

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS  
JULY 18, 1990

The Henderson County Board of Commissioners met for a regular meeting at 9:00 a.m. in the Commissioners' Conference Room of the County Office Building.

Those present were: Chairman William T. Drake, Vice-Chairman F. Richard Baker, Commissioner Troy L. Maybin, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, County Administrator Jerry D. Myers, Clerk to the Board Elizabeth W. Corn, and the media. Absent were Finance Director David E. Nicholson and County Attorney Don H. Elkins.

Chairman Drake called the meeting to order.

MINUTES

The minutes of the June 4, 1990 meeting were presented for review. Minutes were approved as presented.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Drake added "I" under unfinished business, Town of Fletcher request for three additional deputy positions. He added "J", authorize the Clerk to send the Firemen Pension Fund Rosters to Raleigh. Under New Business he rolled "B", Tire Recycling, to another meeting.

CRAB CREEK FIRE DISTRICT

Chairman Drake reminded the Board that at our last meeting we had presentations from both Little River Fire Dept. and Valley Hill Fire Dept. Both fire departments are looking at generally the same area to establish as a fire tax district. Valley Hill Fire Dept. was asked to provide some additional information today but there is not a representative here today. Mr. Drake did receive a letter from John Hill, Chief of Valley Hill Fire Dept. indicating they are currently negotiating for a piece of property, their plans right now are that they will build a substation with four or five bays. They will place one pumper, one tanker, one medical truck, and one brush wagon at that sight. They will give the Board more information later, hopefully by our next meeting.

Chairman Drake talked with the President of the Crab Creek Community Club last night and she indicated that they would be willing to host a meeting if the Board desires, to present both fire departments' proposals so the residents of the area could be informed and make a decision as to which direction they wanted to

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take. There was discussion. By consensus it was decided to wait till the next meeting for a decision and hope to have additional information then.

#### COURTHOUSE DOME BIDS

Chairman Drake recognized Emory Jackson and Stewart Stepp. We have received bids for the renovations and the roofing at the courthouse.

Mr. Stepp stated that re-bids were taken on the general contract. Dunlap Construction was the low bid with a base bid of \$180,320 with 180 days. Since then they have sent a letter changing the number of days to 150. The high bid was Bildon Construction with a base bid of \$216,873 and 120 days.

On the roofing contract Stroup Roofing was the low bid with \$77,149 and under alternate for the upper dome level their bid was \$1,789 and on alternate R-2 \$863. The total on the base bids come to \$259,258.

Chairman Drake stated that this is a little less than anticipated, simply because the original figures did not include any roof work. The roof work and dome repairs can probably all be done for about what had been estimated for the dome repairs alone.

Mr. Stepp stated that part of the dome work would be done in the field and part in the shop. There will be no change in the outward appearance. There was much discussion.

Commissioner Edney made the motion to accept the two low bids totaling \$259,258 and proceed with the project subject to a possible change in color, funds to be taken from the courthouse fund. All voted in favor and the motion carried.

#### "AMERICA'S PRIDE"

Chairman Drake asked if Glenda Lancaster was in attendance but she was not. He recognized the spokesperson for the group.

Pam Miller stated that Glenda had been called out-of-town due to illness. Ms. Miller stated that Mr. Lancaster (Troy) is here. Ms. Miller is on the Parent Advisory Board of "America's Pride". Ms. Miller said there are currently 35-40 students from Henderson County in the group, representing all but one school, they are currently working on that school. Thanks to the Commissioners' help they were able to send a group of 24 students and 5 chaperons to Orlando to the World Drug Conference. During the conference the kids attended workshops and meetings and were educated more about the use and abuse of drugs and alcohol. They learned a tremendous amount at the conference. She had three girls with her who attended the conference, to tell about their experiences. She

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stated that Troy Lancaster would give a summation after the girls finish speaking.

Sarah Kimmey, from Hendersonville High School. She attended "Drugs, Alcohol, and the Law" and learned about the treatment of the different offenses. She made lots of notes. She also attended "Peer Listening" and felt it was very important because it stressed how to help kids who you know have a drug problem, they need to know that they can come to someone and talk to them.

Bree Miller, from Hendersonville High School. She attended "Scared Sober" which was about drunk driving and the reality of it and the possibilities that can happen if someone drinks and drives. This made a real impression on her because they showed a film strip of people who had been hit in drunk driving accidents. She also attended "Youth to Use" which told them how to handle peer pressure and how to talk to others about suicide and drunk driving and how to help people who use drugs with problem solving skills and listening skills. She also went to "Advance America's Pride" and learned new skits and songs and how to make a better presentation as a group, they also discussed peer pressure and cocaine and its effect on the brain. She enjoyed the trip and felt she learned a great deal while there.

Andrea Lance, from Hendersonville Junior High School. She felt she got the most from attending "Scared Sober" where she learned the effects of drinking and driving. She also attended the America's Pride training and learned new sign language for songs and new skits.

Troy Lancaster said that the girls here today are evidence of teens taking a stand they are influencing others and are making a difference in the community. Mr. & Mrs. Lancaster and Cliff Eubanks, who is the DARE officer locally, attended the adult workshops. He stated that it will take a concerned and concentrated effort from all of society to win in the war on drugs. Mr. Lancaster is a member of ASAP and commended the Board for helping to send these teens and chaperons to the conference.

Chairman Drake stated that the Board of Commissioners can get things started but it takes folks like ASAP members and the group of America's Pride to keep things going. He said that it takes a special group of teenagers to make the statement that they are going to remain drug and alcohol free.

#### TEEN CENTER-Memorandum of Understanding

Chairman Drake recognized Doug Moon to address the Board. Mr. Drake reminded the Board that there were some changes suggested at our last meeting and the new Memorandum of Understanding shows that these changes have been addressed.

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Doug Moon stated that item #14 was the one of major concern, it was rewritten with the Boards input. Item #14 now reads "In lieu of payment for use of the building at 1940 Spartanburg Highway by the Henderson County Parks and Recreation Department, for uses other than Teen Center activities, the Henderson County Parks and Recreation Department will provide landscaping and lawn care, maintenance of vegetation, of the grounds, and interior light maintenance of facilities not covered in the lease agreement."

Mr. Myers stated that this does address the concerns that he raised at an earlier meeting. There was discussion.

Commissioner Edney made the motion to approve the Memorandum of Understanding as rewritten. All voted in favor and the motion carried.

#### FIRE DISTRICT APPLICATIONS- Mountain Home\Dana

Chairman Drake stated that a month or so ago both Mountain Home and Dana submitted petitions that cover basically the same area of the county. Many of the same people signed both petitions, the Board made the decision at that time to mail letters to all of the real property owners in the disputed area. We mailed 221 applications and asked that they be returned by June 15. We have only received 144 of the applications at this time, 42 requested to be part of the Dana District, 90 requested to be part of the Mountain Home District and 12 others. We did not get close to the number of applications back anticipated. Chairman Drake contacted Land Records and requested them to take a map of the area and identify the locations of the responses, hoping there would be a distinct separation line of people requesting to be in Mountain Home or Dana Fire Tax District. There was much discussion on how to proceed.

Commissioner Maybin made the motion to authorize Mountain Home to go out and secure the necessary 2/3 signatures of property owners within the area in question, with the Board of Commissioners approving the wording of a letter made a part of the petition. Commissioner Baker added that if Mountain Home is unable to secure 2/3 of the people's endorsement that Dana would then be given the opportunity to see if they can secure the needed 2/3 signatures. A vote was taken and the motion carried unanimously.

#### SUBLEASE for FLETCHER LIBRARY

Chairman Drake stated that this is basically the same lease that we dealt with some time ago with one exception, where it deals with utilities, it needs to be changed stating that the electric and gas bills will be pro-rated since there is only one meter for the entire facility.

Commissioner Baker made the motion to accept the proposed lease with the amendments in regard to utilities. All voted in favor and

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the motion carried.

VALLEY VIEW BLOCK GRANT

Chairman Drake stated that there are some housekeeping items to be approved by the Commissioners. He recognized Cinthia Milner from Land-Of-Sky to address the Board.

Ms. Milner stated that there are four items:

1. A certification regarding granted disclosure, saying that if you sign the certificate you are agreeing to publicly disclose the amount of funds included in the project and for every public notification that will be done and the files or records will be available to the public at any time.
2. Funding approval, and
3. Grant agreement. These two items are similar and take care of the same thing. They are the contract with the state, by signing them you are accepting not only the money in the project but also the terms they limit you to. The secretary of their department has signed it and Mr. Drake needs to sign it.
4. Signature cards. We will need to do requisitions from the state, draw down monies. Mr. Drake will need to sign these certifying the three people who can sign on the requisition form.

Ms. Milner said that these four items need to be signed by Mr. Drake with the Board giving him authority to do so for the Commissioners.

Commissioner Maybin made the motion to grant authorization to Chairman Drake to sign these four documents on behalf of the Board of Commissioners. All voted in favor and the motion carried.

HENDERSON COUNTY WAR VETERANS MEMORIAL

Chairman Drake recognized Carroll Jones to address this item.

Mr. Jones had presented the idea of the memorial and its location to the Recreation and Parks Committee and found that there are plans for a gymnasium at that location. The second choice for location was also Doug Moon's second choice.

Mr. Jones said the plan has been reviewed with monument construction people and it is much cheaper to install all four panels at the beginning, if anything is delayed it would be the engraving of the names which could be done at a later time on site or off. He stated that they are still keeping the goal for \$75,000. They hope to set up a maintenance fund that would be available after the dedication, erection, etc.

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Mr. Jones is requesting the Board of Commissioners to approve the site as they need a designated site to be able to put canisters out for donations.

Chairman Drake suggested to Doug Moon that it might be a good idea to get a surveyor to identify the location of the memorial on a plat, if approved by the Board.

Commissioner Baker made the motion to accept the recommendations of the Advisory Board and the Park & Recreation Department designating an area for this memorial and include a surveyor's report on the actual space involved with this memorial.

Commissioner Maybin asked for an addition to the motion, include a \$10,000 donation on behalf of the county showing our support for the project. Commissioner Baker accepted Commissioner Maybin's suggestion as a friendly amendment to his motion. A vote was taken and the amended motion carried unanimously.

TOWN OF FLETCHER request

Chairman Drake informed the Board of a letter he had received from the Town of Fletcher requesting that the Board proceed with authorizing the hiring of three positions that they have included in their budget. This will require no additional county funds and will be an amendment to their contract, they will pay the full cost of these additional deputies. Their original request was for six deputies, last year they acquired three for their first half year in business and are now requesting the other three.

Commissioner Maybin made the motion to grant the request of the Town of Fletcher and supply three more officers and prepare all the appropriate paperwork. All voted in favor and the motion carried.

AUTHORIZE CLERK to send Firemen Pension Fund Forms

Chairman Drake reminded the Board that every year we must send in to the State a Roster of all current volunteer firemen in the county, it must be in Raleigh by July 31. We need to authorize the Clerk to certify these Rosters, as we have in the past, and forward them to Raleigh.

Commissioner Maybin made the motion to authorize the Clerk to the Board to secure all Rosters from the Volunteer Fire Departments and certify them and have them submitted to Raleigh by July 31. All voted in favor and the motion carried.

FISCAL YEAR 1989-1990 TAX COLLECTION

Chairman Drake recognized Terry Lyda, Henderson County Tax Collector, to give his report.

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Terry Lyda reminded the Board that last year they reached a percentage of 97.12%, a percentage that they were very proud of, that percentage ranked Henderson County #1 in the seventeen counties of Western North Carolina in tax collections. This year they have broken their record with 97.24%, which is the first time in Henderson County that first year collections have gone over 97.2%. He commended his staff for a job well done.

#### TIRE RECYCLING-Allen Research Assoc.

This item was rolled to another meeting.

#### TAX REFUNDS

Chairman Drake informed the Board of seven (7) tax refund requests that he has received from the tax supervisors' office.

Commissioner Maybin made the motion to grant these seven (7) tax refund requests, if all paperwork is in appropriate order. All voted in favor and the motion carried.

#### ROAD PETITIONS

Chairman Drake informed the Board of one petition to add Rugby Hollow Drive to the state maintenance system.

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

#### NOMINATIONS

1. Chairman Drake asked for any nominations to fill the 1 vacancy on the Nursing Home/Domiciliary Home Advisory Committee. There were none, this was rolled to the next meeting.

2. Chairman Drake asked for any nominations to fill the 1 vacancy on the Hendersonville Planning and Zoning Board, this is a county appointment and requires that they must live in the one mile extraterritorial jurisdiction.

Commissioner Baker made the motion to place Jeff Egolf in nomination to fill this vacancy.

Commissioner Maybin made the motion to suspend the rules and appoint Mr. Egolf to the Hendersonville Planning and Zoning Board. All voted in favor and the motion carried.

3. Chairman Drake asked for any nominations to fill the vacancy on the WCCA Board of Directors. Commissioner Baker is willing to serve another term. Commissioner Maybin made the motion to suspend the rules and reappoint Commissioner Baker to fill one of the

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vacancies on the WCCA Board of Directors. All voted in favor and the motion carried. The other vacancy was rolled to the next meeting.

4. Chairman Drake asked for any nominations to fill the one vacancy on the Land-Of-Sky Economic Development Interest. He stated that as a result of amending the by-laws, Land-Of-Sky gave each county one more voting position. This should be someone that would represent the economic development interests of the county. There were no nominations, it was rolled to the next meeting.

5. Chairman Drake asked for any nominations to fill the 1 vacancy on the Land-Of-Sky Advisory Council on Aging. Ms. Nelson's term has expired, she was appointed to fill an unexpired term. Apparently she went through orientation but has not been able to attend any of the meetings since. This is a minority, low-income position. Chairman Drake stated that he would try to contact Ms. Nelson between now and the next meeting to see if she is interested in serving. This was rolled to the next meeting.

#### LAND RECORDS GRANT APPLICATION and RESOLUTION

Chairman Drake informed the Board that this is the same grant application that we have submitted for several years. We have been awarded \$10,000 to \$12,000 a year, depending on the amount of money available. We have sufficient money in our budget to match the state grant.

Commissioner Baker made the motion to allow the Tax Assessor to apply for this grant and authorize Chairman Drake to sign the application. All voted in favor and the motion carried.

#### SECTION 8 HOUSING

Chairman Drake informed the Board of a letter he received from WCCA, requesting the Boards' endorsement for 34 additional units of section 8 housing. Anytime they apply for additional units, they have to get letters of support from various agencies. This request does not require any county money.

Commissioner Randall made the motion to authorize a letter be sent supporting their application for 34 additional units. All voted in favor and the motion carried.

#### EXECUTIVE SESSION

Commissioner Baker made the motion for the Board to go into Executive Session to discuss legal and personnel matters.

Commissioner Maybin made the motion for the Board to go out of Executive Session.



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1. Bid Proposals. Chairman Drake stated that in executive session bid proposals were discussed for doing the paving work in Jackson Park.

Commissioner Maybin made the motion to approve bid with Pace Brothers to resurface the road and parking lot and around the gas pumps, and that the appropriate funding be taken from contingencies to cover the bid of \$36,535.

Chairman Drake stated that as part of this motion we need to clear up where the \$10,000 will come from for the donation to the Veterans' Memorial. The money would come from contingencies also. Commissioner Maybin accepted this as a friendly amendment to his motion. All voted in favor and the amended motion carried.

#### WORKSHOP- Land Development Ordinance Amendments

Chairman Drake stated that we are now in a work session to go through the proposed amendments to the Land Development Ordinance. A few months ago we had public hearings and recommendations from the Planning Board concerning amendments to the Land Development Ordinance. We started the process and got stuck on the definition of Family Subdivisions, realized that we needed a local bill passed by the General Assembly to give us a definition of Family Subdivisions so they could be excluded from our Land Development Ordinance. We have in-hand a signed local bill that gives a definition of Family Subdivisions and excludes Family Subdivisions from the provisions of the Land Development Ordinance. We are ready to continue with the work on the amendments of the Land Development Ordinance. Chairman Drake recognized Matt Matteson, County Planner, to address the subject.

Matt Matteson stated that in February 1988 the Land Development Ordinance was first adopted. It was amended in June of 1988 and has not been amended since. Since its adoption they have reviewed 575 subdivisions of different types including major, minor, special, and family. He stated that they are averaging a little over 1,000 lots created per year, about 25% of those are from family subdivisions. The Planning Board began the ground work on reviewing the Ordinance late in 1988, specifically centered around the financial guarantee provisions. Subcommittees were formed and the Planning Board met with bankers and developers. In early 1989 the Planning Board referred to the Board of Commissioners a recommendation, there were some legal questions regarding that recommendation and it was referred back to the Planning Board to try to iron those out. At that time the Planning Board tacked on some other amendments, some having to do with housekeeping and policy.

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There was a Public Hearing the first of the year, workshops were held in February and April, and now the Family Subdivision Bill is passed and ratified. The Family Subdivision Legislation enables the county to amend its list of exemptions, there are four now and this would make number five under G.S. 153A-335. The Ordinance then may be amended as per section 209. The Family Subdivision definition was considered at a Planning Board meeting in March 1989 and is so reflected in the minutes.

Chairman Drake stated that in order to clear up the Family Subdivision and all proposed amendments, we will need one more Public Hearing just for the Family Subdivision portion.

#### Review of the proposed amendments

Matt Matteson called the attention of the Board to the following items in the Land Development Ordinance:

- page 6 -- at the bottom of the page add wording "or licensed land surveyor"
- page 8 -- second line, add word "Commissioners" after the word County.  
  - under phase, the word phase should be underlined.
  - under recombination - as established by this ordinance, the word as instead of and.
  - under Section, the words section and phase are defined with section being smaller than a phase.
- page 10 - # 2, leave "A" out.  
  - # 4, under Special Subdivision the definition has been changed to a nonstandard subdivision. A 2-3 parcel subdivision is a Special Subdivision, everything else is nonstandard, like cemetery lots and condominiums, etc.
  - # 5, under Non-Standard Subdivision, the others are called nonstandard. Change minor subdivision to be not more than 10 or less than 4.
- page 12 - Change the name of the N.C. Dept. of Health Resources to N. C. Dept. of Environment, Health, and Natural Resources.  
  - # 2, has already been addressed at the top of page 8. Remove that whole section on financial guarantees, in lieu of the other definition.
  - Section 401, add wording to clarify, such as "unless specifically exempted".
- page 15 - Regarding the number of copies, we are now asking for three copies of the plans and making reproductions rather than requiring eight copies.  
  - Section 406.21, delete the word "reproducible".
- page 16 - # 4, eliminated the number and used the wording "required" which would be three.  
  - Section 406.3, # 1, change the word phase to section.
  - # 3, change the number of copies.
- page 17 - Section 406.4, # 4, change the word phase to section.

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In the next paragraph, add the word "minimum" subdivision improvements and add "as required by Article 5 of this Ordinance indicated or constructed as part of the project". This was a recommendation by the County Attorney to make a clarification.

- # 4, on the bottom of the page. Matt called attention to an addition which would allow the Land Development Administrator to approve the final plan, if that plan meets all the requirements of the Ordinance and if the Planning Board has not stated a condition that they themselves would have to review, i.e. if in the preliminary plan approval process the Planning Board said we will approve this plan but you have to get your approval from the Hendersonville City Water Department on the water lines, then when that approval comes in in written form Matt would approve the preliminary plan and write the developer accordingly that he has written confirmation.
- page 18 - # 7, correct a typographical error and add some wording as recommended by the County Attorney.
- # 9, for clarification purposes will now read "any changes in the final plan made after the final plat has been approved and/or recorded and regardless of any change in ownership of subdivision lots require resubmission to the Land Development Administrator in accordance with the provisions of this Ordinance".
- At the bottom of the page, added the words "nonstandard subdivision".
- page 19 - Section 409, some clarification was added.  
Section 501, some more clarification, no change in policy.  
Section 502, changed the name of the N.C. Division of Environmental Health and Natural Resources.
- page 20 - the word "plan" was inserted in the place of "plat" in  
and 21 several places on these two pages, there is no preliminary plat.
- page 22 - The Planning Board asked that the language in the Ordinance require the developer to demonstrate why not to show stub streets rather than why the Planning Board should. The Commissioners requested that the language be changed to state that stub streets are preferred but not required. There was a lot of discussion on this item.  
Section 504.2, no new names should exceed 15 characters for the name of the street.
- page 24 - Section 505.5, this addresses off-site improvements which were not formerly addressed in the Ordinance previously.
- page 25 - Section 506.1, revised State Health Department regulations eliminate the minimum lot sizes in unzoned areas.
- page 26 - Section 507.1, the 10 feet listed in parenthesis was changed to 20 feet.
- page 61 - Section 507.4, as part of the street construction, along with regulatory signs and paving and whatever else is required, this requires that they also install street

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TAX REFUND REQUESTS

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>
Linda Jean Carter	\$ 110.74 ✓
Asheville Packing Company	77.85 ✓
Ford Motor Credit Company	32.13 ✓
BMW Leasing	176.67 ✓
W. Baisden Pace	59.06 ✓
Elodie McMillan	137.80 ✓
Lucinda K. Balmos	<u>180.81</u> ✓
<b>TOTAL</b>	<b>\$ 775.06</b>

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name signs as part of that process.  
page 26 - Section 509, made some changes in the access requirements.

page 27 - Section 509, added "Standards are based on NCDOT requirements for roads with shoulder sections. If curb gutter is proposed, right-of-way requirements may be reduced accordingly."

Mr. Matteson then reviewed Application Forms, Family Subdivision Forms, Certificates, Sample agreements, Sample bonds, Sample letter of credit.

There was much discussion on the amendments to the Land Development Ordinance.

It was decided by consensus to hold a Public Hearing at the mid-month meeting in August to discuss the Family Subdivision Ordinance, August 15 at 9:00 a.m.

#### INCINERATOR ASH

Chairman Drake addressed an item to take some of the heat off of the Board of Adjustment as far as disposal of ash. We have a policy at the landfill that says solid waste generated outside of Henderson County cannot be disposed of at the Henderson County Landfill. Commissioner Drake stated that the Board might want to add, simply as a policy matter, that ash from a commercial solid waste incinerator or hazardous waste incinerator shall not be disposed of at the Henderson County Landfill unless each load is accompanied by chemical analysis certifying that it contains no hazardous or potentially hazardous contaminants, also that waste from a commercial incinerator that contains ash generated from solid waste received from outside of Henderson County shall not be disposed of at the Henderson County Landfill. Chemical analysis to be done by a firm acceptable by the Board of Commissioners.

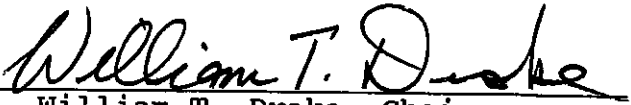
Commissioner Edney made a motion to adopt this policy. A vote was taken and the motion carried unanimously.

Chairman Drake asked Commissioner Edney if he would consider an amendment to his motion "not only ash generated from solid waste but also other waste received from outside the County". Commissioner Edney accepted that as a friendly amendment and all the Commissioners voted to accept this amended motion.

Being there was no other business, the meeting was adjourned at 3:50 p.m.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
William T. Drake, Chairman