

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, OCTOBER 19, 2022

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

Those present were Chairman William Lapsley, Vice-Chair Rebecca McCall, Commissioner Mike Edney, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, NCACC Strategic Project Coordinator Erik Mendez, Engineer Marcus Jones, Planning Director Autumn Radcliff, Senior Planner Jana Bianculli, Capital Project Manager Bryan Rhodes, Cooperative Extension Director Dr. Terry Kelley, Cooperative Extension Agent Karen Blaedow, Cooperative Extension Administrative Assistant Keai Tilly, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Assistant Engineer Deb Johnston, and PIO Kathy Finotti – videotaping. Deputy John Ashe provided security.

### **CALL TO ORDER/WELCOME**

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

### **INVOCATION**

Pastor Bruce Frank, the lead pastor of Biltmore Church, provided the invocation.

### **PLEDGE OF ALLEGIANCE**

Chairman Lapsley led the Pledge of Allegiance to the American Flag.

### **RESOLUTIONS AND RECOGNITIONS**

#### **2022.129 Proclamation – Homeless Youth Awareness**

#### **PROCLAMATION**

#### **November – National Homeless Youth Awareness Month**

**WHEREAS**, the month of November is designated as National Homeless Youth Awareness Month; and

**WHEREAS**, this designation was declared by the U. S. House and Senate in 2007 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and

**WHEREAS**, the nation's public schools report between 1.5 and 2.3 million homeless students grades pre-k through 12th grade; and

**WHEREAS**, we realize that adolescents become homeless, becoming separated from their

caregivers and homes for various reasons, often putting them in precarious situations, and that school is often the most safe and stable environment for these youth; and

**WHEREAS**, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

**WHEREAS**, Only Hope WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

**WHEREAS**, Only Hope WNC, Inc. will be hosting a sleepout on November 4 - November 5 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness; and

**WHEREAS**, an effort is being made by the board members of Only Hope WNC, Inc. to raise community-wide awareness of homeless youth in Henderson County;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Henderson County Board of Commissioners, do hereby proclaim November 2022 as “Homeless Youth Awareness Month” in Henderson County and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

Adopted this 19th day of October 2022.

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

**INFORMAL PUBLIC COMMENT**

1. Dennis Justice spoke about the need for handicap-accessible pickleball courts.
2. Eric Gash spoke about a social media post he had recently seen and the need for conversations between people of all ethnicities.

**2045 COMPREHENSIVE PLAN PUBLIC COMMENT**

There was none.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Vice-Chair McCall added Discussion Item – “Apple Ridge Development Project” and made the item Discussion Item B. She moved Discussion Item D – “State Disaster Relief Program Update” to Discussion Item C.

Commissioner Edney added a Closed Session Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

*Chairman Lapsley made the motion to approve the consent agenda as amended. All voted in favor, and the motion carried.*

CONSENT AGENDA consisted of the following:

Approved:

**Approval of Minutes**

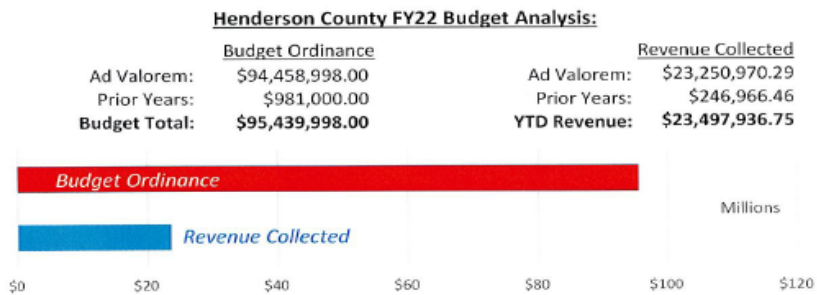
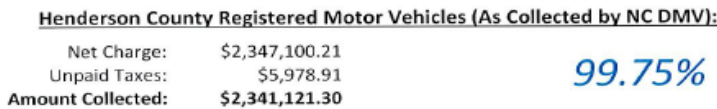
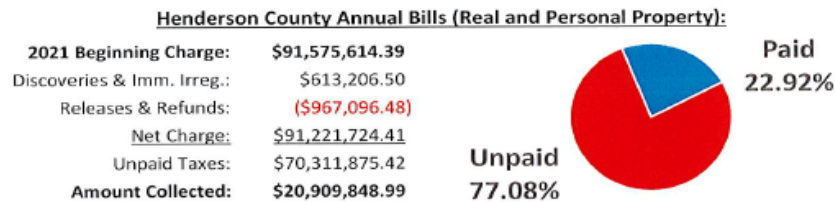
Draft minutes were presented for Board review and approval at the following meeting:  
 October 3, 2022 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of October 3, 2022.*

**Tax Collector’s Report**

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



**2022.130 Resolution to Accept LATCF Funding**

The Funding Offer and Acceptance and Award Terms and Conditions, prepared by the US Department of the Treasury, were provided for the Board’s review. This offers Local Assistance and Tribal Consistency Fund (LATCF) funding in the amount of \$100,000. The award funds may be used to cover any cost incurred on or after March 15, 2021, for any governmental purpose other than a lobbying activity. Additionally, funds expended must meet applicable federal law and guidance for ARP funds. Funds will not be disbursed to Henderson County unless this offer is accepted.

Motion:

*I move that the Board of Commissioners adopt the resolution and direct staff to execute the Funding Offer.*

**Flu Vaccine for Uninsured Low-Income Adults**

The Henderson County Board of Health was informed at their September 13, 2022, meeting that access to several programs providing free flu vaccinations to uninsured adults had been reduced or eliminated this year. Given the frequent requests from this population for assistance, the Board of Health was presented with a proposal to provide up to 150 doses of flu vaccine free of charge for uninsured adults without the ability to pay the fee. The board was also assured that doing so would not compromise current revenue forecasts within the public health budget. The Henderson County Board of Health subsequently approved

Approved:

a motion by unanimous vote to support the proposal and to forward it to the Henderson County Board of Commissioners for consideration and approval.

Motion:

*I move the Board approve the provision of 150 flu vaccinations at no cost during the 2022-2023 fiscal year to address the needs of uninsured low-income adults.*

### **2022.131 Resolution of Support for NCDOT Application for Nationally Significant Federal Lands and Tribal Projects Grant Program**

Henderson County successfully secured over \$15.5 million in STBG (Surface Transportation Block Grant) funds for the Ecusta Rail Trail from Kanuga Road to the county line. Due to cost increases and updated engineering estimates, additional funding is required for the construction of the trail on the section from Kanuga to US 64. NCDOT hired Alta to prepare a grant application to the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) grants program for construction funds to cover Henderson County's unfunded section, based on revised engineer estimates for construction from the county line to the City of Brevard. The NSFLTP grant is supported by the Pisgah National Forest Service as the Ecusta Trail will provide a connection from downtown City of Hendersonville to the Pisgah National Forest and be a multimodal gateway to Pisgah National Forest and Blue Ridge Parkway.

Henderson County's portion of the NSFLTP grant request is approximately \$3.88 million. Local match for this grant and previous STBG funding is provided through Henderson County's TDA, Friends of the Ecusta, and the City of Hendersonville. No additional match is requested from Henderson County. NCDOT would be the applicant for this grant request, but a resolution of support from Henderson County is needed.

Motion:

*I move the Board approve the resolution of support for NCDOT's grant application (NSFLTP) for construction of the remaining unfunded section of the Ecusta Rail Trail.*

### **2022.132 Agreement with SCS Engineers PC Third Transfer Station Bay (Solid Waste)**

With the selection of SCS Engineers, PC as the most qualified responding Engineering firm for the subject project during the Board's July 20, 2022 meeting, staff has negotiated a proposed agreement with SCS Engineers, PC for \$395,500. The scope of the agreement is to perform the design services for the development of Solid Waste's third transfer station bay at the Stoney Mountain Road facility.

The proposed agreement with project schedule was provided for review. Funding for this contract was approved in the FY23 Solid Waste Budget.

Motion:

*I move that the Board authorize the County Engineer to execute the proposed agreement with SCS Engineers, PC, for \$395,500.*

### **2022.133 Set Public Hearing to Close a Portion of Furniture Drive Right of Way**

Planning and Property Addressing staff have received a petition to close a portion of Furniture Drive right-of-way. 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.

Approved:

- 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 to 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.

Motion:

*I move that the Board approve the proposed resolution and set the public hearing for November 16, 2022, at 9:30 am.*

### **Nonprofit Funding Agreement**

Staff requests that the Board authorize the Chairman to execute the funding agreement for Back on Track Addiction Ministries and, in doing so, authorize the release of the first of the aforementioned agency’s quarterly allotments.

Motion:

*I move the Board to authorize the Chairman to execute the attached funding agreement, thereby authorizing the release of the first of the quarterly installments to the named agency.*

### **Purchase and Installation of Video Management System S2 Net VR (Security Cameras)**

The Board was requested to approve the Haynes Technologies proposal and authorize staff to proceed with the procurement and installation of a Video Management System (S2 Net VR), Security Camera System, as detailed in the HCPS MRTS FY 2022-2023 Capital Outlay MRTS Planned Projects of Security Cameras for Elementary Schools.

The proposal received from Haynes Technologies is for a total price of \$699,957.00 versus the budget of \$700,000.00 for Elementary Schools Security Camera Systems as detailed on the HCPS FY 22-23 Budget Sheet.

Motion:

*I move the Henderson County Board of Commissioners award the contract for the purchase and installation of a Video Management System (S2 NetVR) to Haynes Technologies for \$699,957.00.*

### **2022.134 Sale of Two Surplus Vehicles to the Town of Saluda**

A resolution was provided for the Board’s consideration and approval declaring a 2015 Dodge Charger and a 2011 Chevrolet Tahoe that is no longer being utilized by the Henderson County Sheriff’s Office as surplus

Approved:

property and to authorize the sale of the vehicles to the Town of Saluda in the amount of \$17,749 as allowed by N.C.G.S. 160A-274.

Motion:

*I move that the Board approve the resolution declaring the vehicles presented as surplus and authorize the sale to the Town of Saluda in the amount of \$17,749 as allowed by N.C.G.S. 160A-274.*

### **Not-For-Profit Audit Approval**

At the Board's June 15, 2022, meeting, the Board directed Staff to conduct audits of four (4) not-for-profit agencies that had been allocated funding in the FY2023 Budget and to withhold allocation of funds pending a satisfactory audit. To allow Staff time to conduct those audits and to avoid creating any financial hardship to the agencies, the Board approved the funding agreements along with an addendum that allowed for the release of one-fourth (1/4<sup>th</sup>) of the contribution set out in the Budget Ordinance. Subsequent payments would remain pending satisfactory audit results.

The audit for First Contact Ministries has been completed and deemed satisfactory. Staff requests that the Board authorize the release of the remaining three (3) funding allotments for FY23 during the appropriate fiscal quarter.

Motion:

*I move the Board authorize the release of the three (3) remaining quarterly allotments at the appropriate time during the fiscal year.*

### **2022.135 NC Cooperative Extension MOU**

The purpose of this Memorandum of Understanding (MOU) was to facilitate the transfer of funds from Henderson County to North Carolina State University in order to fully fund an Ag Program Assistant position in the Henderson County Cooperative Extension Office. Henderson County would allocate these funds to NC State through the payroll agreement currently in place within the existing MOU between Henderson County and NC State University.

The position's goals are to include the following -

- Providing enhanced assistance to the urban population regarding lawn and garden issues.
- Providing assistance to the Henderson County Cooperative Extension agricultural agents in conducting programs, workshops, and field trials;
- Supporting the Master Gardener program on training and project selection.
- Assisting with Farm City Day.

Henderson County is to fund this position at a one-hundred share for a total annual cost of fifty-five thousand dollars.

Motion:

*I move the Board adopt the MOU as presented and authorize the Chairman to execute the amended MOU.*

*Chairman Lapsley made the motion to adopt the consent agenda as presented. All voted in favor, and the motion carried.*

Approved:









## PROPOSED SINGLE FAMILY HOMES



## PROJECT INFORMATION

- Entire project is to serve low-moderate income individuals and families at 80% AMI and below
- Multifamily Apartment Units (60 units)
  - Tax Credit Application for 2023
  - Proposed Rent Range: \$329-\$1,033
- Single Family (20 units)
  - USDA 502 Loan – HAC Self Help and New Homes Program
  - Average cost of our homes currently: \$229,000

After the discussion, the Board agreed to table this item until a future meeting.

### State Disaster Relief Program Update

Dr. Terry Kelley, Cooperative Extension Director, provided an update on the State Disaster Relief Programs for 2021 disasters. Most of the damage sustained in Henderson County was from a spring freeze and flooding in August from Tropical Storm Fred. Dr. Kelley and the Cooperative Extension team worked with our legislators on this program, benefitting our local agriculture community.

**Henderson County Hit by Severe Freezes During Fruit Bloom**

- On April 2-3, 2021 temperatures dropped below 25°F on consecutive nights.
- On April 22-23, 2021 temperatures dropped below 29°F on consecutive nights.
- These freezes caused a loss of as much as 70% of the county apple crop.
- Additionally, almost 50% of our blackberry crop was lost.
- Notification was given to NCDA and the Henderson County state legislative delegation regarding these losses and their financial impact on the county.
- However, it looked unlikely that any state disaster program was in the works given the localized damage.
- Local FSA asked for a disaster declaration – that doesn't provide much help.

Approved:

### Western North Carolina Hit by Tropical Storm Fred

- On August 16-17 Western North Carolina was hit by the remnants of TS Fred.
- Fred caused catastrophic damage in as many as 11 Western NC counties.
- Among these damages were significant losses in agriculture.
- Disaster declarations were immediate and plans for a relief bill emerged.
- Henderson Co. Cooperative Extension, FSA, Soil & Water and AgHC provided crop loss estimates on the storm to NCDA.
- Extension quickly asked the local NC legislative delegation to include the freeze losses in any disaster relief bill.
- The delegation proceeded to work on this but when the Governor signed the state budget in December our apple growers were not included.



### Efforts to Get Help for our Apple/Blackberry Growers

- Rep. Tim Moffit was quickly notified by Cooperative Extension that our blackberry and apple growers were not included.
- He proceeded to work with NCDA to resolve the issue.
- Several others expressed concern the freeze wasn't included.
- Finally, in a resolution bill in March 2022, the apple and blackberry growers were included.
- Many thanks to Reps. Tim Moffit and Jake Johnson and Sen. Chuck Edwards for their efforts.
- HC Cooperative Extension helped 50 growers fill out claims – about half of claimants.



Approved:

### Freeze Losses

Crop	Acres	Value/A	Estimate Losses
Apples	4700	\$8000	\$26,320,000
Blackberries	110	\$35,000	\$1,925,000
Total			\$28,145,000

### Flood Losses (crops with losses > \$1,000,000)

Crop	Acres	Value/A	% Loss	Estimated Losses
Hay	5300	\$800	30	\$1,272,000
Tomatoes	550	\$30,000	60	\$9,900,000
Peppers	200	\$30,000	55	\$3,300,000
Sod	1600	\$10,400	50	\$8,320,000
Apples	4700	\$8,000	3	\$1,128,000
Blackberries	110	\$36,000	26	\$1,029,600
Other				\$1,524,800
Total				\$26,474,400

### Payouts to Henderson County Growers

Segment	Payout
<b>Frost/Freeze Crop Loss</b>	<b>\$7,252,767.66</b>
<b>Flooding Crop Loss</b>	<b>\$4,663,500.75</b>
<b>Nursery Loss</b>	<b>\$2,331,393.00</b>
<b>Infrastructure Loss</b>	<b>\$306,517.50</b>
<b>Total</b>	<b>\$14,554,178.91</b>

### Results of the Disaster Relief Program

- Over \$14 million came into the county from disaster relief.
- Although losses estimated may have been over \$50 million, this was significant.
- Many growers had insurance that partially covered their losses.
- These payments allowed growers to enter the 2022 season without facing lingering debts from 2021 in many cases.
- The disaster program helped sustain Henderson County agriculture.

Approved:

Henderson County Cooperative Extension Staff recently attended the NC State Extension Office Conference and garnered several awards, including Outstanding County Extension Director Dr. Terry Kelley, Top County Extension Agent Steve Pettis Jr., and Top Administrative Assistant Keai Tilly.

Cooperative Extension Agent Karen Blaedow won two awards, the Search for Excellence Award for County Agricultural Agents and the Biggest Impact Award.

### **Construction Projects Updates**

Bryan Rhodes and Chris Todd provided the Board with an update on construction projects around Henderson County.

### **Capital Projects**

VFW Renovation Project – The RFQ process has been completed, and Frank L. Blum Construction was selected as the construction manager at risk for the project. Preliminary negotiations and discussions are underway; Mr. Rhodes hopes to have a presentation to present to the Board in the next 30 days.

Judiciary Complex Annex and Renovation Project (JCAR) – discussions continue with the architect (Fentress), and staff expects to have a presentation for the Board in the next 30-45 days.

### **Blue Ridge Community College MRTS**

The one outstanding project for the last fiscal year was the Flat Rock Building Furniture. The long-extended punch list items are yet to be received but are expected to be installed by the end of November. Once installation is completed, this project will be finished.

WGLA has started the engineering for the Patton Building Parking Lot.

REI has started the engineering for the old Patton Building Roof.

Engineering has been completed for the TED Building First Boiler and Second Chiller. Both RFPs are currently posted on the county's website.

All contractors for the (3) three Sink Building LED Lighting Projects have been selected. Contracts are expected to be finalized next week so that work may begin.

### **Henderson County Public Schools MRTS**

Several FY2021-2022 are ongoing that include:

West Henderson High School Roof- The end of October, the confirmed ship date, is approaching, so this project is expected to be completed soon.

The Maintenance Warehouse has been completed, and the certificate of occupancy is in hand.

The School Security Camera Systems Project that was due to wrap up by the end of October has been pushed out to late November due to the manufacturer shipping the incorrect mounting brackets for some cameras.

The West Henderson Renovation and Addition is underway. The architect, LS3P, was selected through the RFQ process. Staff expects to receive further direction on this project and the Upward Elementary Project

Approved:

at the Joint School Facilities meeting next Tuesday, October 25.

Commissioner Edney asked about the DOT’s reconfiguration of the intersection at Main Street and Hendersonville High School to allow left turns.


Mr. Rhodes did not have an answer at the time but assured Commissioner Edney he would get an answer to the question.

Commissioner Edney also requested that Mr. Rhodes ask the City where they are on redoing the sewer line in that location.

Chris Todd informed the Board that the NC DOT had reworked the signalization to allow students to exit Hendersonville High School. He said there would be a full update with a timeline for the project at the Board’s meeting.

**Henderson County 2045 Comprehensive Plan Update**

Autumn Radcliff and Janna Bianculli provided the Board with an update on the Henderson County 2045 Comprehensive Plan.



**PHASE 3**

The comprehensive plan is a detailed plan that is broken into three phases. Phase 3 is the final phase that began in September. Adoption of this plan and the end of Phase 3, is anticipated by the end of winter 2022.

For more information, please visit the website [www.HendersonCounty2045.com](http://www.HendersonCounty2045.com)

**HENDERSON COUNTY 2045**

COMPREHENSIVE PLANNING PROCESS UPDATE


**OCTOBER 2022 UPDATES**

**PUBLIC INPUT MEETINGS**

- County staff held five public input meetings to gauge public feedback regarding the draft plan.
  - The Planning Board will discuss public comments at their upcoming meeting.
  - Comments mostly centered around suggested densities, sewer service expansion, and farmland protection
  - Spanish language interpreters were presented at the Edneyville and Blue Ridge Community College locations.
- A recording of the presentation is available on the comprehensive plan website for anyone who was unable to attend the in-person meetings.


**NEW SURVEY**

• To easily gather feedback, an online survey is open for the public. It asks general questions regarding the draft plan and also ask for any additional feedback via an open-ended question. The survey is also provided in Spanish online. Everyone is encouraged to participate!



*SCAN ME*

Scan the QR code to take the survey today!



*escanear aqui*

**NEXT STEPS**

- The Planning Board intend to take as much time as necessary to ensure the draft plan is representative of the whole community and balances those diverse interests.
- The Planning Board will likely call a special meeting in October or November to discuss the public feedback and recommend any changes to the plan.
- The Board of Commissioners will hold a public hearing prior to plan adoption.

Approved:

## NOMINATIONS AND APPOINTMENTS

1. EMS Peer Review Committee – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
2. Environmental Advisory Committee – 1 vac.  
*Chairman Lapsley nominated Kevin Campbell for position #7. All voted in favor, and the motion carried.*
3. Henderson County Board of Equalization and Review – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
4. Home and Community Care Block Grant Advisory Committee – 2 vacs.  
There were no nominations, and this item was rolled to the next meeting.
5. Juvenile Crime Prevention Council – 2 vacs.  
There were no nominations, and this item was rolled to the next meeting.
6. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.  
There were no nominations, and this item was rolled to the next meeting.

## COMMISSIONER UPDATES

Vice-Chair McCall informed the Board that she would attend the NCACC Legislative Goals Conference in Raleigh next month to represent the Henderson County Board of Commissioners. The Board must designate one voting member to represent their county at the conference.

*Chairman Lapsley made the motion to appoint Vice-Chair McCall to act as the voting delegate of the Board at the 2022 NC Legislative Goals Conference to be held in November. All voted in favor, and the motion carried.*

Commissioner Hill reminded the audience that early voting begins tomorrow and urged everyone to go out and exercise our “most precious right” and vote.

Commissioner Andreotta shared that the Hendersonville Christmas Parade is scheduled for Saturday, December 3, 2022, at 6:00 p.m. He shared his excitement that this year’s Christmas Parade will be held in the evening instead of the usual morning time as in previous years.

Commissioner Edney and Chairman Lapsley did not have any updates to share.

## COUNTY MANAGER’S REPORT

County Manager John Mitchell shared that the Hendersonville Treat Street Carnival will be held Monday, October 31, 2022, from 5:00 to 8:00 p.m. Henderson County Staff will hand out 10,000 pieces of candy to Henderson County youngsters during the event.

*Commissioner Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) (5)*

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

Approved:



2. N.C. Gen. Stat. § 143-318.11(a)(5) to establish or to instruct staff or negotiating agents concerning the position to be taken in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease; or (ii) the amount of compensation and other material terms of an employment contract

*Commissioner Edney made the motion to go out of closed session and adjourn at 1:00 p.m. All voted in favor, and the motion carried.*

**ADJOURN**

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Denisa A. Lauffer, Clerk to the Board

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William Lapsley, Chairman

Approved: