MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS JANUARY 6, 1997

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

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

Absent was: Commissioner Vollie G. Good was absent at the beginning of the meeting but arrived during the first Public Hearing.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Kumor led the pledge to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson made the following changes to the agenda:

#1 Under Nominations "F", #2 and #3 - Mr. Nicholson asked that these be rolled to the next meeting.

#2 Under "G" Important Dates - The Board would need to set a Public Hearing for February 3 for "F", #2 and #3.

CONSENT AGENDA

Commissioner Kumor made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

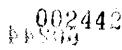
CONSENT AGENDA included the following:

- #1. <u>Henderson County Financial Report</u> The Financial Report was submitted for the month of November 1996 for review by the Commissioners.
- #2. <u>Henderson County Public Schools Financial Report</u> The Financial Report was presented for review for the month of November 1996.
- #3 Special Use Permit Application by Pardee Hospital for a 130 bed nursing home and 12 bed in-patient hospice facility. Pardee Hospital has plans to develop care facilities on approximately 40 acres of land adjacent to Blue Ridge Community College. The land is zoned Office and Institutional (O&I) which allows for such facilities, but only upon issuance of a Special Use Permit by the Board of Commissioners.

The required procedure is first to refer the application to the Planning Board. This must be done formally by the Board (ref. Sec. 907 of the Zoning Ordinance).

Staff recommended that the Board refer this application to the Planning Board for their review and recommendation.

- #4 <u>Tax Refunds (13)</u> A list of 13 tax refund requests was submitted for approval by the Henderson County Board of Commissioners.
- #5 <u>Tax Releases (68)</u> A list of 68 tax release requests was submitted for approval by the Henderson County Board of Commissioners.
- #6 By-Laws Revision for the Parks & Recreation Committee The Board of Commissioners directed administrative staff to revise the By-Laws of the Parks and Recreation Committee so a non-voting member from the Board of Commissioners may be appointed. Recreation staff has also recommended some other changes to the By-Laws be made at the same time. However, in review of the By-Laws, article #10 states all changes must be "approved in writing one (Recreation Committee) meeting and are acted upon at the next regular meeting, then submitted to the Henderson County Board of Commissioners for final approval". Therefore, it is recommended that the Parks and Recreation Director schedule the proposed revisions for the regularly scheduled January 21, 1997 agenda for



review and the February 18 meeting for approval by the Recreation committee. The By-Laws will then be brought to the Board of Commissioners on the March 3, 1997 meeting for final approval as per article #10.

#7 Notification of Vacancies - The Board was notified of 1 vacancy on the Library Board of Trustees, due to resignation of Leon Hill.

INFORMAL PUBLIC COMMENTS

<u>#1 Art Cooley</u> - Mr. Cooley stated that his comments concern a future agenda item and he would rather delay his comments until that item has been presented by staff. Chairman Eklund approved his request. Mr. Cooley will speak regarding wireless telecommunication towers.

PUBLIC HEARING - Proposed Text Amendment to the Henderson County Zoning Ordinance for a Medium Density Mixed Residential District ("MR-15") Application #Z-22-96 by Vivian Hill

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

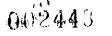
Matt Matteson informed the Board that Vivian Hill has requested that the County amend the Henderson County Zoning Ordinance by adding a new use district called "MR-15". The proposed amendment would create a medium density mixed residential district which allows, in addition to a list of uses permitted in many of the County's other residential districts, manufactured homes on individual lots provided certain conditions are met.

On July 30, 1996, the Henderson County Planning Board voted unanimously (7 to 0) to send the Board of Commissioners an unfavorable recommendation on the proposed text amendment.

In accordance with Section 1204 of the Zoning Ordinance, notices of this public hearing were published in the December 13, 1996 and December 20, 1996 editions of the <u>Times-News</u>.

The Board was given three options regarding the application:

- 1. Deny the request for a new zoning district;
- 2. Schedule a work session to consider the matter in more detail:



3. Table the item and refer the application to the Planning Board with specific direction for refinement.

Public Input

1. Vivian Hill - Ms. Hill requested a provision in the zoning designation that would allow her to put a mobile home on her property for use by a family member, whether the need is for medical or financial reasons or due to a disaster or tragedy. Ms. Hill read a lengthy written statement.

The Henderson County Health Dept. has approved eleven small lots for mobile homes which border on three sides of Ms. Hill's property.

2. Jennie Giles - Ms. Giles is the daughter of Vivian Hill. She explained that she is a single working mother who makes less than \$20,000 year. She has a mobile home payment and cannot afford to also have a rental fee for a lot. She also needs to be close to her mother for medical reasons. Ms. Hill does not need constant help but does need supervision and medical help.

Ms. Giles stated that there are many elderly people in our county who would benefit if a care giver were close by to give aid when needed. Many people don't need 24 hour assistance and could stay in their own home if assistance were nearby.

She stated that a temporary use permit is not a good alternative. She said that there is no incentive to plant shrubbery or flowers to add to the esthetics of the home because of the temporary nature of the situation. She also discussed the cost of installing a septic tank and the cost of moving a mobile home.

She stated that if there was a zoning designation that would allow people to put an individual mobile home on a lot or acreage and at the same time not allow trailer parks, it would help with some of the county's tremendous housing problems.

Ms. Giles also read a lengthy prepared statement.

3. Ida Manus - Ms. Manus stated that she represents some neighbors who are elderly and do not get out at night. They are all opposed to this requested text amendment.

She stated that a lot of progress was made over many many meetings in zoning the area and it would be a waste of taxpayers money to turn around now and go backwards and undo what has been done in zoning the area.

4. Lucy King - Ms. King spoke in opposition to the proposed zoning request. She stated that it took five years to get the area zoned.

Ms. King did see a need for assistance/consideration to hardship cases. But she did not feel that a county wide zoning change was necessary.

5. Helen Stepp - Ms. Stepp spoke in opposition to the proposed zoning request. Ms. Stepp stated that there were many meetings over the past 4+ years, 63 or more, and many local residents worked endless hours for zoning to protect East Flat Rock. She felt that the only benefit to come from all these meetings was the residential zoning.

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

Following discussion, Commissioner Hawkins made the motion to deny the request for the text amendment. A vote was taken and the motion carried four to one with Commissioner Good voting nay.

PUBLIC HEARING - to Consider Economic Incentives for Manual Woodworkers and Weavers, Inc.

Commissioner Good 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 as required by NCGS 158-7.1 to consider the request of Manual Woodworkers and Weavers, Inc., for assistance from Henderson County in the form of Economic Incentives.

Manual Woodworkers and Weavers, Inc., is a locally owned and operated corporation that is planning an expansion consisting of an additional 150,000 square feet of office/warehouse space to hold and equip a state of the art automated distribution facility. This expansion would create 100 new jobs in less than one year from completion of the facility. These jobs would range from entry

level of \$6.00 per hour up through management positions in excess of \$20,000 per year. Manual Woodworkers and Weavers, Inc. expects to make a taxable capital investment of Five Million Dollars (\$5,000,000) for the expansion. Henderson County has advertised that the Henderson County Board of Commissioners would consider granting Economic Incentives to Manual Woodworkers and Weavers, Inc., consisting of reimbursement of up to \$103,000 towards Site Preparation and Grading Costs, to be reimbursed over a period of three years. Estimated total site preparation and grading costs are \$105,000.

Based on the capital investment that they are proposing to make, it would result in a payback to the county of approximately four years.

Public Input

1. David Short - Mr. Short was a representative of Manual Woodworkers and Weavers, Inc. and was available to answer questions.

Staff requested the Board defer action until the next meeting, Wednesday, January 15. There are still a few details to be worked out on the agreement.

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

<u>PUBLIC HEARING - To Consider Economic Incentives for Byers</u> <u>Precision Fabricators, Inc.</u>

Commissioner Kumor 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 hearing was being held as required by NCGS 158-7.1 to consider the request of Byers Precision Fabricators, Inc., for assistance from Henderson County in the form of Economic Incentives.

Byers Precision Fabricators, Inc., is a locally owned and operated corporation that is planning an expansion consisting of an additional 31,000 square feet. This expansion would create 15-20 new jobs, ranging from \$15.00 to \$18.00 per hours. Byers Precision Fabricators, Inc. expects to make a taxable capital investment of

Two Million Dollars (\$2,000,000) for the expansion. Henderson County has advertised that the Henderson County Board of Commissioners would consider granting Economic Incentives to Byers Precision Fabricators, Inc., consisting of reimbursement of up to \$41,200 towards a Sewer Force Main and Pump Station Costs, to be reimbursed over a period of two years. Estimated total of the Sewer Force Main and Pump Station costs are \$89,902.

Based on the taxable capital investment that they are proposing to make of Two Million Dollars at the county's current tax rate, it would result in a payback of four years.

Staff recommended the Board defer action until the next meeting, Wednesday, January 15.

Public Input

1. Jon Laughter - Mr. Laughter spoke in favor of the request from Byers Precision Fabricators, Inc. He was present to answer any questions the Board might have.

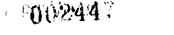
Commissioner Kumor made the motion for the Board to go out of Public Hearing. All voted in favor and the motion carried.

AWARD OF CONTRACT FOR EDNEYVILLE LIBRARY ARCHITECT SERVICES

Bill Snyder, Library Director, informed the Board that the Library has selected the firm of Craig, Gaulden and Davis of Greenville, SC to design and oversee the construction of the new Edneyville Library. A committee consisting of William Snyder, William Mitchell, and Selena Coffey reviewed architects proposals, interviewed three firms, and selected Craig, Gaulden and Davis. The selection was unanimous. The Library Board of Trustees is in support of the selection. The Library requested the Board of Commissioners ratify this selection and award the proposed contract.

Craig, Gaulden and Davis were found to be the most qualified firm by the reviewing committee. They have designed 35 libraries in the last ten years in North and South Carolina.

Commissioner Kumor made the motion to award the contract to Craig, Gaulden and Davis. All voted in favor and the motion carried.



BOARD CONSIDERATION OF PROPOSED ORDINANCE TO REGULATE THE CONSTRUCTION OF WIRELESS TELECOMMUNICATION TOWERS IN HENDERSON COUNTY

Matt Matteson reminded the Board that a Public Hearing was held on December 2, 1996, regarding the Proposed Ordinance to Regulate the Construction of Telecommunication Towers in Henderson County. Pursuant to comments made at the hearing and further review of the Draft Ordinance by the Planning Staff and Staff Attorney, a revised draft ordinance was submitted for the Board's consideration. The changes offered are annotated and explained in the right column of the Draft Ordinance. The proposed changes were reviewed.

Mr. Matteson reviewed with the Board what the Ordinance does and does not do. He also reviewed comments heard at the Dec. 2 Public Hearing.

The Board would have to set the effective date in a motion for adoption, as February 5, 1997 as the moratorium will no longer be in effect.

Public Input

1. Art Cooley - Mr. Cooley spoke against the proposed ordinance. He spoke regarding the relocation of existing telecommunication towers. If the Board does adopt an ordinance he requested that the following be added regarding relocation "the relocation of wireless telecommunication towers existing as of the date of adoption of this ordinance when said relocation is necessitated by Federal Communication Commission requirements".

Angela Skerrett reviewed some staff recommendations with the Board in the proposed ordinance.

Following much discussion on enforcement of an ordinance, fall radius of a tower, co-location on towers, etc., Commissioner Ward made the motion to scrap the Ordinance as presented. All voted in favor and the motion carried.

Commissioner Ward made the motion to have the Planning Board consider the buffer requirements in the zoned areas of the county, to protect the residents in the zoned areas from the towers already in existence, in addition to some of the items that were proposed

in the ordinance that was just scraped. All voted in favor and the motion carried.

The Planning staff will come back to the Board of Commissioners with a recommendation from the Planning Board in 90 days.

RESOLUTION AUTHORIZING INSTALLMENT PURCHASE CONTRACT FINANCING AND INSTRUCTING STAFF TO REQUEST FINANCING PROPOSALS

Carey McLelland requested the Board to consider a Resolution for approval which authorizes the use of installment purchase contract financing (NCGS 160A-20) for rehabilitation of the Historic Henderson County Courthouse approved by the Board in their Capital Improvements Plan (CIP) for fiscal year 1997. Also included in the resolution are instructions for staff to request financing proposals for this project. An installment contract financing schedule was also presented for the Board's review.

The term of the installment contract shall be ten years. There shall be no penalties for prepayment in whole or in part. Payments shall be made quarterly.

Commissioner Good made the motion to approve the Resolution Authorizing Installment Purchase Contract Financing and Instructing Staff to Request Financing Proposals. All voted in favor and the motion carried.

David Nicholson informed the Board that he plans to have a workshop at the January 15 meeting, in the afternoon, with a visit to the historic courthouse.

TELECOMMUNICATIONS POSITIONS

David Nicholson reminded the Board that at the June 19, 1996 meeting, the Board approved the creation of two new positions in telecommunications for Fiscal Year 1996-1997. At that time the Board also approved two additional positions for telecommunications. These positions were not to be filled until the move of telecommunications to the County Office Building.

Mr. Nicholson had received a request from Sheriff George Erwin, requesting these two positions be established. The request for

these positions would allow time for the hiring process, the certification procedures and the training period before the actual move.

It is planned that this division will be moved into a back up location by April 1997 and then into their new location in the County Office Building by July of 1997. This temporary move would greatly assist the Sheriff's Department with the training on the new equipment and transition from the current facility over the next several months.

Commissioner Ward made the motion to approve Sheriff Erwin's request. All voted in favor and the motion carried.

CAPITAL IMPROVEMENTS PROGRAM PROPOSALS

Selena Coffey distributed the CIP binders. In the binders are proposals from eleven organizations for the Capital Improvements Program (CIP). These groups included county departments, other government agencies, and community groups.

Staff requested the Board of Commissioners to establish workshops to hear presentations from these groups and then to rate these proposals for inclusion in the Fiscal Year 1997-1998 Budget.

David Nicholson requested the Clerk to poll the Board to schedule a couple of dates for CIP Work Sessions so the groups could come in and made a short presentation to the Board (15 minutes or so).

NOMINATIONS

Chairman Eklund reminded the Board of one vacancy on the Western Carolina Community Action Board of Directors.

Commissioners questioned whether any applications had been received. The Clerk asked how far back the Board would like to go and stated she would copy those applications and distribute to all Commissioners before the next meeting.

IMPORTANT DATES

Set a Public Hearing to consider appointments to the Laurel Park Planning & Zoning Board and the Laurel Park Zoning Board of Adjustment.

Following discussion, Commissioner Ward made the motion to set the Public Hearing for Monday, February 3 at 7:00 p.m. All voted in favor and the motion carried.

There was discussion regarding the planned joint meeting with the Henderson County Board of Public Education, scheduled for January 16 at 7:00 p.m. at Mills River Elementary School. One of our Commissioners could not make that date and it was the consensus of the date that they would like all Commissioners in attendance. The date of Thursday, January 23 at 7:00 p.m. was suggested but needed confirmed with the Board of Education.

David Nicholson reminded the Commissioners of two up-coming meetings. He asked the Board to review the meeting information and notify the Clerk to the Board if they wish to attend:

- 1. LEGISLATIVE BREAKFAST January 16, 8:00 a.m. @ Biltmore Quality Inn.
- 2. NACo LEGISLATIVE CONFERENCE February 28-March 4 in Washington, D.C.

Chairman Eklund and Commissioner Good indicated they would attend the breakfast meeting. No-one indicated they would attend the NACo Conference yet.

UPDATE ON PENDING ISSUES

1. Travel & Tourism Building

David Nicholson informed the Board that he has had several inquiries recently about the Visitor's Center on Main Street (Travel & Tourism Building). These have been inquiries whether the county wishes to sell the property and get it back onto the tax books.

David Nicholson asked the Board whether or not they would be interested in going through a process of looking to see whether or not they wish to consider selling the property.

Angela Skerrett reviewed three ways the Board of Commissioners can dispose of property:

1. Advertise for sealed bids and award to the highest bidder,

(would not be bound to award to anyone)

- 2. Negotiated offer and advertisement for upset bids (process we currently use for disposing of foreclosed property), or
- 3. Public Auction.

It was the consensus of the Board not to proceed before talking with the Travel & Tourism Committee and getting their input.

Public Input

1. J. W. Davis - Mr. Davis introduced himself and asked for a few minutes to speak to the Board. He is President and CEO of a proposed home town bank, called Mountain Bank. He, along with a group of local business men and business leaders, is forming a bank which will be locally owned and operated. They have raised enough capital to open two offices in Henderson County. They wish to have a flagship on Main Street. They would like to move quickly. They are very interested in the Visitor's Center.

2. Noise Ordinance

David Nicholson stated that he and Chairman Eklund have received several phone calls regarding a noise ordinance for Henderson County. Mr. Nicholson stated that he received a copy of the Buncombe County Noise Ordinance so the Board could review it.

There was discussion of revisiting/reviewing all "Quality of Life" Ordinances:

- 1. Noise Ordinance,
- 2. Junkyard Ordinance, and
- 3. Animal Control Ordinance.

There was interest in having a work session on these in the near future (prior to budget time).

3. Justice Academy - Water & Sewer

David Nicholson reviewed a letter from Chris Carter with the Board. David Nicholson stated that the *Justice Academy water line* will be a city project. They will handle the cost, financing, and they will make sure that it is completed. Hendersonville will contribute an amount equal to the standard over sizing agreement which is estimated at \$100,000. The County would have to guarantee to reimburse them for the debt service on the project.

Justice Academy Sewer Project - Mr. Nicholson shared with the Board the Preliminary Engineering Report which is somewhat higher than was discussed previously. There is still the design phase to be done. Plant cost is approx. \$162,000, the collection system approx. \$310,000, for a total of \$472,000. Original staff projection for the project was \$375,000.

These were updates just for information at this time.

ADJOURN

There being no further business to come before the Board at this time, Commissioner Good made the motion to adjourn the meeting at approx. 9:40 p.m. All voted in favor and the motion carried.

ATTEST:

Elizabeth W. Corn, Clerk

Robert D. Eklund, Chairman

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WILKINS, CHEKIS	1 6 1 6 1 9	#136,26	DOUBLE FILLED C. WILKINS/C. BABB #150969	
MILKINS, CHERISSA BABB	3711	#110.08	DOUBLE BILLED C. BABB/ C WILKING	
3	9640100407	#246.00	FERRED FERRED BB BILL	
INS, CHERISSA	9649938980	\$146.97	TRANSFERRED TO C. WILLIAMS AFTER 1/94TRANSFERRED BACK TO C. BABB DOUBLE BILLED	
ILKINS, CHERIS	V	#76,16	DBLE BILLED C WILKINS/	
, CHERISSA	9649937115	*154.70	DBLE BILLED C. BABB % C. WILKINS #150969	- J

RELEASE.MNT		COMMISSIONE	GRT 01/06/97	REL. REPORT
Taxpayer Name	ж ф ———————————————————————————————————	Total	11 44 47 47 11 11 11 11 11 11 11 11 11 11 11 11 11	化复数 医骨骨切开 经存货 医骨骨 医骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨骨
WILKINS, CHERISSA BABB	96A0100403	\$34.51	DBLE BI #150969	LLED C. BABB/C. WILKINS
WILKINS, CHERISSA BABB	96A0100402	*161.84	#161.84 DBL EILLED / C. BABB/C. WILKINS #150969	
MORLEY; DAVID	96A74823.01		#12.14 VALUE ADJ BASED ON CONDITION OF VEHICLE	

TOTAL RELEASES >>> #20399.41

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RELEAS 12/30/96 montmompassocitition	######################################	COMMISSIC RESESSE		REL. REPOR
Taxpayer Name	Taxbill	otai		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
ALPINE WOODS RV DEALERSHI	A83101,02	*121.00 *121.00	00 NO	
BECK, ROGER C BECK, EVELYN A	1 8 9 9 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	 	PROPERTY WAS CHARGED .08 FOR FIRE SHOULD HAVE BEEN .075 FOR FIRE REFUNDING THE DIFFERENCE	
BROWN: VELDA R & HUSBAND	96A9956345		LAND USE VALUE WAS NOT APPLIED TO THIS FARCEL FOR 1996	
i iii	6A995634		HOUSE VALUE SHOULD NOT HAVE BEEN INCLUED IN 1996 VALUE ON THIS PARCEL	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	0.80	# # 1 000 1 000 1 000	FILED AMENDED RETURN TO MEGATE ARBITRARY ASSESSMENT/REFUND DIFFER ARB VALUE & CORRECTED VALUE	
E 1	96A115105.15.1	 	95 TAXBILL WAS FAID #35847 ON WALTER R. FREEMAN ACCT	
HILL, J	ı 🧿 i	# 50 	ACERAGE RECONCILIATION FROM .42 TO .40 CORRECTED FRO 95 8 96	
	96A0108209	\$15,45	ACERAGE RECONCILIATION FROM .42 TO .40, CORRECTED FOR 95 % 96	
LAUGHTE	96A1290.09	#79.56	VALUE TOO HIGH	
MARKS, WILLIAM B MARKS, DORDTHY M	9649906461	\$57.17	: O : <u> </u>	
MARKS, WILLIAM B MARKS, DOROTHY M	9549906461	# 1 # 1 # 1 # 1 # 1 # 1 # 1 # 1 # 1 # 1	CONSENT ORDER FROM PTC APPEAL	
PACE, MAUDE J	9549928309	1	PROPERTY WAS CALCULATED ON BOTH SIDE OF THE COUNTY LINE. VALUE CHANGED BY CORRECTION IN AC	
PARKINSON, OPAL DALTON	9649955000	\$00.10	STRIP OF LAND - CHANGED FROM A4 TO A36.	245.

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TOTAL REFUNDS >>>

\$1190.21

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Taxpayer Name

RELEASE.MNT 12/30/96