

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
AUGUST 5, 1991

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. in the Commissioners' Meeting Room of the Henderson County Office Building.

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Good led in the pledge to the American Flag.

INVOCATION

Rev. Marvin Garrison of French Broad Baptist Church gave the invocation.

REVIEW OF MINUTES

Chairman Edney informed the Board of the following sets of minutes presented for their review:

May 30, 1991
June 10, 1991
June 19, 1991
June 27, 1991
July 1, 1991
July 11, 1991

The minutes were approved as corrected.

DISCUSSION/ADJUSTMENT OF AGENDA

The County Manager deleted one item "D" under New Business, stating that this is automatic and does not require action tonight.

PUBLIC HEARING- Rezoning Request/Champion Hills Associates

Commissioner Baker made the motion to go into Public Hearing to hear public comment regarding the rezoning request. All voted in favor and the motion carried.

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Chairman Edney asked Mr. Matteson to summarize the issue for those in attendance.

Matt Matteson, County Planner, stated that this is a request from Champion Hills Associates to rezone a 10 acre parcel of property located on Willow Mountain Road, bordered on the north by Willow Mountain Road, and bordered on the south by Little Willow Circle. It is presently zoned R-20. They are requesting O & I zoning which is office and institutional and carries a minimum of 30,000 sq. feet lot size. The petitioner is in attendance. The request has been unanimously approved by the Planning Board and is before the Board of Commissioners tonight for their consideration.

Chairman Edney asked the Clerk to call the names of those who have signed up to speak.

Jim Barnett - Mr. Barnett is opposed to the rezoning.

W.R. Brent - Mr. Brent declined to speak.

Richard Versalle - Mr. Versalle is opposed to the rezoning.

Jim Harmon - Mr. Harmon is opposed to the rezoning. Mr. Harmon turned in a petition with 143 signatures of persons opposed.

Edna Hammond - Ms. Hammond is opposed to the rezoning.

Frances Ridenhour - Ms. Ridenhour is opposed to the rezoning.

Helen Orr - Ms. Orr is opposed to the rezoning.

Owen B. Cox - Mr. Cox is opposed to the rezoning. He also requested to be allowed to sign the petition mentioned above as he has not seen it yet.

J.C. Millsen - Mr. Millsen declined to speak.

Royce Carter - Mr. Carter represents the Champion Hills Development. Mr. Carter presented the request to the Board. This is a 10 acre section, part of the 525 acre total development. They are proposing construction of a village store, 1200 to 1500 sq. feet in size, occupying not more than 3/4 acre, located and oriented inward to the Champion Hills Development, not having direct access on Indian Cave Road, and not oriented to the traveling public on Willow Mountain Road. The Village Store is designed specifically to provide convenient services to the residents of the Champion Hills Development.

In addition to this, they propose building six villa units, called Tennis Villas. These would be single story or two story units. They also propose building a swimming pool and four tennis courts.

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Mr. Carter stated that Mr. Lapsley would show maps/plans of the project.

Bill Lapsley - Mr. Lapsley is a consulting civil engineer. He presented the Master Plan of the project with some cross-section drawings through the hill.

Mr. Carter spoke briefly after Mr. Lapsley. He stated that overall he feels this is the best land use plan they can come up with. He can go across the street and do everything he is proposing to do within 100 feet and not need any permission.

Mattie McClain - Ms. McClain spoke briefly about a home in the Valley View area which is in bad need of a new roof, the home of Rachel Gilland. Chairman Edney asked her to speak with Mr. Matteson regarding this home which is part of the Valley View Community Development Block Grant.

Recess - After a short break, Commissioner Baker read a short letter from Harold Covington, Jr., addressed to our Chairman. The letter stressed their intent not to pursue closing of Indian Cave Road.

Melanie Huggins - Ms. Huggins is opposed to the rezoning.

Mac Drake - Mr. Drake is opposed to the rezoning.

Alexis Versalle - Ms. Versalle is opposed to the rezoning.

Lois Brown - Ms. Brown is opposed to the rezoning.

Linda Barnette - Ms. Barnette is opposed to the rezoning.

Briane Sweet - Mr. Sweet is opposed to the rezoning.

Mike Cooper - Mr. Cooper is for the rezoning.

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

Chairman Edney stated that the Board will take all these comments into consideration and that this item will appear on our agenda at the September 3 meeting, at which time a decision will be made.

Watershed Classification - Chairman Edney stated that the Board will hold a special meeting to deal with nothing but the watershed issue on August 19, here, at 7:00 p.m.

PUBLIC INPUT

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Chairman Edney asked the Clerk to call the names of those who have signed up to speak and asked each person to limit their comments to three minutes.

Polly Kramer - Ms. Kramer is representing the League of Women Voters of Henderson County. She read a prepared statement regarding watershed classification. She spoke for a WS-II classification. She also spoke briefly on Land Use.

Lucinda Guthrie - Ms. Guthrie spoke for a WS-II classification for the entire Mills River Watershed.

R.M. Shuffstall - Mr. Shuffstall spoke for a WS-II classification.

James Macomson - Mr. Macomson spoke for a WS-II classification. He also requested the Board of Commissioners to rescind the building permit for Mr. Charlie Banks.

Chairman Edney asked the County Manager to address the issue of a stop order for Mr. Banks. Mr. Thompson stated that there is no good communication with the Army Corp of Engineers. The County is holding a stop work order on that building permit. After it is served Mr. Banks will not be allowed to continue construction on that site. We are holding that stop work order waiting to hear from the Army Corp of Engineers.

Gaynell Tinsley - Mr. Tinsley is director of Camp Hilander and spoke for a WS-II classification. He read excerpts from letters that campers have written supporting the WS-II classification.

Robert Hansen - Mr. Hansen read a prepared statement on Land Use and zoning. Mr. Hansen volunteered his time to help dig data needed to achieve a Fair & Equitable Land Use Policy for all.

Wayne Carland - Mr. Carland spoke regarding the watershed classification, supporting a WS-III classification. He stated that the present classification is WS-III.

Donald Smith - Mr. Smith lives in Saluda and is representing the Saluda Community Club. Saluda buys water from Hendersonville. He spoke in support of clean, quality water and a WS-II classification. More than 80 Saluda residents have signed a petition supporting the WS-II classification.

Richard Foote - Mr. Foote also wishes the Board of Commissioners to rescind the building permit. He then spoke in favor of a clean, quality water supply.

Ed Ingle - Mr. Ingle spoke for a WS-II classification.

Jim Sexton - Mr. Sexton spoke for a WS-II classification.

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Carolyn Johnson - Ms. Johnson spoke for a WS-III classification.

Phil Brittain - Mr. Brittain spoke for a WS-II classification.

Gary Kauffman - Mr. Kauffman spoke for a WS-II classification.

Phyllis Brittain - Ms. Brittain spoke for a WS-II classification and also asked the Board of Commissioners to speed up efforts in zoning the county.

John Humphrey - Mr. Humphrey spoke for a WS-II classification.

Mr. & Mrs. C.M. Pathi - Mr. Pathi spoke for a WS-II classification.

Carole Dunn - Ms. Dunn spoke for a WS-II classification and also spoke regarding the building permit for Mr. Banks, asking the county to rescind the permit.

Break - After a short break the Board pursued New Business.

POSSIBLE APPOINTMENTS FOR COMMUNITY CHILD PROTECTION TEAM

Liston Smith addressed the Board and discussed possible recommendations from the Board of Commissioners for members of this team. Three to five appointments are requested from the Board of Commissioners.

Mr. Smith informed the Board that the following individuals have agreed to serve:

Dr. Crit Harley	DSS Board member
Ann McDonald	DSS Board member
Liston Smith	DSS Director
Nancy O'Leary	FOCUS Director
Dave Knotts	United Way Director
Barbara King	Guardian ad Litem Director
John & Linda Rollins	Helping Hand Director and Foster Parents
Pam Miller	family owns Millers Laundry

Chairman Edney rolled these recommendations until after Executive Session.

ROAD PETITION, held until a new name was selected

Matt Matteson informed the Board that this is a rolled item from the May 22 agenda. The Board tabled action until members of the community could arrive at a road name that would not be a duplication. They have decided on Jody Street. The Planning staff has recommended approval.

Commissioner McKay made the motion to approve the petition as recommended by the Planning staff. All voted in favor and the motion carried.

HENDERSON COUNTY COUNCIL ON AGING - Planning Committee for Older Adults

Lewis Steinbach presented a request for the County Commissioners to designate the Department of Social Services and the Council on Aging as lead agencies for older adults in Henderson County.

Commissioner Randall made the motion to approve this request. All voted in favor and the motion carried.

BLUE RIDGE APPLE GROWERS ASSOCIATION

Frank Fitzsimmons, Jr. presented a Farmland Preservation Program Ordinance to the Board and asked the Board to adopt this Ordinance. He briefed the Board on the Ordinance. Buncombe County adopted this same Ordinance several years ago and has found it very useful for everyone concerned.

Don Ward, President of Blue Ridge Apple Growers Association also spoke regarding the Ordinance. He directed attention to specific areas of the Ordinance.

Chairman Edney referred the Ordinance to the Planning Board for their review and recommendations, asking the Planning Board to get it back to the Commissioners as soon as they can.

MULTIVISION FUND RAISING EFFORT for Jackson Park Amphitheater

Mark Jennings informed the Board that traditionally Multivision does a fund-raising effort about this time of year and the proceeds go to the Muscular Dystrophy Association. This year they decided they prefer to do the same sort of thing but to provide the proceeds to some local effort. They learned that the construction of an amphitheater has been suggested from time to time for Jackson Park but the funds are never available for this project. Mr. Jennings proposes that Multivision lead the effort, if not get the Amphitheater built entirely themselves. He requested the Boards permission to dedicate funds to this project.

Doug Moon, Park Director, addressed the issue and presented the plan of the project. Mr. Moon stated that the Amphitheater has been on the Master Plan for Jackson Park since 1974, when the Park was conceived. The Amphitheater would be built adjacent to the office building and would seat just over 1,000. Estimated start-up costs are \$10,000.

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Mr. Jennings stated that their intention is to lead the project, they may not be able to raise the entire amount themselves but would solicit other contributors if they could not. It is their intention to get the project built without any county contribution.

Commissioner McKay made the motion to approve the project and authorize Multivision to begin the fund-raising project. A vote was taken and the motion carried unanimously.

PROPOSED WATERSUPPLY WATERSHED CLASSIFICATION (HB 156)

Mr. Thompson stated that this will be a special called meeting and asked Mr. Matteson to present the Planning Board's recommendation at the August 19 special called meeting.

REQUEST FOR ADDITIONAL STAFF-WIC

Mr. Thompson informed the Board that this item requires no additional county funds. The WIC program is paid 100% with state and federal funding. The caseload has expanded and the utilization of these funds for additional staff to handle the caseload makes sense and therefore Mr. Thompson recommends approval.

Commissioner Baker made the motion to approve the request to hire an additional part-time person to help absorb the expanded caseload. All voted in favor and the motion carried.

FRENCH BROAD RIVER WEEK RESOLUTION

Mr. Thompson informed the Board that Land Of Sky Regional Council requested this Board to adopt a resolution in support of the French Broad River Week (September 14-22). Ms. Corn has drafted the resolution for the Board's approval and upon approval, she will forward a copy of the Resolution to the Council.

Commissioner Baker made the motion to approve the submitted Resolution. All voted in favor and the motion carried.

UPDATE ON SOLID WASTE MANAGEMENT STUDY

Mr. Thompson reminded the Board that upon entering this project he stated that he would provide a time schedule for the project. He presented the time schedule for the Board's review.

Mr. Thompson informed the Board of a delay this week in completing the Waste Stream Analysis. Mr. Thompson stated that we are doing a written survey of the waste streams of the major manufacturers in the county. He passed the listing around of these manufacturers for review.

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ROAD PETITIONS

Chairman Edney informed the Board of three petitions received for addition to the state maintenance system: 1. Jarvis Drive, 2. Little Creek Road extension, and 3. Brandymill Loop. The Planning Department recommends approval of all three.

Commissioner Randall made the motion to approve these three petitions and pass them on to the N.C. Department of Transportation. All voted in favor and the motion carried.

TAX RELEASES

Robert Baird, County Tax Assessor, informed the Board of 8 tax release requests. As a result of his review he endorses the findings and submits them for the Board's approval.

Commissioner McKay made the motion to approve the releases based upon recommendation from the County Tax Assessor. All voted in favor and the motion carried.

TAX REFUNDS

Robert Baird, informed the Board of 3 tax refund requests. As a result of his review he endorses the findings and submits them for the Board's approval.

Commissioner McKay made the motion to approve the refunds based upon recommendation from Mr. Baird. All voted in favor and the motion carried.

NOMINATIONS

1. Chairman Edney reminded the Board of 1 or more vacancies on the Cable TV Advisory Committee.

Commissioner Randall nominated John Jerose to fill one vacancy. Commissioner Baker made a motion to suspend the rules and appoint Mr. Jerose. All voted in favor and the motion carried.

2. Chairman Edney reminded the Board of 1 vacancy on Western Carolina Community Action, Inc. (WCCA). There were no nominations at this time so the item was rolled to the next meeting.

3. Chairman Edney reminded the Board of 2 vacancies on the Jobs Training Partnership Act Committee (PIC). There were no nominations at this time so the item was rolled to the next meeting.

4. Chairman Edney reminded the Board of 1 vacancy on the Land of Sky Regional Council Advisory Council on Aging. There were no

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

5. Chairman Edney reminded the Board of 1 vacancy on Western North Carolina Tomorrow. There were no nominations at this time so the item was rolled to the next meeting.

Commissioner McKay voiced his concern that we are not filling these vacancies. He suggested that the Board consider asking the Manager to advertise the vacancies in some way. We depend on these committee members, the County Commissioners cannot do all these things. We need to get the word out that this is a part of county government.

Mr. Thompson suggested running a block ad showing the "Nomination Form" and then once monthly running a block ad showing vacancies. We also need to list any qualifications for membership on any of these boards and committees. After much discussion on this idea, Mr. Thompson was directed to begin this advertisement.

Chairman Edney suggested that Mr. Thompson come back to the Board on August 21 with a format for the advertisements.

CANE CREEK WATER & SEWER DISTRICT

The Board recessed as Henderson County Board of Commissioners and convened as Cane Creek Water & Sewer District Commissioners.

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

EXECUTIVE SESSION

Commissioner Baker made the motion for the Board to go into Executive Session. All voted in favor and the motion carried.

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

PARALEGAL POSITION

Chairman Edney asked for a motion to approve a Paralegal Position and direct the County Manager to advertise and fill the position.

Commissioner Good made the motion to approve a Paralegal Position and direct the County Manager to advertise and fill the position. All voted in favor and the motion carried.

PROPERTY ACQUISITION

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Chairman Edney stated that the Board is directing the County Manager to continue with the property acquisition for the new Courthouse Complex.

COMMUNITY CHILD PROTECTION TEAM

This item had been rolled until after Executive Session. Chairman Edney rolled the item to the next Commissioners' Meeting.

TAX APPEALS

Mr. Thompson stated that this item will be appearing on the next several agendas for executive session review and discussion.

Being there was no further business, the meeting was adjourned at 12:55 a.m.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

J. Michael Edney
J. Michael Edney, Chairman

OWNERS NAME	ACCOUNT	PID	IMA CODE	FIRE CODE	MISC CODE	AMOUNT. TAXES RELEASED	FIRE CODE AMOUNT	TOTAL AMOUNT	REASON FOR RELEASE
C & S CAPITAL CORPORATION	69570		001	F05	S01	\$16.23	\$0.26	\$24.51	LEASE WAS TERMINATED 12/89
C & S CAPITAL CORPORATION	69570		001	F05		\$2.88	\$0.26	\$3.14	LEASE CO WAS TERMINATED IN 89
DECKER, DONALD BRYAN DECKER, DEBO RAH	53233		001	F05		\$9.00	\$0.86	\$9.86	P/P NOT IN COUNTY 1/1789
FLEETWOOD PROP INC	21085	99-31959	001			\$17.52		\$17.52	PCL SHOULD HAVE BEEN EXEMPT
FUSELIER, ROBERT HOWE III	38361				D01			\$7.00	DOGS NOT OWNED 1-1-90
HARVEY, DAVID BLAIR & WIFE	17642	06-01499	001	F12		\$13.91	\$1.24	\$15.15	MH DBL LISTED AS REAL & P/P
HILL, CARL D (ETAL)	55042	99-37994	001	F03		\$211.50	\$30.58	\$242.08	PCL DBL ASS'D TO 99-38916
MADKEY, DAVID NEAL ETAL	5543	04-00664	001			\$373.95		\$373.95	SHOULD HAVE BEEN TAXED FOR .07 AC
						\$646.99	\$32.91	\$653.18	

6 ITEMS LISTED.

*Approved
6-5-90
J. J. [unclear]*

OWNER'S NAME.....	ACCOUNT. PID.....	TAX. FINE MISC. AMOUNT TAXES FIRE... TOTAL..... REASON FOR REFUND.....	CODE CODE CODE CODE CODE	AMOUNT	AMOUNT	AMOUNT
PETERS, NORMAN J & NANCY	26615	01-14637	F07	501	\$72.99	✓ \$72.99 NOT IN A FIRE DISTRICT
PRESSLEY, ROSE MARIE ROSE MARIES NIGHTCLUB	76947				\$172.17	✓ \$231.47 CLERICAL ERROR
SUBARU FINANCIAL SERVICES INC	75399				\$42.53	✓ \$42.53 CAR DOUBLE LISTED IN TRANSY. C QUINCY
					\$214.70	\$72.99
						\$346.99

3 ITEMS LISTED.

*approved
8.5.91
gwc*