

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, MARCH 17, 2021

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:30 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman William Lapsley, Vice-Chair Rebecca McCall, Commissioner Mike Edney, Commissioner Daniel Andreotta (via Zoom), Commissioner David Hill, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Code Enforcement Director Matt Champion, Planner Janna Peterson, Registrar of Deeds Lee King, DSS Director Jerrie McFalls, Animal Services Director Brad Rayfield, Sheriff's Department PIO Frank Stout, Assistant Finance Director Randy Cox, Purchasing Agent Doug Guffey, Environmental Programs Coordinator Christine Wittmeier, Planning Director Autumn Radcliff, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Manager Megan Powell, Project Engineer Natalie Berry, PIO Kathy Finotti – videotaping, Deputy Mike Marsteller as security.

### CALL TO ORDER/WELCOME

Chairman Lapsley called the meeting to order and welcomed all in attendance.

### INVOCATION

The invocation was provided by County Manager Steve Wyatt.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Chairman Lapsley.

### INFORMAL PUBLIC COMMENTS

1. Via US Mail – The Board received public comment regarding the County Comprehensive Plan and Land Development code from Phil Rasmussen.
2. Via E-Mail – The Board received public comment regarding an Asphalt Plant from Eric Everett.
3. Via E-Mail – The Board received public comment regarding an Asphalt Plant from Susan Coopet.
4. Via E-Mail – The Board received public comment regarding an Asphalt Plant from Pride Carson.

### DISCUSSION/ADJUSTMENT OF AGENDA

*Chairman Lapsley made the motion to approve Consent Agenda pulling Fee Schedule Revision – Addition of Differentiated Boarding Fee and tabling it to April 5th and pulling Polk County Radio Station MOU for discussion. He further moved to adopt the Discussion Agenda with the addition of discussion of the County Ordinance regarding Shooting Ranges. The Board was polled, and the motion carried unanimously.*

CONSENT AGENDA consisted of the following:

#### **Minutes**

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

March 1, 2021 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of March 1, 2021.*

APPROVED: 4/5/2021

**Tax Collector’s Report**

The March 9, 2021 report from the office of the Tax Collector is provided for the Board’s information.

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

2020 Beginning Charge:	\$86,176,774.09
Discoveries & Imm. Irreg.:	\$289,661.30
Releases & Refunds:	(\$440,178.20)
<u>Net Charge:</u>	<u>\$86,026,257.19</u>
Unpaid Taxes:	\$1,770,770.02
Amount Collected:	\$84,255,487.17

**Paid  
97.94%**



**Unpaid  
2.06%**

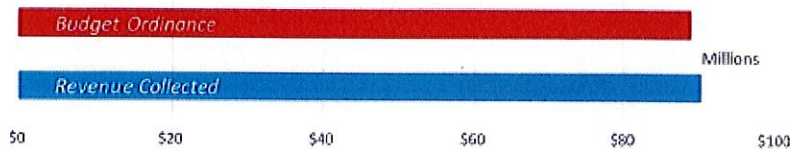
**Henderson County Registered Motor Vehicles (As Collected by NC DMV):**

Net Charge:	\$5,139,311.92
Unpaid Taxes:	\$40,443.76
Amount Collected:	\$5,098,868.16

**99.21%**

**Henderson County FY21 Budget Analysis:**

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$87,594,211.00	Ad Valorem: \$89,354,355.33
Prior Years:	\$1,035,000.00	Prior Years: \$801,457.81
<b>Budget Total:</b>	<b>\$88,629,211.00</b>	<b>YTD Revenue: \$90,155,813.14</b>



**County Financial Report/Cash Balance Report – January 2021**

The January 2021 County Financial and Cash Balance Reports were provided for the Board’s review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of January:

- Dues/Non-profit contributions – payment of 3<sup>rd</sup> quarter Board appropriations
- Elections – timing of expenditures related to 2020 elections.
- Emergency Management – FEMA expenditure reimbursement to partner agencies and timing of Board approved purchases
- Rescue Squad – payment of 3<sup>rd</sup> quarter Board appropriations
- Project Management – expenditure for Board approved purchase
- Medical Services – Autopsies – timing and quantity of services provided.
- Mental Health – payment of 3<sup>rd</sup> quarter Board approved maintenance of effort (MOE)
- Juvenile Justice – timing of provider appropriations
- Public Education – payment of 7<sup>th</sup> of 10 annual appropriations made to the public school system.

The project to date deficit for the BRCC Patton Building Project is due to the payment of architect fees and other expenditures for the project in the Capital Projects Fund, to be reimbursed from financing which closed in February 2021.

Motion:

*I move that the Board of Commissioners approve the January 2021 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – January 2021**

The Henderson County Public Schools January 2021 Local Current Expense Fund / Other Restricted Funds and Capital Outlay Reports were provided for the Board’s information.

Motion:

*I move that the Board of Commissioners approve the Henderson County Public Schools January 2021 Financial Reports as presented.*

**Fee Schedule Revision – Addition of Differentiated Boarding Fee – pulled from agenda and tabled to April 5th**

**Public Record Disposal Request – EMS**

Emergency Medical Services wishes to dispose of ambulance call reports created before March 1<sup>st</sup>, 2010. The eleven-year period for retention required by the North Carolina Department of Cultural Resources has expired. Ambulance Call Reports which include minors and/or disabled patients will not be destroyed. EMS also wishes to dispose of the DEA Controlled Medication records created prior to March 1<sup>st</sup>, 2019. The two-year period for retention required by the US Department of Justice has expired.

Motion:

*I move the Board approves the disposal of the Ambulance Call Reports and the DEA Controlled Medication records and authorizes the Clerk to the Board of Commissioners to sign the Public Records Disposal Request and Destruction Log.*

**Public Records Disposal Request – Finance**

Staff is requesting approval from the Board of Commissioners to destroy all records listed on the attached Public Records Disposal Request and Destruction Log in accordance with the County’s Records Retention Policy and the provisions of the N.C. Department of Cultural Resources Retention and Disposition Schedule, as the period for retention of these records has expired.

Motion:

*I move that the Board of Commissioners approves the Public Records Disposal Request and Destruction Log submitted by the Finance Department.*

**2021.16 Polk County Radio System MOU – pulled for discussion**

During 2019 Henderson County Emergency Management was approached by Polk County Emergency Management to discuss the feasibility of an expansion of the Henderson County VHF trunked radio system into Polk County. Staff met with leadership from Polk County as well as system engineers from JVC/Kenwood to review the technical needs of a system expansion. System design was completed which would allow the Henderson system and Polk system to operate independently as needed or share resources, if necessary. This system expansion would enhance radio coverage in parts of Henderson and Polk counties. Any costs associated with the bridging of the systems would be covered by Polk County.

Commissioner Edney questioned costs of the expansion.

Jimmy Brissie responded this expansion will benefit both Henderson County and Polk County. We will gain Tryon Mountain Peak and Polk County will gain Sugarloaf. Any costs of bridging the systems will be covered by Polk County.

*Commissioner Edney made the motion that the Board approves the Memorandum of Understanding with Polk County for a radio system expansion, and to approve the necessary signatures for execution. The Board was polled, and the motion passed unanimously.*

**FY2022 Consolidated Agreement – NC Department of Health & Human Services (NC DHHS)**

The Henderson County Department of Public Health is requesting approval of the master Consolidated Agreement with the NC Department of Health & Human Services for FY 2022. This agreement is presented to the Board of Commissioners on an annual basis and has historically been signed by the Chairman of the Board of Commissioners or the County Manager (as County Official), County Finance Officer and Health Director. There are no significant changes with the agreement requirements as compared to the FY 2021 Consolidated Agreement. The Changes Overview document summarizes the changes for FY 2022.

The Henderson County Board of Health reviewed and approved the document at their February 9, 2021 meeting with guidance to forward the agreement to the Board of Commissioners for their consideration and final approval.

The document has also been shared with the County Finance Director.

**Motion:**

*I move the Board approves the FY 2022 Consolidated Agreement between the NC Department of Health & Human Services and the Henderson County Department of Public Health.*

**Vendor Selection for the Scanning & Digitalization of Deeds Books**

The Board is requested to approve the selected vendor, Courthouse Computer Systems, and authorize the Register of Deeds to proceed with the procurement of the scanning and digitalization of deed books 1-199. Bidding was conducted between February 17, 2021 and March 2, 2021.

The scanning and digitization project began in 2015 and has resulted in over 2.5 million pages of documents being made available to the public through our website and physical location. To date the documents that have been digitalized constitute over 85 years of County real estate history. This project will complete the scanning of the Deed Books back to the formation of our County, covering the first 100 years of real estate history.

The scanning and digitalization services were approved as part of the Register of Deeds Fiscal Year 2021 budget. There is current budget available for the procurement of these services.

**Motion:**

*I move the Henderson County Board of Commissioners to accept Courthouse Computer Systems proposal in the amount of \$49,890.00 for the scanning and digitalization of deed books 1-199 and authorize the Register of Deeds to proceed with the procurement of these services.*

**2021.17 Proclamation designating the month of April 2021 as North Carolina 811 Safe Digging Month**

On behalf of North Carolina 811, Brian Morehouse requests a proclamation to designate the month of April as "North Carolina 811 Safe Digging Month".

The North Carolina One Call System (NC811), a utility notification and education center that celebrates its 43<sup>rd</sup> year of service to the citizens of North Carolina, is a vital part of preventing damages and injuries when excavating. This vital notification service started in 1978 reaching 2.1 million locate requests from excavators to homeowners in 2020. North Carolina law requires that anyone engaging in demolition or excavation activities contact NC811 at least three days prior to beginning the work by calling or clicking 811.

**Motion:**

*I move the Board adopts the Proclamation designating the month of April 2021 as North Carolina 811 Safe Digging Month.*



### PROCLAMATION

Designating the month of April 2021 as “North Carolina 811 Safe Digging Month.”

WHEREAS, as utility owners, excavators, designers, and homeowners work to keep pace with North Carolina’s economic development, it is important to minimize damages to underground utility lines, danger to workers and the general public, environmental impact, and loss of utility services to the citizens of North Carolina; and

WHEREAS, North Carolina 811, a utility service notification center and leader in education celebrates its 43<sup>rd</sup> year of continuous service to the State, is key to preventing injuries and damages when excavating; and WHEREAS, this unique service provides easy, one-call notification about construction and excavation projects that may endanger workers and jeopardize utility lines while promoting workplace and public safety, reducing underground utility damage, minimizing utility service interruptions and protecting the environment; and

WHEREAS, this vital service, which began in 1978 serves the citizens of North Carolina from the mountains to the coast, educates stakeholders about the need for excavation safety whether the project is as small as planting a tree to designing and beginning construction on a new interstate; and

WHEREAS, in 2020, the North Carolina one call system received 2.1 million notification requests and transmitted over 12.2 million requests, providing protection to utility companies infrastructure, their employees, excavators, and customers.

NOW, THEREFORE, BE IT RESOLVED, That the Henderson County Board of Commissioners has designated the month of April 2021 as “North Carolina 811 Safe Digging Month” to encourage all excavators and homeowners of Henderson County to contact 8-1-1 either by dialing 8-1-1 or contacting NC811 via the webpage of [NC811.org](http://NC811.org) at least three working days prior to digging in order to “Know What’s Below,” avoid injury, protect the environment, prevent millions of dollars in damages and to remind excavators that three working days’ notice is the law, for safe digging is no accident, and that more information may be obtained by visiting [www.nc811.org](http://www.nc811.org).

#### **Public Transit – Automatic Passenger Counting (APC) Equipment**

In May 2020, the Federal Transit Administration (FTA) allocated CARES Act funding for Henderson County’s transit system. In January 2021, the funding was authorized with designation for specific items including the purchase of Automatic Passenger Counting (APC) equipment and software at a 100% reimbursement rate. This purchase includes the cost of installing the counting hardware in all six transit vehicles, setting up an online data host, training of staff, and on-going support for the software as well as the required federal reporting for three years with two, one-year optional extensions.

The County requested proposals on February 17, 2021 and received submittals from four vendors. Staff has reviewed the submittals received, and requests Board authorization to proceed with purchase from Passio Technologies, who had the lowest cost and the most experience with the National Transit Database through the FTA. The proposal is available for review upon request.

Motion:

*I move that the Board approves the purchase from Passio Technologies and authorize Staff to sign the necessary contract.*

#### **Facility Use Policy Exemption – Sheriff’s Department**

The County has received a request from the Sheriff’s Department regarding the use of Jackson Park on Saturday, May 1, 2021 and Sunday, May 22, 2021. The Board is requested to waive the rental fee for the fields and allow for a food truck on site.

Motion:

*I move the Board waives the rental fee for the fields and allow for a food truck on site on May 1-2, 2021.*



**PUBLIC HEARINGS****2021.18 Text Amendments (TX-2021-01) Related to NCGS Chapter 160D**

*Chairman Lapsley made the motion to go into public hearing. The Board was polled, and the motion carried unanimously.*

Autumn Radcliff stated the new Chapter 160D of the North Carolina General Statutes consolidates current enabling statutes for development regulations that apply to both cities and counties. Chapters 153A and 160A were the previous chapters that 160D consolidated. Chapter 160D places these statutes into a more logical, coherent organization. The new law (Chapter 160D) does not make major policy changes or shifts in the scope of authority granted to local governments, but it does include amendments that will need to be incorporated into Henderson County's local development regulations.

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of required amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations will need to be updated by July 1, 2021, the effective date of the new law. Additional information on Chapter 160D can be found on the UNC School of Government website:

<https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019>

The Planning Board discussed the proposed text amendments at its meeting on February 18, 2021 and voted unanimously to send forward a favorable recommendation on the proposed amendments.

**Overview**

- Chapter 160D of the N.C. General Statutes becomes effective on July 1<sup>st</sup>, 2021 as the new law.
- It consolidates the current stature for development regulations (now 153A and 160A for counties and cities)
- It does not make major policy changes or shifts in the scope of authority granted to local governments.
- Counties and Cities zoning, subdivision, and other development regulations must be updated by July 1, 2021.

**Chapter 160D Amendments**

What are the Important Changes to Cities and Counties?

- Conditional Zonings replace conditional use zoning districts.
- Conditions of approval must be consented in writing by the applicant prior to a zoning decision.
- 3<sup>rd</sup> party down-zoning is prohibited without the property owner's written consent.
- Development approvals runs with the land.
- Distinguishes between Legislative Hearings and Evidentiary Hearings types (Special Use Permit requires evidentiary; rezoning and conditional zoning districts requires legislative)
- Permit choice right for the applicant or developer
- New conflict of interest standards for advisory boards and approvals
- Authorizes minor modification approvals provided no change in permitted use or overall density.

Which County Codes Requires Amendments?

- Land Development Code
- Minimum Hosing Code
- Nuisance Ordinance
- Preservation of Historic Resources Ordinance

Amendments Listed in Tables provided in agenda packet:

- Table 1: Required Amendments (Must)

- Table 2: Optional Amendments (May)
- The tables show the 160D amendments by type (Must/May) and is color coded with the ordinance reference (a copy of the ordinances with all edited changes was provided to the Board)
  - Amendments are divided by category type.
  - Amendments already addressed in the current ordinances or that only apply to municipalities are referenced as well.
  - Optional amendments include those recommended & not recommended.

#### **Chapter 160D Amendments – REQUIRED (Must)**

Required:

1. Update the new 160D references in all ordinances.
2. Definition consistency (bedroom, building, conditional rezoning)
3. Adopt broadened conflict of interest standards.
4. Align enforcement standards (NOV's, inspections, revocations, housing-codes)
5. Reference G.S. for development agreement process and standards
6. Requires legislative decision for adoption or amendment of comprehensive plans.
7. Clarification to legislative and quasi-judicial decisions including notices and plan consistency, types of conditions, and written consent of conditions by applicant.
8. Clarification to appeals such as: receipt of appeals, official witness for appeals, hold on enforcement actions and fines.
9. Vesting rights for multi-phase developments of at least 25 acres
10. Permit choice options for applicants and developers

#### **Chapter 160D Amendments – OPTIONAL (May)**

Recommended:

1. Align ordinance terminology with G.S. for the definition of determination.  
(Determination. A development regulation enacted under the authority of this Chapter may designate the staff member or members charged with making determinations under the development regulation as defined in G.S. 160D-403.)
2. Adopt statement of reasonableness for zoning text amendments.
3. Add requirements for minor modifications that it must not include change of use or density as required by the new law.
4. Require recordation of special use permits with the register of deeds since the approvals run with the land.

Not Recommended:

1. Planning Board review quasi-judicial decisions  
**Reason:** Unnecessary since planning board recommendation cannot be part of Zoning Board of Adjustment decision
2. Requiring zoning certificate of compliance of permits (CO's are still required)  
**Reason:** Additional certificate not necessary, code enforcement currently monitors and inspects.
3. Require certain dedications & performance guarantees for zoning approvals.  
**Reason:** These are set as conditions of approvals for SUP's and Conditional Rezoning's.
4. Use of form-based codes.  
**Reason:** Would require a code re-write and would regulate more uses than the current LDC. More typical in an urban or municipal setting. (Form-based codes regulate/control the physical form and land use/density is less important.)
5. Allow standard variance adjustments under federal Fair Housing Act  
**Reason:** GS language is not clear about the variance standard adjustment. BOC could consider at a later date.
6. Require owners to post notice of determination on site.  
**Reason:** Owner has the option to post if desired. Not recommended to require the owner do this.
7. Set expiration of development approvals if work is discontinued. The default under 160D is 12 months.

**Reason:** Staff currently works with developer/applicant to encourage completion under existing requirements. Unclear how vested rights issues would apply and could prevent project completion.

**Public Hearing Requirements**

- On February 18<sup>th</sup>, the Planning Board voted to send forward a favorable recommendation on the proposed 160D amendments.
- Notices of the public hearing were published in the Hendersonville Lightning on March 3, 2021 and March 10, 2021

**Public Input:**

There was none.

*Commissioner Edney made the motion to go out of public hearing. The Board was polled, and the motion carried unanimously.*

*Commissioner McCall made the motion that the Board adopt the resolution regarding the consistency with the CCP, and further moved that the Board adopt the proposed text amendments to the County Codes related to NCGS Chapter 160D as discussed. The Board was polled, and the motion carried unanimously.*

**DISCUSSION – NEW BUSINESS ITEMS**  
**COVID-19 RELIEF PACKAGE UPDATE**

Robin Ramsey, western field representative for U.S. Senator Richard Burr, was scheduled to provide the Board of Commissioners with an update on the details of the COVID-19 Relief Package that recently passed the Senate. She was not able to be in attendance.

Megan Powell stated we have not received many details yet. Henderson County will receive \$22.7m in Covid Relief funding in the next 60 days, with a deadline to spend of December 31, 2024. The municipalities will also receive funding. The US Treasury will send the specific on allowable uses.

Steve Wyatt shared the County will be liable for repayment of any expenses outside of guidelines. Non-profits have suffered economic impact because they are unable to hold fundraisers. There is no such thing as free money. This is citizen money, the Federal Government does not have any money, and this will cost each citizen about \$5,000.

Chairman Lapsley stated once we receive the guidelines, we will need to develop the intent of use and submit it as quickly as possible.

The municipalities will receive the following:

City of Hendersonville	\$4,140,000
Town of Fletcher	\$2,450,000
Mills River	\$2,170,000
Village of Flat Rock	\$ 990,000
Laurel Park	\$ 680,000

The Board of Commissioners will review and determine how to spend the funds over the next 60 days.

**SOLSMART COMMUNITY DESIGNATION – EAC REQUEST**

Grady Nance, EAC Vice-Chair stated on December 1<sup>st</sup>, 2020, the Henderson County Environmental Advisory Committee (EAC) voted to recommend to the Board of Commissioners that Henderson County pursue a SolSmart Community designation. SolSmart is a Department of Energy program that nationally recognizes local communities that are “solar friendly” as Gold, Silver, or Bronze. The designations are



general indicators of the ease in which solar installations can be built in a community. The specific line items listed in the Gold, Silver and Bronze qualifications are very useful aids in understanding the impediments to solar projects in a community. There is no cost to join except for committing staff time to working on the designation criteria. More information can be found at [www.solsmart.org/](http://www.solsmart.org/).

Steve Wyatt stated staff will look at possible issues involved and report back to the Board.

*It was consensus of the Board to table this item allowing staff time to research and bring back to the Board in 2-3 months.*

#### **NORTH CAROLINA CITIES INITIATIVE PROGRAM – EAC REQUEST**

Andrew Myers, EAC Chairman / Grady Nance, EAC Vice-Chair

On December 1<sup>st</sup>, 2020, the Environmental Advisory Committee voted to recommend to the Board that Henderson County staff participate in the North Carolina Cities Initiative program. This Environmental Defense Fund hosted program is a collaboration between two dozen North Carolina counties, cities and councils of government that is working to reduce carbon emissions and address systemic barriers to greenhouse gas (“GHG”) reductions in North Carolina. There is no cost to join except providing a staff member to actively participate in the roundtables and travel expenses if the in-person meetings resume.

*It was consensus of the Board to table this item allowing staff time to research and bring back to the Board in 2-3 months.*

#### **COUNTY ORDINANCE REGARDING SHOOTING RANGES – Add on**

Commissioner Edney stated the County Ordinance regarding shooting ranges is vague and needs to be updated. He had typed up changes and shared with the commissioners what he felt like was better verbiage for the ordinance.

Commissioner Hill agrees that the Ordinance needs to be revised but is not in favor of the requirement for someone to place no trespassing signs on their property.

Russ Burrell responded the reason for the no trespassing sign is to protect the landowner but does not have to be included as a requirement, but as a suggestion.

*Commissioner Edney made the motion that the Board send a draft revision of the Chapter 23 Ordinance to the Planning Board for review with request for response within 30 days. The Board was polled, and the motion carried unanimously.*

#### **NOMINATIONS**

Chairman Lapsley opened the floor for nominations.

##### **1. Cemetery Advisory Committee – 2 vac.**

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

##### **2. Equalization and Review, Henderson County Board of – 4 vac.**

Chairman Lapsley nominated Harry Rising for position #1, Robert Pierce for position #2, Marc Weinstein for position #6, and James Wiley for position #7.

*Chairman Lapsley made the motion to accept the reappointment of Harry Rising to position #1, Robert Pierce to position #2, Marc Weinstein to position #6, and the appointment of James Wiley to position #7 by acclamation. The Board was polled, and the motion carried unanimously.*

##### **3. Hendersonville Business Advisory Committee – 1 vac.**

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

**4. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

**5. Hendersonville Planning Board – 1 vac.**

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

**6. Industrial Facilities and Pollution Control Financing Authority – 1 vac.**

**7. Juvenile Crime Prevention Council – 1 vac.**

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

**8. Laurel Park Planning Board – 1 vac.**

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

**9. Mountain Valleys Resource Conservation and Development Program – 1 vac.**

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

**10. Nursing/Adult Care Home Community Advisory Committee – 13 vac.**

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

**11. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.**

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

**COMMISSIONER UPDATES**

Commissioner updates include current and ongoing items of interest in the County and allow commissioners an opportunity to bring the full Board up to date on issues that occur between meetings. Commissioners may also use this opportunity to report on related committee work and assignments.

Commissioner Hill noted that the Register of Deeds had completed the bid process for the Deed Scanning Project.

Commissioner Edney questioned if redaction cost was included in the Register of Deeds bidding process.

Steve Wyatt will have staff verify if redaction cost was included.

Commissioner McCall, regarding Keep America Beautiful, reminded everyone about the Litter Sweep program from April 10- April 24, 2021. The County is assisting with advertising, while Christine Wittmeier is doing a webpage, banners, posters, reaching out to media and civic organizations. We are in the planning stages of a task force. Schools, municipalities, and departments are being asked to step up and sponsor a highway.

Several commissioners recently toured Hendersonville High School and were impressed.

**GENERAL ASSEMBLY UPDATES**

General Assembly updates include current and ongoing items of interest to the County related to the North Carolina General Assembly.

Steve Wyatt stated the Keep American Beautiful continues to be a movement in Raleigh, with the current incentive being plastic recycling.

**COUNTY MANAGER'S REPORT**

The County Manager provided the Board of Commissioners with a brief update concerning any issues that should be brought to the attention of the Board.

Steve Wyatt noted the passing of Johnathon Wallin's father (JC), and Andrew Griffin's father (Dennis). Our condolences go out to Johnathon, Andrew, and their families.

The School Board has also toured Hendersonville High School and are pleased.

The weather is getting warmer, and Parks and Recreation is getting busy. Tournaments will begin soon, bringing money into the County.

**CLOSED SESSION**

The Board is requested to go into Closed Session for the following reason:

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.
3. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating for the acquisition of real property.
4. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. § 143-318.11(a)(3)(4)(5)&(6), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner McCall made the motion to go out of closed session and adjourn at 1:51 p.m. The Board was polled, and the motion carried unanimously.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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William Lapsley, Chairman

**During the March 17, 2021 regular meeting, the Board enacted the following:**

**2021.16 Polk County Radio System MOU**

**2021.17 Proclamation designating the month of April 2021 as North Carolina 811 Safe Digging Month**

**2021.18 Text Amendments (TX-2021-01) Related to NCGS Chapter 160D**



# 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 created prior to March 1 <sup>st</sup> , 2010			Emergency SVC Standard 6	
EMS Controlled Medication documents created prior to March 1 <sup>st</sup> , 2019			US Dept Of Justice Diversion Control 21 CFR-1304.04	

\*If duplicate 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

February 25th, 2021

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 17<sup>th</sup> day March 2021.

*Alexis L. Welton*

Clerk to the Board

**HENDERSON COUNTY**  
**RECORDS RETENTION AND DISPOSITION PROCEDURE**  
**PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG**  
(Revised February 19, 2020)

DEPARTMENT: FINANCE

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
SEE ATTACHED	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

\* If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 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.

*Samantha R. Reynolds*

DEPARTMENT HEAD: \_\_\_\_\_

3/17/2021

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 3/17/21.

*Christa R. Wilson*  
Clerk to the Board

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
HENDERSON COUNTY, NC AND POLK COUNTY, NC**

In order to serve the interests of the citizens of both Henderson County, NC and Polk County, NC the local governments of each respective county desire to enter into this agreement to facilitate improved Emergency Responder Communications. Each respective County wishes to operate on a shared radio system to enable emergency responders to have the ability to communicate and share radio coverage seamlessly. This MOU is mutually agreed upon in a spirit of cooperation, commencing as of March 17<sup>th</sup>, 2021 which may be reviewed annually as needed by both parties. Each party agrees to the following conditions:

**Polk County agrees to the following:**

- Working in conjunction with JVC/Kenwood and Kimball Communications, the existing manufacturer and service provider for the system in Henderson County, complete the necessary design and engineering to expand the NXDN trunking system in similar setup and operation as Henderson County's existing system so that the systems maybe will operate seamlessly.
- Purchase and have installed the necessary equipment within Polk County to operate system as mentioned above. Provide and maintain the necessary microwave link(s) to establish connectivity to the Henderson County radio network.
- Utilize Henderson County's System Code for assignment of the system components for programming.
- All equipment, FCC licenses and software licenses purchased by Polk County will remain property of Polk County.

**Henderson County agrees to the following:**

- Provide the necessary access to the design and engineering specifications for the Henderson County NXDN trucking radio system.
- Provide space for the necessary hardware to link the respective networks by microwave or other means necessary as determined by system engineers.

**Both parties mutually agree to the following:**

- Each County will retain ownership for equipment purchased to the system respectively and may remove said equipment provided adequate time is allowed for system engineering and demobilization.
- Each County is responsible for the maintenance and repair of their respectively owned equipment and sites. Maintenance may include programming, installation and consumables such as batteries, belt clips and antennas.
- All subscriber devices to include base stations, mobile and handheld radios must operate in accordance with the manufacturer's specifications and all users should be trained for the proper use and care of devices.
- Maintain access to the system for emergency responder subscriber units and remove devices from the system as requested or required when deemed lost, stolen or compromised in some manner.
- There is no expectation nor responsibility by either County to provide a certain level of radio coverage for the other County's respective agencies.

Henderson County and Polk County agree to communicate on an ongoing basis about the utility of this MOU and any changes that may be needed. Such communication may be initiated by either party.

**Henderson County**

  
\_\_\_\_\_  
Steve Wyatt, County Manager

Date: 3.17.21

**Polk County**

\_\_\_\_\_  
Marche Pittman, County Manager

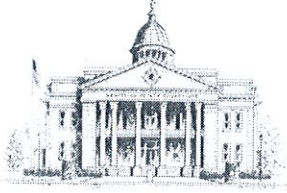
Date: \_\_\_\_\_



# Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 692-9855 • [www.hendersoncountync.gov](http://www.hendersoncountync.gov)

**William G. Lapsley**  
Chairman  
**Rebecca K. McCall**  
Vice-Chairman



**J. Michael Edney**  
**Daniel J. Andreotta**  
**David H. Hill**

## PROCLAMATION

Designating the month of April 2021 as “North Carolina 811 Safe Digging Month.”

**WHEREAS**, as utility owners, excavators, designers, and homeowners work to keep pace with North Carolina’s economic development, it is important to minimize damages to underground utility lines, danger to workers and the general public, environmental impact, and loss of utility services to the citizens of North Carolina; and

**WHEREAS**, North Carolina 811, a utility service notification center and leader in education celebrates its 43<sup>rd</sup> year of continuous service to the State, is key to preventing injuries and damages when excavating; and

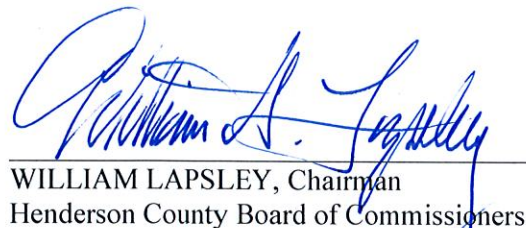
**WHEREAS**, this unique service provides easy, one-call notification about construction and excavation projects that may endanger workers and jeopardize utility lines while promoting workplace and public safety, reducing underground utility damage, minimizing utility service interruptions and protecting the environment; and

**WHEREAS**, this vital service, which began in 1978 serves the citizens of North Carolina from the mountains to the coast, educates stakeholders about the need for excavation safety whether the project is as small as planting a tree to designing and beginning construction on a new interstate; and

**WHEREAS**, in 2020, the North Carolina one call system received 2.1 million notification requests and transmitted over 12.2 million requests, providing protection to utility companies infrastructure, their employees, excavators, and customers.

**NOW, THEREFORE, BE IT RESOLVED**, That the Henderson County Board of Commissioners has designated the month of April 2021 as “North Carolina 811 Safe Digging Month” to encourage all excavators and homeowners of Henderson County to contact 8-1-1 either by dialing 8-1-1 or contacting NC811 via the webpage of [NC811.org](http://NC811.org) at least three working days prior to digging in order to “Know What’s Below,” avoid injury, protect the environment, prevent millions of dollars in damages and to remind excavators that three working days’ notice is the law, for safe digging is no accident, and that more information may be obtained by visiting [www.nc811.org](http://www.nc811.org).

**THIS** the 17<sup>th</sup> day of March, 2021.

  
WILLIAM LAPSLEY, Chairman  
Henderson County Board of Commissioners

ATTEST:

  
Teresa L. Wilson, Clerk to the Board





**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 NCGS Chapter 160D proposed text amendments with case TX-2021-01; 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 hearing on March 17, 2021; and

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

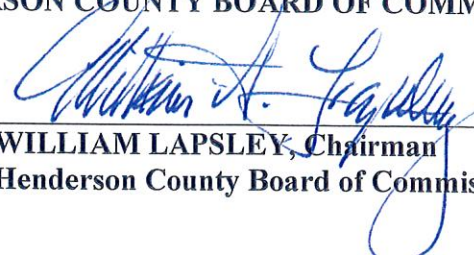
**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendments related to Chapter 160D (TX-2021-01-to the Land Development Code) 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 17<sup>th</sup> day of March, 2021.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:**

  
\_\_\_\_\_  
**WILLIAM LAPSLEY, Chairman**  
Henderson County Board of Commissioners

**ATTEST:**

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

[COUNTY SEAL]