

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, FEBRUARY 15, 2023**

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

Those present were Chairman 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 Analyst Jennifer Miranda, Engineer Marcus Jones, Sheriff Lowell Griffin, Facilities Director Andrew Griffin, Chief Communications Officer Mike Morgan, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Tax Assessor Darlene Burgess, IT Director Mark Seelenbacher, IT Infrastructure Manager Mike McKinney, Agribusiness Director Mark Williams, Emergency Management/Rescue Coordinator Jimmy Brissie, Human Resources Director Karen Ensley, Social Services Director Jerrie McFalls, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputy Tracy Davis provided security

### CALL TO ORDER/WELCOME

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

### INVOCATION

Chief Communications Officer Mike Morgan provided the invocation.

### PLEDGE OF ALLEGIANCE

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

### RESOLUTIONS AND RECOGNITIONS

#### **2023.26 Resolution - Honoring the Observance of “We Are Hope” Week in Henderson County Public Schools Middle & High Schools**

The Henderson County Board of Commissioners was requested to adopt a Resolution honoring the observance of “We Are Hope” week in Henderson County Public Schools Middle & High Schools from February 27 through March 3, 2023.

Chairman McCall read the resolution aloud and recognized the students in attendance for the adoption of the Resolution. Representatives from the schools were: East Henderson High School Maximiliano Ordorica Garduza and Ivy Gutierrez, Henderson County Career Academy: Lex McDonald and Imelda Ventura, Henderson County Early College: Fatima Tores, Hendersonville High School: Reece Wilson and Lillie Connett, North Henderson: Kalisha Price and Olivia Skinner, West Henderson High School: Cooper Hughes and Jesse Jakubielski and from East Henderson: Megan Broome.

**Resolution Honoring the Observance of  
“We Are Hope” Week in Henderson County Public Schools  
Middle & High Schools  
February 27 - March 3, 2023**

Approved: March 6, 2023

**WHEREAS**, substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavioral, psychological, and social consequences; and

**WHEREAS**, there were 106,872 drug overdose deaths in the United States in twelve months ending April 2022, with opioids involved in 80,593 drug overdose deaths during the same period;<sup>1</sup> and

**WHEREAS**, substance and alcohol abuse continues to occur among children and youth in our society: in 2019 (the last period for which there are statistics), 37.8 percent of high school students in North Carolina smoked cigarettes or used electronic vapor products, 24.2 percent drank alcohol, 22.1 percent used marijuana, 4.8 percent used cocaine, and 16.6 percent took prescription drugs without a doctor’s prescription, according to the Centers for Disease Control and Prevention’s North Carolina, High School Youth Risk Behavior Survey, 2019<sup>2</sup>, and

**WHEREAS**, student leaders in Henderson County Public Schools’ six high schools and four middle schools have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana, and prescription drug use and abuse; and

**WHEREAS**, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Henderson County Career Academy, Henderson County Early College, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

**NOW THEREFORE BE IT RESOLVED**, by the Henderson County Board of Commissioners, that February 27 through March 3, 2023, be observed in Henderson County Public Schools’ middle and high schools as “We Are Hope” substance abuse awareness week.

Adopted this the 15<sup>th</sup> day of February, 2023.

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

Chairman McCall presented the newly adopted Resolution to Henderson County Public Schools Superintendent Mark Garrett. Mr. Garrett thanked the Board for their recognition of students that have taken the pledge to participate in “We are Hope” week.

**INFORMAL PUBLIC COMMENT**

1. Dennis Justice spoke regarding Senate Bill 103.
2. Angie Bell spoke about the 2045 Comprehensive Plan. She stated that working people could not afford to live and work in Henderson County,

**DISCUSSION/ADJUSTMENT OF AGENDA**

Commissioner Andreotta requested to add Discussion Item - Tax Reappraisal.

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<sup>1</sup> <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>  
<sup>2</sup> <https://ncdd.cdc.gov/YouthOnline/App/Results.aspx?LID=NC>

Approved:

Commissioner Hill pulled Consent Agenda Item F – Parks and Recreation – Edneyville Community Center Donation and added it as a Discussion Item.

*Vice-Chair Edney made the motion to adopt the agenda with the revisions discussed. All voted in favor, and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

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

February 6, 2023 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of February 6, 2023.*

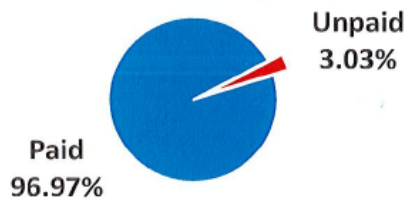
**Tax Collector’s Report**

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

Please find outlined below collections information through January 25, 2023 for 2022 real and personal proper bills mailed on August 5, 2022. Vehicles taxes are billed monthly by NC DMV.

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

<b>2021 Beginning Charge:</b>	<b>\$91,627,197.91</b>
Discoveries & Imm. Irreg.:	\$761,613.15
Releases & Refunds:	<b>(\$1,084,762.74)</b>
<u>Net Charge:</u>	<u>\$91,304,048.32</u>
Unpaid Taxes:	\$2,766,005.07
<b>Amount Collected:</b>	<b>\$88,538,043.25</b>



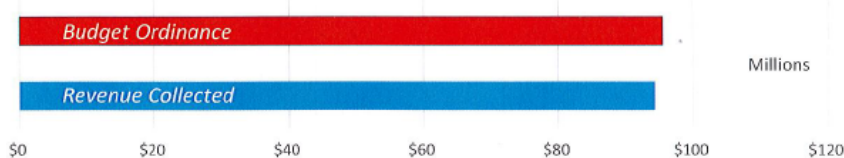
**Henderson County Registered Motor Vehicles (As Collected by NC DMV):**

Net Charge:	\$5,144,522.82
Unpaid Taxes:	\$14,647.15
<b>Amount Collected:</b>	<b>\$5,129,875.67</b>

**99.72%**

**Henderson County FY22 Budget Analysis:**

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$94,458,998.00	\$93,667,918.92
Prior Years:	\$981,000.00	\$566,458.95
<b>Budget Total:</b>	<b>\$95,439,998.00</b>	<b>YTD Revenue: \$94,234,377.87</b>



**Construction Manager at Risk – West Henderson Addition and Renovation Project**

The Board was requested to review the RFQ selection of Carolina Specialties Construction and authorize staff to proceed with the negotiations of CMR services.

Approved:

The Statements of Qualifications received were from Vannoy Construction, Carolina Specialties Construction, Samet Construction, and H&M Constructors.

Motion:

*I move the Board approve the selection of Carolina Specialties Construction as the Construction Manager at Risk for the Henderson County Public Schools, West Henderson High School Addition and Renovation Project, and direct Staff to negotiate an agreement.*

**2023.27 Resolution of Support for Ecusta Trail Construction – FY2023 RAISE Application**

Henderson County provided a resolution of support for NCDOT to make a grant application for NSFLTP funds for the unfunded construction of the Ecusta Trail from the City of Hendersonville to the City of Brevard. Although NCDOT remains optimistic, NSFLTP grant awards have not been announced.

To secure project success and continue to move forward with construction, NCDOT is partnering on an application for the RAISE grant. NCDOT may apply for up to three RAISE applications, which have already been selected. NCDOT will be a partnering agency on this application. If the RAISE funds are awarded, NCDOT will administer the grant and oversee the construction in coordination with the local governments. As the majority of the construction ask is within Transylvania County, the City of Brevard has agreed to be the grant applicant since they are leasing that portion of the trail. Henderson County’s portion of the RAISE grant request is for the projected cost increases on the trail portion in Henderson County from US 64 to the county line. Local match for this grant and previous STBG funding is provided through Henderson County’s TDA and Friends of the Ecusta Trail. NCDOT believes that including the Henderson County portion will make the grant more competitive and ensure that the entire 19-mile trail corridor is constructed. A resolution of support from Henderson County was requested for the grant application.

***A RESOLUTION SUPPORTING AN APPLICATION FOR RAISE DISCRETIONARY GRANT PROGRAM FOR THE ECUSTA TRAIL***

- WHEREAS,** Henderson County, North Carolina Department of Transportation (NCDOT), and the French Board River Metropolitan Planning Organization share commitment to complete the Ecusta Trail to provide healthy and efficient alternative modes of transportation; and
- WHEREAS,** the Henderson County Comprehensive Plan and draft 2045 Comprehensive Plan prioritizes the creation of multi-modal connectivity; and
- WHEREAS,** the Ecusta Trail is a 19-mile regional trail system connecting the county seats of Henderson and Transylvania with the Pisgah National Forest and Blue Ridge Parkway, which will bring recreational, public health, and economic benefits to local residents and businesses as well as regionally; and
- WHEREAS,** the Henderson County Greenway Master Plan, adopted in April of 2019, identified the Ecusta Trail as one of three priority greenways; and
- WHEREAS,** Henderson County has secured over \$15.5 million in Surface Transportation Block Grant funds for the Ecusta Trail; and
- WHEREAS,** Henderson County Tourism Development Authority is supportive of the trail, and its benefits to tourism and is committed to providing the required local match from tourism revenue; and

Approved:

**WHEREAS,** the adjacent local governments, including Henderson County, City of Hendersonville, Town of Laurel Park, Transylvania County, and City of Brevard, are in partnership to accomplish this historic project; and

**WHEREAS,** the Henderson County Board of Commissioners recognizes the public support for the creation of the trail;

**NOW, THEREFORE, BE IT RESOLVED,** that the Henderson County Board of Commissioners support a partnership with NCDOT and an application for the RAISE Discretionary Grant Program by the City of Brevard for the construction of the Ecusta Trail in Henderson and Transylvania Counties.

**ADOPTED;** this the 15th day of February 2023.

Motion:

*I move the Board approve the resolution of support for the RAISE grant application for construction of the remaining unfunded section of the Ecusta Rail Trail.*

**Vaya Health – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended December 31, 2022**

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Vaya Health was received by the County Finance Officer on January 31, 2023, and is attached to these minutes.

Motion:

*I move that the Board of Commissioners approve the Vaya Health Fiscal Monitoring Report for the quarter ended December 31, 2022.*

**2023.28 Relocation of Duke Energy Line**

Mountain Home Fire & Rescue Department, Inc. requested the relocation of an existing electrical service line (approximate location shown as a broken green line on the sketch below) to allow their use of the newly acquired property. The new location will be approximately as shown as a broken purple line on the sketch. The new location crosses real estate owned by the County.



Approved:

**Motion:**

*I move that the Board execute the new easement form in favor of Duke Energy in accordance with their request.*

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

**DISCUSSION****Teen Court Update**

Dr. Michelle Geiser, Program Director with Hope Coalition, updated the Board on the proposed Teen Court project for Henderson County. She informed the Board that since the Board's February 6, 2023, meeting when the Coalition initially presented a proposal to the Board for the use of the 95 Courthouse for the Teen Court project, the Coalition had received tentative approval from the City of Hendersonville to use the City Operations Building for Teen Court proceedings.

Dr. Geiser stated that a Resolution would be presented at Council's March meeting for approval. She also said that Stand Tall had agreed to pay for the security officers required for the project.

Chairman McCall asked Dr. Geiser to update the Board on the program's success once it has been established.

**Construction Projects Update**

Bryan Rhodes and Chris Todd updated the Board on construction projects around Henderson County.

**Capital Projects**

Bryan Rhodes informed the Board that Staff has met with the architect (MPS) and the Construction manager at risk (Blum Construction) for the VFW Renovation Project. Both continue to work on pricing exercises.

Blum has developed a construction schedule of approximately 12 months, with a tentative start date of July 1, 2023. He said Staff was reviewing pricing as we work toward a GMP (guaranteed maximum price).

Commissioner Lapsley asked why the tentative start date is delayed to July 1<sup>st</sup>.

Chris Todd said what is happening currently and is generally expected, and why they get the CM onboard, is going through the pricing activity. He said the fee came in slightly over budget, and they (staff) want to ensure that it is fine-tuned and evaluated before bringing it back before the Board. Once that number is down with their consultants, there will be a formal bid in order to get the GMP price. Once that is done, it will be brought back before the Board. He added that the process would be expedited as much as possible to improve that July 1 start date.

Commissioner Lapsley said that while he understood the explanation, he had to share his disappointment in the delay in starting the project, as it has been discussed for a long time.

Mr. Rhodes continued the update with the Judiciary Complex Annex and Renovation Project (JCAR). He said the CMR selection committee had been established and began its review that week. That selection committee will forward a scored ranking of all the applicants to the Board by the mid-March meeting.

Approved:

# BRCC MRTS Projects

**As for FY 22-23, there are numerous projects that are underway or complete.**

- Patton Parking Lot Paving – The BOC has chosen Tarheel Paving & Asphalt Co., as the awarded contractor, through the formal bid process. This job will start as soon as the weather conditions meet NCDOT paving specs.
- Patton Roof Project – We had a mandatory Pre-Bid on 2/1/23 and have a scheduled public bid opening, at 2:00pm today, for this project.
- Sink Building LED Lights – Room #117, Cosmetology, and the Bo Thomas Auditorium and Galleria, all 3 projects are now complete and awaiting the final billing.
- TEDC Boiler #1 – No status change - The contractor has been selected by the RFP process (Bolton Construction), and parts have been ordered.
- TEDC Chiller #2 – No status change - The contractor has been selected by the RFP process (Superior Mechanical Services), and parts have been ordered
- TEDC Hot Water Tanks – TP Howard’s Plumbing has now finished, and this project is complete.

**\*Blue Ridge Community College - MRTS Project Status – January 2023**

Project	% Expended/Encumbered	Project Status
Flat Rock Building		
Classroom and Office Furniture	100%	In progress
Killian		
LED Lighting	0%	In progress
Sink		
Boiler Repair	95%	In progress
LED Lighting	71%	In progress
Spearman		
Upgrade Power	100%	In progress
Welding Storage	100%	In progress
Machine Shop HVAC	100%	In progress
Light Replacement	0%	In progress
Technology Education & Development		
Replace Chiller-1	100%	In progress
Hot Water Tank/Pump Replacement	97%	In progress
Replace Chiller-2	97%	In progress
Replace Boiler-1	45%	In progress
Renovations to Room 102	0%	In progress
Patton Building		
Roof Replacement	11.99%	In progress
Paving/Parking Lot	3.08%	In progress
Campus Wide Improvements		
Wayfinding Signage	99%	In progress
Pavement and Parking Lot Repair	100%	
Privacy Fence – Duck Pond Drive	0%	In progress
Additional Classroom Space		
Patton Project Debt Service	100%	In progress

**\*For detailed information on these projects, please visit [hendersoncountync.gov](http://hendersoncountync.gov) and click on the Education Maintenance, Repair, Technology and Security Initiatives 2022 link under Current Interests**

Approved:

## HCPS MRTS Projects

### **School Security Camera System**

- Middle and High Schools – HCPS and Haynes Tech Staff worked through the technical difficulties, which have been resolved. The project is expected to be complete by the end of this week
- Haynes Technologies will begin work in the Elementary Schools (Phase 2), next week. Almost all the equipment ordered has arrived for phase 2 and the remaining few items should arrive before they start.

## HCPS MRTS Projects

### **West Henderson High Renovation and Addition**

- Staff has been moving forward with programming and design, with the selected architect LS3P.
- Staff has also published an RFQ for CMR services for this project and have forwarded the committee rankings to the Board of Commissioners.

## HCPS MRTS Projects

### **Upward Elementary Cafeteria Renovation and Secure Entry**

- Project Management and Finance Staff have secured a contract for Clark Nexsen Architecture.
- Staff will list a RFQ for CMR services in next weeks paper, to parallel the design.

Approved:



Chairman McCall noted that the Upward project has been in talks since 2019 and still needs a start date on the calendar. Vice-Chair Edney added that the Bus Garage project had been discussed since 1988.

<b>*Henderson County Public Schools - MRTS Project Status – January 2023</b>		
<b>Project</b>	<b>% Expended/Encumbered</b>	<b>Project Status</b>
<b>Elementary Schools</b>		
Upward – Entrance/Cafeteria	0%	Not started
Security Cameras	100%	In progress
<b>Middle Schools</b>		
Security Cameras	61%	In progress
<b>High Schools</b>		
Security Cameras	63%	In progress
East – Gym Roof Replacement	100%	Complete
West – Y – Hall Classroom Roofs	100%	Complete
West – V – Hall Classroom Roofs	100%	Complete
West – Renovations and Additions	6%	Not started
<b>System Wide Projects</b>		
Project Empower Chromebooks	0%	In progress
Unallocated	0%	Not started
Paving – Unspecified	8%	In progress
Maintenance Warehouse A&E	83%	In progress
Maintenance Warehouse	94%	In progress
Roofing A&E	94%	In progress
Bus Garage Planning & Design	100%	In progress

**\*For detailed information on these projects, please visit [hendersoncountync.gov](http://hendersoncountync.gov) and click on the Education Maintenance, Repair, Technology and Security Initiatives 2022 link under Current Interests**

Chairman McCall asked for an update on the Jackson Park All-Inclusive Playground project. Chris Todd said he was excited to share that dirt is moving, and walls are being built on that project. He expects the earthwork to be completed in the next few weeks, depending on the weather. In addition, a portion of the playground equipment has been delivered. He hopes to have the playground open sometime this April.

**GREAT Grant**

Chris Todd provided the Board with a brief Broadband update.

Approved:

- Henderson County was sent template three party agreements by the NCDIT on January 27<sup>th</sup>.
  - The three-party agreement will be between the County, Optimum, and NCDIT
- Staff is currently working with Optimum to review the three-party agreement
- Staff is currently working to have a draft to the Board of Commissioners as part of their first meeting in April

Commissioner Andreotta asked Staff to provide an update to the Broadband Task Force at their next meeting. He asked if there was any movement regarding the CAB grant. Chris Todd said that the CAB grant program requires that a contract is in place with the GREAT grant before moving toward CAB. He said the State keeps revising the rules and has yet to make a decision on how that program will work.

Commissioner Hill asked what the time frame was for the GREAT grant and if there was a deadline that all funds must be spent. Mr. Todd said he believed the funds must be spent within two years once the agreement is in place.

Chairman McCall asked how many of the projects currently in progress are funded with ARP funds. Amy Brantley said that the VFW and EMS Base #6 are the two largest; those projects represent \$7.5M of the \$10M.

Chairman McCall would like an update on the expenditure of those funds at the next meeting.

John Mitchell asked Marcus Jones to provide a brief update on the progress of the Rail Trail and the status of the EMS Station in Fletcher.

Marcus Jones said that on the EMS Base #6 project, the architect had released the geotechnical and survey. He said the project is expected to move into the design phase soon.

On the Rail Trail project, Mr. Jones stated that the momentum behind that project is extraordinary, and he is pleased to be part of it. He said the consultant had completed the 90% plans for the trail, the section from Main Street in Hendersonville to HWY64 in Horse Shoe. The 90% plan is a complete plan set that will be in the process of being submitted to the permitting agencies. At that point, the comments from the permitting agencies will be wrapped into the 90% plans and become the 100% plans or the construction documents that he expects to have in hand in April. They will then go to bid and have a contractor this summer, and he says we are still on track for the completion of that section of the trail by the end of the calendar year. He said that is an aggressive schedule, but thinks it is possible.

Mr. Jones said the budget is marrying up revenue sources, multiple revenue sources nicely with the 90% estimate. He said they are still working on the 90% cost estimates. He anticipates little movement from the 30% estimate.

Commissioner Lapsley said he has reviewed the plans and believes the plans are good. The engineers and consultants involved have all done an excellent job, but he wanted to go on record in stating that the 90% plans do not include any provision for parking to allow people to access the trail. He has concerns about

Approved:

this and believes it will invite negative feedback if the trail is built and does not include significant parking access at various points along the trail. He expects extensive use of the trail and envisions people accessing the trail by parking along the trail, roadsides, and private property. He urged Staff to make every effort to identify parking places and include them in the initial construction.

Chairman McCall asked if the Rail Trail Advisory Committee had discussed the issue of parking. Marcus Jones said yes, that it had come up with the RTAC. He added that the parking had not been neglected, and they certainly could be wrong in their approach, but the parking efforts are being modeled after the Swamp Rabbit Trail in Upstate SC. When the Swamp Rabbit Trail was constructed, the trail was built, and then they let private businesses open up their parking, open up parking opportunities, and after a certain amount of time, went back to evaluate and identify where the deficits were with parking, and that is where they focused their efforts on public paid parking. He said the intent is not to have public parking but to pinpoint the locations based on need and give the opportunity to the businesses beforehand. He said that while it is not an STBG grant-eligible item, it could certainly be incorporated if the Board deems it necessary.

John Mitchell stated that staff would need to come before the Board after the comments are received from the 90% and after staff receives the 100%, and before it goes to bid to show a plan or part of the plan of where the parking areas would be located.

Vice-Chair Edney asked if Mr. Mitchell was suggesting that Staff and/or volunteers talk to businesses along the trail to see what their plans are and see if some sort of planning can be incorporated so everyone will be aware of what is happening. Mr. Mitchell said yes, that is correct.

Marcus Jones said those spaces were identified in the 30% plan set, and discussions with RTAC on the 30% submittal were how they were removed from the construction plan. However, he added that there is still time to revisit that item if needed.

Chairman McCall said she has been asked how people will cross HWY64 in Horse Shoe. Mr. Jones said the HWY64 crossing in Horse Shoe is included in the project. He said a signalized crossing had been included with phase one of the trail. This incorporates Battle Creek Road, Hwy64, and the trail in the signalized crossing.

*The Board agreed to rearrange the order of the discussion items to have the 2045 Comprehensive Plan as the last discussion item.*

### **Tax Reappraisal (Add on)**

Commissioner Andreotta added this item to quell concerns he has heard from county taxpayers regarding the tax reappraisals that property owners have received in the last week. He said the Tax Revaluation has been on a four-year cycle since 1995. Stating he would make a bold statement, he said, “no one’s property taxes have gone up one penny at this moment.” Because it is the policy of Henderson County to set a tax rate to try to keep everything as even and level as possible, considering the financial burden on county taxpayers.

Commissioner Andreotta stated that NC State Statute requires the Board to calculate and publish a revenue-neutral rate, which they will do. He said he will not support any budget or tax rate that is neither at/or negatively close to revenue neutral.

Approved:

He said that in the economic and financial world, bad news does not derail an economy; one word does. That word is uncertainty.

Commissioner Andreotta proposed that the Board set and announce what the tax rate will be by mid-March to take away some of the fear and uncertainty felt by county citizens as a result of the recent tax revaluation that had shown an average increase of 48%.

Vice-Chair Edney asked if the Tax Assessor would have a final number on collections on FY23 by mid-March. Darlene Burgess said no, those numbers would be available at the end of June.

Vice-Chair Edney does not think trying to set the tax rate in March is reasonable. That would be too early in the budget process.

County Attorney Russ Burrell said the tax rate may be adopted once and cannot be changed once set.

Chairman McCall clarified that the tax rate is set every year, not a four-year basis.

Vice-Chair Edney stated for the benefit of the public that appeals may be filed to tax revaluations until the May 15, 2023, deadline.

After discussion, it was the consensus of the Board not to change the Board's standard budget process.

### **2023.29 Parks and Recreation – Edneyville Community Center Donation (Pulled from Consent Agenda)**

Commissioner Hill said a donation request had been received from the Edneyville Community Center Association in the amount of \$65,745.46 designated for Edneyville Community Center Park improvements. The funds are intended to be used to install a multi-use court. Commissioner Hill wanted to make the public aware and commend those private organizations that do a tremendous amount for County Parks and Recreation and many other branches of our community.

Staff requested the Board appropriate fund balance in the amount of \$5,000, received in FY2022, designated for use at the Edneyville Community Center Park.

*Commissioner Hill made the motion to approve the donation from the Edneyville Community Center and the budget amendment. All voted in favor, and the motion carried.*

### **2045 Comprehensive Plan Update**

Starting in July 2021, the County embarked on developing its new comprehensive plan. Over the course of 19 months, thousands of community members actively participated in the planning process to shape the plan's vision for 2045. The December 5<sup>th</sup> draft plan was formally recommended by the Planning Board (pursuant to NCGS) and was presented to the Board at their December meeting. The Board decided to review at least two goals at their mid-month meetings. Plan Outcome 1 was provided for reference. It contained goals 1 -3.

In an effort to provide clarification and address concerns voiced by the public, the following excerpt is quoted from the NC General Statute § 160D-501. Part C states, "Plans adopted under this Chapter shall be

Approved:

advisory in nature without independent regulatory effect. Part C also states, “Plans adopted under this Chapter shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605.” Just like the current comprehensive plan, the draft plan would not supersede the County’s codified ordinances, nor would it bind the government to implement all statements contained therein.

Chris Todd provided a brief overview of the 2045 Comprehensive Plan.



**2045  
Comprehensive  
Plan**

GROWING OUR FUTURE

### 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 decisions, but it should not regulate land uses. The Land Development Code and other County ordinances are the regulatory documents.

**COMMUNITY  
DRIVEN**

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

Approved:

# How Will the Plan be Used?

GUIDE LAND DEVELOPMENT DECISIONS

DIRECT COUNTY INVESTMENTS

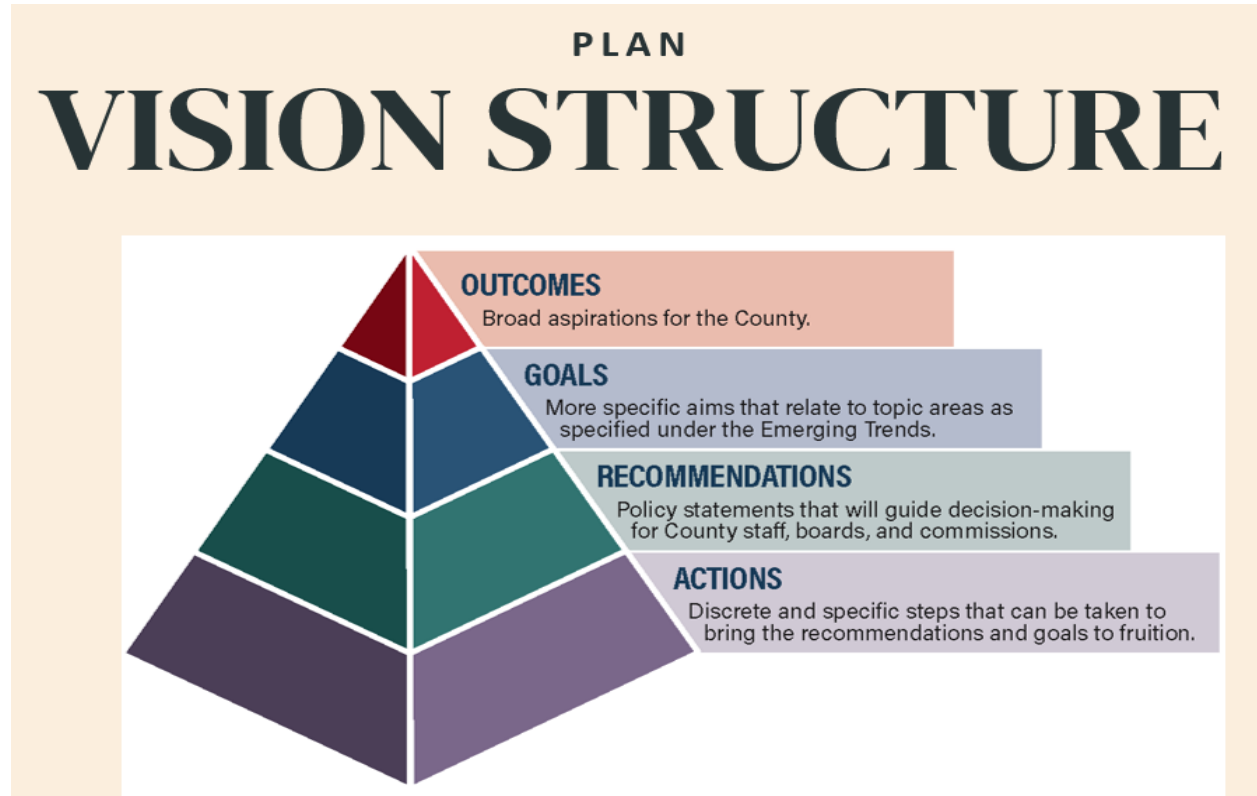
SUPPORT MULTIPLE DEPARTMENTS

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, 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.

Chris Todd said crafting the 2045 Comprehensive Plan started with planning staff mailing a survey to every taxpayer in the County. He said every one of those survey results was taken into account. Staff then met with many different stakeholder groups and went through the analysis of the data received. At that point, they began the process of working with the Steering Committee and the Planning Board to develop what the Plan would look like.



Approved:



**PLAN**

# OUTCOMES

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

Approved:

**PLAN GOALS**

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

## 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.

Chris Todd stated that the plan would be reviewed every five years and fully updated in ten years to coincide with the census. Census data can help inform of other significant changes that need to occur.

## Next Steps

**1**

Vote to adopt the 2045 Comprehensive Plan, which will officially replace the current CCP

- The BOC must vote to adopt the plan

**2**

Begin Implementation Plan with the Planning Board

- Work through plan goals and prioritize recommendations and action steps

**3**

Achieve plan goals over the next 22 years!

Approved:



At this point, Mr. Todd turned to the Board discussion. The document’s text was presented for the Board to consider line by line.

Chairman McCall noted that County Historian Jenny Giles had reviewed the history section of the document. She said Ms. Giles is currently rewriting some of the text in that section and the timeline. The revised section will be provided for review once completed.

Chairman McCall was in attendance at the workshop that the Planning Board held. She said the Planning Board took one section at a time and asked for input regarding any changes that may need to be made.

Commissioner Lapsley said he felt it was important for members of the Board to understand the implications of each item included in the proposed plan. With that in mind, he believes the Board should read each line and offer their input.

Assistant County Manager Amy Brantley made the requested changes to the document in real-time. The changes recommended by the Board are highlighted in red in the following documents.

# GOAL 1: COORDINATE DEVELOPMENT NEAR EXISTING COMMUNITY ANCHORS

## RECOMMENDATIONS

**Rec 1.1: Grow intentionally where infrastructure and services exist, in and around municipalities, community investments, and anchors.**

- A: Coordinate with municipalities and other service providers to update the Utility Service Area (USA) and utility service agreements to best fit the Future Land Use Map and municipal land use plans.
- B: Encourage higher-density residential developments to be located within the USA.
- C: Locate commercial and residential growth near community anchors (i.e. Neighborhood Anchors and Community Centers on the FLU Map).
- D: Utilize appropriate tools such as utility provision, increased density or other incentives, zoning overlays, and FLU consistency statements to encourage growth in-line with the Future Land Use Map.

~~E: Continue density bonuses for conservation subdivisions with access to water and sewer and evaluate additional density bonuses for the incorporation of workforce housing in new developments.~~

~~F: Develop an overlay district within the Ednoyville Sewer service area prior to construction. This overlay would limit uses that are incompatible with the existing rural, agricultural area.~~

~~G: Preserve a portion of Ednoyville Sewer capacity for industrial and agriculture uses.~~

H: Develop a mechanism that could ~~joint overlay district with the Town of Laurel Park and the City of Hendersonville for the Ecusta Rail Trail.~~ This overlay could expand allowable uses that are compatible with the Ecusta Rail trail. ~~It may also include additional design criteria for properties adjacent to the trail.~~

I: Ensure zoning districts around Neighborhood Anchors and Community Centers allow, by right, consistent land uses.

**Rec 1.2: Use available zoning tools to encourage context-appropriate rural businesses.**

- A: Continue to allow for administrative approval for small to medium-scale uses that meet basic standards in rural areas (e.g. AG on FLU).
- B: Modify thresholds for administrative approval ~~versus conditional zoning or special use permit~~ requirements for certain types or sizes of new nonresidential uses.
- C: Collaborate with the Henderson County Partnership for Economic Development to encourage redevelopment of underutilized industrial and/or commercial properties.
- D: The size and intensity of uses in Neighborhood Anchors should be evaluated to maintain the local business economy.

Approved:

Planning Director Autumn Radcliff reminded the Board that this was a “general plan.” This goal needs to be achieved; the recommendations point in the direction of how we might go, either by setting policies or zoning. That, along with their discussion, would be a detailed conversation after the plan has been adopted. That is the kind of detailed follow-up that will happen during implementation.

Commissioner Lapsley clarified that the Board does not want overlay districts.

## GOAL 2: PROTECT AND CONSERVE RURAL CHARACTER AND AGRICULTURE

### RECOMMENDATIONS

#### Rec 2.1: Support agriculture as an economic driver.

- A: Continue to collaborate with Agribusiness Henderson County (AgHC) on supporting existing agriculture ~~and land use planning—efforts related to agriculture, economic development and land use.~~
- B: Recruit and prepare the next generation of farmers through the 4-H and Future Farmers of America (FFA) program ~~and in~~ coordination with Henderson County Schools and Blue Ridge Community College.
  - ~~Build on middle school farm field trips and exposure to careers in agriculture~~
  - ~~Support and improve FFA programs in high schools~~
  - ~~Support Blue Ridge Community College programs including internships~~
  - ~~Connect young farmers to jobs and agricultural leases~~
- C: Leverage partnership with Blue Ridge Community College to advance workforce development assets and respond to specific agri-business needs.

- D: Assist the three government-supported agricultural entities (AgHC, Henderson County Soil & Water Conservation District, and NC Cooperative Extension) on joint issues and encourage collaboration.
- E: Continue to allow for a flexible approach to rural business development.
  - ~~Encouraging small businesses in rural areas can indirectly support agriculture by allowing non-farm income.~~
- F: ~~Reduce~~ Identify and address barriers to integration, extension, and diversification of agribusiness and agritourism (i.e. packing facilities, processing, value-added production, distribution, retail).
- G: Study the creation of an Agricultural Visitor Center and incorporated offices for agricultural related agencies.
  - ~~This could include a visitors center with public restrooms, a place for events, or community meetings. Potentially could allow for the relocation of the Cooperative Extension Office or other agricultural related agencies.~~
- H: Collaborate with the NC Cooperative Extension and other organizations to connect current and future farmers to federal and State agricultural funding programs ~~like the USDA’s Farm Service Agency and the National Institute of Food and Agriculture. A full list of potential grant and loan programs are listed within the Supplemental Information Document.~~
- I: ~~Work with the NC cooperative Extension and other organizations to help farmers to negotiate lease agreements that include the right of first refusal.~~

Approved:

**Rec 2.2: Preserve existing farmland.**

- A: Encourage enrollment in Present Use Value (PUV) and Voluntary Agricultural District (VAD) programs.
- B: Consider the creation of a Voluntary Farmland Preservation Program to purchase farmland development rights and establish agricultural conservation easements.
- ~~C: Study potential mechanisms for transfer of development rights program to allow for transfer of density away from agricultural and natural resource areas to designated receiving areas.~~
- D: Study the creation of a County-wide Farmland Mapping & Monitoring Program. (Term listed in Glossary)
- ~~E: Consider applying the County Voluntary Agricultural District to all Present Use Value-enrolled farms to further protect farmland from development pressure.~~

**Rec 2.3: Reduce conflict between existing agriculture and new residential development.**

- A: Discourage rezonings for higher density residential subdivisions outside the defined Utility Service Area (USA) and in the Agricultural/Rural (AR) area identified on the Future Land Use Map.
- B: Continue to require and enforce the Farmland Preservation District Setback.
  - This requires a 100 foot setback for all buildings from any Voluntary Agricultural District (VAD)

- C: Consider zoning updates to reduce development pressure in agricultural areas.
  - This could include implementing a new district that reduces residential density and / or the creation of a rural cluster option in the Land Development Code (LDC) that allows for smaller setbacks, building spacing, and innovative design.

**Rec 2.4: Incentivize non-farm development outside of agricultural areas.**

- A: Provide incentives for revitalizing existing commercial and industrial sites.
- B: Focus on higher density housing closer to the city to reduce sprawl, provide affordable housing for workforce and relieve pressure on roads.
- C: Encourage industrial growth in areas away from large concentrations of farmland and agricultural operations.
- D: Carefully evaluate potential utility extensions that could impact large concentrations of productive farmland.
  - Hold community meetings with targeted input from farmers and landowners when planning for future growth and utility provision. Modify plans for water and sewer line locations, size and access policies accordingly

**Rec 2.5: Utilize zoning tools to help conserve rural character.**

- A: Study existing rural character and identify defining elements that can be modeled.
- B: Require lighting mitigation standards for all new commercial and industrial developments within proximity to an existing residential area.

Chairman McCall said she had some input from the agricultural community regarding **Rec 2.2: Preserve Existing Farmland Item B** to share with the Board.

Approved:

That section currently read as follows:

**B: Consider the creation of a Voluntary Farmland Preservation Program to purchase farmland development rights and establish agricultural conservation easements.**

Chairman McCall said the Voluntary Farmland Preservation Program contains a lot of “unknowns” about the program, but the talk has been ongoing for a long time. She said that the verbiage “consider” leaves the door open for a continuation of just talking about the program. Therefore, the agriculture community has asked the Board to consider the following verbiage:

“Create a County-level Voluntary Farmland Preservation Program to purchase farmland development rights and establish agricultural conservation easements working collectively with State and Federal programs.”

She believes this indicates that the Board is taking a step forward to do something.

Commissioner Lapsley was not in favor of the change as he believed using the word create suggests that the program’s creation would be mandatory. However, he was in support of assigning the Planning Board to get the details of the program and then bring the item back to the Board to consider and make a decision.

Chairman McCall proposed that the suggested verbiage be provided to the Planning Board for consideration.

The consensus of the Board was to leave Item B unchanged and revisit the item later.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143–318.11(a)(4)(5), for the reasons, set out in the Board’s agenda packet. All voted in favor, and the motion carried.*

The meeting reconvened at 1:13 p.m.

Chairman McCall asked the Board to revisit **Rec 2.2: Preserve Existing Farmland - Item E**. She also noted that Agribusiness Director Mark Williams had joined the meeting to provide input from the farming community.

That section currently read as follows:

“Consider applying the County Voluntary Agricultural District to all Present Use Value enrolled farms to further protect farmland from development pressure.”

Mark Williams thanked the Board for allowing him to speak on this topic. He said one thing to understand

Approved:

with the Voluntary Agriculture Districts is that there are two components. There is the program which is the Base Voluntary Agricultural District. There is another piece that is an Enhanced Voluntary Agricultural District. The State distinguishes between those two that were set up as part of any county that develops a Farmland Preservation Plan to have those two options. The first, the base level, is just the essentials. You can go into that program or out of the program without penalty or cost. The Enhanced Voluntary Agricultural District is different. By participating, the owner essentially says they are putting their property under a conservation easement of sorts for a mandatory ten-year period. Mr. Williams said that the program is unused across the state. He said he is unaware of any Henderson County properties that participate in the Enhanced Voluntary Agricultural District because there is almost no incentive to join the program. Owners would give up their rights with nothing in return.

After discussion, the Board chose to strike Item E entirely.

Chairman McCall said the consensus of the Board was to stop the review of the plan at this point and pick up with **Section 2.3 – Reduce Conflict between Existing Agriculture and New Residential Development** at their next meeting.

John Mitchell said Staff would update the document to include the revisions discussed at today's meeting and put them on the County's website for the Public to view.

## NOMINATIONS AND APPOINTMENTS

1. Agricultural Advisory Board – 2 vacs.

*Vice-Chair Edney made the motion to reappoint William Barnwell to position #3 and Fred Pittillo to position #5 by acclamation. All voted in favor, and the motion carried.*

2. Animal Services Committee – 2 vacs.

*Commissioner Lapsley made the motion to nominate Penny Sams for appointment to position #3, and to reappoint Angela Prodrick to position #6 by acclamation. All voted in favor, and the motion carried.*

3. Environmental Advisory Committee – Appointment of Chairman

*Chairman McCall made the motion to appoint Neil Brown as Chairman of the Environmental Advisory Committee. All voted in favor, and the motion carried.*

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

*Chairman McCall made the motion to reappoint Marc Weinstein to position #2 by acclamation. All voted in favor, and the motion carried.*

5. Henderson County Transportation Advisory Committee - 1 vac.  
There were no nominations, and this item was carried to the next meeting.

Approved:

6. Home & Community Care Block Grant Advisory – 1 vac.

*Commissioner Hill made the motion to nominate Kim Owen for position #5. All voted in favor, and the motion carried.*

7. Juvenile Crime Prevention Council – 5 vacs.

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

8. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.

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

9. Recreation Advisory Board – 6 vacs.

*Commissioner Hill made the motion to reappoint Terry Maybin to position #3, Robert Smith to position #4, Katie Breckheimer to position #5, Milton Butterworth to position #8, Philip Ellis to position #12, and Tricia King to position #13 by acclamation. All voted in favor, and the motion carried.*

### **COMMISSIONER UPDATES**

Commissioner Andreotta encouraged everyone to support our local Girl Scouts during their annual Cookie Drive. Regarding the tax revaluation, he reiterated that everyone should stay calm and stay tuned as we are traveling in the “tax bill ship” together. He has no doubt that we will get to a good place.

Commissioner Hill acknowledged all the organizations throughout the county that donate their time and money to projects in the County. He encouraged anyone who doesn’t currently belong to one of these organizations to consider joining such an organization.

Commissioner Lapsley did not have any comments to share.

Vice-Chair Edney did not have any comments to share.

Chairman McCall did not have any comments to share.

### **GENERAL ASSEMBLY UPDATE /COUNTY MANAGER’S REPORT**

County Manager John Mitchell said he would provide both the General Assembly Update and the County Manager’s report simultaneously. He shared that he, members of the Board, the District Attorney, and other partners would be traveling to Catawba County this week to look at their Drug Diversion Court. Catawba also has a Veteran’s Court they will look at during the visit.

Mr. Mitchell said the General Assembly has entered into the Long Session where the GA begins its budget discussions. Staff has been in contact with members of our Legislative Delegation to discuss priorities for Henderson County. He also noted that Chairman McCall had been working through Legislative priorities with the NC Association of County Commissioners. One House Bill the County is monitoring closely is HB76 – Medicaid Expansion.

On the Federal side, Mr. Mitchell said that he and Chairman McCall had recently met with Congressman Chuck Edwards. He noted that he also has an upcoming appointment with the field representative for Ted Budd’s office. He said the main issue was the end of the Federal Debt Limit on January 19th.

Approved:

*Chairman McCall made the motion to adjourn the meeting at 2:06 p.m. All voted in favor, and the motion carried.*

**ADJOURN**

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Denisa A. Lauffer, Clerk to the Board

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Rebecca McCall, Chairman

Approved: