

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
OCTOBER 20, 1993

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-Chairman J. Michael Edney, Commissioner Hugh D. Randall, Commissioner William McKay, Commissioner Renee Kumor, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, Finance Director Peter A. Molleur, County Attorney Don H. Elkins, Staff Attorney, Angela M. Skerrett, and Clerk to the Board Elizabeth W. Corn.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Edney led the Pledge to the American Flag.

INVOCATION

Bill Dages, Associate Pastor of Covenant Presbyterian Church, gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Good added "Surplus Vehicles" to the consent agenda as item "B".

Chairman Good also added 1 vacancy on the **Henderson County Planning Board** as a result of the resignation of Robert Then. This was added as item "K-5".

CONSENT AGENDA

Commissioner Kumor made the motion to approve the consent agenda. All voted in favor and the motion carried.

Consent Agenda included:

**Review of Minutes: October 12 and 13, 1993.**

**Surplus Vehicles**

A list of surplus vehicles was presented as compiled by Les Capps, Maintenance Services Supervisor. Mr. Capps had requested that these vehicles be sold as a means of disposing of them. In order to proceed with the sale of these vehicles, the Board must declare them surplus and establish a sale procedure. Over the years we

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have used various methods of disposing of vehicles. Staff recommended that the Board designate the sealed bid process in order to sell these vehicles rather than public auction.

**INFORMAL PUBLIC COMMENTS**

No one had signed up to speak.

Chairman Good announced that Sue McKay, wife of Daniel McKay and niece of Commissioner William McKay, was recently named the "Outstanding Farm Woman of the Year in the State of North Carolina" at the State Fair in Raleigh. The Board offered their Congratulations.

**APPOINTMENT OF REGISTRAR OF DEEDS**

A letter was presented from Kathleen W. Carland, Chairman of the Henderson County Democratic Party. The Executive Committee of the Democratic Party met Tuesday, October 5 and elected Patricia Miller as their recommendation for Registrar of Deeds. Their request was for the Board of Commissioners to confirm Patricia Miller in that position.

Commissioner McKay made the motion to confirm the recommendation of the Democratic Party and appoint Patricia Miller to the position of Registrar of Deeds of Henderson County to fill the unexpired term of Ruby Maxwell. All voted in favor and the motion carried.

Former Registrar of Deeds Mrs. Ruby Maxwell, recently passed away while in office.

Clerk of Court, Tommy Thompson, administered the Oath of Office to Patricia Miller and she was congratulated by the Commissioners.

**EQUIPMENT - Materials Recovery Facility**

Chairman Good reminded the Board that Henderson County has agreed to purchase the processing equipment necessary for the operation of the Materials Recovery Facility as stated in our contract with GDS. Bid packages were mailed on GDS's specifications to six vendors. Bid opening was held on October 11, 1993. A total of five bids were received for this equipment. One of the bids did not include the required bid bond; therefore, it could not be considered during the bid opening. The four remaining bids were considered. Following the bid opening, Eldon Owen, Solid Waste Director, reviewed the bids and made the following recommendations:

	<u>EQUIPMENT</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1.	Baler	Tri-State Equipment	\$142,850
2.	Conveyor	Tri-State Equipment	45,400

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1.	Baler	Tri-State Equipment	\$142,850
2.	Conveyor	Tri-State Equipment	45,400
3.	Weighing Equipment	UniBridge Scale Systems	36,514

TOTAL AMOUNT OF BIDS: \$224,764

David Thompson concurred with Mr. Owen's recommendation that the Board approve the bids listed above. If the Board approves the purchase, the equipment will be obtained by a lease-purchase agreement, which will be presented to the Board at a future meeting. To avoid delaying the project, he recommended that the equipment be purchased in the near future and that discussion of the financing arrangements be held during a future County Commissioners' Meeting.

Commissioner Edney made the motion to approve the bids as presented. All voted in favor and the motion carried.

#### AMENDMENTS TO SOLID WASTE ORDINANCE

Solid Waste Planner Nippy Page informed the Board of three proposed amendments to the Solid Waste Ordinance and requested the Board's approval:

1. Cardboard Ban - Because the Materials Recovery Facility will be operational by the end of the year and because of the strong local market for cardboard, the Solid Waste Director, Solid Waste Planner, and the Solid Waste Advisory Committee recommended that the Board approve the Corrugated Cardboard Ban. If adopted, this amendment would be advertised in the paper and communicated to all area municipalities and solid waste haulers.

a) All uncontaminated corrugated cardboard would be prohibited from being buried in the Henderson County Landfill.

b) All waste generators (commercial, industrial, residential) in Henderson County would be required to separate corrugated cardboard from their solid waste at the source.

The Solid Waste Planner will advise all cardboard producers of this change in landfill policy and will work with business and industry to assist them in planning for the cardboard ban. There are ample commercial haulers in the county to provide containers and immediate service for cardboard pick up.

The Corrugated Cardboard Ban would become effective March 1994.

2. Cancellation of Tire Disposal Fee - Pursuant to House Bill 83, "The Unit of local government or contracting party may not charge a disposal fee for the disposal of scrap tires ...." effective Jan. 1, 1994. The Solid Waste Planner would like to recommend to the Board to amend the Solid Waste Ordinance to **cancel the tire disposal fee effective immediately.**

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3. Antifreeze and Aluminum Can Ban - Pursuant to Senate Bill 59, antifreeze (effective July 1, 1993) and aluminum cans (effective July 1, 1994) may not be disposed of in North Carolina landfills. The Solid Waste Planner recommended to the Board to amend the Solid Waste Ordinance to add aluminum cans and antifreeze to the list of prohibited materials. The aluminum can ban should become effective immediately as there is a container in place at the Landfill Recycling Center for the collection of used antifreeze for the homeowner.

There was much discussion. Commissioner Kumor made the motion to hold a Public Hearing regarding the corrugated cardboard ban amendment. A vote was taken and the motion carried three to two with the two opposing votes being Commissioners McKay and Good.

A Public Hearing was set for November 1, 1993.

After considerable discussion, Commissioner McKay made the motion to pull the tire disposal fee from the Public Hearing and effective immediately (9:45 a.m. on 10/20/93) eliminate the tire disposal fee. A vote was taken and the motion carried unanimously.

#### STATE BOND REFERENDUM

David Thompson informed the Board of a draft Resolution which came from the North Carolina Association of County Commissioners (NCACC) for the Board's adoption.

The Resolution is in support of Proposed State Bonds for Clean Water, Community Colleges, Universities and State Parks. These state bonds will be coming before the voters in a referendum on November 2, 1993. This bond is important to Henderson County because it may provide funds for sewer improvements and the Allied Health building at Blue Ridge Community College. The information states that there will not be an increase in state or local taxes if this issuance is approved. The General Assembly believes the annual payments on these bonds will be handled within the existing revenues of the State. They are requesting blanket endorsement of the entire package.

Commissioner Edney requested that a wording change be made in the last paragraph. He requested that "supports the upcoming State Bond Referendum to be held on November 2nd, 1993 and" be deleted.

Commissioner Kumor made the motion to approve the Resolution as amended by Commissioner Edney. All voted in favor and the motion carried.

The amended Resolution is attached to these minutes. The amended Resolution shows our Board's hesitancy to adopt the Resolution as

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is but urges everyone to learn about the issues and get out and vote.

#### PARDEE EXCHANGE OF PROPERTY

On August 3, 1993 the Margaret R. Pardee Memorial hospital entered into an agreement with Coselpye, a partnership, for the purchase and exchange of certain real property. The purpose of the real estate transaction was to allow Pardee to acquire real property needed for an expansion of their facility. As all property involved in the transaction is owned by Henderson County, the Hospital Board of Trustees requested that the Board transfer property owned by the County in accordance with the terms of the agreement.

At the October 4, 1993 meeting, the Board indicated by unanimous vote that it be the intent of the Board of Commissioners to approve the real estate transaction by Resolution at the October 20, 1993 meeting. A Notice of Intent to approve the transaction was published in the Henderson County Times News on October 10, 1993 as required by N.C.G.S. 160A-271.

Commissioner Kumor stated that she tried to be very clear to the people on the Hospital Board of Trustees that when they get into these type of complex dealings to remember that the Board of Commissioners has some statutory obligations as to dealing with real estate. This Board would wish to be kept more closely informed of the Board of Trustees' activities so that we can act in a timely manner and work more closely with the Board of Trustees instead of being surprised.

David Thompson stated that he has requested Angela Skerrett to set up a meeting between the Hospital's Attorney and Frank Aaron, David Thompson and herself to sit down and review the current relationship between the Hospital and the Board of Commissioners and to get some clarification of roles.

Don Elkins stated that it might be appropriate to look at the legal relationship between the Hospital and the Board of Commissioners.

David Thompson reminded the Board that the 1951 Resolution which established the Hospital has not be revised since then. David Thompson reviewed the powers given to the Board of Trustees in that Resolution by the Board of Commissioners.

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

#### HEALTH DEPARTMENT POSITIONS

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Chairman Good informed the Board of a request from Tom Johnson, Director of the Henderson County Health Department, concerning his request to approve a part-time Public Health Nurse (PHN) I position and a full-time PHN II position. The part-time PHN I would be responsible for AIDS testing and counseling, which Henderson County is now required to provide to all prenatal patients. The PHN II position would have the responsibility of working with families with high-risk pregnancies and young children. Mr. Johnson indicated that both of the positions would be funded through Medicaid receipts with no local funding requested or needed in the future.

David Thompson recommended the approval of the positions with the stipulation that no county funds will be needed currently or in the future to support the positions.

Commissioner Edney made the motion to approve the request as presented. All voted in favor and the motion carried.

**ANIMAL CONTROL ORDINANCE**

Angela Skerrett presented a draft Animal Control Ordinance for Henderson County. The draft was the result of the combined efforts of Health Director Tom Johnson, Environmental Health Director Robert Smith, Chief Animal Control Officer Brenda Miller and Staff Attorney Angela Skerrett. The draft has been sent to various animal interests groups in the County as well as individuals requesting it, for comment.

The draft Ordinance is based on the Wilson County Animal Control Ordinance. It differs from the County's current Animal Control Ordinance in several ways:

1. It contains provisions concerning cruelty to animals.
2. Certain provisions apply to all animals, not just dogs and cats, e.g. the cruelty provisions.
3. There is a "dangerous dogs" section to reflect the change in State Law on this topic.
4. It does not regulate "barking dogs." Representatives from the Health Department felt that this should be regulated by a noise control ordinance.

The draft Ordinance does not contain a "leash law". This would be an option for the Board of Commissioners to consider; however, the representatives from the Health Department did not think that this was necessary for Henderson County at the present time.

The draft was presented to the Board for information purposes only. Staff did not wish to enter into an in depth discussion of the Ordinance due to the number of issues to be discussed. Tom Johnson

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requested that the Board schedule a work session to discuss the draft presented and its related issues.

There was much discussion. It was David Thompson's suggestion to wait until the November 1 meeting to set the work session.

#### **RESOLUTIONS OF TRAVEL & TOURISM BUILDING**

Angela Skerrett passed around two Resolutions which the Board must adopt for the purchase of the Travel and Tourism Building known as the old Wachovia Building located on Main Street in Hendersonville. The first Resolution approves the project generally and directs staff to solicit requests for proposals (RFP's) for the financing of the building purchase. This Resolution will need to be adopted at this meeting. The second Resolution is in draft form and will relate to the contract which the County will enter with a bank for the financing of the building purchase. This Resolution will not have to be adopted until after the County has conducted a public hearing on the financing.

After much discussion, Commissioner Kumor made the motion to approve the "RESOLUTION AUTHORIZING THE USE OF INSTALLMENT FINANCING FOR THE PURCHASE OF A NEW FACILITY FOR THE HENDERSON COUNTY DEPARTMENT OF TRAVEL AND TOURISM AND DIRECTING STAFF TO REQUEST PROPOSALS FROM BANKS". All voted in favor and the motion carried.

#### **TRAVEL FOR SENIOR TAR HEEL LEGISLATURE**

David Nicholson informed the Board that during their last session, the General Assembly created a Senior Tar Heel Legislature. The Senior Tar Heel Legislature has the responsibility to advocate for the older adult population in North Carolina. Senate Bill 479 established a procedure to select these delegates through the Area Agency on Aging.

The Land-Of-Sky Regional Council's Area Agency on Aging consulted with the Henderson County Planning for Older Adults Committee concerning the appointment of our representatives. The Committee recommended Mr. Lloyd Steen and Mr. Clyde Groover. Mr. Steen is the Assistant State Director for AARP and Mr. Groover is active with the Council on Aging. The Area Agency on Aging requested that Henderson County pay the travel expenses for these delegates to attend the Senior Tar Heel Legislature.

After some discussion, Commissioner Kumor made the motion to offer the Council on Aging \$600 to offset participation in this project. There was more discussion. A vote was taken and the motion failed three to two with Commissioners Kumor and Good voting for the motion.

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### IMPORTANT DATES

The Board formally set the next watershed work session for November 17 at 1:00 p.m.

The Board formally set the Public Hearing for executing the option for the Industrial/Commercial Park for November 1 at 7:00 p.m. by motion duly made by Commissioner Edney and voted on by all.

David Thompson informed the Board of the scheduled Department Head Retreat on Wednesday, October 27 at Camp Falling Creek from 8:30 to 4:30.

### NOMINATIONS

1. Chairman Good reminded the Board of 2 vacancies for alternates on the **Motor Vehicle Valuation Review Board (MVVRB)**. Commissioner Kumor nominated Grady Hawkins, who has a background in working on and refurbishing old vehicles. Mr. Hawkins has shown an interest in serving on this Board. Commissioner Edney made the motion to suspend the rules and appoint Mr. Hawkins. All voted in favor and the motion carried.

2. Chairman Good reminded the Board of 4 vacancies on the **Hendersonville Zoning Board of Adjustment**. Commissioner Edney made the motion to removed Michael D. Case's name from nomination, leaving three nominations: Malcolm Morgan, Malcolm Allen, and Argie Taylor.

Commissioner Edney nominated Jack Frost to serve an additional term.

Commissioner McKay made the motion to suspend the rules and appoint Malcolm Morgan, Malcolm Allen, Argie Taylor, and Jack Frost to the Hendersonville Zoning Board of Adjustment. All voted in favor and the motion carried.

3. Chairman Good informed the Board of 1 vacancy on the **Henderson County Planning Board** as the result of Mr. Robert Then's resignation.

Commissioner Edney nominated Michael D. Case to fill the vacancy. Commissioner McKay made the motion to suspend the rules and appoint Mr. Michael D. Case. All voted in favor and the motion carried.

4. Chairman Good reminded the Board of 1 vacancy on the **Solid Waste Advisory Committee**. There were no nominations at this time so the item was rolled to the next meeting.

5. Chairman Good reminded the Board of 1 vacancy on the **Private Industry Council**. There were no nominations at this time. This is



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a Chamber of Commerce appointment. The Clerk was asked to solicit nominees from the Chamber of Commerce.

#### COUNTY MANAGER'S UPDATE

David Thompson informed the Board that if they wish he was prepared to update the Board at length on numerous projects:

- Courthouse Complex
- Third floor renovations
- Allen Street Building
- Industrial/Commercial Park
- Material Recovery Facility
- Transition Plan for the Landfill
- Methane Gas Remediation
- Etowah Branch Library

Chairman Good stated that he hopes all the Board members are up to date on each of these projects and have visited the sites.

A short recess was called.

#### CANE CREEK WATER & SEWER DISTRICT

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

Commissioner Edney made the motion to adjourn as the Cane Creek Water & Sewer District. All voted in favor and the motion carried.

#### MUD CREEK WATER & SEWER DISTRICT

Commissioner Edney made the motion to convene as the Mud Creek Water & Sewer District. All voted in favor and the motion carried.

Commissioner Edney made the motion to adjourn as the Mud Creek Water & Sewer District and reconvene as the 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:

1. To consult with the County Attorney to the extent that confidentiality is required.
2. To consider the selection of a site or the acquisition by any means or lease as lessee of interests in real property.

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All voted in favor and the motion carried.

**ACTION AFTER EXECUTIVE SESSION**

After discussion in Executive Session the following motions were made:

1. Commissioner McKay made the motion to reject the offer by Mr. Verlon Jones to purchase 1.2 acres within the **Appleland Business Park** and to communicate this to him via correspondence from the Chairman's office.

Commissioner Edney made the motion to amend Commissioner McKay's motion to notify Mr. Jones that the Board would entertain other offers on the entire 5.2 acre commercial tract.

Commissioner Edney's motion to amend was defeated by a vote of four to one.

Commissioner McKay's motion passed unanimously.

2. Commissioner Edney made the motion to approve the amount of \$35,000.00 for the purchase of a house and lot by the **Henderson County Board of Public Education** (located at 205 Ashmore Avenue in Hendersonville, N.C.) as per G.S. 115C-426(f).

A vote was taken and the motion carried unanimously.

3. Commissioner Randall made the motion to approve a **budget amendment** and authorize the transfer of \$450,000.00 from general fund balance to an economic fund for developing a **Commercial/Industrial Park**.

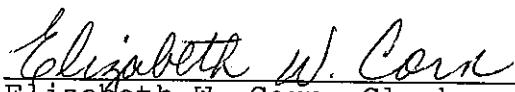
A vote was taken and the motion carried unanimously.

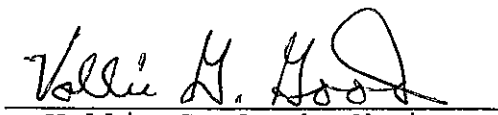
4. Commissioner McKay made the motion to approve an **engineering services contract** for development of a **Commercial/Industrial Park** with William G. Lapsley & Associates and to authorize the County Manager to execute this agreement.

A vote was taken and the motion carried unanimously.

There being no further business the meeting was adjourned.

ATTEST:

  
Elizabeth W. Corn, Clerk

  
Vollie G. Good, Chairman

**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 IN SUPPORT OF PROPOSED STATE BONDS FOR  
CLEAN WATER, COMMUNITY COLLEGES,  
UNIVERSITIES AND STATE PARKS**

**WHEREAS**, the citizens of North Carolina deserve the best possible opportunities for good jobs with good salaries to help them take care of themselves and their dependents; and

**WHEREAS**, there are many important elements to creating and retaining good jobs in North Carolina, including expanded water and sewer services, sound education and training programs for the workforce, and enhanced quality of life; and

**WHEREAS**, the General Assembly in its 1993 Regular Session ratified Senate Bill 14 (Chapter 542) which addresses many of these elements through State General Obligation Bonds (subject to a vote of the citizens) for the following purposes: \$145 million for water and sewer projects, \$250 million for community colleges, \$310 million for universities, and \$35 million for state parks; and

**WHEREAS**, the overall bond package comprises a sound package that will aid counties across the state in preparing their local workforce and boosting local economic development efforts; and

**WHEREAS**, the state clean water bonds could help Henderson County meet its critical sewer needs totalling \$44,856,750; and

**WHEREAS**, the community college bonds will specifically provide \$5,502,225 for the Allied Health Building at Blue Ridge Community College which serves the citizens of our county; and

**WHEREAS**, the State Bond Referendum is timely given the extremely low interest rates of General Obligation Bonds and the strong financial reputation of the State; and

**WHEREAS**, the North Carolina Association of County Commissioners has endorsed the entire State Bond Package, and expressed its especially strong support for bonds for local water and sewer projects and community college facilities.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners urges each citizen to learn more about the upcoming State Bond Referendum to be held on November 2, 1993, and also urges each citizen to use his or her right to vote to have a voice in the outcome of the **State Bond Referendum**.

Adopted this 20th day of October, 1993.



VOLLIE G. GOOD, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

**ATTEST:**

  
Elizabeth W. Corn, 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

DAVID F. THOMPSON  
COUNTY MANAGER

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

**RESOLUTION**

WHEREAS, the Margaret R. Pardee Memorial Hospital was established by the Henderson County Board of Commissioners by a Resolution adopted on June 4, 1951 pursuant to North Carolina General Statute § 131-126.1; and

WHEREAS, said June 4, 1951 Resolution stated in Paragraph 9 that "title to all property, real, personal or mixed, for hospital purposes shall at all times be vested in the County; and

WHEREAS, Margaret R. Pardee Memorial Hospital entered into an agreement dated August 3, 1993 with Coselpye, a partnership, for the purchase and exchange of certain real property, said real estate transaction being more particularly described as follows:

1. Purchase and sale. Subject to the terms of that Agreement dated August 3, 1993, the Physician agrees to sell and the Hospital agrees to purchase for the sum of \$645,000.00 all of the real property described as follows:

BEGINNING at an existing iron pin in the eastern margin of the right of way of Hawkins Street also being located at the northwestern margin of property of Romeo described in deed of record in Deed Book 354, at Page 573, and running thence with the eastern margin of Hawkins Street North 03 deg. 31 min. 11 sec. East 124.00 feet to a control corner; thence leaving the eastern margin of Hawkins Street and running South 85 deg. 26 min. 23 sec. East 240.99 feet to a point in the western margin of the right of way of Fleming Street; thence with the said western margin of the right of way of Fleming Street South 04 deg. 58 min. 37 sec. West 75.00 feet to a point; thence leaving the western margin of the right of way of Fleming Street and running North 85 deg. 35 min. 17 sec. West 70.11 feet to a point; thence North 83 deg. 38 min. 12 sec. West 65.92 feet to a drill hole in a walkway; thence South 04 deg. 33 min. 37 sec. West 50.01 feet to an existing iron pin; thence North 85 deg. 55 min. 29 sec. West 102.20 feet to the point and place of Beginning.

This real property shall be referred to as "The Purchased Property". The Purchased Property shall be sold free and clear of any liens or encumbrances.

2. Physician agrees to convey to Hospital all that certain piece and parcel of property having an acreage of .80 acres and a fair market value of approximately \$313,240.00, and described as follows:

BEGINNING at a point in the northern margin of the right of way of Sixth Avenue West, said point being the southwestern margin of that property of Turner described in deed of record in Deed Book 436, at Page 511, running thence with the northern margin of the right of way of Sixth Avenue West, South 80 deg. 15 min. 36 sec. West 72.06 feet to an existing iron pin; thence North 02 deg. 15 min. 50 sec. East (passing an existing iron pin) 305.00 feet to a point; thence South 86 deg. 02 min. 12 sec. East 132.38 feet to a point in the western margin of the right of way of Hawkins Street; thence with the western margin of the right of way of Hawkins Street South 00 deg. 56 min. 34 sec. West 75 feet to a point; thence leaving the western margin of the right of way of Hawkins Street, South 84 deg. 33 min. 10 sec. West 61.50 feet to a point; thence South 03 deg. 00 min. 10 sec. West 202.87 feet to the point and place of Beginning, and containing .60 acres, more or less.

Such premises are to be conveyed free and clear of any liens or encumbrances.

3. The Hospital agrees to sell and convey to the Physicians all that certain real property having an acreage of 0.82 acres and a fair market value of approximately \$321,069.00, and described as follows:

BEGINNING at an existing iron pin in the northern margin of the right of way of Sixth Avenue (U.S. Highway 64), said existing iron pin being located at the southeastern corner of that property of Margaret R. Pardee Memorial Hospital described in deed of record in Deed Book 466, at Page 435, in the Office of the Register of Deeds for Henderson County, North Carolina; and running thence from said beginning point South 88 deg. 29 min. 21 sec. West 117.04 feet to a point; thence North 4 deg. 50 min. 51 sec. East 156.36 feet to a point; thence South 88 deg. 26 min. 15 sec. East 116.51 feet to a point; thence North 4 deg. 50 min. 51 sec. East 6.28 (?) feet to a point; thence North 87 deg. 28 min. 04 sec. East 110 feet to an iron pin set; thence South 4 deg. 50 min. 51 sec. West 156.35 feet to a point in the northern margin of the right of way of Sixth Avenue (U.S. Highway 64); thence with the northern margin of Sixth Avenue (U.S. Highway 64) South 87 deg. 28 min. 04 sec. West 110 feet to an existing iron pin, being the point and place of Beginning and containing .799 feet, more or less.

Such premises are to be conveyed free and clear of any liens or encumbrances of record.

4. The property described in Paragraphs 2 and 3 hereinabove shall be referred to as "The Swapped Property". All of the real property described in paragraphs 1, 2, and 3 above to be sold and/or exchanged by and between these parties shall be referred to as "The Real Property"; and

WHEREAS, the Board of Trustees of the Margaret R. Pardee Memorial Hospital have requested that Henderson County approve the above-described transaction and transfer title to that real property owned by Henderson County in accordance with its terms; and

WHEREAS, North Carolina General Statute § 160A-271 authorizes a County to enter into private negotiations concerning the exchange real property provided the procedures as contained therein are followed; and

WHEREAS, at their October 4, 1993 regular meeting, the Board of Commissioners approved unanimously a motion that it be the intent of the Board of Commissions to approve by Resolution at their October 20, 1993 regular meeting the above-described real estate transaction, a draft of said motion attached as Exhibit B; and

WHEREAS, a Notice of Intent to approve by Resolution the purchase and exchange said real property was published in the Henderson Times News on Sunday, October 10, 1993 as required by G.S. § 160A-271, a copy of which is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the above-described real estate transaction involving the purchase and exchange of real property for the benefit of Pardee Hospital is approved. The Chairman of the Board is authorized and directed to execute general warranty deeds for the above-described real property which will be transferred to Coselpye, a partnership, in the above-described exchange.

Adopted the 20<sup>th</sup> day of October, 1993.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Vollie G. Good  
Vollie G. Good, Chairman

Attest:

Elizabeth W. Corn  
Elizabeth Corn, Clerk to the Board