

MINUTES**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS
DECEMBER 15, 1993**

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 Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager/Interim Finance Director David E. Nicholson, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Edney led the Pledge to the American Flag.

INVOCATION

Todd Freeman, Pastor of Shaws Creek Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was no adjustment to the agenda.

Vice-Chair Kumor again requested that the Board of Commissioners receive a monthly financial report from the School System. Interim Finance Director David E. Nicholson informed Mrs. Kumor that he received the report yesterday. It will be forthcoming to the Commissioners.

Commissioner Edney briefly mentioned the fund balance for the school system, stating that this is a state concern. There is no need for a large fund balance because the school system is not a taxing body. There has been some discussion of this on a state level.

CONSENT AGENDA

Minutes - Minutes were presented for approval of the December 9, 1993 meeting.

Change of Firemen's Relief Fund Trustee/Valley Hill - The Valley Hill Fire Department requested that Wayne Banks replace Carlton Bishop as the Board appointed trustee to the Firemen's Relief Fund.

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Vice-Chair Kumor made the motion to approve the consent agenda as presented. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Steven A. Orr - Mr. Orr had signed up in error. He wished to speak regarding the public hearings for expansion of fire districts.

2. Dale Caldwell - Mr. Caldwell questioned the status of the Bearwallow Valley zoning issue. Chairman Good stated the Commissioners would probably set a work session later in the meeting, during Important Dates, item "G".

3. George Gosnell - Mr. Gosnell spoke briefly regarding some brush and stumps, etc. that are being deposited along the road in Zirconia, near the Tuxedo depot.

Mr. Gosnell was asked to meet the Assistant County Manager in the hall so Mr. Nicholson could get all the details and get an investigation underway regarding this issue.

PUBLIC HEARING - Blue Ridge Fire District Expansion

Commissioner McKay made the motion for the Board to go into Public Hearing on Expansion of the Blue Ridge Fire District. All voted in favor and the motion carried.

Rocky Hyder, Fire Marshal, informed the Commissioners that the Blue Ridge Fire Department wishes to expand their current fire district into the Kenmure, Big Hungry, and I-26 East areas.

N.C. GS 60-25.11 requires the following before a change in district is approved:

1. Application of two-thirds of the property owners of the expansion area.
2. Approval of the Fire Department Board of Directors.
3. A public hearing.
4. Approval of the Board of Commissioners.

Mr. Hyder informed the Commissioners that items 1, 2, and 3 have been done and presented documentation of same. Petitions presented represent 97% of the affected property owners favor the request.

PUBLIC INPUT

1. Steven Orr - Mr. Orr is Real Estate Administrator for Kenmure and spoke in favor of the request.

2. Art Butler - Mr. Butler did not wish to speak.

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

Commissioner Edney made the motion to approve the request for expansion of the Blue Ridge Fire District as presented. All voted in favor and the motion carried.

PUBLIC HEARING - Etowah/Horse Shoe Fire District Expansion

Commissioner McKay made the motion to go into Public Hearing on Expansion of the Etowah/Horse Shoe Fire District. All voted in favor and the motion carried.

Rocky Hyder informed the Commissioners that the Etowah/Horse Shoe Fire Department wishes to expand their current fire district into the Lake Rugby Drive area.

N.C. GS 69-25.11 requires the following before a change in fire district is approved:

1. Application of two-thirds of the property owners of the expansion area.
2. Approval of the Fire Department Board of Directors.
3. A public hearing.
4. Approval of the Board of Commissioners.

Mr. Hyder informed the Commissioners that items 1, 2, and 3 have been done and presented documentation of same. He presented petitions with 75% of the affected property owners favoring the expansion.

PUBLIC INPUT

There was none.

Commissioner McKay made the motion to close the public hearing. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to approve the request to expand the Etowah/Horse Shoe Fire District as presented. All voted in favor and the motion carried.

PUBLIC HEARING - Green River Fire District Expansion

Commissioner McKay made the motion to go into Public Hearing for expansion of the Green River Fire District. All voted in favor and the motion carried.

Rocky Hyder informed the Commissioners that the Green River Fire Department wishes to expand their current fire district into the Kenmure, Pinnacle Mountain Road area.

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N.C. GS 69-25.11 requires the following before a change in fire district is approved:

1. Application of two-thirds of the property owners of the expansion area.
2. Approval of the Fire Department Board of Directors.
3. A public hearing.
4. Approval of the Board of Commissioners.

Mr. Hyder informed the Commissioners that items 1, 2, and 3 have been done and presented documentation of same. He presented petitions with 69% of the affected property owners favoring the expansion.

PUBLIC INPUT

1. Steven A. Orr - Mr. Orr is Real Estate Administrator for Kenmure. He spoke in favor of the proposed expansion of the Green River Fire District which will affect some of the Kenmure residents.

2. Art Butler - Mr. Butler did not wish to speak.

Vice-Chair Kumor made the motion to close the public hearing. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to approve the request to expand the Green River Fire District as presented. All voted in favor and the motion carried.

REQUEST FOR REVIEW OF THE FIRE PREVENTION ORDINANCE

Rocky Hyder, Fire Marshal, presented a draft ordinance for the Board's review. The draft ordinance was a result of a cooperative effort between the Fire Marshal, Staff Attorney, and the Mecklenberg County Fire Marshal. The ordinance is intended to provide consistent regulations regarding Fire Prevention Inspections and the enforcement of these regulations. Mr. Hyder suggested that the Board set a public hearing date regarding the proposed draft ordinance.

After some discussion the Board stated they would set a public hearing during item "G" Important Dates.

WATERSHED MANAGEMENT PLAN

Rocky Hyder informed the Board that to comply with the State mandated water supply watershed rules, a hazardous materials inventory and spill containment plan must be prepared as part of the County's overall Watershed Management Plan. Such plans exist for each respective volunteer fire department which serves a

watershed area. Three of the individual plans were presented under one cover for endorsement by the Board of Commissioners.

The Fire Departments developed these plans with assistance from Rocky Hyder.

This item was received as information only. There was discussion and the Board decided to set a public hearing during item "G" Important Dates.

DELIBERATION ON PROPOSED HENDERSON COUNTY COMPREHENSIVE LAND USE PLAN

Commissioner Kumor and Commissioner McKay made recommendations to the Board as the Land Use Plan Sub-Committee. The committee recommended the adoption of the "Resolution to accept the Henderson County Land Use Plan". In addition they offered a "Resolution of Administration" that directs the county manager to instruct all county departments and commission appointed Boards to reference the Land Use Plan in any decision making action. Finally, they offered a "Resolution of Appreciation" to be sent to all members of the Steering Committee.

They also offered a plan of action for 1994:

1. Create an Agriculture Committee that advises the commission on the long and short term issues of concern to the agricultural community. Issues that may be considered include preservation of farmland, preservation of agriculture as an important part of our economy, and ways that this Commission may work with the agricultural community.

Commissioner McKay stated that this should be a one year advisory committee.

2. Continue the Steering Committee by first consulting with each member to determine the number interested in continuing to work with the Commission. They recommended that for the year 1994, this committee accept one project to explore and report back to the Commission. Their recommendation was that this committee be assigned the task of researching and evaluating LUG's and other alternatives to zoning and to report on how such alternatives fit into or may be incorporated into the Henderson County Land Use Plan.

It was suggested that both of the committees recommended be active for one year and reviewed for further needs, projects, and membership on an annual basis.

Chairman Good read **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION ACCEPTING THE COMPREHENSIVE LAND USE PLAN** in its entirety.

Vice-Chair Kumor read **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION RECOGNIZING THE COMPREHENSIVE LAND USE PLAN STEERING COMMITTEE** in its entirety.

Commissioner McKay read **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION OF ADMINISTRATIVE INTENT REGARDING COMPREHENSIVE LAND USE PLAN** in its entirety.

These three resolutions are included as an attachment to these minutes.

After some discussion, Vice-Chair Kumor made the motion to accept the **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION ACCEPTING THE COMPREHENSIVE LAND USE PLAN**. All voted in favor and the motion carried.

Commissioner McKay made the motion to adopt the **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION RECOGNIZING THE COMPREHENSIVE LAND USE PLAN STEERING COMMITTEE**. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to adopt the **HENDERSON COUNTY BOARD OF COMMISSIONERS RESOLUTION OF ADMINISTRATIVE INTENT REGARDING COMPREHENSIVE LAND USE PLAN** with wording changes as discussed. All voted in favor and the motion carried.

Commissioner McKay made the motion to rescind the 1977 Land Use Plan and any other amendment or supplemental plan thereto and to rescind any Land Use Plan in conflict with the 1993 Land Use Plan adopted at this time. All voted in favor and the motion carried.

METHANE GAS REMEDIATION

David Thompson informed the Board that Staff has been working with Cargan Energy Associates, a Georgia Partnership, to formulate a plan of remediation for the methane gas migration at the Stoney Mountain Road Landfill. Cargan Energy Associates has proposed to Henderson County a mechanism for the remediation which should be cost effective for the County and for Cargan.

Mr. Thompson presented several documents for review as information only. He requested that the Board hold deliberations until staff and Cargan representatives make a formal presentation.

ZONING AMENDMENTS - Various

Matt Matteson reminded the Board of seven "housekeeping" amendments to the Henderson County Zoning Ordinance. These have been discussed and reviewed at earlier meetings. A public hearing on these amendments was held on October 4, 1993.

After some discussion, Commissioner McKay made the motion that the Board of Commissioners adopt these amendments as presented with the corrections discussed this morning. All voted in favor and the motion carried.

AMENDMENT TO ZONING ORDINANCE TEXT - Adding Hotels in Highway Commercial Districts

Matt Matteson presented a request from the Planning Board to amend the Henderson County Zoning Ordinance by adding hotels, motels, and bed and breakfast inns as permitted uses in all C-4 districts. He suggested that the Board might set a Public Hearing on this request.

After some discussion, the Board agreed to set a Public Hearing during item "G" Important Dates.

IMPORTANT DATES

Commissioner Edney made the motion to set a Public Hearing for discussion of the FIRE PREVENTION ORDINANCE and for the C-4 Zoning ORDINANCE TEXT AMENDMENT for January 19, 1994 at 9:00 a.m. in room #209 of the County Administration Building. All voted in favor and the motion carried.

Chairman Good asked the County Attorney questions regarding the possible ownership of a graveyard by Henderson County. The County Attorney stated that he needs to review the deed and the statutes.

A work session was set for Bearwallow Valley Zoning for January 19, 1994 at 2:00 p.m. to immediately follow the previously scheduled work session for Mills River Zoning.

A work session was set for the Water Supply, Watershed Rules and Regulations for December 21, 1993 at 7:00 p.m. Action may be taken at the work session.

Commissioner Edney made the motion to recess until 2:00 p.m. to attend the Annual Employee Christmas Luncheon. All voted in favor and the motion carried.

Chairman Good called the meeting back to order at 2:00 p.m. Vice-Chair Kumor made the motion that the Board send a letter of thanks to the Employee Advisory Committee and a letter of appreciation to the two musicians for their work and success with the Luncheon today. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion that the Board 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.
- B. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.
- 3. To consider a personnel matter.

All voted in favor and the motion carried.

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

Chairman Good reconvened the regular session to receive motions regarding items discussed in Executive Session.

ACTION

Vice-Chair Kumor made the motion to approve the renewal of the Industrial Park Option for an additional three month term to expire on March 31, 1994, at a price of \$22,500.

Commissioner McKay seconded the motion. All voted and the motion carried unanimously.

Vice-Chair Kumor made the motion to approve an addendum to the Industrial Park Option, and to give the Chairman and the Staff Attorney authority to make changes to said addendum prior to its final execution by the Chairman, provided that the changes are not substantial.

Commissioner McKay seconded the motion. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to set a public hearing on January 3, 1994 at 7:00 p.m. to consider the restrictive covenants to be placed on the Industrial Park located on Upward Road.

All voted in favor and the motion carried.

Vice-Chair Kumor made the motion to set a public hearing on January 3, 1994 at 7:00 p.m. to consider the initial exercise of the Industrial Park Option, including the purchase of approximately 2.7 acres of roadway property and the purchase of approximately 16.4 acres of common park area property, the purchase resale of the 5.2 commercial acres having been previously approved at an earlier meeting.

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

**HENDERSON COUNTY BOARD OF COMMISSIONERS
RESOLUTION ACCEPTING
THE COMPREHENSIVE LAND USE PLAN**

WHEREAS, the Henderson County Board of Commissioners in November of 1991 commissioned the preparation of a comprehensive land use plan whose purpose was to study in depth, the land use, transportation, utility and community facility issues which will affect growth and development in the County during the next ten years and beyond, and

WHEREAS, a twenty-two member steering committee was appointed to guide the development of the Plan, such committee composed of Henderson County citizens capable of representing their own unique areas of interest including agriculture, business, industry, environmental protection, retirement, community involvement and local planning, and

WHEREAS, in January of 1993, a land use plan was completed and subsequently presented to the Board of County Commissioners, whereby such plan identified, along with supporting maps and documentation, specific goals and objectives regarding land use in Henderson County, and

WHEREAS, these stated goals and objectives, in addition to all other elements of the Plan, were closely reviewed by the Board of Commissioners during a series of detailed work sessions, whereby in some areas the Plan was modified to more closely reflect the general land use philosophies and positions held by the Board of Commissioners, and

WHEREAS, pursuant to such modifications, the Henderson County Board of Commissioners understands the value of the Land Use Plan as both a vital planning instrument and a resource in decision making for local government officials, for the business, industrial, and agricultural communities, for agencies and utilities, and for the community as a whole, and

WHEREAS, it is understood that growth in Henderson County must be properly directed and that the Land Use Plan addresses the impact of such growth and further provides a future vision of Henderson County and offers strategies of how to achieve that vision, and

WHEREAS, the Board wishes to formally state it's intention to use the Plan as a guide and resource document that is flexible and responsive to Henderson County's future, and that this document initiates an ongoing evaluation process of future opportunities.

NOW THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners, with sincere appreciation and respect for those who contributed to this effort, accepts the 1993 Comprehensive Land Use Plan.

Duly adopted this 15th day of December, 1993.

HENDERSON COUNTY
BOARD OF COMMISSIONERS

Vollie G. Good
Vollie G. Good, Chairman

Renee Kumor
Renee Kumor, Vice-Chair

J. Michael Edney
J. Michael Edney, Commissioner

Hugh D. Randall
Hugh D. Randall, Commissioner

William McKay
William McKay, Commissioner

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn
Clerk to the Board



HENDERSON COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF ADMINISTRATIVE INTENT REGARDING
COMPREHENSIVE LAND USE PLAN

WHEREAS, on December 15, 1993, the Henderson County Board of Commissioners adopted a resolution accepting the 1993 Comprehensive Land Use Plan, and

WHEREAS, it is understood that growth in Henderson County must be properly directed and that the Land Use Plan addresses the impact of such growth and further provides a future vision of Henderson County and offers strategies of how to achieve that vision, and

WHEREAS, the Board wishes to formally state throughout Henderson County Government its intention to use the Plan as a guide and resource document that is flexible and responsive to Henderson County's future,

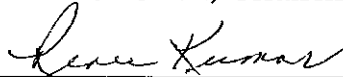
NOW THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners hereby directs the County Manager to make all County Departments aware of the Plan, and directs the manager to set in place administrative procedures ensuring that the Plan is referenced prior to recommendations for action to the Board, and

BE IT FURTHER RESOLVED, that the Henderson County Commissioners direct the County Manager to inform the County's Boards and Committees that are appointed/and or funded by the Commission of the Commissioners desire for this Plan to be referenced during their independent deliberations.

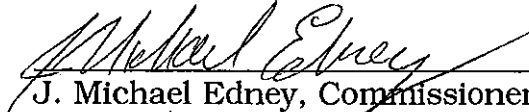
Duly adopted this 15th day of December, 1993.



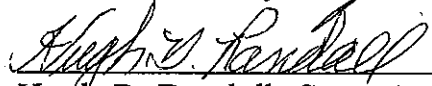
Vollie G. Good, Chairman



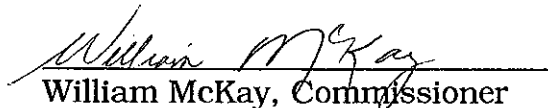
Renee Kumor, Vice-Chair



J. Michael Edney, Commissioner



Hugh D. Randall, Commissioner



William McKay, Commissioner

ATTEST:



Elizabeth W. Corn
Clerk to the Board

**HENDERSON COUNTY BOARD OF COMMISSIONERS
RESOLUTION RECOGNIZING THE
COMPREHENSIVE LAND USE PLAN STEERING COMMITTEE**

WHEREAS, the Henderson County Board of Commissioners in November of 1991 commissioned the preparation of a comprehensive land use plan, and

WHEREAS, a twenty-two member local steering committee was subsequently appointed to guide the development of the Plan, such committee composed of Henderson County citizens capable of representing their respective interests including: industry, agriculture, environmental protection, retirement, community involvement and local planning, and

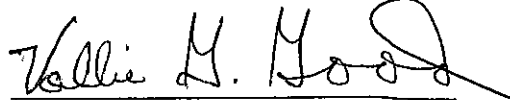
WHEREAS, during the year of 1992, the steering committee met on numerous occasions, in an effort to collectively identify and prioritize the salient land use issues in Henderson County and to make recommendations on how to properly address these issues,

NOW THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners officially commend the 1993 Comprehensive Land Use Plan Steering Committee for the hard work and dedication that has been given to this project.

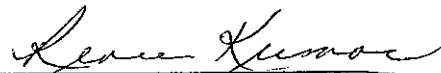
BE IT FURTHER RESOLVED that each committee member receive a copy of this resolution, such members being: Bill Altman, Jay B. Angel, Evelyn Barker, Robert K. Beale, Charlotte Buller, Dutch Burdette, Walter Carpenter, Bette Carter, Polly Kremer, Carolyn Johnson, Fred Neihoff, Boyce Orr, Chet Parent, Fred Pitillo, Don Pletcher, Danny McConnell, Bill Read, Dick Shuffstall, Frank Todd, Jr., Sara Waechter, Steve Waggoner, and Ken Weitzen.

Duly adopted this 15th day of December, 1993.

HENDERSON COUNTY
BOARD OF COMMISSIONERS



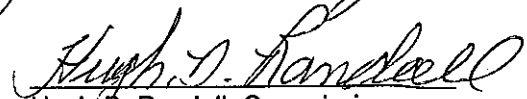
Vollie G. Good, Chairman



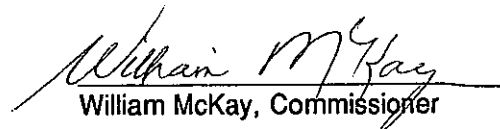
Renee Kumor, Vice-Chair



J. Michael Edney, Commissioner



Hugh D. Randall, Commissioner



William McKay, Commissioner

ATTEST:


Elizabeth W. Corn, Clerk to the Board

December 15, 1993

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Vice-Chair Kumor made the motion to set a public hearing on January 3, 1994 at 7:00 p.m. to consider an agreement for the relocation of an existing 15 foot right-of-way across the Industrial Park property located on Upward Road.

All voted in favor and the motion carried.

There being no further business, the meeting was adjourned.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Vollie G. Good
Vollie G. Good, Chairman