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MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
APRIL 4, 1994

The Henderson County Board of Commissioners held their regularly scheduled meeting at 7:00 p.m. on Monday, April 4, 1994 in Room 209, Commissioners' Meeting Room, of the County Building at 100 North King Street, Hendersonville, North Carolina 28792.

Those present were: Chairman Vollie G. Good, Vice-Chairman Renee Kumor, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, Staff Attorney Angela Skerrett and Acting Clerk to the Board, Avalina B. Merrill.

Also present were Matt Matteson, Planning Director; Stuart Rohrbaugh, Planner; Sam Laughter, Zoning Administrator; and Donna Fain, Zoning Code Enforcement officer.

Absent were County Attorney Don Elkins and Elizabeth Corn, Clerk to the Board.

There was a large audience that overflowed into the hallways and lobby area.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

David E. Nicholson, Assistant County Manager, led the pledge of allegiance to the American Flag.

INVOCATION

Mr. Terry Silvers, Singles Director of Carolina Baptist Association, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was no discussion nor adjustment to the agenda as presented.

RECOGNITION OF BOYS SCOUTS TODD KNAPERK AND MATTHEW HARMON

Chairman Good recognized Boy Scouts from Troop 613, Todd Knaperek and Matthew Harmon, who were attending the meeting as a requirement in earning their Eagle Scout badge. Boy Scout Master Ed Knaperek was also present.

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**THE STATE BABY LOVE CARING HEART AWARD**

Chairman Good presented to Nydia Ferral, DSS Income Maintenance Caseworker, The Baby Love Caring Heart Award (Division of Medical Assistance - State level). Baby Love is a Medicaid program co-delivered by Health and Social Services staff. Each year, one county-level Social Services employee from across the State is selected for this prestigious award which is given as recognition for the worker's dedication and loyalty to the Medicaid clientele. Nydia is bi-lingual and is outposted at Blue Ridge Health Clinic in Henderson County. Ms. Ferral's assigned duties include intake for the Baby Love (MPW), Medicaid for indigent children (MIC) and Medicaid for Families (MAF) programs. She also is assigned a mixed caseload of approximately 340 cases. Ms. Ferral translated and typeset all notices, review letter, etc. into a Spanish version for her clientele and also performs verbal translations for DSS clients at Pardee Hospital, Park Ridge Hospital and Henderson County Health Department.

**CONSENT AGENDA:**

Consent Agenda included the following:

- A. Proclamations/Resolutions:
1. County Government Week - April 16 - 23, 1994
  2. Soil and Water Stewardship Week - April 24 - May 1, 1994
  3. CrimeStoppers Month - May 1994
  4. Small Business Week - May 9 - 14, 1994

- B. Request for Subdivision Improvement Guarantees -  
Champion Hills, Section 10

The Branigar Organization has submitted an application for approval of an improvement guarantee for road, drainage, water and sewer improvements in Champion Hills, Section 10. Branigar intends to provide an Irrevocable Letter of Credit from NationsBank of Georgia in the amount of \$177,000.00, which includes a minimum 25% overhead factor. A draft agreement was provided.

- C. Request for Subdivision Improvement Guarantees -  
Champion Hills, Section 9 (revised)

The Branigar Organization has submitted an application for approval of an improvement guarantee for road, drainage, water and sewer improvements in Champion Hills, Section 9 (revised). Branigar intends to provide an Irrevocable Letter of Credit from NationsBank of Georgia in the amount of \$233,295.00, which includes a minimum 25% overhead factor. A draft agreement was provided.

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D. Streets tabled from previous meetings and Property Addressing Report

Lists of tabled streets and Property Addressing Report were given to the Commissioners.

E. Notification of Vacancies:

- 1. Youth Advisory Board - (1) vacancy
- 2. Agriculture Advisory Committee - (1) vacancy
- 3. EMS Council - (2) vacancies
- 4. Hospital Board of Trustees - (2) vacancies
- 5. Henderson County Board of Health - (3) vacancies
- 6. Private Industry Council (PIC) - (2) vacancies
- 7. Henderson County Regional Water Forum - (1) vacancy

F. Tax Release Requests (8)

Vice-Chair Renee Kumor made a motion to approve the consent agenda as presented. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

There were none.

PUBLIC HEARING - Street Names

Commissioner William McKay made a motion to go into public hearing on street names. All voted in favor and the motion carried.

Susan Sneed, Planner - Property Addressing Section, explained that in accordance with North Carolina General Statute 153A-240 and other local legislation, this public hearing was being held on naming or renaming and subsequent numbering of the roads listed as follows:

A. NON-CONFLICTING PRIVATE STREETS - NEW NAMES (UNDOCUMENTED)

The following street names were the result from petitions signed by property owners stating that they want to name their private street. Planning Department Staff had reviewed the street name for duplication/and or multiple identity, posted the road and placed notice of the hearing in the local newspaper.

NAME

STREET INTERSECTION

Alex Cove Drive	Hyder Farm Road, SR 1635
Avery Pace Drive	Mountain Page Road, SR 1846
Brookfield Lane	Willow Road, SR 1191
Carnelian Drive	Lindsey Loop Road, SR 1553
Hess Trail	Viking Trail

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Hillhaven Drive	Boyleston Highway
Hot Rod Lane	Howard Gap Road, SR 1006
Laurel Creek Drive	US 25 Connector
Laurel Ridge Drive	Ray Hill Road, SR 1316

Ms. Sneed stated that no one in the audience had requested to speak regarding these road names.

B. NON-CONFLICTING PRIVATE STREETS - EXISTING NAMES (DOCUMENTED)

The following street names have been documented from one or more of the following sources, United States Postal Service, Land Records Maps, Southern Bell Master Street Address Guide, Champion Map, Existing Street Name Sign, or Local Reference. Planning Department Staff had reviewed the street name for duplication/ and or multiple identity, had posted the road and placed notice of the hearing in the local newspaper.

<u>NAME</u>	<u>STREET INTERSECTION</u>
Butler Farm Road	Butler Bridge Road, SR 1351
Caroline Drive	Turnpike Road, SR 1325
Clinton Merrell Road	Little Bearwallow Road, SR 1597
Cottage Hill Drive	Gerton Highway
Gordon Drive	Lakemont Drive
Jesse Owenby Road	Bearwallow Mountain Road, SR 1923
Johnson Drive	Meadowlark Lane, SR 1923
Lantern Drive	Lamplighter Road, SR 1827
Little Pisgah Road	Gerton Highway
Mary Mack Hollow	Konatoga Circle, SR 1598
Meadowcrest Drive	Lakemont Drive
Morning Glory Lane	Locust Grove Road, SR 1528
Rabbit Run	Bearwallow Subdivision Road, SR 1622
Ridge-Vista Road	Bearwallow Mountain Road, SR 1594
Salley Road	Bearwallow Mountain Road, SR 1594
Smoke Rise Hill Drive	Tracy Grove Road, SR 1793
Sunoake Court	Kenwood Drive, SR 1793
Tap Root Lane	Butler Bridge Road, SR 1345
Timber Trails	Blythe Stepp Road, SR 1937
Turner Lane	Broyles Road, SR 1309
Vaughn Circle	Butler Bridge Road, SR 1345
Vista Drive	Holiday Drive, SR 2140
West Walker Street	Spartanburg Highway

Ms. Sneed informed the Board that the Planning Department had received complaints from residents in the Gerton community regarding the name for Salley Road. Therefore, the Planning staff recommended that Salley Road be pulled from this list for further study and brought back to the Board of Commissioners at a future date.

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C. CONFLICTING PRIVATE STREET - EXISTING NAMES (DOCUMENTED)

The following street names resulted from petitions received by property owners stating that they want to rename their street due to a name duplication, multiple identity, or dissatisfaction with existing street name. Planning staff had reviewed the petitions to document that a majority of property owners (51%) support the proposed name.

The following street names may also result from the Planning staff posting an "alternate" name due to an exact street name duplication. Staff had posted the road and placed notice in the local newspaper.

<u>NAME</u>	<u>STREET INTERSECTION</u>
Hillside Drive East (Renaming Hillside Drive)	McKinney Road, SR 1323
Lookout Lane (Renaming Longview Drive)	Boyleston Highway
Olde Jordon Street (Renaming 1st Avenue East)	Spartanburg Highway
Relyea Avenue (Renaming Highland Avenue)	Shepherd Street, SR 1779

Ms. Sneed stated that no one had requested to speak regarding these street names.

E. CONFLICTING STATE ROADS

The following street names may have resulted from petitions received by property owners stating that they want to rename their street due to a name duplication or multiple identity. Planning staff had reviewed the petitions to document that a majority of property owners (51%) support the proposed name.

The following street names may have also resulted from the Planning staff posting one street name for a street that had multiple names. The decision of one street name over another is derived from the street name being documented from more than one of the following sources: United States Postal Service, Land Records Maps, Southern Bell Master Street Address Guide, Champion Map, or Existing Street Name Sign. Staff has posted the road and placed notice of the hearing in the local newspaper.

<u>NAME</u>	<u>STREET INTERSECTION</u>
East Walker Street (SR 1815)	Spartanburg Highway

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Judd's Peak Road (SR 1837) (Renaming Orchard Hill Road)	Pace Mountain Road, SR 1832
Laycock Road (SR 1724) (Renaming Leacock Road)	Chimney Rock Road
Old South Carolina Avenue (Renaming S. Carolina Avenue/portion of Patterson Street)	Patterson Street, SR 1149

Ms. Sneed informed the Board that Mr. Charles Lewis and William Wilkes requested to address their concerns regarding Judd's Peak Road. Mr. Charles Lewis, Route 1, Box 190, Saluda, NC 28773, opposed the name of Judd's Peak Road and requested that the name remain as Orchard Hill Road. Mr. William Wilkes is the original petitioner to have the road name changed to Judd's Peak Road and spoke in favor of the name change to Judd's Peak Road. Commissioner McKay recommended that Judd's Peak Road be pulled from this list for further study by the Planning staff due to the controversy about the name change.

Commissioner J. Michael Edney made a motion to go out of the public hearing on street names. All voted in favor and the motion carried.

Commissioner J. Michael Edney made a motion to approve those roads named under section A, Non-Conflicting Private Streets - New Names (Undocumented). All voted in favor and the motion carried.

Commissioner McKay made a motion to approve those roads named under section B, Non-Conflicting Private Streets - Existing Names (Documented) with the exception of Salley Road that had earlier been pulled from the list. All voted in favor and the motion carried.

Commissioner J. Michael Edney made a motion to approve those roads named under Section D, Conflicting Private Street - Existing Names (Documented). All voted in favor and the motion carried.

Commissioner McKay made a motion to approve those roads named under Section E, Conflicting State Roads with the exception of Judd's Peak Road and that it be withheld pending further information. All voted in favor and the motion carried.

**PUBLIC HEARING - ABANDONMENT OF A PORTION OF INDIAN CAVE ROAD - SR 1192**

Vice-Chair Kumor made a motion to go into the public hearing on the abandonment of a portion of Indian Cave Road. All voted in favor and the motion carried. Mr. Matt Matteson, Planning Director, stated that this public hearing was in response to a request that the Board of Commissioners had received from multiple petitioners, including the Champion Hills Property Owners Association (represented by The Branigar Organization), and four other property

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owners who utilize a portion of Indian Cave Road (SR 1192), to remove a 1.5 mile section of this road from the NCDOT Secondary Road Maintenance System. Mr. Matteson continued to explain to the Commissioners that they had been presented with information at their March 16, 1994 meeting about the impact study and this meeting was to hear public comments on this matter.

Mr. Matteson explained that this request for the abandonment of a portion of Indian Cave Road was before the Board of Commissioners because it is an accepted method as a requirement of one of the procedural methods of abandonment as outlined in the NC General Statutes 136-63. Technically, the request was not to close Indian Cave Road but was to remove from state maintenance a 1.15 mile section of the 1.76 mile road which begins at intersection of Willow Road and ends at the intersection of Finley Cove Road. Approximately 65% of the length of the road which is paved is requested to go out of State maintenance. If the request is acted upon favorably by the County, it must then be further approved by NCDOT by their Transportation Board in Raleigh. Subsequent to such approval, the matter of closing it or otherwise restricting access is in itself a separate matter which was addressed by Ms. Angela Skerrett, Staff Attorney.

Mr. Matteson then used maps of the Indian Cave Road through Champion Hills development to explain to the Board the area being impacted.

Ms. Skerrett then explained to the Board that the Board was not being asked at this meeting to close Indian Cave Road but only to petition the NCDOT to abandon the road meaning that the NCDOT would no longer maintain the road. Ms. Skerrett further explained that the Board of Commissioners has no authority to close Indian Cave Road. Ms. Skerrett referred to NC General Statute 136-67 that talks about neighborhood public roads. Any road that has been maintained by NCDOT and is abandoned and is a necessary means of ingress to and egress from a residence is considered a neighborhood public road and any property owner abutting the abandoned portion would have standing to challenge the closing of the road. There are (2) other tests that NC General Statute 136-67 mentions and in Ms. Skerrett's opinion, Indian Cave Road fell within the first test which is that the consent of all the property owners who live on the abandoned portion of Indian Cave Road would have standing to challenge the erection of gates by Champion Hills or permanently closing the road. However, it does fall within the definition of a neighborhood public road so the people that live on the portion that is being requested to have abandoned at this point in time would have some protection. If it is a necessary means of ingress to or egress from the house, they would be protected under General Statute 136-67. If they consent to it, they would not be able to challenge it later. In other words, they would have to get the consent of everybody living within to state that it is a necessary

means of ingress to or egress from their house to be able to close the road with the gates. Vice-Chair Kumor questioned whether the people who live on the portion of the road that stays public would be impacted. In Ms. Skerrett's legal opinion, those property owners would have no standing to challenge the abandonment unless they could demonstrate some financial interest as to how they would be harmed by the closing of it. But if there is another access to their home, then they would not be able to challenge the erection of the gates. Chairman Good then questioned if he understood correctly that only the (5) residents who live on the portion of Indian Cave Road to be closed could challenge the abandonment based upon the information that was presented by Ms. Skerrett. Ms. Skerrett stated that he was correct. Commissioner Randall questioned Ms. Skerrett if the request to abandon State maintenance was the first step to closing the road. Ms. Skerrett answered that it was the first step. Commissioner Randall then asked Ms. Skerrett how additional residents on that portion of the road to be abandoned would be impacted. Would they have access to the abandoned section? Ms. Skerrett answered that any property owner that has property abutting the road or that the road is a necessary means of ingress to and egress from the home would always be able to establish the right to use that road. In Ms. Skerrett's opinion, any future property owners would be able to establish the right to use that road. Commissioner Randall further questioned why the request was being made to request that NCDOT abandon maintenance of a portion of the road unless the objective was to close the road. Ms. Skerrett further explained that as long as the road was under NC State maintenance, no one may close the road and once the road has been abandoned by NCDOT, NCDOT gives up its rights to that road and essentially it becomes private. Ms. Skerrett further explained there is a NC General Statute on the books that if there is a public road that has been dedicated to the County or that the County has established an easement by prescription, in other words by continued use for a period of 20 years, the Board of Commissioners over those public roads does have authority to close the roads but by petitioning the NCDOT to abandon the road the Board of Commissioners is also abandoning its rights to keep the road open also. Mr. David Thompson further explained to the Board, in summary, that if the Board petitioned NCDOT, the County was basically giving up any legal leverage that it has to prevent that road from being closed. He further explained that if the State were on its own to abandon the road and if the County wanted to at some point in the future close the road they could under the other General Statute do so but that no longer is the case. Mr. Thompson explained that was why the State asked the Board of Commissioners to abandon the road first so they can see the County would not have any claim to keep it open. He further explained that in turn NCDOT would abandon the road and it would become a legal issue between the people who had standing which would be property owners who abut the property directly. It would be up to them to fight it in court as to whether the road could be



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closed by Champion Hills, Branigar Organization. Chairman Good questioned if only people that live on or adjacent to this road were to be heard concerning the closing of the road. Ms. Skerrett explained to Mr. Good that those people would be the only people, in her legal opinion, that could challenge the closing of the road in court; however, at this meeting, before the Board decides to petition the NCDOT to abandon the road, the Board must determine that the best interest of the citizens of the County will be served thereby. Ms. Skerrett stated that in her legal opinion that includes many more people than just those people who live on the road adjacent to the abandoned portion. The Board must determine that the public interest will be best served by the abandonment of the road. There were no further questions by the Board to Ms. Skerrett.

Mr. Pat O'Brien, project director/vice president of the Branigar Organization, explained to the Board that he is in charge of the Champion Hills Community and Club for the company and also is the president of the Champion Hills Property Owners Association. Mr. O'Brien requested that the Board approve the abandonment of Indian Cave Road so that gates could be erected at the entrance of Champion Hills development. Mr. O'Brien stated that residents of Champion Hills felt that it would be in the best interest of the County to close Indian Cave Road and erect gates based upon two key points. The first point was that Champion Hills property owners felt that Champion Hills could be a significant positive if Champion Hills development is successful and the second point was that they felt the gates were an important factor to their success. He addressed the first issue of the economic impact stating that Champion Hills would increase the real estate tax base in Henderson County by \$160 million generating almost a \$1 million a year in incremental real estate tax, offer significant job opportunities to the citizens of Henderson County, and increase present and future revenues for Henderson County due to new residents coming into Champion Hills and visitors who are buyers of goods and services to Henderson County. The second issue was the importance of the gates to Champion Hills and if approved, Champion Hills would be investing over \$250,000 for gates, hardware, personnel and according to Champion Hills research showed present and future residents wanted security gates erected.

Chairman Good directed the Acting Clerk, Avalina B. Merrill, to call the speakers who had signed up to address the Board about this issue. Due to the large crowd in attendance and the twenty-seven citizens that had signed up to speak, Chairman Good placed a two-minute time limit on each speaker. The following people addressed the Commissioners on the issue of the abandonment of a portion of Indian Cave Road:

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1. Jim Harmon, Craig and Willow Road, spoke in opposition. Mr. Harmon submitted a petition to Chairman Good of (255) names of citizens who were opposed.
2. Pat O'Brien, 185 Highland Lake Drive, had already spoken in favor of the issue.
3. Bob Ross, Route 1, Box 162, Saluda, NC, spoke in favor.
4. Bill Baber, P.O. Box 2660, Hendersonville, NC, spoke in favor.
5. Ken Bagwell, 103 Pine Shadow Drive, spoke in favor.
6. Kathline Shephard, 5000 Indian Cave Road, opted to give her time to Andree C. Parrott.
7. Andree C. Parrott, Indian Cave Road property owner, spoke in opposition. Ms. Parrott was given four minutes of speaking time due to Ms. Shepherd having designated her time to Ms. Parrott.
8. Roy Parrott, Indian Cave Road property owner, had erased his name from the sign-up sheet.
9. Seymour Bialas, Indian Cave Road property owner, spoke in opposition.
10. Jim Stevenson, 536 Hobles Drive, spoke in favor.
11. Rutledge Livingston, One Duncan Lane, Hendersonville, spoke in favor.
12. Roger Hill, 14 Oak Lane, Flat Rock, spoke in favor. Mr. Hill was given four minutes of speaking time due to Walter Ledbetter designating his speaking time to Mr. Hill.
13. Bob Then, 531 Kingent Drive, Flat Rock, spoke in opposition.
14. Ken Feagin, Indian Cave Park Road, spoke in favor.
15. John Sheiry, 783 N. Main Street, Hendersonville, spoke in favor.
16. Tom Cooper, 9 Cooper Cove, Hendersonville, spoke in favor.
17. Sherman Moore, 19 Loggers Run, Hendersonville, spoke in opposition.
18. Ken Kinneff, Indian Cave Park Road, Route 13, Box 435, spoke in opposition.

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19. Jerry Hardvail, Indian Cave Park Road, spoke in opposition.
20. Walter Ledbetter, 129 Longview Drive, Hendersonville had previously given his time to Roger Hill.
21. Eric Peace, Route 13, Box 443A, Indian Cave Sub-division, spoke in opposition.
22. Robin Farquhar, P.O. Box 752, Flat Rock, NC, spoke in favor.
23. Bob Seigler, Route 13, Box 441, Hendersonville, Indian Cave Road, spoke as opposed.
24. Mary Moore, 19 Loggers Run, did not speak.
25. Robert Orr, did not speak.
26. Mary Louise Orr, spoke in opposition.
27. Lynn Johnson, P.O. Box 10, did not speak. Bill Stokes, Jr. spoke on Mr. Johnson's behalf as in favor.

Vice-Chair Kumor made a motion to go out of the public hearing. All voted in favor and the motion carried. Commissioner Edney made a motion to bring the matter back to the Board in 30 days to allow ample time to gather additional information and allow Staff Attorney Angela Skerrett time to review the information received at this meeting. Commissioner Edney also recommended that if the Board felt it was necessary to schedule a work session on this matter that the date of the work session be discussed at the mid-month April meeting scheduled to be held on April 20, 1994. All voted in favor and the motion carried. Mr. Good explained to the audience that it was the practice of the present Board not to make a decision about controversial issues at the public hearing and therefore were following that procedure by bringing the matter back to the Board on May 2, 1994.

Chairman Good called for a 10-minute break at this point.

**PUBLIC HEARING - Rezoning Request to I-2 for Charles A. Hassell**

Vice-Chair Kumor made a motion to go into the public hearing to amend the Official Zoning Map of Henderson County. The amendment involves a rezoning request for Charles Alan Hassell to have (2) parcels (approximately 2.4 acres total) on Shepherd Street rezoned from existing Low-Density Residential Zoning (R-15) to a General Industrial District (I-2). All voted in favor and the motion carried. Mr. Stuart Rohrbaugh explained to the Board that Mr. Charles Alan Hassell, 105 Hood Heights, Hendersonville, NC 28739, requested this rezoning so that a structure on his property at 1210 Shepherd Street currently zoned as R-15 could be renovated to

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accommodate a hair salon which would be classified as I-2. Mr. Rohrbaugh showed the Board a video of the parcels in question.

Chairman Good set a two-minute time limit for the five people signed up to speak to this issue. The speakers were as follows:

1. Walter M. Pace, 1113 Shepherd Street, spoke in opposition.
2. Wendý Hassell, 105 Hood Heights, spoke in favor.
3. Alan Hassell, 105 Hood Heights, spoke in favor.
4. Beverly Robinson, 1178 Runway Drive, spoke in opposition.
5. Julie Cowan, owner and operator of Hendersonville Airport, spoke in favor.

Commissioner McKay made a motion to go out of the public hearing. All voted in favor and the motion carried.

Chairman Good directed Planning and Zoning staff to do an area study and meet with the residents in that area and bring that information back to the Commissioners. Commissioner McKay made a motion to defer action until Planning Staff can come back to Board of Commissioners with further information that will clearly define this zoning classification and Mr. Hassell's zoning request. All voted in favor and the motion carried.

#### **PROPOSED MANUFACTURED HOME PARK ORDINANCE/WORK SESSION PROCESS**

Chairman Good stated that this was a result of the direction of the Board to the Planning Staff to prepare and bring to the Board for discussion the Proposed Manufactured Home Park Ordinance. Mr. Matt Matteson, Planning Director, reminded the Board that a recommendation by the Planning Board originally came before the Board in July of 1993. Mr. Thompson explained to the Board that this was calendared on the agenda in order to discuss the process by which the Board would review the ordinance and to schedule work sessions. After having discussed the work session date with the Board, Chairman Good set the work session on the Proposed Manufactured Home Park Ordinance for the mid-month May meeting which will be May 18, 1994.

#### **PROPOSED ZONING TEXT AMENDMENTS - Rural Conservation District and Seven Companion Amendments**

At their meeting on March 29, 1994, the Henderson County Planning Board voted to recommend to the Board of Commissioners a text amendment to the Zoning Ordinance which creates a new zoning district called the Rural Conservation District. They also voted to recommend seven companion text amendments to the Zoning Ordinance which are related to the RC text. Mr. Thompson explained

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to the Board that it did not matter if the work session or public hearing was held first but he recommended that the Board hold the public hearing first. Chairman Good recommended to the Board that a public hearing on the text amendment be set for May 2, 1994.

**BOARD OF PUBLIC EDUCATION - Capital Reserve Fund Resolution**

The Henderson County Board of Education on March 8, 1994 adopted a resolution to set aside all unrestricted proceeds from the sale of real property into a Capital Reserve Fund with the only use of these funds to be on major capital building projects. The Board of Education requested that the Board of Commissioners concur with this resolution. Mr. Thompson stated that he felt that the Board of education was assuring the County Commissioners they will not spend this money on operational costs in their budget while at the same time they are hoping the Commissioners will not supplant the school system's annual appropriations with these funds. Mr. Thompson informed the Board that he supported the resolution.

Vice-Chair Kumor questioned Mr. Thompson as to whether a letter had been sent to the Board of Education from the County Commissioners stating that it was the intent of the Commissioners that any funds that the Board of Education got would be considered as part of their capital outlay for their next budget year and would be taken against what they thought they needed. Mr. Thompson replied that the Commissioners did not tell the Board of Education that it would be supplanted but the Commissioners had never given up their right to do so. Commissioner Randall stated that he felt the Commissioners could not give up their right to do so. Mr. Thompson replied that the Board of Education was indicating funds were to be spent on major capital projects and that could be determined when the Board of Education submitted their budget that contains major capital projects. Commissioner Randall stated that it was extremely important that he Board of Education reveal the capital funds available at the time a capital fund request is made so that the Commissioners could respond at that time and he questioned whether or not the Commissioners had to respond to the resolution to concur. Mr. Thompson replied that it was not necessary to respond to the resolution. Commissioner McKay suggested that the resolution be accepted with appreciation but that no commitment be made beyond that. Chairman Good agreed that the concerns that Vice-Chair Kumor and Commissioner Randall had brought up should be looked at further. Mr. Thompson pointed out there was a difference between capital reserve funds being used for what he states as recurring capital outlay such as replacing a roof, or in other words, what the Commissioners would normally appropriate to a school system of that size for recurring capital outlay. Mr. Thompson used the term recurring capital outlay to distinguish from major capital outlay such as repaving a driveway or doing a new roof. He stated that the Commissioners should always keep up a continuing level of funding for that or else what happens is it's

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almost like an operational budget in that it has to be made up sooner or later and there is no where to make it up except out of the county's general fund. Mr. Thompson thought the concept in general was a good one and felt that major capital projects should be kept separate from recurring capital funds. There was much discussion among the Commissioners and Mr. Thompson about concurrence with the resolution. The Board directed Mr. Thompson to send a letter of commendation to the Board of Education about the intent of the resolution.

#### CABLE TELEVISION RATE REGULATION

The Board was presented a memorandum from J. Michael Edney, Chairman Henderson County Cable TV Advisory Committee, advising them of the recommendations of the Cable Television Advisory Committee regarding rate and customer service regulation. However, Mr. Edney had left the meeting earlier and had not returned at the time this agenda item was to be discussed. Commissioner Kumor made a motion to roll over this item to the next meeting. All voted in favor and the motion carried.

#### UPDATE ON CRIMINAL JUSTICE PARTNERSHIP ACT/PROPOSAL FOR JAIL POPULATION FORECAST

Commissioner Kumor gave an update on the progress of the Criminal Justice Partnership Act Task Force subcommittee and explained that Sedgwick James of the Carolinas had prepared a proposal to conduct a jail population forecast for Henderson County. Commissioner Kumor asked Mr. Thompson to explain the proposal to the board stating that the fee for this study totaled \$5,092. Mr. Thompson explained that Task I of the study was to conduct an Adult Inmate Forecast for Henderson County Jail. Mr. Thompson further explained that Task II was to regionalize with Transylvania County for housing their post-trial inmates. He explained that Mr. Artie Wilson, Transylvania County Manager, had agreed to pay any additional costs that were the result of the study on Transylvania County. Mr. Thompson explained that Task III, Juvenile (Age 15 and under) Forecast for Secure Short Term Detention was not necessary because the Youth Development home could handle such matters and therefore he recommended that Task III be eliminated from the study. Mr. Thompson asked the Board to approve Task I and II for a cost of \$5,092 and grant permission to include Transylvania County in this study. Commissioner McKay made a motion to approve the contract with Sedgwick James to conduct the study and take the fee of \$5,092 out of the County Contingency Fund and to allow Transylvania County to be included in the study. All voted in favor and the motion carried.

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Chairman Good reminded the Board of the following nominations for Henderson County Board and Committees:

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

2. Hendersonville Zoning Board of Adjustment - (1) vacancy for alternate. There were no nominations so it was rolled to the next meeting.

3. Henderson County Industrial Facilities & Pollution Control Authority - (1) vacancy which expired March 6, 1994. There were no nominations so it was rolled to the next meeting.

4. Solid Waste Advisory Committee (SWAC) - (11) vacancies whose terms expired in March 1994. Mr. Thompson explained to the board that Ms. Nippy Page, Integrated Solid Waste Planner, had spoken individually with the SWAC members and all members except Ann Richardson wanted to serve another (3) year term and would serve staggered terms at the Board's request. Mr. Thompson suggested that the Board at their next meeting put the names of the SWAC members in a hat and pull them out to determine the staggered terms and (1) nomination was needed for the vacancy created by Ms. Richardson's resignation. There was further discussion so these vacancies were rolled to the next meeting.

5. Nursing Home/Domiciliary Home Advisory Committee - (1) vacancy as a result of the resignation of Ms. Dorothy Arnold whose term expires in March 1995. There were no nominations so this was rolled to the next meeting.

#### **IMPORTANT DATES**

County Manager David F. Thompson discussed with the Board various issues upcoming. Mr. Thompson explained that the North Carolina Department of Transportation had requested that the Commissioners call a special-called meeting to conduct a public hearing on the NCDOT secondary road program. After much discussion, the Commissioners set the public hearing date on Thursday, April 28, 1994 at 9:00 a.m. Mr. Good reminded the board about a joint district meeting at Sylva at 5:00 p.m. on Thursday, 4/28/94. Mr. Thompson told the Board that the entire Management Team was going to that meeting.

#### **ADDITION TO AGENDA**

Mr. Thompson informed the Board that he received a request from Tour DuPont to allow the bicyclists to travel through Henderson County in May and that they did have a \$5 million insurance policy. Mr. Thompson asked the Commissioners to approve a letter of support

April 4, 1994

Page 16

from Henderson County for this event contingent upon the Staff Attorney's review of the letter. Commissioner McKay made a motion to approve the request from Mr. Thompson to issue a letter of support from Henderson County to Tour DuPont. All voted in favor and the motion carried.

**ADJOURNMENT**

There was no further business. Commissioner McKay made a motion to go into Executive Session as allowed under General Statute 143-381.11 to discuss the following matters:

A. To consult with the County Attorney to the extent that confidentiality is required.

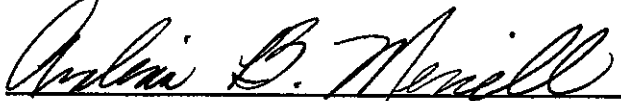
B. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.

C. To consider a personnel matter.



Vollie G. Good, Chairman  
Henderson County Board of Commissioners

Attest:



Avalina B. Merrill, Acting Clerk



Public Hearing

NOTICE OF PUBLIC HEARING  
 TO ABANDON A 1.15 MILE SECTION OF  
 INDIAN CAVE ROAD (SR 1192)  
 FROM THE NCDOT SECONDARY ROAD MAINTENANCE SYSTEM

4/4/94

Please Print

Name	Address
✓ 1. JIM HARMON	CRAIG + WILLOW ROAD
✓ 2. PAT O'BRIEN	185 Highland Lake Tr.
✓ 3. Bob Ross	Box 162 Saluda, N.C.
✓ 4. Bill BABER	PO Box 2660, Hendersonville
✓ 5. KEN BAGWELL	103 Pine Shadow Drive -
✓ 6. Kathleen Shepard	5000 Indian Cave Rd
✓ 7. Andree C. Farrott	Indian Cave Rd. prop. owner
<del>8. Roy Farrott</del>	"
✓ 9. Shymon Bialow	" "
✓ 10. Jim Stevenson	536 Hoban Dr.
✓ 11. Fultledge Livingston	One Duncas Lane Hill
✓ 12. ROBER HIRD	14 Oak Lane Front Road
<del>ED THOMPSON</del>	<del>Rt 13 Box 443 A Indian Cave Sub</del>
✓ 13. BOB THEM	531 Keycut Dr F.P.
✓ 14. KUC FERGUSON	Duncan Camp Rd -
✓ 15. JOHN SHEIRY	783 N. MAIN ST. H'VILLE, NC
✓ 16. Tom COOPER	9 COOPER COVE H'VILLE
✓ 17. Sherman Moore	19 Longview Dr H'VILLE
✓ 18. Ken Kinnett	Indian Cave Park Rd 12113, Box 1155
✓ 19. JERRY HARDVALL	INDIAN CAVE RD.
✓ 20. Walter Ledbetter	129 Longview Dr. H'ville
✓ 21. Eric PEACE	Rt 13, Box 443 A Indian Cave Sub
✓ 22. REBIN FARQUHAR	P.O. BOX 752 FULTON NC
✓ 23. Bob Seigh	Rt 13 Box 441 H'ville, NC
✓ 24. Mary Morris	Indian Cave Rd
✓ 25. Robert Orr	19 Longview Dr H'ville
✓ 26. Mary Louise Orr	25759
✓ 27. LYNN Johnson	PO 10 Hill 110 NC

(Bill Stokes, Jr. spoke instead - also 4/4/94)

Public

4/4/94

hearing to amend Zoning Map  
re: Shepherd Street request.

Name

Address

Please

Print

- |                      |                       |
|----------------------|-----------------------|
| ✓1. WALTER M Pace    | 1113 Shepherd St.     |
| ✓2. Wendy Hassell    | 105 Hood Heights      |
| ✓3. Alan Hassell     | 105 Hood Heights      |
| ✓4. Beverly Robinson | 1178 Runway Dr. Hülle |
| 5. Julia Cowan       |                       |
| 6.                   |                       |

Street Name Sign-up.

① Charles Lewis  
(Qudd's Oak Rd) Rt 1 Box 190 Sleds

② William Wilkes - Qudd's Oak Rd

**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**

**COUNTY GOVERNMENT WEEK  
APRIL 16 through APRIL 23, 1994**

**WHEREAS**, North Carolina's 100 county governments have in fact served this state since 1663, working in partnership with the State to deliver services and provide leadership for our communities; and

**WHEREAS**, Henderson County is on the forefront of many issues critical to both our state and nation, including health care, child and elder care, environmental protection, social services, job training, public education, emergency medical services, drug and alcohol abuse treatment, law enforcement, water and sewer services, and library services.

**WHEREAS**, Henderson County is a major partner in the public education system, having provided \$24,728,290 in 1993-94 to support elementary-secondary schools and \$14,857,623 of these dollars helped to fund improved or new school facilities and 40 percent was used to support current operations of schools; and

**WHEREAS**, Henderson County has initiated the following efforts to help deliver services more effectively and efficiently -- Social Services, Emergency Medical services, Public Library, Inspections, Planning, and

**WHEREAS**, those serving as county officials are dedicated to providing services to our citizens without undue burden on the taxpayers.

**NOW, THEREFORE, THE HENDERSON COUNTY BOARD OF COMMISSIONERS** does hereby proclaim April 16 through April 23, 1994, as "NATIONAL COUNTY GOVERNMENT WEEK IN NORTH CAROLINA" and urges all citizens to be more involved in and aware of issues facing our counties.



VOLLIE G. GOOD, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



AVALINA B. MERRILL,  
ACTING CLERK TO THE BOARD

**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

**RESOLUTION  
May / Crime\$toppers Month 1994**

**WHEREAS**, crime in Henderson County and across this nation continues to rise,  
and

**WHEREAS**, there are many occasions where the citizens of Henderson County could be of great assistance to law enforcement in solving various crimes but for various reasons wish to remain anonymous, and

**WHEREAS, CRIME\$TOPPERS OF HENDERSONVILLE - HENDERSON COUNTY, INC.** is an organization which allows citizens to provide information about a crime without anyone knowing who they are, and


**WHEREAS**, this service can prove to be invaluable to the law enforcement and the citizens of this County,

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners does hereby proclaim the month of May 1994 as **CRIME\$TOPPERS MONTH** in Henderson County.

This the 4th day of April, 1994.

  
\_\_\_\_\_  
Vollie G. Good, Chairman

ATTEST:

  
\_\_\_\_\_  
Avalina B. Merrill, Acting Clerk

# Proclamation

**Whereas** our well-being depends on the production of ample food, fiber and other products of the soil; and

**Whereas** the quality and quantity of these products depend on the conservation, wise use and proper management of soil and water resources; and

**Whereas** protection of our water from pollution depends on sound conservation practices; and

**Whereas** conservation districts provide a practical and democratic organization through which landowners take the initiative to conserve and make proper use of these resources; and

**Whereas** the conservation movement is carrying forward a program of soil and water conservation in partnership with many private and public organizations and individuals:

**Therefore** I, in full appreciation of the value of our soil and water to the public welfare, and desiring to honor those who protect those resources, do hereby proclaim

**April 24 through May 1, 1994  
Soil and Water Stewardship Week**

**In witness** whereof I have hereunto set my hand and caused the seal of

HENDERSON COUNTY

to be affixed.

Attested by: Avalina B. Merriell  
Avalina B. Merriell  
Acting Clerk

Signature

Vallie L. Good  
4-4-94

Date

Vallie L. Good Chairman  
Henderson County  
Board of Commissioners

PROCLAMATION

WHEREAS, The greatness of our community, state and ultimately our nation is attributed to a great degree on freedom of choice and competition--the basic elements of our free enterprise system; and,

WHEREAS, The small business owners of our community are the risk takers who have invested their knowledge, energy and personal assets in a variety of independent business careers, and in doing so they have created employment opportunities for others while reaping the rewards of their independence; and,

WHEREAS, The small business owners of our community work hard in the marketplace to provide quality goods and services, and this, in turn, evokes the confidence of the consumers who respond in a fashion which keeps the economy healthy and vital; and,

WHEREAS, To urge all our citizens to recognize and commend the efforts of our small business men and women in preserving the freedom, initiative and stability of our economy; now,

THEREFORE, We, the Honorable Fred Niehoff, Mayor, City of Hendersonville; the Honorable Robert Parish, Mayor, Town of Fletcher; the Honorable Arthur Harrington, Mayor, Town of Laurel Park; and the Honorable Vollie Good, Chairman of the Henderson County Board of Commissioners, do hereby proclaim the week of May 1 - 7, 1994, as

SMALL BUSINESS WEEK

in the City of Hendersonville  
in the Town of Fletcher  
in the Town of Laurel Park; and  
in Henderson County

Fred Niehoff, Mayor  
City of Hendersonville

Arthur Harrington, Mayor  
Town of Laurel Park

Robert Parrish, Mayor  
Town of Fletcher

*Vollie H. Good*  
Vollie Good, Chairman  
Henderson County Board  
of Commissioners

*Change in date -- before Proclamation was signed.*

RELEASE, MINT  
03/29/94

COMMISSIONER'S REPORT 04/04/94  
RELEASES

REL. REPORT  
PAGE 1

Taxpayer Name	Taxbill	Total	Reason
DAYNE, BRUCE STANLEY	92A00675.01*R	\$43.13	73*MERC 16KCT1829J8532500 BILLED AS MV FOR '93' 93*12 CYCLE
EDNEY, THOMAS D	92A0103333*R	\$46.34	RELEASED DUE TO PRIOR YEAR FORECLOSURE & HENDERSON CO IS NOW THE OWNER
FLORIDA ART GALLERY INC	92A9903901*R	\$5.14	PROPERTY WAS FORECLOSED BY HEND CO IN 1993; RECORDS DO NOT SHOW PROP CONVEYED BACK TO THESE OWNERS
LANCASTER, DANE D	93A9945715*R	\$162.07	HSE WAS BILLED ON WRONG PARCEL INCORRECT VALUE - 47.000 RELEASE - 20.900
WALDEN, BRENDA SUE	95A16427.01*R	\$14.73	P/P WAS TITLED & LOCATED IN THE STATE OF WYOMING
WALDEN, BRENDA SUE	94A16427*R	\$14.92	P/P WAS TITLED & LOCATED IN THE STATE OF WYOMING
WALDEN, BRENDA SUE	99A16427.01*R	\$7.63	P/P WAS TITLED & LOCATED IN THE STATE OF WYOMING
WALDEN, BRENDA SUE	96A16427.01*R	\$13.39	P/P WAS TITLED & LOCATED IN THE STATE OF WYOMING

TOTAL RELEASES >>> \$300.15