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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MARCH 16, 1994

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Vollie G. Good, Vice-Chair Renee Kumor, Commissioner Hugh D. Randall, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

Also present were Planning Director Matt Matteson and Finance Director Carey McLelland.

Commissioner J. Michael Edney arrived late, during discussion of item "A" under Discussion Items "Update on Volunteer Information Network (VWIN)."

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner McKay led the Pledge to the American Flag.

INVOCATION

Bill Clevenger, Chaplain, Blue Ridge Prison Ministry, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

CONSENT AGENDA

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

Consent Agenda included:

Review of Minutes - Minutes of the March 7, 1994 meeting were presented for review and approval.

Change of Firemen's Relief Fund Trustees - Etowah-Horse Shoe Vol. Fire - The Etowah-Horse Shoe Fire Department requested that Mr. Hilton Rachel and Mr. Larry Owens be designated as directors of the Etowah-Horse Shoe Firemen's Relief Fund for the current year.

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Notification of Vacancies - Presented for information only. This will appear under "Nominations" on the next agenda.

1. Nursing Home/Domiciliary Home Advisory Committee - 1 vacancy to fill an unexpired term (3/95).

INFORMAL PUBLIC COMMENTS

There were none.

UPDATE ON VOLUNTEER INFORMATION NETWORK (VWIN)

Michele Skeele, VWIN Coordinator for Henderson County, presented a 20 minute slide presentation on the VWIN Program and answered questions.

Ms. Skeele reviewed the end of the year Volunteer Water Information Network Sampling report. The county funds this effort for volunteers to track water quality in Henderson County. They have expanded to Madison County and hope to expand to Transylvania County.

The idea of the program is to sample the French Broad River and all of its tributaries in the watershed area. They currently sample eighteen sites on 11-12 streams in Henderson County. Volunteers take monthly water samples which are delivered to UNC-Asheville Environmental Quality Institute Lab for analysis.

The report states that the water quality in Henderson County is generally very good.

IMPACT STUDY ON CLOSING OF INDIAN CAVE ROAD (SR#1192)

Matt Matteson reviewed the details of the impact study. It was the consensus of the Board to hold a Public Hearing to hear public input on this item even though a Public Hearing is not required.

The county received a request from multiple petitioners, eight property owners and The Branigar Organization. The request is to close a portion of the road, not the entire road.

Engineer Bill Lapsley spoke on behalf of The Branigar Organization regarding the closing of Indian Cave Road.

Commissioner Edney made the motion to set the Public Hearing for April 4 at 7:00 p.m., here. All voted in favor and the motion carried.

ACTION ON REQUEST BY KERRY LINDSEY (Highland Lakes Conference Center) to rezone property from R-40, R-20, R-10 and C-1 to Office & Industrial (O&I).

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Following a Public Hearing held on March 7, 1994, Board action may now be taken on this request to rezone 110 acres of property within the Highland Lakes Conference Center.

Matt Matteson stated that no opposition has been heard.

Commissioner Edney made the motion to rezone this property from R-40, R-20, R-10 and C-1 to O & I. All voted in favor and the motion carried.

CLOSING OF THE HENDERSON COUNTY TEEN CENTER

Larry Harmon, new Director of Parks & Recreation, reminded the Board that the Teen Center began operation by the County in 1990. In the last year, attendance has dropped off dramatically. Attendance on a typical weekend at the Teen Center when it first opened in 1990 was as high as 500 teens. The attendance at the present time has dwindled to 1-3 people. At the present time the costs of operating the Center greatly outweigh the benefits.

Mr. Harmon requested the Board's approval to close the Center and thereby utilize resources in a more effective and efficient matter. Recreation staff and the Recreation Advisory Board are in agreement with the request.

Commissioner McKay made the motion to approve the recommendation of Larry Harmon and close the Henderson County Teen Center. All voted in favor and the motion carried.

AWARD OF CONTRACT FOR APPLELAND BUSINESS PARK SITE IMPROVEMENTS

David Thompson reminded the Board that the Board authorized William G. Lapsley to prepare plans and specifications and to go out to bid for site improvements for the Appleland Business Park.

The site improvements are varied. They include demolition, road construction, a water distribution system, a sanitary collection system, and preparation of the park areas.

David Thompson reviewed the bid tabulation form submitted by Mr. Lapsley as well as the bid form for the low bidder Cooper Construction Company of Hendersonville. The low bid was \$391,274. Mr. Thompson's recommendation was to award the contract to the low bidder so that improvements can begin as planned. The project time frame is 120 days.

Angela Skerrett briefed the Board on the standing of the Appleland Business Park. In February the first sale was made for 5.2 commercial acres. Currently outstanding, we have received an offer to purchase for .3 acres which adjoins part of the commercial acres and we stand to make approximately \$51,000 profit on that sale.

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The Board has approved the purchase of two strips to be dedicated to NC DOT. The cost to the county for the dedication to NC DOT is approximately \$15,000. We have also agreed to purchase one additional lot that would be optioned to Mr. Garrison for approximately \$82,000. The restrictive covenants are recorded and in place. The site improvements should be complete August 1, 1994. There is one outstanding issue, for the relocation of the existing fifteen foot right-of-way across the property. Currently the right-of-way is held by William & Barbara Garrison. We have entered into an agreement with the Garrisons for the relocation of the right-of-way. Farmers Home Administration has a lien on Mr. Garrison's property and must also approve the agreement. They have approved the agreement subject to a couple of conditions, details are being worked out.

Every three months the Board has the discretion to renew the option on the property. The current option renewal will expire June 30 for \$12,570. That is the maximum amount for renewal of the option. It will continue to decrease because it is calculated as a quarterly interest on the unpaid purchase price.

After some discussion, Commissioner McKay made the motion to accept the bid from Cooper Construction Company of Hendersonville for \$391,274 for site improvements at Appleland Business Park. All voted in favor and the motion carried.

POSITION REQUEST - Secretary IV

David Nicholson requested the Board's approval to create a Secretary IV position for the Assistant County Manager/Personnel Department.

Since the January 1993 reorganization of Henderson County Administration, Mona W. Quinn, Administrative Assistant-Personnel, has provided clerical support for both the Personnel and Assistant County Manager functions. Since that reorganization, Ms. Quinn's duties have expanded to include providing support and assistance to the Department Heads and Administration with regard to personnel issues. Recently, David M. Griffith & Associates recommended that Ms. Quinn's position be reclassified as Personnel Officer.

Some of the duties for this position would include providing clerical support services to both the Assistant County Manager and Personnel Officer; receiving and processing accident report forms (vehicular; worker's compensation; property loss; general liability); preparing and maintaining required reports for OSHA, North Carolina Department of Labor, etc.; preparing recruitment notices, assisting applicants during the recruitment process, and issuing letters of regret; preparing Personnel Action Forms and maintaining the Personnel Roster; preparing the monthly report of Appointments/Terminations; limited receptionist duties would

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include answering the telephone and screening calls; materials preparation for agendas, budget, special projects, etc.; other clerical duties as necessary such as maintaining file system, copying, typing, word processing, etc. The delegation of these duties to the Secretary IV would greatly increase the time Ms. Quinn and Mr. Nicholson have to be devoted to the generation of policies and procedures and to the provision of administrative support to the Manager's office for projects and daily operations. The Secretary IV would be available to provide receptionist and telephone assistance to Libby Corn, Clerk to the Board, and Avalina Merrill, Administrative Secretary V, avoiding delays in response to telephone calls and office visits made by citizens.

Mr. Nicholson reminded the Board that funds in the amount of \$7,000 were appropriated in the FY 1993-94 Budget for the Assistant County Manager/Personnel Department for an intern. To date, the funding has not been used. At this time, this allocation could be more constructively used to fund the Secretary IV position. The starting salary for a Secretary IV position, assigned to Grade 59, is \$17,423 per year. Projecting that this position would be filled by mid to late April, the expected expenditure in salaries for the months of May and June 1994 would be \$3,385.70 including insurances, FICA, MED, and retirement match. Funds from the current Assistant County Manager/Personnel Department Budget would be used for various incidental office expenses for the Secretary IV. Therefore, no additional County monies would be required to sustain this position until the FY 1994-1995 Budget Year. Mr. Nicholson felt that the need for this position is critical.

Mr. Nicholson reviewed his recommendations that the Administrative Offices be rearranged to provide for greater efficiency and effectiveness in serving Henderson County Employees as well as the citizens of Henderson County.

After some discussion, Commissioner Edney made the motion to approve the recommendation and to recommend that the Manager follow the Assistant Manager's recommendation for moving people to accommodate this position. All voted in favor and the motion carried.

NOMINATIONS

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

2. Chairman Good informed the Board of 1 vacancy (alternate) for the **Hendersonville Zoning Board of Adjustment**. There were no nominations at this time so the item was rolled to the next meeting.

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3. Chairman Good informed the Board of 1 vacancy (alternate) for the **Henderson County Zoning Board of Adjustment.**

Chairman Good nominated Dale Caldwell to fill this vacancy. Commissioner McKay made the motion to suspend the rules and make the appointment. All voted in favor and the motion carried.

4. Chairman Good informed the Board of 1 vacancy on the **Nursing Home/Domiciliary Home Advisory Committee.**

Vice-Chair Kumor nominated Margaret Mills to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Mrs. Mills. All voted in favor and the motion carried.

5. Chairman Good informed the Board of 2 vacancies on the **CBA Task Force.**

Vice-Chair Kumor nominated Dr. Colin Flynn and Ervin Bazzle to fill the two vacancies. Commissioner Edney made the motion to suspend the rules and make the appointments. All voted in favor and the motion carried.

6. Chairman Good informed the Board of 3 vacancies on the **Hendersonville City Planning Board.**

Chairman Good nominated Lee Knight, Hall Waddell and Boyce Orr. Vice-Chair Kumor made the motion to suspend the rules and appoint these three. All voted in favor and the motion carried.

7. Chairman Good informed the Board of 2 vacancies on the **Henderson County Industrial Facilities & Pollution Control Authority.**

Chairman Good nominated Jim Thorndike for reappointment. Commissioner McKay made the motion to suspend the rules and reappoint Mr. Thorndike. All voted in favor and the motion carried.

One vacancy will be rolled to the next meeting.

8. Chairman Good informed the Board of 3 vacancies on the **Nursing Home/Domiciliary Home Advisory Committee.** All three members are willing to continue to serve. These are not designated positions.

Commissioner Edney nominated Dorothy Pearce, Estelle H. Winn, and Walter Johnson for reappointment. Vice-Chair Kumor made the motion to suspend the rules and reappoint these three persons to fill the three vacancies. All voted in favor and the motion carried.

9. Chairman Good informed the Board of 2 vacancies on the **Recreation Committee.**

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Commissioner McKay nominated Dean Griffin and Corum Smith for reappointment. Commissioner Randall made the motion to suspend the rules and reappoint Mr. Griffin and Mr. Smith. All voted in favor and the motion carried.

10. Chairman Good informed the Board of 11 vacancies on the **Solid Waste Advisory Committee (SWAC)**. There were no nominations at this time so the item was rolled to the next meeting.

11. Chairman Good informed the Board of 4 additional persons for appointment to the **Local Emergency Planning Committee (LEPC)**.

After some discussion, Commissioner Edney nominated:

Donnie Parks, Hendersonville Police Chief
Charles King, Hendersonville Fire Department Chief
Kathy Lewis, H.C. Department of Social Services
Roger Wallace, TREND Mental Health Service
Don Fisher, Laurel Park Police Chief

Vice-Chair Kumor made the motion to suspend the rules and appoint these five persons. All voted in favor and the motion carried.

12. Chairman Good informed the Board of 1 vacancy on the **Nursing Home/Domiciliary Home Advisory Committee**. This vacancy is due to a resignation, term will expire 2/95. An application was received March 15, 1994 from someone willing to serve on this committee.

After some discussion, Commissioner McKay nominated Mr. Burgan A. Stepp to fill this vacancy. Commissioner Edney made the motion to suspend the rules and appoint Mr. Stepp. All voted in favor and the motion carried.

IMPORTANT DATES

The Calendar of Important Dates was reviewed. David Thompson reminded the Board that National Library Week is coming up April 17-23. He asked that all Commissioners read the memo concerning National Library Week at their leisure. Mr. Snyder needs input as to whether any of the Commissioners would like to participate.

Vice-Chair's Statement

Vice-Chair Kumor requested that sometime before getting into Budget deliberations, the Board address the Manufactured Home Park Ordinance. It has been around about a year.

David Thompson suggested that the Manufactured Home Park Ordinance be put on the agenda for April 4 for review. The Board could then set a work session.

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MUD CREEK WATER & SEWER DISTRICT

Vice-Chair Kumor made the motion to adjourn as Henderson County Board of Commissioners and convene as Mud Creek Water & Sewer District Commissioners. All voted in favor and the motion carried.

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

EXECUTIVE SESSION

Commissioner Edney made the motion for the Board 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.

All voted in favor and the motion carried at 11:40 a.m.

EMPLOYEE SERVICE AWARDS LUNCHEON

Vice-Chair Kumor made the motion to go out of Executive Session and to go to the Woodfield Inn for the annual Employee Service Awards Luncheon (12:00-2:00). All voted in favor and the motion carried.

CARRIAGE PARK PUBLIC HEARING - SECTION 3A

Chairman Good reconvened the meeting at the Commissioners meeting room, 100 North King Street, Hendersonville, NC. Present were Chairman Vollie G. Good, Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner Hugh D. Randall, and Commissioner Willam McKay. Also present were County Manager David F. Thompson, Assistant County Manager David E. Nicholson, County Attorney Don H. Elkins, Staff Attorney Angela M. Skerrett, and Clerk to the Board, Elizabeth W. Corn.

Commissioner McKay made the motion to go into a quasi-judicial public hearing. All voted in favor and the motion carried.

Staff Attorney, Angela Skerrett, reviewed the quasi-judicial procedures with the Board.

Chairman Good then recognized Luther Smith, on behalf of Carriage Park Development Corporation. Luther Smith was sworn in.

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Mr. Smith established that the application was for Section 3A of the project. He identified the area of 3A on the master plan as the lower portion of the area previously identified as Section 3. The application, submitted in January requested 24 townhome units in the section, Phase II of Cottages of Carriage Walk. Phase I was approved under the old permit. Mr. Smith showed the loop road and entry of project. Mr. Smith stated that water has been brought (8" service line) to the entry point. Sewer plans have been submitted to the City for a gravity line with a lift station. The Applicant feels that conditions regarding road grades setbacks, etc conform to chart of conditions. Additional evergreen buffering will be added for privacy of the units next to Long John Mountain Estates. He stated that permits, including erosion control and water lines approved by the City, are in place for this Section of the Project.

Mr. Smith stated that before recording the plat for the sale of units, the project now has more open space than required (8 acres), more open space will be placed on record.

Through a series of questions by the Board, Mr. Smith established the following:

Townhomes will be constructed having 1700 square feet. The property has not been cleared. The developer has received a City permit but not a County permit for sewer.

The Staff Attorney opined, and the County Manager agreed, that the developer would need to comply with the County's sewer ordinance for any new lines that were being constructed and that, at a minimum, the developer would have to secure a waiver from the Board.

The Board discussed with Mr. Hamlin a pond being used as a sedimentation and erosion control measure. Mr. Hamlin stated that there were 3 areas in excess of 40% grade. Carriage Park plans to plant along the 40% grades-- excessive plant material to plant it back and get it stabilized. They have no specific plans relative to the materials to be used, but will have a landscape plan from Mr. Smith to be part of the overall yard and external areas and he will allow for the very steep grades. Sometimes, they put in retention fences made of timber and drainage comes off those. Most of good slope retention is done with plant material. With respect to building H near Long John, the slope won't be disturbed, but will allow for catch basins.

At this time, William G. Lapsley, engineer for Carriage Park Development Corporation was sworn in.

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Mr. Lapsley testified as to the following:

His firm was retained by Carriage Park to help finish Phase I of Section 3 and to engineer Section 3A and to deal with site grading, erosion control, and public water and sewer systems. The water system is owned and operated by City. Final permit approval for water is pending in Raleigh. Part of the City's review is for fire protection. They have designed a collection system for Section 3A consisting of gravity lines and pump to existing gravity line serving Section 3. This has been tentatively approved by the City. Eventually, as sewers are extended this can be served by gravity. Closest gravity line now is at edge of Long John Mountain and Middleton place, several thousand feet away and through a lot of private property. Sewer should get approved by Council at next meeting. Mr. Lapsley concurred that a County permit is necessary. As far as erosion control is concerned, this is stormwater management plus sedimentation control plan. Unless County has ordinance, the developer should go by State law. They have submitted plans to State and comments were made. They have responded to comments and received permit.

Mr. Lapsley read a statement from the State's letter regarding the "performance oriented program to protect adjoining properties." "If following commencement, it is determined (113A-51-66) that the plan is inadequate to meet statutory requirements, the State may require revisions to ensure compliance with the Act." The Engineer, developer and the State work together to come up with a plan. If the plan is weak, the applicant must adjust the plan. The plan is inspected by the engineer's office plus the State. In this case the State has concurred that the plan is good.

The Board further discussed the Sedimentation and Erosion control plan with Mr. Lapsley as compared to the prior plan for Carriage Park that had presented problems. Mr. Lapsley stated that with this plan, they have put in more silt fences, basins, and sod.

Mr. Lapsley described for the Board the stormwater controls for the project, including ditches, pipes, rip rap, and sediment traps and silt fences. He stated that the State is responsible for the oversight; however, he stated that he would be willing to make a weekly report to the Board about the project concerning sedimentation and erosion control.

Dale Hamlin stated that they had had two prior incidents concerning erosion in which both property owners had been made whole, and the situation remedied.

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Chairman Good inquired if there were any persons in the audience who wished to become a party? No one indicated that they did. Mr. Good therefore recognized Matt Matteson, Planning Director.

Matt Matteson, Planning Director, was sworn in.

Mr. Matteson gave a brief summary of the disposition of the application as follows: The application was reviewed by the planning board February 22, 1994. The application has been reviewed again since then by Staff. Some of the punch list items have been addressed by the applicant. Other items have been clarified by Staff Attorney and Zoning Administrator. The only item left is that the sewer plans haven't been given final approval by the City. Unless waived by the Board, this is required for plan approval.

Mr. Matteson stated that the Planning Board had recommended that additional conditions concerning drainage be imposed, but offered no suggestions as to their terms.

Mr. Matteson stated that he had visited the site with a State representative, Bill Beck, on March 4, 1994, and had seen erosion, that has since been cleared up by Carriage Park. Carriage Park has a clean bill of health from that State at this time.

Mr. Matteson stated that Carriage Park is in compliance with the Special Use Permit at this time.

The Board discussed oversight of the Special Use Permit, and the responsibility for staff inspections. Sam Laughter, Zoning Administrator, stated that it is not the practice of staff to make regular inspections.

Mr. Matteson had no opinion on whether the present erosion plan would work. Mr. Lapsley stated that it should.

Mr. Hamlin thanked the Board for its consideration.

Commissioner Kumor made the motion to close the Public Hearing. All voted in favor and the motion carried.

Commissioner Kumor made the motion that the Board of Commissioners find as a fact that Carriage Park is in accord with their Special Use Permit Application. All voted in favor and the motion carried.

Commissioner Edney made the motion, based on the fact that there has been a history of sedimentation problems, based on the fact that this is a high altitude and steep grade project, and based on the fact that the petitioners themselves are concerned about such

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a thing, and the fact that they don't have a county sewer permit, that the Henderson County Board of Commissioners approve the application for development parcel 3-A subject to all the standard conditions in the Special Use Permit and subject to additional conditions as follows:

1. that a county sewer permit be issued or a waiver, and
2. that the Planning Department receive weekly inspection and compliance certification by a professional engineer that all stormwater management precautions are in place and are working.

All voted in favor and the motion carried.

EXECUTIVE SESSION

Commissioner Edney made the motion for the Board to go into Executive Session as allowed under General Statute 143-381.11 to discuss a legal issue. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion for the Board to go out of Executive Session. All voted in favor and the motion carried at 4:10 p.m.

ACTION

Following some discussion in Executive Session, Commissioner McKay made the motion to approve the Board supporting option 11-A which is having Kyocera and Printpack as county customers and charging \$3.30 per 1,000 gal. with projected \$18,900 in net revenue over next two years toward Capital Construction costs. Also, county to request the City of Hendersonville waive its development charges. All voted in favor and the motion carried.

MUD CREEK WATER & SEWER DISTRICT


Commissioner Randall made the motion for the Board to adjourn as Henderson County Board of Commissioners and convene as Mud Creek Water & Sewer District. All voted in favor and the motion carried.

Vice-Chair Kumor made the motion for the Board to adjourn as Mud Creek Water & Sewer District and reconvene as Henderson County Board of Commissioners. All voted in favor and the motion carried.

As there was no further business, the meeting was adjourned at 4:15 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman