

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
TUESDAY, JANUARY 3, 2023**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were Chairman Rebecca McCall, Vice-Chair Mike Edney, Commissioner William Lapsley, 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, Engineer Marcus Jones, Planning Director Autumn Radcliff, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, IT Director Mark Seelenbacher, Chief Communications Director Mike Morgan, Tax Assessor Darlene Burgess, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Agribusiness Director Mark Williams, Capital Projects Manager Bryan Rhodes, Assistant Engineer Deb Johnston and PIO Kathy Finotti – videotaping, Deputies Matt Covil and Tracy Davis provided security.

Before the meeting was called to order, Tommy Thompson administered the oath of office to newly elected NC House Representative Jennifer Balkcom, who represents District 117.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by Mike Morgan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Sam and Thomas Lyda with the Lab Rats 4-H Club.

RESOLUTIONS AND RECOGNITIONS

2023.01 Service Badge and Sidearm Request – Major Erik Summey

The Henderson County Sheriff's Office requested that the service badge and sidearm of Major Erik Summey be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Major Erik Summey began his career with the Henderson County Sheriff's Office on December 11, 1989, and held the ranks of Deputy, Sergeant, Lieutenant, Captain, and Major, serving over 19 years in the Sheriff's Office. To honor him and show our gratitude for his total of thirty-three years of Law Enforcement service, the Sheriff's Office intends to present him with his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).



**Resolution Honoring Major Erik Summey
For 33 Years of Law Enforcement
Service and Awarding His Badge and
Sidearm**



WHEREAS, Officer Summey joined the Henderson County Sheriff’s Office as a Deputy on December 11, 1989, and held the ranks of Deputy, Sergeant, Lieutenant, and Major.

WHEREAS, Major Summey's service and dedication to the Henderson County Sheriff’s Office and service, dedication, and accomplishments in the field of law enforcement during his thirty-three total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff’s Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, Officer Summey has served as a member of the Henderson County Sheriff’s Office for a period of more than 19 years and retired from the Henderson County Sheriff’s Office on November 1, 2022, and

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

1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Summey the badge worn by him during his service with the Henderson County Sheriff’s Office; and
2. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.,2 to transfer to Officer Summey his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED, that the Henderson County Board of Commissioners recognizes and thanks Officer Summey for his dedicated service to Henderson County and its citizens.

Adopted this the 3rd day of January 2023.

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

2023.02 Service Badge and Sidearm Request – District Captain Brandon Staton

The Henderson County Sheriff’s Office requested that the service badge and sidearm of District Captain Brandon Staton be given to Captain Staton in recognition of his retirement from the Henderson County Sheriff’s Office.

District Captain Brandon Staton began his career with the Henderson County Sheriff's Office on December 12, 1994, and held the ranks of Deputy, Corporal, Sergeant, Lieutenant, and District Captain and served for over seventeen years in the Sheriff's Office. To honor him and show our gratitude, the Sheriff's Office intends to present his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Resolution Honoring District Captain Brandon Staton



**For 30 Years of Law Enforcement Service and
Awarding His Badge and Sidearm**



WHEREAS, Officer Staton joined the Henderson County Sheriff's Office as a Deputy on December 12, 1994, and held the ranks of Deputy, Corporal, Sergeant, Lieutenant, and District Captain.

WHEREAS, District Captain Staton's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 30 total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, Officer Staton has served as a member of the Henderson County Sheriff's Office for a period of more than 30 years and retired from the Henderson County Sheriff's Office on August 1, 2022, and

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

1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Staton the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Staton his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED, that the Henderson County Board of Commissioners recognizes and thanks Officer Staton for his dedicated service to Henderson County and its citizens. Adopted this the 3rd day of January 2023.

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

2023.03 Service Badge and Sidearm Request – Lieutenant Kevin Holden

The Henderson County Sheriff’s Office requested that the service badge of Lieutenant Kevin Holden be given to him in recognition of his retirement from the Henderson County Sheriff’s Office.

Lieutenant Kevin Holden began his career with the Henderson County Sheriff’s Office on December 10, 2018, as Lieutenant for the K9, Animal Services, SWAT, and Bomb Squad in the Sheriff’s Office. To honor him and show our gratitude for his 27 years of Law Enforcement service, the Sheriff’s Office intends to present his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff’s Office pursuant to North Carolina General Statute 20-187.2(a).

Resolution Honoring Lieutenant Kevin Holden

**For 27 Years of Law Enforcement Service and
Awarding His Badge and Sidearm**



WHEREAS, Officer Holden joined the Henderson County Sheriff’s Office as a Lieutenant on December 10, 2018, and held the rank of Lieutenant.

WHEREAS, Lieutenant Holden’s service and dedication to the Henderson County Sheriff’s Office and service, dedication, and accomplishments in the field of law enforcement during his 31 total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff’s Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, Officer Holden has served as a member of the Henderson County Sheriff’s Office for a period of more than four years and retired from the Henderson County Sheriff’s Office on November 1, 2022, and

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

3. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Holden the badge worn by him during his service with the Henderson County Sheriff’s Office; and
4. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to

transfer to Officer Holden his service sidearm for and in consideration of the sum of \$285.00 received from Officer Holden and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED, that the Henderson County Board of Commissioners recognizes and thanks Officer Staton for his dedicated service to Henderson County and its citizens. Adopted this the 3rd day of January 2023.

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

Sheriff Lowell Griffin thanked each officer for their hard work and dedication to the citizens of Henderson County.

Informal public comment

1. Carol R. Cannon spoke in support of protecting the natural beauty of Henderson County. She supported protecting the County's farmlands, forests, and natural and open spaces. She urged the Board to send the draft plan back to the Planning Board.
2. David Adler spoke in support of protecting the natural beauty of Henderson County. He values the sense of community in Henderson County and fears population growth would take that away. He supported the protection of farmlands, forests, and green spaces.
3. Anne Coletta supported the protection of farmlands, forests, and green spaces. She encouraged the Planning Board to use stronger language in the plan. She urged the Board to send the draft plan back to the Planning Board.
4. Lenore Threkold urged the Board to table the plan and take the time to review the revisions and make necessary changes.
5. Margaret Lee opposed urban sprawl in Edneyville, Etowah, and Fruitland.
6. Carol Ozelius said her family has been in Henderson County for generations. She opposes development that would endanger the county's beauty, clean air, and wide open spaces.
7. Sandy Schenck supported the love of land and conservation efforts.
8. Rocio Birghini urged the Board to make the revision that the County's citizens have voiced; she also believes the plan needs to use "stronger language."
9. Virginia Tegal was in opposition to the "soft language" used throughout the plan with the words "encourage" and "consider."
10. Dennis Justice was in opposition to video gaming machines in county convenience stores. He expressed the need for a gaming commission in North Carolina.
11. Mary Landry believes the current plan needs to have stronger language that does not weaken the plan's effectiveness; she also stated that the current plan needs an implementation plan.
12. Katie Breckheimer would like to see the following: Develop and contribute to a Farmland Conservation Fund but not limited to only farmland. Limit development on or around steep slopes. Remove barriers to green infrastructure projects. Create design standards for the urban wildland interface. Keep growth close to where utilities already exist. She also encouraged the County to work with municipalities to determine water and sewer extensions.
13. Richard Freudenberger works an organic farm in Mills River and served two years as a Henderson County Environmental Advisory Board member about a decade ago. He referenced a December draft of the plan that removed the mention of climate change. He said changing climatic conditions

affect agriculture, tourism, recreation, and new business development. He urged the Board to delay voting on the plan until real-world scientific conclusions are incorporated.

- 14. Deedee Dillingham spoke in support of conserving conservation easements.
- 15. Mark Campanini urged the Board to protect the rural components of the county.
- 16. Mark Williams spoke in support of protecting farmlands and rural character; he also supported conservation easements.
- 17. Lita Johnson (submitted via email) Ms. Johnson urged the Board to table any action on the Comprehensive Plan and to slow the approval process long enough to be transparent and participatory, to make public a list of proposed changes, and to provide an opportunity for public input.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Andreotta pulled Consent Agenda Item H – Water and Sewer Committee and moved it to Discussion Item C. Chairman McCall added Discussion Item – D Budget Workshop Overview.

Commissioner Lapsley made the motion to adopt the consent agenda as amended. All voted in favor, and the motion carried 5-0.

CONSENT AGENDA consisted of the following:

Minutes

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

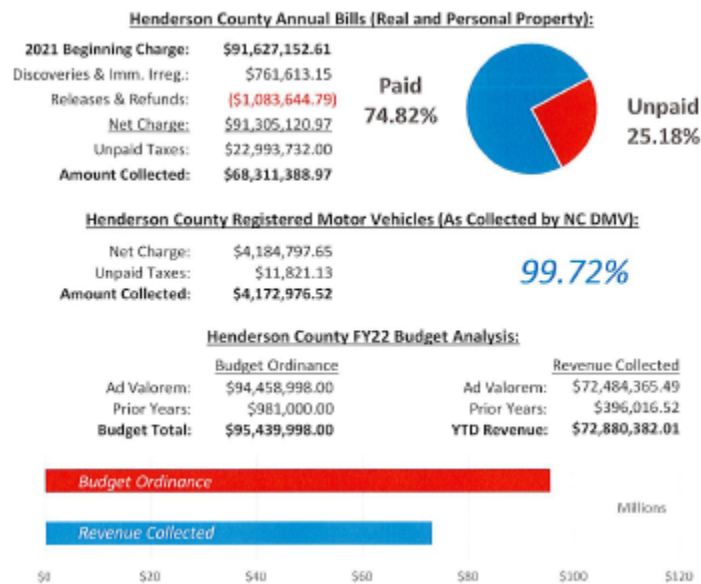
December 5, 2022 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of December 5, 2023.

Tax Collector’s Report

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



2023.04 Pending Releases and Refunds

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

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 3,100.17
Total Refunds as a result of the Above Releases	\$ 0.00

Motion:

I move the Board approve the Combined Release/Refund Report 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. Library Board of Trustees – 1 vac.
Position # 5 (Regular – At Large)

2023.05 Surplus and Donation of Power Load Cot Fastener(s) to the Henderson County Rescue Squad

A resolution was presented for the Board’s review and approval declaring two (2) Stryker Power Load Cot Fasteners no longer used by Henderson County Emergency Medical Services as surplus property and the donation of the Power Loads to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A-280 to be used for loading and unloading the patient stretcher.

§ 160A-280. Donations of personal property to other governmental units.

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section, a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long-term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

Exhibit B - List of Proposed Surplus Property:

<u>DEPARTMENT</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Serial#</u>	<u>Asset#</u>
EMS	2020	Stryker	Power Load Cot Fastener	2010012700026	21159

EMS 2020 Stryker Power Load Cot Fastener 2010012700027 21160

Motion:

I move that the Board approve the resolution presented declaring the Power Load Cot Fasteners presented as surplus and authorizes the donation to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A-280.

Review of Board and Committee Assignments

The listing of 2023 Commissioner assignments to Henderson County Boards and Committees was presented for Board approval.

The Board reviewed the following list of commissioner representatives, and the consensus was to appoint the slate of representatives as follows:

1. Agricultural Advisory Board – Rebecca McCall
2. AgHC - Rebecca McCall (NR)
3. Vaya Health Commissioner’s Advisory Committee – Bill Lapsley
4. Environmental Advisory Committee – (NR)
5. Fire and Rescue Advisory Committee – David Hill
6. French Broad River MPO/Transportation Advisory Committee – Rebecca McCall/Bill Lapsley
7. Governmental Financing Corporation - Rebecca McCall/Mike Edney
8. Henderson County Board of Health - Bill Lapsley
9. Henderson County Historic Courthouse Corporation dba/Heritage Museum - Rebecca McCall
10. Henderson County Partnership for Economic Development – Rebecca McCall with Bill Lapsley as backup (NR)
11. Henderson County Planning Board – Bill Lapsley
12. Henderson County Transportation Advisory Committee - Bill Lapsley/ Rebecca McCall
13. Henderson Tourism Development Authority - (NR)
14. Hendersonville Water & Sewer Advisory Committee - Daniel Andreotta
15. Hospital Board of Directors – Mike Edney
16. Joint College Facility Committee - David Hill/Mike Edney
17. Joint School Facilities - David Hill/Mike Edney
18. Juvenile Crime Prevention Council - Mike Edney
19. Land of the Sky Regional Council – Rebeca McCall
20. Library Board of Trustees - Rebecca McCall
21. Local Emergency Planning Committee (LEPC) - Mike Edney
22. Local Government Committee of Cooperative Action (LGCCA) - Rebecca McCall/ Mike Edney
23. Mountain Area Workforce Development Board -
24. MSD Board of Directors – Bill Lapsley
25. North Carolina Association of County Commissioners - Rebecca McCall
26. Nursing/Adult Care Home Community Advisory Committee - Rebecca McCall (NR)
27. Recreation Advisory Board – David Hill
28. Rescue Squad Board of Directors – David Hill
29. Social Services Board – Rebecca McCall (NR)
30. Wall of Fame Steering Committee – (NR)

(NR) = Not Required

Motion:

I move that the Board appoint the slate of Commissioner representatives as presented.

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy the records listed on the Public Disposal Requests and Destruction Logs that were provided – 9 (nine) total pages (attached to these minutes) included in accordance with the County’s Record Retention Policy and the provisions of the North Carolina Department of Natural and Cultural Resources Records Retention and Disposition Schedule, a copy of said pages attached hereto, as the period of these records has expired.

Motion:

I move the Board approve the Public Records Disposal Request and Destruction Log as presented.

Use of Courtroom – Board of Equalization and Review

A request was submitted by the Tax Administrator for use of the Commissioner’s Meeting Room (Courtroom) on Monday, May 15, 2023, for a meeting of the Henderson County Board of Equalization and Review.

Motion:

I move that the Board approve the use of the Commissioner’s Meeting Room (Courtroom) on Monday, May 15, 2023, for a meeting of the Henderson County Board of Equalization and Review.

2023.06 Right of Way Acquisition**North Carolina Department of Transportation’s (NCDOT)****Project for the Entrance to Hendersonville High School (HHS)**

To accommodate NCDOT’s project to improve the intersection of Hendersonville High School and US 25, NCDOT Right of Way requested the Board approve the proposed Deeds that were provided (attached to these minutes). This will transfer County property to NCDOT for construction and maintenance of the intersection improvements. Details of the proposed transaction are as follows:

- The total acreage proposed to transfer to NCDOT is 0.396 acres, with an additional 0.38 acres of temporary construction easement.
- The payment to Henderson County for the acreage is \$3.00.
- The NCDOT maps highlight the acquisition area in green and the temporary construction area in yellow.
- The proposed deeds correlate to the NCDOT parcel number (3, 5, and 6). These numbers are highlighted on the proposed deeds in yellow.
- The improvements are largely upgrades to the existing signal, addition of sidewalks, upgrades to the median, and striping.

Motion:

I move the Board approve the proposed Deeds for the NCDOT’s Hendersonville High School entrance project.

Facility Use Policy Exemption – NCAJ High School Moot Court Competition

The County received a request to appropriate the sum of \$3,000 to support the NCAJ High School Moot Court Competition and to waive facility fees and security fees for the Regional Competition that will be held in the Henderson County Courthouse in February 2023.

The Henderson County Board of Commissioners are helping to sponsor this event in support of our local high schools and student who participate in the program, but also, in 2023, in recognition of the 140th Anniversary of the Henderson County Bar Association, which was the first bar association in the state of North Carolina.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to the County Facility Use Policy with respect to the facility usage fees.

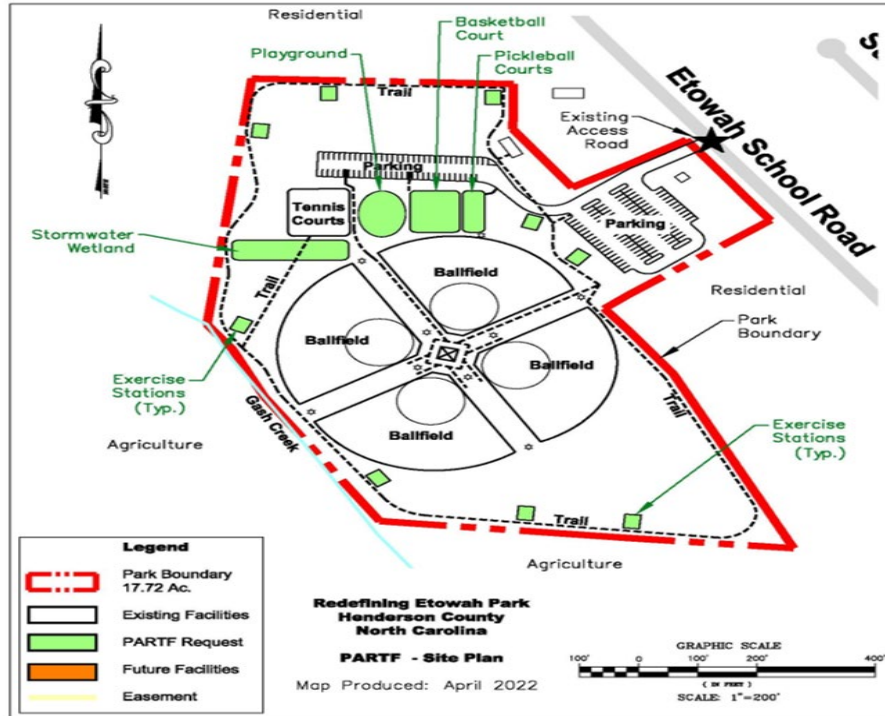
Motion:

I move that the Board grant an exemption to the County Facility Use Policy and approve the associated budget amendment.

2023.07 Parks and Recreation Trust Fund (PARTF) Grant Contract

Over the last few years, staff has been working closely with the Etowah Lions Club, the Friends of Etowah Park, and the Etowah Regional HOA’s Group to discuss Etowah Park. During this time, these groups have conducted a survey, met with community leaders, and hosted numerous meetings to identify priorities and needs in Etowah Park. After identifying priorities, these groups have asked staff, “How can we work to make these improvements happen now?”

The county was successful in receiving a PARTF grant for this project. Once a grant contract is entered for a PARTF grant, the awardee has three years to complete the project and to fund the match. The PARTF Grant is a dollar-to-dollar m and is one of the only grants available to fund recreational amenities at this level. The total project cost is \$572,250, for which the county is responsible for \$286,125 over the course of the project.



Motion:

I move that the Henderson County Board of Commissioners authorize the contract with the Parks and Recreation Trust Fund Grant for improvements as detailed for Etowah Park.

2023.08 Resolution of Support for the City of Hendersonville

The City of Hendersonville requested that the Henderson County Board of Commissioners support the City's grant application to conduct a feasibility study. The grant, Paved Trails & Sidewalks Feasibility Studies Grant Program, is through the NC Department of Transportation's Integrated Mobility Division. This study would look at the feasibility of potential greenway routes through downtown, the rail corridor, and private and public property (of willing landowners in accordance with the County's Greenway Master Plan), including Jackson Park. The project, named Above the Mud, would serve to connect the Ecusta Trail to the Oklawaha Trail (and 7th Avenue/downtown). This grant does not fund engineering or construction. This study would involve multiple stakeholders, including Henderson County, a critical partner. Support from the County will increase the odds of the City's application for the award.

Motion:

I move that the Board support the City of Hendersonville's grant application via a resolution.

Use of Courtroom

A request was submitted for the use of the Commissioner's Meeting Room (Courtroom) and Community Room on Friday, January 20, 2023, from 3:30 – 6:00 for a retirement ceremony for Superior Court Judge Athena Brooks.

Motion:

I move that the Board approve the use of the Commissioner's Meeting Room (Courtroom) and Community Room on Friday, January 20, 2023, from 3:30 – 6:00 for a retirement ceremony for Superior Court Judge Athena Brooks.

ABC Permit Request – Turchin/The Bar at Horseshoe Farm

John Turchin, on behalf of SEN-Asheville 1, LLC, doing business as The Bar at The Horse Shoe Farm, applied for on-premise malt beverage, unfortified wine, fortified wine, and mixed beverage permits. A request for comment has been made to the Sheriff's Office. This matter was placed on the agenda pursuant to Board 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.

Motion:

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

ABC permit request – Patel Pinal Kumar Dohyabhai d/b/a Corner Pantry

Patel Pinal Kumar Dohyabhai doing business as Corner Pantry has applied for an off-premise malt beverage, unfortified wine, and mixed beverage permits. A request for comment has been made to the Sheriff's Office. This matter was placed on the agenda pursuant to Board 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.

Motion:

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

Vice-Chair Edney made the motion to adopt the consent agenda as amended (with Item H- Water and Sewer Committee removed). All voted in favor, and the motion carried 5-0.

PUBLIC HEARING

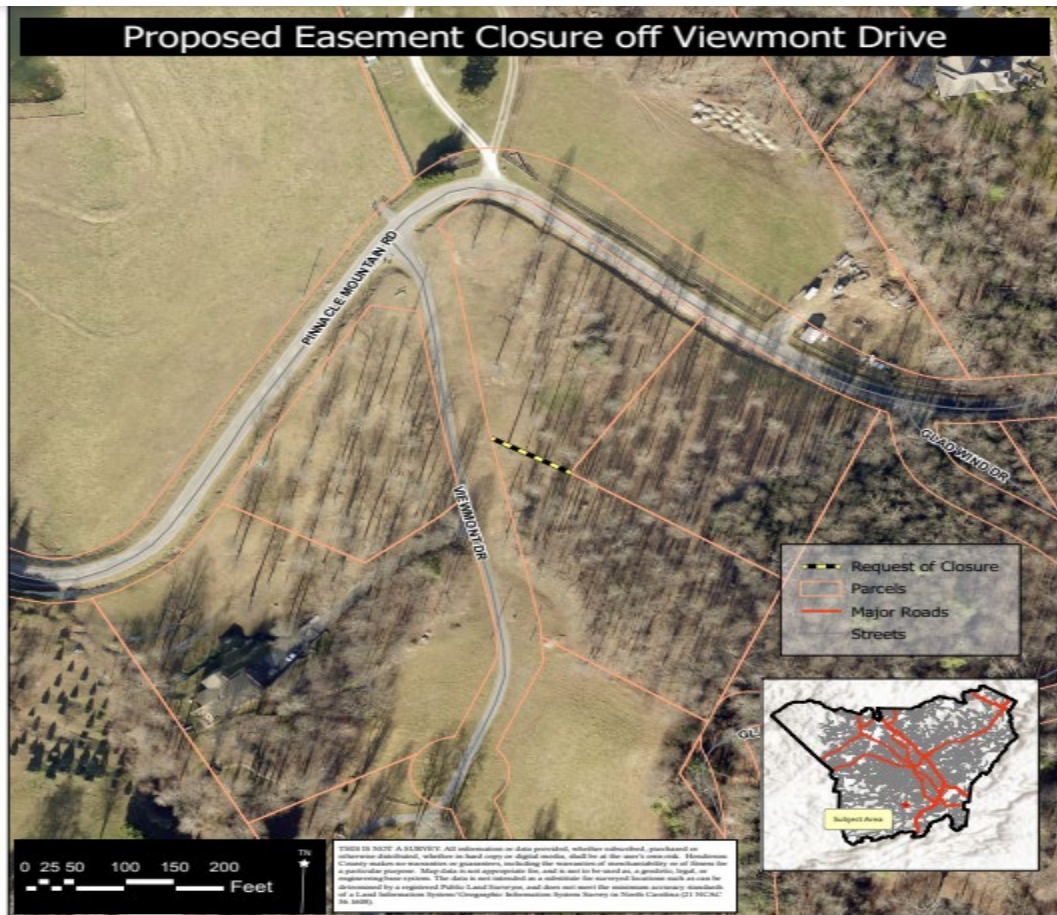
2023.09 Public Hearing to Consider Closing of an Easement

Commissioner Hill noted that the property owner of the parcel in the proposed easement closure is a client of his surveying company. Although he has not completed work on this particular project, he asked to be recused from the Public Hearing.

Vice-Chair Edney made the motion that Commissioner Hill be recused from the Public Hearing. All voted in favor, and the motion carried.

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

This public hearing was scheduled in the matter of the closing of 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. The easement proposed to be closed is shown on the map below.



Public Input. There was none.

Vice-Chair Edney made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion to approve the closing of the easement as presented. All voted in favor,

and the motion carried.

DISCUSSION

Information Technology (IT) Update

Information Technology Director Mark Seelenbacher provided the Board with a report on Cybersecurity matters and other IT-related items.



Device and User Information

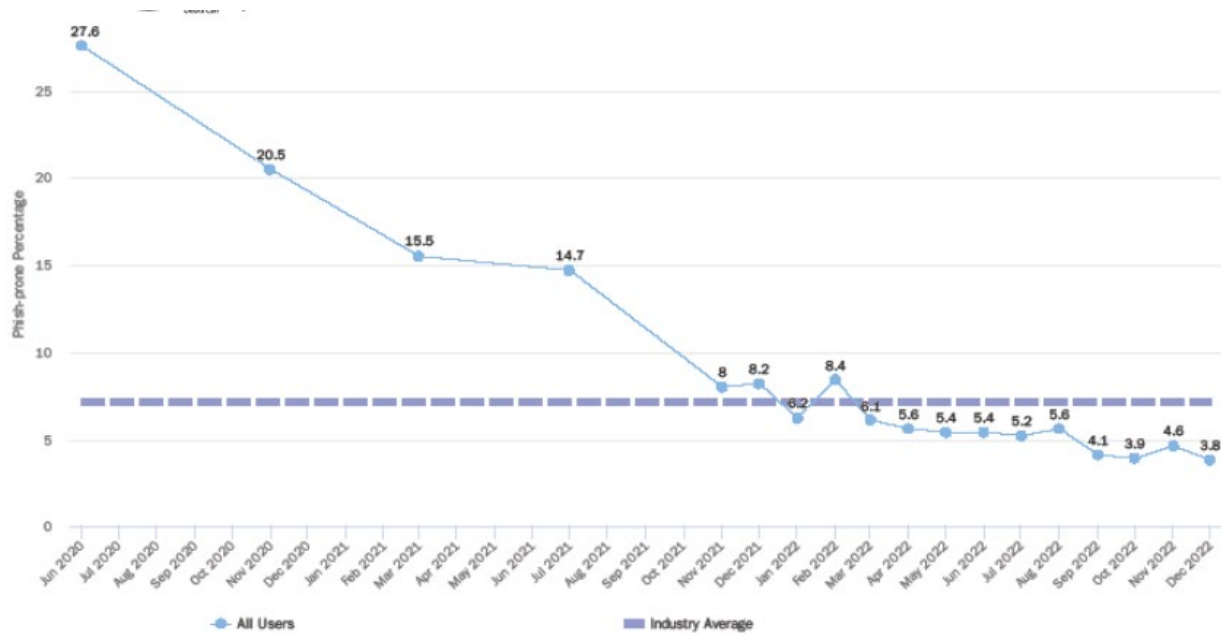
Information Technology

2023 Cybersecurity Report

- 1093 Active Users (incl. all full and part-time staff)
- Approximately 1,500 devices
- 676 Mobile Devices
 - County-owned cell phones
 - Tablets/Laptops with active WWAN
 - Does not include personal devices for which employees receive stipend

Phish-prone Percentage By Group

This report displays the average Phish-prone Percentage of selected users.



Report Details

User Groups: All Users

Date Range: Entire History (04/01/2020 - 12/28/2022)

Selections without relevant data will not appear on this report.

Application Management

- Users do not have the ability to install programs or applications *without* IT approval.
- Mobile Device Management in use to enforce county policies on mobile devices (e.g., no social media apps on county-owned devices)

Security Measures

- Endpoint Detection and Response (NextGen Antivirus)
- Advanced Firewall at the edge
- Internal Security Controls on the infrastructure (Access Control Lists)



IT Projects

- Several infrastructure projects currently in process to reduce our vulnerability footprint and improve management
- Data Protection
 - Backup and retention policy and process
 - Data Loss prevention policies
- Cybersecurity Incident Response Plan
- A/V System Upgrade – Commissioners’ Meeting Room
 - Road Show already deployed with same type of equipment that will be used in the Historic Courthouse

Chairman McCall asked about the status of the upgrade of the equipment in the King Street building. Mark Seelenbacher said the plan was to use a “quasi-mobile” solution in that location, which will be interchangeable with other systems used throughout the county.

Commissioner Andreotta said he asked Manager Mitchell to add this item to the agenda because he wants the public to know that the County is a good steward of its resources. In addition, there is a strong, competent cybersecurity team working daily to ensure county devices are safe.

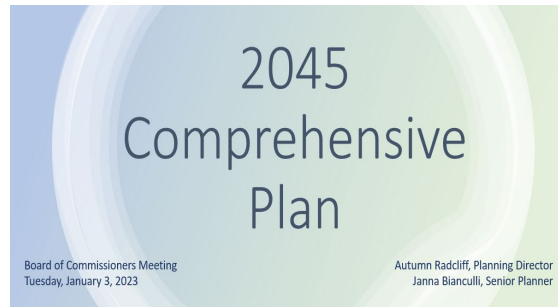
Vice-Chair McCall noted that Mr. Seelenbacher and Information Technology staff continue to provide educational opportunities and information to county employees to help identify possible security threats to prevent cybercrimes.

2045 Comprehensive Plan Workshop

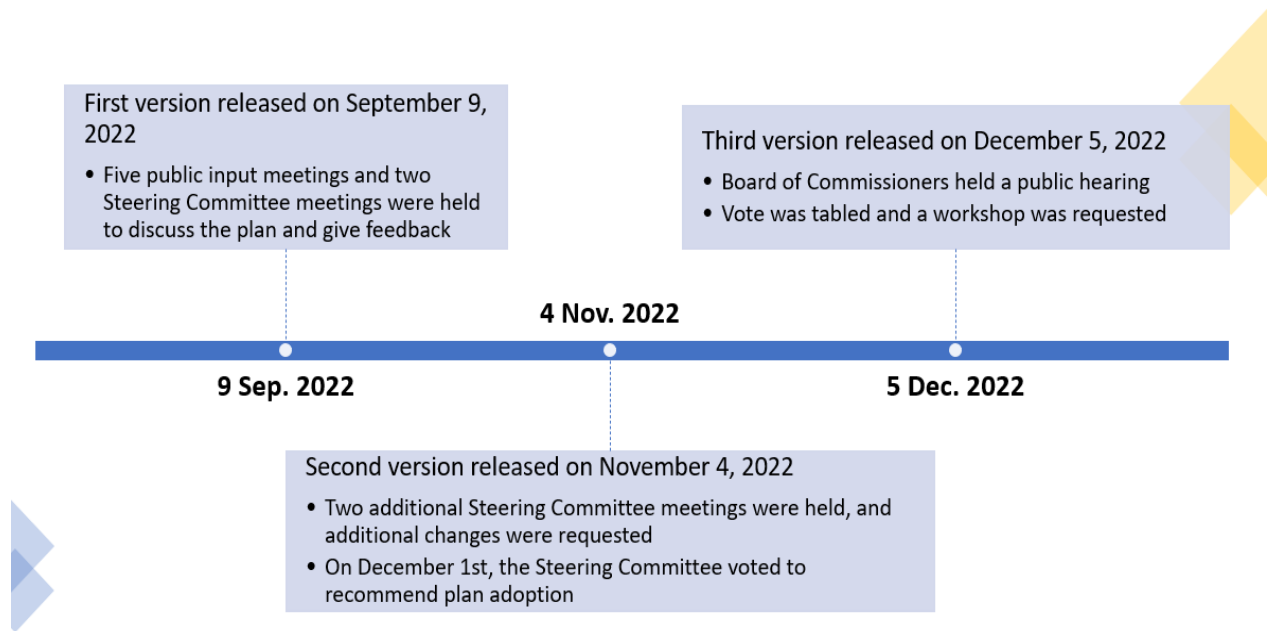
Autumn Radcliff and Janna Bianculli provided the Board with an overview of the 2045 Comprehensive Plan. Janna Bianculli clarified that the initial version of the plan was released on September 9, both online and to the Planning Board. Several public input meetings held throughout the county resulted in feedback from the community that was taken back and discussed with the steering committee. The second version was released on November 4; she clarified that there had been comments from the public that there was a November 10th version. However, that was simply a “copy” of the second version to correct typographical errors identified after the initial release date of November 4. The third version, released on December 5, resulted from a Planning Board special meeting held on December 1.

One of the changes recommended at the SCM held on December 1 was to soften some of the language used to ensure future Boards do not misunderstand the sentiment. Specifically in regards to recommendations being recommendations and not directives.

The Board of Commissioners held a Public Hearing December 5, and the consensus of the Board was to table the vote and schedule the workshop for tonight’s meeting.



Plan Versions



Plan Changes Based on Public Input

- Renamed terminology for clarity.
- Created recommendations and action steps related to preserving rural character.
- Created recommendations and action steps regarding development-related, environmental concerns.
- Reworded Goal 7 for clarity.

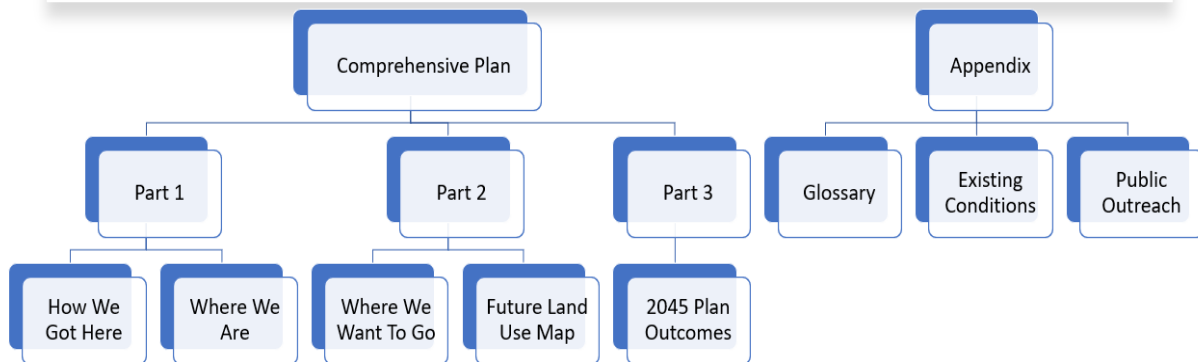
Plan Changes from County Committees & Departments

- Staff presented the draft plan to various boards and committees including the Transportation Advisory Committee, the Recreation Advisory Committee, the Environmental Advisory Committee, and the Board of Health.
- Staff also consulted other County departments regarding their areas of expertise. These include:
 - Cooperative Extension
 - [AgHC](#)
 - Health Department
 - Emergency Services
 - The Partnership

Plan Changes from Steering Committee

- A list of changes (from the November 4th version to the latest version) was submitted to the Board at their December 5th meeting.
- Changes included:
 - Softening language to ensure future boards do not misunderstand the sentiment.
 - Revisions to the history section.
 - Additional information on the County’s infrastructure like rail, telephone, and natural gas services.
 - Removal of recommendations related to design standards of non-residential development in rural areas, electric vehicle infrastructure, public art, and a regional sports council.
 - Clarifications on graphs and statistical information.
 - Additional recommendation to consider investment of a county-owned indoor and outdoor sports complex.

Plan Structure





Future Land Use Map

- The FLUM went through multiple iterations, but the final version was based upon a plethora of information from various sources.
- The map balances the necessity of development with the goals of the plan.
- It is important to note, the FLUM looks very different from the suitability maps.
 - It is not surprising that the same land that is suitable for commercial development is also suitable for industrial, or even a soccer field.
 - Our community chose to ensure *farmland and natural resource preservation* outweighed suitability for various types of development.

Next Steps



BOARD DISCUSSION

Commissioner Andreotta commended Autumn Radcliff, Janna Bianculli, the Planning Board, and Staff for their work in the development of the proposed 2045 Comprehensive Plan. However, he does not feel the Board should vote on the plan at tonight’s meeting. He stated the comp plan is visionary, not regulatory.

Commissioner Hill echoed Commissioner Andreotta’s comments and agreed that the Board does not need to vote on the plan at tonight’s meeting. He stated that the Comprehensive Plan is not a regulatory document. Developing the plan is a challenging endeavor; he asked for the public’s patience as the Board works through the process.

Commissioner Lapsley commended staff on their hard work and diligence in the development of the proposed 2045 Comprehensive Plan. He stated that when the Board approves a plan, it demonstrates the Board’s intent to follow the recommendations included in the plan. He was not prepared to vote at this time. Instead, he proposed that the Board review the plan piece by piece over the next several months before making a decision.

Vice-Chair Edney echoed the comments made by his colleagues commending the work of the Planning Board and Planning Department Staff. He wants to review the data presented prior to making a decision. He agrees that the Board needs to review the plan during the coming months.

Chairman McCall agrees that the Board needs to consider the plan piece by piece over the next several months before making a decision. She continued that when the 2020 Plan was adopted, there were 94,000 residents in Henderson County, whereas today, the current population is 124,000. She said growth is going to happen; it is the Board's responsibility to plan for it.

Chairman McCall said she would like to move forward with reviewing portions of the Plan at the Board's upcoming mid-month meetings with hopes of having a plan they can vote on before the end of the fiscal year.

Chairman McCall directed staff to include discussion of the Comprehensive Plan as part of mid-month meeting agendas until the plan is adopted.

Water and Sewer Committee (moved from the consent agenda)

The City of Hendersonville and the County have resolved to support a consolidated water and sewer utility commission. For this to take place, the operational details must be agreed upon.

Commissioner Andreotta proposed that the Board meet with City leaders to get acquainted and develop a strategy for the development of the Joint Water and Sewer Committee.

Commissioner Hill stated he believes the Board should have Commissioners Lapsley and Andreotta and Vice-Chair Edney represent the Board on the Water and Sewer Committee.

Commissioner Lapsley made the motion that the Board authorize the Chair to select two Commissioners to serve on the Joint Water and Sewer Committee, together and in equal numbers with members of the Hendersonville City Council, in order to agree to the operational details of a consolidated water and sewer commission.

After discussion, Commissioner Lapsley called the question and asked Chairman McCall to take the vote.

Commissioners Andreotta, Hill, and Vice-Chair Edney voted nay, and Chairman McCall and Commissioner Lapsley voted yay. The motion failed with a 3-2 vote.

Discussion continued on the number of Board members that would represent Henderson County on the Committee.

Vice-Chair Edney made the motion that the Board direct the Manager to discuss the shape of the joint board with the City of Hendersonville, such that at the mid-month January meeting, the board will select its designees to serve on that committee. All voted in favor, and the motion carried.

Overview of the Board's Mid-Month Budget Workshop (Add on)

John Mitchell provided an overview of what to expect at the upcoming Budget Workshop during the Board's mid-month meeting, which will be split into two days, Wednesday, January 18, and Thursday, January 19.

John Mitchell stated that on the first day, Henderson County Public Schools, the Sheriff's Office, Blue Ridge Community College, and the Partnership for Economic Development would be present to share their four-year plans with the Board. This will allow the Board to take a deep dive into

our local government and its vision for the next four years. He hopes to speak to the Community organizations on that day. The Board will also be requested to look at some of the larger capital projects; this will determine a lot about debt service in the future.

The next day, the intention is to hear from Henderson County Departments about their four-year plans, leaving the afternoon open for Board discussion. This is the workshop phase, and direction received from the Board will aid in budget staff beginning to craft the budget for the next fiscal year.

Chairman McCall said this would be a day and a half, possibly two full days of meetings, and, in the interest of time, recommends not having a public comment period at the meeting.

NOMINATIONS AND APPOINTMENTS

1. Henderson County Board of Equalization and Review– 1 vac.

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

2. Henderson County Planning Board – 1 vac. (Add on)

Commissioner Lapsley made the motion to nominate Linda Bradley for the recently vacant position #8, which was created as a result of Jennifer Balkcom's election to the NC House of Representatives. All voted in favor, and the motion carried.

3. Henderson County Zoning Board of Adjustment – 1 vac.

Chairman Mccall made the motion to nominate Stephen Mace to position #5. All voted in favor, and the motion carried.

4. Historic Resources Committee – 1 vac.

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

5. Home and Community Care Block Grant Committee – 1 vac.

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

6. Juvenile Crime Prevention Council – 4 vacs.

Vice-Chair Edney made the motion to move current JCPC member Lynette Oliver from "at large" position #25 to recently vacant position #9, "Substance Abuse Professional." All voted in favor, and the motion carried.

7. 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 Lapsley asked Staff if the 2023 Tax Valuations had been mailed. Amy Brantley said that the valuations had not yet been mailed. The new valuations became effective January 1, 2023; however, those will be mailed in mid-February. Commissioner Lapsley asked the reason for holding the valuations until mid-February. Tax Director Darlene Burgess stated that the lapse is due to Staff time spent capturing recent building permit activity and construction percentages that must be obtained before the valuations go out. She noted that during the 2019 reappraisal, the notices were mailed the third week of February. There was some discussion regarding the amount of time allowed for citizens with objections to the 2023 Valuations to appeal. Darlene Burgess explained that citizens have until the Board of Equalization and Review convenes on April 14th, to file an informal appeal with the Tax Assessor's office. After the Board convenes, the Assessor loses his or her ability to change the values. However, citizens continue to have the

opportunity to appeal the Board of Equalization and Review until May 15th when the Board adjourns.

Vice-Chair Edney stated that the past years had been amazing, with varying extremes of high and low periods. However, he believes the community has come through those times quite well. He considers our community to be like a family that agrees to disagree on things, but overall we are blessed.

Commissioner Hill noted that our local County agencies work together well. He noted that Item E in the consent agenda (Surplus and Donation of Power Load Cot Fastener(s) to the Henderson County Rescue Squad) was an instance where the County had a surplus of power loaders for EMS ambulances and chose to donate those to the Rescue Squad. He wants the public to know that the County does work well with its inter-agencies.

Commissioner Andreotta wished the Clerk to the Board, Denisa Lauffer, a Happy Birthday. He then encouraged everyone to recycle leftover recyclable Christmas items by utilizing the Henderson County Convenience Center on Stoney Mountain Road. He noted that the Convenience Center now has the ability to recycle Styrofoam in addition to paper and cardboard items.

Chairman McCall shared that she recently collapsed at church on Christmas Day. She commended the Henderson County EMS Department and noted the quick response time for paramedics Amy Carter and Tabitha Perez to arrive at the scene. She expressed her appreciation to EMS and felt she received exemplary care throughout her experience.

COUNTY MANAGER'S REPORT

County Manager John Mitchell introduced Mike Morgan, the newest addition to the county team. Mr. Morgan will serve as the Chief Communications Director for the County. Mr. Morgan is a long-time county resident and a Wingate College graduate. He comes to the County with several years of experience in media and sports broadcasting.

Mr. Mitchell shared that a Christmas Tree Recycling Event would be held on January 7 at soccer field #6 in Jackson Park. In closing, he thanked recreation staff for their planning and preparation in the recent New Year's Eve Celebration held in the Historic Courthouse Courtyard. The event was a success and well attended.

In closing, per tradition, John Mitchell polled the Board for their predictions in the upcoming College Football Playoff National Championship Game on Monday, January 9, 2023.

Predictions were as follows:

Commissioner Edney – Georgia

Vice-Chair McCall – TCU

Chairman Lapsley – Georgia

Commissioner Hill – Georgia

Commissioner Andreotta – Georgia

Amy Brantley – TCU

John Mitchell – Georgia

Russ Burrell – Georgia

Chairman McCall made to motion to adjourn the meeting at 8:33 p.m. All voted in favor, and the motion carried 5-0.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Rebecca McCall, Chairman