

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
OCTOBER 2, 1995

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

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

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, E911 System Coordinator, Susan Sneed.

Absent was: Commissioner J. Michael Edney.

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

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was no discussion/adjustment of agenda.

CONSENT AGENDA

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

The Consent Agenda included the following:

**Review/approval of Minutes: March 15, 1995.**

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Minutes were presented for review and approval of the March 15 Commission meeting.

**Notification of Vacancies:**

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

1. Hendersonville City Zoning Board of Adjustment - 1 vacancy.

**Road Petition for addition to the State Maintenance System:**

The Board had received one road petition for Pebble Beach Court (in Etowah's Reach) for addition to the State Maintenance System.

It has been the policy of the Board to accept road petitions and forward them on to NC Department of Transportation for their review.

**Henderson County Financial Report**

The Financial Report was submitted for the Board's review for August 1995.

The higher percentages of total budget utilized in the Data Processing and Fire Marshal Departments are due to the fact that these departments purchased all of their approved capital equipment during the month of July. Also, 67.67% of the total approved dues and donations were distributed in July and August.

**INFORMAL PUBLIC COMMENTS**

1. Renee Kumor - Chairman Kumor attended a meeting today at Lake Junaluska. Third and fourth graders from Upward Elementary School attended and had a presentation called "Nature's Garden". The youngsters received an award for their display. She stated how pleasant it was to see youngsters from our county there, making a presentation and receiving an award.

**PUBLIC HEARING - Public & Private Road Names**

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

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Pursuant to Section 302 of the Henderson County Property Address Ordinance, a public hearing was called to name or rename both private and public roads in Henderson County. There was an attachment of notification that was used to advertise the Public Hearings proceeding. The advertisement was placed in the September 22, 1995, issue of the *Times-News* and each road was posted prior to that date.

**Public Input** - There was none.

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

Chairman Kumor made the motion to accept List A with the exception of Chanteloup Manor, and to accept lists B, D, and E as presented by staff. All voted in favor and the motion carried.

#### VIETNAM VETERAN'S MEMORIAL

Mr. Theron Maybin (Vietnam Veteran's Memorial Committee) had requested time on the agenda to present a proposal to erect a Vietnam Veteran's Memorial at the Historic Courthouse. Mr. Maybin had a proposed location and a sketch of the monument's image.

The consensus of the Board of Commissioners was that the monument be placed on the right hand side of the Historic Courthouse lawn, facing the Courthouse.

#### REQUEST TO SET A PUBLIC HEARING FOR PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - ECONOMIC DEVELOPMENT DIRECT LOAN PROGRAM

David Thompson announced that a local industry is considering an application under the CDBG program. The application involves a direct loan of CDBG funds for industrial equipment associated with an expansion. Before an application can be written, where the County is the applicant of record, a public hearing must be held to consider the concept. This public hearing, which is the first of two hearings required, will in no way bind the County to any action, but is a necessary step in any application process. Staff presented further information.

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Commissioner Eklund made the motion to set the public hearing for Wednesday, October 18, 1995 at 9:00 a.m. to consider the County applying for a CDBG direct loan on behalf of a local industry to fund equipment for the industry's expansion. All voted in favor and the motion carried.

**APPEAL OF PLANNING BOARD DECISION ON STONERIDGE ESTATES SUBDIVISION REQUEST**

Grant Mountain Properties, Inc. (the Developer) is the owner of a 16.0 acre tract on Tom's Falls Road. On June 26, 1995, the Developer submitted an application for Phase I of a major subdivision to the Henderson County Planning Department to develop the property as Stoneridge Estates. On July 25, 1995, the Planning Board considered the application and denied the application.

David Thompson stated that Craig Justus, Attorney for Grant Mountain Properties, Inc., had said their preference would be to have a hearing before the full Board. The staff had no problem with deferring this quasi-judicial hearing. Mr. Justus requested that it be scheduled for October 18.

Following discussion, Commissioner Eklund made the motion to set this quasi-judicial hearing on an appeal of the Planning Board decision on Stoneridge Estates Subdivision request for November 6, 1995 at 9:00 a.m., at the request of the petitioner. This hearing is being postponed with the understanding that the 45 day period will not begin to run until the appeal is heard. All voted in favor and the motion carried.

**ETOWAH RECREATION PARK**

The Parks and Recreation Department requested the approval of the Etowah Recreation Park Master Plan by the Board of Commissioners. After approval, construction can begin. The master plan was presented by Larry Harmon, Recreation Director, for review by the Board.

The Etowah Recreation Park master plan has already been approved by the Recreation Advisory Board and the Etowah Lions Club.

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Eighteen acres were donated by the Etowah Lions Club. Phase I will cost \$25,000 with all four phases costing a total of \$200,000. The dedication ceremony was scheduled for November 4, 1995.

D.C. Cantrell, Mr. Roberts, and Lloyd Williams were all in the audience. They stood and introduced themselves, each being a member of the Etowah Lions Club.

Commissioner Ward made the motion to approve the Master Plan for Phase I as presented by Larry Harmon. All voted in favor and the motion carried.

**DAY REPORTING & RESTITUTION CENTER AND CRIMINAL JUSTICE COMPUTER NETWORK IMPLEMENTATION PLAN**

David Thompson reminded the Board that the County received \$92,771 for assistance in establishing the Day Reporting & Restitution Center (DRRC). This Center will enhance probation supervision of offenders in the community. DRRC will be located in the building currently housing the JOBS Program across from the new Courthouse. This building will house the DRRC Director and Assistant, the Community Penalties Program, and counselors from Trend Mental Health, Consumer Credit, and Blue Ridge Community College.

Mr. Thompson announced that he had hired David Cree as the DRRC Director. The Director has been charged with designing and coordinating a Risk Management Plan to structure offender's time and ensure they pay restitution and attend rehabilitative treatment and vocation skills/GED Training as appropriate.

The second portion of this grant, \$220,620 to be received over two fiscal years is to be used to establish a Judicial Wide Area Network to electronically link criminal justice agencies to a central file server located in the new Courthouse. This grant will help us to establish an accurate, up-to-date, and agency-accessible data base for the specific purpose of targeting offenders for future criminal justice planning. Additionally, an established system of data management will provide a basis for long-term evaluation of community-based punishments as well as the County's Criminal Justice System as a whole. Long-term evaluation was determined to be a particular need in Henderson County because the

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County plans to build a new jail within several years. The Commissioners hope to use this data, collected over several years, to size a new County Jail that is responsive to criminal justice initiatives and structured sentencing.

As usual, beginning an initiative of this magnitude, creates several problems and opportunities that need to be addressed by the Board of Commissioners prior to startup. The related issues that were discussed with the Board involved relocation of the JOBS Program to the County Administration Building. This move is necessitated by placing the DRRC in that building and by the restructuring of the welfare delivery system. In order to do this space must be created in the County Administration Building. It was proposed that DSS Child Support Enforcement be relocated to the new Courthouse earlier than anticipated to take advantage of increased cost of space reimbursements. This funding is viewed for related requirements for establishing the computer network rapidly as driving the County's proceeding with the establishment of an information management system.

David Thompson requested funds from the Courthouse Fund to renovate space for DRRC, also to begin work for temporary relocation of Child Support Enforcement Unit to the new Courthouse. The JOBS employees will be moved to the County Administration Building, Child Support Enforcement employees will move to the new Courthouse in the basement, and DRRC will go into the current JOBS building. The main costs at the building for DRRC are waterproofing the basement and fixing a bathroom in the basement. He also requested permission to begin work on a plan of action for permanent relocation of Child Support Enforcement and possibly Board of Elections to the New Courthouse (a future decision the Board would have to make).

Mr. Thompson stated that he believed the proper utilization of this grant (JWAN) and some visionary thinking on Henderson County staff's part, Henderson County can accelerate another plan. This plan being the establishment of a formal Management Information System (MIS) that will eventually serve as a clearing house for the data that the county departments generate on a daily basis. The space in the new courthouse that is directly across from the Tax Assessor's Office is planned to house such a center in the future.

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Mr. Thompson feels that the grant gives us the opportunity to begin the *initial* establishment of this system. He feels that the total development of a true MIS system will take several years. The grant (\$220,000) includes \$35,000 for contracted services to design the criminal justice network.

Following much discussion, Commissioner Eklund made the motion to approve the whole package as presented by the County Manager. All voted in favor and the motion carried.

#### NON-RESIDENT LIBRARY USER FEE INCREASE

David Nicholson stated that the Library Board and Library Administration requested an increase in non-resident library user fees. The current fee is \$12/year and has been in effect for at least five years. The requested new fee of \$17.00 was based on the amount each Henderson County resident pays annually in taxes to support the library. After discussion and seeing the calculated figures, the true cost would be \$17.80.

Commissioner Good made the motion to increase the non-resident library user fee to \$20.00. All voted in favor and the motion carried.

#### LAND USE GUIDANCE SYSTEM (LUGS) QUESTIONNAIRE

On July 17, 1995 during a special meeting of the Board of Commissioners on the subject of the Land Use Guidance System (LUGS), staff was asked to draft a skeleton ordinance with blanks for different options or decision paths which the Board could fill in. In order to accomplish this in a short time frame, staff needed some guidance on what the Board wants in a Land Use Guidance System (LUGS). A questionnaire was reviewed and discussed as a way for staff to get Board direction.

A workshop was scheduled for Thursday, October 4, 1995 at 5:15 p.m. for the Board to go through the questionnaire, giving direction to staff regarding this proposed Ordinance.

Chairman Kumor called a 10 minute recess.

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COPS UNIVERSAL HIRING APPLICATION APPROVAL Community Oriented  
Policing Services

Sheriff George Erwin feels this grant may provide an opportunity for Henderson County to utilize Federal funding to defer future costs associated with the high-level law enforcement services we currently provide. Apologies were made for the quick time frames for submittal of the application, but the deadline for this grant is October 15, 1995. The office administering this grant said that the amount of funding by Congress is currently undetermined, and funding is on a first-come, first-served basis, and if it is put off until the next grant deadline of March 15, 1996, the funding may not be available. It was noted that the application is the first stage of the grant process. The application will be reviewed over the next two months, and if favored for funding, then an itemized budget will be submitted and then wait another two months until the funding determination would be made. This funding would not be utilized until the new fiscal year beginning July 1, 1996.

The Sheriff believes that an expansion is needed in the areas of patrol and community policing over the next four years. This expansion would be necessitated by the rapid growth of our population demanding service, the cost ineffectiveness of continued payments of overtime to meet this demand, the creation of dense clusters of population, the need for an expansion of prevention programs, and our desire to follow through with community-oriented policing. There was discussion on both the costs and benefits of the application.

Commissioner Ward made the motion to authorize the County Manager to apply for the grant as an option. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/REQUEST FOR DIRECTION TO THE CHAIR

This is an effort to keep the lines of communication open. It gives the Chairman an opportunity to bring the Board up to date on issues that occur between meetings. It is also a time the Chairman can ask for direction so as to develop our public position on current and upcoming topics.



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The topics for this meeting are as follows:

**1. Meeting Room discussion**

Chairman Kumor and the Clerk had reviewed some concerns regarding public using the Meeting Room and had produced a draft of guidelines to be used by users of the meeting room.

Chairman Kumor asked the Board to review the list and comment. Following much discussion, David Thompson stated that staff would draft a policy based on today's discussion and bring back to the Board on October 18.

**2. Long range planning.**

**a) TIP - Transportation Planning**

Chairman Kumor met with members of the TIP committee last Monday. The hearing will be here in the meeting room on October 24.

Chairman Kumor would like to convene the Mayors and request that all the municipal leaders in our county begin approaching transportation planning for the entire county. She plans to report back to the Board on any progress.

**NOMINATIONS**

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

1. **Western Carolina Community Action (WCCA) Board of Directors** - 1 vacancy. Commissioner Good nominated Tom Hardesty for appointment. This will be voted on at the mid-month October meeting.

2. **Community Child Protection Team** -1 vacancy. Chairman Kumor nominated Grace Poli for appointment. This will be voted on at the mid-month October meeting.

3. **Land of Sky Regional Council - Advisory Council on Aging** - 1 vacancy. There were no nominations at this time so this item was rolled to the next meeting.

4. **Hendersonville City Zoning Board of Adjustment** - 2 vacancies.

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

5. **Nursing Home/Domiciliary Home Advisory Committee** - 1 vacancy. Fred C. Peters, Sr.'s position is a designated position and must wait 45 days for a nomination. This vacancy is on hold.

#### IMPORTANT DATES

Commissioners' calendar was reviewed.

#### MUD CREEK WATER & SEWER DISTRICT

Commissioner Eklund made the motion for the Board to adjourn as Henderson County Board of Commissioners and convene as Mud Creek Water & Sewer District Board. All voted in favor and the motion carried.

Commissioner Eklund made the motion for the Board to adjourn as Mud Creek Water & Sewer District and to reconvene as Henderson County Board of Commissioners. All voted in favor and the motion carried.

#### CLOSED SESSION

Commissioner Ward made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 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 Henderson County v. City of Hendersonville. 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.

All voted in favor and the motion carried.

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

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There being no further business to come before the Board, Commissioner Eklund made the motion to adjourn at 10:10 p.m. All voted in favor and the motion carried.

ATTEST:

Elizabeth W. Corn  
Elizabeth W. Corn, Clerk

Renee Kumor  
Renee Kumor, Chairman

