

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
SEPTEMBER 20, 1995

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

Also present were: Finance Director Carey McLelland, Planning Director Matt Matteson, County Planner Karen Collins, and County Planner Stuart Rohrbaugh.

Absent was: County Manager David F. Thompson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Good led the pledge to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

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

The Consent Agenda included the following:

**Review/approval of Minutes: August 7, 1995.**

Minutes were presented for review and approval of the August 7 Commission meeting.

September 20, 1995

Page 2

**Proclamation - Mental Illness Awareness Week**

The Board has been requested to proclaim Mental Illness Awareness Week in Henderson County for the week of October 1-7, 1995, to enhance public awareness and education about children with serious emotional disturbance, and to promote greater understanding for those who suffer from the disabling symptoms of mental illness in our community.

The municipalities in Henderson County have also been asked to proclaim this week as Mental Illness Awareness Week.

**"Let's Talk" Proclamation**

The Henderson County Health Department requested that October be proclaimed as "Let's Talk" month once again in Henderson County. "Let's Talk" is a state-wide event in which community organizations join together in providing programs that focus on important issues for families and youth. "Let's Talk" month has been proclaimed in our county for the past seven years with community participation continually growing. We have many organizations offering workshops again this year on a variety of topics.

**Henderson County Financial Report**

Please note the higher percentages of total budget utilized in the Finance, Data Processing and Fire Marshal Departments. Finance had a large expenditure to refill the postage machine used by various departments. Data Processing and Fire Marshal purchased all of their approved capital equipment during the month of July. Also, over 66 percent of the total approved dues and donations were distributed in July.

**Notification of Vacancies:**

The Commissioners were informed of the following vacancies which will appear under "Nominations" on the next agenda:

1. Nursing Home/Domiciliary Home Advisory Committee - 1 vacancy.

**INFORMAL PUBLIC COMMENTS**

1. G.J. Ferrara, Engineer - Mr. Ferrara is a registered engineer in the State of North Carolina. He was present along with a client of

September 20, 1995

Page 3

his, Mr. Cook. He spoke regarding an upcoming agenda item, sewer allotment for Twin Pines RV Park on Upward Road just east of I-26.

Chairman Kumor informed Mr. Farrara that the issue of the moratorium on sewer hook-ups is on the agenda under Mud Creek Water & Sewer District for this meeting.

3. Evelyn Nichols - Mrs. Nichols spoke as a representative of the East Flat Rock Community Club, requesting the Board to write letters to the Environmental Protection Agency to urge for a thorough and complete cleanup of the General Electric plant/Shepherd Farm site. She also requested letters to the Department of Environmental Management in Raleigh. The comment period ends this Friday.

Chairman Kumor added this item to Pending Issues for discussion later in the agenda.

#### RECOGNITION OF GUESTS

Matt Matteson recognized a delegation from Cleveland County (about seven), an intercommunity visitation committee sponsored by the Cleveland County Chamber of Commerce. They are looking at issues facing Henderson County as Cleveland is very similar in geographic, demographic, and topographic conditions. They have been around the state and out of state to look at communities and facilities to see what they can take back to their community to make it a better place to live.

#### ACTION ON APPLICATION FOR ZONING MAP AMENDMENT (#R-15-95)

##### Submitted by Mr. David E. Woodard

Karen Collins informed the Board of a request by Mr. David E. Woodard that the County rezone a 10.79 acre portion of a 30.59 acre parcel from an R-30 (Low Density Residential) district to an R-20 (Low Density Residential) district. Carnes & Woodard Builders, Inc., recently purchased the parcel, located between Haywood Road (NC 191) and Mountain Road (SR 1381), from the Estate of Lena Jamison.

On July 25, 1995, the Planning Board voted to send the Board of Commissioners a *favorable recommendation* on Mr. Woodard's application. On August 7, 1995, the Board of Commissioners heard a

September 20, 1995

Page 4

report on the application by the Planning Department as well as presentation by the applicant's agent, Mr. John Jeter. The Board held a public hearing on this request on September 5, 1996.

Commissioner Edney made the motion to amend the zoning maps to reflect the changes requested by Mr. Woodard. All voted in favor and the motion carried.

**ACTION ON APPLICATION FOR ZONING MAP AMENDMENT (#R-18-95)**

Karen Collins informed the Board of a request by Mr. David H. Matthews that the County remove a 1.7+/- acre portion of a 7.35 acre parcel from County zoning. Currently, the 1.7+/- acre portion of the parcel is in an R-15 (Medium Density Residential) zoning district and the balance of the property is unzoned. The parcel is located on Hyder Drive, adjacent to Heritage Hills, in the Mountain Home community.

On July 25, 1995, the Planning Board voted to send the Board of Commissioners a *favorable recommendation* on this application. On August 7, 1995, the Board of Commissioners heard a report on the application by the Planning Department as well as a presentation by the applicant's agent, Mr. Luther Smith. The Board held a public hearing on the request on September 5, 1995.

Commissioner Edney made the motion to approve Mr. Matthews' request and unzone 1.7 acres of the 7.35 acre parcel. All voted in favor and the motion carried.

**AMENDMENT TO THE OFFICIAL ZONING MAP OF HENDERSON COUNTY FOR THE VILLAGE OF FLAT ROCK**

Matt Matteson reminded the Board that on August 16, 1995, the Board of Commissioners referred to the Planning Board a request by the Interim Village Council of Flat Rock to amend the Official Zoning Map of Henderson County. The proposed amendment would add to the County zoning jurisdiction a 122 acre portion of the Village of Flat Rock which was previously within the zoning jurisdiction of the City of Hendersonville.

At its August 29 meeting, the Planning Board voted unanimously to recommend that the subject 122 acres be zoned R-40 (Estate Residential) by the County.

September 20, 1995

Page 5

Commissioner Good made the motion to set a Public Hearing for November 6, 1995 at 7:00 P.M. All voted in favor and the motion was carried.

**APPEAL OF PLANNING BOARD DECISION ON STONERIDGE ESTATES SUBDIVISION REQUEST**

Grant Mountain Properties, Inc., hereinafter "Developer", is the owner of a 16.0 acre tract on Tom's Falls Road. On June 26, 1995, the Developer submitted an application for Phase I of a major subdivision to the Henderson County Planning Department to develop the property as Stoneridge Estates. On July 25, 1995, the Planning Board considered the application and denied the application. Minutes of the Planning Board meeting were distributed, as well as maps of the Master Plan, and Phase I of Stoneridge Estates for the Board's information.

Mr. Craig Justus presented the appeal on behalf of the Developer. Normally, this would be conducted as a quasi-judicial proceeding, involving sworn testimony and formal parties, etc. However, Mr. Justus has indicated that his clients desire to waive the formalities of a quasi-judicial proceeding so that the testimony does not have to be sworn. Hearsay evidence, including letters, etc. would be acceptable, and there are no formal parties to the proceeding. If this type proceeding is acceptable to the Board, the Board should ask if there are any persons present who wish to participate in the proceeding based upon their being able to demonstrate that they will be affected by the decision rendered. If so, these persons would also need to waive the formalities of a quasi-judicial decision (sworn testimony, etc.) also. If the proceeding is conducted informally, the Board would still have to base its decision on substantial evidence, but the evidence could be in the form of hearsay, or letters, etc. Other persons would still be allowed to speak, much like a public hearing. (A copy of the rules of procedure for quasi-judicial proceedings were attached in the event parties or the Board did not wish the proceeding to be conducted informally.) Representatives from the Planning Department were present to respond to the Developer's comments and to answer the Board's questions.

**County Attorney's Statement**

September 20, 1995

Page 6

Don Elkins stated that he saw nothing in the Rules for Quasi-Judicial Proceedings that speaks to waiving the sworn testimony. Mr. Justus stated that he would possibly appeal any decision of this Board so Mr. Elkins saw no reason to waive the sworn testimony.

The original application was made by Grant Mountain Properties Inc. Under our rules, a petitioner must be a legal entity, must be able to hold and possess real property. He referred to the notice of appeal filed by Mr. Justus which states that he is appealing on behalf of Stoneridge Estates which is the name of the subdivision. It was Mr. Elkins opinion that the subdivision is not a legal entity that can appeal to this Board.

Mr. Justus argued that the practical effect of this is that he represents the developer, appealing on behalf of the developer.

Mr. Elkins referred again to the Rules of Quasi-Judicial Proceedings regarding the appeal of the decision of the Planning Board. The Planning Board's decision was rendered on July 25 with 30 days for appeal. That time has expired. It was his opinion that the appeal was not perfected in accordance with the ordinance.

Following very much discussion, Chairman Kumor made the motion to not accept Stoneridge Estates as the appropriate petitioner and based on a defective notice of appeal the Board does not have jurisdiction to hear the appeal. A vote was taken and the motion carried three to two with Commissioners Ward and Edney voting nay.

Commissioner Edney made the motion to waive whatever technicalities and upon Mr. Justus providing the Board a letter which refers to the proper entities, that the appeal be set for the next possible County Commission meeting, which would be October 2, 1995, for a full hearing and that such notice be signed by the applicant or petitioner as to the notice of appeal. All voted in favor and the motion carried.

#### VARIANCE REQUEST TO THE LAND DEVELOPMENT ORDINANCE

Stuart Rohrbaugh informed the Board that this is a request for a variance from the Land Development Ordinance that follows Section

September 20, 1995

Page 7

206 which requires both Planning Board recommendation and Board of Commissioners' action. Due to unique site conditions to accommodate design flexibility and if strict adherence to the provisions of the ordinance would cause unnecessary hardships, the Board could authorize a variance. Land use matters such as this have been conducted in a quasi-judicial proceeding. Both the applicant and Mr. Ponder were present.

Mr. Charles Ponder and Stuart Rohrbaugh were sworn in by the Clerk.

Mr. Ponder petitioned the Board for the right-of-way variance from 45 feet to 20 feet due mainly to the land lay out. He showed by map where his home is located and where the road lies, the creek, septic line, etc.

Mr. Charles D. Ponder is desirous of subdividing his 4.07 acre tract into two lots and is requesting the Board of Commissioners waive the requirements of Section 509 of the Henderson County Land Development Ordinance which requires a minimum 45' right-of-way and accept in lieu of, a 20' right-of-way.

At their meeting on August 29, 1995, the Henderson County Planning Board voted unanimously to send a *favorable recommendation* to the Board of Commissioners regarding this request.

Stuart Rohrbaugh gave some background information for the Board. Since the adoption of the Land Development Ordinance there have been eight variance requests. Mr. Ponder's property is located in the Blue Ridge township in the Dana community. His property is off Big Oak Road with tract A being 1.33 acres and tract B being 2.74 acres. A 45 foot right-of-way would encroach upon one of the manufactured homes and one of the septic drain fields. A 45 foot right-of-way is required in Section 509 of the Land Development Ordinance. Tract B is a partly clear and partly wooded lot. Remaining tracts in the area are undeveloped. The surrounding area is primarily rural.

Stuart Rohrbaugh showed a short video of the property in question and the adjoining property.

Mr. Ponder answered questions from the County Attorney that it was his intent that the road not serve any other properties than the

September 20, 1995

Page 8

two tracts shown. He and his wife own the property as petitioners and he introduced the map into evidence for consideration by the Board of Commissioners.

Mr. Rohrbaugh testified that in the past the planning staff has never applied road standards, be it public or private, to special subdivisions. Based on precedence it was also his testimony that Section 504 does not apply to this case.

#### **Findings of Fact**

Chairman Kumor stated that the Board has heard the evidence that based on the problems that would be caused by the requirement of a 45 foot right-of-way going through the drain fields and that for only two dwellings. Request is that we allow a variance of our Land Development Ordinance to allow only a 20 foot right-of-way back to the piece of property in question.

The petitioner had no final remarks.

Commissioner Ward made the motion to direct staff to draft Findings consistent with this proceeding and to bring back Findings of Fact and Conclusions in support of allowing for the variance of Section 509 of the Land Development Ordinance regarding right-of-way. The Board also found that the petition was in order. All voted in favor and the motion carried.

#### **CANCELLATION OF TIPPING FEE CHARGED FOR LEAVES BROUGHT TO THE LANDFILL**

Nippy Page informed the Board that last year 1,836 tons of wood and yard waste were deposited at the Landfill accounting for approximately 3 percent of our waste stream. This is a small figure and yet it is significant for other reasons.

Citizens in the County have (3) choices concerning the disposal of leaves:

1. burn their leaves;
2. back yard compost the leaves;
3. pay \$26.00 per ton and bring them to the Landfill.

At the Landfill leaves are combined with other wood and yard waste and are ground into a mulch in our tub grinder and sold.



September 20, 1995

Page 9

A small percentage of our citizens compost. Each fall information is publicized on the harmful effects of burning leaves and citizens are encouraged not to dispose of leaves in this manner but take them to the Landfill.

Cancellation of the tipping fee for disposal of leaves at the Landfill would give citizens the opportunity to dispose of their leaves in an environmentally sound manner without charge. The reduction in revenues at the gate will be insignificant. The request to the Board was to have the tipping fee on leaves canceled.

Commissioner Good made the motion to approve the request to cancel the tipping fee for the disposal of leaves, effective immediately, for all Henderson County residents (including municipal residents). All voted in favor and the motion carried.

**COMMUNITY CHILD PROTECTION TEAM AND CHILD FATALITY PREVENTION TEAM**

Chairman Kumor reminded the Board that at the last Board meeting under "Nominations" there were vacancies on both the Community Child Protection Team and the Child Fatality Prevention Team. As we read the legislation, they were two Boards that move simultaneously through the statutes with responsibility for certain child fatalities resting at the Health Department and other certain responsibilities resting with the Department of Social Services. The issue was raised of trying to understand better what the two boards must do and exactly what happens. These are headed up by the Director of the Health Department, Tom Johnson, Medical Director from the Health Department Dr. Carol Kaufman, and Director of DSS (Department of Social Services) Liston Smith.

Tom Johnson stated that these are two Boards doing similar things.

**Community Child Protection Teams**

Dr. Kaufman stated that 4-5 years ago the Governor put together Community Child Protection Teams. These were initially charged with putting together a group of community representatives to look at department of social service cases, specifically situations where children died who had open cases at DSS and under what circumstances death happened. These were set up under the direction of the department of social services to just look at

those situations, children whose existence and problems had been brought to the attention of DSS and had died. That was also expanded to any other situations of children who were under DSS supervision or under investigation by DSS, on-going cases where there may be problems that a group of community representatives could address and assist DSS in helping those children's situations.

#### **Child Fatality Prevention Teams**

Dr. Kaufman stated that concerns also came up state-wide about general deaths of children in counties and as to whether or not these could be prevented or what counties could do to address that. The legislature put together the Child Fatality Prevention Teams. These were to be set up under the auspices of the health departments looking at the fact that there are many preventable injuries and maybe preventable deaths. These were not social service cases. It was felt that people under the age of 18 who have died under any circumstances should be under a community review to see if the community could do something to try to prevent those deaths.

As these Teams evolved, it became clear that these would be very similar groups. Within the legislation there is permission to merge the two groups and make them practically the same. The legislation on the two groups is very similar.

Dr. Kaufman discussed the team composition of each group.

There are vacancies and these two teams will be discussed under "Nominations" in case anyone has a nominee.

#### **AMENDMENT TO JOINT RESOLUTION ADOPTED BY HENDERSON COUNTY AND THE TOWN OF FLETCHER CONCERNING THE REGULATION OF LAND DEVELOPMENT WITHIN THE TOWN LIMITS**

Angela Skerrett informed the Board that North Carolina law allows one local government to exercise the power of land development regulation on behalf of another local government upon a request by resolution of the requesting local government. The local government which undertakes the regulation continues to do so until the requesting local government withdraws its request. The requesting local government must give two years notice to the regulating local

September 20, 1995

Page 11

government of the withdrawal. Otherwise, the two local governments can mutually agree to modify the original resolution to permit such a withdrawal with less than two years notice.

In 1989, Henderson County received a request from the Town of Fletcher to administer the Henderson County Land Development Ordinance within the town limits of the Town of Fletcher. On July 7, 1989, Henderson County agreed to this request. In May, 1994 the Town of Fletcher requested by Resolution that Henderson County relinquish its governing powers concerning the regulation of land development in the Town of Fletcher. On May 18, 1994, this Resolution was presented to the Henderson County Board of Commissioners for consideration. At that meeting, concerns of developers having developments in Fletcher were also brought to the Board's attention. The Board instructed staff to contact staff from the Town of Fletcher to compose an agreed-upon resolution to resolve the regulation of land development in the Town of Fletcher. Staff did this. On July 11, 1994, the Town Council for the Town of Fletcher adopted the joint resolution. The joint resolution basically transferred the regulation of land development within the town limits of Fletcher to the Town of Fletcher with the exception of the developments which have already been developed, or which have received preliminary plan approval by Henderson County. Developments which have already been completed under the Henderson County Land Development Ordinance will continue to be regulated by the Henderson County Land Development Ordinance unless there is a substantial change in the development, at which point, the change would be governed by the Town of Fletcher. Developments which have received preliminary plan approval by Henderson County will continue to be administered by Henderson County for the statutory two year notice period referred to above.

One of the subdivisions over which Henderson County retained land regulatory jurisdiction under the joint resolution was Brookstone Phase II, as was shown in Exhibit A of the joint resolution. On August 4, 1995, Henderson County received a request from the developer of Brookstone Phase II to release Brookstone Phase II from the regulatory jurisdiction of Henderson County to the Town of Fletcher. Staff felt that it would be appropriate for the Town of Fletcher to indicate its willingness to assume regulatory jurisdiction over Brookstone Phase II before the County released

September 20, 1995

Page 12

its regulatory jurisdiction. The Town Council informally indicated to staff through the Town Administrator, Craig Honeycutt, that they would be willing to undertake regulation of Brookstone Phase II. The Henderson County Planning Department indicated that this should not present a problem for Henderson County. Staff has therefore been working with the Town Administrator of the Town of Fletcher to prepare an amendment to the joint resolution. A copy of the proposed amendment was attached. This amendment was adopted by the Town Council for the Town of Fletcher on Monday, September 11, 1995. Staff presented the Resolution to the Board at today's meeting for review and recommended adoption of the proposed amendments.

Commissioner Edney made the motion to approve the RESOLUTION TO AMEND RESOLUTION R-94-11 JOINT RESOLUTION OF HENDERSON COUNTY AND THE TOWN OF FLETCHER TO PROVIDE FOR THE REGULATION OF LAND DEVELOPMENT WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF FLETCHER. All voted in favor and the motion carried.

#### CODIFICATION SCHEDULE - REQUEST TO SET WORK SESSIONS

Angela Skerrett requested that the Board set the first work session for the Codification Process. The schedule was presented to the Board in June, 1995, the period of time from September 22, 1995 through March 22, 1996 has been slated for the Board to conduct work sessions to consider the Report of Comments and Recommendations received from General Code Publishers with respect to the manuscript which was distributed to the Board in June, 1995, and to consider staff comments as well. Staff anticipated that at least six (6) three hour work sessions will be necessary to complete the Board's review. Staff recommended that the work sessions be set one at a time, so that individual schedules may be accommodated. Staff will distribute the information to the Board to be covered at a work session approximately one week prior to the work session to give the Board an opportunity for review prior to the work session.

Staff recommended setting the first work session for October 18, 1995 at 2:00 p.m. It was the consensus of the Board to hold the first work session on October 18, 1995 at 2:00 p.m.

September 20, 1995

Page 13

**RECONSIDERATION OF SUBDIVISION NAME AND STREET NAME FOR APPLELAND BUSINESS PARK**

David Nicholson stated there has been recent discussion regarding the change of the subdivision name as well as the street name (Commercial Boulevard) for Appleland Business Park. The Planning Department has offered some suggestions for these changes (approximately 20).

In accordance with the Property Address Ordinance, any change in the street name would require a formal "posting" of the road and a subsequent public hearing. Changing the name of the subdivision, however, does not require any formal action.

From the list of names presented, the Board's choice was Apple Park Road.

Mr. Nicholson said that Mrs. Whitted needed to be consulted before any name is chosen. Then an application would have to be filled out and presented to the Planning Department.

There was some discussion as to why change the road name from Commercial Boulevard. There is already a recorded plat of the property with that road name.

**COST OF LIVING INCREASE**

The Board of Commissioners have over the past several years approved a cost of living increase for County employees at their mid-September meeting. Mr. Nicholson stated that over the past several years the Board has based the increase on the Consumer Price Index or CPI. The CPI compares the cost of items such as food, housing, apparel, transportation, medical care and other goods and services over the past year. The CPI for the South Urban/Size C community for the twelve month period ending May 1995 was 3.5%.

Commissioner Eklund recommended a 3% increase, Commissioner Edney recommended a 4% increase.

Following discussion, Commissioner Kumor made the motion to approve a 3.5% cost of living increase. A vote was taken and the motion failed one to four with only Commissioner Kumor voting aye.

Commissioner Edney made the motion to implement a 4% cost of living increase for County and Trend employees, effective with the payroll period beginning October 2, 1995. A vote was taken and the motion carried three to two with Commissioners Eklund and Ward voting nay.

#### COMPENSATORY TIME BALANCES

David Nicholson informed the Board that historically, employees across County Government have received compensatory time in lieu of monetary payment for overtime hours. As a result, some employees have accrued and maintained large compensatory time balances. Upon accruing a large number of compensatory hours, an employee rarely has the opportunity to exhaust these hours because of workload demands, and the balance of compensatory hours is neither exhausted nor paid. Therefore, this balance is not resolved unless an employee either resigns, retires or is terminated from employment. At that time, monetary payment of compensatory hours is required by law. Such hours usually accrue over a period of years and are paid out upon separation at time when the employee is earning a higher hourly wage than at the time the hours were accrued, increasing the cost to Henderson County.

A concerted effort has been made to reduce and/or eliminate compensatory time balances accrued and/or maintained by Henderson County Employees. Reduction and/or elimination of such accrued compensatory time is important to County Government in that compensatory time balances represent a serious financial liability if not resolved in a timely manner. Over the past four years, the effort to resolve large compensatory time balances has included issuing payment to employees in several County Departments, including Parks and Recreation and Utilities. At this time, final resolution of large compensatory balances, which have accrued over the years, appears to be a necessary component of Implementation of Section 3.8, Overtime, of the Henderson County Personnel Resolution. The procedures established in Section 3.8 do not allow the accrual of large amounts of compensatory time in that compensatory hours are either exhausted or paid within the next payroll period after accrual. The compensatory time balances accrued prior to the implementation of Section 3.8 must be resolved across County Government.

September 20, 1995

Page 15

There was an attached Accrued Compensatory Time Balance Chart, which provided information regarding compensatory time balances. Payment of compensatory hours accrued in excess of forty (40), total 1,621.87 hours and would require pay out of \$23,294.08. These funds could be transferred from contingencies in order to resolve this matter. After processing payment, no Henderson County Employee would maintain a balance of more than forty (40) hours of compensatory time, which could be exhausted without interruption of business operations.

There was very much discussion.

Commissioner Edney made the motion, that as a last resort (after looking at lapsed salaries and everything else) to move \$23,294.08 from contingencies to the department accounts to resolve this issue. All voted in favor and the motion carried.

#### SURPLUS VEHICLE AUCTION

A list of vehicles was presented to the Board by Carey McLelland that staff requested the Board declare surplus. In addition to the list, EMS-009, a 1988 Ford Van Ambulance is also requested to be surplus. There are several methods to dispose of surplus property. Les Capps, Maintenance Director, has recommended that these vehicles be sold by auction. An auction has been tentatively scheduled for October 7, 1995 at 10:00 AM at the County Garage.

We have received a request from Blue Ridge Fire and Rescue that SP-032, a 1989 Ford Crown Victoria be transferred to them. This vehicle would be used by their department for business uses instead of using a rescue vehicle.

In addition to the above request, Pardee Hospital has requested that we transfer EMS-009 to them for their use as a mobile x-ray unit.

Following discussion, Commissioner Good made the motion to declare the list of vehicles as surplus, approve the two requests for transfers and to sell the remainder of the surplus vehicles at auction on October 7, 1995 at 10:00 a.m. at the County Garage. All voted in favor and the motion carried.

September 20, 1995

Page 16

**UPDATE ON PENDING ISSUES/REQUEST FOR DIRECTION TO THE CHAIR**

This was an effort to keep the lines of communication open. It will give the Chairman an opportunity to bring the Board up to date on issues that occur between meetings. It will also be the time she will ask for direction so that we can develop our public position on current and upcoming topics.

This will also be an opportunity for Commissioners to report on related committee work and assignments.

The topics to be discussed were as follows:

**1. Multipurpose Center** - Chairman Kumor reminded the Board that at budget hearings in June, the Board passed a motion that as they received payment from the City of Hendersonville for the sewer lines in Brooklyn Manor, some of the funds would be used to buy property from the City of Hendersonville that had the potential to house a Multipurpose Center in years to come. She requested the establishment of a Steering Committee to begin a planning process and evaluative process to lead to the January date of being able to evaluate a Multipurpose Center in the CIP Plan. She asked the Commissioners to be thinking of members for the steering committee.

**2. Evelyn Nichols' Request** - Chairman Kumor reminded the Board of the earlier request from Mrs. Nichols that the Board send a letter to the EPA urging a thorough clean up of the G.E. site. It was the consensus of the Board for the Chairman to draft a letter from the Board requesting a thorough and safe clean up.

**3. Theron Maybin** - Mr. Maybin had contacted Commissioner Ward regarding a Vietnam Memorial. There was discussion of putting the monument at the historic courthouse. The group has announced that they won't need the \$10,000 that the County had set aside because of their fund raising efforts.

**NOMINATIONS**

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

**1. Western Carolina Community Action (WCCA) Board of Directors - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.



September 20, 1995

Page 17

2. **Community Child Protection Team - 2 vac.** Commissioner Edney nominated David F. Thompson. Commissioner Edney made the motion to suspend the rules and appoint Mr. Thompson. All voted in favor and the motion carried. One vacancy is still open.

3. **Land of Sky Regional Council - Advisory Council on Aging - 1 vac.** There were no nominations at this time so this item was rolled to the next meeting.

4. **Hendersonville City Zoning Board of Adjustment - 2 vac.** Commissioner Good nominated Jay B. Angel as a county member to the Hendersonville Zoning Board of Adjustment. Commissioner Edney made the motion to suspend the rules and appoint Mr. Angel. All voted in favor and the motion carried.

5. **Child Fatality Prevention Team - 2+ up to 5 = 7 vac.** The Board of Health recommended the following to serve: Major Eddie Watkins, Rocky Hyder, Dr. Carol Kaufman, Patsy Green and the citizen members from the Community Child Protection Team - Larry Swabe, Ken Lanning, Becky Banadyga and David F. Thompson. Chairman Kumor nominated this roster of individuals. Commissioner Edney made the motion to suspend the rules and appoint the entire roster. All voted in favor and the motion carried.

6. **Retired and Senior Volunteer Program - 2 vac.** The Board has two suggested nominees from Land of Sky - Doug Moon and Patricia Sprinkle. Commissioner Eklund made the motion to suspend the rules and appoint both Mr. Moon and Ms. Sprinkle. All voted in favor and the motion carried.

#### **Important Dates**

The Commissioners' Calendar was reviewed.

David Nicholson reminded everyone that the Employee Picnic was scheduled for Sunday at Camp Ton-A-Wonda.

#### **CLOSED SESSION**

Commissioner Edney made the motion for the Board to go into Closed Session as allowed under N.C.G.S. 143-318.11 (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

September 20, 1995

Page 18

public body, which privilege is hereby acknowledged and to discuss the case of Henderson County v. The City of Hendersonville. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

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.

#### MUD CREEK WATER AND SEWER DISTRICT

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

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

#### **ACTION**

David Nicholson updated the Board on the status of DieTronics. There was a question about the zoning, that is fine. From a sewer allocation standpoint - the City was unable to locate their application so one was delivered today to the Utilities Department. Doyle Freeman from the Utilities Department will hand walk that application through the process with the City of Hendersonville so we don't slow them down.

DieTronics needs an easement for a sewer line (Appleland Business Park). Since the Board is the developer and the Association for the park, the Board must grant an easement to DieTronics to connect to the county sewer line and direct the County Attorney to prepare that as soon as possible.

Commissioner Eklund made the motion that the Board, acting as the Developer and the Association, grant an easement to DieTronics to connect to the county's sewer line and direct the County Attorney

September 20, 1995

Page 19

to prepare that easement as soon as possible. All voted in favor and the motion carried.

There being no further business to come before the Board, the meeting was adjourned at 2:30 p.m.

ATTEST:

Elizabeth W. Corn  
Elizabeth W. Corn, Clerk

Renee Kumor  
Renee Kumor, Chairman



**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

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**PROCLAMATION**

**FOR**

**"LET'S TALK MONTH"**

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

DAVID F. THOMPSON  
COUNTY MANAGER

**WHEREAS,** the family has always been and remains the source of community values in a society; and,

**WHEREAS,** open communication enables family members to share their joys, sorrows, successes and failures, and thereby build honesty, trust, self-respect, and love among each other; and,

**WHEREAS,** broken lines of communication among family members fracture traditional stability of domestic life and increase the likelihood of young people being drawn into the confusion of teenage pregnancy, substance abuse, delinquency and suicide; and,

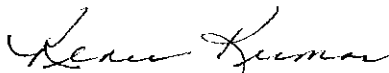
**WHEREAS,** parents should retain an open mind and listen to their children, whatever their questions, problems, and concerns; and,

**WHEREAS,** children should learn to talk to their parents, honestly sharing with them their thoughts, feelings, and concerns; and,

**WHEREAS,** the family should be given community support in this vital area of parenting to improve the quality of family life;

**NOW, THEREFORE BE IT RESOLVED** that the Henderson County Board of Commissioners does hereby proclaim **October 1995** as "**Let's Talk Month**" in Henderson County, and urges all family members to open the lines of communication and work to solve adolescent pregnancy and other problems facing youth in our county.

Adopted this the 20<sup>th</sup> day of September, 1995.



**RENEE KUMOR, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**



**ELIZABETH W. CORN  
CLERK TO THE BOARD**



## PROCLAMATION

**WHEREAS**, each year, 3 million or more young people experience serious emotional disturbance, interfering with the vital developmental and maturation process of our nation's greatest natural resource; and

**WHEREAS**, in North Carolina alone, there are approximately 40,000 children and adolescents under age 18 with serious emotional disturbances; and

**WHEREAS**, every community experiences the tragedy of children with serious emotional disturbance, and the subsequent economic and social costs borne by family members, neighbors, schools, service agencies, and others; and


**WHEREAS**, children with serious emotional disturbance and their families may be unable to be treated fairly or access appropriate services due to stigma and ignorance about these diseases; and

**WHEREAS**, early identification and treatment of children with serious emotional disturbance can greatly reduce the prospects of expensive, lifelong care;

**NOW THEREFORE WE**, the Henderson County Board of Commissioners, the Hendersonville City Council, the Fletcher Town Council, the Town of Laurel Park Board of Commissioners, and Incorporated Village of Flat Rock Village Council, do hereby proclaim the week of October 1 - 7, 1995 as:

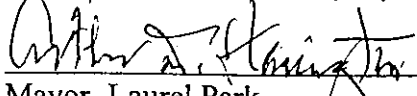
### **MENTAL ILLNESS AWARENESS WEEK**

to enhance public awareness and education about children with serious emotional disturbance, and to promote greater understanding for those who suffer from the disabling symptoms of mental illness in our community.

  
Chairman, Henderson County Board

  
Mayor, Hendersonville

  
Mayor, Fletcher

  
Mayor, Laurel Park

  
Interim Mayor, Village of Flat Rock





**RESOLUTION TO AMEND RESOLUTION R-94-11  
JOINT RESOLUTION OF HENDERSON COUNTY  
AND THE TOWN OF FLETCHER TO PROVIDE  
FOR THE REGULATION OF LAND DEVELOPMENT  
WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF FLETCHER**

**WHEREAS**, the Town of Fletcher and Henderson County passed a joint resolution entitled "Joint Resolution of Henderson County and the Town of Fletcher to Provide for the Regulation of Land Development Within the Municipal Limits of the Town of Fletcher" on July 11, 1994 by the Town and on July 20, 1994 by the County, hereinafter "Joint Resolution", and

**WHEREAS**, in Section 3 of the Joint Resolution, it states that shaded area of Exhibit A, Brookstone Phase II, hereinafter "Brookstone Phase II" shall continue to be administered and regulated by the Henderson County Land Development Ordinance until June 1, 1996; and

**WHEREAS**, the developers of Brookstone Phase II have petitioned the County and the Town for release from this agreement so that this project will fall under the land use regulations of the Town of Fletcher;

**WHEREAS**, the Town Council of the Town of Fletcher and the Henderson County Board of Commissioners agree that this project should be regulated by the Land Use Regulations of the Town of Fletcher; and

**NOW, BE IT THEREFORE RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLETCHER AND THE HENDERSON COUNTY BOARD OF COMMISSIONERS THE FOLLOWING:**

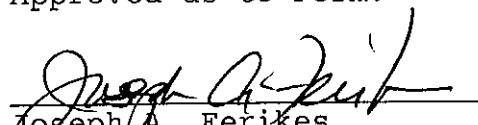
1) Henderson County and the Town of Fletcher hereby amend the Joint Resolution to remove the proposed Brookstone Phase II from the regulatory jurisdiction of Henderson County concerning Land Use in its entirety. Any development of this property shall be regulated under the land use regulations of the Town of Fletcher from after the date that this resolution has been approved by both the Town of Fletcher and Henderson County.

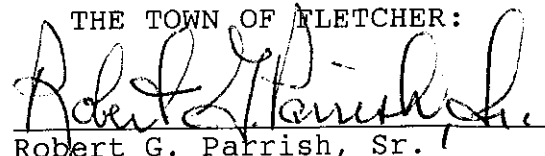
2) All other terms and conditions of the Joint Resolution shall remain in full force and effect and are hereby incorporated by reference as if fully set forth herein. This amendment shall be attached to the Joint Resolution and shall become a part thereof.



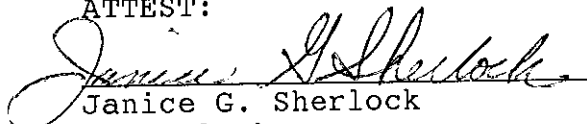
Approved this the 11th day of September, 1995 by the Fletcher  
Town Council.

Approved as to Form:

  
Joseph A. Ferikes  
Town Attorney

THE TOWN OF FLETCHER:  
  
Robert G. Parrish, Sr.  
Mayor

ATTEST:

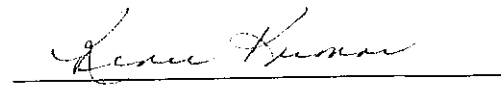
  
Janice G. Sherlock  
Town Clerk

Approved this the 20th day of September, 1995 by the Henderson  
County Board of Commissioners.

Approved as to Form:

  
County Attorney

HENDERSON COUNTY:

  
Chairperson

ATTEST:

  
Clerk to the Board

