

**MINUTES****STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS  
MARCH 15, 1995**

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

Those present were: Chairman 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.

Also present were: Finance Director Carey McLelland and Planning Director Matt Matteson.

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 Edney led the Pledge to the American Flag.

**INVOCATION**

Rev. Harold McKinnish, Interim Paster at Balfour Baptist Church, gave the invocation.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Kumor, upon recommendation by counsel, cancelled the scheduled Public Hearing for the purchase and sale of Lots 3A and 4A of the Appleland Business Park.

David Thompson requested one item to be added to Discussion Items as "J-I" Soil procurement for the county landfill.

Commissioner Edney requested one item to be added to Discussion Items as "J-II" Discussion of the plaque for the new courthouse.

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It was the consensus of the Board to approve the additions and deletions as recommended.

**CONSENT AGENDA**

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

CONSENT AGENDA included:

**Review of Minutes** - Minutes were presented for review and approval of the following meetings: January 3, 1995; January 12, 1995; February 2, 1995; February 6, 1995; and February 18, 1995.

**Notification of Vacancies** - The Commissioners were notified of upcoming vacancies for information only. They will appear under "Nominations" on the next agenda:

1. Blue Ridge Community College Board of Trustees - 2 vacancies.
2. Hospital Board of Trustees - 1 vacancy.
3. Jury Commission - 1 vacancy.
4. Library Board of Trustees - 2 vacancies.
5. Social Services Board - 1 vacancy.
6. Youth Services Advisory Committee - 2 vacancies.

**Request for Improvement Guarantees - The Branigar Organization - Champion Hills, Section 11B** - The Branigar Organization had submitted an application for improvement guarantees for road and drainage, water and sewer improvements for Champion Hills, Section 11B. The preliminary plan for this subdivision was approved by the Henderson County Planning Board on May 31, 1994.

The Branigar Organization intends to provide an Irrevocable Letter of Credit from First Citizens Bank in the amount of \$312,435.50 which includes a 25% overhead factor.

**Road Petition - Spring Place Drive and Spring Place Circle** - Henderson County had received two road petitions for addition to the state maintenance system: Spring Place Drive and Spring Place Circle. It is normal practice of this Board to accept road petitions and forward them to N.C. Department of Transportation.

**Henderson County Financial Report** - The January 1995 Financial Report was included for information only.

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**Tax Releases** - A list of fourteen (14) tax release requests were submitted by the County Assessor for approval by the Board of Commissioners.

**Tax Refunds** - A list of seventeen (17) tax refund requests were submitted by the County Assessor for approval by the Board of Commissioners.

INFORMAL PUBLIC COMMENTS

1. George Jones - Dr. Jones stated that this was a propitious time for the County to consider a museum/archives and a center for preserving and displaying the history of Henderson County. He requested the Commissioners to preserve the old courthouse. He also requested the Commissioners consider the building at 400 N. Main (Trust Building) for the history preservation. He suggested a long-term agreement with the Henderson County Genealogical and Historical Society and Henderson County.

2. Marcia Grady - Ms. Grady distributed new government handbooks and stated that they would be on sale at Shermans downtown. These books were printed for the League of Women Voters.

3. Dr. Herb Justus - Dr. Justus stated that East Flat Rock Methodist Church has an idea for use of the old East Flat Rock School property. They discovered a great need in Henderson County for a day care facility as well as a respite center for older citizens. They found that the school annex would be ideal for their purpose. They would also be willing to take over the park area and keep it in shape for use by the whole county.

Chairman Kumor stated that Mr. Jones and Mr. Justus have both spoken regarding issues that will be covered later in the agenda. Their proposals were included as part of the agenda packet. After the packets were put together, the Board received an additional proposal from Mr. Cater Leland which was also included.

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

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

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Angela Skerrett informed the Board that the public hearing was held pursuant to NCGS 158-7.1 to consider the renewal of the Option which the County has for the development of the Appleland Business Park. The County has partially exercised the Option and purchased the Roadway, the Park Property, Lot 8, Lots 1, 1A, 2, 3 and 4, and two lots to be dedicated to NCDOT for a total acreage purchased of 28.9 acres at the price of \$746,159.54.

The current Option will expire on March 31, 1995. If approved, the renewal will extend the Option for another three month period to expire on June 30, 1995. The price to renew the Option until June 30, 1995 would be the quarterly interest at Nationsbank prime rate of interest determined as of March 10, 1995 on the unpaid portion of the purchase price of \$753,870.46. Nationsbank prime rate was 9.0% which would put the Option payment at \$16,962.09. The payment to renew the Option for an additional three month term is due on March 20, 1995.

**Public Input** - There was none.

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

Commissioner Edney made the motion to renew the Option for an additional three months. All voted in favor and the motion carried.

**REQUEST TO SET A QUASI-JUDICIAL HEARING FOR HIGHLAND LAKE INN AND CONFERENCE CENTER**

Stuart Rohrbaugh informed the Board that the Highland Lake Inn and Conference Center property, located on Highland Lake Road in Flat Rock, was rezoned as an Office and Institutional District (O&I) last year. The applicant, Kerry Lindsey, is now requesting a Special Use Permit to expand the facilities by adding several new buildings and enlarging some existing structures. The Zoning Ordinance allows Conference Centers in an O & I District but only with a Special Use Permit.

At their February 28, 1995 meeting, the Planning Board voted 6-1 to send a favorable recommendation to the Board of Commissioners and grant the Special Use Permit.

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Commissioner Good made the motion to schedule a Public Hearing on this issue for April 3, 1995, at 7:00 p.m. All voted in favor and the motion carried.

COMPREHENSIVE ANNUAL FINANCIAL REPORT  
COMPLIANCE AUDIT REPORT

Carey McLelland, Finance Director, was present to answer any questions the Board might have regarding the reports. The reports had been given out earlier to give the Board ample time to review them.

Following some additional review with questions and answers, Commissioner Good made the motion to approve both the Annual Financial Report and the Compliance Audit Report for FY ended 6/30/94. All voted in favor and the motion carried.

MEALS ON WHEELS FUNDING

Chairman Kumor had received a request from the Henderson County Council on Aging, Inc.

In our budget, under dues and donations, the County gave to the Council on Aging \$15,000 to put toward their "Meals on Wheels" program. In addition, the Board received a request from the Saluda Senior Center that they serve alot of Henderson County residents and asked for a donation to their program to offset the cost for the service they provide to Henderson County residents. Chairman Kumor stated that we did that and asked the Council on Aging to monitor that funding and to take care of that program as the Board's representative to the Saluda Senior Center. The Board had approved \$5,000 to assist the meal delivery in the Saluda area through the Saluda Senior Center. The Saluda Senior Center has been reimbursed \$1,031.27 during the first six months of this fiscal year. This amount included \$900 for meals and \$131.27 to purchase new meal delivery containers.

Liz Barlowe, Executive Director of Council on Aging, requested that the Council on Aging be permitted to spend the excess funding allocated to the Saluda Senior Center on their Meals on Wheels program. They continue to experience an increase in the need for Meals on Wheels. At present, Western Carolina Community Action has maximized it's federal funding and the Council on Aging is accepting all new referrals for home delivered meals.

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David Thompson informed the Board that the requests for meals is up 41%. It was his recommendation that the Board approve the request.

Following discussion, Commissioner Ward made the motion to support the request. All voted in favor and the motion carried.

#### MINING PERMITS

J.R. Stone Sales, Inc. has filed a permit application pursuant to provisions of GS 74-50 of The Mining Act of 1971. On February 24 they applied to the Land Quality Section, Division of Land Resources, P.O. Box 27687, Raleigh, North Carolina for a surface mining permit to commence mining of stone on 37.9 acres located 3 miles northeast of Fletcher near Hoopers Creek Road in Henderson County. David Thompson was informed of this intent by William G. Lapsley & Associates, P.A.

David Thompson wrote a letter dated March 8, requesting that a public hearing be scheduled in Henderson County to hear the details of the request by J.R. Stones Sales, Inc. He requested that the surrounding property owners have a chance to have their concerns addressed and to provide information to the Board of County Commissioners on this proposed operation.

David Thompson also reviewed a permit application by B.V. Hedrick Gravel and Sand Company to commence mining of stone on 102 acres located 5 miles south of Hendersonville near Red Bird Rd. (SR #1914) in Henderson County. This notice was filed on 2/2/94 and received on 2/3/94. He responded with a letter dated March 10, 1995 stating that under NCGS 74-50, the Chief Administrative Officer for Henderson County should be expressly given the right to offer written comments on an application and request a public hearing. He should have 30 days to do so and it is the operator's responsibility to notify him of those rights. Mr. Thompson stated that the rights of the public and of his office to review the application, make fully informed and relevant comments, and to request a public hearing have been severely infringed by the failure of the operator to provide adequate notice as required by GS 74-50. For this reason, he requested that the Department forward to his office a complete copy of the application, including all information submitted by the developer, so that he can be given adequate opportunity to review the mining plans and determine the potential public impacts of the mining operation. Mr. Thompson wrote, "If based upon my review, I determine that a public hearing

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would accomplish either of the two possible purposes of a public hearing... I will then formally request that the Department reopen for reconsideration the application based upon the failure of the operator to abide by the requirements of GS 74-50, and order that a public hearing be held on the application in Henderson County by the Department". "As the County Manager, it is my responsibility to take any action possible to minimize any potential adverse public impact in Henderson County from any projects, mining or otherwise, public or private."

David Thompson read much of his 3 page letter addressed to the State. It was his opinion that the notice received was inadequate and did not meet the minimum requirements of GS 74-50. The notice did not give him, nor any area property owners, sufficient time to secure a copy of the complete application submitted so that relevant comments based upon the information contained therein could be submitted, nor to determine whether or not a public hearing was desired.

It was the consensus of the Board to send a copy of Mr. Thompson's letter to the Swannanoa Mining Company and to our state elected officials.

#### ANIMAL SHELTER OFFICE CONSTRUCTION CONTRACT

Tom Johnson, Director of the Health Department, requested that the Commission contract with Ken Packard Construction in the amount of \$57,992 for the construction of an addition to the Animal Shelter, and requested a budget revision of an additional \$9,000 to the Animal Shelter capital improvements from the contingency line item.

Tom Johnson stated that this is the low bid from among five local contractors to construct a building for the animal shelter which would provide a reception area, supervisor's office, and staff room, connected to the animal confinement areas by a covered breezeway.

Following discussion, Commissioner Edney made the motion to approve the request including a budget revision, subject to making sure that the Architect Bill O'Cain and the contractor Ken Packard Construction understand what they are getting into. All voted in favor and the motion carried.

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UPDATE ON PENDING ISSUES/REQUEST FOR DIRECTION TO THE CHAIR

**Various requests for uses of surplus property** - Chairman Kumor stated that over the last several weeks and even longer, the Board has received several ideas, suggestions, and requests about what might be done with the various surplus school properties.

Chairman Kumor included East Flat Rock Elementary School because over the years we had heard the East Flat Rock community request that the County develop this site for some sort of community use. Also Dr. Justus had represented the East Flat Rock United Methodist Church with the request that they be allowed to look at developing the site for a day care center.

There has been some discussion on the Trust Building. Dr. Jones has suggested using it as a Historical and Genealogical Society Museum and Archives. Mr. Leland submitted a request to talk about Henderson County Archives.

Bob Ross of Downtown Hendersonville Inc. has requested that they could probably benefit from using the Trust Building as office space as an in-kind contribution because of the line item that rent takes up in their budget.

During budget discussion, the Dispute Settlement Center was interested in space in the old Courthouse. The Board discussed that in lieu of making a donation to them, we give them an in-kind contribution with space and an office located next to the Magistrate in the area that will soon be abandoned by Juvenile Probation.

Chairman Kumor also stated that we were visited by a representative of the Absolute Theatre, asking what would be done with the old superior court room because they were interested in that as a theatre. They were willing to look at any surplus space in the county where they might be able to develop a theatre.

Chairman Kumor felt that it was time to put these items out for discussion.

There was much discussion but it was the consensus that the top priority was the historic (old) courthouse. At the Board Retreat it was agreed that decisions should be made immediately on that



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building. It was the consensus of the Board to begin work sessions to make decisions regarding the historic (old) courthouse.

David Thompson stated that staff would have a proposal back to the Board on the historic (old) courthouse for the April 19 meeting. He will have the Architect present at that meeting. A space needs assessment is the first step in the project.

It was also the consensus of the Board that they liked Dr. Jones' and Mr. Cater Leland's recommendation for the Trust Building but needed more information.

David Thompson discussed the problems the County has had with the Trust Building:

1. a new roof is needed
2. water backs up in the basement, the City's drainage system needs to be reviewed.

It was the consensus of the Board to follow up on the ideas offered for the vacant East Flat Rock Elementary School. It was the consensus that a park area was needed in the East Flat Rock area.

#### **City and County Wastewater Alternatives**

**Joint City\County Engineering Study** - Chairman Kumor stated that the City has approved a contract to go ahead with Mr. Willis and to discuss a comprehensive coordination among options and alternatives with regard to both of our wastewater needs and plans. This agreement and request to work with Mr. Willis was done with a working knowledge of the Commissioners.

David Thompson requested that Mr. Willis forward an Engineering Agreement and Mr. Willis requested that the agreement be a joint agreement but that the billing be handled through the County. The County would in turn bill the City.

Following discussion, Commissioner Eklund made the motion to enter into this joint study. All voted in favor and the motion carried.

**Report on courthouse security** - Commissioner Edney reminded the Board that they had received a recommendation from the Criminal Justice Academy concerning security for the Henderson County Courthouse and courtrooms.

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Security is an issue that must be taken seriously. The Courthouse is a public building that belongs to the citizens of the County and they should have access to it.

It was the feeling of Commissioner Edney that the proposal from the expert at the NC Justice Academy was one extreme while doing nothing would be the other extreme. He recommended a balance of the two.

Commissioner Edney stated that the basic concept is to have a secure area surrounding the main courtrooms. To accomplish that, he suggested a metal detector at the fire door in the main corridor leading to the three big courtrooms and using signage in other areas to attempt to direct the flow of traffic. He suggested using the three entrances. There will be a number of cameras which will be monitored by the control room. There are many panic buttons scattered throughout the office areas in the courthouse.

The report recommended eleven new positions for the Sheriff's Department for security of the new courthouse. Commissioner Edney suggested four new employees and then review personnel needs at a later work session if necessary. David Thompson agreed with Commissioner Edney's suggestions.

It was the consensus of the Board to meet with the Sheriff in a work session setting to review personnel needs.

**Plaque for Courthouse** - Commissioner Edney made the recommendation to have two smaller plaques rather than one large one with everyone's name on it. He suggested one smaller plaque with the current Commissioner names, former Commissioner names, Architect and County Manager. He stated that this would be more of a traditional plaque like people normally put on a new building. Commissioner Edney suggested a separate plaque be placed directly below with the additional personnel names appropriate for recognition.

**Chamber of Commerce Water/Sewer Authority Forum** - Chairman Kumor stated that we have received a letter from the Chamber of Commerce and will be receiving another letter shortly. She specifically asked the Board if they wished to be participants in the evaluation of wastewater disposal alternatives.

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It was the consensus of the Board to be participants and Chairman Kumor planned to send a letter to Bill Lapsley stating the same.

**Human Relations Council** - Chairman Kumor has been approached and made aware that a program exists in Transylvania County. It was requested that the Board of Commissioners authorize a group to pursue such a program and make a presentation to the Board regarding a Human Relations Council for Henderson County.

It was the consensus of the Board that as this program is pursued that it include all people, all races and nationalities.

**Mission Statement** - There was some discussion as to whether the Mission Statement should be rewritten or changed grammatically. It was the consensus of the Board that it be left as is: " **OUR MISSION IS TO GUIDE OUR COMMUNITY TOWARD EXCELLENCE AND COMMITMENT TO OUR ENTIRE CITIZENRY BY GUARANTEEING EQUAL OPPORTUNITIES FOR EACH AND EVERY INDIVIDUAL, NOW AND IN THE FUTURE, BALANCING THE PRESERVATION AND UTILIZATION OF ALL OF OUR RESOURCES.**"

Angela Skerrett spoke briefly concerning a Management Team Project. Each member of the Management Team will go to five departments and hold brainstorming sessions with every employee in that department regarding how we can all better fulfill the mission statement. The information will be collated and then the Management Team will meet jointly with the Board of Commissioners for a brainstorming session concerning implementation.

**CJPA Report** - Commissioner Eklund reported briefly regarding the Criminal Justice Partnership Act Program in Henderson County. He read their Mission Statement: "In keeping with the State's goals of enhancing community-based programs, the mission of the Henderson County Criminal Justice Partnership Board is to develop a county community-based corrections plan and grant application which will enhance the County's ability to meet the requirements of structured sentencing while not compromising public safety or the integrity of the County criminal justice system". The goal of the Board is to hold down prison costs.

**R-40 PUD** - Following discussion, it was the consensus of the Board to pursue this with a definition for PUD's in an R-40 district. The Board directed staff to refer this item to the Planning Board.

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**Summer jobs for youth** - Chairman Kumor asked if the Board wished to respond as a Board or individually regarding support for the summer jobs programs. It was the consensus of the Board for the Chairman to send a letter of support from the Board.

#### PROPOSED RURAL ZONING DISTRICT TEXTS

Matt Matteson informed the Board that at their meeting on January 31, 1995, the Planning Board voted unanimously (8-0) to recommend the proposed RM-1 and RC zoning district texts as well as some other related zoning text amendments to the Board of Commissioners for consideration.

Matt Matteson emphasized the differences between the two zoning districts.

It was the consensus of the Board to set a work session regarding these zoning districts.

#### CLOSED SESSION

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

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 cases of Capital Six and Assoc. v. Henderson County, Case etal v. George Erwin, and Henderson County v. City of Hendersonville.
2. (a)(1) to prevent disclosure of information that is privileged or confidential under NCGS 126-24.
3. (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

**LUNCH** - During Closed Session, the Board ate lunch.

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David Nicholson was not present at the afternoon session of the meeting.

**DRAFT FRENCH BROAD RIVER BASINWIDE WATER QUALITY MANAGEMENT PLAN**

Stuart Rohrbaugh informed the Board that planning staff attended the Public Hearing on the Draft French Broad River Basinwide Water Quality Management Plan at Asheville-Buncombe Technical Community College on February 27, 1995.

This is a watershed based water quality management plan that is being implemented by the NC Division of Environmental Management (DEM). This is the fifth in a series of plans that will be prepared by DEM in all 17 of the state's major river basins over the next 5 years. The plan will be used as a guide by DEM in carrying out it's water quality program duties and responsibilities in the French Broad River Basin. The French Broad plan is due for completion in May of 1995 and will be updated in the year 2000. Permitting is scheduled to occur in August, September, and November of 1995.

Stuart Rohrbaugh stated the primary goals of the DEM's basinwide program are to:

1. identify and restore full use to impaired waters
2. identify and protect highly valued resource waters
3. manage problem pollutants throughout the basin to protect the water quality standards

David Thompson reminded the Board that previously the Board had received an executive summary of this plan. The full report was on file in his office. If the Board wished to comment, it must do so by March 30, 1995.

**ADJUSTMENT OF PLANNING BOARD MEMBER'S TERMS**

At the January 1995, mid-month meeting, the Planning Director presented the Board with several options of how to properly realign the terms of the Henderson County Planning Board to recreate the intended 3 year staggered term system. The item was tabled until questions regarding the actual process of effecting the change were addressed.

Matt Matteson prepared a simple resolution with the guidance of the Institute of Government. The Planning Board subsequently discussed

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and unanimously adopted the resolution at their February 28 meeting. The Resolution asked that the Board of Commissioners adjust the members' terms and offers a specific schedule. Since the offer came from the Planning Board members themselves, according to the Institute of Government, the "three year term" requirement in our ordinance could be circumvented and shorter "interim" terms given.

Commissioner Edney made the motion to adopt the Resolution adjusting the terms of the Planning Board members as proposed. All voted in favor and the motion carried.

There was some discussion of the Board requiring term limits, to get new people with fresh ideas on the boards and committees. Some terms are limited by law already. David Thompson suggested that as the Clerk pulls expiring terms for "Notification of Vacancies" that Angela Skerrett research each board/committee to see what the Board of Commissioners can and cannot do regarding term limits for each board/committee.

Chairman Kumor will send a letter to the staff member of each board/committee to explain the process we will be going through over the next year. Then Angela Skerrett will begin her review immediately.

#### REDESIGNATION OF COURTHOUSE

Angela Skerrett informed the Board that she recently discovered that under NCGS 153A-169, the Board of Commissioners must formally redesignate the site of the Courthouse. Notice of the Board's intention to redesignate must be published once at least four weeks prior to the meeting at which the redesignation will be approved. Staff is therefore requesting permission to publish such a notice on behalf of the Board of Commissioners, that it is the Board's intention to redesignate the site of the County courthouse to the new courthouse site at the April 19, 1995 meeting. A draft notice was reviewed.

Commissioner Good made the motion to give staff permission to proceed with advertising for redesignation of the courthouse site. All voted in favor and the motion carried.

Angela Skerrett also discussed that Adult Probation will be leasing space in the new courthouse. Before the Board can enter into any

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lease they must advertise their intent to enter into the lease ten days in advance. The proposal was to lease 14,040 square feet for an annual amount of \$11,736.

Commissioner Edney made the motion to give staff permission to publish a notice that it is the Board's intent at the April 3 meeting to approve a lease with the State for the space. All voted in favor and the motion carried.

#### **NOMINATIONS**

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

1. **Nursing Home/Domiciliary Home Advisory Committee** - 3 vacancies  
Commissioner Edney nominated Burgan A. Stepp for reappointment and Clara M. Chiaromonte for appointment. Commissioner Good nominated Jimmie Evans for appointment. Commissioner Edney made the motion to suspend the rules and make these three appointments. All voted in favor and the motion carried.

2. **Henderson County Planning Board** - 2 vacancies  
At the last meeting Carolyn Johnson, Ed Ingle, and Chuck McGrady were nominated.

Commissioner Edney made the motion to reopen the floor for additional nominations. All voted in favor and the motion carried. Commissioner Edney nominated Doris Thompson.

Commissioner Good moved that nominations cease. All voted in favor and the motion carried.

The Clerk polled the Board. The two appointees were Carolyn Johnson and Doris Thompson.

3. **Hendersonville City Planning Board** - 1 vacancy  
Commissioner Good nominated Marge Duncan. Commissioner Edney moved that nominations cease. Commissioner Edney made the motion to suspend the rules and appoint Marge Duncan. All voted in favor and the motion carried.

4. **Recreation Committee** - 2 vacancies  
Commissioner Edney nominated Beth Carden and Katharine Adams for reappointment. Commissioner Good made the motion to suspend the

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rules and reappoint both ladies. All voted in favor and the motion carried.

The Board quickly moved to **IMPORTANT DATES** so that Commissioner Edney could be present for the discussion as he had to leave to go to court.

The Board set a work session for March 20 at 7 p.m. to meet with the Sheriff and discuss staff needs for courthouse security. It was the consensus of the Board to also have a brief presentation (work session) on the two new Zoning Districts.

The Board set a Public Input Work Session on EMS for April 10 at 7 p.m.

The Board set a Joint Meeting (work session) with the Recreation Advisory Board for March 27 at 7 p.m.

The Board set a Capital Improvement Program (CIP) work session for May 8 at 7 p.m.

The Board set a Quasi-Judicial Public Hearing for April 3 at 7 p.m. for Highland Lake Inn and Conference Center (application for a special use permit).

**Left Early** - Commissioner Edney left to go to court. The Board resumed discussions of nominations.

**5. Solid Waste Advisory Committee - 1 vacancy**

Commissioner Good nominated Reagan Houston. A vote will be taken at the next meeting, since a full Board was not present.

**6. Fletcher Fire & Rescue Department, Inc.**

A request was received from Fletcher Fire and Rescue for the Board of Commissioners to approve appointment of two individuals to the Local Firemen's Relief Fund. As set forth by North Carolina Bylaws, the Board of Directors of Fletcher Fire & Rescue Dept., Inc. submitted the following names of nominees for approval by the Henderson County Board of Commissioners to fill two additional seats:

Secretary - Terry Bowlin  
Board Member - Greg Garland



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Commissioner Good made the motion to approve the two names as recommended by Fletcher Fire & Rescue. All voted in favor and the motion carried.

PROCUREMENT OF SOIL

David Thompson stated that this is a project where the Board can spend money now to save alot more money at a later time.

Pete Green of Green Construction, has offered the County several acres of soils that are to be removed from a development site in Mills River located approximately five miles from our existing landfill. It would consist of about four feet of soil from several acres.

David Thompson reminded the Board of a problem we have at our current landfill of inadequate good soils for cover. The reason of adding this item at this time is that Mr. Green needs to remove the soils now. He cannot wait until the next Commissioner Meeting.

David Thompson explained that we will have to import clay soil eventually to cap off the landfill. Henderson County submitted a closure plan in 1993 to the State which called for capping the top one acre of the site; however, the State has not responded to this plan and it has not been approved. This is not unusual. The State is operating on an emergency basis. The State could require the cap to extend to the 1991 fill elevation which would mean we would have an actual cap of ten acres.

Soil testing has been done and the soils do meet the requirements we must work with. There are approximately 25,813 cubic yards of suitable soil available. Based on current trucking costs of \$40 per hour and assuming 1.5 trips per hour and a 15 cubic yard load, the approximate cost for trucking these soils to the landfill is \$45,890 or \$1.77 per cubic yard of soil. Pete Green has offered to give the soils to Henderson County.

It was the consensus of the Board to authorize David Thompson to proceed with this offer.

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

ATTEST:

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Elizabeth W. Corn  
Elizabeth W. Corn, Clerk

Renee Kumor  
Renee Kumor, Chairman

RESOLUTION

WHEREAS, Over a period of many years, the expiration date of Planning Board members' terms have, for various reasons, ceased to follow the traditional 3-year staggered terms system whereby in any calendar year, three terms would expire, and

WHEREAS, the Planning Board collectively recognizes the value of having such staggered terms but further understands that to remedy this problem would first require that the Planning Board Ordinance be amended, which, itself requires a public hearing and, could be somewhat cumbersome.

NOW THEREFORE BE IT RESOLVED, that in an effort to simplify the realignment of terms, we the undersigned do hereby request that our respective terms on the Henderson County Planning Board be modified by the Board of Commissioners, prior to their expiration dates, to achieve that purpose.

DULY RESOLVED THIS 28th Day of February, 1995.


ATTEST:

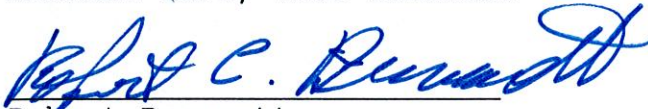
HENDERSON COUNTY  
PLANNING BOARD

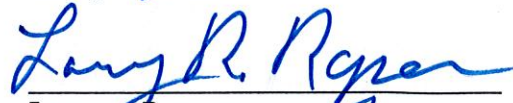
  
Kathleen Scanlan,  
Secretary

  
Walter Carpenter,  
Chairman

  
Michael Case, Vice Chairman

  
Greg Gosnell

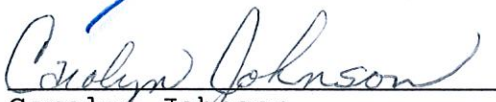
  
Robert Brummett

  
Larry Roper

  
Elizabeth Enloe

  
William Patterson

  
William Moyer

  
Carolyn Johnson - By Consent on March 1/95

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HENDERSON COUNTY  
BOARD OF COMMISSIONERS

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

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

DAVID F. THOMPSON  
COUNTY MANAGER

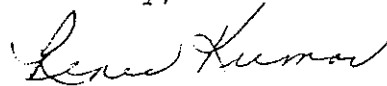
March 15, 1995

Robert Baird, County Tax Assessor  
HENDERSON COUNTY ASSESSOR'S OFFICE  
400 North Main Street  
Hendersonville, N. C. 28739

Dear Mr. Baird:

Attached please find the lists of tax release requests (14)  
and tax refund requests (17) approved at the Henderson County Board  
of Commissioners' Meeting on Wednesday, March 15, 1995.

Sincerely,



Renee Kumor, Chairman  
Henderson County Board of  
Commissioners

RK/ewc

enclosures

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## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Wednesday, March 15, 1995

**SUBJECT:** Tax Releases

**ATTACHMENTS:** Release Report

#### **SUMMARY OF REQUEST:**

The enclosed release requests (14) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These release requests are submitted for the approval by the Henderson County Board of Commissioners.

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Taxpayer Name	Taxbill	Total	Reason
BANKS, BRUCE & WIFE	94A9903292	\$1.62	THERE IS ANOTHER ASSESSMENT FOR THIS PARCEL
BANKS, BRUCE & WIFE	93A9903292	\$5.62	THERE IS ANOTHER ASSESSMENT ON THIS PARCEL
BISCHOFF, GEORGE F III	94A7115.01	\$33.73	BOAT SOLD IN SC
BURGESS, KATHERYN ET AL	94A0500E07	\$109.90	PROP IS ASSESSED W/BUNC CO
DOGGETT, ANN	94A010300E	\$29.55	PART OF LAND BILLED UNDER 0107337
DRECHSLER, BRUCE H DRECHSLER, BARBARA	94A040160E	\$65.29	9.06 ACRES ALSO TAXED IN TRANS CO
DRECHSLER, BRUCE H DRECHSLER, BARBARA	93A040160E	\$69.29	9.06 ACRES ALSO TAXED IN TRANS CO
GODBOLD, B C	94A123329.10	\$140.40	AIRPLANE NOT LOCATED IN CITY
HOLBERT, MARVIN STEPHEN HOLBERT, JULIE	94A93057.02	\$111.14	MH DBL LISTED
HOLBERT, MARVIN STEPHEN HOLBERT, JULIE	92A93057.02	\$102.31	MH DBL LISTED
SHROPSHIRE, TROY EUGENE & DAWN	93A9943454	\$217.60	MH MOVED TO FOLK CO
SHROPSHIRE, TROY EUGENE & DAWN	94A9943454	\$213.60	MH HAS BEEN MOVED TO FOLK CO
SUMMER, MARIANNE JONES SUMMER, CURTIS DWAYNE	92A62331.09	\$99.54	DAL LISTING

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COMMISSIONER'S REPORT 03/15/95  
RELEASES

RELEASE.MNT  
03/06/95

Taxpayer Name Taxbill Total Reason

WILLIAMS, DONALD E  
WILLIAMS, KARYN F

94A84825.01 120.95 DBL ASSESSED-TAGGED VH

TOTAL RELEASES >>> 11219.54

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## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** Wednesday, March 15, 1995

**SUBJECT:** Tax Refunds

**ATTACHMENTS:** Refund Report

**SUMMARY OF REQUEST:**

The enclosed refund requests (17) have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. The supporting documentation is on file in the County Assessor's Office.

These refund requests are submitted for the approval by the Henderson County Board of Commissioners.

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Taxpayer Name	Taxbill	Total	Reason
BAKER, TERRY ARTHUR	92A9928993	\$167.79	MH DBL LISTED AS PERS PROP
BYRUM SEED CO	94A355831.07	\$133.76	EQUIP LISTED IN ERROR
DOGGETT, ANN	93A010300E	\$38.28	PART LAND BILLED UNDER 0107337
DRECHSLER, BRUCE H DRECHSLER, BARBARA	92A040160E	\$65.66	8 ACRES ASSESSED IN TRANS CO
DRECHSLER, BRUCE H DRECHSLER, BARBARA	91A040160E	\$69.66	8 ACRES ASSESSED IN TRANS CO
DRECHSLER, BRUCE H DRECHSLER, BARBARA	90A040169E	\$60.41	8 ACRES IS ASSESSED IN TRANS CO
GASPERSON, JERRY W & WIFE	94A0001089	\$173.40	MH DBL LISTED AS PERS PROP
HEY, ERICH & WIFE	91A0107160	\$120.64	ASSESSED VALUE OVER STATED
HEY, ERICH & WIFE	93A0107160	\$126.99	ASSESSED VALUE OVER STATED
HEY, ERICH & WIFE	92A0107160	\$120.64	ASSESSED VALUE OVER STATED
HEY, ERICH & WIFE	94A0107160	\$126.99	ASSESSED VALUE OVER STATED
HILL, A R ETAL	93A010734E	\$30.60	DOUBLE BILLED UNDER PARCEL 0107337
HILL, A R ETAL	90A010734E	\$26.01	DOUBLED BILLED UNDER PARCEL 011337

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Taxpayer Name	Taxbill	Total	Reason
HILL, A R ETAL	94A0107342	\$31.62	DOUBLE BILLED UNDER 0107337
HILL, A R ETAL	92A0107342	\$29.07	DOUBLE BILLED UNDER PARCEL 0107337
HILL, A R ETAL	91A0107342	\$29.07	DOUBLE BILLED UNDER PARCEL 0107337
VALENTINE, JAMES A	94A90645.01	\$164.58	MH DBL LISTED AS REAL

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