

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 23, 1994

The Henderson County Board of Commissioners met for a Special Called meeting at 7:00 p.m. in the Commissioners' Conference Room of the County Office Building. The purpose of the meeting was presentation of the FY 1994 - 1995 Budget and a Work Session on the Proposed Water Supply Watershed Ordinance.

Those present were: Chairman Vollie G. Good, Vice-Chair Renee Kumor, Commissioner J. Michael Edney, Commissioner William McKay, County Manager David F. Thompson, Assistant County Manager David E. Nicholson, Finance Director J. Carey McLelland, and Clerk to the Board Elizabeth W. Corn.

Commissioner Randall was expected to arrive late.

PRESENTATION OF FY '94-'95 BUDGET

David Thompson handed out copies of the Budget Message so the Commissioners and the members of the public could follow along. He informed the Board that we have a 2.13% actual growth in the county operating budget this year with no tax rate increase proposed. We have the 13th lowest tax rate in North Carolina. Mr. Thompson read excerpts from his prepared budget message and stated that the Board needed to set a public hearing on the budget before adjourning the meeting.

David Thompson reviewed accomplishments of the county over the past eleven months:

1. Initiation of Construction of County Courthouse

The Board has been overseeing the construction of a 101,000 square foot courthouse that will architecturally reflect the historic traditions of Henderson County. The Board was successful in securing a seven year loan at 3.97% interest with no issuance fees and no prepayment penalties. As of today, the contractor (M.B. Kahn) is on schedule with a completion date of January 19, 1995. Change orders have been executed in the amount of \$58,000 which is a small amount for an 8.7 million dollar project. The Courthouse will house 22 different State and County functions upon its completion.

2. Support and Funding of Merged School System

The Board supported a funding increase of \$1,444,436 or a 19.6% increase in County appropriations for school operational costs to facilitate the merger. The capital appropriation was increased by \$204,677 to \$1,000,000. The total funds dedicated to schools under the FY 1993-1994 budget was \$13,108,240 which was 32.25% of the County's entire general fund budget. This shows strong support for education and was certainly a large accomplishment during the last budget year. Henderson County was 17th in the State in per pupil expenditures this year.

May 23, 1994

2

3. Cane Creek Sewer System - Phase I and Phase II

Phase I was a wastewater collection system in the Fletcher area serving three major subdivisions. Phase II was designed to reach downtown Fletcher and Hooper Valley Estates. The total cost of the project funded through both a grant and a loan from Farmers Home Loan Administration was 3.6 million dollars with no County funds expended.

4. Health Department Addition and Renovations

The Board approved a 1,396 square foot renovation and a 2,320 square foot addition to the Health Department. This project provided a nurses' station, waiting area, and new exam rooms. This addition cost \$240,000 and was paid for through accumulated medicaid receipts.

5. Acquisition of Land Development Building from County Board of Education

The Board approved acquisition and renovation of the County Schools former administrative building for relocation of Planning, Inspections, Zoning, Fire Inspections, Utilities, and provision of space for the City's Zoning Enforcement Officer. The goal is to establish the one-stop shopping concept for development and regulatory functions.

Mr. Thompson announced the he is working with the Mayor of Hendersonville to work out details of placing the City Zoning Enforcement Officer in the Land Development Building.

6. Etowah Branch Library Improvements

The Etowah Library was brought to ADA accessibility standards, additional children's and book stacks spaces were created, and the septic system was repaired. This project in the amount of \$100,000 was funded by the Molly Wells Estate.

7. Library Parking

A ten year lease was negotiated with the First Church of the Nazarene for construction and use of parking areas to relieve the overcrowded library lot.

8. Numerous Land Use Issues

The Board has either addressed or is in the process of addressing multiple land use issues such as:

- *Development of the Comprehensive Land Use Plan
- *Subdivision Improvement and Development Plans for Carriage Park Planned Unit Development
- *Requested zoning recommendations for Upward Road and Naples Interchanges on I-26
- *Watersupply Watershed Management Regulations

May 23, 1994

3

- *Bearwallow Valley Zoning District Implementation
- *Manufactured Mobile Home Park Ordinance
- *Consideration of a Rural Conservation District
- *Support of the Volunteer Water Information Network

9. Opening of Materials Recovery Facility (MRF)

The grand opening of the buy back center for 33 different recyclables was held on March 14, 1994. This project was completed under budget and will have a large impact on extending the life of our current Landfill and meeting our goal of recycling at least 25% of the County's waste stream. It is a positive example of a public/private partnership (GDS, Inc.) designed to privatize a typical government function. The Board is currently negotiating with Transylvania County to bring their recyclables to our facility.

10. Initiation of Construction Planning for New Youth Development Shelter

The County Commissioners are currently soliciting finance proposals for a new shelter facility. Plans and specifications are near completion with construction slated for this upcoming fiscal year.

11. Provision of New Space for Department of Social Services

Renovation of the 3rd floor of the County Administration Building for social workers and their clients was completed and provided much needed confidential interview rooms and office space for protective services.

12. Acquisition of Former Wachovia Building

The Board approved utilization of occupancy tax funds to acquire this 5,000 square foot facility for use by the Travel and Tourism Authority as a welcome and information center for Henderson County. Minor renovations are currently underway.

13. River Access Park

Land was donated on the French Broad River by the Westfeldt family for the development of nature trails, picnic facilities, parking area, and a canoe access site. A Land and Water Conservation Fund grant in the amount of \$31,300 has been acquired for this project by the Recreation Department.

14. Transportation Development Plan

The County Commissioners authorized the submittal of a Transportation Development Plan prepared by Western Carolina Community Action for Section 18 Funding. This is the first time Henderson County has applied for these funds. If funding under Section 18 is approved, WCCA will begin to provide public transportation on planned routes. In addition, Commissioners have been active with the Chamber of Commerce's Transportation Committee in

May 23, 1994

4

jointly advocating roadway improvements for Henderson County.

15. Mud Creek Sewer Project - Phase I, Section I and Section II

Phase I involved the construction of a major interceptor line at a cost of \$1,377,777 while Phase II involved the construction of approximately 12,615 linear feet of 8-inch gravity collection lines discharging to the City of Hendersonville. Total cost was approximately \$2,250,600 for both sections with one half of the cost funded from Senate Bill 2 appropriations and the remaining funding provided by sales tax revenues.

16. Methane Gas Remediation Project

The Board has entered into an innovative public/private partnership with Cargan Resources to remediate, in an environmentally sound manner, methane gas problems at our Landfill site. This project is currently in the start-up phase and is awaiting State approval. This important undertaking will be completed in this upcoming fiscal year. Staff feels that it will become a model for other projects in the State of North Carolina.

17. County-wide Wastewater Master Plan

The Commissioners will receive in June the Master Plan which will identify existing facilities and service areas, formulate growth projections, predict future capacity needs for treatment, major interceptors, pump stations and set forth a 20-year capital improvements plan.

18. Appleland Business Park

The Board approved an option to purchase on 69.4 acres of property located at the intersection of Upward Road and I-26. The Board in partnership with the Chamber of Commerce is developing and marketing this property for environmentally sound high tech industries. The option approved by the Board was designed to: (1) minimize the amount of tax monies expended on the project; (2) limit the County's requirements to purchase and develop the entire 69.4 acre parcel, in the event that industrial clients are not forthcoming. The worst case scenario is that the County will bear the cost of improvements and not attract industrial clients.

19. Cooperative Initiatives

The County Commissioners have realized the need for cooperative initiatives with other units of governments and have taken some positive steps as evidenced by the following listing:

*Chairman Good is currently Chairman of the Land Of Sky

Regional Council--Council of Governments.

*Vice-Chair Kumor is currently chairing a committee that is involved in a jail population study that is investigating a regional effort with Transylvania County to handle our

May 23, 1994

5

expanding population.

*Commissioner Edney serves as an at-large Director on the North Carolina Association of County Commissioners.

*Commissioner McKay is the Board's representative on the Regional Water Forum.

*Members of the Commission meet with the Municipalities leadership on a quarterly basis to discuss items of mutual concern.

*Negotiations are currently underway to study the feasibility of Transylvania County's joining in the operation of our Materials Recovery Facility.

*A subcommittee appointed by the County Commissioners and Hendersonville City Council are meeting to discuss merger of City and County functions.

*Staff has been instructed to examine the possibility of a Regional Water and Sewer Authority with the City of Asheville, the City of Hendersonville, Buncombe County
MSD, Asheville-Buncombe Water Authority, and Buncombe County Government.

He related these accomplishments to the stated goals of the Comprehensive Land Use Plan. These accomplishments have been made while at the same time, the Staff and Commissioners have been responsible for providing the day-to-day delivery of services to a population of 72,252 citizens. All this was done while still maintaining the 13th lowest tax rate in the State of North Carolina.

Late Arrival

Commissioner Hugh Randall arrived at this point in the meeting, approx. 7:30 p.m.

David Thompson stated that a County Manager is legally responsible under G.S. 153A-82 to prepare and submit the annual budget to the Board of County Commissioners. He recommended a stable tax rate of 54 cents per 100 dollars of valuation for Henderson County. This compares favorably with the average property tax rate in North Carolina for FY 1993-1994 of 71 cents per 100 dollar valuation. Henderson County currently has the lowest tax rate in the region, with the exception of Polk County, which is in the first year of their revaluation cycle.

The citizens of Henderson County have been served well by the conservative approach of the Henderson County Board of Commissioners in addressing government services. This recommended budget continues to meet our challenges incrementally. It does not allow a quick fix to everything that the Board or the community would like for County Government to address overnight. It does not expand County services by throwing dollars at these issues. This planned incremental approach is necessary to meet Henderson County's financial mandates and to continue improving services without drastically raising taxes.

Henderson County must continue to face its biggest challenge which is the provision of high quality, affordable services to a rapidly

May 23, 1994

6

growing population. Henderson County will remain one of the fastest growing counties in North Carolina. The State's projection of the County's 1994 population is 72,252. Our population, based on the 1990 U.S. Census, grows an average of 1.8% per year. Should this rate of growth continue, Henderson County will have a population of 80,416 by the year 2000.

The environment that Henderson County Government is operating under now and will be operating under in the foreseeable future is one of continued high growth in population with an associated increase in demand for County services. The challenge this Board faces will be to maintain the financial integrity of the County while being proactive in the planning and implementation of County services to a growing population.

The General Fund Budget for Henderson County in this proposal is \$42,772,072. The requested amount from all departments, public agencies, educational systems and non-profit corporations this year totalled \$47,297,536. If these requests had been fully funded, an increase of 11.8 cents on the tax rate would have been necessary. After reviewing the requests, staff has reduced this amount by \$4,525,464. The major increases in this budget proposal are in the areas of education, federal and state mandated programs and increased cost of providing human services.

David Thompson discussed briefly major expenditures and major expenses.

SET PUBLIC HEARING FOR FY '94-'95 BUDGET

After much discussion, Commissioner Edney made the motion to set the Public Hearing on the FY '94-'95 Budget for June 13 at 7:00 p.m., in the Commissioners' Meeting Room of the County Office Building at 100 N. King Street. All voted in favor and the motion carried.

A work session was set for Thursday, June 2 at 7:00 p.m. at the same place.

PROPOSED WATER SUPPLY WATERSHED ORDINANCE and related items

Chairman Good called the meeting back to order after a short break. He turned the meeting over to County Planning Director Matt Matteson.

A. Water Supply Watershed Ordinance - Matt Matteson reviewed the Proposed Water Supply Watershed Protection Ordinance, paying special attention to twelve items that have been changed since the last draft. The intended purpose of the ordinance is to preserve water quality in Henderson County.

There was very much discussion. New language was offered in several places in the draft ordinance (draft 20A).

Vice-Chair Kumor made the motion to adopt the Water Supply

May 23, 1994

7

Watershed Ordinance but that categories I, II, and III be 2-1-2 instead of the percentages recommended and that we do not apply for a 10% option with DEM until we get further word on whether our map is public record and also to add the amendment offered by Commissioner Edney on page 14 of the Ordinance. A vote was taken which failed four to one.

Chairman Good made the motion to strike the word "corridor" from the Ordinance for WS IV. All voted in favor and the motion carried.

Commissioner Edney made the motion to delete "punishable by a fine of \$500.00" from the top of page 40 of the Ordinance and instead insert the sentence "The maximum fine shall be \$500.00. All voted in favor and the motion carried.

Commissioner Edney made the motion to adopt the Water Supply Watershed Ordinance subject to the three amendments made at this meeting. All voted in favor and the motion carried.

B. Official Watershed Protection Map - After review of the map and some discussion, Commissioner Edney made the motion to adopt as the Official Watershed Map the official county land record maps which show the four watersheds: WS I (2 watersheds), WS II, and WS IV. All voted in favor and the motion carried.

C. Seven Companion Zoning Ordinance Amendments - Matt Matteson reviewed the seven amendments with the Board. Some changes in wording were offered for amendments #4, #5, and #7.

Commissioner Edney made the motion to reject amendment #3 "Road Improvements" on page 4 because Henderson County does not need to get into the road building business. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board adopt the amendments as amended at this meeting. All voted in favor and the motion carried.

D. Three companion Zoning Ordinance Amendments - Matt Matteson stated the subject of the amendments:

1. Appointment of the Board of Adjustment to sit as the Watershed Review Board.
2. Definition of perennial streams.
3. Watershed buffer requirements.

Two public hearings were held, December 13, 1993 and May 2, 1994. After the addition of some language on the definition of perennial stream, Commissioner McKay made the motion to approve the Proposed Water Supply Watershed Protection Ordinance Companion Zoning Text Amendments as amended at this meeting. All voted in favor and the motion carried.

E. Setting of Permit Fees for related watershed permits - Following some discussion of the proposed fees, Vice-Chair Kumor made the motion to approve the proposed Water Supply Watershed Protection

May 23, 1994

8

Ordinance Permit Fees as presented. All voted in favor and the motion carried.

F. Watershed Management Plan (Hazardous Materials Inventory and Spill Containment Plan) - This plan was formally presented to the Board of Commissioners by Rocky Hyder, County Fire Marshal, on December 15, 1993. Following some discussion, Vice-Chair Kumor made the motion to adopt the Proposed Water Supply Watershed Protection Ordinance Watershed Management Plan (Hazardous Materials Inventory and Spill Containment Plan) as presented by Fletcher, Mills River, and Saluda Fire Departments.

Amendment to motion - Commissioner Edney offered an amendment to Vice-Chair Kumor's motion - That our adoption of the Fire Departments' regulations is not a motion to appropriate any money. Vice-Chair Kumor accepted the amendment to her motion. All voted in favor and the motion carried.

G. Rules of Procedure for the Watershed Review Board - After brief discussion of the proposed rules, Vice-Chair Kumor made the motion to adopt the Rules of Procedure for the Watershed Review Board as amended. All voted in favor and the motion carried.

Matt Matteson and his staff will prepare clean final copies of these documents. They also will meet soon with Surveyors, Engineers, Attorneys, Real Estate Agents, and anyone else that should be briefed on the new Ordinance and accompanying documents.

As there was no further business, Chairman Good adjourned the meeting at 10:42 p.m.

ATTEST:


Elizabeth W. Corn, Clerk


Vollie G. Good, Chairman