

**MINUTES****STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS  
FEBRUARY 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: Vice-Chair Renee Kumor, Commissioner Hugh D. Randall, Commissioner William McKay, Commissioner J. Michael Edney, County Manager David F. Thompson, Assistant County Manager/Interim Finance Director David E. Nicholson, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Absent were Chairman Vollie G. Good and County Attorney Don H. Elkins.

Also present were: Director of Planning Matt Matteson, and three members of his staff: Susan, Karen, and Stuart.

**CALL TO ORDER/WELCOME**

Vice-Chair Kumor called the meeting to order and welcomed all in attendance.

**PLEDGE OF ALLEGIANCE**

Commissioner Edney led the Pledge to the American Flag.

**INVOCATION**

Commissioner McKay gave the invocation.

**DISCUSSION/ADJUSTMENT OF AGENDA**

David Thompson informed the Board that Angela Skerrett would address item "I" in Don Elkins' absence.

David Thompson added item "K" Request from Mainstay and item "L" Adoption of Upcoming Budget Calendar.

**CONSENT AGENDA**

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

CONSENT AGENDA INCLUDED:

**Request for Public Hearing for Public & Private Road Names**

This was a request to set a public hearing for public and private road names for April 4, 1994.

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Streets tabled from previous meetings, and Property Addressing Report

A list of street names that have been tabled from previous meetings was reviewed: Rock Creek Road West/Capps Road  
East Sunset Drive  
West Sunset Drive

A Property Addressing Report was provided for information purposes. Fifteen (15) Public Hearings have been held on road names so far with 2,070 roads named. Five thousand sixty four street signs have been installed.

Local Emergency Planing Committee (LEPC) ANNUAL REPORT

In compliance with Article VIII, Section 1 of the Henderson County Emergency Planning Committee Bylaws, the Local Emergency Planning Committee submitted a report describing committee activities for the preceding calendar year.

Mr. Thompson noted that Mr. Rocky Hyder has been successful in getting a broad base of representation on this committee. Mr. Thompson felt that this will be an ongoing proactive committee with Mr. Hyder's leadership.

Notification of Vacancies

1. Local Emergency Planning Committee (LEPC) - four additional recommendations from Rocky Hyder. These will appear as "Nominations" at the next meeting.

RESOLUTION - Section 18 Transportation Funding

At the Commissioners' Meeting on January 3, 1994, the Board approved Western Carolina Community Action (WCCA) applying for Section 18 funding. David White, WCCA's Transportation Coordinator, has learned that the Board of Commissioners must formally adopt a resolution stating same.

Staff recommended that the Board formally adopt the proposed Resolution, based on action at the January 3, 1994 meeting.

INFORMAL PUBLIC COMMENTS

There was none.

PUBLIC HEARING - Street Names

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

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Susan Sneed stated that several people had signed up to speak to street names listed under "A" Non-Conflicting Private Streets - New Names.

DeWayne Butcher - Mr. Butcher favored the name Burnside Trail. Mr. Butcher stated that this is an un-named road off of Locust Grove Road. There are six homes, either occupied or soon to be occupied, on the road along with some vacant property. The neighbors have met and initially signed a petition asking for Burnside Trail. One of the neighbors doesn't wish to have the road named at all. One neighbor would like for the road to be named after his family name (the rest of the neighbors felt this was inappropriate). Four of the six families favor the name Burnside Trail.

John Loor - Mr. Loor favored the name Burnside Trail. Mr. Loor stated that three of the four families favoring the name Burnside Trail are in attendance at the meeting.

Andy Williams - Mr. Williams favored the name Burnside Trail.

Susan Sneed stated that she has received a certified letter from Joseph Treadmill. He is the one property owner on the street who would like to have the road named after his family name. He originally signed the petition for Burnside Trail. He was unable to attend the meeting.

Category "E" Conflicting State Road

Vice-Chair Kumor mentioned a letter received from the Gerton Fire Department requesting that a road be named Bearwallow Cemetery Road. This SR # 1598 was listed on our Notice of Public Hearing as Cemetery Road. One person had signed up to speak only if there was opposition to the proposed name.

Phelps Merrell - Mr. Merrell favored Cemetery Road. They were prepared to recommend the name Bearwallow Cemetery Road if the name had to be changed.

Commissioner Randall made the motion to go out of Public Hearing on Street Names. All voted in favor and the motion carried.

VICE-CHAIR's Comments

Vice-Chair Kumor stated that on a Public Hearing, unless action is absolutely necessary, action is not usually taken until the following meeting. This gives the Commissioners time to think about the public comments.

PUBLIC HEARING - Text Amendment to Allow "Conference Centers" in O & I Districts

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

Matt Matteson stated that the petitioner is Mr. Kerry Lindsey, owner of Highland Lake Inn & Conference Center. This area was zoned along with the East Flat Rock rezoning in fall of 1992. His property had different zones, primarily residential with some commercial use. None of the zones would allow him to expand his conference center without making modifications within the zoning ordinance. His request was to amend the Henderson County Zoning Ordinance whereby in all Office and Institutional Districts (O & I) that "Conference Centers" be added as a special use.

Public Input - There was none.

There was discussion of the text, especially regarding the definition of a conference center. Commissioner Edney suggested and it was consensus of the Board to direct staff to be less specific regarding the definition of a conference center.

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

Commissioner Edney recommended that staff rewrite the definition of a conference center, being less specific.

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

Since the definition of a Conference Center will be rewritten, it was decided not to hold this Public Hearing. It will be held at some later date, when the definition of a Conference Center is finalized.

**PUBLIC HEARING - Purchase and Resale of Lot A of the Appleland Business Park**

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

Angela Skerrett informed the Board that this Public Hearing was being held pursuant to N.C. G.S. 158-7.1, to consider the purchase and resale of 0.3 acres, Lot 4A, of the Appleland Business Park. The County's purchase price for the 0.3 acres is \$5,856. The County has received an offer to purchase the same parcel for \$57,000. The purchase price of \$5,856 will be funded by the resale of said 0.3 acres.

The Buyer for Lot 4A intends to combine Lot 4A with Lot 4 for the placement of a hotel. The Buyer anticipates that the hotel when

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completed will employ 11 to 15 employees and will have an approximate tax value of \$2,500,000. Approximate hourly wages will be \$6 per hour.

Angela Skerrett stated that the sale would be subject to the restrictive covenants.

Public Input - There was none.

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

Commissioner McKay made the motion to approve the purchase and resale, subject to Ms Skerrett's receipt of the original signed documents. All voted in favor and the motion carried.

**REQUEST TO SET PUBLIC HEARING FOR THE PURCHASE OF A 0.0905 ACRE PARCEL And A 0.2834 ACRE PARCEL.**

Angela Skerrett informed the Board that the County owns an Option to purchase Lots 5, 6, 7, and 8 of Appleland Business Park, as well as two strips of land, being a 0.905 acre parcel and a 0.234 acre parcel, identified as "Area to be Dedicated to N.C.D.O.T." on Plat Slide 1652 of the Henderson County Registry, entitled "Appleland Business Park".

According to the terms of the Option, the County may not purchase any property within the Park if the purchase leaves a parcel of less than three acres. Recently, the county purchased and conveyed Lots 1, 1A, 1, 3, and 4 of the Business Park, leaving the 0.0905 acre parcel unpurchased. This 0.0905 acre parcel currently interferes with the ability of the recent purchaser of Lot 2 to have full access to Lot 2 along Upward Road. As the 0.0905 acre parcel is to be dedicated to the N.C.D.O.T., Staff felt it would be appropriate for the Board to consider purchasing the 0.234 acre parcel to be dedicated to N.C.D.O.T. at the same time.

Staff requested that the Board set a public hearing on the purchase of both the 0.0905 acre parcel and the 0.234 acre parcel to be dedicated to N.C.D.O.T.

Commissioner McKay made the motion to set the Public Hearing on this purchase within Appleland Business Park for March 7, 1994 at 7:00 p.m. All voted in favor and the motion carried.

**Proposed RM-2 Zoning Text Amendment and Map Amendment for the Bearwallow Valley Area**

Karen Collins informed the Board that on September 27, 1993, the Board of Commissioners had a public hearing on a test amendment to the Zoning Ordinance for the proposed Rural Mixed Use (RM-2)

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District as well as on an amendment to the official zoning map to include a new satellite zoning district for the Bearwallow Valley area.

Work sessions were held on November 15, 1993 and January 19, 1994 to consider the comments made at the public hearing as well as to consider some modifications to the proposed zoning text and map. A revised text with those proposed changes was reviewed briefly.

There was some discussion regarding some wording changes. Commissioner McKay made the motion to approve the text as amended at this meeting. All voted in favor and the motion carried.

Commissioner McKay suggested the map amendment (Bearwallow Valley Zoning) be put on the next agenda (February 16) because of the absence of the Chairman at this meeting.

**TAX COLLECTOR'S REPORT**

Terry Lyda informed the Board that in accordance with G.S. 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, he respectfully submitted the following report:

January, 1994

1993 Total Tax Collector's Charge	\$22,260,746.09
Releases	81,930.33
1993 Collections	<u>19,892,570.94</u>
Unpaid Taxes	2,286,244.82

Percentage collected through January, 1994 - 89.691%

As a point of reference, the percentage collected through January, 1993 was 89.412%.

Advertisement of Tax Liens

Effective January 1, 1985, ch. 1013 (H 1676) amended G.S. 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the courthouse or city hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

It was Mr. Lyda's recommendation to the Board of Commissioners that unpaid Tax Liens be advertised once: on May 16, 1994 (the third Monday). The reasons for his recommendation were: (a) our tax statements sent to the taxpayers telling them that as long as their taxes are paid by April 30, they will not be advertised, and

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(b) the Times-News states that they must have ten full days for preparation of the ads.

Commissioner McKay stated for the record that the Board of Commissioners accept this report and commend Mr. Lyda for a job well done.

#### **REQUEST FROM TREND FOR MEDICAID OUTPOST POSITION**

Liston Smith spoke briefly about the Outreach Services provided at Pardee Hospital, Park Ridge Hospital, Blue Ridge Health Center, and two at the Henderson County Health Department. The main reason they do this is that it is easier access for the residents of the county to get income assistance for their health care.

Trend is a large provider and they would like to utilize an outreach service provider, a half-time position. This position would be funded through medicaid reimbursements. Medicaid reimbursements will pull down the State and Federal monies. The employee will be a DSS employee but will work at the Trend facility.

Ron Metzger briefly discussed Health Care and its possible impact on Mental Health Services. There was much discussion.

Commissioner Edney made the motion to approve the half time position as proposed. All voted in favor and the motion carried.

#### **MONTHLY FINANCIAL REPORT - Henderson County Public Schools**

The Board of Commissioners has requested financial reports from the Henderson County Public Schools. The reports for November and December 1993 were reviewed. A narrative description of each function code was provided for the December report.

#### **HOME Program Funding Availability - 1994**

David Nicholson informed the Board that the Asheville Regional Housing Consortium has notified Henderson County that our planning level for the 1994 Federal HOME funds is \$157,633.00. This amount, should the Board of Commissioners approve the filing of an application, would be available to us for housing activities that benefit low and moderately low income persons. These activities include rehabilitation of owner occupied homes, assisting first time home-buyers, rental assistance, construction of new dwelling facilities and preventing homelessness.

Henderson County last applied for 1992 HOME funds. We received a grant, through the Consortium, of \$143,198.00 to rehabilitate a minimum of seven homes. To accept the 1992 HOME funds, Henderson County was required to pay a portion of the Consortium's overhead

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expenses and contract with a project administrator. Henderson County's share of the Consortium's overhead was \$10,740.00 and our contract with Land-Of-Sky Regional Council amounted to \$21,446.00 Henderson County was required to appropriate \$32,186.00 in the current fiscal year for these expenses.

For the 1994 HOME funds, the overhead expense and administrator's contract are allowable expenses to be paid by the grant. However, a local match is now required. The local match is 25% for rehab activities and 30% for new construction. Should Henderson County apply for our planning allocation of \$157,633.00, a match of \$39,408 would be required. These matching funds would need to be budgeted in Fiscal Year 1994-95.

The deadline for applying for the 1994 HOME funds is February 10, 1994. Staff must have the Board's direction as to whether or not this application should be made. There has been a great deal of interest from both individuals and agencies for the 1992 HOME funds.

Vice-Chair Kumor sees a real need in our community for the use of these funds. She cited the large number of applications received to date for the HOME funds.

Commissioner McKay made the motion to apply to draw down the Home funds of \$157,633.00 with a tentative commitment of local funds of \$39,408 as matching. All voted in favor and the motion carried.

**ARCHITECTURAL SERVICES CONTRACT FOR THE HENDERSON COUNTY TRAVEL & TOURISM BUILDING**

A copy of the Owner and Architect Abbreviated Form of Agreement completed by William Hunter O'Cain, AIA for architectural services associated with the renovation of the Travel & Tourism Building was reviewed. Architectural and renovation costs will be paid out of funds previously borrowed through installment contract financing with Wachovia Bank & Trust Company.

The Staff Attorney, Angela Skerrett, has reviewed this document, and staff recommended approval of the contract.

Commissioner Edney made the motion to approve the contract with William H. O'Cain. All voted in favor and the motion carried.

**FORECLOSED PROPERTY OF GWIN MARTIN**

Angela Skerrett reminded the Board that on January 28, 1994, the notice of offer of property foreclosed for taxes was advertised in the Times News for offer to purchase Lot 10, Section 2, Lake Sheila Subdivision, PIN # 06-00941, by Ramsay Lawson of Saluda, N.C., for the amount of \$1,000.00. We have received a bid deposit check for



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the amount of \$225.00. There have been no upset bids on the subject property as of February 7, 1994, 5:00 p.m.

Commissioner McKay made the motion to accept the bid of \$1,000.00 as presented. All voted in favor and the motion carried.

#### **MAINSTAY REQUEST FOR PERMISSION TO FILE A VOCA GRANT**

Sally Stepp apologized for the quickness of this request. She just learned this morning that the deadline is February 15. They have had less than five hours to ponder and present this request.

Mainstay requested that the Commissioners submit a grant proposal on behalf of Mainstay to the Governor's Crime Commission for Victims of Crime Assistance (VOCA) in the amount of \$44,615. The project title is Community Outreach and the main objective is to open a minimum of two satellite centers within one year and a maximum of five centers within two years.

After some discussion, Commissioner Randall made the motion to approve Mainstay submitting this proposal to the Governor's Crime Commission. All voted in favor and the motion carried.

#### **ADOPTION OF UPCOMING BUDGET CALENDAR**

A proposed calendar was passed around for review "Henderson County FY 1994-1995 Annual Budget Calendar".

After some discussion and review, Commissioner McKay made the motion to approve the hand-out "Henderson County FY 1994-1995 Annual Budget Calendar" as the tentative budget calendar. All voted in favor and the motion carried.

#### **IMPORTANT DATES**

The calendar was reviewed and the Clerk was directed to update the calendar with the two Public Hearing dates set at this meeting. The Budget Calendar should be incorporated also.

#### **CANE CREEK WATER & SEWER DISTRICT**

Commissioner McKay made the motion to adjourn as the Henderson County Board of Commissioners and convene as the Cane Creek Water & Sewer District Commissioners. All voted in favor and the motion carried.

Commissioner McKay made the motion to adjourn as the Cane Creek Water & Sewer District Commissioners and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

100 NORTH KING STREET  
HENDERSONVILLE, N.C. 28792-5097  
PHONE 704/697-4808  
FAX 704/692-9855

VOLLIE G. GOOD  
CHAIRMAN  
J. MICHAEL EDNEY  
HUGH D. RANDALL  
WILLIAM MCKAY  
RENEE KUMOR

DAVID F. THOMPSON  
COUNTY MANAGER

RESOLUTION

Applicant Seeking Permission to Apply for Section 18 funding,  
Enter Into Agreement with the North Carolina  
Department of Transportation to Provide the Necessary Assurances

A motion was made by Commissioner William McKay for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the North Carolina Department of Transportation has received a grant from the U.S. Department of Transportation authorized by Section 18 of the Federal Transit Act of 1991, as amended, to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering funds received through Section 18 of the Federal Transit Act of 1991; and


WHEREAS, Western Carolina Community Action, Inc. hereby assures and certifies that it will comply with the Federal Statutes, regulations, executive orders, the Special Section 13(c) Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the Chairman of the Henderson County Board of Commissioners is hereby authorized to submit a grant application for funding under Section 18 of the Federal Transit Act of 1991, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

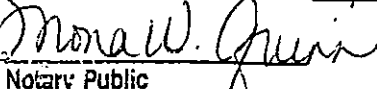
I, Elizabeth Corn, Clerk to the Henderson County Board of Commissioners, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Henderson County Board of Commissioners held on the 7th day of February, 1994.

ATTEST:

  
Elizabeth W. Corn, Clerk to the Board

  
Vollie G. Good, Chairman  
Henderson County Board of  
Commissioners

Subscribed and sworn to me 2/9/94

  
Notary Public

Rt. 2 Box 41  
Horse Shoe NC 28742  
Address

My Commission Expires 4/1/97

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**EXECUTIVE SESSION**

Commissioner Edney made the motion to go into Executive Session as allowed under General Statute 143-318.11 to discuss the following matters:

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

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

C. To discuss individual nominations.

All voted in favor and the motion carried.

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

As there was no further business, the meeting was adjourned at 10:27 p.m. by Vice-Chair Kumor.

ATTEST:

Elizabeth W. Corn  
Elizabeth W. Corn, Clerk

Renee Kumor  
Renee Kumor, Vice-Chair