

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
JUNE 15, 1994**

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 Vollie G. Good, Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, Finance Director J. Carey McLelland, and Clerk to the Board Elizabeth W. Corn.

Late Arrival: County Manager David F. Thompson arrived at 9:15, during discussion of "B" Youth Development Emergency Shelter.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Chairman Good led the Pledge to the American Flag.

INVOCATION

Commissioner William McKay gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson informed the Board of the need to set terms for the Youth Services Advisory Committee and added that item to "D" Nominations - #8.

CONSENT

Vice-Chair Kumor made the motion to approve the consent agenda as presented. All voted in favor and the motion carried.

Consent agenda included the following:

Minutes were presented for review and approval of two meetings on June 6, 1994; a special called meeting at 2:00 p.m. and the regular Commissioners' meeting at 7:00.

INFORMAL PUBLIC COMMENTS

There were none.

PUBLIC HEARING - Renewal of Industrial Park Option

Commissioner McKay made the motion to go into Public Hearing for the purpose of discussing the renewal of the Industrial Park Option. All voted in favor and the motion carried.

Angela Skerrett informed the Commissioners that the purpose of this hearing was to consider the renewal of the option which the County currently holds on the Appleland Business Park property. 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 was \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1A, 2, 3, and 4, and two lots to be dedicated to NCDOT, for a total acreage purchased of 28.9 acres at the price of \$746,139.54.

The current option will expire on June 30, 1994. This renewal will extend the option for another three month period to expire on September 30, 1994. The price to renew the option until September 30, 1994 will be the quarterly interest at the Nationsbank prime rate of interest determined as of June 10, 1994 on the unpaid portion of the purchase price of \$753,870.46 or \$13,663.90. (The remaining acreage to be purchased includes Lot 3A, 1.8819 acres; Lot 4A, 0.332 acres; Lot 5, 22,3709 acres; Lot 6, 9.6484 acres; and Lot 7, 6.2508 acres.)

The payment to renew the option for the additional three month term will be due on June 23, 1994.

Public Input

There was none.

Vice-Chair Kumor made the motion to close the Public Hearing. All voted in favor and the motion carried.

Following discussion, Commissioner Edney made the motion to approve the payment of \$13,663.90 to renew the option on the industrial park property. All voted in favor and the motion carried.

SETTING OF PUBLIC HEARING FOR COMMUNITY BLOCK GRANT

David Nicholson informed the Board that before application can be made for an Economic Development Project Grant under the state CDBG Program, two public hearings must be held. The first hearing need not specify a specific project. Following the formal selection of a project; however, a second public hearing must be held. The first hearing would be to see if the community has any projects to suggest.

The proposed grant request is for the County to apply for funding for the wastewater treatment line to the City of Hendersonville that the Board has discussed previously. The funding amount was \$18,900 and will be used as a match.

Commissioner McKay made the motion to set a Public Hearing for July 5, 1994 at 7:00 p.m. for discussion of an Economic Development Project Grant under the state Community Development Block Grant Program. All voted in favor and the motion carried.

Matt Matteson, Director of Planning, will be the staff person directly involved with this project.

YOUTH DEVELOPMENT EMERGENCY SHELTER

Carey McLelland reminded the Board of the steps that have been taken toward the construction of a new Youth Development Shelter, from the approval of construction on Wednesday, November 17, 1993, to the present search for financing. He requested the following action by the Board:

1. Adopt the attached Resolution which does the following:
 - a. allows First Commercial Bank to withdraw its financing proposal.
 - b. accept financing proposal from First Southern Savings Bank.
2. Set a Public Hearing on the financing documents for July 5.

After considerable discussion, Commissioner Edney made the motion to allow First Commercial Bank to withdraw their proposal and to accept the proposal from First Southern Savings and adopt the applicable Resolution doing so. All voted in favor and the motion carried.

Commissioner Edney made the motion to set a Public Hearing for July 5, 1994 at 7:00 p.m. on the financing documents for the Youth Development Shelter. All voted in favor and the motion carried.

HOME AND COMMUNITY CARE BLOCK GRANT

David Nicholson informed the Board that the State has allocated \$343,306 in Home and Community Care Block Grant funds for FY '94-'95. The Henderson County Planning for Older Adults Steering Committee allocated the funds as follows:

Medical Transportation	\$ 3,500
General Transportation	75,343
Housing & Home Improvement	4,800
Senior Companion	2,228
Adult Day Care	8,991
Congregate Dining	20,716
Home Delivered Meals	76,665
Inhome Services	143,779

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Institutional Respite

7,284

Newspaper ads were run to obtain proposals from interested providers. There was only one provider interested in each service area with the exception of in-home aide where it is our policy to have two providers due to the personal nature of the service. We have talked with each provider to obtain the best rate possible and all are below the 3.25% maximum increase recommended by the State.

The Planning for Older Adults Public Hearing met Monday June 14, and were required to have the Commissioners' approval prior to the new budget year.

Based on the recommendation from the Planning for Older Adults Steering Committee, staff suggested that the Board approve the FY '94-'95 allocations.

Following some discussion, Vice-Chair Kumor made the motion to allocate funds as proposed by the Older Adults Steering Committee. All voted in favor and the motion carried.

NOMINATIONS

1. Chairman Good reminded the Board of 1 vacancy on the **Motor Vehicle Valuation Review Board (MVVRB)** for an alternate. There were no nominations at this time so the item was rolled to the next meeting.

2. Chairman Good reminded the Board of 1 vacancy on the **Henderson County Industrial Facilities & Pollution Control Authority**. There were no nominations at this time so the item was rolled to the next meeting.

3. Chairman Good reminded the Board of 1 vacancy on the **Nursing Home/Domiciliary Home Advisory Committee** due to a resignation.

Vice Chair Kumor nominated June Loor to fill this unexpired term. Commissioner Edney made the motion to suspend the rules and appoint Ms. Loor. All voted in favor and the motion carried.

4. Chairman Good reminded the Board of 1 vacancy on the **Western Carolina Community Action (WCCA)**. There were no nominations at this time so this item was rolled to the next meeting.

5. Chairman Good reminded the Board of 1 vacancy on the **Nursing Home/Domiciliary Home Advisory Committee**. There were no nominations at this time so the item was rolled to the next meeting.

6. Chairman Good reminded the Board of 1 vacancy on the **Land Of Sky - Retired and Senior Volunteer Program Advisory Council (RSVP)**.

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Vice-Chair Kumor nominated Norman Wintermuth to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Mr. Wintermuth to this vacancy. All voted in favor and the motion carried.

7. Chairman Good reminded the Board of 1 vacancy on the **Hospital Board of Trustees**. The Board had previously appointed Duane McKibbin to the vacancy but he declined.

Commissioner Randall nominated Charlie Byrd. Vice-Chair Kumor nominated Dave Adams.

Commissioner Edney made the motion to suspend the rules and have the Board polled for this vacancy.

The Clerk polled the Board and the votes were as follows:

Commissioner Edney	Charlie Byrd
Commissioner Kumor	Dave Adams
Commissioner Good	Charlie Byrd
Commissioner McKay	Charlie Byrd
Commissioner Randall	Charlie Byrd

8. Chairman Good reminded the Board of the adjustment to the agenda. Recommendations were made by the Chairman of the Youth Services Advisory Committee for the setting of these terms as follows:

Dr. Kohlan Flynn	3 years
Ervin Bazzle	3 years
George Knopf	1 year
Tom Mueller	1 year
Ken Lanning	2 years
Mike Coleman	2 years

It was felt that the newer appointed members should have the longer terms. The by-laws require three year staggered terms.

Following some discussion, Commissioner McKay made the motion to approve the recommendation of the Chairman of the Youth Services Advisory Committee. All voted in favor and the motion carried.

Request by Henderson County Historical and Genealogical Society

Chairman Good asked that this item be added at this time. It was the consensus of the Board to allow the addition of this item.

The Board of Commissioners gave the Genealogical Society a charge to research and document (catalog and publish a listing of) cemeteries in Henderson County with the locations of historical gravesites. By consensus the Board has agreed to fund this project but the Genealogical Society has discovered that they need some up-front money to pay the publisher (\$4,500).

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Following considerable discussion, Commissioner McKay made the motion to allocate \$4,500 to be channeled through the Library for this project and wanted it recorded that this is a one time expense. All voted in favor and the motion carried.

Retirement of Bill Stewart

Commissioner Edney asked that this item be added at this time. It was the consensus of the Board to allow the addition of this item.

Mr. Bill Stewart has 32 years service with Valley Hill Fire Department. He has served the county faithfully during this time. Commissioner Edney requested that the county remember him in some form. There was much discussion of possible ways of recognition.

Commissioner Edney made the motion to adopt a Resolution of Appreciation to be presented to Mr. Stewart upon his retirement. All voted in favor and the motion carried.

IMPORTANT DATES

Commissioner McKay informed the Board that on June 18 at the dedication of the Davenport Bridge there will not be a pig pickin. There will be light refreshments instead.

Vice-Chair Kumor reminded the Board that the Chairman and some members of staff will be in Clark County, Nevada at the time of the August 1 scheduled meeting and wondered if the Board might want to change that meeting date. After some discussion, it was the consensus of the Board to leave the August 1 meeting as scheduled.

EXECUTIVE SESSION

Commissioner McKay made the motion for the Board to go into Executive Session as allowed under General Statute 143-381.11 to discuss the following:

- A. To consult with the County Attorney tot he extent that confidentiality is required.
- B. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.
- C. To consider a personnel matter.

All voted in favor and the motion carried.

Vice-Chair Kumor made the motion for the Board to go out of Executive Session. All voted in favor and the motion carried.

The Board recessed for lunch.

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WORK SESSION - FY '94-'95 BUDGET

Chairman Good called the meeting back to order at approximately 1:00 p.m.

Present were: Chairman Good, Vice-Chair Kumor, Commissioner Edney, Commissioner Randall, Commissioner McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, and Finance Director J. Carey McLelland.


The following were reviewed and discussed:


- Federal and State Youth Grants
- Mental Health Programs
- Veteran's Service
- Public Library
- Parks and Recreation
- Non-Departmental
- Transfers

Dr. Dan Lunsford, Superintendent of Henderson County Schools, made a presentation regarding their budget requests. He reviewed their capital requests as well as their current expense requests.

As there was no further business, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman

HENDERSON COUNTY
FINANCE DEPARTMENT

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Dena S. Garey
Assistant Finance Director

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
HENDERSON, NORTH CAROLINA RELEASING FIRST COMMERCIAL BANK FROM
THEIR PROPOSAL PREVIOUSLY APPROVED FOR FINANCING THE YOUTH
DEVELOPMENT EMERGENCY SHELTER AND ACCEPTING THE PROPOSAL FROM
FIRST SOUTHERN SAVINGS BANK**

WHEREAS, it is the Board's intention to finance the construction and site improvements of the Youth Development Emergency Shelter through an installment financing contract with a bank licensed to do business in North Carolina over a term of five (5) years at a fixed rate of interest, with the payment of no financing costs by the County, with level monthly payments, and no penalties for prepayment in whole or in part; and

WHEREAS, N.C.G.S. 160A-20 authorizes the financing of the construction or repair of fixtures or improvements on real property by contracts that create in the fixtures or improvements, or in all or some portion of the property on which the fixtures or improvements are located, or in both, a security interest to secure repayment of moneys advanced or made available for such construction or repair"; and

WHEREAS, the Board at it's April 20, 1994 meeting passed a resolution authorizing the use of installment financing for the construction and site improvements of the Henderson County Youth Development Shelter and directing staff to request proposals from banks; and

WHEREAS, staff mailed out Request for Proposals for financing the construction and site improvements for the Youth Development Emergency Shelter on April 21, 1994 and received seven proposals by 1:00 p.m. on April 28, 1994, the deadline for submission of the Requests for Proposals; and

WHEREAS, all proposals were opened and read publicly at 1:00 p.m. on April 28, 1994 and First Commercial Bank submitted the lowest responsive bid; and

WHEREAS, the Board at it's May 2, 1994 meeting approved the recommendation by staff to accept the proposal of 5.00% over the five (5) year term with no penalties for prepayment submitted by First Commercial Bank; and

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WHEREAS, First Commercial Bank has since requested to be allowed to withdraw their proposal because they were unaware that their standard loan forms would not be adequate for public financing, and thus did not include the cost of retaining a public finance attorney to prepare financing documents for this loan in their proposed interest rate; and

WHEREAS, the decision of whether or not to release First Commercial Bank from the financing proposal lies solely within the Board's discretion; and

WHEREAS, the Board finds that the omission by First Commercial Bank was made without any intent or misrepresentation or intent to defraud, and was therefore a mistake made in good faith; and

WHEREAS, it is not the Board's intent for the County to profit at the expense of a bank's good faith omission; and

WHEREAS, the Board desires to allow First Commercial Bank to withdraw it's proposal submitted in order to maintain good relations with local banks; and

WHEREAS, staff contacted NationsBank, the next lowest responsive bidder, NationsBank, to request a 30 day extension of time from the proposed loan closing date of June 10, 1994, and NationsBank would not grant this request; and

WHEREAS, staff contacted First Citizens Bank, the next lowest responsive bidder, to request a 60 day extension of time from the proposed loan closing date of June 10, 1994, and First Citizens Bank would not grant this request; and

WHEREAS, staff contacted the next lowest responsive bidder, First Southern Savings Bank, to request a 60 day extension of time from the proposed loan closing date of June 10, 1994, and First Southern Savings Bank granted this request for an extension of time until August 12, 1994.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. First Commercial Bank shall be allowed to withdraw the Purchase-Money Financing Proposal dated April 21, 1994, submitted on April 28, 1994, stating a fixed interest rate in the amount of 5.00%. First Commercial Bank is hereby

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released from any and all terms contained within said proposal.

2. Accept First Southern Savings Bank's Purchase-Money Financing Proposal dated April 21, 1994, submitted by First Southern Savings Bank on April 28, 1994, stating a fixed interest rate of 5.63% and the commitment letter dated June 7, 1994 are hereby accepted. The County Manager or Finance Director shall be authorized to execute the acceptance of said commitment letter on behalf of Henderson County.

This the 15th day of June, 1994.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Vollie G. Good
Vollie G. Good, Chairman

Attest:

Elizabeth W. Corn
Elizabeth Corn, Clerk to the Board

Approved as to Form:

Don Elkins
Don Elkins, County Attorney