

**MINUTES**

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
SEPTEMBER 21, 1994

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 Vollie G. Good, Vice-Chair Renee Kumor, Commissioner Hugh D. Randall, Commissioner William McKay, Assistant 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 was Matt Matteson, Planning Director.

Absent was: County Manager David F. Thompson. Commissioner J. Michael was absent at the beginning of the meeting but was expected to arrive later.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

Chairman Good led the Pledge to the American Flag.

**INVOCATION**

John McGee, Retired Missionary to Nigeria, gave the invocation.

**CHAIRMAN'S STATEMENT**

Chairman Good informed the public that county employee's all have name badges and have been asked to wear those badges during working hours so the citizens will know who they are.

**DISCUSSION/ADJUSTMENT OF AGENDA**

David Nicholson added item "H" under Discussion Items "Subdivision Improvement Guarantee (Cross Creek Farms)".

**CONSENT AGENDA**

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Consent Agenda consisted of the following:

**A. Review of Minutes** - Minutes were presented for approval of the following meetings: August 6, 1994, August 15, 1994, and September 7, 1994.

**B. Proclamation - Mental Illness Awareness Week** - A Proclamation was received with a request to proclaim the week of October 2-8, 1994 as Mental Illness Awareness Week as a way to reduce stigma and promote understanding of the mentally ill and their families.

**C. Proclamation - Let's Talk Month** - A Proclamation was received with a request to proclaim October 1994 as "Let's Talk Month" in Henderson County and urge all family members to open the lines of communication and work to solve adolescent pregnancy and other problems facing youth in our county.

**D. Resolution - Urging that prayer be returned to Public Schools** - A Resolution was received with a request for our Board to adopt the same or a similar resolution as that adopted by some other counties, whereby the Commissioners would urge all cities and counties across the State and Nation to join in an effort to reinstate prayer in public schools by passing similar Resolutions and uniting in a "grass roots" movement for that purpose.

**E. Henderson County Financial Report** - No action was required. The Henderson County Financial Report for July and August were submitted for the Board's information only.

**F. Tax Refunds (9)** - A list of nine refund requests was submitted by the Henderson County Tax Assessor for the Board's review and approval. Supporting documentation is on file in the County Assessor's Office.

**G. Tax Releases (8)** - A list of eight release requests was submitted by the Henderson County Tax Assessor for the Board's review and approval. Supporting documentation is on file in the County Assessor's Office.

**H. Notification of Vacancies** - No action was required. The Board was notified of one vacancy on the Henderson County Planning and Zoning Board. This will appear under "Nominations" on the next agenda.

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**I. Road Petitions** - Road petitions were received to add the following roads to the state maintenance system:

1. Mountain View Church Road
2. Clearview Drive
3. Brightwater Farm Estates Drive

Commissioner Kumor made the motion to remove item "D" from the consent agenda, to be voted on separately. This was added as item "I" under Discussion Items.

Following some discussion, Commissioner McKay made the motion to approve the consent agenda with the exception of item "D" which was removed. All voted in favor and the motion carried.

#### INFORMAL PUBLIC COMMENTS

1. Jack Tate - Mr. Tate spoke as Chairman of the Henderson County Natural Heritage Inventory and President of the Natural Heritage Trust of Henderson County (a newly formed land trust) to formally present to the Commissioners the preliminary inventory of the natural areas of Henderson County which was completed earlier this spring. This was presented to the public at a program on May 4. He offered a word of praise to the Henderson County Commissioners and to the Parks and Recreation Department for the assistance they have provided to the Natural Heritage Inventory.

In 1976 the Natural Heritage Program was established by the N.C. Department of Natural Resources and Community Development to inventory areas of unusual habitats or geological formations as well as rare plants and animals throughout the state of North Carolina.

In 1991 an inventory of such areas of significance in Henderson County was initiated by the Henderson County League of Women Voters with the assistance of the Community Foundation, Henderson County, and in particular the Henderson County Parks and Recreation Department.

A fund was established with the Community Foundation which assisted in payment for the inventory and since that time, very recently through the very generous contribution of Lela McBride, a fund has been established at the Community Foundation to serve as a beginning for developing financial resources to assist the land trust as it goes forward in serving its roles.

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2. Ken Weitzen - Mr. Weitzen spoke on behalf of ECO, the Environmental and Conservation Organization of Henderson County. He addressed the Mills River Designation as a Wild and Scenic River favorably.

#### CHANGES TO THE NORTH CAROLINA OPEN MEETINGS LAW

Angela Skerrett reminded the Board that on June 24, 1994, the North Carolina General Assembly modified the N.C. Open Meetings Law by enacting Chapter 570 of the 1993 Session Laws to be effective October 1, 1994. She discussed the changes with the Board which will become effective before our next Board Meeting.

Chapter 570 makes the following changes to the Open Meetings Law:

1. Name change. The name for "Executive Session" has been changed to "Closed Session".

2. The definition of public body has been expanded to include any board or committee that "exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function."

3. Chapter 570 requires that minutes of closed sessions be taken. The minutes will not be subject to public inspection "so long as public inspection would frustrate the purpose of the closed session".

4. The number of permitted purposes for closed sessions has been reduced from 20 to 7. This should have minimal impact on the Board as the Board's policy in the past has been to hold Executive Sessions only when necessary to discuss personnel matters, to preserve the attorney-client privilege, and to discuss the purchase of land. The new permitted purposes were summarized for the Board:

#1. To prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

#2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

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#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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure.

#4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

#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 (i) 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 (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

#6. To consider the qualifications, competence performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except at an open meeting.

#7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

5. The motion to go into a closed session must include the citation of law under which the meeting is being called. Suggested formats were reviewed.

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6. Board members can now be personally liable for the attorney's fees of those persons bringing an action under the Open Meetings Law, unless the Board members followed the advise of an attorney in holding the closed session.

7. Actions brought under the Open Meetings Law will be given priority treatment by the trial and appellate courts.

**VICE CHAIR KUMOR - recognition**

Vice-Chair Kumor recognized Mr. & Mrs. McBride, stating that Mr. Tate was very complimentary to them in his presentation of the Natural Heritage Inventory. She thanked them for their contribution.

**TREND Mental Health Budget**

David Nicholson reminded the Board that during the preparation of the Fiscal Year 1994-1995 Budget, a posting error was made on the Trend Mental Health Budget. The Board of Commissioners approved \$238,932.00 or a 4% increase. However, the prior fiscal year budget of \$210,223.00 was posted. An additional appropriation from Contingencies of \$8,409.00 is needed to correct this error.

In presenting the agenda item, an error was discovered in the math. David Nicholson asked that he be allowed to pull the item for a future agenda. He wished to speak with Trend representatives before asking for approval of this item. It was the consensus of the Board that the item be pulled for a future agenda.

**PUBLIC SCHOOLS- Surplus Property at Sycamore Hills**

David Nicholson informed the Board of a request from Superintendent Dan Lunsford concerning three surplus property lots in the Sycamore Hills Sub-Division. These lots were acquired by the School Board for vocational education projects. Due to a change in the restrictive covenants, these properties can no longer be used for this purpose. The School Board has notified the Board of Commissioners of these properties. Should the Board not wish to exercise its option, the properties will be sold by the School Board.

Following some discussion, Commissioner McKay made the motion to respond to Dr. Lunsford that Henderson County has no interest in

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purchasing these lots in Sycamore Hills. All voted in favor and the motion carried.

#### COST OF LIVING INCREASE

David Nicholson reminded the Board that for the past several years the Board of Commissioners has considered a cost of living increase for County Employees at the mid-September meeting. A report from the U.S. Department of Labor concerning the Consumer Price Index (CPI) for a twelve month period ending in July 1994 was reviewed. The CPI has measured the change in average prices of goods and services at 2.8%. Funds were included in the Fiscal Year 1994-1995 Budget for a 4% adjustment.

Following considerable discussion, Commissioner McKay made the motion to approve a 2.8% cost of living increase for Henderson County Employees, which will first be reflected on the October 7, 1994 paycheck. All voted in favor and the motion carried.

David Nicholson reminded the Board that at the time of Budget discussions, staff indicated to the Board that they wished to ensure that the TREND employees receive the same percentage increase as Henderson County Employees receive. There will be an up-coming Budget amendment to supply TREND with additional monies in order to provide a salary increase of 2.8%.

#### RECESS

Chairman Good called a ten minute break.

#### SET PUBLIC HEARING - Carriage Park Request for Collector Road Relocation

Matt Matteson informed the Board that Carriage Park Development Corporation has requested that a section of the proposed major collector road (Carriage Park Way) be relocated. The request requires a formal amendment to the existing Special Use Permit for the Planned Unit Development and further requires that a public hearing be held on the matter. To meet statutory requirements for public notice, the earliest regular meeting date that the public hearing can be held would be October 19, 1994.

Matt Matteson stated that the road that has been approved previously by this Board, on the research master plan in October of

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1993, a small portion of it (just short of 1/2 mile) is proposed to be relocated. The road is not built yet. The relocation appears to be a preferable location for various factors: the fact that the plan the Board approved is proposed for amendment; the fact that the road (if approved) will be relocated on the former Corn property which is about a 14 acre tract just south of the existing tract and abutting and would be off the original planned unit development site. For these reasons and also because it constitutes a major change in the collector road, staff recommended a Public Hearing be held.

Matt Matteson stated that the proposed road is approximately 2400 feet and the road would not (according to the request) enlarge the planned unit development nor affect the densities in the planned unit development. Only the road portion would be relocated and the developer would be able to develop the former Corn property under normal zoning conditions that are existing at this time.

Following some discussion, Commissioner Kumor made the motion to set the Public Hearing for October 19 at 1:00 p.m. All voted in favor and the motion carried.

#### NOMINATIONS

Chairman Good reminded the Board of the following vacancies and opened the floor for nominations:

1. **Motor Vehicle Valuation Review Board (MVVRB)** - 1 vacancy for an alternate. There were no nominations at this time so this was rolled to the next meeting.

2. **Nursing Home/Domiciliary Home Advisory Committee** - 1 vacancy. There were no nominations at this time so this was rolled to the next meeting.

3. **Private Industry Council (PIC)** - 3 vacancies. There were no nominations at this time so this was rolled to the next meeting.

#### IMPORTANT DATES

There was some discussion of the up-coming meetings on the calendar.

#### REQUEST FOR SUBDIVISION IMPROVEMENT GUARANTEES-



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Cross Creek Farms, Section 2

David Nicholson stated that he added this to the agenda because he doesn't like to hold up a developer.

Matt Matteson informed the Board that John C. McLean and Cathleen H. McLean have submitted an application for a subdivision improvement guarantee for road and drainage improvements in Cross Creek Farms, Section 2. The McLeans intend to provide cash in the amount of \$73,625.00 in an interest bearing account with the county. This amount includes the required 25% overhead. According to the Land Development Ordinance, the Board of Commissioners may accept a deposit of cash or certified check to guarantee the completion of improvements. A draft agreement between the McLeans and Henderson County was reviewed.

Following some discussion, Commissioner Edney made the motion to approve the application as presented. All voted in favor and the motion carried.

RESOLUTION - Urging That Prayer Be Returned to Public Schools

This item was pulled from the Consent Agenda for Board discussion.

Chairman Good informed the Board that counties across the State are adopting Resolutions to return prayer to public schools.

There was a question of Supreme Court rulings regarding prayer in public schools. There was much discussion, some for and some against this Resolution. A similar Resolution was received from another county in North Carolina and some wording changes were made to make it appropriate for consideration by Henderson County.

Commissioner McKay made the motion to adopt the Resolution as presented. Commissioner Edney stated that he supports the basic concept of allowing prayer in schools but he shares the concerns of Ms. Kumor and Mr. Randall as far as this particular resolution and the wording of it.

A vote was taken on Mr. McKay's motion as follows:

Aye: McKay  
Good  
Nay: Edney  
Kumor

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Randall

Following more discussion, Commissioner Edney made the motion for the Board to consider a motion which he will draft and have at the next Commissioners' meeting which will address the same issue but in a more concrete manner. A vote was taken as follows:

Aye: Good

McKay

Edney

Randall

Nay: Kumor. The motion carried.

#### CHAIRMAN RECOGNITION

Chairman Good recognized a member of the audience, Sandra Trivett. Mrs. Trivett is with the State Commerce Department.

#### EXECUTIVE SESSION

There was some discussion and it was decided that there were no items for Executive Session at this time.

#### COUNTY FLAG

Chairman Good raised the issue of a Henderson County Flag, which was discussed briefly among staff and the Board during our break.

David Nicholson stated that the question was raised whether Henderson County had a flag. The question came up some months ago when the University of North Carolina at Chapel Hill was celebrating its 200th Anniversary. The Cooperative Extension Homemakers had developed a county flag and had presented it to the Board of Commissioners several years ago and we had never had any made up. Since that was the official county flag, adopted by the Board of Commissioners, we had some made up. It flew over the Bicentennial Celebration of UNC-Chapel Hill.

David Nicholson stated that the question came up again today. We have purposely not flown it over any county building, waiting for the new courthouse. It was done this past spring in hope that we would premiere it and raise it for the first time at the dedication ceremonies for the new Henderson County Courthouse. He showed the flag.

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**RECESS - Lunch**

Chairman Good called a recess for lunch. He stated that the Board would reconvene at 1:00 p.m. for the scheduled Work Session on the Proposed Zoning Text and Map Amendments for the Lake Summit area.

**WORK SESSION - Proposed Zoning Text and Map Amendments for Lake Summit area**

Matt Matteson addressed the Proposed Zoning Amendments and reviewed them with the Board and answered questions.

There was much discussion regarding lot size as well as setback requirements. Permitted uses were discussed as well as conditional uses and special uses. There was discussion of allowing manufactured homes as a special use. There was discussion that setbacks for churches should be the same as for residential.

Two new definitions were offered as part of the zoning amendments as follows:

**401.051 Boat houses, Private:** A single family residential accessory structure whose principal purpose is waterfront mooring or storage of small boats. Such structure shall have no more than one enclosed level above the boat storage area and such enclosed level shall be no greater than the boat storage below, but that open decks, docks, and stairways shall not be counted for this purpose.

**401.052 Boat houses, Public:** A structure of "marina" whose principal purpose is waterfront mooring or storage of boats for commercial purposes. A public boat house may include boat slips, docks, boat launching ramps, gas sales, boat repair and service, and the sale of boating supplies.

A map of the proposed zoning districts was reviewed. The two proposed districts are:

1. Lake Summit Surface Water District
2. Lake and River Residential District

It was the consensus of the Board to remove "Lake Summit" from the #1 District so it could be used as a zoning district in other parts of the county. There was also discussion of leaving "Lake and

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River" off of the #2 District and possibly calling it "Surface Water Residential District".

Matt Matteson offered three housekeeping type changes.

David Nicholson asked the Board if they would like for staff to take into consideration the changes and suggestions made today and bring a clean copy back to the Board for review. David Nicholson reviewed the changes with the Board.

Chairman Good stated that he thought the clean copy should be ready at the next meeting and acted upon at that time. David Nicholson stated that the Board would have to hold a Public Hearing on the new definitions.

Chairman Good adjourned the meeting.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Vollie G. Good, Chairman

COMMISSIONER'S REPORT 09/21/94  
RELEASES

RELEASE, MNT  
09/08/94

Taxpayer Name	Taxbill	Total	Reason
BAILEY, BRIAN K	92A9936157	\$197.03	DOES NOT OWN DBLWIDE OR LAND. REAPP VERIFIED. RE LISTED 99-27839. LAND IS VACANT.
BAILEY, BRIAN K	92A9936157	\$197.34	DOES NOT OWN DBLWIDE OR LAND. REAPP VERIFIED. RE LISTED 99-27839. LAND IS VACANT.
BAILEY, BRIAN K	91A9936157	\$150.98	DOES NOT OWN DBLWIDE OR LAND. REAPP VERIFIED. RE LISTED 99-27839. LAND IS VACANT.
DOTSON, CHARLES F	91A0103004	\$50.90	PARCEL INCORRECTLY ASSESSED. INACTIVE.
DOTSON, CHARLES F	92A0103004	\$41.80	PARCEL INCORRECTLY BILLED. INACTIVE.
DOTSON, CHARLES F	91A0103004	\$40.00	PARCEL INCORRECTLY BILLED 90-90. SHOULD BE INACTIVE.
DOTSON, CHARLES F	91A0103004	\$54.90	PARCELS INCORRECTLY ASSESSED. INACTIVE AND UNLISTED.
FORTESCUE, WILLIAM NICHOLAS JR	89A0-01225	\$108.00	PARCEL DEL ASSESSED 1999. PROP ED BY 01-0716 IS NOW LISTED BY 99-47833.

TOTAL RELEASES >>> \$669.20

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9-21-94

# PUBLIC INPUT SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO  
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
✓ 1.	<u>Jack Tate</u>	<u>P.O. Box 988, Hixite, NC</u>	<u>Natural Heritage Inventory</u>
✓ 2.	<u>Ken Weitzen</u>	<u>P.O. Box 372, Tuxedo, NC 28784</u>	<u>Mills River Designation</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
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Taxpayer Name	Taxbill	Total	Reason
BLUE RIDGE METALS CORP	92A77515.07	\$1107.11	OVERLISTED AMOUNTS DISCOVERED DURING 94 AUDIT.
BLUE RIDGE METALS CORP	91A77515.07	\$198.51	OVERLISTED PERSONAL PROPERTY DISCOVERED DURING 94 AUDIT.
BLUE RIDGE METALS CORP	90A77515.07	\$167.97	OVERLISTED PERSONAL PROPERTY DISCOVERED DURING 94 AUDIT.
BLUE RIDGE MOUNTAIN WATER	92A91184.01	\$79.97	OVERLISTING OF M&E DISCOVERED
BLUE RIDGE MOUNTAIN WATER	93A91184.01	\$11.90	OVERLISTING OF M&E DISCOVERED DURING 1994 AUDIT.
LEISURETIME RECREATIONS INC SKATE-A-RAMA	93A97053.31	\$29.06	DISCOVERED AS NED R. CRAMER, JR. #113136.
RHODES, JERRY DANIEL	92A9928819	\$51.04	94 BILL SHOULD BE 85,200 NOT 94,000 HS MEASURED INCORRECT FOR SQ FOOTAGE.
RHODES, JERRY DANIEL	93A9928819	\$53.68	94 BILL SHOULD BE 85,200 NOT 94,000 HS WAS MEASURED INCORRECT FOR SQ FOOTAGE.
RHODES, JERRY DANIEL	91A9928818	\$51.04	94 BILL SHOULD BE 105,200 INSTEAD OF 94,000. HS MEASURED INCORRECT FOR SQ FOOTAGE.

TOTAL REFUNDS >>> \$2749.08

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**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

100 NORTH KING STREET  
HENDERSONVILLE, N.C. 28792-5097  
PHONE 704/697-4808  
FAX 704/692-9855

VOLLIE G. GOOD  
CHAIRMAN  
J. MICHAEL EDNEY  
HUGH D. RANDALL  
WILLIAM MCKAY  
RENEE KUMOR

DAVID F. THOMPSON  
COUNTY MANAGER

**PROCLAMATION  
FOR  
"LET'S TALK MONTH"**

**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;

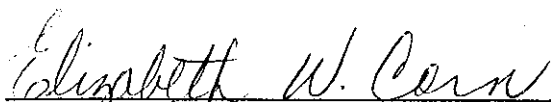
**NOW, THEREFORE BE IT RESOLVED** that the Henderson County Board of Commissioners does hereby proclaim **October 1994** as "**Let's Talk Month**" in Henderson County, and urges all family members to open the lines of communication and work to solve adolescent pregnancy and other problems facing youth in our county.

Adopted this the 21st day of September, 1994.



VOLLIE G. GOOD, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



ELIZABETH W. CORN, CLERK TO BOARD

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