

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, AUGUST 17, 2016**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Charlie Messer, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Management Assistant Megan Powell, Library Director Trina Rushing, Facility Services Manager Jerry Tucker, Central Services and Construction Manager David Berry, Registrar of Deeds Lee King, Senior Planner Autumn Radcliff, EMS Director Mike Barnett, Director of Business and County Development John Mitchell, Engineer Marcus Jones, DSS Director Jerrie McFalls, Emergency Management/Rescue Coordinator Jimmie Brissie, Assessor/Tax Collector Darlene Burgess, HR Director Jan Prichard, Soil & Water Conservation District Director Jonathan Wallin, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, Environmental Programs Coordinator Rachel Kipar and PIO Kathy Finotti –videotaping, Deputy Ken McCraw as security.

CALL TO ORDER/WELCOME

Chairman Thompson called the meeting to order, welcomed all in attendance.

INVOCATION

The invocation was provided by Steven Blanton of Ebenezer Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Hawkins.

RESOLUTION

In Recognition and Appreciation of Distinguished Service by Senator Thomas Michael “Tom” Apodaca

Chairman Thompson stated the Henderson County Board of Commissioners is requested to adopt a Resolution in Recognition and Appreciation of Distinguished Service by Senator Tom Apodaca. He has served the citizens of Henderson County for fourteen years as their chosen elected official.

Commissioner Lapsley read the resolution aloud and the Board presented Mr. Apodaca with the Resolution.

Mr. Apodaca thanked the Board and stated he loved to see Government at work and it was an honor to serve.

Commissioner Lapsley made the motion that the Board adopt a Resolution in Recognition and Appreciation of Distinguished Service by Senator Tom Apodaca. All voted in favor and the motion carried.

INFORMAL COMMENTS

1. Thomas Hill feels another option is available for Hendersonville High School. He asked the Board to make a united approval, look at a set cost, and build Edneyville a school also. He recommends a committee to look at cost, maximum use, space needs, and solar panels.
2. Bart Sarvaggio is in favor of the O’Cain proposal to save money. He asked the Board to save history and preserve the Stillwell building.
3. David Rhode thanked the Board for the opportunity to attend the recent NCACC Conference as the youth delegate. He is not happy with the County’s plan for Hendersonville High School, and would like the Board

DATE APPROVED: September 6, 2016

to consider O’Cain’s plan. A lot of money is at stake. The proposed plan is cheaper and satisfies the community.

Discussion/Adjustment of Consent Agenda

Commissioner Hawkins made the motion to approve Consent Agenda with the addition of the Tryon Difficile Ultra Cross cycling event. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

August 1, 2016 - Regularly Scheduled Meeting

Tax Collector’s Report

Collections Specialist Luke Small had presented the Tax Collector’s Report to the Commissioners dated August 3, 2016 for information only. No action was required.

Smoky Mountain Center – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended June 30, 2016

N.C.G.S. 122C-117(c) requires ‘the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for the Smoky Mountain Center was received by the County Finance Officer on August 1, 2016.

Motion:

I move that the Board of Commissioners approves the Smoky Mountain Center Fiscal Monitoring Report for the quarter ended June 30, 2016.

Law Enforcement Officer Service Badge and Sidearm Policy

On July 20, 1994 the Board of Commissioners adopted an initial Sidearm Policy. At the March 4, 2013 meeting, revisions were subsequently adopted by the Board. The Sheriff has requested the Board approve the Law Enforcement Officer Service Badge and Sidearm Policy as presented, which contains a revision to the section pertaining to the purchase price for the sidearm.

Sidearm: The purchase price will be the fair market value of the sidearm. After achieving 10 years of service with Henderson County, the sidearm will be offered at no cost to the officer or surviving spouse upon request.

The Board is requested to approve the Law Enforcement Officer Service Badge and Sidearm Policy as presented.

Motion:

I move the Board approves the Law Enforcement Officer Service Badge and Sidearm Policy as presented.

WLAE, LLC, request for Release or Refund of Taxes Claimed or Paid

WLAE, LLC, seeks a release or refund of taxes paid for certain property described in its application.

NOTE: Staff recommends that the request for release or refund of taxes made by WLAE, LLC.be DENIED, and this Request is prepared based on that recommendation.

Motion:

I move that the Board denies the request of WLAE, LLC for release or refund of taxes claimed or paid.

Surplus and Donation of Patrol Vehicle

Staff requests the Board's consideration of a resolution declaring a Patrol Vehicle no longer used by the Henderson County Sheriff's Department as surplus property and donation of the Patrol Vehicle to Asheville-Buncombe Technical Community College (AB-Tech) as allowed by N.C.G.S. 160A-280 to be used for vehicle pursuit intervention training.

1999 Ford Crown Victoria/VIN # 2FAFP73W9XX141200/mileage 61,388/Asset # 10969/HC# SH -105

Motion:

I move that the Board approves the resolution declaring the Patrol Vehicle presented as surplus and authorizes the donation to AB-Tech as allowed by N.C.G.S. 160A-280.

Set Public Hearing for Rezoning Application #R-2016-01, Russell Galloway

Rezoning Application #R-2016-01, which was previously presented to the Board of Commissioners on June 6, 2016 requests the County rezone approximately 67.34 acres of land (hereafter the "Subject Area") from an Industrial (I) zoning district to a Residential One (R1) zoning district. The subject area is located between McMurray Road and Ballenger Road near the intersection of Upward Road and Interstate 26.

The Henderson County Planning Board will review the rezoning request at its August 18th, 2016 meeting.

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Planning Staff recommends that the Board of Commissioners schedule the public hearing for Monday, October 3, 2016 at 5:30 P.M.

Motion:

I move that the Board schedules a public hearing for rezoning application #R-2016-01 for Monday, October 3, 2016 at 5:30 P.M.

Beaver Management Assistance Program

Henderson County has participated in the Beaver Management Assistance Program in previous years. This program is a cost share program, and is managed through the North Carolina Wildlife Resources Commission. Citizens who elect to participate in the program are able to take advantage of a much lower cost for dealing with beaver management. Henderson County's share of the program is \$4,000. The program year begins October 1, 2016 and runs through September 30, 2017.

Motion:

I move the Planning Department Staff sign the Beaver Management Assistance form, electing to participate in the program for the 2016-2017 year.

Walk of Fame Steering Committee - Revised Charter

At the February 2, 2015 Board of Commissioners Meeting, Tom Orr presented for the Board's consideration, the concept for a "Walk of Fame" Committee. The purpose of the Committee would be to determine a means by which to recognize outstanding contributors to the growth and development of Henderson County. The Charter was originally approved on April 15, 2015, and revised on June 24, 2015, and June 6, 2016.

The Walk of Fame has requested the Board consider revising the Charter, with the proposed changes reflected in red on the attached draft. Primarily, the proposed revisions establish the selection committee and the make-up of such. Additionally the revision re-establishes the City's 3rd member, and makes the Public Works Director or their designee, a non-voting ex-officio member. Staff supports this recommendation, as has the City of Hendersonville.

The Board is requested to review the revised Charter and By-Laws, and approve the revisions as presented.

Motion:

I move the Board approves the revised Charter and By-Laws for the Walk of Fame Steering Committee as presented.

Postpone Public Hearing

The Board is requested to confirm the postponement of the public hearing regarding the proposed amendments to the Henderson County Solid Waste Ordinance until 9:00 a.m. on 21 September, 2016.

Motion:

I move that the Board postpones the public hearing on the proposed revisions to the Solid Waste Ordinance until 9:00 a.m. on 21 September, 2016, and further direct staff to advertise the same.

Request for Authorization Letter – Tryon Difficile Ultra Cross cycling event – Add on

Brian Hill contacted the county regarding the Tryon Difficile Ultra Cross cycling event, and the need for a letter of approval/no objection. The event is on October 15th and he is looking to submit an authorization letter to NCDOT as soon as possible. Mr. Hill has already contacted the Sheriff's office and will get everything coordinated the same as last year to ensure both rider and motorist safety. The event will primarily be in very rural areas. More information can be found on their interactive link at <https://ridewithgps.com/routes/9638911>, or at www.startsmartcycling.com.

Motion:

I move that the Board authorizes the Chairman to send a letter that Henderson County has no objection to the event.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Commissioner Messer made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.

NOMINATIONS

Notification of Vacancies

1. Hospital Corporation Board of Directors/UNCH – 1 vac.

Nominations

1. Equalization and Review, Henderson County Board of – 2 vac.

There were no nominations at this time and this item was rolled to the next meeting.

2. Fire and Rescue Advisory Committee – 1 vac.

Commissioner Messer nominated Michael Miller for position #7. *Chairman Thompson made the motion to accept the appointment of Michael Miller to position #7 by acclamation. All voted in favor and the motion carried.*

3. Home and Community Care Block Grant Advisory Committee - 1 vac. #2 Older Adult

There were no nominations at this time and this item was rolled to the next meeting.

4. Juvenile Crime Prevention Council – 5 vac.

Commissioner Edney nominated Michael Bender for position #4. *Chairman Thompson made the motion to accept the appointment of Michael Bender to position #4 by acclamation. All voted in favor and the motion carried.*

5. Library Board of Trustees – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

6. Nursing/Adult Care Home Community Advisory Committee – 4 vac.

There were no nominations at this time and this item was rolled to the next meeting.

7. Senior Volunteer Services Advisory Council – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

HENDERSONVILLE HIGH SCHOOL

Chairman Thompson noted that the agenda had changed because a couple of the discussion items had fallen through and the Board was left with a 15 minute agenda. Hendersonville High School was added and Carey O’Cain contacted to be on the agenda.

Bill Orr, President of the Hendersonville High School (HHS) Alumni Association, stated in fall of 2015, the Alumni Association became aware that the Commissioners were studying five proposals for HHS created by your Architect of Record. Subsequently the Alumni Association and the Board of Education selected one of the five options, different from the choice of the Board of Commissioners. Upon reflection, they have determined that both were very flawed and expensive. At this point the Alumni Association literally went back to the drawing board to develop a plan which will provide for the safety of the students, an improved educational environment, and millions of dollars of savings for all Henderson County taxpayers.

Carey O’Cain stated we have been talking a while about our proposal and he feels like it is important for everyone to understand exactly what the proposal is. This proposal is \$30 million below Clark Nexson’s equivalent budget. It totally utilizes the historic Stillwell building for classrooms. It allows for expansion to a core of 1150 students potentially. It can be achieved without any modular classrooms. It has two gymnasiums, a 1400 student capacity, and a practice gym. It has an existing auditorium to accommodate over 900 seats. It utilizes the Boyd property to create a safe environment.

The project elements include as conceptual estimates projects adding up to \$46,000,000. Adjacent to the Boyd property, they would remove 9th Avenue and demolition could start spring of 2017. Two gymnasiums would be built on the north end of the Boyd lot along with a vocational building and cafeteria. Immediately after these projects are finished (June 2018) demolition of the old gymnasiums, cafeteria, and vocational buildings would be completed. By August 2018 the area would be cleared for construction.

Mr. O’Cain stated a matching image of the 65,000 sq. ft. of the Stillwell building was drawn. The design does not have to be the same. It will be a three story classroom building and could accommodate the same 750-800 students that are in the existing Stillwell building. The building will begin August 2018, and be completed August 2019. Mr. O’Cain feels twelve months is a very doable schedule for a three-story building. He has seen eight-story buildings built in eight months, but there are sacrifices.

There are currently 800 students in the Stillwell building...yet the sophomore class coming up is 250 students. The Stillwell building has an auditorium and the other building will not. You save that space in order to increase the classroom sizes by 25%, which is part of the design criteria. Then total renovations of the Stillwell building will begin. All of the exterior walls, structure and roof will stay in place. Every partition inside the building will be removed, leaving only the grid of the concrete structure. A bobcat could be used to remove materials and walls, a very easy process.

The existing corridor will be moved to the north wall on the 1st and 2nd floors of the building allowing the auditorium to drop back into the building further giving an increase in space. The stage was moved out into the

seating area in the 60s and three or four rows of seating was lost. There are thirty-three seats across each row. Currently there are eight-hundred fifty-six seats and if we add another one-hundred and thirty, we are almost to one-thousand seats. The City used the auditorium for movies when the Carolina Theater burned down, and a projection room was constructed in the second floor balcony. State of the art today does not require projection rooms. Additional seating could be achieved by removing the projection room.

There will be lost areas because of handicap accessibility (ADA Compliance) as well as bringing the balcony up to code. They are proposing stairwells on each side or one elevator.

Timeline begins spring 2017 (38 month timeframe)

A contractor can work within as 12-14 month period. The total renovation of the Stillwell building will be complete by August 2020.

He recommends a program of only 400 in the old building, allowing for larger libraries and media centers, and possible future expansion.

Mr. O’Cain came across a program from Clark Nexson even before a concept has been chosen. He was pleased to see that they recognize “Preserve the Honor of the Classroom Building” is important and this is the Alumni’s intent.

When they first began looking at options, there were five. The main criteria was to preserve Stillwell, have a gym on site, duration of process, and modulars not being utilized. The Board of Education chose option #2 which allows a duration of 47 months, and 21 months in modular. Mr. O’Cain stated he fully understood the Commissioners choice (option #3) at first which allows a duration of 32 months, and no modular.

The difference between the Commissioners proposed option #3 and the O’Cain proposal is that all of the buildings in Option #3 are located on the Boyd property foot print. This is an area of about 3-5 acres. He did not realize at first that there was no money in the budget for the Stillwell building.

Approximately 2 months ago Mr. O’Cain began speaking with contractors, knowing that the \$46 million would be questioned. He had the contractors put together some supporting information, calling on a lot of his friends and asking what a classroom building would cost, a gymnasium, or a cafeteria. So they have been feeding him information for at least 6 months.

Mr. O’Cain provided quotes from three companies, however the companies have not visited the site.

Brasfield and Gorrie	\$39m to \$56m	Average \$47m
HBM	\$44m to \$57m	Average \$51m
Metcon	\$36m to \$44m	Average \$40m
Clark Nexson	\$53m no funding for the Stillwell building	
Vannoy	\$13m renovation of Stillwell building	
Clark Nexson	\$10m additional gymnasium	
	Total	\$76m (These numbers have not been validated by Henderson County staff)

The Alumni Association plan is proposed between \$40m - \$46m. Mr. O’Cain stated these contractors (Brasfield and Gorrie, HBMN, and Metcon) don’t know as much as I do. He is still comfortable with \$46m. Two gymnasiums have been added since he spoke with them and their numbers may jump about \$1.5m based on his calculations.

Mr. O’Cain stated the classrooms are 35-50 feet from Highway 25 in Option #3. He has been in Mr. Boyd’s office in the past and had to stop talking because the noise from a semi, motorcycle, or a ghetto blaster going by. There are 27,000 cars a day on that road. The gymnasium is 10-15 feet off of Church Street. We are impeding our students to succeed. What decision maker would subject their children to this? No other schools in Henderson County have these impediments.

Mr. O’Cain referenced the Health Sciences Center and stated Architects need to understand the personality of a town. They need to understand what drives and buildings should fit. He feels the Stillwell building is a beautiful building. The architect admitted and pointed it out “Honor the existing classroom building”. Mr. O’Cain stated he would hope that we would not use as much glass and aluminum. Glass and aluminum exterior wall costs three to four times as much as a brick and stone exterior walls. He suggests 70% brick and 30% glass, instead of 80% glass and 20% brick. It will save a ton of money.

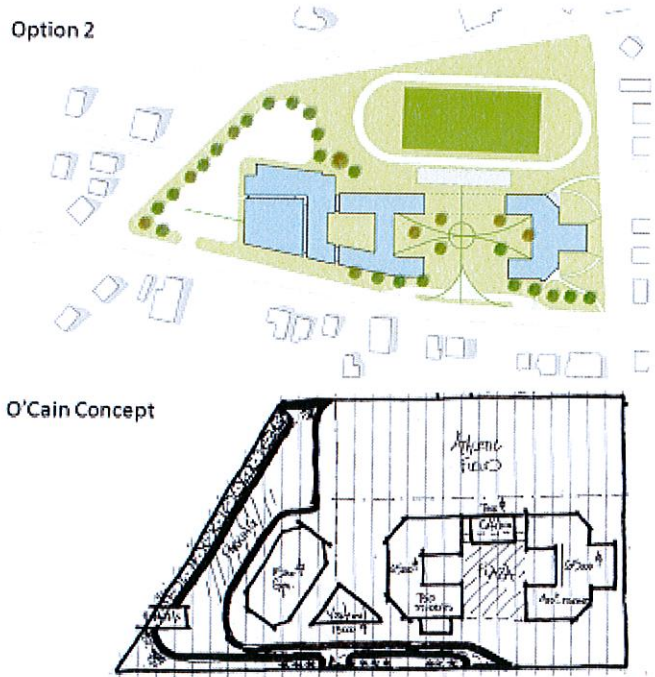
Mr. O’Cain stated the entire complex of option #3 is being designed within the Boyd site. The Commissioners and School Board made important decisions provided by their architect of record. He feels the information provided to everyone back in November was inadequate and misleading. With his concept we can afford more. If everyone knew in November what is known now, different decisions would have been made.

Chad Roberson of Clark Nexson and Henderson County Construction Manager David Berry provided additional information.

Chad Roberson stated providing the best for the 21st Century Hendersonville High student is the reason we are here. Everyone recognizes the importance of these decisions and folks certainly are passionate about the solutions. We appreciate this passion and our task was to evaluate the proposal presented and determine the validity of the proposal in equal terms to the other options you have seen in the past and provide you with more information to support your decision making process. Beginning in 2014 we looked at a series of options and all of which kept the Stillwell building in some capacity or another. Our analysis involved programming, phasing and finally cost. Each of these options have pluses and minus, varying costs, and degrees of risks. After a detailed review and thorough investigation, not only by us but an independent contractor, the Board voted to move forward with option 3. Currently Option 3 includes 2 gyms, an auditorium to serve the entire student body and room to grow in the core components. In order to formulate a fair apples to apples comparison of the proposal that was just presented, we reflected on which of these options most closely resembles the concept.

Option	INCORPORATE EXISTING	GYMNASIUM ON CAMPUS	# NEW BLDG. PHASES	LENGTH CONSTRUCTION	MODULAR VILLAGE
1	Yes	Not for 1.5 Years	2	32 Months (3/2221)	Yes for 32 Months
2	Yes	Throughout	2	47 Months (1/2221)	Yes for 21 Months
2a	Yes	Throughout	3	60 Months (3/2221)	No
3	No	Throughout	1	32 Months (10/2221)	No
4	Yes	Not for 1.5 Years	2	44 Months (10/2221)	Yes for 36 months





Mr. O’Cain has presented an option with strong similarities to the Option 2. Renovate the Stillwell building, build something that reflects the configuration of Stillwell building, build a gym, and use parking to separate the building from Asheville Highway. They are both roughly the same square footage. So there is some validity to the concept however, the concept begins to degrade as it is studied further.

The existing building areas total approximately 132,000 sf of programmed space. In order to meet the current needs and the DPI guidelines, the necessary space needed to support 800 students and a core area for 1000 students, the facility needs to be in around 162,000 sf. It is very important to understand these 3 parameters. There is a need for 162,000 sf of space to support 800 students with a core capacity of 1000.

To clarify, the budget numbers used to formulate the option 2 and all the budgets we have presented are based on historical data collected from DPI and from our own projects located here in WNC, and throughout the state. We have designed millions of sf of schools valued at hundreds and hundreds of millions of dollars. There are many influences that affect cost in this area. Subcontractor availability, material costs in particular concrete, weather, construction techniques, and site costs. We do not live in an area that has flat sites, they are gone.

In addition to those two scenarios, we compared additional contractor information that Mr. O’Cain had obtained, and the range of project costs was between 37.3 on the low end to 57.1 on the high end. The range in quality and quantity is all over the place. The low end of the spectrum would not meet the desired goals for Henderson County with respect to longevity, durability, and energy performance. Also keep in mind that none of these contractors have seen a plan or the site. Putting credence in these numbers should be done with extreme caution.

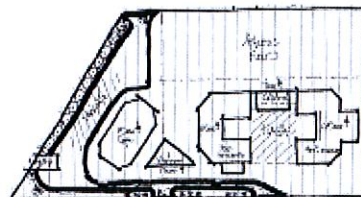
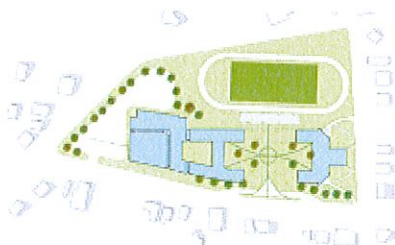
The final component of the evaluation are the key elements.

1. Less Expensive!
2. Utilizes the Stillwell building
3. No Student Trailers
4. Double Gymnasium
5. Safer and more Quiet!
6. Increase Auditorium Size
7. More Student Capacity

When all parts are included the cost differential in the concept vs. the Option 2 presentation, option 2 is a cheaper solution. If the argument was that escalation was included then it is still more expensive than Option 3.

Key Elements

1. Less Expensive!
2. Utilizes the Stillwell building

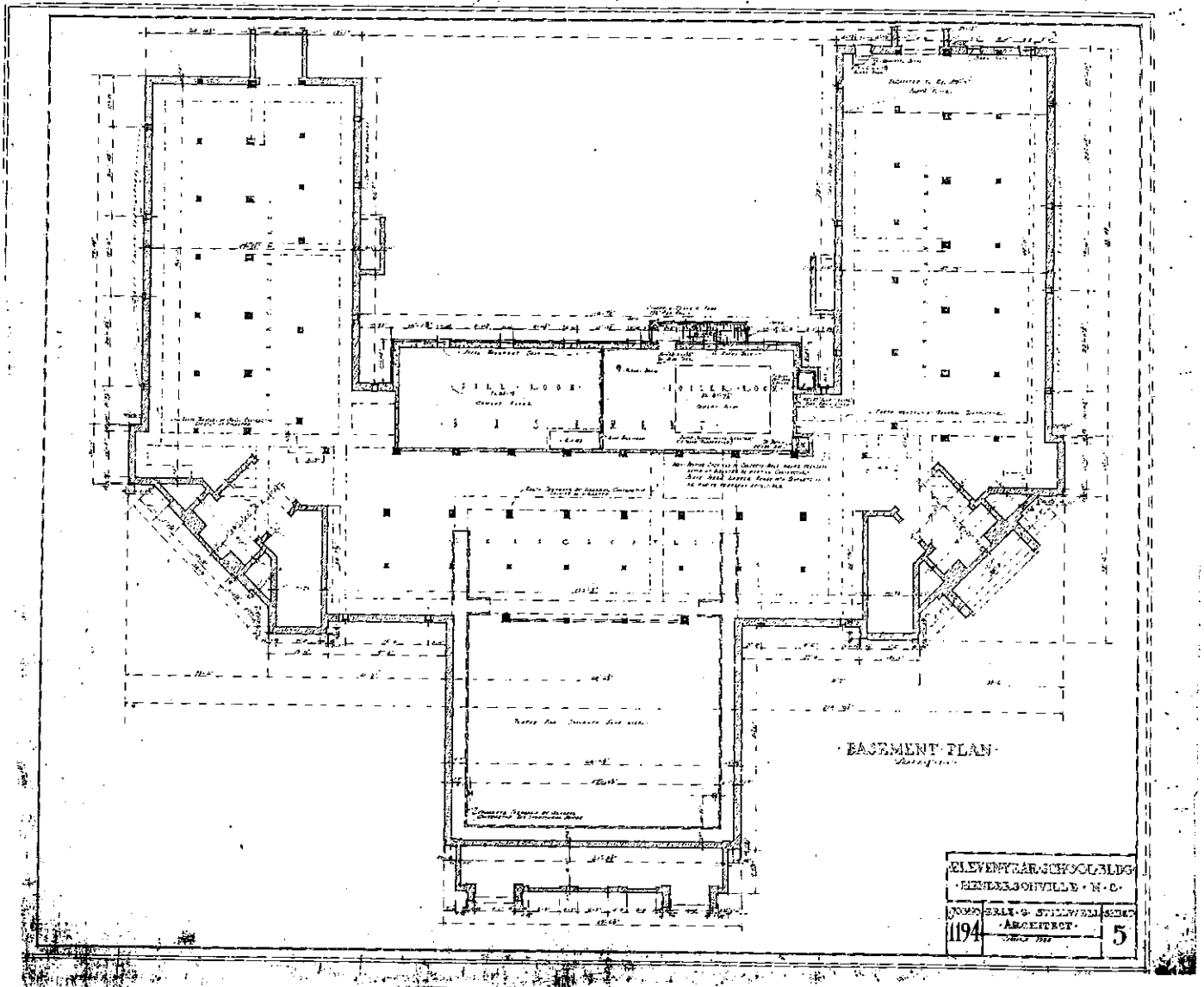


Both the concept drawing and the Option 2 solution present solutions that incorporate the Stillwell building.

The O’Cain proposal indicates that double gym can be created within 15,000 sf. Fifteen thousand sf will only accommodate a gym that serves 1000 and ½ of the locker room space. In order to accommodate a main gym serving 1000, an auxiliary gym, boys and girls locker rooms, lobby, coaches’ offices, etc. the space would need to be 39,200 sf.

The current configuration creates a similar condition as the existing campus. – MULTIPLE BUILDINGS WITH

MULTIPLE UNCONTROLLED ACCESS TO THE STRUCTURES. Both options present an equal amount of distance from Asheville Highway.



This is the first floor structural floor plan. Structural system is load bearing exterior masonry walls and cast in place concrete beams and columns. The area in the center would require it to be reworked. Concrete columns and beams that have been in place for over almost 100 years would be required to be shored, demolished, removed and new beams and columns would be required to go in their place. Transferring loads to other areas of the building. Is it technically possible – yes, does it make sense to financially– likely not. The complexities and the risk are high.

At 165,000 sf the building would be undersized by at least 30% in order to handle student capacity of 1250 bringing the total to 215,000 sf. Pushing the true cost of the project presented to well over \$66 million dollars.

A few months back you instructed staff to work with us to begin the design process on what is to be the new Hendersonville High School. We have investigated existing conditions, looked at key ingredients that make

school experiences better such as solar orientation, prevailing winds, major and minor traffic patterns, entrances and exits from the site, and noise.

Five differing options were developed that take all of these considerations into account to facilitate the best school possible for HHS students. Working closely with staff and faculty, the program has evolved to include two gyms, a theater for the entire student body, and many more features that will be developed over the coming months of design. We are creating a face for the community where Hendersonville high school is the gateway structure into downtown.

David Berry stated his position with Henderson County is the Capital Projects Manager. The major responsibilities included with his position are to insure that projects are bid fairly and competitively, that projects are kept on schedule and on budget. He also works with staff, inclusive of design architects and engineers to perform the necessary due diligence on projects to allow for complete and correct information to be provided to this Board for their consideration for direction on any given project. Drawing from his construction experience, Mr. Berry assists staff in the development of budgets and he is deeply vested in the necessary and required value engineering that goes into every component of every major building project. To bring projects in or on for less than budget amount and thereby saving Henderson County money wherever possible.

It was requested by management that David Berry assist staff with an open mind, and review of the O'Cain proposal. This is what has been done. At first glance, and the more Mr. Berry looked at the proposal, it became evident to him that the plan was in fact not anything new at all. It is basically with some mild deviations what had previously been proposed by Clark Nexson as Option #2, inclusive of the old Stillwell building. Which were all the reasons that Chad has presented today and all of which were also discussed by the Board in detail when Option #2 was considered. Mr. Berry is in agreement with the architect that the Board's directive to proceed with the plan currently being worked on is the way to go. This is Mr. Berry's opinion and not one mandated due to his position.

Mr. Berry considers and believes that budget pricing of Clark Nexson's proposals and prices included in his comparisons to be factual and with a clear understanding of what is required to build a school today in Western North Carolina, which is different than is flat country. And, is in keeping with what the uses of the facility are requesting and require. And what the Henderson County Board of Education, the students, and Henderson County tax payers will be proud of. You can absolutely build something cheaper, but will it be what everybody wants or what is needed. He doesn't think so.

Mr. O'Cain explained that when he started playing with the idea of a double gym, he realized that the gymnasium of 15,000 square feet was too small. He increased the gymnasium to 24,000 square feet. When he was originally budgeting the proposal, he called around to one of the general contractors and asked how much a gymnasium of 15,000 square feet would cost. The contractor had just completed a 20,000 square foot gymnasium and it cost \$3.5m. Mr. O'Cain had \$5m in his budget and left it at that.

Mr. O'Cain walked the site about a week ago and measured the existing gym and stepping it off it comes to 14,000 square feet. So he used 14,000 square feet for the larger gym and 10,000 square feet for the second gym. His gyms are no longer just 15,000 square feet. Mr. O'Cain stated that Mr. Roberson explained that we need a total of 162,000 square feet for the complex.

Mr. O'Cain shared his details of square footage.

Stillwell building	65,000 square feet
New building	65,000 square feet
Gymnasium	24,000 square feet

Cafeteria	7,000 square feet
Vocational Bldg.	<u>13,000 square feet</u>

Total 174,000 square feet

Mr. O’Cain referring to Brasfield and Gorrie stated that this company was the largest general contractor with an annual volume of \$3 billion per year. They are the largest hospital builder in the United States. His interest was caught about a year ago when he saw in the paper that Henderson County had paid \$1.7m to the architect of record on the Health Sciences Center (HSC). He called a commissioner and told him we had paid too much for a 90,000 square foot building with 80% glass and aluminum. Not getting a response, he asked Pardee Hospital how much the architect had been paid on the HSC job and was told it was actually \$2.4m. Glass and aluminum cost 3 to 4 times more than brick and mortar and stone headers. He is not talking to cheap contractors, he is talking to very successful contractors and they are feeding this information.

“A comment was made about bringing a project in on budget, if somebody sets a budget of \$300 a square foot...I can bring it in on budget.” Mr. O’Cain feels that we have been taken advantage of by our architect of record. He thinks Clark Nexson has a great reputation but they do not have a reputation for being inexpensive. They are setting up high budgets and supplying us with inadequate information to make huge decisions. Mr. O’Cain feels Clark Nexson attacked his plan...and his has it covered. He asked the commissioners if they were going to listen to an architect or listen to three of the largest construction companies in the southeastern United States. Granted they have not seen the site but Mr. O’Cain has, and they are basing their budgets on what he is telling them. The companies are aware that there are soft spots on the north side of the building. Mr. O’Cain feels that Clark Nexson was talking to the wrong plan. They were trying to compare the Alumni Association plan with their plan.

Clark Nexson is trying to put the entire complex on a 3-5 acre site. We are not New York City, we don’t need to do that. We can spread things out. Clark Nexson can’t do this on their own, they’ve already proven that. They have proven that they can bring in projects like the Health Science building. “We have been had.”

Chairman Thompson explained that it is sad that we have forgotten about the future of our children. We have gotten to the point where we go back and forth against folks, and very little did he hear about the children.

Commissioner Lapsley commented it is sad that this has come down to finger pointing and accusations. This is not what this Board in his 18 month experience has had anything to do with. The commissioners have conducted themselves in a very professional manner and our architect has done a professional job and he has no qualms with their quality of work. We can talk about their fees all day long but calling into question their professional ethics is out of line.

QUESTIONS

Commissioner Lapsley

Why has the cafeteria location been shifted near the gym and vocational building? (Question to Mr. O’Cain)

- Mr. O’Cain responded they did not want the students to use a temporary cafeteria for a year, and the gym, vocational and cafeteria need to be at least 15 feet north of the existing gym.

The location of cafeteria is where the 1950 classroom annex is located. This building will be demolished when band room and old cafeteria are demolished. What is the timeframe and once the demolition is complete, where will the children go? (Question to Mr. O’Cain)

- Mr. O’Cain responded everything from the north end of the Stillwell building to 9th Avenue will be

demolished in June 2018 – complete by August 2018. The vocation building is 13,000 square feet and will serve as classrooms temporary. There are no drawings for the school, just concepts through internet searches.

After Phase I is complete, how will students get from Stillwell building to new buildings? (Question to Mr. O’Cain)

- Mr. O’Cain responded that behind the home team bleachers there is 15 feet that can be used as a passage. A tunnel of plywood and tarp will be built approximately 400 feet at a cost of approximately \$100,000.00.

During construction of the first phase where will be staging area for the contractor be? There is concern about using the plaza for staging because of safety of the children. (Question to Mr. O’Cain)

- Mr. O’Cain responded the final surface of the parking area would not be complete and could be used as a staging area. If this parking area has to be used for parking, they could move the staging to the plaza area. This problem has not been solved yet but there should be sufficient space.

The Board was presented with a table of average school cost published by the NC Department of Public Instruction with 5 years of history of school construction across the state for elementary, middle and high school students. Is this the table used for Clark Nexson’s pricing estimate for Price per Square Foot? (Question to Clark Nexson)

- Mr. Roberson responded this was the beginning basis along with other projects done in Western North Carolina.

Commissioner Hawkins

Were a lot of construction numbers used from Metcon? (Question to Mr. O’Cain)

- Mr. O’Cain responded that Metcon was not spoken with until May. Their numbers were not based on a site visit, they were based on discussions that included square footage cost and their historical information generated by projects in progress. Brassfield and Gorrie did visit the site in January and ran the numbers. When speaking with one of the commissioners, they discussed the architect numbers. Vannoy was contacted to do a study but they were going to charge \$70,000 for the estimate. Metcon then came up and said they would do an estimate for \$15,000 or for nothing if they got the job.

Was the additional 24,000 feet added to come up to DPI standards? (Question to Mr. O’Cain)

- Mr. O’Cain responded an increase was made to square footage by only 9,000 square feet. Originally he had googled what the average gymnasium in United States is and came up with 7,500 square feet. This number was used and doubled to come up with 15,000 Square feet. The current gym as stepped off and determined at 14,000 square feet. A smaller gym was added with 10,000 square feet. DPI standards are not used on everything in the proposal. Mr. O’Cain is not employed to do this job so common sense is being used. Resources are not available like other people might have.

The plan with the renovation of the Stillwell building is to gut it...so the same hallowed halls will not be there. Can you explain? (Question to Mr. O’Cain)

- Mr. O’Cain responded what is important is to save the soul of the auditorium and the exterior of the building.

Commissioner Messer

Have the companies been on site or bidding done? (Question to Mr. O’Cain)

- Mr. O’Cain responded the two companies are solely basing their budget on what he has told them. One company was here in January.

The O'Cain proposal is very much like Option #2, why do you think your plan can and will happen? (Question to Mr. O'Cain)

- Mr. O'Cain responded that no temporary trailers are being utilized. The schedule has been put together based upon his experience, and discussed with general contractors. Option #2 is good but needs to be tweaked a little so that we are not in the trailers for 21 months.

Commissioner Edney

What numbers do you think are legitimate at this time? (Question to Mr. O'Cain)

- Mr. O'Cain responded that his comfort level is still at \$46m. Metcon has not been consulted about the increase in the gymnasium. Using their square footage cost, their number would increase by about \$1.5m. The \$46m will pay for 174,000 square feet and include the Stillwell building.

How many classrooms will be in the Stillwell building and what size will they be? (Question to Mr. O'Cain)

- Mr. O'Cain responded this has not been determined yet. The student capacity was dropped down to 400 as a guess since the classrooms were 25% too small. We are certainly safe with DPI standards with 174,000 square feet and 1,000 students. General numbers are being used at this time.

The media center or library is too currently too small. Have you looked at what size is necessary and where it will be located? Where will it be located during renovation? (Question to Mr. O'Cain)

- Mr. O'Cain responded it will probably go back into the renovated Stillwell building. It could be located in the renovated building if it is critical. Details are not available at this time.

Do you know the size needed for the vocational area? (Question to Mr. O'Cain)

- Mr. O'Cain responded there should be plenty of space since this proposal has 12,000 more square feet than the Clark Nexson plan.

The renovation of Stillwell building is quoted at \$13m. What is this based on? (Question to Mr. O'Cain)

- Mr. O'Cain responded Vannoy's number was used here. The general contractors were asked and they felt it should be less.

Have you seen the Vannoy report and gone through it? (Question to Mr. O'Cain)

- Mr. O'Cain responded it has been read and it reviewed excellently. There were a couple of areas that pricing was higher than necessary.

Was the Vannoy report shared with the three contracting companies? (Question to Mr. O'Cain)

- Mr. O'Cain responded it was shared with one of the companies. Their number on range is a little higher than Vannoy.

With the renovation of the Stillwell building in your proposal, the building will look totally different once you step inside. Is this correct? (Question to Mr. O'Cain)

- Mr. O'Cain responded this will be wonderful, we are looking to save the building. It's basically honor this historic classroom building.

No one has said that the building will be demolished. It will never be torn down. It will be renovated, restored or whatever is decided by the school board or community. Do you agree that money needs to be invested to preserve the building?

- Mr. O'Cain responded it will be abandoned as no plan is there. The Alumni Plan includes the Stillwell building renovation that everyone wants.

Do your numbers include escalation? (Question to Mr. O'Cain)

- Mr. O'Cain responded there is not as much money in the O'Cain plan for escalation as Clark Nexson. Once you bid the project, and a guaranteed maximum price is agreed upon, inflation is the contractor's problem. There are always ways to save money.

Metcon is quoting \$90 a square foot for renovation of the Stillwell building? Do you feel that number is low? (Question to Mr. O'Cain)

- Mr. O'Cain responded their number is not being used but they are saying they can do this if they are allowed to work through it. They have to visit the site and competitive bids must be taken. You could wait until the drawings are done to bid it but it is not recommended. Metcon is using historic numbers.

The number that has been attributed to Clark Nexson is \$76m, is that the correct number? (Question to Clark Nexson)

- Mr. Roberson responded the current program that Clark Nexson is doing has two gyms, and an auditorium with 1000 seats is \$52.2m. There is no money in the Stillwell building.

Roughly what would be the cost to waterproof the bricks of the Stillwell building? Would \$2-3m be enough to preserve the Stillwell building? (Question to Clark Nexson)

- Mr. Roberson responded that moisture remediation of the bricks would be roughly \$1m. A new roof is needed also to preserve the building at a cost of approximately \$12 per square foot. There are life safety issues also that need to be addressed depending on the use of the building such as fire escapes. \$2-3 million would be sufficient to preserve the Stillwell building.

Did any of our folks have communication with Metcon? (Question to David Berry)

- Mr. Berry responded that he, John Mitchell, and Chad Roberson reached out to Metcon and invited them to Henderson County to discuss the numbers proposed. They were not able to visit but a conference call was arranged. The company was asked about perimeters given for the numbers proposed and they responded they were only given the fact that it was a high school and the square footage. They were then asked if they had been to the site and they responded no. The company was not aware of the elevation changes and the challenges to the site. Metcon would be happy to come out and make up a plan. When asked if they could bring a building in at their quote, they could if they had total control of what was going to be built. Metcon would come in and dictate what type of construction is used and buildings used. This was pretty much the end of the conversation.

Does glass and aluminum cost more than brick and mortar? (Question to David Berry)

- Mr. Berry responded yes, they do probably cost more, depending on the design. Mr. O'Cain referred to windows earlier and Mr. Berry explained that there are all kinds of windows. Mr. O'Cain offered to save money and value engineer the project. Mr. Berry noted that the County and staff pride themselves on value engineering on every component of every project done.

Does new construction include as much similarity as the Stillwell building? (Question to Clark Nexson)

- Mr. Roberson stated yes they are.

How will the granite in the old gym be utilized in the new construction? (Question to Clark Nexson)

- Mr. Roberson stated there are a lot of opportunities between the Stillwell building and the new facility. The stone could be used for walls to define areas or as part of the facade for the new facility. Many options are available, but it would impact the way it is taken down. It would take longer than just a bulldozer.

Commissioner Messer noted that in 2009 the average cost for a school building was \$127.92 sf. and in 2014 it was \$203.00 per sf. We have seen a 60% increase in the last 5 years. We are looking at a 5 year project in front

of us. Are you confident with the numbers proposed?

- Chad Roberson stated Clark Nexson is still confident in the numbers presented for Option #3. The proposed plan has lots of windows because people like daylight.

Chairman Thompson

Is everything that you have done so far within the Department of Public Instructions Guidelines? (Question to Clark Nexson)

- Mr. Roberson responded yes that is correct.

Does your concept always go by these guidelines or was it more common sense? (Question to O'Cain)

- Mr. O'Cain responded it was more common sense but based on square footage it would accommodate DPI.

Chairman Thompson noted that he, Steve Wyatt, Carey O'Cain, and William Lapsley had a meeting before the Vannoy Report and Mr. Thompson felt the Stillwell building would fall in prior to that report. Vannoy's report did determine that the Stillwell building had some credibility and was worth saving. Since that time the only thought has been to save the building. The average for a high school to be built throughout the state of North Carolina is \$60m. We must be sure to provide a classroom these children can learn in.

As a point of clarification, Commissioner Lapsley stated that he and Chairman Thompson had met with Mr. O'Cain when he raised the issue of what the actual cost might be to renovate the Stillwell building. Mr. O'Cain would approach Brasfield and Gorrie and the County Manager and John Mitchell were asked to approach Vannoy. Both firms had interest in helping and were asked for proposals. The comment that was made that it might cost \$70,000 is a comment that Mr. Lapsley had made based on fee structure and hourly rates for professionals to come in and study the project. The number did not come from either contractor, it came from Mr. Lapsley. After talking to both contractors about the scope of the work we were looking for, each company was asked to submit a proposal. Staff did not reveal to either party what their proposals were. Vannoy's proposal indicated no fee and no commitment to do the HHS building. Brasfield and Gorrie's proposal had a fee involved but did not have a requirement that they be selected. So the Board discussed the county's best interest and picked Vannoy with no fee.

Commissioner Lapsley stated this Board has been presented with a lot of information and a number of times they have heard "well this is the best guess we've got at the moment". The project architect that the County selected did a very thorough and professional job of preparing their cost estimates and it is not fair for this Board to be placed in a position of making a \$50-60 million dollar decision based on numbers that could conceivably be adjusted.

Commissioner Hawkins feels that most important issues are the least disruption of training for students and safety.

Commissioner Edney has received many calls and emails with derogatory remarks. He draws the line when it goes from him to his family. His children have taken some brunt from this and he will not put up with it. It is childish to a degree. We are talking about the next 100 years, not the past 100 years. The Clark Nexson project will benefit the most children.

Commissioner Lapsley noted that Option #3 compared to Option #2 is about half of the time, which will be a big factor on cost. The Stillwell building is in good shape and does have life but do we want a 90 year old structured frame with new insides included as part of a brand new school. The Stillwell building will remain with minimum renovation to preserve it for some use at the burden of use at the discretion of the School Board.

Commissioner Edney asked that a letter be sent to the Board of Education and School Board asking if they would like for Henderson County to enhance the budget to preserve the Stillwell building, and ask if the School Board

would provide input on what is necessary to accomplish the preservation.

Commissioner Edney made the motion that the Board do what is necessary to bring the Stillwell building to a preservation point by repairing the fire escapes, roof, and chinking the outside bricks, and allow the School Board to make decisions for long term use of the building and bring it back before the Board of Commissioners. All vote in favor and the motion carried.

CONSTRUCTION MANAGER AT RISK SELECTION

John Mitchell stated at the July 20th meeting of the Board of Commissioners, the Board approved the completed programing and schematic design for the Emergency Services Headquarters (ESHQ).

Staff convened a committee to select a Construction Manager at Risk to complete the project. A Request for Qualifications was advertised in May, and on June 13th, Clark Nexson received responses from four potential contractors.

After a pre-selection process, the four potential firms were interviewed on July 22nd. The potential firms were scored on a 120 point scale utilizing a Prequalification Ratings Matrix. After a tally of the scores, Cooper Construction was selected as the committee's recommendation as the Construction Manager at Risk for the ESHQ project.

Commissioner Lapsley does not support the spending on this project at this particular site.

Commissioner Edney made the motion that the Board select Cooper Construction as the Construction Manager at Risk for the Emergency Services Headquarters project. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT

Commissioner Messer made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Please see separate minutes for Cane Creek Water and Sewer District.

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

ADJOURN

Commissioner Messer made the motion to adjourn at 2:05 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855
www.hendersoncountync.org

THOMAS THOMPSON
Chairman
CHARLIE MESSER
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
WILLIAM LAPSLEY


RESOLUTION IN RECOGNITION AND APPRECIATION OF DISTINGUISHED SERVICE SENATOR THOMAS MICHAEL "TOM" APODACA

- WHEREAS,** Senator Tom Apodaca is a citizen of Henderson County, North Carolina. He is a family man, businessman, and a local and state leader; and
- WHEREAS,** Senator Tom Apodaca was elected to represent Western North Carolina District 48, and has served in the Senate since 2002. During his fourteen years of service to District 48, he has worked diligently to honor the best interests of his district and to improve the quality of life of all Western North Carolinians; and
- WHEREAS,** during his tenure as a member of the Senate, Senator Tom Apodaca has served as Chairman of the Senate Rules Committee, co-chaired the Committee on Insurance, the Committee on Pensions & Retirement and Aging, and the Appropriations Subcommittee on Education and Higher Education; and
- WHEREAS,** Senator Tom Apodaca has received several awards for his work as a legislator including The Order of the Long Leaf Pine, the highest award bestowed by the governor on a citizen of North Carolina; and
- WHEREAS,** Senator Tom Apodaca is rightfully honored on this day for his service to the people of District 48 of the State of North Carolina as a member of the North Carolina Senate. His tireless work on behalf of his constituents is acknowledged and appreciated, and for his fourteen years of service as a legislator, for the enumerable hours he has worked on behalf of his district, and for his achievements for the betterment of the citizens of North Carolina, he is hereby commended and celebrated as he begins a new chapter of his life;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners hereby express their sincere appreciation for Senator Tom Apodaca's service to his district, the General Assembly, and the State of North Carolina and wish him much success and best wishes as he takes on new and exciting endeavors.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 17th day of August 2016.


THOMAS THOMPSON, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


TERESA L. WILSON, CLERK TO THE BOARD

Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners
 1 Historic Courthouse Square, Suite 1
 Hendersonville, NC 28792

Wednesday, August 03, 2016

Re: Tax Collector's Report to Commissioners - Meeting Date August 17, 2016

Please find outlined below collections information through August 2, 2016 for the 2016 real and personal property bills scheduled to be mailed out on August 8, 2016. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2016 Beginning Charge:	\$68,471,388.95
Discoveries & Imm. Irreg.:	\$256,053.26
Releases & Refunds:	(\$62,872.70)
<u>Net Charge:</u>	<u>\$68,664,569.51</u>
Unpaid Taxes:	\$68,497,351.70
Amount Collected:	\$167,217.81

Paid
0.24%



Unpaid
99.76%

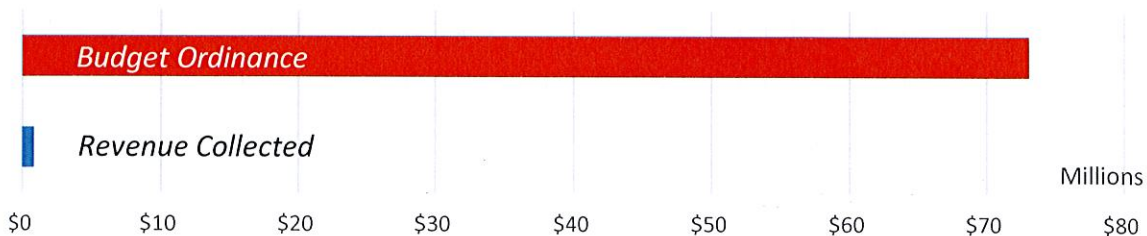
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$543,372.44
Unpaid Taxes:	\$1,940.07
Amount Collected:	\$541,432.37

99.64%

Henderson County FY17 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$71,500,676.00	Ad Valorem:	\$708,650.18
Prior Years:	\$1,575,000.00	Prior Years:	\$160,794.48
Budget Total:	\$73,075,676.00	YTD Revenue:	\$869,444.66



Respectfully Submitted,

Luke Small
 Deputy Tax Collector

Darlene Burgess
 Tax Administrator

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY
BY DONATION**

WHEREAS, Henderson County owns the patrol vehicle itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the patrol vehicle as surplus and transferring to Asheville-Buncombe Technical Community College via donation as authorized by N.C.G.S. 160A-280; and

WHEREAS, it is the intent of the County to donate said surplus property.

NOW THEREFORE BE IT RESOLVED, by the Henderson County Board of Commissioners as follows:

1. The vehicle itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Henderson County Sheriff's Department is hereby authorized to transfer by donation, the surplus property described above to Asheville-Buncombe Technical Community College.
3. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

THIS the 17th day of August, 2016.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: *Thomas H. Thompson*
Thomas H. Thompson, Chairman

ATTEST:

Teresa L. Wilson
Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]



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J. MICHAEL EDNEY
GRADY H. HAWKINS
WILLIAM G. LAPSLEY

August 17, 2016

Mr. Brian Hill
StartSmart Cycling

Re: October 15, 2016 cycling event in Henderson County

Dear Mr. Hill:

Henderson County does not own any roads along the proposed route for your October 15th Tryon Difficile Ultra Cross cycling event. However, Henderson County has no objection to the event, given that you have already worked out certain logistics with the Sheriff's Department and EMS. Please follow all rules and regulations as set forth by the NC Department of Transportation during the event.

We appreciate you making us aware of the event, and wish you well.

Sincerely,

A handwritten signature in cursive script that reads "Thomas H. Thompson". The signature is written in black ink and is positioned above the printed name and title.

Thomas H. Thompson, Chairman
Henderson County Board of Commissioners

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August 17, 2016

Ervin Bazzle
Board of Education
414 Fourth Ave. West
Hendersonville, NC 28739

Dear Mr. Bazzle,

On August 17, 2016, the Henderson County Board of Commissioners reviewed the concept wherein Mr. Carey O'Cain and Bill Orr, Chairman of the HHS Alumni Assoc. presented their plans for the Hendersonville High School. We ultimately chose not to change our direction, and will be pursuing option #3 for the new high school.

During the meeting Commissioner Edney suggested we contact the School Board informing you of our desire to preserve the Stillwell Building as best possible until final decisions can be made as to its use.

We anticipate the preservation to include a new roof, fire escapes, chinking of the outside bricks, and remediation of the moisture problem on the auditorium level. We need your advice on any other actions you feel are necessary and ask that you plan ahead to assist us in this preservation action.

We need your input and advice and look forward to resolving this issue so that we might be able to possibly make these changes and be ready for the 2017-2018 school year.

As always we thank you for your support and look forward to hearing from you soon in planning this preservation activity.

Sincerely,



Thomas H. Thompson, Chairman
Henderson County Board of Commissioners

Cc: Bo Caldwell
Board of Education