

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 6, 1996

The Henderson County Board of Commissioners met for a continuation of the special called meeting of May 2, at noon, in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Renee Kumor, Vice-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

CLOSED SESSION

Commissioner Good made the motion for the Board to go into Closed Session as allowed under NCGS 143-318.11(a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (1) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (2) the amount of compensation and other material terms of an employment contract or proposed employment contract.

All voted in favor and the motion carried.

Commissioner Edney made the motion for the Board to go out of Closed Session. All voted in favor and the motion carried.

ACTION

Commissioner Eklund made the motion to authorize the County Attorney to upset the bid on the Tom's Building, bid amount \$192,150 plus deposit \$9,607.50.

All voted in favor and the motion carried.

MUD CREEK WATER & SEWER DISTRICT

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May 6, 1996

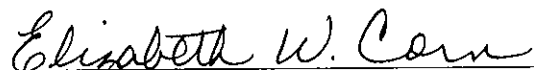
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Commissioner Edney made the motion for the Board to go into the Mud Creek Water & Sewer District. All voted in favor and the motion carried.

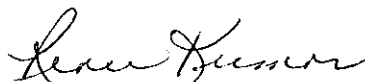
Commissioner Edney made the motion to authorize the County Manager to make a change order extending sewer to the edge of Upward Road, based on reference map prepared by Mr. Jon L. Laughter, as presented by County Attorney Don H. Elkins. All voted in favor and the motion carried.

Commissioner Good made the motion for the Board to go out of Mud Creek Water and Sewer District and to adjourn as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

ATTEST:



Elizabeth W. Corn, Clerk



Renee Kumor, Chairman

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 6, 1996

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 Renee Kumor, Vice-Chair Vollie G. Good, Commissioner J. Michael Edney, Commissioner Bob Eklund, Commissioner Don Ward, County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson and County Planner Karen Collins.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Bob Dutton, Discipleship Training Director of Carolina Baptist Association, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson announced that Angela Skerrett had been offered the job of Assistant County Manager and had agreed to take it. She will also continue her duties as Staff Attorney. Mr. Nicholson did not feel it necessary to have a full-time Assistant County Manager.

Ms. Skerrett was congratulated.

There were no adjustments to the agenda.

CONSENT AGENDA

Commissioner Good made the motion to approve the Consent Agenda as present.

Commissioner Edney called attention to an item in the Consent Agenda. It was a Proclamation for EMS Week. He stated that the Board should show support for the EMS personnel who do such a good job for us.

All voted in favor and the motion carried.

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INFORMAL PUBLIC COMMENT

1. Mike Sullivan - Mr. Sullivan declined to speak. He was in attendance regarding an item in the Consent Agenda which has already been taken care of.

2. Philip Sheehy - Mr. Sheehy asked to wait and speak during one of the up-coming Public Hearings.

PUBLIC HEARING - Request to Amend the Official Zoning Map Proposed New Zoning for the Ray Hill Road/Brannon Road Area (Application #Z-31-95 by Danette Zarybnicky)

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

Karen Collins gave an overview of the project and showed the area on a map.

Ms. Collins informed the Board that on March 26, the Henderson County Planning Board voted unanimously (8-0) to send a favorable recommendation to the Board of Commissioners on a request by Mrs. Danette Zarybnicky to amend the Official Zoning Map of Henderson County. The request would extend new zoning to approximately 262 acres in the area of Ray Hill Road and Brannon Road. Three districts are proposed: R-40, R-30, and RM-2.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of this public hearing were published in the April 12, 1996 and the April 19, 1996 editions of the Times-News. On April 18, 1996, the Planning Department mailed notices of the hearing to the owners of property within the 262 acre study area as well as to those owners of property adjacent to the study area.

Public Input

1. Danette Zarybnicky - Ms. Zarybnicky, the petitioner, spoke representing the Brannon Hill zoning application. The petition was submitted with concerns of controlling the massive growth that is happening in the rural areas. She requested approval of the proposed R-40, R-30, and RM-2 zoning districts for the area.

2. Philip D. Sheehy - Mr. Sheehy opposed the proposed zoning.

3. Brian Parsons - Mr. Parsons owns 10% of the property within the proposed zoning area. He spoke in favor of R-40 zoning in the

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area. He voiced concern of the impact on his property value by having a less restricted property adjoining it.

He stated he would support R-40 zoning if surrounding property is zoned the same.

4. Craig Justus - Mr. Justus has been assisting the Brannon Hill Zoning Committee through this process. He stated that zoning is really the only way to provide some type of protection for his client and the community. Mr. Justus emphasized that this has been a long process with the Planning Board meeting numerous times and with community meetings.

5. Robert Wise - Mr. Wise stated that his property is proposed for RM-2. He is not opposed to RM-2 but if it could be anything stronger, he is opposed.

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

No action was taken at this time. This will be on an up-coming agenda.

PUBLIC HEARING - Request to Amend the Official Zoning Map
Proposed Rezoning from R-30 to C-1
(Application #R-01-96 by Douglas H. Shipman

Commissioner Edney 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 Douglas H. Shipman has requested that the County rezone a parcel, approximately 1.16 acres in size, which he owns on US 64 West from an R-30 (low density residential) district to a C-1 (residential commercial) district. On February 27, the Henderson County Planning Board voted 6-1 to send the Board of Commissioners an unfavorable recommendation on Mr. Shipman's request.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of this public hearing were published in the April 12, 1996 and the April 19, 1996 editions of the Times-News. On April 22, 1996, the Planning Department mailed notices of the

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hearing to Mr. Shipman and to the owners of property adjacent to the Shipman property.

Public Input

1. Dr. Joseph Carpenter - Dr. Carpenter spoke in opposition to the proposed zoning. His family favors approving the Planning Board's negative recommendation on this request.

2. Craig Justus - Mr. Justus requested a favorable vote on the rezoning request for his client.

3. Douglas H. Shipman - Mr. Shipman is requesting C-1 for this small isolated area in the neighborhood. It is too small to qualify for C-2 designation.

Mr. Craig Justus handed up a petition with 145 signatures in favor of the zoning request. The petition stated: "We the undersigned are pleased with the changes on the former Brogden Store property on Hwy. 64 West, which has been upgraded from a run-down residential eye-sore to an attractive improvement to the community and have no opposition to it being zoned C-1".

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

No action was taken. This will be on an up-coming agenda.

PUBLIC HEARING - Proposed Amendments to Section 614, the Office and Institutional District, of the Henderson County Zoning Ordinance

Commissioner Eklund 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 on February 27, 1996, the Henderson County Planning Board voted unanimously (7-0) to send the Board of Commissioners a favorable recommendation on the proposed text amendments which were initiated by staff as a result of recent inquiries by health care providers about locating health care facilities in zoned areas. The proposed amendments add a variety of compatible uses to the O & I district and also provide clarification on certain items.

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On March 20, the Board of Commissioners reviewed the proposed amendments and offered some changes which were reflected in a revised text.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of this public hearing were published in the April 12, 1996 and the April 19, 1996 editions of the Times-News.

Public Input

1. Frank Aaron - Mr. Aaron, Administrator of Margaret R. Pardee Memorial Hospital, spoke in favor of the proposed zoning amendments.

The Hospital is in the process of filing for a certificate of need to construct a Nursing Home. One of the two sites is located on property currently zoned O & I. When they learned this, they realized that they needed to seek a change in zoning that would allow a Nursing Home to be constructed in an O & I district. At that time they approached county staff. He came before the Board at this time requesting the necessary text change.

Mr. Aaron did request that a Nursing Home be granted a permissible use in O & I, as opposed to a special use.

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

No action was taken at this time. This will be on an up-coming agenda.

PUBLIC HEARING - Proposed Amendment to the Henderson County Zoning Ordinance - Section 901.01, Reduction of Front Yard Setback for Single Family Dwellings on Steep Slopes

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

The Board of Commissioners scheduled this public hearing on a proposed text amendment to the Henderson County Zoning Ordinance to allow a reduction in the minimum front yard setback for single family dwellings on slopes between 18 and 35 percent. The proposed amendment would establish a new section, 901.01, in the Zoning Ordinance.

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Matt Matteson informed the Board that on February 27, the Henderson County Planning Board voted unanimously (7-0) to send the Board of Commissioners a favorable recommendation on the proposed amendment which was initiated by Planning and Zoning Department Staff. The Planning Board's Subcommittee on Zoning helped develop the proposed amendment before recommending it to the full Planning Board.

On March 20, 1996, the Board of Commissioners reviewed the proposed amendment and asked Planning Staff to add the O & I (office and institutional) District to the list of districts in which the setback reduction would be available.

In accordance with Section 1204 of the Henderson County Zoning Ordinance, notices of this public hearing were published in the April 12, 1996 and the April 19, 1996 editions of the Times-News. In addition, Planning Staff sent copies of the proposed amendment and hearing notice to the Home Builders Association of Hendersonville and the Hendersonville Board of Realtors.

Public Input - there was none.

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

Commissioner Eklund made the motion to amend the Zoning Ordinance as proposed on both Section 614 and Section 901.01. All voted in favor and the motion carried.

ANNUAL REPORT - Nursing/Adult Care Home Community Advisory Committee

Mr. Walter Johnson, Chairman of the Nursing/Adult Care Home Community Advisory Committee addressed the Board, presenting the annual report. He spoke of an increasing shortage of CNA's (Certified Nursing Assistants).

**REQUEST FOR IMPROVEMENT GUARANTEES - The Branigar Organization
Champion Hills - Section 12**

The Branigar Organization has submitted an application for improvement guarantees for water, sewer and road improvements for Champion Hills, Section 12. The Preliminary Plan for this subdivision was approved by the Henderson County Planning Board on February 27, 1996.

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The Branigar Organization intends to provide an Irrevocable Letter of Credit from First Citizens Bank in the amount of \$1,102,387.50 which includes a 25% overhead factor. A draft agreement was reviewed.

Commissioner Good made the motion that the request for Improvement Guarantees by the Branigar Organization, in Champion Hills for Section 12 be approved subject to approval of documents by our Attorneys. All voted in favor and the motion carried.

CBA FUNDING ALLOCATION

David Nicholson informed the Board that the Henderson County Youth Services Advisory Committee has recommended an allocation of Community Based Alternatives (CBA) funds for Fiscal Year 1996-1997. CBA is a state program that requires the agencies to fund a 30% local match. Below is the Committee's recommendation.

<u>Agency</u>	<u>CBA Funds</u>	<u>Match</u>	<u>Total</u>
New Hope Youth Shelter	\$70,153.00	\$21,046.00	\$91,199.00
Trend -			
Early Intervention	\$31,409.00	\$ 9,423.00	\$40,832.00
Dispute Settlement Center-			
Mediation Services	\$10,400.00	\$ 3,120.00	\$13,520.00
Boys & Girls Club - Target			
Outreach Program	\$25,474.00	\$ 7,642.00	\$33,116.00

The Committee has recommended a small increase for the operation of Henderson County's New Hope Youth Shelter. Funds for the match would need to be placed in the County's next year budget.

The Youth Services Advisory Committee has also recommended several changes to their by-laws and membership. County staff has not reviewed this request from a procedural or legal standpoint.

Mr. Nicholson recommended approval of the proposed allocation of CBA Program funds for Fiscal Year 1996-1997. This information must be submitted to the North Carolina Division of Youth Services prior to adoption of the budget. This allocation is similar to that made to these agencies for the current fiscal year.

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Commissioner Edney made the motion to approve the request as presented. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES/Request for Direction to the Chair

1. May 15 meeting

Chairman Kumor informed the Board that Commissioner Edney attended a meeting on behalf of the Board, a community discussion sponsored by the Times-News regarding drug awareness, to hear some comment from the youth in our community.

Mr. Edney stated that there was a group of very bright young people in attendance who had very good ideas. They also had a lot of questions.

Mr. Edney extended an invitation to the young people to attend the mid-month Commissioners' meeting (May 15) to talk with the Board and share their ideas. The Commissioners agreed that this was a good idea.

2. Economic Development Commission

Chairman Kumor reminded the Board that at the last Commission meeting, Mr. Lapsley, representing the Chamber of Commerce, gave a report on what they propose as a way to start working on an economic development strategy. Part of the proposal included developing a commission of some sort which would involve all aspects of our economy. He felt that representatives from the different municipalities should be included. She reviewed a two page summary of Mr. Lapsley's proposal.

Chairman Kumor has asked Mr. Good and Mr. Eklund if they would continue as the Economic Development Commissioners to fill the two County Commissioner seats.

Commissioner Eklund felt that the Commissioners should go back to the Chamber of Commerce and talk about how this commission will operate and also go to the various agencies and ask who they would like to represent them on this commission.

It was the consensus of the Board to pursue this venture for developing an Economic Development Board.

NOMINATIONS

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

1. Henderson County Board of Health - 1 vac.

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

2. Senior Companion Program Advisory Council of Land Of Sky - 3 vac. Commissioner Eklund nominated Sharon Bryson and Paul Logan as recommendations for appointment. Commissioner Good seconded the motion. These two recommendations will be forwarded to Land Of Sky for their consideration.

3. Motor Vehicle Valuation Review Board - 2 vac.

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

4. Nursing/Adult Care Home Community Advisory Committee - 2 vac.

Commissioner Edney nominated Claire Boo and Lorraine Finley. Commissioner Edney made the motion to suspend the rules and appoint both Ms. Boo and Ms. Finley. All voted in favor and the motion carried.

5. Board of Equalization & Review - 1 alternates

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

6. Henderson County Industrial Facilities & Pollution Control Authority - 4 vac.

Commissioner Edney nominated Jon Laughter and Thomas Hunter. Commissioner Eklund nominated Brandt Williams. Commissioner Edney made the motion to suspend the rules and appoint all three. All voted in favor and the motion carried.

7. Henderson County Planning Board - 1 vac.

Commissioner Ward nominated John Kidd. Commissioner Edney nominated Chuck McGrady. The Board will be polled at the next meeting since we have two nominees and one vacancy.

8. Hospital Board of Trustees - 1 vac.

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

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9. Airport Ad Hoc Committee - 1 vac.

Chairman Kumor stated that last week while she was out speaking, she was challenged by a man named Robert Roth that we had seated the Airport Committee with only people who wanted an airport. She offered Mr. Roth the opportunity to serve since we recently had a person resign from that committee. She requested the Board to place Mr. Roth on that committee.

Chairman Kumor made the motion to appoint Mr. Roth to the Airport Ad Hoc Committee. All voted in favor and the motion carried.

IMPORTANT DATES

The calendar was reviewed. The Board was reminded that students would be joining us for the May 15 meeting at 2 p.m.

MUD CREEK WATER AND SEWER DISTRICT

Commissioner Eklund made the motion for the Board to adjourn as the Henderson County Board of Commissioner and convene as Mud Creek Water and Sewer District. All voted in favor and the motion carried.

Bids for Construction of the Naples Area Collector Sewers and Sewage Pumping Station, Project #143.

The Board authorized staff to enter into contract documents to get this project underway as soon as possible and finished as soon as possible.

For details of this item, please see MUD CREEK WATER & SEWER DISTRICT minutes.

Commissioner Good made the motion for the Board to adjourn as Mud Creek Water & Sewer District and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

CLOSED SESSION

Commissioner Eklund made the motion as allowed under NCGS 143-318.11 for the Board to go into Closed Session for the following:

1.(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by

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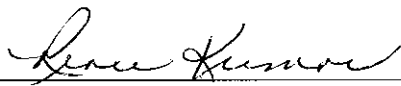
the public body in order to consider and give instructions to the attorney with respect to a claim.

No Action Following Closed Session.

There being no further business, the meeting was adjourned.

ATTEST:


Elizabeth W. Corn, Clerk


Renee Kumor, Chairman

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HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street

Hendersonville, North Carolina 28792-5097

Phone 704-697-4808 • Fax: 704-697-4536

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RENEE KUMOR
CHAIRMAN
VOLLIE G. GOOD
J. MICHAEL EDNEY
BOB EKLUND
DON WARD

DAVID F. THOMPSON
COUNTY MANAGER

PROCLAMATION EMERGENCY MEDICAL SERVICES WEEK May 19-25, 1996

WHEREAS, Henderson County's Emergency Medical Services (EMS) system is a vital public service; and

WHEREAS, the members of the Emergency Medical Services team are ready to provide life sustaining care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, during the past twenty-nine years, the quality of emergency care has dramatically improved the survival and recovery rate of those who experience sudden illness or injury; and

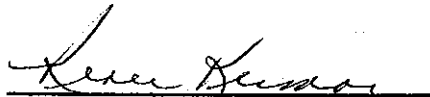
WHEREAS, citizens of Henderson County benefit daily from the dedicated efforts, knowledge and skills of the Emergency Medical Services team of career and volunteer emergency medical technicians, paramedics, emergency nurses, emergency physicians, rescue squad workers, fire fighters, public safety telecommunications, emergency vehicle maintenance technicians, administrators, educators and others who received specialized training and continuing education to enhance and maintain their lifesaving skills; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce health care costs; and

WHEREAS, to recognize the value and accomplishments of the Emergency Medical Services team, we set aside a special period to observe this great contribution to our people and state;

NOW THEREFORE, the Henderson County Board of Commissioners does hereby proclaim May 19-25, 1996, as "Emergency Medical Services Week" in Henderson County, North Carolina, and calls upon all citizens to observe this period.

Adopted this the 6th day of May, 1996.



Renee Kumor, Chairman
Henderson County Board of
Commissioners

Attest:



Elizabeth W. Corn
Clerk to the Board

HENDERSON COUNTY
Memorandum

TO: Angela Skerrett, Assistant County Manager/Staff Attorney

FROM: Stuart Rohrbaugh, Planner *SR*

DATE: May 20, 1996

**SUBJECT: Performance Guarantee Agreement,
Champion Hills, Section 12**

Attached is an executed original performance agreement between the Board of Commissioners and The Branigar Organization to guarantee completion of water, sewer and road improvements for Champion Hills, Section 12. The Board of Commissioners approved the application for improvement guarantees at their meeting on May 6, 1996.

The developer has one original and I ask you to store the remaining original in the County's fireproof safe. Both the Planning Department and Libby have retained a copy of the performance agreement for our file and the Board of Commissioners Minutes.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO this the 6th day of May, 1996, by and between **The Branigar Organization**, hereinafter known as "The Subdivider", and the Henderson County Board of Commissioners, hereinafter known as "The Board."

W I T N E S S E T H :

WHEREAS, the Subdivider is attempting to secure from the Board approval of Final Plats of a proposed subdivision to be known as **Champion Hills, Section 12**, located in Henderson County, North Carolina; and

WHEREAS, a County Ordinance entitled Land Development Ordinance for the County of Henderson as adopted by the Board of Commissioners of Henderson County on the 8th day of February 1988, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat approval; and

WHEREAS, said Ordinance allows the Board of Commissioners at its discretion, to permit the Subdivider to post with Henderson County an **Irrevocable Letter of Credit** from a banking corporation licensed to do business in North Carolina to guarantee the completion of said required improvements; and

WHEREAS, the Planning Board has previously approved with conditions the Preliminary Plan for said Subdivision and the Land Development Administrator desires to approve the Final Plat for said subdivision and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider an Irrevocable Letter of Credit to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1. The Subdivider will, on or before **October 1, 1996**, complete as required the following improvements in **Champion Hills, Section 12**:

- a. Construction of waterline distribution system as shown on the plans titled Water Plan, Section 12, dated 1/96 prepared by John Jeter of William G. Lapsley and Associates, P.A. Consulting Engineers & Land Planners Hendersonville, North Carolina job: 93229, said plans being incorporated by reference as if fully set forth herein; and,

 - b. Construction of sewer improvements as shown on the plans titled Sanitary Sewer Plan, Section 12, dated 1/96 prepared by John Jeter of William G. Lapsley and Associates, P.A. Consulting Engineers & Land Planners Hendersonville, North Carolina job: 93229, said plans being incorporated by reference as if fully set forth herein; and,

 - c. Construction of roads including asphalt paving, stormwater drainage improvements as shown on the plans titled Champion Hills Club, Section 12, dated 12/95 prepared by John Jeter of William G. Lapsley and Associates, P.A. Consulting Engineers & Land Planners Hendersonville, North Carolina job: 93229, said plans being incorporated by reference as if fully set forth herein (Subparagraphs a, b, and c above collectively hereinafter referred to as "said improvements").
2. The Subdivider shall file with Henderson County an Irrevocable Letter of Credit issued by First Citizens Bank in the amount of **\$1,102,387.50**, securing and guaranteeing completion of said improvements by the required date with such Irrevocable Letter of Credit expiring at least 60 days after the above stated completion date; and,

 3. When the Irrevocable Letter of Credit referred to in paragraph two above is reviewed and recommended for acceptance by the Henderson County Staff Attorney and all other requirements of said Land Development Ordinance are met, including any conditions specified by the Planning Board as part of the approval of the Preliminary Plan, then the Board will allow the Final Plat of Champion Hills, Section 12, to be approved by the Land Development Administrator.

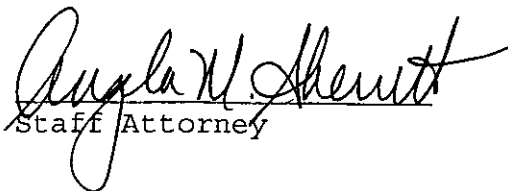
 4. Upon completion of said improvements and subsequent inspection for satisfactory completion, Henderson County will

release such guarantees. Release may be made in increments of not less than 25 percent, upon request by the developer, by the Henderson County Manager where, in the discretion of the County Manager, satisfactory progress towards completion of said improvements, roughly proportional to the release requested, has been made by The Subdivider.

5. The developer may, in writing, request an extension of the improvements completion date. The County Manager shall have the authority to grant the extension if the developer deposits with the County a new irrevocable letter of credit to guarantee the completion of required improvements. The letter of credit, by its terms, must expire no earlier than sixty (60) days after the requested extension date, and must be approved by the Staff Attorney. As imposed by Section 551.3 of the Henderson County Land Development Ordinance, the time between initiation and the completion of the required improvements, including any provision for extension, shall not exceed two years unless approval is granted by the Henderson County Board of Commissioners. The Board has, by appropriate action, caused this Agreement to be reviewed for approval by the Staff Attorney and executed by its Chairman or other authorized member and attested by the Clerk, and the Subdivider has, by appropriate action of its Board of Directors, caused this Agreement to be executed by its _____ President and attested by its _____ Secretary under corporate seal, both executions being made in duplicate, each to have the force and effect of an original, this the _____ day of _____, 19_____.

Approved As To Form:

HENDERSON COUNTY
BOARD OF COMMISSIONERS


Staff Attorney

By: 
Chairman

Attest: (County Seal)

Elizabeth W. Corn
Clerk

THE BRANIGAR ORGANIZATION

Attest: (Corporate Seal)

Heidi L. Grimmitt
Asst. Secretary

By: [Signature]
Vice President

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Shelley M. Cribbs, Notary Public for said State and County certify that Heidi L. Grimmitt, personally came before me this day and acknowledged that (s)he is Assistant Secretary of The Branigar Organization, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its VICE President, sealed with its corporate seal, and attested by her self as its Assistant Secretary.

Witness by hand and notarial seal, this the 16th day of May, 1996.

[Signature]

My Commission Expires:

Notary Public

My Commission Expires January 16, 2001