

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
February 18, 1998

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

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director J. Carey McLelland, Public Information Officer Chris Coulson, Utilities Director Jim Erwin, County Planner Karen Collins, County Engineer Gary Tweed and Utilities Easement Representative Doyle Freeman.

Absent was: County Attorney Don H. Elkins.

CALL TO ORDER/WELCOME

Chairman Eklund called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

Commissioner Good led the Pledge of Allegiance to the American Flag.

INVOCATION

Donald Chapman, Minister of First Alliance Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

The Clerk suggested that item "H" under Staff Reports be pulled since it was a County Attorney item and he was absent - "Offers to Purchase/Foreclosed Property x 2".

It was the consensus of the Board to approve the change.

INFORMAL PUBLIC COMMENTS

1. Sarah Parks - Ms. Parks thanked the Commissioners for insisting that the Multipurpose Steering Committee make their presentation at a public meeting. She stated that the Steering Committee has faced a fact "that the proposed civic center cannot be self supporting". As a solution they propose increasing the present county room tax

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from 3% to 5% with the 2% increase going to maintain the operation of the center.

2. Bryan Aleksich - Mr. Aleksich had brought a problem to the Commissioners' attention last June and was upset that it is still a problem. He stated that the road at the county landfill recycling area was uneven, muddy and hard to walk on, especially for senior citizens. He asked the Commissioners again to pave the road. He asked that it be placed on the Board's next agenda.

3. Lewis Staton - Mr. Staton spoke about a development of group homes for the handicapped called "Pleasant Place". He called to the attention of the Board something that he felt was an illegal action by the Planning Board concerning Pleasant Place.

4. Delmar Jones - Mr. Jones is the Assistant Manager of the Hendersonville Quality Inn & Suites. He wished to protest the proposed increase in occupancy tax in Henderson County stating that competition is great and that customers would travel to adjoining counties to avoid paying the higher occupancy tax.

Commissioner Hawkins informed Mr. Jones that the Board of Commissioners has not had any presentation or formal approach by a group offering to build a civic center. Chairman Eklund stated that the presentation will be on the agenda for March 2.

5. Tony Free - Mr. Free stated that he was present to address item "B" under Discussion Items. He wished to speak at that time.

6. Fielding Lucas - Mr. Lucas spoke about school funding. He urged the Board to charge Mr. McLelland and Mr. Tilley with the task of putting together and agreeing to the "What is now" of the sources and uses of funds relevant to this issue. Mr. Lucas said "I mean, a examples, explain what the ADM fund is and how it may be used, the differing sources of tax money and the statutes that guide their usage. If this were the corporate world, most of your audience would understand how things get financed, bought and paid for. But his is the world of government finance full of differing kinds of "fund", "chapters", "warranting", "statutes", and bureaucratic gobbledygook of every description. Their charge would simply be to lay all this out in clear and understandable terms for the public to see and understand. They should not deal at all with

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the other steps of the process, that is your and the School Board's responsibility." Mr. Lucas volunteered his help, if needed.

7. Kerry Lindsey - Mr. Lindsey is the owner of Highland Lake Inn and spoke in agreement to Mr. Jones' comments regarding the occupancy tax.

8. Dennis Justice - Mr. Justice requested that the Board consider airing Commission meetings on Cable TV (taped or live) on a public access channel for the convenience of the citizenry.

#### **CONSENT AGENDA**

Commissioner Ward requested that item "C" under consent be moved from the Consent Agenda and put on as item "H" under staff reports.

Commissioner Hawkins made the motion to approve the consent agenda as revised. All voted in favor and the motion carried.

CONSENT AGENDA included the following:

#### **Review/approval of Minutes**

Minutes were presented for the Board's review and approval of the following meetings: November 20, 1996 x 2 (regular and special called); January 21, 1998; January 26, 1998; January 29, 1998; and February 2, 1998.

#### **Notification of Vacancies**

The Board was notified of 1 vac. On the Henderson County Cable TV Advisory Committee. This will be under "Nominations" on the next agenda.

#### **Henderson County Financial Report**

The Henderson County Financial Report for December 1997 was presented for the Board's review.

#### **Amendment to Champion Hills PUD (SP-19-94 A-2)**

At the February 2 meeting the Commissioners approved a request by the Branigar organization to amend Special Use Permit SP-19-94 for Champion Hills Section 3, Meadow Ridge. The amendment eliminated six duplex dwelling units and nine single family lots and added nine single family condominium dwelling units. Staff had prepared an order based on the findings and conclusions made by the Board, which was reviewed by the Board.

**NOMINATIONS**

Chairman Eklund reminded the Board of the following vacancies and opened the floor to nominations:

**1. Nursing/Adult Care Home Community Advisory Committee - 2 vac.**

Commissioner Kumor nominated John Reed and Rev. Martha Sachs for reappointment. Commissioner Ward made the motion to suspend the rules and appoint both nominees. All voted in favor and the motion carried.

**2. Criminal Justice Partnership Board - 1 vac.**

There were no nominations at this time so this item was rolled to the next meeting.

**3. Equalization & Review, Henderson County Board of - 8 regular and 3 alternate vacancies (11)**

Commissioner Hawkins nominated: R.E. Harmon, Leon Lamb, Charles L. Porter, Marlene Conner, Marvin B. Smith, and Dutch Burdette and Danforth E. Leitner and Charles A. Capps as alternates. Commissioner Ward nominated Marilyn Gordon and Cater Leland. Commissioner Kumor nominated Lisa Pearson and Robert Roubaud. A vote will be taken at the next meeting and terms will be set.

**4. Hendersonville City Planning Board - 2 vac.**

Commissioner Kumor nominated John Boyd and Charles Joyner. Commissioner Good made the motion to suspend the rules and appoint both nominees. All voted in favor and the motion carried.

**5. Recreation Advisory Board - 3 vac.**

The Clerk polled the Board. Each Commissioner had three votes out of five nominees from the last meeting: Betty Edwards, Katherine Adams, Corum Smith, Dean Griffin and Tom Zimmerman.

The three top vote getters were Katherine Adams, Corum Smith and Dean Griffin.

**PUBLIC HEARING - To Consider an Ordinance Imposing a Moratorium on Adult Establishments in Henderson County, NC**

Commissioner Kumor made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett stated that this public hearing was held to consider a moratorium prohibiting the construction of, or use of any existing building as adult establishments. The moratorium that

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is proposed is for a duration of 90 days. If approved, the moratorium would extend up to midnight on May 19, 1998.

On February 3, 1998, the Planning Board unanimously voted to recommend this 90 day moratorium.

Staff recognizes that the Board has many areas of regulation that it would like to address during the next few months. Therefore, staff cautioned the Board to consider its priorities with regard to planning and land use matters when considering this moratorium. Drafting the adult establishments ordinance will be very staff intensive during the 90 day period and may take away staff time from other projects. Due to the constitutional issues involved in an adult establishments moratorium, staff would not recommend that any adult establishments moratorium adopted be considered for extension at the end of the 90 day period.

Staff recommended that the Board postpone action until after Staff's presentation and Board discussion on "safety net zoning" and land use regulation, which are on the agenda a little later.

**Public Input** - There was none.

Commissioner Hawkins made the motion to close the Public Hearing. All voted in favor and the motion carried. It was the consensus of the Board to wait until later in the meeting to take action on this item, as recommended by staff.

**PROGRAM INTEGRITY (Fraud) ALLOCATION**

Liston Smith informed the Board that the General Assembly has allocated Henderson County \$25,000.00 to enhance program integrity efforts. These additional funds are intended to increase staffing in the fraud section of the Department of Social Services and cannot be used for existing services. These funds are a part of the new Work First Grant.

**Report**

Liston Smith informed the Board that part of the Welfare Reform Legislation included an allocation to each county of \$25,000 to enhance program integrity efforts. The General Assembly funding is intended to increase staff assigned to fraud prevention. Funds cannot be used for existing county expenditures.

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In early December 1997, Liston received notice from the State Office (DHHS) requesting each county to submit a plan by December 19, 1997.

The Henderson County Plan addressed the following:

- What is current program integrity effort
- Use of money for fiscal years 97/98 and 98/99
- Expected outcome(s)

#### **Project Recall**

Project Recall is a State initiative, using up-front home visits and third party review of records during the application process (first 30 days) to reduce errors and detect/prevent fraud.

#### **Home Visits**

Staff have advocated over the last few years for increased home visits and "up-front" investigations. Having one staff person assigned to program integrity has limited the capacity to do home visits. Activities have primarily focused on desk reviews. Staff believe a concentrated effort by an additional staff person who can make home visits (and related investigation duties) can make a real difference in fraud prevention, detection and be able to correct errors.

#### **Recommendation**

Submission of a plan by December 19, 1997. Use the funding for an additional staff person to implement the following in Henderson County:

- Project Recall
- Increased "up-front" investigations

Divide the Henderson County program integrity staff into two primary job duty functions: (1) Project Recall/"up-front" investigations, and (2) collections and support services to Project Recall/up-front investigator.

#### **Request**

Meeting with County Manager to ascertain direction/support of County Administration in order to:

- Review intent with Social Services Board
- Send plan to State by December 19, 1997

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Commissioner Good made the motion to approve the request, so long as there is funding coming from the State for this project. All voted in favor and the motion carried.

**Liston Smith Statement**

Mr. Smith asked permission to address a couple of areas of misinformation.

During a recent public debate, the School Board and the Chamber of Commerce reported (per Times-News) that there was a 24% increase in welfare in Henderson County. Mr. Smith stated that the fact is that there is a 26% decrease in welfare in Henderson County. The only area of increase he is aware of is in medical costs for working parents in Henderson County who have never seen a dollar of welfare but are eligible for Medicaid.

During another recent public meeting the school board stated that citizens and the Times-News should stop picking on the school board, spend more time with agencies under investigation like Trend, WCCA, and Dept. of Social Services. Mr. Smith stated that Social Services has never been under an investigation, rather it was a review of one case out of 27 programs in his department.

**LEASE OF PROPERTY ADJACENT TO BROADPOINTE CENTER**

Angela Skerrett reminded the Board that in April of 1997, the Board approved a lease to Carland Farms, Inc. for approximately 28 acres of property located adjacent to BroadPointe Center. A map of the area was included as part of the agenda packet. The lease was effective from April 1, 1997 through December 31, 1997 and allowed Carland Farms, Inc. to continue to farm land it had farmed for many years.

Wayne Carland had requested that the Board consider leasing the tillable land to Carland Farms, Inc. from April 1, 1998 through December 31, 1998, for a rental amount of \$1,834.00.

The proposed lease agreement was reviewed.

Following discussion, Commissioner Kumor made the motion to accept Mr. Carland's offer and continue to roll those funds into future park development. All voted in favor and the motion carried.

**LEASE FOR SHERIFF'S CRIMINAL INVESTIGATION DIVISION**

Angela Skerrett reminded the Board that the Henderson County Sheriff's Office has housed its Criminal Investigation Division in a building located at 201 North King Street for several years. The property has been leased to the County by the Margy H. McCallister Trust. The current lease is due to expire on February 28, 1998 and the Sheriff recommended the County enter into a new lease with the McCallister Trust.

A proposed lease was reviewed. The proposed lease is for one year with an option to extend the lease for an additional one year period. The rental amount for the first year is \$22,800.00. The second year rental amount is to be negotiated between the County and the McCallister Trust if the County wishes to extend the term.

The proposed lease agreement is substantially similar to the lease previously entered into by the County. This lease has been forwarded to Mrs. McCallister for her review.

Commissioner Ward made the motion to approve the proposed lease. All voted in favor and the motion carried.

#### **EMS SUBSTATION**

David Nicholson informed the Board that EMS staff has stated the need for a substation in the northwest area of Henderson County. This recommendation was based on both the number of calls in this area and the response time. This idea has received favorable discussion by the Board during the development of the past two Capital Improvement Plans. However, it was not funded because of discussions about involving the communities' hospitals.

County staff has had several discussions concerning the location and involvement of the hospitals in the construction of this facility. Staff had contacted Pardee Hospital concerning their interest in working jointly on this project. Pardee Hospital indicated their willingness to provide the land for this building. Their property is located at the intersection of US 280 and 191.

Park Ridge Hospital has developed a proposal, which was reviewed. Park Ridge's proposal includes a provision for the land and the building. They have offered to provide Henderson County with the funds to construct the substation or to build it for EMS's use. The preliminary location for the combined facility is on US 280 (map reviewed). They have indicated that the County would have to



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agree to maintain an EMS presence at this site for a minimum of ten years.

County staff still believe that it is important to locate a substation in the northwest portion of Henderson County. This need is due to the number of calls and the response time to these communities. The offer from Park Ridge Hospital would assist EMS in providing their important service in this area. However, they wish to receive assurances that the County will maintain a presence at this facility for a number of years. Should the Board approve this proposal, EMS would staff this facility with our current employees.

Park Ridge would reimburse the county for construction of a satellite EMS substation up to \$100,000; or Park Ridge would incorporate the plans of the EMS substation into the plans for their family practice clinic and would pay for all costs up to \$120,000.

Mr. William Jamison showed an interest in Pardee Hospital up-dating their offer regarding EMS.

There was discussion regarding possibly holding a public hearing on this. Commissioner Hawkins stated that he would be interested in seeing if Pardee had a formal proposal that we haven't seen. This is a good proposal from Park Ridge to build the station and provide the land. The only thing he ever heard from Pardee was that they were willing to make some land available. If there is something else there that the Board needs to consider he would like to wait and consider their offer. This proposal is hard to beat for the citizens of Henderson County.

Commissioner Kumor stated that the next meeting of the Hospital Board will be on February 27, just before the next Commission meeting on March 2. It was the consensus of the Board to roll this item to the next meeting.

#### **MEDICARE SUPPLEMENT**

The Board had requested that staff review the costs associated with providing a Medicare Supplement to our retired employees. There are a number of different Medicare Supplemental Insurance Programs in the market. Staff spoke to several providers and they

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recommended that the County consider "Benefit J". This program is the most accepted program in today's market.

David Nicholson reviewed with the Board an information sheet on both the benefits and costs associated with this program as well as staff's projection of the annual costs associated with offering this program. This projection was based on employees that are already retired and those that will be eligible for this benefit within the next ten years. Staff assumed an average life expectancy of 80 years.

Commissioner Ward thanked staff for their work on this request but stated that it did not appear to be cost effective.

#### CONTRIBUTION TO DEFERRED COMPENSATION

At the Board of Commissioners' meeting of December 17, 1997, the Board approved a 2% match to our deferred compensation programs. The contribution for certified law enforcement employees will be deposited into their already established BB&T 401K program. All other county employees will utilize the NACO 457 Deferred Compensation program.

David Nicholson reminded the Board that in establishing this program the Board included a one year waiting period before the county's contribution would begin. Staff has since learned that a recent change in federal legislation allows for a waiting period of no more than six months for the 401K program. He requested that the Board approve the change to a six month waiting period for both programs.

Commissioner Hawkins made the motion to reduce the waiting period to six months as requested. All voted in favor and the motion carried.

#### ORDINANCE CODIFICATION

Angela Skerrett distributed the draft Henderson County Code and a draft ordinance for adoption of the Code. These items were prepared by General Code Publishers. They were distributed to the Board for information only today. No action was requested.

Prior to adoption, the Board must hold a public hearing which must be advertised. Staff will be scheduling a work session in order to

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assist the Board in its consideration of the new Code and the timing of its adoption.

Ms. Skerrett requested the Board familiarize themselves with the changes and then hold a work session.

Once this Code is adopted the Board has previously voted to approve paying for it to be placed on the Internet as well as we'll receive 25 CDS so that it can be accessible without going online for county staff. As soon as this is adopted they can put it on the Internet quickly.

Chairman Eklund called a short recess.

#### **HENDERSON COUNTY PUBLIC SCHOOLS FINANCIAL REPORT**

Commissioner Ward had requested that this be pulled from the Consent Agenda and placed here on the agenda for discussion.

Commissioner Hawkins has been working with Carey McLelland on some figures regarding schools and budget to make available to the Commissioners prior to meeting with the School Board.

#### **IMPORTANT DATES**

The Board's calendar was reviewed. Commissioner Hawkins informed the Board that the Work First Program Summit is scheduled for May 9th. He will supply details at a later time.

It was the consensus of the Board to call a Special Called Meeting for February 25, 9:00-noon to discuss School financing and budget items.

Two dates were offered to present to the School Board for a joint meeting between the Board of Commissioners and the School Board - March 17 or March 26 at 5:30 p.m.

#### **SET PUBLIC HEARING ON REZONING REQUEST**

##### **Application #R-05-97 by Kyle and Gwendolyn Doran**

Karen Collins informed the Board that Kyle and Gwendolyn Doran had requested that the County rezone a 0.27 acre parcel which they own at the corner of Old Spartanburg Road and Reward Drive from an R-10 (high density residential) district to a C-2 (neighborhood commercial) district. James Doran, who owns two parcels with a

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total of 0.54 acre adjoining the subject property requested that the Planning Board consider similarly rezoning his property.

On February 3, 1998, the Planning Board voted unanimously (7 to 0) to send the Board of Commissioners a favorable recommendation on rezoning the property owned by Kyle and Gwendolyn Doran and that owned by James Doran from R-10 to C-2.

The Board of Commissioners must hold a public hearing prior to taking action on this application. Planning staff recommended that the hearing be scheduled for Monday, March 2, 1998 at 7:00 p.m.

Commissioner Kumor made the motion to set this public hearing for March 2 at 7:00 p.m. All voted in favor and the motion carried.

**REQUEST FOR ADULT DAY CARE BEDS FOR ALZHEIMER'S PATIENTS**

Jeff Justus, a local real estate broker, was approached last summer to find a site for a 52 bed rest home specializing in Alzheimer's Patients. We do not have one in this county at this time. Mr. Justus introduced Tony Free to further discuss this item.

Tony Free, representative from Days Development Company, is a joint venture partner with alternative living services who is the nations leading provider of Alzheimers care. He requested the Board of Commissioners support their application for 52 adult home care beds to care for Alzheimer' patients in Henderson County. In the Regular Session of the 1997 General Assembly (Senate Bill 352 Section 11.69) the legislation enacted a 1 year freeze on the approval of adult care home beds by the Department of Health and Human Services with a few exceptions. One of those exceptions state:

(5) If a county board of commissioners determines that a substantial need exists for the addition of adult care home beds in that county, the board of commissioners may request that a specified number of additional beds be licensed for development in their county. In making their determination, the board of commissioners shall give consideration to meeting the needs of Special Assistance clients. The Department may approve licensure of the additional beds from the first facility that files for licensure and subsequently meets the licensure requirements.

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A proposed resolution (from Day Development Company) was reviewed.

The Board wished to have more information on this item so it will be put on a future agenda for board action.

#### **TOWER REGULATION**

Angela Skerrett reminded the Board of the work session that was held on the county-wide tower ordinance and the companion zoning amendments on February 16, 1998. The tower moratorium is due to expire on March 4, 1998.

Ms. Skerrett handed out a revised Ordinance following the February 16 work session. This item will be on the agenda for Board action on March 2.

#### **SEWER ISSUES**

At the Board's meeting on February 2, 1998, Staff distributed proposed amendments to the Sewer Use Ordinance. Pertaining to the Sewer Use Ordinance, four issues were discussed:

##### **Municipal Sewer Customers**

For some time the Board had been considering the issue of allowing municipalities to use the County sewer system to provide service to their citizens. Staff had prepared amendments to address those concerns and had provided those amendments and a Staff Proposal pertaining to those concerns in the agenda packet. Additionally a proposed fee schedule was reviewed. Mayor Niehoff's letter of February 2, 1998, presented the City of Hendersonville' position on this issue.

##### **Capacity Depletion Fee**

During budget discussion for FY 1997-1998 the Board took a step toward reducing the deficit that has previously existed in the County sewer districts by increasing sewer rates; however, Staff felt that another step should be taken to provide monies for future capital expansion and maintenance of the existing system. One mechanism to accomplish this is the adoption of a capacity depletion fee. A proposed capacity depletion fee was discussed.

##### **Routine Sewer Extension**

At the Board's meeting on September 17, 1997, the Board indicated that it would consider an amendment to the Sewer Use Ordinance

authorizing the County Manager to approve routine sewer extensions. A proposed resolution to authorize the County Manager to exercise the Board's authority with regard to routine sewer extensions only was reviewed.

**Amendment to the MSD Agreement**

In 1988 Henderson County entered into an agreement with the Metropolitan Sewerage District to provide the County with treatment capacity in the MSD plant. Pursuant to the terms of that agreement and subsequent amendments, a total of 1.35 million gallons of treatment capacity was allocated to the Cane Creek Water and Sewer District (CCWSD) as originally drawn with no required payment of a MSD capacity depletion fee. Under the agreement as written, any areas annexed into the CCWSD must receive an additional allocation from MSD and pay a capacity depletion fee to MSD. The northern area of the County has been identified as potential industrial sites along the NC-280 corridor and a portion of such areas has already been annexed into the CCWSD. Additional areas are currently under consideration for annexation into the CCWSD. The Board may wish to consider requesting that MSD amend the agreement to extend the 1.35 million gallon allocation to the entire CCWSD including any areas annexed in order to facilitate industrial growth in that area. This would mean that any request for sewer service in the CCWSD (as originally drawn or as annexed) would not be required to pay a capacity depletion fee to MSD or to secure that separation allocation from MSD.

There was discussion of who city customers are and who county customers are.

Jim Erwin, Utilities Director, explained the Mud Creek Water and Sewer District fees as well as the MCWSD detailed billing rates

Following much discussion, Commissioner Kumor made the motion to request MSD to expand to include all of the Cane Creek Sewer District. All voted in favor and the motion carried.

Commissioner Hawkins made the motion to not make the fee retroactive. All voted in favor and the motion carried.

Commissioner Hawkins made the motion to approve the presented Resolution as amended. All voted in favor and the motion carried

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Commissioner Hawkins made the motion to approve all the amendments taking into account effective dates, etc. All voted in favor and the motion carried.

#### **SEDIMENTATION AND EROSION CONTROL GRANT**

David Nicholson reminded the Board that at the Commission meeting of November 19, 1997, the Commissioners heard a presentation from Mary Jo Padgett, Executive Director of the Environmental Conservation Organization of Henderson County. Ms. Padgett requested that Henderson County apply to the Clean Water Management Trust Fund to establish a Sedimentation and Erosion Control Program. The Board approved the concept of applying for this grant based on our ability to meet the December 1, 1997 grant deadline. After staff met with Ms. Padgett later that week, it was realized that it would have been impossible to meet that grant cycle. The next grant cycle for these funds is June 1, 1998.

In June of 1996, the Board received a study prepared by the staff of Land of Sky Regional Council concerning the establishment of this program in Henderson County. In this report, they provided the Commissioners with information concerning neighboring counties involvement in the program, the estimated staffing and budget and a sample ordinance. A copy of this report was submitted to the Board. At that point, the Board of Commissioners chose not to establish this program.

Since the next funding cycle is upon us, staff requested direction from the Board concerning both the establishment of the program in Henderson County and applying for the grant.

#### **County Manager's Recommendation**

The Board should first decide if it believes that Henderson County has a role in sedimentation and erosion control. This has been traditionally a program operated by the State. If the Board feels that we should enhance these efforts, he felt the Board had two options:

1. Adopt an ordinance, establishing a fee structure, hire staff and begin the enforcement of the program (he had collected a number of other government's sediment control ordinances for the Board's later review). This option should be considered specifically if the Board feels that the current state standard of requiring an

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erosion control plan only for soil disturbances of one acre or more is not sufficient.

2. The other option would be to provide county or possible grant funding to the state for the employment of an additional inspector specifically for Henderson County. He has spoken to the local Division of Water Quality and they have indicated that this type of program is available.

He suggested that the establishment of the local program or the enhancement of the state program should be the Board's first discussion. If the Board believes that the program should be improved, we can either apply for the grant or establish a fee schedule. The Board could then consider applying for grant funds for an educational program and a local assistance program. A local assistance program would assist individual homeowners, developers, owners of woodlands and the agricultural community with the development of plans and with grants to help fund sedimentation control measures, structures and devices.

There was much discussion.

Commissioner Hawkins made the motion to not apply for the grant. A vote was taken which failed four to one with only Commissioner Hawkins voting for.

Commissioner Kumor made the motion to determine that we want an additional level of sedimentation and erosion control in Henderson County. A vote was taken which passed three to two with Commissioners Eklund and Hawkins voting nay.

Commissioner Kumor made the motion to ask the municipalities to join us in applying for the grant to write an ordinance to get this established, hoping it would later be fee based.

There was discussion. A vote was taken on the motion which failed three to two with Commissioners Good and Kumor voting aye.

Commissioner Ward made a motion which caused much discussion. Commissioner Hawkins made the motion to table Mr. Ward's motion. Commissioner Ward withdrew his motion.



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It was the consensus of the Board that the Chairman talk to the municipalities in our county and get feed-back from them. Following more discussion it was the consensus of the Board that the Chairman send letters out to each of the Mayors in our County.

#### RESOLUTION FROM FORSYTH COUNTY

David Nicholson had received a letter and a resolution from the Forsyth County Board of Commissioners concerning economic development. They have requested that the other Boards of Commissioners consider the resolution.

Chairman Eklund suggested sending a letter to the Chamber of Commerce and he Committee of 100 with the resolution attached. It was the consensus of the Board that Chairman Eklund proceed.

#### PRE-BUDGET WORKSHOP FOLLOW-UP

At the January 29, 1998 Pre-Budget Workshop, Vice-Chairman Hawkins proposed that the Board of Commissioners direct the County Manager to limit the growth in the Fiscal Year 1998-1999 Budget to 3%. Chairman Eklund requested that this issue be raised at a regularly scheduled meeting when the full board was present.

A special called meeting had been set during "Important Dates" for February 25, 9:00 - noon to discuss budget and schools.

#### PROPOSED MISSION STATEMENT

The Board of Commissioners recently reviewed a new Mission Statement. It was the consensus of the Board that adoption take place in an open meeting.

Commissioner Hawkins made the motion to adopt the Mission Statement as presented. All voted in favor and the motion carried.

#### CLOSED SESSION

Commissioner Kumor made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11 for the following reasons:

1. (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

2. (a)(5) To establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

All voted in favor and the motion carried.

Commissioner Good made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

#### **Action Following Closed Session**

There had been some discussion regarding a sewer line to serve the new Marlow School.

Commissioner Eklund made the motion that the Board of Education pay for the line but that the County pay for the difference in making it a gravity line (funds to come out of next year's budget). All voted in favor and the motion carried.

#### **MINI-WORKSESSION - Countywide Land Use Regulations**

At a recent meeting of the Board Staff was directed to bring back for the Board's consideration information concerning some type of "safety net" regulations, possibly even countywide zoning.

The purpose of this mini work session was to guide the Board of Commissioners through a policy discussion in order to formulate an **issue statement** of what the Board would want to accomplish with any type of countywide land use regulation.

Questions that staff asked the Board:

1. What regulations are currently in place in Henderson County that have been adopted by the Henderson County Board of Commissioners and which affect land use?
2. What is the Board's public policy on land use regulations? How far should we go as a community?
3. What are the potential land uses that most concern the Board? The Community?

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4. What would the Board be trying to accomplish with the adoption of some sort of Countywide regulation?

5. What priority should be given to this issue as compared to the many other issues that the County is being faced with currently?

Angela Skerrett reviewed the four elements of zoning:

- Density
- Groups Compatible Uses Together
- Site Standards
- Aesthetics

Ms. Skerrett discussed Desired Levels of Regulation:

- Site Standards (Primarily Safety, Buffering, Signs, but not pure aesthetics)
- Government decides in advance which uses are detrimental (List of possible uses determined by government)
- Notice and Public Hearing Input for detrimental uses (In some cases, community influence - QJP)
- Neighbor's right to stop uses in certain instances

Potential land uses that concerned the Board:

Heavy Industry	QJP
Towers	(recently taken care of)
Adult Establishments	Public Hearing
Solid Waste Facilities	QJP
Quarries	QJP
Race Tracks	QJP
Asphalt Plants	QJP
Incinerators	QJP
Junkyards	Public Hearing
Gasoline Stations (commercial development)	notice
Manufactured Home Parks	Public Hearing

The Board's direction to staff was to apply site standards to the Board's concerns.

Ms. Skerrett referenced GS 153A-341 "Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of

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land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development." She reminded the Board that there are some very different things that must be taken into consideration when considering zoning.

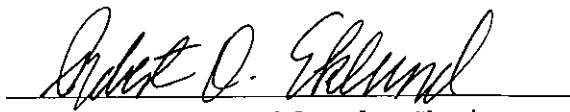
Ms. Skerrett also asked that the Board think about the priority this item will have over other issues staff is working on. Depending on the priority that the Board gives this item, Staff may request some project personnel to help with it.

Ms. Skerrett will bring a list back to the Board at the next meeting of current projects and time frames, etc. for them.

There being no further business to come before the Board, the meeting was adjourned at approximately 2:30 p.m.

Attest:

  
Elizabeth W. Corn, Clerk

  
Robert D. Eklund, Chairman

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

100 North King Street  
Hendersonville, North Carolina 28792-5097  
Phone: 704-697-4808 • Fax: 704-698-6183  
TDD: 704-697-4580

BOB EKLUND  
CHAIRMAN  
GRADY HAWKINS

VOLLIE G. GOOD  
RENEE KUMOR  
DON WARD

**RESOLUTION AUTHORIZING THE HENDERSON COUNTY MANAGER TO EXERCISE  
AUTHORITY UNDER SECTION 16 (SEWER EXTENSIONS) OF THE HENDERSON  
COUNTY SEWER USE ORDINANCE**

**WHEREAS**, the Henderson County Board of Commissioners adopted a Sewer Use Ordinance on February 1, 1988, and amended the same in April, 1989, and on February 18, 1998 (hereinafter referred to as "Sewer Use Ordinance"); and

**WHEREAS**, Section 16.05 of the Sewer Use Ordinance permits the Henderson County Board of Commissioners to delegate its authority under Section 16 (Sewer Extensions) of the Sewer Use Ordinance to the Henderson County Manager; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of delegation certain authority under Section 16 (Sewer Extensions) of the Sewer Use Ordinance to the Henderson County Manager, subject to the terms and conditions as contained hereinbelow;

**NOW THEREFORE BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. The Henderson County Manager is hereby authorized to exercise such powers and to take such action as the Board of Commissioners is authorized to exercise and take under Section 16 (Sewer Extensions) of the Sewer Use Ordinance subject to the terms and conditions as contained in this Resolution, and except as provided herein.
2. The Henderson County Board of Commissioners reserves unto itself the authority granted to the Board of Commissioners under Section 16 (Sewer Extensions) of the Sewer Use Ordinance, and the Henderson County Manager shall not be authorized to act pursuant to this Resolution, in the following circumstances:
  - a. If Henderson County has received a request by a sewer customer for annexation into any existing sewer district within Henderson County of any property, or portion of property, that may be affected by the sewer extension application; or
  - b. If Henderson County staff recommends that any property, or portion of property, which would be affected by a sewer extension application, be annexed into any sewer district within Henderson County; or

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- c. If Henderson County has received actual notice of an intent to annex or a notice of public hearing has been advertised pursuant to Article 4A of Chapter 160A of the North Carolina General Statutes, pertaining to the annexation into an incorporated municipality within Henderson County of any property, or portion of property, which would be affected by a sewer extension application; or
  - d. If the sewer extension application is for sewer service in the Cane Creek Water and Sewer District and the requested allocation is more than 40,000 gallons per day; or
  - e. If the sewer extension application is for sewer service in the Mud Creek Water and Sewer District and the requested allocation is more than 2,000 gallons per day; or
  - f. If Henderson County's remaining sewer treatment allocation is less than 500,000 gallons per day; or
  - g. If the sewer extension application will require any funding from Henderson County that was not approved pursuant to the adoption of the then current budget ordinance.
3. The Henderson County Manager or the Henderson County Utilities/Sewer Department shall provide to the Board of Commissioners monthly reports reflecting any sewer allocations granted by the Henderson County Manager in the exercise of his authority under this Resolution and reflecting the total allocations granted as of the date of the report, regardless of whether the allocations were granted by the County Manager or by the Board of Commissioners.
4. In exercising the authority granted by the terms of this Resolution, the Henderson County Manager shall at all times adhere to applicable federal, state and local laws, rules, regulations and policies, including but not limited to the Sewer Use Ordinance, concerning sewer extensions.

**RESOLVED** this the 18th day of February, 1998.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

*Robert D. Eklund*  
Robert D. Eklund, Chairman

**ATTEST:**

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk to the Board

*Elizabeth W. Corn*  
Acting Clerk

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DON WARD



## The Henderson County Board of Commissioners

### Mission Statement

**Our mission is to lead our community, to promote individual responsibility and equal opportunity, and to protect one another. While striving to provide efficient, innovative and quality public services, we will work to stimulate economic growth and regional cooperation, and to balance the preservation and utilization of all of our resources.**

Adopted this 18th day of February, 1998



**Robert D. Eklund, Chairman  
Henderson County Board of Commissioners**

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Adopted this 18th day of February, 1998  
by the Henderson County  
Board of Commissioners

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