

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
FEBRUARY 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, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, Finance Director Carey McLelland, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Good led the Pledge to the American Flag.

INVOCATION

Bill Clevenger, Prison Chaplain at Blue Ridge Prison Ministry, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Thompson requested that item "G" under consent be pulled and be added to Discussion items as "A-1", Setting of Public Hearing - Purchase and Resale of Lots 3-A and 4-A of Appleland Business Park.

David Thompson also requested that item "A", Comprehensive Annual Financial Report/Compliance Audit Report, be removed from the Consent Agenda.

Commissioner Ward requested that one item be added to Discussion Items as "H-1", Satellite Annexations.

Commissioner Good made the motion to approve the agenda as adjusted. All voted in favor and the motion carried.

CONSENT AGENDA

February 15, 1995

Page 2

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

CONSENT AGENDA included:

Road Petition - The Board had received a petition to add Sweetwater Valley Court to the state maintenance system.

Letter of Support for Henderson County Dispute Settlement Center - The Board had received a letter from the Executive Director of the Henderson County Dispute Settlement Center (HCDSC), Ms. Cynthia Edge-Allen, to continue the efficient operation of their mediation services for the community, an additional part-time staff person is needed. The HCDSC is requesting letters of support concerning their work in the community to accompany their request for an expansion of funds as they approach the 1995 State Legislature.

Request for Extension of Subdivision Improvement Guarantees - Champion Hills, Section 9 (revised) - This was a request by Lapsley & Associates for a 60 day extension of time for the Branigar Organization to complete improvements in Section 9 of Champion Hills. The improvements are guaranteed by an Irrevocable Letter of Credit which expires on March 31, 1995 and were to be completed by January 31 1995. The County Manager has previously authorized reductions in the amount of the Letter of Credit as improvements have been completed and the Board has granted two extensions of time since the initial approval of the improvement guarantee in April of 1994. Upon approval, the developer must provide an amended Letter of Credit with an expiration date at least 60 days after the date set for the completion of improvements. The Board and the developer must also execute an Addendum to the Performance Agreement which reflects the new completion date.

The Branigar Organization has made steady progress on the improvements in Section 9 (revised). If this extension is approved, the time for the construction of improvements in this project will not exceed the two year period allowed by the Land Development Ordinance. Staff therefore recommended that the Board grant this extension, setting a new completion date of April 1, 1995.

Tax Releases - A list of 33 tax release requests was submitted for the Board's approval by the County Tax Assessor. The supporting documentation is on file in his office.

February 15, 1995

Page 3

Tax Refunds - A list of 17 tax refund requests was submitted for the Board's approval by the County Tax Assessor. The supporting documentation is on file in his office.

INFORMAL PUBLIC COMMENTS

Chairman Kumor asked, because of the number of persons signed up to speak, that each person limit their presentation to about three minutes.

1. Rev. Charles Rogers - Rev. Rogers is pastor of the Stoney Mountain Baptist Church in Hendersonville on Highway #25. He spoke in opposition of the satellite annexation that the bowling alley on Highway #25 (Tar Heel Lanes) has requested for the purpose of selling beer. He presented the Board with a petition opposing the Satellite Annexation with 93 signatures.

2. Dutch Burdette - Mr. Burdette is a new city resident, recently having been annexed by the City. He asked when he and his neighbors could expect their tax refunds (due to annexation). David Thompson recommended that Mr. Burdette talk with the County Tax Assessor, Mr. Robert Baird.

3. Rev. Bob Dutton - Rev. Dutton spoke in opposition of the satellite annexation request from Tarheel Lanes.

4. Rev. David Reed - Rev. Reed spoke in opposition of the satellite annexation request from Tarheel Lanes.

5. Patricia Bannister - Mrs. Bannister spoke in opposition of the satellite annexation request from Tarheel Lanes.

6. JoAnn Garrett - Ms. Garrett spoke in opposition of the satellite annexation request from Tarheel Lanes. She resides within 1 1/2 blocks of the bowling alley.

7. Jerry Warren - Mr. Warren spoke in opposition of the satellite annexation request from Tarheel Lanes.

8. Harold Pruitt - Mr. Pruitt spoke in opposition of the satellite annexation request from Tarheel Lanes.

9. Lee Hill - Mr. Hill spoke in opposition of the satellite annexation request from Tarheel Lanes.

February 15, 1995

Page 4

10. Keith Sizemore - Mr. Sizemore spoke in opposition of the satellite annexation request from Tarheel Lanes.

11. David Hully - Mr. Hully spoke in opposition of the satellite annexation request from Tarheel Lanes.

RENEWAL OF INDUSTRIAL PARK OPTION

Angela Skerrett informed the Board that a public hearing must be held as required by NCGS 158-7.1 to consider the renewal of the Option which the County currently has for the development of the Appleland Business Park. The County entered into an option on 69.4 acres of property owned by Cynthia Whitted located at the intersection of Upward Road and the I-26 connector. The total purchase price for this property is \$1,500,000.00. The County has partially exercised the option and purchased the Roadway, the park Property, Lot 8, Lots 1, 1-A, 2, 3, 4 and two lots to be dedicated to NCDOT for a total acreage purchased of 28.9 acres at a price of \$746,159.54.

The current option will expire on March 31, 1995. The renewal would extend the option for another three month period to June 30, 1995. The price to renew the option until June 30, 1995 will be the quarterly interest at the Nationsbank prime rate of interest determined as of March 10, 1995 on the unpaid portion of the purchase price of \$753,870.46. (The remaining acreage to be purchased includes Lot 3-A, 1.8819 acres, Lot 4A, 0.332 acres, Lot 5, 22.3709 acres, Lot 6, 9.6484 acres and lot 7, 6.2508 acres) as the agenda was prepared prior to March 10, 1995, the actual option renewal price is not reflected here. However, Nationsbank prime rate as of February 2, 1995, 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. Therefore, if the board desires to renew the option, it would be appropriate to set a Public Hearing to consider the renewal for Wednesday, March 15, 1995, at 9:00 a.m.

Commissioner Good made the motion to set the Public Hearing for March 15, 1995, at 9:00 a.m. All voted in favor and the motion carried.

SETTING OF PUBLIC HEARING for Purchase and Sale of

February 15, 1995

Page 5

Angela Skerrett informed the Board that Henderson County has received two Offers to Purchase from the Margaret D. McKibbin Revocable Trust. The offers are for Lots 3A and 4A of the Appleland Business Park. The Trust is requesting to purchase this property because these lots are needed to combine with the property previously purchased from the county by the Trust.

The offer for Lot 3A is for an amount of \$49,500. The offer for Lot 4A is for an amount of \$112,500. The County's purchase price for Lots 3A and 4A would be \$6,480.64 and \$36,734.69 respectively. Sale of both lots would therefore result in a net profit to the County of \$118,784.67.

NCGS 158-7.1 requires that a public hearing be held before these lots are purchased from Cynthia Whitted, or sold to the Margaret D. McKibbin Revocable Trust. Staff requested that the Board set a public hearing to consider the purchase of lots 3A and 4A of Appleland Business Park pursuant to the County's Option with Cynthia Whitted, and to consider the sale of Lots 3A and 4A to the Margaret D. McKibbin Revocable Trust, for Wednesday, March 15, 1995 at 9:00 a.m. This can be done in one combined public hearing.

Commissioner Ward made the motion to set the Public Hearing for Wednesday, March 15, 1995 at 9:00 a.m. All voted in favor and the motion carried.

SURPLUS SCHOOL PROPERTIES

David Nicholson informed the Board that the Henderson County Board of Public Education, in its December 6, 1994 meeting, declared two parcels of real property as surplus. These two properties are: 1) Eagle Rest Subdivision: Lot #5 (1.11 acres) located on Jackson Loop Road; and 2) Valley Hill School: (approximately 4 acres) located on South Carolina Avenue with three structures. The proceeds from the sale of property #1 will be returned to the Roughgarden Fund of the Henderson County Education Foundation because the property was acquired for vocational education purposes, which the Roughgarden Fund supports. Valley Hill School was replaced by Atkinson Elementary in the 1980's. The Commissioners have the right of first refusal on any surplus school properties.

Staff had spoken with Superintendent Dan Lunsford concerning these two properties and recommended that the Commissioners do not accept the properties. Should the Commissioners refuse the right to

February 15, 1995

Page 6

secure these properties, they will be sold to the highest bidder. Dr. Lunsford indicated that they have had inquiries on both properties from persons interested in purchasing them.

Following discussions, Commissioner Edney made the motion to table action on these two properties pending any bona fide offers the School Board may receive. All voted in favor and the motion carried.

ENVIRONMENTAL ASSESSMENT for Proposed Naples Connector
(NCDOT Proj. No.1-2001)

Matt Matteson informed the Board that this is an item for comment from the NC Board of Transportation regarding a proposed project. This project is .8 mile, two lane road, proposed to eliminate the problem that the Department of Transportation has perceived with crossing the Southern Railroad between Highway #25 North and Park Ridge Hospital. The project is in its planning stage.

The Highway Department has selected this alternative from three. The County has not taken a position on this nor has our local Transportation Committee. Construction will not begin for approximately two years. The comment period for the Board of Commissioners is intended to close on March 3, 1995, and is intended for environmental assessment of the project. The Board chose not to make any comment on the environmental assessment of the project.

WIDENING OF HIGHWAY #25

Matt Matteson informed the Board that Highway #64 is a similar project. There was only one alternative offered which was to widen Highway #25 to a multi-lane road (four lanes) between the Howard Gap Road and Fruitland Road. There was an environmental assessment done. The Planning Staff has reviewed the assessment and found the project to be in order.

Commissioner Edney suggested that this Board send a letter to NCDOT requesting that they fairly and adequately compensate anyone where the Highway Department takes their property. It was the consensus of the Board to agree with Commissioner Edney's suggestion.

LANDFILL GAS - Remediation Contract

February 15, 1995

Page 7

Angela Skerrett reminded the Board that on January 30, 1995, Henderson County received bids for the installation of the Landfill Gas Wells and a Manifold Collection System. The landfill has been generating Methane Gas which is a common chemical reaction occurring in landfills across the United States. The Board determined that the responsible thing to do would be to remediate the situation. Since receiving bids, staff was approached by Enerdyne Power Systems, Inc. of Charlotte, North Carolina. Enerdyne is in the business of collecting, harvesting, and selling methane gas from landfills.

Enerdyne stated that it would like to evaluate the landfill to determine whether enough methane gas was present to harvest and sell. In exchange for access to the landfill, Enerdyne has stated that it would be willing to completely remediate the migration of methane gas from the landfill property in forty-five (45) days. Henderson County would be responsible for 100% of their actual costs of remediation up to an amount not to exceed \$19,999.00. The arrangement would be similar to that proposed by Cargan Resources, Inc., previously; however, Enerdyne is backed by Detroit/Edison and therefore has the financial capability to perform a long term harvesting of methane gas at the landfill.

Based upon the meeting with Enerdyne Power Systems, Inc., Staff recommended that the Board focus on the immediate remediation of methane gas from the landfill in order to bring the County into compliance with the regulations of the State of North Carolina. This would allow the County more time to evaluate the best long term solution for extracting the methane gas from the landfill. This would also require that the Board reject all bids received on January 30, 1995 and enter into a short term contract with Enerdyne Power Systems, Inc. for the immediate remediation.

Ms. Skerrett handed out a short term contract for review and approval.

Commissioner Edney made the motion to reject all bids and approve the Professional Services Agreement with Enerdyne Power Systems, Inc. All voted in favor and the motion carried.

**AWARD OF TELECOMMUNICATIONS CONTRACT FOR THE HENDERSON
COUNTY COURTHOUSE**

Angela Skerrett informed the Board that Henderson County received bids for the installation of the telecommunications system

February 15, 1995

Page 8

(telephone and computer cabling) in the new courthouse on February 8, 1995 at 2:00 p.m. A summary of the bids was reviewed.

Staff recommended that the bid be awarded to Telephone Systems of Asheville. Staff also recommended that Alternate numbers 1, 2, and 4 be accepted:

#1. Under Base Bid, station cables for voice and fax systems are specified to be category 3. Under alternate proposal, state amount to be added to base bid to provide category 5 outlets, cables, and terminations.

#2. Decrease construction in time from 44 calendar days to 30 calendar days.

#4. Base Bid requires installation at typical workstation to consist of two (2) faceplates - one to be combination "voice" and "fax", the other to be dual "data" outlet. Assume Alternate No.3 to be accepted. State additional amount to be deducted from the Base Bid to delete all jacks, cables and terminations designated as "fax". The remaining jacks at a typical workstation (one "voice" and two "data") may be installed in a single modular faceplate.

Commissioner Edney made the motion to award the Contract to Telephone Systems of Asheville, and to also accept alternates #1, #2, and #4, with cost not to exceed \$110,285.84. Commissioner Edney also added to the motion to declare the bid received from Globe Communications, Inc. of Durham as non-responsive. All voted in favor and the motion carried. Commissioner Edney added that he didn't want staff to get cheap and start cutting corners at this stage of the construction project.

JANITORIAL CONTRACTS

Les Capps, Maintenance Director, reviewed the janitorial bids received with the Board. Janitorial bids were received and opened on Tuesday, February 7, 1995. Concerning the award of the janitorial contracts for the year beginning March 1, 1995 and ending February 29, 1996, Mr. Capps recommended that contracts be awarded as follows:

NEW COURTHOUSE	\$46,000.00	Metroservice
HEALTH DEPARTMENT	\$27,300.00	Praytor Janitorial
COOPERATIVE EXTENSION	\$ 7,800.00	Mophead Janitorial

February 15, 1995

Page 9

PUBLIC LIBRARY	\$20,000.00	Metroservice
ETOWAH BRANCH LIBRARY	\$ 1,872.00	Night Owl
FLETCHER BRANCH LIBRARY	\$ 3,120.00	Mophead Janitorial
JOBS BUILDING	\$ 1,440.00	Happy Housekeeping
LAND DEVELOPMENT	\$ 7,200.00	Metroservice
ANNUAL TOTAL	\$114,732.00	

Mr. Capps also recommended renewing the contract with Something Special for the Administration Building for one year for \$25,288.00.

Commissioner Edney made the motion to approve the contracts as recommended by the Maintenance Director. All voted in favor and the motion carried.

RECORDS DISPOSAL

David Nicholson informed the Board that The Records Retention and Disposition Schedule provides for the disposal of records by Henderson County Departments. A Report of Public Records Disposal for the Board of County Commissioners' approval and a Departmental Records Destruction Log were reviewed in regards to records previously stored in the Assistant County Manager/Personnel Department. The records, date destroyed, and Records Retention Section were noted on the forms.

The disposal of Henderson County Records must be recorded in the official meeting minutes of the Henderson County Board of Commissioners. The above-referenced forms are used to inform the Board of records disposal and verify that the records disposal was conducted appropriately according to the Records Retention and Disposition Schedule. As noted on the attached forms, these records appear to have been disposed of in an appropriate manner.

The Board of Commissioners expressed that they would like to see this before destruction of records rather than after.

Commissioner Eklund made the motion to accept this notification of records destruction:

1. Applications for employment A-Z for years 1991 and 1992.
2. Correspondence/Memorandums related to recruitment (position announcements) for year 1991.

February 15, 1995

Page 10

3. Interviews file for year 1991.
All voted in favor and the motion carried.

LAND DEVELOPMENT ORDINANCE VARIANCE REQUEST
by Curtis Newman, Jr.

Chairman Kumor informed all involved that this will be conducted as a Quasi-Judicial Proceeding.

The Clerk to the Board swore-in the following parties to the proceeding:

Clyde Curtis Newman, Jr., Stuart Rohrbaugh, and Matt Matteson.

Mr. Newman stated that he is asking for a variance on the right of way to a piece of property. He has a twenty foot right of way to said property. He is selling the back 2.26 acres. Mr. Newman has a twenty foot right of way to said pin (he pointed to pin on map). He plans to give a twenty foot right of way back to the 2.26 acres.

The variance would be from the 45 foot right of way that the County Ordinance requires. To give a 45 foot right of way would infringe upon the earth dam at the pond, infringe upon sewer drains, and therefore would be a hardship to him.

Matt Matteson, Planning Director, stated that this request for variance comes under Section 206 of the Henderson County Land Development Ordinance and requires a Planning Board recommendation which they have unanimously made. Mr. Matteson stated that the charge to the Board of Commissioners, as stated in the Land Development Ordinance, is that because of unique conditions peculiar to the site or to accommodate design or flexibility that strict adherence to the provisions would cause unnecessary hardship. If the Board finds that, then they may authorize a variance.

Stuart Rohrbaugh, a Planner with the Henderson County Planning Department, stated that Mr. Newman's property is located off Pace Road. It is in the Blueridge Township. It is located just across the street from Orchard Trace Golf Club.

Since the adoption of the Henderson County Land Development Ordinance in February of 1988, the Board of Commissioners have only

February 15, 1995

Page 11

heard seven variance requests. The last variance request was heard in late December of 1989.

Mr. Newman is requesting to subdivide his 4.96 acre tract into two lots. He is requesting that the Board of Commissioners waive the requirements of section 509 of the Henderson County Land Development Ordinance. Section 509 requires a minimum of 45 foot right of way and 45 foot frontage to each lot. Mr. Newman is asking to extend the existing 20 foot right of way.

Mr. Rohrbaugh showed a short video of the area in question.

Stuart Rohrbaugh stated that at the Henderson County Planning Board meeting of January 31, the Planning Board heard Mr. Newman's variance request and made a unanimous vote to send a favorable recommendation to the Board of Commissioners to waive these requirements and grant the variance request.

All parties were asked if they wished to make Closing Remarks and all declined.

The Board discussed the question of a maintenance agreement on the road. There is nothing proposed. Mr. Newman stated that he and Mr. Lamb have a gentleman's agreement to maintain the road.

Commissioner Eklund made the motion to: (1) grant this variance request based upon the Board's finding that strict adherence to Section 509 would impose an undue hardship in that access requirements or the required 45 foot right of way would infringe upon an earth dam and sewer drain field and (2) to allow Mr. Newman to extend the existing 20 foot right of way across the entirety of his 4.96 acres in lieu of the 45 foot right of way required by Section 509.

All voted in favor and the motion carried.

SATELLITE ANNEXATIONS

This item was an add-on due to the recent request by Tarheel Lanes (bowling alley) for satellite annexation for the purpose of selling alcohol on the premises. Commissioner Ward attended a recent public meeting concerning this issue and he proposed adopting an Ordinance that would prevent the sale of alcoholic beverages within

February 15, 1995

Page 12

2,000 feet of a church, school, recreation center, or day care center within the boundaries of Henderson County.

Matt Matteson had inquired into the status of the annexation of the Tarheel Lanes property into the City of Hendersonville by voluntary satellite annexation and found that the application was at step one in a five step process for the applicant to be able to sell beer and wine at his establishment. The steps are:

- STEP 1: Application received by the City for voluntary annexation.
- STEP 2: Public hearing set by City Council.
- STEP 3: Public Hearing to be held.
- STEP 4: City Council to take action to approve/deny petition. If approved, the annexation area would carry a city zoning classification which would supersede any existing county zoning classification.
- STEP 5: If annexation ordinance is adopted, applicant must apply to the North Carolina Division of Alcohol Law Enforcement for a permit to sell beer and wine.

The City of Hendersonville has recently adopted an internal policy for dealing with such requests for satellite annexation.

Following much discussion, Commissioner Ward made the motion to draft a letter to the City of Hendersonville opposing the Satellite Annexation of Tarheel Lanes on behalf of the county residents. All voted in favor and the motion carried.

It was the consensus of the Board of Commissioners to direct staff to draft an Ordinance preventing the sale and/or consumption of alcohol on property within 2,000 feet of schools, day care centers, and churches due to the public health, safety, and welfare issue and give the Health Department the police power. Staff (Staff Attorney and County Attorney) will research this issue and come back to the Board with suggestions.

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.** No nominations were made so the vacancy was rolled to the next meeting.

February 15, 1995

Page 13

2. Private Industry Council (PIC) - 1 vacancy.

Buddy Frazier was nominated at the last meeting but no vote was taken as there was not a full board in attendance. All voted in favor of the appointment of Mr. Frazier to fill this vacancy.

3. Agriculture Advisory Board - 2 vacancies.

Commissioner Ward made the motion to nominate Theron Maybin and Billy Johnston to serve additional four year terms. Commissioner Edney made the motion to suspend the rules and reappoint these two men. All voted in favor and the motion carried.

4. Board of Equalization & Review - 8 vacancies.

Seven terms expire in March, one vacancy is due to a death. Commissioner Edney made the motion to nominate Charlie Porter to fill the one vacancy due to death and to name R.E. Harmon as Chairman and to renominate R.E. Harmon, Leon Lamb, Doris Saltz and Marvin Smith as regular members and Marlene Conner, Blanche Grace, and Becky King as alternate members. Commissioner Good made the motion to suspend the rules and appoint all the above. All voted in favor and the motion carried.

5. Henderson County Planning Board - 2 vacancies.

Chairman Kumor nominated Chuck McGrady. Commissioner Edney nominated Carolyn Johnson. Commissioner Ward nominated Ed Ingle. A vote will be taken at the next meeting.

6. Hendersonville City Planning Board - 1 vacancy.

There were no nominations so this vacancy was rolled to the next meeting.

7. Recreation Committee - 2 vacancies.

There were no nominations so this vacancy was rolled to the next meeting.

8. Solid Waste Advisory Committee - 4 vacancies.

Commissioner Good made the motion to nominate Thomas Hadley, John Kidd, and Stefan Juchnowycz to succeed themselves. Commissioner Good made the motion to suspend the rules and reappoint all three. All voted in favor and the motion carried. One vacancy was carried over to the next meeting.

IMPORTANT DATES

February 15, 1995

Page 14

The calendar was reviewed. The Board Members were requested to dress casual for the up-coming Board Retreat, February 18 and 19.

An EMS Work Session was scheduled for March 20, 1995 at 7:00 p.m.

April 19, noon to 3:00 p.m. Henderson County will host the North Carolina Association of County Commissioners.

February 28 at noon at Woodfield Inn will be the Longevity Awards to County Employees (luncheon).

RECESS Chairman Kumor adjourned the meeting for lunch. The Board reconvened at 2:00 p.m. for a scheduled Wastewater Worksession.

David Thompson read a draft letter addressed to the City Council from the Board of Commissioners regarding satellite annexation of Tarheel Lanes. Commissioner Ward commended county staff on their prompt action in drafting said letter.

WASTEWATER WORKSESSION

Chairman Kumor announced that since this was a worksession, there would not be public input. Input would be accepted from invited guests to the worksession.

Introduction - Chairman Kumor reviewed the following agenda:

INTRODUCTION

*Statement of Purpose

*Review of Agenda

PRESENTATION OF THE HENDERSON COUNTY WASTEWATER MASTER PLAN

Jim Erwin, Henderson County Utilities Director

PRESENTATION OF THE CITY OF HENDERSONVILLE WASTEWATER TREATMENT PLAN - Chris Carter, City Manager, City of Hendersonville

DISCUSSION AMONG BOARD OF COMMISSIONERS CONCERNING FORMATION OF AN AUTHORITY

GENERAL COMMENTS FROM INVITED SPEAKERS

CLOSING - BOARD DISCUSSION AND DIRECTION

PRESENTATION OF THE HENDERSON COUNTY WASTEWATER MASTER PLAN

February 15, 1995

Page 15

Jim Erwin, Utilities Director, stated that the purpose of the worksession was for staff to receive direction from the Board of Commissioners regarding current and future wastewater issues.

Doyle Freeman of the Utilities Department showed a map of the Mud Creek Water and Sewer District and described the boundaries of same.

The Mud Creek Water and Sewer District was established in 1988 and covers 27,000 acres with 7 miles of sewer line. Its customers include 16 commercial and 100 residences. The commercial customers include Blue Ridge Community College, East Henderson High School and Upward Elementary School. The wastewater is treated at the Hendersonville Wastewater Treatment Plant. Hendersonville has agreed to treat 500,000 gallons per day (gpd) for Henderson County. Henderson County currently discharges 54,000 gpd into the Hendersonville Wastewater System.

Mr. Freeman then showed a map of the Cane Creek Water and Sewer District and described the boundaries of it.

The Cane Creek Water and Sewer District was established in 1981 and covers 4,260 acres with 25 miles of sewer line. The district includes the entire Town of Fletcher. Cane Creek customers include 6 industrial, 37 commercial, and 477 residences. Two of the industrial clients are Steelcase and Ralph Wilson Plastics. Wastewater is treated at the Metropolitan Sewage District (MSD) Wastewater Treatment Plant (WWTP). MSD has agreed to treat 1.35 million gallons per day (GPD) for Henderson County. Henderson County currently discharges 285,000 GPD into the MSD Wastewater System.

THE NEED FOR A WASTEWATER MASTER PLAN

Since the first sections of both the Cane Creek and Mud Creek systems were completed, Henderson County has received requests to extend sewer service to new areas. Henderson County is usually asked to pay all or some of the cost. It was difficult to judge the merits of one project versus another. It was difficult to determine how a project would affect Henderson County's long-term needs. Hendon Engineering was authorized to prepare a Wastewater Master Plan. The Master Plan is now finished.

MASTER PLAN SUMMARY

1. It divides the county into drainage basins.

February 15, 1995

Page 16

2. Based on the topography of each basin, it identifies the locations of all the interceptor sewers which Henderson County will need to construct.

3. Based on the assumptions that the Land Use Plan's growth rate of 19.76% will continue indefinitely and that construction costs will prohibit serving 100% of the population in the foreseeable future, it recommends interceptor sizes needed for flows to the year 2020.

4. Based on the existing population, projected growth rates, topography, and availability of other improvements such as water service and transportation, it identified the Cane Creek and Greater Mud Creek basins as the County's top priorities for sewer service.

5. Based on:

a. the expected long-term cost advantages of a regional approach to providing sewer service, and

b. the excellent relationship between Henderson County and the Metropolitan Sewerage District, and

c. the high cost to construct a Wastewater Treatment Plant, it recommends that Henderson County continue to serve the Cane Creek basin through our existing treatment contract with MSD and it recommends expanding our treatment contract with MSD to include the entire Mud Creek basin.

Serving 100% of the population is unrealistic in the near future because of the high cost of constructing all of the interceptor and collector sewer lines which would be required to capture 100% of the flow. If we aren't going to serve 100% of the population in the Cane Creek and Greater Mud Creek basins by 2020, how many are we going to serve? The Master Plan estimates the county will construct 100 feet of collector sewer line for each new customer and that construction cost will be \$65.00 per foot. Based on this cost, it is projected that the County will average adding 100 new customers each year in each of the County's two districts.

Based on the assumptions that the county will average 100 new customers per year per district and that each new customer will generate 280 gallons of wastewater per day:

* Mud Creek Water and Sewer District will generate an additional 700,000 gpd by 2020.

* Cane Creek Water and Sewer District will generate an additional 700,000 gpd by 2020.

February 15, 1995

Page 17

How much additional wastewater treatment will Henderson County need over and above the 1,850,000 gpd already contracted for?

- * Mud Creek Water and Sewer District will need an additional treatment capacity by the year 2020 of 682,000 gpd.
- * Cane Creek Water and Sewer District will need an additional treatment capacity by the year 2020 of 159,000 gpd.

The total additional treatment allocation needed is 1,100,000 gpd.

RECOMMENDATIONS OF THE HENDERSON COUNTY UTILITIES DEPARTMENT

1. Secure the additional 1,100,000 gpd of treatment allocation from MSD and/or Hendersonville.
2. Concentrate on constructing interceptor and collector sewer lines with Henderson County's limited funds.

IMPLEMENTATION OF THE WASTEWATER MASTER PLAN - Steps to be considered

If Henderson County makes the decision to secure additional treatment capacity from others and to use the County's limited resources to gradually and steadily enlarge the County's interceptor and collector system, the following suggestions should be considered:

1. Move aggressively to protect the integrity of our districts.
2. Secure additional treatment allocation from MSD and/or Hendersonville.
3. Establish a priority list of the areas to be served. (The Master Plan identifies the North Mud Creek, Bat Fork Creek, and Cane Creek basins as the areas of highest priority.)
4. Develop a capital improvement plan (CIP).
5. Secure funding and proceed with construction according to the CIP.

PRESENTATION OF THE CITY OF HENDERSONVILLE WASTEWATER TREATMENT PLAN

Chris Carter, City Manager, stated that he wanted to cover three areas: the history of the project, the current status, and possibly some of the needs of the project as perceived by the City of Hendersonville.

THE HISTORY OF THE PROJECT

In May of 1993, McGill Associates presented a preliminary engineering review for wastewater treatment plant options for the City of Hendersonville. They identified several options, one of

February 15, 1995

Page 18

which was relocation of the wastewater treatment plant to the French Broad River. In August 1993, the City Council authorized the engineering of the project for the French Broad location. In July of 1994, the City signed a real estate purchase contract with a year closure date for a site about 101 acres at the confluence of the Mud Creek and French Broad River. This past fall, the City Council (including several newly elected members) decided to have a peer review done by an outside engineering firm. The results of the engineering review were formally presented in January 1995. About the same time an environmental assessment, completed by a consulting engineer, was amended and completed for state review. The City Council went through the process of selecting a bond underwriter and bond council for a possible revenue bond issue to finance the wastewater treatment plant. On January 11, 1995, the City Council heard from the consulting engineer about some issues raised during the peer review. After deliberation and discussion, it was decided, based on all available information to the city, that proposed siting of a plant at the confluence of the French Broad/Mud Creek was still the best alternative given the present choices. One of the things pointed out at that time was a duplication of flows counted on between the Mud Creek Sanitary Sewer District and that area served by the City of Hendersonville. At that time the size of the plant was reduced from 7 million to 5.5 million gpd.

CURRENT STATUS OF THE PROJECT

It is still under review by the City Council as environmental assessment is examined by the Division of Environmental Management. The public have raised some good questions concerning the project that will have to be answered prior to the public hearing on the NPDES permit. The City's relationship to the County as it relates to this project is defined by the 1986 agreement. In the plant project, the City has included an estimated 2020 flow of 1.2 million gpd which includes the current allotment of 500,000 gallons which is approximately 20% of the designed flow to the new plant. It is the City's intention to forward their plan for review to the County once it is sufficiently developed. The need for the project is basically because of the capacity at the existing plant. The current flow is approaching 90% of the plant's capacity of 3.2 million gpd. Under a DEM rule, when a plant is that close to reaching capacity, plans for some type of expansion must be on file with the Division of Environmental Management to keep from subjecting the City to a moratorium. The French Broad location would open up Henderson County for more gravity sewer in a area

February 15, 1995

Page 19

that seems destined for industrial and commercial development. It would also allow the City to accept, by gravity flow, from the current package plants that are on the Mud Creek between the present site and the confluence of the Mud Creek/French Broad. The current site has some limitations. The net available acreage remains 2 of a 13 acre site and has rock formations that made the last construction difficult and more costly.

Chris Carter stated that the old Board heard most of the evidence for the need for the project and then almost a new Board came on in a crucial time of the process.

There are currently nine active package plants that the City could serve with the new treatment plant.

The County has stated a need for 1.2 MGD by the year 2020.

Mayor Niehoff recommended that the City and the County revisit the 1986 agreement and consider modifying it based on today's environment.

There was discussion regarding annexation and how it would affect water/sewer needs. If the county runs sewer lines and the city annexes, then the city would buy back the sewer lines.

Mayor Niehoff stated that the new plant capacity should be paid for by future customers.

There was much discussion. The problem with I/I (infiltration and inflow) is figured into capacity but the I/I should be cleared up. It would be very expensive to try to eliminate I/I and may not be possible.

MUD CREEK TREATMENT OPTIONS

Jim Erwin stated that the Master Plan recommends Henderson County continue serving the Cane Creek basin through the existing agreement with MSD. He offered the following as options for the Mud Creek District.

The first option would be to divide the Mud Creek into two parts:
I. MUD CREEK SOUTH - the area upstream from the Hendersonville Treatment Plant. Continue to contract with Hendersonville to discharge to the existing plant.

February 15, 1995

Page 20

II. MUD CREEK NORTH - the area downstream from the Hendersonville Treatment Plant. Expand contract with MSD to take wastewater and construct some facilities to transport that wastewater to the MSD system.

Jim offered three different scenarios for facilities to transport the wastewater to MSD:

OPTION A. Transport Mtn. Home Industrial Park flow to MSD.

- 8" collector sewer in park
- 24" interceptor along Mud Creek from park to Naples Bridge
- pump station at Naples Bridge
- 8" force main from Naples Bridge to proposed Naples system at Naples Road

The preliminary estimate of the construction cost is \$1,028,000.

Benefits:

- provides the capacity to serve all of the industries in the park
- provides a crucial section of the 24" North Mud Creek interceptor recommended by the Master Plan
- provides additional revenue for the County
- protects the integrity of Henderson County's Mud Creek District
- makes sewer service feasible for areas which are adjacent to the subject section of Mud Creek

OPTION B. Transport Mtn. Home flow to MSD.

- 8" collector sewer in park
- 8" collector sewer in adjacent residential area
- 24" interceptor along Mud Creek from park to the French Broad
- pump station at confluence of Mud Creek and French Broad
- 10" force main along French Broad from said confluence to the major Cane Creek interceptor

The preliminary estimate of the construction cost is \$2,134,000.

Benefits:

- provides the capacity to serve all of the industries in the park
- provides sewer service to a residential section of Mountain Home

February 15, 1995

Page 21

- provides a crucial section of the 24" North Mud Creek interceptor recommended by the Master Plan
- provides additional revenue for the county
- protects the integrity of Henderson County's Mud Creek District
- makes sewer service feasible for areas which are adjacent to the subject section of Mud Creek

OPTION C. Transport entire Mud Creek North flow to MSD.

- 24" interceptor along Mud Creek from just downstream of the Hendersonville Treatment Plant to the French Broad
- 8" collector sewer in Mtn. Home Industrial Park
- 8" collector sewer in adjacent residential area
- pump station at confluence of Mud Creek and French Broad
- 10" force main along French Broad from said confluence to the major Cane Creek interceptor

Preliminary estimate of construction cost is \$3,259,000.

Benefits:

- provides the capacity to serve all of the industries in the park
- provides sewer service to a residential section of Mountain Home
- provides a crucial section of the 24" North Mud Creek interceptor recommended by the Master Plan
- provides additional revenue for the County
- protects the integrity of Henderson County's Mud Creek District
- makes sewer service feasible for areas which are adjacent to the subject section of Mud Creek

The evaluation of scenarios A, B, and C would include a determination of:

- capacity of downstream sections of the system
- if capacity isn't adequate, cost of upgrades
- availability of MSD treatment & transportation capacity
- applicable MSD charges

In addition to OPTION I - A, B, and C, two additional options were offered for consideration:

OPTION II:

February 15, 1995

Page 22

Henderson County's entire Mud Creek - expand contract with MSD.
Transport entire Mud Creek flow to MSD.

- 24" interceptor from Jackson Park to French Broad River
- 8" collector sewer in Mtn. Home Industrial Park
- 8" collector sewer in adjacent residential area
- pump station at confluence of Mud Creek and French Broad
- 10" force main along French Broad from said confluence to the major Cane Creek interceptor.

Preliminary opinion of construction cost is \$4,454,000.

Evaluation of this option would include determination of:

- availability of MSD Treatments and Transportation capacity
- applicable MSD charges

OPTION III:

Henderson County's entire Mud Creek - expand contract with Hendersonville. Evaluate any offer from Hendersonville.

There was some discussion concerning formation of an authority, pros and cons.

Chairman Kumor opened the floor to comments from invited guests:

Mayor Arthur Harrington, Laurel Park - Mayor Harrington stated that we must work together as an entity and we need to definitely work on a cooperative wastewater system. There is no need for duplicating wastewater systems.

Mayor Bob Parrish, Town of Fletcher - Mayor Parrish stated a need for an authority so that everyone would be involved in the planning state. He stated that if the proposed wastewater treatment plant is built, it would not benefit the residents of Fletcher but they would be asked to contribute to the expense of the plant. He didn't feel that that was fair.

Dixie Blumer, League of Women Voters - Ms. Blumer read a prepared statement. The League supports a joint water/sewer authority.

James Macomson - Mr. Macomson spoke as a concerned citizen of Henderson County. He stated that there were too many variables in the figures presented.

February 15, 1995

Page 23

Tom Looby - Mr. Looby is Chairman of the Hendersonville/Henderson County Citizen's Consolidation Study Group. He recognized Aubry Caruth, who is Chairman of the Public Works Task Force. Mr. Caruth wished to declare three positions:

1. Suggests the formation of a single Joint Water/Wastewater Authority.
2. Opposes final decision until all alternatives are declared and reviewed.
3. Concludes that two facilities are unnecessary and economically unsound and therefore are opposed at this time.

Mel Mausolf - Mr. Mausolf wrote an opinion paper in January on this issue. He spoke of the high percentage of I/I being treated and the expense for that. He also spoke of the overflow that does not get treated but flows into our streams.

Bill Lapsley - Mr. Lapsley is President of the Greater Hendersonville Chamber of Commerce. He stated that the business community is very concerned about this issue as it will affect economic stability of our county. He read names of Board members who expressly wished that they be named as agreeing with the statement/opinion that Mr. Gooch will read on behalf of the Chamber:

David Reeves, Cason Company
Ervin Bazzel, local Attorney
Pat O'Brien, Champion Hills
Bill Altman, Kimberly Clark
Regina Heaton, Heaton Realty
Marion Fall, Treasures Unlimited (Main Street)
Brian Parsons, Investment Counselor
Jim Mayor, P.T. Green Company
Doley Bell, Jr., Carolina Village
Tim Mullinax, local Attorney
Albert Gooch, Kanuga Conference Center
Jim Crafton, Bildon Inc.
Fred Pittillo, Turf Mountain Sod
Robert Beale, Wachovia Bank
Roger Hill, Hill & Associates

Albert Gooch - Mr. Gooch is President-elect of the Chamber of Commerce. He read a prepared statement from the Chamber of Commerce. It was their feeling that we need better long-range planning and system management. They also see the need for an independent water/sewer authority. The members of the Chamber of

February 15, 1995

Page 24

Commerce formally requested that the City of Hendersonville, the Henderson County Commissioners, the Town of Laurel Park, and the Town of Fletcher put all their capital improvement projects related to water and sewer systems on temporary hold. "If we are to provide these services to residences and businesses in an economical and responsible manner, it is our opinion that all of the local governing bodies should get together immediately and work out the details of a new Henderson County water and sewer authority The Chamber of Commerce will be more than pleased to act as a facilitator to expedite this project or to recommend citizens and business persons for appointment."


CLOSING - BOARD DISCUSSION AND DIRECTION

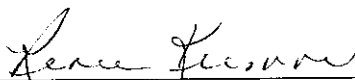
David Thompson stated that staff was looking for direction. He stated that we still need information from the City of Hendersonville. He hoped that the Board will give staff direction in the near future to start looking at different options. He spoke briefly on the authority concept and financing.

Chairman Kumor stated that as the Board works on the CIP, that we will see where this issue fits into priorities.

There being no further business, the meeting was adjourned at 4:50 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


Renee Kumor, Chairman

**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

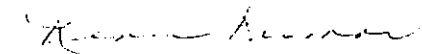
February 24, 1995

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 (33)
and tax refund requests (17) approved at the Henderson County Board
of Commissioners' Meeting on Wednesday, February 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, February 15, 1995

SUBJECT: Tax Releases

ATTACHMENTS: Release Report

SUMMARY OF REQUEST:

The enclosed release requests 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
ANDERSON, PERRY	94037669.07	\$69.36	MH REPO IN 8/93
BLACK, CYNTHIA	92091581.01	\$42.70	MY OWNED AND LISTED BY ACCT 82753
BLACK, CYNTHIA	91091531.01	\$46.21	MH OWNED AND LISTED/CATHY BENJAMIN
BLACK, CYNTHIA	93091581.01	\$69.64	MH OWNED AND LISTED BY ACCT 82753
BREVIARD, JOHN DANIEL BREVARD, PATRICIA STEADMAN	940116887.03	\$186.42	NOT PURCHASED DBL WIDE MH TIL 1/94
BRYSON, JEAN PRAYTOR	9409253.08	\$43.84	MH DBLE LISTED
CROMER, SUZANNE RENE A/K/A LAUGHTER, SUZANNE	94074034.01	\$198.71	MH DBL LISTED
DAVID M KRAEBBER MD D/B/A KRAEBBER, DAVID M MD	94084891.01	\$475.20	OFFICES WERE CLOSED 11/93
DAVIS, RONNIE E DAVIS, CAMELIA	94010679.08	\$23.28	MH MOVED TO RUTHERFORD CTY IN '93
DEMARCO, GORDON DEMARCO, JILL	94092902.07	\$5.62	SOLD UNTAGGED VEHICLE AND MOVED TO BUNCOMBE COUNTY
ELITE FITNESS INC D/B/A POWER WORLD GYM	94075129.01	\$63.98	DIFFERENCE OF ARB ASSESSMENT AND THE AMENDED DEP VALUE
FRAZIER, SALLY C	94011515.06	\$19.27	EXEMPT NOT LISTED
HUDSON, THELMA L	940117902.01	\$1.22	68 TT DBL LISTED

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Taxpayer Name	Taxbill	Total	Reason
LAUFFER, ERNA H	94A0108205	\$22.94	SQ FOOTAGE WAS INCORRECT
LOUDERMILK, FLOYD C LOUDERMILK, SHIRLEY M	94A85123.01	\$33.67	BOAT SOLD TO MAN IN COMMERCE, MI
MERRILL, GRETA TERRY	94A82448.01.1	\$49.01	TAXES LISTED IN BUNCOMBE CO
CONNOR, MIKE	93A103039.01	\$33.35	MH DBL LISTED
CONNOR, MIKE	94A103039.01	\$29.34	MH DBLE LISTED
OWEN, LISA	94A91797.01	\$64.66	MH DBL LISTED
OWEN, LISA	92A91797.01	\$40.37	MH DBL LISTED
PAUWELS, JOHN R	94A98596.19	\$31.49	DBL WIDE MH DBL LISTED
RANKIN, CAMERON O & WIFE	94A16107.05	\$41.10	MH IS REAL ON 90609
SHIELDS, DON DOUGLAS LIFFIN, NANCY HAYES	94A100021.01.1	\$25.76	WAS BILLED FOR 2 BY MISTAKE
SHIPMAN, NELLIE P	99A22462.08	\$25.28	MH DBL LISTED
SHIPMAN, NELLIE P	91A22462.08	\$19.32	MH DBL LISTED
SHIPMAN, NELLIE P	90A22462.08	\$16.10	DBL LISTED

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Taxpayer Name	Taxbill	Total	Reason
SHIPMAN, NELLIE P	94A32462.08	\$18.96	MH DBL LISTED
SHIPMAN, NELLIE P	92A32462.08	\$14.86	MH DBL LISTED
SUMMER, MARIANNE JONES SUMMER, CURTIS DMAYNE	94A82331.08	\$78.06	MH DBLE LISTED
TIPTON, TRULA RENEE A/K/A STAPP, TRULA RENEE	94A83510.01.1	\$123.65	DBL LISTED MH FOR '94
VERA VAZQUEZ, AGUSTIN A/K/A VERG, AUSTIN	94A93294.01	\$16.42	MH DBL LISTED
VERA VAZQUEZ, AGUSTIN A/K/A VERG, AUSTIN	93A93294.01	\$16.96	72 MH DBL LISTED
WATKINS, BOBBY R WATKINS, JEAN M	94A59221.07	\$88.33	MH LISTED IN PENNSYLVANIA CO

TOTAL RELEASES >>> \$2586.08

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REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Wednesday, February 15, 1995

SUBJECT: Tax Refunds

ATTACHMENTS: Refund Report

SUMMARY OF REQUEST:

The enclosed refund requests 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
BROWN, ELIZABETH A	94A8435.06	\$39.47	MH WAS SOLD IN '93
CARLAND, WAYNE S CARLAND, CAROLYN G	94A9947970	\$96.00	LAND USED REMOVED IN ERROR
HENSLEY, CHARLES DANIEL & WIFE	94A3754.07	\$42.40	DBLD WIDE WAS DBL LISTED
JAMES, CHARLES ERNEST	94A101565.01	\$76.25	'93 TRAVEL TRLR IS TAGGED RECEIVING MV BILL
JOHNSON, GEORGE R & WIFE	94A9940287	\$17.39	PARCEL MAPPED WITH TOO MANY ACRES
JOHNSON, GEORGE R & WIFE	91A9940287	\$15.97	PARCEL MAPPED WITH TOO MANY ACRES
JOHNSON, GEORGE R & WIFE	93A9940287	\$17.39	PARCEL MAPPED WITH TOO MANY ACRES
JOHNSON, GEORGE R & WIFE	93A9940287	\$15.97	PARCEL MAPPED WITH TOO MANY ACRES
JOHNSON, GEORGE R & WIFE	90A9940287	\$13.97	PARCEL MAPPED WITH TOO MANY ACRES
MCFALLS, CURTIS MCFALLS, JUNE	91A9944246	\$15.30	VALUE OF PARCEL BASED ON WRONG ACREAGE
MCFALLS, CURTIS MCFALLS, JUNE	94A9944246	\$16.20	VALUE ON PARCEL BASED ON WRONG ACREAGE
MCFALLS, CURTIS MCFALLS, JUNE	93A9944246	\$16.20	VALUE OF PARCEL BASED ON WRONG ACREAGE
MCFALLS, CURTIS MCFALLS, JUNE	92A9944246	\$15.30	VALUE OF PARCEL BASED ON WRONG ACREAGE

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Taxpayer Name	Taxbill	Total	Reason
NEAL, THELMA	94A0109744	\$93.00	ABSTRACT FOR EXEMPT NOT RETURNED IN JAN
PINER, TOM A MCFALLS, CURTIS F	94A0701449	\$50.54	'85 TRAILER DOUBLE BILLED
VERA VAZQUEZ, AGUSTIN A/K/A VERG, AUSTIN	92A93294.01	\$12.23	PO ON THIS BILL WHICH IS ALSO ON ACCT 91772
WILSON, LEONARD L	94A0115573	\$23.00	NH TRADED '94 FOR DBLWIDE LISTED AS REAL

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