

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
SEPTEMBER 5, 1995

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-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Absent was County Attorney Don H. Elkins.

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

Bob Dutton, Discipleship Training Director of Carolina Baptist Association, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Thompson added one item under Discussion Items, as "H", Ambulance Replacement. He also added one item under Consent Agenda as "C", Public School's Financial Report.

CONSENT AGENDA

Consent Agenda included the following:

**Notification of Vacancies:**

1. Hendersonville City Zoning Board of Adjustment - 1 vac.
  2. Retired and Senior Volunteer Program - 1 vac.
- These will appear on the next agenda as "Nominations".

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

The financial report for July was presented for information only.

#### **Public School's Financial Report**

This was an add-on. The Henderson County Public Schools July financial report was handed out.

Commissioner Good asked some questions concerning the Henderson County financial report. Carey McLelland had not arrived yet and Mr. Nicholson didn't know the answers. David Thompson asked that the Henderson County Financial Report be pulled until the next meeting and requested that a special note be made and submitted of each department who has spent out of percentage for this time of year.

Commissioner Good made the motion to approve the Consent Agenda minus the Henderson County Financial Report. All voted in favor and the motion carried.

#### **INFORMAL PUBLIC COMMENTS**

There was none.

#### **PUBLIC HEARING - Proposed Zoning Map Amendment Application #R-15-95 (R-30 to R-20) Mr. David E. Woodard, Applicant**

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

Matt Matteson informed the Board that David E. Woodard has requested that the County rezone a 10.79 acre portion of a 30.59 acre parcel from an R-30 (low density residential) district to an R-20 (low density residential) district. Carnes & Woodard Builders, Inc., recently purchased the parcel, located between Haywood Road (NC 191) and Mountain Road (SR 1381), from the Estate of Lena Jamison.

On July 25, 1995, the Planning Board voted to send the Board of Commissioners a favorable recommendation on Mr. Woodard's application.

#### **Public Input**

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1. Vincent E. Stavish - Mr. Stavish spoke in favor of the area remaining zoned R-30 or denial of the rezoning request.

2. John B. Jeter - Mr. Jeter showed the request on a map. The owners of the property, Carnes & Woodard Builders, Inc., propose to amend the current zoning to change 10.79 acres of the 30.59 acre tract from R-30 to R-20. This would put the project entirely in one zoning district and permit the R-20 minimum lot size throughout the project.

Commissioner Edney made the motion to close the Public Hearing. All voted in favor and the motion carried. No action was taken. This item will be on the next agenda for action.

**PUBLIC HEARING - Proposed Zoning Map Amendment Application #R-18-95 (R-15 to Unzoned) Mr. David H. Matthews, Applicant**

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

Matt Matteson informed the Board that David H. Matthews has requested that the County remove a 1.7+/- acre portion of a 7.35 acre parcel from county zoning. Currently, the 1.7+/- acre portion of the parcel is in an R-15 (medium density residential) zoning district and the balance of the property is unzoned. The parcel is located on Hyder Drive, adjacent to Heritage Hills, in the Mountain Home community.

On July 25, 1995, the Planning Board voted to send the Board of Commissioners a favorable recommendation on the application submitted by Mr. Matthews.

**Public Input**

There was none.

Commissioner Good made the motion to close the Public Hearing. All voted in favor and the motion carried. No action was taken. This item will appear on the next agenda for action.

**PUBLIC HEARING - Proposed Zoning for the Upward Road/I-26 Interchange Study Area**

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Chairman Kumor stated that some concern had been shown by farmers that this is harvest time and they could not attend this hearing. If there is enough concern, a second public hearing could be held.

Commissioner Ward made the motion to set a second Public Hearing on this for December 4 at 7:00 p.m. All voted in favor and the motion carried.

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

Karen Collins reminded the Board that the study area consists of approximately 560 acres on the east side of the Upward Road/I-26 interchange. Four zoning districts have been proposed for the study area: C-4 (highway commercial), I-1 (light industrial), O&I (office and institutional) and RM-1 (rural mixed use 1).

#### **Public Input**

1. William McKay - Mr. McKay asked the Board to address the procedure. He stated that the affected property owners would like to gather around a map and have all their questions answered. He suggested that a Public Hearing might be held at a time other than when other regular business will be conducted.

2. Allan Henderson - Mr. Henderson asked that the Board not forget the importance of agriculture in our County. He also spoke of the need for an additional hearing for this item only.

3. Ben Eaton - Mr. Eaton expressed concern over traffic on Upward Road. He also felt that the zoning proposed for the area was not restrictive enough.

Following all the public input and discussion, Commissioner Ward withdrew his motion to set the second public hearing for December 4.

There was discussion that a public hearing in the community in question might be a good idea. Upward Elementary was a suggested site. It was the consensus of the Board to have the first part of the meeting as a work session and the second part as a Public Hearing.

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Commissioner Edney made the motion to close the public hearing. All voted in favor and the motion carried.

**PUBLIC HEARING - Renewal of the Option to Purchase 69.4 acres of the Appleland Business Park**

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

Angela Skerrett reminded the Board that the current option will expire on September 30, 1995. Renewal would extend the option for another three month period to expire on December 31, 1995. The price to renew the option until December 31, 1995 would be the quarterly interest at the Nationsbank prime rate of interest determined as of September 10, 1995 on the unpaid portion of the purchase price of \$631,854.85. (The remaining acreage to be purchased includes Lot 3-A, 1.8819 acres; Lot 4-A, 0.332 acres; Lot 5, 22.3709 acres; and Lot 6, 9.6484 acres.) Nationsbank prime rate as of August 29 was 8.75% which would put the option payment at \$13,821.82. The payment to renew the option for an additional three month term is due on September 20, 1995.

**Public Input**

There was none.

Commissioner Good made the motion to close the public hearing. All voted in favor and the motion carried.

Commissioner Good made the motion to renew the option to purchase 69.4 acres of Appleland Business Park as recommended by staff. All voted in favor and the motion carried.

Following discussion, it was the consensus of the Board to hold a work session and a Public Hearing on this issue.

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

**ACCEPTANCE AND APPROVAL OF A LAND DONATION OF 18.0 ACRES FROM THE ETOWAH LIONS CLUB FOR THE ETOWAH RECREATION PARK. Approval of a supporting Resolution.**

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Larry Harmon, Director of Parks & Recreation, reminded the Board that the Etowah Lions Club, with the help of community donations, have purchased 18.01 acres of land on Etowah School Road. They have voted to donate this property to Henderson County for use as a Recreation Park. The Lions Club has requested that if the land is not used for recreation, it will revert back to the Etowah Lions Club.

Larry Harmon emphasized that the development of a recreation park in the Etowah community of Henderson County does fit into the Henderson County Parks & Recreation Master Plan and is supported by the Henderson County Parks & Recreation Advisory Board.

Mr. Harmon recognized members of the Etowah Lions Club: Ed Toperzychi, David Childers, B.J. Greer, Neil Grissom, Ken Benbow, and Duane Balfanz.

Staff had prepared a Resolution and it was reviewed at this time.

Commissioner Good made the motion that the Resolution from the Etowah Lions Club concerning the 18.01 acre tract of property located on the Etowah School Road be approved as presented. All voted in favor and the motion carried.

#### REQUEST TO SET A PUBLIC HEARING FOR PUBLIC AND PRIVATE ROAD NAMES

Matt Matteson stated that pursuant to Section 302 of the Henderson County Property Address Ordinance, a public hearing must be called to name or rename both public and private roads in Henderson County. This will be the first group of mostly "petition driven" road names following the recent "substantial completion" of the street naming program. There will be approximately 20-25 road names for this hearing.

Commissioner Good made the motion to set the Public Hearing for October 2, 1995, at 7:00 p.m. All voted in favor and the motion carried.

#### PROCLAMATION OF SEPTEMBER 23, 1995 AS HUNTING AND FISHING DAY

Chairman Kumor informed the Board that she had received a request from the North Carolina Wildlife Federation for the County

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Commissioners to proclaim September 23, 1995 as Hunting and Fishing Day in Henderson County.

Commissioner Eklund made the motion to issue the proclamation for September 23, 1995 as Hunting and Fishing Day. All voted in favor and the motion carried.

#### PRESENTATION OF CAPITAL IMPROVEMENT PROGRAM (CIP) MANUAL

Angela Skerrett handed out the CIP Manuals. The manual contains a letter of introduction, a calendar of events, instructions, a sample project, and a blank copy of the Project Proposal.

Development of the Project Proposal and the Capital Improvement Program Manual was a joint venture of the Management Team utilizing the elements that evolved during the Board of Commissioners' CIP workshops.

The Board reviewed the manuals and approved the presentation format. Now, staff will prepare these manuals for distribution to our county departments, the public school system, other county funded organizations, and interested community groups.

#### NOMINATIONS

1. **Western Carolina Community Action (WCCA) Board of Directors - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.

2. **Community Child Protection Team - 2 vac.**

David Nicholson stated that this Team and the Child Fatality Prevention Team (#5) are sister organizations. The Community Child Protection Team reviews DSS cases and the Child Fatality Prevention Team reviews non-DSS cases. Both are very specific about who the appointments are. This team requires the Board to appoint a local law enforcement officer.

Following much discussion, it was decided to request the Director of the Health Department, Tom Johnson, to be present at the next Commission meeting to discuss the similarities and differences between these two teams. It was also requested that the DSS

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Director, Liston Smith, be present for the same reason. Therefore, no nominations were made and this item was rolled to the next meeting.

**3. Land Of Sky Regional Council - Advisory Council on Aging - 1 vac.**

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

**4. Hendersonville City Zoning Board of Adjustment - 1 vac.**

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

**5. Child Fatality Prevention Team - 2 up to 5= 7 vac.**

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

**UPDATE ON PENDING ISSUES/Request for Direction to the Chair**

**1. Workshop with Chamber of Commerce -**

Chairman Kumor reminded the Board of the recent discussions regarding having a joint workshop with the Chamber of Commerce. A date has been set for Monday, October 30, all day at Kanuga Conferences. It will include breakfast and lunch. This workshop is to discuss the definition of economic development and each entities role in economic development for Henderson County.

**2. Retail Task Force -**

Commissioner Ward informed the Board of the recommendation of the Retail Task Force to return the \$40,000 set aside for economic development to the Board because the Task Force could not reach a consensus. Commissioner Ward recommended that the Board of Commissioners disband the Retail Task Force at this time.

The Task Force was formed to evaluate the needs of retailers in the County, submit a plan to foster retail activity county wide, and to recommend the level of the County Commissioners' responsibility in this implementation system.

Following much discussion, Commissioner Ward made the motion to:

1. disband the Retail Task Force,



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2. acknowledge that the City of Hendersonville is a governing body with authority over Main Street but the County is willing to talk with the City Mayor and share plans with him,
3. work on our definition of economic development and work with the Chamber of Commerce with all our economic development funds going through the Chamber of Commerce to the extent that they meet our economic development needs concerning retail,
4. hold a work shop to discuss economic development issues jointly with the Chamber of Commerce,
5. remember to include the mall owners in economic development issues, take a proactive view of the mall owners and make them aware of our economic development efforts,
6. offer and recommend Dr. Crit Harley as a facilitator for the various merchants groups who were members of the Retail Task Force.

All voted in favor and the motion carried.

It was the consensus of the Board to transfer the \$40,000 to an escrow account.

### **3. Airport Ad Hoc Study -**

Commissioner Good reminded all that the Airport study is underway and the final results will be forthcoming soon, sometime in November. He is pleased with the firm conducting the study.

### **IMPORTANT DATES**

Dates on the calendar were reviewed.

### **AMBULANCE REPLACEMENT**

David Thompson reminded the Board that we have three van type ambulances on the road, one newer one and two with over 100,000 miles each. We are keeping up with demand at this time but if one of the older ambulances goes out, we will have serious problems.

We have two modular vans down with transmission problems, one coming back on line this Thursday, hopefully. We have one modular van which was wrecked, and a 90-120 day time frame for getting it repaired.

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Mr. Thompson has given Tom Edmundson direction to proceed with looking at whether we can lease an ambulance short term. Mr. Thompson discussed types of ambulances and prices, etc.

David Thompson requested permission to transfer up to \$15,000 from contingency to upgrade the chassis from 350 to 850 on the wrecked ambulance to make it more heavy duty and do the repairs to get it on the road. This is in addition to the insurance settlement.

Commissioner Edney made the motion to approve the Manager's request and authorize him to transfer up to \$15,000 from contingency. All voted in favor and the motion carried.

#### **CLOSED SESSION**

Commissioner Edney made the motion 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, and to discuss the case of Aiken v. Henderson County Internists, P.A., Henderson County, et. al..

2. (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

All voted in favor and the motion carried.

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

#### **ACTION**

Commissioner Ward made the motion to authorize \$100,000 from the Economic Development account to be transferred to a fund for the Edneyville Water & Sewer Project. All voted in favor and the motion carried.

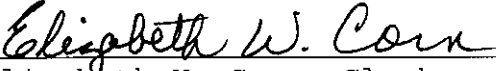
Commissioner Ward made the motion to release the old Edneyville School Property. All voted in favor and the motion carried.

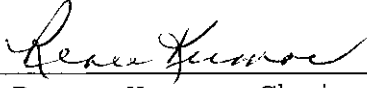
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There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Renee Kumor, Chairman



**PROCLAMATION**

**Hunting and Fishing Day  
September 23, 1995**

**WHEREAS**, Conserving our State's natural and wildlife resources is one of the most important responsibilities we have to this and future generations of North Carolina; and

**WHEREAS**, Hunters and anglers were among the first to realize this responsibility nearly 100 years ago when they saw firsthand how expanding civilization and unregulated exploitation had caused disastrous declines in wildlife population throughout North Carolina; and

**WHEREAS**, North Carolina hunters and anglers took steps to reverse this trend, helping found the conservation movement, supporting laws to stop uncontrolled exploitation of wildlife and helping establish game and fish laws, enforcement and management practices; and


**WHEREAS**, They also suggested and supported laws to establish special hunting and fishing license fees and special taxes on their equipment to pay for conservation programs; and

**WHEREAS**, In the fiscal year 1994-1995, North Carolina's hunters and anglers contributed \$25 million to the N.C. Wildlife Resources Commission's conservation programs. These programs have benefitted hundreds of wildlife and fish species, from deer, quail, wild turkey, striped bass and brook trout to otters, bald eagles, alligators, and songbirds -- fish and wildlife that all North Carolinians can enjoy.

**NOW, THEREFORE**, the Henderson County Board of Commissioners, does hereby proclaim September 23, 1995 as "HUNTING AND FISHING DAY" in Henderson County and call upon all the citizens of the county to recognize the roles of these men and women in preserving this important part of our American heritage and in ensuring the wise and proper management of our natural resources.

Adopted this the 5th day of September, 1995.

  
Elizabeth W. Corn  
Clerk to the Board

  
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Renee Kumor, Chairman  
Henderson County Board of  
Commissioners



**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

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BOB EKLUND  
DON WARD

DAVID F. THOMPSON  
COUNTY MANAGER

**RESOLUTION**

WHEREAS, the Etowah Lions Club is the owner of an 18.01 acre tract of real property located on Etowah School Road in the township of Etowah, County of Henderson, North Carolina, said property being described in Deed Book 851 Page 777, Henderson County Registry (said 18.01 acre tract hereinafter referred to as the "Park Property" or "Etowah Recreation Park" or "Park"); and

WHEREAS, the Etowah Lions Club is desirous of donating the Park Property to Henderson County for use as a public recreation park facility; and

WHEREAS, the development of a recreation park in Etowah conforms to the Henderson County Parks and Recreation Master Plan and the Henderson County Parks and Recreation Advisory Board supports the development of a recreation park facility on the Park Property; and

WHEREAS, the Henderson County Board of Commissioners is desirous of accepting the donation of the Park Property from the Etowah Lions Club.

NOW THEREFORE LET IT BE RESOLVED that the Henderson Board of Commissioners accepts the donation of the Park Property subject to the following terms and conditions:

1. The Park Property will be used solely as a recreation park facility. The deed of conveyance from the Etowah Lions Club to Henderson County shall contain a reversion clause, prepared by the County Attorney, to effectuate the intent of the Board of Commissioners that if the Park Property ceases to be used as a recreation park facility, title to the Park Property will revert to the Etowah Lions Club.
2. The Henderson County Parks and Recreation Department will prepare an Etowah Recreation Park Master Plan to map out the Recreation Department's anticipated placement of recreational facilities, such as ball fields, walking trails, soccer fields, picnic areas, parking areas, etc.. In preparing the Master Plan, the Parks and Recreation Department shall seek the input of the Etowah Lions Club. The Henderson County Parks and Recreation Department shall bring the final master plan to the Board of Commissioners for review and approval; however, Henderson County shall not be





obligated to develop any recreation facilities shown on the Master Plan until such time as funds have been appropriated for such recreational facilities by the Henderson County Board of Commissioners. The Henderson County Parks and Recreation Director shall have the discretion to accept donations of services, equipment, materials, and supplies for the development of the Park Property in conformance with the Master Plan. The Henderson County Parks and Recreation Director will provide a copy of the Master Plan to the Etowah Lions Club.

3. The Henderson County Board of Commissioners has appropriated \$25,000.00 to be used for the development of the Park Property in fiscal year 1995-96. The Henderson County Parks and Recreation Department is directed to spend these funds to develop, at a minimum, a ballfield and walking trails, and to complete the construction of the ballfield and walking trails not later than May 31, 1996. The ballfield shall be named the "Ted Davis Field" to commemorate his many years of service to youth baseball. It is anticipated that the construction of a ballfield and walking trails will cost less than \$25,000.00; therefore any funds remaining will be used to develop the following to the extent possible: soccer field, picnic shelter, and parking area. The Henderson County Parks and Recreation Director shall have the discretion to determine the extent to which such additional facilities may be constructed with the remaining funds available.
4. The Henderson County Parks and Recreation Department shall provide the County Manager with quarterly reports on the development of the Park Property and shall provide a copy of these reports to the Etowah Lions Club. Said reports shall include an anticipated schedule of development, if any, to occur in the next quarter to enable the Etowah Lions Club to plan their contribution efforts, if any.
5. A plaque will be placed in the Etowah Recreation Park to recognize the major contributors to the Park. The Henderson County Parks and Recreation Department shall seek the input of the Etowah Lions Club to determine the names of said contributors.
6. Execution of a deed of conveyance by the Etowah Lions Club for the Park Property shall be deemed an acceptance by the Etowah Lions Club of these terms and conditions.



This the 5<sup>th</sup> day of September, 1995.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS



\_\_\_\_\_  
Renee Kumor, Chairman

ATTEST:



\_\_\_\_\_  
Elizabeth Corn, Clerk

