

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COUNTY COMMISSIONERS
JANUARY 2, 1990

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 7:00 p.m. at the Henderson County Office Building in the Conference Room.

Those present were: Chairman William T. Drake, Commissioner Hugh D. Randall, Vice-Chairman F. Richard Baker, Commissioner Troy L. Maybin, Commissioner J. Michael Edney, County Administrator Jerry D. Myers, Finance Director David E. Nicholson, County Attorney Don H. Elkins, County Planner Matt Matteson, Assistant County Planner Susan Sneed, Clerk to the Board Elizabeth W. Corn, and the news media.

Chairman Drake called the meeting to order and asked David Nicholson to give the invocation in Rev. Neville's absence.

MINUTES

There were no minutes prepared for review.

DISCUSSION/ADJUSTMENT of AGENDA

There were no adjustments necessary.

PUBLIC HEARING - Land Development Ordinance

Chairman Drake asked for a motion to go into public hearing concerning the Land Development Ordinance.

Commissioner Baker made a motion to open Public Hearing to accept public comment on the Land Development Ordinance. All voted in favor and the motion carried.

Chairman Drake called on Matt Matteson, County Planner, at this time to give details of the proposed changes. Mr. Drake stated that no action is expected tonight. A workshop will probably be scheduled at the midmonth meeting to take into consideration any comments made at the public hearing and any comments that are submitted prior to the next meeting.

Mr. Matteson informed the Board that there are approximately 40-50 changes of varying nature. There are about 6 policy changes, changes that affect how the Ordinance is administered.

#1 is the definition of a minor subdivision. The Planning Board recommended that we put some control on the total number of lots that could be subdivided under the minor subdivision procedure. It presently is a 10 lot maximum, the 11th lot would make it fall into the major subdivision category.

#2 is the final plan approval which allowed the Land Development Administrator to approve the final plan as long as all conditions were met, basically to the letter; however, if conditions were imposed by the Planning Board that required their subsequent review, then the preliminary plan having been approved - the final plan would go back to the Planning Board. There were so many cases where the Planning Board really didn't have any review process after they had given the preliminary plan their approval. Basically, the final plan means that the right-of-way is to be intact, all the property corners well marked, the improvements are in, in many cases the developer has few if any changes to make. If he encounters a situation that would cause him to change the right-of-way, rock or unsuitable soil or found that the soil would not meet health department standards, he may have to change from his original concept and come back and have a major change in a final plan review but if that wasn't the case the Planning Board sees no reason why that would have to go back before the Planning Board.

#3 is stub street requirements. Presently the Ordinance as it was designed almost 2 years ago requires that the developer only, at the Planning Board's request, consider stub streets that would interconnect with other adjacent subdivisions. The language that the Planning Board is now recommending is that the developer, instead of being asked by the Planning Board to consider that, would in fact now have to justify to the Planning Board why not to interconnect streets if there was that possibility.

#4 is to address off-site improvements. The Planning Board felt that in some cases a development that was on property that was served by an unimproved road that might have a large number of lots in the development, might create some type of an impact on that unimproved road, part of which might have been off the site. The developer could say he wants to pave everything on his site but not off site but if the off site road was public and the impact was sizable enough then the Planning Board could ask that the developer pave that portion of the off site road that would impact the development. Another example would be in the utilities. If there was a large enough development, maybe they were calling for 6 inch water lines within the development but that development would cause a bottleneck in the incoming lines and service mains to that development, then the development may be asked to upgrade the water lines to the extent that it would impact that development.

#5 is right-of-way dedication. This is what Mr. Matteson called a "common sense" policy of reducing the requirements in some cases for right-of-way to undeveloped areas. For example, our Ordinance requires a 45 foot right-of-way for local residential streets. If a developer is using an existing right-of-way which is inadequate, he would be asked to dedicate the entire 45 foot portion on property that he owns. What the Planning Board is recommending is that in cases where there is undeveloped property on either side of that right-of-way, that the developer would only have to dedicate half and then a subsequent developer on the other side of the street, when that time comes, would be asked to dedicate the balance of the 45 feet.

#6 is the subdivision Improvement Performance Guarantees. Section 550 is what has been proposed. The Planning Board has made one minor change that the Board has not seen and that is they have recommended that the Land Development Administrator be given authority to approve guarantees under the provisions of the Ordinance. This would be under the threshold of \$1,000 guarantee.

Mr. Matteson stated that the Land Development Ordinance has been in effect 2 years this February. He has seen about a 22-23% increase this year in the number of total subdivisions reviewed under this Ordinance, that is not counting the reviews that we have given for what we call "exempt" subdivisions.

There was some discussion on these proposed changes. Chairman Drake stated that he feels a workshop is needed to go through the Ordinance line by line. He feels that some refinements need to be made because he has a problem with requiring one developer to do something you don't require another developer to do. The Planning Board may need some stricter guidelines.

Polly Kremer - League of Women Voters. On March 15, 1989 they supported the Improvement Guarantees and urge the Board to act upon that item. Chairman Drake stated that there are guarantee provisions that are currently being enforced. These change very little, if any, with these proposed changes to the Land Development Ordinance.

Commissioner Maybin made a motion to close public hearing. A vote was taken and the motion carried.

Chairman Drake scheduled a workshop for the next meeting, January 17, so that the Board could go over the Ordinance in depth with any members of the Planning Board that want to be

here and the County Planner. He further stated that they would still accept written comments concerning the amendments up until that date.

PUBLIC INPUT

Polly Kremer - she stated that it was not necessary to speak now, since she spoke during the Public Hearing.

HENDERSON COUNTY COURTHOUSE/JAIL/LAW ENFORCEMENT CENTER

Chairman Drake recognized Bill Fripp of Grier/Fripp Associates to present preliminary plans for the Henderson County Courthouse/Jail/Law Enforcement Center.

Bill Fripp presented the first scheme of the schematic phase design of the new facility. They have prepared a scheme "A" and a scheme "B". Scheme "B" was the first one they worked on, they worked on it until they could see that it was unfeasible economically. Scheme "A" is the scheme Mr. Fripp presented today, it comes very close to fulfilling all the needs of the original thoughts presented last December in the feasibility study.

The complex itself has a 61,000 sq. ft. footprint. The building will face Grove Street and is three levels. There are 130 public parking spaces, 84 for employees and law enforcement center, 4 for judges, and 22 for the jail, for a total of 240 parking spaces on one level. The building has been designed to fit in well with the existing topography of the site. The main courthouse is separated from the jail building by approximately 24 feet, which leaves a good expansion possibility in the future. He pointed out service entrances of the different sections of the building, parking areas, etc.

The courthouse will have three courtrooms; Superior with 180 seats, District with 140 seats, and District Civil with 70 seats. There is a Grand Jury room, law library, pool room for the jury, conference rooms, District Attorney's offices, etc. The jail will have 168 beds, female bed count was increased from 16-20. The complex will house Clerk of Court, Register of Deeds, Revaluation, Tax Assessor, and Tax Collection.

Mr. Fripp informed the Board of an option for expansion, that is to go up another level. It is more expensive, more hazardous, and more tedious but it can be done and can be designed for it. It adds very little cost to the initial construction if it is properly done. Mr. Fripp feels this is an option that may need to be kept open, that affords us two options in the future for expansion.

There was discussion with numerous questions asked by the Board. Some questions were asked by the audience. Mr. Fripp and the Board were able to answer all these questions.

Chairman Drake announced that Mr. Fripp would be available this Thursday and/or Friday to meet with various Department Heads to discuss the interiors of their departments. We will set up meetings with those persons. Mr. Fripp has blueprints available to pass out to those Department Heads for their study.

HENDERSONVILLE CITY SCHOOL BOARD REQUEST

Chairman Drake recognized Mr. Byrd, Mr. Eubank, and Mr. Laughter of the School Board. Charlie Byrd, Superintendent addressed the Board with information regarding the renovation of Hendersonville High School. They have found that just by doing the elevator and electrical without the other parts of Phase I, they will lose valuable space, especially in the media center and the chemistry lab because this would be where the elevator shaft would be located. When the original plans were drawn last year, in this first phase this

January 2, 1990

Page 4

was taken into consideration in the installation of the elevator. Also cost estimates are now projected somewhere from 5% to 7% increase. The firm they are dealing with is Padgett & Freeman. The Hendersonville City Board of Education feels that they should go ahead with phase I of the renovation and not just do the elevator and electrical.

There was discussion. Chairman Drake stated that at a previous meeting, the Board had approved requests from the City of up to \$100,000 to do the elevator and electrical work related to the installation of the elevator. Mr. Drake asked what the pleasure of the Board is?

Mr. Eubank stated that what the City Board of Education is actually requesting is the partial distribution of Facilities Bill money that is already in the hands of the County Commissioners, specifically for the purpose of school construction, resulting from a Facilities Bill passed about three legislatures ago.

Commissioner Randall made a motion to distribute monies according to ADM (average daily membership). A vote was taken: Ayes: Commissioner Randall

Nays: Commissioner Baker
Commissioner Maybin
Commissioner Edney
Chairman Drake

The motion did not carry.

Commissioner Randall made a motion to immediately fund the cost of \$884,890, to handle all of the phase I renovation work on Hendersonville High School, which includes the air conditioning and heating system.

Commissioner Baker made a motion to table Mr. Randall's motion until such time as the Board has a decision as to how to distribute monies. A vote was taken:

Ayes: Commissioner Maybin
Commissioner Baker
Chairman Drake

Nays: Commissioner Randall
Commissioner Edney

The motion carried to table Mr. Randall's motion to immediately fund phase I at a cost of \$884,890.

Commissioner Randall made a motion to authorize the Finance Director, David Nicholson to designate Facilities Bill money according to point of residence rather than average daily membership. The Boards of Education would still have to apply to the Board of Commissioners for the release of those funds but the money would be in two separate accounts, identified as County Capital Reserve Funds and City Capital Reserve Funds. It was made clear that the approval of this motion would approve the City's request for the money to fund phase I of the renovation of Hendersonville High School.

There was much discussion on this motion. David Nicholson suggested that the funds be put into two separate Capital Reserve Funds and then pull those funds out based on the School Board's request to the County Commissioners and their action. This way the funds can be traced better.

After checking in the General Statutes, Mr. Nicholson stated that he could find nothing that requires the Board of Commissioners to do this project by project for the County's Capital Reserve Funds but to draw down the funds of the State Corporate Tax, it takes the Commissioner's action by Resolution to request that withdrawal.

Chairman Drake reminded the Board of the motion on the floor at this time. Commissioner Randall had made the motion to approve the distribution of Capital Reserve Funds on a point

of residence basis and also approve the City's request of \$884,890, less \$100,000 already approved at a previous meeting towards phase I renovation of Hendersonville High School. Chairman Drake stated that the distribution would be based on 10.95% and 89.05% less any withdrawals already taken from the Capital Reserve Funds, based on a rough dollar figure of a total of \$9,847,000 (the figure to be refined).

A vote was taken: Ayes - Commissioner Randall
Commissioner Baker
Chairman Drake

Nayes - Commissioner Maybin
Commissioner Edney

The motion carried.

Commissioner Randall made a motion for the Board of Commissioners to direct the Chairman and the County Finance Officer to issue a written invitation to the County and the City School Board Chairmen and their respective Superintendants to sit down and map out a complete list of county-wide needs in Capital Outlay, thinking in terms of a bond issue, and come up with two things: 1. How much money is needed and 2. When do we need to move with a bond issue. He further set a deadline that the Chairman report back to the Board of Commissioners by no later than the first meeting in April. A vote was taken:

Ayes - Commissioner Randall
Commissioner Baker
Commissioner Maybin
Chairman Drake

Nayes - Commissioner Edney

The motion carried.

Commissioner Edney made the motion that the Board of Commissioners request the County Board of Education to invite the City Board of Education to visit their mobile classrooms. All voted in favor and the motion carried.

APPOINTMENTS

Chairman Drake asked for nominations for the Henderson County Council on the Status of Women. There is one vacancy. Commissioner Baker nominated Ginny Faust. Commissioner Maybin made the motion to suspend the rules and appoint Ms. Faust to the Council on the Status of Women. All voted in favor and the motion carried.

Chairman Drake asked for nominations for the Private Industry Council. This is a minority owned or managed small business position, one vacancy. There were no nominations and the item was rolled to the next meeting.

BID AWARD - VOTING MACHINES

Chairman Drake recognized David Nicholson to present this. David Nicholson stated that the Board of Commissioners approved a new type of voting system at the Dec. 4 meeting, a Shouptronic 1242. Another vendor of voting machines questioned why we didn't use a formal bid procedure so after discussing this with the State Board of Elections, Mr. Nicholson felt it best to prepare a bid package. This was done, advertised and opened proposals. Mr. Nicholson said that two bids were received, one from Shouptronic. The Board of Commissioners have approved the Shouptronic 1242 and he is now requesting that they formally approve the bid submitted by the R.F. Shoup Corporation.

Commissioner Edney made the motion to accept the bid submitted by the R.F. Shoup Corporation for the purchase of 30 voting machines. All voted in favor and the motion carried.

ROAD PETITIONS

Chairman Drake informed the Board of a petition received to add Shawn Drive to the State Maintenance System. Commis-

sioner Maybin made the motion to receive this petition and pass it on to the N.C. Department of Transportation for their consideration.

HEATING/AIR CONDITIONING PREVENTATIVE MAINTENANCE BIDS

Chairman Drake recognized Jerry Myers. Jerry Myers addressed the Board stating they had requested and received bids for providing preventative maintenance services for 75 heating and air conditioning units located at 12 difference county facilities. Three companies bid on the services, McNutt Service Group was the lowest bid for service and filters for an annual cost of about \$6,040. These bids are presented for your consideration.

Commissioner Baker made the motion to authorize awarding of the contract to the low bidder, McNutt Service Group. All voted in favor and the motion carried.

JANITORIAL BIDS

Jerry Myers addressed the Board. Mr. Myers stated that he has found that the County can contract with private firms to provide janitorial services to the facilities much cheaper and at a more cost effective fashion than by hiring additional employees and buying the necessary equipment, supplies, etc. We received bids from six vendors. Mr. Myers stated that in considering how to award a bid for these services, one must consider past performance. If a vendor is doing a good job, maybe we would want to keep them even if they do not enter the lowest bid. Responsive service is more important than the nominal difference in bid prices. In reviewing the bids and considering all factors, the Board may wish to consider awarding the janitorial contracts to Praytor's Janitorial Services for a cost of \$56,700 for all county buildings except the Fletcher Branch Library. The low bid on Fletcher Branch Library was a new vendor, Industrial Custodial Services and Mr. Myers has received some good recommendations on him. There was some discussion on the matter.

Commissioner Maybin made the motion to award the 1990 Janitorial Contract for all county buildings to Praytor's Janitorial Service. All voted in favor and the motion carried.

NOTIFICATION OF VACANCIES

Chairman Drake informed the Board of 1 vacancy on the Library Board of Trustees, this is a Commissioner member.

Chairman Drake informed the Board of 1 vacancy on the Crime-stoppers Board. this is a Commissioner member.

Chairman Drake informed the Board of 1 vacancy on the Board of Health, this is a medical doctor position which is a statutory position.

Chairman Drake informed the Board of 3 vacancies on the Industrial Facilities and Pollution Control Authority.

Chairman Drake informed the Board of 2 vacancies on the Henderson County Planning Board.

Chairman Drake informed the Board of 2 vacancies on the Hendersonville City Planning Board.

Chairman Drake informed the Board of 3 vacancies on the Recreation Committee.

The Board recessed and reconvened as the Cane Creek Water & Sewer District Commissioners for review of the minutes of December 20 and to review change order # 4 for Project 613-1.

The Board recessed as the Cane Creek Water & Sewer District

Commissioners and reconvened as the Mud Creek Water & Sewer District Commissioners.

The Board reconvened as the Board of Commissioners.

Commissioner Maybin made the motion for the Board to go into Executive Session to discuss legal, personnel and contractual matters. All voted in favor and the motion carried.

Commissioner Baker made the motion for the Board to go out of Executive Session.

COURTHOUSE, JAIL, LAW ENFORCEMENT FACILITY

Commissioner Edney made the motion to receive the plans and tentatively accept the perimeters of the design for the new Courthouse/Jail/Law Enforcement Facility. All voted in favor and the motion carried.

Commissioner Baker made the motion for the Board to go back into Executive Session. All voted in favor and the motion carried.

Commissioner Maybin made the motion for the Board to go out of Executive Session. No action was taken.

There being no further business, the meeting was adjourned at 12:26 a.m.

ATTEST:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk

William T. Drake
William T. Drake, Chairman

Public Hearing - Jan. 2, 1990
Land Development Ordinance

Name

Kremer, Polly

Address

141 Rugby Forest Ln

Public Input - Jan. 2, 1990

Name

Kremer, Polly

Address

141 Rugby Forest Ln