

**MINUTES**

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
APRIL 3, 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, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, Planner Stuart Rohrbaugh, and Planner Karen Collins.

**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**

David Blackwelder, Minister of Youth at West Hendersonville Baptist Church, gave the invocation.

**DISCUSSION/ADJUSTMENT OF AGENDA**

There was none.

**CONSENT AGENDA**

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

Consent Agenda consisted of the following:

**Road Petition** - The Board had received one road petition for addition to the State Maintenance System, Frances Road extension

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(SR# 1517). It has been the practice of the Board to accept road petitions and forward them to NC DOT for their review.

**Henderson County Financial Report** - The Financial Report for February 1995 was presented for review only; no action was required.

**Notification of Vacancies** - Presented for the Board's information only. These will appear under "Nominations" on an up-coming agenda for action:

1. **Nursing Home/Domiciliary Home Advisory Committee - 5 vac.**

**Henderson County Public Schools Financial Report** - This February report was presented for the Boards' review only.

**Report on Direct Deposit Program** - On August 12, 1994, Direct Deposit was implemented as a new voluntary benefit for Henderson County employees. The Direct Deposit Program offers employees the opportunity to have their paycheck deposited directly into a checking or savings account. The primary advantage of using Direct Deposit is convenience.

A total of 257 (51%), and growing, of 507 eligible employees are currently participating in the program. There have been no administrative or technical problems with the program to date. Personnel should also be commended for a very good job of informing new employees of this benefit option. The majority of new participants in the program since inception have been new employees.

**Notice Concerning Corrective Action Plan** - A notice and follow up by Environmental Health Supervisor, Robert Smith. No action was required by the Board but was presented for the Board's information and any direction they may wish to give. (King's Grocery and Hardware at the corner of Old Spartanburg Highway and Fairground Avenue #15 A NCAC 2L .0106 (c).)

#### Informal Public Comments

Alan Reese - Mr. Reese spoke regarding the Courthouse Grand Opening scheduled for April 29, conflicting with the Johnson Farm Celebration scheduled for the same day. He felt that the Courthouse

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Grand Opening would adversely affect attendance, revenue, and scheduling entertainment for the Johnson Farm Festival.

This item will be discussed at a later time during this meeting.

Mary Ward - Ms. Ward spoke in opposition of the Hwy. #176 Rock Quarry "to be". Hwy. #176 already has a high traffic accident count and this quarry can only make it more so.

She expressed her desire for the Commissioners and the County Manager to contact the responsible people in Raleigh and request that the permit be rescinded.

Andy Anderson - Mr. Anderson spoke in opposition of the proposed Rock Quarry in Hooper's Creek. This is an old quarry that was started in the 1930s. It has been purchased and they are quarrying. They have requested a permit.

He requested that the Commissioners and County Manager request a Public Hearing concerning this permit.

Pat Dockery - Ms. Dockery is one of the Johnson Farm volunteers and hoped that the Courthouse Grand Opening would be rescheduled.

Donald Anderson - Mr. Anderson spoke in opposition of the proposed Hooper's Creek Rock Quarry.

He discussed Burney Mountain and the home estate there that used to belong to Dr. Souther. He stated that they are in the process of renovating the Souther Estate, doing environmental studies, and doing renovations to the roads. He stated that they are planning to renovate the whole mountain and create a resort similar to Grove Park. They hope to have 200 rooms and an Inn, three restaurants, an olympic size enclosed swimming pool. He felt that the construction of the resort would bring a lot of tourism to the county and would be a far greater asset than that of a rock quarry.

He asked the Board to request a Public Hearing on the matter and work toward getting the permit rescinded.

Harold Frostick - Mr. Frostick spoke in opposition of the Hwy. #176 rock quarry. He contacted NC DOT and found that the accident rate on # 176 is 1.5 times that of any typical rural road in North Carolina and 4 times the fatality rate. He stated that over 240

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people have signed a petition asking that the quarry be stopped. He asked that the Board take some action to have the permit rescinded.

Don Larsson - Mr. Larsson spoke in opposition of the Hwy. #176 rock quarry. He is a resident of Greenbriar Subdivision on Hwy. #176. He felt it ironic that the property adjacent to this rock quarry has been acquired by Duke Power to be preserved in its natural state. He stressed the highway danger.

**PUBLIC HEARING - Special Use Permit Application**  
**Highland Lake Inn and Conference Center - SP-3-95**

Chairman Kumor stated that this would be a Quasi-Judicial Hearing.

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

Parties to the proceeding: Kerry Lindsey, Council for Mr. Lindsey, Matt Matteson, Stuart Rohrbaugh, Terry & Louise Jackson, Frances & Savie Underhill, Ed Lastein. All parties were sworn in by the Clerk to the Board.

Stuart Rohrbaugh, a Planner with the Henderson County Planning Department, informed the Board that the Highland Lake Inn and Conference Center submitted an application for a Special Use Permit. The Zoning Ordinance allows conference centers in an O & I District although it requires a Special Use Permit. All adjacent property owners have been notified, the property was posted, and advertisements ran in the newspaper as required.

The property located on Highland Lake Road was rezoned to Office & Institutional District (O & I) about one year ago. The rezoning was step one of a two part process to allow the applicant, Kerry Lindsey, to expand several buildings and add several buildings to his property.

At the February 28 Planning Board meeting, the members voted six to one to send a favorable recommendation to the Board of Commissioners and grant this Special Use Permit with one exception. The exception was the location of one parking lot which Mr. Rohrbaugh pointed to on a map. The parking lot is located within 100 feet of the boundary.

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Sam Laughter, Zoning and Code Enforcement Administrator for Henderson County, gave the following interpretation: "In my opinion, in the O & I district where conference centers are permitted, the parking lot use was never intended to require a 100 foot setback from other uses within or outside the district. No other section of the Zoning Ordinance requires parking lots to setback from other uses. I would propose that if a buffer area is desirable between a parking lot and a street or adjacent uses in or near an O & I district, a 10 foot planted buffer strip for screening should be provided."

Kerry Lindsey, the petitioner, stated that it had been ten years since the purchase of the Highland Lake property. They have progressed well and need to expand. They are already booked for this summer. Their payroll is now approx. \$700,000 yearly.

Terry Jackson, a resident of Highland Lake Drive, simply had a question regarding the location of the new wastewater treatment system. Mr. Lindsey located the spot on the map for Mr. Jackson which was on the very southern portion of the Highland Lake property.

Frances Underhill, the closest year round neighbor to the conference center, stated that the conference center is a very good neighbor and a major community asset. He and his wife favored the expansion plans to make the conference center more economical and prosperous and they support Mr. Lindsey's application.

#### **Concluding Remarks**

Stuart Rohrbaugh reminded the Board once again that the Planning Board's recommendation was six to one to approve this Special Use Permit. On the plan there is a gatehouse which is not considered a principal use but an accessory use and it is within 100 feet of the boundary. It is requested that this gatehouse be allowed for security purposes.

Planning Staff's recommendation concurs with that of the Planning Board, to approve the Special Use Permit.

#### **CLOSE PUBLIC HEARING**

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

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The Board must determine if the proposed use (additions) would adversely affect the health and safety of the persons residing or working in the neighborhood and if the use would be detrimental to the public welfare or injurious to property or public improvements in the neighborhood as defined in Sec. 907 of the Zoning Ordinance. Commissioner Good stated that the Board must also confirm that the proposed uses meet the definition of a conference center (Sec. 401 of the Zoning Ordinance).

Commissioner Good made the motion that the Board of Commissioners has confirmed that Highland Lake Conference Center meets the definition of a conference center and that they will not adversely affect the health and safety and the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood; therefore, he moved that the Special Use Permit be approved for Highland Lake Inn & Conference Center, SP-3-95. A vote was taken and the motion carried unanimously.

**PUBLIC HEARING - Rezoning Application for Esther Ferrell**

Commissioner Good made the motion to open the Public Hearing. All voted in favor and the motion carried.

Karen Collins, a Planner with Henderson County, reminded the Board of an application submitted by Mrs. Esther Ferrell for the County to rezone a 0.4 acre vacant parcel which she owns on Greenville Highway from an R-T to a C-1 district. The Board of Commissioners continued to this date a public hearing which began on December 5, 1994. The Public Hearing was continued in order for Planning Staff to study a broader area to see if the current zoning was appropriate.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of the continued public hearing were published in the March 15 and March 11, 1995 editions of The Times-News. The Planning Department also mailed notices of the hearing to Mrs. Ferrell and the owners of property adjacent to her parcel.

Staff has conducted the study. Karen Collins located the study area on a map which was approx. 44 acres in size with 42 owners and 52 parcels of land. The study area contains portions of an R-15, an R-40 and all of the R-T district. Following the study, planning staff has concluded:

1. there are no compelling reasons to recommend rezoning of

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- any other properties in the area
- 2. there are no unique characteristics of Mrs. Ferrell's property to warrant rezoning
- 3. due to the small size of the parcel (0.4 acre), it could constitute spot zoning

Therefore, the Planning Staff recommended that the Board deny Mrs. Ferrell's request for rezoning. At the same time, staff would suggest that the Board consider directing the Planning Board to look at the R-T and C-1 districts. Both of these districts have been the topic of discussion between the zoning department, planning staff, and the planning board for some time. There may be some features in both districts that might, if combined, give some options but not open things up for commercial development such as gas stations and convenience stores that a C-1 district might allow.

Karen Collins stated that the County's Land Use Plan does not recommend commercialization of this portion of the Greenville Highway. The majority of the property owners in the study area indicated that they wanted to see the area stay zoned as it currently was zoned.

#### **PUBLIC INPUT**

Joe Guardina- Mr. Guardina, a property owner adjoining the Ferrell property, opposed the rezoning. He wished the area to remain zoned residential. Mr. Guardina has lived there for 40 years.

Frances Guardina- Mrs. Guardina, wife of Joe, also opposed the rezoning. She stressed her opinion that a commercial zoning district would make the taxes go up for the residents in the area but would decrease their property values because they would be residential homes in a commercial zoning district.

Janice Sherman- A property owner and resident in the area, zoned residential. Mrs. Sherman spoke in opposition of the rezoning request. She showed pictures of residential properties adjoining the Ferrell property.

Bob Sherman- Mr. Sherman, husband of Janice, also opposed the rezoning request. Mr. Sherman has offered to purchase Mrs. Ferrell's property for \$25,000. The original owners paid \$700 for the property, built a house on it and then Mrs. Ferrell bought the house and lot for \$11,000. Mr. Sherman doesn't need the property but would like to protect the neighborhood. Mr. Sherman also stated

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that a petition had been delivered to the Chairman with 84 signatures opposing the rezoning request. These are all local residents who live in and around this lot.

Tim Mullinax, Council for Mrs. Esther Ferrell- spoke on behalf of Mrs. Ferrell, an 85 year old resident of the county. She is a retired teacher. She acquired the property in 1972 with the sole intent and purpose of building her retirement home on it. In 1977 she came to the area to build a residence on the property and was told that she could not build a residence on it because it was commercial property. The City of Hendersonville told her that it was within their extraterritorial jurisdiction and that she could not build her home. She bought a home here and approximately ten years ago she attempted to market this property as it was zoned. All of the prospective buyers want it as a commercial location. It has been looked at as a piano studio, as a dress shop, and as a real estate office. Mr. Mullinax stated that the area is a hodge-podge from a zoning standpoint.

Mr. Mullinax stated that Mrs. Ferrell's application has been reviewed by a subcommittee of the Planning Board where a recommendation for approval was made. Thereafter, the Planning Board also voted to allow the requested change be approved.

#### **CLOSE PUBLIC HEARING**

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

It was the consensus of the Board to take action on this issue at this meeting.

Commissioner Good made the motion to deny the rezoning application request. All voted in favor and the motion carried.

**RECESS** - Chairman Kumor called a 10 minute recess.

#### **PUBLIC HEARING - on Proposed Manufactured Home Park Ordinance for Henderson County, NC**

Commissioner Ward made the motion to go into Public Hearing. A vote was taken which carried four to one with Commissioner Edney voting nay.

#### **Public Input**



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Brad Torgan - Mr. Torgan, a representative of N.C. Manufactured Housing Association, spoke on behalf of them and the Western N.C. Manufactured Housing Association, and its Henderson County members. He spoke in opposition of the Ordinance in its current form. He asked the Board to ask themselves the following questions:

What goals is the Ordinance trying to meet?

Are they appropriate?

Are the means used appropriate and proper?

Are manufactured housing communities being singled out from other forms of housing in Henderson County? If so, why?

Mildred Williams - Mrs. Williams owns a park and opposed the Ordinance.

Arthur E. Hudson - Mr. Hudson, a native, owns a manufactured home retirement community. He spoke in opposition of the Ordinance.

Dixie Blumer - Ms. Blumer spoke on behalf of the League of Women Voters. She spoke in opposition of the Ordinance in its present form but favored a Manufactured Home Park Ordinance and urged the County Commissioners to act quickly to make final revisions and approve the Ordinance promptly.

Harry Rogers - Mr. Rogers, President of the NC Manufactured Homeowners Association, spoke in opposition of the proposed Ordinance. According to the present proposed Ordinance, homeowners may be penalized for an action over which they have no control.

Paul Prosky - Mr. Prosky owns a Manufactured Home Park in Clear Creek and opposed the current proposed Ordinance.

J. Bernadine Levi - Mrs. Levi spoke in opposition of the current proposed Ordinance. She currently owns a senior citizen park in the county.

Michael Cameron - Mr. Cameron, representative of Minute Man Anchors, spoke in opposition of the proposed Ordinance in its current form. Minute Man Anchors is a manufacturer of goods for the manufactured housing industry nationwide.

Curtis J. Tatham - Mr. Tatham owns a park in the county and spoke in favor of portions of the proposed Ordinance.

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Vivian Hill - Mrs. Hill spoke in opposition of the proposed Ordinance in its current form. She has provided the County Commissioners with copies of Ordinances from other municipalities. Comparitively she felt our proposed Manufactured Home Park Ordinance needed revision. She felt we definitely need a strong Ordinance passed as soon as possible.

Helen Litsas - Mrs. Litsas is co-owner of a company that supplies the manufactured housing industry in the southeast. She opposed the proposed Ordinance. She rejected several sections of the Ordinance, saying they were not fair.

Warren Newell - Mr. Newell represented the Hendersonville Landlord Association. He opposed the proposed Ordinance.

Jessie Staton - Mr. Staton, a park owner, spoke in opposition of the proposed Ordinance.

Argie Taylor - Mr. Taylor spoke in favor of a strong Ordinance to protect the homeowner, consumer, or leaser.

Evelyn Nichols - Mrs. Nichols spoke in favor of a revised Manufactured Home Park Ordinance.

#### **CLOSE PUBLIC HEARING**

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

Commissioner Edney made the motion, based on public will, to reject the Ordinance as proposed. A vote was taken which carried four to one with Chairman Kumor voting nay.

It was the consensus of the Board for a subcommittee of Commissioners to work on a revised Manufactured Home Park Ordinance. Chairman Kumor and Commissioner Ward will serve on the subcommittee to work on a plan of action.

#### **REQUEST FOR AMENDMENT TO SPECIAL USE PERMIT 93-13, Carriage Park Development**

Henderson County has received an application for an amendment to Special Use Permit 93-13, Carriage Park Development, from Daniel J. Theron, a resident within Carriage Park. Mr. Theron requested that

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additional provisions be added to SP-93-13 to address open space and the designation of certain lots within Carriage Park.

Section 907 of the Henderson County Zoning Ordinance requires that applications for Special Use Permits, and for amendments to Special Use Permits, be initially submitted to the Board of Commissioners who then refer the application to the Planning Board for review and recommendation prior to a public hearing. It is the practice of the County to allow the Zoning Department to receive these applications, to notify the Board of Commissioners of the receipt, and to automatically refer the matter to the Planning Board for its review. This is based upon the fact that all applications received thus far have been from the Developer. This application is different in that it is from a resident, not the Developer. Staff therefore felt it would be appropriate for the Board to determine whether or not a resident had standing to request such an amendment.

It was the recommendation of the County Attorney to first hear input from the Attorney representing the petitioner, then hear from the Carriage Park Attorney, and then the County Attorney, Don H. Elkins.

**Robert Dungan, Attorney for Daniel J. Theron (the petitioner)**, stated that Mr. Theron is an owner at Carriage Park who lives at 210 Rockaway Lane. In Mr. Theron's application he states that there is a problem at Carriage Park regarding open space. The Developer has gone on record as recently as October of 1994 and stated that a minimum of 50% would be dedicated open space.

The minutes of a Planning Board meeting on December 29, 1987, when the first Developer was at Carriage Park, under the Odell map (the first master plan) stated that the units would be built on 74 acres and 263 acres would remain open space.

There is no definition of Open Space. Section 700.04 of the provision on planned unit developments in the Henderson County Zoning Ordinance refers to a conveyance of open space, recreational areas, and communally owned facilities. Those terms would appear to be mutually exclusive.

In a plat recorded as slide 1540 by the current developer in July of 1993, there is an OS3 classification. It is called amenity open space. That is where the clubhouse is and it counts as 1.9 acres

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of open space. That appeared to Mr. Dungan to be a violation. There is some confusion as to what is open space and what will be counted.

Mr. Dungan stated that the logical representative would be the homeowners association. The new covenants state that the developer will be in control of the association until the end of 1998. Mr. Theron has a big interest but does not have a voice unless he comes in and asks for an amendment to clarify these things and make certain that there is a sequential conveyance by a deed to the homeowners association as is called for in the Zoning Ordinance but was waived at the specific request of this developer.

**Donnel Lassiter, representative for Carriage Park.** Mr. Lassiter stated that their contention has been that only the owner of the property, Carriage Park, has the standing under the Ordinance to apply for a permit or ask for any amendments to the permit.

**Don H. Elkins, Council for Henderson County.** Mr. Elkins handed out copies of the Henderson County Planned Unit Development Ordinance and called attention to 700.01 regarding ownership control. It states that the applicant must own the development area or have management control over the PUD. It was his opinion to the Board that the applicant does not have standing to amend this PUD development permit.

Based on the legal opinion rendered by the County Attorney, Commissioner Edney made the motion to reject the petition to amend the Special Use Permit as the petitioner lacks standing. All voted in favor and the motion carried.

#### **ANNUAL REPORT for Nursing Home/Domiciliary Home Advisory Committee**

Mr. Walter Johnson, Chairman of the Nursing Home/Domiciliary Home Advisory Committee, presented their annual report and was present to answer questions. He also had presented copies of newspaper articles for the Board's review.

**Recess** - Chairman Kumor called a 5 minute recess.

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

**Rock Quarries: J.R. Stone Sales, Inc.  
B.V. Hedrick Gravel and Sand Company**

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**J.R. Stone Sales, Inc. or Hooper's Creek Rock Quarry.** This is the old Youngblood Quarry off Hooper's Creek Road. David Thompson stated that a permit is being pursued by J.R. Stone Sales, Inc.

Matt Matteson stated that the Hooper's Creek Quarry is on a 39.9 acre site. It is about .5 mile east of Hooper's Creek Grocery or about 3 miles northeast of Fletcher on Hooper's Creek Road. The area in which the quarry is located is not zoned. The quarry operator is Mr. June Grimes. The agent for the application submitted to the state is Lapsley & Associates.

The quarry had been mined in the 30's or the 40's. At one point in time the State was using it as quarry stone for roadwork. Because of the scarcity of the granite it was not continued for a long period of time. The type of stone is dimensional stone. He passed around stone from the quarry. It is used for rock walls. It is soft stone. It can be mined with pick and ax. The foreman is Mr. Jimmy Stepp. The stone is excavated with a backhoe, loaded into a dump truck and taken elsewhere to be sold.

The application the State made was on February 24, 1995. The state has issued only a temporary permit, restricting the operations to less than one acre. The entire site requested is four acres. A public hearing has not been set. Apparently there are some disputes regarding right-of-way from adjacent property owners.

David Thompson handed out copies of the notice, copies of complaints, and copies of the General Statutes with regard to rock quarries. Mr. Thompson also handed out copies of a letter that he sent to NC Dept. of Environment, Health, and Natural Resources, Land Quality section concerning this notice. The law was changed effective July 1994 (General statutes).

The new law has a different notification requirement. The Chief Administrative Officer and the owners of record can request a Public Hearing within 30 days of issuance of the notice.

Following discussion, it was the consensus of the Board to request a Public Hearing from the State because this quarry will have an impact on the community.

**B.V. Hedrick Gravel and Sand Company or Hwy. #176 Rock Quarry.**

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Matt Matteson stated that B.V. Hedrick Gravel and Sand Company of Swannanoa, N.C. owns a 102 acre site on US #176 or the Spartanburg Highway. The area in which the Green River Quarry Site is located is unzoned. The quarry operator is also B.V. Hedrick Gravel & Sand Company and the agent he has spoken with is a geologist, Jeff Lamb. There has been an application dated February 2, 1994, for a permit to quarry the site. The stone is a mixed type, possibly granite for road construction purposes.

On March 31, 1994, permit # 45-10 was issued by the State and expires in ten years. There has been no public hearing. The owner has not begun to develop the site. The owner has deforested the west side of his property, near the elbow in Dead Man's Curve where there has been a permit from the state Dept. of Highways to construct a driveway.

David Thompson again discussed the notification procedure and stated that a permit has been granted and is good through March 31, 2004.

There were several residents of the adjoining properties in attendance. None of them were contacted for comments.

Following discussion, it was again consensus of the Board to request a Public Hearing on this quarry also. The Board would like to request an automatic Public Hearing for these in the future.

#### **Airport Task Force**

Chairman Kumor reviewed a memo from David Thompson to the Ad Hoc Airport Study Committee. She stated that they would be coming back with a proposed Task Force. She has asked the City of Hendersonville to suggest a citizen for appointment. If the Commissioners have suggestions for appointment they should inform Chairman Kumor.

#### **Report on Memo to Board & Commissions re: term limits.**

Chairman Kumor informed the Board of a memo she had sent out to all Boards & Committees regarding term limits. Angela Skerrett is researching the by-laws of the boards and committees. Each board will be notified as this process becomes more specific to an individual Board.

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**Follow-up discussion and direction, if necessary, re: Water/Sewer Chamber meeting.**

Chairman Kumor distributed copies of a presentation she made at the Chamber of Commerce - Community Water/Sewer Meeting on March 29, 1995. She asked the Board members to keep her informed of what they would like to see with regard to a water/sewer authority.

**Recreation discussion, after workshop, if necessary**

Chairman Kumor informed the Board that she and George Cagle had sent a letter to Mayor Niehoff asking to meet with him to discuss this item more fully.

**Vehicle Policy**

Chairman Kumor stated that Commissioner Ward had received some complaints regarding the "take home" policy of the Vehicle Use Policy. Commissioner Ward thought this issue might need to be revisited so he could respond to citizens.

The Sheriff's Department has responded to Mr. Thompson with the number of vehicles taken home and the number of miles to each residence.

A Statement from Sheriff Erwin stated "Eliminating TAKE HOME CARS would largely serve to dilute or eliminate all gains that have been made by the Sheriff's Department since December 5, 1994. A great part of my campaign was the promise to put more marked units on the roads of Henderson County."

The City of Hendersonville has recently changed their Vehicle Policy, eliminating all take home cars except for emergency personnel. This is probably the reason citizens have been filing complaints regarding take home vehicles in the county.

Mr. Thompson reviewed Departmental lists and take home vehicles and the reasons for them in the different departments. After discussion, it was the consensus of the Board to remind the department heads to remind personnel to be aware of the vehicle use policy.

**Courthouse Grand Opening**

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There was much discussion of the conflict of the Johnson Farm Celebration with the Grand Opening of the Courthouse. The courthouse will be totally occupied mid April and the Board did not wish to continue to delay the Grand Opening.

The plaque has been ordered with the date. Invitations have not been ordered yet, awaiting this final discussion. Out of town guests have been invited and rooms reserved. The date has been mentioned in the Times News at least once.

If the Grand Opening is delayed, it must be delayed for weeks because of other commitments/conflicts.

It was the consensus of the Board to leave the Grand Opening for the new courthouse as scheduled, Saturday, April 29, 1995. It was suggested that we may be able to help Johnson Farm with PR for their celebration.

#### REPORT ON SWEEP INVESTMENT ACCOUNT

Carey McLelland informed the Board that in June 1994, the Finance Department implemented a Sweep Investment Account Service offered by First Union National Bank to replace it's NOW commercial checking account. Through a Sweep Investment Account, all collected balances in the account are automatically invested at the end of each day in one of the overnight investment vehicles offered by the bank. Henderson County's investment vehicle is First Union Corporation's commercial paper which is rated A-2 by Standard & Poors and is a legal investment under G.S. 159-30 covering the investment of idle funds.

Typically, a Sweep Investment account offers the benefit of investing short-term instruments that earn competitive market rates, therefore maximizing income. Investments mature daily enabling Henderson County to meet any working capital needs daily.

David Thompson stated that the Finance Director should be commended for his efforts with First Union National Bank for the increased earnings that total \$36,251.19 for the first eight months.

#### REQUEST TO SET ECONOMIC DEVELOPMENT PUBLIC HEARING

Angela Skerrett reminded the Board that two companies have approached Henderson County for assistance in locating or expanding



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in Henderson County. The County is authorized under N.C.G.S. 158-7.1 to assist companies in such endeavors.

Ms. Skerrett passed around draft notices for the two proposed public hearings.

Commissioner Edney made the motion to set the Public Hearings for Selee Corporation and MTI for April 19 at 9:00 a.m. All voted in favor and the motion carried.

#### **NOMINATIONS**

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

**1. Solid Waste Advisory Committee - 1 vacancy.** At the last meeting, Mr. Reagan Houston was nominated but no vote was taken at that time because the full Board was not present. A vote was taken and the appointment was confirmed unanimously.

**2. Blue Ridge Community College Board of Trustees - 2 vacancies.** Commissioner Edney nominated Luke Rindal and Russell Burrell. Commissioner Ward nominated Jack Tate. Since we have three nominations and only two vacancies, the vote will be taken at the next meeting.

**3. Hospital Board of Trustees - 1 vacancy.** Commissioner Good nominated Jack Tate. Chairman Kumor nominated George Waechter. Commissioner Edney nominated Barry Wilson. Since we have three nominations and only one vacancy, the vote will be taken at the next meeting.

**4. Jury Commission - 1 vacancy.** Chairman Kumor reminded the Board that Blanche Grace has graciously stated that she is willing to continue to serve, if nominated. Commissioner Good nominated Mrs. Grace. Commissioner Good made the motion to suspend the rules and reappoint Mrs. Grace. All voted in favor and the motion carried.

**5. Library Board of Trustees - 2 vacancies.** Commissioner Edney nominated Louise Bailey and Richard Brown to succeed themselves. Commissioner Eklund made the motion to suspend the rules and reappoint Mrs. Bailey and Mr. Brown. All voted in favor and the motion carried.

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**6. Social Services Board - 1 vacancy.** There were no nominations at this time so the item was rolled to the next meeting.

**7. Youth Services Advisory Committee - 2 vacancies.** Commissioner Good nominated Susan Diegan. Commissioner Edney made the motion to suspend the rules and appoint Ms. Diegan. All voted in favor and the motion carried. One vacancy was rolled to the next meeting.

#### IMPORTANT DATES

Chairman Kumor reminded the Board of a Public Hearing the State is holding Wednesday evening (April 5) at 7:00 p.m. at Rosa Edwards Auditorium. This is a hearing on Watershed regulations.

Chairman Kumor reminded the Board of the May 3 Legislative Briefing in Raleigh. Each Board member should inform the Clerk as to whether they plan to attend so arrangements can be finalized.

David Thompson asked for a Public Hearing to be set for road names. Commissioner Edney made the motion to set a Public Hearing on the naming of public and private roads for May 1 at 7:00 p.m. All voted in favor and the motion carried.

Chairman Kumor reminded the Board that on Wednesday, April 19, we will be hosting a meeting of the North Carolina Association of County Commissioners, for Districts 15, 16, and 17.

#### MUD CREEK WATER & SEWER DISTRICT

Commissioner Edney made the motion for the Board to go into the Mud Creek Water and Sewer District. All voted in favor and the motion carried.

Commissioner Edney made the motion for the Board to go out of the Mud Creek Water and Sewer District. All voted in favor and the motion carried.

#### CLOSED SESSION

Commissioner Good 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

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

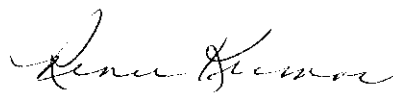
3. (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

There being no further business, the meeting was adjourned at approximately 12:30 a.m.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Renee Kumor, Chairman

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