

# PUBLIC INPUT SIGN UP SHEET

9-17-08

**PUBLIC INPUT SHALL BE LIMITED TO  
THREE (3) MINUTES PER PERSON.**

**EACH PERSON SHOULD:**

- (1) STATE YOUR NAME**
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE**
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.**

*Please Print:*

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
1.			
✓ 2.	LORRAINE Riewerts	115 EVERgreen Hill Pt. Etowah	Old Etowah Library ✓
✓ 3.	Linda Johnson	69 Mc Kenney Rd Etowah	old Library ✓
✓ 4.	Dixie Blumer	229 Charlestown Dr.	Min. Housing Code ✓
✓ 5.	Ted Owen	Box 92 Etowah	Incorporation ✓
✓ 6.	PATRICK KENNEDY	509 FOX HOLLOW LN, MILLS RIVER	MINIMUM RES. CODE ✓
7.	Angela Ferrandini	POB 715 Horseshoe, NC 28742	R-40 rezoning
✓ 8.	David White	2383 Hobson Rd. Hiwle Etowah	Library ✓
✓ 9.	Shelley Brown	180 Cross Creek Rd Flokher	Min Hsg Code
10.			
11.			
12.			
13.			

*11:00  
P. Reg.*

★ = HAND OUTS

**Board of Public Education**

Ervin W. Bazzle, *Chairperson*  
Melissa L. Maurer, *Vice Chairperson*  
Betsy J. Copolillo  
Mary Louise Corn  
Lisa T. Edwards  
Deborah D. Ford  
Jane S. Orwoll



**HENDERSON COUNTY  
PUBLIC SCHOOLS**

*Where Tomorrow Begins*

*Discuss "F"*

**Dr. Stephen L. Page**  
*Superintendent*

414 Fourth Avenue West  
Hendersonville, NC 28739-4261  
Phone (828) 697-4733  
FAX (828) 697-5541 or 697-4738  
www.henderson.k12.nc.us

September 16, 2008

Mr. William L. "Bill" Moyer, Chairman  
Henderson County Board of Commissioners  
1 Historic Courthouse Square, Suite 1  
Hendersonville, NC 28792

RE: Right-of-Way Agreements

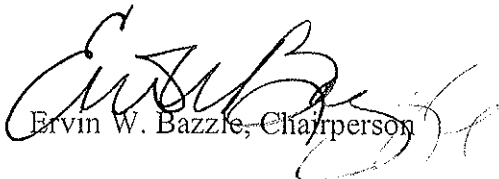
Dear Bill:

During its August 11, 2008, meeting, the School Board approved, (subject to legal counsel review), three (3) Duke Energy Carolinas right-of-way agreements concerning the Hillandale Elementary, Mills River Elementary and Dana Phase II construction projects. The agreements will allow Duke Energy to install underground three phase for Hillandale Elementary and Mills River Elementary Schools and will allow them to relocate the three phase line for Phase II of the Dana project. Following the recent review of our legal counsel, a signatory page for "GRANTOR - County of Henderson, North Carolina," was added to each agreement. The agreements are enclosed for your review and action.

Upon the approval of the Henderson County Board of Commissioners, would you please sign the agreements and return them to the attention of Bo Caldwell, Senior Director of Facility Management Services, for finalization. Thank you.

Sincerely,

HENDERSON COUNTY BOARD OF PUBLIC EDUCATION

  
Ervin W. Bazzle, *Chairperson*

EWB:bcb

Enclosures

pc: Members, Henderson County Board of Public Education  
Stephen L. Page, Ed. D., Superintendent  
Bo Caldwell, Senior Director, Facility Management Services, HCPS  
Christopher Z. Campbell, Legal Counsel, HCBPE

*cc: BOC  
Steve  
Selena  
Russ*

WR No. 1456810 Resp. 5530 Project CRCINC  
Drawn By: Ruth A Neugebauer  
Project Description: Relocating three phase line  
for Phase II at Dana Elementary

Return Address: Duke Energy Carolinas  
Attn: Ruth A Neugebauer  
957 Spartanburg Highway  
Hendersonville, NC 28792

**STATE OF NORTH CAROLINA**

**RIGHT OF WAY AGREEMENT**

**COUNTY OF HENDERSON**

**KNOW ALL MEN BY THESE PRESENTS**, That the COUNTY OF HENDERSON, NORTH CAROLINA "Owner/Lessor" and THE HENDERSON COUNTY BOARD OF PUBLIC EDUCATION "Lessee" hereinafter collectively called "Grantor" (whether one or more), in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

Deed Book 1225 Page 737  
Dana Elementary

and over and across said premises within a right-of-way strip (check applicable):

having a width of \_\_\_\_\_ feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate with poles, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto, to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric or communications facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

having a width of 10 feet on each side of a centerline determined by the centerline of the electrical facilities as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity and for the communications purposes of Grantee and its licensees. The following rights are also granted to Grantee: to enter said premises to inspect said lines, to perform maintenance and repairs, and to make alterations and additions thereto; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 552, receipt of a copy of which is acknowledged by Grantor.

This right-of-way is given to permit the construction or modifications of facilities presently proposed. Facilities at other locations and future extensions of presently constructed facilities are not permitted by this agreement. The foregoing notwithstanding, Grantee may relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement.

IN WITNESS WHEREOF, this instrument is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

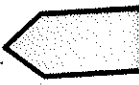
GRANTOR

County of Henderson, North Carolina

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



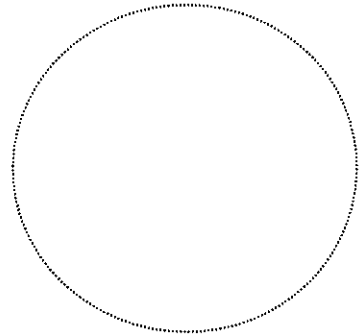
STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally appeared before me this day and acknowledged that he/she is \_\_\_\_\_ of HENDERSON COUNTY, NORTH CAROLINA, a body politic and corporate organized and existing under the laws of the State of North Carolina, by authority duly given and as the act of said County, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with the County's seal, and attested by him/her as its \_\_\_\_\_.

WITNESS my hand and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



Affix (Notary or Corporation) Seal

[Signatures Continue on Following Page]

GRANTOR

The Henderson County Board of Public Education

By: \_\_\_\_\_

Name: Ervin W. Bazzle

Title: Chairperson

STATE OF NORTH CAROLINA

COUNTY OF Henderson

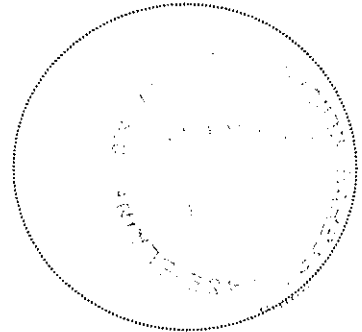
I, Barbara Case Blaine, a Notary Public of the County and State aforesaid, certify that Ervin W. Bazzle, personally appeared before me this day and acknowledged that he/she is Chairperson of THE HENDERSON COUNTY BOARD OF PUBLIC EDUCATION, a county school administrative unit organized and existing under the laws of the State of North Carolina, by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its Chairperson, sealed with its corporate seal, and attested by him/her as its Chairperson.

WITNESS my hand and seal, this the 8<sup>th</sup> day of September, 2008.

Barbara Case Blaine

Notary Public

My Commission Expires: June 23, 2012



Affix (Notary or Corporation) Seal



## League of Women Voters of Henderson County

P.O. Box 2238

HENDERSONVILLE, NORTH CAROLINA 28793-2238

September 16, 2008

Dear Chairman Moyer and Board of Commissioners:

The League of Women Voters has been concerned about affordable housing since 2002. A couple of years ago we decided to focus our efforts on a minimum housing code. Our previous letter to you was based on our study of the December, 2007 draft of the proposed Minimum Housing Code.

League has studied the revised draft of March 31, 2008 and found that a number of requirements have been deleted. We are especially concerned about those that relate to health, safety and security. The list is quite extensive. Following are some examples:

Grading and drainage.

Sidewalks

Rodents

Rotting materials in exterior walls

Properly anchored overhang extensions

Drainage and maintenance of gutters and downspouts

Stairways, decks and porches

Handrails and guardrails on porches, decks, etc.

Locks and screens on operable windows

Water contamination and supply

Heating requirements. They were changed from 68 degrees to 60 degrees. That must be changed back; 60 degrees is too cold for reasonable comfort. It is of special concern for elderly persons and anyone with health problems.

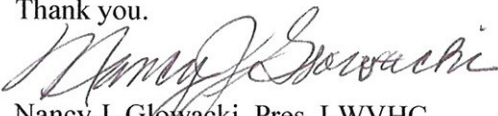
Some of the items deleted may be addressed to a certain extent in the nuisance ordinance, but we believe it is better to have them in the housing code also. They then relate specifically to housing. The availability of all being in one document will be more convenient for landlords, tenants and interested persons to access.

We urge you to restore the deletions that relate to health, safety and security. Some requirements may seem to be repetitious, but we believe that enforcement will be easier if they are specific rather than supposedly covered by general overall statements.

The League of Women Voters continues to recommend that, in order to be effective, the Code be "housing certificate-based" for rental properties. We expect that once a complaint-driven code is in place you will consider a "housing certificate-based" code for rental properties.

Our thanks to the Planning Department for their efforts to bring this code to the Board of Commissioners. We are pleased that you, the commissioners, are moving ahead on this important issue. We hope the Code will be passed and enforced as quickly as possible.

Thank you.

  
Nancy J. Glowacki, Pres. LWVHC  
Attachment



DELETED ITEMS the League of Women Voters believes **should be reinstated** in the Minimum Housing Code because they relate to health, safety and security.

**Note:** All the identification numbers of the items are taken from the December 2007 draft.

#### Sec. 120-32 Exterior Property Areas

- A. Sanitation                      B. Grading and Drainage                      C. Sidewalks and Driveways  
D. Rodent Harborage              F. Accessory Structures

These are covered in the Nuisance Ordinance, but we believe they should be included in the Minimum Housing Code as well.

#### Sec. 120-34 Exterior Structure

- B. Protective treatment. Reinstate the first sentence of the paragraph.  
F. Exterior walls. Revise to read---All exterior walls shall be free from holes, breaks and **loose or rotting materials**.  
G. Roofs and drainage. Include as written in the 12/07 draft.  
I. Overhang extensions. Include all of the first sentence as written in the 12/07 draft.  
J. Stairways, decks, porches and balconies. Include as written in the 12/07 draft.  
L. Handrails and guards. Include as written in the 12/07 draft.  
M. Windows, skylights and door frames. Add chimneys.  
(2) Operable windows. Include, but delete "and capable of being held in position by window hardware". (A stick can be used to hold up an open window.)  
N. Screens. Should be revised, but include something requiring screens on operable windows.  
P. Basement hatchways. Include as written in the 12/07 draft.  
R. Building security. Include as written in the 12/07 draft, but add "A sliding bolt shall not be considered an acceptable device".

#### Sec. 120-35 Interior Structure

- C. Interior surfaces. Include as written in the 12/07 draft.  
D. Stairs and walking surfaces. Include as written in the 12/07 draft.  
E. Handrails and guards. Include as written in the 12/07 draft. In addition, it must be stated where handrails and guardrails shall be required. That requirement in Sec. 120-36 Handrails and guardrails was completely deleted.

#### Sec. 120-55 Water System

- B. Contamination. Include as written in the 12/07 draft.  
C. Supply. Include as written in the 12/07 draft.  
Both of the above are certainly a health and safety concern.

**Sec. 120-57 Storm Drainage**

- A. General. Include as written in the 12/07 draft. Note that roof damage is covered in Sec. 120-34 G but not paved areas, yards, etc.

**Sec. 120-62 Heating Facilities**

- B. Residential occupancies      C. Heat supply. Change 60 degrees back to 68 degrees. 60 degrees is too cold for reasonable comfort. This is especially important for elderly persons and anyone with health problems.

**Sec. 120-63 Mechanical Equipment**

- E. Combustion air. Why was this deleted? Is it not a safety concern?

**Sec. 120-65 Electrical Equipment**

- B. Receptacles. Why was this deleted? Does it mean that there are no requirements for receptacles? Also---Doesn't present Henderson County code require ground fault circuit interruption protection for new receptacles a certain distance from a kitchen sink as well as in a bathroom?

In addition to the above requests that relate to health and safety, we submit the following comments.

**Sec. 120-1 General**

- C. Scope. In the last sentence change "other applicable provisions of this Code" to read "all applicable provisions of this code".

**Sec. 120-7 Public Notification**

- D. Public notification. The tenant should also be notified.

**Sec. 120-11 Means of Appeal**

- B. Hearing. Regarding 4/5 vote of the Board---Does that mean 4/5 of the members appointed to the Board, or 4/5 of the number of Board members at the hearing?

**Sec. 120-53 Toilet Rooms**

This section has been deleted, but is still referred to in Sec. 120-43 B and also in the definitions.



# Henderson County Affordable Housing Coalition

To implement strategies that increase and sustain the quality and quantity of decent affordable housing in Henderson County

September 10, 2008

*Daniel Benavides*  
Blue Ridge Community  
Health Center

*Dixie Blumer*  
League of Women  
Voters

*Becky Brown*  
OnTrack Financial  
Education and Counseling

*Shelley P. Brown*  
Pisgah Legal Services

*Sheryl Fortune*  
Western Carolina  
Community Action

*Eben Franz*  
Community Volunteer

*Elisha Freeman*  
Child and Family  
Resource Center

*Peter Hanley*  
Hendersonville  
Board of Realtors

*Bev Kelly*  
Community Volunteer

*Patrick Kennedy*  
Housing Assistance  
Corporation

*Steve Kirkland*  
United Way

*Ken Perkins*  
Community Volunteer

*Michelle Skeele*  
Council on Aging

*Judy Sloan*  
Interfaith Assistance  
Ministries

*Lloyd Steen*  
Community Volunteer

**To:** William Moyer, Chairman; Charlie Messer, Vice Chairman; Larry Young, Mark Williams, and Chuck McGrady  
**cc:** Anthony Starr, County Planning Department

The Affordable Housing Coalition began in 2004 as a partnership of non-profit human service agencies in Henderson County who were concerned about the lack of decent affordable housing in this county. The founding organizations included Alliance for Human Services, Consumer Credit Counseling Services (now OnTrack), Faith Link, Habitat for Humanity, Housing Assistance Corporation, Latino Advocacy Coalition, NC Senior Tarheel Legislature, Pisgah Legal Services and Western Carolina Community Action. Since that time we have formed a non-profit corporation and have added the following agencies to our coalition: Blue Ridge Community Health Center, Child and Family Resource Center, Council on Aging, Henderson County Board of Realtors, Henderson County Public Schools, Hendersonville Housing Authority, and the League of Women Voters of Henderson County.

From our inception, we have been concerned about the unsafe condition of substandard homes in Henderson County. Each of our member organizations are faced daily with the consequences of unsafe housing right here in Henderson County:

- children who have to miss school because they are having to move out of substandard rental housing,
- seniors who are ill because of poor heating or lack of insulation,
- employees who have to miss work because of respiratory problems related to mold caused by leaking plumbing,
- children with intestinal diseases because of raw sewage standing in their yards; or
- uninsured workers injured by falling through a rotten porch floor

Over the last four years, the Affordable Housing Coalition has worked with the Henderson County Planning Department to help develop minimum standards for housing that will increase the safety and security of our most vulnerable residents. We very much appreciate and applaud the efforts that the County Planning Department staff and the Commissioners have put forth in both identifying the need for a minimum housing code (listed in the County's Comprehensive 2020 plan and the 2007 Strategic Plan) and also in developing the current draft before the Commissioners today.

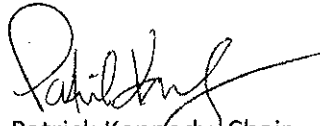
The draft submitted is a “complaint-driven” code, as opposed to a mandatory certificate code. *It is our hope and expectation that a complaint-driven code is phase one of an eventual mandatory certification process of all Henderson County rental property.*

To ensure the safety of our residents, the Affordable Housing Coalition of Henderson County endorses and supports the adoption of the Draft Minimum Housing Code recently presented by the Planning Department *with the re-insertion of the following sections from the December 10, 2007 draft* (which was presented to the Commissioners in January):

- Sections 120-32 B and C (grading, drainage, sidewalks and driveways);
- 120-34 (exterior structure),
- 120-35 (interior structure),
- 120-36 (handrails and guardrails),
- 120-55 (water system),
- 120-57 (drainage),
- 120-62 (heating facilities, but still deleting the cooling requirement) and
- 120-65 (electrical equipment).

We would be happy to meet with the Commissioners to discuss this important Code at any time. We urge the prompt adoption of a comprehensive code as we have endorsed herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Kennedy', with a long horizontal flourish extending to the right.

Patrick Kennedy, Chair

Henderson County Affordable Housing Coalition

## Henderson County Board of Commissioners

### Futurecast and Timeline Information of Etowah

Gentlemen:

The registered voter petition signatures for the incorporation effort of the proposed town of Etowah have now been certified by the Henderson County Board of Election. As of June 27, 2008 they have documented 788 signatures which exceeded the 15% state requirement as described in Article 20 of Chapter 120 of the North Carolina General Statutes.

Our initiative to incorporate is based, essentially, upon the desire to achieve an enhanced level of local control, particularly relative to all facets of development, building upon the framework of the Land Development Code provided for the county.

While the Land Development Code represented substantial progress in the major area of our concern – uncontrolled growth – it does not provide the local control, i.e., the opportunity for Etowah residents to administer, interpret and modify the code as it affects Etowah directly, Etowah residents desire and deserve the right to make the decisions relative to all facets of growth in our community.

Our Vision is based upon Master Planning and Zoning accomplished by Etowah residents and property owners via public meetings and appointed boards consisting of Etowah residents who share the community vision.

We have completed, assisted generously by various county departments, the selection of a name, prepared a map, identified and interim governing board, completed a charter, and determined the estimated population, assessed valuation, degree of development and population density.

We have identified the form of government and manner of election requirements, developed an “in compliance” budget ordinance and identified the four services the town of Etowah will provide by the first day of the third fiscal year following the date of incorporation. We have reviewed carefully the four services described above. We have taken each service and broken the manner of how each is to be done. Each service is laid out in our budget. We have gone to department heads and had many long meetings. We have learned how each of these services are to operate in order to be successful and within our budget.

It is important to us that you understand that we are committed to becoming a town that understands and meets its obligations. You have made it very clear to us in previous meetings your concern that we understand how a town needs to depend on its on revenue. We have worked many long hours on keeping our services and other major obligations within this budget. Our goal is to be as independent as possible. It is our plan to utilize, on a contractual basis, as many of the existing county services as is reasonable and

practicable until our fledgling town can develop competent internal alternatives. We are counting on the support of the commission as to reasonable charges for these interim services.

Our financial projections support those selections. Upon incorporation, we will continue to evaluate all options and subsequently identified needs. This is a straight forward initiative to achieve the control of our destiny focused on our unique community aspirations and concerns.

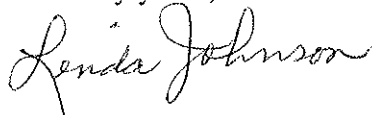
It is our intent and we are assuming, as displayed in our proposed charter, that continued county enforcement of all existing Henderson County ordinances currently in effect in our unincorporated area will survive this incorporation process until permission is withdrawn by the Town of Etowah per the provisions of General Statute 153A-122.

Our latest calculation of the Cable and Utility Franchise Taxes (on a per-capita basis) and State Shared Revenues (on an ad valorem basis) that we would expect to receive total \$461,600 for FY 2009-2010. The State Shared Revenue portion is estimated at \$156,600.

Although a substantial financial benefit to our Town of Etowah and both equitable and necessary to support our initiative, it represents a modest diversion of the total county revenues – less that .5%.

This action is not intended as criticism of the efforts of the county commission. We have a relatively narrow defined list of local concerns and we believe incorporation is our best path to resolution. We sincerely request your understanding and support and are open to your input and counsel.

Sincerely yours,

A handwritten signature in cursive script that reads "Linda Johnson".

Linda Johnson and Committee Members for The Friends of Etowah



September 17, 2008

To: Henderson County Board of Commissioners

For over 28 years Pisgah Legal Services has been providing free legal services for low income Henderson County residents dealing with problems related to their basic needs. We currently have a staff of three attorneys and a legal assistant at our office on 6<sup>th</sup> Avenue and Blythe Street. While Pisgah Legal Services helps hundreds and hundreds of Henderson County families each year deal with issues of domestic violence, access to benefits, consumer complaints and other issues, it is significant that over one third of our case law relates to housing. I personally have been in Pisgah's Hendersonville office for over four years and have handled countless cases of substandard housing in Henderson County.

Many of those substandard housing cases include critical health and safety issues. Substandard housing is exacting a large economic cost in Henderson County. In the landmark study, Economic Cost of Substandard Housing Conditions Among North Carolina Children, conducted by Chenoweth & Associates (published in May 2007), the authors conclude that the conservative estimate of total costs due to substandard housing in our state among North Carolina *children alone* is nearly \$95 million (2006 dollars). This cost does not include the health care costs of adults living in such housing and lost work time.

Nor does that estimate include the increased burden on the judicial system. Under current law in Henderson County, if a landlord fails to repair the defective condition, the sole recourse is to file an expensive and time-consuming lawsuit, compelling the landlord to fix the premises. And, during the judicial proceeding, the Court does not have access to an impartial inspector who might report on the condition of the premises. Countless hours are needlessly spent in the judicial system in attempting to remedy substandard housing. That time would be greatly reduced if there were a Code Enforcement officer who could inspect the premises and, if necessary, require repairs.

The economic cost is not the only cost of substandard housing. Unsafe housing creates a significant emotional, psychological, social and physical toll: individuals and families struggle on a daily basis with the fallout of living in a home in which they cannot feel safe and secure. It was these costs that propelled our community to identify safe and affordable housing for children as *the second highest priority* in the recent United Agenda for Children.

For all these reasons and others, Pisgah Legal Services applauds, appreciates and affirms the steps that Henderson County is now taking to adopt a minimum housing code. However, we believe that the proposed Henderson County Housing Code falls short of the mark in not mandating inspection of rental units; instead, it is limited as a complaint-driven code, meaning that not all rental units will be inspected. Pisgah Legal advocates for mandatory minimum housing rental codes in all jurisdictions that we serve (seven counties in western North Carolina), as we believe this type of code provides maximum protection for our low income tenants.

*Pursuing Justice. Improving Lives.*

Phone 828-692-7622 | Fax 828-210-3455 | Toll-free 800-489-6144  
689 Blythe Street, #B | Hendersonville, NC 28739 | [www.pisgahlegal.org](http://www.pisgahlegal.org)



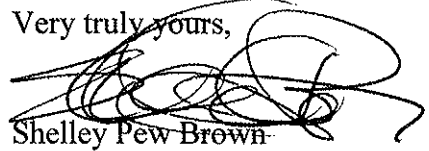
Additionally, the current draft before the Commission has deleted some of the specific provisions set forth in the January draft (whose specific provisions were derived from the IPMC) and have replaced them with more generalized requirements. In our experience with housing codes, we believe that general provisions create more controversies than specific provisions. The specific provisions of the IPMC as set forth in the January draft have been tried and tested by jurisdictions throughout the country (including the City of Hendersonville), and thus make inspections and enforcement easier and more clear-cut for the code enforcement officer. The generalized provisions are vague, resulting in decisions made in the discretion of the examiner, thereby putting the county staff in the position of being open to public criticism and even more political fallout. Therefore, we encourage re-incorporating the specific provisions mandated in the IPMC.

In conclusion, Pisgah Legal Services endorses and supports the adoption of the Draft Minimum Housing Code recently presented by the Planning Department as a first step towards an eventual mandatory rental code and also with the re-insertion of the following sections from the December 10, 2007 draft (which was presented to the Commissioners in January):

- Sections 120-32 B and C (grading, drainage, sidewalks and driveways);
- 120-34 (exterior structure),
- 120-35 (interior structure),
- 120-36 (handrails and guardrails),
- 120-55 (water system),
- 120-57 (drainage),
- 120-62 (heating facilities, but still deleting the cooling requirement) and
- 120-65 (electrical equipment).

Along with other members of the staff at Pisgah Legal Services, I would be happy to meet at any time with the Commissioners to discuss this important code. A minimum housing code as endorsed herein will go far to greatly improve the safety of low income families and seniors, segments of our community who are the most vulnerable and the most powerless, and who most need our help.

Very truly yours,



Shelley Pew Brown  
Staff Attorney

SPB/bms







TOWN OF ETOWAH  
Incorporation Petition

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Contacts:

Linda Johnson, Incorporation Project Coordinator  
Richard C. Briggs, Interim Council Member  
Danny Gass, Interim Council Member  
Bruce Gosnell, Interim Council Member

828-891-3002  
828-891-5598  
828-891-5386  
828-891-2076

# ETOWAH

## Pathway to the Future

In March of 2007, 368 residents of the Etowah community came together to explore the idea of incorporation.

The residents of Etowah come from all parts of the United States. The incorporation effort has brought this community together. We do not want to stop Etowah from developing and growing. We would like to see commerce as well as new development strike a balance. We recognize what a natural resource we have. We gathered in the hope of making certain development and growth is done in such a manner so as to preserve the natural beauty.

We have carefully weighed the advantages and disadvantages that apply to our particular circumstances for our community. Becoming a town will not only provide the services we have chosen it will also protect us from any possible future annexation.

Our voice in the future of this community assures the residents that Etowah will remain a place for retirement, as well as, a future for all citizens, young and old.

The residents of Etowah have had minimum input as to the development of our community. The time has come for us to take a stand and plan our own destiny.

Joint Legislative Commission on Municipal Incorporation  
North Carolina General Assembly  
16 West Jones Street  
Raleigh, NC 27601

Re: Incorporation Petition  
Town of Etowah, Henderson County

### LEGISLATIVE SUMMARY

In accordance with G.S. 120-163 *et seq.*, enclosed please find our Petition for Incorporation of the Town of Etowah, Henderson County. We believe that it includes all materials necessary for your review and evaluation, and that it fulfills all of the statutory requirements required to gain your positive recommendation to the General Assembly.

The petition contains 788 verified signatures. The signatures have been verified and certified by the Henderson County Board of Elections, and represent 21% of the 3820 registered voters residing within the proposed incorporation boundary. The verified petition certification is attached on Page 7. This is in compliance with G.S. 120-163(a), (b) and (d).

Addressing the requirements of G.S. 120-163(c), the petition reflects the following:

- The proposed name for the city is the Town of Etowah
- A map of the Town is attached on Page 8.

In accordance with G.S. 120-169.1 and G.S. 120-170, the Town of Etowah plans to provide four (4) municipal services, as follows: See Page 14

1. Police Protection
  2. Fire Protection
  3. Street Lighting
  4. Zoning
- The three persons designated to serve as the interim governing board are Richard C. Briggs, Jeffery Danial Gass and Bruce Gosnell
  - The proposed Charter is attached as Page 9-13.
  - The estimated population of the proposed Town of Etowah is 4,415 persons - Page 4
  - The estimated assessed valuation is \$529,928,094, Page 4.
  - The degree of development is 47% (see attached on Page 4.
  - Breakdown of land use categories, see Page 5.
  - The population density, based on an area of 16.15 square miles, is 273 persons per square mile - Page 4.
  - The petition includes a statement that the ad valorem tax levy will be nine and one-half cents (9.5¢) per one hundred dollar (\$100) valuation - Page 4.
  - The agreements related to Police Protection (through Henderson County) and Fire Protection (through the Etowah -- Horse Shoe Fire Department) is attached on Page 18 & 19.
  - The proposed Town of Etowah does not include any non-contiguous areas.

In accordance with G.S. 120-164(a), the following cities of Henderson and Transylvania Counties have been notified of the petition submission, Page 15 and proof of mailings are attached on Page 16:

- The County of Henderson
- Transylvania County
- The City of Hendersonville
- The Village of Flat Rock
- The Town of Fletcher
- The Town of Laurel Park
- The Town of Mills River
- The Town of Saluda

In accordance with G.S. 120-164(b), notice of the petition submission was published in the Hendersonville Times-News on August 18, 2008 and August 25, 2008. A copy of the Proof of Publication is attached on Page 20.

In accordance with G.S. 120-166, the proposed Town of Etowah is not within five miles of a municipality of 50,000 or over, not within four miles of a municipality of 25,000 to 49,999, not within three miles of a municipality of 10,000 to 24,999. It is within one mile of the Town of Mills River, which has an estimated population of 6,600. As required by G.S. 120-166(b) (3), a copy of the Resolution adopted by the Mills River Town Council on July 25, 2008, expressing approval of the incorporation of the Town of Etowah is attached on Page 17.

While the petition indicates that these services will be offered no later than the first day of the third fiscal year following the effective date of incorporation, the proposed Budget provides for funding to offer these services immediately upon incorporation.

The attached Budget, attached on Page 6, projects total revenues of \$908,154, while projected costs for the provision of the four services as outlined above totals \$524,450. This demonstrates compliance with G.S. 120-170. The incorporation of the Town of Etowah is projected to divert \$156,600 in State-shared revenues from Henderson County revenues. This represents less than one percent of the estimated \$27,000,000 in local option sales taxes anticipated in the 2008 - 2009 Henderson County budget. The impact of the diversion of State-shared revenues on existing local governments would be negligible. This demonstrates that the incorporation of the Town of Etowah will not detrimentally impact the revenues of Henderson County or the other municipalities in Henderson County.

## **Statement of Estimated Population and Population Density**

Information obtained from the Henderson County Planning Department estimates **2241 single unit residential structures** within the proposed boundaries of The Town of Etowah. The Henderson County Planning Department estimates the Town of Etowah has an **Estimated Population of 4415 persons**. (Based on the 2006 US Census, data indicates the average household size of 2.28 persons with only 86.4 percent of housing occupied)

The Henderson County Planning Department estimates that the proposed boundaries of The Town of Etowah will have an area of **16.15 square miles**. **The density is estimated to be: 273 Persons per Square Mile.**

## **Statement of Assessed Valuation**

Based on printouts provided by the Henderson County Assessor's Office dated April 24 2008, the property within the boundaries of **The Town of Etowah is assessed at: \$529,928,094**. (The Budget is based on a 97% collection rate.) Property tax is figured @ \$.095 cents per \$100 assessed valuation in the Etowah/Horseshoe Fire District, and \$.01 cent per \$100 assessed valuation in the area outside the Fire District.

## **Statement of Degree of Development**

Based on the parcel data provided by the Henderson County Planning Department (Reference page 5), the approximate degree of development for The Town of Etowah is 56.5%. This was calculated by subtracting the Vacant Land Percentage from the Total Land within the proposed boundary.

Henderson County  
Planning Department

213 1<sup>st</sup> Avenue East • Hendersonville, North Carolina 28792  
Phone (828) 697-4819 Fax (828) 697-4533

July 14, 2008

Ms. Janet Czach, Vice Chairperson  
Friends of Etowah Committee  
P.O. Box 391  
Etowah, NC 28729

Re: Residences and land uses within the proposed boundary of the Town of Etowah

Dear Ms. Czach:


Per your request, Planning Staff generated information regarding the number of residences and land use within the revised proposed boundary of the Town of Etowah. Based on our calculations the area contained by the proposed boundary is approximately 16.15 square miles. This area currently contains 2,241 single unit residential structures. Using US Census data from 2006, Staff estimates the proposed Town of Etowah will contain approximately 4,415 residents (Census data indicates the average household size of 2.28 persons with only 86.4 percent of housing occupied).

This area contains a variety of land uses according to parcel data. Please see the table below regarding land use within the revised proposed boundary of the Town of Etowah.

Land Class	Square Miles	Percent
Agriculture-Horticulture	0.07	0.43
Auxillary Improvement	0.64	3.96
Cellular Tower	<0.01	<0.00
Cemetery	0.01	0.06
Commercial	0.49	3.03
Conservation Easement	0.02	0.12
Educational	0.02	0.12
Governmental	0.05	0.31
Industrial	0.04	0.25
Recreational	0.10	0.62
Religious	0.02	0.12
Residential	6.42	39.75
Utilities	0.01	0.06
Vacant Land	7.02	43.47
Unknown	0.16	0.99
Other	1.07	6.63
Total	16.15	100

If you have any questions regarding the information or if I can be of any further assistance, you may contact me at 697-4819 ext. 1056.

Sincerely,

  
Matthew Cable, Planner  
Henderson County Planning Department

**Proposed Town of Etowah**

8/29/08 Rev.

**Budget**

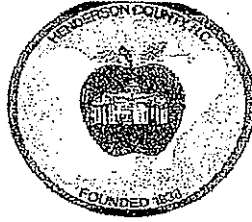
	<u>FY 2009-2010</u>	<u>FY 2010-2011</u>	<u>FY 2011-2012</u>
<b><u>Income</u></b>			
Cable Franchise Tax	\$40,000.00	\$41,600.00	\$43,264.00
State Shared Revenues *	\$156,600.00	\$162,864.00	\$169,378.00
Utility Franchise Tax	\$265,000.00	\$275,600.00	\$286,624.00
Property Taxes**			
Motor Vehicle	\$35,000.00	\$36,500.00	\$38,000.00
Etowah/Horseshoe Fire Dept	\$360,150.00	\$374,556.00	\$389,538.00
Town of Etowah	<u>\$51,404.00</u>	<u>\$53,460.00</u>	<u>\$55,598.00</u>
<b>Sub Total</b>	<b>\$908,154.00</b>	<b>\$944,580.00</b>	<b>\$982,402.00</b>
 <b><u>Expenses</u></b>			
Administration			
Town Clerk	\$35,000.00	\$36,500.00	\$38,000.00
Administrative Asst	\$22,000.00	\$23,000.00	\$24,000.00
Employee Benefits	\$17,100.00	\$17,800.00	\$18,500.00
Town Hall Expenses	\$105,500.00	\$109,720.00	\$114,110.00
State Reserve (10% of Total Revenues)	\$90,815.00	\$94,458.00	\$98,240.00
Professional Services			
Attorney	\$30,000.00	\$31,250.00	\$32,500.00
Auditor	\$15,000.00	\$15,600.00	\$16,250.00
Professional Engineer	\$5,000.00	\$5,000.00	\$5,000.00
Services			
Fire Protection	\$360,150.00	\$374,556.00	\$389,538.00
Police Protection	\$140,300.00	\$145,912.00	\$151,748.00
Street Lighting	\$4,000.00	\$4,000.00	\$4,000.00
Planning	<u>\$20,000.00</u>	<u>\$22,500.00</u>	<u>\$25,000.00</u>
<b>Sub Total</b>	<b>\$844,865.00</b>	<b>\$880,296.00</b>	<b>\$916,886.00</b>
 <b>Total Income</b>	 <b>\$908,154.00</b>	 <b>\$944,580.00</b>	 <b>\$982,402.00</b>
<b>Total Expenses</b>	<b>\$844,865.00</b>	<b>\$880,296.00</b>	<b>\$916,886.00</b>
 <b>Town Contingency Fund***</b>	 <b>\$63,289.00</b>	 <b>\$64,284.00</b>	 <b>\$65,516.00</b>

\*Based on Ad Valorem Shared Rev.Tax Dist. from Henderson County

\*\*Based on 97% Collection Rate

\*\*\* Based on differences between projected income and expenses.





*Beverly W. Cunningham, Director*  
*Tom Wilson, Chairman*  
*Betty Gash, Secretary*  
*Joseph Abrell, Member*

***Henderson County Board of Elections***

75 E Central Street  
Hendersonville, North Carolina 28792

P.O. Box 2090  
Hendersonville, NC 28793  
(828) 697-4970  
Fax (828) 697-4590

LINDA JOHNSON  
69 MCKINNEY RD  
ETOWAH, NC 28729

June 23, 2008

Dear LINDA JOHNSON,

This letter is to inform you of the status of petition MUNICIPAL INCORPORATION OF THE TOWN OF ETOWAH in HENDERSON County. Pursuant to North Carolina law, the entire petition has been checked against the registration records of the HENDERSON COUNTY BOARD OF ELECTIONS and that 788 names out of 961 signatures have been determined to be qualified. Attached is the list of the names that will be certified.

Chairman/Director  
HENDERSON COUNTY BOARD OF ELECTIONS



**SECTION 1.** A Charter for the Town of Etowah is enacted to read:

**“CHARTER OF THE TOWN OF ETOWAH.**

**"ARTICLE I. INCORPORATION AND CORPORATE POWERS.**

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of Etowah are a body corporate and politic under the name 'Town of Etowah'. The Town of Etowah has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

**"ARTICLE II. CORPORATE BOUNDARIES.**

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of Etowah are as follows:

Beginning at a point in the Henderson-Transylvania County line on the French Broad River, then proceeding in a northwest direction crossing U.S. Highway 64 and then a distance of approximately 6,550lf to a point in the centerline of Bane Road (SR#1326), said road being a common comer with the boundary line of The Town of Mills River. Thence in a northeast direction along the centerline of Bane Road (SR#1326), to a point in the intersection with Brickyard Road (SR#1323). Thence in an easterly direction with the centerline of Brickyard Road to the comer of parcel 9931659, thence along the western & northern line of parcel 9931659, the western line of parcels 9942447 & 9943426, then northeast to the common comer of parcels 9943426, 9968007 & 0802970. Thence following the northern line of parcel 9943426 to the end of Old Pole Bridge Road. Thence following the western line of parcel 0803281 to the common comer of parcels 0803281, 9943426 & 1001593. Thence in a northeast direction along the eastern line of parcels 0803281, 0802915, 0801083, 9901800 & 9903455 to its intersection with Old Pole Bridge Road. Thence following along the center of Old Pole Bridge Road in a northerly direction to the northwest comer of parcel 9958030. Thence along the northern line of parcel 9958030 to the westernmost comer of parcel 9959621. Thence following the western line of parcels 9959621, 9963507, & 9964226 to the comer of parcel 9927579. Thence following the western & northern lines of parcel 9927579 to its common comer with parcel 0802691. Thence following the western line of parcels 0802691, 1005443, 0802693, 9972540, 9949160, 9931161, 9960093, 9955577, 9955576 and 9955575 to a common comer with parcel 0802722. Thence following the western line of parcel 0802722 & 9966946 to a point in the center of Gash Road. (SR#1328). Thence following the center of Gash Road (SR#1328) in a northeast direction to the intersection with Turnpike Road (SR#1322). Thence following the centerline of Turnpike Road (SR#1322) in a southerly direction to the northwest corner of parcel 9968607. Thence following the northern line of parcel 9968607 to the common corner with parcel 0801925. Thence following the northern line of parcels 0801925 and 9961872 to the center of the French Broad River. Proceeding in a southerly direction with the center of the French Broad River to its intersection with the centerline of US Highway 64 thence continuing along the centerline of the French Broad River in the upstream (southerly) direction approximately 12,500lf to a point which intersects with

the southern line of parcel 9926199 which is the centerline of Big Willow Creek. Thence in a southeasterly direction with Big Willow Creek to the intersection with Big Willow Road (SR#1196), thence southeasterly with the centerline of Big Willow Road (SR#1196) & Evans Road approximately 6,500lf to the common corner of parcels 9929151 & 9958847. Thence in a southwest direction following the eastern boundary of parcel 9929151, 9970689, 9970690 and 9929152 to the intersection with the northern boundary of parcel 0401657. Thence following the northern and western boundary line of parcel 0401657 to its common corner with parcels 9934409 and 1007430. Thence following the eastern boundary line of parcel 9934409 to its common corner with parcel 9902806. Thence in a westerly direction with the southern boundary line of parcel 9934409 to its common corner with parcel 0401195. Thence with the northern & western boundary line of parcel 0401195 to its intersection with the centerline of Jeter Mountain Road (SR#1133). Thence in a westerly direction with the centerline of Jeter Mountain Road (SR#1133) to the Henderson-Transylvania County Line. Thence in a northerly direction with the County line to the point of beginning in the Center of the French Broad River.

### **"ARTICLE III. GOVERNING BODY.**

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of Etowah is the Mayor and the four Council members.

"Section 3.2. **Temporary Officers.** Until the organizational meeting after the initial election provided for by Section 4.1 of this Charter, Richard Briggs, Jeffrey Danial Gass, and Bruce Gosnell are appointed members of the Interim Town Council. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining members of the Interim Town Council shall, by majority vote, appoint a person to serve until the initial municipal election is held.

"Section 3.3. **Manner of Electing Town Council; Terms of Office.** Council members shall be elected from each of Districts 1, 2, 3 and 4 respectively, as provided in Article IV of this Charter. The qualified voters of the entire Town shall elect all the members of the Town Council, and, except as provided in this section, they shall serve four-year terms. In the initial municipal election, the candidates from those Districts receiving the highest- and next-highest number of votes shall each be elected to a four-year term and the candidates from those Districts receiving the third- and fourth-highest number of votes shall each be elected to a two-year term. In \_\_\_\_\_, and quadrennially thereafter, Council members elected for all Districts shall serve for four-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office, Duties.** The qualified voters of the entire Town shall elect the Mayor. In the initial municipal election, and quadrennially thereafter, the Mayor shall be elected for a term of four years. The Mayor shall be the official head of Town government and shall preside at all meetings of the Town Council. The Mayor

shall attend and preside over meetings of the Town Council, and shall advise the Town Council from time to time as to matters involving the Town of Etowah, but shall have no right to vote, except to break a tie vote. In the case of a vacancy in the office of Mayor, the remaining members of the Town Council shall choose from their membership a person to serve as Mayor for the unexpired term.

“Section 3.5. **Mayor pro tempore; disability of mayor.** At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A council member serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor; provided, however, that the mayor pro tempore shall have no right to break a tie vote in which the mayor pro tempore has participated. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

#### **"ARTICLE IV. ELECTIONS.**

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292. The Henderson County Board of Elections shall conduct elections in accordance with general law, except as may be modified by this Charter.

“Section 4.2 **Regular Municipal Elections; District Boundaries.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. For purpose of the election of Town Council members, the Town is divided into four geographical subdivisions, known as districts, and all qualified voters of the Town may cast a vote for each seat. A written description or map showing the current boundaries of the four election districts shall be maintained in the office of the Town Clerk and shall be available for public inspection. The district boundaries shall be drawn such that a representative for each district represents as nearly as possible the same number of people. The district boundaries may be amended periodically pursuant to the provisions of general law. Whenever areas are hereafter annexed and made part of the Town, the Town Council shall, by ordinance, redefine and rearrange the four election districts so as to include the annexed areas. The ordinance shall be adopted at least seven days prior to the opening of candidate filing for the municipal election next succeeding the date of any annexation and shall provide for four

election districts of approximately equal population. In redefining and rearranging the election district lines, the Town Council shall follow as nearly as practical existing district lines. In the initial municipal election, the candidates from those Districts receiving the highest- and next-highest number of votes shall each be elected to a four-year term and the candidates from those Districts receiving the third- and fourth-highest number of votes shall each be elected to a two-year term. In \_\_\_\_\_, and quadrennially thereafter, Council members elected for all Districts shall serve for four-year terms.

"Section 4.3 **Residency Required.** Candidates for Mayor and for district seats on the Town Council must be qualified voters who reside within the corporate limits of the Town of Etowah in order to qualify to take, hold, and continue in office. Candidates for election to district seats on the Town Council shall reside in and represent their respective districts, but all candidates for Town Council shall be nominated and elected by all the voters of the Town.

#### "ARTICLE V. ADMINISTRATION.

"Section 5.1. **Town to Operate under Mayor-Council Plan.** The Town shall operate under the Mayor-Council form of government as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Section 5.2. **Town Clerk.** The Town Council shall appoint a Town Clerk as provided in G.S. 160A-171, and the clerk shall serve at the pleasure of the Town Council and shall perform the duties required by law or the Council.

"Section 5.3. **Town Attorney.** The Town Council shall appoint a Town Attorney as provided in G.S. 160A-173, and the Town Attorney shall serve at the pleasure of the Town Council and be its legal adviser.

#### "ARTICLE VI. TAXES AND BUDGET ORDINANCE.

"Section 6.1. **Commencement of Tax Collection.** From and after the effective date of this act, the citizens and property in the Town of Etowah shall be subject to municipal taxes levied for the year beginning July 1, \_\_\_\_\_, and for that purpose the Town shall obtain from Henderson County a record of property in the area herein incorporated which was listed for property taxes as of January 1, \_\_\_\_\_.

"Section 6.2. **Budget.** The Town may adopt a budget ordinance for fiscal year 200\_\_-200\_\_ without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 200\_\_-200\_\_, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360. If the

effective date of the incorporation is prior to July 1, \_\_\_\_\_, the Town may adopt a budget ordinance for fiscal year 200\_\_-200\_\_ without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem taxes may be levied for the 200\_\_-200\_\_ fiscal year.

**"ARTICLE VII. ORDINANCES.**

"Section 7.1. **Ordinances.** Except as otherwise provided in this Charter, the Town of Etowah is authorized to adopt such ordinances as the Town Council deems necessary to the governance of the Town. Until and unless replaced by ordinances adopted by the Town Council, all other ordinances shall remain in full force and effect pursuant to G.S 153A-122.

**"ARTICLE VIII. MISCELLANEOUS PROVISIONS.**

"Section 8.1. **Expenses.** The entities sponsoring incorporation shall be entitled to recover from the Town expenses of sponsoring incorporation in the amount of five hundred dollars (\$500.00) or greater, provided that the entities seeking recovery shall submit written requests for reimbursement and shall be subject to annual audit. The Town Council may reimburse expenses after the first full fiscal year. To receive reimbursement, all requests must be submitted prior to the end of the second fiscal year."

"SECTION 8.2. The temporary officers of the Town of Etowah shall, at least seven days prior to the opening of candidate filing for the initial municipal elections, adopt a plan to divide the Town into four districts for the purpose of municipal elections as provided in Article IV of this Charter. The plan shall immediately be transmitted to the Henderson County Board of Elections.

"SECTION 8.3. Notwithstanding G.S. 163-294.2, the filing period for the Town Council for the initial municipal election shall open at 12:00 noon on the first Monday in August and shall close at 12:00 noon on the first Friday in August.

In the General Assembly read three times and ratified this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

s/ \_\_\_\_\_  
President of the Senate

s/ \_\_\_\_\_  
Speaker of the House of Representatives

Revised 09/03/08



# Town of Etowah

## Expanded Explanation of Projected Services

### **Explanation of Services.**

**Police Protection and Fire Protection** will be provided immediately upon incorporation via the execution of a service agreement with the Etowah-Horse Shoe Volunteer Fire & Rescue Department, presented as Attachment "B" dated February 28, 2008, and a contract with the Henderson County Sheriff's Office proposed in Attachment "C" dated February 2, 2008. governing body of the Town of Etowah

**Street Lighting:** The type and extent of street lighting to be provided to the Town of Etowah will be determined in concert with the energy provider, Duke Energy, and the appropriate North Carolina Department of Transportation offices. All Street Lighting will be accomplished in strict compliance with the requirements of both agencies and the community needs.

**Zoning:** The Town of Etowah will contract with the Henderson County Board of Commissioners to insure all current zoning designations in effect at the date of incorporation, as amended, modified or replaced, shall be continued and enforced by Henderson County for a negotiated period from the date of incorporation. Any subsequent extensions or renewals of this contract shall be at the discretion of the then sitting Board of Commissioners of Henderson County and the governing body of the Town of Etowah.

Letter to citizens located in Henderson County, DR # 511

NOTICE OF INTENT TO SUBMIT PETITION TO INCORPORATE  
THE TOWN OF ETOWAH

TO: Town of Laurel Park, North Carolina

This is to notify you that on the 1<sup>st</sup> day of September, 2008, in Raleigh, North Carolina, the Friends of Etowah Incorporation Committee for the Town of Etowah will submit a petition for the incorporation of the Town of Etowah, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. The area to be included within the boundaries of Etowah is depicted on the attached map.

This is the 18<sup>th</sup> day of August, 2008.

---

Linda Johnson  
Friends of Etowah Incorporation Committee  
P.O. Box 426  
Etowah, NC 28728

Note: Letters will also be sent to: The County of Henderson  
Transylvania County  
The City of Hendersonville  
The Village of Flat Rock  
The Town of Fletcher  
The Town of Laurel Park  
The Town of Mills River  
The Town of Saluda

Incorporation Petition  
Town of Etowah, NC

PROOF OF MAILINGS TO SURROUNDING CITIES LOCATED THIS PAGE

**RESOLUTION REGARDING PROPOSED INCORPORATION  
OF THE TOWN OF ETOWAH**

**WHEREAS**, pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes, a petition is being submitted to the Joint Legislative Commission on Municipal Incorporation (herein "Commission" ) for the incorporation of the Town of Etowah in Henderson County; and,

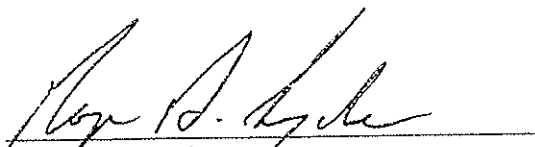
**WHEREAS**, the proposed Town of Etowah is within one (1) mile of the Town of Mills River, which has a population of over 6,200, and which qualifies to express its approval of the proposed incorporation pursuant to N.C.G.S. 120-166 (b) (3); and,

**WHEREAS**, the Commission will determine whether the petition submitted by Etowah satisfies the initial criteria for submission, set out in N.C.G.S. 120-163 and 120-164, and may in the consideration of that petition consider that the Town of Mills River is within one (1) mile of the boundary of the proposed Town of Etowah; and may consider the support and approval of the Town Council of the Town of Mills River for the incorporation effort by the Community of Etowah;

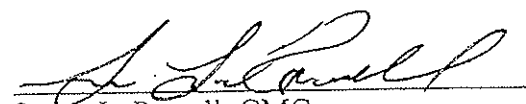
**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF  
THE OF MILLS RIVER THAT:**

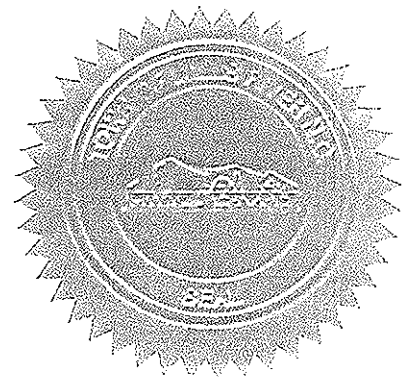
The Town of Mills River approves and supports the effort of the Community of Etowah to obtain a greater degree of governance and control over its future through incorporation.

Approved and adopted this the 28<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Roger D. Snyder  
Mayor

ATTEST:

  
\_\_\_\_\_  
Susan L. Powell, CMC  
Town Clerk/Tax Collector





**ETOWAH-HORSE SHOE  
VOLUNTEER FIRE & RESCUE DEPARTMENT**

Post Office Box 909  
HORSE SHOE, NORTH CAROLINA 28742  
Phone: (828) 891-3102 Fax: (828) 891-5834  
e-mail: etowahfiredept@mchsi.com



*Feb 28th, 2008*

*"... To Protect Life & Property"*

Dear Etowah Incorporation Group:

The Etowah Horse Shoe VFRD Inc. will be willing to enter into a service agreement with the town of Etowah Incorporation Committee for fire and rescue services.

The final contract terms will be drawn up by the departments attorney and approved by the Etowah Board of Directors before any contract will be finalized.

Board President: *Lloyd W. Beckner*

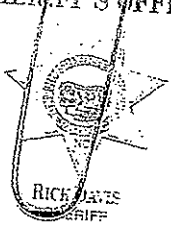
Board Vice President: *Larry B. 4779 Kelvin*

Department President: *W. C. S. Hall*

Chief: *Roger Freeman*

Assistant Chief: *Michael R. Hays*

SHERIFF'S OFFICE



Steve Carter  
Captain  
PATROL DIVISION

828-697-4930  
Fax: 828-697-4931  
Email: steve@hendersoncounty.org



COMMUNICATIONS - 828/697-4911  
PATROL DIVISION - 828/697-4936  
CIVIL & COURTS - 828/697-4940  
CRIMINAL INVESTIGATIONS - 828/697-4930  
DETENTION - 828/697-4955  
FAX - 828/697-4759



201 NORTH MAIN STREET • HENDERSONVILLE, N.C. 28751

RE: Incorporation of Etowah

February 5<sup>th</sup> 2008

The Henderson County Sheriff's Office is willing to propose a contract for the future incorporation for the town of Etowah, North Carolina. The contract will be for specific police services that would require two or more Deputy Sheriff's to enforce laws within the proposed town limits of Etowah on a full time basis.

Respectfully,

Rick Davis  
Sheriff, Henderson County

NEWSPAPER NOTICE DRAFT

NOTICE OF INTENT TO SUBMIT  
PETITION TO INCORPORATE  
THE TOWN OF ETOWAH

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

This is to notify all persons, corporations and other entities having any interest that on September 1, 2008, in Raleigh, North Carolina the Friends of Etowah Incorporation Committee for the Town of Etowah, NC will submit a petition for the incorporation of the Town of Etowah, North Carolina to the Joint Legislative Commission on Municipal Incorporation pursuant to Article 20 of Chapter 120 of the North Carolina General Statutes. Further information can be obtained at [www.townofetowah.com](http://www.townofetowah.com).

This the 18<sup>th</sup> day of August, 2008.

---

Linda Johnson  
Friends of Etowah Incorporation Committee  
P.O. 426  
Etowah, NC 28729



# 11:00 PUBLIC HEARING

Sign up Sheet

LDC Text Amendment #TX-2008-03, Conservation Subdivision  
Option in the R-40 (Estate Residential) zoning district  
Wednesday, September 17, 2008

## **Please Print**

Name: ~~Angela P~~

Address:

- |      |                     |                           |
|------|---------------------|---------------------------|
| ✓ 1. | Angela Becker       | 1612 Asheville Hwy Hville |
| ✓ 2. | Angela Ferdinandini | POB 775 Horse Shoe, NC    |
| 3.   |                     |                           |
| 4.   |                     |                           |
| 5.   |                     |                           |
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| 24.  |                     |                           |



August 8, 2008

Mr. Steve Wyatt  
Henderson County Manager  
Suite 2  
1 Historic Courthouse Sq.  
Hendersonville, NC 28792

Dear Steve:

Attached is a proposal from Western Carolina Community Action (WCCA) for use of the former Etowah Library building. Please share this proposal with the Henderson County Board of Commissioners. We look forward to hearing their response as soon as possible.

Please call me if you need more information.

Sincerely,

David White  
Executive Director

Enclosure

Proposal to Henderson County Commissioners

From

Western Carolina Community Action

For

Use of the Former Etowah Library Building

August 2008

## **Introduction**

Western Carolina Community Action (WCCA) has operated high quality preschool programs for at risk children in Henderson County for Forty-Two years. Currently, WCCA has nine preschool and three infant and toddler classrooms in Henderson County. The Henderson County More at Four committee has submitted a plan to the North Carolina Office of School Readiness requesting that WCCA serve an additional fifty-four children during the 2008-09 school year. In order to do this WCCA needs space for three additional classrooms. Dana Elementary School has agreed to host one of these classrooms. WCCA wants to use the former Etowah Library building for the other two classrooms.

The Etowah location is preferred by WCCA for several reasons. According to a report from the Henderson County Public Schools, students entering Etowah Elementary have the lowest rate of participation in preschool of any elementary school in the county. For at risk children, participation in a high quality preschool program is an important indicator for future academic success. The property itself is a very good setting for a preschool. There is plenty of room for outside play, and it fronts a road without excessive traffic. This very location was a WCCA Head Start classroom before the library opened.

WCCA needs to take action quickly. The sooner space is secured the sooner children will receive these needed services. In order to qualify these slots for the state More at Four program the children will need to be served no later than November 2008.

## **WCCA's Plans for Use of the Property**

WCCA would use the former Etowah Library Building to provide high quality preschool services for thirty-six children. WCCA would pay for needed renovations to make the building suitable for this purpose including:

- A functional kitchen
- Child size bathroom facilities
- Partitioned for two classrooms
- A well equipped playground
- Exits to the playground from both classrooms
- Space for an on-site administrator

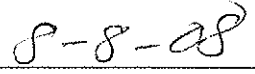
The cost for these improvements may be as much as \$50,000 and would be paid for by WCCA. WCCA would compensate Henderson County \$2000 per month for use of the facility. WCCA would like to lease the building for three years with the option to extend the lease for up to another 24 months. This will allow us to determine the reliability of the More at Four funding stream and assess the needs of the community for preschool services at that time.

**Next Steps**


WCCA requests that the Henderson County Board of Commissioners respond to this proposal no later than September 17, 2008. If this proposal is accepted, WCCA would assume the lease on October 1, 2008.

Thank you, for your consideration of this proposal.

  
\_\_\_\_\_  
Madeline Royes, WCCA Board Chair

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
David White, WCCA Executive Director

  
\_\_\_\_\_  
Date

Proposal to Henderson County Commissioners

From

Western Carolina Community Action

For

Use of the Former Etowah Library Building

September 5, 2008

### **Description of Western Carolina Community Action (WCCA)**

WCCA is a non-profit organization that provides a variety of human services in Henderson, Polk, and Transylvania Counties. WCCA assist more than 5,000 people each year with housing, transportation, high quality preschool and many other services. The agency has been in existence since 1966. Currently, WCCA has 130 employees. The agency's services are funded through federal, state, county, and private grants. Additional funding is provided by fee for service programs and fundraising.

A twenty-one person Board of Directors oversee WCCA's operations. The Board is comprised of service recipients, local government representatives, and local service organizations. WCCA's mission is:

To assist low income and underserved people in Henderson, Polk and Transylvania Counties in achieving their full potential through quality services and advocacy that demonstrate compassion, respect, and the belief that all people are worthy.

### **Proposed Operations at The Former Etowah Library Building**

WCCA would use the former Etowah Library building to provide high quality pre-school services for thirty-six children. The More at Four pre-kindergarten program has approved additional slots for WCCA. The Etowah community has a shortage of high quality pre-school options available. According to report from the Henderson County Public Schools, Etowah Elementary has the lowest rate of participation in pre-school programs by children entering kindergarten. This new center would go along way toward improving this situation.

The center would provide a state approved pre-kindergarten curriculum, nutritious meals, health screenings, developmental screenings, and parent involvement activities. The center would operate from 8:00 AM in the morning till 5:00 PM Monday through Friday during the school year. There would be occasional parent meetings in the evenings.

### **WCCA Contact Information**

Western Carolina Community Action, Inc.  
P.O. Box 685  
Hendersonville, NC 28793

Tel. 828-693-1711

The person submitting this proposal is:

David White  
Executive Director  
[david@wcca.net](mailto:david@wcca.net)

improvements to the program.

**Other Pertinent Information**

WCCA appreciates the urgency the county has shown in moving this process forward. The earlier we have a decision from the county the sooner we can provide these needed services for Henderson County children. If children cannot be served by December, Henderson County's approved More at Four slots would revert to the state.



**Dear Members of the Henderson County Manager's Office,**

**Enclosed is a proposal regarding use or purchase of the old Etowah Library on Brickyard Rd. in Etowah. Enclosed please find our previous brochure, our program schedule for the last 9 years, and letter regarding our proposal. We hope you find this of interest.**

**I did speak to Mr. Marcus Jones about this and was only recently informed about the deadline. I hope my enclosure is adequate.**

**Thank you,**

**Albert M. Iosue, MD**

**The Institute For Applied Philosophy**  
**73 West Fairway Drive**  
**Etowah, NC 28729**  
**828-891-5068**

Henderson County Manager's Office  
1 Historic Courthouse Square, Suite #2  
Hendersonville, NC 28792

Sept. 10, 2008

Dear Sirs,

I am writing on behalf of the Institute For Applied Philosophy (IAP), a long-standing non-profit organization that has been active in Henderson County since 1999. We have a joint program with the University of North Carolina Asheville (UNCA) and have been holding monthly meetings at the Kellogg Center on Broyles Rd. since September 1999. Enclosed is a schedule of the well-attended programs we have held. Our meetings are open to the public and attendance is usually between 35 to 75 people, occasionally even more depending on the topic and advertising. We have provided a \$1000 scholarship to a senior philosophy student at UNCA for the past 8 years.

The IAP is dedicated to fostering philosophy and philosophical thought outside of the university setting. Since philosophy was inculcated by the universities as an academic subject, the general public has been excluded from the important and significant role of philosophy in our everyday lives. I like to say that philosophy is in jail at the universities. No Socrates any longer walks our streets! We are dedicated to getting philosophy 'out of jail' by providing a local forum for lectures, classes, discussions and debates on a wide range of subjects, many of practical significance, as you can see by our past schedule.

We propose to use the building as a meeting site, classroom, auditorium and philosophy library with books and publications on philosophy. We hope to provide audio and video courses on DVD, available to interested persons and groups. We will hold classes on various subjects and offer evening lectures for the general public, presented by experienced and knowledgeable people from the community, of which there are many! I would like to develop a program for high school students in the area that emphasizes

subjects not covered by high school curricula. We would also make the building available to other local groups who would like to use it as a temporary meeting place.

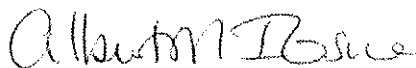
We consider philosophy a 'process,' not a subject. It is the endeavor of making experience intelligible. It is trying to understand, in intellectual terms, what we know through experience. We emphasize the moral aspect of life in its broadest sense: we live on earth but once. How should we live? How should we behave? What are our duties and our responsibilities? How should we relate to one another? What is important and valuable? What is good, what is right, what is true, what is not?

As president and founder of the IAP, which I ran for four years in Florida, and now ten years in Hendersonville, I can attest to the hunger and need for programs on the level presented by our organization. I believe our facility will enhance life in Henderson Country, Etowah and surrounding areas.

As they say: "philosophy bakes no bread." We would be interested in perhaps purchasing the building, if this is a possibility, but I would have to do this personally on behalf of the IAP. As a lease, I could offer \$500 per month at this time but this is only a suggestion. I am uncertain as to the building's zoning and restrictions or its value. I hope you will give me an opportunity to discuss this further before you make your final decision.

Thank you,

Cordially,



Dr. Albert M. Iosue

PS. Unfortunately, I will be out of town for this entire week and will be back on Monday, September, 22.

I can be reached on my cell phone at 828-778-1936.

My home phone is 828-891-5068.

My email addresses is: [iosuea@bellsouth.net](mailto:iosuea@bellsouth.net)

was formerly associated with Park Ridge Hospital and Transylvania Hospital until 1998. I was educated and trained at Case Western Reserve University and Yale University and in philosophy at Florida Atlantic University.

2. Our present program director is Mr. Donald Emon.
3. Our contact person at the University of North Carolina is Dr. Gordon Wilson of the Department of Philosophy.

**PROPOSAL TO THE  
COMMISSIONERS OF HENDERSON COUNTY  
SUBMITTED BY  
FRIENDS OF ETOWAH**



**LEASE AND USE OF THE FORMER  
ETOWAH LIBRARY**

**245 BRICKYARD ROAD  
ETOWAH, NORTH CAROLINA**

On behalf of the Etowah community, the Friends of Etowah are proud to submit this Proposal for the lease and use of the former Etowah Library.

### DESCRIPTION OF ORGANIZATION

The Friends of Etowah is a non-profit organization incorporated in the State of North Carolina. It is organized under the Non-Profit Corporation Act of North Carolina, and shall be operated for charitable and educational purposes in a manner consistent with Chapter 55A of the General Statutes of North Carolina and Section 501(c)3 of the US Internal Revenue Code. The purposes of the organization are to promote the interests of the Etowah community, and to effectuate the municipal incorporation of a portion of Henderson County, North Carolina as the Town of Etowah, in accordance with Article 20 of Chapter 120 of the General Statutes of the State of North Carolina. A copy of our Bylaws is available for your perusal upon request.

### DESCRIPTION OF PROPOSED OPERATIONS WITHIN THE BUILDING

The Friends of Etowah propose to use the former Library as a Senior/Community Center for the Etowah community. We believe that the building is perfectly suited and situated to provide a space where the community could come together through enriching leisure time activities. During our outreach effort and incorporation petition signing drive, many members of the community have expressed their interest in developing this community center.

Among the possible functions and activities to be conducted in the community center are:

- Senior Citizen meetings and activities to meet the needs of the community
- Community health screenings and educational classes
- Arts and Crafts activities (knitting, woodworking, painting, stained glass, etc.)
- Fitness and dancing activities (yoga, square dancing, etc.)
- Card and board games (bridge, mah jongg, checkers, chess, etc.)
- After-school programs for teens
- Intergenerational programs
- Linkage to community services to the elderly through Council on Aging

### CONTACT INFORMATION

The Friends of Etowah  
Linda Johnson  
President, Friends of Etowah  
Post Office Box 426  
Etowah, NC 28729  
Telephone: 828-891-3002

The Friends of Etowah have designated Lorraine Riewerts to represent the organization in this matter.

Lorraine Riewerts  
Secretary, Friends of Etowah  
P. O. Box 426  
Etowah, NC 28729  
E-mail: [lriewerts@bellsouth.net](mailto:lriewerts@bellsouth.net)  
Telephone: 828-890-5629

#### PROPOSED ANNUAL LEASE RATE

The Friends of Etowah is a non-profit organization, chartered earlier this year. As such, we have not anticipated any expenses for rents and leases. Therefore, we respectfully request that the Commissioners permit the Friends of Etowah to convert the former Etowah Library into the Etowah Senior/Community Center for a nominal fee or to donate the building for the benefit of the Etowah community.

#### OTHER PERTINENT INFORMATION

The Friends of Etowah appreciate the opportunity to present the proposal, and look forward to meeting with the Commissioners and the County staff to discuss this matter further.



# League of Women Voters of Henderson County

P.O. Box 2238

HENDERSONVILLE, NORTH CAROLINA 28793-2238

Sept. 17, 2008

Dear Board of Commissioners of Henderson County:

With this letter and packet, The League of Women Voters of Henderson County is continuing a discussion begun February 2008. We are pleased to be on the agenda of the BOC meeting Sept. 17, 2008 and will be present to answer any questions you may have.

As a review for each of you, we have enclosed copies of the League of Women Voters of Henderson County first proposal (Feb. 11, 2008) and our follow-up appeal (May 23, 2008) to the Board of Commissioners re: considering League as an approved agency to utilize Channel 11 for the express purpose of broadening our audience for Voter Education. Our two media thrusts are for 1) Non-Partisan Candidate Forums and 2) Educational Programs.

Also included in the packet is a copy of League's Non-partisan policy and a review of other Leagues in the state of North Carolina and their common use of Government and Public Channels for forums and other programs. We have asked for and are awaiting copies of other NC counties' channel guidelines to share with you.

Our budget will not allow us to afford video taping. WHKP will audio tape our Candidate forums this fall and hopefully find slots in which to play them on the radio as soon as possible. We shall publicize the play dates to the public.

As a nonpartisan community education organization, we could also conduct a Forum on the subject of the Sales Tax, an upcoming item on the November ballot. With your approval, this type of educational forum could take place in the Courtroom and be taped directly for play on Channel 11.

Thank you again for your consideration and for keeping the communication channels open on this important topic.

Sincerely

A handwritten signature in cursive script, reading 'Nancy J. Glowacki', is written over a faint, larger version of the same signature. Below the signature is the typed name and title: 'Nancy J. Glowacki, Pres. LWVHC'.

Nancy J. Glowacki, Pres. LWVHC



**PROPOSAL: FROM THE LEAGUE OF WOMEN VOTERS OF HENDERSON COUNTY (LWVHC)**

**TO:** The HC Board of Commissioners and Steve Wyatt, County Manager

**DATE:** February 11, 2008

**CC:** Bill Moyer, Chair, and all County Commissioners; Steve Wyatt, County Mgr.

The LWVHC respectfully submits the following 2-part proposal for your consideration . In order to increase public education and awareness of local government issues , the LWVHC is requesting to **tape and air** the following **two (2) types of governmental educational programs** on Henderson County's Government Channel 11 either "live" or immediately after each event:

**I. Public Candidate Forums** (for the spring primary for HCBOC May 6, 2008 and fall election of Congressional candidates and School Board candidates) . The dates for the HCBOC forum are being considered for April 1 or April 8, for an evening forum. (depending on candidates' availability) (The League is also negotiating a collaboration with the Buncombe County League to present a candidate forum for the Republican contenders for the Congressional seat in District 113 closer to Asheville.)

**II. Civics 103 NC Judicial System Education Class Series** .Please see \*Class Series Outline attached The League is already confirmed on the Courthouse courtroom schedule for April 15, 22, 29, and May 6, 2008.

**RATIONALE:** According to the broadcast policies and procedures for Henderson County Television (Channel 11): "the purpose of the channel is to provide information about Henderson County Government and its services...to enhance public understanding of County government and local issues affecting County government". The mission of the LWVHC, a nonpartisan political organization, encourages informed and active participation in government, and works to increase understanding of major public policy issues through education. Therefore, because of the obvious similarities in the missions of the BOC and the LWVHC, it seems appropriate to collaborate in this fashion.

In paragraph 5,c it is stated that outside organizations may be included in the programming

Paragraph 7, h equal time would be allotted to each candidate

We believe that the non-partisan LWVHC candidate forums as well as the Civics Class Series to be given in the Historic Court House are consistent with guidelines as suggested in paragraph 9 of the policies

**Re: Part I..CANDIDATE FORUMS:**

The LWV conducts voter education in the form of candidate forums.( among other services) . The forums are structured and conducted in a strictly NON-PARTISAN manner with stringent guidelines for moderating candidate and public input. Candidate opinions on issues are the focus, not partisan politics (even though the public may be aware of the candidates political party). In this manner, League has been utilizing TV and radio in the U.S. successfully for years .(and formerly in this County as well) The League is asked frequently by candidates and citizens alike to conduct such forums because they " are open, fair and unbiased "; League generates trust and respect thru their commitment to transparency in government.

It is our goal to reach as many citizens with information and education re: our government as possible: live forums attract a few, newspapers a few more, but TV and radio increases the "reach-ability" significantly. We desire to serve the community to the maximum utilizing all possible venues.

**LOCATION:** A logical location for the spring forum for the HCBOC would be in the BOC Meeting Room where cameras are installed. Forums in the fall will also require a location with cameras; access to be determined.

**Re: Part II...CIVICS 103-JUDICIAL SYSTEM in Henderson County Educational Series:**

This series has been presented throughout the State of NC by many Leagues.

We are pleased and proud to be scheduled into the restored Historic Courthouse for a series of 4 presentations on April 15,22,29, and May 6, each from 6:00 pm to 7:30 pm with the following speakers: Honorable Athena Brooks; Kim Gasperson, Court Administrator; Jeff Hunt, District Attorney; Susan Fosmire, Juvenile Court and DSS Attorney.. \*See attached . Each will conduct a 1-hour presentation with public Q & A . This series is open to the public and it is our desire to tape this series and replay them on Channel 11, to expand the audience . It is our understanding that taping equipment will be installed in the Court Room and available for use at that time.

The LWVHC has served Henderson County well for over 40 years and continues to seek to expand and improve its services staying true to League principles and to the laws guiding this County.

TO: Steve Wyatt, County Manager of Henderson County

FROM: League of Women Voters of Henderson County

RE: An appeal by the LWVHC to become an approved agency under the current County Policy Guidelines governing use of our Government Channel 11. This appeal is a follow up action with respect to League's proposal of Feb. 11, 2008 and Henderson County's response of Feb. 27, 2008.

DATE: May 23, 2008

The Henderson County response to the LWVHC proposal of February 11, 2008, had two significant parts: a rejection of Part I re: Voter Education Service Candidate Forums airing on Channel 11, and an acceptance of the Part II idea of the Civics 103 Series in its educational concept with the possibility of airing on Channel 11. Re: Part II, the LWVHC moved forward and arranged to have the series of 4 sessions videotaped at considerable expense to us. The tapes will be loaned to the county for possible airing on HCTV-11 in the future. League shall use the tapes for other government educational opportunities in schools, etc.

Re: Part I : WHKP did audio tape the Candidate Forum live on April 8, 2008 and expressed a desire to do more in the future. This was a huge step forward for the League's goal of widening the audience for education and awareness re: such important voter events. However, it is the County's rejection of airing Candidate Forums on Channel 11 that forms the basis of our appeal. The LWVHC is making a strong appeal for a broader interpretation of your existing policy.

A survey of other Leagues in North Carolina that use Government Channels for Candidate Forums is attached. Government Channels are used widely throughout the U.S. for League non-partisan forums as well. This research supports our request as realistic and positive.

The LWVHC needs to lay the basis for such acceptance in NC and the U.S. It is based on an awareness, understanding, and trust of League principles and the "two arms" of League. One arm is strictly Voter Service and Voter Education; it is non-partisan, balanced, fair, and consistent in its code of conduct of forums and informational programs. Non-partisanship and education is our signature mission and commands respect. The second arm of League is that of a non-partisan, political activist organization which acts only on its positions arrived at by lengthy study and consensus. This arm has no bearing on the first; they are two separate functions...both NON-PARTISAN. (Our Non-Partisan Policy is attached) The LWVHC has a history in this county which bears out the above. Among many examples are the not too distant past forums on the Transfer Tax and on the Mediacom Franchise Agreement, both very controversial topics for the county.

LWVHC has determined that a successful outcome to this discussion would be an understanding of our goal. LWVHC seeks to establish a protocol for access to HCTV-11. Establishing a protocol, or guideline, for our forums/government education/information arm would allow our organization to be defined in your policy as one of the approved agencies. League's work in the area of voter education comes under the strict guidelines of LWVUS Non-Partisan Policy. Currently LWVHC voter information programs are funded through grants received through the LWVNC Citizen Education Foundation. This criteria demands that information be non-partisan, factual and unbiased. Citizens are free to draw their own conclusions from the educational events. Access to citizens through the local government channel would help LWVHC inform a wider base of citizens more efficiently. Furthermore, the League believes that if our non-partisan organization would be approved as an agent, then local government could meet better the programming goals on the government channel as set forth in your broadcast policies.

Attachments: 1) LWVHC Non-partisan Policy 2) Summary of Research re: LWV use of Government Channels, etc,

Revised June, 2008  
LWVHC

**SUMMARY OF RESEARCH REGARDING LEAGUE'S USE OF GOVERNMENT CHANNELS AND PUBLIC ACCESS CHANNELS FOR CANDIDATE FORUMS AND OTHER TYPES OF EDUCATIONAL PROGRAMS/FORUMS.**

Of the Leagues in the State of North Carolina, there are 4 (Asheville/Buncombe, Moore County, Greensboro/Guilford County, and Pitt County) that use Public Access channels exclusively and 2 Leagues that use both Public Access and Government channels (Charlotte-Mecklenburg and Cumberland counties). Five (5) Leagues use the Government Channel exclusively to play back their candidate forums either on a DVD or Videotape.

Currituck and Union County did not respond to our inquiries.

Macon County does not have access to either Government or Public Access Channels.

Note: As of August, 2008, LWVHC has sent out a request for the above users of Government and Public Access Channels to send us a copy of the guidelines in their county. We are awaiting responses .

**League of Women Voters of Henderson County  
Non-Partisan Policy**

**The League of Women Voters' purpose is to promote political responsibility through informed and active participation in government. The credibility of the League rests on its non-partisan position that does not support or oppose political parties or candidates. It is political only in the sense that it takes positions on selected government issues after study and agreement by members. In order to protect the League's non-partisan reputation, it is important that the members and the public understand the following:**

**As a League**

- The League may take action on governmental measures and policies in the public interest.
- The League shall not support or oppose any political party or any candidate.
- The League must maintain a careful non-partisan stance in its voter services activities.
- When co-sponsoring or forming coalitions with other groups or organizations, the League must be clear that the activities engaged in do not support or oppose candidates or political parties.

**As a League Member**

- Members are urged to participate fully in party activities on an individual basis.
- Although members are encouraged to be active in local political activities, a League member shall refrain from political activities at League functions. **They may not wear candidate buttons or insignia of any party to League meetings nor distribute partisan information.**

**As a League Board member**

- The President, the Voter Service Director and any other board members whose position is deemed sensitive shall not run for or hold elective office and shall not participate in any political campaign in any way.
- Other Board members must resign from League Board before declaring for elective office. The resignation must be prior to the onset of political activity and must appear in the membership newsletter. Any notice that is released to the public or to the membership by the League relating to such resignation should be worded carefully to avoid appearance of endorsing the resigning member's candidacy.
- Board members shall not undertake any action that will cause them to be identified publicly as supporting any candidate for office or any political party.
- Board members shall not chair or administer fund raising or political campaigns, chair campaign events or work in a significant way in the campaign of a candidate.

Any exceptions to this policy shall be considered by the Board of Directors on an individual basis.

This non-partisan policy shall be reviewed annually by a committee, appointed by the President. The committee report will be submitted to the Board for approval. The Board approved policy will be published in the newsletter.

Submitted by:

Charlyne G. Coleman, chair  
Renee Kumor  
Kathy Baluha

*Adapted 10/06/05*