

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
JULY 14, 2009**

The Henderson County Board of Commissioners met for a special called meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Henderson County Historic Courthouse.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Mark Williams, Commissioner Chuck McGrady, County Manager Steve Wyatt, Planning Director Anthony Starr, Research/Budget Analysis Amy Brantley, Engineer Marcus Jones, Planner Hope Bleecker, PIO Intern Christy DeStefano and Clerk to the Board Teresa L. Wilson.

Also present were members of NCDOT (North Carolina Department of Transportation) who are named later.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance, stating that the purpose of the meeting was a Public Hearing with NCDOT regarding the secondary road program for Henderson County. He recognized Conrad Burrell, NCDOT Division Representative.

SECONDARY ROAD PROGRAM FOR HENDERSON COUNTY

Conrad Burrell, Division Head Representative, stated that they were here to share the proposed spending plan for secondary road funding for Henderson County for fiscal year ending 6/30/2010. A hand-out is attached as a part of these minutes which includes paving of unpaved roads and improvements to paved secondary roads. The NCDOT has experienced significant declines in revenues for the services it provides. Last year the decline in revenues was \$250 million for their department. Many adjustments have been made to NCDOT operations including employee layoffs and project delays. The revenue projections for NCDOT and especially secondary roads are still not finalized for FY2010. The department has a spending plan of \$606,244.00 of secondary road funds in Henderson County this fiscal year. The proposed plan is based on NCDOT's cash availability for this year.

Mr. Burrell introduced some of the NCDOT representatives who were present:

Joel Setzer, Division Engineer
Brian Burch, Division Maintenance Engineer
Mark Gibbs, District Engineer
Steve Cannon, County Maintenance Engineer.

Mr. Burrell then recognized Division Engineer Joel Setzer.

Joel Setzer stated that normally each spring the NCDOT shares the new fiscal year secondary road fund allocations and also presents a plan for new projects during the joint public hearing. This year is different because of limits in revenue collections which have been short and are projected to continue being short for the next fiscal year. Due to the shortages NCDOT has experienced a continued downfall in a reduced forecast for revenue collections. Their plan this year is to scale back with no new allocations or projects at this time; focusing instead on the backlog of prior year monies they could not spend due to cash shortfalls. He recognized Tim Smith and Jabo Pressley, members of the road maintenance crew, who were present.

DATE APPROVED:

Mark Gibbs came forward and reviewed the hand-out which included projects that have been approved in prior years and will be completed with prior year allocations. A copy of the handout is hereby attached and incorporated as a part of the minutes. He explained that SR1819 and SR 1452 are projects presented to the Board of Commissioners in previous years and approved, however NCDOT was not able to obtain right-of-way. Right-of-way has now been secured and funds have been set aside (house bill 750 funds) to build both roads.

Chairman Moyer questioned the funding for Cummings Road stating that the estimate of cost is 250,000 with only 50,000 being spent in 2009-10.

Mr. Gibbs responded that the funds from next year (beyond 6/30/2010) would probably be used to complete this project.

Commissioner McGrady received inquiries from a resident of Saluda in regards to Pace Mountain Road. According to the resident Pace Mountain Road was up to be paved at some point in time.

Mr. Gibbs responded that any gravel road left in Henderson County is on the right-of-way refusal list; property owners on the road refuse to sign the right-of-way. NCDOT is currently working the road again to retain right-of-way.

Chairman Moyer inquired about citizens on private roads that want to turn them over to the state and requested the explanation of process.

Mr. Setzer explained that a petition begins the process. The petition is sent to the County to decide if it should be approved. It then returns to NCDOT for requirements to see if it meets their standards. If it is a subdivision road that was developed after September 30, 1975 the requirements are more stringent. There must be a right-of-way dedicated to the public, at least a two (2) lane road and meet a housing density requirement. Most of the road addition requests NCDOT receives are for subdivision roads developed after 1975 which by law must be ready to go as state roads by either the property owner or developer and NCDOT assumes them for maintenance. NCDOT does not participate in the improvements which include paving. Roads that are developed prior to 1975 allow NCDOT to participate at a minimal amount of the cost of bringing the roads up to standards. The financing on roads established after 1975 to bring the road up to standards must be borne by the property owners or developer. Recorded plats or property records are used to determine whether it pre or post 1975.

Commissioner Messer questioned if the Powell Bill funds are expected to be cut.

Mr. Setzer responded that he heard that the Powell Bills funds will be reduced. These funds are used based on population and mileage certified eligible within that jurisdiction.

Citizens have inquired to Commissioner Young in regards to the Hwy. 25 connector and wanted to know if Kay Road and Tabor Road and other small roads leading into Hwy. 25 currently would have a limited access.

Mr. Setzer replied that the Hwy. 25 connector would be a full access controlled freeway connecting I-26, as is the stretch of Hwy. 25 below this project. Folks can see a copy of NCDOT's plans through the Mills River construction office by calling 891-5367.

Mr. Setzer responded to Commissioner Messer that the Howard Gap Road project is going to contract March 2010 which is a delayed schedule as a result of the financial situation. He feels this will be a three (3) year project. In response to Commissioner Williams in regards to Upward Road Mr. Setzer stated that the design had not substantially changed in the last couple of years. There have been modifications to accommodate u-turn traffic. This will be a four-lane boulevard design with a median and access control measures. NCDOT bought the right-of-way for the design which takes a project of this magnitude about three (3) years of designing and two (2) years of right-of-way acquisition.

Chairman Moyer stated that one issue which confused him was the interplay between stimulus money and secondary roads in the NCDOT TIP. He requested clarification.

Mr. Setzer explained that stimulus money is a separate pot given to the States from the Federal Highway Administration which actually is several pots within its self. Part of it was for highways and bridges and part was for transit. The rules of the stimulus dollars have basically been the same for all Federal dollars with some extra strings about making sure all of it is spent through contracting and making sure that projects were up within six (6) months and pay outs done within a two (2) year period. Secondary road funds are strictly State dollars with no federal funding. The Federal Government does not participate in the local road system; they participate in the national highway system and some of the major state routes. The same strings were attached to the stimulus dollars with exceptions; bridges on secondary roads and safety issues (documented crash rate) on secondary roads. The state provided \$735 million in stimulus dollars in highways and bridges for the state based on the equity formula. The 14th division (10 counties) received approximately \$30 million which has been applied to several projects throughout the region. Most of the funds are been utilized looking at infrastructure, improvements, health infrastructure, repaving roads on higher end highways (Highway 176 & 10 miles of I-26 in Polk County). These two projects ran about \$13.5 million.

Chairman Moyer questioned the repaving of I-26 in Polk County ,which was not in as bad of shape as I-26 in Henderson County, and repaving on Spartanburg Highway instead of parts of I-26 in Henderson County that desperately need repaving.

Mr. Setzer responded that I-26 in Henderson County has been addressed and is under contract. A three (3) mile stretch was done by getting a Garvey grant (a loan against future federal allocations a couple of years prior). The portion around Upward Road and down near Saluda was repaved approximately three (3) years ago. The concrete stretch is currently in a major rehab in order to try to keep it pieced together until planning work is complete and financing is available to add a lane to I-26. NCDOT hopes to get a life of 10-12 years on the concrete stretch.

Chairman Moyer noted that the concrete stretch is a problem.

Mr. Setzer stated that the concrete stretch is a challenge, the projects goes three (3) miles into Buncombe County and the total price on the project was in the range of \$19 million. The cost to go in and fully crack it up and repave it with asphalt will run about 2.5 times that. Given that there is a project on the horizon to rehab that stretch of road and go to three (3) lanes per directions, they feel they can hopefully get the life out of the concrete work. Responding to Commissioner Williams Mr. Setzer stated that there was no official schedule on this project. It is listed as post year on the transportation improvement program but it is going to be at least ten (10) years.

County Manager Steve Wyatt clarified that the State of North Carolina has received \$735 million in stimulus for the highway and bridge portion of projects. If the money is not used in two (2) years it will

go back to the Federal Government. There are ten (10) counties in the district and we are receiving an allocation of \$30 million of the funding; therefore we are receiving 4% of the stimulus funding.

Mr. Setzer stated that the funds are distributed based off a formula for distribution of most of the funding pots. Since 1989 each region has received approximately 25% based off an equal share and this factor favors rural areas. Fifty (50%) percent is based on population and twenty-five (25%) is based off of the state intrastate miles to complete. This does not favor our region as the only incomplete intrastate highway in our area is in Cherokee and Graham Counties.

Chairman Moyer opened the floor to input and questions from the public.

Public Input & Questions

1. David Baker – Mr. Baker lives in Hawthorn Hills. He stated that there is only one road in the subdivision that does not have the State Road designation. It became eligible for state maintenance two years ago when the appropriate number of residents qualifications was met. The necessary petition was submitted eighteen (18) months ago and they have been following that petition since. In January 2009 the Board of Commissioners did approve going forward with this petition. The street is Wickham Way. Mr. Baker questioned if this street was still being actively considered for state maintenance and not delayed due to the financial situation. He also stated that several weeks earlier an article was in the Times News that there would be seventeen (17) secondary roads repaved in the County. The article did not identify the roads. One major road leading into the subdivision, Heathcote Road – SR 2271, which was understood to be on the list but he requested confirmation. (Response) Steve Cannon responded that Heathcote is on contract, which has been awarded, and there is a reconstruction meeting next week. There is an application for Wickham Way but he did not know the status. He would follow-up with Mr. Baker.
2. Leonard Reese – Mr. Reese lives on Laurel Mtn. View Road in Flat Rock. This is off of Deep Gap Road. He has contacted the state several times in reference to maintenance on the road which is not maintained by anyone and is beyond repair. Emergency personnel cannot get in the road and school children stand in mud waiting on the school bus. The road has been there since the 1950's. He requested that someone come out to see what can be done. (Response) Mark Gibbs responded that 1/10 of a mile of Laurel Mtn. View Road off of Deep Gap Road is maintained. The remaining portion is considered a private road. They have been petitioned several times to try to take the road over but the issue is folks that will not sign a right-of-way. NCDOT can contribute to the cost of taking a road over if the road existed prior to 1975 but not without right-of-way.
3. Barbara Jeter – Ms. Jeter lives on Trenholm Road in Flat Rock. This road runs between Little River Road and Rutledge Drive. A portion of the road is paved but she lives on the portion that has not been paved. Trenholm Road is on the right-of-way refusal list. The opposing neighbor that refused right-of-way no longer resides there. She volunteered along with her husband (a former DOT Engineer) to help in secure the right-of-way if NCDOT would be willing to put the road on a future paving list. (Response) Mark Gibbs responded that they would love to pave the road and would be willing to accept any assistance with right-of-way. Mr. Gibbs and Mr. Cannon will meet with her to provide information. The State does have a condemnation process, if the other property owners are willing to put up the money with only one to two right-of-way refusals that is a possibility.
4. Larry Rogers – Mr. Rogers represents about seventy (70) businesses in town and with the Partners for Economic Progress. He stated that there are property owners on Upward Road that have been requesting a five (5) lane road. They were initially told that NCDOT did not design five (5) lane roads. Long Shoals Road in Buncombe County, however turned into a five (5) lane highway.

July 13, 2009

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Turning left on Upward Road around I-26 is going to be very difficult. Turning around would just about be impossible.

Being no further business to come before the Board, Commissioner Young made the motion to adjourn the meeting at 10:55a.m.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman