

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 19, 1992

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 J. Michael Edney, Vice-Chairman Vollie G. Good, Commissioner F. Richard Baker, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager/Finance Director David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Baker led the pledge to the American Flag.

INVOCATION

Dr. Dave Desforges, of Presbyterian Churches of America, gave the invocation.

REVIEW OF MINUTES

Minutes of the July 27 and August 3 meetings were presented for review. Minutes were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

PUBLIC INPUT

Dutch Burdette - Mr. Burdette spoke regarding flood plain areas, land use planning, and Tennessee Valley Authority and their relationships to Henderson County.

NOMINATIONS

1. Chairman Edney informed the Board of 1 vacancy on the Western Carolina Community Action Committee (WCCA).

Commissioner McKay nominated Bill Hudson to fill this vacancy. There were no other nominations. A vote was taken and Mr. Hudson was appointed to the Western Carolina Community Action Committee.

2. Chairman Edney informed the Board of 5 vacancies on the Nursing Home/Domiciliary Home Advisory Committee.

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Commissioner Baker nominated Margaret Brown, Eleanor Healy, and Ruth Hoots. Commissioner McKay nominated Kelly Reath and Kenneth A. Erwin. There were no other nominations. Commissioner Baker made the motion to suspend the rules and appoint these five to fill the five vacancies on the Nursing Home/Domiciliary Home Advisory Committee. All voted in favor and the motion carried.

SOLID WASTE HAULERS ASSOCIATION

Solid Waste Haulers Association has one vacancy. They requested that the Board of Commissioners make one appointment to the Association.

David Thompson reminded the Board that previously they had made the determination to assign a staff person to the Solid Waste Haulers Association in lieu of an appointment by the Board. There was much discussion.

This is a private association of solid waste haulers. It was the consensus of the Board not to make an appointment other than the designation of Nippy Page as our staff person to serve as liaison.

REORGANIZATION OF THE HENDERSON COUNTY SAFETY COMMITTEE

David Thompson registered concern about the County's current loss and claims experience. Staff is prepared to make a recommendation to the Board to attempt to minimize future losses and claims.

Since 1986 the county has experienced approx. \$620,000 in workers compensation and property and liability claims. This is an average of over \$100,000 per year in actual claims. Mr. Thompson stated that we need an overall county policy regarding this issue because the claims are not isolated in any one department.

Mr. Thompson stated that one of the best ways to change this is to revitalize the Henderson County Safety Committee. This committee needs the endorsement of the Board of Commissioners.

Sam Laughter and Tom Eggers presented a proposed initial County Loss Control Manual. Sam Laughter gave an overview of the manual.

Tom Eggers stated that we have a chronic problem with motor vehicle accidents as well as a chronic problems with back injuries. Tom Eggers stated that the purpose of the Safety Committee is not to go out and investigate these situations after they happen but to identify the hazard, isolate the hazard, and prevent these situations from happening.

Governmental bodies are no longer exempt from OSHA compliance. We face the same fines and citations that any industry would face. In the past year Mr. Eggers has become involved with the Safety Committee. Mr. Eggers has been revising the Safety policy in the past year to incorporate OSHA regulations. This revision is part of the proposed policy manual. He mentioned combining the Safety

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Committee with the Health Action Committee. Many safety problems are also health related problems. OSHA requires that we have an active on-going safety policy and safety committee. Tom Eggers stated that the county safety committee would also apply to any subcontractors that are involved with work with the county.

David Thompson informed the Board that he plans to monitor this program for the next year. He did not ask the Board to adopt the report or manual at this time. He would like for the Safety Committee to review the manual, make revisions, and then present to the Board for final approval.

By consensus the Board endorsed the concept and commended Tom Eggers and Sam Laughter for their hard work thus far.

YOUTH DEVELOPMENT REORGANIZATION

David Thompson reminded the Board of the discussions during the budget work sessions for the need to look at the operations of the Youth Development Department and the necessity of looking at the future direction of the entire program. If the Board approves the reorganization as far as staff and abandoning the current shelter located in Fletcher we would have a conservative cost savings of approximately \$35,000.

Presently Youth Development operates two residential programs for children. Elizabeth Macdonald informed the Board that Youth Development plans to reorganize the department by moving the Shelter Program (Fletcher) to the location of the Group Home (Hendersonville) during the construction period of the new facility. This move would accomplish four things:

1. Provide 24 hour awake coverage for both programs,
2. Move the Shelter children out of an unsafe structure and isolated location to a better group care lay-out and a more residential setting,
3. Prepare the staff to manage a larger residential program prior to the move to the new expanded facility, and
4. Save the County money this fiscal year by not paying operational costs for two facilities.

It would be necessary to decrease the number of beds of the combined programs by one as we are only allowed a maximum of nine children in one residence under our current licensing structure. The plan would be to decrease a Group Home bed as there is a higher demand for Shelter beds. Mrs. Macdonald has checked with the licensing consultant at the Department of Human Resources in Raleigh. They have approved this merge on a temporary basis.

Mrs. Macdonald informed the Board that a huge bee nest is embedded in the walls of an old fireplace in the house in Fletcher. It would be very costly to renovate the structure to meet the standards of the Americans with Disabilities Act.

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If this is approved, part-time staff need recruited during September to do the overnight and weekend shifts. They would be put on training shifts during October and move the last weekend in October. The new staff work schedule would begin November 2.

Re: Evaluating the need of the Group Home

Elizabeth Macdonald informed the Board that she would be soliciting responses from the Department of Social Services, Juvenile Court, Trend Mental Health, and other youth organizations for their input on what the county needs are for a long-term Group Home.

There was very much discussion.

SOLID WASTE MANAGEMENT ISSUES

1. Update on Landfill Siting Process. A Status Report was handed out for review. The report was prepared by Gary Tweed, P.E. of William G. Lapsley & Associates. David Thompson informed the Board that the Technical Overview Committee (TOC) has taken the quad maps of the county and have eliminated areas based on the "Must Criteria". The airport buffer was applied, the flood plain, and the buffer zones. The tourist attractions were applied to the maps as well as school (ground water users) buffers. Several small areas have been eliminated because they are less than 150 acres.

David Thompson stated that every piece of property in the county is eligible until they are eliminated by the process. The process is that we will apply the "Must Criteria" to each quad sheet and then we will take the other criteria and do the ranking.

The next steps:

1. Apply site criteria # 3 (groundwater).
Review of soil survey maps.
2. Area visits - field inspection of all remaining areas.
3. Area ranking - after eliminating areas based on items 1 & 2, the site evaluation criteria will be applied to each area and a priority established for further detailed study.

David Thompson stated that a meeting has been scheduled for September 8. Hopefully the groundwater criteria will have been applied and some of the areas will be reduced at that time.

Mr. Tweed then took a quad map which contained no suitable areas and demonstrated the process to the Board.

2. Contract for engineering services to secure construction permit on existing site. David Thompson informed the Board of the need to negotiate a contract to look at all the alternatives we have to reduce either the amount of waste going into the landfill, changing the way we do our cover, and come up with a scenario to extend the life of the present landfill.

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3. Award of purchase contract for a new Landfill compactor. Eldon Owen informed the Board that he has reviewed both bids presented. Carolina Tractor had the lowest bid and meets or surpasses our specifications. Mr. Owen recommended that the county purchase the 826 C Caterpillar Landfill Compactor as soon as possible.

David Nicholson reviewed the bid sheet for a total cost bid purchase. The total cost of the compactor is \$256,349, less a trade-in for the current piece of equipment -\$17,000, equals the trade difference. Two additional items on the bid sheet are guaranteed repair cost and guaranteed repurchase price. Applying these two items then equals total cost bid. The one qualifying bid was from Carolina Tractor & Equipment Company.

David Nicholson is currently working with some financial institutions about the lease purchase price. Should the Commissioners approve the purchase, note would be made that it would be done through a lease purchase so the piece of equipment could be ordered.

Staff recommended acceptance of the bid.

Commissioner McKay made the motion to approve the proposed contract with Carolina Tractor & Equipment Company. All voted in favor and the motion carried.

4. Update and recommendations for Landfill tipping fees. David Nicholson reminded the Board that the tipping fee at the landfill went into effect on January 1, 1992. At that point the Board asked staff to review the rate for the beginning of the fiscal year.

David Nicholson discussed the revenue stream for the landfill as well as expenditures. He also discussed the flow of sanitary waste at the landfill.

There was much discussion of whether to spread the increase in tipping fees over a long period of time or raise it this year and recover all the costs in a short period of time. The tipping fee is expected to increase as expenses go up to the time we occupy the new landfill. Our tipping fee currently is only taking care of current actual costs.

Commissioner McKay made the suggestion that the Board review the figures given today and make a decision at the September meeting.

5. Request for Solid Waste Secretary IV.

David Thompson presented the request for a Secretary IV at the landfill. Justifications were given one of which was to assist Nippy Page. Staff recommended approval of the new position.

Commissioner McKay made the motion to approve the position as proposed. All voted in favor and the motion carried.

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6. Tub Grinder Agreement with Transylvania County.

David Thompson reminded the Board that in the beginning of negotiations we were going to have a 50/50 relationship with Transylvania County. They then decided not to share the equipment. We cannot utilize the grant unless it is a shared piece of equipment. Nippy Page worked with Transylvania County and they finally agreed to a 95/5 split with Henderson County having the equipment 95% of the time. They would call and would be charged approx. \$100 per hour to Henderson County to transport and set up the tub grinder for their use.

The contract is presently with Transylvania County. They are doing a final review. Hopefully the contract will be back in Henderson County and ready to be presented to the Board at the September 8 meeting for approval.

APPOINTMENT OF SAM LAUGHTER TO BOARD OF DIRECTORS OF THE NORTH CAROLINA ASSOCIATION OF ZONING OFFICIALS

Chairman Edney commended Sam Laughter for his recent election to the Board of Directors of the North Carolina Association of Zoning Officials. This demonstrates his willingness to represent Henderson County in the best light on a State-wide basis.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTS

David Thompson informed the Board that Henderson County's Comprehensive Annual Financial Report (CAFR) has qualified for a Certificate of Achievement for Excellence in Financial Reporting. This certificate of achievement is the highest form of recognition in governmental accounting and financial reporting awarded by the Government Finance Officers Association. This award is an extremely positive reflection on Henderson County Government and its efforts to fully disclose our operations to our citizens.

Mr. David Nicholson, Assistant County Manager; our Finance Department personnel; and our contracted Certified Public Accountants, Hansen, Johnson and Associates, P.A., deserve to be commended for this accomplishment.

Mr. Nicholson was commended along with his staff and it was decided to send a letter of commendation to our Accountants.

STREET NAME SIGN POLICY AMENDMENT

Matt Matteson recognized Susan Sneed to review the amendments. The Board has already adopted #C of the Street Name Sign Policy.

Susan Sneed explained that the reason for the amendment is that she has been contacted by some subdivisions in regard to whether or not Henderson County will place street name signs within the development. Through our Property Address Ordinance, we have the right and authority to go to any state road or intersection with

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a state road and install a road name sign. Some of the subdivisions in the county have their own signs. Should we require them to have our standard road name signs? She has developed some sign standards as "E. Private, Alternate Style Sign Installation" and "F. Street Sign Specifications -- Private, Alternate Style Signs". These would be requirements if the County does not require the developments to have our standard street name signs.

After much discussion it was decided to install the standard street name signs but to also leave the existing private development signs. The private developments would be given a reasonable amortization period.

UPCOMING REQUEST FOR VALLEY HILL FIRE AND RESCUE DISTRICT NO.2

Chairman Edney informed the Board of a request from Valley Hill Fire & Rescue. He recently met with representatives of Valley Hill Volunteer Fire and Rescue and they expressed to him that they are attempting to establish a new fire district to be called Valley Hill #2. Pam Carver of our Land Records Department is currently assisting fire department personnel with mapping out and describing the proposed five-mile district. She is also generating a listing of the "Resident Free Holders" who live in this area. The fire department will then have to obtain signatures of 35% of these residents. At that point in time they will present this petition to the County Commissioners who will call an election for the purpose of levying and collecting a tax on this district.

There was no action taken. This will appear on a later agenda.

FRENCH BROAD RIVER WEEK -- "Mayor's Cup Raft Race"

David Thompson informed the Board of a request that the Board participate in the Mayor's Cup Raft Race scheduled for Sunday, September 13, 1992. If the Board plans to participate we need to notify the Council of Governments by September 1.

Commissioner Randall showed interest and stated that he would participate.

REQUEST FOR REMOVAL OF ROOM TAX

David Nicholson informed the Board of a request for the removal of the late penalty associated with the Henderson County Room Occupancy Tax. The request is from Lakeside Motel. They filed their monthly report one day late, based on the postmark. Their late penalty is for the \$25.00 minimum. Their reason for being late was that they were out of town for 10 days.

According to the local act establishing the local room occupancy tax, the Board of Commissioners may for good cause shown compromise or forgive the late penalty.

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Commissioner McKay made the motion to deny the request. All voted in favor and the motion carried.

TAX COLLECTOR ORDER

David Thompson informed the Board that this action is annual and must be taken before September 1. The Board needs to issue a statement charging the tax collector to collect the tax levy.

Commissioner Good made the motion to issue the charge to the Tax Collector. All voted in favor and the motion carried.

MANAGER'S UPDATE

David Thompson updated the Board on the following items:

A. Architectural Services -- Etowah Branch Library - David asked that the Board skip this item. The Board had previously requested that we have a listing of the project specifics for this project before hiring the architect. The architect has not supplied this information as yet.

B. Sewer Projects - David Thompson asked Doyle Freeman to update the Board on the Mud Creek and the Cane Creek projects in regard to percentage of completion.

Mud Creek, Phase I, Section II - The project started on June 11 and should be completed on December 10. We are 70 days into a 180 day project and as of Monday have installed approx. 4,788 feet of line or 33%. They are currently working in the Brooklyn Manor subdivision. Everything seems to be on schedule and they are doing restoration as they move on in the project.

Cane Creek - The project started on June 22 and should be completed January 8. We are 67 days into the 210 day project. Approximately 2,200 feet of line have been installed. We have been assured that extra crews will be put on the project and it will be completed on time.

Naples - All the tests have been done with the exception of one. It is scheduled for today.

C. Land Use Plan - David Thompson stated that Matt Matteson was going to give an update but he isn't here. He stated that we are still on schedule. Mr. Thompson and Mr. Matteson went to Dayton, Ohio to a planning meeting. They met with a landscape architect, two urban planners, and other certified planners.

D. Proposed Courthouse Project - David Thompson reminded the Board that staff had been instructed to proceed with construction plans. No facilities have been approved by the Board as yet.

Mr. Thompson has sent furniture and electrical outlet layout to department heads. Their response date is August 28. There was a

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question regarding the press gallery at the courtrooms. Recent ADA guidelines require elevator access to the press gallery. There was only one staircase accessible to the press gallery in the plans. There was discussion that two may now be required.

Cool Storage Feasibility Study - Duke Power has agreed to co-fund this study. Our estimated matching funds would be \$7,600.

Subsurface Soil Investigations - Proposals have been received. The Consulting Engineers' recommendation was the low bidder. Commissioner Good made the motion to approve the low bidder so the soil investigations can get underway. All voted in favor and the motion carried.

Jon Laughter put the Courthouse and proposed buildings on his CAD system. The Commissioners may wish to make individual visits to Jon's office to look at the project.

Application for rezoning of the middle section of the property - We need to approach the City of Hendersonville with the idea that it may need to be rezoned from C-2 to C-1 (entire site). Application fee is \$200.

E. Department Head Retreat - David Thompson informed the Board of the management retreat for Henderson County Managers and Administrators scheduled for August 26 at Highland Lake Conference Center. Participants will be introduced to and take and self score the Myers-Briggs Type Indicator (MBTI). The MBTI is one of the most widely used instruments internationally for management and leadership development, career and personal counseling and marriage enrichment.

In the afternoon, the group will be divided into two random teams for "action learning". Each team will be presented "initiatives" that are physical problems that a group has to solve.

F. Employees Advisory Committee - David Thompson informed the Board that the committee is ready to go to work. They held their organizational meeting at Kelsey's Restaurant at noon on July 23. The committee brainstormed and made a list of possible goals and objectives of the committee:

- overtime vs compensatory time
- retirement insurance
- personnel policy (look at individual dept. policies)
- department head performance review
- county newsletter

G. Up-coming dates - There was discussion regarding breakfast meetings. It was decided to have one Monday, September 28 at 7 a.m. at Denny's Restaurant.

ROAD PETITIONS

Chairman Edney informed the Board of two road petitions received:

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1. Pebble Beach Court - addition to the system
2. Dalton Road - paving

Commissioner Baker made the motion to forward these two petitions to N.C. Department of Transportation for their review with a notation that the Board does not recommend moving Dalton Road on the priority list. All voted in favor and the motion carried.

EXECUTIVE SESSION

Commissioner Good made the motion for the Board to go into Executive Session as allowed under General Statute 143-118.11 to discuss the following matters:

- A. To discuss a personnel matter.
- B. To discuss the acquisition of real property.
- C. To consult with the County Attorney.

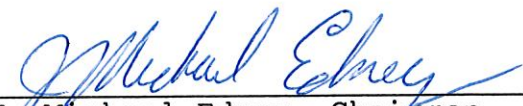
All voted in favor and the motion carried.

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

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

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Chairman