

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS  
MAY 17, 1989

The Henderson County Board of Commissioners met for a mid-month meeting at 9:00 a.m. in the Conference Room of the County Office Building.

Those present were: Chairman William T. Drake, Commissioner Hugh D. Randall, Commissioner Troy L. Maybin, Commissioner F. Richard Baker, Commissioner J. Michael Edney, County Administrator Jerry Myers, Finance Director David E. Nicholson, County Planner Matt Matteson, and Clerk to the Board Libby Corn.

Chairman Drake called the meeting to order.

MINUTES

The Minutes of the May 1, 1989 Commissioners Meeting were reviewed and corrected. The Minutes were approved as corrected.

ADJUSTMENT OF AGENDA:

Chairman Drake made the necessary adjustments to the Agenda. Under Unfinished Business "I" Revaluation Report was added and "J" Bond Resolution. These were all the necessary adjustments.

PUBLIC HEARING

Commissioner Baker made a motion to go into Public Hearing on Community Development Block Grant.

Mrs. Jane Miller, Region B Director for Community and Economic Development, reported on the status of the application for the Valley View area and how much repair work and how much replacement work was needed. 5 Demolitions are needed and 2 Rehabilitations, 7 wells, and 7 septic tanks. \$20,000.00 is needed for street improvements. The total applied for is \$252,000 and it was decided to change the Resolution to read- NOT TO EXCEED \$252,000.

Chairman Drake asked if any member of the audience wished to speak. There was no one present who wished to speak.

Commissioner Baker made a motion to close Public Hearing on the Community Development Block Grant. The motion carried.

Commissioner Randall made a motion to accept the application for the Community Development Block Grant Project in the Valley View area. The motion carried.

PUBLIC HEARING

Commissioner Baker made a motion to go into Public Hearing for a qualified small issue revenue bond issue to finance a project for Figgie International Real Estate Inc. and subsequent approval pursuant to the requirements of the Internal Revenue Code of 1986 as amended, of the issuance of not exceeding \$1,500,000 aggregate principal amount of Industrial Facilities and Pollution Control Financing Authority to finance the project and approval of the project.

At 9:15 a.m. the Chairman of the Board of Commissioners for the County of Henderson (the "Board") announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by The Henderson County Industrial Facilities and Pollution Control Financing Authority (the "Authority") of not exceeding \$1,500,000 aggregate principal amount of its qualified small issue revenue bonds to pay all or a portion of the cost of the acquisition of land and construction and installation of

a manufacturing facility for thermometers, thermal measuring instruments and other related devices to be located at 280 Crane Creek Road, Fletcher, North Carolina 28732 (the "Project"). The Project is to be owned by Figgie International Real Estate Inc., a Delaware corporation (the "Company"), and leased to Figgie International Inc., a Delaware corporation, and is to be located wholly within Henderson County.

The Chairman stated that the Authority had adopted a Resolution expressing its intention to issue qualified small issue revenue bonds and authorizing the execution and delivery of a memorandum of agreement pertaining to the financing of the Project. The Chairman then submitted copies of the resolution and the memorandum of agreement to the Board.

The Clerk to the Board presented an affidavit showing publication in a newspaper of general circulation in Henderson County on a date at least 14 days prior hereto of notice of the public hearing. The Chairman directed that the affidavit of publication be attached to this extract of minutes as Exhibit A.

The Chairman requested that the Clerk to the Board inquire in and around the Commissioners' Meeting Room to determine whether there were any persons who wished to speak at the public hearing. The names and addresses of the persons who were present and who offered comments on the proposed issuance of the qualified small issue revenue bonds to finance the Project are as follows:

(A list of persons who offered comments or delivered written testimony, and a summary of such comments and testimony are appended as Exhibit B.)

At 9:29 a.m., (at least 10 minutes after the time shown on page 1 as the time of the start of the public hearing), the Chairman requested that the Clerk to the Board inquire again in and around the Commissioners' Meeting Room to determine whether there were any other persons who wished to speak at the public hearing. The Clerk to the Board returned after making such inquiry to report that no other persons who wished to speak at the public hearing were found.

After the Board had heard all persons who had requested to be heard, Commissioner F. Richard Baker moved that the public hearing be closed. The motion was seconded by Commissioner Troy L. Maybin and was unanimously adopted.

The Chairman stated that under the Internal Revenue Code of 1986, as amended, the Board must approve the issuance of the Authority's qualified small issue revenue bonds if the interest thereon is to be excludable from gross income pursuant to federal income tax law.

Commissioner Troy L. Maybin then introduced the following Resolution, a copy of which was distributed to each Commissioner and the title of which was read:

RESOLUTION APPROVING THE ISSUANCE PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED OF NOT EXCEEDING \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF QUALIFIED SMALL ISSUE REVENUE BONDS OF THE HENDERSON COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN HENDERSON COUNTY FOR FIGGIE INTERNATIONAL REAL ESTATE INC. AND APPROVING THE PROJECT.

WHEREAS, the Board of Commissioners for the County of Henderson (the "Board") has created a political subdivision and body corporate and politic of the State of North Carolina known as "The Henderson County Industrial Facilities and Pollution Control Financing Authority" (the "Authority"); and

WHEREAS, the Authority is authorized under the Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the General Statutes of North Carolina, as amended

(the "Act"), to issue revenue bonds for the purpose, among others, of paying all or any part of the cost of any industrial or pollution control project for industry; to acquire, construct, improve and equip any such project; and to make and execute financing agreements, security documents and other contracts and instruments necessary or convenient in the exercise of such powers; and

WHEREAS, the Authority has determined to issue not exceeding \$1,500,000 aggregate principal amount of its qualified small issue revenue bonds to pay all or a portion of the cost of the acquisition of land and construction and installation of a manufacturing facility for thermometers, thermal measuring instruments and other related devices (the "Project"), which Project is to be owned by Figgie International Real Estate Inc., a Delaware corporation (the "Company") and leased to Figgie International Inc., a Delaware corporation (the "Operator"); and

WHEREAS, on November 7, 1988 the Board passed a Resolution (the "November Resolution") approving the issuance of not exceeding \$1,500,000 aggregate principal amount of qualified small issue revenue bonds of the Authority to finance the Project; and

WHEREAS, the November Resolution did not specify the presently proposed owner and operator of the Project; and

WHEREAS, the Board, pursuant to public notice duly given, has held a supplemental public hearing on the proposed qualified small issue revenue bond issue and Project and has considered the comments of persons who requested to be heard; and

WHEREAS, the Board desires to restate the proposed operator in the November Resolution and approve the issuance of the qualified small issue revenue bonds and the Project pursuant to the Internal Revenue Code of 1986, as amended; NOW, THEREFORE IT IS RESOLVED by the Board as follows:

1. The issuance of not exceeding \$1,500,000 aggregate principal amount of qualified small issue revenue bonds of the Authority to finance the Project is hereby approved.
2. The Board recognizes that the Project will be owned by the Company and leased to the Operator and hereby reaffirms its approval of the Project.
3. The Clerk to the Board is hereby authorized and directed to provide a certified copy of this Resolution to the Department.
4. This Resolution shall take effect immediately upon its passage.

Commissioner F. Richard Baker moved the passage of the foregoing Resolution entitled "RESOLUTION APPROVING THE ISSUANCE PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OF NOT EXCEEDING \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF QUALIFIED SMALL ISSUE REVENUE BONDS OF THE HENDERSON COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A PROJECT IN HENDERSON COUNTY FOR FIGGIE INTERNATIONAL REAL ESTATE INC. AND APPROVING THE PROJECT," and Commissioner J. Michael Edney seconded the motion, and the Resolution was passed by the following vote:

Ayes: Commissioner William T. Drake, Commissioner Hugh D. Randall, Commissioner F. Richard Baker, Commissioner Troy L. Maybin, and Commissioner J. Michael Edney.  
 Noes: None.

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I, Libby Corn, Clerk to the Board of Commissioners for the County of Henderson, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the public hearing and other proceedings of the Board of Commissioners for said County at a meeting held at the time and place shown on the front page of these excerpts of minutes, as relates in any way to the public hearing and resolution hereinabove set forth.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held on the first Monday at the Henderson County Courthouse and the third Wednesday at the County Commissioners Conference Room of the Henderson County Administra-

tion Building of each month at 7:00 p.m. and 9:00 a.m., respectively, in Hendersonville, North Carolina, has been on file in my office pursuant to G.S. 143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the official seal of Henderson County this 17th day of May, 1989.

(SEAL)

*Elizabeth W. Corn*  
Clerk to the Board of County  
Commissioners

#### UNFINISHED BUSINESS

#### APPOINTMENTS

Chairman Drake informed the Board that there are two nominees for the one vacancy on the Social Services Board. The Board was polled and Dr. Crit Harley was appointed to serve three years with his appointment to start June 30, 1989.

#### NOMINATIONS

Chairman Drake informed the Board that there is one vacancy on the Council on the Status of Women. There were no nominations and this item was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there is one vacancy on the Hendersonville City Zoning Board of Adjustment. There were no nominations and this item was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there are two vacancies on the Blue Ridge Community College Board of Trustees and two nominees for those two vacancies. Commissioner Baker nominated Jack Ruth, making three nominees. The Board was polled and Fritz McCall and Jack Ruth were appointed to serve four years with the appointment to begin June 30, 1989.

Chairman Drake informed the Board that there are two vacancies on the Land-Of-Sky Advisory Council on Aging. There were no nominations and this item was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there are two vacancies on the Henderson County Board of Health. There were no nominations today and this item was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there are three vacancies on the Youth Development Committee. Commissioner Maybin nominated Steve Norwood and Fran Schneider. Commissioner Maybin made a motion to suspend the rules and reappoint Steve Norwood and Fran Schneider to the Committee. The motion carried. One vacancy will be left open till the next Commissioners Meeting.

#### CATV SUBSCRIBER SERVICES, INC.

The Board has received requests for franchise agreements from two cable companies: 1. CATV Subscribers Services, Inc. and 2. South East I Cablesystems, Inc.

County Attorney, Don Elkins stated he needed further time to review the franchises presented from the cable companies before approving them.

CATV spokesman, Greg Plummer, stated they could go into parts of the county with 65 homes per mile or more. This number was chosen because they feel that is enough to support two cable companies.

The Board suggested that a Review Committee be set up to

review the franchises and make a recommendation to the Board. The Committee would be made up of the County Attorney, County Administrator, County Planner, two Commissioners, and two from the general public.

Chairman Drake stated this Committee would be established at the next Commissioners Meeting.

#### REGION B

The Board discussed the pros and cons of rejoining Land-Of-Sky Regional Council. Commissioner Eoney proposed rejoining but at the same time giving a 2 year notice. This would give the county time to try the Council again but not confine them for more than the 2 years. If Henderson County rejoins it would take effect July 1, 1989.

Chairman Drake said Land-Of-Sky would be notified that a final decision will be made at the next Commissioners meeting.

#### TAX REFUND - Weldon & Elizabeth West

Commissioner Maybin made a motion to grant a tax refund to Mr. & Mrs. West in the amount of \$85.05. A vote was taken and the motion carried.

#### TENTATIVE SCHEDULE -UPWARD ROAD/EAST FLAT ROCK LAND USE STUDY

County Planner, Matt Matteson presented the tentative schedule and stated the schedule now calls for the land use study to be completed by August 1989.

Commissioner Randall made a motion that the Board of Commissioners request and urge the Planning Board to work by the submitted schedule. The motion carried.

#### ADMINISTRATIVE CHANGE FOR HOME HEALTH

Health Department Director, Tom Johnson, requests that Home Health Employees only be transferred to Pardee Hospital as hospital employees. This would put the Home Health Staff in closer proximity to the patients, the patient's families, and the patient's physician. Budget wise this is neither a profitable nor a liable situation for the county.

The Board of Health has agreed to transfer these staff persons as recommended by Mr. Johnson. The Home Health Staff would be hospital employees with hospital benefits rather than their current status of county employees with county benefits.

Frank Aaron, Hospital Administrator, informed the Board that the Hospital Board has not yet taken an official stand. The Medical Staff endorses the move and would feel better by having the Home Health Staff on the premises.

Chairman Drake informed the Board that we have received responses from 9 out of 17 letters sent to Home Health Staff. The majority of these responses expressed the feeling that the move would be beneficial.

Chairman Drake requested that the Board wait to make their decision until after the next Hospital Board Meeting.

#### FOCUS - FINAL GRANT APPLICATION

Pam Sacco introduced a 12 minute videotape on a Children's Advocacy Center. Ms. Sacco informed the Board that the Children's Advocacy Center is a model approach to child sexual abuse cases.

Ms. Sacco reviewed the application to the Governor's Crime Commission and indicated that the amount of Federal Funds requested is \$27,726.00.

Chairman Drake raised the concern of where money would come from to fund this after the grant runs out since the County Commissioner's source of revenue is limited.

Mrs. Marsha Caserio, United Way President, stated her hopes that the UNITED WAY will include Focus in their program for the year when they meet in June.

Captain George Erwin informed the Board that last year DSS had 426 cases of child abuse reported. The main objective of this program is to familiarize the child with one place and bring in the professionals to the child rather than have the child go to many professionals in different places.

Commissioner Edney made a motion that the Focus Grant Application be approved subject to :

- 1) Execution of hold harmless agreement.
- 2) County be named as additional insured on any liability (professional/malpractice, errors and omission) policy and a certificate of insurance be provided to document such action.
- 3) Copy of Incorporation Documents (Charter, etc.)
- 4) Provide such documentation as may be requested by Financial Officer to justify financial transactions.
- 5) Specific agreement and understanding that approval of grant application does not now nor any time in the future commit the county to provide continued funding.

A vote was taken and the motion carried unanimously.

#### Henderson County Drug & Alcohol Abuse Task Force

Jack Culbreth, Chairman of the Task Force, informed the Board of the progress that was made at a recent Retreat for Task Force Members. Four committees were organized:

1. Public Relations Committee.
2. Schools/Education Committee.
3. Parent Committee.
4. Youth Committee.

PRIDE is a support network of kids striving for a drug-free lifestyle. 33 members of the Task Force were at the Retreat.

Chairman Drake extended his appreciation and the Boards for the work done and asked that the Task Force keep up the good work.

#### CRIMESTOPPERS REQUEST FOR FUNDS

Jim Galloway, Chairman of the Board of Crimestoppers, asked that \$5,000 seed money be considered in the coming budget year for Crimestoppers and informed the Board that they now have a phone number for reporting crime, Phone 697-STOP.

A Crimestoppers Resolution was presented by Commissioner Edney to make June National Crimestoppers Month. Commissioner Edney made a motion to adopt the resolution. There was no discussion. A vote was taken and the motion carried unanimously.

#### REVALUATION REPORT

Brenda King, County Assessor, presented the Variance Report and stated that they are on schedule.

Ron McCarthy, President of Elliott & Ross -Independent Appraisers, informed the Board that residential rural land pricing has now been completed. He presented the proposed

manual of Schedule of Values. The manual will be available for public inspection in the County Assessors Office and in the County Commissioners Office.

Ms. King will be back this afternoon with the schedule for approval.

Chairman Drake called a recess until 2:00 p.m. At 2:00 the Board will be in Executive Session to discuss contractual matters. Following the Executive Session we will be back in Open Session.

#### BUSINESS & INDUSTRY RECYCLING ADVISORY BOARD

Steve Heiselman, Solid Waste Co-ordinator, informed the Board that in industrial recycling the big problem is space. He presented a Resolution for adoption.

Discussion on recycling followed. Chairman Drake recommended that Henderson County Health Department amend their rules to help keep Buncombe County trash out of the Henderson County landfill.

Commissioner Baker suggested some word changes in the Resolution. In two places in the Resolution he suggested the word will be changed to may. These changes were agreeable with the Board.

The Resolution will be held for review and be voted on at a later date. More information is needed on the grant program for consideration and a vote at a later date.

Commissioner Maybin made a motion to go into Executive Session to consider contractual and legal matters. The motion carried.

Commissioner Baker made a motion to go out of Executive Session. The motion carried.

#### LAW ENFORCEMENT CENTER CONTRACT

Commissioner Maybin made a motion to approve the contract with Grier Fripp/CMW for the architectural and engineering services for the Courthouse/Law Enforcement and Jail Facility, subject to approval in final form by the County Attorney. As a part of the motion, all correspondence dealing with the aforesaid associates will be handled through the Chairman of the Board of Commissioners, William T. Drake. There was no discussion on the motion. All voted in favor, and the motion carried.

#### BOND RESOLUTION

Finance Director, David Nicholson presented a Bond Resolution for the sale of bonds in the amount of \$430,000 to finance the construction of the addition to the County Office Building. Commissioner Baker made a motion to adopt the Resolution, a copy of which is attached. The motion carried.

#### PRESENTATION OF 1989-1990 BUDGET

David Nicholson presented the 1989/1990 Budget Message and also provided copies of the proposed 1989/1990 Budget to the Board as required by G.S. 159-11.

Commissioner Maybin made a motion to set a Budget Public Hearing for June 5, 1989 at 7:00 p.m. and Budget Workshops for June 12 at 7:00 p.m., June 19 at 7:00 p.m., and the afternoon of June 21 which will be the next mid-month Commissioners Meeting. The motion carried.

#### BOARD OF EQUALIZATION AND REVIEW

The minutes were submitted from the Board of Equalization and Review. Commissioner Maybin made a motion to enter their minutes into the minutes of the Board of Commissioners for May 17, 1989, a copy of which is attached. The motion carried.

HENDERSONVILLE BOARD OF EDUCATION - Request for Tax Exemption

Hendersonville Board of Education purchased the George R. Boyd, Sr. property at 729 Price Street and paid the taxes on that property through June of 1988, when bought. Commissioner Randall made a motion to release the taxes from June 21, 1988 for the remainder of the year and to place the property on tax exempt status. All voted in favor and the motion carried.

BUDGET AMENDMENT

David Nicholson requested a budget amendment in the amount of \$17,785.00. This will set-up expenditures for the City of Hendersonville's bond election and the Town of Fletcher's incorporation election, as well as reimbursement. This also will transfer funds between divisions of the Health Department to correct an error in budgeting of a clerical position. Commissioner Maybin made a motion to approve the Budget Amendment. A vote was taken and the motion carried unanimously.

AGRICULTURE EXTENSION SERVICE 2% REDUCTION IN BUDGET

David Nicholson informed the Board that the State has reduced all state budgets by 2% because of a shortfall of funds. The County Extension Service received that cut in their travel budget. Mr. Westmoreland, County Extension Director, has requested that we use some salary funds that he did not use in his budget this year and move that to travel. The amount would be approximately \$2,600. They are going to travel in-county anyway. Commissioner Randall made a motion that the Finance Officer be allowed to make these necessary adjustments in the Budget. There was no discussion on the motion. All voted in favor and the motion carried.

FOREST SERVICE HEADQUARTERS

Chairman Drake reminded the Board that about 5 years ago the County donated an acre of land for a Forest Service Headquarters with the stipulation that it be used within a 3 year period or revert back to the county. The Forest Service tried for three years to get the funds to build their building and were unsuccessful. The property reverted back to the county and the county used the land for the County Garage/Maintenance Building. There is an acre available right behind the Maintenance Building. Chairman Drake suggested that this be referred to the Recreation Committee for their review. A decision will be made after the Recreation Committee meets and reviews this.

DEFERRED HEALTH BENEFITS - SECTION 125

David Nicholson informed the Board that the County has the option of making the employees health and dental insurance payments pretaxed. He requested that the Board consider setting up this plan. This would be an employee option and would require preplanning. If the money set aside is not used up in the year it reverts to the county. An Administrator is necessary. Our current insurance carrier, Blue Cross and Blue Shield of North Carolina is willing to set this up for us, will provide forms, handle the reimbursements, and file the annual report to IRS, they will do this for \$455.00, a one time fee. Commissioner Maybin made a motion to authorize Blue Cross and Blue Shield to be our administrator and set up Section 125 as an employee benefit. The motion carried.

ROAD PETITION



Chairman Drake informed the Board that we have a road petition in Holly Brook Subdivision, Anne Drive and Sandra Way, to add to the State Maintenance System. Commissioner Maybin made a motion that this Road Petition be referred on to the Department of Transportation for processing. All voted in favor and the motion carried.

NOTIFICATION OF VACANCIES

Chairman Drake informed the Board that there is one vacancy on the Council on the status of Women.

Chairman Drake informed the Board that there are seven vacancies on the Industrial Development Committee. These seven members will consist of:

1. County Planner
2. One County Commissioner
3. Representative from Chamber of Commerce
4. Representative from Agriculture Park Committee
5. Representative from Blue Ridge Community College
6. Representative from Henderson County Planning Board
7. Civil Engineer

These seven members will be charged with the responsibility of determining whether there is a need for an Industrial Park and if one is needed, how should it be financed, where it should be located (general area), what, if any other projects such as an agriculture park, sewer treatment plant or what-ever should be included. The committee should also recommend as to whether or not there is a need for establishment of an Industrial Development Incorporation or an Economic Development Corporation.

Chairman Drake recognized Brenda King who presented proposed dates for the schedule of Values:

Public Hearing - June 21, 1989  
Adoption - July 3, 1989

Commissioner Maybin made a motion to set a Public Hearing for June 21, 1989 at 9:00 a.m. in the County Office Building for public comments on the Schedule of Values. All voted in favor and the motion carried.

Commissioner Maybin made a motion to go into Executive Session to further discuss contractual matters. All voted in favor and the motion carried.

Commissioner Randall made a motion to go out of Executive Session.

There being no further business, the meeting adjourned.

ATTEST:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk

*William T. Drake*  
William T. Drake, Chairman