

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
NOVEMBER 20, 1991

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the 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, Commissioner F. Richard Baker, County Manager David F. Thompson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn. Absent was Assistant County Manager/Finance Director David E. Nicholson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Randall led the pledge to the American Flag.

INVOCATION

Rev. Donald Chapman of Christian Missionary Alliance Church gave the invocation.

REVIEW OF MINUTES

Minutes were presented for review of the November 4 meeting. The minutes were approved as presented.

DISCUSSION/ADJUSTMENT of AGENDA

David Thompson added two items under New Business "H" Tax Refunds, and "I" Tax Releases. He informed the Board that when item "A" under Unfinished Business is discussed the clerk will have a hand-out in addition to the material in the agenda packet.

PUBLIC INPUT

There was no one signed up to speak.

REQUEST FOR SEMI-AUTOMATIC DEFIBRILLATORS

David Thompson reminded the Board that this item was on the agenda at the last Commissioners' meeting with no action taken. Since that time, Tom Edmundson has informed Mr. Thompson that the cost of the defibrillators will increase by about \$300 each as of November 26, 1991. He also informed Mr. Thompson that preventive maintenance contracts are available for \$588 per unit. Mr.

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Edmundson recommends that Henderson County EMS make the purchase of the defibrillators in order to maintain medical control. The purchase can be made through Pardee Hospital to take advantage of the 8% discount that is given to hospitals by Physio Control. Henderson County EMS would then purchase the defibrillators from Pardee Hospital.

There was very much discussion. Commissioner Baker made the motion to reject the request at this time. All voted in favor and the motion carried.

It was the strong opinion of the Board that the defibrillators should be in some departmental budget.

#### PROPOSED VESTED RIGHTS ORDINANCE

The following documents were submitted for review:

A. Vested Rights Ordinance that reflects changes staff has made based on comments by the Board of County Commissioners at the Public Hearing held on November 4, 1991.

B. Vested Rights Ordinance with changes that are listed for discussion purposes by Chairman Edney.

C. History of the legislation and handout from the North Carolina Association of County Commissioners.

Mr. Thompson recommended that the Board receive these documents at this meeting and instruct staff and the County Attorney to prepare a final draft for the next Board Meeting (December 2, 1991).

Commissioner Baker made the motion to postpone any action until a later time to give the Board members sufficient time to review all the documents presented. All voted in favor and the motion carried.

It was agreed that Chairman Edney, David Thompson, and the Planning Director will get together to draft an adoptable version of the Ordinance to bring back to the Board.

#### NOMINATIONS

1. Chairman Edney reminded the Board of 2 vacancies on the JOB TRAINING PARTNERSHIP ACT COMMITTEE (PIC). These are two year terms and one must be a minority and one must represent big business. There were no nominations so the item was rolled to the next meeting.

2. Chairman Edney reminded the Board of 4 vacancies on the HENDERSON COUNTY TRAVEL & TOURISM COMMITTEE. All four members have

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been contacted with three responses. Mr. Hulick, Mr. Niehoff and Commissioner Baker have shown interest in serving again if nominated.

Commissioner Baker nominated Kenneth Hulick and Fred Niehoff to serve an additional term. Chairman Edney nominated Commissioner Baker to serve an additional term. Commissioner McKay made the motion to suspend the rules and appoint these three gentlemen and to hold the fourth vacancy open. All voted in favor and the motion carried.

COMPREHENSIVE LAND USE PLAN CONSULTANT

Mr. Matteson and Mr. Thompson have reviewed proposals from five consultants. Three of the five have made formal presentations to staff. Mr. Matteson and Mr. Thompson have agreed on one top candidate - Woolpert Consultants of Charlotte, N.C.

They discussed the scope of work required and justified their selection based on the firm's ability to perform the work plan at a high level.

After much discussion Commissioner Good made the motion to approve the Woolpert proposal at the price of \$79,500. A vote was taken and the motion carried unanimously.

COUNTY MANAGER'S UPDATE

1. Interlocal Cooperation Agreement with the City of Hendersonville

Mr. Thompson informed the Board that this Agreement has been executed and is working smoothly at this time.

2. JTPA merger with Buncombe County

Buncombe County, Henderson County, Madison County, and Transylvania County has agreed to merge and they have applied for the designation as a Multi-County Service Delivery Area (SDA) under criteria two (2) of the designation petition. The elected officials designated to represent JTPA as the "chief elected official" from each county are:

Buncombe -----	William H. Stanley
Henderson -----	J. Michael Edney
Madison -----	Cloice Plemmons
Transylvania -----	Frances C. Waser

The elected officials will elect one of the four by majority vote to serve as Chairperson of the Buncombe, Henderson, Madison, Transylvania Job Training Consortium.

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Mr. Thompson stated that the merger has come about and this has saved our consortium \$45,000-50,000.

### 3. Solid Waste Management Work Session

Mr. Thompson briefed the Commissioners on the agenda for the special called meeting for Thursday night, November 21, 1991. The Board will meet jointly with the Solid Waste Advisory Committee (SWAC) for a Solid Waste Management Work Session. He stressed that the highlight of the evening is the Solid Waste Financial Analysis. John House and O.W. Strickland of David M. Griffith & Associates will be with us at the meeting to discuss the financial analysis.

The purpose of the meeting is to develop a workable plan for the next 2 1/2 years and get our user fee in place.

Mr. Thompson then informed the Board that we have received our permit for the C & D Landfill.

### 4. Griffith/Archer Job Specification Analysis

Mr. Thompson presented a time schedule for the job specification analysis beginning with September 11, going through December 16, 1991. The analysis is presently operating two weeks behind schedule.

### 5. Environmental Impact Ordinance

Mr. Thompson presented a letter addressed to him from the Secretary of the North and South Mills River Community Club. The Secretary voiced the club's thanks for being included in evaluating the merits of the Orange County Environmental Impact Ordinance. They are presently reviewing and studying the Ordinance and will report back to the Board when finished with their review.

### 6. City/County Schools Merger Study

Mr. Thompson informed the Board that the study has not been received yet but he expects it in the mail today or tomorrow.

The Board called a Special Meeting for Tuesday, November 26 at 7:00 p.m., here, to review the merger study.

### 7. Director of Henderson County Youth Services

Mr. Thompson informed the Board that Elizabeth Macdonald, Director of Youth Services, has requested to be allowed to solicit furniture for the Emergency Youth Shelter and the Youth Home. This time of year she thought merchants might donate furnishings for tax benefits. Both shelters are in need of furniture. It was decided

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that she could solicit donations with Mr. Thompsons' approval of the solicitation letter.

#### MARGARET BLAND BEQUEST TO LIBRARY

Chairman Edney discussed a bequest with the Board. Mrs. Margaret Bland made a bequest to the Henderson County Library and the Board discussed the acceptance of the bequest in such a manner as to honor the wishes of Mrs. Bland.

The total bequest is \$150,000. The Board of Commissioners stressed that these funds would only be used for library purposes and they wanted to be able to utilize these funds as deemed necessary. Community Foundation is allowed a higher rate of return than Henderson County would be. It was decided to set up a fund with Community Foundation and use this bequest as seed money.

#### FARMLAND PRESERVATION ORDINANCE

A draft copy of the Henderson County Voluntary Farmland Preservation Program Ordinance was discussed. The document was endorsed by the Planning Board on October 29, 1991. As per the County Commissioners' direction, Mr. Matteson has submitted a copy of this draft to the County Attorney's Office and to the local Soil Conservation Service for review and comment.

Mr. Matteson and the Board members went into lengthy discussion of the draft ordinance.

There were farmers and others present who helped create the draft and two of these gentlemen came forward to answer questions, Mr. Bob Cathey and Mr. Frank Fitzsimmons. The County Attorney had some concerns.

Mr. Thompson will work with staff on revising the draft ordinance and it will be on the agenda again December 18, 1991.

#### COUNTY OFFICE PAPER/ALUMINUM CAN RECYCLING PROGRAM

Nippy Page, Recycling Coordinator, discussed changes in our recycling program for the County Office Buildings as per request by County Manager David F. Thompson.

Ms. Page received a proposal from GDS Recycling Services which she reviewed with the Board. There is a monthly charge involved but it will save the county money over the way the recycling program is being handled presently.

Commissioner Randall made the motion to enter into contract with GDS Recycling Services for our Henderson County Office Recycling

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Program, upon review and approval by the County Attorney. All voted in favor and the motion carried.

**NORTH CAROLINA DESERT STORM MEMORIAL FOUNDATION**

Mr. Thompson has received a request from The N.C. Desert Storm Memorial Foundation, Inc. They are seeking help in raising funds for a memorial and Veterans Park in honor and memory of the many sacrifices made in the recent conflict and other past conflicts. They are also seeking a 5 acre site for the memorial and park. Any city or county across the state that is interested in hosting the park may apply and be considered. The N.C. Desert Storm Memorial Foundation, Inc. is requesting monetary help from counties across the state. They are requesting help in the form of a direct donation or either the purchase of a designated amount of T-shirts.

Mr. Thompson was instructed to forward the request to our Veterans Services Administrator.

**NOMINATIONS**

**1. Green River Management Board**

Commissioner Good is the Commissioner's nominee to the Green River Management Board and has attended a meeting. There is one vacancy on the Board.

This Board was discussed at length. The Commissioners do not have a copy of the Board's by-laws or rules of procedure and would like this before making any nominations.

**2. Valley Hill Volunteer Fire Department**

Mr. Thompson informed the Board of a letter from the Secretary of the Valley Hill Volunteer Fire Department requesting the Board to name Harry B. Iler III and Gary C. Ward to the Board of Trustees.

Under the statute and regulations governing local Firemens Relief Funds the Board of County Commissioners appoints two members of the five-member Board of Trustees. It has been the policy of the Valley Hill Volunteer Fire Department since the Valley Hill Firemens Relief Fund was established to request the County Commission to appoint the Chief and First Assistant Chief to the Board. As a result of the annual election of officers held November 4, 1991, the Valley Hill Volunteer Fire Department requests that Mr. Iler and Mr. Ward be appointed. These nominees would replace John A. Hill and John C. Strickland.

Commissioner Baker made the motion to accept the recommendation and appoint Harry B. Iler III and Gary C. Ward to the Board of Trustees. We will notify both the North Carolina Department of

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Insurance and the North Carolina State Firemen's Association. All voted in favor and the motion carried.

**NOTIFICATION OF VACANCIES**

Chairman Edney informed the Board of the following vacancies with terms expiring in February and March:

Board of Equalization and Review - 5 vacancies  
 Industrial Facilities & Pollution Control - 2 vacancies  
 Nursing Home/Domiciliary Home Advisory Committee - 5 vac.  
 Henderson County Planning Board - 2 vacancies  
 Recreation Committee - 3 vacancies

These vacancies will be on the next agenda for nominations.

**ROAD PETITIONS**

Chairman Edney informed the Board of four (4) road petitions received to date for addition to the state maintenance system:

1. Dawn Valley Drive
2. Sean Way
3. Swan Circle
4. Spring Lake Drive

Commissioner Baker made the motion to accept these petitions and forward them to N.C. Department of Transportation for their consideration. All voted in favor and the motion carried.

**TAX REFUNDS & TAX RELEASES**

These were carried over to the December 2, 1991 meeting because of legal questions.

**MUD CREEK WATER & SEWER DISTRICT**

The Henderson County Board of Commissioners adjourned and convened as the Mud Creek Water & Sewer District Board.

The Mud Creek Water & Sewer District Board adjourned and reconvened as the Henderson County Board of Commissioners.

**EXECUTIVE SESSION**

Commissioner Baker made the motion for the Board to go into Executive Session. All voted in favor and the motion carried.

Chairman Edney thanked Denise Layfield for working with the Board and being as considerate as she has. Today is her last meeting with our Board. She is taking another assignment.

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


ACTION

Commissioner Baker resigned his position on the Cable T.V. Review Committee. Commissioner Randall made the motion to place Chairman Edney's name in nomination to replace Commissioner Baker as Chairman of the Cable T.V. Review Committee. All voted in favor and the motion carried.

There being no further business the meeting was adjourned.

ATTEST:

  
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Elizabeth W. Corn, Clerk

  
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J. Michael Edney, Chairman