

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
AUGUST 16, 1995**

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, Commissioner Don Ward, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, and Safety/Project Coordinator Bill Byrnes.

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

Rev. Bill Clevenger, Prison Chaplain, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

Consent Agenda included the following:

Review of Minutes - The minutes were presented for review and approval of the July 19, 1995 regular meeting.

Tax Refund Requests - A list of six (6) refund requests was presented for the Board's approval.

Tax Release Requests - A list of five (5) release requests was presented for the Board's approval.

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Commissioner Good made one adjustment to the minutes. Commissioner Good made the motion to approve the Consent Agenda as amended. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Alan Ward - Mr. Ward is a parent of a school age child in Henderson County. He spoke against the possibility of the sale of surplus school property for one dollar. His main concern was that children were attending classes in mobile units and sitting very close to one another. He spoke of some classes not having text books because of under funding. He asked "If the county or the schools do not need money, then why are parents and students asked to conduct fund raisers for basic areas of need."

2. Noel Watts - Mr. Watts thanked the Board for funding Something Special in the budget and for past support of their efforts.

TAX COLLECTION ORDER

As per NCGS 105-321, the Board of County Commissioners must order the Tax Collector to collect taxes levied by the County on or before the first day of September each year. Commissioner Eklund made the motion to approve the order as presented. All voted in favor and the motion carried.

SET PUBLIC HEARING TO CONSIDER RENEWAL OF INDUSTRIAL PARK OPTION

Angela Skerrett reminded the Board that a public hearing must be held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Mrs. Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1-A, 2, 3, 4, and two lots to be dedicated to NCDOT. Recently the County purchased Lots 7 (revised) and 7-A for a total acreage purchased of 35.1508 acres at a price of \$868,145.15.

The current option will expire on September 30, 1995. The renewal would extend the option for another three month period to expire on December 31, 1995. The price to renew the option under December 31, 1995 would be the quarterly interest at the Nationsbank prime rate of interest determined as of September 10, 1995 on the unpaid portion of the purchase price of \$631,854.85. (The remaining acreage to be purchased includes Lot 3-A, 1.8819 acres; Lot 4-A, 0.332 acres; Lot 5, 22.3709 acres; and Lot 6, 9.6484 acres.)

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The payment to renew the option for an additional three month term is due on September 20, 1995.

Commissioner Good made the motion to set the Public Hearing for September 5, 1995 at 7:00 p.m. All voted in favor and the motion carried.

HENDERSONVILLE AIRPORT STUDY PRELIMINARY ANALYSIS REPORT AND CONSIDERATION OF FURTHER STUDY ACTION

In accordance with the recommendations of the Airport Ad Hoc Committee, the Commissioners previously authorized the employment of Talbert & Bright, Inc. Engineering & Planning Consultants, by Henderson County, to conduct a preliminary analysis study of the existing Hendersonville Airport.

The primary objectives of Talbert & Bright's preliminary analysis activities were to be the compilation, examination, and evaluation of the initial factors to be considered in determining the viability of acquiring and converting the Hendersonville Airport from a private to a public airport facility; and the submittal of their findings in a written report to the Airport Ad Hoc Committee, along with their resulting opinion as to what, if any, further action should be taken on this study.

Talbert & Bright, Inc. has submitted their Preliminary Analysis to the Airport Ad Hoc Committee and have recommended that a complete Feasibility Study be conducted for submittal to the Board and, with the Board's concurrence, to the North Carolina Department of Transportation, Division of Aviation. They propose completion of the Feasibility Study by the extension of their existing Consulting Service Agreement with Henderson County.

Commissioner Eklund made the motion to authorize the County Manager to move ahead with the feasibility study and to authorize an amount not to exceed \$35,000. All voted in favor and the motion carried.

REVIEW OF PLANS AND SPECIFICATIONS FOR DIE-TRONIC METAL CASTINGS, INC.

Angela Skerrett and Bill Byrnes presented this item. Die-Tronic Metal Castings, Inc. recently purchased Lot 7 (revised) of Appleland Business Park. Pursuant to the restrictive covenants for Appleland Business Park, the Board, as the Business Park Association, must review and approve the site plan for all industries locating in the park.

On June 21, 1995, Staff presented the Board with Die-Tronic's preliminary site plan. At that meeting the Board, by consensus, authorized Die-Tronic to proceed with preparation

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of the final plans and specifications for the new facility. The Board requested that the Business Development Committee review the plans and specifications and make a recommendation to the Board. The Business Development Committee reviewed the plans and specifications yesterday, August 15, 1995. The Business Development Committee recommended acceptance.

Angela Skerrett informed the Board that some things in the covenants do not yet appear in the plans and specifications, such as landscaping.

A drawing was shown of the proposed building and the lay of the land. The office end of the building will be on the I-26 side of the property. There will be 15,000 feet in the building with room to expand.

This will be expansion of a local business. Die-Tronic is a small tool and die shop. Five years ago they started casting small zinc parts. They currently have customers all over the country, i.e. Ohio, Canada, and Mexico.

Commissioner Good welcomed Die-Tronic and made the motion to approve plans and specifications as presented for Appleland Business Park. All voted in favor and the motion carried.

Any further approval will be contingent upon utilities being indicated and other things which are already in the covenants and restrictions.

REQUEST BY THE VILLAGE OF FLAT ROCK TO AMEND THE OFFICIAL HENDERSON COUNTY ZONING MAP

Matt Matteson reminded the Board that upon passage of the referendum to incorporate the Village of Flat Rock effective June 27, 1995, the County Ordinances listed in the Flat Rock Charter became immediately effective within the boundaries of the Village. Among these County ordinances was the Zoning Ordinance. The boundaries of the Village, however, include some 122 acres which were not governed by county zoning as they fell within the Hendersonville City Extraterritorial Jurisdiction (ETJ). This area, which includes the Chanteloupe development will be absent of any zoning control.

In anticipation of this condition, the Village of Flat Rock, at their meeting on July 27, 1995, passed a resolution requesting that the County amend their zoning map to include this affected area.

If the County desires to provide "coverage" for the area it should refer the item to the Planning Board for consideration. Naturally, a public hearing would be held following the Planning Board's recommendation.

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Commissioner Edney made the motion to refer this item to the Planning Board for their recommendation. All voted in favor and the motion carried.

RESOLUTION FOR THE ESTABLISHMENT OF A CASH MANAGEMENT POLICY

Carey McLelland presented the Resolution for the establishment of a Cash Management Policy for Henderson County.

This proposed resolution to establish a Cash Management Policy reflects the current environment in which public monies are administered by the Henderson County Finance Department and the applicable North Carolina General Statutes governing public deposits and the investment of idle funds. The policy consists of eight sections which refer to the implementation of a cash management plan, reporting by the independent external auditor, the handling of cash receipts and cash disbursements, banking relations, monitoring and reporting by the Finance Director and adherence to this resolution and the cash management plan.

This policy is the first of several policies and procedures the Finance Director will be bringing before the Board for consideration in formulating a Financial Accounting Policies and Procedures Manual for the County.

Commissioner Good made the motion to adopt the Resolution for Establishment of a Cash Management Policy as presented. All voted in favor and the motion carried.

POSSIBLE CO-SPONSORSHIP WITH LEAGUE OF PROPERTY OWNERS OF VISIT BY MR. DAVID RUSK

Dr. Richard Shuffstall, a League of Property Owners Vice-President, has previously discussed the possibility of attracting Mr. David Rusk to our community to share his knowledge on urban policy. Mr. Rusk is a former mayor of Albuquerque, a former New Mexico state legislator, and the author of *Cities Without Suburbs*. He is well known in public policy circles and it is believed that an opportunity to gain some of his insights should not be passed by.

This is even more important for our community based on the County Commissioners stated concerns over our rapidly growing population, economic development, regionalism, the proposed land use guidance system, and city/county consolidation discussions. Mr. Thompson would like to utilize his appearance for staff development.

Following much discussion, Chairman Kumor made the motion to donate up to \$500 to this effort as a training opportunity for staff instead of just donating monies. A vote was taken

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and the motion was defeated. Following more discussion, it was decided that the Commissioners could donate money individually on a personal basis.

OFFER TO PURCHASE/FORECLOSURE

Don Elkins reminded the Board that at a prior meeting they had made a preliminary approval of an Offer to Purchase by Robert A. Rogers. Mr. Rogers offered \$2,000 for a 3/4 acre lot of Blue Ridge Estates. It has been advertised for upset bids with no bids received. He presented this offer for final approval and acceptance of the Offer, in order to make a quit claim deed for Mr. Rogers.

Commissioner Good made the motion to approve the Resolution of Final Offer and Authorization of the Sale, based on conditions that all legal requirements have been met. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/REQUEST FOR DIRECTION TO THE CHAIR

CJPP - Grant Award/Acceptance/Space Needs

David Thompson stated that he is meeting with the Architect tomorrow to finalize all the moving plans. He will have a presentation for the first meeting in September.

Final Lease approval for the Trust Building

David Thompson reminded the Board that they had a presentation of the final lease at the last Board Meeting. There was a question raised by Dr. Jones of payment for utilities.

During budget deliberations the Board decided to appropriate \$25,000 in the annual upcoming budget. Dr. Jones was looking at having a five year lease with an option for another five years.

The following was reviewed as an amendment to the lease:

During the initial five year term of this lease, the County shall provide a minimum of \$25,000 each Fiscal Year beginning with Fiscal Year 1995-1996 and continuing through Fiscal Year's 1996-1997, 1997-1998, 1998-1999, and 1999-2000. This funding will be used to defray operational costs of the Tenant for lights, heating, water and sewer charges, security, and maintenance upon the demised property.

Commissioner Edney made the motion to approve the lease with the amendment to Section 4. All voted in favor and the motion carried.

Economic Development - schedule workshop

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Chairman Kumor stated that Mr. Good and Mr. Eklund serve as the Board's Economic Development subcommittee. Chairman Kumor requested that the Board schedule a workshop with the Chamber of Commerce to discuss the roles of each entity in economic development for Henderson County. This will be brought back to the Board at a later date for a date and time.

Mayor Harrington

Chairman Kumor stated that the Board received a letter some time ago from Mayor Harrington and his Council in Laurel Park urging the Board and other entities to move forward on the discussion and possible formation of a water/sewer authority and coming to some solutions on this issue of water and sewer. Tomorrow Mayor Harrington is hosting the usual quarterly meeting of local governments within Henderson County.

Chairman Kumor read a letter of response to Mayor Harrington. By consensus the Board approved the response letter to be mailed to Mayor Harrington.

CLOSED SESSION

Commissioner Edney made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 (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. All voted in favor and the motion carried.

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

SURPLUS PROPERTY - East Flat Rock School

Chairman Kumor read a consensus statement of the Board of County Commissioners with regard to the surplus property at East Flat Rock School:

"Our County Attorney has advised us that the County and its Officials may be exposed to civil liability in this matter. We support the proposed activity that reflects the needs and wishes of the community. We are willing to work with the church and other community members to deal with a non-profit entity to serve that end. We feel that the church members and other community members as taxpayers and citizens will work in a cooperative manner to help accomplish the recognized goals without exposing the County and its Officials to unnecessary liability."

Chairman Kumor opened the floor for any public comments.

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1. Craig Justus - Mr. Justus asked if the County would be receptive to having the property transferred to a non-profit organization. If so, that route is feasible.

2. Vivian Hill - Mrs. Hill thanked the Board for their positive action. She stated that this has been a community wide effort. The community does want the Day Care and it is needed.

3. Herb Justus - Dr. Justus asked for a motion regarding the county conveying title to a non-profit organization.

County Attorney, Don Elkins, stated that the Consensus Statement would serve the same purpose.

Chairman Kumor stated publicly that it is the Board's intent to work with the entity before them and to convey property to a non-profit organization.

The Board does not have title to the property as of today. David Thompson is working to get the necessary deeds as rapidly as possible, from the School Board.

David Thompson stated that the deeds must be drawn up and the property must be conveyed to the County. The School Board's Attorney has said that a Day Care is a public education purpose. Mr. Thompson stated that the Board of Commissioners does not want to be in a situation of oversight of the operation of the Day Care Facility.

NOMINATIONS

1. Western Carolina Community Action (WCCA) Board of Directors - 1 vac.

There were no nominations at this time so this item was rolled.

2. Nursing Home/Domiciliary Home Advisory Committee - 1 vac.

Commissioner Edney nominated Anne Bothmann. Commissioner Ward made the motion to suspend the rules and appoint Anne Bothmann. All voted in favor and the motion carried.

3. Community Child Protection Team - 5 vac.

Commissioner Edney nominated Ken Lanning, Rebecca Banadyga, and Larry Swabe for reappointment. Commissioner Ward made the motion to suspend the rules and appoint all three. All voted in favor and the motion carried.

4. Hendersonville Zoning Board of Adjustment - 2 vac.

Chairman Kumor nominated Regina Heaton for reappointment. Commissioner Eklund made the motion to suspend the rules and appoint Mrs. Heaton. All voted in favor and the motion carried.

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At the last meeting, Raymond J. LeStrange was nominated as an alternate. All voted in favor and Mr. LeStrange was appointed to fill this vacancy.

5. Land Of Sky Regional Council, Advisory Council on Aging - 1 vac.

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

6. Hendersonville City Zoning Board of Adjustment - 1 vac.

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

7. Hendersonville City Planning Board - 1 vac.

Mr. Larry M. Parmele was nominated at the last meeting, he is willing to serve in this capacity. All voted in favor of the appointment of Mr. Parmele.

8. Child Fatality Prevention Team - ? 7 vac.?

Commissioner Edney asked that this item be rolled to the next meeting.

9. CJPP - Criminal Justice Partnership Program Committee

At the last meeting Gwen Rice was nominated to represent Probation and Parole, and Carolyn Justus. This is expansion of the current Board. All voted in favor of Ms. Rice and Ms. Justus being appointed.

IMPORTANT DATES

The Board cancelled the August 22 Breakfast Reception at the Library.

The Board set the above cancelled meeting for August 29 at 7:15 and it will also serve as a time for recognizing some award winners. The Board will also work on the Mission Statement.

During this meeting a Public Hearing was set for 7 p.m. on September 5 for the Appleland Industrial Park Option.

September 12 at 9:00 a.m. will be an Emergency Operations Plan Review at the Library.

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 Henderson County v. Capital

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Six Associates. 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.

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

WORK SESSION - Flood Damage Prevention Program

The Board reconvened at 2:35 in open session for the scheduled work session.

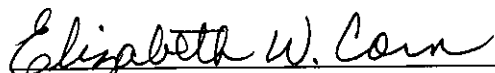
Matt Matteson introduced some special people who were in attendance:

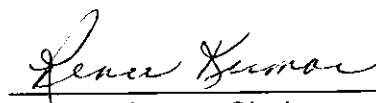
Melanie Franks, ASCS
Bob Carter, NRCS
Bob Parrish, Mayor of Fletcher
Merrill Roberts, resident of Heatherwood subdivision
Greg Bender, NationsBank
Chris Carter, Hendersonville City Manager
Roger Briggs, Hendersonville Planning Director
Bill Penney, Penny Insurance Agency
Phil Davis, First Citizens Mortgage Company
Susan Cox, City of Hendersonville

Mr. Matteson reviewed the Flood Damage Prevention Program:
Flood History in Henderson County
Areas of Flooding
National Flood Insurance Program
Local Participation
New Federal Requirements

There being no further business, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


Renee Kumor, Chairman

HENDERSON COUNTY
BOARD OF COMMISSIONERS

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

DAVID F. THOMPSON
COUNTY MANAGER

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

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

TO THE TAX COLLECTOR OF THE COUNTY OF HENDERSON

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Henderson County Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 17th day of August, 1995.



Renee Kumor, Chairman
Henderson County Board of
Commissioners

RK/ewc

ATTEST:



Elizabeth W. Corn
Clerk to the Board

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

DAVID F. THOMPSON
COUNTY MANAGER

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

August 15, 1995

Robert Baird, County Tax Assessor
HENDERSON COUNTY ASSESSOR'S OFFICE
400 North Main Street
Hendersonville, N. C. 28739

Dear Mr. Baird:

Attached please find the lists of tax release requests (5) and tax refund requests (6) approved at the Henderson County Board of Commissioners' Meeting on Wednesday, August 15, 1995.

Sincerely,



Renee Kumor, Chairman
Henderson County Board of
Commissioners

RK/ewc

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, August 16, 1995

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests (5) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

RELEASE, MNT
08/02/95

COMMISSIONER'S REPORT 08/16/95
RELEASES

REL. REPORT
PAGE 1

Taxpayer Name

Taxbill

Total

Reason

APPEARANCES HAIR DESIGN

93A956656.01

\$09.40

DBL ASSESSED

ATHA FLAZA HAIRSTYLING

94A09061.01

\$40.20

DBL ASSESSED

BAYNARD, PAUL WEXLER

94A88219.01

\$32.94

TRANSPYLVANIA COUNTY

HAYES, LINDA

93A102796.01

\$18.31

MH WAS SOLD '91 TO SHEILA CAIRNES
LISTED FOR '95 ON ACCT
97341

HAYES, LINDA

94A102796.01

\$16.17

MH WAS SOLD '91 TO SHEILA CAIRNES
LISTED '95 TO ACCT 97341

TOTAL RELEASES >>>

\$602.02

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Wednesday, August 16, 1995

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests (5) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

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

