

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** January 2, 2007

**SUBJECT:** Request for expansion of sewer services to Kenmure property

**ATTACHMENTS:**

1. Letter from H. Lee King
2. Letter from Chris Carter
3. Map of Urban Services District

#### **SUMMARY OF REQUEST:**

H. Lee King, President of Kenmure Enterprises Inc. will be present at today's meeting to discuss expansion of sewer services to include property Kenmure Enterprises owns on the southern side of Pinnacle Mountain Road, which is outside the current Urban Services District boundary. The City of Hendersonville currently supplies water to the property, and Kenmure Enterprises wishes to install sewer lines on those properties.

#### **BOARD ACTION REQUESTED:**

This presentation is being made to provide information to the Board of Commissioners. Per the 2000 Mud Creek Settlement Agreement between Hendersonville and Henderson County, neither the City nor the County can unilaterally expand the Urban Service Boundary. Therefore, the Board is requested to authorize staff to proceed with action necessary to expand the urban services boundary.

#### **Suggested Motion:**

*Move that the Board authorize staff to take action necessary to expand the urban services area.*

Rec. 12-21-06 SW



*a mountain legacy*

December 19, 2006

Mr. Bill Moyer  
Chairman, Henderson County Board of Commissioners  
100 N. King Street  
Hendersonville, NC 28792

Re: Urban Services Boundary

*HAND DELIVERED*

Dear Chairman:

Kenmure Enterprises, Inc. has developed property on the southern side of Pinnacle Peak Mountain Road which is the current boundary for the Urban Services District. We would like to petition the Henderson County Commissioners to expand the Urban Services District to include the additional property we own outside of the current boundary. The City of Hendersonville already supplies us water outside of the Services District, therefore it is Kenmure Enterprises, Inc.'s position that the benefits environmentally, financially, and esthetically to the city and county would permit this request to be approved.

With the expansion of the boundary the installation of sewer lines would not require us to use in-ground septic systems and require property owners to remove trees for the installation of those in-ground systems, alleviating erosion control concerns on each site. The City of Hendersonville will receive not only water fees but sewer fees for all new construction in the area to be added. The aspect of the land we currently own being designed with the Urban Services District available for development will allow our land planners and engineers to be even more creative and environmentally sensitive because of the smaller areas needed for the installation of lines and accessories, creating an esthetically better environment in the county. It is our intention to continue to be an asset to the county and grow responsibly into the future.

We would appreciate this request being place on the agenda for the January 2007 Henderson County Commissioners meeting. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Lee King".

H. Lee King  
President, Kenmure Enterprises, Inc.

HLK: tnb

*cc: Steve*

OFFICERS:

Greg Newman  
Mayor  
Barbara Volk  
Mayor Pro-Tem  
Chris A. Carter  
City Manager

CITY OF HENDERSONVILLE  
"The City of Four Seasons"

CITY COUNCIL:

BARBARA VOLK  
JON LAUGHTER  
WILLIAM O'CAIN  
JEFF COLLIS

September 22<sup>nd</sup>, 2006

Mr. H. Lee King, President  
Kenmure Enterprises, Inc.  
10 Kenmure Drive  
Flat Rock, NC 28731

Dear Mr. King:

I am in receipt of your letter of September 18<sup>th</sup> regarding the expansion of the Urban Services Boundary. City Council itself cannot unilaterally expand the Urban Service Boundary. It is a co-signatory along with Henderson County and its Commission as part of a 2000 Mud Creek Settlement Agreement between the City and County.

In that Agreement the County and City decided what areas would ultimately be served by the existing City owned sewer plant on Mud Creek and frankly what areas were outside an Urban Service District and never meant to be served by public sewer. Roughly speaking, this boundary is the actual drainage basin of Mud Creek.

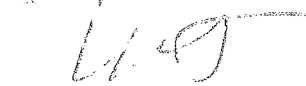
There are reasons this boundary was established but mainly that 4.8 MGD plant completed in 2003 was sized based on the anticipated flow from this Basin in the next 20 years. Its obvious that the development you mention must drain south to another basin altogether.

Having sat as staff to the Mud Creek Sewer Advisory Council the reasons this boundary was drawn, in addition to the one mentioned above is that there are actually some areas the Council did not want to see densely developed or served impracticably by force main sewer. Every municipality, or at least a representative, was involved in the discussion.

It took a long period of negotiation to derive the limits of the Boundary. The City has consistently turned down extension requests recognizing this urban service boundary since 2003.

My only advice would be to approach the County Commission to see if they would initiate discussion. I honestly don't think you will find much interest on the part of the City for the reasons stated above.

Sincerely,



Chris A Carter



