

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
~~AUGUST~~ 6, 1994
Sept. sub

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 Vollie G. Good, Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, Clerk to the Board Elizabeth W. Corn, and members of the media.

Also present were Planning Director Matt Matteson, Planner Stuart Rohrbaugh, and Zoning Enforcement Officer Donna Fain.

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.

DISCUSSION/ADJUSTMENT OF AGENDA

David Nicholson asked for one item to be added under Discussion Items as "E", "Resolution for Emergency Management".

Commissioner McKay made the motion to approve the addition. All voted in favor and the motion carried.

CONSENT AGENDA

Vice-Chair Kumor made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.

Consent Agenda consisted of the following:

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Review of Minutes - Minutes were presented for review and approval of the August 17, 1994 meeting.

Proclamations/Resolutions - The following were presented for review and adoption:

1. Proclamation - Hunting and Fishing Day - September 24, 1994.
2. Resolution urging the National Weather Service to keep the Asheville Weather Station in Operation.
3. Resolution - Ralph Ketner Award

Request for Subdivision Improvement Guarantees - Champion Hills, Section 11-A - The Branigar Organization submitted an application for approval of an improvement guarantee for road, drainage, water and sewer improvements in Champion Hills, Section 11-A. The Branigar Organization intends to provide an Irrevocable Letter of Credit from NationsBank of Georgia in the amount of \$219,698.75 which includes a 25% overhead factor.

Request for Subdivision Improvement Guarantees - Champion Hills, Section 14 "Bollers Knob" - The Branigar Organization submitted an application for approval of an improvement guarantee for road, drainage, water and sewer improvements in Champion Hills, Section 14, Bollers Knob. The Branigar Organization intends to provide an Irrevocable Letter of Credit from NationsBank of Georgia in the amount of \$97,467.50 which includes a 25% overhead factor.

Notification of Vacancies - The Board was made aware of the following vacancies. No Action was required at this time. These will appear for action on the next agenda under "Nominations":

1. Private Industry Council (PIC)
3 vacancies (terms expired 7-1-94)

Road Petition (addition) Acorn Drive - A petition has been received from residents of Acorn Drive for addition to the state maintenance system.

INFORMAL PUBLIC COMMENTS

Carol Shuffstall - Mrs. Shuffstall is a resident of Mills River. She reminded the Board that September 8, 1994 will be exactly one year since 210 Mills River area residents representing 4,378 acres of watershed property petitioned the county for a new zoning

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district. She stated that they have not nor will they give up until their request has been granted.

PUBLIC HEARING on Proposed Text and Map Amendments for Lake Summit Area

Chairman Good made the announcement that it is the Board's practice not to make a decision at the same time of the Public Hearing. A decision will be made at a later time. The Board has received a voluntary zoning petition.

Vice-Chair Kumor made the motion to go into Public Hearing. All voted in favor and the motion carried.

Matt Matteson made a brief presentation along with overheads to help clarify the amendments.

Mr. Matteson explained that for satellite zoning requests, N.C. State Statutes must be met, one of which is that the property must be a minimum of one square mile which is 640 acres. After the statutory requirements are met, Planning staff studies the area and makes recommendations to the Planning Board who in turn makes recommendations to the Board of Commissioners. A public hearing is required. Work Sessions usually follow the Public Hearing.

Mr. Matteson explained that there are two zones that this Public Hearing will encompass:

1. Lake and River Residential District (Land District), and
2. Lake Summit Surface Water District (Water District).

In actuality we would not be zoning the lake (water) but the land beneath the lake. The Lake Summit Residential District includes 1,051 acres and includes the Lake itself.

PUBLIC INPUT - These persons had signed up to speak.

Ralph W. Ingle - Mr. Ingle declined to speak at this time with reservations to speak at a later time.

Bartow Shaw - Mr. Shaw owns property at 93 S. Lake Summit Drive. He spoke in support of the proposed zoning amendments, especially for the safety factor.

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Ray Rowser - Mr. Rowser owns property on Lake Summit. He spoke in favor of the proposed zoning amendments. He stated that some questions he had have been answered by Mr. Matteson's presentation.

Edward Russell - Mr. Russell is a property owner outside the proposed zoning district. He declined to speak at this time.

Paul Stahr - Mr. Stahr had already left the room. He is a property owner outside the proposed zoning district.

Ed Bell - Mr. Bell is a property owner in the proposed zoning district. His Mother owns a small lot on the Lake and he questioned whether she would be prohibited from putting a small house on her lot if the zoning does pass.

Mr. Matteson stated that the setbacks would have to be met. If there is something unique about the property, a variance could be applied for because of the uniqueness.

Sam Neill - Mr. Neill is a property owner in the proposed zoning district. He spoke as a representative of the Lake Summit Property Owner's Association. He spoke in favor of the proposed zoning district. Mr. Neill stated that this has already been a five year process and he would like to see it move forward. He stated that at a recent Property Owners Association meeting on July 9, 1994, 75 property owners (out of 75 families represented in attendance) voted (by ballot) in favor of the Lake Summit zoning district.

Alex Ballard - Mr. Ballard is a property owner in the proposed zoning district. He declined to speak at this time.

Gary Owens - Mr. Owens is a property owner outside the proposed zoning district. He spoke in opposition to the proposed zoning.

Reddick Still - Mr. Still is a property owner in the proposed zoning district. He declined to speak.

Edward R. Capps, Jr. - Mr. Capps is a property owner outside the proposed zoning district. He declined to speak.

Ernest Lawing - Mr. Lawing is a property owner outside the proposed zoning district. He stated that the lake is a public body of water and discussed access.

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Chairman Good reminded Mr. Lawing that this hearing is regarding zoning, not access.

John McCusker - Mr. McCusker is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Natalie W. Watters - Ms. Watters is a property owner in the proposed zoning district and spoke in favor of the proposed zoning district.

Betsy Williams - Ms. Williams is a property owner in the proposed zoning district and spoke in favor of the proposed zoning district.

Elodie McMillan - Ms. McMillan is a property owner in the proposed zoning district and spoke in favor of the proposed zoning district.

Debra Stierwalt - Ms. Stierwalt is a year round resident of 48 North Lake Summit Road. This property has been in her family since 1955. She spoke in favor of the proposed zoning district.

William E. Herman - Mr. Herman is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Lawson Hayes - Mr. Hayes is a property owner in the proposed zoning district and spoke in favor of the proposed zoning district.

Lesesne Smith - Mr. Smith is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Argie Taylor - Mr. Taylor is a property owner outside the proposed zoning district. He spoke in opposition of the proposed zoning amendments.

Peter Battista - Mr. Battista is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning amendments.

John Dargan - Mr. Dargan is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning amendments.

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T.W. Gage - Mr. Gage is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Ted Gage - Mr. Gage is a property owner in the proposed zoning district and spoke in favor of the proposed zoning district.

George Cornelson - Mr. Cornelson is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Donald Beddingfield - Mr. Beddingfield is a property owner outside the proposed zoning district. He spoke in opposition of the proposed zoning district.

Mr. Beddingfield stated that 90% of the property owners on Lake Summit are visitors to our county, not Henderson County residents. They (visitors) wish to zone our county for their benefit.

Ralph Robinson - Mr. Robinson is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning amendments. He stated that he is a Henderson County resident.

Ann Kirkpatrick - Ms. Kirkpatrick is a property owner in the proposed zoning district. She spoke in favor of the proposed zoning district. She stated that she is a year round resident of Lake Summit.

Bonnie Stallings - Ms. Stallings is a property owner in the proposed zoning district. She spoke in favor of the proposed zoning district.

James Stallings - Mr. Stallings is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district.

Roscoe J. Green, Sr. - Mr. Green is a property owner in and outside the proposed zoning district. He spoke in opposition of the proposed zoning district. Mr. Green did not wish his lots to be included in the proposed zoning district.

Mr. Green is very much in opposition to there not being a public boat ramp on Lake Summit, the only lake in Henderson County. He offered to supply a lot to the community to have a boat ramp constructed for public access.

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Douglas F. Coggins - Mr. Coggins is a property owner outside the proposed zoning district. He spoke in opposition to the proposed zoning district. Mr. Coggins stated that this is a "control" issue for the Lake Summit Property Owner's Association.

He requested that the Commissioner's delay making a decision.

John Duval - Mr. Duval is a property owner in the proposed zoning district. He spoke in favor of the proposed zoning district. He stated that he is a year round resident of Lake Summit.

Elizabeth H. Miller - Ms. Miller is a property owner in the proposed zoning district. She declined to speak.

Chairman Good called again the names of those who declined to speak when their name was called. Some of those people spoke as well as some others who spoke again:

Ralph Ingle - Mr. Ingle is a property owner who lives outside the proposed zoning district. He spoke in opposition to the proposed zoning district.

Edward Russell - Mr. Russell is a property owner who lives outside the proposed zoning district. He declined to speak.

Paul Stahr - Mr. Stahr was not in attendance.

Alex Ballard - Mr. Ballard is a property owner in the proposed zoning district. He declined to speak.

Reddick Still - Mr. Still is a property owner in the proposed zoning district. He declined to speak.

Edward R. Capps, Jr. - Mr. Capps is a property owner outside the proposed zoning district. He spoke in opposition to the proposed zoning district.

Elizabeth H. Miller - Ms. Miller is a property owner in the proposed zoning district. She spoke in favor of the proposed zoning district. She stated that since the 1920's her family has owned property on the lake and she and her husband have been year round residents since 1967.

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Roscoe Green - Mr. Green stated that he was not asked by the Lake Summit Property Owners if he wished to be included in this voluntary zoning. He does not wish his lake property to be included.

Douglas Coggins - Mr. Coggins stated that he had signed up to receive a key to the gate and has not received one. Mr. Coggins continued to address access issues.

Chairman Good clarified that at the earlier meeting Mr. Sam Neill stated that if anyone needed a key to see him.

Sam Neill stated that he has received eight requests for keys. The keys are ordered and will be available. The gate is now open until Memorial Day of next year.

Debbie Stierwalt - Ms. Stierwalt reminded the Board that she is a year round resident and a Henderson County voter. She is not a member of the Lake Summit Association and has not been for a few years. She stated that the access issue and the zoning of the property should be two entirely different issues. She is in favor of the proposed zoning district.

Roy Camp - Mr. Camp stated that he is a lifelong resident of Green River township, as well as his father and his grandfather. He stated that he should be able to do whatever he wants to do with his land and everyone else with their land.

Ray Rowser - Mr. Rowser stated that the setback on side yards should be increased on the dock side as well as the land side, up toward 20 feet instead of 10 feet. He requested this for quality of life stating that 20 feet between houses is not enough for good quality of life.

Vice-Chair Kumor made the motion to go out of Public Hearing. All voted in favor and the motion carried.

Chairman Good called a 15 minute recess.

PUBLIC HEARING - Renewal of Industrial Park Option

David Thompson reminded the Chairman that you can start a Public Hearing later but you cannot start one earlier than the publicized

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time (9:00 p.m.) to begin. Therefore, other items of business were conducted before this Public Hearing.

LANDFILL - Purchase of Front End Loader

David Nicholson reminded the Board that during development of the 1994-1995 Budget, funds were approved to purchase a front end loader to be used at the Landfill. A request for proposals was developed using total cost bidding. Under total cost bidding, Henderson County is guaranteed a maximum repair cost and a repurchase cost of over a five-year time frame. Also included in the bid was a trade-in of a traxcavator and scraper. Bids were opened on August 19, 1994. The summary of the bid opening was presented for review.

The Landfill staff has reviewed the proposals from Carolina Tractor and Mitchell Distributing. Eldon Owen, Solid Waste Director, recommended that Carolina Tractor be awarded the bid. Staff concurred with this recommendation and requested that the Board award the bid to Carolina Tractor according to their bid proposal.

Following discussion, Commissioner McKay made the motion to approve the purchase of the Front End Loader and award the bid as outlined by the County Manager. All voted in favor and the motion carried.

REQUEST FOR FUNDING - Women's Softball Team

Chairman Good received a request to assist in funding the Williams Mobile Home Repair Women's Softball Team trip to a tournament in Tulsa, Oklahoma.

There was much discussion that items of this sort were worthy of funding and that these people as well as others that we have received requests from (which were denied) would be good ambassadors for Henderson County and therefore there should be an avenue for helping to fund such projects. After much discussion, the request was denied as not being appropriate use of public funds but the Chairman was asked to draft a letter to Travel and Tourism and to the Hendersonville Chamber of Commerce, as one of these agencies might be able to budget such requests and help with funding in the future. It was further discussed that the Board

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would like to see a policy from Travel and Tourism or the Chamber of Commerce for a mechanism to handle group requests of this sort.

NOMINATIONS

1. Chairman Good reminded the Board that we have one vacancy on the **Motor Vehicle Valuation Review Board (MVVRB)** for an alternate. There were no nominations at this time so the item was rolled to the next meeting.

David Thompson questioned whether it was a requirement by General Statute to have a second alternate. He asked the Clerk to check with the Tax Assessor regarding this.

2. Chairman Good reminded the Board that we have one vacancy on the **Nursing Home/Domiciliary Home Advisory Committee**. There were no nominations at this time so the item was rolled to the next meeting.

IMPORTANT DATES

There was some review and discussion regarding the Commissioners' calendar.

Chairman Good reminded the Board of the Breakfast Reception tomorrow morning at 8 a.m. at the Henderson County Public Library.

Commissioner Edney informed the Board that the Cable T.V. Review Committee will meet September 14 at 7 p.m. and invited any Commissioner who would like to attend.

It was the consensus of the Board to hold a Work Session at the mid-month meeting (September 21 at 1:00 p.m.) on the Proposed Lake Summit Zoning District.

RESOLUTION for Emergency Management

David Nicholson informed the Board that Henderson County will be receiving a \$500.00 grant from the N.C. Department of Crime Control and Public Safety - Division of Emergency Management. These funds will be used by the Henderson County Local Emergency Planning Committee for training and planning for hazardous material transportation and emergency response. This is a required resolution which authorizes the County Manager to sign all

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documents associated with the grant including the financial documents binding Henderson County.

Commissioner Edney made the motion to adopt the Resolution as presented. All voted in favor and the motion carried.

PUBLIC HEARING - Renewal of the Option to Purchase 69.4 acres of the Appleland Business Park

Vice-Chair Kumor made the motion to go into Public Hearing. All voted in favor and the motion carried.

Angela Skerrett reminded the Board that it is time to renew our option for an additional three month period on the Appleland Business Park property. This option would expire December 30, 1994. The price to renew the option will be the quarterly interest at the Nationsbank prime rate of interest determined as of September 10, 1994 on the unpaid portion of the purchase price of \$753,870.46. (The remaining acreage to be purchased includes Lot 3A, 1.8819 acres, Lot 4A, 0.332 acres, Lot 5, 22.3709 acres, Lot 6, 9.6484 acres, and Lot 7, 6.2508 acres). The payment to renew the option for an additional three month term is due on September 20, 1994.

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

Vice-Chair Kumor made the motion to renew the option for an additional three month period on the purchase of the 69.4 acres of the Appleland Industrial Park. All voted in favor and the motion carried.

EXECUTIVE SESSION

Commissioner McKay made the motion to go into Executive Session as allowed under General Statute 143-381.11 to discuss the following:

- A. To consult with the County Attorney to the extent that confidentiality is required.
- B. To consider a personnel matter.

All voted in favor and the motion carried.

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Vice-Chair Kumor made the motion for the Board to go out of Executive Session. All voted in favor and the motion carried.

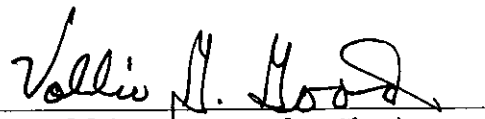
ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Edney made the motion to approve a contract with Meg Penny for art services for the new County Courthouse at a rate of \$30.00 per hour, allowing the County Manager to work out details with Ms. Penny. All voted in favor and the motion carried.

The meeting was not adjourned but continued to Wednesday, September 7 at 9:00 a.m.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

100 NORTH KING STREET
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VOLLIE G. GOOD
CHAIRMAN
J. MICHAEL EDNEY
HUGH D. RANDALL
WILLIAM McKAY
RENEE KUMOR

DAVID F. THOMPSON
COUNTY MANAGER

**RESOLUTION URGING THE NATIONAL WEATHER SERVICE
TO KEEP THE ASHEVILLE WEATHER STATION IN OPERATION**

WHEREAS, the National Weather Service has operated a local weather station at the Asheville Regional Airport since the early 1960's, serving 21 Western North Carolina counties; and

WHEREAS, this local weather station has been a necessary asset for the citizens of Western North Carolina that has protected the safety and welfare of our citizens; and

WHEREAS, this station is in the process of disbanding staff and discontinuing locally prepared forecasts and other services, with area responsibility now assigned to Greer, South Carolina (serving 47 counties of North Carolina, South Carolina, and Georgia), which station is to receive equipment based on a technology and radar system that is unproven and has not yet been put in place; and

WHEREAS, the Asheville Weather Station is responsible for 21 Western North Carolina counties of which 19 counties would then be transferred to Greer, South Carolina and the remaining two counties to Tennessee; and

WHEREAS, citizens within four adjoining counties (Buncombe, Henderson, Madison, and Transylvania) and the 14 incorporated municipalities have voiced much concern that their safety may be in jeopardy without accurate, up-to-date weather information.

NOW THEREFORE BE IT RESOLVED by the Henderson County Board of Commissioners that the National Weather Service be requested to reconsider its decision and keep this important regional weather station at the Asheville Regional Airport and that copies of this resolution be considered by all counties and municipalities within this region, and that the voices and opinions of all be sent to the National Weather Service Office and to our area's representatives in the U.S. Congress.

RESOLVED this the 6th day of September, 1994.


Elizabeth W. Corn
Clerk to the Board


Vollie G. Good, Chairman
Henderson County Board of Commissioners

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WILLIAM MCKAY
RENEE KUMOR

DAVID F. THOMPSON
COUNTY MANAGER

PROCLAMATION

**Hunting and Fishing Day
September 24, 1994**

WHEREAS, Conserving our State's natural and wildlife resources is one of the most important responsibilities we have to this and future generations of North Carolina; and

WHEREAS, Hunters and anglers were among the first to realize this responsibility nearly 100 years ago when they saw firsthand how expanding civilization and unregulated exploitation had caused disastrous declines in wildlife population throughout North Carolina; and

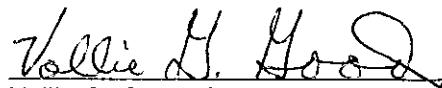
WHEREAS, North Carolina hunters and anglers took steps to reverse this trend, helping found the conservation movement, supporting laws to stop uncontrolled exploitation of wildlife and helping establish game and fish laws, enforcement and management practices; and

WHEREAS, They also suggested and supported laws to establish special hunting and fishing license fees and special taxes on their equipment to pay for conservation programs; and

WHEREAS, In the fiscal year 1993-1994, North Carolina's hunters and anglers contributed \$25 million to the N.C. Wildlife Resources Commission's conservation programs. These programs have benefitted hundreds of wildlife and fish species, from deer, quail, wild turkey, striped bass and brook trout to otters, bald eagles, alligators, and songbirds -- fish and wildlife that all North Carolinians can enjoy.

NOW, THEREFORE, I, Vollie G. Good, Chairman of the Henderson County Board of Commissioners, do hereby proclaim September 24, 1994 as "HUNTING AND FISHING DAY" in Henderson County and call upon all the citizens of the county to recognize the roles of these men and women in preserving this important part of our American heritage and in ensuring the wise and proper management of our natural resources.

Adopted this the 6th day of September, 1994.



Vollie G. Good, Chairman
Henderson County Board of
Commissioners



Elizabeth W. Corn
Clerk to the Board

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DAVID F. THOMPSON
COUNTY MANAGER

RESOLUTION

**RALPH W. KETNER AWARD
GOES TO HENDERSON COUNTY CHILD SUPPORT ENFORCEMENT UNIT**

WHEREAS, The N.C. Association of County Commissioners is the official voice to the 100 counties in North Carolina and acts as an advocate on their behalf before the General Assembly and state agencies on issues critical to county government; and

WHEREAS, Ralph W. Ketner, co-founder of Food Lion, gave the Association \$10,000 to be divided into 10 productivity awards; and

WHEREAS, the Ketner Award is designed to honor ten county staff members or teams of employees who develop innovative, cost-saving programs and procedures that enhance their county's productivity; and

WHEREAS, Attorney Russell Burrell and Henderson County Supervisor Kathy Lewis along with Child Support Agents Dawnn Mitchell, Dennis Gray, Suzie Nanney, and Kathy McQueen as well as Clerical Support staff members Judy Hampton and Martha Saltz worked together as a team to develop a pre-court conference program for delinquent parents in an effort to save court time; and

WHEREAS, the Henderson County Child Support Enforcement Unit began sending out letters to delinquent parents informing them about pre-court conferences. When the parent agrees to the pre-court conference, he or she can talk with the attorney, supervisor, and child support agent the day before their hearing; and

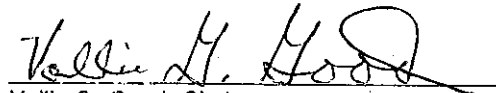
WHEREAS, the pre-court conference was designed to reach agreements on child support issues such as paternity, payments, and medical insurance. If an agreement is reached, the judge for the hearing is presented with a court order detailing the agreement, signed by both the defendant and the attorney. Neither of the parents must appear in court; and

WHEREAS, this program has been very successful in Henderson County. Between 10 and 15 consent orders are decided in the pre-court conferences each month. This saves time and money as the number of child support cases that can be processed in a court day rises from 80 to 100 cases. The greatest benefit is to the child who receives child support payments faster; and

WHEREAS, the Henderson County Child Support Enforcement Unit received the 1994 Ralph W. Ketner Employee Productivity Award on Friday, August 26, 1994, at the Opening Session of the 87th Annual Conference of the North Carolina Association of County Commissioners held at the Grove Park Inn in Asheville, N.C.;

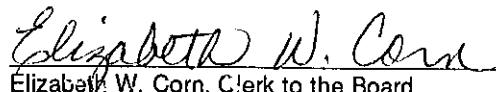
NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners recognizes the Henderson County Child Support Enforcement Unit for their hard work and dedication and for their success with the Pre-Court Conference Program for Delinquent Parents. The Henderson County Board of Commissioners extends gratitude and appreciation on behalf of the citizens of Henderson County.

Adopted this the 6th day of September, 1994.



Vollie G. Good, Chairman

ATTEST:



Elizabeth W. Corn, Clerk to the Board

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RENEE KUMOR

DAVID F. THOMPSON
COUNTY MANAGER

**RESOLUTION
NORTH CAROLINA DEPARTMENT OF CRIME CONTROL
AND PUBLIC SAFETY
GRANT**

WHEREAS, Henderson County will receive a grant from the North Carolina Department of Crime Control and Public Safety -- Division of Emergency Management; and

WHEREAS, these funds will be used by the Henderson County Local Emergency Planning Committee for training and planning for hazardous material transportation and emergency response;

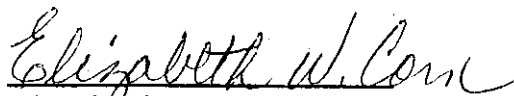
NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby authorizes the County Manager to sign all necessary documents associated with this grant including the financial agreements binding Henderson County.

Approved this the 6th day of September, 1994.



Vollie G. Good, Chairman
Henderson County Board of
Commissioners

ATTEST:



Elizabeth W. Corn
Clerk to the Board

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