

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS
APRIL 3, 1989

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. at the Henderson County Courthouse Annex.

Those present were: Chairman William T. Drake, Commissioner Troy L. Maybin, Commissioner Hugh D. Randall, Commissioner J. Michael Edney, Commissioner Richard Baker, County Administrator Jerry D. Myers, County Attorney Don H. Elkins, County Planner Matt Matteson, Finance Director David E. Nicholson, Clerk to the Board, Elizabeth Corn, Administrative Secretary Mona Quinn, and the news media.

Chairman Drake called the meeting to order, and Morris Kaplan of Agudas Israel Congregation gave the invocation.

MINUTES

The Minutes of the March 15, 1989 Commissioners Meeting were reviewed and corrected. The Minutes were approved as corrected. The Minutes of the Public Hearing on Edneyville Fire District Expansion were reviewed, and one addition was made. The Minutes were approved with the addition. The Minutes for the Water Line Extension to Serve Blue Ridge Metals Bids and the Minutes from the Bid Opening for the Burnhouse Construction were reviewed. Both sets of Minutes were approved as presented.

PUBLIC INPUT

Marian Lowrey, Chairman of the Natural Resources Committee of the League of Women Voters, addressed the Board calling their attention to a letter from the League of Women Voters which was distributed to them at tonight's meeting regarding Subdivision Improvement Guarantees.

UNFINISHED BUSINESS:NOMINATIONS :

Chairman Drake informed the Board that there is a vacancy on the Nursing Home/Domiciliary Home Advisory Committee. There were no nominations for this position, and this matter was rolled over to the mid-month Meeting.

Chairman Drake informed the Board that there is one vacancy on the Council on the Status of Women. There were no nominations for this position, and this matter was rolled over to the mid-month Meeting.

Chairman Drake informed the Board that there is one vacancy on the City of Hendersonville Zoning Board of Adjustment for an alternate member. There were no nominations for this position, and this matter was rolled over to the mid-month Meeting.

Chairman Drake informed the Board that there is one vacancy on the Henderson County Local Emergency Planning Committee, and Jenny Irvin had recommended Kim Kappler for consideration as an appointee to the Committee. Chairman Drake nominated Kim Kappler for appointment to the Local Emergency Planning Committee. Richard Baker made the motion to suspend the rules and appoint Kim Kappler to the Henderson County Local Emergency Planning Committee. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there are two vacancies on the Henderson County Planning Board. Fred Pittillo has indicated his willingness to serve another term on the Planning Board, but attempts to contact Luther Smith have been unsuccessful. Michael Edney nominated Russell Burrell for appointment to the Planning Board. Richard Baker nominated Fred Pittillo for appointment to the Henderson County Planning Board and made the motion to roll this matter over to the mid-month Meeting in order to contact Luther Smith. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there is one vacancy on the

Land-Of-Sky Private Industry Council, which was discussed by the Board at the last Meeting. Liston Smith has volunteered to serve on the Private Industry Council, and a letter from the Chamber of Commerce recommending Liston Smith to the Council has been received. Richard Baker nominated Liston Smith for appointment to the Private Industry Council. Troy Maybin made the motion to suspend the rules and appoint Liston Smith to the Private Industry Council. All voted in favor, and the motion carried.

CLOSING A PORTION OF NEWPORT ROAD:

Chairman Drake informed the Board that a request from the Petitioners on Newport Road had been received to roll this matter over to the mid-month Meeting. This will allow the attorneys involved in the matter time for discussion. The Board was in agreement to rolling the matter over to the next Meeting.

SUBDIVISION IMPROVEMENT PERFORMANCE GUARANTEES:

Matt Matteson, County Planner, reviewed for the Board that the Henderson County Planning Board, at the request of the Board of Commissioners, had discussed subdivision performance guarantees and made recommendations to the Board of Commissioners as to methods of requiring guarantees. The Board of Commissioners requested the County Attorney to review the possibility of keeping the recommendations as policy or incorporating them into the Land Development Ordinance. Don Elkins, County Attorney, stated to the Board that policy regarding subdivision improvement guarantees should be incorporated into the Land Development Ordinance in order for it to be enforceable. Mr. Elkins suggested that the recommendations made by the Planning Board should be returned to the Planning Board for resubmission to the Board of Commissioners as an amendment to the Land Development Ordinance. The Board discussed several methods of enforcing subdivision improvement guarantees without the County's involvement in the construction of the improvements should a developer default. The Board acknowledged that the County may have to be involved in the construction of improvements if a developer defaults in order to enforce improvement guarantees. The Board of Commissioners asked that Don Elkins, County Attorney, work with the Planning Board to formulate recommendations for the Board of Commissioners outlining alternative methods of enforcing subdivision improvement guarantees with the understanding that if there is no other alternative, the Board of Commissioners would consider the possibility of being responsible for seeing that the improvements guaranteed are completed. The Board agreed to postpone this matter to give the Planning Board and Don Elkins time to meet and bring back their recommendations to the Board of Commissioners.

EDNEYVILLE FIRE DISTRICT EXPANSION:

Chairman Drake informed the Board that the County Commissioners were requested by the Edneyville Fire Department to expand their fire district boundaries. All the requirements have been met in order to expand the fire district, and a Public Hearing was held on March 13, 1989 at the Edneyville Fire Department in regards to this expansion. Chairman Drake reported that all who spoke at the Public Hearing spoke in favor of the expansion, and no one present at the Public Hearing was opposed to the expansion. Troy Maybin made the motion to expand the boundaries of the Edneyville Fire District as outlined in the description of the expansion. All voted in favor, and the motion carried.

NEW BUSINESS:

VOLUNTEER SERVICE BUREAU PROCLAMATION:

Chairman Drake informed the Board that the Volunteer Service Bureau has requested that the Board of Commissioners declare the Week of April 9 through 15, 1989 Volunteer Week, and had invited the Board to a Breakfast to be held on April 15, 1989 at 9:00 a.m. at the First Presbyterian Church in recognition of Henderson County Volunteers. Troy Maybin made the motion that the Board declare the Week of April 9 through 15, 1989 Volunteer Week in recognition of the valuable service performed to Henderson County by volunteers. All voted in favor, and the motion carried.

FOCUS PROCLAMATION:

Chairman Drake informed the Board that FOCUS has requested the Board to declare the Month of April Child Abuse Prevention Month in Henderson County and has informed the Board that they will hold a "Sawbones vs. Jawbones Celebrity Basketball Game" on April 29th to raise funds to be used to increase coordination of services to abused children through FOCUS. Richard Baker made the motion to proclaim April Child Abuse Prevention Month in Henderson County. All voted in favor, and the motion carried.

FAMILY SUBDIVISION APPEAL:

Matt Matteson, County Planner, addressed the Board stating that a request for a family subdivision had been made by Mattie McClain representing the heirs of Benjamin E. and Margaret Smith on February 28, 1989. This request was denied by the Land Development Administrator as the plat did not show the required 30 feet of right-of-way and was appealed to the Planning Board. The Planning Board denied the appeal on the basis that the dedication of an additional 15 feet of right-of-way on the subject property was feasible and would not require the owners to construct any road improvements. Mattie McClain addressed the Board stating that the houses have been on the property for 20 to 30 years, they are owned by family members, that her mother, Margaret Smith, wished for the property to be subdivided before her death, and that a 30 foot right-of-way is unnecessary. If a 30-foot road were to be constructed on the property, the road would be very close to an existing well and would run into existing structures on the property. The Board agreed that in most circumstances this type variance would not be granted; however, as this is a family subdivision, and the land has been, for all intents and purposes, already subdivided but not recorded, a variance was in order. Michael Edney made a motion to grant this variance. All voted in favor, and the motion carried.

FY 89 AUDIT CONTRACT:

David Nicholson, Finance Director, informed the Board that Board approval is needed to enter into a contract with Hansen, Johnson, and Associates, P.A. for the FY 89 Audit. The not-to-exceed amount is \$19,950.00, which is a 5 percent increase for inflation over the FY88 contract. Hansen, Johnson, and Associates, P.A. plans initial work during the month of May and the audit report will be completed and to the Board in October. Mr. Nicholson recommended continuing the contract with Hansen, Johnson, and Associates. Hugh Randall made a motion to continue the contract with Hansen, Johnson, and Associates, P.A. All voted in favor, and the motion carried.

RECEIPT OF REIMBURSEMENT:

David Nicholson, Finance Director, informed the Board that the County has received reimbursement for the loss of the Manufacturer's, Wholesaler's, and Retailer's tax inventories from the State. This amount was considerably more than projected during the budget process. Mr. Nicholson has prepared a Budget Amendment which will make up for the FY88-89 loss of inventories. Mr. Nicholson stated he has also filed the application with the Local Government Commission for the permanent financing of the County Office Building Addition. The additional revenue will offset the increase in projected cost of the County Office Building. Troy Maybin made a motion to approve the Budget Amendment as recommended by David Nicholson. All voted in favor, and the motion carried.

ISSUANCE OF \$45,000.00 BOND ORDER:

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

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$45,000 PUBLIC BUILDING BONDS OF THE COUNTY OF HENDERSON"

WHEREAS, the Board of Commissioners of the County of Henderson deems it advisable to make the improvements hereinafter described; and
 WHEREAS, the Board of Commissioners 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 construct additions to the County Office Building, including acquisition and installation of furnishings and equipment required therefore, 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 source, 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 \$45,000.

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 debt has been filed with the Clerk of the Board of Commissioners and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and of all other debt contracted during such fiscal year shall exceed two-thirds of the amount by which the outstanding indebtedness of said County shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the County and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect thirty days after its publication following adoption, unless it is petitioned to a vote of the people within thirty days after the date of its publication as introduced as provided in G. S. 159-60, and in such latter event, it shall take effect when approved by the voters of said County.

Troy Maybin moved that the following resolution be adopted:

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$45,000 PUBLIC BUILDING BONDS OF THE COUNTY OF HENDERSON," has been introduced at the meeting of the Board of Commissioners held on April 3, 1989 and the Board of Commissioners desires to provide for the holding of a public hearing 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 the County of Henderson, as follows:

(1) The public hearing upon said bond order shall be held on the 19th day of April, 1989 at 9:00 o'clock a.m., at the County Office Building, in Hendersonville, North Carolina.

(2) The Clerk of the Board of Commissioners is hereby directed to cause a copy of the bond order to be published with such a notice of such hearing in the form prescribed by law in a qualified newspaper not fewer than six days prior to such public hearing.

(3) The County's Finance Officer is hereby directed to file with the Clerk of the Board of commissioners prior to publication of the bond order with the notice of such public hearing, 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 Michael Edney and was adopted by the following vote:

AYES: 5

NAYS: None

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NRCD COMMUNITY DEVELOPMENT BLOCK GRANT:

Jerry Myers, County Administrator, informed the Board that Natural Resources and Community Development has announced a May 19 due date for applications for the year's Community Development Block Grant (CDBG) projects. The Valley View area has acute needs, which make it a good target area for NRCD's rating system. Mattie McClain informed

the Board that the Valley View area is in great need of assistance. Most of the residents are elderly with little income, and the living conditions are substandard. The application process will require two Public Hearings, a house-to-house survey of the residents and housing conditions, plus the re-writing of the application. The Board would need to set the dates for the Public Hearings, and Land-Of-Sky Regional Council would complete the survey and re-write the application at a cost not to exceed \$2,500.00. Troy Maybin made the motion to proceed with this application and set the first Public Hearing date as Monday, May 1, 1989, and Wednesday, May 17, 1989, as the second Public Hearing on Valley View Community, and enter into a contract with Land-Of-Sky Regional Council. All voted in favor, and the motion carried.

REQUEST FOR WAIVER OF ROOM TAX LATE PENALTY:

David Nicholson, Finance Director, informed the Board that Terrace Court Motel has requested the Board to waive the late penalty incurred due to a late payment made on February 14, 1989. This payment was due on January 15, 1989. The accountants for Terrace Court Motel have advised the Finance Department that the late payment was made due to a clerical oversight. The penalty is \$10.00 per day, and this payment was made 29 days late, incurring a penalty of \$290.00. Waiver for late taxes are only granted under such circumstances as death in the family. Troy Maybin made the motion that this request be denied and the penalty stand as is. All voted in favor, and the motion carried.

RELEASE OF COUNTY TAXES ON PATTY PROPERTY:

Chairman Drake informed the Board that the Board needs to release the County Taxes on the Patty Property from January 22, 1988 to the present and request the Tax Office to place this property on the exempt list. Troy Maybin made the motion to release the prorated taxes as of January 22, 1988 on the Patty Property on Pine Street. All voted in favor, and the motion carried.

TAX RESOLUTION:

Chairman Drake informed the Board that Kenneth and Wendy Campbell have submitted payment for back taxes and requested a tax deed in regards to three lots in Mount Zion. Richard Baker made the motion to grant this request. All voted in favor, and the motion carried.

DEMOLITION BIDS ON PINE STREET AND SECOND AVENUE:

Jerry Myers, County Administrator, informed the Board that bids had been accepted for removing remaining houses and outbuildings from the site of the proposed Courthouse/Law Enforcement/Jail Complex. The low net bid was submitted by Monroe Morrison. Mr. Morrison will pay the County \$1 to remove all the houses and outbuildings at this location. Mr. Morrison can begin immediately and be completed within 60 to 90 days following Board approval. Troy Maybin made the motion to accept Monroe Morrison's proposal for removing the houses and outbuildings from the site of the Courthouse/Law Enforcement/Jail Complex. All voted in favor, and the motion carried.

ROAD PETITION:

Chairman Drake informed the Board that a Road Petition has been received in regards to Fountain Trace, Brooktree Circle, and Pine Cove Lane being added to the State System. Hugh Randall made the motion to forward this Road Petition on to the Department of Transportation. All voted in favor, and the motion carried.

TAX RELEASES:

Fourty-Seven (47) Tax Release Requests from the County Tax Assessor's Office were reviewed as follows:

Audrey D. Ballard	\$12.82	Prop. not in County
Larry G. Bishop	1.83	Double Listed
Lila Holdon Bishop & Husband	69.05	Double Listed
Jerri Rice Brittain	185.61	Prop. not in County
Robert & Lisa Brown	4.58	Prop. not in County
Douglas D. Capps & Wife	59.85	Double Listed

Frank W. Crouch	30.38	Other
Dana Commercial Credit	104.16	Other
Harry J. Clayton	86.76	Double Listed
Louise M. Dalbo	92.40	Clerical Error
Virginia Edwards	15.69	Other
Peggy Ellwood	43.15	Prop. not in County
Walter Freeze	44.40	Double Listed
Chris Fisher	59.09	Double Listed
Emerson Franklin & Nan	33.39	Double Listed
William Goodrich	39.64	Prop. not in County
Gail Conner Hall	7.41	Clerical Error
William T. Holt	8.33	Double Listed
Kenneth Holland	30.74	Prop. not in County
James H. Hunt	122.87	Other
William I. Jackson	91.93	Clerical Error
Ralph Isaacs	115.94	Double Listed
Jimnees Family Recreation	33.57	Double Listed
Barbara Drake Jones	6.47	Double Listed
Jeffrey M. Lemons	59.74	Prop. not in County
Jeffrey M. Lemons	84.35	Prop. not in County
James C. McClellan	207.67	Prop. not in County
Celetta M. Moncrief	25.18	Prop. not in County
Kevin & Michelle Marshall	64.60	Prop. not in County
Joe & Lynda Martinez	3.10	Clerical Error
William W. Morgan, Jr., M.D.	3.85	Prop. not in County
Laura Nightingale	24.24	Prop. not in County
Ann Marie O'Brien	16.86	Other
Rob-Roy Olrech	22.85	Prop. not in County
Jerry M. Orr	70.21	Error in Value
Robert K. Patterson & Wife	36.22	Prop. not in County
Ted & Lucille Riddle	22.26	Clerical Error
Leo Rogelberg	3.50	Clerical Error
Melody Rudisill	9.32	Error in Value
Joseph Sabatini	42.75	Other
Travis Lee Sexton	10.86	Prop. not in County
Frank Shipman	37.87	Clerical Error
Virginia Thornbury	2.59	Other
Alfred W. Walton	209.93	Other
Maria Warts	81.32	Double Listed
Johnny T. Widner	56.44	Prop. not in County
Greg Wiggins	101.49	Double Listed

Richard Baker made the motion to grant these 47 Tax Releases as all the paperwork is in order and they have been approved by the Tax Supervisor. All voted in favor, and the motion carried.

NOTIFICATION OF VACANCIES :

Chairman Drake informed the Board that there are two vacancies on the Hospital Board of Trustees.

Chairman Drake informed the Board that there are two vacancies on the Library Board of Trustees.

Chairman Drake informed the Board that there is one vacancy on the EMS Council.

Chairman Drake informed the Board that there are two vacancies on the Blue Ridge Community College Board of Trustees.

Chairman Drake informed the Board that there are two vacancies on the Land-Of-Sky Advisory Council on Aging.

Chairman Drake informed the Board that there is one vacancy on the Henderson County Planning Board.

Chairman Drake informed the Board that there is one vacancy on the Jury Commission.

Chairman Drake informed the Board that there is one vacancy on the JTPA Committee.

Chairman Drake informed the Board that there is one vacancy on the Social Services Board.

Richard Baker made a motion to go into Executive Session to discuss legal and personnel matters. All voted in favor.

Richard Baker made a motion to go out of Executive Session. All voted in favor.

Hugh Randall made a motion to employ Walter Raynes as a Building Inspector as recommended by Sam Laughter, Department Head. All voted in favor, and the motion carried.

As there was no further business, the meeting was adjourned at 9:30 p.m.

William T. Drake
WILLIAM T. DRAKE
CHAIRMAN

Elizabeth W. Corn
ELIZABETH W. CORN
CLERK TO THE BOARD