

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
FEBRUARY 4, 1991

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.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 F. Richard Baker, Commissioner Hugh D. Randall, Commissioner William McKay, County Attorney Don H. Elkins, Interim County Manager Jerry D. Myers, Finance Director David E. Nicholson, Clerk to the Board Elizabeth W. Corn, and the news media.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner McKay led in the pledge of allegiance.

INVOCATION

Morris Kaplan of Agudas Israel Congregation gave the invocation.

REVIEW OF MINUTES

The minutes of the January 7, 1991 meeting were presented for review and were approved as corrected.

The minutes of the January 16, 1991 meeting were presented for review and were approved as corrected.

DISCUSSION/ADJUSTMENT OF AGENDA

There were no adjustments necessary.

PUBLIC INPUT

Chairman Edney wished to make this statement before hearing public input. "The Commissioners will not vote on the incinerator ordinance tonight, we wish to have time to research this Western North Carolina Regional Air Pollution Control Agency. It will be on the agenda and talked about but there will be no vote on the incinerator ordinance." He asked each person who had signed up for public input to come to the podium, give their name and where they live. Each speaker will be limited to three minutes. The Clerk was asked to call the names.

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Allen Hooker- Mr. Hooker is a member of the League of Women Voters. Mr. Hooker reviewed a booklet of the Leagues entitled "Our Local Government".

Norma Brown- Ms. Brown resides in Beechwood Lakes. Ms. Brown spoke on the incinerator ordinance. She spoke of the original proposed ordinance and the "gutted" version, stating that the wording has been weakened to the point of rendering the document worthless.

Whorton Nelson- Mr. Nelson spoke on the proposed ordinance. He felt that the Board was well taken to change the language of the original proposed incinerator ordinance, he felt it was unusually punitive. Mr. Nelson is a research chemist and consultant in fuel burning problems.

F. Alan Holmes- Mr. Holmes is a registered professional engineer in the state of N.C. He resides in Hickory Hill. Mr. Holmes feels that both Ordinances are needed and votes yes for both. He is concerned because there is no requirement for insurance coverage after the facility is shut down. He recommends that there be something in the ordinance to protect residents after the facility is shut down. He is also concerned because there are no penalties for unsafe operation of the facility. He saw no provision for record keeping either and feels that this is a deficiency. He also feels that the facility should be taxed to cover the cost of salaries and proper machinery to cover inspections. He also saw no requirement to identify the financial backers of the facility and feels this is a deficiency.

Lee Cookman- Mr. Cookman has years of experience in science and engineering. He is saddened by the Boards inclination to abandon the two ordinances as originally proposed. He stated that if the Board abandons the Advisory Board proposal, it owes the citizens a public and clearly articulated explanation of what it is afraid of.

Les Fleischer- Mr. Fleischer stated that the people of Henderson County want a commitment on the part of the Board of Commissioners to excellence, they do not want just adequate pollution controls. In addition they want more funds committed to recycling.

Lela McBride- Ms. McBride is chairman of the Solid Waste Committee of the League of Women Voters. She stated that the League is concerned with the reluctance of the County Commissioners to consider an Environmental Advisory Board. The League is also upset that there was no mention of Thermal Inversions in the revised incinerator ordinance.

Robert T. Kramer- Mr. Kramer resides in the Crab Creek section of the county, surrounded by alot of unzoned land. Mr. Kramer is a graduate chemical engineer and worked for Union Carbide for 31

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years, the last seven of which he was environmental manager. He urged the Board to give very careful consideration to the original ordinances proposed and the establishment of the air control commission board.

David Malpass- Mr. Malpass spoke of the public hearing and the fact that there were only two people who spoke in opposition of the original ordinance, Mr. Whorton Nelson and a letter read at the meeting by Chairman Edney from the Hendersonville Chamber of Commerce. He is asking that anyone in opposition produce their evidence and make it known to the public what their evidence is. He is requesting if the Board wishes to consider another ordinance that there be another public hearing so the public can address their position on the new version of the ordinance.

Phillip Kottal- Mr. Kottal passed, he did not wish to speak at this time.

Pam Sacco- Ms. Sacco resides in Laurel Park and is here representing Dr. Russell Sacco, a physician in private practice in Henderson County. Dr. Sacco is attending a Pardee Medical Staff meeting which he is required to attend in order to maintain his admitting privileges at Pardee Hospital. Dr. Sacco is a specialist in internal medicine and geriatrics. She presented a Resolution entitled "Hazardous Waste Disposal" which was amended and passed during the November annual meeting of the N.C. Medical Society. Dr. Sacco is further requesting that the Commissioners use an even-handed informed approach to implement the environmental advisory board now, even if the Board does not feel they are ready to implement an ordinance on regulating incineration.

Bill Read- Mr. Read stated that the citizens of Henderson County expect they are entitled to be provided with ordinances that most effectively protect their health and welfare. He further stated that both draft ordinances dated October 31, 1990, are an excellent first step. He stated that the versions the Commissioners are now revising are weak and ambiguous. He asked what the basis was for the changes which were made by the county officials. He requested that the Commissioners share the specific documentation that was used in making each of the changes.

Reagan Houston- Mr. Houston lives in Long John Mountain Estates and is a chemical engineer, partly retired and partly practicing in the field of air pollution control. He has a half dozen patents in air purification and pollution control and has taught air pollution control courses. He does not think that the ordinance presented has been well thought out.

Laura Deaton- Ms. Deaton lives in Swannanoa next to the Chemtronics site in Buncombe County. She works with W.N.C. Alliance who is concerned about the health and environmental risks that are posed

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by improper management of solid wastes. She stated that the original ordinance strictly controls incinerators wishing to operate in Henderson County and is a fair and well thoughtout ordinance. She feels that the amended ordinance is too weak.

SCHOOLS REQUEST/ City, County, and Blue Ridge Community College

There was no one in attendance from the School Boards so Chairman Edney asked David Nicholson to review these requests for the Board.

Mr. Nicholson informed the Board that we have received requests from both Blue Ridge Community College and the two school boards to start the process of issuing the bonds. This past August the voters of the community approved two bond referendums. Mr. Nicholson stated that we are now in the window of looking to issue those bonds.

Mr. Nicholson gave an update on where the School Boards and Blue Ridge Community College are now in their process. Blue Ridge Community College - their architect is preparing the bid documents and they hope to go to bid sometime about June 1. The county schools have indicated that both the East and West projects will open bids this week and will, if possible, award bids as early as next week. The new high school, new middle grade school, and the new elementary school plan to go out to bid in January of 1992. The city schools - phase II of the Hendersonville project will be opening bids the middle of February and hope to award the bids at their meeting in early March, hopefully get their construction started by mid March so they can meet their deadlines.

Mr. Nicholson stated that it takes about 90-120 days to issue bonds and based on these time schedules he is requesting the authorization of the bond sale and also requesting the Board adopt the capital project ordinance, this will set the financial document in order. He suggested that we sell the bonds and spend those funds first, we have money in capital reserve we can use to close out the projects. There was discussion.

Commissioner McKay made the motion to instruct Mr. Nicholson to authorize the bond sale and also that the Board adopt the capital project ordinance. Commissioner Good seconded the motion. All voted in favor and the motion carried.

Incinerator Ordinances

Chairman Edney called on Carole Dunn to address this item. Ms. Dunn is a member of the group Citizens for Responsible Waste Management.

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Ms. Dunn came forward and stated that she would be the last speaker, they will begin with Lucinda Guthrie. They have four speakers planned.

Lucinda Guthrie- Ms. Guthrie spoke on thermal inversion which means that we in Henderson County live in a unique geophysical area which has the configuration of a bowl or basin. Because of this basin-like valley the air we breathe is subject to thermal inversion, our air, for days or weeks hangs stagnant over us and is not purged or cleansed of any fine particles or pollutants which may be present. She spoke on the effects of fine particulate on humans. Ms. Guthrie accused the Commissioners of violating the public's trust and threatening to endanger everyone, on the "unqualified and irresponsible recommendations of your staff." She asked each Commissioner to search his soul, examine his motivation, refocus, or resign.

Ms. Guthrie then read excerpts from a letter written by Dr. John S. Morris, a pulmonary specialist in town. He stated that people have significantly more breathing problems whenever there is an incinerator in the area, people most likely to be affected are young children and the elderly. He also stated that residents in Los Angeles have worse lung functions than people in other parts of the country because of the increased air pollution with thermal inversion effect.

Commissioner Baker questioned some of the accusations Ms. Guthrie made but did not identify the person or persons involved. He requested that these people be identified.

Ms. Guthrie stated that Mr. Myers made the comment "It's not my problem, I don't mean to sound cold but it's not my problem." She stated that she was not present at the meeting last Tuesday but understands that Mr. McKay did not consider thermal inversion to be that big of a deal in this county.

Stefan Juchnowycz- Mr. Juchnowycz has lived in Hendersonville since 1984. He stated that tonight the Commissioners will decide on the economic future of Henderson County, well into the twenty-first century. He reminded the Commissioners that their decision will affect the health of our children, the growth of our apple industry, the expansion of our building industry, the health of our banking system, and our tourism.

He stated that the Commissioners have before them two documents to "control the quality of incinerator". Mr. Juchnowycz stated that the original ordinance is well researched, supported by the medical doctor, scientists, engineer, by our local Henderson County Agriculture Extension, and by majority of our citizens. It was reviewed by the Henderson County Planning Board and then unanimously approved by the same board. This ordinance required

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that only environmentally sound incinerator be allowed into our county.

The amended ordinance he stated "some of our city commissioners wish forced upon us." He stated that this ordinance was never presented to citizens in a public hearing and is not supported by the community. Mr. Juchnowycz asked each Commissioner to vote his conscience, "we need you to be courageous and responsive to the needs of community which entrusted you in your offices."

John Humphrey- Mr. Humphrey has lived in Mills River for 22 years and is a graduate chemical engineer with over 40 years of experience in the instrumentation and controls industry. He was in the U.S. Navy at sea in World War II.

Mr. Humphrey addressed the proposed revised ordinance, dated January 29 and stamped "draft". Mr. Humphrey stated "it seems to me that the problems of eliminating all of the technical controls which were embodied in the original ordinance proposed by the Planning Board are serious problems that you need to address and if you don't have the technical expertise in your staff or among your own members, then I think you need to get technical expertise, if you don't trust the information that has been presented by technically qualified people at the various public hearings". He also said that there has been no public hearing on the revised ordinance so there has been no public input. Mr. Humphrey stated that what goes into an incinerator comes out of an incinerator and if you cannot control what goes in you cannot control what comes out. He spoke on the State inspectors, three inspectors to monitor upwards of 2,000 establishments. He stated that the original ordinance required detailed record keeping and somebody to whom the records would be submitted so they could be checked.

Carole Dunn- Ms. Dunn feels that the original ordinance was "gutted" and what we have left is a fancy application form. Ms. Dunn met with Mr. Myers last Thursday because she was very unhappy about not getting a special place on the agenda for tonight. Mr. Myers pointed her in the direction of some people who helped. She spoke with Thomas Allen at the Department of Environmental Management, she was given copies of General Statutes and they state that the county is entitled to set up an ordinance and says why. Mr. Allen informed her that the county is entitled to enact rulings that would be more stringent than state rulings. He told her that other counties have done so, it does have to go to them for approval.

Ms. Dunn then talked with Steve Evans, an inspector for the Department of Environmental Management, Air Control Quality Division, based in Asheville. She made a correction to one thing that Mr. Humphrey said, she stated that we have probably 20-25 inspectors state wide but only three in our district which

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encompasses 17 counties. Mr. Evans informed her that there are 28 permitted facilities in our county, 15 that are considered major. He is able to inspect the major facilities once a year, the lesser facilities every three years. His monitoring information is reviewed quarterly. She asked him "would you object to getting any assistance from a local board, he said he thought that local boards were the strongest and most effective means by which we could beef up our inspections, that they have worked hand in glove with the Buncombe County Air Quality Control Board, they would welcome all the help they could get". She asked Mr. Evans if there were any facilities in the county who are not in compliance with state regulations, he said he knew of none at the moment who weren't in compliance.

Ms. Dunn stated that according to the provisions of the new Clean Air Act which was adopted nationally, titled Section IV, industries who are putting so many tons per hour are going to be assessed a fee of \$25.00 per ton. This fee will go to the state, eventually filtering back to Boards such as we are suggesting to use in order to have funding to do the necessary monitoring. She stated that there is money in private grants available, they are pursuing several avenues to come up with more information. She stated that before the Citizens Group is through they may be able to figure out how to do this and not cost the county anything and not have to run it on volunteer power and also have a tremendous lab available to us, people already in the field, staff, equipment, etc. She stated the possibilities might be better than their original proposal.

During her three hours of phone calls she asked Mr. Thomas Allen at the Department of Environmental Management "How is your study of our revised ordinance coming, the one that Henderson County sent you?" Mr. Allen replied "What revised Ordinance?" He searched their offices and said it has never been submitted from Henderson County. Mr. Allen is sending Ms. Dunn a letter to verify that they do not have the revised ordinance and have no knowledge of it.

Ms. Dunn said she had a lengthy conversation with our State Representative Larry Justus yesterday. Mr. Justus pointed out to her several questions her group should ask as to why we cannot do these things: 1. Why is it legal in any other county in this state? 2. Are you going to ignore the statutes? 3. What kind of advice are you getting?

In closing Ms. Dunn said they would like to keep the lines of communication open, they may have found a new direction that may serve the county even better than what they had originally intended.

Commissioner McKay informed the group that the Board appreciates what they have done, they have done alot of legwork which is of value to the Board regardless of the final result. He said that

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the Board is just as concerned about the future of Henderson County as any of the group. He feels that the Board members' sincerity and integrity have been questioned. Commissioner McKay stated that the Board is not questioning the group's sincerity or integrity, the Board may disagree but is not questioning their sincerity or integrity, he wanted this understood. He further said that he has been accused of not listening more than once, stating maybe his trouble is that he has listened because he has not only listened to this group but to many others that are reputable groups, reputable citizens who have said "Will you Commissioners please go slow and if you adopt an ordinance adopt one that is not quite as stringent." The future environmental health of Henderson County is not tied entirely to this, it is a much bigger issue than that. This is not the only issue on the table. Mr. McKay stated that he did not recall the statement about temperature inversion. He did not deny that he said it but what he recalled saying about the temperature inversion problem was that it is not just a county problem but a regional problem and he is recognizing that it is a problem but it will not be solved in Henderson County alone, it must be solved in the whole basin. Mr. McKay said "if the Board passes a less stringent ordinance than you propose, and I want you to know I favor that, it does not preclude adding to it nor strengthening it at any time. The door will not be closed, it is not the end of the matter but it will give us a degree of control. If somebody made an application tomorrow it would give us a significant degree of control and I agree with you that today we have none. The issue of solid waste disposal is a major problem, the costs of the new landfill are staggering. I have been to the Transylvania landfill and when you go you will be appalled at what the county faces with landfill disposable solid waste. I believe we need to look at incinerators as one of the options in dealing with solid waste in the future. I believe that the ordinance as originally proposed would in effect eliminate all solid waste incineration, at this point I am not willing to take that step. If we want, if we agree, if we adopt a less stringent ordinance then nothing precludes us from having our own staff that would monitor and see that it adheres to the state requirements and we can certainly do that, that would be no problem. But I do favor a solid waste advisory committee that looks at all aspects of solid waste which would include recycling, landfills, incineration, and any related pollution of the land, air, or water that comes from solid waste."

Commissioner Baker stated that he has a recommendation, he has studied both the proposal submitted by the Citizens for Responsible Waste Management and the proposal submitted by the County Manager. He said there are parts of each one that he has problems with but he does not have a problem with establishing the committee as an environmental committee rather than just a solid waste committee. Mr. Baker suggested to the County Manager that the Board establish an environmental advisory committee based on the details of the two

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proposed recommendations and come up with a reworded version encompassing some of the thoughts from both and present this to the Board at the next meeting. He said he would be glad to make this in the form of a motion if so desired.

Chairman Edney said the motion was not necessary but asked Commissioner Baker to get with Mr. Myers and prepare something for the next meeting.

Commissioner Baker stated that he was disappointed in the cat calls. The Board has listened tentatively to all of the information presented to them, they did not cat call the individuals and he sees no purpose and nothing to be gained by this kind of action. Commissioner Baker said "I respect your opinions, I respect Mr. McKay's opinions but I am not going to sit here and cat call him if I differ with him." Commissioner Baker said that he has had a number of phone calls in the last few days in regard to this and it is just about 50/50 as to those who are favoring the ordinance that has been presented by the Citizens for Responsible Waste Management as well as those who have felt that it is too stringent.

Chairman Edney stated that this item will be rolled to the mid month meeting, February 20, 1991. He called a short break.

After the break, Chairman Edney stated again that the Board will not vote on the incinerator ordinance tonight, for a couple of reasons including the fact that they need to look into this Regional Air Pollution Control Agency. He further stated that it is the consensus of the Board that they will meet with the Citizen group, five on five, and go over the ordinance and see if something can be worked out.

SALE OF SURPLUS EQUIPMENT

Chairman Edney recognized David Nicholson to address this item.

Mr. Nicholson apologized to the Board, stating that he had a cover letter to go along with the Transylvania County letter that would have explained what was going on, somehow it failed to get with the agenda material. Mr. Nicholson stated that there was an error in publicizing the legal notice so the Board is faced with one or two choices now: 1. Readvertise the public notice, or since the advertisement, Transylvania County has indicated their willingness to purchase the defibrillators for approximately the same price that we thought we would get, which is about \$500 each. We do not have to go through any legal advertisements whatever to sell to a fellow local government. Mr. Nicholson thinks it appropriate to deal with Transylvania County on this as opposed to doing another legal advertisement.

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Commissioner Baker questioned if EMS thought this was a reasonable offer? Mr. Nicholson stated they have.

Commissioner Baker made the motion to accept Transylvania County's bid of \$2,000 for 4 Life Pak 5 Monitor/Defibrillators. All voted in favor and the motion carried.

TAX COLLECTOR'S REPORT

Chairman Edney called on Terry Lyda, Henderson County Tax Collector.

Mr. Lyda submitted his tax report for 1990 and read it in full. 1991 percentage of taxes collected through January 1991 is 87.894%. It is Mr. Lyda's recommendation to the Board of Commissioners that unpaid Tax Liens be advertised twice: on May 10, 1991 (second Friday) and on May 24, 1991 (fourth Friday). The reasons for his recommendations being the following: a. our tax statements sent to the customers tell them that as long as their taxes are paid by April 30, they will not be advertised, b. the Times-News states that they must have one week for preparation of the ads and, c. since May has five Fridays, we would have a full week following the second ad for May collections. This is the same advertising schedule that was used last year.

Commissioner McKay made the motion to follow the tax collectors' recommendation for advertising unpaid Tax Liens. All voted in favor and the motion carried.

TAX RECORDS RESTORATION

Chairman Edney recognized Robert Baird to address this item.

Mr. Baird reminded the Board that back in January we talked about the situation of the tax bills that may have not been generated, either have been misplaced or for the past 3 or 4 years have basically been out of control as to how his office could identify where they were. Mr. Baird called attention to the break-down of parcels that have been determined to be a part of this project, on January 23 there were 81 parcels completed and ready to be billed, as of this afternoon that number is 100 parcels. Of these 100, he stated they may or may not be a full bill, they may be a partial bill meaning there may have been a house left off the property or they only had a bill for land and not the house itself or vice versa. Mr. Baird stated that in addition to that there are some of these parcels that are part of our foreclosure environment that have been talked about previously and will need to be discussed in the future. After he gets over the next few weeks of getting all the bills that they can to the tax payer, then he will address the foreclosure issue.

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Commissioner Baker questioned the 252 parcels that may or may not need bills, he asked Mr. Baird to clarify this statement.

Mr. Baird said this generates from the original mapping project of 1982, there were assessment cards that were on the rolls that through the process they tried to contact the owner of the property. Some of these owners have come forward and stated that they do not own the property or sometimes it was an assessment that had been carried on the book for many years, not necessarily foreclosed, sometimes someone was paying taxes. On some of these the property just does not exist. Some are double assessments. Mr. Baird stated that some of these may never be resolved.

Chairman Edney asked if Mr. Baird needed any additional staff to handle this project. Mr. Baird said he felt they were okay right now, he will keep Mr. Myers informed.

Mr. Myers asked Mr. Baird about the listing process. Mr. Baird said that the listing period was started January 2 and they did an on line listing. As of Friday afternoon they had 30,030 items listed. The on line listing process has tremendously increased their productivity in the listing process. They are further along today by about 30,000 than they were by June or July of last year in the same listing process. The key to the process now, Mr. Baird stated is that it is now correct, this will decrease the number of releases and refunds that will be necessary. There was much discussion.

JTPA CASE MANAGEMENT SERVICES

Chairman Edney recognized Philip Monk.

Mr. Monk stated that Mr. Ragland could not be here tonight, he is in Raleigh. He did introduce Ms. Juanita Sinclair who is a member of their Private Industry Council, their Board of Directors, and a resident of Henderson County. He said there are nine Henderson County residents on their Board of Directors. In August of 1989 the Private Industry Council decided that they should restructure the job training partnership act program because of their declining revenues and the opportunity to coordinate their services with welfare reform legislation which was coming on line at that point. In order to do that the goals that they set were to avoid duplication of services and costs, in as much as the JTPA also serves welfare recipients and to provide services to clients based on their individual needs rather than the contracts that they happen to have in place and the contractor that happened to recruit them for their particular program, also to provide a single point of access for low income residents in the county to access employment training services. To do this they began a series of contracts for case management services, where they determine the eligibility of clients for JTPA. They assess their skills and

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interest and design a plan of services so that they will be gainfully employed at the end of their participation. They began these contracts for case management services with each of the county department of social service offices in their region.

Mr. Monk said that Henderson County will not initiate the welfare reform program until July of 1991; however, the other counties in our region initiated it in July of 1990. At that point Henderson County was not ready to undertake a JTPA contract for case management services and the Land Of Sky employed two case managers and located them in the basement of the Department of Social Services in Henderson County. Mr. Monk is requesting now that Henderson County Department of Social Services undertake welfare reform, that they hire these two people under a JTPA contract. He said Land Of Sky will pay the full wage, salary, fringe benefits, and the operating costs for these positions and also provide supervision with relation to JTPA matters for them. He has discussed this with Mr. Myers and with Mr. Liston Smith and he is hopeful that the Board will consider this contract. At present the contract is not in final form.

There was discussion. This contract will not cost Henderson County. Mr. Monk said the contract is subject to renewal each July 1, based on Land of Sky's budget and ability to pay.

Commissioner McKay made the motion to approve the recommendations of both Mr. Smith and Mr. Myers and once the appropriate staff have reviewed the contract authorize the Chairman's signature on same. All voted in favor and the motion carried.

TAX FORECLOSURE/Maybin

Mr. Myers informed the Board that this is a request to purchase foreclosed property from the County that has been pending for quite awhile. Mr. Myers said that we have been taking a very close look at our foreclosure process and have not done anything on it yet. Mr. Maybin would like to pay the back taxes on his property and get a clear deed to it so he can make some additional improvements to the property. We have an offer to purchase from Mr. Maybin. Mr. Elkins has worked with our Land Records research assistant on this.

There was a question to the taxes owed for 88, 89, and 90. Mr. Elkins said that there has been a question for some time whether or not we could force payment of taxes that we did not foreclose on. Since we have a deed based on foreclosure of 85, 86, and 87, it is the opinion of Mr. Campbell at the Institute of Government that states can only collect on those taxes. Mr. Elkins said that we can only charge those taxes which we have a judgement upon. After some discussion, Mr. Elkins said the Board does not have to honor this request. Administrative policy of the county in the past has been to sell it back to a landowner upon request.

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Commissioner McKay made the motion to grant Mr. Maybin's request and grant him a deed. All voted in favor and the motion carried.

BOARD OF EDUCATION REQUESTS

Mr. Nicholson informed the Board of two requests from the Henderson County Board of Education. The first one has to do with their request to waive the requirement for building permit fees for the school construction and renovation projects. To pay those fees, would take away from actual school construction. Mr. Nicholson suggested to the Board, if you consider that, consider it only under the condition that they be willing to do the same thing for Henderson County. They charge Henderson County fees for things they do for us. Mr. Nicholson has discussed this with Dr. Lunsford and he felt it appropriate that if we waive our fees then they will waive theirs for us, although Mr. Nicholson does not have it in writing. Mr. Nicholson gave some rough figures on this. There was much discussion.

Commissioner McKay made the motion that the Board deny this request. All voted in favor and the motion carried.

Mr. Nicholson informed the Board of the second request of the Henderson County Board of Education. The Board of Education has acquired six (6) tracts of property for the purpose of school construction or school site expansion, and they are requesting the property tax on these sites be waived for 1991, they have owned these parcels as of January 1, 1991. They are tax exempt by state law.

Commissioner Baker made the motion to waive the tax on these properties for 1991. All voted in favor and the motion carried.

AGING REPORT

Chairman Edney recognized Liston Smith to present this item.

Mr. Smith informed the Board that his presence tonight is as a member of the Henderson County Planning for Older Adults Committee. He introduced several members of that committee: Lucille Lyda, David Nicholson, Clyde Groover, and Renee Kumor. Mr. Smith stated that the Board has his comments in writing, he turned the floor over to Co-Chair Renee Kumor.

Ms. Kumor informed the Board that in April Land Of Sky requested that all the counties come up with three priorities for addressing aging issues. They came up with this list of priorities and presented their report to Land Of Sky and to our Board. Their committee did alot of research and accumulated alot of materials and is still meeting. They have compiled a report called Aging in Henderson County, which is designed to assist decision-makers in

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addressing aging issues and needs. The State now suggests that counties are going to become responsible for developing some good comprehensive aging plans in our communities, making it very important that a group such as this committee exists. This group would be pleased to be asked by our Board to continue as a group to address some of the aging issues and prepare a plan for Henderson County.

Commissioner McKay made the motion that our Board ask this group to proceed to address this report. He also commended the committee for their past efforts. A vote was taken and the motion carried unanimously.

Mr. Nicholson stated that the direction the state is going is to a county aging program, now the funds flow through the Federal to the state and they add some money and it goes to the regional council. What the state plan does, what the committee will be working on is the fact that by July of 1992 those funds will come from the Federal to the state to the counties. We will have more local control over what services are provided to our population as opposed to doing it on a regional basis. He requested the Commissioners to keep the Aging Plan book because updates and additions will be done on a routine basis over the next few years.

BUDGET AMENDMENTS

Mr. Myers addressed the first section of the budget amendment. He informed the Board that there are a number of items pertaining to the landfill that require budget adjustments. One of the adjustments is for the funding of a scale operator. He informed the Board that the scales are in, the power has been turned on to them, he feels that within the next couple of weeks they will begin using the scales at the landfill. One other adjustment concerns the vertical expansion that was discussed in the landfill workshop. The services of an engineer have been sought to prepare the modification for the existing landfill permit. One other item of adjustment concerns the purchase of an artificial daily cover to use to replace the current daily usage of 6" of soil. The solid waste will still be covered at least once a week by the 6" of soil but the artificial cover will be used on a daily basis. The total sum of these landfill adjustments is +\$35,500.

Mr. Myers said the funds to be used to offset these expenses are unanticipated landfill revenues. During the last session of the general assembly the state imposed a 1% surcharge on the sale of automobile tires, we have been receiving that. At the time this was imposed it was impossible to estimate how much that would be, therefore it was not included as revenue in the budget.

Mr. Nicholson addressed the second part of the budget amendment. He stated there are two entries which have to do with the prior

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fiscal year. These are 1989-1990 expenses and it is appropriate to take these out of fund balance. \$53,070.00 is for a worker's compensation audit. We are self-insured through the N.C. Association of County Commissioners' Group Pool and every year they come in and do an audit of our payroll. The second item is \$212,031.00 regarding a change in accounting for self-insurance. Total sum of these insurance adjustments is +\$265,101.00.

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

NOMINATIONS

1. Chairman Edney reminded the Board of 1 vacancy on the Land-Of-Sky Regional Council Advisory Council on Aging. This must be an older individual, 60 years or older. There were no nominations so the item was rolled to the next meeting.

2. Chairman Edney reminded the Board of 2 vacancies on the Nursing Home/Domiciliary Home Advisory Committee. There were no nominations so the item was rolled to the next meeting.

3. Chairman Edney reminded the Board of 3 vacancies on the Recreation Committee. There were no nominations so the item was rolled to the next meeting.

Commissioner Baker questioned the term of office. The three (vacancies) have all served two terms each and the Committee by-laws state that they cannot serve more than two terms.

Commissioner Baker requested that Mr. James Rogers be written a letter thanking him for serving but letting him know of the by-laws. He had indicated a desire to serve again but cannot because of the by-laws.

CDBG ORDINANCE

Chairman Edney asked everyone to back up one item, we overlooked the CDBG Ordinance.

Mr. Nicholson informed the Board of a Community Development Block Grant (CDBG) Project Ordinance. He stated that this works the same as a capital project ordinance which runs more than a fiscal year time period. This will lapse over two fiscal years. Mr. Nicholson stated that we have received the release of funds from the state for the Community Development program for the Valley View project and are ready to proceed. Mr. Nicholson requested the adoption of the project ordinance so a budget can be set up and the program proceed on schedule. These figures are in the budget which has already been adopted.

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Commissioner Baker made the motion to adopt the Community Development Block Grant Project Ordinance. All voted in favor and the motion carried.

ROAD PETITIONS

Chairman Edney informed the Board of five petitions to add roads to the state maintenance system: Cedar Creek Drive

Yvonne Drive

Lamy Drive

Pineview Drive

Oak Ridge Road

The petition on Oak Ridge Road was marked for maintenance improvement instead of addition to state system. That one petition was held and request was made that Planning Department get in touch with the residents on Oak Ridge Road and clarify what they were requesting. There were some questions. This one petition was rolled to the next meeting.

Commissioner McKay made the motion to accept the other four petitions and forward them to N.C. Department of Transportation. All voted in favor and the motion carried.

PETITION FOR PRIORITY PAVING

Chairman Edney informed the Board that this is a petition from the residents of Road #1334, requesting that the County Commissioners change the priority of this unpaved road. Along with the petition for priority paving the residents are formally requesting that the true and final name for road #1334 be recognized as Sweetwater Road, not Gilreath Loop. Susan Sneed of the Planning Department stated in a memo that she cannot change the name at this time, because of lack of a proper ordinance. She did place a copy of the petition in the files so that a change could be made once an ordinance is established.

Our Board's policy has been not to request D.O.T. to change the priority of roads. Commissioner Baker made the motion to forward this petition on to N.C. Department of Transportation for their consideration, without a recommendation. All voted in favor and the motion carried.

HENDERSON COUNTY ROOM OCCUPANCY TAX-NOTICE OF LATE CHARGE

Chairman Edney requested that he be exempt from voting on this item, because he is legal representation for them. Commissioner McKay made the motion to exempt Chairman Edney from voting on this item. All voted in favor and the motion carried.

Vice-Chairman Good asked Mr. Nicholson to address this item. Commissioner Baker asked how much tax was involved here. Mr.

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Nicholson stated that he cannot respond to this, since that information is not public record. He cannot disclose how much tax they collect. Mr. Nicholson stated that Dutch Inn was 24 days late totalling \$240.00 in penalty due. Their reason for the request for removal of penalty was that they forgot to pay, this was the first time they have been late in paying. There was discussion.

Commissioner McKay made the motion that the request be denied, good cause here has not been established. All voted in favor and the motion carried.

TAX REFUNDS

Chairman Edney recognized Robert Baird, County Tax Assessor, to address this item.

Mr. Baird stated that these are all routine, that during the year of a revaluation there are a tremendous amount of changes, these are partly because of value changes by the Board of E & R and we will be getting more in the next few meetings.

Commissioner Baker made the motion to grant these refunds if all paperwork is in order, based on recommendation of Robert Baird. All voted in favor and the motion carried.

SET PUBLIC HEARING/Rezoning Request

Chairman Edney informed the Board of the need to set a public hearing date on a rezoning request. The Planning Board unanimously approved the request and has forwarded it to the Board of Commissioners.

Chairman Edney asked Mr. Matteson for any comments. Mr. Matteson stated that this is a unanimous recommendation on a piece of property that is in the recently rezoned district on Spartanburg Highway. The petitioner has asked that the entire parcel be commercial, part of it already is.

Commissioner Good made the motion to set a public hearing on March 4, 1991 at 7:00 in room #209 of the County Office Building, at the regular Commissioners' Meeting. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT

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

MUD CREEK WATER & SEWER DISTRICT

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The Board adjourned as the Cane Creek Water & Sewer District Commissioners and convened as Mud Creek Water & Sewer District Commissioners.

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

EXECUTIVE SESSION


Commissioner McKay made the motion for the Board to go into Executive Session to discuss legal and personnel items. All voted in favor and the motion carried.

Commissioner Baker 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, the meeting was adjourned at 12:55 a.m.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Chairman

NAME	REFUND AMT.	TAX YEAR	REAL/PERSONAL	ACCOUNT	REASON
Aerolina, Inc. 1232 Shepherd St Hendersonville, N. C. 28792	\$ 27.26 ✓	1990	Personal	33367	No Late list penalty should have been billed
Barnwell, Lois R. Rt 3., Box 338 Fletcher, N. C. 28732	\$ 23.42 ✓	1990	Personal	7538	1984 Chevrolet not owned 1/1/90
Beddingfield, Timothy P.O. Box 93 Fletcher, N. C. 28732	\$ 4.39 ✓	1990	Personal	37709	Property billed in wrong fire district
Carlson, Wilbur & Tamara 607 Dawnwood Lane Hendersonville, N. C. 28739	\$ 18.87 ✓	1990	Real	75832	Value change by Board of Equal. Review.
Carver, J. R. & Wife Box 105 Mountain, N. C. 28758	\$ 3.93 ✓	1990	Personal	13216	Late List Penal billed in error
Dafton, Eli and Wife Rt. 1, Box 218-A Hendersonville, N. C. 28792	\$ 198.79 ✓	1990	Real	3545	Land use deferra ment not given on bill
Davis, Brian R. Aptn: Escrow Acct 05-00266182 c/o First Federal Savings Bank P.O. Box 1850 Hendersonville, N.C. 28793	\$ 832.33 ✓	1990	Real	17996	Wrong bill was sent to escrow account for payment.
Dolan, James G. & Myra Rt. 6, Box 91 Hendersonville, N. C., 28792	\$ 108.04 ✓	1990	Personal	79550	Mobile Home double listed as real and personal.
Erickson, Tyrone L. PSC Box 1177 APO APO, MI 34002	\$ 5.40	1990	Real	76981	Property double assessed by Buncombe and Henderson Count

REFUND REQUEST

BURUARY, 1991

Pag

REFUND AMT.

TAX YEAR

REAL/PERSONAL

ACCOUNT

REASON

NAME

Freeman, Elizabeth
1203 Greenville Hwy, C-4
Hendersonville, N. C. 28739

\$ 3.06

1990

Personal

75012

Cars listed &
billed in 1990
were not owned
1-1-90

Frostick, Harold & wife
18 Greenbriar Road
Flat Rock, N. C. 28731

\$ 24.75

1990

Real

11660

Value change b
by Board of
Equal. & Revie

Gilliland, Rebecca E.
Rt 2, Box 380
Fletcher, N. C. 28732

\$.54

1990

Personal

10327

Property bille
in wrong fire
district.

Glover, Pamela L.
c/o Pamela Williams
P.O. Box 1722
Hendersonville, N. C. 28793

\$ 14.79

1990

Real

20501

Value change b
Board of Equal
and Review.

Hill, George W. & Wife
164 Haywood Knolls
Hendersonville, N.C. 28739

\$ 6.63

1990

Real

23824

Value change b
Board of Equal
and Review

Hipps, Paul & Lillian
45 Thumper Lane
Arden, N. C. 28704

\$ 18.00

1990

Real

13378

Value change b
Board of Equal
and Review

Hunter, T. D., Jr
1103 Scheppergrell Drive
Hendersonville, N. C. 28739

\$ 3.99

1990

Real
(Parcel 99-04606)

18486

Value change b
Board of Equal
and Review

Hunter, T. D., Jr.
1103 Scheppergrell Drive
Hendersonville, N. C. 28739

\$ 21.95

1990

REal
(Parcel 99-04607)

18486

Value change b
Board of Equal
and Review

Hunter, T. D., Jr.
1103 Scheppergrell Drive
Hendersonville, N. C. 28739

\$ 75.15

1990

Real

18486

Value change b
Board of Equal
and Review

Hunter, T. D., Jr.
1103 Scheppergrell
Hendersonville, N. C. 28739

\$ 7.98

1990

Real

57130

Value change b
Board of Equal
and Review

NAME	REFUND AMT.	TAX YEAR	REAL/PERSONAL	ACCOUNT	REASON
✓ Jeanneret, Andre P. 434 Fawn Lane Hendersonville, N. C. 28739	\$ 6.12 ✓	1990	Real	35005	Value change b Board of Equal and Review
✓ Jones, Elene L. Rt. 2, Box 31 Flat Rock, N. C. 28731	\$ 19.89 ✓	1990	REal	1848	Value change b Board of Equal and Review
✓ Jones, Wilbur W. & Wife 450 Patterson Road Hendersonville, N. C. 28792	\$ 113.22 ✓	1990	Real	5589	Value change b Board of Equal and Review
✓ Ledbetter, Louise C/O 2019 Old Spartanburg Rd Hendersonville, N. C. 28792	\$ 63.00 ✓	1990	Real	25928	Value change b Board of Equal and Review
✓ McCrain, B. L. 306 Upward Road East Flat Rock, N. C. 28726	\$ 5.61 ✓	1990	Real	27064	Value change b Board of Equal and Review
✓ Matthews, Barbara 23371 Blue Water Circle Boca Raton, FL. 33433	\$ 27.29 ✓	1990	Personal	22465	Mobile Home billed twice-- once as real; once as person
✓ Maybin, Michael J. Rt. 1, Box 377 Zirconia, N. C. 28790	\$ 134.75 ✓	1990	Real	13717	Value change d incorrect info on real (house
✓ Melcher, Daisy M. & Etal P.O.Box 64 Edneyville, N. C. 28727	\$ 104.03 ✓	1990	REal	12342	Mobile Home double listed; see acct: 69861
✓ Mesaric, Michael P. Blue Mountain Academy Hamburg, PA 19526	\$ 3.92 ✓	1990	Real	77395	Value change by Board of Equal and Review

NAME	REFUND REQUEST		FEBRUARY, 1991		Page 4	
	REFUND AMT.	T/	REAL/PERSONAL	ACCOUNT		
✓ Moxley, Helen P.O. Box 294 Flat Rock, N. C. 28731	\$ 289.68	1990	Real	28965	Real property listed and billed incorrectly; bldgs. wrong	
✓ Murphy, James H. Rt. 7, Box 39-B Hendersonville, N. C. 28739	\$ 20.96	1990	Personal	29294	86 Ford double listed & billed see acct: 5874	
✓ Norman, Billy Joe, Jr. Norman, Cynthia Rt. 1, Box 210-F Horse Shoe, N. C. 28742	\$ 19.65	1990	Personal	66712	83 Mercury double listed & billed; see parcel 99-288	
✓ Oates, Betty S., Trustee 2519 Hebron Road Hendersonville, N. C. 28739	\$ 63.24	1990	REal	71513	Value change Board of Equal and Review	
✓ O'Keefe, Raymond & wife 3241-A Cummings Parkway Hendersonville, N. C. 28739	\$ 30.09	1990	Real	71793	Value change Board of Equal and Review	
✓ Patenaude, Joseph L. Rt. 2, Box 10 Fletcher, N. C. 28732	\$ 17.32	1990	Real	19718	Value change Board of Equal and Review	
✓ Ramsey, Paul L. P.O. Box 644 Fletcher, N. C. 28732	\$ 13.05	1990	Real	16065	Value change to incorrec data-on-home	
✓ Ray, Lucille P.O. Box 284 Flat Rock, N. C. 28731	\$ 9.69	1990	Real	29397	Value change Board of Equal and Review	
✓ Reeves, Mildred P. 402 Rockwood Drive Hendersonville, N. C. 28792	\$ 28.33	1990	Real	34436	Value change Board of Equal and Review	
✓ Salem Tools of Southeast P.O. Box 727 Fletcher, N. C. 28732	\$ 19.98	1990	Personal	56313	Listed & billed in wrong fire district	

NAME	REFUND AMT.	TAX YEAR	REAL/PERSONAL	ACCOUNT	REASON
Smith, Donald S. Route 1, Box 138-F Saluda, N. C. 28773	\$ 10.29	1990	Real	66936	Billed on property located in Polk Co.; map shows prop. on co. list
Soderland, Charles M. 200 Crestview Drive Hendersonville, N. C. 28739	\$ 16.37	1990	Personal	30652	Car listed & billed which was not owned 1-1-90
Suber, Odell D. & Sandra Rt. 2, Box 111 Fletcher, N. C. 28732	\$ 77.42	1990	Personal	23582	1988 Lincoln double listed; see acct: 7829
Summey, Jean P.O. Box 572 Mountain Home, N. C. 28758	\$ 93.17	1990	Real	66869	Value change by Board of Equalization and Review
Swittles, George W. Rt. 1, Box 136 Horse Shoe, N. C. 28742	\$ 205.42	1990	Real	51263	Value change by Board of Equalization and Review.
Thompson, Donald O., Sr. P.O. Box 2736 Hendersonville, N. C. 28793	\$ 52.02	1990	Real (Parcel 99-06090)	32251	Value change by Board of Equalization and Review; 12 adjustment
Thermometer Corp of America 280 Cane Creek Road Fletcher, N. C. 28732	\$ 231.70	1990	Personal	75251	Property billed in wrong fire district
Triggs, Michael K. 204 Pinebrook Circle Hendersonville, N. C. 28739	\$.54	1990	Personal	80748	Property billed in wrong fire district
Tweed, Terry Lee & wife 814 Kanuga St. Hendersonville, N. C. 28739	\$ 15.93	1990	Personal	65417	Property billed in Special School should have been in Edney. fire
Turner, Norman Rt. 1, Box 133-A Hendersonville, N. C. 28739	\$ 1.25	1990	Personal	69293	Property billed in Special School should have been in Edneyville fire

NAME	REFUND AMT.	TAX YEAR	REAL/PERSONAL	ACCOUNT	REASON
VanMeter, Stuart 1925 Davis Mountain Rd Hendersonville, N. C. 28739	\$ 227.46	1990	Real	71003	Value Change due to change land rate chg. by Board of E&
Wadewitz, Wilhelm M. P.O. Box 1188 Hendersonville, N. C. 28739	\$ 15.66	1990	Personal	64035	Property liste & billed in fire district. Not in Spec.Sc In Valley Hill
Ward, William M., Jr. 2755 Holly Hill Dr. Hendersonville, N. C. 28739	\$ 88.23	1990	Real	31967	Value change b Board of Equal and Review
Weatherford, Herbert B. 200 Centreport Drive Suite 275 Greensboro, N. C. 27409	\$ 43.35	1990	Real	77920	Value change b Board of Equal & Review
Wintermute, Norman 312 1/2 Oakdale Drive Hendersonville, N. C. 28739	\$ 2.55	1990	Real	33713	Value change b Board of E & R Release for \$2200. in valu Change for \$27 in value.
Wise, Glen A. & Wife 5-23 Wildwood Gardens Fletcher, N. C. 28732	\$ 13.95	1990	Real	69696	Value change b Board of Equal and Review.
Wright, Charles J. & Nancy 38 Rutledge Road Fletcher, N. C. 28732	\$ 2.97	1990	Personal	50335	Property bille in Fletcher fi but located in Fletcher City