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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MARCH 7, 1994

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

Those present were: Commissioner J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Finance Director Carey McLelland, and Clerk to the Board Elizabeth W. Corn.

Absent were: Chairman Vollie G. Good, Vice-Chair Renee Kumor, County Manager David F. Thompson, and Staff Attorney Angela M. Skerrett. All four were attending the NACo Conference in Washington, D.C.

CALL TO ORDER/WELCOME

Clerk to the Board Elizabeth W. Corn called the meeting to order and welcomed all in attendance.

ELECTION OF A TEMPORARY CHAIRMAN

Elizabeth Corn opened the floor for nominations.

Commissioner Edney nominated Commissioner McKay. Commissioner McKay nominated Commissioner Edney. There were no other nominations.

The Clerk polled the Board:

Commissioner Edney voted for Commissioner McKay.
Commissioner McKay voted for Commissioner Edney.
Commissioner Randall voted for Commissioner Edney.

Commissioner Edney was elected temporary Chair for the meeting.

PLEDGE OF ALLEGIANCE

Commissioner McKay led the Pledge to the American Flag.

INVOCATION

Harold McKinnish, Interim Pastor of Tuxedo First Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson added #3 to "E" under Consent Agenda; Road Petitions: 3. McElrath Road.

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CONSENT AGENDA

Commissioner Randall 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 approval of the following meetings: December 6, 1993; February 7, 1994; and February 16, 1994.

Tax Release Requests - An accumulation of twenty-two (22) release requests was submitted for the Board's approval. The County Assessor has reviewed each request and supporting documentation is on file in his office.

Tax Refund Requests - An accumulation of four (4) refund requests was submitted for the Board's approval. The County Assessor has reviewed each request and supporting documentation is on file in his office.

Notification of Vacancy - 1 vacancy, due to resignation, on the Henderson County Nursing Home/Domiciliary Home Advisory Committee. This was presented for information only; it will be under "nominations" on the next agenda.

Road Petitions - Three petitions have been received from residents for addition of the following roads to the state maintenance system:

1. Chestnut Lane
2. Mockingbird Drive
3. McElrath Road

Request for Subdivision Improvement Guarantees - Berry Hill Subdivision - W. Rick McFalls has submitted an application for approval of an improvement guarantee for applying gravel to Berry Hill Drive in Berry Hill Subdivision. Mr. McFalls intends to provide a certified check to the County in the amount of \$4,375.00 which includes a 25% overhead factor. A draft agreement was provided.

INFORMAL PUBLIC COMMENTS

1. Bert Browning - Mr. Browning spoke as a representative and resident of Hawthorn Hills. He spoke about a run-off problem from Carriage Park onto his property and neighbors. There was a bad silt problem in November of '93 but the recent rains have produced 2-3 times the washing and silt as the November problem. He wanted to advise the Board of the problem since the Board will be considering the approval of an expansion of Carriage Park in the future.

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Assistant County Manager's Statement

David Nicholson informed all that the County has no responsibility on erosion control, the State does. As county government we need to assist our citizens when they have a problem working with the state or with their neighbors. The County Manager has asked the Planning Director to be meeting with the citizens as well as the State Representatives. Hopefully a report will be ready to present to the Board on March 16 about what has been found.

2. Joe Hope - Mr. Hope also spoke about an on-going problem of silt and washing from the Carriage Park construction. The State has been involved but Mr. Hope feels that their standards are not adequate. Mr. Hope distributed pictures of the mud and washing problem.

PUBLIC HEARING - Rezoning Request to O & I for Highland Lake Conference Center

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

Matt Matteson stated that this is a request to zone a 110 acre site owned by Highland Lake Conference Center, which is presented zone R-40, R-10, R-20, and C-1, to Office & Institutional (O & I). O & I Zoning District allows Conference Centers with conditional uses.

Public Input

1. Kerry Lindsey - Mr. Lindsey is the petitioner and was available to answer questions. He stated that they would like to expand their facilities.

2. Andy Krause - Mr. Krause is the new General Manager at Highland Lake. He just recently moved to the area.

3. Michael Ruff - Mr. Ruff is a neighbor of Highland Lake and wished to see a map so he would know if he will be rezoned with this request. He is directly across the road from part of the Highland Lake property and asked what would be done with the Conference Center property across from him.

Mr. Ruff was satisfied with the intended use of the property across from his property. The rezoning will not affect Mr. Ruff's property.

After some discussion, Commissioner Randall made the motion to close the Public Hearing. All voted in favor and the motion carried.

Chairman Edney announced that no action will be taken on this item until the March 16 meeting.

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PUBLIC HEARING - Purchase of 0.0905 acre parcel and 0.2834 acre parcel of Property of the Appleland Industrial Park

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

David Nicholson reminded the Board that these are two very small pieces of land that are located on Upward Road. The county will deed these two pieces of land to N.C. Department of Transportation. The County's purchase price for the 0.0905 acre parcel is \$9,050.00 and the purchase price for the 0.2834 acre parcel is \$4,567.68.

Public Input - There was none.

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

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

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

David Nicholson reminded the Board that this Public Hearing is regarding the renewal of the option on the land for the Appleland Business Park. Our options are in three month segments. The current option will end at the end of March. Renewal of the option will go through the end of June. The County must pay a quarterly interest rate on the outstanding balance. The payment will be somewhere in the vicinity of \$20,000 - \$25,000.

Public Input - There was none.

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

Chairman Edney stated that action would be taken at the end of the agenda, before the close of the meeting.

SHEPHERD STREET REZONING REQUEST

David Nicholson informed the Board that the request is to schedule a Public Hearing. Request is to rezone two parcels on Shepherd Street from R-15 to I-2. Suggested Public Hearing date was April 4, 1994.

Commissioner McKay made the motion to set the Public Hearing for April 4, 1994 at 7:00 p.m. on the Shepherd Street Rezoning Request. All voted in favor and the motion carried.

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FORECLOSED PROPERTY OF JOHN HEATH & WIFE

Don Elkins informed the Board of an Offer to Purchase from Joseph Huntley in the amount of \$350.00. The bidders currently own no interest in the property and are of no relation to the prior owner. This Offer to Purchase was presented to the Board for proposed acceptance.

After some discussion, Commissioner McKay made the motion to accept the offer and advertise for upset bids. All voted in favor and the motion carried.

BOARD OF EQUALIZATION & REVIEW

Chairman Edney informed the Board that these appointments must be made at this meeting, pursuant to statutes and a local bill.

Commissioner McKay nominated:

R.E. Harmon (as Chairman), Leon Lamb, Glenn Mullinax, Doris Saltz, and Marvin B. Smith as full members. As alternates: Marlene Conner, Blanche Grace, and Becky King. All these individuals have agreed to continue to serve. There were no other nominations.

Commissioner Randall made the motion to suspend the rules and make all eight appointments. All voted in favor and the motion carried.

NOMINATIONS

Due to the absence of Chairman Vollie G. Good and Vice-Chair Renee Kumor, the nominations were rolled to the next Commissioners' meeting scheduled for 9:00 a.m. on Wednesday, March 16, 1994.

1. Motor Vehicle Valuation Review Board (MVVRB) - 1 vac. (alternate)
2. Hendersonville Zoning Board of Adjustment - 1 vac. (alternate)
3. Henderson County Zoning Board of Adjustment - 1 vac. (alternate)
4. Nursing Home/Domiciliary Home Advisory Committee - 1 vac.
5. CBA Task Force - 2 vacancies
6. Hendersonville City Planning Board - 3 vacancies
7. Henderson County Industrial Facilities & Pollution Control
8. Nursing Home/Domiciliary Home Advisory Committee - 3 vac.
9. Recreation Committee - 2 vac.
10. Solid Waste Advisory Committee (SWAC) - 11 vac.
11. Local Emergency Planning Committee (LEPD)

IMPORTANT DATES

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The Calendar of Important Dates was reviewed. David Nicholson informed the Board that on the afternoon of March 16 from Noon to 2:00 p.m. would be the Annual Employee Service Award's Luncheon.

David Nicholson discussed the scheduled joint meeting of City and County Governments regarding annexation. Mr. Nicholson informed the Board that this must be a Special Called Meeting.

David Nicholson announced, for public information, that the Grand Opening/Ribbon Cutting Ceremony for the Materials Recovery Facility (MRF) will be this coming Saturday, March 12 at 10:00 a.m. This will be at the corner of Sugar Loaf Road and Ridge Road.

The Watershed Work Session originally scheduled for 7:00 p.m. on March 10 has been rescheduled for 7:00 p.m. on March 21.

Commissioner McKay made the motion to call a special meeting of the Board of Commissioners for March 10 at 6:00 p.m. at City Hall to discuss Annexation. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT

The Board adjourned as the Henderson County Board of Commissioners and convened as Cane Creek Water & Sewer District.

The Board adjourned as the Cane Creek Water & Sewer District and reconvened as the Henderson County Board of Commissioners.

ACTION

Purchase of 0.0905 Acre Parcel and 0.2834 Acre Parcel of Property of the Appleland Industrial Park.

Chairman Edney opened the floor for motions. Commissioner McKay made the motion to approve this purchase as presented. All voted in favor and the motion carried.

Renewal of the Option to Purchase 69.4 Acres of the Appleland Business Park.

Commissioner Randall made the motion to approve the renewal of this Option as presented. All voted in favor and the motion carried.

EXECUTIVE SESSION

Commissioner McKay made the motion to go into Executive Session as allowed under General Statute 143-381.11 to discuss the following matters:

A. To consult with the County Attorney to the extent that confidentiality is required.

Taxpayer Name	Taxbill	Total	Reason
HOXIT, CHRIS E	93A80093.08*R	\$45.00	89*FORD 1FA8F42E4KF143415 WAS TAGGED AND BILLED 93VBXL5891
HUNTER, DAVID R	93A58204.01*R	\$17.95	82*VOLVO WAS SOLD IN 1992
MCCOY, JOHN D MCCOY, ELIZABETH R	94A9944703.1*R	\$142.13	7.45A SHOULD NOT HAVE BEEN INCLUDED IN ROLLBACK BILL FOR 1992
MCCOY, JOHN D MCCOY, ELIZABETH R	94A9940764.1*R	\$142.13	7.45A SHOULD NOT HAVE BEEN INCLUDED IN ROLLBACK FOR 1991
MCCOY, JOHN D MCCOY, ELIZABETH R	94A9947658.1*R	\$142.13	7.45A SHOULD NOT HAVE BEEN INCLUDED IN ROLLBACK BILL FOR 1993
RHODES, DONALD	91A0102050.2*R	\$54.60	DISCOVERY BILL GENERATED IN ERROR
RHODES, DONALD	91A0102050.1*R	\$53.90	DISCOVERY BILL GENERATED IN ERROR
SPRINT COMMUNICATIONS CO.	93A70791.12*R	\$0.31	NEW CERTIFICATION ISSUED BY THE DOR
SPRINT COMMUNICATIONS CO.	93A70791.07*R	\$0.59	NEW CERTIFICATION ISSUED BY THE DOR
SPRINT COMMUNICATIONS CO.	93A70791.06*R	\$0.63	NEW CERTIFICATION ISSUED BY THE DOR
SPRINT COMMUNICATIONS CO.	93A70791.05*R	\$0.56	NEW CERTIFICATION ISSUED BY THE DOR
SPRINT COMMUNICATIONS CO.	93A70791.01*R	\$0.96	NEW CERTIFICATION ISSUED BY THE DOR
SPRINT COMMUNICATIONS CO.	93A70791.19*R	\$30.86	NEW CERTIFICATION ISSUED BY THE DOR

*approved
3/7/94
ewc*

Taxpayer Name	Taxbill	Total	Reason
STRICKLAND, CLAY STRICKLAND, GRACE	91A9943144*R	\$215.27	THIS PARCEL IS INACTIVE IT IS ASSESSED UNDER 04-01536
STRICKLAND, CLAY STRICKLAND, GRACE	92A9943144*R	\$214.37	PARCEL IS INACTIVE ASSESSED UNDER 04-01536
STRICKLAND, CLAY STRICKLAND, GRACE	93A9943144*R	\$219.28	PARCEL IS INACTIVE ASSESSED UNDER 04-01536
WILLIS, SHIRLEY	92A9927909*R	\$2.04	BLDG WAS INCLUDED IN ASSESSMENT IN ERROR
WILLIS, SHIRLEY	90A9927909*R	\$1.80	BLDG WAS INCLUDED IN ASSESSMENT IN ERROR
WILLIS, SHIRLEY	93A9927909*R	\$2.16	BLDG WAS INCLUDED IN ASSESSMENT IN ERROR
WILLIS, SHIRLEY	91A9927909*R	\$2.04	BLDG WAS INCLUDED IN ASSESSMENT IN ERROR
WINER, DWIGHT & WIFE	92A0401533*R	\$23.38	LAND RECORDS HAS BEEN UNABLE TO MAP THIS PARCEL. DEED CHAIN IS POOR. FILE KEPT IN LAND RECORDS
WINER, DWIGHT & WIFE	93A0401533*R	\$20.52	LAND RECORDS HAS BEEN UNABLE TO MAP THIS PARCEL. DEED CHAIN IS POOR. FILE KEPT IN LAND RECORDS

TOTAL RELEASES >>> \$1332.61

Taxpayer Name	Taxbill	Total	Reason
ASHBURN, JAMES C ASHBURN, HOPE T	93A9943783*F	\$16.98	84*NISS WAS TAGGED AND BILLED FROM DMV TAPE
LAND, ROY LAND, LIB	93A71206.02*F	\$8.19	72*TRAVEL TRAILER WAS DBL LISTED TO ACCT 51846
MERRILL, LARRY W MERRILL, RUBY B	93A9935674.1*F	\$70.26	USE VALUE DEFERMENT ROLLBACK SHOULD NOT HAVE BEEN CREATED. STILL FARMING LAND
WASHINGTON, DIANA	93A32140.01*F	\$4.28	TRADED 27*MERC FOR \$1*TOYT WHICH IS TAGGED AND BILLED

TOTAL REFUNDS >>> \$99.71

*approved
3/7/94
ewc*

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B. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.

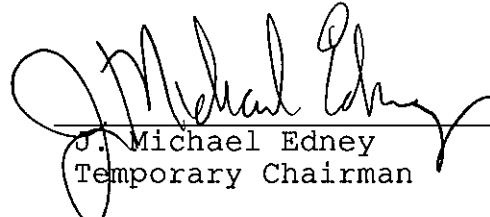
All voted in favor and the motion carried.

Commissioner McKay made the motion to go out of Executive Session. All voted in favor and the motion carried. No action was needed.

Chairman Edney adjourned the meeting at 8:45 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney
Temporary Chairman