

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, JUNE 6, 2022**

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 Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Absent: Commissioner J. Michael Edney

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Engineer Marcus Jones, Sheriff Lowell Griffin, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Planning Director Autumn Radcliff, Register of Deeds Lee King, DSS Director Jerrie McFalls, IT Director Mark Seelenbacher, Floodplain Administrator Toby Linville, Environmental Health Supervisor Seth Swift, Code Enforcement Director Matt Champion, Elections Director Karen Hebb, Fire Marshal Kevin Waldrup, Human Resources Director Karen Ensley, Building Services Director Crystal Lyda, Cooperative Extension Director Terry Kelley, Assistant Engineer Deb Johnston, and PIO Kathy Finotti – videotaping, Deputies John Ashe and Chris Barber provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Commissioner David Hill provided the invocation.

PLEDGE OF ALLEGIANCE

Kinsley Lance with the Young Naturalist 4-H Club led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENTS

1. Andrew Clark, the current Legislative Director for the Disabled American Veterans Beddingfield Chapter 14, spoke regarding the services offered by the organization.
2. Rachel Poller spoke about the need for additional funding in the County budget for mental health services.
3. Karl Kessler spoke in opposition to the County's use of electronic voting machines.
4. Gayle Kemp spoke in regards to growing gun violence.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hill made the motion to approve the consent agenda as presented. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Approval of Minutes

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

May 18, 2022 - Regularly Scheduled Meeting

May 25, 2022 – Special Called Joint Meeting with the Planning Department

Motion:

I move the Board approve the minutes of May 18, 2022, and May 25, 2022.

Tax Collector’s Report

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

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

Friday, May 27, 2022

Re: Tax Collector’s Report to Commissioners - Meeting Date June 6, 2022

Please find outlined below collections information through May 26, 2022 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):

2021 Beginning Charge:	\$88,218,513.92
Discoveries & Imm. Irrreg.:	\$1,341,302.75
Releases & Refunds:	(\$1,131,162.92)
Net Charge:	\$88,428,653.75
Unpaid Taxes:	\$892,091.63
Amount Collected:	\$87,536,562.12



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

Net Charge:	\$7,122,162.05
Unpaid Taxes:	\$16,041.98
Amount Collected:	\$7,106,120.07

99.77%

Henderson County FY22 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$91,127,728.00	Ad Valorem:	\$94,642,682.19
Prior Years:	\$980,000.00	Prior Years:	\$964,662.72
Budget Total:	\$92,107,728.00	YTD Revenue:	\$95,607,344.91



2022.62 Pending Releases and Refunds

The Assessor has reviewed the pending releases and refunds. As a result of that review, it is the opinion of the Assessor that these findings were in order. Supporting documentation is on file in the County Assessor’s Office.

The pending release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

Approved: June 15, 2022

Type:	Amount:
Total Taxes Released from the Charge	\$ 1,345.27
Total Refunds as a result of the Above Releases	\$ 632.37

Motion:

I move the Board approve the Combined Release/Refund report as presented.

County Financial Report/Cash Balance Report – April 2022

The April 2022 County Financial and Cash Balance reports were attached for the Board's review and approval.

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

- Dues/Non-Profits – payment of 4th quarter Board appropriations
- Administrative Services – the timing of approved employee payroll
- Emergency Management –the timing of Board approved purchases and employee payroll expenditures
- Wellness – the timing of payment for Board approved contracted services and medical supplies and equipment
- Emergency Medical Services – the timing of Board approved purchases
- Rescue Squad – payment of 4th quarter Board appropriations
- Site Development – the timing of approved employee payroll
- Cooperative Extension – the timing of Board approved contracted services
- Project Management – the timing of approved employee payroll
- Agri-business – excess operating expenditures to be covered by membership fees
- Mental Health – payment of 4th quarter Board appropriations
- Juvenile Justice – the timing of provider appropriations
- Public Education – payment of 10 of 10 annual appropriations made to the public school system
- Non-Departmental – occupancy tax transmittal trending above budgeted amounts

Year to Date Net Revenues under Expenditures for the Miscellaneous Other Governmental Activities Fund were due to the timing of Improvement Guarantees Payout during the current fiscal year that was deposited in a prior fiscal year.

Year to Date Net Revenues under Expenditures for the Justice Academy Sewer Fund were due to the timing of budgeted minor equipment for the sewer fund.

Motion:

I move that the Board of Commissioners approve the April 2022 County Financial Report and Cash Balance Report as presented.

Approved: June 15, 2022

Henderson County Public Schools Financial Reports – April 2022

The Henderson County Public Schools April 2022 Local Current Expense Fund / Other Restricted Funds Report was attached for the Board’s information.

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of April 30, 2022**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
REVENUES:						
3200 State Sources	\$ -	\$ -	\$ 4,000	\$ 4,000	\$ 4,000	\$ 9,000
3700 Federal Sources-Restricted	-	-	996,737	566,201	566,201	435,162
3800 Other Federal-ROTC	-	-	144,000	128,067	128,067	103,797
4100 County Appropriation	29,928,000	29,928,000	-	-	29,928,000	28,928,000
4200 Local -Tuition/Fees	-	-	65,000	30,485	30,485	12,595
4400 Local-Unrestricted	678,000	505,345	149,218	135,794	641,139	467,314
4800 Local-Restricted	-	-	705,496	747,968	747,968	538,114
4900 Fund Balance Appropriated/Transfer From school	159,250	-	178,023	-	-	-
TOTAL FUND REVENUES	\$ 30,765,250	\$ 30,433,345	\$ 2,242,474	\$ 1,632,516	\$ 32,065,861	\$ 30,496,962
EXPENDITURES:						
Instructional Services:						
5100 Regular Instructional Services	\$ 9,520,278	\$ 5,535,865	\$ 437,619	\$ 345,692	\$ 5,881,557	\$ 5,126,528
5200 Special Populations Services	1,235,868	648,740	565,081	230,454	879,194	828,138
5300 Alternative Programs and Services	248,160	144,074	323,369	226,485	370,560	239,056
5400 School Leadership Services	2,650,362	2,106,309	24,724	17,193	2,123,601	2,106,845
5500 Co-Curricular Services	822,101	591,681	11,555	5,378	597,058	540,072
5800 School-Based Support Services	1,488,867	1,050,793	77,666	40,580	1,121,373	1,011,102
Total Instructional Services	\$ 15,975,656	\$ 10,107,462	\$ 1,440,323	\$ 865,780	\$ 10,973,242	\$ 9,551,743
System-Wide Support Services:						
6100 Support and Development Services	\$ 266,738	\$ 222,224	\$ 500	\$ 8,149	\$ 230,373	\$ 216,201
6200 Special Population Support	219,444	175,900	6,427	1,294	177,194	154,575
6300 Alternative Programs	81,780	59,351	431	431	59,782	65,838
6400 Technology Support Services	1,260,454	1,099,919	139,546	153,116	1,223,035	1,132,853
6500 Operational Support Services	7,795,074	5,554,398	292,455	235,605	6,090,003	5,404,580
6600 Financial and Human Resource Services	1,772,884	1,645,088	63,679	45,557	1,893,825	1,450,144
6700 Accountability Services	210,748	177,258	38,000	38,000	215,258	59,654
6800 System-Wide Pupil Support Services	331,253	263,153	538	538	263,891	168,264
6900 Policy, Leadership and Public Relations	724,550	569,373	13,220	13,220	582,593	580,492
Total System-Wide Support Services	\$ 12,703,728	\$ 10,039,645	\$ 554,795	\$ 495,909	\$ 10,535,554	\$ 9,262,800
Ancillary Services:						
7100 Community Services	\$ 388	\$ 388	\$ 163,573	\$ 130,140	\$ 130,528	\$ 122,095
7200 Nutrition Services	185,481	65,855	-	-	68,855	93,265
Total Ancillary Services	\$ 185,869	\$ 69,243	\$ 163,573	\$ 130,140	\$ 199,383	\$ 215,361
Non-Programmed Charges:						
8100 Payments to Other Governments	\$ 1,900,000	\$ 1,671,006	\$ -	\$ -	\$ 1,671,006	\$ 1,499,022
8400 Interfund Transfers	-	-	11,563	11,209	11,209	13,164
8500 Contingency	-	-	-	-	-	-
8800 Educational Foundations	-	-	72,221	46,498	46,498	62,403
Total Non-Programmed Charges	\$ 1,900,000	\$ 1,671,006	\$ 83,784	\$ 57,707	\$ 1,728,713	\$ 1,574,589
TOTAL FUND EXPENDITURES	\$ 30,765,250	\$ 21,887,355	\$ 2,242,474	\$ 1,549,537	\$ 23,436,892	\$ 20,904,292

Motion:

Move that the Board of Commissioners approve the Henderson County Public Schools April 2022 Financial Reports as presented.

Notification of Vacancies

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

1. Environmental Advisory Committee – 4 vacs.
Positions #1, 2, 5, and 7
2. Fire and Rescue Advisory Committee – 2 vacs.
Positions #3 and 4
3. Greater Asheville Regional Airport Authority Board – 1 vac.
Position #2

Approved: June 15, 2022

4. Henderson County Board of Health – 3 vacs.
Positions #2, 9, and 11
5. Henderson County Historic Courthouse Corporation dba/ Heritage Museum – 4 vacs.
Positions #3, 7, 8, and 9
6. Henderson County Rail – Trail Advisory Committee – 3 vacs.
Positions #1, 4, and 7
7. Hendersonville City Zoning Board of Adjustment – 1 vac.
Position #1
8. Historic Resources Commission – 3 vacs.
Positions #2, 6, and 8
9. Hospital Corporation Board of Directors/UNCH – 2 vacs.
Position # 10 (Henderson County Nominating Body)
Position # 11 (Henderson County Nominating Body)
10. Juvenile Crime Prevention Council – 10 vacs.
Positions #1, 2, 5, 6, 7, 14, 15, 17, 21, and 24
11. Library Board of Trustees – 5 vacs.
Positions # 2, 5, 6, 7, and 9
12. Mountain Area Workforce Development Board – 3 vacs.
Positions # 1, 3, and 4
13. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
Position #3
14. Social Services Board – 1 vac.
Position #1
15. Tourism Development Authority – 1 vac.
Position #1

2022.63 Reappointment of Assessor and Tax Collector

On August 1, 2016, the Board appointed Darlene Burgess as Assessor and Tax Collector for an initial two-year period, and on June 4, 2018, reappointed her for an additional four-year period. Ms. Burgess meets all the requirements of NCGS §105-294 to be reappointed to serve an additional regular term of four (4) years. Ms. Burgess also meets the qualifications listed in NCGS §105-349 for appointment as Henderson County Tax Collector.

Motion:

I move the Board appoint Darlene Burgess as Assessor and Tax Collector of Henderson County for a term of four years, through the end of June 2026.

2022.64 Establish Special Revenue Fund -- Opioid Settlement Fund

The Memorandum of Agreement (MOA) between Henderson County and the State of NC was executed as a State-Subdivision Agreement under the National Opioid Settlement Agreement. This MOA governs how opioid settlement funds received by Henderson County are to be spent. The MOA requires a Special Revenue Fund to be established in order to receive any of the opioid settlement funds.

Approved: June 15, 2022

In anticipation of the receipt of the first round of payments this spring, the Board is requested to establish a new Special Revenue Fund to account for the Opioid Settlement Funds. Once funds are received, the Board will be presented with a Budget Amendment in accordance with the stated plan for opioid remediation activities within Henderson County, as appropriate.

Motion:

I move the Board establish a new Special Revenue Fund for the Opioid Settlement Funds.

2022.65 Home & Community Care Block Grant Funds – FY23 Funding Reallocations

At the May 19, 2021, Board of Commissioners' meeting, the FY22 county funding plan for the Home & Community Care Block Grant was approved. One of the area providers – Premier Home Health Care – has been unable to utilize all of its allocated funding and has returned \$43,692 for reallocation.

Motion:

I move the Board approve the reallocation of \$20,000 in funds returned by Premier Home Health Care to DSS and the remaining balance of \$23,692 to the Council on Aging.

2022.66 Home & Community Care Block Grant Funds – FY23 County Funding Plan

Each year, the Board of Commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agency responsible for coordinating the County Funding Plan. The Home & Community Care Block Grant is a State/Federal program administered at the local level. The proposed Funding Plan supports the service priorities identified for the current planning cycle.

At this time, the HCCBG funding for FY2023 is estimated to be \$811,317.

Motion:

I move the Board appoint the County Manager's office as the Lead Agency and approve the proposed FY23 Funding Plan.

Offer to Purchase Tax-Foreclosed Property

Todd Sherman offered to purchase 0.08 acres on Jones Street in the City of Hendersonville, which offer was preliminarily accepted by this Board. His offer included a deposit of \$150.00, based on an offer of \$1,000.00.

The Board gave provisional acceptance to this offer, subject to an advertisement for upset bids. The notice of the offer and request for upset bids was published on May 11 in the *Hendersonville Lightning*.

No upset bid was received.

Under your procedures and the General Statutes, once provisional acceptance has occurred and no upset bids are received after published notice, the matter comes back before this board for a final decision on the sale.

Motion:

I move that the Board give final acceptance to the offer of Todd Sherman to purchase the parcel described in this agenda item and direct that the Chairman and staff execute a quitclaim deed for this property upon payment of all sums due under this offer.

Approved: June 15, 2022

2022.67 Budget Amendment – Correction

An incorrect account coding was used in error for a budget amendment previously approved by the Board on April 20, 2022, involving the transfer of funding to the Capital Projects Fund to establish a revolving vehicle fund. This revised Budget Amendment is presented to correct that error.

Motion:

I move the Board approve the correction budget amendment as presented.

Juvenile Crime Prevention Council County Plan FY 2022-2023

The Henderson County Juvenile Crime Prevention Council (JCPC) has approved funding for local juvenile crime prevention programs. These funds for the Fiscal Year 2022-2023 in the amount of \$266,020 are available for this purpose through the State of North Carolina. Each program is required to provide a 30% match.

The programs approved by the JCPC are as follows:

1. JCPC Administration Expenses	\$ 5,400
2. Blue Ridge Literacy Council	\$ 32,000
3. Kids at Work	\$ 80,421
4. Hendersonville Boys and Girls Club	\$ 39,600
5. Vocational Directions	\$ 72,599
6. Deferred funding*	\$ 36,000
Total:	\$266,020

**\$30,000 was approved to fund Trinity Shelter; however, they closed their doors in May 2022 due to a lack of staffing. In addition, \$6,000 was re-advertised for the purpose of securing applicants to provide psychological assessments. The RFP process for funding is still in process. Per state guidelines, JCPC has until December 2022 to re-allocate these funds.*

These program applications have been recommended for approval to the Board of Commissioners by Henderson County JCPC.

The Henderson County JCPC has approved the 2022-2023 County Plan for Henderson County. This County Plan has been recommended for approval to the Board of Commissioners by the JCPC.

Motion:

I move that the Board approves the JCPC recommendations for both the FY 2022-2023 Annual Plan and the distribution of the FY 2022-2023 Juvenile Crime Prevention Program Funds.

Sugarloaf Road – Repeated Nuisance

N.C. Gen. Stat. §153A-140.2 reads as follows:

§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Approved: June 15, 2022

Certain property, located at 2794 Sugarloaf Road, Hendersonville, owned as indicated on GIS by Donald R. Heaton and wife, Cathy J. Heaton, has been cited for violation of the County's Nuisance Ordinance (Chapter 52 of the Henderson County Code) on February 17, 2022, March 25, 2022, and April 26, 2022. County staff has been informed that the property is now owned by Cathy J. Heaton but occupied by others.

Motion:

I move that the Board give the proposed notice to the property owner in this matter.

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

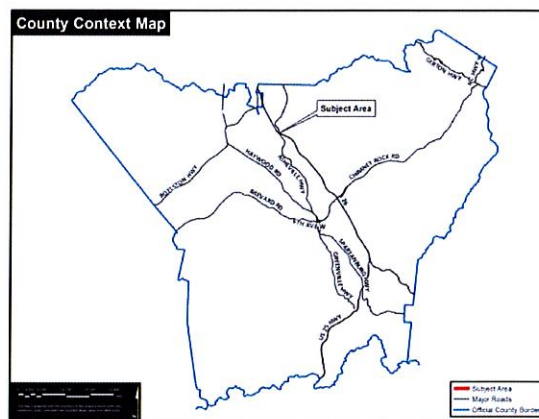
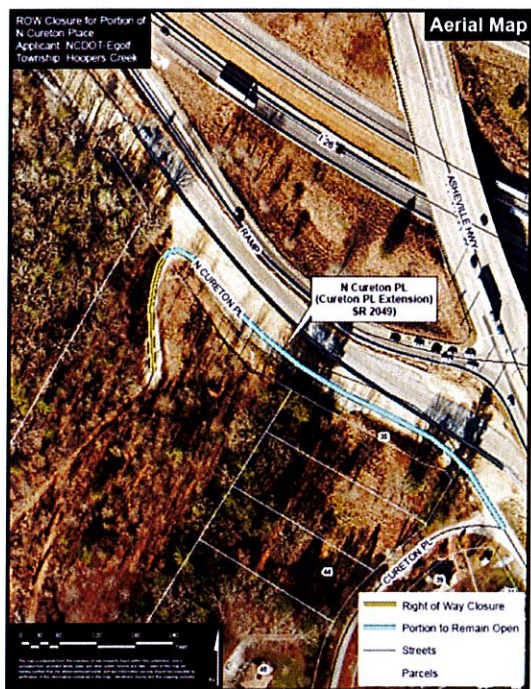
PUBLIC HEARINGS

2022.68 Public Hearing to Close a Portion of N Cureton Place (Cureton Place Extension) Right of Way

Chairman Lapsley made the motion to go into public hearing. All voted in favor, and the motion carried.

Planning and Property Addressing staff have received petitions to close a portion of N Cureton Place (Cureton Place Extension. Under North Carolina General Statute (NCGS) 153A-241, counties have the power to close any public road or easement, not within a city, except public roads or easements for public roads under the control of the Department of Transportation. To close any road, the Board must:

- Vote to adopt a resolution declaring its intent to close the public road or easement.
- Call and notice a public hearing on closing the road or easement, with notice "reasonably calculated to give full and fair disclosure of the proposed closing to be published once a week for three successive weeks before the hearing, a copy of the resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement."
- Hold the public hearing, where the Board must "hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or any individual property rights."
." Then, if the Board "is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Board may adopt an order closing the road or easement."
- File a copy of the Board's order with the Register of Deeds.



Public Input: There was none.

Chairman Lapsley made the motion to go out of public hearing. All voted in favor, and the motion carried

Commissioner Hill made the motion to approve the closure of the right-of-way and certify the Order of Closure. All voted in favor, and the motion carried.

2022.69 Public Hearing for Land Development Code (LDC) Text Amendments (TX-2022-02) Personal Storage Structures

Chairman Lapsley made the motion to go into public hearing. All voted in favor, and the motion carried.

The Planning Board requested that staff provide a text amendment to allow for personal storage structures (for noncommercial uses) on vacant parcels. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example, a garage, for personal storage.

The Planning Board discussed the issue at its March, April, and May meetings. On May 27, 2022, it voted unanimously to send forward a favorable recommendation on the draft text amendment (see attached).

LDC Text Amendment (TX-2022-02)

Recommended changes are highlighted in red.

Personal Storage Structures

Summary: The Planning Board request an amendment to allow for personal storage structures (not for commercial uses) on vacant parcels. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example a garage, for personal storage.

Amend the Table of Permitted and Special Uses as follows.

1. Residential Uses	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Personal Storage Structure	P	P	P	P	P	P	P	P	P	P	1.14

§42-62. Supplemental Requirements to the Table of Permitted and Special Uses

SR 1.14. Personal Storage Structure

- (1) Any lot may have a personal storage structure. If a lot is two (2) or more acres in size, there can be one such structure per acre.
- (2) A personal storage structure may include one (1) bathroom facility and may not include a kitchen facility or be used as a residence or for the purpose of operating a business.
- (3) Personal storage structure footprint may not exceed 24% total parcel size.
- (4) Personal storage structures shall only be for the use by the property owner.
- (5) The use shall meet the front or ROW setback of the applicable zoning district (without a principal structure or use) and must be setback a minimum of 15 (fifteen) feet from the *side* and *rear* property lines.

Public Input: There was none.

Chairman Lapsley made the motion to go out of public hearing. All voted in favor, and the motion carried.

Commissioner Hill requested the following revisions be considered:

SR 1.14. Personal Storage Structure

- (1) Revise “any lot may have a personal storage structure” to “any lot may have personal storage structure(s).” Strike language “there can be one structure per acre.”
- (2) Strike language “may not include a kitchen facility.”
- (3) Strike language “Personal storage structure footprint may not exceed 24% total parcel size.”
- (4) Strike language “Personal storage structures shall only be for the use by the property owner.”
- (5) Revise to use verbiage consistent with other zoning districts “Setbacks for accessory structures, 5’ side & rear and 10’ front from the edge of the right-of-way.”

Approved: June 15, 2022

Additionally, Commissioner Hill requested current verbiage in SR12.1, which refers to portable storage units, be revised regarding the duration and number of buildings allowed per parcel.

After discussion, it was the consensus of the Board to send this matter back to the Planning Board to address the revisions proposed by Commissioner Hill. The Planning Board will review the recommended revisions and bring this matter back before the Board at the July 20, 2022 meeting.

Commissioner Hill made a motion to send the Land Development Code (LDC) Text Amendments (TX-2022-02) Personal Storage Structures back to the Planning Board to address the comments from Commissioner Hill. All voted in favor, and the motion carried.

2022.70 Public Hearing – FY2022-2023 Budget

Chairman Lapsley made the motion to go into public hearing. All voted in favor, and the motion carried.

The Board of Commissioners was requested to hold the Public Hearing on the FY 2022-2023 Budget. Following the public hearing, the Board was requested to continue discussions with regard to the FY 2022-2023 Budget.

Public Input: There was none.

Chairman Lapsley made the motion to go out of public hearing. All voted in favor, and the motion carried

FY 2022-2023 Expenditures

FY 22-23 Recommended Budget	\$ 178,365,545
Revisions from the May 18, <u>2022</u> Budget Workshop	+ \$ 1,029,766
TOTAL FY 22-23 Expenditures	\$ 179,395,311

FY 2022-2023 Revenues

FY 22-23 Recommended Fund Balance Appropriated	\$ 17,961,329
Revisions from the May 18, <u>2022</u> Budget Workshop	+ \$ 780,431
Revision since May 18, 2022	- \$ 55
TOTAL FY 22-23 Fund Balance Appropriated	\$ 18,741,705

Approved: June 15, 2022

FY 2022-2023 Fund Balance

Fund Balance Available over 12% \$ 25,773,775

Proposed Fund Balance Allocation - \$ 18,741,705

Remaining Fund Balance over 12% \$ 7,032,070

Henderson County FY 2022-2023 Budget Tally

					Total Budget	Fund Balance Appropriation				
FY 2022-2023 Manager Proposed Budget as Presented May 2, 2022					\$ 178,365,545	\$ 17,961,329				
Staff Recommendations in advance of 05.18.22 Discussions										
					REVENUE					
					Reductions	Additions				
					EXPENDITURE					
					Reductions	Additions				
1	Additional Ad Valorem Taxes based on updated Valuation					\$ 630,335	\$ 178,365,545	\$ 17,330,994		
2	Transfer to HCPS MRTS (3c TRE) - 3c increase = \$33,708					\$ 33,708	\$ 178,399,253	\$ 17,364,702		
3	Transfer to BRCC MRTS (2c TRE) - 2c increase = \$22,472					\$ 22,472	\$ 178,421,725	\$ 17,387,174		
4	Transfer to Capital Reserve Fund (1c TRE) - 1c increase = \$11,236					\$ 11,236	\$ 178,432,961	\$ 17,398,410		
5	Economic Development - Partnership Match for EIF (Total \$77,500)					\$ 38,649	\$ 178,471,610	\$ 17,437,059		
6	Recommended funding for United Way (consistent with FY22 funding)					\$ 10,000	\$ 178,481,610	\$ 17,447,059		
7	Soil & Water Conservation Grants - Reduce grant revenue				\$ 81,000		\$ 178,481,610	\$ 17,528,059		
8	Health Department - Dogwood Health Trust Grant				\$ 300,000		\$ 178,481,610	\$ 17,828,059		
9	Health Department - COSSAP Grant					\$ 300,000	\$ 178,781,610	\$ 18,128,059		
Totals following Staff recommendations					\$ 381,000	\$ 630,335	\$ -	\$ 416,065	\$ 178,781,610	\$ 18,128,059
					Total Budget		Fund Balance Appropriation			
BOC Meeting held May 18, 2022					\$ 178,781,610		\$ 18,128,059			
Budget Revisions Based on 05.18.22 Discussions										
					REVENUE					
					Reductions	Additions				
					EXPENDITURE					
					Reductions	Additions				
1	Fund Non-Profit Aspire Youth & Family - Kids at Work! (McCall)					\$ 21,664	\$ 178,803,274	\$ 18,149,723		
2	Fund Non-Profit Aspire Youth & Family - Vocational Directions (McCall)					\$ 16,680	\$ 178,819,954	\$ 18,166,403		
3	Fund Non-Profit Open Arms Crisis Pregnancy Center (McCall)					\$ 20,000	\$ 178,839,954	\$ 18,186,403		
4	Fund Non-Profit Only Hope WNC - both applications (Edney)					\$ 14,000	\$ 178,853,954	\$ 18,200,403		
5	Fund Non-Profit Boys and Girls Club (Lapsley)					\$ 5,000	\$ 178,858,954	\$ 18,205,403		
6	Fund Non-Profit Children and Family Resource Center (Lapsley)					\$ 2,660	\$ 178,861,614	\$ 18,208,063		
7	Fund Non-Profit Council on Aging (Lapsley)					\$ 3,925	\$ 178,865,539	\$ 18,211,988		
8	Fund Non-Profit Interfaith Assistance Ministry (Lapsley)					\$ 15,000	\$ 178,880,539	\$ 18,226,988		
9	Fund Non-Profit Safelight (Lapsley)					\$ 2,500	\$ 178,883,039	\$ 18,229,488		
10	Fund Non-Profit St. Gerard House (Lapsley)					\$ 10,000	\$ 178,893,039	\$ 18,239,488		
11	Fund Non-Profit The Free Clinics (Lapsley)					\$ 2,355	\$ 178,895,394	\$ 18,241,843		
12	Fund HCSO Courthouse Deputy - Salary and Benefits (Edney)					\$ 62,572	\$ 178,957,966	\$ 18,304,415		
13	Fund HCSO Courthouse Deputy - Vehicle and Equipment (Edney)					\$ 54,738	\$ 179,012,704	\$ 18,359,153		
14	Fund HCSO Courthouse Deputy - Technology (Edney)					\$ 9,914	\$ 179,022,618	\$ 18,369,067		
15	Fund First Contact Ministries Contract in Detention Center (McCall)					\$ 150,000	\$ 179,172,618	\$ 18,519,067		
16	Fund HR Analyst Salary and Benefits (Edney)					\$ 72,905	\$ 179,245,523	\$ 18,591,972		
17	Fund HR Analyst Office Desk (Edney)					\$ 2,400	\$ 179,247,923	\$ 18,594,372		
18	Fund HR Analyst IT Equipment (Edney)					\$ 3,600	\$ 179,251,523	\$ 18,597,972		
19	Fund Rescue Squad Additional Operating Expenses (Hill)					\$ 76,390	\$ 179,327,913	\$ 18,674,362		
20	Fund Cooperative Extension Agriculture Program Assistant Salary (McCall)					\$ 51,253	\$ 179,379,166	\$ 18,725,615		
21	Add additional 2.5% to Cooperative Extension Salary - anticipated State raise July 1st (McCall)					\$ 16,145	\$ 179,395,311	\$ 18,741,760		
22	Revised Ad Valorem Tax Base (Revised June 3, 2022)					\$ 55	\$ 179,395,311	\$ 18,741,705		
As of June 6, 2022					\$ -	\$ 55	\$ -	\$ 613,701	\$ 179,395,311	\$ 18,741,705

Approved: June 15, 2022

FY 2022-2023 Recommended Budget

Outstanding Budgetary Issues

- Capital Projects/Economic Development – to be funded in FY22
- Henderson County Public Schools
- Funding City of Hendersonville School Resource Officers

DISCUSSION

FY 2023 Budget Ordinance (Tabled)

The Board was requested to continue discussions with regard to the FY 2022-2023 Budget. Staff presented the FY 2022-2023 Budget Ordinance for adoption.

A couple of years ago, Vice-Chair McCall stated that the Board increased the maintenance budget for Henderson County Public Schools from 1 million to 1.5 million. The intention of the increase was to ensure that better care was taken of the facilities to minimize the need for costly remedial repairs. Reviewing HCPS' current budget request for FY2023, she said items listed in the maintenance portion of the budget request included items unrelated to building maintenance (i.e., musical instruments). Vice-Chair McCall directed staff to obtain a breakdown from HCPS of how money budgeted for maintenance repair has been spent.

Vice-Chair McCall requested Henderson County Public School Board members review how the approximately 22 million dollars that will be received from the Federal Government may be utilized in meeting some of the requirements included in their current budget request, which is 1.8 million dollars more than the FY2022 request.

Commissioner Andreotta made the motion that the FY 2023 Budget Ordinance discussion be tabled and brought back before the Board at the June 15, 2022 meeting. All voted in favor, and the motion carried.

Board of Elections - Update

Board of Elections Director Karen Hebb provided the Board with an update on the recent Primary Elections in Henderson County. She provided a handout that included a breakdown of all the votes cast in the past election, including voter history that was received. (Copy attached to these minutes). Audit results proved election results were 100% correct. 23,721 people voted as opposed to 16,000 voters in the 2018 election. The voters that voted at "one-stop" exceeded 10,000 votes as opposed to 5,000 in 2018. Absentee ballots were a popular method of voting for this past election, with 626 returned in this year's election, compared to 123 ballots in the 2018 election. There were no machine failures or other issues with this election.

Approved: June 15, 2022

Karen Hebb informed the Board that before every election, all voting machines are tested for accuracy using test ballots; the test ballots are then hand-counted by elections staff. In addition, the Friday prior to the election, the State Board of Elections randomly selects two area precincts for an audit. This past election, The Etowah and Long John Mountain precincts, were chosen; both precincts had 100% identical hand-counted total versus electronic voting machine totals.

2022.72 Henderson County Hospital Corporation Borrowing Resolutions

Resolutions are required in support of the upcoming borrowing on behalf of Henderson County Hospital Corporation. As in every borrowing under the master indenture cited in the resolutions, the Hospital Corporation is wholly responsible for the repayment of these borrowings.

Pardee Hospital President and Chief Executive Officer Jay Kirby provided the Board with the following update on Pardee/UNC Health Care's Budget and bonds.

When Crossing the Street, Hold Hands....

- **Pardee & BRCC provided 31,963 Covid 19 Vaccines to our community by partnering to meet the needs of our community.**
- **Pardee with financial support from Henderson County provided 1,514 infusions for Covid positive patients in our area.**
- **Pardee will provide \$100,000 per year for the next three years to support a new faculty position for BRCC's nursing program expansion**

FY 2023 Consolidated Budget

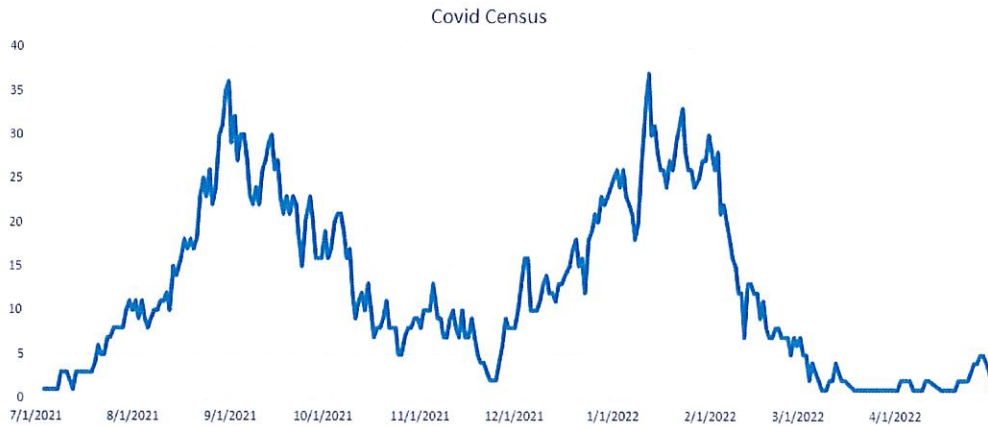
	Actual FY 2021	Projection FY 2022	Budget FY 2023
Operating Revenue			
Net Patient Service Revenue	280.346	313.293	330.794
Other Operating Revenue	6.668	9.898	7.964
Net Operating Revenue	287.014	323.191	338.758
Operating Expense			
Salaries & Benefits	122.946	152.675	150.684
Medical & Surgical Supplies & Drugs	74.983	87.855	88.949
All Other Expenses	84.556	94.535	99.105
Total Operating Expenses	282.485	335.065	338.738
Operating Income (Loss)	4.529	(11.874)	0.020
<i>Operating Margin</i>	1.58%	-3.7%	0.0%
Total Nonoperating Gain (Loss)	12.235	2.380	3.259
Net Income (Loss)	16.764	(9.494)	3.279
<i>Net Margin</i>	5.84%	-2.9%	1.0%

\$ Millions



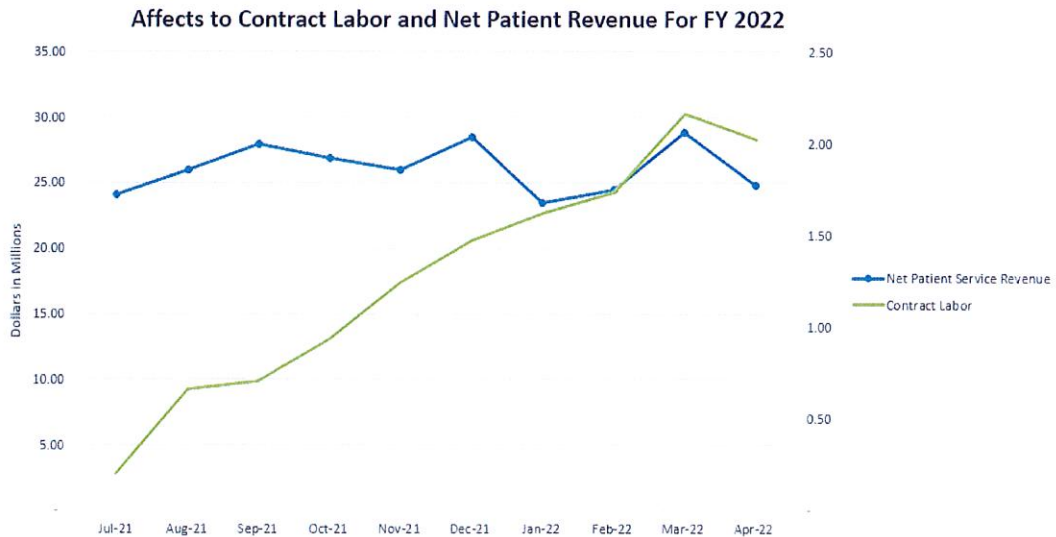
Approved: June 15, 2022

Two COVID Waves



_____ made the motion to adopt the proposed resolutions. All voted in favor, and the motion carried.

The Second Wave was the most impactful....



Chairman Lapsley made the motion the Board adopt the proposed resolutions. All voted in favor, and the motion carried.

Smart Gov Permitting Software Implementation

At the June 16, 2021 meeting, the Board approved a contract with Dude Solutions for a new permitting software system. Since that time, County Staff from Information Technology, Building Services, Planning,

Approved: June 15, 2022

Code Enforcement, Environmental Health, and Emergency Services have been working on implementing the new system, which is expected to go live on June 20, 2022.

Floodplain Administrator Toby Linville presented information on how this new software system will provide greater accessibility to the public and allow quicker review times. Documents and permit information will be available online, and the new system will interface with existing systems in the Finance and the Tax Departments. Additionally, the system will allow greater data analysis to help small business owners, citizens, and the government direct resources.

SmartGov Ecosystem



Back Office



Public Portal



Mobile Application

P&I History

- Purchased 2004
- Program has become unstable, obsolete and unsupported
- Operates in Windows Explorer in version 6

Software RFP

- RFP Process began in 2016
- 5 bids
- Dude Solutions/Brightly/Smartgov lowest responsive bidder
- Lowest Annual Cost/Implementation Fees

Dashboard



Quick access to statistics and User To Do List

Permitting

This screenshot shows a permit details page for 'Smith Deck Replacement'. The interface includes a sidebar with navigation options like 'Workpace', 'Favorites', and 'Permitting'. The main content area displays permit information such as 'Permit Number: 20200076', 'Status: ROUTED FOR REVIEW', and 'Project Description: Replacement of decking and railing on the south deck'. A green callout box on the right states: 'Track permit status, contacts, and contractors, parcels, fees, and approval steps'.

Permitting

This screenshot displays a workflow table for permit 20200076. The table lists various review steps with their status, dates, and assigned personnel. A green callout box on the right states: 'Track reviews, revision requests, and project timelines'. Below the table, a 'Step Maintenance' button is visible.

Name	Workflow Step Status	Status	Date	Status By	Assigned	Due Date	Required	Hours
PLANNING DEPT REVIEW	APPROVED*	APPROVED	02/11/2020	Heidi Wytko	PLANNING & ZONING	02/19/2020	Required for Approval	3.50
HEALTH DEPARTMENT REVIEW	PENDING	PENDING	02/11/2020			02/19/2020	Required for Approval	0
ENGINEERING DEPT REVIEW	PENDING	PENDING	02/11/2020			02/19/2020	Required for Approval	0
NOTICE COMPLETE	PENDING	PENDING	03/01/2020				Required for Approval	0
HEARING EXAMINER PROCESS	PENDING	PENDING				03/31/2020	Required for Approval	0

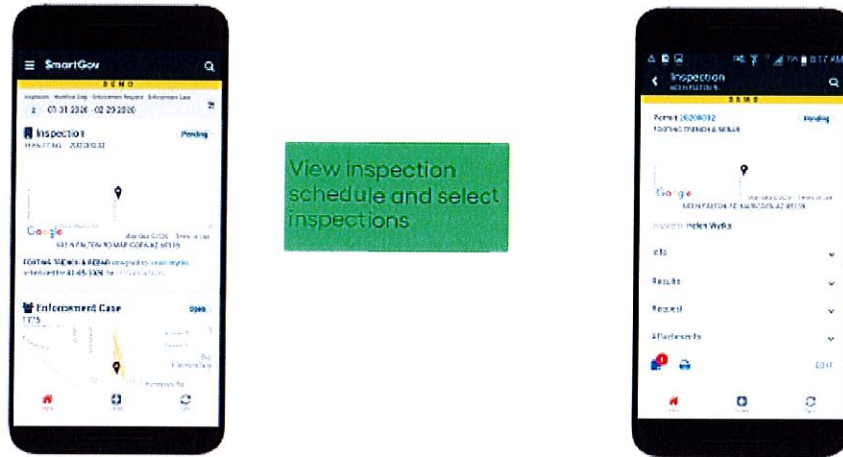
Total Hours: 3.50

Permitting

This screenshot shows a fee schedule table and a fee payment summary. The fee schedule table lists various permit types and their associated fees. A green callout box on the left states: 'Collect, process, and track fees'. The fee payment summary table shows the breakdown of fees for a specific permit.

Permit Type	Fee	Category	Amount
Building Permit	10000.00	Building	10000.00
Planning Review	10000.00	Planning	10000.00
Health Department	0.000	Health	0.000
Engineering Review	10000.00	Engineering	10000.00
Notice Complete	0.000	Notice	0.000
Hearing Examiner Process	0.000	Hearing	0.000

Mobile Application



The mobile application will allow users to view scheduled inspections, inspection results, and code violations in real-time. Users may search for permits, view job details, and access plans directly from their smartphones.

Code Enforcement

Case Type: ANIMAL-NUISANCE Assigned to: User

Information Only Request:

Description: Rooster on property

Submitted On: 02/12/2022 Time: 09:33

Reporter

Anonymous Reporter:

Reporter Name: John Smith

Address: 1906 Susan Conston Way

City: Tacoma State: WA Zip Code: 98112

Primary Phone: 555-5555 Other Phone:

Email Address: john.smith@gmail.com

Location

General Location:

Closest Intersection:

Address: 3534 HOMESTEAD VILLAGES

City: MARICOPA State: AZ Zip Code:

Parcel: 3534

Create Request Create Case Reset Back

Enter in code enforcement requests/cases

Code Enforcement Solutions

Generate infractions or violation letters

CODE COMPLIANCE DIVISION
18070 Collins Avenue
Cary, NC 27518
Phone: (919) 674-8733
Fax: (919) 674-8733

UNIFORM CIVIL VIOLATION NOTICE

CDEF2019-237			INSTRUCTIONS	
Date/Time Issued	Code Enforcement Officer	Badge #	1. Questions on this uniform civil violation shall be directed to: COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE DIVISION (305) 792-1750	
05/17/2019 14:46:00	Dustin Elliott	1160	2. Payments and/or Requests for hearing shall be submitted in writing and directed to: COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE DIVISION (305) 792-1750	
Name of Violator(s)	Folio Number	3. Payment of the penalty does not constitute a correction of the violation **		
SAM CHAPIN	3122110241470	4. Hearings will be set for the next regularly scheduled hearing date or as soon thereafter as is practical and all parties will be notified at the mailing address shown on this notice. No additional civil penalties will accrue if a request for hearing is received within seven (7) calendar days as provided for in the city ordinance 2001-141		
Mailing Address of Violator(s)	Repeat/Recurring Violation?	Yes	No	5. You may appear with or without counsel, and produce
301 174TH ST APT 912 Cary, NC 27518	Yes	No		
<p>This notice summons you to answer the complaint that on 03/14/2019 at 12:30 PM you committed a violation of Section 183-1 (A) PERMITS REQUIRED of the Code of Ordinances of the City of Sunny Isles Beach as adopted, to wit:</p> <p>Obtain required building permit prior to commencing any work, change a building structure, conduct work in the public right-of-way, alter land, water or beach sand. Daily fine of \$500.00.</p>				

Recurring Inspections

Create recurring inspection to track long term items like annual fire inspections

Public Portal

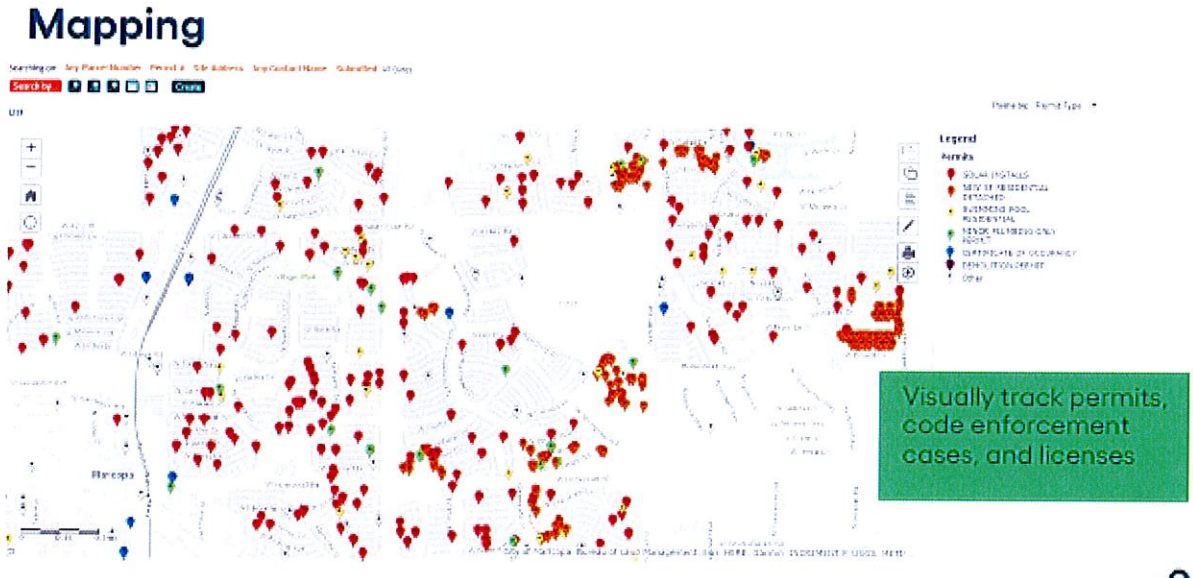
Accept applications online

Collect details and information necessary to process a permit

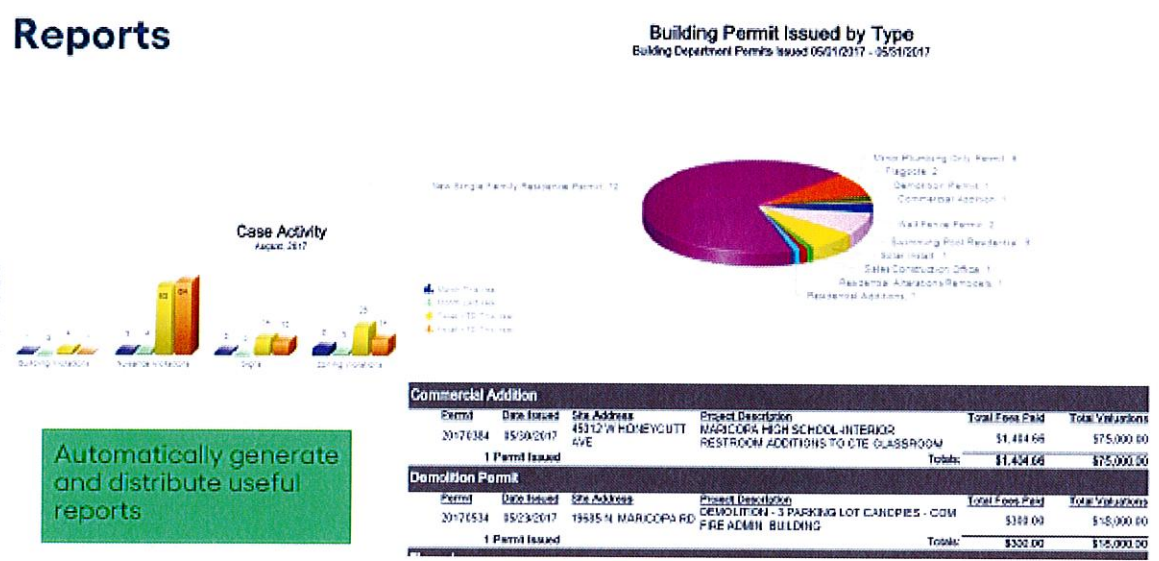
Permit applicants can upload electronic documents and submittals. Citizens may request inspections, view inspection results, correction notices, and notes from the inspector.

Applicants will have the option to pay permit fees online or in person at the Permit Center office.

This software allows users to view all activity on a parcel in one place.



Over 150 comprehensive reports and staff can create custom reports through an ad-hoc report builder.



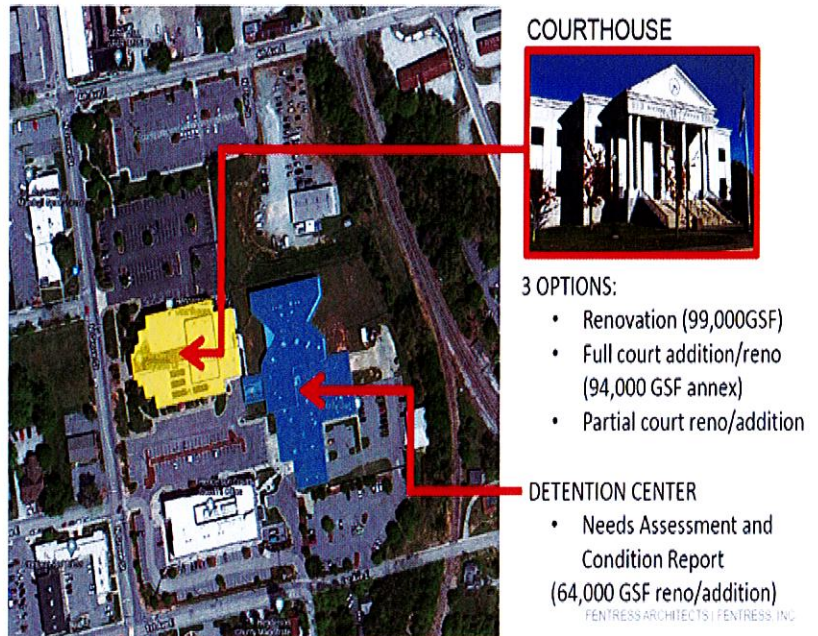
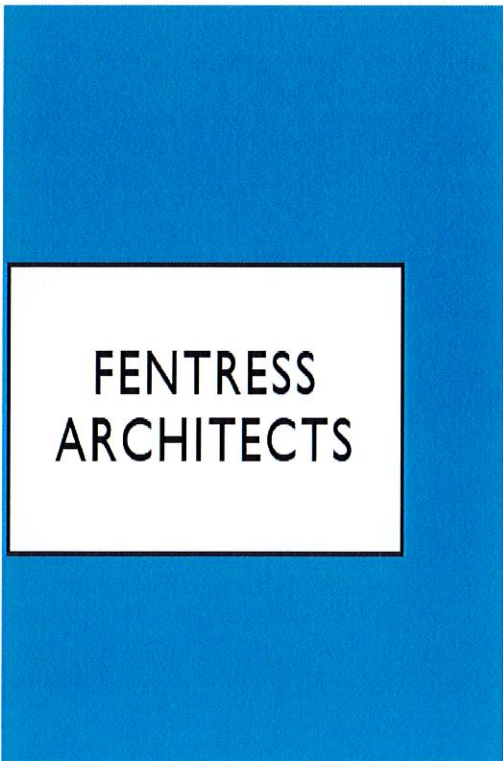
The Implementation Plan is as follows:

- GoLive June 20, 2022
- Present to WNC Homebuilders/Hendersonville Board of Realtors in July
- Work with User Groups to provide training in July and August
- Public Portal Training in August

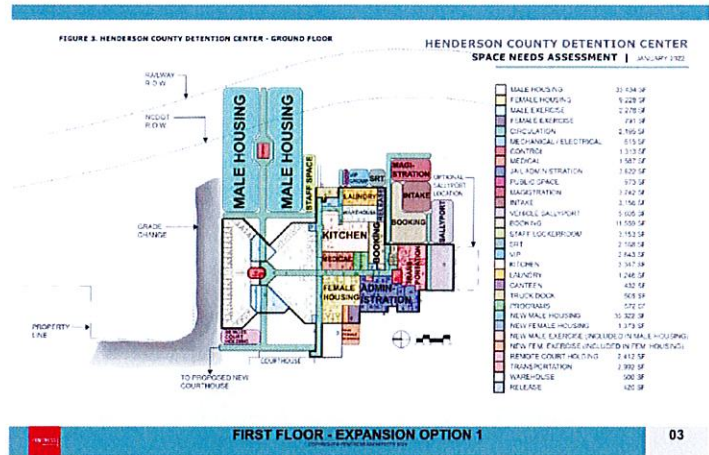
Selection of Courthouse and Detention Center Architect

On January 26th, 2022, a Request for Qualifications for architectural services for the Courthouse Expansion and Detention Center Annex 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 was the necessary programming with Henderson County 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 February 10th, 2022, and subsequently received and reviewed by Staff.

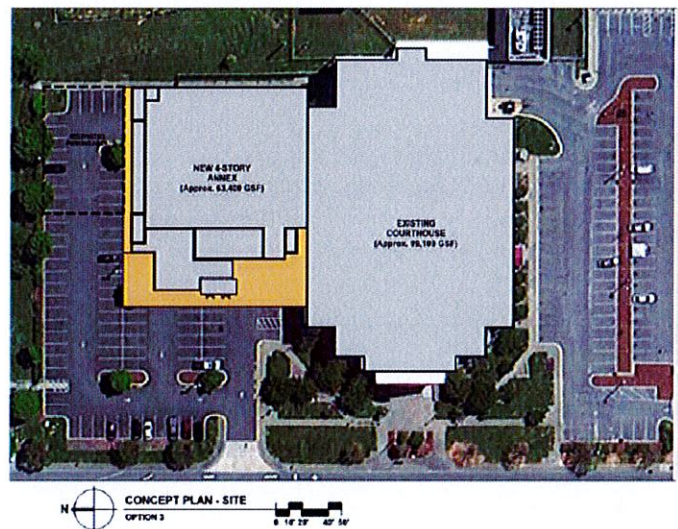
At the March 7th meeting of the Board of Commissioners, the Board approved the selection of Fentress Architects as the most qualified firm and directed to Staff to negotiate an agreement. Fentress Architects proposed a fee of 8.87%, based on the proposed construction cost.



DETENTION CENTER EXPANSION



COURTHOUSE RENOVATION AND NEW ANNEX



PROPOSED PROJECT TIMELINE

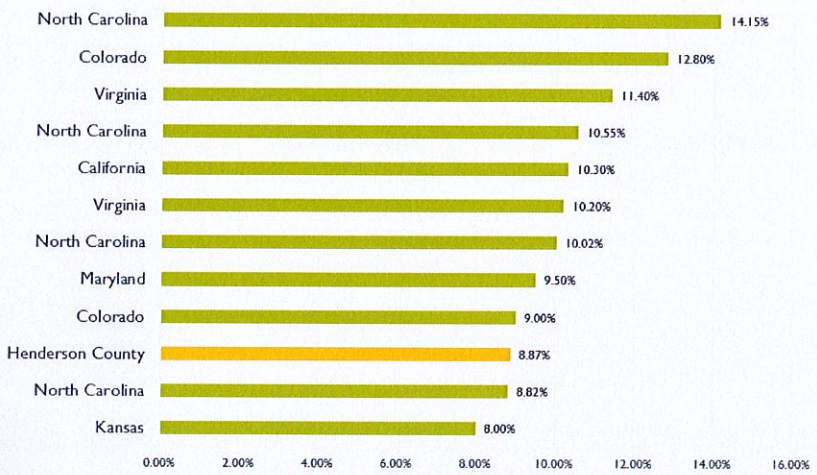
- Notice To Proceed June 1, 2022
- Concepts / Basis of Design June 2022 – September 2022
- Schematic Design October 2022 – February 2023
- CMAR Procurement January 2023 – May 2023
- Design Development March 2023 – August 2023
- Site Plan Approval Period May 2023 – November 2023
- Construction Documents August 2023 – October 2024
- Permitting and CMAR Buy-out March 2024 – October 2024
- Construction Activities May 2024 – April 2027

Approved: June 15, 2022

PROPOSED FEE

- Total Proposed Cost - 11,320,010
- Percent Cost of Construction – 8.87%
- Average Cost of Similar Projects as a percentage – 9.9%

Percent Cost Of Construction vs Architect Fee



PROPOSED FEE CONTINUED

Name	Location	Cost	Fee	% Of Const/Fee	New/Renovation
Courthouse	Virginia	\$43,000,000	\$4,885,953	11.40%	Addition/Renovation
Justice Center	Colorado	\$25,498,046	\$2,286,874	9.0%	New Construction
Courthouse	Maryland	\$89,926,000	\$8,534,090	9.5%	New Construction
Justice Center	Colorado	\$14,200,000	\$1,813,549	12.8%	New Construction
Courthouse	Virginia	\$120,000,000	\$12,232,032	10.2%	New Construction
Courthouse	California	\$95,195,433	\$9,792,873	10.3%	New Construction
Courthouse	Kansas	\$148,836,969	\$11,906,958	8.0%	New Construction
Courthouse	North Carolina	\$109,690,000	\$11,569,000	10.55%	New Construction
Courthouse	North Carolina	\$31,275,593	\$3,133,150	10.02%	Addition/Renovation
Detention Center	North Carolina	\$10,019,850	\$1,418,250	14.15%	Addition/Renovation
Detention Center	North Carolina	\$9,043,455	\$797,950	8.82%	New Construction
Henderson County Courthouse and Detention Center	North Carolina	\$127,600,000	\$11,320,010	8.87%	Addition/Renovation

The Board heard from Steven White with Fentress Architects regarding the proposed contract for the design and renovations of the Henderson County Courthouse and Detention Facility. The Board negotiated the proposed fee for the project and made a counteroffer to Fentress’ initial offer of \$11,320,010. The Board’s counteroffer was \$10,208,000. Fentress will give a response within seven days, and this matter will be discussed again at the Board’s June 15, 2022 meeting.

NOMINATIONS AND APPOINTMENTS

1. EMS Peer Review Committee – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
2. Hendersonville Planning Board – 1 vac.

Vice-Chair McCall nominated Andrea Martin for position #1. All voted in favor, and the motion carried.

Approved: June 15, 2022

3. Hendersonville City Zoning Board of Adjustment – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
4. Henderson County Historic Courthouse dba/Heritage Museum – 1 vac.
Vice-Chair McCall nominated Bessie Mae Levi-Bright for position #1. All voted in favor, and the motion carried.
5. Home and Community Block Grant Committee – 2 vacs.
There were no nominations, and this item was rolled to the next meeting.
6. Hospital Corporation Board of Directors/UNCH – 3 vacs.
Vice-Chair McCall nominated Debbie Bell for reappointment to position #9, Brittany Brady for reappointment to position #10, and Dr. Thomas Eisenhower for reappointment to position #11. All voted in favor, and the motion carried.
7. Juvenile Crime Prevention Council – 3 vacs.
Vice-Chair McCall nominated Dominic Garren for position #12. All voted in favor, and the motion carried.
8. Nursing/Adult Care Home Community Advisory Committee – 10 vacs.
There were no nominations, and this item was rolled to the next meeting.

Chairman Lapsley nominated existing Henderson Tourism Authority member William Richard Rhodes as Chairman of the Henderson Tourism Development Authority. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Hill congratulated all recent High School and College graduates and asked that we all remember this day, June 6, as the 78th Anniversary of D-Day.

Vice-Chair McCall informed fellow Board members that the NCACC District 16 & 17 meeting would be held on June 23, 2022, in Sylva, NC. She encouraged her colleagues to attend.

Chairman Lapsley shared that he recently attended the Vaya Board meeting and that the Board has passed their \$982,010,350 budget.

Chairman Lapsley shared that \$341,000 Opioid Settlement funds were received last week.

COUNTY MANAGER'S REPORT

County Manager John Mitchell said the County's Fourth of July celebration was coming up and invited all to come and enjoy the festivities and fireworks. Additionally, he shared that the ribbon cutting for the POPAT Building at BRCC will be held on July 12, 2022, and the ribbon-cutting for Hendersonville High School will be held in August 2022.

IMPORTANT DATES


CLOSED SESSION

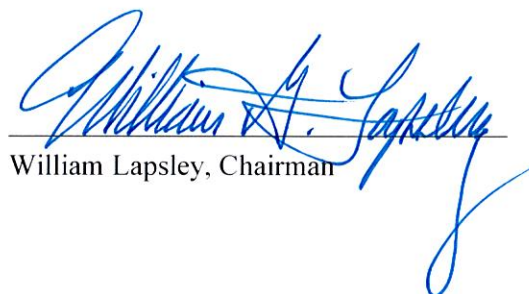
Chairman Lapsley made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(4).

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board.
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 the area served by the public body.

Chairman Lapsley made to motion to go out of closed session and adjourn at 8:55 p.m. All voted in favor, and the motion carried 5-0.

ADJOURN


Denisa A. Lauffer, Clerk to the Board


William Lapsley, Chairman

During the June 6, 2022, regular meeting, the Board enacted the following:

- 2022.62 Pending Releases and Refunds**
- 2022.63 Reappointment of Assessor and Tax Collector**
- 2022.64 Establish Special Revenue Fund – Opioid Settlement Fund**
- 2022.65 Home & Community Care Block Grant Funds – FY23 Funding Reallocations**
- 2022.66 HCCBG Funds – FY23 County Funding Plan**
- 2022.67 Budget Amendment – Correction**
- 2022.68 Public Hearing To Close a Portion of N Cureton Place (Cureton Place Extension) Right of Way**
- 2022.69 Public Hearing for Land Development Code (LDC) Text Amendments (TX-2022-02) Personal Storage Structures**
- 2022.70 Public Hearing – FY2022-2023 Budget**
- 2022.71 Adoption of Fiscal Year 2022-2023 Budget**
- 2022.72 Henderson County Hospital Corporation Borrowing Resolutions**

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

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



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

June 6, 2022

Darlene Burgess, Assessor
Henderson County Assessor's Office
200 N. Grove Street, Suite 102
Hendersonville, NC 28792

Dear Mrs. Burgess:

Attached please find tax release requests in the amount of \$1,345.27 and tax refund requests in the amount of \$632.37 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, June 6, 2022. All Releases and refunds were approved.

Sincerely,

A handwritten signature in blue ink, which appears to read "William G. Lapsley". The signature is fluid and cursive, written over a circular stamp or seal.

William Lapsley, Chairman
Henderson County Board of Commissioners

WGL/dal

enclosures

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 6, 2022
SUBJECT: Budget Amendment – Correction
PRESENTERS: Samantha R. Reynolds, Finance Director
ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

An incorrect account coding was used in error for a budget amendment previously approved by the Board on April 20, 2022 involving the transfer of funding to the Capital Projects Fund to establish a revolving vehicle fund. This revised Budget Amendment is presented to correct that error.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached correction Budget Amendment as presented.

Suggested Motion:

I move the Board approve the correction budget amendment as presented.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115980-598040</u>	<u>TRANSFER TO CAPITAL PROJECTS FUND</u>	<u>\$183,551</u>
		\$183,551

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

Account	Line-Item Description	Amount
<u>115408-598040</u>	<u>TRANSFER TO CAPITAL PROJECTS FUND</u>	<u>\$183,551</u>
		\$183,551

Justification: *Please provide a brief justification for this line-item transfer request.* \$0
 TO CORRECT ACCOUNT CODING ERROR FOR BUDGET AMENDMENT TO TRANSFER FUNDS TO CAPITAL PROJECTS FUND TO ESTABLISH
 REVOLVING VEHICLE FUND PREVIOUSLY APPROVED BY THE BOARD ON 4.20.2022. BOC APPROVED 6.6.2022.

	6/6/2022
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

For Budget Use Only

Batch #

BA #

Batch Date

Henderson County NC DPS - Community Programs - County Funding Plan

Available Funds: \$ 266,020 Local Match: \$ 128,028 Rate: 30%


DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% of 2021 DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	JCPC Administration	\$5,400						\$5,400	
2	Boys & Girls Club of Henderson County	\$39,600	\$2,970	\$8,910				\$51,480	23%
3	Kids At Work!	\$80,421		\$3,518	\$24,533			\$108,472	26%
4	Blue Ridge Literacy Council At-Risk Youth Literacy & Life Skills Program	\$32,000	\$10,500	\$2,483	\$49,575			\$94,558	66%
5	Aspire Vocational Direction	\$72,599			\$25,539			\$98,138	26%
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
TOTALS:		\$230,020	\$13,470	\$14,911	\$99,647			\$358,048	36%

The above plan was derived through a planning process by the Henderson County
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2022-2023

Amount of unallocated funds: 536,000
 Amount of funds awarded to: JCPC
 To be used for: update
 check type: initial plan update final
 ---DPS Use Only---
 Prepared by: _____
 Reviewed by: _____
 Verified by: _____

Chairperson, Juvenile Crime Prevention Council (Date)



Chairperson, Board of County Commissioners or County Finance Officer (Date)

NOTICE

TO: Donald R. Heaton and wife, Cathy J. Heaton, or the survivor of them

RE: Chronic Violation of Nuisance Ordinance

You have been cited three times – February 17, 2022, March 25, 2022, and April 26, 2022 – for violation of Henderson County’s public nuisance ordinance.

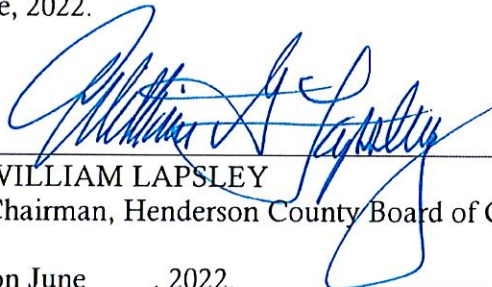
N.C. Gen. Stat. §153A-140.2 reads as follows:

§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

BE ADVISED that Henderson County shall, without further notice, take action to remedy the violation, and to place a lien for the costs of the action on the real property.

This the 6th day of June, 2022.



WILLIAM LAPSLEY
Chairman, Henderson County Board of Commissioners

Sent by certified mail on June ____, 2022. _____

Property posted on June ____, 2022. _____

**Henderson County
North Carolina**

Before the Board of Commissioners

**ORDER CLOSING A PORTIONS OF
RIGHT-OF-WAY FOR N CURETON PLACE (CURETON PLACE EXTENSION)**

THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular June 6th 2022, meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing a portion of right-of-way for a portion of N Cureton Place (Cureton Place Extension) was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on May 18th, 2022, on the petition of NCDOT to close a portion of N Cureton Place (Cureton Place Extension) was heard in Henderson County.
2. At the Board's May 18th, 2022, meeting, the Board adopted a resolution "declaring its intent to close" the said portion of N Cureton Place (Cureton Place Extension).
3. A map showing the area under consideration is shown on the attachment hereto, Exhibit A, (indicated by a yellow road identifier).
4. A notice of this Board's June 6th hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Lightning*, a copy of the resolution was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement.
5. Before the Board on June 6th, the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-241.
6. After such hearing, the Board is satisfied and finds:
 - A. That closing the public road or easement is not contrary to the public interest; and,
 - B. That no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.

WHEREFORE IT IS ORDERED that a portion of N Cureton Place (Cureton Place Extension) in Henderson County as shown on the attached map is hereby closed.

Adopted by the Board by motion duly made, this the 6th day of June, 2022.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By:  _____
Chairman

Attest:

 _____
Clerk to the Board

A regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on June 6, 2022 at 9:30 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina.

* * *

The following members were present:

Chairman William Lapsley
Vice Chairwoman Rebecca McCall
Commissioner Daniel Andreotta
Commission David Hill

The following members were absent:

Commissioner J. Michael Edney

Also present:

County Manager John Mitchell
Assistant County Manager Amy Brantley
Clerk to the Board Denisa Lauffer
Finance Office Samantha Reynolds
County Attorney Charles Russell Burrell

* * *

Commissioner Lapsley moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A HOSPITAL REVENUE BOND; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE COUNTY'S TAXABLE HOSPITAL REVENUE BOND (MARGARET R. PARDEE MEMORIAL HOSPITAL PROJECT) AND CERTAIN RELATED MATTERS

WHEREAS, Henderson County Hospital Corporation (the "*Corporation*") wishes to reimburse itself for the expenditures related to the following capital projects for Margaret R. Pardee Hospital (the "*Hospital*"): the (1) acquisition and/or updates to the O-Arm O2 Base System, (2) acquisition and/or capital expenditure for the following structures: three buildings on Fleming Street in Hendersonville, the Hawk Brown Building, a modular building in Brevard and the Brevard UC/PC/PT facilities, (3) relocations and updates to various specialist suites and buildings, (4) the purchase of various equipment, including, without limitation, nuclear med camera and a spine robot, and (5) various other capital expenditures (collectively, the "*Projects*"), all for use by the Hospital; and

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Henderson, North Carolina (the "*County*") is considering the issuance of a not to exceed \$14,100,000 Tax Hospital Revenue Bond (Margaret R. Pardee Memorial Hospital Project) Series 2022A (the "*2022A Bonds*") to (1) reimburse for amounts previously paid for the cost of capital expenditures relating to the Projects and (2) pay the costs of issuing the 2022A Bonds; and

WHEREAS, the Board wishes to retain Hawkins Delafield & Wood LLP, Raleigh, North Carolina, as bond counsel; retain First Tryon Advisors, as financial advisor for the 2022A Bonds; and retain Prince, Youngblood & Massagee, PLLC, as counsel to the Corporation; and

WHEREAS, the Board desires that the Finance Director or the County Manager of the County or the President and Chief Executive Officer of the Corporation (such officers being herein called the "Authorized Officers") file with the Local Government Commission of North Carolina (the "Commission") an application for its approval of the 2022A Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2022A Bonds to a purchaser to be determined through a private placement and (B) the County's use of Hawkins Delafield & Wood LLP, as bond counsel for the County, First Tryon Advisors, as financial advisor for the 2022A Bonds; and Prince, Massagee & Alexander, PLLC, as counsel to the Corporation and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2022A Bonds and to the County, the Corporation and their respective financial condition as may be required by the Commission, and to take all other action necessary to the issuance of the 2022A Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2022A Bonds are to be issued by the County for the purpose of providing funds to (1) pay, and to reimburse for amounts previously paid for, the cost of capital expenditures relating to the Projects and (2) pay the costs of issuing the 2022A Bonds, all as set out fully in the document attached to the County's application to the Commission.

Section 2. That Hawkins Delafield & Wood LLP; First Tryon Advisors and Prince, Massagee & Alexander, PLLC are hereby retained and approved.

Section 3. That the Authorized Officers are hereby authorized, directed and designated to file an application with the Commission for its approval of the issuance of the 2022A Bonds. Any applications and communications previously undertaken with the Commission are hereby ratified, approved and affirmed.

Section 4. That the Board finds and determines, and asks the Commission to find and determine, from the County's application and supporting documentation the following:

- (a) that the issuance of the 2022A Bonds is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2022A Bonds will be adequate but is not excessive, when added to other money available to the County or Corporation, for the purposes set forth above;
- (c) the Projects are feasible;
- (d) that the County's and the Corporation's debt management procedure and policies are excellent; and
- (e) that the 2022A Bonds can be sold at a reasonable interest cost to the County.

Section 5. That the Authorized Officers, Chairman, Vice-Chairman and Secretary of the Board are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2022A Bonds.

Section 6. That this Resolution is effective on the date of its adoption.

On motion of Chairman Lapsley, the foregoing resolution entitled “RESOLUTION OF THE COUNTY OF HENDERSON, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A HOSPITAL REVENUE BOND; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE COUNTY’S TAXABLE HOSPITAL REVENUE BOND (MARGARET R. PARDEE MEMORIAL HOSPITAL PROJECT) AND CERTAIN RELATED MATTERS” was passed by the following vote:

AYES: All present

NAYS: None

Adopted this the 6th day of June, 2022.

[SEAL]

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____

Chairman

ATTESTED BY:

Clerk to the Board

* * *

Thereupon, Chairman Lapsley moved that the following resolution (the “Resolution”), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING ITS INTENT TO REIMBURSE ITSELF OR MARGARET R. PARDEE HOSPITAL FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH IMPROVEMENTS TO THE HOSPITAL’S FACILITIES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2022

WHEREAS, the Board of Commissioners of the County of Henderson, North Carolina (the “County”) has determined that it is in the best interests of Margaret R. Pardee Hospital (the “Hospital”) to incur capital expenditures in connection with various improvements to Hospital's property including but not limited to the following: (1) renovation of Carolina Spine & Neurosurgery facility on Mission Pardee campus, (2) upgrades to the catheterization laboratory on the main Pardee campus, (3) Mission Pardee 2775, PFMA Arden, (4) upgrading two procedure rooms to operating room equivalents, (5) facility elevator

modernizations, (6) Hawk Brown top floor & suite, (7) AHU, (8) renovation of examination rooms at the Southeast Sports Medicine facility in Hendersonville, (9) hazardous substance abatement and demolition of the building at 2029 Asheville Highway in Hendersonville, (10) renovation of Renovate Lampley, all for the Hospital's use (collectively, the "Projects");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations on behalf of the Hospital (the "Obligations") to finance, or to reimburse itself or the Hospital for, all or a portion of the costs of the Projects; and

WHEREAS, the County desires to proceed with the Projects, and the Hospital or the County will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to reimburse itself or to have the Hospital reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA AS FOLLOWS:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself or have the Hospital reimbursed for the Original Expenditures incurred and paid by the County or the Hospital on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is \$17,500,000.

Section 2. **Compliance with Regulations.** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself or have the Hospital reimbursed for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County or the Hospital in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

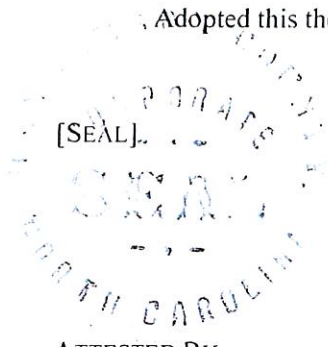
Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On motion of Chairman Lapsley, the foregoing resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA DECLARING ITS INTENT TO REIMBURSE ITSELF OR MARGARET R. PARDEE HOSPITAL FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH IMPROVEMENTS TO THE HOSPITAL'S FACILITIES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2022" was duly adopted by the following vote:

AYES: All present

NAYS: None

Adopted this the 6th day of June, 2022.



HENDERSON COUNTY BOARD OF COMMISSIONERS

By: 
Chairman

ATTESTED BY:


Clerk to the Board