

**DRAFT**

**MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, AUGUST 15, 2018**

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

Also present were: Management Assistant Megan Powell, Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Recreation Director Carleen Dixon, Captain Benjy Bryant, Construction Manager David Berry, Planning Director Autumn Radcliff, Facilities Project Coordinator Thad Ninnemann, Emergency Management/Rescue Coordinator Jimmy Brissie, Building Services Interim Director Crystal Lyda, Captain Neal Urch, Board of Elections Director Beverly Cunningham, IT Director Becky Snyder, Code Enforcement Director Toby Linville, EMS Director Mike Barnett, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, and Deputy Kyle Collins as security.

**CALL TO ORDER/WELCOME**

Chairman Edney called the meeting to order and welcomed all in attendance. He recognized Senator Chuck Edwards in attendance.

Senator Chuck Edwards said he was enjoying looking at a working example of how Government operates. He was glad to be here and honored to represent this district in Raleigh. Senator Edwards loves to hear first-hand issues and problem in the communities. He feels Henderson county is in great shape.

**INVOCATION**

The invocation was provided by County Manager Steve Wyatt.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC HEARINGS**

**Land Development Code (LDC) Text Amendments (TX-2018-04) RV Parks and Park Model Parks**  
*Chairman Edney made the motion to go into public hearing regarding Land Development Code (LDC) Text Amendments (TX-20180-04) – RV Parks and Park Model Parks. All voted in favor and the motion carried.*

Autumn Radcliff stated due to recent application for new recreational vehicle (RV) parks, the Planning Board was directed to review the current standards and provide draft recommendations to the Commissioners to address certain issues that arose during these application reviews. The Planning Board has been discussing the proposed amendments for several months. At the June 21, 2018 meeting, the Planning Board voted to send forward a favorable recommendation on the draft amendments to the existing RV Parks and proposed new language to address park model RV parks.

The proposed text amendment includes:

DATE APPROVED:

- Amendments to the existing RV Park requirements such as: duration, density, buffer requirements, permanent structures such as storages buildings, porches or decks would not be permitted (covered picnic areas are allowed), requires a 50 feet setback from perennial streams, minimum road standards, and limits permanently placed park models to no more than 10% of the park. The amendment also clarifies allowed sewage disposal systems, standards for the park model spaces, and requires that RV's have a current tag, no underpinning and tires must be operational.
- The proposed park model RV park use requires similar restrictions as those found in the traditional RV Park, but includes allowances for covered porches, decks and storage buildings, a minimum of 5 contiguous acres, a separation of 20 feet for fire safety, provide 2 parking spaces, and 25% open space. The amendment also provides some density options for park model RV parks for the Boards consideration. Traditional RV's are not permitted in these parks.

**Public Notice:**

The required public notice of this hearing was published in the Hendersonville Times News on August 4, 2018 and August 11, 2018.

**Background:**

- Questions and concerns were raised with recent applications for new RV Parks
- BOC directed the Planning Board to review these issues and concerns
- Planning Board discussed the draft amendments over several meetings and recommended draft text amendments to the LDC

**What is a Tiny Home?**

- A home that is typically around 400 sq. ft.
- Tiny Homes can be:
- Stick built on a permanent foundation (meets State Building Codes)
- Modular unit
- HUD certified
- Hand Crafted by an individual (typically there are no set standards)
- Meet RVIA standards (Recreation Vehicle Industry Association)
- Tiny Homes are permitted based on the type of unit
- (Single family dwelling, manufactured home, RV or Park Model RV)

**What is an RV?**

- Meets RVIA standards
- NCDMV requires a tag and registration
- U.S. DOT categorizes RV's by class:
- Class A: Large motor homes and converted commercial passenger vehicles (bus)
- Class B: Campervans
- Class C: RV's that are attached to a truck or hauled behind
- Other RV Types: Truck campers, pop-ups, light weight travel trailers

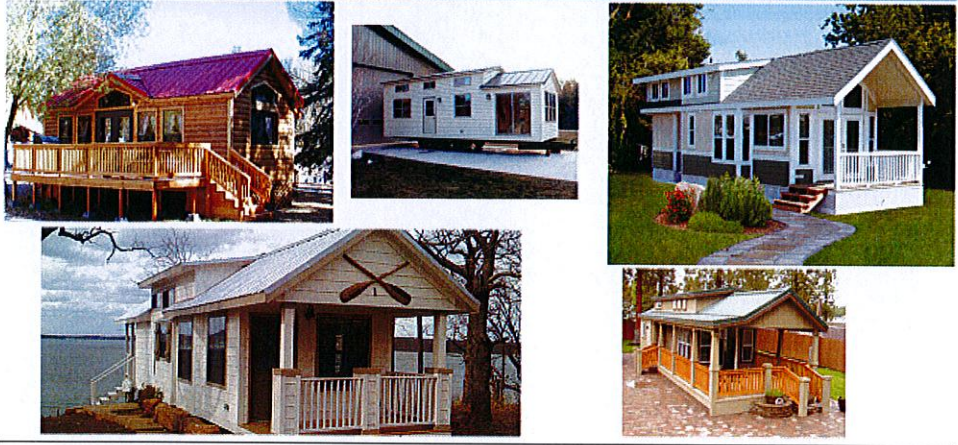
**What is a Park Model RV?**

- Meets RVIA standards (must meet or exceed ANSI Standard A119.5)
- Designed for temporary or seasonal use, not intended as a permanent residence
- Vacation type use purposes
- Not designed to be moved frequently
- Does not require a DMV tag
- Federal law requires the RV Park Model tag at door with the serial number
- Does not have a septic holding tank like a traditional RV and requires connection to a sewage disposal system

### Traditional RV Pictures



### Park Model RV Pictures



**Draft Text Amendments:**

The proposed text amendments split the uses into two types

1. Traditional Recreational Vehicle Parks (RV Parks)
2. Park Model RV Parks

Each use has specific requirements and restrictions

LDC Text Amendment A: RV (Recreation Vehicle) Park

**Proposed changes to the existing RV Park regulations:**

- B2 buffer required (30 ft planted buffer)
- Only 2 campsites per RV space
- No recreational vehicle permitted in the floodway
- Covered porch, deck or accessory structure is not allowed (covered picnic area and fire pit is allowed)
- RV space must be 50 feet from perennial streams
- RV's shall:
  - Not be located in the park longer than 180 consecutive days (temporary use permit may apply)
  - Have a current tag, no underpinning, and tires must be operational
- Minimum of 16 ft wide roads for 2-way streets and 12 ft wide for 1-way streets

- Provide a sewage disposal system (central holding tank, septic system, or approved public, community or municipal sewage disposal system)
- Density restrictions as follow:
  - 10 spaces per acre with a central holding tank or septic system
  - 20 spaces per acre with an approved public, community or municipal sewage disposal system
- 10% of the RV Park may contain a park model provided:
  - It is not located in the 100 yr. floodplain
  - May contain a covered porch or deck not to exceed 150 sq. Ft.
  - Have a minimum separation of 20 ft between units
  - Must be for overnight or seasonal accommodations

**LDC Text Amendment B: Park Model RV Parks**

Add Park Model RV Parks to the permitted use table.

USE TYPE	GENERAL USE DISTRICT											
	P-Permitted; S-Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<i>Recreational Vehicle Park</i>	S	S	S	S	S		P	P	P			4.15
<i>Recreational Vehicle Park, Park Model</i>	S	S	S	S	S		S	S				4.16

**Proposed regulations for Park Model RV Parks are similar to RV Parks with the following exceptions:**

- Park must have a minimum of 5 contiguous acres
- Contain a minimum of 25% open space
- Each park model unit:
  - Shall a minimum of 2 parking spaces and be positioned in a like fashion
  - Shall clearly display the space number as shown on the approved site plan
  - May contain an open or covered porch that may be screened but not enclosed, not more than 15 ft in height or 400 sq. ft. in area
  - May provide underpinning
  - May contain an 1 accessory storage structure not to exceed 144 sq. ft. (12 x 12)

Must have a minimum separation of 20 ft. between units

- Park shall not contain other recreational vehicles other than park models

**Density allocation for park model RV parks:**

- 10 spaces per acre for parks utilizing a central holding tank or septic system
- 20 spaces per acre with an approved public, community or municipal sewage disposal system
- Option 1: The maximum density shall be 4 units per acre
- Option 2: The standard density of the zoning district shall apply

Public Input

1. William Bowers stated a tiny house is being built in his neighbor’s back yard and the neighbor is requesting an address for the tiny house. This will require ten people to change their address. He feels an A could be added to his neighbor’s address which would be easier for everyone. He was against the tiny home being built.

*Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.*

Chairman Edney asked John Mitchell to look at the addressing issue to see if there could be resolution. The County cannot do anything about the zoning since it is inside the City of Hendersonville.

Commissioner Lapsley is concerned about the proposed waste water disposal methods being proposed. He questioned if the local Health Department was the authority.

Autumn Radcliff noted these methods were usual at Parks.

Commissioner Hawkins is a representative on the Planning Board and many meetings were held to come up with the changes. He suggested taking it back to the Planning Board for further review, and requesting that the legal department review changes.

Chairman Edney requested this item be placed on a future agenda for further review.

### **2018-93 Land Development Code (LDC) Text Amendments (TX-2018-05) – Administrative Text Amendment to Flood Requirements**

*Commissioner Thompson made the motion to go into public hearing regarding the Land Development Code (LDC) Text Amendments (TX-2018-05) – Administrative Text Amendment to flood Requirements. All voted in favor and the motion carried.*

Autumn Radcliff stated based on a recent review of the Flood requirements, Staff discovered an administrative text amendment that the Board needs to discuss per the request of the U. S. Army Corp of Engineers. This amendment is an administrative change to clarify that a floodplain development permit is required for any new development in the floodplain regardless of any other required state or federal permits.

At the June 21, 2018 meeting, the Planning Board reviewed the draft text amendment and voted to send forward a favorable recommendation.

#### **Public Notice:**

The required public notice of this hearing was published in the Hendersonville Lightning on August 2<sup>nd</sup>, 2018 and August 9<sup>th</sup>, 2018.

#### **Issue:**

U. S. Army Corp of Engineers identified a clarification needed in our ordinance. This amendment is an administrative change to clarify that a floodplain development permit is required for any new development in the floodplain regardless of any other required state or federal permits.

### **Section 42-350 Floodplain Development Permits**

Purpose. A Floodplain Development Permit shall be required for any new development in a *Special Flood Hazard Area (SFHA)*, ~~except for watercourse alteration and streambank restoration where the same is permitted by the United States Corps of Engineers and, if applicable, the State of North Carolina (for watercourse alteration and streambank restoration where a proper and appropriate permit from the United States Corps of Engineers and, if applicable, the State of North Carolina, has been granted, no further permit from Henderson County is required).~~

#### **Public Input**

There was none.

*Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Lapsley made the motion that the Board adopt the resolution regarding the consistency with the CCP, and further moved that the Board adopt the proposed LDC text amendment as discussed. All voted in favor and the motion carried.*

**2018-94 Continuation of Public Hearing for Proposed Right of Way Closure – off Muirfield Court**

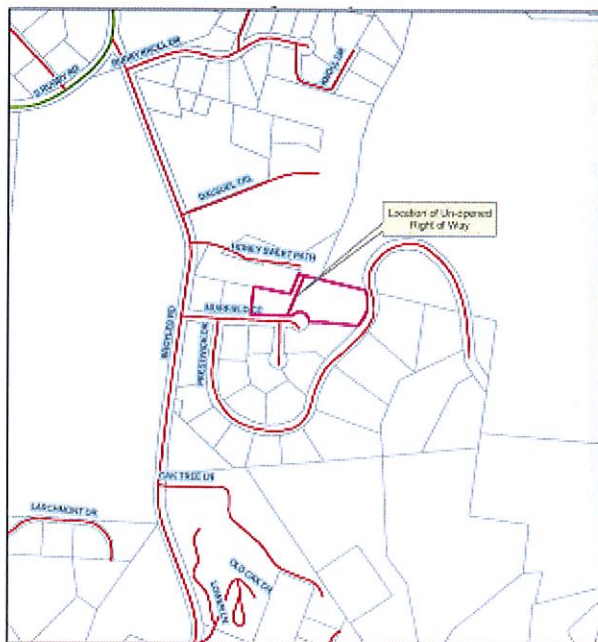
*Commissioner Thompson made the motion to go into public hearing regarding the Proposed Right of Way Closure – Off Muirfield Court. All voted in favor and the motion carried.*

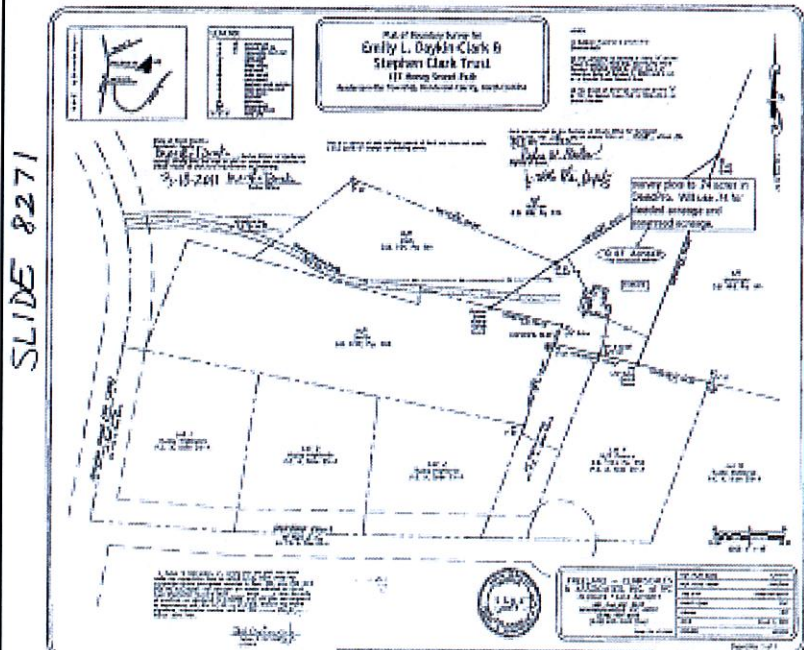
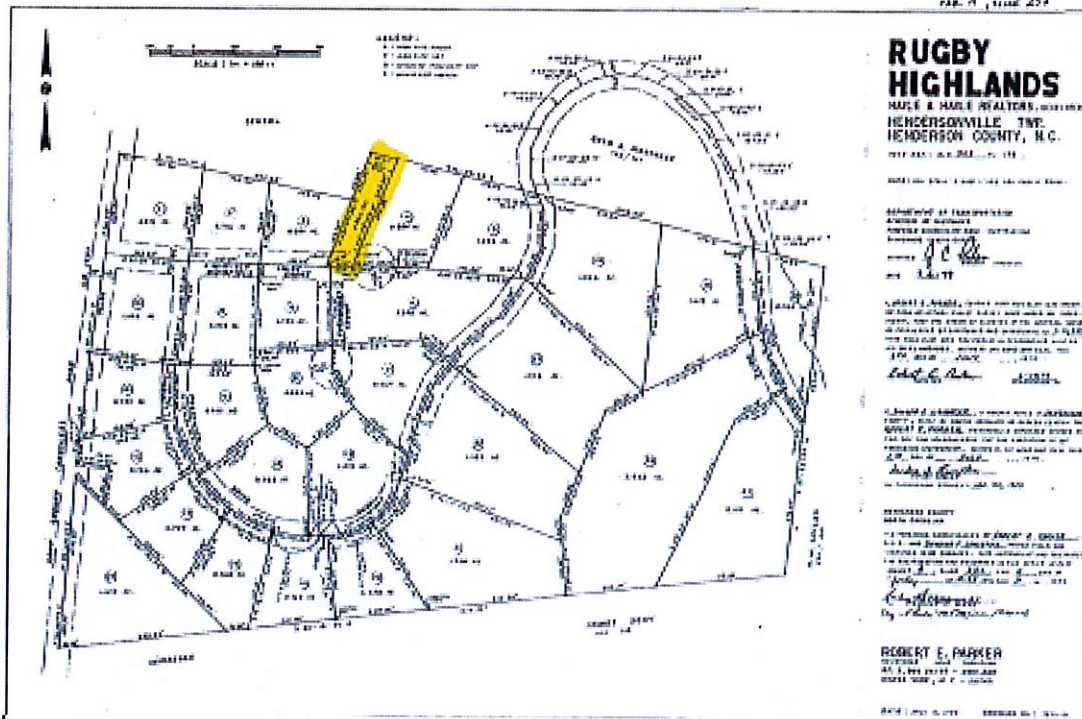
Autumn Radcliff stated staff received a petition from Mr. Thomas Plott, requesting the closure of a platted Right of Way (ROW) located off Muirfield Ct. in the Rugby Highlands Subdivision. The petitioner is requesting a 60-foot ROW shared by the petitioner and a neighbor to be closed and property resurveyed to show closure. The Board approved a Resolution of Intention to close the ROW and to hold a public hearing on this ROW closure at its May 16, 2018 meeting. On July 18, 2018 after hearing public comments, the Board voted to continue the hearing to the August 15<sup>th</sup> meeting due to concerns raised by and adjacent property owner.

The July 18, 2018 hearing was advertised in the Times News on June 21<sup>st</sup>, 2018, June 28<sup>th</sup>, 2018 and July 5<sup>th</sup>, 2018, and the property was posted on June 26<sup>th</sup>, 2018. Notices of the hearing were sent via certified mail on June 21<sup>st</sup>, 2018 to the adjacent property owners.

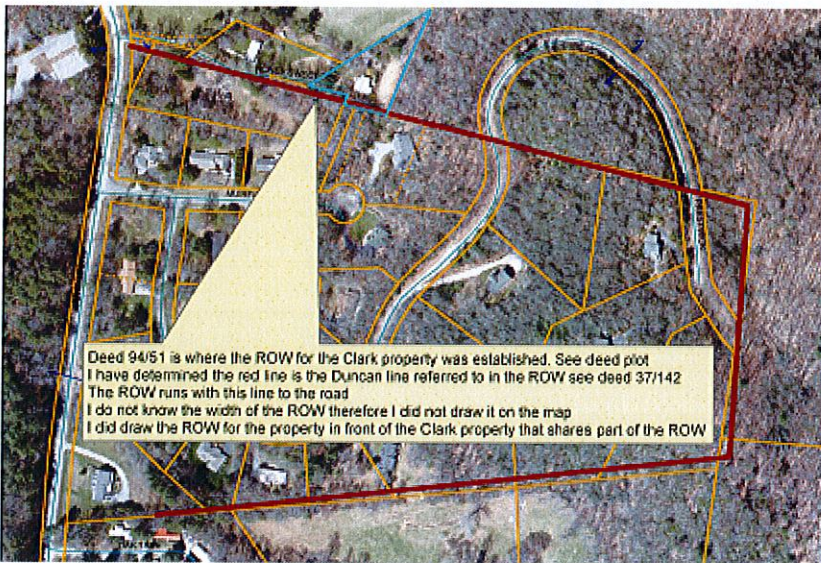
**Application Summary**

- Request submitted by Mr. Thomas Plott to close an unopened ROW off Muirfield Ct. the Rugby Highlands Subdivision
- On May 16<sup>th</sup>, BOC approved resolution of intention to close ROW
- Public hearing was held on July 18<sup>th</sup> at which time the Board continued the hearing to the August 15<sup>th</sup> meeting
- July 18 hearing was properly advertised, posted and letters were sent certified mail





ALSO REFER TO DEED 1456p716  
 0108375  
 also refer to 1462p230 affidavit



Public Input

1. Sherry Brewer, Attorney for the applicant, stated they had not heard back from the attorney of the adjoining property owner. She feels the attorney probably discovered there was no legal right to use the private road.

Attorney Russ Burrell had nothing further. He also feels it was researched and found that the road can't be used.

*Commissioner Thompson made the motion to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Thompson made the motion that the Board approves the closure of the un-opened right of way off Muirfield Ct. and authorizes the Chairman to sign the Order of Closure. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENTS**

1. Glen Englam lives in the ETJ of Hendersonville. There are over 1200 members of the 64W community. He asked the Board to provide any help possible to make the road project tangible and similar to the Kanuga Road project.
2. Jane Bilello spoke in opposition to Sunday early voting in Henderson County as mandated by the NC Board of Elections. She asked the Board to do whatever they could to stop Sunday early voting in Henderson County.

**DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

*Commissioner Hawkins made the motion to approve Consent Agenda with the addition of Henderson County Hospital Corporation / Pardee Ambulatory Surgery Center, LLC. 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 6, 2018 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of August 6, 2018 as presented.*



**Tax Collector's Report**

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated August 9, 2018 for information only. No action was necessary.

**Public Records Disposal Request – EMS**

The Emergency Medical Services Department wishes to dispose of the July 1<sup>st</sup> 2006 through July 31<sup>st</sup>, 2007 Ambulance Call Reports. The eleven year period for retention as required by the North Carolina Department of Cultural Resources has expired. The Ambulance Call Reports which included minors and/or disabled patients will not be destroyed.

Motion:

*I move the Board approves the disposal of the July 1, 2006 through July 31, 2007 Ambulance Call Reports as presented in compliance with the Records Retention Schedule, and authorize the Clerk to the Board of Commissioners to sign the Public Records Disposal Request and Destruction Log.*

**2018-95 Agreement – Henderson County and Safelight**

The Sheriff's Office is requesting that the Board approve the County Manager to sign the agreement using grant funds provided by Safelight for the Victims Assistance Coordinator.

Motion:

*I move the Board of Commissioners approves the County Manager to sign the agreement between Henderson County and Safelight.*

**Vaya Health – Quarterly Fiscal Monitoring Report (FMR) for the period ended June 30, 2018**

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 attached FMR for Vaya Health was received by the County Finance Officer on August 1, 2018.

Motion:

*I move that the Board of Commissioners approves the Vaya Health Fiscal Monitoring Report for the quarter ended June 30, 2018.*

**Heritage Museum Request**

A request has been submitted on behalf of the Heritage Museum requesting the Board of Commissioners permission to sell refreshments inside the Courthouse during the duration of the Apple Festival. The Heritage Museum would like to sell refreshments and solicit donations as a fundraiser.

Motion:

*I move the Board permits the Heritage Museum to sell refreshments and solicit donations as a fundraiser during the duration of the Apple Festival.*

**Set Public Hearing on Cane Creek financing**

The Board is requested to set a public hearing.

The requested date and time for the public hearing is September 4, 2018, at 5:30 o'clock p.m.

Motion:

*I move that the Board set a public hearing on September 4, 2018, at 5:30 o'clock p.m. regarding Cane Creek financing for its Mud Creek Interceptor project.*

**2018-96 Henderson County Hospital Corporation / Pardee Ambulatory Surgery Center LLC**

The Hospital Corporation has set up "Pardee Ambulatory Surgery Center, LLC", as a wholly-owned subsidiary. Ambulatory surgical centers ("ASC") are in effect freestanding day surgery centers, set up away from hospital campuses. They are typically more specialized in the sorts of surgery performed in them than a normal hospital surgery center. Under the Lease Agreement and other agreements between the Hospital Corporation and the County, the Hospital Corporation has the authority to set up such subsidiaries so long as the Corporation maintains the control of the subsidiary.

The Hospital Corporation proposes to transfer to two (of ten) certificates of need for operating rooms currently held to this ASC, and to sell up to forty-nine percent (49%) of the ownership interest in the ASC to various medical providers, at fair market value. These providers will then perform procedures in the ASC.

The Hospital Corporation seeks the County's approval of this arrangement.

Motion:

*I move that we approve the Hospital Corporation's formation of 'Pardee Ambulatory Surgery Center, LLC, as a wholly owned entity of the Hospital Corporation, and that we approve in advance the transfer of certificates of need and the associated licenses for two (2) Operating Rooms from the Hospital Corporation to the Pardee Ambulatory Surgery Center, LLC. I further move that we approve the sale by Henderson County Hospital Corporation of up to a total of forty-nine percent (49%) interest in Pardee Ambulatory Surgery Center, LLC to various medical providers and/or operators so long as each sale is for fair market value and the requirements for Joint Ventures set forth in the Amended and Restated Lease between Henderson County and Henderson County Hospital Corporation dated September 4, 2013 are complied with, without any need for future approval of or consent by this Board.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

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

**EMS SYSTEM UPDATE**

Jimmy Brissie, Emergency Services Director stated recently Henderson County EMS and Pardee Hospital implemented a new data sharing system, ESO Hospital Data Exchange (HDE). Staff will provide an update of the benefits of this solution.

Mike Barnett stated EMS Staff has been evaluating call volume and projected response times in anticipation of the move to the new Emergency Services Headquarters during the fall of 2018. Staff provided the Board an overview of their findings and discuss the expected allocation of ambulances to ensure an effective response countywide.

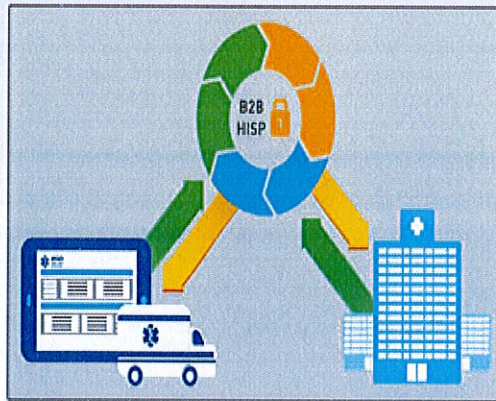
# Health Care Data Exchange

Pardee Hospital and Henderson County EMS have recently implemented a Health Care Data Exchange program.

This program delivers true bidirectional data sharing between EMS and the hospital.

Records flow directly into the hospital electronic medical record system within minutes of the EMS transport allowing multiple hospital providers to view the EMS record.

Hospital clinical outcome information and billing information is automatically transmitted back to the EMS electronic health care record.



HENDERSON COUNTY

# Health Care Data Exchange

## EMS Transmits

### All EMS Data Elements

- Demographic and Billing
- Vitals and Procedures
- Assessment and Narrative
- History, Allergies, and Medications
- Incident Location Data
- Up to 585 Data Elements

PDF of Patient Encounter

PDF of Patient ECG

## Hospital Transmits

Demographic and Billing

Diagnosis and Disposition

Patient Acuity Scores

Vitals and Procedures w/Results

Lab Results and Imaging

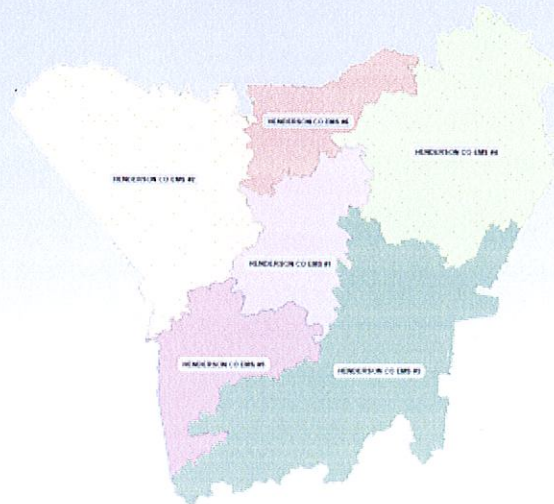
Detailed Cath Lab Results

\* Facility determines final list of data to be shared with EMS

HENDERSON COUNTY

Henderson County EMS currently operates eight ambulances within six districts, effectively answering over 15,000 calls annually with an average target response time of 9 minutes or less.

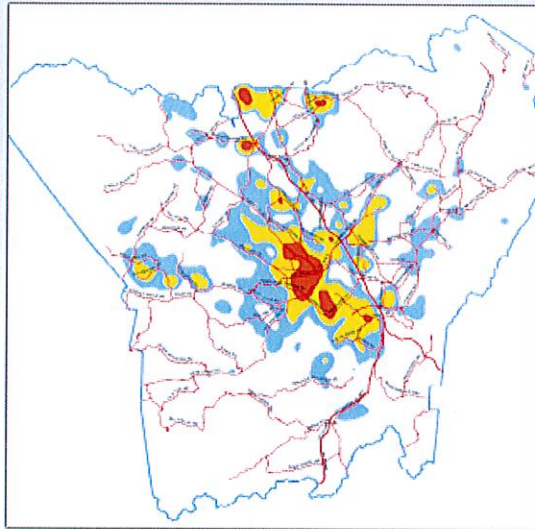
In preparation of the move to the new ESHQ staff has conducted an analysis of EMS response districts.



HENDERSON COUNTY

Current call volume is distributed in the following manner:

Station 1 (Downtown)	53%
Station 2 (Mills River)	12%
Station 3 (Upward Rd)	19%
Station 4 (Edneyville)	8%
Station 5 (Crab Creek Rd)	2%
Station 6 (Fletcher)	6%

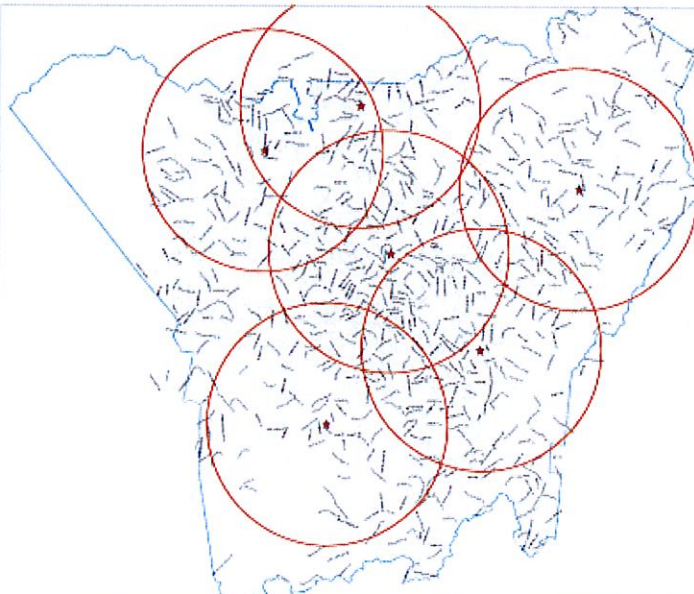


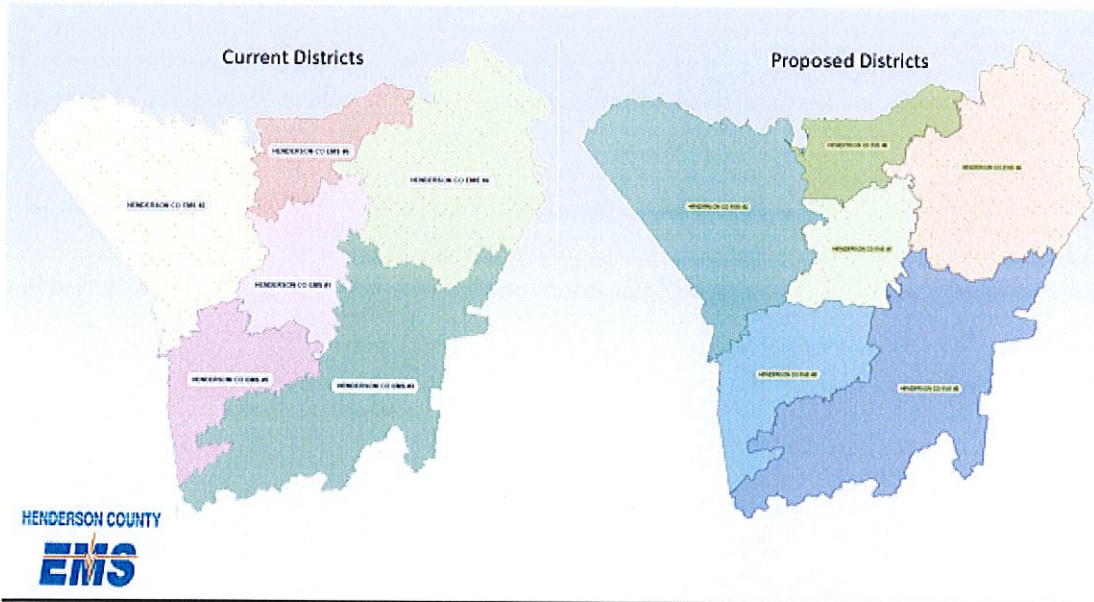
### Evaluation of Current Resource Allocation

- The new Emergency Service Headquarters is located approximately four minutes to the north of its current location. This will reduce response times to the north and increase response times to the south. Station # 1 is staffed with three ambulances 24/7.
- The highest call volume area for Station # 1 is the Four Seasons Blvd corridor. EMS response can be provided to this area from the new Balfour location within a four minute response time. This reflects an improvement over current response times in many cases.
- EMS Station # 3 (Upward Road) is the second busiest EMS station and is staffed with one ambulance 24/7. In 2017, Station # 1 ambulances responded to 756 or 23% of Station # 3's emergency calls due to Station # 3's ambulance already being committed to other emergency calls, this resulted in prolonged response times.
- Station #3 has capacity for a second ambulance during the day but cannot currently accommodate a 24 hour crew.
- EMS Station # 1 and Station # 3's peak call volume times are from 7:00 AM to 10:00 PM

A statistical analysis of call volume reflects the Station 3 district is over capacity 23% of the time.

In order to provide the greatest service to the community staff recommends moving one truck from Station 1 to Station 3 during peak times and realigning district lines.





- Strategically locating EMS resources based on historical data and predicted EMS call volumes will decrease the current response delays in Station # 3’s district, prevent the need for an additional EMS station, and enhance EMS response times county wide.
  
- EMS staff request utilizing the above solution for a trial period and analyze the response data after four months. EMS requests that the County maintain the Henderson County Rescue Squad Building as an option for a downtown substation until this data can be analyzed.

Jimmy Brissie suggested moving a truck, during peak time, to Station #3 and adjusting the district lines. Ambulances are moved from Station to Station as needed. Station #3 may need future renovations.

Steve Wyatt feels this will need to be looked at in the following year. He suggested including plans for the future in the EMS 4-year budget forecast.

**DETENTION FACILITY SPACE NEEDS ASSESSMENT**

Captain Neal Urch introduced Karen Albert of Practical Solutions for Public Safety, Inc. and Stephen Allen of Solutions for Local Government, Inc. to present the summary of their findings and conclusion of the needs assessment of the Henderson County Detention Center Jail Space Assessment & Inmate Population Study.

Project Components:

- Inmate population
  - *Bed needs*
  - *Projections*
- Facility Assessment
- Recommendations

- Next Steps
- Study Process
  - Time in the Facility
    - Day-to-day operations
    - Facility conditions
    - Individual Staff interviews
    - Formal meetings with
      - Administration
      - Medical
      - Classification
      - Housing Unit, Booking, Transportation Officers & Support personnel
  - Research & Data Analysis
  - Assessment & Review of Findings

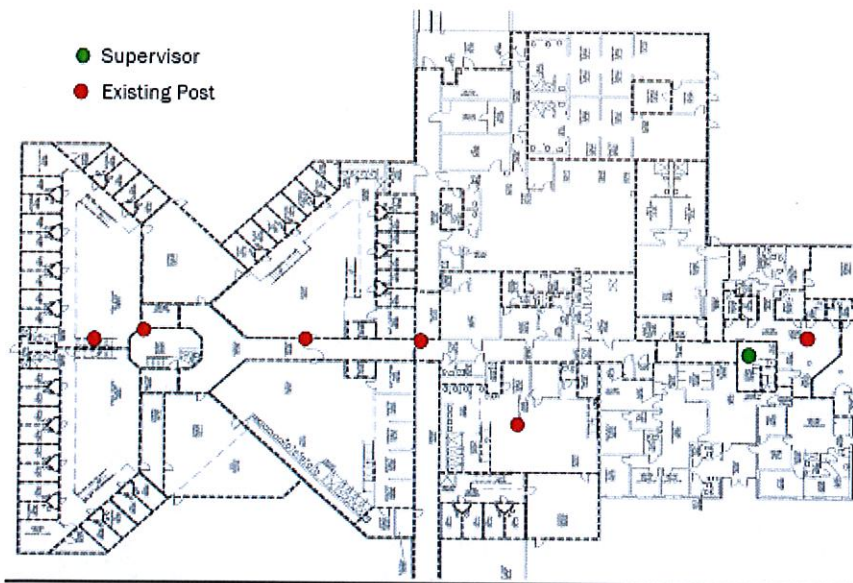
### Clarification of Status

- Security Level
- Custody Level
  - Minimum
  - Medium
  - Maximum
- Classification
  - Mental Health
  - Medical
  - Behavior Management
  - Intake
  - Protective Custody
  - Restrictive Housing - Administrative
  - Work Program / Weekenders

Population	Males	Females
Mental Health	12	6
Medical	8	4
Protective Custody	10	3
Restrictive (Admin)	6	1
BMU	12	2
Intake	2	1
Max - GP	24	2
Medium	48	5
Minimum	32	6
WR/Weekender/Work Program	12	4
SubTotal	166	34

### Bed Availability / Bed Utilization

<p><b>Minimum Custody</b></p> <ul style="list-style-type: none"> <li>• Minimum Custody</li> </ul>	<p><b>Medium Custody</b></p> <ul style="list-style-type: none"> <li>• Medium Custody</li> </ul>
<p><b>Special Housing</b></p> <ul style="list-style-type: none"> <li>• Behavior Management</li> <li>• Restrictive Housing</li> <li>• Protective Custody</li> <li>• Maximum Custody</li> </ul>	<p><b>Intake</b></p> <ul style="list-style-type: none"> <li>• Intake</li> <li>• Medical</li> <li>• Mental Health</li> <li>• Protective Custody</li> <li>• Weekenders</li> </ul>
<p><b>Women</b></p> <ul style="list-style-type: none"> <li>• Mental Health</li> <li>• Medical</li> <li>• Protective Custody</li> <li>• Restrictive Housing</li> <li>• Behavior Management</li> <li>• Intake</li> <li>• Maximum Custody</li> <li>• Medium Custody</li> <li>• Minimum Custody</li> </ul>	<p><b>Work Release</b></p> <ul style="list-style-type: none"> <li>• Not Used</li> </ul>



### **PROFESSIONAL CORRECTIONAL PRACTICE – ACTIVE SUPERVISION OF INMATES**

Proposed NCJail Standard (Effective December 2018)

10A NCAC 14J .0601 Supervision

(e) When an officer is assigned to supervise inmates as required by Paragraph (a), (b), and (c) of this Rule, **a jail shall not assign the officer other tasks that would interfere with the supervision of inmates.** These other task shall include:

- (1) delivering food to inmates;
- (2) preparing inmates for and transporting inmates to court;
- (3) escorting inmates to medical appointments;
- (4) performing inmate booking and release functions;
- (5) supervising inmates working in the jail; and
- (6) exchanging inmate's soiled clothing, bed sheets, and blankets with clean clothing, bed sheets, and blankets.

Grady Hawkins feels this needs to be incorporated into the upcoming budget.

Commissioner Messer asked how long the state gives us to comply.

Steve Allen was unsure but guessed it may be negotiable.

Captain Urch replied the State inspector will site them and give them 90 days to comply. It may include taking inmates to other facilities or shutting them down. Some action brings understanding.

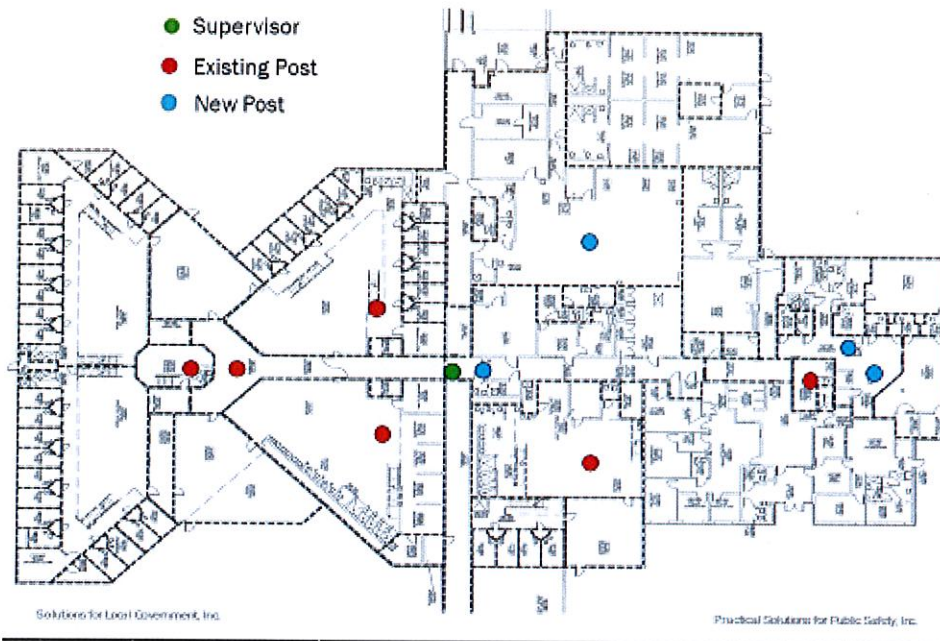
Commissioner Lapsley understands the State is not saying we must spend \$6m, but increase staffing and supervisors only.

Steve Wyatt asked what steps need to be taken to meet the state requirements.

Commissioner Thompson asked about the cost of increased staffing.

Karen Albert responded an approximate cost of \$575,000 for eleven (11) new staff to meet state requirements as of December 2018. However, security and safety are still factors.

Chairman Edney feels that our Senator needs to look at the impact on counties in North Carolina for this standard to be met.



## Projections

### Jail ADP vs. Bed Requirements

$$\text{Jail ADP} \times \text{Bed Utilization} \times \text{Classification Factor} = \text{Bed Requirements}$$

2028 Baseline Projections

$$187 \times 1.088 \times 1.157 = 235$$

2028 Alternative Projection Scenarios

Population Scenario

Admissions Scenario

ALOS Scenario

## Projections

### Baseline Data

Year	County Population	Total Admissions	Admissions Avg./Mo.	Population Avg./Day	Length of Stay Avg. # Days
2017	116,173	4661	388	173	13.55
2016	114,385	4638	387	141	11.00
2015	112,294	4344	362	152	12.77
2014	110,924	5017	418	167	12.15
2013	109,138	5139	428	159	11.29



# Projections

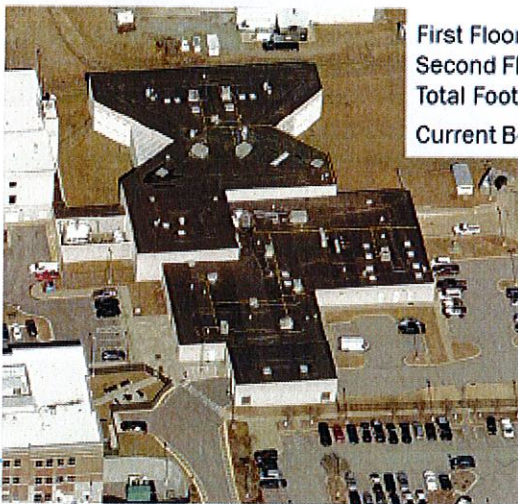
## Jail ADP vs. Bed Requirements

Jail ADP	x	Bed Utilization	x	Classification Factor	=	Bed Requirements
<u>2028 Baseline Projections</u>						
187	x	1.088	x	1.157	=	235

### 2028 Alternative Projection Scenarios

Population Scenario	255
Admissions Scenario	261
ALOS Scenario	278

# Facility Assessment



First Floor: 48,253 GSF  
 Second Floor: 12,005 GSF  
 Total Footprint: 48,870 GSF  
 Current Bed Capacity: 254

Practical Solutions for Public Safety

Jail Space Assessment & Inmate Population



### Facility Assessment Summary:

- Design
- Housing vs. Support
- Distribution of Beds
- Type of Beds
- System Controls
- Mechanical Issues
- Plumbing Systems

You have housing space. But;

**It's the wrong kind of space!**



Vehicle Bayport

Practical Solutions for Public Safety, Inc.

# Facility Assessment

2017 Facility Assessment	
<p><b>Building Entrance Lobby</b></p> <ul style="list-style-type: none"> <li>Public entrance to the facility area is secure and monitored, &amp; posted with signs.</li> <li>Access to/From the Central Control Room is via the Public Lobby.</li> </ul> <p><b>Intake &amp; Booking</b></p> <ul style="list-style-type: none"> <li>Intake/Booking processing area is secure.</li> <li>Counter tops containing electronic devices are monitored &amp; protected.</li> <li>There is no dedicated printer area. Printing of face processing photos is made prior to booking &amp; is secure.</li> <li>Intake/Booking officers in Intake/Booking room controls to control intake/booking area.</li> <li>There is no dedicated space for medical personnel to interview a suspect.</li> <li>Booking Officer can be reached via radio.</li> <li>There is no restriction for smoking &amp; eating within the processing area.</li> <li>Operation of Booking Officer is monitored.</li> <li>Private booking area is used to accommodate the activities of the court.</li> <li>Communication with court officers is via private radio, primary, secondary, mobile, etc.</li> <li>The intake process and the booking process are monitored, more accurately.</li> <li>Door leading for inmate waiting is located directly visible from booking area (counter work station).</li> <li>There is no staging area for inmate waiting pending transport outside the facility (e.g. court, medical, etc.).</li> </ul> <p><b>Medical</b></p> <ul style="list-style-type: none"> <li>The current Medical Unit is secure &amp; is used to accommodate the general population and conduct the intake and processing of the inmate.</li> <li>The existing Medical Unit is secure &amp; is used to accommodate the critical care of inmates. It includes cooperation standards for the facility.                     <ul style="list-style-type: none"> <li>Mental health</li> <li>Substance abuse</li> <li>Medical condition and/or physical disabilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>There are no medical regulations or standards for inmates with pending or ongoing medical issues.</li> <li>Booking officers are trained to identify "medical" cases when medical personnel are not available or when there is a concern of inmate being harmed.</li> </ul> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>The facility is divided into three housing units: the Medium and Minimum housing units and the Security housing.</li> <li>There are no dedicated rooms or spaces for inmates in the main housing units that are controlled or monitored with buffer zones, computer or other electronic devices.</li> <li>The location of the main housing units is secure. The Main Housing unit is secure and does not provide the necessary level of view from the Control Room.</li> <li>The housing control room does not have control of the rooms of individual housing units. Inmates are allowed to use their cell phones, computers, and other electronic devices.</li> <li>There is a lack of a dedicated area for inmate program cases within the facility, which is an important component in various programs, educational and life skills programs.</li> <li>Housing units do not have cameras, access to maps, internet, and other electronic materials. Inmates are not allowed to use their cell phones, computers, etc.</li> <li>The minimum security inmates are housed in the minimum (12 total beds) have been reported and are currently being assessed.</li> <li>The Officer's work station in the main housing unit needs to be moved to provide better observation of outdoor recreation.</li> </ul> <p><b>General</b></p> <ul style="list-style-type: none"> <li>Mechanical problems with secure, remotely controlled sliding doors are becoming more and more frequent. Outdoor maintenance is not being performed.</li> <li>The facility does not have a design with Windows, i.e. single pane glass area.</li> <li>There is no dedicated space within the facility for assigned maintenance personnel.</li> <li>The facility does not currently have an operational, monitored Fire Alarm system.</li> <li>Number of inmates are becoming more of a problem.</li> </ul>

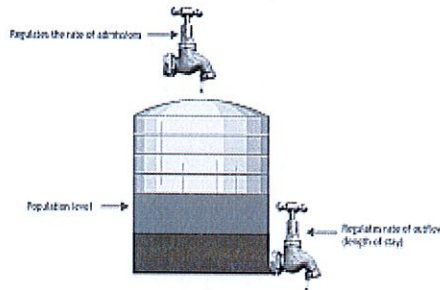
## Bed Distribution Based on Projections

Population	Males	Females
Mental Health	17	0
Medical	11	6
Protective Custody	14	4
Restrictive (Admin)	7	1
BWU	17	3
Intake	3	2
Max - GP	33	3
Medium	67	7
Minimum	44	8
NR/Weekends/Work Program	16	6
SubTotal	229	49
Total		278

18% of total Inmate population: Incarcerated more than 180 days

### The Water Barrel Analogy

Average daily population is a function of admission rate and length of stay



### Sustainability

- Likely Increase in Population
- Criminal Justice Planning
- Alternatives to Incarceration

## Recommendations: Physical Plant

- Renovate Booking to improve flow & function
- Renovate Female Housing to improve visibility
- Construct Healthcare Housing
  - Accomplish w/one additional post position
- Explore options to improve availability of program space

## Projected Costs

■ **New Construction/Renovation**

Booking/Intake & Release 3,500 GSF

Total cost of \$5,800,000.

Medical/Mental Health Housing Unit 16,400 GSF

Additional Costs TBD:

### Next Steps:

- Fund current staffing needs
- Contract for technical assessment of building systems: mechanical, electrical, plumbing
- Contract for design services to refine & develop expansion concepts discussed
- Develop an employee recruitment plan
- Establish a Criminal Justice Coordinating Committee

### **NCACC LEGISLATIVE GOALS PROCESS**

Steve Wyatt stated the NCACC is soliciting input and proposals from all counties and has invited counties to submit their legislative proposals to the Association. The submission deadline for proposals is Friday, September 21, 2018. The NCACC goal setting process is open, inclusive and deliberative and is designed to give all 100 counties a voice in developing the Association’s legislative agenda.

He asked the Board to put this on their radar and think about goals for submission in September. This is a bi-annual process.

Goals may be submitted in any of the following formats: a resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from an affiliate organization.

Proposed goals received on or before September 21, will be referred to the appropriate steering committee for review and consideration.

### **Legislative goals development timeline**

- September 21, 2018 Goals submission deadline
- September – October Steering committees review goals

- November Legislative Goals Committee meets
- December Board of Directors reviews and finalizes recommendations
- January 10-11, 2019 Legislative Goals Conference, membership approval of goals

Senator Edwards explained that NCACC staff members are in his office regularly with legislative goals. He is not sure that this district is represented well by the association, and feels NCACC leans more toward the populated counties.

Commissioner Thompson would like to see lottery funds used for what they were intended. The problem of larger counties getting more attention needs addressing.

Commissioner Hawkins is on the Tax and Finance Committee where inevitably school funding and sales tax distribution come up. Much of the information they receive is incorrect.

### **ELECTIONS EQUIPMENT**

Elections Director Beverly Cunningham presented the Board with information and a request with regards to the purchase of elections equipment. The project will be approached in two phases. For the first phase, the Henderson County Board of Elections is requesting the Board of Commissioners approve the purchase of DS200s (digital scanners) used for paper ballots for election day use, as well as the other equipment needed to implement paper ballot voting, i.e.; voting booths, secure methods of transporting ballots and equipment for securing and transporting this equipment to and from the election day sites. This would allow the office to use the DS200s (digital scanners) for election day use for the 2018 General Election.

The current direct record machines (DRE's) would be retained to use for one stop early voting and election day ADA use through the 2019 elections.

For the second phase, the Board of Elections will be requesting approval to purchase "ExpressVote" equipment. This equipment is anticipated to be certified in FY20, to be used for the 2020 Presidential Elections. The Vendor is not allowed to provide a quote for this equipment as it is not fully certified. However, the cost is anticipated to be somewhere around \$250,000.00.

If approved, this purchase will be made in accordance with N.C.G.S 143-129(e)(6) which grants an exception to the procedures for letting of public contracts when: performance or price competition for a product are not available; a needed product is available from only one source of supply; or standardization or compatibility is the overriding consideration.

*Commissioner Hawkins made the motion that the Board approves both the purchase of the elections equipment as presented, and the necessary budget amendment. All voted in favor and the motion carried.*

*Commissioner Hawkins made the motion that the Board notify the State Board of Elections that Henderson County does not agree with the decision of Sunday early voting. All voted in favor and the motion carried.*

### **CAPITAL PROJECTS UPDATE**

The Capital Projects Manager provided an update to the Board of Commissioners on the status of current construction projects.

## Emergency Services Head Quarters Update



The Emergency Services Head-quarters is on schedule and within budget. Cooper Construction started in September 2017 with a 14 month agreement, but are working toward a 12 month goal.

Clark Nexsen is the Architect. Jimmy Brissie, the Architect and staff have been very involved.

Photo 1



Paving will begin next week and furniture delivered October 8, 2018, with a projected ribbon cutting in October.

Commissioner Lapsley is concerned with emergency vehicle entries onto Highway 25 and feels a warning light is needed.

Photo 2



Jimmy Brissie stated there is an existing caution light for the entry into the school previously on the property. The cost for a caution light is \$30,000 and full signal is \$130,000. He will look into this further with the NCDOT, and the possibility of assistance with cost or discretionary funds.

Commissioner Lapsley feels this is an accident waiting to happen and something should be done prior to opening. Mr. Lapsley will talk with the Division Engineer at NCDOT.

**Photo 3**



**Photo 4**



**Photo 5**



**Photo 6**



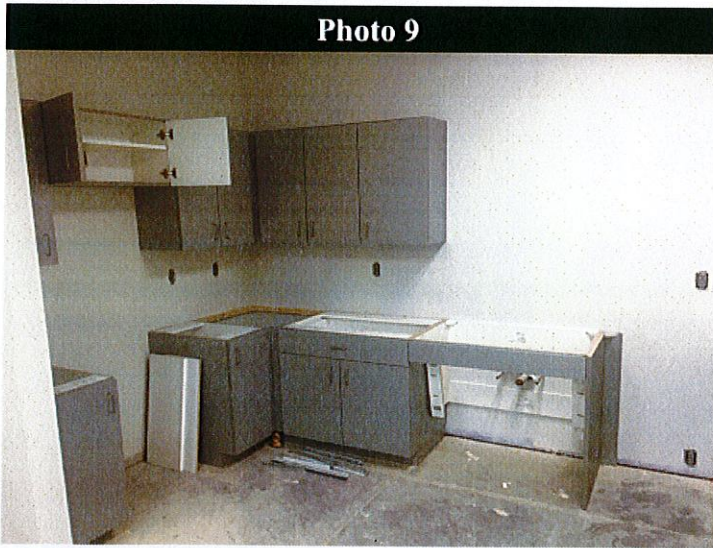
**Photo 7**



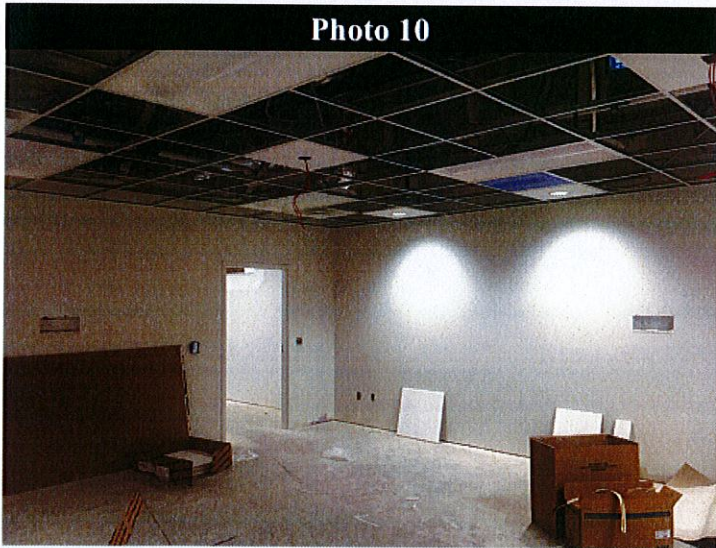
**Photo 8**



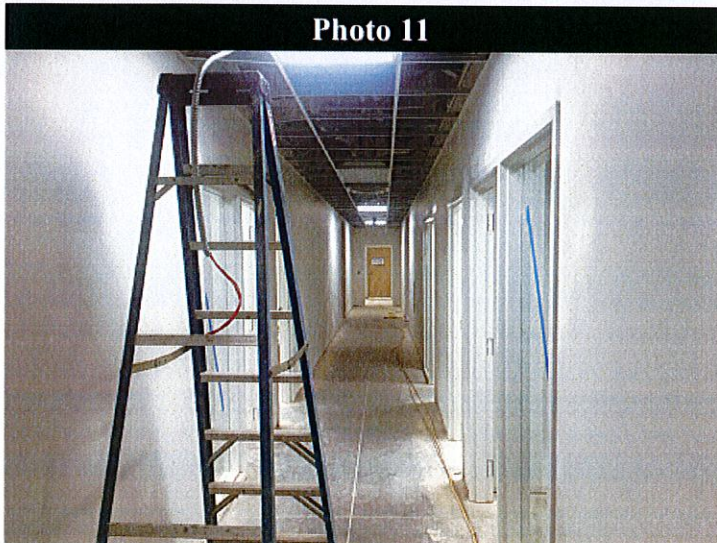
**Photo 9**



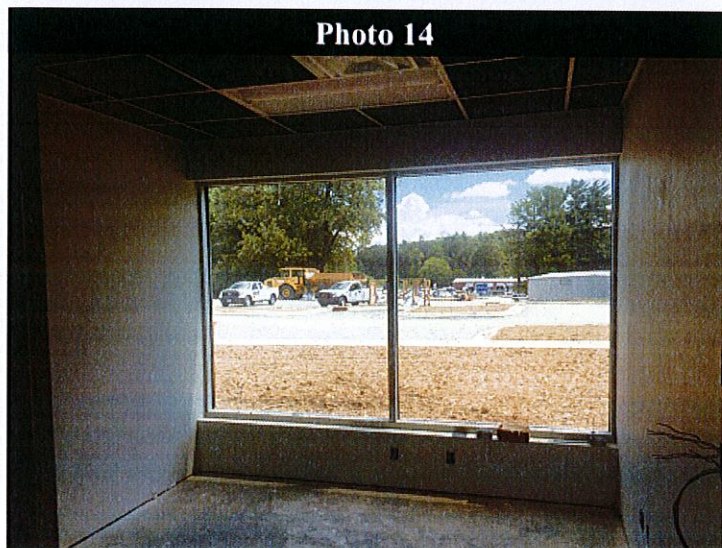
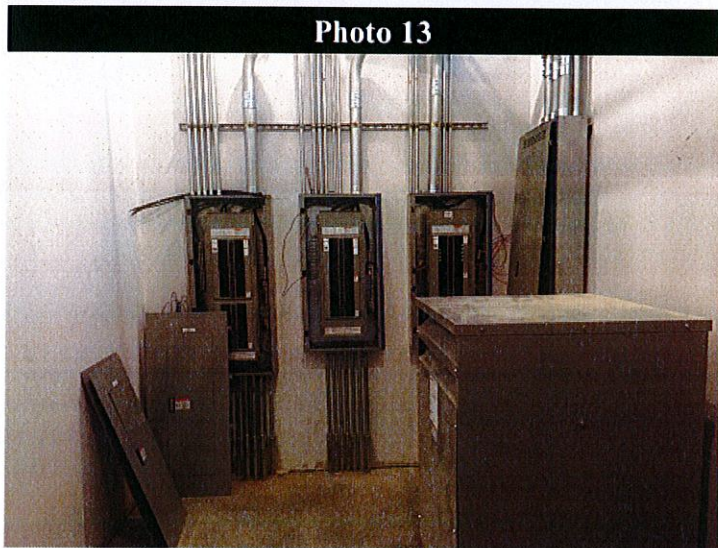
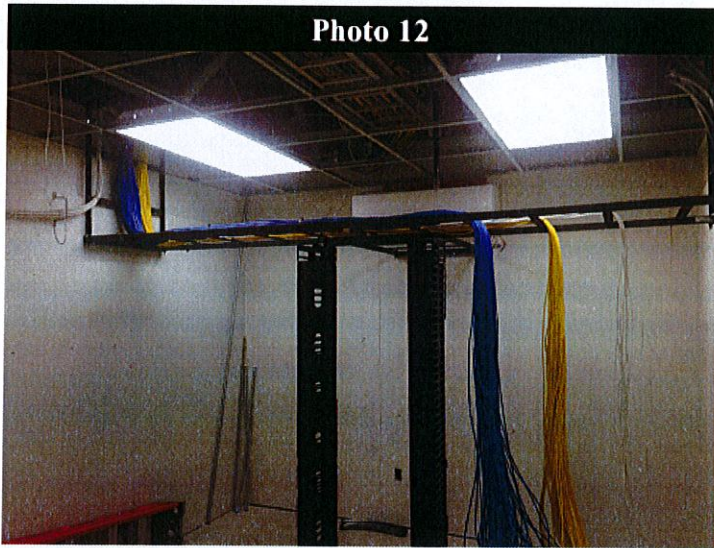
**Photo 10**

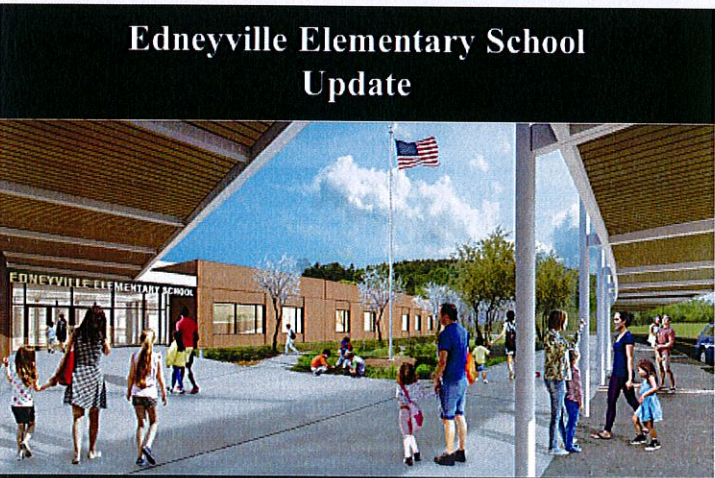
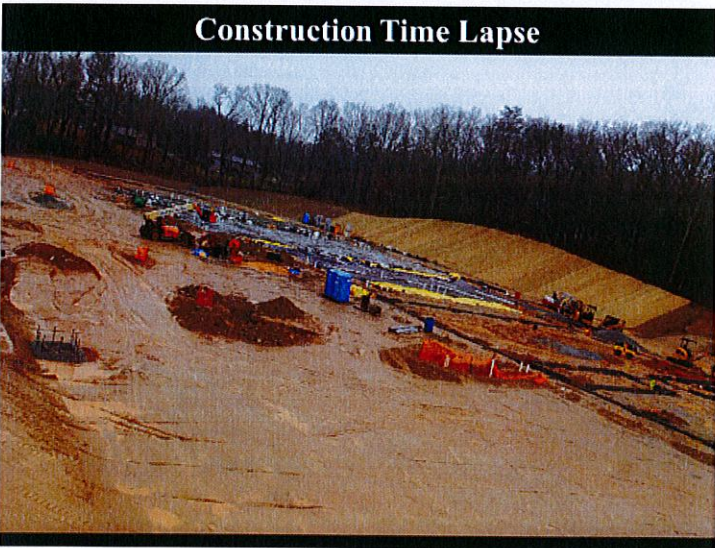


**Photo 11**









The Edneyville Elementary School project is on schedule and within budget. All safety precautions are being taken to protect the children during construction. Once the new school is complete, the old school will be torn down.

There will be complete new traffic patterns.

**Photo 1**

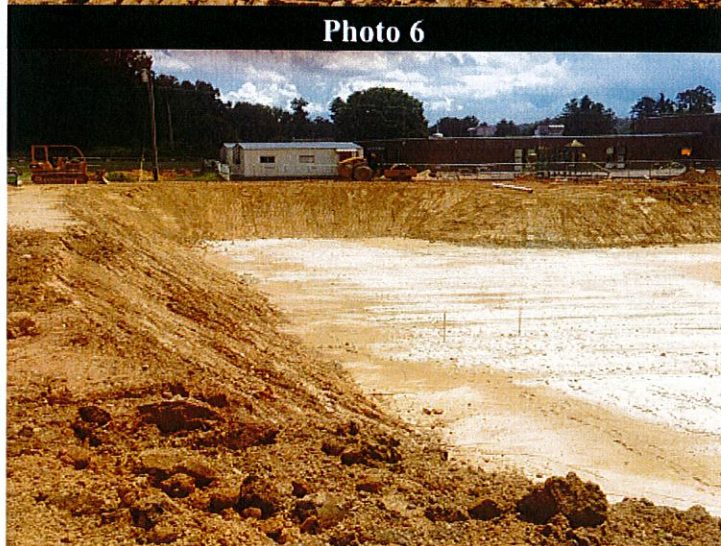


**Photo 2**



**Photo 3**







# Stillwell Update

New roof is complete.  
New chiller is complete.

The enclosure of the fire towers is in progress.

The last project is pointing up of bricks and sealing.



Photo 1

Photo 2

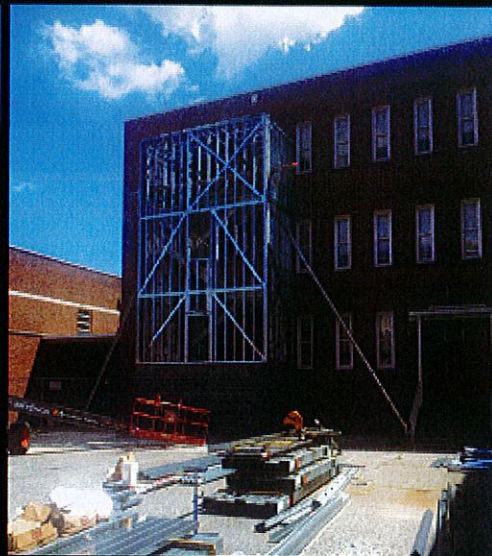
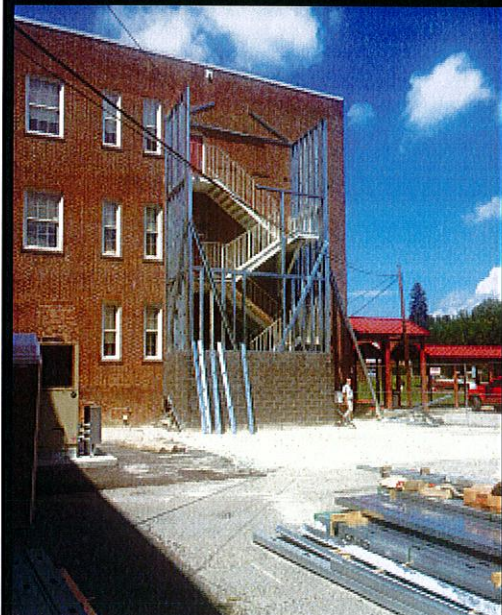
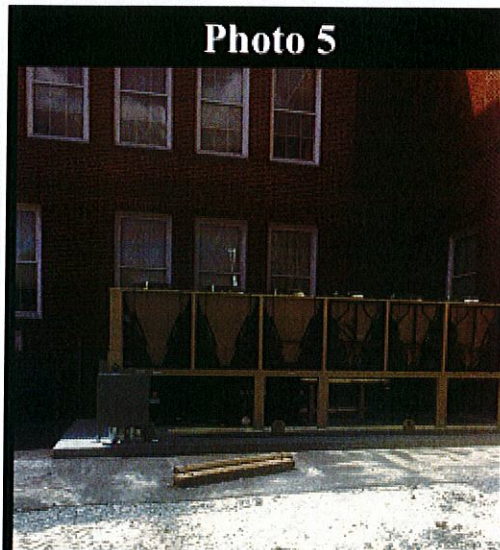


Photo 3

Photo 4





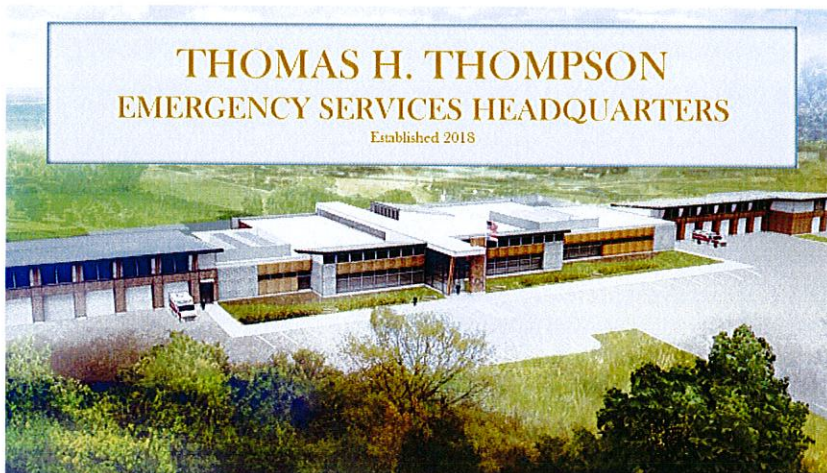
David Berry stated that interior renovations continue at the Main Library. A new roof is on the Cooperative Extension Building, and the Human Service’s building has a new HVAC system.

**2018-97 NAMING OF THE EMERGENCY SERVICES HEADQUARTERS BUILDING – ADD ON**

The Board has been discussing this and came to the conclusion that they would like to name the building in honor of Commissioner Tommy Thompson. Chairman Edney stated the Emergency Services Building has been a goal of Commissioner Thompson’s for a long time. He thanked Commissioner Thompson for over 40 years of service to Henderson County and stated this was the least they could do for him. Mr. Thompson received a standing ovation. Chairman Edney asked for a motion.

*Commissioner Hawkins made the motion to name the Emergency Services Headquarters in honor of Thompson H. Thompson. All voted in favor and the motion carried.*

Commissioner Thompson stated he has never been at a loss for words and emotionally thanked the Board for a wonderful ride. His wife Sherry was in the audience and he noted she had stood by him and taken a lot of the brunt during his years of service. Mr. Thompson has wanted the Emergency Services Headquarters for a long time and appreciates that it is almost complete.



**CANE CREEK WATER AND SEWER DISTRICT**

*Commissioner Hawkins 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.

*Chairman Edney made the motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Board of Commissioners. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Hawkins made the motion to adjourn at 12:40 p.m. All voted in favor and the motion carried.*

Attest:

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

\_\_\_\_\_  
J. Michael Edney, Chairman





**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case TX-2018-04 and TX-2018-05; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearings on August 15, 2018; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

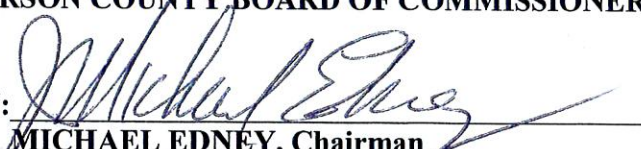
**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed LDC text amendment (TX-2018-04 and TX-2018-05) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.


**THIS** the 15<sup>th</sup> day of August, 2018.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:**

  
**MICHAEL EDNEY, Chairman**  
Henderson County Board of Commissioners

**ATTEST:**

  
**TERESA L. WILSON**  
Clerk to the Board of Commissioners

[COUNTY SEAL]

IN THE MATTER OF THE APPLICATION OF THOMAS PLOTT,  
Applicant,

To the

HENDERSON COUNTY BOARD OF COMMISSIONERS,  
Deciding Authority

**ORDER GRANTING ROAD/EASEMENT CLOSURE**

\*\*\*\*\*

The HENDERSON COUNTY BOARD OF COMMISSIONERS having held a public hearing on July 18, 2018 and August 15, 2018, to consider the application submitted by Thomas Plott, to request a Road/Easement Closure, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

**FINDINGS OF FACT**

1. A public hearing was held by the Henderson County Board of Commissioners on the road/easement closure requested by Thomas Plott. A quorum of the members of the Board of Commissioners were present at the hearing.
2. This Order and the approval herein, was moved by Commissioner Thompson, and was unanimously approved.
3. Thomas Plott, hereinafter referred to as the "Applicant" is resides at 106 Muirfield Court, Hendersonville, NC. The Applicant is requesting the closure of an unopened portion of Muirfield Court north and just before the cul-de-sac at the termination of Muirfield Court.
4. On behalf of the Property Addressing Coordinator for Henderson County, Planning Director Autumn Radcliff presented a packet of information to the Commissioners and that information is hereby incorporated into this order by reference.
5. Notice of the public hearing, pursuant to North Carolina General Statute 153A-241 and 136-63 was duly and timely given. This notice included advertisement in the Times News on June 21st, 2018, June 28th, 2018 and July 5th, 2018, and the property was posted on June 26th, 2018. Notices of the hearing were sent via certified mail on June 21st, 2018 to the adjacent property owners.
6. The Applicant's closure request is not inconsistent with the Notice of Public Hearing produced, published, and posted for the hearing.
7. The following information was presented to the Board of Commissioners regarding this closure:
  - a. The portion of Muirfield Court sought to be closed has never been opened.
  - b. No entity has the legal right to use the portion of Muirfield Court sought to be closed other than those property owners located within the subdivision in which Muirfield Court is located whose property adjoins such portion.
  - c. If the portion of Muirfield Court sought to be closed is in fact closed, reasonable ingress and egress for property owners in the vicinity is still present.

**CONCLUSIONS**

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
2. All evidence relied upon in this Order was credible and reliable and based upon information provided to the Henderson County Board of Commissioners at the public hearing.
3. North Carolina General Statutes 136-63 and 153A-241 grants the Henderson County Board of Commissioners the jurisdiction to hear and make closure decisions.

4. Based on the evidence presented at the hearing, the request does meet all the standards of the statute and the request should be GRANTED based on the reasons established below:
  - a. The closure is not contrary to the public interest.
  - b. No individual owning property in the vicinity of the road or in the subdivision in which the road is located would be deprived of reasonable means of ingress and egress to his or her property.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appearing to the HENDERSON COUNTY BOARD OF COMMISSIONERS that the road/easement closure must be **GRANTED**.

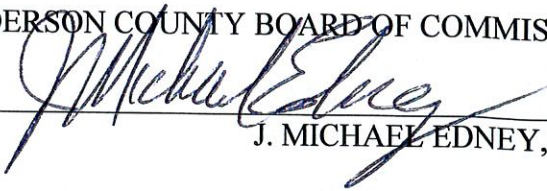
IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF COMMISSIONERS as follows:

**The Applicant's Closure Request has been GRANTED.**

ORDERED this the 15<sup>th</sup> day of August 2018.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_



J. MICHAEL EDNEY, Chairman

ATTEST:

Teresa R. Wilson  
 Terry L. Wilson  
 Clerk to the Board

\*\*\*\*\*

STATE OF NORTH CAROLINA  
 COUNTY OF HENDERSON COUNTY

I, Joanne Martin Hinson, a Notary Public for said County and State, do hereby certify that Terry L. Wilson personally appeared before me this day to acknowledge that she is the Clerk to the Henderson County Board of Commissioners.

Witness my hand and official seal, this the 15<sup>th</sup> of August, 2018.

(Official Seal)

Joanne Martin Hinson  
 Notary Public

My Commission Expires May 23, 2023

JOANNE MARTIN HINSON  
 NOTARY PUBLIC  
 Henderson County  
 North Carolina  
 My Commission Expires May 23, 2023

# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

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

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

Thursday, August 09, 2018

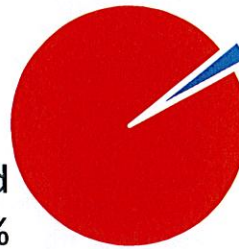
Re: Tax Collector's Report to Commissioners - Meeting Date August 15, 2018

Please find outlined below collections information through August 8, 2018 for the 2018 real and personal property bills mailed on August 1, 2018. Vehicles taxes are billed monthly by NC DMV.

## Henderson County Annual Bills (Real and Personal Property):

<b>2018 Beginning Charge:</b>	<b>\$71,312,870.03</b>
Discoveries & Imm. Irreg.:	\$263,228.98
Releases & Refunds:	<b>(\$49,549.78)</b>
<u>Net Charge:</u>	<u>\$71,526,549.23</u>
Unpaid Taxes:	\$69,410,257.79
<b>Amount Collected:</b>	<b>\$2,116,291.44</b>

**Unpaid  
97.04%**



**Paid  
2.96%**

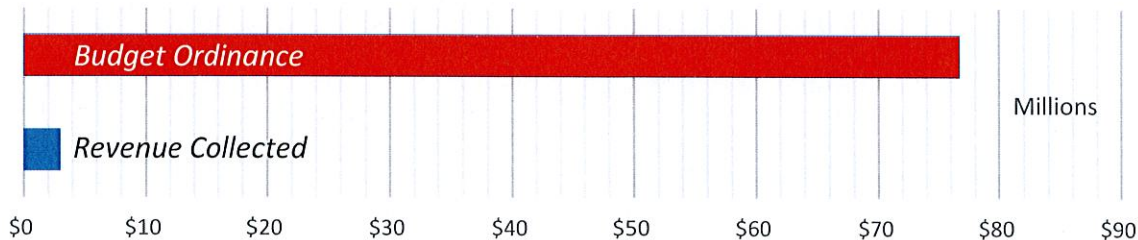
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$688,782.93
Unpaid Taxes:	\$2,187.71
<b>Amount Collected:</b>	<b>\$686,595.22</b>

**99.68%**

## Henderson County FY19 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$75,697,389.00	Ad Valorem:	\$2,802,886.66
Prior Years:	\$1,025,000.00	Prior Years:	\$234,118.12
<b>Budget Total:</b>	<b>\$76,722,389.00</b>	<b>YTD Revenue:</b>	<b>\$3,037,004.78</b>



Respectfully Submitted,

Luke Small  
 Deputy Tax Collector

Darlene Burgess  
 Tax Administrator

# HENDERSON COUNTY

## PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG (Revised March 13, 2002)

DEPARTMENT: EMS

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Ambulance Call Reports July 1st, 2006 through July 31st, 2007	X		Emergency SVC Standard 6, Line 5	

\*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

Mike Barnett  
Department Head

07/26/2018  
Date

Submitted to the Henderson County Board of Commissioners. The Board:  
 APPROVED   
 DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 15<sup>th</sup> day of August, 2018.

Cheryl L. Wilson  
Clerk to the Board

AGREEMENT

THIS AGREEMENT is made between Safelight, Inc. dba Mainstay, Inc., hereinafter referred to as the "AGENCY" and Henderson County hereinafter referred to as the "CONTRACTOR";

WITNESSETH

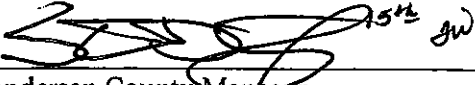
That WHEREAS, the AGENCY desires to engage the CONTRACTOR to perform the professional services hereinafter described;

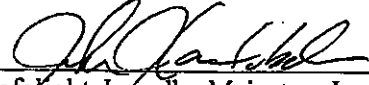
Therefore, the AGENCY and the CONTRACTOR do mutually agree as follows:

1. Contractual Status. The AGENCY and CONTRACTOR agree that the CONTRACTOR shall perform the services required of the CONTRACTOR herein set forth; provided, that the CONTRACTOR is not and will not by virtue of this contract acquire the status of an employee of the AGENCY.
2. Time of Performance. The effective date of this agreement is July 1, 2018 and the termination date is September 30, 2018
3. Compensation. The AGENCY will pay CONTRACTOR at a rate of \$23.55 per hour for a total sum not to exceed \$51,563.00 (*amount stated in approved budget*) for approved services actually provided by the CONTRACTOR. While performing said services in paragraph 4 of this contract, the CONTRACTOR will receive monthly payments based on the number of hours worked.
4. Scope of Services to be rendered. The CONTRACTOR hereby agrees to perform in a manner satisfactory to the AGENCY the following services:  
  
The contracted position will provide additional legal advocacy at the Family Justice Center (FJC) including but not limited to contacting victims, scheduling hearings, communicating with their department, and accessing the online court system, overall assisting in the faster response to victim's needs.
5. Invoice. Payment under this AGREEMENT will be made upon receipt of an original invoice from CONTRACTOR documenting the services performed; hours worked providing the services, hourly rate of pay, and the amount due and payable pursuant to Paragraphs 3 and 4 of this AGREEMENT. All services must be performed to the satisfaction of the AGENCY prior to any payment being made.
6. Contract Administrator. John Lauterbach is designated as the contract administrator for this AGREEMENT. The contract administrator is responsible for monitoring the CONTRACTOR'S performance, approving payment to the CONTRACTOR and for providing evaluation of the CONTRACTOR.
7. Funding. All terms and conditions of this AGREEMENT are dependent upon and subject to the allocation of funds for the purposes set forth, and the AGREEMENT shall automatically terminate if funds cease to be available.

8. Audit of Project Records. The CONTRACTOR'S project records may be audited by the AGENCY, the Governor's Crime Commission, or duly authorized agents of either entity.
9. Taxes. The CONTRACTOR shall be considered to be an independent contractor and as such shall be responsible for all taxes. The CONTRACTOR agrees to provide the AGENCY with the CONTRACTOR'S correct taxpayer identification number upon the execution of this AGREEMENT. The CONTRACTOR agrees that failure to provide the AGENCY with a correct taxpayer number authorizes the AGENCY to withhold 20% of any amount due and payable under this AGREEMENT pursuant to the provisions of the Internal Revenue Code, Title 26, United States Code.
10. Warranty. As an independent contractor, the CONTRACTOR will hold the AGENCY harmless for any liability and personal injury that may occur from or in connection with the performance of the AGREEMENT.
11. Situs. This contract shall be governed by the laws of North Carolina.
12. Antitrust Laws. This contract is entered into in compliance with all State and Federal antitrust laws.
13. Compliance with Law. The CONTRACTOR shall remain an independent contractor and as such shall be wholly responsible for the work to be performed under the supervision of his employees. The CONTRACTOR shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of the CONTRACTOR'S business and work performance under this AGREEMENT, including those of Federal, State and local agencies having appropriate jurisdiction.
14. Certification. The CONTRACTOR certifies that they have not been debarred or suspended from receiving Federal or State funds.
15. Assignment. This AGREEMENT or any interest herein shall not be assigned or transferred by the CONTRACTOR. The CONTRACTOR shall not subcontract any work to be performed pursuant to this AGREEMENT without the written approval of the AGENCY.
16. Entire Agreement. This AGREEMENT, including any exhibits and amendments annexed hereto and any documents incorporated specifically by reference, represents the entire agreement between the parties and supersedes all prior oral and written statements or agreements. This AGREEMENT may be amended only by written amendments duly executed by the AGENCY and the CONTRACTOR.

IN WITNESS WHEREOF, the AGENCY and the CONTRACTOR have each executed the AGREEMENT, this the 24<sup>th</sup> day of July, 2018.

  
Henderson County Manager

  
Safelight, Inc. dba Mainstay, Inc.

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Elections

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115408-551000</u>	<u>Capital Outlay - Equipment</u>	<u>\$292,988</u>
<u>115408-526020</u>	<u>Dept Supplies Non-Expendable</u>	<u>\$118,110</u>
<u>115408-526000</u>	<u>Departmental Supplies</u>	<u>\$18,975</u>
<u>115408-538100</u>	<u>Professional Services</u>	<u>\$34,927</u>
<u>115422-526201</u>	<u>Non-Capital Technology</u>	<u>\$5,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$470,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** Please provide a brief justification for this line-item transfer request.

Appropriation of fund balance to provide funding for elections equipment. Approved by the BOC 8.15.2018.

Budget 8/15/2018  
 Authorized by Department Head Date

\_\_\_\_\_  
 Authorized by Budget Office Date

\_\_\_\_\_  
 Authorized by County Manager Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____



# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
Phone: 828-697-4808 • Fax: 828-692-9855  
www.hendersoncountync.org

J. MICHAEL EDNEY  
Chairman  
GRADY H. HAWKINS  
Vice-Chairman

CHARLES D. MESSER  
WILLIAM G. LAPSLEY  
THOMAS H. THOMPSON

August 15, 2018

Hogan & Brewer, PLLC  
Attorney Sherri L. Brewer  
229 North Main Street  
Hendersonville, NC 28792

Re: Petition to close portion of 60 ft right of way off Muirfield Court

Dear Ms. Brewer:

At the August 14, 2018 regularly scheduled meeting of the Henderson County Board of Commissioners, the enclosed Order Granting Road/Easement Closure was unanimously approved. You may wish to record this document with the Register of Deeds.

Please let us know if we can be of further assistance.

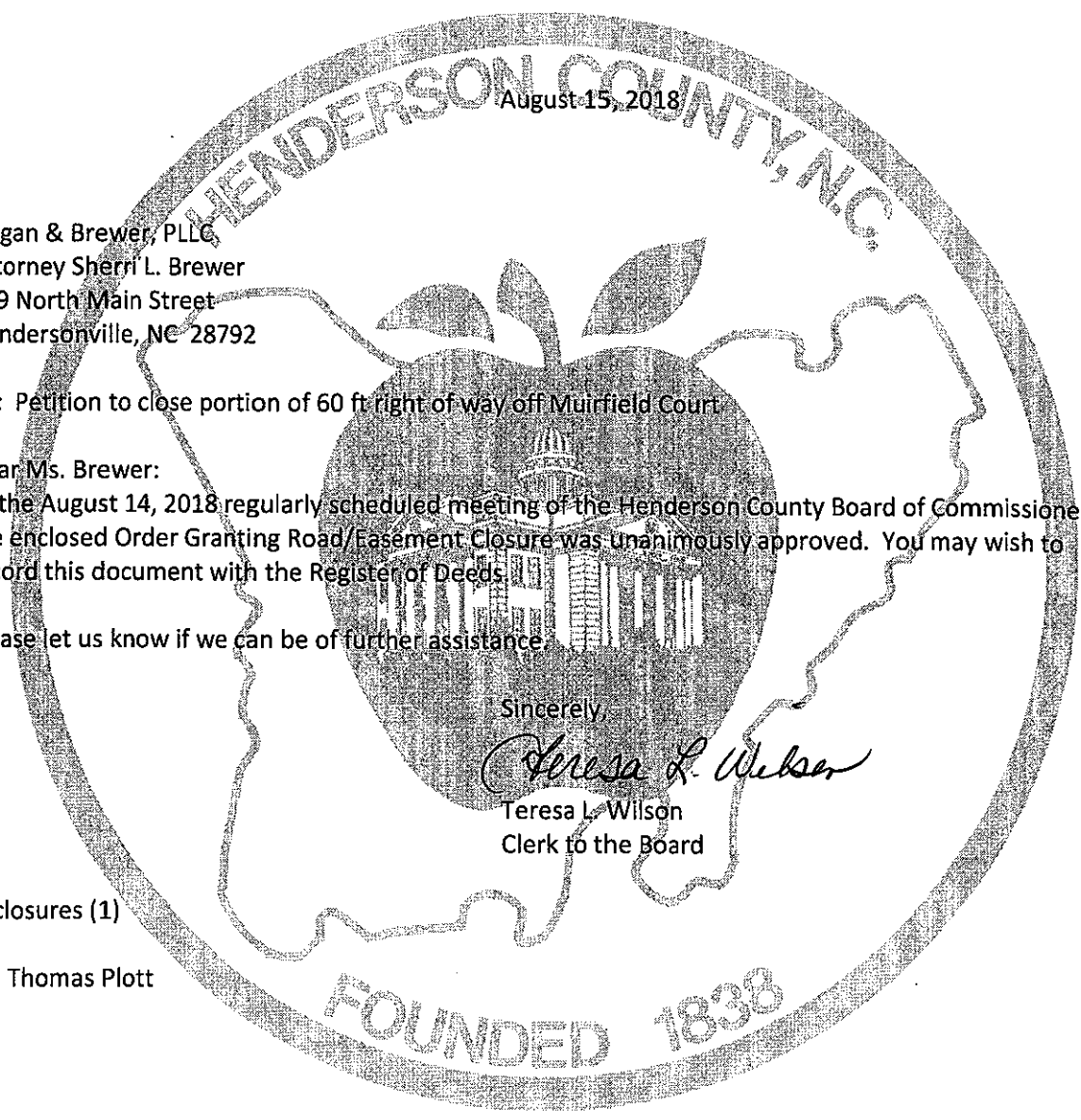
Sincerely,



Teresa L. Wilson  
Clerk to the Board

Enclosures (1)

cc: Thomas Plott



**DURING THE AUGUST 15, 2018 MEETING, THE BOARD ENACTED THE FOLLOWING:**

**2018-93** Land Development Code (LDC) Text Amendments (TX-2018-05) – Administrative Text Amendment to Flood Requirements

**2018-94** Continuation of Public Hearing for Proposed Right of Way Closure – off Muirfield Court

**2018-95** Agreement – Henderson County and Safelight

**2018-96** Henderson County Hospital Corporation / Pardee Ambulatory Surgery Center LLC

**2018-97** Naming of the Emergency Services Headquarters Building