

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 17, 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-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson, Planner Karen Collins, and Budget Analyst Selena Coffey.

Absent were: Commissioner Don Ward and County Manager David E. Nicholson, who were in Houston at a NACo Conference. Finance Director Carey McLelland was on vacation.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Eklund led the Pledge to the American Flag.

INVOCATION

Commissioner Good gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Edney added under "E - Update"

1. Personnel Study
2. Donation of a flagpole to the County
3. Letter from Tax Assessor

Angela Skerrett reminded those in attendance that the Todd Moss rezoning request was not on today's agenda due to the fact that we do not have a full board in attendance. That item will be on the next agenda.

Chairman Kumor added under "F - Nominations"

#7 Multipurpose Cultural Center Study Committee

CONSENT AGENDA

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

Consent Agenda included the following:

Review of Minutes - Minutes were presented for review and approval of the July 5, 1996 meeting.

Resolution - "Sheriff's Week"

The Board was asked to name the week of August 4, 1996 as "Sheriff's Week" in Henderson County, in recognition of the North Carolina Sheriff's Association. Henderson County has been honored by being selected to host the annual conference of the Sheriff's Association from August 4 through August 7.

Application for Transportation Funds

Included in the Fiscal Year 1996-1997 Budget are funds for the Elderly & Disabled Transportation Assistance Program (EDTAP). This transportation program is operated in Henderson County by Western Carolina Community Action (WCCA). To continue to receive these funds, the Chairman of the Board of Commissioners and the County Manager must sign a Certified Statement. The Board of Commissioners was asked to authorize execution of this statement.

**Subdivision Improvement Guarantees - Sharons Crossing,
Section II A - Extension Request**

Henderson County has received a request from Robert L. Fleming Jr., Owner/Developer of Sharons Crossing Subdivision for a 6 month extension to complete subdivision improvements. The Board's custom has been to grant such requests for extensions as part of the Consent Agenda. Stuart Rohrbaugh, Henderson County Planner, reported that the developer has made satisfactory progress toward completing these improvements.

Mr. Fleming provided a signed Trust Agreement as the developer's guarantee rather than the usual Letter of Credit.

Amendment to SP-19-94 for PUD in Champion Hills

At the July 1, 1996 meeting, the Board of Commissioners approved an amendment to Special Use Permit SP-19-94 for a planned unit development being developed by the Branigar Organization in Champion Hills Subdivision. The amendment deleted two dwelling units from the planned unit development and replaced the units with

a park. The Board directed staff to prepare an order as per the findings and conclusions made by the Board of Commissioners.

It has been staff's practice to present the resulting order to the Board as part of the consent agenda.

Road Petition - Maple Leaf Drive (addition to state maintenance system)

Henderson County has received a road petition from residents of Maple Leaf Drive, for addition to the state maintenance system. It has been the practice of the Board to accept road petitions and forward them to NC DOT for their consideration.

INFORMAL PUBLIC COMMENTS

1. George Barry - Mr. Barry spoke regarding an up-coming agenda item - **Abandonment of SR #1219**. He wished to address a question that arose at the last meeting "would abandonment of this road affect the access to the road in the future and therefore impact the property values?".

Mr. Barry has spoken with their attorney, Mr. William Shumway, who said that he didn't see that abandonment of this road would affect property values in any way because nothing would change as far as ownership or assets.

Mr. Barry said that they would like to address safety. This road is a speedway. It has a blind hill. DOT has put stop signs on all the driveways at the request of the property owners but that made Dalton Road (SR#1219) even more of a speedway. This is the only state maintained road in the division, all others are privately owned.

Mr. Barry stated that if this petition is not approved, that they request that the Board of Commissioners join the property owners in requesting that the NC DOT put three way stop signs on this road.

PUBLIC HEARING - to consider Letter of Interest for CDBG Grant Funds

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

Recently the Department of Social Services (DSS) became aware of available Community Development Block Grant (CDBG) monies that are presently available to promote the creation of jobs for Work First participants. DSS staff have been working with Something Special

and General Electric to put together a program that may qualify for some of the CDBG funds and create jobs for Work First participants in Henderson County.

Angela Skerrett, in conjunction with Something Special and General Electric, presented the proposed program to the Board of Commissioners along with a letter of interest that must be submitted by the Board to the North Carolina Department of Commerce if Henderson County is to be considered for the grant funds. The letter of interest does not obligate Henderson County in any way at this point. It simply outlines the proposed program for which the grant monies would be used. If the Department of Commerce chooses the program for consideration, Henderson County would then be asked to submit a formal application for the grant funds.

The grant regulations require that a public hearing be held on the letter of interest before it may be submitted. The deadline for submission is July 19, 1996. It will therefore be necessary for the Board to take action with respect to the submission of the letter of interest.

Angela Skerrett stated that the proposal would involve the manufacturing of some light products for General Electric by Something Special, creating three jobs. Two jobs would be filled by Work First participants and one would be a supervisory position. We anticipate that the total cost to set this up would be \$150,000 and would be requesting \$50,000 of grant monies for the program. As in all other CDBG grant projects, Henderson County would be the applicant for the \$50,000 and would have to make sure that the jobs were created. At this point all that is requested is approval for submission of a letter of interest, to get our name in the pot.

Public Input

1. Ken Adams - Mr. Adams, Director of Operations at Something Special (also known as the Henderson County Sheltered Workshop), addressed the Board and was present to answer questions.

He would like to see this project create three jobs a year over the next 3-4 years. The particular light product they will produce is currently being produced overseas.

Something Special would provide the floor space for the project. Hopefully G.E. will help provide some equipment.

2. Albert Gooch - Mr. Gooch is President of Kanuga Conferences and President of the Chamber of Commerce. He read a prepared statement

in favor of the proposed project. He is convinced of the potential good that can come from the four-way partnership of the Henderson County Government, the Department of Social Services, Sheltered Workshop, Inc., and General Electric Lighting Systems in the endeavor to put persons to work through the Work First Program.

3. Patti Leonard - Ms. Leonard, Director of the Work First Program through DSS, spoke in favor, stating that this may lead to some other partnerships with other business or industry in the community.

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

Commissioner Eklund made the motion that we submit the letter of interest on behalf of the Board of Commissioners. All voted in favor and the motion carried.

ABANDONMENT OF SR #1219 - Dalton Road

At the last Commission meeting, the Board was requested by homeowners within Willow Lake Subdivision to recommend to the NC DOT that SR #1219 be abandoned by NC DOT so that the Subdivision could control the speed of traffic passing through the Subdivision on Dalton Road. The Board suggested that the Subdivision consult with their attorney to determine whether there is a deeded right-of-way across Dalton Road for the benefit of the owners within the Subdivision to protect their right of access in the event of an abandonment.

Ms. Skerrett recommended that if the Board of Commissioners wished to consider the abandonment of SR #1219, that the Board set a public hearing first.

Commissioner Eklund stated that the major factor here is SAFETY.

Don Elkins stated that the Board would be setting a dangerous precedence to close a road based on speed.

Following much discussion, the consensus of the Board was for staff to try to work with the property owners in conjunction with NC DOT to find a solution to the speeding on the road, other than abandonment of the road.

Chairman Kumor stated that she would send a letter to NC DOT requesting some assistance from them on reducing speed on the road,

possibly erecting three way stop signs, something other than abandonment of the road.

**REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY -
EXTENDING ZONING TO A PORTION OF PINNACLE MOUNTAIN ROAD
APPLICATION #Z-13-96 by Brenda B. Coates**

Karen Collins informed the Board that on June 25, the Henderson County Planning Board voted unanimously (6-0) to send a favorable recommendation to the Board of Commissioners on an application by Ms. Brenda B. Coates to amend the Official Zoning Map of Henderson County. Ms. Coates has requested that the County extend R-40 zoning to an unzoned area on the north side of Pinnacle Mountain Road between Greenville Hwy. (US 25 South) on the east and property in Kenmure on the west.

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

Karen Collins explained the request and showed the property on a map. She was available to answer questions.

Mrs. Coates requested that the zoning be extended to the road, to clean up the edges of the area. She answered questions the Board had.

Following discussion, Commissioner Eklund made the motion to set the Public Hearing for Monday, August 5 at 7 p.m. All voted in favor and the motion carried.

**REQUEST TO AMEND THE OFFICIAL ZONING MAP OF HENDERSON COUNTY
APPLICATION #R-16-96 by Duke Power Company**

Mr. Matteson informed the Board that Duke Power Company has requested that the County amend the Official Zoning Map of Henderson County by rezoning a parcel, approximately 9.3 acres in size, which the company owns on Oak Grove Road in East Flat Rock.

On June 25, 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 Low Density Residential district to a C-2 Neighborhood Commercial district. Planning staff, however, recommended that the property be rezoned to O & I (Office and Institutional) district.

Duke Power initially requested that the property be rezoned from R-20 to an I-2 General Industrial district. However, during

discussions by the Planning Board and its Subcommittee on Zoning, the applicant expressed that Duke Power would like to pursue a C-2 designation.

Staff will briefly present the facts about the application to the Board of Commissioners on July 17.

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

Bart Bryson, Bryson Properties, stated that Duke Power is in the process of down sizing and ended up with an office building and storage building on Oak Grove Road that they have decided to sell. The front part of the property is for sale. They have requested industrial zoning so that they might attract some light industry and create jobs.

Following discussion, Commissioner Edney made the motion to proceed with the application for rezoning to I-2 but to advertise for I-2, C-2, and O & I and to hold a Public Hearing on Monday, August 5 at 7 p.m. All voted in favor and the motion carried.

MARGARET R. PARDEE MEMORIAL HOSPITAL -- CONTINUATION OF DISCUSSION ON RESTRUCTURING

Angela Skerrett passed around a one page hand-out entitled "Statutory Parameters for a LITTLE AUTHORITY as set out by NCGS 131E-9(b).

It was the opinion of Ms. Skerrett that the Board of Commissioners would be charging the Authority with the operation of the hospital, not with ownership. It would still remain a county asset. Currently the Board of Trustees operates the hospital for the county. They are charged with the responsibility of planning, operation, staffing, etc. This would not change with a LITTLE AUTHORITY. By calling them a LITTLE AUTHORITY and by acting under this provision, additional powers can be delegated to the authority that could not be delegated to the Board of Trustees currently.

Chairman Kumor suggested that the Commissioners list the things that they feel are important to include in a LITTLE AUTHORITY and suggest to Ms. Skerrett that she begin to research and make recommendations on those items.

Chairman Kumor proposed setting workshops and proposed that the first workshop be just the Board of Commissioners. The Board would evaluate if the staff has been able to get a definition and to

create this Resolution that we're interested in. Mrs. Kumor also asked for the Board's permission to write to the Hospital Board and ask them if there are certain provisions that they would like the Board of Commissioners to consider for inclusion in the HOSPITAL AUTHORITY and to take that into evaluation as we begin to design a Resolution for a LITTLE AUTHORITY.

There was very much discussion. No date has been set yet for a work session. Hopefully the date can be set at the August 5 meeting.

Ed McCurry - Mr. McCurry came forward stating that he owns property on 2 or 3 sides of the hospital. He spoke of a problem that he has had with the hospital for a couple of years. Mr. McCurry stated that the hospital is trespassing onto his property and have taken his property. He showed pictures of how his property is being washed away. He stated that the hospital has constructed a fence on his property.

Commissioners Good and Eklund agreed to meet with Mr. McCurry next week to visit the site and see the problems.

Angela Skerrett stated that she has received some correspondence from Mr. Aaron with respect to this issue yesterday. It is his summary of the situation. She stated that she would copy the Board.

Chairman Kumor called a 10 minute recess.

UPDATE ON PENDING ISSUES\ Request for Direction to the Chair

1. Sewer meeting - Board of Commissioners work on CIP & criteria for working relationships with municipalities.

The Commissioners set a work session for Monday, August 26 at 7 p.m.

2. Solid Waste Workshop

A solid waste workshop is scheduled for the afternoon of the next mid-month meeting, August 21.

Angela Skerrett stated that staff had met on July 10 to brainstorm on Solid Waste Issues. She briefed the Board on some options that must now be reviewed and considered. These options will be on the agenda for the August 21 workshop.

3. Meeting with municipalities

Chairman Kumor informed the Board that the Clerk had faxed the municipal Clerks for possible dates for a joint meeting. The Clerk had heard nothing back from the municipal Clerks.

Chairman Kumor stated that she would send a letter to the Mayors regarding possible dates for the joint meeting. The Board will likely set a date for the joint meeting with the municipalities at the August 5 meeting.

4. BRCC

Chairman Kumor reminded the Board that during the budget discussion, they chose to pursue an additional stipend for teaching faculty but not to staff members who are solely staff or administrative. As a result, salaries of seven (7) people at Blue Ridge Community College were cut.

Ms. Kumor asked the other Commissioners if it was their intention to cut salaries? Much discussion followed for and against.

5. Personnel Study

Mona Quinn informed the Board that the project has begun to update all employee job descriptions. The project is scheduled to be done in three phases, allowing the departments enough time to really look at the job descriptions closely.

Phase I is scheduled for July 1-31 (10 departments). Phase II is scheduled for August and Phase III is scheduled for October. Mrs. Quinn hopes that by November 15, the Personnel Department will have all job descriptions updated, on file, and distributed back to the departments.

Commissioner Edney had understood that we would be in a position in October for the Commissioners to review job descriptions and possibly make some adjustments to salaries at that time before the proposed cost-of-living increase.

It was the consensus of the Board to be in a position on October 5, to know that every county employee has been described properly and we have a recommendation of what an appropriate salary would be based on their job description, based on what the private sector is paying, and based on salary range.

6. Letter from Tax Assessor

Mr. Edney drew the Board's attention to a letter from Attorney Francis M. Coiner regarding a letter he received from Robert Baird, Tax Assessor. Commissioner Edney stated that the letter did not reflect what it was intended to reflect.

Commissioner Edney asked that a follow-up letter go out to all the people who received the letter from the Tax Assessor. The follow-up letter should explain what the first letter was trying to explain and should apologize for the confusion.

The Commissioners would like to see the drafted follow-up letter before it gets mailed to citizens.

7. Donation of flagpole

Commissioner Edney stated that the owners of the property at Giovanni's Restaurant, corner of Duncan Hill Road and Seventh Ave. (formerly Po Folk's Restaurant) have approached Mr. Edney and asked if the County would be interested in receiving the large flagpole as a donation. There was discussion that the flagpole could be put at the Historic Courthouse to replace the one that is there.

Following discussion, staff was directed to accept the flagpole at the appropriate time.

NOMINATIONS

Chairman Kumor reminded the Board of the following vacancies. Due to the fact that there was not a full board in attendance, no appointments were made. Nominations may be made and voted on at the next meeting.

1. Senior Companion Program Advisory Council of Land Of Sky - 1 vac. There were no nominations at this time so this item was rolled.

2. Motor Vehicle Valuation Review Board - 2 vac. There were no nominations so this item was rolled to the next meeting.

3. Henderson Cou ty Industrial Facilities & Pollution Control Authority - 1 vac. There were no nominations so this item was rolled to the next meeting.

4. Asheville Buncombe Water Authority (ABWA) - 1 vac. There was some discussion. No nominations were made so this item was rolled to the next meeting.

5. Henderson County Board of Health - 1 vac. Commissioner Good nominated Keith Dale, a registered professional engineer, to fill the vacancy. A vote will be taken at the next meeting.

6. Mtn. Area Workforce Development Board - 2 vac. There were no nominations so this item was rolled to the next meeting.

7. **Multipurpose Center Study Committee - 1 vac.** Commissioner Eklund nominated John McCormick to fill the vacancy created when B.J. Romeo resigned. A vote will be taken at the next meeting.

IMPORTANT DATES

There were some dates set earlier in the meeting for addition to the calendar:

2 PUBLIC HEARINGS	August 5 @ 7 p.m.
Solid Waste Work Shop	August 21 in afternoon
Sewer Work Session	August 26 @ 7 p.m.

CLOSED SESSION

Commissioner Edney 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 acknowledged and to discuss the case of Mattingly v. Henderson County. 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)(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.

CODIFICATION WORKSHOP

The Board reconvened for a Codification Workshop at 2:00 p.m.

Angela Skerrett reviewed the Codification Manuscript with the Board. The following Ordinances were discussed:

Bird Sanctuary
Cable Television
Energy Conservation

Fishing
 Junkyards and Vehicle Graveyards
 Mountain Ridges, Protection of
 Pawnbrokers
 Solicitations on County Property
 Sewer Assessment
 Smoking
 Subdivision of Land
 Sunday Activities
 Taxation, Double Taxing, Road Tax, Collection, Room Occupancy
 Tax, and Sales Tax
 Parking on County Owned Property
 Water Supply, Watershed Protection
 Massage Parlors

There was some discussion of Enforcement sections of Ordinances.

General Assembly Enactments were discussed.

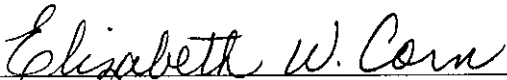
The appendix to the Code was discussed and whether or not to include the following:

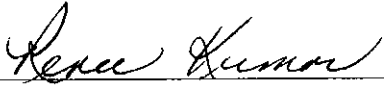
Cable Franchises
 Ambulance Franchises
 Water and Sewer Districts

Ms. Skerrett will meet soon with General Code Publishers to inform them of the Board's wishes regarding discussions today. Ms. Skerrett will be drafting some changes such as introductory paragraphs, etc. She also reviewed some typographical changes which need to be made.

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

ATTEST:


 Elizabeth W. Corn, Clerk


 Renee Kumor, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

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RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID E. NICHOLSON
COUNTY MANAGER

RESOLUTION

Whereas, the annual conference of the North Carolina Sheriff's Association will be held in Henderson County from August 4, 1996 through August 7, 1996; and

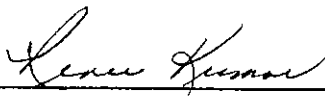
Whereas, the North Carolina Sheriff's Association provides high-quality support services to the Sheriffs of North Carolina and their staff members; and

Whereas, the Sheriffs of North Carolina and their staff members provide an invaluable service to the citizens of North Carolina in working to provide protection from crime for citizens and detection of criminal activities in maintaining safe and secure communities within North Carolina; and

Whereas, Henderson County is honored in hosting Sheriffs from around the State during their annual conference;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners welcomes the North Carolina Sheriffs to Henderson County and wishes to designate the week beginning August 4, 1996 as "Sheriff's Week" in recognition of this auspicious event and in recognition of the fine services provided by Sheriff's Departments to the citizens of North Carolina.

Approved the 17th day of July, 1996.



Renee Kumor, Chairman
Henderson County Board of Commissioners

ATTEST:



Elizabeth W. Corn, Clerk to the Board



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