MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS JANUARY 22, 1992

The Henderson County Board of Commissioners met for the mid-month meeting on Wednesday, January 22, 1992 at 9:00 a.m. in Room 209, Commissioners' Meeting Room, of the Henderson County Office Building.

Those present were: Chairman J. Michael Edney, Vice-Chairman Vollie G. Good, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager/Finance Director David E. Nicholson, County Attorney Don Elkins and Acting Clerk to the Board Avalina Merrill. Absent were Commissioner F. Richard Baker 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 McKay led the pledge to the American Flag.

INVOCATION

Rev. Charles Evans of Pinecrest Presbyterian Church gave the invocation.

REVIEW OF MINUTES

There were no minutes presented for review.

DISCUSSION/ADJUSTMENT OF AGENDA

There was no adjustment to the agenda.

PUBLIC HEARING

Commissioner Randall made a motion to go into the Public Hearing for the refunding of General Obligation Bonds for Henderson County. All voted in favor and the motion carried. At the direction of the Chairman, Acting Clerk to the Board, Avalina Merrill, read the "Bond Order Authorizing the Issuance of \$5,000,000 General Obligation Refunding Bonds of the County of Henderson" in its entirety as follows on page two:

This was the second reading of the Bond Order.

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF HENDERSON:

WHEREAS, the County of Henderson (the "County") has issued School Bonds, dated March 1, 1983 (the "School Bonds"), and \$3,525,000 of the School Bonds are outstanding (the "Outstanding School Bonds:); and

WHEREAS, the County has issued Technical College Bonds, dated March 1, 1983 (the "Technical College Bonds"), and \$475,000 of the Technical College Bonds are outstanding (the "Outstanding Technical College Bonds"); and

WHEREAS, the County has issued Hospital Bonds, dated March 1, 1983 (the "Hospital Bonds") and \$375,000 of the Hospital Bonds are outstanding (the "Outstanding Hospital Bonds"); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund the Outstanding School Bonds, the Outstanding Technical College Bonds and the Outstanding Hospital Bonds (collectively referred to herein as the "Outstanding Bonds") pursuant to and in accordance with The Local Government Finance Act; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the Bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been accepted for submission to the Local Government Commission; NOW, THEREFORE,

BE IT ORDERED by the Board of Commissioners of the County of Henderson, as follows:

Section 1. The Board of Commissioners of the County has ascertained and hereby determines that it is advisable to refund the Outstanding Bonds.

Section 2. In order to raise the money required to refund the Outstanding Bonds as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$5,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board and is open to public inspection.

Section 5. This bond order shall take effect upon its adoption.

Commissioner Baker moved the adoption of the following resolution:

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF HENDERSON," has been introduced at the meeting of the Board of Commissioners of the County of Henderson held on January 6, 1992 and the Board of Commissioners of the County of Henderson desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act; NOW, THEREFORE,

BE IT RESOLVED by the Board of Commissioners of the County of Henderson, as follows:

- (1) The public hearing upon said bond order shall be held on the 22nd day of January, 1992 at 9 o'clock A.M., at the County Office Building, in Hendersonville, North Carolina.
- (2) The Clerk to the Board is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to such public hearing.
- (3) The County's Finance Officer is hereby directed to file with the Clerk prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was seconded by Commissioner McKay and was adopted by the following vote:

AYES: Edney

Good McKay Randall Baker

NAYS: None

Chairman Edney invited comment from the audience but no one spoke regarding the public hearing. Commissioner Good made a motion that the public hearing be closed. All voted in favor and the motion carried. Mr. David Nicholson, Assistant County Manager/Finance Director explained to the Board that he had filed with the Clerk to the Board a statement of debt complying with the provisions of The Local Government Bond Act, and that statement showed the net indebtedness of the County to be .93% of the appraised valuation of property in the County subject to taxation and therefore an amendment was needed to reduce the size of the bond order from \$5,000,000 to \$4,445,000. Extracts from Minutes of Board of Commissioners for the amendment are below:

The Clerk to the Board of Commissioners reported to the Board of Commissioners of the County of Henderson that the bond order entitled, "Bond Order Authorizing the Issuance of \$5,000,000 General Obligation Refunding Bonds of the County of Henderson," which had been introduced on January 6, 1992, had been published on January 10, 1992, with notice that the Board of Commissioners would hold a public hearing thereon on January 22, 1992, at 7 o'clock, P.M. The Clerk also reported that the County's Finance Officer had filed in the Clerk's office a statement of debt complying with the provisions of The Local Government Bond Act, and such statement as filed showed the net indebtedness of the County to be .93% of the appraised valuation of property in the County subject to taxation.

Commissioner Randall moved that the Board of Commissioners proceed to hold a public hearing on the refunding bond order. The motion was seconded by Commissioner McKay and was unanimously adopted.

At 9:05 o'clock, A.M., the Chairman of the Board of Commissioners announced that the Board of Commissioners would hear anyone who wished to be heard on the questions of the validity of the refunding bond order and the advisability of issuing the refunding bonds. At the direction of the Chairman, the Clerk to the Board of Commissioners read the refunding bond order and the published notice of hearing.

After the Board of Commissioners had heard all persons who requested to be heard in connection with the foregoing questions, Commissioner Good moved that the public hearing be closed. The motion was seconded by Commissioner McKay and was unanimously adopted.

Commissioner Randall moved that the Board of Commissioners amend the refunding bond order to reduce the size of the bond order from \$5,000,000 to \$4,445,000. The motion was seconded by Commissioner McKay and was adopted by the following vote:

January 22, 1992

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AYES:

Chairman Edney Commissioner Good Commissioner McKay Commissioner Randall

NAYS:

None

Commissioner McKay made a motion to direct the Clerk to the Board of Commissioners to publish as prescribed by the Local Government Bond Act the bond order entitled, "Bond Order Authorizing the Issuance of \$4,445,000 General Obligation Refunding Bonds of the County of Henderson". All voted in favor and the motion carried.

PUBLIC INPUT

No one signed up for Public Input.

REQUEST FOR ADDITION TO STATE ROAD SYSTEM-NEW VILLAGE DRIVE

Mr. Matt Matteson, County Planner, explained to the Board of Commissioners that Mr. Terry Sutton, the developer of Henderson Village subdivision, had originally requested to use the street name of Village Drive but that name had already been assigned. Therefore, Mr. Sutton agreed to use the name New Village Drive and to change his street name signs accordingly. Mr. Matteson recommended to the Board of Commissioners that New Village Drive be assigned to the road proposed for acceptance into the State road maintenance system and that the Board of Commissioners consider such request.

Commissioner McKay made a motion to approve the request as presented. All voted in favor and the motion carried.

NOMINATIONS

Chairman Edney reminded the Board of (2) vacancies on the Jobs Training Partnership Act Committee (JTPA). There were no nominations and those vacancies were rolled to the next meeting.

Chairman Edney reminded the Board of (2) vacancies on the Henderson County Industrial Facilities and Pollution Control Authority. Chairman Edney nominated Mr. Mark Powell. No further nominations were made. Commissioner McKay made a motion to suspend the rules regarding this appointment and appoint Mr. Mark Powell to the Henderson County Industrial Facilities and Pollution Control Authority. All voted in favor and the motion carried. Mr. Mark Powell was appointed to the Henderson County Industrial Facilities and Pollution Control Authority. The remaining vacancy was rolled over to the next meeting.

Chairman Edney reminded the Board of (5) vacancies on the Agriculture Advisory Board. There were no nominations and those vacancies were rolled over to the next meeting.

Chairman Edney reminded the Board of vacancies on the Land Use Plan Steering Committee. No appointments were made by the Board. A list of all persons considered for this Committee was posted in the office of the Clerk to the Board of Commissioners. The appointments will be made at a Commissioner's meeting in February 1992.

MILLS RIVER FIRE DISTRICT REQUEST

Chairman Edney introduced Mr. Rick Livingston, Fire Chief of Mills River Fire and Rescue. Mr. Livingston requested the Board to grant permission to the Mills River Fire and Rescue district to expand its territories to cover a five mile area that currently has no fire protection. Mr. Livingston also requested a tax increase from the current 04.5 cents to 06.0 cents per \$100.00 to replace old equipment and make necessary repairs to the current building which houses Mills River Fire and Rescue Department. Mr. David Thompson, County Manager, recommended to the Board that certification of the signatures of the residents who signed the petitions to be included in the Mills River Fire District and the boundaries of the territories to be expanded be certified by the County Tax Assessor, Mr. Robert Baird. No action was taken by the Board on the request for expanded territories nor the request for a tax increase. Those issues will be considered at a later date.

EARTH DAY QUILT

Chairman Edney introduced Ms. Carla Rodio, local artist. Ms. Rodio showed the Board the Henderson County Earth Day Quilt which was made by volunteers in Henderson County in commemoration of Earth Day 1990 and asked the Board to find a location in one of the County offices to display the quilt.

The Board decided not to accept the quilt for display at this time.

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. David E. Nicholson, Assistant County Manager/Finance Director introduced Mr. Carl Shaw of Hansen, Johnson Associates, P.A. (the auditing firm which conducted Henderson County's audit) to the Board. Mr. Nicholson and Mr. Shaw presented an overview of the Comprehensive Annual Financial Report For the Fiscal Year Ended June 30, 1991 and presented recommendations to management based on the audit findings. Assistant County Manager/Finance Director, David Nicholson recommended to the Board that the County increase the fund balance from 8 percent to 9 or 10 percent to cover expenditures should a major problem arise. No action was taken by the Board on this recommendation. The financial report reflected The Board commended Mr. the County to be fiscally stable. Nicholson for having received for Henderson County the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers of the United States and Canada for the fiscal year ended June 30, 1991.

Mr. Nicholson and Mr. Shaw explained the findings of the audit as detailed in the Compliance Audit Report for the Year Ended June 30, 1991.

A copy of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 1991 and the Compliance Audit Report are on file in the office of the Clerk to the Board of Commissioners.

TAX RELEASES

Robert Baird, County Tax Assessor, presented a list of (42) tax releases totaling \$5800.35.

Commissioner Good made a motion to approve the tax releases as presented if all paperwork is in order . All voted in favor and the motion carried.

TAX REFUNDS

Robert Baird, County Tax Assessor, presented a list of (34) tax refunds totaling \$6917.82.

Commissioner McKay made a motion to approve the tax refunds as presented if all paperwork is in order . All voted in favor and the motion carried.

REQUEST FOR REMOVAL OF ROOM TAX PENALTY

Mr. David E. Nicholson, Assistant County Manager/Finance Director, presented requests to remove the late penalty associated with the Local Occupancy Room Tax from The Woodfield Inn and Bent Oaks.

Commissioner McKay made a motion to reduce the penalty of \$430 against The Woodfield Inn to reflect the current Local Occupancy Room Tax late penalty rate of \$124.87 and not to dismiss the late penalty for Bent Oaks of \$25. All voted in favor and the motion carried.

SALE OF SURPLUS VEHICLES

Mr. David E. Nicholson, Assistant County Manager/Finance Director, presented a summary of the bids for the sale of (19) surplus vehicles totaling \$7865.00 and requested the Board to approve the sale of these surplus vehicles.

Commissioner McKay made a motion to accept the bids as presented and to permit the sale of the surplus vehicles. All voted in favor and the motion carried.

FISCAL YEAR 1992-93 BUDGET CALENDAR

Mr. David F. Thompson, County Manager, presented to the Board a proposed Budget Calendar for the fiscal year 1992-93 for their review and approval.

Commissioner Good made a motion to adopt the proposed Budget Calendar as presented subject to later modifications if needed. All voted in favor and the motion carried.

ROAD PETITIONS

Petitions were presented to the Board to add Beaumont Drive, Rivoli Boulevard and Saddlebred Court to the State System. A petition was presented to request the paving of Bald Rock Road and to have it listed as "historical". Mr. Matteson explained to the Board that according to North Carolina Department of Transportation personnel that no procedure was in place to have roads listed as "historical".

Commissioner McKay made a motion to approve the requests as presented and forward them to NC Department of Transportation. All voted in favor and the motion carried.

MANAGER'S UPDATE

1. Comprehensive Land Use Plan

Matt Matteson, County Planner, gave an overview of the status of the Comprehensive Land Use Plan.

2. County Sewer Projects

Jim Erwin of the Henderson County Sewer Department gave an update of the Cane Creek Sewer District Project and the Mud Creek Sewer District Project. Mr. Erwin informed the Board that Henderson County has received \$200,000 from the Appalachian Regional Commission (ARC) for the proposed Naples area sewer project.

3. Solid Waste Management

Mr. David Thompson, County Manager, gave an update on the Solid Waste Management project. Mr. Thompson informed the Board that Henderson County and Transylvania County were close to a settlement of an agreement to share a tub grinder.

Mr. Thompson presented a copy of the Landfill Site Selection Schedule that was to be discussed by the Solid Waste Advisory Committee on Thursday night, January 23, 1992.

4. Multivision Cable Inc.

Mr. David F. Thompson, County Manager, explained that Chairman Edney has called a meeting of the Cable TV Advisory Committee to review the recent rate increase by Multivision, the proposed merger of Multivision with Cablevision and the proposed construction schedules of Multivision due to him by February 1, 1992.

5. Courthouse Construction

Mr. David F. Thompson, County Manager, has issued a letter and preliminary diagram of the proposed Courthouse to agencies within Henderson County who will be housed in the new Courthouse complex and requested feedback by January 24, 1992 to determine whether the design will accommodate their needs.

6. EIS Ordinance

Mr. David Thompson informed the Board that the County had received responses from approximately eighteen agencies to the Orange County Environmental Impact Ordinance. The general consensus from those responses is that the County should not adopt an ordinance based on the Orange County Ordinance.

7. December Financial Report

Mr. David E. Nicholson, Assistant County Manager/Finance Director, discussed the Henderson County Financial Reported dated December 1991.

EXECUTIVE SESSION

Commissioner Good made a motion to go into Executive Session to discuss matters as allowed under General Statute 143-318.11. All voted in favor and the motion carried.

Commissioner Randall made a motion to go out of Executive Session. All voted in favor and the motion carried.

ADJOURNMENT

Chairman Edney adjourned the meeting at 3:50 p.m.

ATTEST:

Avalina Merrill, Acting Clerk

J. Michael Edney, Chairman

458 22/92 Public Hearing General Obligator Name Address

approved as a sure

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GORDON, JAMES F GREATER NEW ZION BAPTIST CHURCH	83654 81729	6781858 G	601 F6	FØ1	\$15.66 \$92.62	\$2.15 \$9.16	\$17.81 \$161.92	MH LISTED AS REAL PROP EXENPT, FILED UNTIMELY AP	
HARTNETT, MYRTLE LEONA	88665	30	681 F6	F09	\$50,78	\$6.97	\$57.75	PLICH FO TOTALED; SIGNED OVER TO INS	
HAWKINS, ANTHONY ALLEN HENDERSONVILLE INSULATION CO	10877 87889	9938903 G	601 F6	FØ7 FØ1	\$137.68 \$277.70	\$16.62 \$38.12	\$154,30 \$315,62	MH SOLD 11/88 TO MIKE THOMPSON DEFR VALUE CHANGED FER ANENDED	
HILTUM, ALFRED T HILTON, RUTH M	60375	0103931 66	GØ1 FE	FG2	\$17.55	\$2.07	\$19,62	HEST PERCEIVED LATE LIST PENALTY IN	
HUFF, JOY SMITH JUSTICE, PHILLIP DAVID JUSTICE, KIN 84621 BERLY DIANE	. 88853 N 84621	30	691 F6 691 F	F01 F02	\$26,27 \$44.07	\$3.88 \$5.19	\$32,15 \$49,20	ennon 85 BUICK DOUBLE LISTED, #21215 MH BILLED TO WKONG TAXPAYER	

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PRESTON 24474 601 F05 81.65 81.61 81.62 81.61 82.10 PRESTON 25629 601 F02 864.11 47.54 871.65 15 LEVI, CALVIN D. 87783 601 F05 813.44 55.28 875.27 SEE, KIMBERLY ANNUE & WIFE STRATTON 68655 601 F07 85.20 87.10 875.29 STRATTON 68655 601 F07 855.20 87.10 875.29 STRATTON 68655 601 F07 85.20 87.10 875.20 STRATTON 68657 601 F07 85.20 87.10 875.20 STRATTON 68658 601 F07 85.20 87.10 875.20 STRATTON 68659 601 F07 85.20 87.10 875.20 STRATTON 68650 601 F07 85.20 87.10 875.20 STRATTON 68650 601 F07 85.20 87.10 87.20 87.20 STRATTON 68650 601 F07 85.20 87.10 87.20 87.20 STRATTON 68650 601 F07 85.20 87.10 87.20 87.20 STRATTON 68650 601 F07 85.20 87.20 87.20 STRATTON 68650 601 F07 85.20 87.20 STRATTON 68650 601 F07 87.20 87.20 STRATTON 68650 601 F0	, WILLIAM	24474	39					THE NAME AND POST OF THE PARTY
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DE LANCE, KYDE HOLL 63574 G01 F02 F61.13 F61.55	JSTICE, WILLIAM PRESTON	24474	30					CHEKO PROP NO. 18
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CUNNERS NAME	ACCOUNT, PID	TAX	FIRE CODE	TISC. CODE	AMOUNT TAXES RELEASED	FIRE CODE AMOUNT	TOTAL	REASON FC	ACCOUNT. FID TAX. FIRE MISC. ANOUNT FIRE TOTAL REASON FOR RELEASE	
WALDROP, HORACE STEVEN WALDROP, SHA RLA JONES	A 81720	601	507		436.41	\$4.28	\$40.6	991 9 &5 NISS I	991 \$40.69 &5 NISS DOUBLE LISTED #31315	
WHITAKER, CARL S WHITAKER, JACQUELI NE	1 51742	681			\$20.80		8 . BS *	S MV LISTED	*20.86 MV LISTED IN TRANSYLVANIA CO/1	
WHITE, MARK WOGDY, GLENN HOWARD JR	65845 89784	681 681	F 69 F 604	-	\$36.97 \$24.34	\$ 5.67 \$.95 .86	\$ 40.0 \$ 27.09	991 4 MH BILLEI 3 PEKS PROF	991 \$42.04 NH BILLED TO WKONG JAXPAYER \$27.20 PEKS PKUP LISTED TRANSYLVANIA∕	
(1991		

\$5,169,70 \$585.15 \$5800.35