will then reconvene to finish agenda items.

Chairman Kumor asked that an addition to Update on Pending Issues for next month be a discussion item on School Board discussion.

She also reminded the Board that she had put in their mailboxes a job description for the County Manager. We have been reviewing everyone's job description and this one is the Board's responsibility.

She suggested a meeting with the BRCC Trustees at the mid-month November meeting, maybe at lunch time.

MID-YEAR DIRECTION TO STAFF CONCERNING LAND USE ISSUES.

Below is a list of land use issues that staff requested direction on from the Board of Commissioners

1. LUGS

Following discussion, it was the consensus of the Board to do away with this but to proceed with a "MUD" multiple use district or "Safety Net Zoning", some type of protection. An overview of the Multiple Use District was distributed for the Board's review and consideration.

2. Vested Rights Ordinance

Following discussion, it was the consensus of the Board to continue to pursue this. It was the pleasure of the Board to revisit this at the September 18 meeting and to set a public hearing at that time.

3. Naples Interchange Zoning Study

The Town of Fletcher has satellite annexation there and they are looking at it either for ETJ or for annexation into the Town. Staff felt it was not appropriate to spend any additional time on this now because of Fletcher's current status.

4. Flood Damage Prevention Ordinance

Years ago this Board chose not to adopt an Ordinance with the understanding that that was a way to hold off development in a flood plain. It was decided that staff would continue to investigate the options that are available to persons who already live in the flood plain, who built in the flood plain prior to this Board deciding not to adopt a Flood Damage Prevention Ordinance and get into the Federal Program.

5. Land Development Ordinance - Update

August 21, 1996

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The Land Development Ordinance will be ready to present to the Board prior to the 1st meeting in December.

6. Updating the 1993 Land Use Plan

There was some discussion about the Board developing a conclusion to the 1993 Land Use Plan, with staff reviewing and concluding what has been done toward this plan since 1993.

7. Greenways

There was some discussion regarding this with the County Manager suggesting that he get a group of staff together to review and research this issue and report back to the Board their findings.

8. Agricultural Advisory Board - Farmland Preservation

There was some discussion of tax advantages for properties that are in woodlands. The Board had received a letter from the Agriculture Advisory Board suggesting a way to develop farmland preservation. The County Manager suggested that we forward this issue to the NCACC and get their guidance.

9. Sedimentation & Erosion Control

The State is handling this now. It was the consensus of the Board to request that the State send more people to our area, to do a better job. This was a recommended first step.

Chairman's Statement

Chairman Kumor has gathered information from the School Board meeting, the Clerk has done those minutes and the Chairman offered the following conclusions which she suggested she put into a letter to Tom:

“The Board of Commissioners appreciates the opportunity to have met with the Board of Education last evening (so I'll change that). After our discussion, I think we've reached several conclusions. We will work to improve our communications between Boards and with the community. The Boards commit to exchange minutes and meeting information packets, request a Commission member attend the Board of Education meetings, have the Chairs meet regularly, schedule quarterly meetings together and work on media options to keep the community informed. In addition, the Boards will work to understand each others roles, functions, and legal responsibilities. We will each make an effort to understand the public school budget, the Board of Commissions by attending early budget workshops with the Board of Education, and the Board of Education will seek ideas from other localities on different ways to present the public school budget to the community. The Board of Education will prepare a supplemental pay policy rationale for the Board of Commissioners. The Board of Education has proposed a plan for reserving funding reimbursement and the Board of County Commissioners will discuss the ideas and respond in a timely manner regarding the reserve funds.”

NOMINATIONS

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

1. **Senior Companion Program Advisory Council of Land Of Sky - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.
2. **Motor Vehicle Valuation Review Board - 2 vac.** Commissioner Ward nominated Dutch Burdette. Commissioner Edney made a motion to suspend the rules and appoint Dutch Burdette today. All voted in favor and the motion carried.
3. **Henderson County Industrial Facilities & Pollution Control Authority - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.
4. **Asheville Buncombe Water Authority (ABWA) - 1 vac.** Commissioner Edney nominated Commissioner Good to be effective December 2, 1996. Commissioner Ward made the motion to suspend the rules and appoint Commissioner Good today, effective the first Monday in December, so that he can begin to attend those meetings now. All voted in favor and the motion carried.

A direction to the County Manager was to develop a relationship with the Director.

5. **Mtn. Area Workforce Development Board - 2 vac.** There were no nominations at this time so this item was rolled to the next meeting.
6. **Nursing/Adult Care Home Community Advisory Committee - 2 vac.** Barbara Head and Lorraine Finley were nominated at the August 5, 1996 meeting. There were no other nominations at this time. Commissioner Good made the motion to suspend the rules and appoint Barbara Head and Lorraine Finley today. All voted in favor and the motion carried.
7. **Western Carolina Community Action (WCCA) Board of Directors - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.
8. **Hendersonville City Zoning Board of Adjustment - 4 vac.** Commissioner Edney nominated Malcolm Allen, Joe Erwin, and Jay Angel. Commissioner Edney made the motion to suspend the rules and reappoint Allen, Erwin, and Angel today. We have not heard from Dave Adams as to whether or not he is interested in continuing to serve. All voted in favor and the motion carried. This leaves one vacancy.

IMPORTANT DATES

Chairman Kumor reminded the Board of the meeting at Advantage West on September 26 at 5:00 p.m.

August 21, 1996

Page 21

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August 21, 1996

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There was discussion of the scheduled joint meeting with all the municipalities. Chairman Kumor will follow-up with the municipalities to see if September 19 at 5:00 p.m. is good for all the municipalities.

David Nicholson reminded the Board of the following dates:

September 18 at 2:00 p.m. - Pardee Workshop regarding the options available for Pardee Hospital.

October 16 we will have a Video Reception.

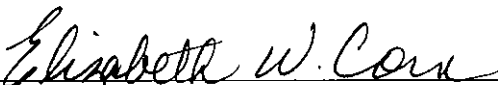
Mid November we will have a presentation of our Henderson County Code.

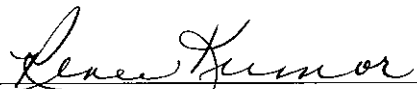
The Board settled on a date for the Annual Volunteer Appreciation Banquet, Tuesday, October 8.

Commissioner Edney made the motion to set a Public Hearing for September 18 at 9:00 a.m. for the Appleland option renewal. All voted in favor and the motion carried.

There being no further business to come before the Board, Commissioner Edney made the motion to adjourn at 4:52 p.m. All voted in favor and the motion carried.

ATTEST:


Elizabeth W. Corn, Clerk


Renee Kumor, Chairman

:002125

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REL. REPORT
PAGE
003152

COMMISSIONER'S REPORT 08/21/96
RELEASES

RELEASE.MNT
08/13/96

Taxpayer Name	Taxbill	Total	Reason
BARRELL, JERRY WAYNE	95A8801779	\$117.90	VINTAGE *MH LISTED & PAID BY ACCT 8328
BARBY COLLINS SURVEYOR COLLINS, BARRY D/2/A	95A92129.01	\$497.20	CLOSED BUSINESS
CORTEZ, ANSELMO	95A9939456	\$159.83	M/H WAS REPOSSESSED IN 1993
CORTEZ, ANSELMO	94A9939456	\$163.70	M/H WAS REP01993
DELLER, LAWRENCE DELLER, SHIRLEY	95A9939392	\$142.00	MH SOLD 6/94 TO ACCT #61165
EDWARDS, BARBARA ELAINE AS TRU	95A8802685	\$9.20	MH WAS RELEASED 4/96. \$1,600 OF ADDITIONS RELEASED NDN
FEATHERSTONE, BETTIE HEISS	95A8802959	\$195.29	94 M/H OWNED BY ACCT # 69289
FORE, THOMAS ARTHUR	95A8803453	\$70.87	MH WAS DEL LISTED TO ACCT 87920
HENDERSON, CURTIS EUGENE	95A62723.03	\$17.56	16' VENTURE BOAT SOLD OVER 4 YEARS AGO. INADVERTENTLY PICKED UP AGAIN
LEDRETT, DEBORAH	94A9942809	\$27.94	NO PARCEL MAPPING PROBLEM TRANSFERRED TO TJM ADVERTISING REMAPPED TO MICHAEL RUFF
LEDRETT, DEBORAH	91A9942809	\$30.04	NO PARCEL MAPPING PROBLEM TRANSFERRED TO TJM ADVERTISING REMAPPED TO MICHAEL RUFF
LEDRETT, DEBORAH	93A9942809	\$27.18	NO PARCEL MAPPING PROBLEM TRANSFERRED TO TJM ADVERTISING REMAPPED TO MICHAEL RUFF
MCCRARY, JOSEPH L MCCRARY, JERT K	89A76599.01.1	\$50.85	85 FORD THUNDERBIRD WAS LISTED AND PAID ON ACCT 27173 FOR 1989.

002152

Taxpayer Name

TXID

Total

Reason

MURKIN, ANNIE LORELL

950000000

\$204.07

SOLO TO OWNIE MILLIONS 1984

MOBILE, RICHARD

950000000

\$56.06

MH LISTED ON ACCT #10040 IN 1995

PESS, KIMBERLY

950000000

\$120.37

94 MH RILLED TO WSONG ACCT FOR 95
S/R BILLED TO ACCT 136324

ROSE, BARBARA & HUSBAND

940000160

\$117.94

ALL PROPERTY SOLD BY 1990

TOTAL RELEASES >>> \$2013.00

002125B

Taxpayer Name	Taxbill	Total	Reason
BEDDINGFIELD, GARY	94A0601085	\$6.10	DOUBLE ASSESSMENT
BEDDINGFIELD, GARY	92A0601085	\$5.60	DOUBLE ASSESSMENT
BEDDINGFIELD, GARY	93A0601085	\$6.10	DOUBLE ASSESSMENT
BEDDINGFIELD, GARY	95A0601085	\$6.75	DOUBLE ASSESSMENT
BEDDINGFIELD, GARY	91A0601085	\$5.60	DOUBLE ASSESSMENT
BRACKETT, J P JR	91A0700271	\$2.80	THIS IS NOW INACTIVE MAPPED AS ROW
BRACKETT, J P JR	93A0700271	\$3.05	THIS IS NOW INACTIVE MAPPED AS ROW WAS REMAPPED FOR 95 MR BRACKETT REQUESTS REFUND ON ALL BILLS PRIOR
BRACKETT, J P JR	94A0700271	\$3.15	THIS IS NOW INACTIVE MAPPED AS ROW FOR 95. MR BRACKETT INSISTS BACK BILLS BE CORRECTED ALSO
BRACKETT, J P JR	90A0700271	\$2.45	THIS IS THE 1ST YEAR THIS WAS VALUED AS MAPPED. NOW MAPPED AS ROW. CORRECTING ALL BILLS
BRACKETT, J P JR	95A0700271	\$1.18	7,500 REFUNDED 2-21-96 OWNER NOW REQUESTS REMAPPING AS ROW AND RE- FUNDING REMAINDER OF BILL!
BRACKETT, J P JR	92A0700271	\$2.90	WAS REMAPPED FOR 1995 MR BRACKETT REQUESTS PREFUND ON ALL BILLS PRIOR
BRADLEY, PRESTON & WIFE	95A8803474	\$111.88	NOT A DW MH ALSO LISTED W/REAL
GIRARD JOHN W JR DDS PA	95A96742-01	\$728.11	CORRECTED VALUE AMENDED ARBITRARY ASSESSMENT

002125C

RELEASE MNT
08/14/96

COMMISSIONER'S REPORT 09/21/96
REFUNDS

REL. REPORT
PAGE 2

Taxpayer Name	Taxbill	Total	Reason
HANDELSMAN, WILLIAM	95A8800600	\$26.17	VALUE TOO HIGH
PHILLIPS, HAYDEN	96A151569.01.1	\$16.04	MH DBL LISTED
SWISS HOSPITALITY INC	95A9951034	\$3025.46	NC PROPERTY TAX COMMISSION ORDER TO REAPPARISE
TJM ADVERTISING THOMPSON, S TODD/GEN PARTNER	95A9942809	\$22.02	PARCEL DID NOT EXIST WHEN BOUGHT BY TJM ADVERTISING

TOTAL REFUNDS >>> \$3974.36

002125

002125D

**OPTIONAL COVERAGE RELOCATION BENEFITS
POLICY MANUAL
FOR
HENDERSON COUNTY, NORTH CAROLINA**

Amended _____

Henderson County
Office of the County Manager
100 North King St.
Hendersonville, NC 28739

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RESOLUTION ESTABLISHING POLICY FOR
OPTIONAL RELOCATION ASSISTANCE

HENDERSON COUNTY, NORTH CAROLINA

WHEREAS, Henderson County has been allocated funds under Title I of the Housing and Community Development Act of 1974, as amended, and/or Title I of the Cranston-Gonzalez National Affordable Housing Act of 1992, as amended; and

WHEREAS, it is the objective, spirit and intent of the CDBG and HOME programs to achieve the revitalization of neighborhoods through improvement of housing conditions for low and moderate income owner-occupants; and

WHEREAS, the rehabilitation of some dwelling units is so extensive that the work cannot be accomplished without temporarily relocating the owner-occupants from their properties; and

WHEREAS, some occupied dwelling units are unfit for human habitation, financially, and structurally unfeasible for rehabilitation, and require demolition; and

WHEREAS, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

WHEREAS, Community Development Block Grant and HOME program regulations permit a subrecipient to design and administer an "Optional Coverage" relocation program which can provide benefits to owner occupants of dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition) or provide assistance to owner-occupants that are temporarily relocated from their properties; and

WHEREAS, such relocation benefits must be utilized by the qualified owner-occupants to obtain replacement housing and/or cover moving and related costs for those owner-occupants voluntarily relocated permanently community development activities; and

WHEREAS, an Optional Coverage Relocation Policy Manual has been prepared and has been reviewed by the Henderson County Board of Commissioners; and

WHEREAS, it is the desire of Henderson County to foster such worthy objectives with the Community Development Block Grant Program and the HOME program.

THEREFORE, BE IT RESOLVED that Henderson County does hereby adopt a policy of "optional coverage relocation benefits" as set forth in the Community Development Block Grant and the HOME program regulations. Such policy is to cover any reasonable financial obligations incurred during any necessary relocation of owner-occupants.

Approved by the Henderson County Board of Commissioners in regular session, this the 21st day of August, 1996.

Elizabeth W. Corn
(Clerk)

Rebecca Turner
(Chairman)

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A. Organization and Administration

The Henderson County Office of the County Manager (hereinafter called "County Office") either directly or through the services of a contracted project administrator, will administer and coordinate all relocation activities (temporary or permanent) resulting from community development activities within Henderson County. Citizens displaced by community development program activities are eligible to receive financial relocation assistance; as permitted under Community Development Block Grant program and HOME program regulations, local governments are permitted to design and administer "optional coverage" relocation benefits not covered under the Uniform Relocation Assistance and Real Property Acquisition Policies of 1970.

B. Eligible Persons

An eligible person is defined as someone whose home (located within Henderson County), is too dilapidated to be economically rehabilitated and is to be demolished, thereby relocating the family voluntarily. All eligible persons must be owner-occupants. When an individual or family is voluntarily displaced as defined above, the benefits in this plan will apply.

C. Optional Coverage for Henderson County

Under Henderson County community development (CD) program activities, the County shall provide relocation payments and assistance to:

- (1) Applicants/homeowners and their families who are temporarily displaced by rehabilitation activities of dwellings located within the CD project area. These persons will be eligible for a Fixed Payment or Actual Moving and Related Expenses if displacement occurs as a result of the activity.
- (2) Applicants/homeowners and their families who are voluntarily displaced by a demolition activity of a dwelling occupied by the families and located within the CD project area. These persons will be provided replacement housing payment and related expenses as outlined in this policy. Assisted owner-occupants under this policy are also eligible for either a Fixed Payment or Actual Moving and Related Expenses if voluntary displacement occurs.
- (3) Applicants/tenants and their families who are displaced by a demolition activity funded with CDBG or HOME funds will receive relocation assistance in accordance with the URA or Section 104d.

D. What is Standard Housing?

The County Office considers a dwelling unit to be "standard housing" and to be decent, safe, and sanitary if (a) it is in good repair and is weathertight, with no leakage nor dampness; (b) it has no health, fire nor safety hazards within the structure or in the

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immediate vicinity; (c) it has safe, running water, a private, sewer-connected flush toilet, and a bathroom for exclusive use of the occupant, with tub or shower with hot and cold running water, all within the dwelling unit; (d) it has permanent, reasonably efficient kitchen facilities for exclusive use of the occupant, including sink with hot and cold running water, cooking stove connections, shelves and storage space for food and utensils; (e) it has facilities or connections for washing and drying clothes; (f) it is large enough to accommodate the occupants without overcrowding; (g) it is equipped with adequate heating facilities, is adequately ventilated by at least one operable window in every room and is screened, or screens are available; (h) it is wired for electricity; and (i) it is located in a neighborhood which is free from industrial and other nuisances, is supplied with the community facilities of a standard neighborhood, and is reasonably accessible to transportation, schools, churches and stores.

All dwellings into which displaced families relocate will be inspected by local inspectors and/or the Project Administrator. If the dwellings are not found to be decent, safe and sanitary, the move will be considered temporary relocation.

E. Equal Opportunity Standards

The County Office will plan its activities to meet the letter and spirit of equal opportunity in housing. All replacement housing is and will be open to all, regardless of race, color, religion or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968, and available without discrimination based on source of income.

The present primary sources of replacement housing are federally subsidized programs, such as FmHA 502, HUD Section 8, and CD Program Assistance. These projects ideally have racially and ethnically mixed occupancy.

F. Relocation Assistance to Families and Individuals

The County Office will provide the following advisory services:

1. Provide current information on the availability, purchase prices and rents of comparable replacement dwellings and other suitable replacement dwellings. Information will be provided on a continuing basis until the person selects the replacement dwelling to which he or she will relocate;
2. Whenever feasible, inspect housing before providing a referral to assure that it meets the applicable standards. Whenever a full inspection (internal and external) is not made, the person shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary;
3. Supply eligible persons with appropriate information about the availability of assistance under the U.S. Housing Act of 1937, as amended, and any State or local programs; and assist eligible persons in applying for such assistance;
4. Advise the person of the person's rights under the Fair Housing Act and of replacement housing opportunities that, to the extent possible, provide a choice between relocating within the displacement neighborhood and other neighborhoods, consistent with the County's responsibility to affirmatively further

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fair housing. Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in areas of minority concentration, that are within their financial means. This policy, however, does not require the County Office to provide a person a larger payment than is necessary to enable the person to relocate to a comparable replacement dwelling;

5. Offer transportation to inspect the housing to which the person is referred. Transportation for the handicapped shall be accessible.

The County Office will coordinate its activities with all existing social and economic assistance programs in order to maximize their availability to displacees. Assistance to prospective home buyers will be provided in locating mortgage financing, if applicable.

G. Assistance to Families and Individuals

To provide a logical sequence of services to the displacees, the County Office adheres to the following procedures:

1. Upon referral from the local government or the Project Housing Specialist, the Relocation Officer contacts the family and/or individuals immediately and :
 - (a) Advises the displacees of relocation procedures and benefits available through the applicable community development program;
 - (b) Gathers pertinent data to ascertain the displacee's relocation and supportive social service needs;
 - (c) Makes referrals to appropriate social and physical service agencies;
 - (d) Provides follow-up to (b) and (c);
 - (e) Assists displacees in completing all necessary applications and forms;
 - (f) Continually updates and enlarges the County Office's listings of available replacement housing;
 - (g) Promotes subsidized replacement housing as is and will be needed for displacees;
 - (h) Provides the displacees with information regarding any current program or assistance available;
 - (i) Informs displacees of any policies, i.e., eviction, moving expenses, etc., that will be applicable to them during the life of the projects;
 - (j) Insures that all housing resources utilized by displacees meet the relocation standards prior to utilization;
 - (k) Insures compliance with the Equal Opportunity Guidelines in all relocation processes; and,,
 - (l) Helps to provide access to any assistance the displacee may need in order to make the relocation process successful.

The County Office has established working relationships with all required public and private agencies to insure the identification and availability of existing housing units for relocatees.

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H. Temporary Relocation

The main aim of the County Office's program is to proceed with the rehabilitation and conservation of the area's housing stock. Such rehabilitation shall be conducted without relocation of the affected occupants, unless this should prove to be absolutely impossible. The temporary housing will be decent, safe and sanitary. Henderson County will only pay for the move from the substandard unit to the temporary unit and back to the rehabilitated unit. The owner-occupant may choose either the Fixed Payment or Actual Moving and Related Expenses.

Increased housing costs incurred due to such efforts will also be considered for payment by reimbursement, within the RHP-T guidelines for temporary moves. Under certain circumstances, Henderson County may provide advanced payment when deemed necessary on a case by case basis.

I. Summary of Relocation Payments Available

Introduction

Relocation payments shall be made as necessary to all eligible families and individuals according to regulations and procedures adopted by Henderson County.

Replacement Housing Payment for Homeowners (RHP-H)

The County Office will make every effort to rehabilitate and conserve the housing stock of the project areas. In the event that a dwelling unit has been determined to be economically and structurally unfeasible for rehabilitation, the County Office will notify the owner in writing of the finding. This will be in the form of a letter of notice of Relocation Eligibility. If the property owners of the dilapidated unit voluntarily agree to permit the County Office to demolish their structure, the displaced homeowner may be eligible for a RHP-H if the following conditions are met:

1. The family or individual owned and occupied the dwelling for not less than 180 days prior to the initiation of negotiations (the date of the notice of Relocation Eligibility) for the removal and replacement of the structure.
2. The family or individual is eligible for a moving payment, and is displaced from their dwelling demolished in connection with the CD project.
3. The family or individuals purchase or occupy a decent, safe and sanitary replacement dwelling within one year after they move from the dwelling to be demolished.

Provided that the above conditions are met, the County Office will provide counseling and the necessary assistance to see that the owner-occupant will occupy a standard replacement dwelling as defined in Section C.

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The relocatee household will be relocated with financial assistance in accordance with levels of the Uniform Act (not to exceed \$22,500 for owners), or if necessary, additional cash can be provided as needed under Last Resort Housing Measures (49CFR24.404) as authorized by Section 206 of the URA. This amount will include the purchase of a comparable replacement dwelling unit and all reasonable costs necessary to ensure compliance with local building codes.

Following the demolition of the dilapidated structure, the County Office will provide the financial assistance needed for replacement housing in order to meet the following requirement:

- (a) Acquire a dwelling; or
- (b) Acquire and rehabilitate a substandard dwelling; or
- (c) Relocate a dwelling which he owns or acquires; or
- (d) Construct a dwelling on a site he/she owns or acquires; or
- (e) Contract for the purchase or construction of a dwelling on a site provided by a builder or on a site he owns or acquires; or
- (f) Any combination of the above activities that will meet the County Office requirements.

Upon the request of the owner-occupant, the County Office will provide the technical assistance necessary to coordinate the relocation and replacement housing activities. Financial arrangements for any of the above activities will be worked out between the County Office and all contracting parties with the owner-occupants. Replacement housing costs will be limited to those necessary to provide the owner-occupant with a standard dwelling unit of adequate size for the family or individual's needs.

Moving Expense Payment for Families and Individuals

Relocates claiming actual moving expenses shall not receive any fixed payment allowances. Payments for moving and related expenses are intended to cover expenditures which families and owner-occupants incur in moving themselves and/or their personal property.

(1) Actual Reasonable Moving Expenses

Eligible expenditures for a family or individual who meets the basic eligibility requirements include the following:

1. The cost of transporting persons or personal property from the affected site to a replacement site;
2. Packing and crating personal property;
3. Obtaining (including advertising for) bids or estimates for transportation, packing and crating;
4. Storage of personal property, for a period generally not to exceed six months, when the County Office determines that storage is necessary;
5. Insurance premiums covering loss or damage of personal property while in storage or transit;

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6. Disconnecting, dismantling, removing, reassembling, reconnecting and installing machinery and the disconnection and reconnection of household appliances in the case of families and individuals; and
7. Property lost, stolen, or damaged during the move when no negligence is shown by the displacee.

Fixed Payment

A displaced family or individual who elects to receive a fixed payment based on the number of rooms in the affected dwelling shall be paid the total of an amount not less than \$250 nor more than \$850.

(2) Fixed Payment allowances

- A. Fixed payments shall be based on the following schedule:

Furnished Units

<u>Number of Rooms:</u>	<u>Fixed Payment Amount</u>
1 Room	\$250.00
2 Rooms	350.00
3 Rooms	450.00
4 Rooms	550.00
5 Rooms	625.00
6 Rooms	700.00
7 Rooms	775.00
8 Rooms	850.00

Unfurnished Units

First Room	\$200.00
Each Additional Room	25.00

Note: By using this Fixed Rate method, the relocatee may move by any available means and no further documentation is required. In special hardship cases, the CD Director may authorize additional expenditures in order to achieve the overall goals of the CD Program.

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Guidelines for Household Moves

A voluntarily displaced individual or family is eligible to receive moving payments for his personal property, himself or his family. The relocatee has the option of payment on the basis of actual reasonable moving expenses or a moving expense schedule.

The above schedule excludes unfurnished or unused rooms, halls, baths, attics, porches, garages, dressing rooms, and utility rooms. (However, should a relocatee have sufficient storage in carports, garages, enclosed porches, attics, sheds, basements or utility rooms, the Relocation Officer may count one additional room for these, but not to exceed one additional room per residence.)

J. Complaint Procedure

Any appeals or complaints concerning the procedures and benefits outlined in this Optional Relocation Benefits Policy Manual shall be in writing and addressed to the Office of the Henderson County Manager, 100 N. King St., Hendersonville, NC 28739 (704/697-4809), or to the appropriate administrative agency (address available from the County Manager at above address). If the complainant requires assistance in writing the complaint, contact or call the above for help. Initially the Project Administrator will contact the person making the complaint and attempt to resolve the problem. A written response will be made within seven (7) working days. If the person making the complaint is still not satisfied, they may approach the Community Development Advisory Board. The Advisory Board will meet with the intent of resolving the complaint within a ten (10) day period from that meeting. If still not satisfied, the complaint will go to the Board of County Commissioners, who will have final authority to review the complaint and to authorize action to resolve the complaint.

Persons may submit written comments to Henderson County (office of the County Manager), to the appropriate administrative agency, or to the participating state or Federal agency at any time concerning Henderson County's compliance with program requirements.

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