MINUTES |

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS SEPTEMBER 18, 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, County Manager David F. Thompson, Assistant County Manager/Finance Director David E. Nicholson, and Clerk to the Board Elizabeth W. Corn. Absent was Commissioner F. Richard Baker and County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Randall led in the pledge to the American Flag.

INVOCATION

Dr. Dale Tanner of East Flat Rock First Baptist Church gave the invocation.

REVIEW OF MINUTES

Minutes of the July 17 meeting were presented for review. The minutes were approved as corrected.

PUBLIC INPUT

Chairman Edney explained that the Board of Commissioners had received so many letters and had heard so much public comment already on the zoning issue for N. Rugby Road that no comment on that item will be heard today.

Chairman Edney directed the Clerk to call the names of those who wish to speak.

<u>Stefan Juchnowycz - Mr. Juchnowycz spoke urging approval of an incinerator ordinance.</u>

<u>Mae Alexander - Ms.</u> Alexander had planned on addressing the zoning issue. She had a prepared statement to the residents of N. Rugby Road and gave that statement to Chairman Edney for the record.

Thomas Johnson - Mr. Johnson spoke asking the Board to pursue the Land Use Plan.

<u>James Macomson - Mr. Macomson had planned on addressing the zoning request but would not do so at this time since the Board was not allowing more input.</u>

Announcement

Chairman Edney stated that the reason Commissioner Baker is not in attendance today is that he is in S.C. and had his vehicle stolen. He is still out of town dealing with the situation.

NORTH RUGBY ROAD ZONING REQUEST

Chairman Edney asked County Planner Matt Matteson to brief the Board on this issue.

On June 14, the petition was received by the Planning Board to zone a 185 acre tract along N. Rugby Road. The Planning Board made a change in the request from R-30 to recommending unanimously that four separate districts be established in this 185 acre tract, O & I, R-20, T-15, and R-10. The recommendation was passed on to the Board of Commissioners and a public hearing was held on August 22.

Environmental Impact Ordinance - Mr. Matteson was asked to explain what an Environmental Impact Ordinance is and what it does. In 1971, the State of N.C. passed a North Carolina Environmental Policy Act. It provides that counties may adopt ordinances to require (in addition to impact statements that would be required by state or federal government) a local impact ordinance.

The Ordinance could require a two stage process: an environmental assessment and a formal environmental impact statement. These were found in an Environmental Impact Ordinance that another county had adopted. If, after all the study and review, there was a finding of no significant impact on the environment then permits could be issued and the project could get underway. Without that finding by the Board of Commissioners that project would not be able to continue until either the Commissioners had approved the statement or the project had been designed in a fashion that it would be approved or the project would be abandoned. The Ordinance is not intended to impede development it is intended to scrutinize the environmental impact of the specific development of the county.

There was much discussion regarding ordinances, a land use plan, and flood plains.

Chairman Edney spoke stating that he feels the Board should table the zoning until the land use plan is completed. He also feels that the Board needs to declare a moratorium (for no more than one year) on any development in the area until the land use plan is completed.

Commissioner McKay made the motion to table this request for zoning until the completion of a Comprehensive Land Use Plan for the county. A vote was taken:

Ayes: Commissioner Randall

Commissioner McKay

Chairman Edney

Nays: Commissioner Good

and the motion carried.

Chairman Edney made the motion that the Board of Commissioners declare a moratorium on any development in the proposed zoning area for at least one year. There was discussion on the motion.

Chairman Edney made an amendment to his above motion, extending the moratorium for anything within the 100 year floodplain in Henderson County. There was much discussion on the motion with many questions being raised. No vote was taken. Staff was instructed to research this idea between now and the next meeting which is scheduled for October 7.

Chairman Edney called a recess. Commissioner Good left during the recess.

DISCUSSION/ADJUSTMENT of AGENDA

County Manager David Thompson added these items to the agenda under New Business:

"I" JTPA Service Delivery Area

"J" Tax Order to the Tax Collector to collect county taxes

"K" Resolution - Farm/City Day

REQUEST FOR RELEASE OF CAPITAL FUNDS-County School System

Mr. Thompson reminded the Board that during budget sessions these projects were discussed. At that time the projects were set up in a capital projects ordinance which requires that the Board of Commissioners (by formal motion) release those funds.

Dr. Lunsford is requesting funds for the following projects:

Central Office HVAC Replacement \$110,000.00
Rugby Jr. High Handicapped Lift 65,000.00
Funding for these two projects would come from capital reserve interest.

New Media Center Furnishings (East High and West High) Media Automation

80,000.00

64,000.00

(East High and West High)
Science Labs Equipment
(East High and West High)

6,000.00

Funding for these three projects would come from bond fund interest.

Commissioner McKay made the motion to approve the first project, to be funded from interest from capital reserve funds totaling \$110,000.00. A vote was taken and the motion carried:

Ayes:

Commissioner Randall

Commissioner McKay

Nays:

Chairman Edney

Commissioner McKay made the motion to approve the second project, to be funded from interest from capital reserve funds totaling \$65,000.00. A vote was taken and the motion carried unanimously.

Commissioner Randall made the motion to approve the three projects dealing with the renovations of East High and West High, to be funded from bond fund interest totaling \$150,000.00. A vote was taken and the motion carried unanimously.

COUNTY MANAGER'S UPDATE

1. Educational Planning Associates, Inc.

Planning Agreement
Mr. Thompson stated that the City and the County School Board both seem to be making a good faith effort toward the merger plans. Mr. Thompson has met with the consultants and the consultants have begun work with both school boards. The consulting agreement has been sent to the consultants to be executed and returned. The only changes Mr. Thompson made in the agreement are that both the City and County School Boards are now parties to the agreement and the final date for completion of the study has been moved from December 16 to November 30. The reason for the date change is that December 16 is the date agreed upon for an actual merger agreement to be drafted and approved by both boards. The change in date gives a few days to resolve the issue of merger.

2. Incineration Ordinance

A draft incineration ordinance was submitted and discussed. No action was taken today. This item will be on the agenda for October 7, 1991. Also a time schedule was submitted regarding the proposed Henderson County Incinerator Ordinance. Mr. Thompson is requesting that the Board adopt the Ordinance on October 7, 1991.

3. Compensation & Classification Study
The Board authorized Mr. Thompson to start the study this fiscal
year. David M. Griffith & Associates Ltd. has been contracted with
to do the study. We presently have approx. 430 employees and 26

departments. All employees have been given a copy of their job

description to review and make updates on. The most time consuming part of the study will be rewriting job descriptions, most job descriptions were written in 1985 and were not specific in nature.

4. Comprehensive Land Use Plan

Mr. Thompson is requesting action because staff has accelerated the work on this project per the Board's request. The Board has already endorsed the concept of a Comprehensive Land Use Plan update and has given Mr. Thompson the authority to hire staff. The position announcement will close out the end of this month for the staff position. The position is being advertised now.

The Board directed staff to prepare a request for proposals to go out to the various consultants. Mr. Thompson submitted a draft request for proposals. He requested the Boards approval of the request for proposal contingent upon the Board's review and comments. Mr. Thompson will hold the proposals until Monday, September 21, for comments from individual Board members. He also will be awaiting comments from the Town of Fletcher, City of Hendersonville, and Town of Laurel Park.

Mr. Thompson would like to put the proposals out for bid on Monday, September 21, 1991. He has a bid date scheduled for October 11, 1991. Mr. Thompson stated that in the proposals the consultants are being told that we anticipate a fairly large steering committee of 15 members.

By consensus the Board approved the Request for Proposals and directed staff to proceed.

Mr. Thompson read from a resolution --- that the Henderson County Board of Commissioners and the Governing Boards of the City of Hendersonville and the Towns of Laurel Park and Fletcher, pledge their mutual cooperation in planning for and implementing a growth management strategy for Henderson County and its citizens. This resolution is an outgrowth of the joint city/county consolidation planning committee that has been meeting periodically. Mr. Thompson stated that he plans to submit this resolution to the ARC for funding.

Commissioner McKay made the motion to approve the Resolution. All voted in favor and the motion carried.

Announcement - Chairman Edney announced that the reason Commissioner Good had to leave early was a "family emergency."

5. DMG Solid Waste Study/Demolition Landfill

<u>Demolition Landfill</u> - Mr. Thompson informed the Board that he finally received a statement from the State of North Carolina of the things that we would need to provide to get the release of our demolition landfill permit. Mr. Thompson has asked the engineer

to respond to those concerns. Mr. Lapsley has responded to those concerns and we should have a state decision within the next couple of weeks. This should greatly help our work at the landfill. We have also applied for a sedimentation and erosion control plan.

DMG/Solid Waste Study - Mr. Thompson informed the Board that we are progressing as per our timeframe regarding the solid waste study. We should be done with the complete study within the next month. Mr. Thompson is interested in knowing what our current costs are at the landfill with some costs added for things that we will have to do in the next couple of years. Mr. Thompson has received that preliminary information; however, since then EPA has finally come out with subtitle D which is the requirement that we be in a high-tech landfill or using high-tech methods of landfilling within the next 24 months. This will have a major impact on our current costs of operating the landfill.

6. Law Library

Mr. Thompson told the Board that he is pleased to inform them that the Law Library can be done "in house" for an estimated \$5,500.00. The budget the Commissioners had was \$8,000.00. It is now up to the Attorneys, Mr. Gardo, and Les Capps to coordinate the project and finish it up. Les estimates that his people can do the work within 60-90 days.

7. County Courthouse/Jail/Law Enforcement Facility
Mr. Thompson and the architect have conducted interviews over the last month. Space needs have been updated. The architect will be utilizing the data to come up with new schematics. The new schematics will probably be done during the month of October. Regarding the authorized survey, the fieldwork has been completed and we should have the survey this week.

NOMINATIONS

1. Chairman Edney reminded the Board of 2 vacancies on the Henderson County Board of Adjustment. We have received a letter from Gwen Thornburgh stating that she is willing to serve again if nominated.

Commissioner McKay made the motion to reappoint Ms. Thornburgh to fill one of the vacancies. All voted in favor and the motion carried. There were no other nominations so one vacancy was rolled to the next meeting.

The following vacancies were rolled to the next meeting since we do not have a full Board in attendance:

- 2. Community Child Protection Team
- 3. Jobs Training Partnership Act Committee 2 vacancies
- 4. Council on the Status of Women 1 vacancy

Blantyre River Park

Doug Moon reminded the Board that in 1977 Henderson County entered into an agreement with TVA to develop Blantyre River Park. In 1982 we entered a Grant of Easement with Transylvania County that they would maintain services and maintenance on the park to stay in agreement with the 25 year agreement with TVA.

In September of last year, Transylvania County sent us notification that they wanted out of the lease agreement because they wanted to build another river park of their own.

From the options given us at that time, the best option was to enter into agreement with another agency which is N.C. Wildlife Resources Commission. They are interested in taking this river park over as far as maintenance services. At this time Henderson County does not have the lease form back but does have a letter stating that the Wildlife Resources Commission will enter into that agreement.

Mr. Moon is requesting approval of the lease at this time.

Commissioner Randall made the motion to approve the lease with the N.C. Wildlife Resources Commission and authorize Chairman Edney's signature on same. All voted in favor and the motion carried.

REQUEST FOR ADDITIONAL STAFF

This item was rolled to the next meeting since we do not have a full Board in attendance.

TAX RELEASES

A list of 40 tax release requests was presented for review and approval.

Commissioner McKay made the motion to approve these releases, considering all paperwork is in order. All voted in favor and the motion carried.

TAX REFUNDS

A list of 5 tax refund requests was presented for review and approval.

Commissioner Randall made the motion to approve these refunds, considering all paperwork is in order. All voted in favor and the motion carried.

REQUEST FOR RENEWAL OF PAWNBROKER'S LICENSE

Chairman Edney stated that this original license was granted about one year ago. Our procedures seem unclear as to whether he must go through all the process again or not. Mr. Edney suggested that the Board approve the license for another year subject to the managers review of the paperwork.

Commissioner McKay made the motion to approve the license for another year, assuming all paperwork is in order. All voted in favor and the motion carried.

NOTIFICATION OF VACANCIES

Chairman Edney informed the Board of 1 vacancy on the Youth Development Committee because of one resignation. This will be on the agenda for October 7 for nominations.

COST OF LIVING INCREASE

David Nicholson informed the Board that the county has handled the cost of living increase outside the budget process for a couple of reasons, one of which is:

We have tried to tie our cost of living increase to some type of standard. About four or five years ago we started using the Consumer Price Index as a standard. The CPI for the 12 month period ending June 30 was 4.6959%. The staff recommends an increase of 4.7% to become effective on September 23, 1991. The Commissioners appropriated these funds in the contingencies lineitem.

Commissioner McKay made the motion to approve the cost of living increase as recommended. All voted in favor and the motion carried.

ROAD PETITIONS

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

- 1. Ardis Lane
- 2. Park Knoll Drive
- Shelley Drive
- 4. Wendy Lane

We do have recommendations on all four from the planning department.

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

JTPA SERVICE DELIVERY AREA

Mr. Thompson informed the Board that we are presently in the Land Of Sky service delivery area, meaning we administer through Land of Sky the JTPA monies that come from the federal government. In the past this has worked well.

In the future it appears, we will have to join some other group or not be designated a service delivery area because of the new regulations.

One of our options is to join with Buncombe County. Another option is to join our service delivery area with another region service delivery area such as Region A to our west. Still another option is to not worry about being a service delivery area and go into a grouping called the "Rural Service Delivery Area". The State administers these programs.

The option of going in with Buncombe County will be discussed this Thursday morning at Land Of Sky Regional Council. This is Mr. Thompson's recommendation. We may have to be put in the "Rural Service Delivery Area" meaning we would need some very active PIC members.

TAX ORDER

According to the General Statutes, in any year the Board of County Commissioners shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A draft of a tax order is enclosed for review.

Commissioner McKay made the motion to adopt this tax order and execute it. All voted in favor and the motion carried.

RESOLUTION- Farm/City Day

Chairman Edney stated that Farm/City Day will be held October 5 in Henderson County with alot of festivities at Jackson Park. He is requesting the Board's approval of a Resolution declaring October 5 as Farm/City Day in Henderson County. This day is designated to recognize the contributions the farmers make in our county.

Commissioner McKay made the motion to adopt the resolution declaring October 5 as Farm/City Day in Henderson County. All voted in favor and the motion carried.

EXECUTIVE SESSION

Commissioner McKay made the motion for the Board to go into executive session to discuss the following matters:

- A. To discuss a personnel matter.
- B. To consult with the County Attorney to the extent

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that confidentiality is required.

C. To consider the acquisition of real property.

Commissioner Randall made the motion for the Board to go out of executive session.

Commissioner Good returned to the meeting during executive session.

Action

Commissioner Good made the motion to declare five properties as surplus and direct the Assistant County Manager to prepare sealed bids for the following five properties:

Albea 423 First Ave.
Thibodeau 322 Second Ave.
Bell 319 Third Ave.
Gilliam 323 Third Ave.
Shipman 331 Third Ave.

All voted in favor and the motion carried.

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

ATTEST:

Elizabeth W. Corn. Clerk

T. Michael Edney Chairman

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