

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS
MARCH 6, 1989

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:30 p.m. at the Henderson County Courthouse Annex.

Those present were: Chairman William T. Drake, Commissioner Troy L. Maybin, Commissioner Hugh D. Randall, Commissioner J. Michael Edney, County Administrator Jerry D. Myers, County Attorney Don H. Elkins, Finance Director David E. Nicholson, Administrative Secretary Mona Quinn, and the news media.

Chairman Drake called the meeting to order, and Reverend Charles Evans of Pinecrest Presbyterian Church gave the invocation.

MINUTES

The Minutes of the February 15, 1989 Commissioners Meeting were reviewed and corrected. The Minutes were approved as corrected.

PUBLIC INPUT

E. L. Christopher, a resident of Carriage Park Subdivision, addressed the Board concerning cable television service for Carriage Park. Mr. Christopher stated to the Board that the residents had worked with the Developer to obtain cable television service without success. The residents have contacted a cable television company regarding installation of cable service to be owned either by the homeowners association or by the cable television company. Mr. Christopher inquired as to whether a franchise would be required for the cable service to be installed and asked that this issue be addressed at the next County Commissioners Meeting. Chairman Drake informed Mr. Christopher that the County Attorney, Don Elkins, is researching this matter, and as soon as research is complete, the Carriage Park request will be placed on the agenda for the next regularly scheduled Commissioners Meeting. This will be accomplished as soon as possible, but may not be complete before the March mid-month meeting.

Argie Taylor addressed the Board stating his support of the Planning Board's recommendation that financial guarantees for improvements be required of developers. Mr. Taylor stated his opinion that many purchasers have been defrauded due to the lack of such requirements. County Attorney, Don Elkins, stated that he was familiar with four or five of the individual cases, that there are approximately 40 pending against Mr. Thompson, and that in no case is the controversy over any improvements. All the cases center around deposits made by land owners and were not received back from Mr. Thompson. Not a single case revolves around roads or any type improvements to a subdivision. Mr. Elkins stated that to his knowledge there had been no violation of the ordinance. Chairman Drake informed Mr. Taylor that since the Land Development Ordinance was enacted in February 1988 the Henderson County Board of Commissioners had enforced the Land Development Ordinance, but that the Board of Commissioners has no control over business practices of various developers by which purchasers signed contracts without consulting a lawyer and have been defrauded. Chairman Drake stated the Board of Commissioners will continue to enforce the Land Development Ordinance and will continue to consider other methods of protecting potential purchasers in Henderson County such as requiring financial guarantees for improvements to subdivisions.

Pat Ritchie, speaking on behalf of the League of Henderson County Property Owners as its President, stated to the Board their support of requiring financial guarantees for improvements to subdivisions from developers for the protection of purchasers.

UNFINISHED BUSINESS:

NOMINATIONS :

Chairman Drake informed the Board that there is a vacancy on the

Nursing Home/Domiciliary Home Advisory Committee. There were no nominations, and this matter was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there is one vacancy on the Zoning Board of Adjustment. Hugh Randall nominated Marvin B. Smith to serve on the Zoning Board of Adjustment. Troy Maybin made the motion to suspend the rules and appoint Marvin Smith to the Zoning Board of Adjustment. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there is one vacancy on the Council on the Status of Women. There were no nominations, and this matter was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there is one vacancy on the Land-Of-Sky Private Industry Council. There were no nominations, and this matter was rolled to the next Commissioners Meeting.

Chairman Drake informed the Board that there are two vacancies on the Hendersonville City Planning Board. Letters have been received from Hall Waddell indicating his willingness to serve again on this Board and from Mrs. Harry Thompson indicating her inability to serve another term on the Board. Correspondence has been received from Art Cooley recommending Mrs. James R. (Nancy) McKinley to serve on the Hendersonville City Planning Board. Troy Maybin nominated Hall Waddell for reappointment to the Hendersonville City Planning Board. Michael Edney nominated Nancy McKinley to serve on the Hendersonville City Planning Board. Hugh Randall made the motion to suspend the rules and make these two appointments. All voted in favor, and the motion carried.

Chairman Drake informed the Board that there are two vacancies on the Henderson County Planning Board. Correspondence has been received from both Robert Brummett and Chuck Cordray indicating their willingness to serve again on the Planning Board. Troy Maybin nominated Robert Brummett and Chuck Cordray for reappointment to the Henderson County Planning Board. Michael Edney made the motion to suspend the rules and reappoint Robert Brummett and Chuck Cordray to the Planning Board. All voted in favor, and the motion carried.

Chairman Drake informed the Board that the two vacancies on the Board of Equalization and Review are the two alternate positions previously established by the Board. Chairman Drake nominated Jim Tate and Doris Saltz to fill the two alternate positions. Troy Maybin made the motion to suspend the rules and appoint Jim Tate and Doris Saltz as alternate members of the Board of Equalization and Review. All voted in favor, and the motion carried.

FIRE TRAINING GROUND BIDS:

Chairman Drake informed the Board that bids were taken for construction of the Fire Training Ground on February 23, 1989. The low bid was presented by Cooper Construction Company at \$137,327. A letter has been received from Emory Jackson, Architect, recommending on behalf of the Fire Training Ground Committee, that the low bid of \$137,327 by Cooper Construction Company be accepted. Hugh Randall made the motion that the low bid of \$137,327 by Cooper Construction Company be accepted and that the contract be awarded as recommended by Emory Jackson, Architect, subject to the approval of the County Attorney. All voted in favor, and the motion carried.

Chairman Drake commended Henderson County's Volunteer Firemen for generously donating their time and risking personal well being for the protection of the residents of Henderson County, recognizing those recently injured when attempting to contain a house fire.

NEW BUSINESS:

EDNEYVILLE LIBRARY:

Paul Freeman, Chairman of the Edneyville Committee to establish a Branch Library in Edneyville, informed the Board that committees have been organized and plans made to accomplish this goal. The Edneyville residents have requested the trailer now serving as the Fletcher Branch Library from the Board of Education. Fletcher Library will

move into its own building, and the trailer will be available at that time. A central location in Edneyville has been located with a lease provided with the required rest room facilities. Jerry Myers, County Administrator, stated that repairs may be necessary to these rest room facilities. The Edneyville Committee requested the Board of Commissioners to approve a Branch Library for the Edneyville Committee and to provide financial support as has been provided to other branch libraries. Elizabeth Marshall, Library Director, has submitted to the Board of Commissioners a list of equipment and staffing requirements for a Branch Library in Edneyville. Morris Kaplan, Chairman of the Library Board of Trustees, stated the Library Board is in full support of establishing a Branch Library in Edneyville and will work with the Edneyville Community to reach this goal. The Board of Commissioners gave their approval of establishing a Branch Library in Edneyville and will work with the Edneyville residents in reaching this goal. No action was necessary by the Board at this time.

SUBDIVISION IMPROVEMENT PERFORMANCE GUARANTEES:

Natt Matteson, County Planner, addressed the Board stating that the Henderson County Planning Board had established a subcommittee to review the issue of requiring the developer of a major subdivision (10 lots or more) to provide financial guarantees to insure the completion of proposed improvements. The subcommittee held two meetings which were attended by local developers, representatives of financial institutions, and other interested parties. The subcommittee recommended to the full Planning Board that the improvements to be guaranteed be limited to water, sewer, street, and drainage improvements; that the County have no statutory liability to complete any or all improvements guaranteed and is not obligated to use any public funds for the completion of such improvements if financial guarantees are inadequate; and that the County Commissioners continue to approve guarantees for subdivision improvements on a case-by-case basis but that the Planning Department in each case should recommend a workable method of guarantees keeping in mind the resources of the developer and protecting the interests of the County. The method should include the estimated cost of improvements, the amount of guarantee recommended, the method of release and minimum retained, the deadline for completion, the type of instrument to be used, including but not limited to: cash on deposit, bank escrow account, surety bond, or irrevocable letter of credit. The full Planning Board agreed with the subcommittee findings and unanimously recommended that the Land Development Ordinance remain intact and that written procedures be developed which would outline options available to the developer. The Planning Board adopted guidelines for implementing performance guarantees on February 28, 1989. Mr. Matteson stated that this would not be an amendment to the Land Development Ordinance but would be a policy for implementing performance guarantees to be adopted by the Board of Commissioners. After discussion, the Board of Commissioners agreed to consider this matter further at the March mid-month meeting. No action was taken at this time.

GRANT APPLICATIONS--RECREATION DEPARTMENT:

Doug Moon, Recreation Director, requested the Board's approval of six grant applications for non-matching grant funds. One grant is for \$5,000.00 and the other five grants are for \$1,000.00 each. The Recreation Board has unanimously approved these grant applications. Troy Maybin made the motion to approve these six grant applications and authorize Chairman Drake to sign all necessary paperwork. All voted in favor, and the motion carried.

CRANSTON PRINT WORKS REQUEST FOR VARIANCE:

Jerry D. Myers, County Administrator, reported to the Board that as of March 1, 1989 the Henderson County Landfill can no longer accept waste water treatment plant sludge for disposal according to solid waste state regulations. Cranston Print Works has requested that the Board of Commissioners apply for a six-month variance to allow them time to implement their alternative disposal plan. The City of Hendersonville has requested that the six-month variance apply to them also. The City of Hendersonville has plans for disposing of their sludge which are subject to State approval. The City would like to be included in the variance just in case the State's approval process takes longer than expected. Don Green of Cranston Print Works informed the Board

that Cranston had been working to develop a system of disposal since first informed of the regulation in the Fall of 1987. Mr. Green stated that the six-month period would be sufficient time to complete implementation of their system of disposal. Troy Maybin made the motion that the Board of Commissioners make application to the North Carolina Department of Human Resources, Solid Waste Section, for a six-month variance to the Solid Waste rules pertaining to the disposal of waste water treatment plant sludge on behalf of Cranston Print Works and the City of Hendersonville. All voted in favor, and the motion carried.

RECYCLING PROPOSAL:

Jerry Myers, County Administrator, informed the Board that Recycling has been under consideration for some time in an effort to increase the life of the County Landfill. A site has been prepared at the Landfill to accommodate the Recycling equipment, and nine vendors have submitted Recycling proposals. The proposals vary greatly in cost to the County, staffing, provision of equipment, materials accepted, and procedure. Current plans include recycling glass, cardboard, newspaper, plastics, and aluminum. Mr. Myers requested that the Board consider providing a staff person on a temporary basis to assist the public in disposing their recyclable materials correctly and to assess the volume of recyclable material for a period of time. Troy Maybin stated that the Recycling Proposal is a good means of extending the life of the Landfill and asked that Mr. Myers obtain cost information in regards to providing staff to man the Recycling Center to be considered at the mid-month County Commissioners Meeting. The Board agreed with this suggestion, and no action was taken at this time.

TAX RELEASES:

Seventy-Four (74) Tax Release Requests from the County Tax Assessor's Office were reviewed as follows:

David E. Gant & Wife	\$ 35.75	Error in Assessment
R. W. Gensel & Wife	213.74	Double Listed
Benjamin E. & Kathy Hadley	515.77	Double Listed
Donald Haney & Wife	45.94	Double Listed
Lindsey J. Harrill & Wife	7.93	Other
Harry T. Hickey	54.17	Clerical Error
Eloise C. Holm	59.75	Clerical Error
Mildred O. Hoyle	23.50	Other
Everette M. Israel	156.45	Clerical Error
Ann Wilson Johnson, Etal	633.18	Double Listed
Edna Jones	13.86	Other
Melvin G. Johnson & Wife	219.93	Other
Mary E. Johnson	271.85	Other
Harold E. Johnson	30.65	Clerical Error
Forrest J. Lance & Wife	41.24	Other
Bill and Lillie La-Fever	429.41	Other
Bill & Lillie La-Fever	59.52	Other
Ralph C. McCall & Sylvia	11.34	Double Listed
Gary H. McGaha & Wife	31.62	Other
Carl A. McGraw	60.31	Double Listed
McNutt Service Group	59.56	Clerical Error
William M. Mackinnon	32.43	Double Listed
William S. Manning, III	96.62	Prop. Not in County
Ricky Marvels	68.11	Prop. Not in County
Winfred Martone	17.10	Clerical Error
Blanche Moore	3.84	Clerical Error
William R. Moffitt	6.90	Clerical Error
James K. Nance	11.34	Prop. Not in County
George S. Nellis	45.45	Other
Douglas C. Nichols & Wife	5.51	Clerical Error
David B. Nicholson & Wife	42.43	Clerical Error
Elsie Osteen	36.63	Other
Elsie Osteen	31.81	Other
Donald Owens	2.05	Double Listed
Carl L. & Alberta Parker	148.23	Other
Blanche Opel Parkinson	93.56	Other
Kathleen D. Peace	9.58	Other
Louis H. Piehl	3.50	Clerical Error
Robert Pryor & Lauren	11.70	Clerical Error
Public Service Company of N.C.	78.57	Double Listed

Fred N. Reiter	3.50	Other
Michelle D. Renuart	27.52	Other
Teresa L. Rice	31.81	Error in Assessment
Pamela Y. D. Robertson	72.23	Prop. Not in County
Viola P. Robertson	74.40	Clerical Error
Alan R. & Rosalind Ryan	297.46	Other
Debra G. Scarborough	5.12	Prop. Not in County
Kenneth L. & Marguerite Schroeder	135.50	Prop. Not in County
Bruce & Denise Seyler	22.28	Prop. Not in County
Harry & Elizabeth Shackelford	169.91	Double Listed
Dovenia Shelton	72.20	Clerical Error
Edward Dyal Smith	20.10	Clerical Error
Owen E. Spencer	272.00	Error in Assessment
Edwin K. Stearns	54.18	Clerical Error
Jeffrey C. Stuhmer	2.17	Clerical Error
Darrell Taylor	89.03	Double Listed
Steve T. Taylor	28.76	Prop. Not in County
Migrant Council of Hendersonville	38.50	Other
Billy Ray Turpin	9.44	Double Listed
Esther H. Wallace Etal	47.74	Prop. not in County
Edward S. & Patricia Walicke	31.19	Other
Les & Olive Wells	45.63	Double Listed
Harry W. Whyte	7.38	Prop. Not in County
Barbara M. Williams	3.50	Clerical Error
Patricia S. Wright	20.64	Double Listed
Vivian M. Young	40.30	Prop. Not in County
Doshia Youngblood Est.	24.07	Clerical Error
E. M. Youngblood & Wife	162.46	Other
Southern Bell	18,503.37	State Error
Southern Bell	4,073.21	State Error
Southern Bell	4,462.66	State Error
Southern Bell	12,982.93	State Error
Southern Bell	9,224.28	State Error
Southern Bell	169,509.55	State Error

Troy Maybin made the motion to grant these 74 Tax Releases as all the paperwork is in order and they have been approved by the Tax Supervisor. All voted in favor, and the motion carried.

ROAD PETITIONS:

Chairman Drake informed the Board that Road Petitions had been received for Rainbow Lane in Haywood Knolls Subdivision, Dawnwood Lane in Haywood Knolls Subdivision, Haywood Knolls Drive in Haywood Knolls Subdivision, and Lovdia Lane to add them to the State Road System. Troy Maybin made the motion to submit these Road Petitions to the Department of Transportation for consideration. All voted in favor, and the motion carried.

NOTIFICATION OF VACANCIES :

Chairman Drake informed the Board that there are two vacancies on the Henderson County Planning Board. Letters have been mailed to those persons to determine their willingness to serve another term.

FEE SCHEDULE--LAND RECORDS :

Chairman Drake informed the Board that the County Assessor, Brenda King, has recommended that the Board of Commissioners adopt a fee schedule of \$75.00 flat rate per sheet of mylar in accordance with state schedule for engineering work produced using county photography. Troy Maybin made the motion that the Board adopt the fee schedule of \$75.00 flat rate per sheet of mylar as recommended by Brenda King, County Assessor, and that the purchase agreement include a statement that the County is not liable for the accuracy of the information contained on the maps. All voted in favor, and the motion carried.

Michael Edney made the motion for the Board to go into Executive Session to discuss legal and personnel issues, and all voted in favor.

Troy Maybin made a motion to return to regular session, and all voted in favor.

There being no further business, the meeting was adjourned.

William T. Drake

WILLIAM T. DRAKE
CHAIRMAN

Jerry M. Myers

JERRY M. MYERS
COUNTY ADMINISTRATOR
ACTING CLERK TO THE BOARD