MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS FEBRUARY 16, 1994

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 Vollie G. Good, Vice-Chair Renee Kumor, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Commissioner J. Michael Edney arrived late, during discussion of item "B" under Discussion Items "Proposed Zoning Map Amendment for the Bearwallow Valley Area" at 9:50 a.m.

Also present were Planning Staff: Susan, Karen, and Stuart.

Absent was Assistant County Manager David E. Nicholson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Vice-Chair Kumor led the Pledge to the American Flag.

INVOCATION

Mike Smith, Pastor of Fruitland Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Vice-Chair Kumor requested an addition to the agenda as item "M" Board Training and item "N" Land Use Plan Subcommittee Report.

David Thompson added "O" Champion Hills request and immediately following Discussion/Adjustment of Agenda - Introduction of New Finance Director.

INTRODUCTION OF NEW FINANCE DIRECTOR

David Thompson introduced Carey McLelland to the Board. He has been Assistant Finance Director since January 3, 1994 and was promoted to Finance Director on February 11, 1994. He came to Henderson County from Columbus County. Mr. McLelland is married and has one son.

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CONSENT AGENDA

Vice-Chair Kumor 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 regular meeting on January 19, 1994 and an afternoon Work Session on January 19, 1994.

Tax Release Requests (45)

A list of 45 tax release requests was submitted by the County Assessor for the Board's approval. Supporting documentation is on file in the County Assessor's Office.

Tax Refund Requests (15)

A list of 15 tax refund requests was submitted by the County Assessor for the Board's approval. Supporting documentation is on file in the County Assessor's Office.

INFORMAL PUBLIC COMMENTS

There were none.

PRESENTATION BY MR. RICK ROWE, DIRECTOR OF N.C. DIVISION OF ENVIRONMENTAL HEALTH

Mr. Rowe distributed copies of the Mission Statement for the Division of Environmental Health and read the statement aloud:

"To safeguard life, promote human health, and protect the environment through the practice of modern environmental health science, the use of technology, rules, public education, and above all, dedication to the public trust."

He introduced persons from the regional office in Asheville who work this section of the State:

Regional Manager for DEHNR - Nan Guthrie

Members of the Division who work out of the Asheville/Black Mountain Office:

*Roger Maney - Works on the Grade A Milk Program, does inspections of farms and production facilities that process the milk.

*Stuart Black - On-Site Wastewater Section, works with the local Health Departments, a soil scientist.

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*Harold Saler - Regional Engineer with the Public Watersupply Program.

*Clay Pennington - was not present. He has responsibility for food facilities, swimming pools, and lead investigation.

Mr. Rowe stated that there are four sections in the Division of Environmental Health:

*Public Water Supply Section which works with all of the community water systems throughout the state.

*Public Health/Pest Management Section which works with vector control programs, mosquito programs in the State. They also get involved with rodent control, fly problems, and lice in the schools.

*Environmental Health Services Section. In this section, they have staff who work with Day Care Centers, all the Food & Lodging facilities, Schools, Inspection of public swimming pools, the investigation of elevated blood level in children. *On-site Wastewater Section. They get more comments and questions about this section than any program they have in environmental health. Proper treatment and disposal of waste is monitored to be sure it is done correctly.

One of the individuals who was introduced earlier will go out with the local environmental health specialist, sees that the specialist knows what to do when they go out into the field, tests the specialist on the laws and rules, and then issues an authorization for them to carry out a particular program in the county.

Reviews and evaluations are done to be sure the local health departments are following regulations. Environmental health work usually entails enforcement action. These DEHNR people are mainly interested in seeing that state rules are carried out and carried out uniformly.

There was very much discussion.

An individual was in attendance who wished to address Mr. Rowe. <u>David Corn</u> - Mr. Corn had a prepared statement that he read. He has a complaint with the local health department and the state DEHNR because he can't secure septic tank permits on some properties he owns.

Proposed Zoning Map Amendment for the Bearwallow Valley Area

Karen Collins reminded the Board that at their last meeting they approved the proposed text for the RM-2 district and decided to postpone action on the map until the full Board was in attendance.

Since that time the Planning Department has received a letter from a large property owner (310 acres) who favors the proposed zoning and would like his property included.

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After much discussion, Vice-Chair Kumor made the motion to approve the map as presented. A vote was taken which was defeated four to one.

Commissioner McKay made the motion not to accept the proposed zoning map, but to exclude the three properties marked in pink on the perimeter of the proposed map and the remainder be zoned RM-2.

There was additional discussion and Commissioner McKay withdrew his motion.

Commissioner McKay made the motion to exclude three areas marked in pink on the proposed map, these properties being on the perimeter of the map and zone the remainder of the property RM-2, based on the fact that the Board feels the integrity of the zoning plan is not impacted by excluding these properties. The property owners involved in the excluded properties are:

Eugene Justus
Angela Devore
Pauline & Brownie McCall
Stanley Parker.

All voted in favor and the motion carried.

AMENDMENT TO ZONING ORDINANCE TEXT AMENDMENT FOR O & I DISTRICT REGARDING CONFERENCE CENTERS

Modifications have been made to the definition of a conference center as requested by the Henderson County Board of Commissioners at their February 7, 1994 meeting.

After some discussion, Vice-Chair Kumor made the motion to adopt the proposed amendment to the zoning ordinance as presented. All voted in favor and the motion carried.

REZONING REQUEST TO O & I FOR HIGHLAND LAKE CONFERENCE CENTER

Board action was requested to set a public hearing date to consider a rezoning request regarding this item. After some discussion, Vice-Chair Kumor made the motion to set the Public Hearing for March 7 at 7:00 p.m. All voted in favor and the motion carried.

PROPOSED RURAL CONSERVATION ZONING DISTRICT (RC) TEXT

David Thompson distributed a new draft of the Rural Conservation District (RC) which was approved by the Henderson County Planning Board on November 30, 1994. Modifications shown reflect subsequent changes offered by the original petitioners represented by R.M. Shuffstall, John Humphrey, and Craig Justus, at a meeting with County Planning Staff on February 2, 1994.

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David Thompson stated that this issue had been before the Board for awhile but the Board needed to be sure that any decision would withstand any type of attack to the zoning. Mr. Thompson felt that the Board should go to Public Hearing with a text that they are comfortable with from a planning perspective.

Mr. Humphrey was in attendance and requested that the Board proceed with the Public Hearing immediately. The petitioners have spent 2 1/2 hours revising this amendment with the Planning Staff. Some of the details are not set in stone, they feel they would improve it but do not feel that they are essential to the ordinance.

Attorney Craig Justus addressed the Board briefly on behalf of the petitioners. He understood the Board's concern and desire to refer this amendment back to the Planning Board but felt this should all be handled expeditiously. He requested that this amendment be set for the next meeting of the Planning Board.

By consensus the Board felt that the changes were substantial in the proposed amendment. After considerable discussion, Commissioner McKay made the motion to refer the revised text back to the Planning Board for review and recommendation to the Board within the earliest reasonable time. All voted in favor and the motion carried.

ASSESSMENT BROCHURE

Robert Baird reminded the Board that this is a follow up to the November 18, 1993 Board of Commissioners' meeting. Commissioner McKay requested at that time that the "Making Sense of Your Assessment" brochure be completed in full color and sent to a test group of county employees. Upon the returned questionnaires, problems or comments can be reviewed from the test group.

The brochure has been completed and 5000 units (test group) will be mailed on or about February 18, 1994 along with a questionnaire. The brochures tentatively will be in the hands of all property owners prior to April 1, 1994. Additionally, once the notice is mailed in November, this brochure or another edition will be included as a reminder.

Several members of the Board of Realtors have called Mr. Baird with a positive response to the brochure.

DIGITAL IMAGING PROJECT

Robert Baird informed the Board that on November 18, 1993, requests for proposal (RFP) were mailed. Due date for the RFP was 2:00 p.m., December 10, 1993. The RFPs were opened and read publicly.

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Two vendors replied with an acceptable RFP: Compu-Color, Inc., Imaging Systems, and LandDisc Systems, Cole-Layer Trumble Company.

Mr. Baird recommended that a service contract be awarded to LandDisc Systems Company for the Digital Imaging Project.

Digital Imaging Project includes a photograph of each capital property in the county (35 mm. still color picture). Once the picture is captured, the information will be keyed into the computer by the parcel identification number (PIN). Pictures will be scanned and entered into the computer also.

Commissioner Edney made the motion to approve the Digital Imaging Project service contract with LandDisc Systems. All voted in favor and the motion carried.

JANITORIAL SERVICE

David Thompson informed the Board that we received proposals from nine janitorial firms. The proposals covered the Courthouse, Health Department, the Main Branch of the Public Library, the Etowah Library, Fletcher Library, the Jobs Building, the Trust Building, and the Land Development Building.

Les Capps recommended that we contract with Maintaineers LTD. for these services. Mr. Capps' recommendation was based following his review of the proposals and their references. Their one year contract price is \$63,931 for these buildings.

Commissioner Edney made the motion to approve the contract with Maintaineers Ltd. contingent upon the majority of their employees being local hire and contingent upon review by the Staff Attorney. All voted in favor and the motion carried.

Adoption of Street Names Status of proposed "Burnside Trail"

Susan Sneed requested the Board formally adopt the list of street names. A Public Hearing on the names was held at the February 7, 1994 Board meeting. The Board deferred action until this meeting.

Commissioner McKay made the motion to name list "A" Non-conflicting private streets- New names: Burnside Trail, Horse Shoe Mountain Road, Laurelhurst Drive, Old Cagle Road, and Robin Hill Road as presented. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to name list "B" Non-conflicting Private Streets- Existing names: Chapman Hill Drive, Dale Avenue, Lakemont Cottage Trail, Lakemont Drive, PJ's Place, Randolph Avenue, and Shangrila Lane as presented. All voted in favor and the motion carried.

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Commissioner McKay made the motion to name list "D" Conflicting Private Street- Existing names: Corlin Drive, Hemlock Road, Holland Lane, and Red Bow Lane as presented. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to name list "E" Conflicting State Roads: Camp Windy Wood Road, Cemetery Road, and George Chastain Drive as presented. All voted in favor and the motion carried.

ROAD PETITIONS

Petitions have been received to add the following roads to the state maintenance system (all are in the Sugar Hollow Farm Subdivision):

- 1. Sugar Hollow Road
- 2. Hickory Nut Trail
- 3. Mountain Ash Circle
- 4. Cypress Point

Commissioner Edney made the motion to receive these petitions and forward them to N.C. Department of Transportation for their consideration. All voted in favor and the motion carried.

IMPORTANT DATES

The calendar was reviewed and there was discussion of a Public Hearing which should be set. Commissioner Kumor made the motion to set the Public Hearing on March 7 at 7:00 p.m. for renewal of the Option on the Whitted Property. All voted in favor and the motion carried.

After some discussion, Chairman Good called a special called meeting for March 10 at 7:00 p.m. for a Watershed Work Session.

BOARD TRAINING

Vice-Chair Kumor proposed Board Training for persons interested in serving on our many Boards and Committees. She proposed one session in the spring and one in the fall. This would include a generic orientation and some recruiting.

She would like to work with Angela Skerrett and David Thompson to develop this as soon as possible. She also suggested that the application form be redesigned to include (1) whether an applicant has attended this class, and (2) three references (Henderson County residents).

It was the consensus of the Board that this was a good idea and encouraged Vice-Chair Kumor to proceed.

LAND USE PLAN SUBCOMMITTEE REPORT

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Vice-Chair Kumor informed the Board that the subcommittee has met with the Planning Board and told them that they would call the Steering Committee together to initiate an additional study on some LUGs or other rural initiatives. The subcommittee has a letter prepared and will be sending it out to the Steering Committee very soon. They have met with Bob Carter and will be meeting with the Agriculture Advisory Board February 24. They plan to talk with the Agriculture Advisory Board about the Agriculture Preservation Ordinance. Upon meeting with the Planning Board, they understood that the Planning Board has already enacted a Subdivision Ordinance subcommittee.

Commissioner McKay addressed annexation. He made a motion to ask the Chairman to convey by letter to the City of Hendersonville that the Board of Commissioners be invited to the meetings regarding annexation because of the impact on the entire county. All voted in favor and the motion carried.

It was suggested that we request to be added to the City's Sunshine List to receive agendas of their meetings.

CHAMPION HILLS REQUEST

Matt Matteson had requested that the Board of Commissioners defer consideration of this item until Matt can be present at the meeting. He felt that this could be a more complicated issue than just the physical issue of closing that portion of the road.

GRIER-FRIPP UPDATE ON COURTHOUSE CONSTRUCTION

Alan Antoine, AIA, Architect with Grier-Fripp Associates and Bill Byrnes, Architect's representative/Courthouse project leader were present to address the courthouse project. Mr. Antoine showed a computer generated rendering of the courthouse. The project will be submitted as an entry in the AIA Justice Facilities Review, under the classification of Court type buildings.

Mr. Antoine stated that the contractot, M.B.Kahn, is doing an excellent job and at this point are 33% into the contract of the project. Two change orders have been issued that reflect an additional time of five days and an increased cost of approximately \$14,000. The first floor has been poured in place and 1/3 of the second floor. The contractor has scheduled to pour the second 1/3 of the second floor tomorrow. We are presently on day 159 of the 480 day scheduled contract. The contract is based on calendar days and includes a normal amount of inclement weather and anything judged to be beyond normal, entitles the contractor to additional days.

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The contractor has been paid 16% of the contract amount. The project is presently scheduled to be completed January 1995, subject to further weather delays.

A tour was taken of the Courthouse site, following lunch and Executive Session.

Bill Byrnes stated that all elements of construction have been reviewed, approved, scheduled, and are in process. He does not expect any delays.

EXECUTIVE SESSION

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

- 1. To consult with the County Attorney to the extent that confidentiality is required.
- 2. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.
- 3. To discuss individual nominations.

All voted in favor and the motion carried.

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

ACTION

Commissioner Edney presented a list of persons discussed during Executive Session at the last meeting and this meeting as possible candidates for nominations to fill vacancies. The list will be on file in the Clerk's Office for public review. These names will be considered to fill vacancies at the next meeting.

As there was no further business, the meeting was adjourned following the visit of the courthouse site, approximately 2:45 p.m.

ATTEST:

Clisabeth W. Corn, Clerk Vollie G. Go

Vollie G. Good, Chairman

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02/08/94		REFUNDS

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GIBBS, KENNETH M	93A83690.01*F	\$41.97	BOAT AND TRAILER ASSESSED TOGETHER AS ONE ITEM - VALUED TOO HIGH
HALLBERG, DACK W	93A0100769*F	\$840.58	TAXES WERE INCORRECTLY PAID ON THIS PARCEL BY MORTGAGE COMPANY
HARRISON, JEAN F	93A81777*F	\$37.46	MH WAS LISTED AS AN 38 BUT IS ACTUALLY AN 83
PETTET, MICHAEL D	93A68302.01*F	\$22.20	92*MH VALUED TOO HIGH FOR 93
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WHITTED, CYNTHIA H	98A9982584.3*F	\$64.05	PROPERTY SURVEY SHOWS ACREAGE TO BE 1.03A, NOT 1.44A
I H	98828	\$64.05	PROPERTY SURVEY SHOWS ACREAGE TO BE 1.03A, NOT 1.45A
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251. REPUTE		
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	Taxbill 93A0701980*F	93A0101363*F
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TOTAL REFUNDS >>> \$1405.18

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CIT OF ASHEVILLE, THE	93A0700343*R	\$29.89 PROPERTY OWNED BY CITY OF ASHEVILLE S/B EXEMPT
COOK, MICHAEL G COOK, SANDRA E	93A74875.01*R	\$5.64 LATE LISTED IN ERROR
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DUKE POWER CO	93A9905255*R	\$85.40 SYSTEM OPERATING PROPERTY BILLED
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DUKE POWER CO	93A9906797*R	\$666.12 SYSTEM OPERATING PROPERTY BILLED THROUGH DOR
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DUKE FOWER CO	93A9933876*R	\$372.00 SYSTEM OPERATING PROPERTY BILLED THROUGH DOR
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RLY, RLY,	93A0501508*R	\$36.60	LAND SEGMENTS WERE FRICED INCORRECT CAUSING A DECREASE IN VALUE	
! } —	93A102785.01*R	#105.28	BOAT DBL ASSESSED TO ACCT 24920	
MARTIN, MICHAEL L THOMPSON, MARILYN L	93A9927736*R	\$78.84	FROPERTY WAS DBL ASSESSED	
	93A0109199*R	\$57.95	ACREAGE CORRECTED FROM 6.10 TO 4.20 RESULTING IN LOWER VALUE	
MORGAN, DARRELL & WIFE	93A14095.06*R	. \$13.60	65 MH IS IN LINCOLN, GA SINCE 92	
ORR, BILLY & CHERYL B	93A6820.04*R	# 01.00	TAGGED AND BILLED THRU DMV	
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PRINCE, NINA	89A58880.01*R	\$76.63	84 MH LISTED IN 89 TO ACCT 4322	
SITZER, STANLEY H	93A0106619.1*R	#295.58	PARCEL DBL LISTED TO ACCT 60550	
SKEEN, DOYLENE W & HUSBAND	1	\$23.21	BOAT S/B LISTED TO EX-HUSBAND SKEEN, LAMON - HAS BEEN DISCOVERED	
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