

MINUTES

STATE OF NORTH CAROLINA      BOARD OF COUNTY COMMISSIONERS  
 COUNTY OF HENDERSON      NOVEMBER 6, 1989

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

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

Chairman Drake called the meeting to order and welcomed Dr. Dale Tanner of the First Baptist Church of East Flat Rock who gave the invocation.

Chairman Drake recognized and welcomed Gene Rainey to our meeting, Chairman of the Buncombe County Board of Commissioners.

MINUTES

The minutes of the October 18 meeting were presented for review. The minutes were corrected and were approved as corrected.

DISCUSSION/ADJUSTMENT of AGENDA

Chairman Drake made some necessary adjustments to the agenda. Item "I" under Unfinished Business was added - Sheriff's Dept. Request for Computer Disc Drive. Item "B" under New Business was added - American Education Proclamation.

PUBLIC HEARING - Special Use Permit SP-25-89,

Chairman Drake informed the Board that this request is from Todd Moss for property located at 64 West and Hampton Lane.

Commissioner Maybin made a motion to open Public Hearing to accept public comment on a special use permit. All voted in favor and the motion carried.

Chairman Drake asked if anyone had signed up for public comment on this Public Hearing. The clerk stated there was one name, Roy Jarvis.

Mr. Jarvis stated that he lives across the road from the place where the new complex is going to be built. He had some questions as to whether this was going to be single apartments, duplex, or what.

Chairman Drake called on Matt Matteson to answer this question. Mr. Matteson stated that this application is for a 6 unit complex using conventional septic tanks. Parking plans have been submitted. The proposal was submitted to the Henderson County Planning Board and was approved on September 27 and forwarded to the Board of Commissioners for Public Hearing.

Mr. Jarvis asked then if it were duplex apartments and if it would all be one level. Mr. Matteson stated that it could be as much as a two story facility. The apartment complex has not been designed architecturally yet but Mr. Matteson has copies of the plans.

Mr. Moss, the applicant, responded to some of Mr. Jarvis' questions stating that he is planning on putting in one level

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buildings and that it would not be done in bad taste.

Mr. Jarvis feels that it will be a cheap development and is strongly against it. He is afraid it will lower his property value.

Chairman Drake asked if there was anyone here who did not sign up who wished to speak.

E.M. Benneke, 420 Woodbyne. Mr. Benneke is asking if these apartments will be rental units or condominiums. Mr. Matteson stated that these would be rental apartments.

Chairman Drake asked Mr. Matteson to outline what the Planning Board considered. Mr. Matteson stated that the Planning Board reviewed the site plan, the Planning Board's review was based on acceptability of this type of development in that area. Comments were made regarding the drainage and those were addressed by the developer and there were some comments submitted by the Health Dept. The Planning Board was in favor of giving a favorable recommendation for consideration by the Board of County Commissioners.

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

Commissioner Baker asked to be excused from voting on this subject since he is involved with this property transaction. Commissioner Randall made a motion to excuse Commissioner Baker from voting. A vote was taken and the motion carried unanimously.

Commissioner Edney made a motion to grant the request for special use permit.

Chairman Drake stated that the Board must find as a fact that the specific requirements of Section 603.02 have been satisfied and the Board must find in conclusion that the general requirements listed in the Ordinance, namely that the use will not adversely affect the health or safety of the persons residing in the neighborhood. The Board must also conclude that the proposed use does satisfy the second general requirement of the Ordinance, that it will not be detrimental to the public welfare or injurious to property in the area. Mr. Edney accepted this as part of his motion. A copy of the order is attached.

A vote was taken and the motion carried unanimously.

PUBLIC HEARING - Proposed Cable T.V. Ordinance

Chairman Drake informed the public that State Law does not require a Public Hearing before such Ordinances are adopted. The Board felt that it was in the best interest to hold a public hearing to hear public comment prior to taking action on the proposed Ordinance.

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

Chairman Drake recognized Commissioner Baker who was Chairman of the Committee that proposed this Cable T.V. Ordinance.

Mr. Baker publicly thanked all the members of the Committee who served diligently to come up with this recommended new Franchise Agreement. Members of the Cable Review Committee were:

Mike Edney, fellow Commissioner  
Don Elkins, County Attorney  
Jerry Myers, County Administrator  
Matt Matteson, County Planner  
Robert Fox and Tom Anderson, two citizens who were outside the County Organization.

Both Mr. Fox and Mr. Anderson have had contact and experience

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in the Cable T.V. Industry, consequently they were extremely helpful in the technical side of the deliberations in this Committee. Mr. Matteson was responsible for deciphering and compiling the many thoughts of the Committee into the final product.

Mr. Baker recognized Mr. Matteson to give some of the specifics of the Ordinance. Mr. Matteson informed the Board that basically what the Committee was guided by in compiling this Ordinance was U.S. Cable Communications Act of 1984. This Act was enacted by Congress and gave the counties many areas of authority and took some away. What we can and cannot do is based on that Act. We can require a Cable Company to operate, we can award a franchise. We can require a Cable Company to operate in this county with a franchise. We can establish a franchise fee and can charge up to as much as 5%. We can, as a part of the franchise, establish consumer protection standards, construction schedules, and safety requirements for cable operators. We can require public access and education channels.

What we cannot do based on this Act, is we cannot regulate programming and we cannot set rates. We may not grant what is known as an exclusive franchise, meaning that we cannot create a monopoly. We cannot allow only one company to operate in Henderson County.

What the Committee did based on these requirements is look at the existing two franchise agreements and try to come up with what we wanted in a Franchise Ordinance. This would set a level playing field for any new Cable Company that wanted to do business in Henderson County or an existing Cable Company that was desirous of renewing their franchise when that expiration date occurred.

Some of the things included in this 32 page document (Ordinance) are:

1. Provisions regarding performance standards
2. Provisions regarding application process for a new company
3. The emergency use of the system
4. Governmental and educational access channels
5. Set new density requirements
6. Addressed consumer protection in many different areas
7. Added requirements for bonding
8. Established criteria for penalties and for record keeping

Hopefully this is a document that anyone who wanted to operate a Cable System would be knowledgeable of before that Company is granted a franchise.

Chairman Drake directed the Clerk to call names of those who had signed up for public input on this Public Hearing. Mr. Drake asked that they try to limit their comments to 5 minutes each.

Keith Dale, District Engineer for Duke Power. He had given a list of comments to Mr. Myers prior to the meeting and copies were supplied to the Board.

Suggestions offered by Mr. Dale to be possibly incorporated into the document:

1. page 1, section 1, part B - This simply is a suggestion limiting or not allowing the use of privately agreed upon right-of-ways with individuals.
2. page 3, section 4 - Changing the definition of the word channel to read - one way nonvideo signals as described in the SCC Communication Policy Act of 1984. One way communication simply meaning that anything other than one way communication is no longer a CATV Company, it is getting into some other realm of business.
3. page 7, section 6, part D - adding the word busi-

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nesses to the last sentence to read such records shall also include complaints from residents and businesses who are not customers.

4. page 13, section 10, part E - add no use of electrical power, telephone, or other utility company quarters (which means right-of-ways) or poles shall be made prior to grantee obtaining all necessary permits.

Nat Barfield, Southeast representative for Friendship Cable of North Carolina. He faxed information today to Mr. Myers, a 3 page document. Mr. Myers has supplied copies of this for the Board. This 3 page document was mostly questions. Some concerns they have are:

1. Mr. Matteson stated that the Ordinance was basically written to try to get a level playing field. Mr. Barfield stated that this would be difficult when you have a cable incumbent operator that is operating a system that already supplies probably 90% of all of your potential subscribers in the county. One of the items would be the requirement of a studio. This is a great expense.
2. Another concern was the application fee, it is a very large figure. If the area is built by competition while we are in franchising process, would this money be refundable?

Chuck Heinelich, Regional Operations Manager for Phoenix Cable. They are concerned about the performance bond requirement.

E.L. Christopher, a private citizen who resides in Carriage Park. He stated that they had a fierce battle with Multivision to try to get cable in Carriage Park and when they were threatened with a new franchise they finally came up and put cable in. He feels that the need in our county is for some cable competition.

Larry Scudder, Mid-America representative for Multivision. He states that their problem is also with the performance bond requirement.

Jim Cameron, who is dissatisfied with his cable service and felt that the County should go further than the Ordinance.

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

Commissioner Baker made a motion to approve the Basic CATV Ordinance subject to County Attorney's review and possible revisions.

Commissioner Edney suggested adding "with changes noted at the Public Hearing". Commissioner Baker accepted this as a friendly amendment to his motion. All voted in favor and the motion carried.

#### PUBLIC INPUT

1. Lindsey Shelton - Funding of Education. Ms. Shelton is a mother of 3 who attend schools in the western section of Henderson County. She is concerned because the county schools are out of space. She states that merger has been an issue that seems to have stalled the distribution of funds in any manner and urges the Board to move on with the allocation of 11.2 million for additions and renovations to schools in the county system and make provisions for the additional funding that will be needed to meet the needs of the county and city systems in the future.

2. Evelyn Nichols - Concerned Neighbor of General Electric. Ms. Nichols is concerned about her drinking water and feels that G.E. is not doing their part to clear up the contamination of the water. She is also concerned now because her revaluation jumped from \$70,000 to just over \$100,000 and

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doesn't even have decent water. She is asking for a "Health Survey".

3. Lucy King - Concerned Neighbor of General Electric. Ms. King is concerned about her drinking water and feels that G.E. is not taking care of the problem. She feels that the county should be helping these citizens in some way. She is asking for help, says they all expect help.

In response to Ms. Nichols and Ms. King, Chairman Drake requested a list of names, a list of medical problems, health hazards, etc.

4. Pat Ritchie - Henderson/Buncombe County Line. She is speaking tonight as a private citizen. She agrees with our Board that this is a people issue and should be settled forthwith to allow these people to live in the county that they thought they were in.

There was no one else who had signed up for public comment.

Chairman Drake responded to the public after a short break. Mr. Drake said that some question has been raised as to why we were setting time limits on public input. Mr. Drake stated that he did not know that the people from East Flat Rock were coming until he heard it on Channel 13 tonight. They had not called and asked to be on the agenda. If they had, he would have handled it the same as he did in March, told them that when they got the information he requested he would schedule a meeting with them and listen to them as long as it takes.

#### BUNCOMBE/HENDERSON COUNTY LINE

Chairman Drake recognized Mr. Gene Rainey, Chairman of the Buncombe County Commissioners. Mr. Rainey states that they want to be good neighbors and as best can be done approach a common problem. He comes today with bad news. He introduced Charles Clark, Buncombe County's Tax Assessor, to give the staff report from Buncombe County.

Mr. Clark stated that upon a request of the County Commissioners, their staff made the following recommendations:

1. To go along a line of a survey performed by John Austin in 1885. The staff felt that it was a better description of the 1851 general legislative amendment to the Buncombe County Line.
2. The general placement of the 1885 survey was repeated by the following groups placing their line:
  - Transworld Aerial Survey, Henderson County's Mapping Contractor
  - L. Robert Kimball, Assoc., Buncombe County's Mapping Contractor
  - Henderson County Mapping Dept.
  - Buncombe County Mapping Dept.
  - U.S.G.S. Maps
  - N.C. Geodetic Control

Additionally he stated the N.C. Geodetic Survey strongly suggests that the county boundaries not be made to follow along private property lines.

Mr. Rainey addressed the Board again stating that he is not in agreement with this report, he is a one man minority.

Mr. Rainey stated that the Board is very sensitive to the problem of children having attended Henderson County schools and now being told they can no longer do that. He has been instructed to let our Board know that if the line is drawn and it turns out to be the 1885 line, that those children who are currently going to Henderson County Schools in Buncombe County Board's opinion should continue to attend Henderson County Schools through some agreement. He proposes two possible avenues of action:

1. A joint friendly request for arbitration.
2. Support a compromise and split the difference

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between the two lines, to be worked out between the two boards.

#### LIBRARY EXPANSION

Chairman Drake recognized Morris Kaplan of the Board of Trustees of the Henderson County Public Library who thanked the Commissioners for their excitement and their input into this expansion and renovation project. Mr. Kaplan introduced Bill O'Cain to present his plans for expansion. Mr. Kaplan said the Library moved into new quarters 20 years ago and has grown steadily since. The population has grown faster than they could keep up with the services required and asked for by the public and the school children.

Mr. Kaplan said that about 5 years ago a number of County Residents made the Library beneficiaries in their wills and they began to see where the money was coming from for the much needed expansion.

Architect Bill O'Cain presented his plans for the expansion project. The Library Board of Trustees approved these plans at their October 19 meeting unanimously and hope that the Board of Commissioners will approve them tonight.

The plans call for addition to the existing main floor of approximately 13,700 sq. feet and a second floor area on the North side of approximately 8,617 sq. feet. The schedule at this time - documents will be completed and ready for bids about the middle of February 1990, will receive bids within a month and then complete the construction approx. 15th of September 1991, assuming approx. an 18 month construction period.

Commissioner Maybin made a motion to accept the recommendation of the Library Board of Trustees for the design phase and authorize the preparation of construction and bidding documents. A vote was taken and the motion carried unanimously.

#### PHOENIX CABLE REQUEST

Chuck Heimelich addressed the Board asking to be able to expand their services further into Henderson County. They are presently in the Bat Cave/Gerton area. They have completed Bat Cave and Gerton and are looking to expand further this way. At this time they would like to build about 45 miles in the Edneyville/Fruitland area. They have provided maps to Duke Power and will provide maps for our Board's review.

Chairman Drake stated that in order to grant an amendment to their franchise, it has to be read and approved at two different County Commission meetings. Tonight can count as the first reading of the request for amendment.

Mr. Myers suggested that if we elect to approve this as the first reading, that we direct Phoenix to prepare the appropriate revised franchise documents indicating this and incorporating by reference our Ordinance that we have adopted and return it for our consideration and presentation at the second reading. November 15 would be the next meeting and second reading.

Commissioner Baker made a motion to approve Phoenix's request for franchise amendment, to comply with our recently adopted Ordinance. All voted in favor and the motion carried.

#### SCHOOL FUNDING REQUEST

Chairman Drake informed the Board of a request from Mr. Frank Ewbank.

Mr. Ewbank is asking that action be taken on the City School Board's request for release of Facilities Bill money to do

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the first phase of renovation on Hendersonville High School. There is some urgency on this matter as handicapp assessibility will have to be made by next school session. The elevator and electrical work can be done for \$100,000.

Commissioner Randall made a motion that the School Facilities money be distributed the same as distribution of the current operating budget money, based on attendance rather than student residence.

Chairman Drake directed the Board's attention to the September 1st letter from the Henderson County Board of Education that requests that the funds be distributed on student population residing in its attendance area. This is a matter of discussion on Mr. Randall's motion.

A vote was taken:

Ayes - Commissioner Randall

Nays - Commissioner Baker  
Commissioner Maybin  
Commissioner Edney  
Chairman Drake

The motion did not carry.

Commissioner Randall made a motion to approve the request tonight from the Hendersonville Board of Education for the elevator and electrical work up to \$100,000. A vote was taken and the motion carried unanimously.

Chairman Drake asked the Board if they wished to consider the Henderson County School Board's request that was submitted September 1. This request is that the money be divided at point of residence rather than attendance.

Commissioner Randall made a motion to answer the County Board of Education's request, that the Board will not use a formula but will proportion money on a project to project basis. Commissioner Edney added until the two School Boards get together and give us a combined prioritized list. Mr. Randall accepted this as an amendment to his motion. A vote was taken and the amended motion carried.

#### APPEAL STATE PROPERTY TAX COMMISSION

Chairman Drake informed the Board of an appeal to the state property tax commission. Mr. Stan Duncan is here from the State Ad Valorim Tax Division of N.C. Department of Revenue.

Mr. Duncan was asked to come before the Board to fill a procedural requirement regarding appeal for 1987 PTC #50 on Mr. & Mrs. William E. Baity. The issue involves mineral rights. Mr. & Mrs. Baity state that they are withdrawing the appeal in light of conclusions made by their attorneys from records in the Henderson County Register of Deeds Office that the property in Mills River township does include mineral rights.

The Tax Office must follow what is duly recorded in the Register of Deeds Office, none of the deeds make mention of the separation of the mineral rights. The only thing that comes up is the sale of tax lien to a previous grantor. There had been no attempt to list the properties separately at the time when it was required by statute to draw distinctions; therefore, the county is extinguishing those mineral rights, preceding that and superseding that.

Mr. Duncan emphasized again that the only reason he is bringing this to the Board's attention is to fulfill this obligation. Rather than draw up a lengthy consent order from the Commission, the tax payer agreed to withdraw the appeal with the understanding that what was being assessed in no way invalidated or tainted their color of title on the property

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they have.

APPOINTMENTS

Chairman Drake asked for nominations for Land of Sky Regional Council Advisory Council on Aging. There were no nominations so it was rolled to the next Commissioners' meeting.

Chairman Drake asked for nominations for Retired Senior Volunteer Program (RSVP) Advisory Council from Henderson County. He has talked to Doug Moon, Recreation Director and Mr. Moon has indicated that he will serve on this committee if appointed, it meets quarterly.

Chairman Drake nominated Doug Moon to fill the vacancy on the RSVP Advisory Council from Henderson County. Commissioner Maybin made a motion to suspend the rules and appoint Mr. Moon to this committee. All voted in favor and the motion carried.

Chairman Drake asked for nominations for the Private Industry Council, this vacancy must be filled with a minority small business owner or operator. There were no nominations so it was rolled to the next meeting.

Chairman Drake asked that the Travel & Tourism Committee nominations be rolled until after Executive Session.

Chairman Drake asked for nominations for Henderson County Alcohol and Substance Abuse Prevention Task Force. The Task Force has been in existence for over a year. We have had six people resign and we have a nomination for one person to be appointed which will still leave five vacancies. This recommendation is from Jack Culbreth who is chairman of the Task Force - Mr. Rodney Locks - Jack has indicated that Mr. Locks is willing to serve on the Task Force and attend the meetings and be an active member.

Commissioner Maybin asked that this item be rolled to the next meeting.

RESOLUTIONS ADOPTING THE SCHEDULE OF LAND VALUES & THE SCHEDULE OF VALUES, STANDARDS, & RULES

Chairman Drake informed the Board that these are resolutions adopting the schedule of Land Values and instructing the Clerk to the Board to have published once a week for four successive weeks public notice of the Land Use Schedule, on the Schedule of Values we have already concluded that process and the resolution reads that the Clerk has caused notice of the order to be published. What is the pleasure of the Board regarding these two resolutions?

Commissioner Maybin made a motion to adopt the two resolutions. All voted in favor and the motion carried.

SHERIFF'S DEPT. REQUEST FOR COMPUTER DISC

Chairman Drake informed the Board of a request he had received from the Sheriff's Dept. concerning Kodak Disc Drive. He recognized David Nicholson to explain.

Mr. Nicholson reminded the Board that during the budget process for the last couple of years the computer system at the Sheriff's Dept. has been discussed. This past year, particularly the need of a computer system at the jail. At that point the Board asked Mr. Nicholson to study the item. Mr. Nicholson comes to the Board today with a recommendation. This is basically one piece of equipment which can solve two problems. One is the Sheriff's Dept. is desperately out of disc space, they have less than 6% capacity left. Second is through a county just outside Atlanta, we can receive for public domain some software that will be able to do our jail records. By adding this disc space we can do both, provide the disc space for the Sheriff's Dept as well as provide the



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necessary equipment to do the jail. Mr. Nicholson informed the Board that money had been put in contingency for this item during the budget process.

Commissioner Maybin made a motion to move money from contingency to approve this request for additional computer space for the Henderson County Sheriff's Department. All voted in favor and the motion carried.

#### AMERICAN EDUCATION WEEK PROCLAMATION

Chairman Drake recognized Lynn Moore who came forward and read the Proclamation. This proclamation will proclaim November 12-18, 1989 as American Education Week in Henderson County.

Commissioner Maybin made a motion to adopt this proclamation and dedicate November 12-18 as American Education Week in Henderson County. All voted in favor and the motion carried.

#### ELDERLY AND HANDICAPPED TRANSPORTATION ASSISTANCE PROGRAM

Chairman Drake recognized Jerry Myers to present this item. Mr. Myers stated that the 1989 General Assembly set aside a sum of money to provide some additional transportation services to the elderly and handicapped citizens of the counties of North Carolina. It is allocated to each county to supplement those existing transportation services. The State has reactivated our old plan and we're now eligible to apply for these monies. Henderson County's portion of these funds is \$22,190 and does not require any match. This application must be in Raleigh by November 9, 1989.

Commissioner Maybin made a motion to go ahead with this and send the application in with the appropriate signatures. A vote was taken and the motion carried unanimously.

#### EXECUTIVE SESSION

Commissioner Edney made a motion for the Board to go into Executive Session to discuss legal and personnel matters and purchase of property. All voted in favor and the motion carried.

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

Chairman Drake asked for a motion on changing the Memorandum of Understanding between the City and the County as to the membership of the Committee, their request is to change the larger motel owner from 50 units down to 25 units.

Commissioner Maybin made a motion to make this numerical change in the Memorandum of Understanding for the larger motel category. All voted in favor and the motion carried.

Chairman Drake asked for nominations for County Commissioner member for the Travel & Tourism Committee.

Commissioner Maybin nominated Dick Baker to serve on this committee.

Commissioner Baker nominated Ms. June Rhodes to represent the larger motel establishments.

Commissioner Baker nominated Mr. Fred Niehoff to represent the smaller motel establishments as well as to serve as chairman of the committee for the current fiscal year.

Commissioner Baker nominated Mr. Frank Schell to serve in the related position.

Commissioner Maybin made a motion to suspend the rules and appoint these 4 nominees and Chairman. A vote was taken and the motion carried unanimously.



**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

244 SECOND AVENUE EAST  
HENDERSONVILLE, N.C. 28739  
PHONE 704/697-4808

WILLIAM T. DRAKE  
CHAIRMAN  
TROY L. MAYBIN  
F. RICHARD BAKER  
J. MICHAEL EDNEY  
HUGH D. RANDALL

JERRY D. MYERS  
COUNTY ADMINISTRATOR

**R E S O L U T I O N**

Adopting Schedules Standards and Rules  
To Be Used in Appraising Real Property in Henderson County  
For The 1990 Revaluation

WHEREAS, North Carolina law requires the revaluation of all real property at least every eight years; and

WHEREAS, The County Tax Assessor on May 17, 1989 submitted and presented to the Board of Commissioners the proposed schedules of values, standards, and rules to be used in appraising all real property in Henderson County for the 1990 revaluation; and

WHEREAS, a legal notice of public hearing was published on May 23, 1989, declaring that a public hearing on the proposed schedules, standards, and rules would be held by the Board of Commissioners at 9:00 A.M. on June 21, 1989 in the Commissioners meeting room of the County Administration Building, Hendersonville, N.C. and further advising that said schedules, rules, and standards were available for public inspection; and

WHEREAS, the aforesaid public hearing was conducted as required at 9:00 A.M. on June 21, 1989 and no persons appeared to comment upon the proposed schedules, standards, and rules; and

WHEREAS, this Board has reviewed and discussed the proposed schedules, standards, and rules with the County Tax Assessor and finds that it would be proper, appropriate and in the best interests of all citizens, residents, and taxpayers of Henderson County to adopt the schedules, rules, and standards to be used in appraising all real property in Henderson County for the 1990 revaluation which are attached herewith as Exhibit A.

NOW, THEREFORE, BE IT ORDERED BY the Board of Commissioners for the County of Henderson as follows:

1. That the Schedule of Values, Standards, and Rules to be used in appraising all real property in Henderson County for the 1990 revaluation, a copy of which is attached herewith as Exhibit A, be and the same are hereby approved and adopted.
2. That the Clerk to the Board has caused a notice of this order to be published once a week for four successive weeks, with the last publication being not less than seven (7) days before the last day for challenging the validity of the schedules, stan-

ards, and rules by appeal to the State Property Tax Commission.

3. Adopted this the 10<sup>th</sup> day of Nov. 1989.

ATTEST:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk

*William T. Drake*  
William T. Drake, Chairman  
Henderson County Board of  
Commissioners

APPROVED AS TO FORM

*Don H. Elkins*  
Don H. Elkins, County Attorney

HENDERSON COUNTY  
BOARD OF COMMISSIONERS

244 SECOND AVENUE EAST  
HENDERSONVILLE, N.C. 28739  
PHONE 704/697-4808

WILLIAM T. DRAKE  
CHAIRMAN  
TROY L. MAYBIN  
F. RICHARD BAKER  
J. MICHAEL EDNEY  
HUGH D. RANDALL

JERRY D. MYERS  
COUNTY ADMINISTRATOR

R E S O L U T I O N

Adopting Land Use Schedule  
To Be Used In The Assessment of Land Use Values of Real Property  
for Henderson County, North Carolina  
1990 Octennial Revaluation

WHEREAS, North Carolina law requires the revaluation of  
all real property at least every eight years; and

WHEREAS, The County Tax Assessor on September 20, 1989  
submitted and presented to the Board of Commissioners the  
proposed Land Use Schedule, to be used in the assessment of  
land use values of real property in Henderson County for the  
1990 revaluation; and

WHEREAS, a legal notice of public hearing was published  
on October 7, 1989, declaring that a public hearing on the  
Land Use Schedule would be held by the Board of Commissioners  
at 9:00 A.M. on October 18, 1989 in the Commissioners meeting  
room of the County Administration Building, Hendersonville,  
N.C. and further advising that said Land Use Schedule was  
available for public inspection; and

WHEREAS, the aforesaid public hearing was conducted as  
required at 9:00 A.M. on October 18, 1989 and no persons  
appeared to comment upon the proposed Land Use Schedule; and

WHEREAS, this Board has reviewed and discussed the  
proposed Land Use Schedule with the County Tax Assessor and  
finds that it would be proper, appropriate and in the best  
interests of all citizens, residents, and tax-payers of  
Henderson County to adopt the Land Use Schedule to be used in  
the assessment of land use values of real property in  
Henderson County for the 1990 revaluation which are attached  
herewith as Exhibit A.

NOW, THEREFORE, BE IT ORDERED BY the Board of Commis-  
sioners for the County of Henderson as follows:

1. That the Land Use Schedule to be used in assessment  
of land use values of real property in Henderson  
County for the 1990 revaluation, a copy of which is  
attached herewith as Exhibit A, be and the same are  
hereby approved and adopted.
2. That the Clerk to the Board shall cause a notice of  
this order to be published once a week for four  
successive weeks, with the last publication being  
not less than seven (7) days before the last day for  
challenging the validity of the Land Use Schedule

by appeal to the State Property Tax Commission.

3. Adopted this the 6<sup>th</sup> day of Nov. 1989.

ATTEST:

*Elizabeth W. Corn*  
Elizabeth W. Corn, Clerk

*William T. Drake*  
William T. Drake, Chairman  
Henderson County Board of  
Commissioners

APPROVED AS TO FORM

*John H. Elkins*  
John H. Elkins, County Attorney

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

244 SECOND AVENUE EAST  
HENDERSONVILLE, N.C. 28739  
PHONE 704/697-4808

WILLIAM T. DRAKE  
CHAIRMAN  
TROY L. MAYBIN  
F. RICHARD BAKER  
J. MICHAEL EDNEY  
HUGH D. RANDALL

JERRY D. MYERS  
COUNTY ADMINISTRATOR

PROCLAMATION

WHEREAS, the citizens of our community have long recognized the historic link between education and a strong, free nation; and

WHEREAS, our public schools have enabled generations of American families to build upon the lessons of the past to achieve the dreams of tomorrow; and

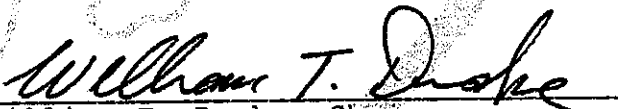
WHEREAS, America's system of public education relies not only on the skills and dedication of teachers, school administrators, and education support staff, but also on the encouragement and support of the entire community,

NOW THEREFORE BE IT RESOLVED that the Henderson County Board of Commissioners does hereby proclaim

November 12 - 18, 1989  
AMERICAN EDUCATION WEEK

in Henderson County, and urges all citizens to reaffirm their commitment to our public schools and to recognize the critical role that learning plays in the preservation of liberty.

Signed this 6<sup>th</sup> day of Nov. 1989.

  
William T. Drake, Chairman  
Henderson County Board of  
Commissioners

COUNTY OF HENDERSON

STATE OF NORTH CAROLINA

ORDER GRANTING/DENYING A SPECIAL USE PERMIT

The Henderson County Board of Commissioners, having held a public hearing on November 6, 1989 to consider application number SP-25-89 submitted by F. Richard Baker /owner, Todd Moss/Applicant, a request for a special use permit to use the property located at 64W and Hampton Lane one mile from Hendersonville city limits for the purpose of establishing an R-A development in an R-20 district and having heard all of the evidence and arguments presented at the hearing, makes the following findings of fact and draws the following conclusions for the following reasons:

1. The Board finds as a fact that all of the specific requirements set forth in Section 603.02 of the Ordinance for the proposed use (will/~~will not~~) be satisfied if the property is developed in accordance with the plans submitted to the Board. (Specify which requirements, if any, are not satisfied by the proposed development).  


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2. It is the Board's conclusion that the proposed use (does/~~does not~~) satisfy the first general requirement listed in the ordinance, namely, "that the use will not adversely affect the health or safety of persons residing or working in the neighborhood." In support of this conclusion the Board makes the following findings of fact:  
This is a Residential Apartment project which should have no negative effect on the health and safety of the area residents. Density will be less than is permitted for the area and the vast majority of the tract will remain open.
3. It is the Board's conclusion that the proposed use (does/~~does not~~) satisfy the second general requirement listed in the Ordinance, namely, "that the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood." In support of this conclusion, the Board makes the following findings of fact:  
This project meets the requirements and intent of the R-A district. Clearing and landscaping of the currently overgrown property should enhance the appearance of the neighborhood and improve property values.
4. Therefore, because the Board concludes that all of the general and specific conditions precedent to the issuance of a special use permit (have/~~have not~~) been satisfied, it is ordered that the application for the issuance of a special use permit be (granted/~~denied~~), subject to the following conditions:
  - (1) The applicant shall fully comply with all of the specific requirements stated in the ordinance for the proposed use, as well as any additional conditions stated below.
  - (2) If any of the conditions stated below shall be held invalid, then this permit shall become void and of no effect.
  - (3) Other: (e.g., the land must be developed in accordance with the site plan submitted and approved.) \_\_\_\_\_

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Ordered this 6th day of November, 1989.

Wilhoar T. Drake  
Chairman, Henderson County  
Board of Commissioners

Elizabeth W. Corn  
Clerk to the Board