

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
JUNE 7, 1993

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: Chairman Vollie G. Good, Vice-Chairman J. Michael Edney, Commissioner Hugh D. Randall, Commissioner Renee Kumor, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, and Clerk to the Board Elizabeth W. Corn. Absent was Commissioner William McKay. County Attorney Don H. Elkins arrived late.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Assistant County Manager David E. Nicholson led the Pledge to the American Flag.

INVOCATION

Bob Dutton, Carolina Baptist Association, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Thompson added an item "J" Land Of Sky Regional Council/request for a Grantsman position. He also added an item "K" Recommendation from the Employee Advisory Committee.

CONSENT AGENDAA. Review of Minutes - May 19, 1993.

These minutes were presented for review and approval. A correction was made in a name on page 3.

B. Request for Public Hearing for Public and Private Road Names for August 2, 1993.

Pursuant to Section 302 of the Henderson County Property Address Ordinance, a public hearing must be called to name or rename both private and public roads in Henderson County.

The earliest evening meeting that this public hearing can be held is August 2, 1993 at 7:00 p.m. To meet the public notice requirements, advertisements must be placed in the newspaper and the notices must be posted ten (10) days prior to the hearing date.

June 7, 1993

Page 2

C. Designation of Non-Conflicting State Road Names

A list was presented of public roads that are in agreement with State Road names and numbers that the Board of Commissioners need to re-adopt.

The list of non-conflicting state roads has been reviewed by the planning staff for duplication and/or multiple identity. Because there are no conflicts with the street names, a Public Hearing is not required. Although no hearing is required, the Board of County Commissioners will need to take action to adopt these street names. Upon approval by the Board, the Planning Staff may order street signs.

D. Streets Tabled from Previous Meetings and Property Addressing Report.

This information was presented for the Commissioners' information only. No action is required.

E. Notification of Vacancies.

The Board was notified of a vacancy on the Land-Of-Sky Regional Council, Advisory Council on Aging. This will appear under Nominations on the next agenda. No action was required.

Commissioner Edney made the motion to approve the Consent Agenda subject to the correction being made in the May 19 minutes. All voted in favor and the motion carried.

INFORMATION PUBLIC COMMENTS

Dutch Burdette - Mr. Burdette addressed the Board regarding the punch list for the Brookland Manor area because of the recent sewer project.

David Thompson informed Mr. Burdette that the contractor hoped to begin the restoration items this Wednesday or Thursday and should take about five days to complete.

PUBLIC HEARINGJeter Mountain Terrace Zoning Request

Commissioner Kumor made the motion to open the Public Hearing on the Jeter Mountain Terrace Zoning Request. All voted in favor and the motion carried.

County Attorney Don H. Elkins arrived during public input during this Public Hearing.

June 7, 1993

Page 3

Karen Collins, Planner, addressed the Public Hearing. This is a request for new R-40 zoning in the Jeter Mountain Terrace area. An application and petition was submitted by Mr. Darryl Johnston on behalf of area property owners to zone 118 acres.

1. Darryl Johnston - Mr. Johnston lives on Jeter Mountain Terrace and requested the zoning of the area as R-40. He gave two basic reasons for the request: 1. To maintain the residential low-density nature of the area, 2. To protect the water supply from over development.

Commissioner Kumor made the motion to close the Public Hearing. All voted in favor and the motion carried. No action was taken at this time. Action will be taken at the next meeting, June 16, 1993.

#### PUBLIC HEARING - Street Names

Commissioner Kumor made the motion to open the Public Hearing on Street Names. All voted in favor and the motion carried.

Susan Sneed addressed the Board and presented a list of street names that have been posted for the Public Hearing. Susan Sneed requested that several street names be pulled from the list for adoption for various reasons:

1. Patchoulie Lane - misspelling, drop the "e", Patchouli.
2. Popular Drive - should be Poplar Drive.
3. Seniard Creek Road - additional petitions received from some citizens who do not want this name.

These names were under section "B".

Under section "E":

1. Brown Honey Road (renaming of Brown Road). There is a conflict in the name.
2. Fruitland Assembly Road, Fruitland Church Road. There is a conflict. Another petition will be submitted. (College Street)
3. Lindsey Drive (renaming Grove Street). Received a second petition since then.

It was the consensus of the Board to pull these names from the list for adoption. These will be re-posted at a later date and a Public Hearing held.

#### PUBLIC INPUT

1. Paul Connell - Mr. Connell spoke in favor of the name Lindsey Drive (renaming of Grove Street).

June 7, 1993

Page 4

Susan Sneed also requested that Cochran Road, section "B", be pulled from the list for adoption.

2. Mrs. David Storr - Mrs. Storr spoke regarding Chimney Glen Drive, which she favors. The road splits off and she suggested Rock Rest Drive for the split. A petition will have to be submitted for Rock Rest Drive and posted at a later date.

3. Margaret Lindsey - Mrs. Lindsey spoke in opposition of the name of Summey Road. She would like to submit a petition for another name.

4. Wilbur W. Jones - Mr. Jones spoke regarding Jones Gap Road/Hebron Road and the confusing nature of the road.

5. Russell Hunt - Mr. Hunt spoke regarding Hidden Creek Lane (renaming Haden Drive). He feels that it is too similar to Hidden Lake Road. He favors Haden Drive.

Chairman Good asked that this road also be pulled from the list for adoption.

6. John T. Duncan - Mr. Duncan stated that New Hope Road was posted as West New Hope and East New Hope. He requested that New Hope Road be the name for the west side of the road and East New Hope on the east side. SR# 1757.

Chairman Good asked that this road also be pulled from the list for adoption.

7. Troy Maybin - Mr. Maybin spoke regarding SR# 1107 and SR# 1108. Mr. Maybin favors Rock Creek Road for SR# 1107 and requested that SR# 1108 be named Rock Creek Falls Road, Mill Hill Road, or Falls Road.

Chairman Good requested that this be pulled from the list for adoption. West Rock Creek Road (SR# 1107), section "E". This is naming Capps Road/Rock Creek Road West.

Don Elkins is willing to look at the deeds of the property owners on SR# 1108, to see if he can find some other road names.

8. Joanne Talley - Mrs. Talley spoke regarding Majestic Court (renaming Woodhaven Road). Section "D". She favors Woodhaven Road, is very much against Majestic Court. There is a Woodhaven Drive in the same postal delivery area.

Chairman Good requested that this road be pulled from the list for adoption.

June 7, 1993

Page 5

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

The following roads/streets were pulled from the list for adoption:

section "A" none

section "B": Cochran Road  
Patchoulie Lane  
Popular Drive  
Seniard Creek Road  
Summey Road

section "D": Hidden Creek Lane (renaming Haden Drive)  
Majestic Court (renaming Woodhaven Road)

section "E": Brown Honey Road (SR# 1601) (naming Chestnut Hill Loop, Spring Street, First Avenue)  
Fruitland Assembly Road (SR# 1621) (naming Fruitland Assembly Road, Fruitland Church Road)  
Lindsey Drive (SR# 1948, 1949) (renaming Grove Street)  
West New Hope Road (SR# 1757) (renaming New Hope Road)  
West Rock Creek Road (SR 1107) (naming Capps Road/Rock Creek Road West)

Commissioner Kumor made the motion to adopt the roads/streets in section "A" as presented. All voted in favor and the motion carried.

Commissioner Kumor made the motion to adopt the roads/streets in section "B" with the exception of the five listed above. All voted in favor and the motion carried.

Commissioner Randall made the motion to adopt the roads/streets in section "D" with the exception of the two listed above. All voted in favor and the motion carried.

Commissioner Edney made the motion to adopt the roads/streets in section "E" with the exception of the five listed above. All voted in favor and the motion carried.

**SR #1191 (River Road/Talley Road/Pleasant Grove Road)**

The request from the Planning Staff is to determine the formal name for SR #1191. This street was tabled at the February 1, 1993 and April 5, 1993 Board Meetings. Since the last meeting they have received additional signatures on the petition. The majority of the residents with road frontage prefer the name Pleasant Grove Road and the majority of the total number of petitioners prefer the name Pleasant Grove Road.

June 7, 1993

Page 6

Susan Sneed gave several options for naming the road. A map was presented and discussed of the area.

**Public Input**

1. David Mallett - Mr. Mallett opposes Pleasant Grove Road, favors River Road for SR #1191.

2. Bill Thompson - Mr. Thompson is part owner of Liberty Plastics. He favors Pleasant Grove Road.

After much discussion, Commissioner Edney made the motion to name section "E" on the map, from Big Willow Road to Etowah School Road "River Road" and to name sections "A, C, & D" on the map, from Talley Road at the Transylvania County Line to the Etowah School Road as "Pleasant Grove Road". All voted in favor and the motion carried.

**REQUEST FOR NEW ZONING - Bearwallow Valley Property**

This was an administrative matter. The Planning Board must follow its own ordinance, and therefore requested that the Bearwallow Valley Zoning Application be referred for further study.

A memorandum was reviewed from Matt Matteson stating that the Planning Board has not finished their review of this new zoning request and asking that it be referred back to them for further study. Since the ordinance does not allow the Planning Board to be granted an extension to the 32 days listed, Staff had no choice but to place this item on the agenda. However, David Thompson recommended that the Board of Commissioners not deliberate on this issue but simply refer it back to the Planning Board for their further consideration.

Commissioner Randall made the motion to refer this item back to the Planning Board and expect a report from them by the August 18 meeting. All voted in favor and the motion carried.

**PLACEMENT OF LITERATURE AT THE HENDERSON COUNTY COURTHOUSE BY UNAFFILIATED GROUPS**

Angela Skerrett reminded the Board that at the last meeting (May 19) she submitted a legal opinion concerning the placement of literature at the Henderson County Courthouse by groups unaffiliated with Henderson County. The Board expressed its intent to designate a place within the Courthouse to allow the posting of one-time events, but to prohibit the placement of any other literature by groups other than Henderson County at the Henderson County Courthouse.

June 7, 1993

Page 7

Pursuant to the Board's request, Miss Skerrett prepared a draft resolution for the Board's consideration. The draft resolution expressly prohibits the placement of literature on the premises of the Henderson County Courthouse by any group other than Henderson County. The draft resolution further authorizes the Henderson County Manager to designate a bulletin board at the Henderson County Courthouse for the posting of announcements and advertisements of community events and meetings of a transitory nature.

David Thompson reminded the Board that he received a complaint from a citizen a few weeks ago concerning literature that was placed at the Henderson County Courthouse by a group that is not affiliated with County Government. This brought up the issue as to what should be allowed to be distributed in County Facilities, specifically the Courthouse. David Thompson believes the prepared draft resolution addresses this issue fairly and in a way that will be easy to communicate to our citizens.

Commissioner Edney made the motion to adopt the Resolution with language additions by the County and Staff Attorneys as discussed. All voted in favor and the motion carried.

After much discussion, Chairman Good appointed a subcommittee to review and study uses of the new Courthouse. They were directed to bring a report back to the Board at the mid-August meeting (August 18) on recommendations for use of the Courthouse. Appointed to the Subcommittee were:

J. Michael Edney, Chairman  
Renee Kumor  
Don H. Elkins  
Angela M. Skerrett  
David F. Thompson  
David E. Nicholson

#### **TENANT IMPROVEMENTS THIRD FLOOR - County Administration Building**

David Thompson supplied information from Grier-Fripp Architects, who have been working on our third floor renovations on an hourly basis. There are some problems with supplying the mechanical services necessary to occupy the third floor for the Department of Social Services.

After much discussion, Commissioner Randall made the motion to allow the project to proceed and to transfer \$28,000, if necessary, from contingencies to complete the project. All voted in favor and the motion carried.

#### **REQUEST FOR REMOVAL OF ROOM TAX PENALTY - Redwood Chalet**

June 7, 1993

Page 8

Peter Molleur received a request from the Redwood Chalet for removal of the late penalty associated with the Henderson County Room Occupancy Tax. According to the local bill, the room tax is to be paid to the Henderson County Finance Department by the 15th of each month. The 15th of May was on a Saturday thus the payment date for May was Monday May 17, 1993. The Redwood Chalet mailed their payment on May 18, 1993. The late payment penalty is \$25.00, the minimum as required in the statute.

The owner has indicated that this is the first time that he has been late with his payments. He was out of town and was unable to get the payment in on time.

The local act establishing Henderson County's Room Occupancy Tax states that the Board of Commissioners may for good cause forgive or compromise the late penalty.

Peter Molleur, Finance Director, recommended that the Board of Commissioners continue the customary practice of adhering to the postmark date when responding to requests for the removal of the room tax penalty.

Commissioner Randall made the motion to deny the request for removal of the room tax penalty. All voted in favor and the motion carried.

#### HOME AND COMMUNITY CARE BLOCK GRANT

Peter Molleur received a request for approval for the funding level for services as recommended by the Henderson County Planning For Older Adults Committee for the Home and Community Care Block Grant. The total federal/state funds to be received from the grant are \$303,466. The providers of the services will be contributing \$33,718 as set forth in the grant requirements as the local match. The providers will also be contributing other non-matchable sources of revenue totaling \$20,572. The USDA subsidy for the grant for the meals provided is \$17,023. The total funding for this grant is \$374,779.

Mr. Molleur recommended approval of the funding levels as set forth by the Planning For Older Adults Committee for this grant.

Commissioner Kumor made the motion to approve the funding levels set forth in this proposal. All voted in favor and the motion carried.

#### NOMINATIONS

1. Chairman Good reminded the Board of 1 vacancy on the **Land Of Sky Regional Council, Area Agency Advisory Council**. There were no



June 7, 1993

Page 9

nominations at this time so the item was rolled to the next meeting.

2. Chairman Good reminded the Board of 1 vacancy on the Library Board of Trustees. Commissioner Randall nominated C.E. Staton, Jr. to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Mr. Staton. All voted in favor and the motion carried.

3. Chairman Good reminded the Board of 1 vacancy on the Recreation Committee. Commissioner Kumor nominated Corum Smith to fill this vacancy. Commissioner Randall made the motion to suspend the rules and appoint Mr. Smith. All voted in favor and the motion carried.

4. Chairman Good reminded the Board of 2 vacancies on the Nursing Home/Domiciliary Home Advisory Committee. Commissioner Kumor nominated Argie Taylor and Molly Sue Lyda contingent upon Ms. Lyda being able to serve (we have applications on both). Commissioner Edney made the motion to suspend the rules and appoint these two people, contingent on Ms. Lyda being able to serve. All voted in favor and the motion carried.

#### **IMPORTANT DATES**

The Commissioners' calendar was reviewed. There was discussion of scheduling a Land Use Plan Work Session. A work session was scheduled for June 30, here, 1-4:00 p.m. on the Land Use Plan with possible adoption of the budget at that time.

#### **ROAD PETITIONS**

A road petition has been received to add Countryside Drive to the State Maintenance System.

Commissioner Edney made the motion to accept the petition and forward to N.C. Department of Transportation for their consideration. All voted in favor and the motion carried.

#### **LAND OF SKY REGIONAL COUNCIL - Proposed Guidelines for FY 94 Grantsmanship Program**

David Thompson informed the Board that at its April meeting, the Council directed staff to pursue the formation of a regional grantsmanship initiative.

There was much discussion. It was the consensus of the Board that they are not interested in participating in this program at this time.

June 7, 1993

Page 10

Commissioner Kumor made the motion to not participate during FY 93-94, but to wait one year and see how it goes. All voted in favor and the motion carried.

**RECOMMENDATION FROM EMPLOYEE ADVISORY COMMITTEE (EAC)**

David Thompson informed the Board that the Employee Advisory Committee has been working diligently on several projects. The EAC requested that the County purchase a block of movie tickets (100 tickets) at \$4.00 each. They would be sold to employees through a Department at cost. The average cost of a movie is \$5.50, thus a savings of \$1.50 per ticket for employees.

Commissioner Edney made the motion to accept the recommendation and to designate Finance as the monitoring department. All voted in favor and the motion carried.

**EXECUTIVE SESSION**

Commissioner Edney made the motion for the Board 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 validity, settlement, or other disposition of a claim against or on behalf of the public body or an officer or employee of the public body or in which the public body finds that it has a substantial interest; or the commencement, prosecution, defense, settlement, or litigation of a potential or pending judicial action or administrative proceeding in which the public body or an officer or employee of the public body is a party or in which the public body finds that it has a substantial interest.


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.

There being no further business, the meeting was adjourned.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Vollie G. Good, Chairman

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

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HENDERSONVILLE, N.C. 28792-5092  
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J. MICHAEL EDNEY  
CHAIRMAN  
VOLLIE G. GOOD  
F. RICHARD BAKER  
HUGH D. RANDALL  
WILLIAM MCKAY

DAVID F. THOMPSON  
COUNTY MANAGER

**RESOLUTION**

**WHEREAS**, North Carolina General Statutes § 153A-169 grants to the Henderson County Board of Commissioners the authority to regulate the use of County buildings; and

**WHEREAS**, Henderson County owns, maintains, and operates the Henderson County Courthouse, located at 113 North Main Street, Hendersonville, NC; and

**WHEREAS**, it has come to the attention of the Henderson County Board of Commissioners that various groups unaffiliated with Henderson County or its functions and purposes as a county government have been placing expressive literature on the premises of the Henderson County Courthouse; and

**WHEREAS**, a courthouse is not generally considered a traditional public forum for the free exchange of ideas; and

**WHEREAS**, the Henderson County Board of Commissioners have determined that it is in the best interest of Henderson County and its citizenry that the Henderson County Courthouse not be designated as a public forum and that the placement of literature by groups other than Henderson County be prohibited on the premises of the Henderson County Courthouse; and

**WHEREAS**, the Henderson County Board of Commissioners has determined that in order to keep the citizens of Henderson County apprised of happenings and events in the area, the interests of Henderson County and its citizenry would be best served if a bulletin board were designated at the Henderson County Courthouse for the posting of advertisements and announcements of community meetings and events of a transitory nature, said events to be defined by a specific identifiable duration;

**NOW, THEREFORE BE IT RESOLVED** by the Henderson County Board of Commissioners that the placement of literature by groups other than Henderson County on the premises of the Henderson County Courthouse is prohibited; and

**BE IT FURTHER RESOLVED THAT** a bulletin board shall be designated by the Henderson County Manager at the Henderson County Courthouse for the posting of announcements and advertisements of community events and meetings which are of a transitory nature, and which are defined by a specific identifiable duration in the announcement or advertisement to be posted. The announcements or advertisements may be posted no earlier than one week preceding the beginning date for the event or meeting advertised or announced,

and must be removed the day next following the end of said event or meeting; and

**BE IT FURTHER RESOLVED THAT** this resolution shall not affect the posting of any notices required by State, Federal and Local law.

This resolution was adopted by the Henderson County Board of Commissioners on the 7<sup>th</sup> day of June, 19 93.

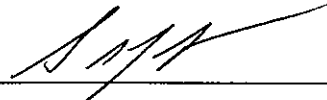
Vallie B. Hood  
Chairman, Henderson County  
Board of Commissioners

Attest:

Elizabeth W. Corn  
Clerk to the Board

HENDERSON COUNTY INSPECTIONS DEPARTMENT  
ACTIVITIES REPORT FOR July 1993

|   | CURRENT         | YEAR<br>TO DATE |
|---|-----------------|-----------------|
| NUMBER OF BUILDING PERMITS ISSUED (UNITS):            | 38              | 379             |
| NUMBER OF BUILDING PERMITS ISSUED RES. (ADDIT/REM):   | 16              | 124             |
| NUMBER OF BUILDING PERMITS ISSUED (COMMERCIAL):       | 62              | 303             |
| NUMBER OF OTHER PERMITS ISSUED (EL.,PLG.,IND.,ETC.):  | 138             | 2,816           |
| NUMBER OF MODULAR PERMITS ISSUED:                     | 3               | 6               |
| NUMBER OF MOBILE HOME PERMITS ISSUED:                 | <u>53</u>       | <u>389</u>      |
| TOTAL:  | 310             | 4,017           |
| NUMBER OF PERMITS ISSUED WITH GEN. CON. RECOVERY FEE: | 37              | 314             |
| DOLLAR VALUE OF NEW CONSTRUCTION                      |                 |                 |
| HOUSES:   | \$ 4,878,318.00 | \$39,990,686.00 |
| COMMERCIAL:   | 9,761,231.00    | 26,816,996.98   |
| TOTAL:  | \$14,639,549.00 | \$66,807,682.98 |
| BUILDING PERMIT FEES COLLECTED:                       | \$ 24,111.00    | \$ 154,821.53   |
| MODULAR & MOBILE HOME PERMIT FEES COLLECTED:          | 2,900.00        | 19,840.00       |
| ELECTRICAL PERMIT FEES COLLECTED:                     | 2,950.00        | 22,220.00       |
| ZONING PERMIT FEES COLLECTED:                         | 529.00          | 4,308.00        |
| OTHER PERMIT FEES COLLECTED:                          | 270.00          | 7,155.00        |
| MISCELLANEOUS FEES COLLECTED:                         | 745.00          | 2,405.00        |
| GENERAL CONTR. RECOVERY FUND FEES COLLECTED:          | 185.00          | 1,570.00        |
| LIST OF BUILDING PERMITS (SOLD):                      | 261.00          | 1,770.00        |
| ELECTRICAL PERMITS (BILLED):                          | 2,950.00        | 22,220.00       |
| MISCELLANEOUS PERMITS - PLB.,MECH.,INS. (BILLED)      | 270.00          | 7,155.00        |
| TOTAL OF INSPECTIONS MADE:                            | 1,591           | 10,805          |

SUBMITTED BY: 

DATE: August 5, 1993