

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS  
JUNE 20, 1990

The Henderson County Board of Commissioners met for a regular midmonth meeting at 9:00 a.m. in the Commissioners' Conference Room of the County Office Building.

Those present were: Chairman William T. Drake, Vice-Chairman F. Richard Baker, Commissioner Troy L. Maybin, Commissioner J. Michael Edney, County Administrator Jerry D. Myers, Finance Director David E. Nicholson, County Attorney Don H. Ekins, Clerk to the Board Elizabeth W. Corn, and the media.

Absent was Commissioner Hugh D. Randall.

Chairman Drake called the meeting to order.

MINUTES

The minutes of the May 7, 1990 meeting were presented for review. The minutes of the May 10, 1990 meeting were presented for review. Corrections were made and the minutes were approved as corrected.

DISCUSSION/ADJUSTMENT OF AGENDA

There were no adjustments.

CONTRACT WITH LAND-OF-SKY

Chairman Drake stated that there was a proposed contract with Land-Of-Sky which had some questions. He got a copy and took some questions. There were some wrong dates concerning their scope of services. He informed the Board that there are monies in the project to do the legal work that would be a part of the project as far as clearing up boundary lines, property lines. They have cleared up the dates.

Commissioner Maybin made the motion to approve the contract with Land-Of-Sky for administering the Valley View Block Grant. All voted in favor and the motion carried.

CAPITAL PROJECT ORDINANCE

Bill Snyder addressed the Board stating that two weeks ago, on June 4, they presented the results of the bid tabulation on the Library project. At that time there was some concern as to the cost effectiveness of the project. Part of the back of the building for a part of the parking area. At that time the Board suggested that the low bidder be contacted to see what the value of that port-cochere was to see if they wanted to take it out of the contract. They requested Bill O'Cain to meet with the contractor. Mr. Snyder then asked Mr. O'Cain to address the Board.

Mr. O'Cain informed the Board that the reduction in contract for eliminating the port-cochere is \$22,074, much less than had been anticipated. It is his recommendation not to accept the reduction and keep the port-cochere.

Commissioner Baker asked Mr. Kaplan if any approach had been made to the City for help in this project. Mr. Kaplan stated that the Library Board

had decided that they would wait until they had the County's decision.

Chairman Drake said that he thinks they should approve the plans and allow them to let the bids. He asked for a motion.

Commissioner Maybin made the motion to approve an increase the amount for the two year period to \$295,200, and adoption of the Capital Project Ordinance, to proceed with the project of expansion of the library. All voted in favor and the motion carried.

Chairman Drake told Mr. O' Cain that the Board will proceed as soon as he can get the contract and a set of the plans to our Board for review.

Mr. Snyder passed out Gold Library Cards to each Commissioner on behalf of the Library Board, recognizing each one as a very special friend of the public library.

Mr. Kaplan informed the Board that there will be an antibody give-away at the library for county use.

INTRODUCTION OF BOND ORDER

Chairman Drake recognized David Nicholson to present this item.

David Nicholson passed out copies of the bond order that the board will need to adopt. This is the next step in the process of the August 28 bond referendum on both the Public Schools and Blue Ridge Community College. This is actually the introduction of the bond order and will be adopted at the July meeting.

Commissioner Maybin introduced the following bond order which was read at length:

**"BOND ORDER AUTHORIZING THE ISSUANCE OF \$14,000,000  
SCHOOL BONDS OF THE COUNTY OF HENDERSON"**

WHEREAS, the Board of Commissioners of the County of Henderson has received and considered resolutions from the Board of Education of the Henderson County School Administrative Unit and the Hendersonville City School Administrative Unit, including construction of additional facilities for the County School Administrative Unit and the Hendersonville City School Administrative Unit; and

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

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

Section 1. The Board of Commissioners of the County of Henderson has ascertained and hereby determines that it is necessary to provide additional school facilities and improvements to existing school facilities in the Hendersonville City School Administrative Unit and the Henderson County School Administrative Unit, including construction of a new high school, a junior high school/middle school and an elementary school and renovation and expansion of existing high schools, junior high schools/middle schools and elementary schools, and the acquisition and installation of necessary furnishings, equipment and machinery and the acquisition of land or rights-in-land required therefore and to pay capital costs of such improvements.

Section 2. In order to raise the money needed to pay capital costs of providing the improvements as set forth above, in addition to any funds which may be available for such purposes from any other source, the Board of the County of Henderson hereby authorizes and shall be issued pursuant to The Local Government Finance Act of North Carolina, The maximum aggregate principal amount of said bonds

had decided that they would wait until they had the County's decision. authorized by this bond order shall be \$24,000,000.

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

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

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$4,900,000  
COMMUNITY COLLEGE BONDS OF THE COUNTY OF HENDERSON**

WHEREAS, the Board of Commissioners of the County of Henderson has received and considered a resolution from the Board of Trustees of Blue Ridge Community College including a request that the Board of Commissioners provide and improve additional facilities for Blue Ridge Community College; and

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

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

Section 1. The Board of Commissioners of the County of Henderson has ascertained and hereby determines that it is necessary to provide improvements to Blue Ridge Community College, including construction of an Applied Technology Building and renovation of the existing Vocational and Life Science Building and the acquisition and installation of necessary furnishings, equipment and machinery and to pay capital costs of such improvements.

Section 2. In order to raise the money required to pay capital costs of providing the improvements as set forth above, in addition to any funds which may be made available for such purpose from any other sources, bonds of the County of Henderson are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$4,900,000.

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

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

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

Commissioner Baker moved the adoption of the following resolution:

WHEREAS, the bond orders entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$24,000,000 SCHOOL BONDS OF THE COUNTY OF HENDERSON," and "BOND ORDER AUTHORIZING THE ISSUANCE OF \$4,900,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF HENDERSON," have been introduced at the meeting of the Board of Commissioners of Henderson County held on June 20, 1990 and the Board desires to provide for the holding of public hearings thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act; NOW, THEREFORE,

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

(1) The public hearings upon said bond orders shall be held on the 2nd day of July, 1990 at 7 o'clock, P.M., at County Office Building, in Hendersonville, North Carolina.

(2) The Clerk to the Board of Commissioners is hereby directed to cause a copy of each bond order to be published with a notice of each such hearing in the form prescribed by law in a qualified newspaper and fewer than six days prior to each such public hearing.

(3) The County's Finance Officer is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond orders with the notices to publication of the bond orders with the notices of such public hearings, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

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

AYES: Chairman Drake  
Vice-Chairman Baker  
Commissioner Maybin  
Commissioner Edney

NAYS: None.

\* \* \*

#### REVALUATION REPORT

Chairman Drake recognized Mark Frick to give this report.

Mark Frick informed the Board that the numbers he has represent the period from May 14 through June 15. The Board of Equalization & Review are now in the process of meeting, so far they have met a total of 22 days, 19 of those days they have actually heard appeals. A total of 2,303 appeals are scheduled at this time. Since the second notices went out they have had 501 new appeals. So far in this 1 month period they have heard 174 appealants, representing 506 parcels and in this process 127 parcels were accepted. 50 appealants have not shown up for their appointment, representing 91 parcels. At this time they have roughly 1800 parcels still scheduled to be heard.

Commissioner Baker asked for Mark's opinion on how the Board is handling the appeals. Mark feels that the members are real good and are trying to do a fair and honest job with the citizens. He thinks it is a real good board.

#### MOUNTAIN VALLEY SUBDIVISION/Financial Guarantee

Chairman Drake recognized Matt Matteson to present this item. Mr. Matteson informed the Board of a request from Dan Ducote to extend financial guarantees to a 33 lot subdivision, Section IV of Mountain Valley. He has provided a cost estimate of the improvements which are yet to be completed and that he would like to guarantee so that he can receive final plat approval, record the plat and market the properties. The estimates he has provided are for roads and water, based on estimates by a certified engineer.

Mr. Ducote has provided a letter from a lending institution which "ear marks" funds, that does not guarantee them.

There was much discussion, including the Board's past policy.

Don Elkins stated that in the past year to 18 months, the Board has consistently asked for a letter of credit or cash bond. That is the procedure he would recommend to the Board.

Commissioner Maybin made the Motion that since this is not consistent with the Board's previous policy, to deny this request. All voted in favor and the motion carried.

#### CHANGE ORDER G-1 Fletcher Library Renovations

Chairman Drake informed the Board that this change order of \$200 was required to extend an existing wall in order to get the handicap ramp in on grade to meet the State Building Code requirements.

Commissioner Baker made the motion to approve the \$200 change order. All voted in favor and the motion carried.

ROAD PETITIONS

Chairman Drake informed the Board of a petition received to add Pine Tree Lane to the State System. We have a recommendation from the Planning Department. There were only two signatures on the petition and that was questioned. This item was postponed for clarification.

NCACC CONFERENCE

Chairman Drake informed the Board that the Annual Conference for the N.C. Association of County Commissioners is to be held August 9-12 in Asheville.

TAX REFUNDS

Chairman Drake informed the Board of six (6) refund requests received from Allie Stepp, Interim Tax Assessor:

Poly Processing, Inc.	\$ 335.84
David Scott Repass	231.95
Malvern Justus Harris	12.85
Mr. & Mrs. William H. Onuska	1.92
General Electric Credit	14.53
Mr. Harold Vaughn	206.76
(6)	Total = \$803.85

Commissioner Baker made the motion to grant the six refund requests. All voted in favor and the motion carried.

NOMINATIONS

Chairman Drake informed the Board of 1 vacancy on the Nursing Home/Domiciliary Home Advisory Committee and asked for any nominations. There were none so this item was rolled to the next meeting.

Chairman Drake informed the Board of 1 vacancy on the Council on the Status of Women and asked for any nominations.

Commissioner Baker nominated Charlotte Buller to fill this vacancy.

Commissioner Edney made the motion to suspend the rules and reappoint Charlotte Buller to the Council on the Status of Women. All voted in favor and the motion carried.

Chairman Drake informed the Board of 2 vacancies on the Henderson County Board of Health and asked for any nominations. Both these positions are statutory, one for a physician and the other for an engineer.

Commissioner Edney asked that the physician position be held open till the next meeting.

Commissioner Baker nominated Jon Laughter to fill the engineer position.

Commissioner Maybin made the motion to suspend the rules and reappoint Jon Laughter to fill the engineer vacancy on the Henderson County Board of Health. All voted in favor and the motion carried.

NOTIFICATION OF VACANCIES

Chairman Drake informed the Board of a resignation from the Hendersonville Planning & Zoning Board from Vollie Good. This position must be filled by someone that lives within the one mile extraterritorial jurisdiction.

MILLS RIVER ZONING

Chairman Drake received a letter from the group at Mills River wanting the Board's official position on the Asheville-Buncombe Water Authority. A "draft" letter was passed around to the Board to be mailed to Michael Plemmons, Chairman of the Asheville-Buncombe Water Authority.

The purpose of this letter is to state the official position of the Henderson County Board of Commissioners

concerning the Asheville-Buncombe Water Authority's interest in obtaining water from the Mills River in Henderson County. The Board of Commissioners are unanimous in their opposition to the Mills River being considered as a possible water source for Buncombe County. We would officially request that you remove the Mills River from your list of possible water sources for Buncombe County.

Commissioner Baker made the motion to accept this letter as the Board's official position. All voted in favor and the motion carried.

BUDGET WORK SESSION

Chairman Drake turned the floor over to David Nicholson to continue review of the budget.

David asked the Board to turn to page #83 and reviewed the following:

- Civil Preparedness
- Fire Commission
- Inspections
- Emergency Medical Services
- Sanitary Sewage Plants
- Landfill
- Planning Dept.

LUNCH

Chairman Drake recessed the meeting for lunch and stated that we would be back at 1:00 p.m.

COURTHOUSE/JAIL/LAW ENFORCEMENT CENTER

Chairman Drake called the meeting back to order following lunch. Chairman Drake stated that this afternoon at 1:00 we had scheduled to hear comments from various departments concerning the latest plans for the Courthouse, Jail, Law Enforcement Facility. He recognized representatives from Law Enforcement to comment first.

Tom Hatchett addressed the Board stating that the plans were reviewed with the Sheriff extensively. They feel that these plans address some of their concerns but there are still some concerns in the form of square footage for beyond the year 2000.

Lt. David Cree voiced some concerns from law enforcement regarding inadequate space for storing evidence, need for a warrant section, inadequate parking, need for a heliport, need for more interview space for detectives and patrol.

Lt. Cree then addressed concerns about the Jail regarding parking, the configuration of the jail cells themselves, their request to have work release separate from the booking area, they requested an arraignment court, they requested the kitchen be moved so that all service entrance would be to the rear.

Chairman Drake recognized Tommy Thompson, Clerk of Court to address the Board concerning the plans.

Tommy Thompson addressed the Board and first of all stated that he does not agree with the site because of the train and the possible interruptions it will cause and because of the inadequate parking. He also voiced concern because he envisions in the future the need for office for a Chief District Court Judge and supporting staff for him. He also feels that the courtrooms as they are presently situated would cause much congestion in the corridors. He also doesn't feel that the courtrooms will be able to handle the numbers that the drawings say they will. He also voiced his concerns of financing the project.

Mr. Thompson asked the Board for a decision on whether his office will be able to store their oldest records in the present courthouse, if not, it would affect his final decision regarding needs in the new facility.

Mr. Whitmire, Attorney Mr. Whitmire stated that the Attorneys' concern

is with future needs. Mr. Whitmire feels that it is a mistake putting the two large courtrooms side by side, he feels that it will create much confusion. They feel that the three courtrooms and the offices that go with the three courtrooms are adequate. The Bar strongly recommends that an additional floor be put on this building to house only the court related offices and judicial functions. They see need for expansion in 20-25 years and feel the space should be there to expand to.

FUNDING - Chairman Drake spoke on the funding stating that we do not know what mechanism will be used yet. There are problems with the installment purchase that the Board had originally considered as a viable option, it is no longer a viable option because of a constitutional question that has been raised in another county. There is another provision where you set up a corporation and lease the project from a corporation but it does not commit future Boards to that type funding, they could walk off and leave the project in limbo so the only viable option at this time as Mr. Drake sees it now is a bond issue where the voters approve it.

Commissioner Baker reminded everyone that the original plans were to consider the installment purchase project with the money that they could foresee devoting to the project without any tax increase and without a bond issue, that was roughly in the neighborhood of \$13.5 million.

District Attorney's Office - John Orr, Administrative Assistant with the District Attorney's Office. On this last set of plans they feel that some of their concerns have been addressed but do not feel that they are adequate, they have enough space for right now but no space for future needs.

Mr. Randy Eggen - Unit Supervisor, Adult Probation and Parole Office. He supervises Henderson County, Polk County, and Transylvania County. His concern is for some additional space for future expansion and also the inadequate parking. He sees the need for more courtroom space.

Ken Lanning - Juvenile Services. He represents the district which includes a 5 county area. If the third floor is an option, he thinks the third floor location for his office would be acceptable. He is also concerned about parking spaces.

Mrs. Barbara King - District Administrator, Guardian Ad Litem. Mrs. King is concerned about the noise level and location of her office, also says they need a waiting area for victims and witnesses that will put them away from defendants. She is concerned with the site and with future expansion and parking.

Chairman Drake stated that Senate Bill 168 sets aside the money for the court facilities and says such courtroom facilities may include a jail and law enforcement center.

Chairman Drake thanked everyone for coming and said that their comments would be relayed to the architect.

#### BUDGET REVIEW

Chairman Drake stated that we had stopped at Agriculture Extension. Grover Westmoreland is here to present his budget. Mr. Drake asked David to quickly run through the Ag. Extension budget, then if there are any questions Grover will be here to address them, then Grover has a request to make that is not a part of the budget.

David reviewed the Ag. Extension budget with the Board.

Mr. Westmoreland addressed the Board asking for an amendment to the budget. Last year this Board gave him 45% of a starting secretary salary. The State never did put in their 55% and then they said positions were going to be closed until July 1. Mr. Westmoreland came before the Board back in the spring and got the okay to go ahead and hire her until July 1 fulltime with county salary. Now there will be no State positions, they are frozen. He is requesting the Board to pick up the \$8,257 that the State should have put in so that he can keep the secretary.

David then instructed the Board to turn to page 132 in the budget and

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reviewed Department of Social Services. David informed the Board that he would go through their budget highlighting items and answering questions but Liston is here with others from his department to address any questions the Board may have.

D.S.S. Staff Operations  
D.S.S. Various Programs  
D.S.S. General Assistance

Liston said that one of the reasons he came to this county was the expectation that he would look at some things, change some things, and get the department going in a different direction in some areas. One key thing that he needs is sufficient staff, he is requesting three additional personnel.

David then asked the Board to turn to page 127 and continued with the review of these departments:

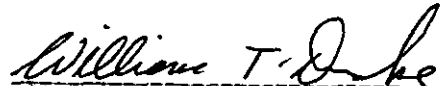
Youth Development-Youth Residence  
Youth Development-Youth Shelter  
Federal and State Youth Grants  
Veteran's Services  
Public Library  
Land Record Management  
Parks & Recreation  
Non-Departmental  
Transfers

David then handed out sheets for review by the Board regarding donations and dues. The Board will review that budget item next budget session.

Chairman Drake adjourned the meeting. We will continue budget review after the Public Hearing on the evening of June 25, 1990.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
William T. Drake, Chairman