

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, DECEMBER 5, 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.

Present for the meeting were County Commissioners William Lapsley, Rebecca McCall, J. Michael Edney, Daniel Andreotta, 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, Budget Analyst Jennifer Miranda, NCACC Strategic Project Coordinator Erik Mendez, Engineer Marcus Jones, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Planner Austin Parks, Purchasing Agent Doug Guffey, Assistant Finance Director Randall Cox, Capital Projects Manager Bryan Rhodes, DSS Director Jerrie McFalls, AgHC Executive Director Mark Williams, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Assistant Engineer Deb Johnston, and PIO Kathy Finotti – videotaping. Deputies Travis Pierce and Matthew Covill provided security.

### **INVOCATION**

Commissioner Andreotta provided the invocation.

### **SWEARING-IN CEREMONY**

The Honorable Eric Levinson, Superior Court Judge, administered the oath to the newly reelected Commissioners. The first to be sworn in was Commissioner J. Michael Edney, followed by Commissioner William “Bill” Lapsley and Commissioner Rebecca McCall.

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

County Attorney Russ Burrell called the meeting to order and welcomed all in attendance.

### **PLEDGE OF ALLEGIANCE**

Emma Wilkie of the Young Naturalist 4-H Club led the Pledge of Allegiance to the American Flag.

### **ELECTION OF CHAIRMAN**

Russ Burrell stated, pursuant to Chapter 153A-39 of the NC General Statute, that at the first regular meeting in December of each even-numbered year, the Board of Commissioners shall choose one of its members to act as Chairman for the ensuing year, followed by the selection of a Vice-Chairman.

Mr. Burrell opened the floor for nominations for the Chair.

Commissioner Lapsley expressed his appreciation to fellow Board members for their confidence in selecting him to serve as Chairman for the last two years and Vice-Chair for the two years prior.

Commissioner Lapsley said it was his honor to nominate Commissioner McCall for the position of Chairman.

Russ Burrell asked if there were any other nominations. There were none.

*Commissioner Edney made the motion that nominations be closed and Commissioner McCall be elected Chair by acclamation. All voted in favor, and Commissioner McCall was elected as Chairman.*

Chairman McCall thanked Commissioner Lapsley for his service and dedication to the Board for the last four years. Particularly the last two years serving as the Chair. She said Commissioner Lapsley would be a hard show follow.

**ELECTION OF VICE-CHAIRMAN**

Mr. Burrell opened the floor for nominations for the Vice-Chair.

Commissioner Hill stated it was his honor to nominate Commissioner Edney for appointment as Vice-Chair.

*Commissioner Lapsley made the motion that nominations be closed and Commissioner Edney be elected Vice – Chair by acclamation. All voted in favor, and Commissioner Edney was elected as Vice – Chair.*

**RESOLUTIONS AND RECOGNITIONS**

**2022.151 Joint Resolution in Support of a Consolidated Water and Sewer Utility Commissioner**

The Henderson County Board of Commissioners was requested to adopt the Joint Resolution in Support of a Consolidated Water and Sewer Utility Commission.

Commissioner Andreotta read the Joint Resolution aloud.

***JOINT RESOLUTION IN SUPPORT  
OF A CONSOLIDATED WATER AND SEWER UTILITY COMMISSION***

**WHEREAS,** Henderson County (County) and The City of Hendersonville (City) are committed to promoting the public health, safety, and welfare of all Citizens in their respective and joint jurisdictions; and

**WHEREAS,** the City of Hendersonville owns and operates the largest publicly owned water and sewer system in Henderson County; and

**WHEREAS,** the system is currently governed by the Hendersonville City Council; and

**WHEREAS,** Henderson County and Hendersonville both exist for the benefit of the citizens of their respective and joint jurisdictions; and

**WHEREAS,** Henderson County and Hendersonville both maintain land use regulations in their respective jurisdictions; and

**WHEREAS,** control of water and sewer dictates growth and land use decisions in a given jurisdiction; and

**WHEREAS,** both governing bodies believe that responsible growth of Henderson County and  
Approved:

Hendersonville should be maintained and protected; and

**WHEREAS,** it is agreed that a Water and Sewer Utility Commission managed in a businesslike manner would be in the best interest of both Citizens and Business interests; and

**WHEREAS,** it is agreed that the Water and Sewer Systems in the County should be jointly managed among the County and City and maintained for the public good;

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of these and other relevant matters, the Henderson County Board of Commissioners and Hendersonville City Council hereby jointly resolve to enter into negotiations to establish an urban growth strategy and a joint water and sewer utility commission.

Adopted this the 5<sup>th</sup> day of December 2022.

Chairman McCall noted that Hendersonville City Council adopted this resolution at their Thursday meeting.

Commissioner Lapsley stated that the passing of the resolution between the City and the County was a monumental event in our county’s history.

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

**INFORMAL PUBLIC COMMENT**

1. Lita Johnson commended the Board of Commissioners for their commitment to openness and transparency in the participatory planning process for the comprehensive plan. She opposed the Board voting on the 2045 Plan at tonight’s meeting due to recent revisions to the Plan.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Vice-Chair Edney requested that two items be added to the consent agenda creating Consent Agenda Items U and V.

Item U – Consideration of an Employee Christmas Bonus and Item V – Use of Courtroom – District Court Judge Abe Hudson Swearing In Ceremony.

*Vice-Chair Edney made the motion to approve the consent agenda as amended. All voted in favor, and the motion carried.*

CONSENT AGENDA consisted of the following:

**2022.152 Review of Public Officials’ Bonds**

Pursuant to N.C. Gen. Stat. §58-72-20 (and the Board’s Rules of Procedure), the Board was presented with the annual review of the size and issuer of the bonds for county public officials for the coming year.

Under §58-72-20:

The bonds of the officers named in G.S. 58-72-10 shall be carefully examined on the first Monday of December of every year. If it appears that the security has been impaired, or for any cause, become

Approved:

insufficient to cover the amount of money or property or to secure the faithful performance of the duties of the office, then the bond shall be renewed or strengthened, the insufficient security increased within the limits prescribed by law, and the impaired security shall be made good; but no renewal, or strengthening, or additional security shall increase the penalty of said bond beyond the limits prescribed for the term of office.

The following are the current bond amounts, all of which meet the requirements of the General Statutes:

<b>PUBLIC OFFICIAL</b>	<b>BOND AMOUNT</b>	<b>BOND COMPANY</b>
Lowell Griffin, Sheriff	\$25,000.00	Fidelity and Deposit Co.
Lee King, Register of Deeds	\$50,000.00	Fidelity and Deposit Co.
Darlene Burgess, Tax Collector	\$1,000,000.00	Fidelity and Deposit Co.
Deputy Tax Collectors	\$250,000.00	Fidelity and Deposit Co.
Samantha Reynolds, Finance Director	\$1,000,000.00	Fidelity and Deposit Co.

The Sheriff's bond was renewed in advance, with permission from each individual member of the Board, to allow for his swearing-in earlier in the day.

Motion:

*I move that the Board approve the public officials' bonds as proposed.*

**Approval of Minutes**

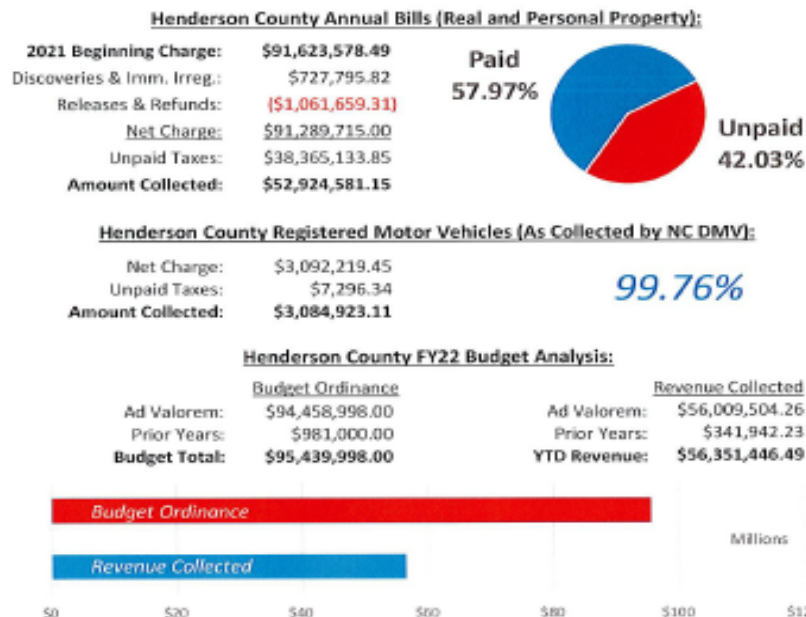
Draft minutes were presented for Board review and approval for the following meeting: November 16, 2022 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of October 19, 2022.*

**Tax Collector's Report**

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



Approved:

**2022.153 Pending Releases & Refunds**

The Assessor reviewed the pending releases and refunds. As a result of that review, the Assessor’s opinion is that these findings are 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.

<b>Type:</b>	<b>Amount:</b>
Total Taxes Released from the Charge	\$ 3,108.51
Total Refunds as a result of the Above Releases	\$ 679.32

Motion:

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

**2023 Proposed Schedule of Regular Meeting Dates**

The proposed 2023 Schedule of Regular Meeting Dates for the Henderson County Board of Commissioners was presented for the Board’s review and approval.

Tuesday, January 3, 2022  
(Budget Retreat) Wednesday, January 18, 2023

Monday, February 6, 2023  
Wednesday, February 15, 2023

Monday, March 6, 2023  
Wednesday, March 15, 2023

Monday, April 3, 2023  
Wednesday, April 19, 2023

Monday, May 1, 2023  
(Budget Workshop) Wednesday, May 17, 2023

Monday, June 5, 2023  
Wednesday, June 21, 2023

NO FIRST MONDAY MEETING IN JULY  
Wednesday, July 19, 2023

Monday, August 7, 2023  
Wednesday, August 16, 2023

Tuesday, September 5, 2023  
Wednesday, September 20, 2023

Monday, October 2, 2023  
Wednesday, October 18, 2023

Monday, November 6, 2023  
Wednesday, November 15, 2023

Monday, December 4, 2023  
NO THIRD WEDNESDAY MEETING IN DECEMBER

Approved:

Motion:

*I move the Board approve the 2023 Proposed Schedule of Regular Meeting Dates 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. Henderson County Board of Equalization and Review – 1 vac.  
Position #7 (Alternate Position)
2. Historic Resources Commission – 1 vac.  
Position #3 (Regular – At Large)
3. Juvenile Crime Prevention Council– 1 vac.  
Position #7 (Substance Abuse Professional)

### **Accept CMR Bid for VFW**

The Board was requested to approve the AIA contracts from Frank L. Blum Construction and authorize staff to proceed to the CD phase of Construction for the Henderson County VFW Renovation Project. The documents were vetted by the County Attorney for consistency with our legal standards.

The proposal received from Frank L. Blum Construction was for the price of \$42,170.00 for the Preconstruction Services Fee.

Motion:

*I move the Henderson County Board of Commissioners award the AIA contract, to Frank L. Blum Construction, for \$42,170.00, for the Preconstruction Services Fee.*

### **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 for 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 Pisgah Legal has now been completed and deemed satisfactory. Staff requested 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 to Pisgah Legal at the appropriate time during the fiscal year.*

### **2022.154 Approval of 340B Agreement**

Private non-profit hospitals certified by Medicaid are allowed to participate in the Federal Drug Discount Program established under Section 340B of the Public Health Services Act. In order to do so, such hospitals must receive an acknowledgment from the local government entity from the area where the hospital is located that the hospital has committed to providing health care services to low-income individuals and an agreement to continue to do so.

Approved:

Fletcher Hospital d/b/a AdventHealth Hendersonville has requested that the County execute the attached Agreement under the terms of Section 340B.

Motion:

*I move the Board approve the proposed 340B agreement as presented.*

### **2022.155 Budget Amendment – Property Acquisition**

The Board was requested to approve a Budget Amendment, appropriating Fund Balance of \$60,000 from the Capital Projects Fund for the purchase of vacant lots. The funds will be used for escrow and deposit requirements, pending the County's due diligence on the properties.

Motion:

*I move the Board approve the budget amendment as presented, appropriating Fund Balance from the Capital Projects Fund.*

### **JCPC Funding Reallocation**

The Juvenile Crime Prevention Council (JCPC), as part of its annual funding allocations, provides funding for local juvenile crime prevention programs. Following the identification of another eligible provider, the JCPC recommends the following funding level adjustments for the remainder of FY2023:

- |                                     |          |
|-------------------------------------|----------|
| 1) Hope Rising – Teen Court Program | \$36,000 |
|-------------------------------------|----------|

This recommended adjustment will not revise the total JCPC funding from the North Carolina Department of Public Safety.

Motion:

*I move the Board approve the attached updated County Funding Plan to reallocate JCPC funds between providers.*

### **Use of Commissioners' Meeting Room for a Special Meeting of the Zoning Board of Adjustment**

The Zoning Board of Adjustment began a quasi-judicial hearing of a matter on October 26, 2022, and with the Board's permission, continued the matter on November 21, 2022, in your normal meeting room. Despite another 6½ hours of hearing (13½ total thus far), the matter has yet to be completed but is scheduled to continue on December 14, 2022, at 4:00 p.m. It was again requested that the Board of Adjustment be able to use the Board's normal meeting room for this hearing.

Motion:

*I move that this Board permit the Board of Adjustment to use the Commissioners' meeting room for the special meeting of December 14, 2022, at 4:00 p.m.*

### **Bid Award for Contractor for StRAP Program**

The Board was requested to approve the most advantageous proposal and authorize the Department of Soil and Water to proceed with woody debris removal from streams at Jackson Park. Bidding was conducted between October 26 and November 9, 2022. The bidder with the most advantageous proposal and the lowest overall cost was Allison Contractors, LLC, for a total price of \$340,000.00.

This purchase will be funded with state grant funds via the North Carolina Department of Agriculture & Consumer Services through the Streamflow Rehabilitation Assistance Program (StRAP) in the amount of \$367,282.

Approved:

Motion:

*I move the Henderson County Board of Commissioners accept the most advantageous proposal from Allison Contractors, LLC for \$340,000.00 and authorize the Department of Soil and Water to proceed with woody debris removal within the streams at Jackson Park.*

**AIA Contract - West Henderson High School Secure Entry Phase 1**

The Board was requested to approve the LS3P’s AIA Contract and authorize staff to proceed with the procurement of A&E services, as detailed in the New FY 2022-2023 approved HCPS MRTS schedule.

The AIA Contract received from LS3P was for a total price of \$268,000; included in that is the WGLA Civil Engineering fee of \$28,000. The total amount would come from the \$ 5,000,000 line item for “West Henderson Renovation and Addition (Phase 1), New HCPS MRTS FY 2022-2023 schedule.

Motion:

*I move the Henderson County Board of Commissioners award the contract for procurement of A&E services, as detailed in the New FY 2022-2023 approved HCPS MRTS schedule, for \$268,000.*

**Offer to Purchase Tax Foreclosed Property**

Robert Riffle offered to purchase 1.26 acres located in Greens on Hoopers Creek Subdivision, off Jackson Road, near the Town of Fletcher, in Henderson County. The Henderson County GIS system shows the property as a “Common Area.” This item is on the agenda for preliminary review and, if desired, preliminary acceptance only. The offer included a deposit of \$150.00, based on an offer of \$900.00.

Henderson County obtained its interest in this property via a tax foreclosure sale in 2012. No taxes have been received on the property since that time.

If the Board agrees to provisionally accept this offer, it would be subject to a newspaper advertisement and further subject to a ten-day period for upset bids. Although not required, as a courtesy, it is the custom of the County to also give regular mail notice to adjoining property owners at addresses shown on GIS.

If an upset bid is received, a new advertisement is placed, and the process continues until the bidding ends. Once done, or if no upset bids are received, the matter comes back before this board for a final decision on the sale.



Approved:



Motion:

*I move that the Board give provisional acceptance to this offer, subject to upset bids.*

### **Bid Award for Library Internet Service funded via ERATE Program**

The Board was requested to approve the low bid and authorize the Library to proceed with the purchase of internet service at all Henderson County Library branch locations. Bidding was conducted between August 17 to September 16, 2022. The bidder with the lowest cost was Cebridge Telecom NC, LLC, in the amount of 138,631.60 for a three-year contract period beginning on July 1, 2023.

The cost of the service is funded by the County and the federal ERATE program. ERATE is a federal program funded by the FCC and managed by the Universal Service Administration Company (USAC). This federal program lets public schools and libraries apply for discounts on eligible internet services to help increase broadband connectivity. Discounts for support depend on the level of poverty and whether the school or library is located in an urban or rural area. Henderson County Library currently receives an 80% discount on internet services.

Motion:

*I move the Henderson County Board of Commissioners to accept the low bid from Cebridge Telecom NC, LLC in the amount of \$138,631.60 for internet services at all Henderson County Library branches and authorize the Library to proceed with the purchase.*

### **Bid Award for Purchase of Medical Testing Machine**

The Board was requested to approve the low bid and authorize the Health Department to proceed with the purchase of a medical testing machine, inclusive of testing supplies. Bidding was conducted between August 10 and August 26, 2022. The bidder with the lowest overall cost was McKesson Medical-Surgical Government Solutions, LLC, for a total price of \$84,337.50.

This purchase will be funded with federal grant funds via the Epidemiology/Communicable Disease Branch of the Department of Public Health.

Motion:

*I move the Henderson County Board of Commissioners accept the low bid from McKesson Medical-Surgical Government Solutions, LLC, for the purchase of a medical testing machine inclusive of testing supplies. and authorize the Health Department to proceed with the purchase.*

### **Use of Courtroom – Boy Scout Arrow of Light Ceremony**

The Boy Scouts submitted a request for the use of the Commissioner's Meeting Room (Courtroom) on Sunday, March 5, 2023, from 1:00 pm – 4:00 pm. The use is for their Arrow of Light ceremony.

Motion:

*I move that the Board approve the use of the Commissioner's Meeting Room (Courtroom) on Sunday, March 5, 2023, from 1:00 pm – 4:00 pm.*

### **ABC Permit Request – Hunsader/Jeter Mountain Farms**

Tyler Hunsader and Jeter Mountain Farm LLC have applied for an on-premise mixed beverage permit in connection with a new distillery operation. Jared Hunsader has previously applied for a similar permit. A request for comment has been made to the Sheriff's Office. This matter was on the agenda pursuant to the Board's policy.

In the absence of objections meeting the statutory criteria, the County's standard response is to provide a notice that it does not object to the permit to the North Carolina Alcoholic Beverage Control Commission.

Approved:

Motion:

*I move that the Board approve the standard County comment on the ABC permit application.*

### **2022.156 Set Public Hearing to Close Easement**

The County received a petition to close an unopened twenty-foot wide easement along the southwestern boundary of Henderson County PIN 9566407609 (Lot 3 of Hickory Heights Subdivision, Henderson County Plat Slide 2524). The easement, crossing Lot 3, serves only Lot 4 of the same subdivision (PIN 9566408563), which is also owned by the petitioner.

Under N.C.G.S. §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 this easement, 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.

Motion:

*I move that the Board adopt the proposed resolution and set a public hearing for January 3, 2023, at 5:30 p.m.*

### **Christmas Bonus (Add-on)**

The FY22 Audit results were presented to the Board, with a positive net change in fund balance of \$5.583M. There was \$1.7M in budgeted salaries not paid out primarily due to vacant positions. Having expressed a desire to thank employees for their dedication and hard work throughout the fiscal year, the Board considered the following motion.

Motion:

*I move the Board authorize a one-time bonus of \$1,000 to each permanent employee whom Henderson County employed as of November 20, 2022, including Cooperative Extension employees, and to each auxiliary employee who has worked more than 50 hours since July 1, 2022, with those who have worked less than 50 hours receiving a pro-rata share of that amount.*

### **Use of Courtroom – District Court Judge Abe Hudson – Swearing-in Ceremony (Add-on)**

A request was submitted by the office of newly elected District Court Judge Abe Hudson for the use of the Commissioner’s Meeting Room (Courtroom) on Monday, January 2, 2023, for the swearing-in ceremony.

Approved:

Motion:

*I move that the Board approve the use of the Commissioner’s Meeting Room (Courtroom) on Monday, January 2, 2023, for the swearing-in ceremony for District Court Judge Abe Hudson.*

*Vice-Chair Edney made the motion to adopt the consent agenda as amended. All voted in favor, and the motion carried.*

**PUBLIC HEARINGS**

*Chairman Rebecca McCall made the motion to go into of public hearing. All voted in favor, and the motion carried.*

**2022.157 Public Hearing for 2045 Comprehensive Plan**

At the November 16<sup>th</sup>, 2022, meeting, the Board of Commissioners set a public hearing on the draft 2045 Comprehensive Plan. The Planning Board is required to provide a recommendation on the draft prior to the Board of Commissioners adopting the draft plan. A copy of the draft plan can be found on the county website at [www.hendersoncountync.gov](http://www.hendersoncountync.gov) under the items of current interest.

Senior Planner Janna Bianculli and Planning Director Autumn Radcliff presented the following report:

**2045 Comprehensive Plan**  
GROWING OUR FUTURE

PUBLIC HEARING  
12/05/2022

**2045 Henderson County COMPREHENSIVE PLAN**

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**OVERVIEW**

04 **How We Got Here**

- 1977 Land Use Plan
- 1993 Land Use Plan
- 2001 County-wide Zoning
- 2004 Comprehensive Plan
- 2007 Land Development Code
- 2009 Comprehensive Plan Amendment
- 2009 - 2018 Five Community Plans
- 2019 Greenway Master Plan
- 2020 - 2021 Additional Greenway Studies

Approved:

**28** Summer Camps

**48** Median Age

**59,000** Acres of Working Farms

**116,281** Population in 2020

**7,233** Total Survey Responses

**\$391.28** Annual Tourism-Generated Income (in millions)

**2045 Henderson County COMPREHENSIVE PLAN**

“ I love the many open space areas and the recreational opportunities. It's why I moved here. - Open House Participant

“ This is a place where the tradition of farming still exists. - Open House Participant

## What is a Comprehensive Plan?

Henderson County's 2045 Comprehensive Plan is a roadmap for how the County can grow over the next 25 years, while maintaining rural character. The plan calls for preservation of farmland and open space, redevelopment and investment in anchor areas within the Utility Service Area, connectivity of people, jobs, businesses, and infrastructure, and expanding opportunity to communities across the County.

## What is a Comprehensive Plan?

LEGALLY REQUIRED

North Carolina General Statute §160D-501, requires a comprehensive plan to enact zoning regulations.

POLICY, NOT REGULATORY

The Comprehensive Plan should inform zoning and land use decision, but it should not regulate uses. The Land Development Code and other County ordinances is the regulatory documents.

COMMUNITY DRIVEN

The process is transparent and involved many stakeholders and public input opportunities throughout the process to formulate recommendations.

## How Will the Plan be Used?

GUIDE LAND DEVELOPMENT DECISIONS

DIRECT COUNTY INVESTMENTS

SUPPORT MULTIPLE DEPARTMENTS

The success of the new Comprehensive Plan comes from community-wide adoption, use, and support. Stakeholder groups that helped to create and inform the plan include elected officials, municipalities, government agencies, developers and investors, community-based organizations, philanthropic organizations, and the public. Continued support and use of the plan by these stakeholder groups is essential to the plan's impact on the future of Henderson County.

## THE PROCESS

PUBLIC HEARING  
12/05/2022

**2045 Henderson County COMPREHENSIVE PLAN**

## Planning Process

2045 COMPREHENSIVE PLAN

**STEP 1**

Gathered general feedback from the public, staff, elected officials, appointed boards, and industries.

**STEP 2**

Analyzed the County's existing conditions including zoning and land development regulations.

**STEP 3**

Communicated with key stakeholders to receive targeted input.

**STEP 4**

Utilizing all of the data, conversations, and best practice, the plan was drafted.

**STEP 5**

Presented the draft plan to the public for their review.

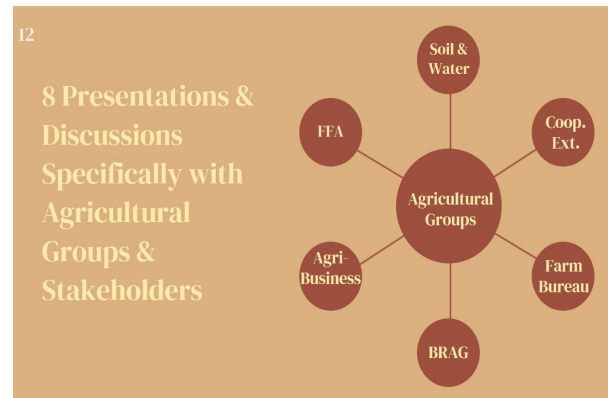
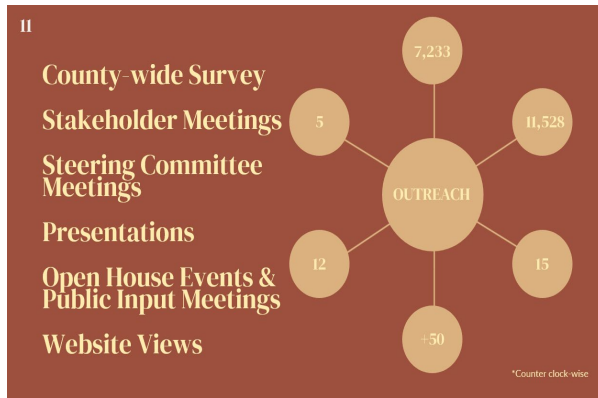
**STEP 6**

Worked with the Steering Committee on plan revisions and recommendation for adoption.

**2045 Henderson County COMPREHENSIVE PLAN**

JETER MOUNTAIN FARM PHOTO CREDIT: TODD BUSH

Approved:



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THE PLAN

PUBLIC HEARING  
12/05/2022

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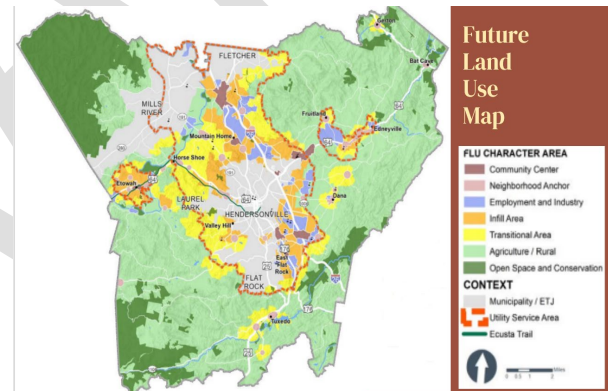
PLAN OUTCOMES

INTENTIONAL LAND USE	CONNECTIVITY	OPPORTUNITY
Make intentional land use decisions that preserve agriculture, rural character, and natural resources with the Future Land Use Map as a guide.	Connect and serve the community by ensuring transportation, communication, and utility infrastructure is safe, efficient, and accessible.	Improve livability for all residents through economic development, housing availability, and healthy, safe living.

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PLAN GOALS

1 Coordinate development near existing community anchors.	5 Create a reliable, connected utility and communication network.
2 Protect and conserve rural character and agriculture.	6 Stimulate innovative economic development initiatives, entrepreneurship, and local businesses.
3 Improve resiliency of the natural and built environments.	7 Diversify housing choices and increase availability.
4 Prioritize multi-modal transportation options and connectivity.	8 Promote healthy living, public safety, and access to education.



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KEEP IT RELEVANT

- Although this plan is made up of immense public, stakeholder, and official input, the goals and recommendations are based upon the current state of the county.
- As things change, the plan must adapt to maintain relevancy.
- This plan should be reviewed every five years and fully updated in ten years.

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Plan Process

- September 8th: Draft 2045 Comprehensive Plan Presented to Steering Committee
- 5 Public Input Meetings held from September 13th through October 3rd
- Recorded presentation posted online with virtual input opportunities
- Steering Committee held 3 meetings to receive public input and make changes to the Draft Plan
- November 4th: Revised Draft 2045 Comprehensive Plan was released which included the Steering Committee's edits to date
- Steering Committee held 2 additional meetings and received public input

Approved:

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## Planning Board Recommends Plan

- On December 1st, the Planning Board voted unanimously to recommend the Revised Draft 2045 Comprehensive Plan with additional edits as approved at the December 1st meeting
- The plan has been updated to include all the Planning Board's changes
- The Planning Board's Recommended 2045 Comprehensive Plan is online and copies have been provided to the Board of Commissioners, including a reference list of the Planning Board's edits

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## Next Steps

- The Board of Commissioners hold a public hearing
- After receiving public hearing comments, the Board of Commissioners may make any needed changes to the Plan before adopting

John Mitchell thanked Autumn Radcliff, Janna Bianculli, Chris Todd, and Planning Department staff for their hard work in developing the draft 2045 Comprehensive Plan. He also recognized Planning Board members Steve Dozier and Jennifer Balkom, who were in attendance. He noted that the intention of presenting the plan to the Board this evening was to get the draft plan in front of the Board and to allow time for citizens to review the draft. From a staff perspective, he does not recommend that the Board vote on the matter at tonight's meeting.

### Public Input

1. Bill Shaffer, a representative of the Pisgah Chapter of Trout Unlimited, favored protecting farmlands and preserving waterways in Henderson County. He was in opposition to the Plan promoting development.
2. David Weintraub opposed significant infrastructure lines (water & sewer) being built in rural communities such as Edneyville.
3. Richard Freudenberger voiced concerns with the 2045 Comp Plan draft. He opposes expanding urban services in rural areas. He believes density belongs in the city with infrastructure and funding to support it. He would like rural areas to be preserved for agriculture and recreation.
4. Enrique Sanchez spoke of the need to protect greenspace and farmlands.
5. Amy Dahan opposed the revisions made to the draft plan after the Planning Board's most recent meeting. She is opposed to the Board voting on the 2045 Plan at tonight's meeting.
6. Chris Berg asked the Board to consider energy issues regarding the 2045 Plan.
7. Virginia Tegel thanked the Board for their service and oath to uphold the United States Constitution. She worries the county would not be capable of providing the necessary services for growth that could occur as a result of the 2045 plan. She is in support of protecting farmlands.
8. Ryan Stepp, a 6<sup>th</sup> generation land owner in the Fruitland Community, said the 2045 Plan significantly affects his community. He said local small-operation farmers are bidding against large-scale developers for land. He is in support of preserving Henderson County's farmlands.

*The consensus of the Board was the Public, and the Board needed adequate time to study the 2045 Plan revisions that were made at last Thursday's Planning Board Meeting before taking a vote on the Plan.*

Vice-Chair Edney proposed holding a workshop with the Board of Commissioners and the Planning Board before scheduling the next Public Hearing.

Chairman McCall agreed and proposed that the Board schedule a Special Called Meeting for the workshop in the near future. She said the 2045 Comprehensive Plan is a big deal and that the Board does not take the implementation of the plan lightly.

*Commissioner Andreotta made the motion to close the Public Hearing; the subsequent Public Hearing for the 2045 Comprehensive Plan will be noticed publicly per NCGS requirements and scheduled at a later date. All voted in favor, and the motion carried.*

Approved:

**2022.158 Public Hearing for Proposed Right of Way Closure (Portion of Rogers Avenue)**

*Commissioner Hill made the motion that he be recused from this Public Hearing due to a business relationship with the owner of the property; Commissioner Hill has completed work on this property that is relevant to this Public Hearing. All voted in favor, and the motion carried.*

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

Planning and Property Addressing staff received a petition to close a portion of Rogers Avenue 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.
- 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.

The Board approved a Resolution of Intent to close the ROW and to hold a public hearing on this ROW closure at its November 7, 2022, meeting.

The current petition to close a portion of Rogers Avenue right-of-way was brought to the Board on October 5, 2015. The Board denied the closure because an adjacent property owner that had access off Rogers Avenue was not in support of the request. The adjacent property has been sold, and the applicant owns all property with access from Rogers Avenue and has submitted a new request.

**Public Input:**

1. Neal Jackson, the property owner, stated that throughout the previous year, he had purchased all remaining lots on Rogers Avenue so he may close the road and use it as a private drive.

*Commissioner Lapsley made the motion that the Public Hearing be closed. All voted in favor, and the motion carried.*

*Commissioner Lapsley made the motion to approve the right-of-way closure (Portion of Rogers Avenue). All voted in favor, and the motion carried.*

**2022.159 Public Hearing for Proposed Right of Way Closure (Portion of Walton Drive)**

*Chairman McCall made the motion to go into Public Hearing. All voted in favor, and the motion carried.*

Planning and Property Addressing staff have received a petition to close a portion of Walton 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.

The Board approved a Resolution of Intent to close the ROW and to hold a public hearing on this ROW closure at its November 7, 2022, meeting.

Public Input: There was none.

*Vice-Chair Edney made the motion that the Public Hearing be closed. All voted in favor, and the motion carried.*

*Commissioner Hill made the motion that the Board approve the right-of-way closure for a portion of Walton Drive and sign the Order of Closure. All voted in favor, and the motion carried.*

#### **2022.160 Continued Public Hearing for Proposed Right of Way Closure (Portion of Furniture Dr)**

*This public hearing was continued from the Board’s November 16, 2022, meeting.*

Planning and Property Addressing staff received the attached 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.

The Board approved a Resolution of Intent to close the ROW and to hold a public hearing on this ROW closure at its October 19, 2022, meeting. On November 16<sup>th</sup>, the Board held a public hearing on the proposed closure. Public notice of the meeting was given as required. After public notice was given, the location and time of the meeting changed. The Board agreed to continue the public hearing on the item until the December 5<sup>th</sup> meeting.

*Vice-Chair Edney made the motion to close the Public Hearing. All voted in favor, and the motion carried.*

*Vice-Chair Edney made the motion that the Board approve the right-of-way closure for a portion of Furniture Drive and sign the Order of Closure. All voted in favor, and the motion carried.*

#### **2022.161 Continued Public Hearing for the Proposed Economic Development Incentives for Project Orange.**

*This public hearing was continued from the Board’s November 16, 2022, meeting.*

This public hearing began November 16, 2022, at 1:30 p.m. regarding the request of Project Orange Company for economic development incentives. Due to the change in the location of the hearing from the advertised location, this matter was continued to today’s meeting.

Approved:



Commissioner Andreotta made the motion to close the Public Hearing. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion to approve the proposed Economic Incentives as presented. All voted in favor, and the motion carried.

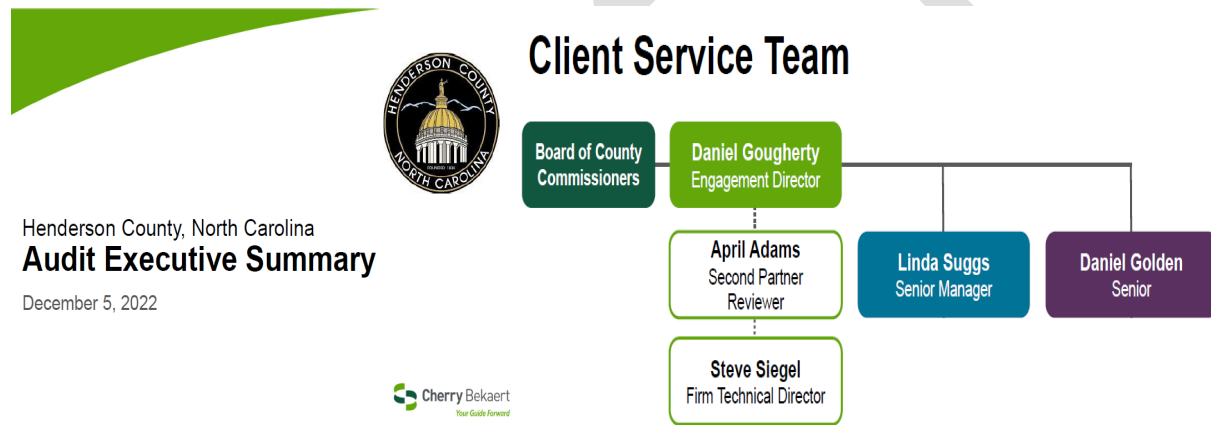
**DISCUSSION**

**FY2022 Audit Presentation**

Daniel Gougherty, Director of our external audit firm Cherry Bekaert, provided a brief executive summary presentation of the audit results and financial statements for the fiscal year ending June 30, 2022. Mr. Gougherty and Samantha Reynolds, Finance Director, were present to answer any questions the Board of Commissioners and Management had regarding the audit results.

The Annual Comprehensive Financial Report (ACFR) and Compliance Letters have been submitted to the Local Government Commission (LGC) for final approval as required.

The final report will be placed on the County’s website for the public to view and in the public library’s main branch.



Henderson County, North Carolina  
**Audit Executive Summary**  
 December 5, 2022



**Agenda**

- ▶ Results of the Audit
- ▶ Internal Control Communication
- ▶ Corrected and Uncorrected Misstatements
- ▶ Qualitative Aspects of Accounting Practices
- ▶ Independence Considerations
- ▶ Other Required Communications
- ▶ Other Matters
- ▶ Upcoming Financial Reporting Changes
- ▶ Local Government Commission Performance Indicators

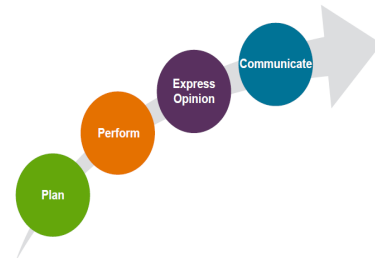
This information is intended solely for the use of the Board of County Commissioners charged with governance and management of Henderson County and is not intended to be, and should not be, used by anyone other than these specified parties.

**Results of the Audit**

We have audited the financial statements of Henderson County, North Carolina ("County") as of and for the year ended June 30, 2022, in accordance with generally accepted auditing standards and Government Auditing Standards and have issued our report dated October 31, 2022.

We have also audited the County's compliance with the types of compliance requirements described in the OMB Compliance Supplement and the Audit Manual for Governmental Auditors in North Carolina that could have a direct and material effect on each of the County's major federal and state programs for the year ended June 30, 2022. We have issued our report in November 2022.

We have issued unmodified opinions on the financial statements and the Uniform Grant Guidance and NC State Single audits.



Approved:

# Internal Control Communication

In planning and performing our audit, we considered internal control over financial reporting (“internal control”) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements and compliance with Uniform Grant Guidance and the NC State Single Audit Implementation Act, but not for the purpose of expressing an opinion on the effectiveness of the County’s internal control. Accordingly, we do not express an opinion on the effectiveness of the County’s internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements or noncompliance on a timely basis.

# Internal Control Communication

## Material Weakness

▶ A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the County’s financial statements will not be prevented, or detected and corrected, on a timely basis.

## Significant Deficiency

▶ A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

We noted certain material weaknesses and significant deficiencies which are described on the next slide.

# Internal Control Communication

## Material Weakness

- ▶ Finding 2022-003:
  - ▶ Low Income Housing Energy Assistance Program
    - ▶ Allowable Costs and Eligibility

## Significant Deficiency

- ▶ Finding 2022-001:
  - ▶ Financial Reporting and Close
    - ▶ Leases
    - ▶ Incurred but not reported claims
    - ▶ Solid waste revenue accrual
    - ▶ Retainage payable

Approved:

### Other Findings

- ▶ Finding 2022-002
  - ▶ Federal Transit Cluster
    - ▶ Nonmaterial Noncompliance:
      - ▶ Requested reimbursement of payroll costs paid by the employee from granting agency.

## Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management.

### Corrected Misstatements

- ▶ The following material misstatements detected as a result of audit procedures were corrected by management:
  - ▶ To record incurred but not reported claims payable of approximately \$300,000 in the governmental activities.
  - ▶ To record retainage payable of approximately \$890,000 for the School Capital Project Fund as a restatement to beginning fund balance and net position.
  - ▶ To reduce leases receivable and deferred inflow of resources related to leases by approximately \$9,500,000 in the General Fund and Governmental Activities.
  - ▶ To record an accrual of revenue for the Solid Waste Fund of approximately \$70,000 for revenue received in July 2022.

### Uncorrected Misstatements

- ▶ The following summarizes uncorrected misstatements of the financial statements. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. The uncorrected misstatements or the matters underlying them could potentially cause future period financial statements to be materially misstated, even though, in our judgment, such uncorrected misstatements are immaterial to the financial statements under audit.
  - ▶ Overstatement of current year expenditures and beginning fund balance/net position related to retainage payable from the prior year in the General Capital Project Fund and Governmental Activities of approximately \$300,000.
  - ▶ Understatement of beginning net position and overstatement of current year revenue related to the prior year in the Solid Waste Fund of approximately \$75,000.
  - ▶ Overstatement of beginning net position and current year expenses related to incurred but not reported claims of approximately \$300,000 related to prior periods.
  - ▶ Overstatement of current year revenue and ending fund balance and net position in the General Capital Project and Governmental Activities of \$500,000 and understatement of unearned revenue.
  - ▶ Overstatement of current year revenue and understatement of ending fund balance and net position in the Public Transit Fund and Governmental Activities, respectively of approximately \$395,000.

Approved:

# Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County are described in Note 1 to the financial statements.

The County adopted GASB 87, *Leases*, effective July 1, 2021. Most prominent among the changes in the standard is the recognition of right-to-use assets and lease liabilities for those leases classified previously as operating leases for lessees. For lessors, a lease receivable and deferred inflow of resources will also now be recorded.

We noted no inappropriate accounting policies or practices.



As part of our audit, we evaluated the County's identification of, accounting for, and disclosure of the County's relationships and transactions with related parties as required by professional standards.

We noted none of the following:

- Related parties or related party relationships or transactions that were previously undisclosed to us;
- Significant related party transactions that have not been approved in accordance with the County's policies or procedures or for which exceptions to the County's policies or procedures were granted;
- Significant related party transactions that appeared to lack a business purpose;
- Noncompliance with applicable laws or regulations prohibiting or restricting specific types of related party transactions;
- Difficulties in identifying the party that ultimately controls the entity.

**Related Party Relationships and Transactions**

Approved:

### Significant Unusual Transactions

We noted no transactions entered into by the County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

For purposes of this letter, professional standards define significant, unusual transactions as transactions that are outside the normal course of business for the County or that otherwise appear to be unusual due to their timing, size, or nature. We noted no significant, unusual transactions during our audit.

### Significant Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- Allowance for doubtful accounts
- Depreciation expense (estimated useful lives of assets)
- Pensions, OPEB and IBNR liabilities and related deferred outflows and inflows
- Landfill liability
- Lease liabilities and receivables

Management's estimate of the identified above estimates are based on the analysis of historical collection trends, estimated useful life of the asset, actuarial valuations, engineers estimates for closure and postclosure costs and the County's incremental borrowing rate and lease terms. We evaluated the key factors and assumptions used to develop these estimates in determining that it is reasonable in relation to the financial statements taken as a whole.

### Financial Statement Disclosures

The financial statement disclosures are neutral, consistent, and clear.

Approved:

# Independence Considerations

## Nonattest Services

- ▶ Preparation of the Data Collection Form.
- ▶ For all nonattest services we perform, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, and accept overall responsibility for the results of the services.

## Independence Conclusion

- ▶ We are not aware of any other circumstances or relationships that create threats to auditor independence.
- ▶ We are independent of the County and have met our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit.

# Other Required Communications

## Difficulties Encountered

We encountered no significant difficulties in dealing with management in performing and completing our audit.

## Disagreements with Management

Includes disagreements on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report.

We are pleased to report no such disagreements arose during the course of our audit.

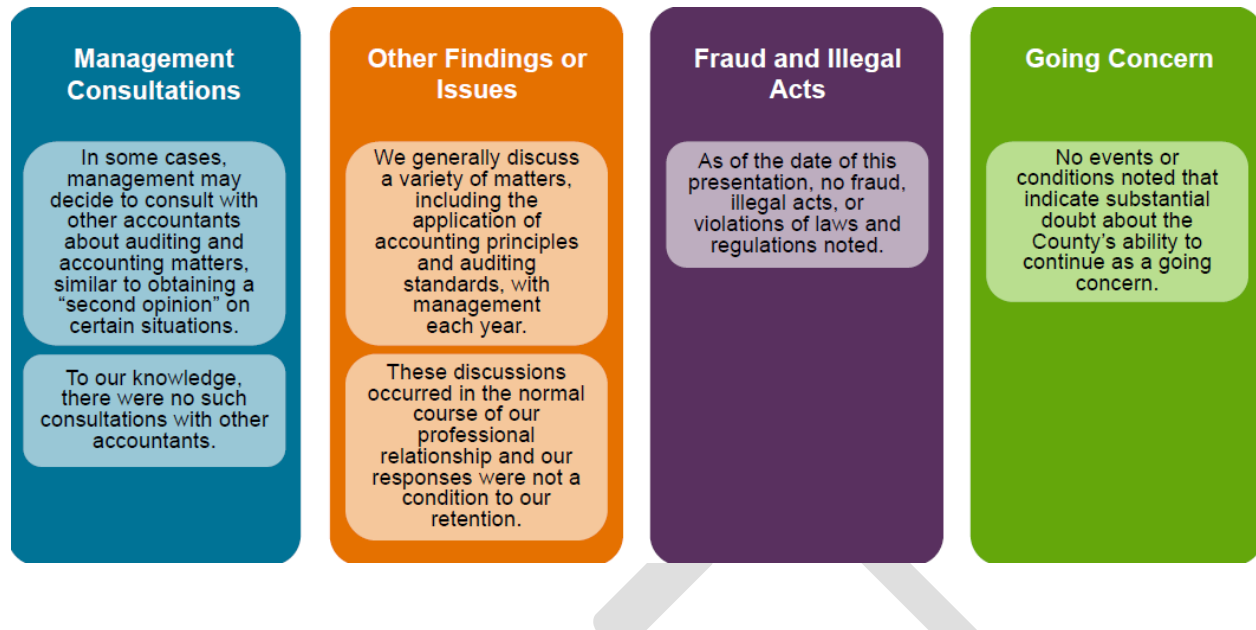
## Auditor Consultations

We noted no matters that are difficult or contentious for which the auditor consulted outside the engagement team.

## Management Representations

We have requested certain representations from management that are included in the management representation letter dated October 31, 2022 for the financial audit and November 2022 for the single audit.

Approved:



## Other Matters

### Required Supplementary Information

We applied certain limited procedures to management's discussion and analysis and required supplementary information ("RSI"), as listed in the table of contents, which supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.



### Supplementary Information

We were engaged to report on the accompanying combining and individual nonmajor fund financial statements, budgetary schedules, additional financial data and schedule of expenditures of federal and state awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.



### Other Information

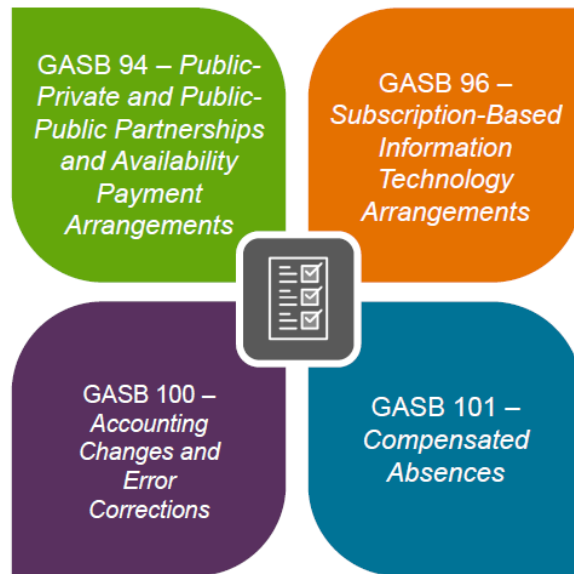
We were not engaged to report on the introductory and statistical section, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements themselves and, accordingly, we do not express an opinion or provide any assurance on it.

Approved:

# Upcoming Financial Reporting Changes

These standards will be effective for the County in the upcoming years and may have a significant impact on the County's financial reporting.

We would be happy to discuss with management the potential impacts on the County's financial statements and how we may be able to assist in the implementation efforts.



## Local Government Commission Performance Indicators

Audit Report –

- ✓ No other financial performance indicators of concern noted.
- ✓ Budgeted tax levy for the General Fund did not have more than 3% uncollected
- ✓ Positive General Fund total fund balance
- ✓ Effective pre-audit process to avoid pervasive budget violations
- ✓ No late debt service payments or debt covenant compliance issues
- ✓ No statutory violation within Annual Comprehensive Financial Report

**One Item Requiring Response to Local Government Commission (within 60 days):**

- One (1) Significant Deficiency reported in Yellow Book Report

Approved:



**General Fund Expenditures  
July 1, 2021 – June 30, 2022**

Budgeted expenditures	\$	183,390,322
Actual expenditures	\$	<u>173,388,733</u>
Net expenditures under budget	\$	10,001,589

(Expenditures include transfers out)

**General Fund Revenues - Budget  
July 1, 2021 – June 30, 2022**

Annual revenues	\$	159,251,802
Other financing sources:		
Transfers in	\$	2,740,152
Appropriated Fund Balance	\$	<u>21,398,368</u>
Total budgeted revenues	\$	183,390,322

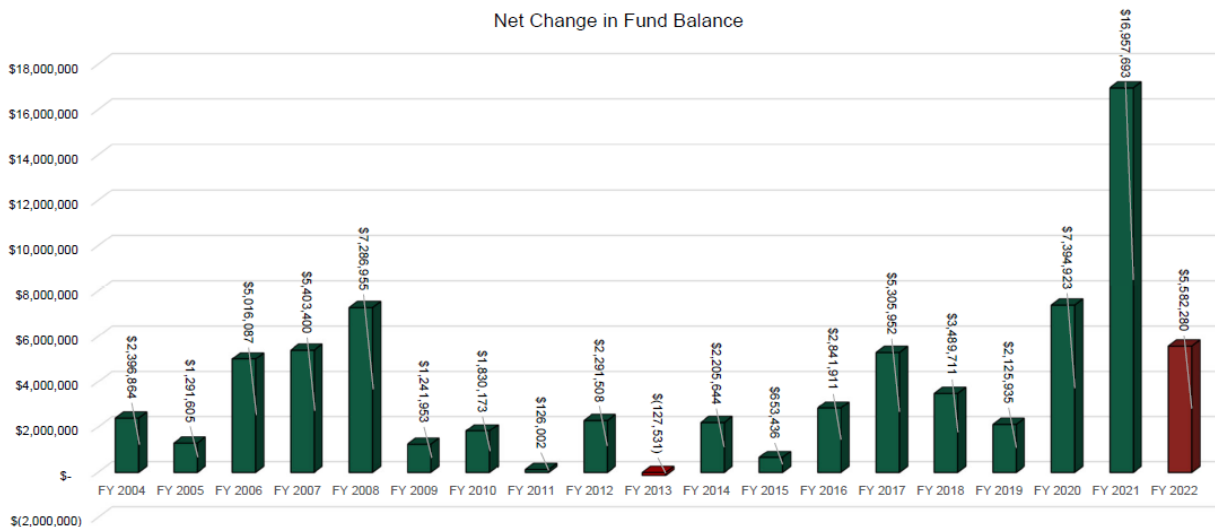
**General Fund Revenues  
July 1, 2021 – June 30, 2022**

Total budgeted revenues (Includes Fund Balance)	\$	183,390,322
Actual revenues	\$	<u>178,971,013</u>
Net revenues under budget	\$	<b>-4,419,309</b>

**General Fund Summary Report  
July 1, 2020 – June 30, 2021**

		Actual
Total revenues	\$	178,971,013
Total expenditures	\$	<u>173,388,733</u>
<b>Net Change in Fund Balance</b>	<b>\$</b>	<b>5,582,280</b>

# Fund Balance History



Approved:

**Fund Balance Position  
General Fund**

Unassigned Fund Balance	\$	43,938,388
BOC Policy Level <small>(12% of actual FY 22 expenditures)</small>	\$	20,806,648
Amount over BOC Policy <small>(as of July 1, 2022)</small>	\$	23,131,740

Daniel T. Gougherty, CPA  
Audit Director  
[dgougherty@cbih.com](mailto:dgougherty@cbih.com)

Questions?

*Commissioner Lapsley made the motion that the Board accept the FY22 Audit as presented. All voted in favor, and the motion carried.*

**Judicial Center Additions and Renovations - AIA Contract Documents for Preconstruction Fee and General Conditions, for Frank L. Blum Construction, for CMR work on HC VFW Building.**

The Board was requested to approve the AIA contracts from Frank L. Blum Construction and authorize staff to proceed to the CD phase of Construction for the Henderson County VFW Renovation Project. These documents were vetted by the County Attorney for consistency with our legal standards.

The proposal received from Frank L. Blum Construction is for a price of \$42,170.00 for the Preconstruction Services Fee.

Steve White with Fentress Architects presented the following presentation to the Board for consideration of available options.

**Judicial Complex Addition  
and Renovation**

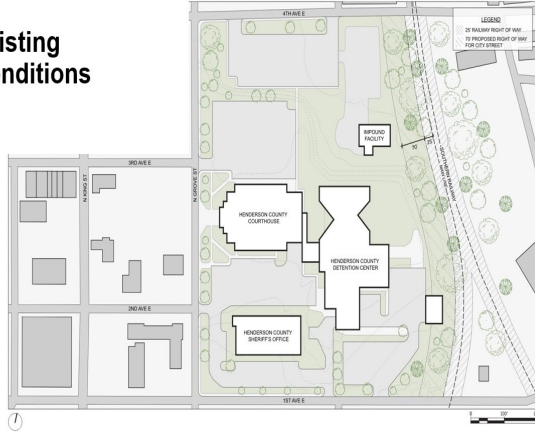
Conceptual Design Presentation – December 5, 2022  
Henderson County, North Carolina



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Approved:

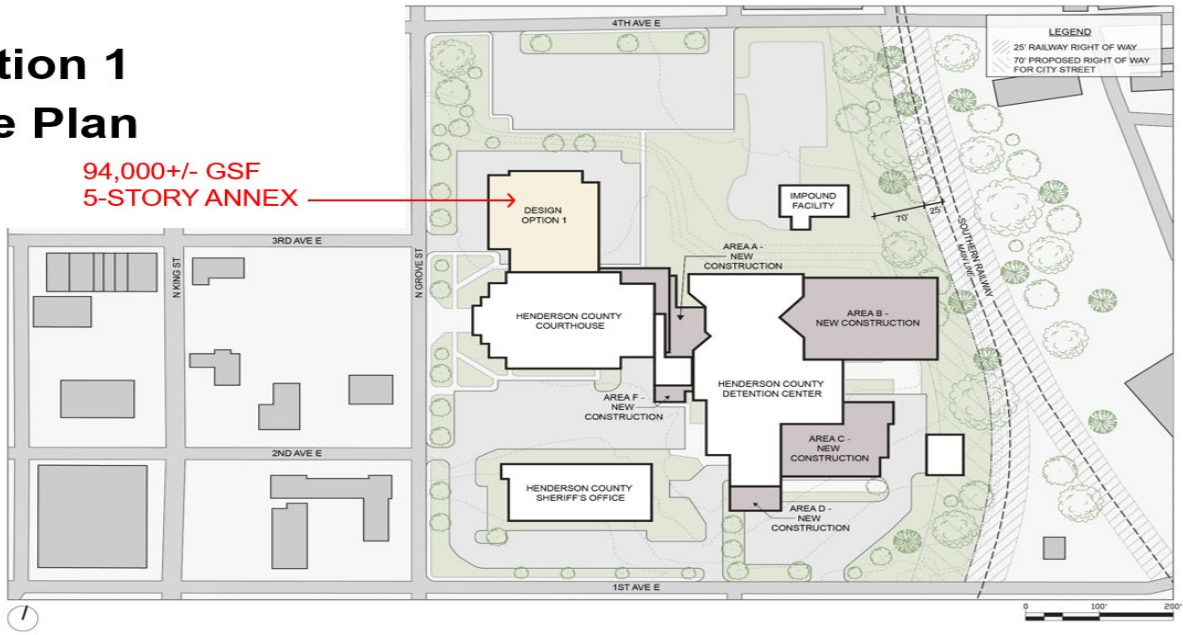
### Existing Conditions



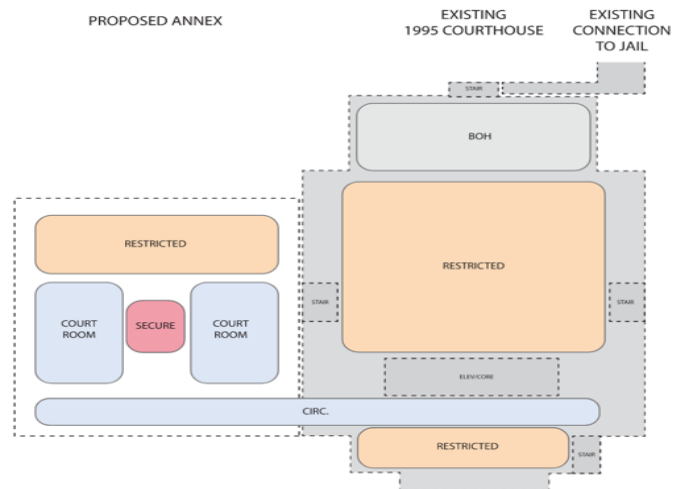
### Design Options

### Option 1 Site Plan

94,000+/- GSF  
5-STORY ANNEX

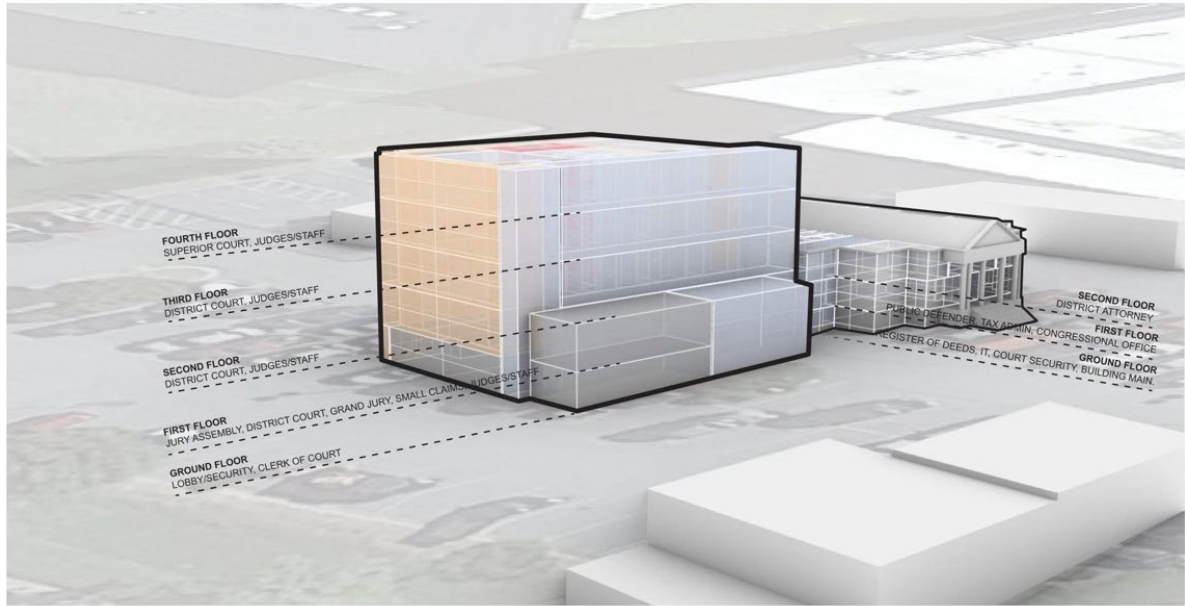


### Option 1 Plan Diagram



Approved:

# Option 1 – Stacking Diagram



**Option 1**  
View from 3<sup>rd</sup> Ave E



## Option 1

### PROS

- EFFICIENT VERTICAL STACKING
- MINIMIZED HORIZONTAL PRISONER TRANSPORT
- SEPARATE, CLEAR, AND SECURE CIRCULATION PATHWAYS
- CLERKS ARE LOCATED IDEALLY ON THE GROUND FLOOR
- MINIMIZED PHYSICAL FOOTPRINT FOR MAXIMUM PARKING AND USE OF LAND

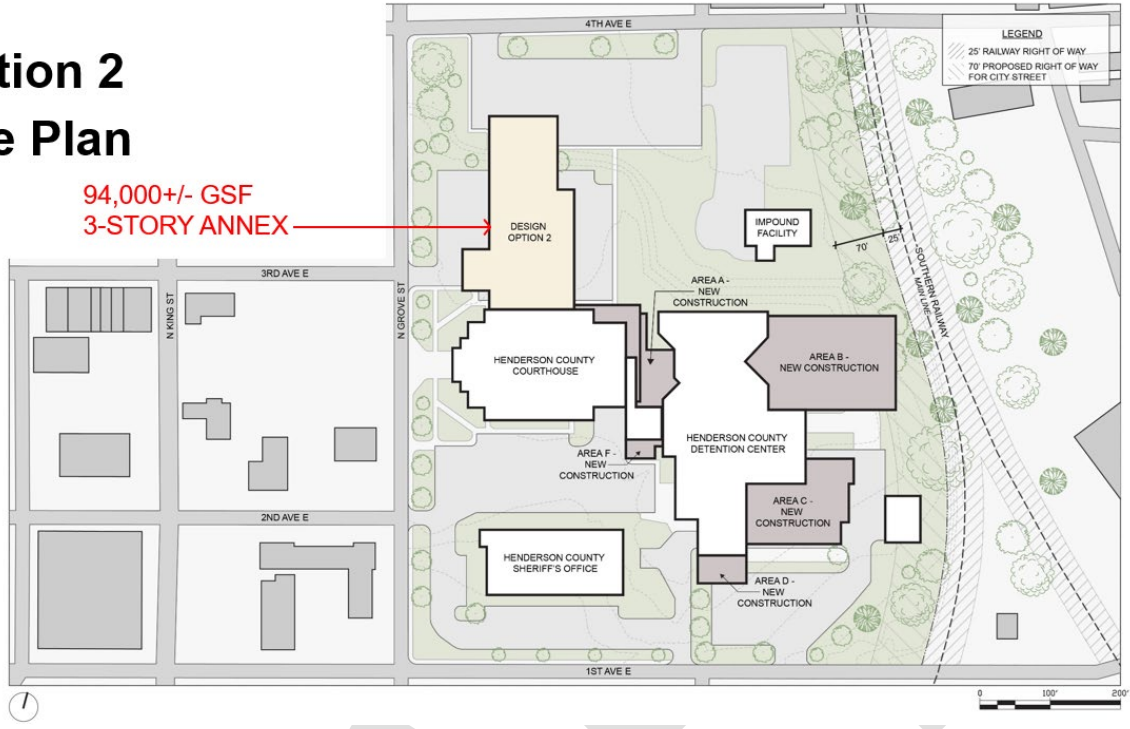
### CONS

- ADDITION IS OUT OF SCALE RELATIVE TO THE 1995 COURTHOUSE
- PRISONER CIRCULATION FROM JAIL LIMITS ACCESS TO SOME SPACES ON GROUND FLOOR
- VERTICAL ARRANGMENT DISPERSES SUPERIOR AND DISTRICT COURT OPERATIONS ONTO MULTIPLE FLOORS
- HEIGHT COULD POTENTIALLY TRIGGER "HIGH RISE" CODE (\$\$)
- ADDITIONAL ELEVATOR STOPS

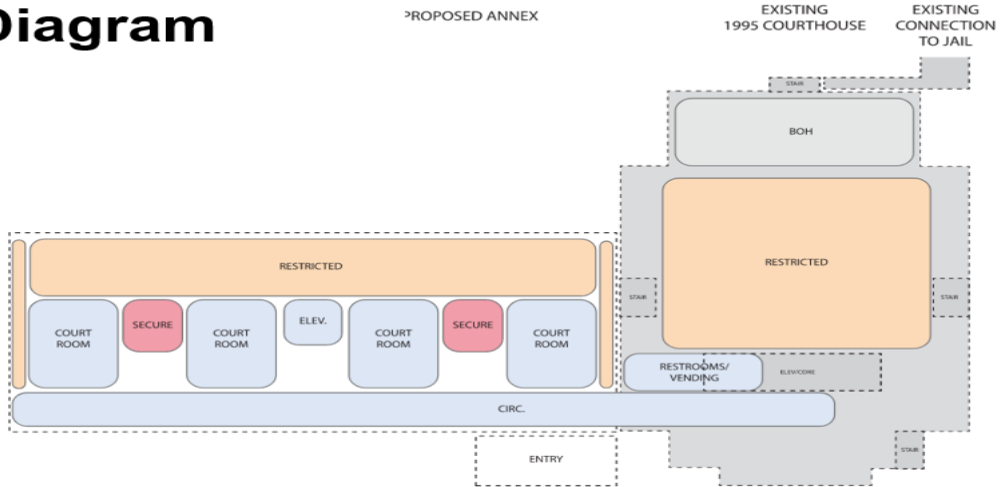
Approved:

# Option 2 Site Plan

94,000+/- GSF  
3-STORY ANNEX



# Option 2 Plan Diagram



Approved:

## Option 2 – Stacking Diagram



**Option 2**  
**View from 3<sup>rd</sup> Ave E**



### Option 2

**PROS**

- ADDITION IS MORE IN SCALE WITH THE 1995 COURTHOUSE
- SEPARATE, CLEAR, AND SECURE CIRCULATION PATHWAYS
- SUPERIOR AND DISTRICT COURT FUNCTIONS ARE SEGREGATED TO WITHIN A SINGLE FLOOR
- CLERKS ARE LOCATED IDEALLY ON THE GROUND FLOOR
- ADDITION IS CONSIDERED "LOW RISE" CODE AND CONSTRUCTION
- SECURE PARKING WITHIN ADDITION FOR JUDGES

**CONS**

- PRISONER CIRCULATION REQUIRES MORE CORRIDOR AND AN ADDITIONAL ELEVATOR
- SLIGHTLY LESS EFFICIENT VERTICAL STACKING

Commissioner Lapsley stated that he had concerns in regard to constructing an approximately 94,000-square-foot addition/annex to the existing 95 Courthouse, which is already +/- 98,000 square feet in size. He noted that once the building is completed and all operations have moved to the newly constructed area, the building will be at half occupancy upon completion. He questioned what would the half-empty building be used for.

John Mitchell said there had been some discussion in January – March about the amount of space needed in order to accommodate future growth in the 95 Courthouse/Annex. Along with discussion by the Board about how the additional space may be utilized in the next 10, 15, or 20 years to accommodate existing County functions.

Vice-Chair Edney said the County must have room to grow in the new facility. He said the proposed new construction would not be an annex, it would be a new courthouse, and the existing 95 Courthouse would serve as an office building.

Vice-Chair Edney noted that parking will be an issue. And added that the King Street building is in disrepair and that there are functions in King Street which would be appropriate to move to the 95 Courthouse. The King St building could be torn down, and the property could be used for parking adjacent to the Courthouse and Sheriff’s Office.

Approved:

Commissioner Hill said parking is already a problem at the 95 Courthouse. He would like the parking closest to the building to be used for citizens accessing the building instead of employee parking. He noted that the existing parking lot between the 95 Courthouse and the Sheriff’s Office was previously used for public parking but is now designated as staff parking.

Vice-Chair Edney envisions the South entrance being used to access the Register of Deeds, Planning, Zoning, and Building Inspections.

Before Mr. White presented parking garage options, Vice-Chair Edney asked that he discuss the soil quality and the best and worst locations on the property.

Mr. White stated that a geotechnical report had been completed and analyzed. It is a preliminary report in that the full design of the building has not been determined. Therefore, the information does not include full building loads. However, he said they are aware that the further north you go on the property, the water table rises. The water table is eight feet below grade at the farthest north part of the property. He said Fentress’ structural engineer is not concerned about being eight feet below grade.

Vice-Chair Edney stated that option two went down into the lower parking lot and asked where the less desirable soil was located. Mr. White answered yes, that is where the water table is more shallow.

Vice-Chair Edney stated that when the 95 Courthouse was built and later the Sheriff’s Office, the Board looked at constructing a parking deck on the north side of the property, but the Board was told that the soils in that location were not suitable and that construction in that location would require pylons or removing a lot of soil and replacing it with good soil. He asked if that was the opinion of Mr. White. Steve White stated that the soils are not great for sure. But, the soils are not great generally throughout if anything is done to the north of the 95 Courthouse. The structural engineer has referred Fentress to likely using geo piers as part of the design solution. He, the structural engineer, is of the opinion that using a lower building with lower loads would be easier to manage than a taller building with higher loads and deeper foundations. Relative to the total cost of the building, Mr. White stated there would not be a large number in cost difference with either option.

Steve White said NC Building Code refers to a high-rise as “any floor served that is seventy-five feet above where the ladder (firetruck) is located.” If a ladder truck must extend beyond seventy-five feet to reach a person, that is considered a high-rise. Vice-Chair Edney asked how high-rise would apply to option one. He said a firetruck has to have access around the building so that the concern would be on the backside. Vice-Chair Edney asked if that was included in option one or two without going down into the lower yard. Mr. White answered yes, but with option two, it would be a lower building, so there would not be a concern.

Steve White presented the parking options assigned to the two building options. There were two parking options for building option one and one for building option two.

# Parking Garage Options

## Option 1 with Parking to the North

### PROS

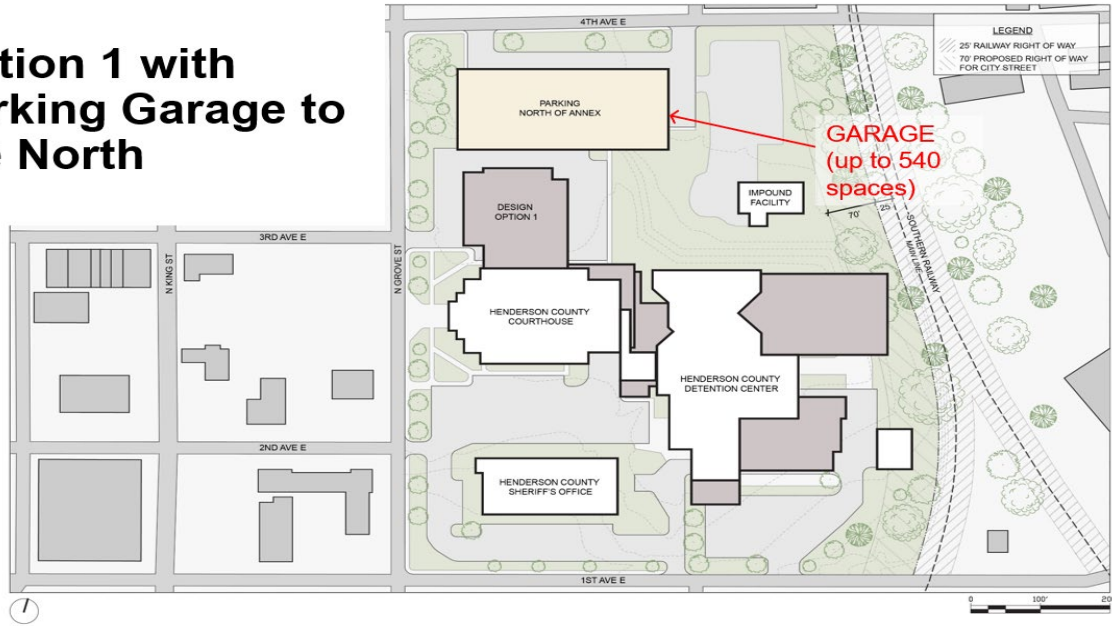
- Does not displace the existing impound lot or evidence building
- Close proximity to buildings and ADA friendly for pedestrian access
- Maintains existing vehicle access from 4th Avenue East (familiarity for users)
- Can be a two bay or three bay structure
- Two bay structure would maintain some visitor overflow surface parking in the finished condition

### CONS

- Encroaches into existing underground stormwater detention
- Displaces existing parking and requires alternate parking during construction
- A three bay structure would displace all visitor overflow surface parking
- Requires retaining walls
- Secured parking would be nested within the structure

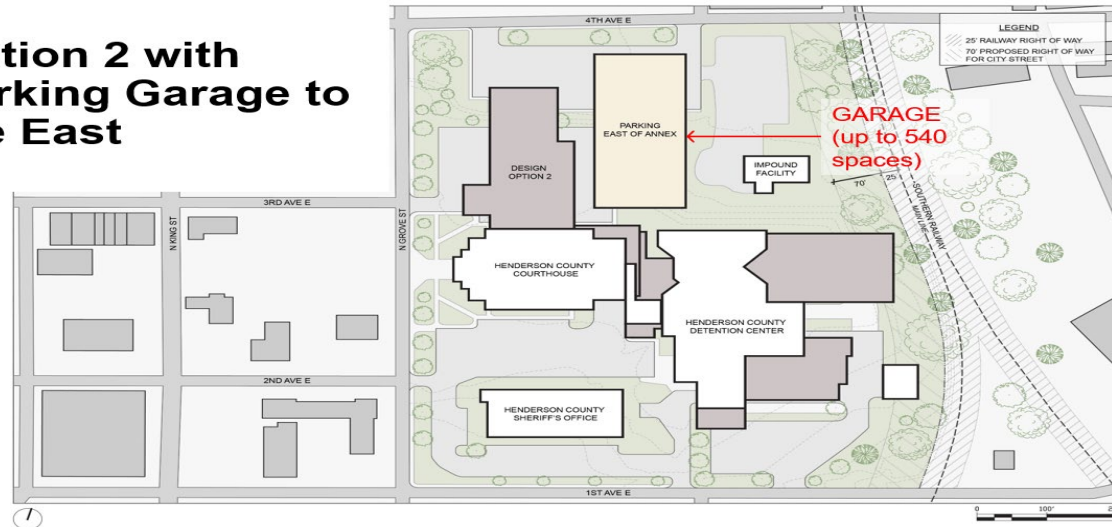
Approved:

### Option 1 with Parking Garage to the North



Mr. White noted that Building Option 1, with Parking to the North, would require the existing parking lot to be displaced to allow for the entire operation of the courthouse while the parking deck is being built.

### Option 2 with Parking Garage to the East



### Option 2 with Parking to the East

**PROS**

- Close proximity to buildings and ADA friendly for pedestrian access
- Maintains existing vehicle access from 4th Avenue East (familiarity for users)
- Does not displace as many visitor parking spaces as the North option
- Can be a two bay or three bay structure
- Two bay doesn't displace the existing impound lot or evidence building
- Secure parking would be within the new annex building

**CONS**

- A three bay structure displaces the existing impound lot and evidence building
- Encroaches into existing underground stormwater detention
- Requires retaining walls

## Judicial Complex Addition and Renovation

Conceptual Design Presentation – December 5, 2022  
Henderson County, North Carolina



Approved:



Vice-Chair Edney asked if the architect had considered the King Street Building in any of the options presented. Mr. White said he believes it was in some discussions, but they (the architect) had been directed for this particular study to only study in detail the parcel of the 14-acre courthouse property.

Vice-Chair Edney proposed that the discussion move away from parking and consider the next step of choosing between building option one or building option two.

John Mitchell said he would like the Board to review the Basis for Design, which is approximately a 225-page document that contains information and documentation about how and why we got here, a lot of the data that has been used to calculate loads, spaces, and things of that nature. This document was to be provided to the Board after tonight's meeting.

John Mitchell asked the Board to provide direction to the architect on which building option they prefer so the project may continue on schedule. If the Board makes that decision this evening, his recommendation would be that staff be directed to fast-track the construction manager at risk process.

Vice-Chair Edney stated he prefers option one, the five-story option. His preference is to call it a five-story new courthouse that will hold courtrooms and the Clerk of Court's office. The renovation of the existing 95 building would be for an office building that will hold other county functions and presumably King Street functions.

Commissioner Lapsley stated he agreed with Vice-Chair Edney one hundred percent.

Commissioner Hill said he prefers the lower three-story option.

Commissioner Andreotta asked if the lower option would be less expensive to build. Mr. White said, in his opinion, yes. His recommendation is to build the lower (stacking) option.

Vice-Chair Edney said the five-story building would be more efficient based on his experience working in the courthouse.

Chairman McCall asked what the time frame was for making the decision on option one or option two and the consequences of delaying the decision.

Steve White stated that the original proposed schedule for the basis of design deliverables would have required a decision last month to stay on the schedule proposed initially. Delaying the decision further would be an additional 30 days added, making it now a 60-day delay.

Chairman McCall asked her fellow Board members if they were prepared to make a decision tonight.

The vote went as follows:

*Vice-Chair Edney made the motion to proceed with the five-story option and directed staff to fast-track the construction manager at risk process to get the projects started as possible to contain costs.*

Commissioner Lapsley stated he supported Vice-Chair Edney's motion and called the question. He said the Board needs to move on.

Chairman McCall called for a vote on the motion.

*Commissioner Lapsley - yay, Vice-Chair Edney – yay, Chairman Mccall – yay, Commissioner Andreotta – nay, and Commissioner Hill nay. The motion passed with a 3-2 vote.*

Chairman McCall asked if there would be a discussion on the Detention Center portion of this project.

Steve White said that portion had already been decided, and the County had chosen to move forward with the "long option." Which is the option that went toward the railroad tracks.

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Chris Todd stated that when Fentress presented the overall designs for the concepts, there were multiple Detention Center designs. The Board chose one primary option for the Detention Center, and that was the longer option that went toward the railroad. He said the feedback from Detention Center staff at the time of the presentation was that there were concerns about the physical difference of getting from one end of the building to the other if they had to respond to an emergency. Detention Center staff would effectively be running from First Avenue to Fourth Avenue.

Chairman McCall and Vice-Chair Edney both remembered the discussion but did not remember taking a vote on the Detention Center options. Chairman McCall said staff would review the minutes, and the matter would be discussed later.

## **NOMINATIONS AND APPOINTMENTS**

1. EMS Peer Review Committee – 1 vac.

*Commissioner Hill made the motion to nominate Sarah Knott for appointment to position #2. All voted in favor, and the motion carried.*

2. Henderson County Zoning Board of Adjustment – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.

3. Home and Community Care Block Grant Committee – 3 vacs.

*Vice-Chair Edney made the motion to reappoint Alicia Guest Evans to position #5 and Steven Studebaker to position #8 by acclamation. All voted in favor, and the motion carried.*

4. Juvenile Crime Prevention Council – 2 vacs.  
There were no nominations, and this item was rolled to the next meeting.

5. Metropolitan Sewerage District of Buncombe County – 1 vac.

*Commissioner Lapsley made the motion to reappoint Sheila Franklin to position #2 by acclamation. All voted in favor, and the motion carried.*

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**

Commissioner Andreotta said he was honored to attend the swearing-in ceremony of recently reelected Sheriff Lowell Griffin. He said the ceremony attendance was at total capacity and was “a sea of blue.” He congratulated Sheriff Griffin and expressed his gratitude to all law enforcement personnel.

Commissioner Hill shared that Emergency Services Director Jimmy Brissie, Mayor Barbara Volk, and Senator Chuck Edwards had recently been awarded the Charles H. Campbell Regional Leadership Award. He thanked Mr. Brissie for his leadership and his achievement of this award.

Vice-Chair Edney encouraged all County employees to attend the upcoming Employee Christmas Luncheon next week.

Commissioner Lapsley did not have any updates to share.

Chairman McCall said that the Board had recently participated in the Christmas Parade. She said it was exciting to have the parade in the evening with all the Christmas lights versus previous years when the

Approved:

parade was held earlier in the day. She said it was estimated that there were 10,000 parade-goers in attendance; it was a joyous event.

**COUNTY MANAGER’S REPORT**

County Manager John Mitchell shared that the County would be hosting a New Years’ Eve celebration on December 31 with the County’s Annual Apple Raise Ceremony. The event is planned for early in the evening so parents and children alike may enjoy the festivities. He thanked the Recreation Department for putting the event together.

In closing, Chairman McCall wished everyone a Merry Christmas and a Happy New Year.

*Commissioner Edney made the Motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4). All voted in favor, and the motion carried.*

*Commissioner Edney made the Motion to go out of closed session and adjourn the meeting at 9:13 pm. All voted in favor, and the motion carried.*

**ADJOURN**

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Denisa A. Lauffer, Clerk to the Board

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Rebecca McCall, Chairman

Approved: