

258500
002624

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 21, 1997

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

Those present were: Chairman Bob Eklund, Vice-Chairman Grady Hawkins, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett, County Attorney Don H. Elkins, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson, Finance Director J. Carey McLelland, Planner Stacy Merten, and Risk Management Director Bill Byrnes.

Absent was Commissioner Vollie G. Good.

CALL TO ORDER/WELCOME

Chairman Eklund called the meeting to order and welcomed all in attendance.

PLEDGE OF ALLEGIANCE

A Commissioner led the pledge to the American Flag.

INVOCATION

Max Smith, Minister of Main Street Baptist Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Kumor added one thing as "I-3" - Update on Hospital Authority from the County Manager. She requested that this be a standing item until the conclusion of this issue.

CONSENT AGENDA

Commissioner Hawkins made the motion to approve the Consent Agenda. All voted in favor and the motion carried.

CONSENT AGENDA included the following:

Review/approval of Minutes

Minutes were presented for review and approval of the following meetings: April 7, 1997 (regular), May 5, 1997 (special called), May 6, 1997 (special called), and May 8, 1997 (special called).

Capital Improvements Projects - Monthly Report

The monthly progress report for April was submitted on the on-going capital improvement projects:

- Edneyville Library
- Etowah Recreation Park
- Jackson Park Ballfields #9 & #10.
- Tuxedo Recreation Park
- Historic Henderson County Courthouse Rehab.
- Upward Interchange Sewer Project
- Mountain Home Industrial Prk. Sewer Project
- Naples Interchange Sewer Project
- Justice Academy Sewer Project

Notification of Vacancies

The Board was notified of one vacancy on the Asheville Regional Housing Consortium due to resignation. It will appear under "Nominations" on the next agenda.

Request for Improvement Guarantees - Five Point Hills Subdivision

Mr. Danny Youngblood requested permission to post a subdivision improvement guarantee to cover the estimated road construction costs for - Phase I of the Five Point Hills Subdivision, located off Piney Mountain Road in Blue Ridge Township. The Preliminary Plan for this subdivision was approved by the Henderson County Planning Board on December 19, 1995.

Mr. Youngblood intends to provide a Trust Agreement from Blue Ridge Savings Bank in the amount of \$41,270.00 which will cover the estimated costs of the road construction plus the required 25% Overhead. A sample agreement was reviewed. The Trust Agreement must be approved as to form, by the Staff Attorney. Upon preparation and execution of this formal agreement, the Final Plat may be approved and recorded and lots subsequently sold.

Planning Staff has reviewed the request and recommended approval in accordance with Section 551 of the Henderson County Land Development Ordinance.

INFORMAL PUBLIC COMMENTS

1. Mark White - Mr. White, President of the Board of Trustees of Pardee Hospital, spoke about the proposed creation of a Hospital

7-208626

May 21, 1997

Page 3

Authority. He stated that both Boards have been discussing this issue for almost 2 years. He stated that during that time Pardee has been forced to function without a solid definition of its legal status and has had to bring to the Board of Commissioners everything that it does outside the walls of the hospital, for Board consideration. This includes the power to operate Home Care and the right to purchase Physician practices.

He requested that the Board of Commissioners make Pardee a full Hospital Authority post haste, making it a priority on the agenda.

2. Bryan Aleksich - Mr. Aleksich made his case for rejecting the idea of a \$46 million bond referendum this fall to finance new construction and renovation of elementary schools in Henderson County. Mr. Aleksich stated there are four areas that could produce enough funds to negate the need for a bond referendum:

1. Eliminate unnecessary programs at the State level.
2. Close Hendersonville High School. It has been proven that the County only needs three High Schools. It is no longer viable as a High School. It could be made into a Middle School.
3. 30% of Lunsford's budget is spent on teachers who teach non State-mandated subjects.
4. Eliminate the need for certification above the Elementary grades and hire Teachers with the sole criteria of competency. Use some qualified retirees to teach who would work for much less with possibly no benefits.

Mr. Aleksich stated that there is so much "fat" in the public school system, both locally and at the state level, that you could run K-12 off the waste.

3. Art Cooley - Mr. Cooley requested that he and Mr. Lyda be allowed to speak when their agenda item comes up - "D" - wireless telecommunications towers in zoned areas.

4. Norman Lyda - see above.

5. Bill McKibbin - Mr. McKibbin requested to speak when his agenda item comes up - "B" - Offer to Purchase in Appleland Business Park.

PUBLIC HEARING - To Consider an Amendment to the Restrictive Covenants for Appleland Business Park

Commissioner Ward made the motion for the Board to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett informed the Board that this Public Hearing was held to consider an amendment to the Restrictive Covenants of Appleland Business Park. Under the terms of the Restrictive Covenants the Board of Commissioners sit as the Park Owner's Association, and has the authority to amend the Restrictive Covenants, after giving the Park owners thirty days in which to comment. Cynthia Whitted must also approve all amendments to the Restrictive Covenants.

The proposed amendment, which was requested by the owner of Lot 2 (a commercial lot) allows for the current sign height limitation of 35 feet to be inapplicable to the commercial lots and Lot 1-A within Appleland Business Park.

Staff recommended approval of the amendment.

Ms. Skerrett stated that she had received one letter, from Cracker Barrel, supporting the change.

Public Input - There was none.

Commissioner Ward made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

Commissioner Kumor made the motion to approve the request as recommended by staff. All voted in favor and the motion carried.

PUBLIC HEARING - Continuation of Public Hearing on Proposed Amendment to the Carriage Park Research Master Plan (Special Use Permit #SP-93-13)

Commissioner Kumor made the motion for the Board to go into Public Hearing and recess, to reconvene the Hearing at 11:30 a.m. at Carriage Park. All voted in favor and the motion carried.

AIRPORT AD HOC COMMITTEE REPORT

David Reeves stated that this process began about 2½ years ago but his report today was to bring closure to the matter. The committee had hoped to bring a proposal to the Board of Commissioners for them to consider the purchase of the Hendersonville Airport. It was to have been 90% reimbursement from the State. Those funds have dried up. McDowell Airport and Lee County Airport are currently being built using those funds. He estimated that the funds would be out of circulation for approx. 4-5 years. This matter is closed.

002628

May 21, 1997

Page 5

Currently we are on the NC DOT's TIP list for expansion of existing airport or the creation of a new airport. It will be up to Henderson County whether they wish to stay on the TIP (transportation improvement plan) list.

If/when the funding cycle comes back around, then Henderson County may decide to act differently.

OFFER TO PURCHASE, 0.045 AC, APPLELAND BUSINESS PARK

Henderson County had received an Offer to Purchase in the amount of \$5,000.00 from the Margaret D. McKibbin Revocable Trust for a 0.046 acre strip of property adjacent to lot 2 of Appleland Business Park which is owned by the Trust.

Bill McKibbin came forward and was present to answer any questions. He submitted the offer.

The trust wishes to combine the strip with Lot 2 so that a sign may be placed upon the strip for McDonald's Corporation. At the February 19, 1997 Board of Commissioners' meeting, the Board proposed to receive the Offer and directed the Clerk to publish the requisite legal notice of such Offer. That legal notice was published on May 1, 1997. No increased bids have been received and more than ten days have elapsed since the publication of the notice. It would be appropriate for the Board to consider accepting the Offer as the final offer on the property.

Appropriate changes would have to be made to the Restrictive Covenants (dealing with sign height). A public hearing on the amendments has been scheduled for this meeting as a separate agenda item.

Commissioner Ward made the motion for the Board to accept the Offer. All voted in favor and the motion carried.

NEW SUBDIVISION REGULATIONS - PROPOSED COMPREHENSIVE AMENDMENTS TO THE HENDERSON COUNTY LAND DEVELOPMENT ORDINANCE

Matt Matteson started out by saying that we all live in a subdivision. Everyone lives on property that has been subdivided.

The Henderson County Planning Board, after one full year of review, has forwarded a Draft Subdivision Ordinance for review and consideration by the Board of Commissioners. Because the proposed Subdivision Ordinance is a complete rewrite of the Land Development Ordinance, staff recommended a more comprehensive approach for

May 21, 1997

Page 6

Board review than typical line-by-line comparison. Following is the suggested review process:

May 21 Board of Commissioners received proposed ordinance, determine the review procedure and sets first work session date.

Board holds first work session to hear a formal staff presentation and to discuss general concepts of proposed Subdivision Regulations. Presentation to be followed by a field trip.

Planning staff holds informal meetings with developers, realtors, surveyors, engineers and other interested parties and community groups to explain the proposed changes.

Board holds second work session to determine collective direction regarding the general provisions of the proposed ordinance. County staff (Planning, Engineering, Attorney, etc.) offer comments.

Staff incorporates board direction into proper language and updates and modifies the Draft Ordinance recommended by the Planning Board.

Board sets Public Hearing.

Commissioners hold public hearing on proposed ordinance that reflects Board consensus.

Board revises "Old Ordinance" based on public comment received at hearing.

Board adopts Subdivision Ordinance.

Mr. Matteson's staff handed out copies of the Proposed Subdivision Ordinance for the Commissioners review.

Chairman Eklund stated that the Board would consider setting a work session on this under important dates.

WIRELESS TELECOMMUNICATION TOWERS IN ZONED AREAS

Matt Matteson reminded the Board that on January 6, 1997 the Board voted to "scrap" the proposed county-wide ordinance but asked the Planning Board look at regulating such towers in zoned areas. After review and discussion, the Planning Board at their meeting April 29, 1997, took a formal position in the continued support of a county-wide ordinance to regulate wireless telecommunications towers; however, in regard to the Zoning Ordinance amendments the Planning Board voted to send the draft Zoning Ordinance text amendments forward without a recommendation.

May 21, 1997

Page 7

Much discussion followed.

Art Cooley, President and General Manager of WHKP, addressed the Board with concerns regarding a radio tower. He requested that they be allowed to relocate anywhere in Henderson County based upon the fact that if they could get a better frequency, they would relocate.

Norman Lyda discussed the difference between a tower and an antennae. The shortest tower in A.M. radio band would be 140-145 feet and to guy the tower a min. of 3 acres of land is needed. He stated that what appears to be their tower is actually their antennae. There is a very big difference in radio towers and the rest of the telecommunications industry in that their tower is their antennae; it is one in the same. Only half of the antennae is seen. The other half is located in the ground surrounding the tower/antennae. Every three degrees they have a copper radial that is approx. six inches deep in the ground, runs roughly the same distance as the height of the tower. Radio towers are radiating towers, cell towers are non-radiating.

Mr. Cooley and Mr. Lyda requested an exclusion. They would rather this subjective matter didn't get left up to a different Board of Commissioners and they would have to repeat the battle over and over so they want radio towers to be excluded from the telecommunications towers ordinance. They feel that certainly broadcast towers are more important than cellular telephone towers. They wish to be grandfathered, because they have an existing tower, to relocate that tower elsewhere at the same height or increase it based upon getting an increase in frequency.

There are three radio providers in Henderson County: WHKP, WTZQ/WISE, and WMYI. There will be no abundance of radio towers in the County because the radio frequency dial is filled.

Ms. Skerrett answered that rebuilding on site would be no problem, that could be grandfathered. But to allow grandfathering in another location or to be exempted from the site conditions at a new location would be a problem. She did not see how they could be prevented from placing a new tower anywhere because the site conditions that they have to meet already would meet the site conditions that are being proposed.

WHKP still would like to see this written into the ordinance so that they don't have to come before another Board of Commissioners and restate the position over and over.

Following much discussion, Ms. Skerrett informed the Board that if they wished to exclude radio towers, the best way to do it would be just an exclusion, not to try to rely on some sort of grand-fathering. The Board can do so specifically in the zoning ordinance. She also informed the Board that if they considered regulating radio towers in zoned areas a Public Hearing would have to be held. It was the consensus of the Board to ask staff to draft something to bring back to the Board and then the Board will set a Public Hearing. The consensus of the Board was to not allow cell towers in residentially zoned areas. Regarding radio towers there was a consensus to allow them as a special use in residential zoned areas

BIDS FOR WILLOW STREET PROPERTY

Angela Skerrett informed the Board that on May 16, 1997 bids were opened for the sell of the former group home property on Willow Street. The high bid received was in the amount of \$50,000 from Fletcher Hospital Inc., d/b/a Park Ridge Hospital. Staff had prepared a Resolution allowing the Board to approve the sealed bid from Park Ridge Hospital.

Following discussion, Commissioner Kumor made the motion to accept the bid from Park Ridge Hospital. Discussion followed. All voted in favor and the motion carried.

FINANCIAL SOFTWARE PURCHASE

Carey McLelland reminded the Board that during the FY 1996-1997 budget deliberations, the Board of Commissioners approved funding to replace Henderson County's financial software. Our current software was purchased in 1982. The company that provided this software has been sold three times since that date. Currently, Electronic Data Systems or EDS owns the rights to the software. We have received very little operational support, upgrades or enhancements from EDS for the last several years. We do currently pay an annual licensing fee for support and changes to the software.

County staff, along with an attorney who specializes in computer software, developed a bid package that was mailed to seven software firms. We only received two responses. One firm took exception to our requirements and then would not schedule a presentation.

The remaining proposal is from the Computer Center of Falmouth, Maine. The Computer Center also has a Raleigh, NC office to provide support to its southeastern customers. This software is currently being used by (21) North Carolina counties. They have also developed a regional users group to work with the customers in

May 21, 1997

Page 9

providing enhancements. The City of Hendersonville recently replaced its financial software with software from the Computer Center.

The cost of the software license is \$95,640. After the first year, the annual maintenance cost is \$9,240. Funds are available within the Finance Department's budget for this purchase. Mr. McLelland made the recommendation that the Board reject the offer from Pitimation as nonresponsive and accept the bid from Computer Center.

The County Manager recommended the Board approve the purchase. The bid amount is within the amount budgeted in our current year's budget.

Commissioner Hawkins made the motion to accept the bid from Computer Center. All voted in favor and the motion carried.

JAIL PLANNING PROCESS

David Nicholson and staff have been working together to develop a jail planning process and time schedule. Information was presented to the Board from the publication "The Jail Planning Guide". This publication was developed by the North Carolina Association of County Commissioners and the North Carolina Liability and Property Joint Risk Agency Fund. This fund provides our insurance coverage and is administered by Sedgwick James of the Carolinas.

These materials emphasize that a formal process should be developed and will create a cost effective project. This guide also recommends that a jail planning committee be formed. This would be the next step in beginning this process.

Steps of The Jail Planning Process as outlined by this publication are:

Needs Assessment	1-6 months
Feasibility/Site Selection	1-6 months
Programming	3-6 months
Design	6-12 months
Construction	12-24 months
Transition/Move-In	2-6 months

Mr. Nicholson recommended setting up a committee and then utilize this document "The Jail Planning Guide" step by step.

OFFER TO PURCHASE/FORECLOSED PROPERTY

An Offer to Purchase was presented at an earlier meeting. The Board at that time proposed to receive the offer and directed the

Clerk to advertise for upset bids. Advertisement was in the Times-News on April 21. No upset bids were received.

Mr. Elkins informed the Board that this offer was before the Board today for final approval of offer and authorization of sale. The offer in the amount of \$150 was made by Mack H. Aiken.

Following discussion, Commissioner Hawkins made the motion to reject the bid. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Committee Report

Mr. Hawkins notified the Board that last Saturday, several EMS units and rescue units from Henderson County participated in a joint exercise with the airport authority in Buncombe County at the airport on a simulated DC 9 crash. Mr. Hawkins felt that our people performed very professionally. Rocky Hyder headed the group from Henderson County. It was the consensus of the Board to send a note of thanks to Mr. Hyder.

Long Range Planning/Land Use Issues

Commissioner Kumor had sent a memo to the Commissioners regarding the concerns expressed by citizens regarding a number of ordinances in our County. She presented a list of items that she called *quality of life issues*. They are concerns of many citizens but are issues that try to address annoyances and possibly health and safety:

- Animal Control Ordinance
- Junk Car Ordinance
- Noise Ordinance
- Green ways, bikeways
- Sedimentation and Erosion Control
- Manufactured Home Park Ordinance
- Flood Plain Ordinance

The Board reviewed these issues and it was the consensus of the Board to start working on these issues. A work session was planned for mid August to address these.

School Facilities

David Nicholson reminded the Board that they had requested at the workshop with the School Board to prepare the application for the Public School Building Capital Fund. Mr. Nicholson supplied draft copies to the Board for their review/approval. This is for the planning and design work for the six elementary schools. This is about a \$1,600,000 project. Of that amount, \$1,200,000 would come

May 21, 1997

Page 11

from this fund and \$400,000 would come from the capital reserve fund of the \$1,000,000 set aside for school projects.

Commissioner Hawkins made the motion to authorize the Chairman to sign this application and submit it to the School Board for their consideration and to the State of North Carolina to get the funds authorized for disbursement.

Hospital Authority

David Nicholson stated that we hope to have the Authority in place by the end of Pardee's fiscal year which is September 30. A joint meeting is planned for July between the Board of Commissioners and the Hospital Board.

IMPORTANT DATES

The Commissioners' calendar was reviewed.

NOMINATIONS

Chairman Eklund reminded the Board of the following vacancies and opened the floor to nominations:

1. Western Carolina Community Action Board of Directors - 1 vac.

There were no nominations at this time so this item was rolled to the next meeting.

2. Solid Waste Advisory Committee (SWAC) - 1 vac.

Rocky Holbert was nominated at the last meeting. There were no additional nominations at this time. A vote was taken to appoint Rocky which was unanimous in favor.

3. Youth Advisory Board - 1 vac.

Commissioner Ward nominated Anne Whitmire. A vote will be taken at the next meeting.

4. Henderson County Board of Health - 3 vac.

There were no nominations at this time so this item was rolled to the next meeting.

5. Jury Commission - 1 vac.

Commissioner Ward nominated Dutch Burdette. A vote will be taken at the next meeting.

6. Mountain Area Workforce Development Board - 3 vac.

Commissioner Kumor nominated Patti Leonard. A vote will be taken at the next meeting.

May 21, 1997

Page 12

7. **Retired and Senior Volunteer Program Advisory Council (RSVP) - vac.** Commissioner Kumor nominated Billie Sue Robinson. A vote will be taken at the next meeting.

8. **Henderson County Child Fatality Prevention Program - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.

SOLID WASTE PLAN

David Nicholson announced that he had asked for an extension on the solid waste plan. He was notified just this morning that they are not going to allow any extensions of time. He asked the Board to set a Public Hearing for the June 2 meeting at 7:00 p.m.

Commissioner Ward made the motion to set a Public Hearing for the Solid Waste Plan for June 2 at 7:00 p.m. All voted in favor and the motion carried.

SITE VISIT TO CARRIAGE PARK

Commissioner Hawkins made the motion to recess and reconvene at Carriage Park. All voted in favor and the motion carried.

The Board and staff convened at the office at Carriage Park in front of a large map of the development. The map was discussed briefly.

Board members and staff met at Section 24 on site to view the area in question. Then met again at the water tower overlooking the area in question.

Commissioner Ward made the motion to adjourn and reconvene at the County Office Building. All voted in favor and the motion carried.

Chairman Eklund reconvened the Public Hearing at 2:00 p.m at the Commissioner Meeting Room of the County Office Building on the proposed amendment to the Carriage Park Research Master Plan. He reminded those in attendance that this would be a quasi-judicial hearing.

The Board had previously asked about open space in Sections 23 and 24. **Luther Smith** addressed open space and showed recorded common areas which are considered open space. He further showed some of the open space to be recorded. Mr. Smith also passed around an open space summary for the Board to review. Each time a parcel is submitted for approval to the Planing Board a summary is also provided. Open space is identified on every plat.

May 21, 1997

Page 13

Matt Matteson stated that the Zoning Ordinance is silent regarding computation for open space. There is no definition in the Zoning Ordinance for open space. The Special Use Permit states that open space shall be recorded with the submission of each section. There is no definition of how much open space there should be. The Zoning Ordinance speaks to density, not to open space. A Special Use Permit doesn't say specifically where the open space has to be.

Following much discussion, Commissioner Ward asked for the minutes to be researched and copied from September or October of 1993 when the Special Use Permit was originally approved, SP-93-13.

Virginia Burke asked a couple of questions regarding open space. There was some brief discussion of limited common space which is not available to everyone. General common space is available to everyone.

CLOSING REMARKS

Virginia Burke - Ms. Burke thanked the Board for their time and concern. She stressed that SP-93-13 is the only protection the homeowners have. It governs the park and sets out what are minimum standards for the builder.

Dale Hamlin - Mr. Hamlin thanked the Board for their time and concern and for the extra effort shown today in visiting the site. Mr. Hamlin addressed limited common space as mainly driveways and walkways which are limited to the property owner.

Commissioner Hawkins made the motion to Close the Public Hearing. All voted in favor and the motion carried.

Angela Skerrett informed the Board that a decision can be made based on conclusions and preliminary findings of fact and staff be directed to bring back a written order that would be consistent with that decision. Much discussion followed.

Commissioner Kumor made the motion, based on the findings of fact, that the petitioners request of moving six lots to section #23 from #24, the Board finds that there will be no adverse effects based on the information stated to public health or safety or to open spaces or to the issue of common property. In the issue of the petitioner who joined in this quasi-judicial hearing the Board finds that the lay of the land for those six lots in question will not adversely effect her overall privacy with regard to the way it is defined in the pink sheets. The Board also ratified the two replats of section #23 and # 24. All voted in favor and the motion carried.

Staff will bring back a written order for the Board's approval on the consent agenda for the next meeting.

Chairman Eklund adjourned the meeting at approx. 3:07 p.m.

BUDGET WORK SESSION

Due to the length of this meeting and the lateness of the hour, David Nicholson delayed the scheduled work session to a later time.

E-911

David Nicholson passed around a hand-out and reviewed it on E-911 funding examples. He stated that there are 42 counties in the state that have surcharges with the average rate at 78 cents. The highest rate is in Polk County at \$1.50 and the lowest is Wake County at 12 cents.

Given:	Capital expense	\$1,096,000
	On-Going:	Leases \$192,000
		Phone Bill <u>96,000</u>
		\$288,000 (52-55 cents)

After reviewing the examples, the Board preferred "D".
\$2.50

Net Revenue \$1,385,267
1 year to break even

Staff will do research on the Ordinance based on these amounts and try to get a Public Hearing scheduled as soon as possible.

There being no further business to come before the Board, the meeting was adjourned at approx. 3:13 p.m.

NO CLOSED SESSION WAS HELD.

Attest:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

Robert D. Eklund
Robert D. Eklund, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, Henderson County owns that certain real property located at Appleland Business Park, Hendersonville, NC, being a 0.047 acre tract adjacent to Lot 2 of Appleland Business Park, said Lot 2 being shown on that plat recorded in Plat Slide 2042, Henderson County Registry, hereinafter "Tract"; and

WHEREAS, the Henderson County Board of Commissioners received on offer to purchase the Tract from Margaret D. McKibbin Revocable Trust for \$5,000.00;

WHEREAS, the Henderson County Board of Commissioners authorized the advertisement of the Notice of Offer and invitation for upset bid on the Tract by way of a Resolution adopted on February 19, 1997; and

WHEREAS, at no time before or after advertisement did the Henderson County Board of Commissioners receive any upset bid for the Tract; and

WHEREAS, all required procedures were properly followed;

NOW THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. The Henderson County Board of Commissioners accepts the offer received from Margaret D. McKibbin Revocable Trust in the amount of \$5,000.00. The Chairman and the Clerk to the Board are hereby authorized to execute the Offer to Purchase and Contract attached hereto as "Exhibit A", the terms of said Exhibit A being incorporated by reference as if fully set forth herein, and the terms of Exhibit A are hereby agreed to by the Board of Commissioners.
2. The County Attorney is authorized to take all further actions necessary to close on the sale of the 0.047 acre tract adjacent to Lot 2 of Appleland Business Park. The County Attorney shall proceed with the preparation of the necessary closing documents. The County Attorney, the Clerk to the Board, the County Manager, the Finance Director, and the Assistant County Manager/Staff Attorney are authorized to take any further actions necessary to close on the sale of the Tract, and to execute any closing documents for the sale of the Tract.
3. The County Attorney is hereby directed to return the bid deposits to the unsuccessful bidders.

002639

THIS PAGE INTENTIONALLY LEFT BLANK

This the 21 day of May, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Robert D. Eklund
Robert D. Eklund, Chairman

ATTEST:

Elizabeth W. Corn
Clerk to the Board

002641

THIS PAGE INTENTIONALLY LEFT BLANK

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
 Hendersonville, North Carolina 28792-5097
 Phone: 704-697-4808 • Fax: 704-698-6183
 TDD: 704-697-4580

BOB EKLUND
 CHAIRMAN
 GRADY HAWKINS

VOLLIE G. GOOD
 RENEE KUMOR
 DON WARD

RESOLUTION

WHEREAS, Henderson County owns that certain real property located at 807 Willow Street, Hendersonville, NC having a property identification number 9568-64-3437-55, being that property described in Deed Book 702 Page 651 of the Henderson County Registry, hereinafter "Willow Street Property"; and

WHEREAS, the Willow Street Property consists of +/- 0.33 acres, a +/- 1512 sq. ft. two story residential structure with four bedrooms and 4 bathrooms, having wood siding, built in 1940, and a detached garage and storage building, and is zoned R-15; and

WHEREAS, the Willow Street Property formerly housed the Henderson County New Horizons Group Home, but as the County no longer operates the New Horizons Group Home, the Henderson County Board of Commissioners declared the Willow Street Property Surplus, and authorized the advertisement of the Willow Street Property for sale by way of a Resolution adopted on April 7, 1997; and

WHEREAS, the Henderson County Board of Commissioners received sealed bids for the Willow Street Property on Friday, May 16, 1997, at 3:00 p.m., which bids were publicly opened and read; and

WHEREAS, the highest bid received was from Park Ridge Hospital, located in Fletcher, North Carolina, in the amount of \$50,000.00; and

WHEREAS, the Henderson County Board of Commissioners has determined that Park Ridge Hospital is a responsible bidder, having the legal and financial ability to close on the sale;

NOW THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. The Henderson County Board of Commissioners accepts the bid received from Park Ridge Hospital in the amount of \$50,000.00. The Chairman and the Clerk to the Board are hereby authorized to execute the Offer to Purchase and Contract attached hereto as "Exhibit A", the terms of said Exhibit A being incorporated by reference as if fully set forth herein, and the terms of Exhibit A are hereby agreed to by the Board of Commissioners.
2. The County Attorney is authorized to take all further actions necessary to close on the sale of the Willow Street Property. The County Attorney shall proceed with the preparation of the necessary closing documents. The County Attorney, the Clerk to the Board, the County Manager, the Finance Director, and the Assistant County Manager/Staff Attorney are authorized to take any further actions necessary to close on the sale of the Willow Street Property, and to execute any closing documents for the sale of the Willow Street Property.

002643

002643

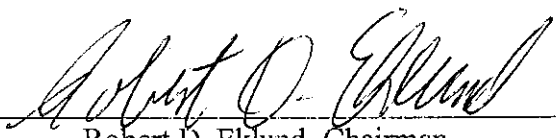
THIS PAGE INTENTIONALLY LEFT BLANK

Resolution
5/21/97
Page 2

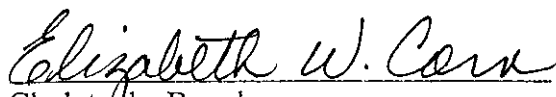
3. The County Attorney is hereby directed to return the bid deposits to the unsuccessful bidders.
4. The terms of that Resolution, dated April 7, 1997, are hereby incorporated by reference as if fully set forth herein.

This the 21 day of May, 1997.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 
Robert D. Eklund, Chairman

ATTEST:


Clerk to the Board

002645

THIS PAGE INTENTIONALLY LEFT BLANK

002646

148560

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOOD
RENEE KUMOR
DON WARD

RESOLUTION

WHEREAS, Mills River School was founded two-hundred years ago in 1797, more than 40 years before North Carolina established the public school system; and

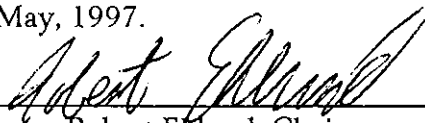
WHEREAS, James Brittain II set aside 10 acres of his farm for community and school purposes, and the community built a small log building on this acreage, which was the first known school in what later became the territory of Henderson County; and

WHEREAS, over the past two hundred years, many leaders of the Mills River Community have served as administrators and teachers on behalf of Mills River School ; and

WHEREAS, the Mills River Community has been dedicated to the education of children for the past two hundred years; and

THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners remembers all those who have contributed to the success of Mills River School over the past two hundred years and congratulates the Mills River Community for demonstrating a firm commitment to education. The Henderson County Board of Commissioners appreciates the Mills River Community's commitment to ensure that the Community's children continue to receive a quality education now and in the future.

Adopted this the 21st day of May, 1997.



Robert Eklund, Chairman

Henderson County Board of Commissioners

ATTEST:



Elizabeth W. Corn, Clerk to the Board

00890
002647

THIS PAGE INTENTIONALLY LEFT BLANK