

# PUBLIC COMMENT SIGNUP SHEET

## APRIL 17, 2019

Pursuant to N.C. Gen. Stat. §153A-52.1, the Henderson County welcomes public comment at its meetings. Please note that each speaker is limited to three (3) minutes, unless a different time limit is announced. Also, the Board may adopt rules limiting the number of persons speaking taking the same position on a given issue, and other rules regarding the maintenance of good order.

Each speaker should be aware and by their signatures hereto they agree that their comments may be recorded (by audio-visual recordings, photography or other means), and may be (but are not required to be) broadcast by the County as a part of the broadcast of this meeting, or as a part of the County's programming on its local video channel(s). By their signature they further agree that Henderson County is and will be the sole owner of all rights in and to such programming. The undersigned hereby indemnifies Henderson County, its employees and agents, against any and all claims, damages, liabilities, costs and expenses arising out of the use of the undersigned's images and words in connection therewith.

1. Larry L. Rogers Larry L. Rogers  
**PRINTED NAME** SIGNATURE  
Hwy 191  
Topic  
P.O. Box 14504 Flat Rock  
MAILING ADDRESS

2. KEVIN SIEGMUND [Signature]  
**PRINTED NAME** SIGNATURE  
333 KANUGA FOREST DR.  
Topic 2877  
Hendersonville, NC 2837  
MAILING ADDRESS

3. Howard Bakken Howard Bakken  
**PRINTED NAME** SIGNATURE  
101 Stillwater Ln  
Topic 191 Widening  
H'ville 28791  
MAILING ADDRESS

4. Jane Bilello Jane Bilello  
**PRINTED NAME** SIGNATURE  
218 Vincent Pl  
Topic 2879  
HVL, NC 28731  
MAILING ADDRESS

5. Dennis Justice  
**PRINTED** NAME  
31 Tamis Ln  
Fletcher NC 28732  
MAILING ADDRESS

Dennis Justice  
SIGNATURE  
Perk Funding / Gambling bill impact  
Topic

6. Peri David  
**PRINTED** NAME  
540 Hunters Glen Ln  
Hvll 28739  
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Peri David  
SIGNATURE  
2876  
Topic

7. Dan Watson  
**PRINTED** NAME  
124 NWS Hill RD  
Hendryville, NC 28791  
MAILING ADDRESS

Dan Watson  
SIGNATURE  
191  
Topic

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**PRINTED** NAME  
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Topic

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 758

Short Title: MSD Expansion and Governance. (Public)

Sponsors: Representative McGrady.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Environment, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

April 16, 2019

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF CERTAIN METROPOLITAN SEWERAGE DISTRICTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 5 of Chapter 162A of the General Statutes is amended by adding a new section to read:

**"§ 162A-68.5. Alternate procedure for inclusion of additional political subdivision.**

(a) Notwithstanding G.S. 162A-67 and G.S. 162A-68, any time subsequent to the creation of a district, the district shall be expanded in accordance with this section to include the territory of the requesting county if the governing board of the county submits a resolution requesting inclusion in the district and the county meets all of the following criteria:

(1) The county is contracting with the district for bulk service.

(2) The district has installed a sewage disposal system, sewerage system, sewers, or any portion thereof, in that county.

(3) The district serves customers in that county as of the date of the resolution.

(b) Upon receipt of a resolution described in subsection (a) of this section, the district board shall send to the Environmental Management Commission and the requesting county all of the following:

(1) A map or maps of the district showing each of the following:

a. The present and proposed new boundaries of the district.

b. The existing sewage disposal system, sewerage system, and sewers.

c. Any proposed extension of the sewage disposal system, sewerage system, sewer, including any sewer interceptors and outfalls.

(2) A description of any proposed extension of sewerage services to the requesting county, which shall address all of the following:

a. Extension of sewerage service to the requesting county on substantially the same basis and in the same manner as such services are provided within the rest of the district prior to inclusion of the new territory.

b. A proposed time schedule for extension of sewerage service to the requesting county.

c. The estimated cost of extension of sewerage service to the requesting county; the method by which the district board proposes to finance the extension; the outstanding existing indebtedness of the district, if any;



1 and the valuation of assessable property within the district and within  
2 the requesting county.

3 (c) The Environmental Management Commission shall review the documents submitted  
4 under subsection (b) of this section and shall, in conjunction with the requesting county, set a  
5 time and place within the requesting county for a public hearing. The chair of the governing body  
6 of the requesting county shall give prior notice of such hearing by posting a notice at the  
7 courthouse door of the requesting county at least 30 days prior to the hearing and also by  
8 publication at least once a week for four successive weeks in a newspaper or newspapers having  
9 general circulation in the district and in the requesting county, the first publication to be at least  
10 30 days prior to such public hearing.

11 (d) If, after the public hearing, the Environmental Management Commission shall adopt  
12 a resolution expanding and defining the boundaries of the district to include the requesting county  
13 in the district if the Environmental Management Commission determines that the inclusion of the  
14 requesting county will not harm the public health and welfare. Such resolution shall state an  
15 effective date of the inclusion of the requesting county in the district.

16 (e) Any action or proceeding in any court to set aside a resolution of the Environmental  
17 Management Commission, or to obtain any other relief upon the ground that such resolution or  
18 any proceeding or action taken with respect to the inclusion of the requesting county within the  
19 district is invalid, must be commenced within 30 days after the effective date of the resolution  
20 adopted by the Environmental Management Commission. After the expiration of such period of  
21 limitation, no right of action or defense founded upon the invalidity of the resolution or the  
22 inclusion of the requesting county in the district shall be asserted, nor shall the validity of the  
23 resolution or the inclusion of the requesting county be open to question in any court upon any  
24 ground whatever, except in an action or proceeding commenced within such period.

25 (f) Any requesting county included within an existing district by resolution of the  
26 Environmental Management Commission shall be subject to all debts of the district.

27 (g) Upon inclusion in the district, the district board shall be expanded by two members,  
28 who shall be qualified registered voters residing in the requesting county and appointed by the  
29 governing body of the requesting county. The terms of office of the members appointed under  
30 this subsection may be varied for a period not to exceed six months from the terms provided for  
31 in G.S. 162A-67 so that the appointment of successors to such members may more nearly  
32 coincide with the appointment of successors to members of the existing district board. All  
33 successor members shall be appointed for the terms provided for in G.S. 162A-67.

34 (h) The district board shall be expanded by up to one additional member, who shall be a  
35 qualified registered voter residing in the requesting county and appointed by the governing body  
36 of the requesting county, if any of the following occur after the expansion of the district as  
37 provided in this section:

38 (1) A cumulative increase in the number of customers in the requesting county of  
39 fifteen percent (15%) or more from the number of customers in the requesting  
40 county on the effective date of the resolution adopted by the Environmental  
41 Management Commission as provided in this section.

42 (2) A single calendar year increase in the amount of untreated sewage in the  
43 requesting county of ten percent (10%) or more from the amount of untreated  
44 sewage on the effective date of the resolution adopted by the Environmental  
45 Management Commission as provided in this section.

46 (i) G.S. 162A-67(a)(4) and G.S. 162A-68 shall not apply to any expansion under this  
47 section."

48 **SECTION 2.** This act is effective when it becomes law.



Good morning,

I'm Howard Bakken, a Triple Creek resident at 101 Stillwater Lane. As you are all aware, Triple Creek exists in the midst of multiple issues facing all of us concerning the widening of Highway 191. To say these issues are merely a cause of concern would be to underestimate greatly the reactions of the residents of Triple Creek and Cimarron Forest. I take a Harry Truman-like constitutional through both neighborhoods at least three times a week and have gotten to know most of the people in both subdivisions, in part because of the Times-News photo taken in this room at a recent Commissioners' meeting. It is accurate to say the negative reaction to the widening proposal is no less than 95%.

However, opinions, hostile or otherwise, without some specific bases are of little value. A major concern is the siting of Rugby Middle School and West Henderson High School along the road under discussion. Both have large student populations, many of whom are driven to school by parents, or they drive themselves. I taught public middle school and high school in suburban Chicago for 34 years and can assure you the emotional development and judgments of beginning teenage drivers are not to be entrusted to a busy four-lane state roadway. These are our children, even at 16, 17, and 18 years of age, and it is incumbent on all adults in the county to see they are protected from harm in whatever form it appears. The Australian drivers' manual has a quote we might all adopt: *Road sense is the offspring of courtesy and the parent of safety*. The ultimate challenge then is to communicate road sense to our teens along with their newly attained driving skills. The challenge is huge and the environment must be as safe as possible.

Funding for road maintenance ranks high in both federal and state government budgets. It is imperative that those in charge of road maintenance act with prudence in using available funds wisely. For the first time in a number of years the roadbed surface of #191 is smooth and free of potholes. We have waited a long time for this, and the thought of it being destroyed in two years to build a four-lane median-divided road causes resentment. That resentment is exacerbated by the fact it is perceived to be neither needed nor wanted. I am aware that asphalt prices are escalating tremendously; the profligate destruction of a new roadbed in these days of rising taxes and community distrust of all bureaucracy flies in the face of community equanimity. There are a number of our neighbors' roads throughout the county that would welcome these funds.

In summary, I am asking in the name of virtually all residents along #191, that you revisit, reconsider, reevaluate, and revise the proposals at hand while there is yet time to arrive at a more widely accepted conclusion.

Thank you for your attention this morning.

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1  
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Chairman  
WILLIAM G. LAPSLEY  
Vice-Chairman

CHARLIE D. MESSER  
J. MICHAEL EDNEY  
REBECCA K. MCCALL

## RESOLUTION

### In Support of Senate Bill 463 and House Bill 814 Regulation of Railroad Crews

**WHEREAS**, Senate Bill 463 advances the regulation of railroad crews, by specifying that “no railroad train or light engine used in a Class One railroad, as defined by the Federal Surface Transportation Board, in connection with the movement of freight shall be operated in the State unless the train has a crew of at least two persons”; and

**WHEREAS**, engineers and conductors are responsible for a long list of unique duties, most of which must be carried out simultaneously for the train’s safe and efficient operation; and



**WHEREAS**, two-person crews not only help prevent potential accidents or derailments, they also play a critical role in emergency situations; and

**WHEREAS**, having two-person crews is one of the most effective ways to combat fatigue among operating employees; and

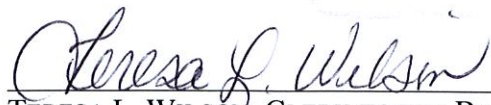
**WHEREAS**, while train control technology is an important safety feature, it cannot replace the vital role of a second crew member in freight rail operations;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Henderson County Board of Commissioners, hereby declare our support for Senate Bill 463, and respectfully request that the General Assembly of the State of North Carolina adopt this Bill into law.

Adopted this 17<sup>th</sup> day of April, 2019.

  
  
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GRADY H. HAWKINS, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
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TERESA L. WILSON, CLERK TO THE BOARD