

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
OCTOBER 5, 1992

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

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Baker led the pledge to the American Flag.

INVOCATION

Chaplain John Howard, of Margaret R. Pardee Memorial Hospital, gave the invocation.

REVIEW OF MINUTES

Minutes were presented for review of the following meetings:

August 19, 1992
September 16, 1992
September 28, 1992

Minutes were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

PUBLIC INPUT

Commissioner Randall arrived during Public Input, at 7:15 p.m.

1. Dutch Burdette - Mr. Burdette resides in Brooklyn Manor and thanked the Board for all their help with the Sewer project in his area.

2. Evelyn Nichols - Mrs. Nichols resides in East Flat Rock and thanked the Board for zoning the area. She spoke in opposition of the MR-15 district.

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3. Vivian Hill - Mrs. Hill resides in East Flat Rock and spoke in opposition of the proposed new MR-15 zoning district.

4. Lucy King - Mrs. King resides in East Flat Rock and spoke in opposition of the proposed MR-15 zoning district. She spoke in favor of a park or a shopping center for the East Flat Rock area.

5. Craig Justus - Mr. Justus spoke regarding the MR-15 zoning district.

6. Doyle Jackson - Mr. Jackson resides in East Flat Rock and spoke in opposition of the proposed MR-15 zoning district.

SOUND MANAGEMENT PROGRAM

Angela Skerrett, Staff Attorney, reminded the Board that on August 3, they requested that she and the Henderson County Tax Assessor, Robert Baird look into a Sound Management Program for the use-value appraisal of forestland. This request was pursuant to public comments made by a citizen, Mr. Candler Willis.

Ms. Skerrett contacted Mr. Joseph Ferrell at the Institute of Government concerning this issue. Mr. Ferrell suggested that the Tax Assessor not adopt an exclusive method of defining a Sound Management Program. However, Mr. Ferrell felt that it would be advisable to adopt a list of criteria to define one way in which a taxpayer could satisfy the Sound Management Program requirement for use-valuation of forestland.

Ms. Skerrett presented the Tax Assessor's Policy concerning the Sound Management Program recognition for forestland. This is a policy that the Assessor plans to implement in his office. The County Assessor will recognize any Sound Management Program which reasonably establishes that forestland is actually being managed under a Sound Management Program. There was much discussion. Ms. Skerrett was instructed to clarify a couple of items in the draft Sound Management Program.

David Thompson made the recommendation that the Sound Management Program not be made more specific. It was suggested that the Statute be worded into the text.

PROPOSED ZONING AMENDMENTS: MR-15 (Mixed Residential) and Proposed Districts for Such Use

David Thompson informed the Board that the Henderson County Planning Board gave an unfavorable recommendation concerning the establishment of a new zoning district entitled MR-15.

David Thompson informed the Board that under Article XII, Section 1204 of the County's Zoning Ordinance, before enacting any amend-

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ment to this Ordinance, the Board of County Commissioners shall hold a public hearing. A notice of such public hearing would have to be published once a week for two successive weeks, the first publication appearing no less than 15 days or not more than 25 days prior to the date fixed for the public hearing. After the public hearing the County Commissioners could amend the Ordinance. Traditionally, the Board has not acted on the same night of the public hearing, but there is nothing to prohibit the Board from doing so in our Ordinance.

In accordance with the Zoning Ordinance, the Board of Commissioners requested the Planning Board's opinion regarding:

- #1. Whether it is appropriate as a county wide zoning classification to have an MR-15 district allowing single manufactured homes on lot sizes of 1500 square feet.
- #2. Utilization of MR-15 zoning district in any and all areas of the county and give an opinion.
- #3. Specifically whether the three properties that were recently zoned residential in East Flat Rock would be best utilized in the MR-15 district.

The Planning Board came back with an unfavorable recommendation on the three items they reviewed but did not answer the question of whether the Board should allow individual manufactured homes in any residential area in the county and if so what type of restrictions should be put on that type of housing.

Matt Matteson thought that possibly the MR-15 zoning district (county wide) got lost in the shuffle in reviewing the three separate properties in East Flat Rock.

After discussion on the issue, it was decided that the Board would receive this information and take no action at this time.

The Planning Board was instructed to move forward with the Mobile Home Park Ordinance, a totally different issue.

Farmworker's Housing Complex on Sugar Loaf Road

David Thompson informed the Board of a request from Ms. Margaret Staton to appear before the Board at this meeting to discuss the above subject. Chairman Edney requested that this item be placed on the agenda so that if the Board of Commissioners feel that any action on their part is necessary that they would have an opportunity to do so after discussion of this matter.

Margaret Staton requested that the Board of Commissioners listen to the concerns of the residents on Sugar Loaf Road and Waddell Road and use their influence to halt the project.

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Chairman Edney told the Board that he would like to see the Board send a letter to our Congressmen, Senators, and Farmer's Home stating that the Board of Commissioners is opposed to the location of the project and outline the reasons for that. He would like for the letter to further request that the environmental issues be looked at again, specifically as to underground storage tanks.

Commissioner Baker felt that Farmer's Home Administration should be questioned as to whether or not any alternative sites were considered.

INTRODUCTION OF NEW FIRE MARSHAL

David Thompson introduced Mr. Rocky Hyder to the County Commissioners. Mr. Hyder was selected as the County's first Fire Marshal after interviewing with Mr. Martin Harris of the Fire Commission and Mr. Thompson.

Mr. Hyder has been a Fireman/Fire Inspector with the City of Hendersonville for the past eight and one half years. He is currently certified as a North Carolina Firefighter Level III and as a Fire Inspector Level I. He has also served on the Board of Directors of the Dana Volunteer Fire Department in the past. He is currently pursuing his Firefighter Instructor certificate and a Level II Standard certificate for building codes enforcement.

Mr. Hyder thanked the Board for the opportunity of serving the people of our community as Henderson County Fire Marshall and stated that he intends to work hard to do his part to improve the quality of life that we already enjoy.

GOVERNMENT AS MODEL EMPLOYER AWARD

David Thompson informed the Board that Henderson County has been chosen as a recipient of The Government as Model Employer Award by N.C. Equity.

Earlier in the year Mona Quinn completed and returned a survey to the Employment Security Commission. From this survey, N.C. Equity determined Henderson County to be a model employer due to the excellent benefits offered to its employees and their families.

N.C. Equity appears to be very selective in choosing local governments/governmental agencies for this award and Henderson County has been honored by being chosen to receive it. Six other counties in North Carolina were also chosen. A Henderson County representative(s) needs to be chosen to travel to Raleigh on October 14, 1992, in order to attend the awards ceremony and reception at the State Capitol on Capitol Square.

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After a year of survey research and analysis, Equity used three criteria to determine which government agencies in this state could be considered the most family-supportive work places in North Carolina:

1. The employer has demonstrated a high level of commitment by offering at least 36 discrete personnel programs, policies or initiatives;
2. The employer offers a comprehensive and balanced package of family-supportive benefits, programs and policies; and
3. The employer's program offerings are accessible and well utilized by employees.

Mr. Thompson suggested that Mona Quinn, Administrative Assistant, be allowed to travel to Raleigh to accept the award for the County along with Tom Eggers who is Chairman of our Employees Advisory Committee.

REQUEST FOR ZONING-Kanuga Ridge

Matt Matteson informed the Board that at their regular meeting on September 29, 1992, the Henderson County Planning Board reviewed a request by the Kanuga Ridge Property Owner's Association for zoning a previously unzoned area, approximately 368 acres in size, situated along Evans Road in Crab Creek Township, including and adjacent to the Kanuga Ridge Subdivision. After making slight modifications to the original study area, the Planning Board voted unanimously to recommend that the area be included in the adjacent R-40 (low density residential) zoning district.

In accordance with Article 12 of the Henderson County Zoning Ordinance, before acting on the request, the Board of Commissioners must hold a public hearing. Matt Matteson stated that the earliest such hearing could be held at an evening meeting on Monday, November 2, 1992.

Bennett Sims, the petitioner, informed the Board that only 2 or 3 property owners in the Evans Road neighborhood area have not signed the petition and none of them have registered any objection.

Commissioner Baker made the motion to set this Public Hearing for November 2, 1992 @ 7:00 p.m. here. All voted in favor and the motion carried.

LIBRARY BOARD OF TRUSTEES BY-LAWS

Director of the Library, Mr. Bill Snyder, informed the Board that at its September 8 meeting, the Library Board of Trustees adopted

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a new set of By-Laws subject to Board approval. The Trustees have been considering revisions for almost one year.

The By-Laws do not differ significantly from the previous By-Laws except in the area of Board Membership. Previously the Board included an ex-officio member from Etowah, Green River, and Fletcher and included the President of the Friends as an ex-officio member. The Board recommends that all ex-officio membership be terminated and that the Friends President be made a voting member, see Article VII MEMBERSHIP. The Trustees request that the Board of Commissioners approve these new By-Laws.

Commissioner McKay made the motion to approve the By-Laws as recommended by the Library Board. All voted in favor and the motion carried.

GREEN RIVER VOLUNTEER FIRE DISTRICT

David Thompson informed the Board of a request from the Green River Volunteer Fire Department for approval of their five-mile insurance district. This insurance district is for insurance grading purposes only and is not to be confused with the tax district for this fire department. Upon approval a resolution is required by the County Commissioners approving the district. This resolution will be drafted upon approval and forwarded to the North Carolina Department of Insurance and to Green River Fire Department.

Commissioner Baker made the motion to approve the request and adopt the resolution. This resolution will be forwarded to the Department of Insurance. Commissioner McKay seconded the motion. All voted in favor and the motion carried.

NOTIFICATION OF VACANCIES

1. Chairman Edney informed the Board that the Henderson County Interim Board of Public Education has requested a Commissioner representative to serve on a Long-Range Facility Study Committee that will be activated shortly to assist the Board of Education in an advisory role. They also requested that David Thompson serve on this committee. Mr. Thompson will not respond until he has the Commissioners' approval.

Commissioner McKay made the motion to appoint Commissioner Randall and David F. Thompson. All voted in favor and the motion carried.

2. Chairman Edney informed the Board of two up-coming vacancies on the Retired Senior Volunteer Program (RSVP). It has been requested that the Board reappoint both Ms. Debbra Determan and Doug Moon each for an additional three year term.

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Commissioner McKay made the motion to reappoint both Debra Determan and Doug Moon for an additional term. All voted in favor and the motion carried.

Chairman Edney informed the Board of an additional vacancy (third) on the Retired Senior Volunteer Program (RSVP) due to the resignation of Ms. Cecilia Leake. It has been requested that the Board appoint Mrs. Barbara King to fulfill the remainder of Ms. Leake's term (until 1994). There was discussion and the Clerk to the Board was instructed to get some details regarding Mrs. King. This was rolled to the next meeting.

VOLUNTEER WATER INFORMATION NETWORK FUNDING

David Thompson informed the Board of a letter from the Environmental & Conservation Organization (ECO) of Henderson County regarding the funding the Commissioners provided in the amount of \$5,000 for the Volunteer Water Information Network Program. Unfortunately, there was a miscalculation in their application for funds in that two more sites need to be monitored at an estimated cost of \$350 per site (Mud Creek & Bat Fork Creek). Mr. Thompson believes that ECO has shown their intent to run a top-notch program and also to share the results with the County Commissioners. He thinks it would be appropriate to fund this endeavor in the additional amount of \$700 to cover the laboratory expenses if the Commissioners concur.

Commissioner Baker made the motion to grant the request for \$700. All voted in favor and the motion carried. David Thompson thought that we should request monthly reports.

REQUESTS FOR REMOVAL OF LATE PENALTY

David Nicholson informed the Board of a request from the Bee Hive II for removal of the late penalty associated with the Henderson County Room Occupancy Tax. They have indicated that their check was mailed to Henderson County on time. The envelope shows that the Post Office returned the check for postage. The Bee Hive II was assessed the minimum late penalty of \$25.00.

The local act establishing the room tax indicates that the Board of Commissioners may for good cause shown forgive or compromise the late penalty.

After some discussion, Commissioner Baker made the motion to reduce the penalty to \$10.00. All voted in favor and the motion carried.

NCACC 1992 Legislative Goals Conference

David Thompson informed the Board that the 1992 Legislative Goals Conference is to be held on December 10 & 11 in Greensboro. The

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deadline for hotel reservations is Monday, November 9. They were advised to notify the Clerk to the Board as to whether or not they would be attending.

The Board also needs to designate a voting delegate for the Conference.

It was the consensus of the Board that the Chairman and Vice-Chairman at the time attend the conference. Commissioner Baker made the motion that the Chairman be the voting delegate for the County. All voted in favor and the motion carried.

PROPOSED TAX ASSESSMENT WORKSHOP

David Thompson informed the Board that the County Assessor, Robert Baird, is requesting that the County Commissioners set aside a block of time for a workshop on Tax Assessment. There are a number of issues that need reviewed.

A Special Called Meeting was set for the workshop for November 18, 1992 @ 2:00 p.m.

ROAD PETITIONS

Chairman Edney informed the Board of five (5) road petitions received for addition to the state maintenance system:

1. West Laurel Lane
2. Road to Daniel
3. Crest Hill Road
4. Bowman Ridge Road
5. St. John's Way

All are requesting addition only except Road to Daniel. They also requested paving and maintenance improvement.

Commissioner Randall made the motion to forward these petitions to North Carolina Department of Transportation. All voted in favor and the motion carried. A note should be added on the petition for paving (Road to Daniel) that the Board of Commissioners does not recommend taking the road out of its ranking on the priority list.

MUD CREEK WATER & SEWER DISTRICT

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

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

EXECUTIVE SESSION

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Commissioner McKay made the motion for the Board to go into Executive Session as allowed under General Statute 143-118.11 to discuss the following matters:

- A. To discuss a personnel matter.
- B. To discuss the acquisition of real property.
- C. To consult with the County Attorney to the extent that confidentiality is required.

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.

Action

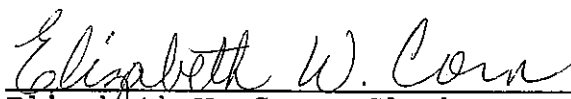
County Attorney Don Elkins presented two offers to purchase for the Board's consideration. Commissioner McKay made the motion to accept the offer to purchase from Chad and Betty Golightly. All voted in favor and the motion carried.


Commissioner McKay made the motion to reject the offer to purchase from Michael F. Case. All voted in favor and the motion carried.

The County Attorney was authorized to settle a pending foreclosure case, Beddingfield & Laughter for \$1,000.

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


J. Michael Edney, Chairman

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
HENDERSONVILLE, N.C. 28792-5092

PHONE 704/697-4808

FAX 704/692-9855

RESOLUTION

J. MICHAEL EDNEY
CHAIRMAN
VOLLIE G. GOOD
F. RICHARD BAKER
HUGH D. RANDALL
WILLIAM MCKAY

DAVID F. THOMPSON
COUNTY MANAGER

**NORTH CAROLINA
HENDERSON COUNTY**

Upon motion by Commissioner Baker, seconded by Commissioner McKay, **RESOLVED** that the Board of Commissioners of the County of Henderson, approve the boundary lines of the Green River Fire District for insurance grading purposes only in accordance with the maps and description filed this date with the Board of County Commissioners and recorded in the minutes of the meeting. Said Green River Fire District being described as follows:

Beginning at point (1) on Road 1124 (Lake Falls Road), 1.0 mile north of its intersection with Road 1114 (Pinnacle Mountain Road); thence southwesterly to point (2) on Road 1114 (Pinnacle Mountain Road), 0.1 mile east of its intersection with Road 1109 (Cabinet Creek Road), including all property on Road 1234 between this and the preceding point; thence northwesterly to point (3) on Bear Rock Road, a private accessible paved subdivision road, 0.3 mile north of its intersection with Road 1114 (Pinnacle Mountain Road); thence southerly to point (4) at the intersection of Road 1114 (Pinnacle Mountain Road) and Road 1128 (C.C.C. Road); thence southeasterly to point (5) on Road 1107, 0.3 mile northwest of its intersection with Road 1106 (Green River Road), excluding all property on Road 1108 between this and the preceding point; thence southerly to point (6) on Road 1106 (Green River Road), 0.2 mile southwest of its intersection with Road 1104 (W. Bob's Creek Road); thence southeasterly to point (7) on Road 1104 (W. Bob's Creek Road); 0.2 mile south of its intersection with Road 1106 (Green River Road); thence southeasterly to point (8) on Road 1104 (W. Bob's Creek Road), 1.6 mile east of its intersection with Road 1101 (S. Bob's Creek Road), excluding all property on Road 1104 between this and the preceding point; thence southeasterly to point (9) on US Highway 25 at its intersection with NC, SC State Line; thence southeasterly-northeasterly along the NC and SC State Line to point (10) at its intersection with Road 1850 (Bell Mountain Road); thence northerly to point (11) on Road 1852 (S. Lake Summit Road), 3.1 mile northeast of its intersection with Road 1850 (Bell Mountain Road); thence northerly to point (12) on US Highway 176, 0.1 mile southeast of its intersection with Road 1836 (North Lake Summit Road); thence northeasterly to point (13) on Road 1836 (North Lake Summit Road), 0.1 mile northeast of its intersection with US Highway 176; thence northwesterly to point (14) on US Highway 176, 0.1 mile northwest of intersection with Road 1836 (North Lake Summit Road); thence northerly to point (15) on I-26 Connector Road, 1.6 mile north of its intersection with US Highway 25, excluding all property on US Highway 176 between this and the preceding point; thence westerly to point (16) on US Highway 25, 0.8 mile northwest of its intersection with Road 1114 (Pinnacle Mountain Road); thence westerly to point (1), the beginning.

NOTE: This description describes an area in Henderson County pursuant to G.S. 153A-233 for Insurance Grading Purposes Only.

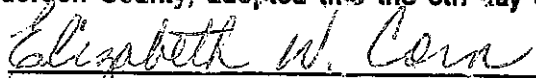
NOTE: Points 1, 2 and 3 are adjoining points with Valley Hill No. 2 Fire Insurance District.

NOTE: Points 10 and 11 are adjoining points with Saluda Fire Insurance District.

NOTE: Points 14, 15 and 16 are adjoining points with Blue Ridge Fire Insurance District.

**NORTH CAROLINA
HENDERSON COUNTY**

This is to certify that the foregoing is a true and accurate copy of excerpt from the Minutes of the Board of County Commissioners of Henderson County, adopted this the 5th day of October, 1992.


Elizabeth W. Corn, Clerk to the Board

NORTH CAROLINA
HENDERSON COUNTY

OFFER TO PURCHASE
TAX FORECLOSED PROPERTY

THE PROPERTY DESCRIBED BELOW, having been foreclosed and bid in by Henderson County for non-payment of taxes, the undersigned hereby offers to purchase said property from the County for the sum of Three Hundred \$ Dollars (\$300.00). IT IS UNDERSTOOD AND AGREED that the County must advertise the property for sale and that the Deed to the purchaser will convey only such interest, if any, as the County may have in the property by virtue of unpaid taxes, and that there will be no refund of the purchase price in the event of a failure of title.

Said property is in CRAK CREEK Township and was owned by _____ at the time of its foreclosure and is described as follows: Lots 17 + 18, High Peak (04-00649)

There is deposited with the County herewith, as a bid deposit, a check in the amount of ONE Hundred Dollars (\$100.00) (Five percent (5%) of the amount offered, but not less than \$100.00, whichever is greater).

This the 21 day of SEPT, 1992.

Michael F. Case

RESOLUTION OF THE BOARD OF COMMISSIONERS

At the meeting of the Board held on the 5th day of Nov., 1992 it was, upon motion duly made, seconded and carried,

RESOLVED BY THE BOARD OF COMMISSIONERS (check one):

- The foregoing offer is rejected and the Clerk is directed to return the bid deposit to the prospective purchasers.
- The Board proposes to receive the foregoing offer and the Clerk is directed to cause legal notice thereof to be published one (1) time in the Times-News, Hendersonville, North Carolina. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until ten (10) days have elapsed from date of last publication without a qualifying upset bid having been received.

Elizabeth W. Conn
Clerk, Board of Commissioners

Legal advertisement published in the Times-News, Hendersonville, North Carolina the _____ day of _____, 199___. Increased bid must be in the amount of at least _____ Dollars (\$_____) (Ten percent (10%) of the first 1,000.00 originally bid, plus five percent (5%) of the remainder of the original bid). Said bid must be accompanied by a deposit of five percent (5%) of the amount of the increased bid and a check to cover all advertising costs. Said increased bid must be filed in this Office within ten (10) days from date of publication.

Clerk, Board of Commissioners

NORTH CAROLINA
HENDERSON COUNTY

OFFER TO PURCHASE
TAX FORECLOSED PROPERTY

THE PROPERTY DESCRIBED BELOW, having been foreclosed and bid in by Henderson County for non-payment of taxes, the undersigned hereby offers to purchase said property from the County for the sum of Two thousand five hundred, Dollars (\$2,500.00) cash.

IT IS UNDERSTOOD and AGREED that the County must advertise the property for sale and that the deed to the purchaser will convey only such interest, if any, as the County may have in the property by virtue of unpaid taxes, and that there will be no refund of the purchase price in the event of a failure of title.

Said property is in EAST FLAT ROCK, Township, was owned by LEE RUBY MORGAN, at the time of its foreclosure and is described as follows:

There is deposited with the County herewith, as a bid deposit (cash) (check) in the amount of One hundred twenty-five Dollars (\$125.00) Five per cent (5%) of the amount offered.

This the 18th day of AUGUST, 1992.

Chad P. Delighty

Betty S. Delighty 697-9196

The County shall have 90 days in which to accept or reject this offer. If this offer is accepted, the matter will be closed within 30 days. Upon closing, the deposit will be applied to the purchase price. If after acceptance by the County, the matter does not close due to default by the purchaser, the County may keep the deposit and the contract is null and void.

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At the meeting of the Board held on the 54 day of October, 1992, it was upon motion duly made, seconded and carried,

RESOLVED by the BOARD OF COMMISSIONERS (check one):

() The foregoing offer is rejected and the Clerk is directed to return the bid deposit to the prospective purchasers.

() The Board proposes to receive the foregoing offer and the Clerk is directed to cause legal notice thereof to be published one (1) time in the Times-News, Hendersonville, NC. In the event that an increased bid is filed, the Clerk is directed to re-advertise as required by law, and to repeat this procedure until (10) ten days have elapsed from date of last publication without a qualifying upset bid having been received.

Elizabeth W. Carr
Clerk, Board of Commissioners

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Legal advertisement published in the Times-News, Hendersonville, NC the _____ day of _____, 19___. Increased bid must be in the amount of at least _____ Dollars (\$_____) (10% of the first \$1,000 originally bid, plus 5% of the remainder of original bid), must be accompanied by a deposit of 5% of the amount of the increased bid, must be accompanied by payment of advertising, and must be filed in this office within ten days from date of publication.

Clerk, Board of Commissioners