

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
APRIL 28, 1994

The Henderson County Board of Commissioners met for a Special Called meeting at 9:00 a.m. in the Commissioners' Conference Room of the County Office Building. The purpose of the meeting was a N.C. Department of Transportation Public Hearing on Secondary Roads and a Work Session on the proposed closing of Indian Cave Road in the Champion Hills Subdivision.

Those present were: Chairman Vollie G. Good, Vice-Chair Renee Kumor, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, and Clerk to the Board Elizabeth W. Corn. Absent was Commissioner J. Michael Edney.

Also present were representatives of the Highway Department: Marvin Raper, Board of Transportation member; Daniel Martin, Division Engineer of NC DOT; Jay Swain, District Engineer of NC DOT, Sammy Brittain, County Maintenance Engineer; and Bobby Corn, Road Maintenance Supervisor.

HENDERSON COUNTY 1994-1995 PAVING PROGRAM

Mr. Raper explained that the purpose of the meeting was to share the paving program for the coming year and get citizen comments on it. The priority list for the 1994-1995 Paving Program is for the period from July 1, 1994 to June 30, 1995. The roads on the '93-'94 paving list are ahead of the roads on the '94-'95 list and should be paved first.

Mr. Raper explained that Henderson County's share of the secondary construction and secondary trust money is \$2,595,156.00. The proposed paving plan is based upon that figure.

Mr. Martin explained that the priority system basically takes into account the number of homes, businesses, etc. for each road as well as the traffic count. A point system is used and from this point system, then the priority paving list is developed. The road with the greatest number of points would be priority #1.

Distribution of the highway trust fund is made on a pro rata basis. The number of unpaved miles in each county is determined and the percentage of that number gives you total mileage in the state. That number represents the percentage amount that each county receives.

Mr. Swain read the 1994-1995 Paving Priority List, which is hereby made a part of these minutes. Mr. Swain explained that because of the number of persons wishing to speak, each person would be limited to two minutes. The Clerk to the Board called the names of those who had signed up to speak. The monies are split 50% for subdivision/residential and 50% for rural roads.

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PUBLIC INPUT

Francis Wilder - Mr. Wilder spoke regarding **Patty's Chapel Road**, SR #1555. He counted 37 residences on the road, the highway department counted 26. Patty's Chapel Road was #59 on the subdivision/residential priority list. He felt that a better job needed to be done in gathering data for the priority list.

Betty Livingston - Ms. Livingston also addressed **Patty's Chapel Road**, SR #1555. She offered to go with a DOT representative to point out the residences on the road in order to get a proper count.

Leon Stepp - Mr. Stepp addressed **Oleta Road**, SR #1525C. He stated that there are five businesses, two trailer parks, and two school bus routes and approximately 40 homes. Oleta Road is #37 on the subdivision/residential priority list.

Alice Road - Ms. Road addressed **Rhodes Road**, SR #1593. She stated that this road has been laid to be paved since 1975. In 1980 it was #22 on the priority list, in 1988 it was #280, and now it is #134 on the subdivision/residential list. There are two businesses on the road and a large picnic area.

Norene Moll - Ms. Moll addressed **Rhodes Road**, SR #1593. She stated this road is .6 mile and is over 100 years old. She would like to quit eating dust.

Mae Dalton - Ms. Dalton addressed **Bald Rock Road**, SR #1710. She questioned where this road was on the priority list. It was #22 on the rural priority list. She felt that all the residences had not been counted.

Margaret Rhodes - Ms. Rhodes addressed **Rhodes Road**, SR #1593. Ms. Rhodes has a beauty shop with at least 75 customers per week that use Rhodes Road. She stated that the road had been laid to be paved and all rights-of-way signed for years.

Joyce Ward - Ms. Ward addressed **Brannon Road** in Horse Shoe. She questioned why Turnpike Road was paved last year when it only had two homes. Brannon Road is #131 on the subdivision/residential priority list.

Mr. Swain answered that it was the completion of the project for paving of all of Turnpike. Rights-of-way had only been acquired on a portion of the road so only a portion of the road was paved. When they acquired additional rights-of-way the rest of the road was paved. All of Turnpike Road was counted as one road, with numerous residences.

Lonnie O'Steen - Mr. O'Steen addressed **Harper Road**, SR #1562. He questioned the priority number of the road; it is #1F on the subdivision/residential priority list.

He also questioned the priority ranking for **Locust Grove Road**. He

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owns frontage property on the Road. Mr. Swain answered that it is also known as Featherstone Road and is #5F on the Rural priority list and should be paved in 1994 in the fall or spring of 1995.

Jim Bartlett - Mr. Bartlett addressed **Dalton Road**, SR #1219. This road is #129 on the subdivision/residential priority list.

Marlene Rhodes Conner - Ms. Conner addressed **Rhodes Road**, SR #1593.

Kenneth Cash - Mr. Cash addressed **Rhodes Road**, SR #1593. He stated that in 1984 Rhodes Road was #42 on the priority list, now they are #134.

William Barrett - Mr. Barrett addressed **Jearl Lane**, SR #1228, #58 on the subdivision/residential priority list. This road is only 1.5 miles from the city limits. Jearl Lane has been a dirt road for over 34 years. He brought rocks in and complained of the large rocks that DOT puts on the road. The large rocks make it very difficult to walk or ride a bike or push a stroller etc. on Jearl Lane. He asked that the large rocks be removed from their residential road. He requested calcium chloride to relieve the dust, following removal of the large rocks.

Janet Haynes - Ms. Haynes addressed **Kerr Road**, SR #1714 (Powell Kerr Road). She enumerated the residences, businesses, etc. on this road. Powell Kerr Road is #32 on the rural priority list.

Hannah Edwards - Ms. Edwards addressed **Ferndale Road** and asked why they are on no priority list, as well as B Street, Jody Street, Second Street, and part of Mine Gap Road.

Mr. Swain answered that these streets are not on the system now, they are private roads. Petitions have been received and they are attempting to add these roads to the state maintenance system. They are currently working on rights-of-way so they can be added to the system.

Ed Osterman - Mr. Osterman addressed **Lanning Road**, SR #1580. He requested a speed limit sign of 35 mph so that residents could walk on the road. The road is presently unsafe for walking.

Howard Lucht - Mr. Lucht addressed **Young Gap Road** and **Lindsay Loop**. He requested that Young Gap Road be straightened or widened, speaking of an L-shaped bend in the road with no room to pass and a deep cut off. Young Gap Road is #20 on the rural priority list and Lindsay Loop is #161 on the subdivision/residential list.

Joseph & Patricia Pirog - Mr. Pirog addressed **Boyd Drive**. He stated that it was paved in 1958 and resurfaced around 1970. There are no shoulders. He asked why safety wasn't a priority instead of density. He requested some maintenance on Boyd Drive.

Elwood Palma - Mr. Palma addressed **Davis Mtn. Road**, SR #1188. It is #4F on the rural list. Rights-of-way are in progress and paving should be done very soon. This road is on last year's list. Mr.

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Palma offered some help in acquiring rights-of-way.

Lynn Gosnell - Ms. Gosnell addressed a 1/2 mile section of Mine Gap Road. The residents are presently funding the paving of part of Lamplighter Lane. There will be a section of unpaved road between two paved roads. She asked for any help they could get in paving the 1/2 mile section while the paving equipment is in the area.

B Walk - Ms. Walk addressed **Trammel Gap Road**, SR #1842 and **Haven Drive**, SR #1947. These roads are #40 and #63 on the subdivision/residential priority list. Trammel Gap will probably be paved in the '95-'96 priority list.

Gleanus Gilliam - Mr. Gilliam addressed **Oleta Road**, SR #1525C. She stated that 10-15 years ago rights-of-way were signed. The road has been ready to pave for years. Oleta Road is #37 on the priority list and is a back-up on the subdivision/residential list for being paved in 1994-1995. It should at least be paved in 1995-1996 if not in 1994-1995.

Drew Brannon - Mr. Brannon addressed **Brannon Road**, SR #1319. Brannon Road is #131 on the subdivision/residential priority list.

Ed Bell - Mr. Bell addressed **Bell Mtn. Road**, SR #1850A. It is #6F on the rural list and should be paved in 1994-1995. He requested some maintenance on the road in the interim. The ditches are large enough to swallow a small vehicle.

Rosa Williams - Ms. Williams addressed **Spicer Cove Road**, SR #1715, #26 on the rural priority list. She said this road has been prepared for paving several times.

John Love - Mr. Love addressed **Eade Road**, SR #1207, #116 on the subdivision/residential list.

Hazel May - Ms. May addressed **Oleta Road**, SR #1525C. It is #37 on the subdivision/residential priority list and is on the back-up list for paving for 1994-1995.

Velda R. Brown - Ms. Brown addressed **Rhodes Road**, SR #1593.

Gene Childers - Mr. Childers addressed **Spicer Cove Road**, SR #1715. It is #26 on the rural priority paving list. He stated that about 15 years ago this road was staked out to be paved.

Edna ? - This lady addressed **Macedonia Road**, SR #1832B #10 on the rural paving list. It will probably be another year or two before this road is paved.

Judy Messer - Ms. Messer addressed **Holly Springs Church Road**, SR #1131, #10F on the subdivision/residential paving list. There was discussion of condemning property or bonding if someone will not sign for right-of-way.

Ted Maurer - Mr. Maurer addressed **Warlick Road**, SR #1329, 2/10 of

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a mile that is #17 on the rural paving list. He informed of a flooding condition on the road, with no signs to warn anyone of the possibility of flooding. He lost a \$15,000 car in March due to flooding.

Leroy Coggins - Mr. Coggins addressed **Bell Mtn. Road**, SR # 1850A, #6F on the rural list. Two vehicles can't meet on this road. Briars are overhanging the road and scratching up vehicles. The road is on the back up list for paving for 1994-1995. He requested some maintenance in the interim.

Chairman Good raised a question regarding a contribution in aid of construction. Mr. Swain stated that this program is called **Property Owner Participation Program**. This program allows property owners on the road to fund partial cost of the paving. It allows them to get their road paved sooner. The cost is \$8.00 per foot which is only partial cost of paving.

Laura Morgan - Ms. Morgan addressed **Old Mtn. Page Road**, SR #1847, #93 on the subdivision/residential paving list. She requested a caution or speed sign for this gravel road.

Donna Riley - Ms. Riley addressed **Patty's Chapel Road**, SR #1555, #59 on the subdivision/residential paving list. Her daughter was killed on November 17 on Rugby Drive. Guard rails had been requested prior to this death.

John ? This man asked questions regarding Property Owner Participation. He addressed **Hill Road** (Frank Hill Road), SR #1739, #145 on the subdivision/residential paving priority list.

Daryln Merrell - Mr. Merrell addressed **Warlick Road**, questioning why it was on the rural list instead of the subdivision/residential list.

? - This lady addressed **Rhodes Road**, SR #1593, #134 on the subdivision/residential paving priority list.

Chairman Good thanked the DOT representatives for coming and giving the citizens an opportunity to speak regarding these roads.

By consensus it was decided to defer action on this Resolution that DOT requested approval on until Monday's (May 2) meeting. This Resolution will be an add-on to the 5/2 agenda.

This part of the meeting was adjourned.

WORK SESSION - Proposed Closing of Indian Cave Road

Chairman Good called the meeting back to order. He asked if any of the Board members had any additional information on this item.

Commissioner McKay stated that he felt it was in the best interest of Champion Hills that the road be closed but not in the best interest of the entire community.

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Chairman Good stated that it was the consensus of the Board that any action that would have been taken on Monday night, May 2, would not have been to close Indian Cave Road.

Patrick S. O'Brien, Project Director/Vice President, of Champion Hills read his letter addressed to the Chairman, Mr. Vollie Good, withdrawing their request for the closing of Indian Cave Road at this time. His letter was made a part of these minutes. He stated "If at a later date we can generate a broad base of community support for such a proposal, we may again come before the Commission. At this time, however, we would like to instead focus on continuing to build community relations and rebuilding any relations we may have damaged via this request".

Chairman Good stated that it was not normal practice to take action on items at a work session. No official action was taken regarding this request but this item will be an add-on to Monday's regular Commissioners' Meeting agenda, for formal action at that time.

There being no further business, the meeting was adjourned at 8:55 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman

CHAMPION HILLS

April 27, 1994

Mr. Vollie Good, Chairman
Henderson County Board of Commissioners
100 North King Street
Hendersonville, NC 28732

Dear Mr. Good:

As you know, the Branigar Organization and other property owners submitted a petition to abandon a portion of Indian Cave Road in February, 1994.

Based upon the traffic count on this road and our contact with all of the County service agencies (i.e., Sheriff, Valley Hill Volunteer Fire Department, etc.), and our immediate neighbors, we honestly believed that there would be no significant opposition to this petition. Obviously, the recent public hearing brought out many people that do not feel that our request at this time is in the overall best interest of the community.

We made the decision to come to Henderson County because we have a great love for the area, its' history, its' beauty, its' charm and its' people. Truly becoming a part of the community has been of major importance to us. Through our involvement in the Flat Rock Playhouse, Apple Festival, the Arts Festival, youth baseball, the Community Foundation, the Rotary Club, ABWA, and other area organizations, we have made many friends in the community and do not want to risk losing many of them because of any one issue.

Quite frankly, we did not anticipate significant opposition to closing the road as it used as a "pass-through" by only 10 or so cars a day and we were willing to give our neighbors a perpetual right to use the road. Obviously, we missed the mark with this assumption and have created a major division between Champion Hills and nearby residents in making this request. Simply put, resolving this difference is at this point more important to us than gating the community.

If at a later date we can generate a broad base of community support for such a proposal, we may again come before the Commission. At this time, however, we would like to instead focus on continuing to build community relations and rebuilding any relations we may have damaged via this request.

Thank you for your consideration of this issue.

Sincerely,



Patrick S. O'Brien

Project Director/Vice President

9. a. m.

Please Print	Name	Address
✓	1. Francis Wilder 1558	240 Patty's Chapel Rd Fletcher, N.C.
✓	2. Betty Livingston "	334 Patty's Chapel Road Fletcher, N.C. 28732
✓	3. LEON STEPP 1525C	Dana NC. P.O. #4128 28724 Oleta
✓	4. Alvin Red Road 1593	Rhodes Rd. Rt 2 Box 242A Horse Shoe, N.C. 28742
✓	5. Norene Mohl "	Hendersonville, N.C. 28792
✓	6. Mae Dalton 1710	Rt-1, Box 216, H.Ville, N.C.
✓	7. Margaret Rhodes 1593	Rt. 2 BOX 246 H.VILLE, N.C.
✓	8. Joyce Ward 1517	Rt 2 Box 67 Horse Shoe, N.C. 28742
✓	9. LONNIE O'STEEN	RT 5 BOX 440 HARMERVILLE (HARMER ROAD)
✓	10. Jim Bartlett	34 Dalton Rd Horse Shoe 28742
✓	11. Marlene Rhodes Connors 1593	306 Old Chimney Rock R. Hills, N.C. 28742
✓	12. Kenneth Cash "	243 Rhodes Rd.
✓	13. William Barnett	702 Teart Lane, H'ville
✓	14. Janet Haynes	Rt. 1, Box 117-A, H'ville
X	15. Margaret Brown	109 Cagle Rd., East Flat Rock, N.C.
Left X	16. John Duke	Howard St + Hamilton Rd - (Saluda area)
✓	17. Hamner K. Edwards	114 Fernside - E. Flat Rock, N.C.
✓	18. Alice Suttles	C Has-tien Hill Rd
✓	19. ED OSTERMAN 1560	RT. 5 LANNING ROAD
✓	20. Howard Licht 1571	462 HIGH TOP Fletcher
✓	21. Joseph & Patricia Pirog	105 Campbell Dr Flat-Rock
✓	22. Ed. H. Albright 1593	DAVIS MTN. ROAD 116 Kinoy Forest Drive Grove
✓	23. Lynn Gosnell	100 Candlelight Way, Zionsville, NC
✓	24. B. White 40 TRAMMELL BAR RD.	308 Haven Drive Saluda
✓	25. Thomas William	Rt 6 209 Avila N.C. Oleta Rd 1525C
✓	26. Charles J. Palma ↑	111 Randy Street Pine
✓	27. Drew Brannon Brannon Rd.	Rt. 2 Box 67 Horse shoe
X	28. James A Valentine	118 Fernside St po box 8 East Flat Rock
✓	29. Ed Bell Bell Mtn. Road	Cabins Creek Rd. Tuck Co. N.C.
✓	30. Rosa Williams	Spicer Cove Rd.
X	31. Art March	603 Ramble Dr H'mille
X	32. Patricia Mad	603 Ramble Dr. H'mille
✓	33. JOHN LOVE	Emery Rd FLOWERS

Thurs. April 28
9 a.m.

Pg. 2.

NC DOT Sec. Road Public Hearing

- ~~34 Karen Gustafson 1556 DAVIS Mtn Rd Hvl~~
X 35 Laura Morgan Rt 1 Box 31 Old Mt Page Rd Hville
✓ 36 Hazel May PO Box 127 Dana 28724
✓ 37 Velda R. Brown ^{Rhoades Rd.} Rt 6 Box 86 Hville, N.C.
X 38 Stan Rhodes Rt 2 Box 2378 Smith N.C.
X 39 Arthur Childers P.O. Box 90 Spicer Cove Rd
✓ 40 ~~Paul Childers~~ ^{Spicer Cove Rd} Rt 1 Box 158 Hville
✓ Carl M. Edra Rt 1, Box 240AA Macedonia Rd. bel.
X Grace P. Brooks Rt 2 Box 550 Hockley Rd Mt. Rush
X Rogers Karen Benton Rt 3 Box 68C Hendersonville 28739
X Mary Ward Rt 3 Box 83 Hendersonville N.C. 28739
X 45 Vidwyn Paul Rt. 3 Box 86 Hendersonville ^{Lawrence Lane} Rd.
X Richard J. Hosack 261 Patty's Chapel Rd. Fletcher N.C.
X Lee Burdett ^(not a poss) Bell Mtn. Rd. Juxedo
X Beulah McMini ^{Featherstone Rd} Laurel Brook Rd Rt 5 Box 149 Hville
X Cecile MISCHENICO 235 GRAND VISA G. Hville
X 50 V. S. Fay 308 patty chapel Rd. Fletcher N.C.
X Ruth Quinn 305 patty chapel Rd Fletcher N.C.
X John Quinn 305 patty's chapel Rd Fletcher N.C.
X Jim Mena McElrath Rd Hendersonville N.C.
X Keith Digger 131 McElrath Rd Asheville N.C.
✓ 55 Judy Messer Rt 1 Box 200 Penrose, N.C.
X Edwin Reiter 401 EADE RD Etowah N.C. 28729
✓ Ted Mauer 20 Warren Rd Horse Shoe N.C. 28742
X Robin Burnette 31 Ringah Hill Etowah N.C. 28729
X Terry Camard 98 McElrath Rd. Asheville, N.C. 28704
X 60 De W. Mow 108 McELRATH Rd. ARden, N.C. 28704
✓ 61 Leray Loggin 409 Bell mtn Rd Zircon N.C. 28726
✓ 62 Laura Morgan Old Mtn. Page Rd.
63 Donna Riley Patty's Chapel Rd.
64 John ? no property owner participation
65 Hawn Merrill Banner Farm Rd.
66 ? Rhoades Rd.

HENDERSON COUNTY
1994-95 PAVING PROGRAM

<u>PRIORITY</u>	<u>R/W STATUS</u>	<u>SR. NO</u>	<u>NAME</u>	<u>LENGTH</u>	<u>FROM</u>	<u>TO</u>
<u>SUBDIVISION/RESIDENTIAL</u>						
22	TO BE STAKED	1852	SOUTH LAKE SUMMITT	4.00	SR1850	US176
23	TO BE STAKED	1862	MCCALL STREET	.16	SR1793	D.E.
24	TO BE STAKED	1330	SOUTHER ROAD	.20	SR1331	D.E.
25	TO BE STAKED	1200	CHAPEL ROAD	.60	SR1191	D.E.
26	TO BE STAKED	1754	DUNCAN ROAD	.03	E.O.P.	E.O.P
27	TO BE STAKED	1215B	PRINCE ROAD	.20	SR1215A	D.E.
28	TO BE STAKED	1892	OLD MCMURRY ROAD	.11	SR1783	D.E.
29	TO BE STAKED	1782	VINE ROAD	.27	SR1722	D.E.
30	TO BE STAKED	1117	FREEMAN FORK	.54	SR1115	D.E.
31	TO BE STAKED	1227	MTN. VIEW CHURCH RD.	.47	US25	D.E.
32	TO BE STAKED	1808	FORK CREEK ROAD	.13	SR1809	D.E.
33	TO BE STAKED	1125	WALNUT COVE ROAD	2.20	SR1127	SR1126
<u>SUBDIVISION/RESIDENTIAL BACK UP</u>						
34		1733	OLD PINEY MTN.	.08	SR1734	SR1902
35		2078	CHASTAIN ROAD	.20	NC280	D.E.
36		1181	PINECREST DRIVE	.05	SR1180	D.E.
37		1525C	OLETA ROAD	1.60	SR1525B	SR1783
<u>RURAL</u>						
2F	HAVE R/W	1133	JETER MOUNTAIN	1.00	E.O.P	SR1201
3F	HAVE R/W	1201	PLEASANT GROVE ROAD	1.70	E.O.P	SR1133
5F	TO BE STAKED	1528	FEATHERSTONE ROAD	3.60	SR1617	SR1560
6F	TO BE STAKED	1850A	BELL MTN. ROAD	1.90	E.O.P.	NC/SC LINE
<u>RURAL BACK UP</u>						
7F		1594	BEARWALLOW ROAD	4.30	US74	SR1569