

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS
APRIL 19, 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, Matt Matteson, County Planner, and Libby Corn, Clerk to the Board.

Chairman Drake called the meeting to order.

MINUTES

The Minutes of the April 3, 1989 Commissioners Meeting were reviewed and corrected. The Minutes were approved as corrected.

UNFINISHED BUSINESSNOMINATIONS

Chairman Drake informed the Board that there is one vacancy on the Nursing Home/Domiciliary Home Advisory Committee. Richard Baker nominated Sylvia Meyer to the Nursing Home/Domiciliary Home Advisory Committee. Troy Maybin made a motion to suspend the rules and appoint Sylvia Meyer to the Nursing Home/Domiciliary Home Advisory Committee. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there is one vacancy on the Council on the Status of Women. There were no nominations for the Council on the Status of Women, and this matter 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 for an alternate position. There were no nominations for the Hendersonville City Zoning Board of Adjustment, and this matter was rolled to the next Commissioners' meeting.

Chairman Drake informed the Board that there are currently three vacancies on the Henderson County Planning Board. Richard Baker nominated Tom Grant to the Henderson County Planning Board. Michael Edney nominated Luther Smith to the Henderson County Planning Board. A vote will be held at the next Commissioners' meeting in order to make the appointments.

Chairman Drake informed the Board that there are two vacancies on the Hospital Board of Trustees. Richard Baker nominated William Parker to the Hospital Board of Trustees. Michael Edney nominated Charles Waters and Jack Ruth to the Hospital Board of Trustees. A vote will be held at the next Commissioners' meeting in order to make the appointments.

Chairman Drake informed the Board that there are two vacancies on the Library Board of Trustees. Troy Maybin nominated Louise Bailey to the Library Board of Trustees. Chairman Drake nominated Richard Brown to the Library Board of Trustees. Troy Maybin made a motion to suspend the rules and appoint Louise Bailey and Richard Brown to the Library Board of Trustees. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there is one vacancy on the EMS Council. Troy Maybin nominated David Fowler to the EMS Council. Richard Baker made a motion to suspend the rules and reappoint David Fowler to the EMS Council. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there are two vacancies on the Blue Ridge Community College Board of Trustees. Michael Edney nominated Vincent Romeo to the Blue Ridge Community College Board of Trustees. Troy Maybin made a motion to hold the vacancies open until

the next Commissioners' meeting. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there are two vacancies on the Land-Of-Sky Advisory Council on Aging. Troy Maybin nominated Alan Venn to the Land-Of-Sky Advisory Council on Aging. Richard Baker made a motion to suspend the rules and reappoint Alan Venn to the Land-Of-Sky Advisory Council on Aging. As there were no other nominations for the second vacancy, this matter was rolled to the next Commissioners' meeting.

Chairman Drake informed the Board that there is one vacancy on the Jury Commission. Richard Baker nominated Blanche Mann to the Jury Commission. Troy Maybin made a motion to suspend the rules and reappoint Blanche Mann to the Jury Commission. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there are two vacancies on the JTPA Committee. Troy Maybin nominated John Murdock and Mike Moore to the JTPA Committee. Troy Maybin made the motion to suspend the rules and appoint John Murdock and Mike Moore to the JTPA Committee. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there is one vacancy on the Social Services Board. Richard Baker nominated Mary McDuffie to the Social Services Board. Troy Maybin made a motion that this matter be rolled to the next meeting. All voted in favor, and the motion carried.

ENHANCED 911:

Jerry Myers, County Administrator, reviewed for the Board the proposed Enhanced 911 service for Henderson County and stated that the next step in establishing Enhanced 911 service in Henderson County would be to authorize Southern Bell to poll telephone subscribers to determine their willingness to be charged a fee in order to defray the cost of installing Enhanced 911. Subscribers would be billed approximately 18 months in order to meet the cost of installation, and billing would begin after Enhanced 911 is operational, which would be in approximately two years. Enhanced 911 can be installed at a cost of .31 cents per telephone line per subscriber one answering point, which would be at the Sheriff's Department, or the system can be installed at a cost of .40 cents per telephone line per subscriber with two answering points, one being at the Sheriff's Department and one being established at the Hendersonville Police Department. Hendersonville Police Chief Donnie Parks addressed the Board in support of Enhanced 911 with two answering points so that city residents could call directly to the Police Department avoiding the present three and a half second delay caused by transferring their call from the Sheriff's Department to the Police Department. This alternative would cost the telephone subscribers .40 cents per telephone line per month. Mike Gibbs of the Henderson County Sheriff's Department addressed the Board in support of installing the Enhanced 911 system. Tom Edmundson, Emergency Medical Services Director, addressed the Board in support of installing Enhanced 911 service with one answering point being established at the Sheriff's Department and stated that an employee from the City Police Department could be stationed in the new Courthouse/Law Enforcement Facility to route emergency calls from city residents. This alternative would cost subscribers .31 cents per telephone line per month. There was much discussion regarding both alternatives of installation. The Board was in agreement to authorize Southern Bell to poll subscribers at this time, but the decision regarding which alternative of installation to choose can be delayed to a future meeting. Michael Edney made a motion to authorize Southern Bell to poll telephone subscribers to determine their willingness to help defray the cost of installing Enhanced 911 by being charged a fee not to exceed .40 cents for this service. All voted in favor, and the motion carried.

POSITION AND FUNDING FOR FLETCHER BRANCH LIBRARY:

The Board reviewed a request made by Elizabeth Marshall, Library Director, for additional funding to increase an existing part-time position for Librarian II currently working 32 hours per week to 40 hours per week and then to carry this position as a permanent position

into the next fiscal year. This need for increased staff time is due to the opening of the Fletcher Branch Library, needed assistance in both branches, and in serving the homebound. Mrs. Marshall requested that the position be funded as a Librarian II on Grade 55, Step 1 at \$12,056.00, 40 hours per week beginning May 1, 1989 through June 30, 1989. Hugh Randall made a motion to transfer \$2,241 from contingency to fund the position as requested. All voted in favor, and the motion carried.

TIRE PROPOSAL FOR THE LANDFILL:

Chairman Drake reviewed for the Board proposed changes in the Henderson County Landfill Tire Disposal Policy. Currently, there is a .50 cent tipping fee for unsplit tires and no tipping fee for split tires disposed of at the Landfill. The proposed change in policy is that whether the tires are split or unsplit there will be a .50 cent tipping fee per tire up to size 8.25 by 20, and a \$1.50 tipping fee per split or unsplit tire which is 8.25 by 20 or larger. Tires accepted at the Henderson County Landfill must be off the rim and shall be substantially free of oil, grease, petroleum products, or any other hazardous substance. Youngblood Trucking Lines will supply student drivers to transport the tires to U. S. Tire Disposal in Concord, North Carolina. U. S. Tire Disposal charges the same tipping fees as proposed for Henderson County Landfill. The funds collected at the Landfill would be used to cover the cost of disposal at U. S. Tire Disposal. Revised tire disposal fees will become necessary in the future to defray the operating cost of the project. The fee charged will be increased if the cost to the County increases. Hugh Randall made a motion to accept the policy proposed for the Landfill Tire Disposal Policy. (Copy Attached) All voted in favor and the motion carried. Hugh Randall also made a motion to approve the contract between Henderson County and U. S. Tire Disposal subject to review by the County Attorney. All voted in favor, and the motion carried.

MAINSTAY GRANT -- SALLY STEPP

Sally Stepp, Director of Mainstay, addressed the Board stating that the Governor's Crime Commission has made funds available in the past to Mainstay, and informed the Board that she is requesting approval of the second year of the current two-year grant. Mrs. Stepp stated that there is a 20 percent match required for these funds, and Mainstay will be using United Way and membership funds to cover the cost of the required match. Mrs. Stepp stated Mainstay is not requesting any funds from Henderson County at this time, and is only requesting approval of the grant application. Troy Maybin made the motion to authorize this grant application as there is no commitment of county funds involved. All voted in favor, and the motion carried.

NEW BUSINESS

CARRIAGE PARK CABLE SYSTEM :

Chairman Drake informed the Board that a request had been made by Greg Plummer for a franchise to make available to Carriage Park Development residents cable television service. Mr. Plummer stated to the Board that their intent was to form a partnership between the residents, developer, and cable operator in order to operate a cable system in Carriage Park. Carriage Park Homeowners have agreed to enter into a corporation formed to supply cable for Carriage Park. Don Elkins, County Attorney stated it was his opinion that the County Commissioners could grant a semi-public franchise but could not grant a private franchise to serve certain selected members of the community who are able to afford the service and exclude other members of the general public. Mr. Plummer stated that his company is prepared to offer cable service to other members of the community provided the proposed service to Carriage Park succeeds. Mr. Elkins explained that the County's purpose is to ensure that cable service is available county-wide at the lowest possible cost. Cable companies must commit to providing service not only to those affluent areas where the cable can be easily afforded, but also to other areas of the County in order to avoid cable service not being available to all county residents. Discussion was held as to territory and number of residents served, and requirements under the existing franchise and their effect on any

future franchise granted to Carriage Park. Mr. Elkins stated that Multivision should be notified that another franchise is being considered for Carriage Park and allowed time to respond with their reasons for not serving Carriage Park. The Board was in agreement for Don Elkins to meet with Greg Plummer and Carriage Park Homeowners, and cable company representatives to draft a franchise agreement and report back at a future Commissioners' meeting. No action was taken at this time.

HUMANE SOCIETY REQUEST FOR ANIMAL CRUELTY INVESTIGATOR :

Joan Harper and Dr. B. K. Pierce of the Humane Society addressed the Board stating there is a need in the County for an Animal Cruelty Investigator. The Humane Society wishes to appoint Ms. Harper and Dr. Pierce as Animal Cruelty Investigators and is requesting the Board of Commissioners' approval of this action. The Board discussed the issue of liability if the Animal Cruelty Investigator were injured or a situation developed where the County could be held liable while the investigators were performing these duties. Ms. Harper and Dr. Pierce agreed to draft a proposed contract for Don Elkins, County Attorney, to review. Mr. Elkins will advise the Board at a future Commissioners' meeting of his findings after reviewing the proposed contract to provide two Animal Cruelty Investigators for Henderson County.

HENDERSON COUNTY EDUCATION FOUNDATION (JOHNSON FARM) :

Bill McKay, Mrs. Pace, and Mrs. Drake addressed the Board requesting the Board's endorsement of a Resolution to convert Johnson Farm into a cultural, historic, and learning center which would be available to all Henderson County residents and would be utilized by Henderson County students as a learning facility. Richard Baker made a motion to endorse these efforts and to approve the Resolution. All voted in favor, and the motion carried.

NATIONAL REGISTER OF HISTORIC PLACES--MILLS RIVER UNITED METHODIST CHURCH--INVITATION :

Chairman Drake informed the Board that an invitation had been received to the Dedication Service on April 23, 1989 at 11 o'clock at the Mills River United Methodist Church to celebrate the Church's acceptance into the National Register of Historic Places. Chairman Drake congratulated the members of the Mills River United Methodist Church for this honor and their contribution to the community.

LIBRARY REQUEST TO APPLY FOR CUMMINGS FOUNDATION FUNDS :

Elizabeth Marshall, Library Director, addressed the Board requesting the Board's permission for the Library to apply to the Cummings Foundation for funds to expand the Main Library building. The Board was in agreement that this expansion was needed and would be of benefit to Henderson County. Troy Maybin made a motion that permission be granted to the Library to apply for the Cummings Foundation Funds. All voted in favor, and the motion carried.

REVALUATION REPORT :

Brenda King, County Assessor, and Ron McCarthy, Revaluation Consultant, addressed the Board to report on the Revaluation Project. Ms. King reported that the listing process has been completed, and the reviewing process has begun. There is still a problem with Infocel, and Ms. King has been in contact with Infocel to resolve this issue. Ron McCarthy reported that the next step in the Revaluation process is to begin pricing property, but prior to that a schedule of values needs to be approved. Mr. McCarthy stated he is working on the schedule of values and would like to present the schedule of values to the Commissioners at their May 17, 1989 meeting. Ms. King reported that she still has had no response from the Board of Realtors, but Mr. Romeo has been in contact with her, and Ms. King was hoping to hear from them sometime within the next week. Mr. McCarthy reported that he had been dissatisfied with the project manager's progress, that the project manager has been replaced. Mr. McCarthy explained that after a schedule of values is approved, it remains open to the public at the County Commissioners' Office or at the County Assessor's Office for public review, and then a Public Hearing is scheduled. Ms. King

and Mr. McCarthy assured the Board that the Revaluation would be completed on schedule by October. Chairman Drake asked Mr. McCarthy if any of the problems he had addressed would affect the completion date, and Mr. McCarthy answer they would not.

PERMANENT TAX LISTING :

Brenda King, County Assessor, addressed the Board recommending that Henderson County adopt Permanent Tax Listing as a more economical and efficient method of listing taxes. Ms. King reported that this method would be of benefit to the County Assessor's Office and to the residents of Henderson County. Don Elkins, County Attorney, stated that the Resolution has been drawn up in accordance with the statute and felt it was appropriate. Troy Maybin made a motion to adopt the Resolution for Permanent Tax Listing in Henderson County. All voted in favor, and the motion carried.

TAX RESOLUTION :

Chairman Drake informed the Board that Charles D. and Betty Ruth Morgan have submitted payment for back taxes and a Tax Deed has been requested. Troy Maybin made a motion that the Resolution be accepted. All voted in favor, and the motion carried.

DEPARTMENT HEAD REPORT -- YOUTH DEVELOPMENT :

Patti Leonard, Youth Development Director, addressed the Board concerning the Youth Development Department. Ms. Leonard stated that Youth Development is operating smoothly and that Department goals are being met. Ms. Leonard stated she hoped in the future that the two shelters could be located in closer proximity to each other as this would be more efficient and economical.

Hugh Randall made a motion for the Board to go into Executive Session. All voted in favor, and the motion carried.

Troy Maybin made a motion to return to regular session. All voted in favor, and the motion carried.

DEPARTMENT HEAD REPORT -- LIBRARY :

Elizabeth Marshall, Library Director, addressed the Board regarding the departmental status of the Henderson County Library. Mrs. Marshall reported that the Library continues to function smoothly. Mrs. Marshall reported that the Fletcher Branch Library will open May 7, 1989 and invited the Commissioners to attend the dedication scheduled for that date. Mrs. Marshall voiced some concern regarding the number of unattended children left at the Library during the afternoons after school and stated there had been a noise problem which had disturbed other patrons of the Library.

DEPARTMENT HEAD REPORT -- INSPECTIONS DEPARTMENT :

Sam Laughter, Inspections Department, reported to the Board that he was very proud of the Henderson County Inspections Department in that it operates very efficiently and effectively and is considered a model for the State of North Carolina.

DEPARTMENT HEAD REPORT -- PLANNING DEPARTMENT :

Matt Matteson, County Planner, reported to the Board that his Department is looking toward updating the 1977 Land Use Plan which will outline the development status of Henderson County and will make projections as to future development. Other future areas of interest are thoroughfare planning and sewer extensions, water quality, solid waste, and transportation development.

DEPARTMENT HEAD REPORT -- DATA PROCESSING :

Rick Freeman, Data Processing Director, addressed the Board stating that the County is in need of additional computer memory to provide for efficient computer operation. Mr. Freeman also stated the County may need to purchase equipment to handle any power surges to protect existing equipment. Mr. Freeman suggested the use of separate PC's

for word processing so that word processing can be handled on a separate system rather than the County Computer.

DEPARTMENT HEAD REPORT -- FINANCE OFFICE :

David Nicholson, Finance Director, reported to the Board on the status of the Finance Department. Mr. Nicholson reported that the Finance Department is the general ledger of Henderson County. Mr. Nicholson reported that the 1989 Budget will be submitted at the May 17 meeting, the Public Hearing will probably be held on June 5, and the 1989 Budget will be adopted by the middle of June.

DEPARTMENT HEAD REPORT -- ADMINISTRATION :

Jerry Myers, County Administrator, reviewed with the Board a Work Plan that was prepared last June outlining a number of projects scheduled for 1988/1989 including implementation of a County Personnel Study, implementation of a County Sewer System, Capital Improvement and New Construction Projects, Planning and Land Development Administration, and certain organizational changes. Mr. Myers indicated that considerable progress in each of these areas had been made, and at this point in the year the Commissioners and Administration could give themselves a good B+ in terms of doing what they had said they were going to do.

DEPARTMENT HEAD REPORT -- BOARD OF ELECTIONS :

Norma Pryor, Elections Supervisor, reported to the Board that the Board of Elections continues to operate smoothly. Ms. Pryor requested that the Board of Elections be transferred from the Library Computer to the County Computer as the County Computer offers additional programs needed during an election year.

ROAD PETITION :

Chairman Drake informed the Board that a Road Petition has been received regarding Gallimore Road. Hugh Randall 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.

TAX REFUNDS :

Chairman Drake informed the Board that a tax refund request had been received from Douglas D. Capps and Wife due to a double listing of a car they leased from GMAC. The amount of the refund requested was \$55.02. Richard Baker made a motion that this tax refund be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from Weldon and Elizabeth West in the amount of \$85.05 due to the double listing of a leased car in 1986 and 1988. There was some question as to how the total amount of \$85.05 had been reached. Troy Maybin made a motion that this request be held for clarification. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from Mr. and Mrs. Oscar Avery in the amount of \$212.88 due to the fact that their property was taken out of the Land Use Program in error. Richard Baker made a motion that this tax refund request be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from Mr. and Mrs. Michael G. Greene in the amount of \$92.78 due to the double listing of a leased vehicle in 1986, 1987, and 1988. Richard Baker made the motion that this tax refund request be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from World Omni Leasing, Inc. due to the double listing of a car leased by a Transylvania County resident. The amount of the requested refund is \$35.20. Richard Baker made a motion that this tax refund request be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from Audrey D. Ballard for \$12.82 due to the double listing of a car owned by Ms. Ballard. Troy Maybin made the motion that this tax refund request be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from McClendon G. Trucking Company, Inc. in the amount of \$215.30 due to a double listing of two tractors. Troy Maybin made a motion that this tax refund request be granted. All voted in favor, and the motion carried.

Chairman Drake informed the Board that a tax refund request had been received from G. C. Richardson in the amount of \$128.24 as a previously listed building had been demolished from his property. Richard Baker made a motion that this tax refund request be granted. All voted in favor, and the motion carried.

INVITATION TO ATTEND FORUM ON THE INSTITUTE OF MEDICINE'S REPORT
ON THE FUTURE OF PUBLIC HEALTH :

Chairman Drake informed the Board that an invitation had been received for the Commissioners to attend a Forum on the Institute of Medicine's Report on the Future of Public Health.

NOTIFICATION OF VACANCIES :

Chairman Drake informed the Board that there are four vacancies on the Henderson County Board of Health.

Chairman Drake informed the Board that there are two vacancies on the Mountain Valleys Resource Conservation and Development Program.

The Board recessed into a Cane Creek Water and Sewer District meeting.

The Board recessed into a Mud Creek Water and Sewer District meeting.

SEWER USE ORDINANCE :

The Board reviewed the Sewer Use Ordinance, and there was discussion regarding adopting this Ordinance county-wide. Michael Edney made a motion that the Sewer Use Ordinance be adopted by the Board for Henderson County. All voted in favor, and the motion carried.

BUDGET AMENDMENT :

David Nicholson presented a Budget Amendment for the Board's review and approval. Troy Maybin made a motion to approve the budget amendment. (Copy Attached) All voted in favor, and the motion carried.

There being no further business, the meeting adjourned.


WILLIAM T. DRAKE, CHAIRMAN


ELIZABETH W. CORN
CLERK TO THE BOARD