

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 7, 2021**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.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, Commissioner David Hill, Interim County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Finance Director Samantha Reynolds, County Engineer Marcus Jones, Planning Director Autumn Radcliff, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Manager Megan Powell, Purchasing Agent Doug Guffey, Assistant Engineer Deb Johnston & PIO Kathy Finotti – videotaping, and Deputies John Ashe and Jeff Corn as security.

**CALL TO ORDER/WELCOME**

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

**INVOCATION**

The invocation was provided by Commissioner Andreotta

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Allie Justice of the Young Naturalist 4-H Club.

**RESOLUTIONS AND RECOGNITIONS**

Vice-Chair McCall presented the Eagle Scout Certificate of Recognition to Jonah Gilbert Crawford.

**2021.59 Proclamation – 2021 Constitution Week**

September 17, 2021 marks the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. Henderson County asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

**PROCLAMATION ACKNOWLEDGING SEPTEMBER 17-23, 2021 AS  
CONSTITUTION WEEK**

**WHEREAS,** September 17, 2021 marks the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS,** it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

**WHEREAS,** it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

**WHEREAS,** Public Law #915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week:

**NOW, THEREFORE,** Commissioners of Henderson County of the state of North Carolina do hereby proclaim September 17 through 23, 2021 to be Constitution Week in Henderson County and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Motion:

*Chairman Lapsley made the motion that the Board adopt the Proclamation designating September 17, 2021 to September 23, 2021 as Constitution Week in Henderson County and further move the*

**APPROVED:**

*Board approve placement of a banner in recognition of Constitution Week at the Historic Courthouse from September 20 – 24, 2021. All voted in favor and the motion carried 5-0.*

**2021.33 Resolution of |Appreciation – Megan Piner Powell**

The Henderson County Board of Commissioners was requested to adopt a Resolution of Appreciation for Megan Piner Powell. Megan’s last day with Henderson County will be September 10, 2021, having been with Henderson County since December 2009. Commissioner Edney read the resolution aloud.

***RESOLUTION OF APPRECIATION***

***MEGAN PINER POWELL  
HENDERSON COUNTY BUDGET MANAGER/INTERNAL AUDITOR***

**WHEREAS,** upon graduating from Appalachian State University in 2010 with her Master’s Degree in Public Administration, Megan began her career with Henderson County in the Engineering Department; and

**WHEREAS,** Megan has served the citizens of Henderson County in a variety of roles throughout her tenure, including as Environmental Programs Coordinator, Management Assistant, Budget Analyst, and in her current position of Budget Manager/Internal Auditor; and

**WHEREAS,** throughout her career Megan has worked directly with all departments that make up Henderson County to develop policies, procedures, and best practices for the benefit of our citizens; and

**WHEREAS,** during her tenure with Henderson County, Megan Piner Powell has amassed a wealth of institutional knowledge and provided outstanding service to the Board of Commissioners, staff and citizens of Henderson County; and

**WHEREAS,** Megan Piner Powell’s last day of service to Henderson County and its citizens will be September 10, 2021;

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners expresses their deep admiration for the experience, enthusiasm, and wisdom that Megan Piner Powell brought to the positions that she served in with Henderson County. On behalf of the citizens and staff of Henderson County, we appreciate and commend you on a job well done, Megan Powell.

Motion:

*Commissioner Edney made the motion that the Board adopt a Resolution of Appreciation for Megan Piner Powell, Henderson County Budget Manager/Internal Auditor. All voted in favor and the motion carried 5-0.*

**INFORMAL PUBLIC COMMENT**

1. Terry Bozon spoke regarding text amendments for Conditional Rezoning requests and withdrawal periods.
2. Bryan Vanderlois spoke in opposition to the use of compression brakes on Highway 64.
3. Dennis Justice Spoke in opposition to Gambling Bills and their impact on Henderson County.

CONSENT AGENDA consisted of the following:

**Minutes**

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

August 18, 2021 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of August 18, 2021.*

**Tax Collector’s Report**

The September 2, 2021 report from the office of the Tax Collector was provided for the Board’s information.

Please find outlined below collections information through September 1, 2021 for 2021 real and personal property bills mailed on August 27th. Vehicles taxes are billed monthly by NC DMV.

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

<b>2021 Beginning Charge:</b>	<b>\$86,246,444.70</b>
Discoveries & Imm. Irreg.:	\$897,952.66
Releases & Refunds:	(\$60,302.14)
<u>Net Charge:</u>	<u>\$87,084,095.22</u>
Unpaid Taxes:	\$84,688,010.65
<b>Amount Collected:</b>	<b>\$2,396,084.57</b>

**Unpaid  
97.25%**



**Paid  
2.75%**

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

Net Charge:	\$1,349,403.89
Unpaid Taxes:	\$3,070.26
<b>Amount Collected:</b>	<b>\$1,346,333.63</b>

**99.77%**

**Henderson County FY22 Budget Analysis:**



**Notification of Vacancies**

The Notification of Vacancies is being provided for the Board’s information. They will appear on the next agenda under “Nominations”.

1. Cemetery Advisory Committee – 4 vac.  
Positions #1, 2, 3 & 5

**Budget Amendment – Ecusta Trail Preliminary Engineering\Construction**

NCDOT has drafted a grant agreement for the Surface Transportation Block Grant Program Directly Attributable (STBG-DA) funds for preliminary engineering (PE) and construction of the first three phases of the Ecusta Trail. The Board approved a budget amendment on August 2, 2021, for the preliminary engineering phases of the project.

The Board was requested to approve a second budget amendment to include the construction phases of the project, which are included in the NCDOT grant agreement. While preliminary engineering costs are expected to be expended during the current fiscal year, all construction phases are not expected to be expended until a future year. All expenditures and funding sources will be accounted for in Henderson County’s Capital Projects Fund, which is a multi-year fund.

Motion:

*I move that the Board of Commissioners approve a Budget Amendment appropriating the construction phases of the Ecusta Trail project into the project budget.*

**Budget Amendment – Ecusta Trail Purchase Reimbursement**

The Board was requested to ratify a Budget Amendment, reversing the bridge loan to Conserving Carolina for the acquisition of the Ecusta rail line corridor which was originally ratified by the Board on August 18, 2021. The organization closed on the property on August 12, 2021. The County received the first 20% reimbursement from the loan on August 18, 2021, and the remaining 80% was received August 25, 2021.

Motion:

*I move that the Board of Commissioners ratify the Budget Amendment as presented.*

### **Budget Amendment – Fund Balance Appropriation**

The Board was requested to approve the attached budget amendment which appropriates fund balance for purchases that were initiated during FY21, but will not be fulfilled until FY22. These items, included on the attached listing, were approved and encumbered in FY21 but were not delivered or fulfilled by the end of the fiscal year because of supply chain disruptions or other delays.

Motion:

*I move that the Board of Commissioners approve the Budget Amendment appropriating fund balance as presented.*

### **Budget Amendment – Fund Balance Appropriation – E911 Fund**

Staff requested the Board approve the attached budget amendment to appropriate \$1,830 from the general fund balance and transfer to E911 fund. These funds are to reimburse the E911 Fund for costs reported on the PSAP revenue-expenditures report to the North Carolina 911 Board that were deemed ineligible following a recent review.

Motion:

*I move the Board approve the budget amendment to appropriate fund balance from General Fund and transfer to the E911 fund to reimburse for ineligible costs.*

### **Public Library – Request for Part-Time Library Assistant Project Position**

The Friends of the Henderson County Public Library receive approximately \$85,000 annually from the Community Foundation on behalf of the Richard J. and Betty A. Scott Memorial Fund that must be used “to support the programs of the Etowah Branch of the Library.”

Utilizing these funds as they are intended while most effectively serving the needs of the Etowah community will require considerable staff time in making community connections, researching programming options, and planning and implementing programs. The Library Director requests that a portion of the annual payouts fund a PT Library Assistant Project Position for the Etowah Library that will focus on designing and implementing programs for the Etowah community. This proposal has been approved by both the Community Foundation and the Friends of the Henderson County Public Library.

The request is for one (1) part-time library assistant for the Etowah Library that would be deemed a project position. The cost of the position would be covered by the Richard J. and Betty A. Scott Memorial Fund as administered by the Friends of the Henderson County Public Library. No local appropriations are required.

This position has been discussed with the Human Resources Department.

Motion:

*I move that the Board approve the addition of one (1) PT Library Assistant project position for the Etowah Library, and authorize Staff to approve the necessary budget amendment.*

### **Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-05)**

During the July 15<sup>th</sup> Planning Board meeting, the Board requested staff to draft a text amendment to address concerns with conditional rezoning’s and withdrawal periods. During the August 19<sup>th</sup> meeting, the Planning Board discussed the item and made a recommendation on the withdrawal periods. The Planning Board will continue its discussion on conditional rezoning’s at its September meeting.

The Henderson County Planning Board discussed the draft text amendment and voted to send forward a favorable recommendation. Attached is a draft text amendment for withdrawal periods recommended by the Planning Board.

Motion:

*I move that the Board set a public hearing on the proposed Land Development Code Text Amendment (TX- 2021-05) for Monday, October 4, 2021 at 5:30 p.m.*

**Set Public Hearing for renaming of a local street from Daddy's Girl Ln. to Three Sisters Dr.**

On August 3, 2021, Staff received a petition from the applicant to rename "Daddys Girl Ln" to "Three Sisters Dr". The application was deemed complete and included consent from 100% of the affected property owners meeting our ordinance requirement.

North Carolina General Statute 153A-239.1 requires the Board to hold a public hearing prior to assigning a new road name or re-assigning a road name to an existing street. The road name assignment is required by the Henderson County Property Addressing Ordinance (Chapter 41) and will avoid possible confusion when responding to emergency situations. If the Board approves this request for action, staff post signs in the affected area regarding the public hearing and advertised the public hearing in a local newspaper.

Motion:

*I move the Board schedule a public hearing for the renaming of Daddys Girl Ln for October 4<sup>th</sup>, 2021 at 5:30PM.*

**Set Public Hearing for renaming of a local street from Harvey Dr. to Albritton Dr.**

On August 2, 2021 Staff received a petition from the applicant to rename "Harvey Dr" to "Albritton Dr". The application was deemed complete and included consent from 100% of the affected property owners meeting our ordinance requirement.

North Carolina General Statute 153A-239.1 requires the Board to hold a public hearing prior to assigning a new road name or re-assigning a road name to an existing street. The road name assignment is required by the Henderson County Property Addressing Ordinance (Chapter 41) and will avoid possible confusion when responding to emergency situations. If the Board approves this request for action, staff post signs in the affected area regarding the public hearing and advertised the public hearing in a local newspaper.

Motion:

*I move the Board schedule a public hearing for the renaming of Harvey Dr for October 4<sup>th</sup>, 2021 at 5:30PM.*

**Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-04)**

Henderson County Planning Department received a text amendment application from Jim Honeycutt with Haynes International to amend the supplemental requirements for SR 2.12 Solar Panels. Currently, solar collectors as an accessory use are not permitted in a *Special Flood Hazard Area*. The proposed text amendment would allow solar collectors to be located within the 100-year and 500-year *floodplain* with an approved *Floodplain* Development Permit.

Attached is the draft amendment requested and guidelines for solar array projects in a *Special Flood Hazard Area* prepared by the Site Development Director, Natalie Berry.

The Henderson County Planning Board discussed the draft text amendment and voted to send forward a favorable recommendation.

Motion:

*I move that the Board set a public hearing on the proposed Land Development Code Text Amendment (TX- 2021-04) for Monday, October 4, 2021 at 5:30 p.m.*

**Home and Community Care Block Grant: FY 2022 Contracts**

The board is requested to approve the Home & Community Care Block Grant contracts for Fiscal Year 2022. The Home & Community Block Grant Program is State/Federal funded and administered at the local level. The funding plan for this program was approved 6/7/2021 by the Board of Commissioners.

The Contract for County-Based Aging Services outlines the responsibilities of each party for administration of the Home and Community Care Block Grant program and allows the Area Agency on Aging to provide reimbursement payments to the community service providers on behalf of the County.

Motion:

*I move that the Board approve the provider contracts for Home and Community Care Block Grant Funds for Fiscal Year 2022.*

### **Purchase and Installation of Johnson Control Metasys Variable Frequency Drive HVAC Motors**

The Board was requested to approve the attached proposal and authorize staff to proceed with the procurement, installation, and integration of a Johnson Controls Systems Variable Frequency Drive HVAC Motors and programming in the 1995 Courthouse via the sole source exception as allowed under N.C.G.S 143-129 (e)(6).

The sole proposal was received from Johnson Controls for \$94,267.74 to replace 10 HVAC motors with VFD Metasys controlled motors. The 1995 Courthouse currently utilizes Johnson Controls Metasys equipment building automation systems. They are a proprietary product of Johnson Controls. The integration and consolidation of the Metasys System offers a holistic approach to the needs of the entire structure and provides standardization for staff and maintenance programs in the future.

The purchase and installation of the control system is a part of the FY22 Planned Projects budget.

Motion:

*I move the Henderson County Board of Commissioners award the contract for the purchase, installation, and integration of a Metasys Variable Frequency Drive Motors and programming system to the sole bidder, Johnson Controls for \$94,267.74 and authorize staff to proceed with the purchase using the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).*

### **Selection of VFW Architect**

On July 20, 2021, a Request for Qualifications for architectural services for the VFW was posted. The overall project scope includes designs that address all necessary repairs and replacements of all building systems components including but not limited to HVAC, plumbing, electrical, structural, interior and exterior finishes, and parking, associated with a yet to be finalized design criteria and scope. Also included in the scope of the project is the necessary programming with Henderson County in order to provide a proposed design with cost estimates and schedules for approval, as well as the necessary Construction Administration once the project is bid and awarded, to ensure project success. Proposals were due on August 4, 2021.

Proposals were subsequently received and reviewed by Staff. Following that review, the firm of McMillan | Pazdan | Smith was selected as the most qualified firm.

Motion:

*I move the Board approve the selection of McMillan | Pazdan | Smith to provide architectural services for the VFW, and direct Staff to negotiate an agreement.*

### **Ratification of Contract for Acquisition of Land**

At the request of the Board, a county staff person has executed an offer to purchase real estate potentially to be used as an Emergency Medical Services base in the Fletcher area.

Motion:

*I move that the Board ratify and adopt the agreement.*

Motion:

*Vice-Chair McCall made the motion to adopt the consent agenda as presented. All voted in favor and the motion carried 5-0.*

### **LOW IMPACT DEVELOPMENT INITIATIVE**

Members of the Environmental Advisory Committee stated on October 10, 2019, the Henderson County Environmental Advisory Committee (EAC) voted on the final version of the Low Impact Development

Initiative. On October 14<sup>th</sup>, 2019, the Henderson County Environmental Advisory Committee (EAC) submitted a letter to the Board of Commissioners presenting the Low Impact Development Initiative. The document can be included as an appendix with designer and engineering Request For Qualifications (RFQs) that are released by the County. This initiative is not an attempt to increase regulation or create statutory requirements. Rather it should act as a guidance document for both county staff and outside consultants to aid in the decision-making process in a cradle-to-grave approach.

Chris Berg, an appointed member of the Environmental Advisory Committee, introduced Phillip Ellis who provided the Board with a presentation outlining the Proposal for a Low Impact Development Initiative on behalf of the Environmental Advisory Committee. Vice-Chair McCall stated the information should be included in documentation the Board is reviewing as part of the 2045 Comprehensive Plan

#### **EDNEYVILLE ELEMENTARY SEWER UPDATE**

County Engineer, Marcus Jones, updated the Board on the status of the Edneyville Elementary Sewer project. He stated the preliminary engineering reports were complete and the project has now moved into a detailed rate study. The Board then directed staff to send a letter to the City of Hendersonville requesting clear answers to several questions the Board has regarding this project and the potential connection to the City of Hendersonville's existing sewer system. Questions such as, What the cost would be to connect to the current sewer system, would there be conditions involved, and if the City would agree to maintain the option that is chosen? Commissioner Edney added the letter that is sent to the City of Hendersonville also needs to be sent to the Metropolitan Sewer District (MSD) because they could also be an equal partner for the treatment, operation, and management for the option chosen.

#### **AMERICAN RESCUE PLAN UPDATE**

Assistant County Manager Amy Brantley provided the Board with the most current information available on the American Rescue Plan. The public comment period on the Interim Final Rule closed on July 16, 2021. The latest edition of Frequently Asked Questions provided by Treasury is from July 19, 2021.

#### **BUDGET AMENDMENT – HURRICANE ISAIAS**

Jimmy Brissie, Emergency Services Director, stated during the fall of 2020 Hurricane Isaias struck North Carolina. The State of North Carolina operates a statewide search and rescue program for response to widespread events such as this storm. Henderson County serves as a resource to the State providing a "Type I" team of rescuers from partner Emergency Services agencies. As part of the response Henderson County sent personnel with equipment to assist our neighbors in Eastern North Carolina.

As part of the Statewide Mutual Aid agreement NC Emergency Management provides reimbursement for approved missions. Henderson County Emergency Management staff worked in conjunction with our partner agencies to compile the costs of the deployment which were submitted during the fall of 2020. The State provided reimbursement of \$21,499 to Henderson County for the costs of the deployment. These funds will be distributed to the deployed partner agencies and to reimburse the County for expenses incurred.

Motion:

*Commissioner Edney made the motion the Board approve the budget amendments authorizing the receipt of funds as reimbursement for the Hurricane Isaias deployment and provide reimbursement to the partner agencies as approved in the State reimbursement package. All voted in favor and the motion carried 5-0.*

**NOMINATIONS AND APPOINTMENTS**

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. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

- 3. Historic Resources Commission – 2 vac.

Motion:

*Chairman Lapsley made the motion to nominate Victoria Flanagan for position #7. All voted in favor and the motion carried by acclamation 5-0.*

- 4. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

- 5. Juvenile Crime Prevention Council – 3 vac.

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

- 6. Laurel Park Planning Board – 1 vac.

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

- 7. 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.

- 8. Nursing/Adult Care Home Community Advisory Committee – 12 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.

Topics for this meeting are as follows:

**COMMISSIONER UPDATES**

Vice-Chair McCall informed the Board that the upcoming Fall Littersweep dates are September 11- 25, 2021. She then encouraged everyone to participate in the City/County Collaborative Day event on Saturday, September 25, 2021, at 8:30 a.m. on Upward Road in Hendersonville.

**COUNTY MANAGER’S REPORT**

Interim County Manager John Mitchell informed the Board that Henderson County will host a Remembrance Ceremony for the twentieth anniversary of the September 11 terrorist attacks on Saturday, September 11, 2021, at 8:30 a.m. in front of the Historic Courthouse.

**IMPORTANT DATES**

**ADJOURN**

*Commissioner Andreotta made the motion to adjourn at 7:23 p.m. All voted in favor and the motion carried 5-0.*

Attest:

\_\_\_\_\_  
Denisa A. Lauffer, Clerk to the Board

\_\_\_\_\_  
William Lapsley, Chairman