

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
DECEMBER 19, 1990

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 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.

Chairman Edney called the meeting to order. Chairman Edney stated that we are going to start something new today, he asked Vice-Chairman Good to lead the Pledge of Allegiance and Commissioner McKay to give the invocation.

Commissioner Baker asked permission to read a prepared statement. The letter was addressed to Chairman Edney and voiced Mr. Baker's concern over the organizational actions taken at the last meeting with regard to Mr. Edney's election as Chairman as well as the Administrative leadership plans. He is concerned over the lack of time that Mr. Edney may have to devote to the job of Chairman as well as the increase in workload and responsibilities bestowed on the Interim County Manager. He cited some of the large up-coming projects that must be dealt with, such as the Courthouse/Jail/Law Enforcement Center, the South Mud Creek Sewer project, the Cane Creek Sewer project, the Incinerator Ordinances, the current Landfill problems and recycling efforts, the Cable Television Franchise, the proposed Thoroughfare Plan, the E-9-1-1 project, the School Merger program, and numerous other projects. He feels that the Interim County Manager will be overworked and that other employees will be taxed beyond what should be reasonably expected. Mr. Baker feels that we should immediately proceed with efforts to employ a capable administrative person, assistant county manager, or personnel manager to assist in an orderly transition to the new form of government.

REVIEW OF MINUTES

Minutes of the December 3, 1990 meeting were presented for review. The minutes were approved as corrected.

DISCUSSION/ADJUSTMENT of AGENDA

There was none.

BOARD OF E & R REPORT

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Chairman Edney recognized Glenn Mullinax to present the report to the Board.

Mr. Mullinax stated that the Board of E & R met 112 days, 4 days per week. They met May 14, 1990 through December 18, 1990. Of the 45,000 parcels in Henderson County, they had a total of 4,549 parcels appealed with 1,625 appellants heard regarding 3,964 parcels, with 2,276 parcel values changed. 54 parcels appealed to the N.C. Tax Commission with seven of those dismissed.

Mr. Mullinax complimented Elliott, Ross, & Associates for a professional and courteous staff and a job well done.

Chairman Edney thanked the Board Members for their contribution and presented them with plaques of appreciation on behalf of the Henderson County Board of Commissioners for outstanding service to the residents of Henderson County.

Mr. Myers stated that the Board of E & R, during this trying time, has put in a tremendous number of hours on behalf of the citizens of Henderson County. He observed them in action numerous times and commended them on handling some rough situations in a very timely and courteous manner. He feels that each Board Member was a good representative of Henderson County.

Chairman Edney asked Mr. Mullinax if there might be some changes he could suggest for the next time we have the revaluation process. Mr. Mullinax couldn't think of any changes at this time.

It was requested that the Board members of the Board of E & R give a written report, as a whole, with comments and recommendations for any changes for the next revaluation process.

The Board of E & R have basically completed their work except for meeting on January 14 and 15 of 1991 to finish up and should be adjourned before the end of January 1991.

County Tax Assessor, Robert Baird, thanked the Board of E & R for their diligence in hearing the appeals. He stressed the positive side of the revaluation process. 4,549 parcels were appealed and that represents about 10% of the total properties in the county. Mr. Baird feels that we have just completed a very positive, very sound revaluation process.

DEPARTMENT PRESENTATIONS & TOURS -schedule

Chairman Edney called on David Nicholson to address this item.

Mr. Nicholson stated that he is awaiting final direction from the Board at this time. He suggested a couple of ways to have the

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Department Heads address the Board with presentations and for the Commissioners to visit the different County sites.

It was the Boards' decision to start these presentations and visits on Wednesday, January 9, 1991, in the afternoon and to do them on Wednesday afternoons until all have been presented and visited. These will be information meetings and will be considered as workshops. It was requested that the Landfill site visit be early on the schedule. Since the dates and times are being set at this time no formal notice will be required to be sent.

AMENDMENT TO TRANSPORTATION DEVELOPMENT PLAN AND
DEVELOPMENTAL DISABILITY GRANT APPLICATION/WCCA

Chairman Edney recognized John Leatherwood to address the Board.

Mr. Leatherwood called attention to the cover letter and package that is in each Commissioners agenda. The Developmental Disabilities Grant for Henderson County was in the Transportation Development Plan but Trend was specified to apply for the grant, they elected to not apply for it. Representative Larry Justus has been very active in trying to get these monies into Henderson County for transportation. In order for WCCA to make the application, the transportation development plan must be amended and requires the approval of the Board of Commissioners.

Commissioner McKay made the motion to approve the changes to the Transportation Development Plan for Henderson County and give WCCA approval to make application for the grant on behalf of the county, to take the \$3,881 out of contingency. All voted in favor and the motion carried.

COURTHOUSE DOME CHANGE ORDERS

Chairman Edney recognized Emory Jackson to present this item.

Mr. Jackson presented Change Order # 1 (General Contract) for Dunlap Construction Company on the Dome repairs. They have gone to a little more expensive surface treatment on the gold part of the dome at the recommendation of the manufacturer and a chemist. It ran budget over about \$300 but Dunlap agreed to hold to the contract and absorb the difference. This is a special clear coat that will inhibit ultraviolet damage to the gold color.

Commissioner Baker made the motion to approve change order # 1. All voted in favor and the motion carried.

Mr. Jackson also presented Change Order # 1 (Roofing Contract) with no change in cost to the County. There is an increase but the contractor has agreed to absorb the difference. This C.O. is for a change in the material specification for the PVC membrane. The

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manufacturer has recently come out with a reinforced membrane which they believe will last longer and it has a better warranty. He recommends the change to the reinforced membrane.

Commissioner Randall made the motion to approve change order # 1. All voted in favor and the motion carried.

Commissioner Baker asked Mr. Jackson if the work is proceeding on schedule. Mr. Jackson stated that the contract date deadline is January 16, they have finished making all the fiberglass components and put part of them up last Friday. Today they are starting work on putting up the panels. Weather permitting, they hope to be finished by the deadline. The shingle work on the roof cannot start until the dome construction is complete so the scaffolding can be moved off the roof.

Mr. Jackson also recommended lightning protection for the structure. There was discussion.

Commissioner McKay made the motion to allow the architect to acquire bids and to designate the Chairman and the Manager to approve the bids between meetings if they feel they are reasonable bids.

There was discussion on the motion. Commissioner Good made a motion to amend Mr. McKay's motion requesting that the Board approve the bids, as opposed to the Chairman and the Interim Manager approving the bids.

A vote was taken on Commissioner Good's motion to amend Commissioner McKay's motion and the motion failed:

Commissioner Randall	Nay
Commissioner McKay	Nay
Chairman Edney	Nay
Commissioner Baker	Nay
Commissioner Good	Aye

A vote was taken on Commissioner McKay's motion and the motion carried:

Commissioner Randall	Aye
Commissioner McKay	Aye
Chairman Edney	Aye
Commissioner Baker	Aye
Commissioner Good	Nay

CBA REVISION

Chairman Edney recognized George Knopf to address this item.

Mr. Knopf is Chairman of the Youth Services Advisory Committee. Mr. Knopf addressed the Board stating that CBA Task Force funds need to be adjusted due to reductions by the State in the amount

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of money to be received by these two agencies from the State Budget. The two agencies affected are New Hope Shelter and Trend's Early Intervention Program. His Board's recommendation is a pro-rata reduction to the two agencies. New Hope Shelter would lose \$1,576 and Trend's Early Intervention Program would lose \$445, for a total reduction of \$2,021.

Commissioner Randall made the motion to accept the Youth Services Advisory Committee's recommendation. All voted in favor and the motion carried.

HENDERSON COUNTY PARKS & RECREATION
Fanning Bridge Rd. River Access Park

Chairman Edney recognized Doug Moon to address this item. There is an area of the French Broad in Henderson County at the proposed 280 connector coming across from Brevard to the airport, the French Broad River Foundation will develop a river access and has found an individual who is willing to donate 19 acres of property to the French Broad River Foundation. The proposal by the French Broad River Foundation is that they take the property under ownership. After the access road is developed, the parking, and the access road to the river, then they would want to turn the property over to Henderson County for on-going maintenance and any other developments that Henderson County sees fit to do. Mr. Moon is requesting an endorsement from the Board today on the project.

Commissioner McKay made the motion to endorse the concept. There would be no contractual liabilities from the county until a later time when the property is turned over to Henderson County. All voted in favor and the motion carried.

WHITE GOODS/Appliance Diversion from Landfill

Chairman Edney recognized Jerry Myers to present this item.

Mr. Myers informed the Board that Senate Bill 111 deals with disposal of solid waste and mandates that effective January 1, 1991, white goods and appliances may no longer be disposed of along with other solid waste at landfills, this is statewide. We have been aware of this for some time and have been reviewing a number of alternatives dealing with it. At this point no alternative has surfaced that would not require a substantial amount of county funds on a long term basis. Funds to address this mandate were not included in the approved 1990/1991 budget. Our January 1 deadline is rapidly approaching and we don't have a clear solution at this time.

Mr. Myers presented two alternatives and there was much discussion on each one. Mr. Myers stated that Henderson County does not have an Ordinance regulating the disposal of solid waste. We do have

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an Ordinance within the county that is adopted by the Board of Health that is a series of regulations by the Board of Health regulating the disposal of solid waste. This addresses how to dispose of solid waste on your own property.

Commissioner McKay made the motion to allow Eldon Owen, Landfill Manager and Jerry Myers, County Manager to work something out on a temporary basis, until a long-term solution can be found. All voted in favor and the motion carried.

Commissioner Baker left at 10:30 a.m., he had asked to be excused to go out of town on family business.

SUBDIVISION IMPROVEMENT GUARANTEES

Chairman Edney recognized Matt Matteson to present this item.

Mr. Matteson stated that the Henderson County Land Development Ordinance requires any subdivisions over ten lots, to have their improvements completed prior to the final plat being certified and recorded and subsequent lots being sold. Our Ordinance states four basic types of improvements; water, sewer, streets, and drainage. There is another provision which allows the developer of the subdivision to post guarantees of improvements so that he may go ahead and have the final plat recorded, sell the lots, and complete the improvements.

Mr. Matteson presented two requests that fall under our newly amended Ordinance. These two are very similar, the first one being a request by Champion Hills for section V which is a 17 lot section of the subdivision. The Planning Board has given this subdivision preliminary and final plan approval. The final plan approval was contingent upon the developer securing approval from this Board for improvement guarantees. The developer has proposed posting an irrevocable letter of credit similar to the one they posted for an earlier section. The improvements would be water and roads. He presented cost estimates and the guarantee would be 125% of the cost.

Royce Carter, associated with a firm which is the General Managing Partner for Champion Hills, spoke to the Board concerning off-site improvements regarding water to the development.

Commissioner McKay made the motion to approve the improvement guarantee subject to the developer giving notice to each lot buyer of the water situation during the interim. All voted in favor and the motion carried.

The second request is for improvement guarantees for Kenmure, Phase IV, Portion I. This is a 14 lot section of Kenmure that has received Planning Board approval for the final plan, subject to the

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County Commissioners' approval of the guarantees. They are requesting a cash bond be put on deposit, in an interest bearing account with Henderson County. The improvements are for water only. The amount at 125% is \$19,750 and estimated completion date is December 31, 1991.

Commissioner McKay made the motion to approve the recommendation of the Planning Board and allow the developer to post cash bond of 125% of estimated cost. All voted in favor and the motion carried.

NOMINATIONS

Chairman Edney informed the Board of 1 vacancy on the Henderson County Board of Adjustment and asked for nominations to fill this alternate position.

Commissioner Good nominated David Arledge to fill this vacancy. Mr. Arledge is a guidance counselor at Flat Rock Junior High School and he is willing to serve.

Commissioner Baker had asked Chairman Edney to place a name in nomination for him, William Read, to fill this vacancy. There being two nominations for one position, this matter shall be carried over to the next meeting for a vote. Commissioner McKay requested some information on the two nominations before the next meeting.

Chairman Edney informed the Board of 1 vacancy on the Land-Of-Sky Regional Council Advisory Council on Aging, a low income, older individual. There were no nominations so it was rolled to the next meeting.

TAX REFUNDS

Chairman Edney informed the Board of 26 tax refund requests with attached recommendations from the County Tax Assessor.

Commissioner Good made the motion to approve the refund requests, if all paperwork is in order. All voted in favor and the motion carried.

List
Attached

NOTIFICATION OF VACANCIES

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

Chairman Edney informed the Board of one vacancy on the Henderson County Film Industry Committee.

Chairman Edney informed the Board of one vacancy on the Henderson County Board of Health.

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Chairman Edney informed the Board of one vacancy on the Job Training Partnership Act Committee (PIC).

Chairman Edney informed the Board of one vacancy on the Library Board of Trustees.

Chairman Edney informed the Board of one vacancy on the Main Street Hendersonville.

Chairman Edney informed the Board of one vacancy on the Land-Of-Sky Regional Council.

Chairman Edney informed the Board of one vacancy on the Green River Management Board.

Chairman Edney informed the Board of one vacancy on the Recreation Committee.

Chairman Edney informed the Board of one vacancy on the Board of Directors - Trend Mental Health, Retardation, & Substance Abuse Authority, Area 1-4.

Chairman Edney informed the Board of one vacancy on the Youth Development Committee.

Chairman Edney asked for any nominations to fill any of these vacancies.

Commissioner McKay nominated the Chairman (Mr. Edney) to serve on the Trend Mental Health, Retardation, & Substance Abuse Authority. Commissioner McKay made the motion to suspend the rules and appoint Chairman Edney to fill this vacancy. All voted in favor and the motion carried.

Commissioner Randall nominated Bill McKay to serve on the Henderson County Library Board of Trustees. Commissioner Randall made the motion to suspend the rules and appoint Mr. McKay to fill this vacancy. All voted in favor and the motion carried.

Chairman Edney made a nomination for Commissioner Baker, in his absence. He nominated Julia Revels to serve on the Youth Development Committee. Chairman Edney made the motion to suspend the rules and make the appointment to fill this vacancy. All voted in favor and the motion carried.

Commissioner Randall nominated Bill McKay to serve on the Main Street Hendersonville committee. Commissioner Randall made the motion to suspend the rules and appoint Mr. McKay to fill this vacancy. All voted in favor and the motion carried.

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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.

Chairman Edney stated prior to going into Executive Session that we will break at 11:15 to allow some members of the Board to attend the City of Hendersonville Christmas Luncheon, the County has a Christmas Luncheon from 12:00 to 2:00 at Bonclarken. He invited the members of the media present to attend. If business is not complete, we will reconvene at 2:30, still in Executive Session.

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

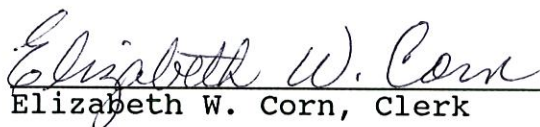
Chairman Edney stated that during Executive Session the Board discussed legal and personnel matters. He asked for any motions at this time regarding action on these items.

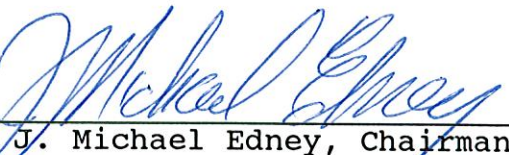
Commissioner McKay made the motion to approve one additional position and make the necessary reclassifications, with any additional monies coming from contingencies. All voted in favor and the motion carried. Mrs. Cope in Administration has resigned and will be leaving soon. She splits her time between Administration/Governing Body and Planning Dept. Her position will be filled as well as the additional position, making one full-time in Planning and one full-time in Administration/Governing Body.

Commissioner Good made the motion to authorize the tax exempt status for a piece of property the city purchased, located at 4th & Grove Street (Parcel #01-00833) to become effective from date of purchase. All voted in favor and the motion carried.

Being there was no further business, the meeting was adjourned at 4:30 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Chairman

Agenda
12/19/90

PROPOSED TAX REFUND FOR 12/19/90

<u>NAME</u>	<u>AMOUNT</u>
1. David and Anne Appelbaum	\$ 35.70 ✓
2. Milton and Gertrude Arfin	12.75 ✓
3. Judy Wolter Baily and James A. and Mary Mabe	20.91 ✓
4. Mr. and Mrs. Edward P. Czachor	13.77 ✓
5. Mr. and Mrs. Arthur F. Drant	18.42 ✓
6. Mr. and Mrs. George Erceg	19.38 ✓
7. Ms. Doris E. Erickson	11.22 ✓
8. Mr. and Mrs. Elmer C. Green	16.32 ✓
9. Mr. and Mrs. Robert H. Hassel	14.79 ✓
10. Mr. and Mrs. William Helling	35.19 ✓
11. Mr. and Mrs. Ledford Jackson	77.01 ✓
12. Betty Ann Justus and John and Nancy McCarrell	14.28 ✓
13. Dorothea and Paul M. Ketchum	28.05 ✓
14. Armin S. and Marie Koch	19.38 ✓
15. Ms. Ethel E. Merrell	74.42 ✓
16. Ms. Ethel E. Merrell	7.87 ✓
17. Mr. and Mrs. Raymond Miller	9.18 ✓
18. Mr. and Mrs. Harvey H. Newhall	19.28 ✓
19. Mr. William Edward O'Neill	9.00 ✓
20. Mr. Jack Oldham	18.87 ✓
21. Mr. and Mrs. E. Warden Phillips	6.48 ✓
22. Mr. and Mrs. Walter Taylor	13.77 ✓
23. Ms. Louise B. Oldham	19.89 ✓
24. Mr. and Mrs. Walter Wernsing	20.91 ✓
25. Mr. and Mrs. Henry Zeldes	22.44 ✓
26. Vogel Development Corporation	742.67 ✓

December 13, 1990

Mr. Michael Edney
Chairman, Henderson County Commission
Hendersonville, N. C.

*attachment to
12/19/90 swe*

Dear Chairman Edney:

I am deeply concerned with the organizational actions taken at the last regular Commission meeting with regard to your election as Chairman as well as the administrative leadership plan for the coming year.

My concern is not prompted by my failure to receive the expected support for the Chairman's position and I certainly mean no disrespect for you or your ability. I am, however, at a complete loss to understand how the county administrative leadership responsibilities can possibly be satisfied by a minimal amount of time on your part (in addition to your full-time legal practice) as well as an interim County Manager.

Apparently the balance of the commission assumes that the day-to-day administrative operations of county government can be handled by one plus people with no additional administrative help. This is clearly wishful thinking, particularly in view of the fact that two full-time people (County Chairman and County Administrator) were necessary in the past and that frequently proved inadequate.

In addition to the day-to-day responsibilities, I would like to remind you of the critical projects now underway, or soon to be dealt with, that will require significant time and expertise - the new courthouse/law enforcement complex, the South Mud Creek sewer project, the Cane Creek sewer project, the incinerator ordinance, the current landfill problems including future waste disposal alternatives and recycling efforts, the cable television franchise due for renewal consideration before July 1, 1991, the proposed thoroughfare plan (since the majority of the road miles involved are outside the city, we should insist that our planning people be involved in any future development efforts), the Enhance 911 project, the school merger program, the 1991-1992 county budget (which is expected to be very tight) and many other projects too numerous to mention.

Should the current staffing arrangements be permitted to continue, I foresee that it will lead to the interim County Manager "digging his own grave" as well as the taxing of the other people (the Finance Director, the Planning Director, the head of the sewer department and many others including the respective secretaries) to a point way beyond what we should reasonably expect of our people.

I see no other alternative but to immediately proceed with efforts to employ a capable administrative person (assistant County Manager, Personnel Manager) to enable an orderly transition to the new plan of government along with the hope that we can successfully deal with our responsibilities to the citizens of Henderson County.

Sincerely,
F. Richard Baker
F. Richard Baker

cc: Commissioner Randle
Commissioner Good
Commissioner McKay