

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
February 5, 1996

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Renee Kumor, Vice-Chairman Vollie G. Good, Commissioner Robert D. Eklund, Commissioner Don Ward, Commissioner J. Michael Edney, Assistant County Manager David E. Nicholson, and Clerk to the Board Elizabeth W. Corn.

County Manager David F. Thompson arrived late, during the Public Hearing.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, Budget Analyst Selena Coffey, Utilities Director Jim Erwin, and Fire Marshal Rocky Hyder.

Absent were: County Attorney Don H. Elkins and Staff Attorney Angela Skerrett.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Ward led the pledge to the American Flag.

INVOCATION

Rev. Charles Evans, Pastor, Pinecrest Presbyterian Church gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Annual Tax Report by Tax Collector Terry Lyda was added to the agenda by David Nicholson.

CONSENT AGENDA

Commissioner Good made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

The Consent Agenda included the following:

NC DOT Street Acceptance Petition - Continuum Drive

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A standard NCDOT street acceptance petition for Continuum Drive had been received and reviewed by County Staff and was recommended for acceptance.

Notification of Vacancies:

The Commissioners were informed of the following vacancies which will appear under "Nominations" on the next agenda:

1. Motor Vehicle Valuation Review Board - 4 Vac.
2. Nursing/Adult Care Home Community Advisory Committee- 1 Vac.
3. Board of Equalization & Review - all members

Henderson County Financial Report

The Financial Report for December 1995 was presented for the Board's review.

The departments listed below were identified as having higher percentages of total budget utilized for the period ending December 31, 1995. The higher percentages were due mainly to the following reasons:

Court Facilities	Monthly utility costs ran higher than budget. Budget amendment has been submitted to cover these costs.
MIS Department	Purchased all approved capital outlay during the first half of the fiscal year.
Non-Departmental	Journal entry to reverse prepaid insurance from fiscal year ending 6/30/95 recorded in the month of Dec.
Donations & Dues	Distributed 77.86 percent of the total amount budgeted during the first half of the fiscal year.

INFORMAL PUBLIC COMMENTS

There were none.

PUBLIC HEARING - Proposed Text Amendments to the Henderson County Water Supply Watershed Ordinance.

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

In August of 1995 the NC Division of Environmental Management modified the State Water Supply Watershed rules allowing local governments to make modifications to their respective ordinances. The Henderson County Planning Board reviewed and endorsed the modifications, all of which either clarify or relax regulations.

A public hearing is required before the amendments can be approved. Neither map amendments nor classification amendments are under consideration at this time.

SUMMARY OF CHANGES TO THE
HENDERSON COUNTY WATER SUPPLY WATERSHED ORDINANCE
PROPOSED AS A RESULT OF STATE RULE CHANGES

Substantive Changes

"5/70" provision expanded to "10/70" and allowed in all WS-IV Watershed districts (sec. 302-D)

High Density Option Provision requirements, including storm water control structures, eliminated due to the offering of 10/70 provision in WS-IV (sec. 309.2 sec. 607(D), ART400)

Minimum lot size for new residential building lots reduced by 9% (Art, 300) as follows:

87,120 sq. ft. is now 80,000 sq. ft. (WS-II-CA)
43,560 sq. ft. is now 40,000 sq. ft. (WS-II-BA)
21,780 sq. ft. is now 20,000 sq. ft. (WS-IV-BA)

Colt Creek Watershed (WS-II, 157 Ac.) now offered the "10/70" built upon option.

Significant Procedural, Technical and Administrative Changes

Term "NIA" changed to "SIA" (special intensity allocation). SIA now allows multi-family residential development. Multi-family allocations now included with "Category 1" allocations [sec. 302(E)].

Definition of Family Subdivision is modified slightly to conform with State Rules [sec. 105 D, sec. 201D., Sec. 300]

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Special reference to watershed districts, (ie., Mills River, Colt Creek, etc.) eliminated. General reference to Official Watershed Map substituted [sec. 300]

Various typographical, arrangement, statutory and minor "housekeeping" type changes made many of which were based on the State Model.

Public Input

1. Luther Smith - Mr. Smith asked the Board of Commissioners to reconsider a couple of things in the text amendments to the Water Supply Watershed Ordinance.

Commissioner Edney made the motion to close the Public Hearing. All voted in favor and the motion carried.

Commissioner Edney made the motion, since there was no opposition, to adopt the amendments as presented. All voted in favor and the motion carried.

TAX REPORT FROM TAX COLLECTOR TERRY LYDA.

In accordance with GS 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, Mr. Lyda reported that 89.633% of the real property tax liens were collected as of January 31, 1996. Effective January 1, 1985, ch. 1013 (H 1676) amends G.S. 105-369 to provide that tax liens need to be advertised only once. The list must still be posted at the courthouse or city hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Mr. Lyda recommended to the Board of Commissioners that unpaid tax liens be advertised once on May 20, 1996. It is stated on the taxpayers statement that as long as their taxes are paid by April 30, they will not be advertised, and the Times News states that they must have ten full days for preparation of the ads. These two things were his reasoning for recommending the advertising be done on the third Monday. (Mr. Lyda's report is attached as part of these minutes)

ICE STORM/SITUATION REPORT

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Rocky Hyder reminded the Board that the ice storm started on Friday evening. Sixty percent of the county was without power. Most of the primary and secondary roads were closed due to trees and power lines down. Henderson County opened shelters. Henderson County proclaimed a State of Emergency. That helped us in requesting outside assistance and resources in advance.

Roads were cleared, people were transported to shelters, doctors, etc. Help arrived and with them brought hum vees which were a big help. First priority is life safety. No deaths were attributed to the storm. Approximately 200 people have been in the shelters. Roads should be cleared by tomorrow evening, primary and secondary. Power restoration should be complete by Thursday or Friday.

Mr. Hyder thanked the County Commissioners and county staff who helped tremendously, fire departments and rescue squad, the National Guard and NC Emergency Management and Fort Bragg. Four hundred cots were sent from Fort Bragg and set up here in the county.

It was the consensus of the Board to send a letter to our Federal Senators and Representatives letting them know how important the local National Guard was to us during this time.

LOCAL EMERGENCY PLANNING COMMITTEE ANNUAL REPORT

In compliance with Article VIII, Section 1 of the Henderson County Emergency Planning Committee Bylaws, the local Emergency Planning Committee submitted a report via Rocky Hyder describing committee activities for the preceding calendar year.

Commissioner Ward made the motion for the Board to approve the LEPC membership list for submittal to the State Emergency Response Commission as required by EPCRA 1986. All voted in favor and the motion carried.

Commissioner Edney made the motion for the Board to approve Mr. Hyder reimbursing the Fire Departments, Rescue Squad, First Baptist Church and the Board of Education for expenses during the ice storm. Also that the Board of Commissioners seek reimbursement regarding these expenses. All voted in favor and the motion carried.

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LEASE TO BLUE RIDGE AMATEUR RADIO CLUB

Rocky Hyder informed the Board that staff was approached by the Blue Ridge Amateur Radio Club (BRARC) recently about leasing space to be used as their headquarters. Mr. Hyder felt that such a lease would be in order as BRARC provides such a valuable service to his Emergency Management Office in providing supplemental emergency communications. Mr. Hyder and Recreation Director, Larry Harmon, have therefore been negotiating the terms of such a lease with BRARC for space in the Stoney Mountain Activity Center. Mr. Hyder felt that it would be appropriate for the BRARC to approve the proposed lease prior to bringing it to the Board of Commissioners. BRARC met on January 16, 1996 for this purpose.

This lease would allow BRARC to lease a room for an office, a room for storage, and gives BRARC non-exclusive access to the conference room (subject to availability) and the kitchen. The Lease calls for no monetary payment by BRARC to Henderson County; however the consideration to be received by the County from BRARC would be BRARC's provision of emergency communications services to Henderson County. The term of the lease is one year, which may be renewed for one additional term. The Lease allows BRARC to place up to five (5) radio antennas on the premises of the Stoney Mountain Activities Center, one of which may be a tower. The Lease may be canceled by either the County or BRARC at any time by giving the other party thirty days notice.

The lease was presented to the Board by staff at the January 17 meeting. The Board announced its intent to approve the lease and authorized staff to advertise that intent. A Resolution authorizing the execution of the lease was presented to the Board for adoption.

Commissioner Good made the motion to approve the RESOLUTION AUTHORIZING EXECUTION OF LEASE to the Blue Ridge Amateur Radio Club as presented. All voted in favor and the motion carried.

N.C. DEPT OF CRIME CONTROL AND PUBLIC SAFETY GRANT APPLICATION

Sheriff Erwin was present and discussed the grant application to the North Carolina Department of Crime Control and Public Safety for funding of the Sheriff Department's School Resource Officer Program. The funding will allow the Sheriff's Department to place

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a School Resource Officer at East Henderson High School. The required match will be provided by the Henderson County School System from the fees that they charge students for parking.

This is only a grant pre-application and final commitments will be needed later. Staff requested permission for the County Manager to be authorized to execute the pre-application.

Commissioner Edney made the motion to authorize the County Manager to execute the pre-application. All voted in favor and the motion carried.

GOVERNOR'S CRIME COMMISSION GRANT PRE-APPLICATION FOR AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)

Sheriff Erwin requested the Henderson County Commissioners to approve Henderson County to submit a Grant Pre-Application to Governor's Crime Commission to receive Federal Funds in FY96/97 for the Development and Operation of an Automated Fingerprint Identification System (AFIS). The Grant Pre-Application is to be delivered to the Governor's Crime Commissioner in Raleigh by February 15, 1996.

David Thompson recommended approval for this Grant Pre-Application to be submitted to Governor's Crime Commissioner for receiving Federal Funds for the development and operations of an Automated Fingerprint Identification System (AFIS) to be placed in the Prisoner Booking & Processing Room of the Henderson County Jail.

No further county funds are necessary for Henderson County's match to the Federal Funds requested in the Governor's Crime Commission Grant Application.

The required matching funds (\$20,000) necessary for the grant will come from the already Board approved and budgeted \$13,000 in the Sheriff's FY 95/96 budget, \$5,400 from the Sheriff's budget line item on maintenance of equipment and from the state funds for the Criminal Justice Partnership Program - JWAN (\$1,600).

Commissioner Eklund made the motion to approve the submittal of the pre-application. All voted in favor and the motion carried.

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GOVERNOR'S CRIME COMMISSION GRANT PRE-APPLICATION FOR JUSTICE WIDE AREA NETWORK (JWAN)

David Cree requested the Henderson County Commissioners to approve Henderson County to submit a Grant Pre-Application to Governor's Crime Commission to receive Federal Funds in FY96/97 for continual Development and Operation of Justice Wide Area Network (JWAN). This grant pre-application is to be delivered to Governor's Crime Commission in Raleigh by February 15, 1996.

David Thompson requested approval of this Grant Pre-Application to be submitted to Governor's Crime Commission for receiving Federal Funds for further development and operations of the Justice Wide Area Network.

No county funds are necessary for Henderson County's match to the Federal Funds requested in the Governor's Crime Commission Grant Application.

The required matching funds necessary for the grant will come from the state funds for the Criminal Justice Partnership Program - JWAN.

Commissioner Edney made the motion to authorize the County Manager to execute the submittal of this pre-application. All voted in favor and the motion carried.

TRANSMITTAL OF CURRENT CAPITAL IMPROVEMENT PROJECT (CIP) PROPOSALS

Selena Coffey distributed CIP manuals to the Board. The Board of Commissioners set an all day work session for February 19 at 8:30 a.m.

Chairman Kumor called a 10 minute recess.

REQUEST TO SET PUBLIC HEARING FOR ECONOMIC DEVELOPMENT PROJECT

21st Century Warehouse is an industrial warehousing operation which has recently located on Crest Road in Henderson County. 21st Century has made a capital investment of over \$1.0 Million, including building, equipment and land. They plan to expand their facility over the next four (4) years with an additional capital investment of \$2.9 Million. 21st Century employees two (2) persons, and plans to have a total number employed of 15-20 at the end of

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four (4) years. 21st Century requested assistance from Henderson County in the amount of \$22,000.00 as a partial reimbursement for the cost of a water line to serve 21st Century. The total cost of installation was \$66,867.85, including engineering expenses.

As required by N.C.G.S. 158-7.1, Commissioner Eklund made the motion to set a Public Hearing for Wednesday, February 21 at 9:00 a.m. All voted in favor and the motion carried.

DECISION ON STONERIDGE ESTATES APPEAL

David Thompson reminded the Board that on November 6, 1995 the Board held a quasi-judicial proceeding to hear an appeal of Grant Mountain Properties, Inc. The appeal was contesting the denial by the Planning Board of the preliminary plan for a subdivision entitled Stoneridge Estates. At the time, the Board decided that the Planning Board erred by denying the preliminary plan application and directed staff to prepare a written decision for consideration by the Board. A drafted decision was reviewed.

Following much discussion, the Board of Commissioners found that the drafted Findings of Fact and Conclusions were a good representation of what had happened at the appeal.

Commissioner Edney made the motion to approve the draft order and authorize the Chairman to sign it. A vote was taken and the motion carried four to one with Chairman Kumor voting nay.

UPDATE ON PENDING ISSUES/REQUEST FOR DIRECTION TO THE CHAIR

1. Letters to NC Environmental management Commission

Chairman Kumor sent another letter to the Environmental Management Commission who meets on Thursday including a copy of the letter I sent to Steve Zoufaly dated December 8 and a copy of the Resolution with regard to the reclassification of the lower Mills River. Chairman Kumor received the letter from the Board Chairman today thanking the Commissioners for the letter.

NOMINATIONS

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

1. Henderson County Zoning Board of Adjustment - 1 vac - There were no nominations at this time so this item was rolled.

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2. **Henderson County Travel & Tourism Committee** - 3 vac. At the last meeting John Shiery, Rudy Haug, and Albert Gooch were nominated. A vote was taken on appointing these three which was unanimous.

3. **Henderson County Board of Health** - 2 vac. At the last meeting Karylee Clark, R.N. was nominated. A vote was taken on appointing her to fill the Registered Nurse position on the Board which was unanimous. The second vacancy must be filled by an Optometrist. It was rolled at this time.

4. **Nursing Home/Domiciliary Home Advisory Committee** - 2 vac. At the last meeting Argie Taylor was nominated. Commissioner Edney nominated John J. Reed. A vote was taken on appointing both Mr. Taylor and Mr. Reed which was unanimous.

5. **Private Industry County (PIC)** - 1 vac. At the last meeting the Chamber of Commerce nominated Bob Hermann. A vote was taken on appointing Mr. Herman which was unanimous.

6. **Henderson County Planning Board** - 1 vac. At the last meeting Doris Thompson was nominated. A vote was taken on appointing Ms. Thompson which was unanimous.

7. **Social Services Board** - 1 vac. Commissioner Eklund nominated Grace Poli. Commissioner Eklund made the motion to suspend the rules and appoint Ms. Poli. All voted in favor and the motion carried.

8. **Senior Companion Program Advisory Council of Land-of-Sky Regional Council** - 3 vac
There were no nominations at this time so this item was rolled to the next meeting.

9. **Nursing Home/Domiciliary Home Advisory Committee** - 2 vac. Commissioner Ward nominated Katherine Taylor and Vada Drake. A vote will be taken at the next meeting.

IMPORTANT DATES

The Commissioners' calendar was reviewed. A Codification Work Session was added for February 21 in the afternoon.

MUD CREEK WATER & SEWER DISTRICT

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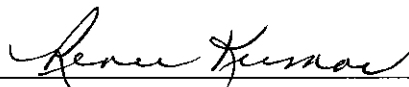
Commissioner Edney made the motion for the Board to adjourn as Henderson County Board of Commissioners and convene as Mud Creek Water & Sewer District Commissioners. All voted in favor and the motion carried.

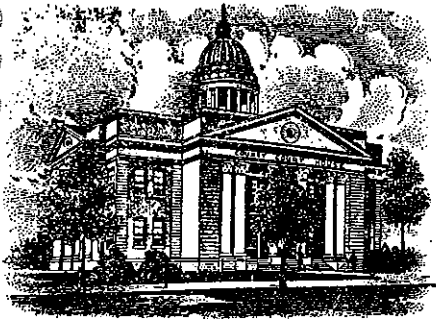
Commissioner Good made the motion for the Board to adjourn as Mud Creek Water and Sewer District Commissioners and reconvene as Henderson County Board of Commissioners. All voted in favor and the motion carried.

There being no further business to come before the Board, Commissioner Eklund made the motion to adjourn at 10:00 p.m. All voted in favor and the motion carried.

ATTEST:


Elizabeth W. Corn, Clerk


Renee Kumor, Chairman



HENDERSON COUNTY

400 North Main Street
HENDERSONVILLE NORTH CAROLINA
2 8 7 9 2

Office of the Tax Collector

February 5, 1996

To the Henderson County Board of Commissioners:

In accordance with G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, I respectfully submit the following report:

January, 1996

1995 Total Tax Collector's Charge	\$24,842,146.20
Releases	284,248.11
1995 Collections	<u>22,012,187.97</u>
Unpaid Taxes	\$ 2,545,710.12

Percentage collected through January, 1996 - 89.633%
(This compares to a collection percentage of 88.589% for January, 1995)

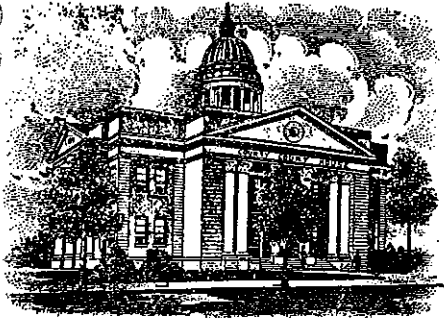
Advertisement of Tax Liens

Effective January 1, 1985, ch. 1013 (H 1676) amends G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the courthouse or city hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

It is my recommendation to the Board of Commissioners that unpaid Tax Liens be advertised once: on May 20, 1996 (the third Monday). The reasons for my recommendation being the following: (a) our tax statements sent to the taxpayers tell them that as long as their taxes are paid by April 30, they will not be advertised, and (b) the Times-News states that they must have ten full days for preparation of the ads.

Respectfully,

Terry F. Lyda,
Henderson County Tax Collector



HENDERSON COUNTY

400 North Main Street
HENDERSONVILLE NORTH CAROLINA
2 8 7 9 2

Office of the Tax Collector

February 5, 1996

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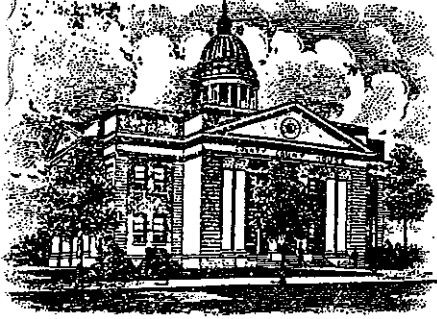
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Respectfully,

Terry F. Lyda,
Henderson County Tax Collector



HENDERSON COUNTY

400 North Main Street
HENDERSONVILLE NORTH CAROLINA
2 8 7 9 2

Office of the Tax Collector

February 6, 1995

To the Henderson County Board of Commissioners:

In accordance with G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, I respectfully submit the following report:

January, 1995

1994 Total Tax Collector's Charge	\$23,350,966.82
Releases	95,097.41
1994 Collections	<u>20,602,371.16</u>
Unpaid Taxes	\$ 2,653,498.25

Percentage collected through January, 1995 - 88.589%

Advertisement of Tax Liens

Effective January 1, 1985, ch. 1013 (H 1676) amends G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the courthouse or city hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

It is my recommendation to the Board of Commissioners that unpaid Tax Liens be advertised once: on May 15, 1995 (the third Monday). The reasons for my recommendation being the following: (a) our tax statements sent to the taxpayers tell them that as long as their taxes are paid by April 30, they will not be advertised, and (b) the Times-News states that they must have ten full days for preparation of the ads.

Respectfully,

Terry F. Lyda

Terry F. Lyda,
Henderson County Tax Collector

Proclamation of a County State of Emergency

February 3, 1996

Pursuant to Chapter 166a of the general statutes, and Article 36A Chapter 14 of the general statutes, I have determined that a State of Emergency exists in the County of Henderson, North Carolina.

This determination has been made based on the following situation:

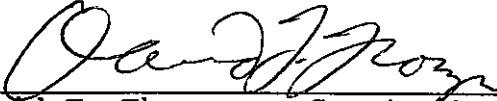
- Weather conditions are predicted to worsen as the County approaches nightfall.
- Public facilities without power have necessitated calling in the National Guard for emergency generators.
- Approximately 60% of Henderson County is currently without electricity. Current estimates are that it will take several days to restore power throughout the county.
- Numerous major roads remain closed to traffic.
- Currently the shelter being operated at East Henderson High School has 30 people housed in it with a backlog of requests for transport to the shelter. We are anticipating increase of requests as temperatures drop tonight.
- Debris removal has been slow and difficult due to the amount of fallen trees throughout the County.

I, therefore, proclaim the existence of a State of Emergency in the County of Henderson.

I hereby order all county law enforcement officers and employees and all other emergency management personnel subject to my control, to cooperate in the implementation and execution of the emergency operations plan.

Curfew. Unless a member of the County's law enforcement agency or the emergency management program, every person who is located within Henderson County is to be inside a house or shelter from the hours of 6:00 PM until 8:00 AM.

This proclamation shall become effective immediately. Proclaimed this the 3rd day of February 1996, at 10:00 AM. Notice will be given when this proclamation is terminated.



David F. Thompson, County Manager for Renee Kumor, Chairman,
Henderson County Board of Commissioners

693 3858

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

DAVID F. THOMPSON
COUNTY MANAGER

RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD


**PROCLAMATION TERMINATING
A COUNTY STATE OF EMERGENCY**

On February 3, 1996, at 10:00 a.m., I determined and proclaimed a local State of Emergency for the County of Henderson.

I have determined that a State of Emergency no longer exists in the County of Henderson.

I thereby terminate the proclamation of a local State of Emergency and all of the restrictions and orders therein.

This proclamation is effective immediately. Proclaimed this the 7th day of February, 1996, at 5:00 p.m.



**Renee Kumor, Chairman
Henderson County Board of
Commissioners**

fax: WYFF, WLOS, WHKP, WSPA, CABLEVISION

IN THE MATTER OF THE APPEAL OF GRANT MOUNTAIN PROPERTIES, INC.,
Petitioner,

to the

HENDERSON COUNTY BOARD OF COMMISSIONERS

ORDER GRANTING PRELIMINARY PLAN APPROVAL

The HENDERSON COUNTY BOARD OF COMMISSIONERS having held a quasi-judicial public proceeding on November 6, 1995, to consider an appeal from a decision made by the Henderson County Planning Board, requested by GRANT MOUNTAIN PROPERTIES, INC., hereinafter "Petitioner", and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS.

FINDINGS OF FACT

1. Petitioner is presently developing a subdivision entitled Stoneridge Estates. Randall E. Grant is the owner of Petitioner, Grant Mountain Properties, Inc. Luther Smith, a licensed professional landscape architect owning and operating Luther E. Smith and Associates, P.A., is designing Stoneridge Estates on behalf of the Petitioner.
2. Matt Matteson is the Director of the Henderson County Planning Department. Stuart Rohrbaugh is a planner in the Henderson County Planning Department.
3. Stoneridge Estates is being developed on a 92.3 acre parcel of land, located in Bat Cave, Henderson County, North Carolina, having the Parcel Identification Numbers of 0614-84-4811, 0614-85-3501, and 0614-63-7629. Stoneridge Estates is being developed in Phases. Phase I is the subject of this Appeal. Phase I is proposed for the development of 14 lots. When all phases are completed, Stoneridge Estates will contain approximately fifty-one (51) lots. Stoneridge Estates is a major subdivision as defined by the Henderson County Land Development Ordinance.

4. The Henderson County Planning Board considered the application for Preliminary Plan approval of Phase I of Stoneridge Estates on July 25, 1995. The Planning Board denied the application "based on a 10 foot gravel road design as presented on the conditions of health and safety reasons". Petitioner submitted a timely appeal of the Planning Board's decision to the Henderson County Board of Commissioners.
5. The Preliminary Plan for Phase I of Stoneridge Estates as presented proposes that the subdivision will be served by a portion of a proposed road, Bald Eagle Drive, approximately 400 feet of which is located off-site, having a right-of-way width of forty-five (45) feet. (Bald Eagle Drive is also shown on the Master Plan for Stoneridge Estates to be an internal road for future phases, having an on-site right-of-way width of fifty (50) feet). The Preliminary Plan for Phase I of Stoneridge Estates shows one proposed internal road to serve Phase I, Elmcrest Place, having a right-of-way width of fifty (50) feet. A typical road cross-section shown on the Plan indicates that the actual road construction area proposed for both Bald Eagle Drive and Elmcrest Place is a ten (10) feet wide gravel road bed, with three (3) feet of shoulder on either side, totalling to a sixteen (16) feet wide road bench, a flat bench area of the road from a ditch on one side to where the mountain drops off on the other side.
6. Both Bald Eagle Drive and Elmcrest Place are proposed as private roads. Besides meeting North Carolina Department Of Transportation standards for "line and grade", there are no minimum road construction width standards for private roads set forth in the Henderson County Land Development Ordinance.
7. Pursuant to the Henderson County Land Development Ordinance, a developer has a right to place private roads within a subdivision, and to designate their width.
8. The issues of public health and safety are not relevant to this appeal and do not authorize the imposition of road width construction standards for private roads.
9. The developer has met all the requirements of the Henderson County Land Development Ordinance for Preliminary Plan approval of Phase I of Stoneridge Estates.

CONCLUSIONS

1. Besides meeting North Carolina Department Of Transportation standards for "line and grade", there are no minimum road construction width standards

for private roads set forth in the Henderson County Land Development Ordinance.

2. Pursuant to the Henderson County Land Development, a developer has a right to place private roads within a subdivision, and to designate their width.
3. The issues of public health and safety are not relevant to this appeal and do not authorize the imposition of road width construction standards for private roads.
4. The developer has met all the requirements of the Henderson County Land Development Ordinance for Preliminary Plan approval of Phase I of Stoneridge Estates.
5. The Planning Board erred by denying Petitioner's application for Preliminary Plan approval for Phase I of Stoneridge Estates when they denied the application "based on a ten (10) foot gravel road as presented on the conditions of health and safety reasons."

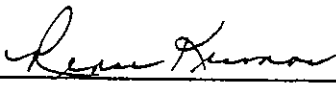
Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appearing to the HENDERSON COUNTY BOARD OF COMMISSIONERS that the Application for Preliminary Plan approval of Phase I of Stoneridge Estates should be approved,

IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF COMMISSIONERS as follows:

- a. The proposed Preliminary Plan as presented by the Petitioner for Phase I of Stoneridge Estates is approved.
- b. The Petitioner shall be required to proceed in accordance with the terms of the Henderson County Land Development Ordinance to receive Final Plan approval, and to receive any and all other approvals required by that Ordinance prior to the recordation of a Final Plat.

ORDERED the 6th day of November, 1995.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Chairman

ATTEST:

Elizabeth W. Corn

Elizabeth W. Corn
Clerk to the Board

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5097
PHONE 704/697-4808
FAX 704/697-4536

DAVID F. THOMPSON
COUNTY MANAGER

RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

RESOLUTION IN MEMORY OF WILLIAM DEBRUHL

WHEREAS, the Buncombe County Commissioners appointed William "Bill" DeBruhl to be a member of the Asheville/Buncombe Water Authority, October 1, 1991; on which he served until his untimely demise on January 27, 1996; and

WHEREAS, William "Bill" DeBruhl served on the Policies and Priorities Committee and also on the Watershed Committee throughout his appointment; and

WHEREAS, William "Bill" DeBruhl served as the Director of the Water and Sewer Services Department to the Authority from the Authority's inception in October, 1981, until his retirement in 1985; and

WHEREAS, William "Bill" DeBruhl served as the Director of the Water and Sewer Services Department for the City of Asheville from 1977 until the formation of the Authority in 1981; and

WHEREAS, William "Bill" DeBruhl recommended to the City of Asheville and to the Asheville/Buncombe Water Authority in 1991 that Bee Tree Lake be redeveloped as a source of water for our community, which subsequently occurred; and

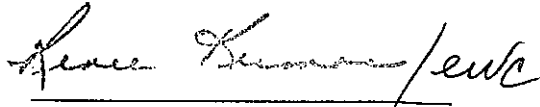
WHEREAS, during his membership on the Authority, William "Bill" DeBruhl contributed generously of his time and talents in the service of his fellow citizens through the work of the Authority in ongoing analysis and solution of the water issues affecting the citizens of Asheville, Buncombe, and Henderson Counties; thereby making all these places better places in which to live.

NOW, THEREFORE, BE IT RESOLVED BY THE Henderson County Board of Commissioners that Henderson County wishes to honor the contributions of William "Bill" DeBruhl for his dedicated service to the citizens of Asheville, Buncombe and Henderson Counties in these and numerous other capacities.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recommends to the Asheville City Council that the Bee Tree Water Treatment Plant be re-named the "William DeBruhl Water Treatment Facility at Bee Tree Lake"; and

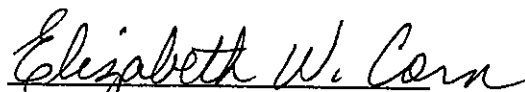
That a copy of this Resolution shall be sent to the Clerk of Asheville City Council, the Clerk to the Board of Buncombe County and to Mrs. William DeBruhl.

Read, approved and unanimously adopted this 21st day of February, 1996.



Renee Kumor, Chairman

ATTEST:



Elizabeth W. Corn
Clerk to the Board

