

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, MARCH 6, 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, Budget Analyst Jennifer Miranda, Engineer Marcus Jones, Chief Communications Officer Mike Morgan, Tax Assessor Darlene Burgess, Assistant Tax Assessor Kevin Hensley, Human Resources Director Karen Ensley, Code Enforcement Director Matt Champion, Planner Liz Hanson, Purchasing Agent Doug Guffey, Emergency Management/Rescue Coordinator Jimmy Brissie, Strategic Project Coordinator Erick Mendez, Social Services Director Jerrie McFalls, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputies Carl Greco and Matthew Covil 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

Hannah Queen, with the Barnyard Bandits 4-H Club, led the Pledge of Allegiance to the American Flag.

### INFORMAL PUBLIC COMMENT

1. Bert Lemkes spoke regarding the 2045 Comprehensive Plan.
2. Al Jones spoke regarding the pickleball courts at Jackson Park. He said the lines painted for pickleball play need to be painted brighter so players can see the lines. He also requested that the Public be allowed to use the weight room located at the Henderson County Activity Center. The weight room is currently for use by county employees only.
3. Michelle Tennant spoke of the importance of protecting pollinators for local beekeepers.
4. Tommy Laughter introduced himself to the Board as the field representative for Congressman Chuck Edwards' office. He also thanked the Board for their participation in the all-inclusive playground project that is currently in progress at Jackson Park.
5. Margaret Lee spoke regarding the recent Tax Revaluations and urged the Board to lower the tax rate. She also stated that she would like Etowah to become more of a destination than just a pass-through community.
6. Katie Breckheimer spoke of the need for stronger language in the 2045 Comprehensive Plan. She believes the plan should use the word create in place of the word consider.

Approved:

Comments submitted via email.

1. Grady Nance emailed the following: He believes the goals outlined in the plan are reasonable. However, he said many good actions were weakened by the language revisions to use the word “consider” an action. He believes this change in language makes those goals “wishes” instead of actual goals.
2. Whipp Johnson shared the following in his email: He urged the Board to restore to the final plan the language that was removed from the November draft regarding clean energy. He also asked the Board to develop creative incentives that will actively encourage the use of clean energy in the County.

**DISCUSSION/ADJUSTMENT OF AGENDA**

*Vice-Chair Edney made the motion to adopt the agenda as presented. 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 15, 2023 - Regularly Scheduled Meeting

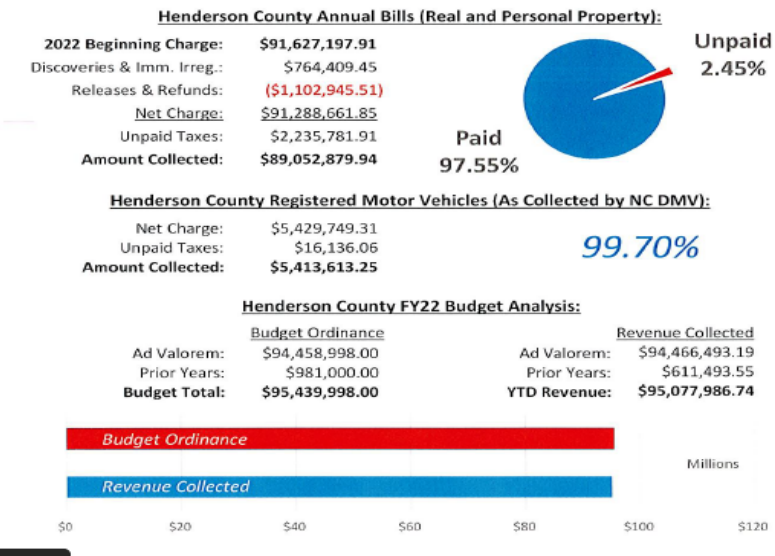
Motion:

*I move the Board approve the minutes of February 15, 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 February 22, 2023 for 2022 real and personal property bills mailed on August 5, 2022. Vehicles taxes are billed monthly by NC DMV.



**2023.30 Pending Releases and Refunds**

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

<b>Type:</b>	<b>Amount:</b>
Total Taxes Released from the Charge	\$ 2,327.71
Total Refunds as a result of the Above Releases	\$ 252.18

Motion:

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

**County Financial Report/Cash Balance Report – January 2023**

The January 2023 County Financial and Cash Balance Reports were presented for the Board’s review.

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

- Dues/Non-Profit Contributions – payment of 3rd quarter Board appropriations
- Human Resources – the timing of board-approved purchases
- Rescue Squad – payment of 3rd quarter Board appropriation
- Site Development – the timing of board-approved purchases
- Heritage Museum – the timing of payment of monthly Board appropriation
- Agri-Business – excess operating expenditures, to be covered by membership fees
- Mental Health – payment of 3rd quarter Board appropriation
- Juvenile Justice Programs – receipt and disbursement of additional program funding
- Public Education – Payment of 7 of 10 annual appropriations made to the public school system

Year to Date Net Revenues under Expenditures for the Emergency Telephone System (911) Fund is due to the utilizing fund balance appropriations for FY23.

Year to Date Net Revenues under Expenditures for the Misc. Other Governmental Activities Fund is due to the expenditure of program funds held in fund balance received during the previous fiscal year.

Year to Date Net Revenues under Expenditures for the ARPA Fund is due to Board approved expenditures from restricted fund balance for ARPA funds received in a previous fiscal year.

Motion:

*I move that the Board of Commissioners approve the January 2023 County Financial Report and Cash Balance Report as presented.*

HENDERSON COUNTY  
FINANCIAL REPORT  
NOVEMBER 2022

GENERAL FUND REVENUES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
General Fund	191,822,899	19,972,409.05	130,576,049.53	68.1%	-	130,576,049.53

GENERAL FUND EXPENDITURES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
Governing Body	574,991.00	89,815.72	337,622.62	58.7%	-	337,622.62
Dues/Non-Profit Contributions	1,011,401.00	114,075.11	766,868.20	75.8%	-	766,868.20
County Manager	392,022.00	19,503.30	153,511.69	39.2%	-	153,511.69
Administrative Services	753,341.00	46,048.64	398,920.79	53.0%	-	398,920.79
Human Resources	1,174,860.00	92,635.58	695,141.72	59.2%	-	695,141.72
Elections	994,733.00	38,723.75	522,965.03	52.6%	21,850.87	544,815.90
Finance	1,249,748.00	77,293.05	717,648.10	57.4%	-	717,648.10
County Assessor	1,996,430.00	118,057.54	1,010,166.42	50.6%	-	1,010,166.42
Tax Collector	543,131.00	30,625.02	268,216.05	49.4%	-	268,216.05
Legal	991,880.00	70,763.94	570,047.74	57.5%	-	570,047.74
Register of Deeds	703,454.00	72,548.35	407,091.52	57.9%	17,553.59	424,645.11
Facilities Services	5,774,050.00	370,779.23	2,530,113.45	43.8%	568,341.05	3,098,454.50
Garage	475,053.00	56,159.01	203,174.16	42.8%	-	203,174.16
Court Facilities	153,000.00	13,155.73	73,832.39	48.3%	1,209.93	75,042.32
Information Technology	5,740,519.00	363,323.10	2,619,949.86	45.6%	510,170.00	3,130,119.86
Sheriff	22,552,764.00	1,810,360.76	11,853,016.77	52.6%	243,947.25	12,096,964.02
Detention Center	6,280,838.00	464,689.03	3,192,841.18	50.8%	252,161.59	3,445,002.77
Emergency Management	1,021,219.00	72,881.46	548,688.31	53.7%	60,283.70	608,972.01
Fire Services	824,220.00	30,275.69	345,372.36	41.9%	91,260.00	436,632.36
Building Services	1,505,530.00	108,692.30	784,037.53	52.1%	-	784,037.53
Wellness Clinic	1,352,315.00	106,839.19	745,936.90	55.2%	64,389.89	810,326.79
Emergency Medical Services	9,462,971.00	624,050.07	4,730,505.22	50.0%	32,760.63	4,763,265.85
Animal Services	864,123.00	62,899.88	447,497.73	51.8%	65,689.76	513,187.49
Rescue Squad	557,750.00	134,160.29	422,086.21	75.7%	-	422,086.21
Forestry Services	91,484.00	6,334.10	21,356.04	23.3%	-	21,356.04
Soil & Water Conservation	794,678.00	38,159.00	249,350.16	31.4%	373,906.00	623,256.16
Planning	913,427.00	75,827.64	470,594.64	51.5%	1,230.51	471,825.15
Code Enforcement Services	335,195.00	36,012.65	185,583.40	55.4%	-	185,583.40
Site Development	247,341.00	18,585.19	154,561.68	62.5%	-	154,561.68
Heritage Museum	100,000.00	16,666.66	66,666.64	66.7%	-	66,666.64
Cooperative Extension	598,356.00	32,854.87	268,141.14	44.8%	-	268,141.14
Projects Management	286,800.00	12,880.42	114,386.55	39.9%	-	114,386.55
Economic Development	801,724.00	108,500.00	325,500.00	40.6%	-	325,500.00
Agri-Business	187,268.00	17,758.94	131,652.41	70.3%	-	131,652.41
Public Health	13,531,858.00	703,884.06	5,503,659.57	40.7%	484,350.65	5,988,010.22
Environmental Health	1,705,286.00	112,679.34	812,184.51	47.6%	13,413.01	825,597.52
H&CC Block Grant	820,541.00	67,517.50	407,056.25	49.6%	-	407,056.25
Medical Services - Autopsies	90,000.00	8,600.00	36,900.00	41.0%	-	36,900.00
Mental Health	528,612.00	132,153.00	396,459.00	75.0%	-	396,459.00
Rural Transportation Assist Program	201,384.00	19,443.53	81,836.53	40.6%	-	81,836.53
Social Services	20,688,003	1,376,693.11	10,615,955.55	51.3%	33,893.70	10,649,849.25
Juvenile Justice Programs	218,745.00	62,317.00	167,197.50	76.4%	-	167,197.50
Veteran Services	141,120.00	8,256.29	48,967.51	34.7%	-	48,967.51
Public Library	4,001,274.00	263,077.24	2,223,819.37	55.6%	171,215.24	2,395,034.61
Recreation	2,684,351.00	155,582.60	1,423,551.94	53.0%	63,146.31	1,486,698.25
Public Education	38,362,938	7,626,803.51	26,690,803.50	69.6%	-	26,690,803.50
Debt Service	19,668,907	2,300.00	8,847,925.51	45.0%	-	8,847,925.51
Non-Departmental	7,323,542.00	237,273.42	3,227,217.94	44.1%	-	3,227,217.94
Interfund Transfers	10,549,722	897,476.84	6,162,337.88	58.4%	-	6,162,337.88
<b>TOTAL</b>	<b>191,822,899</b>	<b>17,025,992.65</b>	<b>102,978,917.17</b>		<b>3,070,773.68</b>	<b>106,049,690.85</b>
<b>Net Revenues over (under) Exp.</b>	<b>-</b>	<b>2,946,416.40</b>	<b>27,597,132.36</b>		<b>(3,070,773.68)</b>	<b>24,526,358.68</b>

APPROPRIATIONS DETAIL						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>SOCIAL SERVICES</b>						
Staff Operations	16,726,787.00	1,124,089.95	8,823,717.96	52.8%	33,893.70	8,857,611.66
Federal & State Programs	3,860,216.00	248,461.81	1,753,956.61	45.4%	-	1,753,956.61
General Assistance	101,000.00	4,141.35	38,280.98	37.9%	-	38,280.98
<b>TOTAL</b>	<b>20,688,003</b>	<b>1,376,693.11</b>	<b>10,615,955.55</b>		<b>33,893.70</b>	<b>10,649,849.25</b>
<b>EDUCATION</b>						
Schools Current/Capital Expense	33,112,938.00	6,751,803.51	23,190,803.50	70.0%	-	23,190,803.50
Blue Ridge Community College	5,250,000.00	875,000.00	3,500,000.00	66.7%	-	3,500,000.00
<b>TOTAL</b>	<b>38,362,938</b>	<b>7,626,803.51</b>	<b>26,690,803.50</b>		<b>-</b>	<b>26,690,803.50</b>
<b>DEBT SERVICE</b>						
Public Schools	11,951,709.00	2,300.00	4,628,688.01	38.7%	-	4,628,688.01
Blue Ridge Community College	3,372,266.00	-	1,769,870.07	52.5%	-	1,769,870.07
Henderson County	4,344,932.00	-	2,449,367.43	56.4%	-	2,449,367.43
<b>TOTAL</b>	<b>19,668,907</b>	<b>2,300.00</b>	<b>8,847,925.51</b>		<b>-</b>	<b>8,847,925.51</b>
<b>INTERFUND TRANSFERS</b>						
Public Transit Fund	14,874	1,239.50	8,676.50	58.3%	-	8,676.50
Capital Projects Fund	250,000	20,833.34	145,833.38	58.3%	-	145,833.38
Capital Reserve Fund	1,710,808	142,567.33	997,971.31	58.3%	-	997,971.31
Fire Districts Fund	20,000	20,000.00	20,000.00	100.0%	-	20,000.00
HCPS MRTS	5,132,424	427,702.00	2,993,914.00	58.3%	-	2,993,914.00
BRCC MRTS	3,421,616	285,134.67	1,995,942.69	58.3%	-	1,995,942.69
<b>TOTAL</b>	<b>10,549,722</b>	<b>897,476.84</b>	<b>6,162,337.88</b>		<b>-</b>	<b>6,162,337.88</b>
SPECIAL REVENUE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>FIRE DISTRICTS FUND</b>						
Revenues:	12,264,624	1,543,245.65	11,627,830.61	94.8%	-	11,627,830.61
Expenditures:	12,264,624	2,577,175.51	10,107,288.78	82.4%	-	10,107,288.78
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(1,033,929.86)</b>	<b>1,520,541.83</b>		<b>-</b>	<b>1,520,541.83</b>
<b>REVALUATION RESERVE FUND</b>						
Revenues:	1,517,381	128,972.87	900,671.56	59.4%	-	900,671.56
Expenditures:	1,517,381	158,817.19	819,877.27	54.0%	-	819,877.27
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(29,844.32)</b>	<b>80,794.29</b>		<b>-</b>	<b>80,794.29</b>
<b>EMERGENCY TELEPHONE SYSTEM (911) FUND</b>						
Revenues:	452,332	7,730.38	47,737.62	10.6%	-	47,737.62
Expenditures:	452,332	34,358.32	244,737.03	54.1%	-	244,737.03
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(26,627.94)</b>	<b>(196,999.41)</b>		<b>-</b>	<b>(196,999.41)</b>
<b>PUBLIC TRANSIT FUND</b>						
Revenues:	1,088,403	15,312.11	659,547.12	60.6%	-	659,547.12
Expenditures:	1,088,403	73,998.86	386,937.51	35.6%	71,273.88	458,211.39
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(58,686.75)</b>	<b>272,609.61</b>		<b>(71,273.88)</b>	<b>201,335.73</b>
<b>MISC. OTHER GOVERNMENTAL ACTIVITIES</b>						
Revenues:	1,193,856	41,314.51	387,317.67	32.4%	-	387,317.67
Expenditures:	1,193,856	35,601.63	815,960.19	68.3%	-	815,960.19
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>5,712.88</b>	<b>(428,642.52)</b>		<b>-</b>	<b>(428,642.52)</b>
<b>ARPA FUND</b>						
Revenues:	1,424,992	26,355.99	170,405.85	12.0%	-	170,405.85
Expenditures:	1,424,992	(742,655.34)	682,338.66	47.9%	466,608.83	1,148,945.49
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>769,011.33</b>	<b>(511,930.81)</b>		<b>(466,608.83)</b>	<b>(978,539.64)</b>
<b>OPIOID FUND</b>						
Revenues:	-	59,738.30	817,341.76		-	817,341.76
Expenditures:	-	-	18.08		-	18.08
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>59,738.30</b>	<b>817,323.68</b>		<b>-</b>	<b>817,323.68</b>

HENDERSON COUNTY  
FINANCIAL REPORT  
NOVEMBER 2022

CAPITAL PROJECTS						
	BUDGET	CURRENT MONTH	PROJECT TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>EDNEYVILLE ELEMENTARY SCHOOL PROJECT (1702)</b>						
Revenues:	26,854,136	6,912.80	27,787,323.92	103.5%	-	27,787,323.92
Expenditures:	26,854,136	-	25,331,294.76	94.3%	-	25,331,294.76
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>6,912.80</b>	<b>2,456,029.16</b>		<b>-</b>	<b>2,456,029.16</b>
<b>HENDERSONVILLE HIGH SCHOOL PROJECT - 2019 (1903)</b>						
Revenues:	60,442,694	-	61,165,283.98	101.2%	-	61,165,283.98
Expenditures:	60,442,694	-	60,937,920.87	100.8%	107,501.33	61,045,422.20
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>-</b>	<b>227,363.09</b>		<b>(107,501.33)</b>	<b>119,861.76</b>
<b>BRCC PATTON BUILDING PROJECT (1904)</b>						
Revenues:	24,800,016	-	25,487,986.04	102.8%	-	25,487,986.04
Expenditures:	24,800,016	-	24,870,673.35	100.3%	324,184.04	25,194,857.39
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>-</b>	<b>617,312.69</b>		<b>(324,184.04)</b>	<b>293,128.65</b>

ENTERPRISE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>SOLID WASTE LANDFILL FUND</b>						
Revenues:	8,739,933	712,096.92	5,002,326.96	57.2%	-	5,002,326.96
Expenditures:	8,739,933	759,167.65	4,907,038.76	56.1%	2,539,713.81	7,446,752.57
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(47,070.73)</b>	<b>95,288.20</b>		<b>(2,539,713.81)</b>	<b>(2,444,425.61)</b>
<b>JUSTICE ACADEMY SEWER FUND</b>						
Revenues:	65,781	4,639.82	31,962.63	48.0%	-	31,962.63
Expenditures:	65,781	3,196.96	22,284.01	33.9%	-	22,284.01
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>1,442.86</b>	<b>9,678.62</b>		<b>-</b>	<b>9,678.62</b>

HENDERSON COUNTY  
CASH BALANCE REPORT  
JANUARY 2023

Fund(s)	12/31/22 Beg. Cash Balance	Debits Revenues	(Credits) Expenditures	01/31/23 Ending Cash Balance
General	\$ 118,329,635.65	\$ 22,426,110.45	\$ (19,610,187.21)	\$ 121,145,558.89
Special Revenue	41,670,009.95	2,703,116.78	(2,911,512.19)	\$ 41,461,614.54
Capital Projects	4,721,327.02	149,387.21	(710,620.25)	\$ 4,160,093.98
Enterprise	1,313,670.71	714,171.62	(750,073.80)	\$ 1,277,768.53
HCPS - Maint. and Repair	7,284,277.98	427,702.00	-	\$ 7,711,979.98
BRCC - Maint. and Repair	2,441,716.00	136,893.00	-	\$ 2,578,609.00
Custodial	5,006,193.99	2,207,923.52	(4,541,167.85)	\$ 2,672,949.66
<b>Total</b>	<b>\$ 180,766,831.30</b>	<b>\$ 28,765,304.58</b>	<b>\$ (28,523,561.30)</b>	
<b>Total cash available as of 1/31/2023</b>				<b>\$ 181,008,574.58</b>

Notification of Vacancies

The Notification of Vacancies was provided for the Board's information. This will appear on the next agenda under "Nominations."

1. Fletcher Planning Board/Zoning Board of Adjustment – 1 vac.  
Position # 1 (Position Requirement: Reside in the Fletcher ETJ)

### **2023.31 Beaver Management Assistance Program**

Henderson County is currently enrolled in a partnership with USDA to remove nuisance beavers damaging our waterways. The County has exceeded its allotted site visits and is now at 67 with five (5) requests pending. To continue the program for the remainder of the fiscal year, the USDA requested an additional \$5,000.

Participating counties receive BMAP services based on the overall amount of funding the program receives that fiscal year (which impacts the number of wildlife specialists that can be funded) and the total number of participating counties. The participation fee a county contributes allows landholders in that county to receive beaver and dam removal services at the reduced BMAP cost-share rate, as well as free technical assistance (guidance) from wildlife specialists. Services are provided on public (NCDOT-owned) and private (non-NCDOT) lands in the county. Wildlife specialists typically make 80-112 site visits (42-55 non-NCDOT and 38-57 NCDOT) to each participating county in a year.

Motion:

*I move the Board authorize Staff to execute the Cooperative Service Agreement with the USDA and approve the attached Budget Amendment appropriating \$5,000 from Fund Balance to continue the BMAP program through June 30, 2023.*

### **2023.32 Budget Amendment – Flat Rock ARPA Match**

On February 6, 2023, the Board of Commissioners approved the application for a Government Service Grant from the Village of Flat Rock. This grant will fund the purchase of EMS Training Simulators and Mannequins as well as the purchase and upfitting of a Quick Response Vehicle for EMS. This locally funded grant is made possible by the American Rescue Plan. The grant of \$65,000 will require a County match of \$35,000 for the vehicle project. Staff recommends using Capital Reserve Funds to fund the balance of the purchase and upfitting of the EMS Quick Response Vehicle during FY23.

Motion:

*I move the Board accept the Village of Flat Rock Government Service Grant in the amount of \$65,000 for the purchase of EMS training mannequins and a quick response vehicle and allocate an additional \$35,000 from the Capital Reserve Fund for the balance of the vehicle purchase and upfitting cost.*

### **2023.33 FEMA Emergency Generator Grant and Bid Award**

In September 2019, Henderson County submitted a letter of intent to apply for a Hazard Mitigation Grant to fund the purchase and installation of a standby generator at the Athletic and Activity Center. This facility serves as a primary shelter location for disasters. In October 2019, the Board of Commissioners approved the formal application for this project. Following FEMA grant approval in September 2021, staff re-evaluated the project scope. The addition of air conditioning and re-configuration of the power at the facility required additional modification to the generator size needed for the project. A total of \$94,212.78 in Federal and State dollars were awarded for the project. Following a competitive bid process, Staff has determined the lowest responsive, responsible bidder to be Cooper Construction Inc in the amount of \$106,650 in addition to a bid alternate of \$4,950 for a total project cost of \$111,600. Staff recommended



funding the balance of the project from the Capital Reserve Fund to expedite the project considering the fluctuating equipment pricing and availability (\$17,388). Staff confirmed funding the balance of the project with local funds is allowable by the grant guidance.

Motion:

*I move the Board approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the AAC Generator project and to accept the low bid from Cooper Construction, Inc in the amount of \$111,600 for the purchase of a generator and authorize the Emergency Management Department to proceed with the purchase.*

### **2023.34 Memorandum of Agreement on Potential Opioid Settlement**

Additional defendants have settled in the various opioid class actions, and the settlements are moving forward toward final approval. A proposed Resolution was presented indicating County approval of the concept, and a supplemental agreement that would distribute funds received in settlements with Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreens Co., The distribution of funds would follow the same formula as for previous settlements. (Resolution is attached to these minutes).

Motion:

*I move that the Board approve the proposed Resolution and proposed Supplemental Agreement and that the Chair execute the documents on behalf of the County.*

### **BRCC Patton Building Roof Replacement Project**

The Board was requested to approve the proposal from AAR of North Carolina, INC. and authorize staff to proceed with the procurement and contract establishment for the BRCC Patton Building, Roof Replacement Project.

The proposal received from AAR of North Carolina INC. was for a total price of \$427,850.00, which includes the three accepted alternates that are provided on the proposal.

Motion:

*I move the Henderson County Board of Commissioners award the contract, for BRCC Patton Building, Roof Replacement Project, in the amount of \$427,850.00, which includes the three accepted alternates.*

### **2023.35 Approval of Greater Asheville Regional Airport Authority Financing Resolution**

Under the Internal Revenue Code (the “Code”) provisions affecting the taxability of borrowings of the Greater Asheville Regional Airport Authority, the County (as well as Buncombe County and the City of Asheville) must approve the borrowings to fulfill the Code’s public approval requirement. The Authority has already held a public hearing regarding this borrowing, and its Board has approved the same.

If approved, Henderson County would not be liable for repayment of the debt.

Motion:

*I move that the Board approve the Resolution approving the financing of improvements to the Asheville Regional Airport with the proceeds of tax-exempt bonds to be issued by the Greater Asheville Regional Airport Authority.*



**2023.36 Deeds for Highway Right of Way to NCDOT**

NCDOT was seeking execution by the County (as owner) of two “Deeds for Highway Right of Way” in their favor regarding the newly constructed turning lane on U.S. Highway 25 into the new parking area at Hendersonville High School. NCDOT drafted the deeds provided, and they describe the turning area “as built.” Note that the Board of Education has approved these. (Deeds are attached to these minutes).

Motion:

*I move that the Board approve the proposed “Highway Easement” deeds to the North Carolina Department of Transportation for the new turning lane at Hendersonville High School and authorize the Chair and county staff to execute and deliver the deeds.*

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

**PUBLIC HEARINGS**

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

**2023.37 Public Hearing for Rezoning Application #R-2023-01, Paco Properties LLC, Residential Two Rural (R2) to Local Commercial (LC)**

Rezoning Application #R-2023-01, initiated on January 6, 2023, requested that the County rezone approximately 2.25 acres from Residential Two Rural (R2R) to Local Commercial (LC) zoning district. The acreage consists of PIN: 0601-44-4366, located off Gilliam Mountain Rd (SR 1602). The property owner is Paco Properties, LLC. The applicant is Pascual Hernandez.

The Technical Review Committee reviewed the application at its February 7<sup>th</sup>, 2023, meeting, and saw no administrative issues with the request, and voted unanimously to forward the application to the Planning Board. The Planning Board reviewed this request at its February 16<sup>th</sup> meeting and voted unanimously to send forth a favorable recommendation for approval.

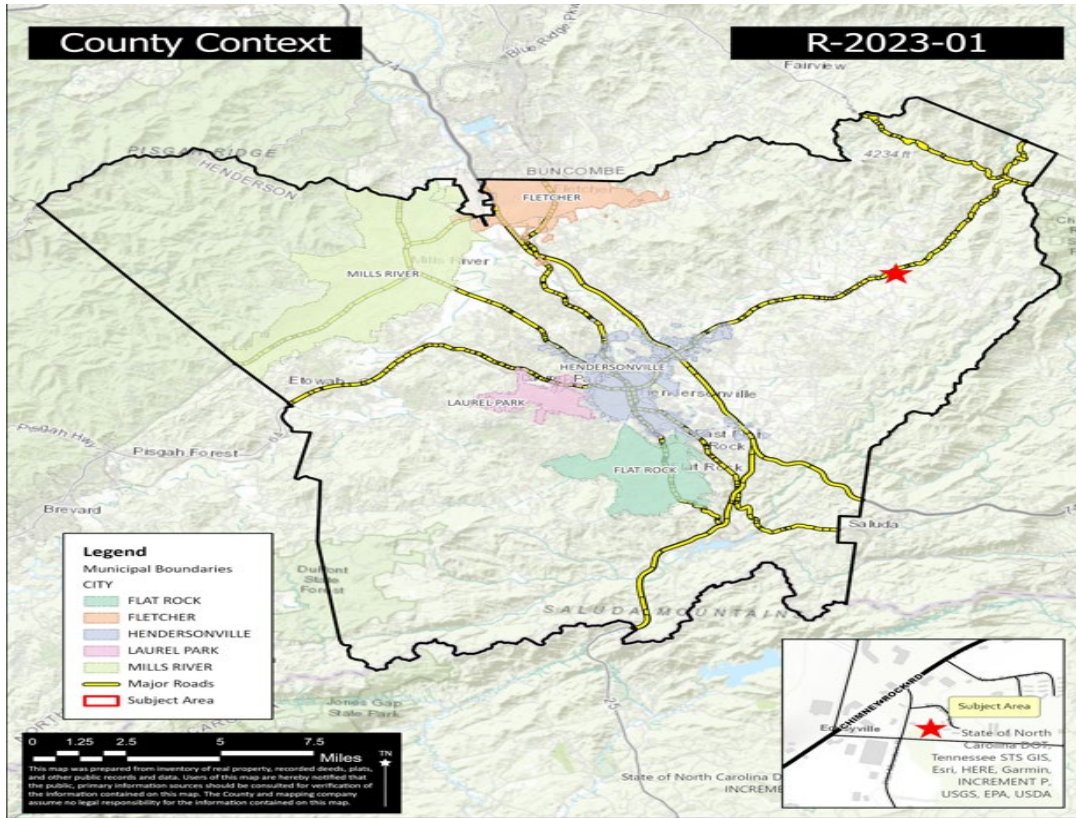
**PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the March 6, 2023, public hearing regarding rezoning application #R-2023-01 was published in the Hendersonville Lightning on February 22<sup>nd</sup> and March 1<sup>st</sup>. The Planning Department sent notices of the hearing via first-class mail to the owners of properties adjacent to the Subject Area on February 17, 2023, and posted signs advertising the hearing on the Subject Area on February 20, 2023.

The applicant, Pascual Hernandez, was seeking to rezone one parcel of property to Local Commercial (LC) from Residential Rural (R2R). The parcel is approximately 2.25 acres.

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Applicant: Pascual Hernandez  
Total Surveyed Area: 2.25 Acres  
Current Zoning: Residential Two Rural (R2R)





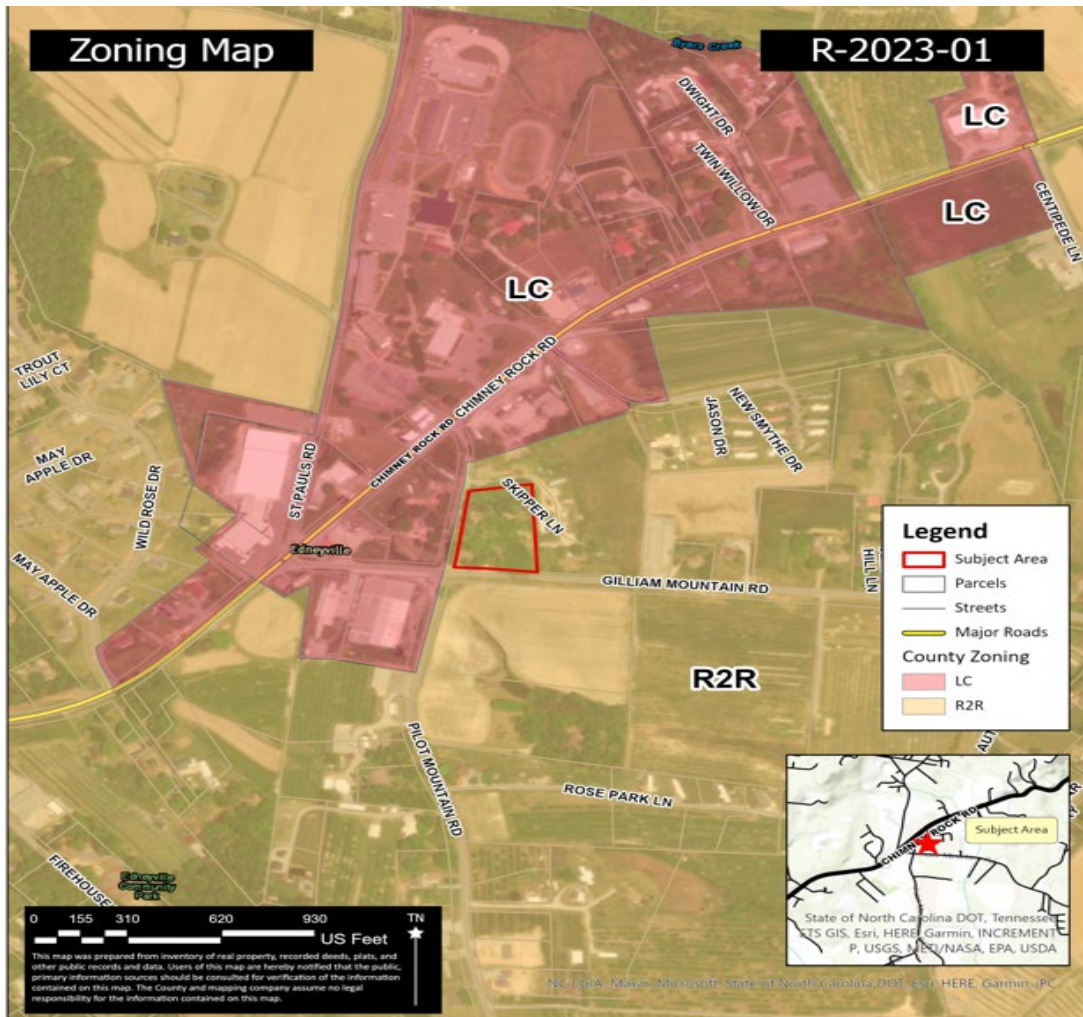
# District Comparison

## RESIDENTIAL TWO RURAL (R2R)

- Principle land use is residential
- Low to medium density residential development
- Rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan
  - Transitional (RTA)
- Retail Trade uses are not permitted in Residential Two Rural (R2R)

## LOCAL COMMERCIAL (LC)

- Principle land use is commercial and residential
- Commercial development consistent with the recommendations of the Comprehensive Plan
  - Ex. 1) includes a variety of retail sales and services....2) is directed largely to Community Service Centers....



# Comprehensive Plan Compatibility



## Community Service Center

Intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas

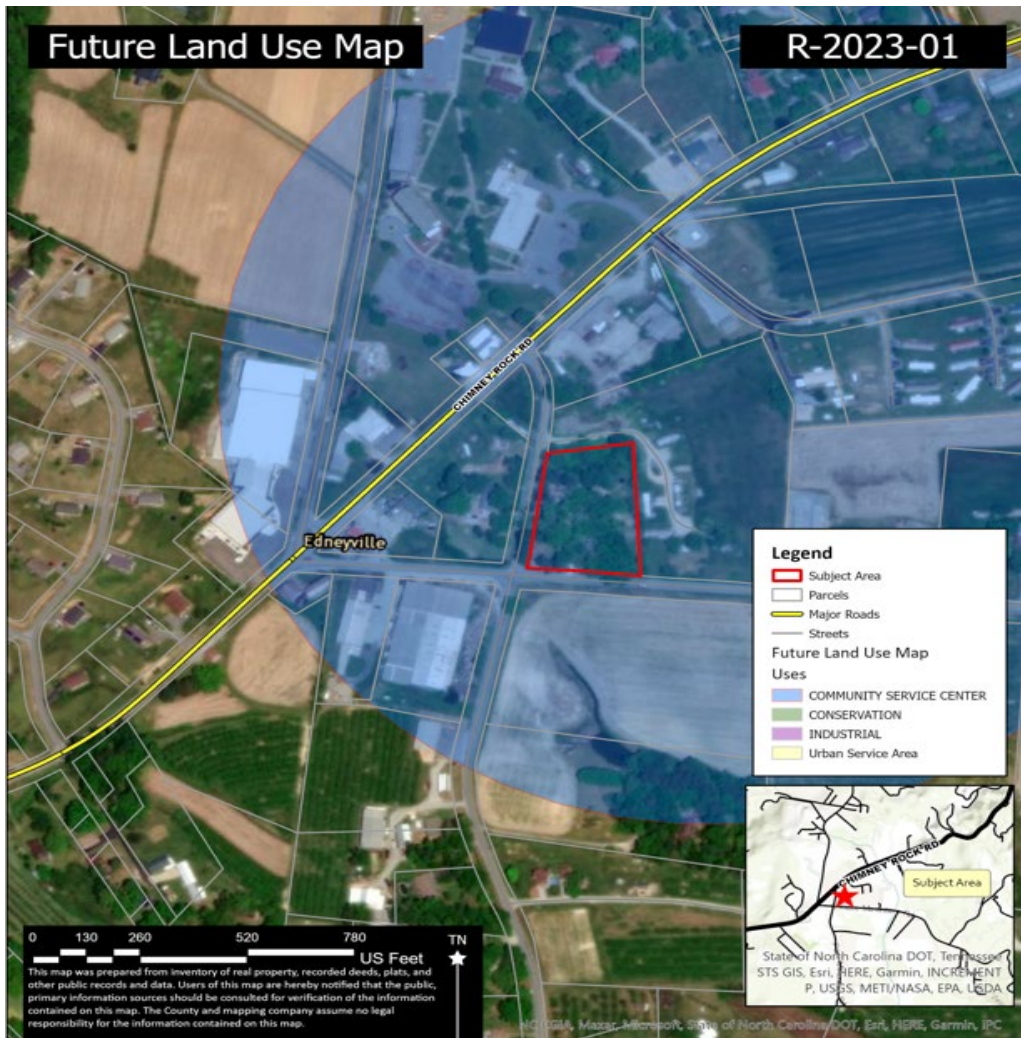
Located in unified development concentrations at intersections of selected thoroughfares and in central locations that are convenient to nearby residential development



## Urban/Rural Transition Community

The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development

Commercial development and Community Facilities will be encouraged within defined Community Service Centers





# Additional Plans & Studies

The subject area falls within Edneyville Township and the Edneyville Community Plan (2010).

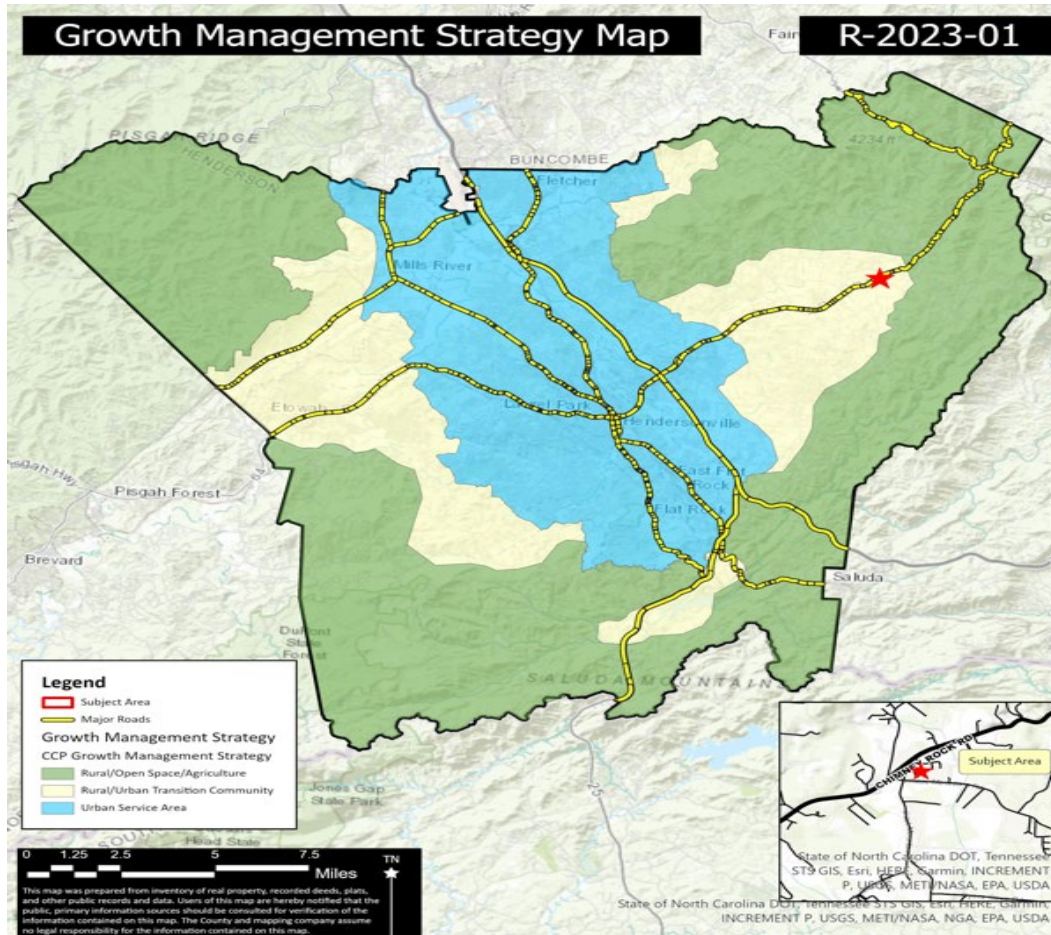
Goal LUD2.1 Local Commercial (LC),

To preserve small local businesses, local scale commercial development should be the Planning Area’s principal type of commercial development. LC zoning should be applied in the following areas:

- 3. US Highway 64 East/Gilliam Road intersection (See Map 9B (p.71)

Currently, the subject area is served by an individual well and water provided by the City of Hendersonville

The subject area is contiguous with the intersection of Gilliam Mountain Road (SR 1602) and Pilot Mountain Road (SR 1783). A gravel drive runs through the subject area, connecting Gilliam Mountain Road and Pilot Mountain Road



## Public Input

1. Ileana Hernandez voiced concern about the environmental impacts the proposed business would have on her property which is adjacent to the subject property.

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

*Commissioner Hill made the motion that the Board approve rezoning application #R-2023-01 to rezone the Subject Area from a Residential Two Rural (R2R) zoning district to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County Comprehensive Plan and;*

*Further, move that the Board approve the resolution regarding the consistency with the CCP. All voted in favor, and the motion carried.*

**2023.38 LDC Text Amendment – TX-2023-01, Clarification to SR 9.11, County Owned/Operated Solid Waste Collection Facility**

*Vice-chair Edney made the motion to go into Public Hearing. All voted in favor, and the motion carried.*

The supplemental requirements for SR 9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

The Planning Board discussed the item at its February 16th meeting and voted unanimously to send forward a favorable recommendation on the draft text amendment (see attached).

**PUBLIC NOTICE:**

The required public notice of this hearing was published in the Hendersonville Lightning on February 22nd, 2023, and March 1st, 2023 (see attached certification of public notice).

**TX-2023-01  
Clarification to  
SR 9.11**



March 6, 2023  
Public Hearing



Text Amendment TX-2023-01,  
County Owned/Operated Solid Waste Collection Facilities

**Clarification to SR 9.11**

**Summary:** The supplemental requirements for SR9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

Text Amendment TX-2023-01, County Owned/Operated Solid Waste Collection Facilities

**SR 9.11. Solid Waste Facility, County Owned/Operated**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
- (4) Security. The operations of a waste collection and transfer facility shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.
- (5) Perimeter Setback. One hundred and fifty (150) feet from a *residential zoning district*. Necessary ingress and egress to the proposed use (s) may be located within the perimeter setback.
- (6) Perimeter Buffer. A B2 buffer as described in Article V (Landscape Design Standards), Subpart A (Buffer Requirements) is required around the perimeter boundary of the site, the operational area(s), or any combination thereof. Preserved existing trees may be credited toward the required buffer.
- (7) Sedimentation Control. Permanent control measures are required to retain all non-compacted soils on site.
- (8) Operations. Where feasible, debris reduction methods such as chipping and mulching (using portable equipment) shall be utilized to reduce the amount of debris permanently withheld on site.
- (9) **Gross Floor Area. Current and future County Owned/Operated Solid Waste Facilities are exempt from the underlying zoning district gross floor area maximums.**

**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.*

*Commissioner Lapsley made the motion that the Board approve LDC text amendment TX-2023-01 clarification to SR 9.1, County Owned/Operated Solid Waste Collection Facility, and find that the changes are consistent with the County Comprehensive Plan. All voted in favor, and the motion carried.*

**DISCUSSION**

**2023.39 Early Childhood Taskforce – Consultant**

On behalf of the Early Childhood Taskforce, Executive Director Jamie Weiner requested that the County fund 50% of the cost of retaining a consultant. “The Business of Childcare” is a consultant group that works with communities across the country and is expected “to help our county take a community-wide approach to understand opportunities around expanding child care capacity and business partnerships that will both create support for child care centers and also retain and recruit staff.”



**Early Childhood Taskforce**  
REQUEST FOR SUPPORT

Smart Start  
Partnership for Change

Children & Family Resource Center  
Partners for Learning

Community Foundation  
Partners for Change

**AVAILABILITY OF CARE**

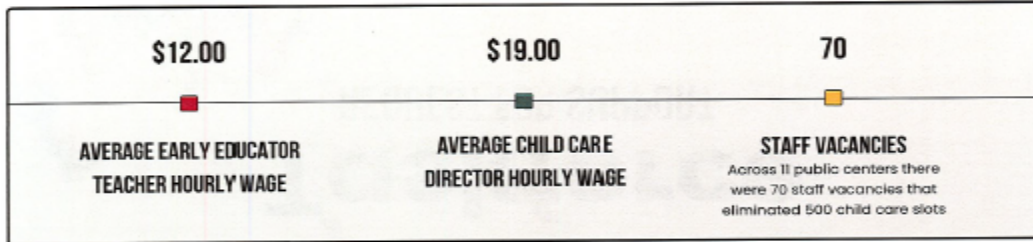
<b>6,275</b> Children under the age of 6	<b>20%</b> The number of children 0-5 in licensed child care centers
<b>1100</b> # of babies born in Henderson County each year	<b>74</b> # of existing infant slots



Research on early care and education programs finds that **\$1 in spending generates \$8.60 in economic activity.**



# STAFFING CHALLENGES



When all occupations are ranked by annual pay, child care workers remain nearly at the bottom percentile-- **98% of occupations are paid more than the child care workforce.**  
- THE 2018 EARLY CHILDHOOD WORKFORCE INDEX

# AFFORDABILITY

According to the US DHHS, child care is affordable if it costs no more than 7% of a family's income.



**MEDIAN HOUSEHOLD INCOME: \$58,928**  
 Market rate for a 3 year old is \$698/month (\$8,376 a year)  
 14% of the median household income.

**WITH 2 CHILDREN AND 2 CAREGIVERS MAKING MEDIAN INCOME :**  
 Income: \$60,080  
 Childcare: \$16,152/yr  
 27% of their income spent on childcare

# ADDRESSING THE CRISIS

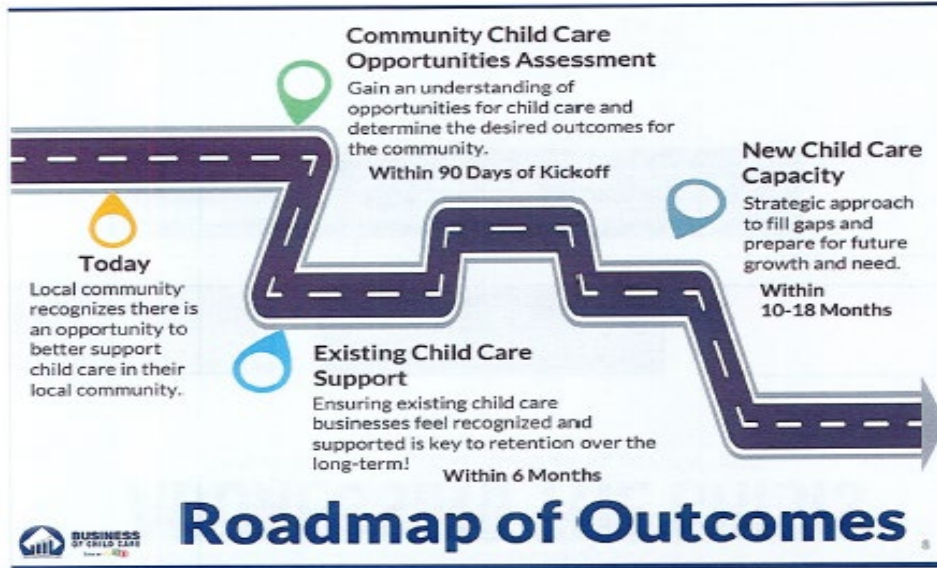
The data we have to date and what's next

COMMUNITY NEEDS ASSESSMENT

CHILD CARE DEMAND STUDY

SPEAK OUT FOR KIDS - TASKFORCE FORMED

WHOLE COMMUNITY APPROACH TO ADDRESSING CHILD CARE- THE BUSINESS OF CHILD CARE CONSULTANT



# WHOLE COMMUNITY APPROACH

An intentional process to define better outcomes for childcare in Henderson County

**Investment: \$11,600**

**50% committed from the Community Foundation of Henderson County**



*Commissioner Lapsley made the motion for the Board approve the Budget Amendment appropriating \$5,800 from Fund Balance to fund 50% of the consultant through the Children and Family Resource Center. The motion passed with a 3-2 vote. Vice-Chair Edney and Commissioner Andreotta were the nay votes.*

## Medicaid Expansion – Update

Jerrie McFalls, Henderson County Department of Social Services Director, provided the Board with an update on the impact of the proposed Medicaid Expansion. The legislation is currently under consideration in the NC General Assembly and would expand Medicaid in North Carolina to an estimated 600,000 residents. Counties, and in particular, DSS agencies, would be on the front line in implementing this program which is anticipated to be a significant undertaking.

**Roadside Litter**

Chairman McCall requested that the Board discuss the ongoing issue of litter along the roads in Henderson County.

County Engineer Marcus Jones explained that there are three types of roads in NC: State, private, and municipal. He said county roads are state-maintained roads, and the maintenance for those roads falls into those same categories. With that, he said litter along roadways is the responsibility of the Department of Transportation.

Litter Management

Litter prevention starts by raising everyone's awareness of [North Carolina's litter laws](#) that improperly disposing trash of any kind can be illegal.

Not only is it unsightly, litter costs millions of dollars to clean up and can have a negative impact on tourism and how people perceive the state while they travel through it.

Get Involved

While being aware is the first step in understanding the importance of keeping North Carolina's roadsides clean and aesthetically pleasing, the N.C. Department of Transportation offers opportunities for the public to get involved.

Programs include:

- [Adopt-A-Highway](#)
- [Litter Sweep](#)
- [Sponsor-A-Highway](#)
- [Swat-A-Litterbug](#)

Residents can also show their anti-litter support by purchasing a ["Do Not Litter" specialty license plate](#). Plates require a \$20 annual fee in addition to the regular license payment. A portion of the \$20 from each plate sold will be allocated to NCDOT for litter reduction efforts.

Mr. Jones said that in the past, inmates would pick up litter; however, that ended with the closing of the prison on Mountain Road. He said the proximity of the prisons to litter pick-up sites is important to have enough hours to work, which is why we no longer see inmates picking up trash on the roadsides. Chairman McCall added that the Sheriff's department could only use "sentenced inmates," and many of the inmates in the County Detention Center are awaiting sentencing. Usually, once those inmates are sentenced, they are transferred to other facilities.

Chairman McCall commended the organizations that participate in the Adopt-A-Highway program and encouraged everyone to participate in the Litter Sweep that is coming up this Spring.

**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 of Commissioners at their December meeting.

The Board began a review of Plan Outcome 1, containing Goals 1-3, at their February 15, 2023, meeting. This item was requested to continue the discussion of Outcome 1.

Those revisions are outlined in the following document.

# 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.



# 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.~~

The Board resumed its line-by-line review of the proposed plan with **Section 2.3.** The revisions made by the Board are outlined in the document below.

**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~~ Promote cooperation 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 Review the requirement for 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~~ Encourage non-farm development outside of agricultural areas.**

- A: Continue to provide incentives for revitalizing existing commercial and industrial sites through economic development ventures.
- B: ~~Focus on higher density housing in non-farm development areas, 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.~~
- C: Work with developers to strategically locate required open space ~~to increase visual compatibility.~~
- D: ~~Consider requiring robust~~ Clarify buffers or "green belts" between commercial development and residential and between residential develop- ment and farmland.

The Board ended the review with Section 2 for this meeting and will pick up at their next meeting, beginning with Section 3.

## **NOMINATIONS AND APPOINTMENTS**

1. Henderson County Transportation Advisory Committee – 1 vac.

*Chairman McCall made the motion to nominate Warren Ladbroke to position # 2. All voted in favor, and the motion carried.*

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

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

3. Juvenile Crime Prevention Council – 5 vacs.

*Chairman McCall made the motion to nominate James Robert Capps for position #4. All voted in favor, and the motion carried.*

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

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

*Chairman McCall made the motion to appoint Patsy Farmer Jones to position #3 on the Henderson County Historic Courthouse Museum Corporation Board, replacing Sheila Kelly for the remainder of that term. All voted in favor, and the motion carried.*

## **COMMISSIONER UPDATES**

Commissioner Lapsley had no comments to share.

Commissioner Andreotta had no comments to share.

Commissioner Hill had no comments to share.

Vice-Chair Edney had no comments to share.

Chairman McCall attended the raising of the “We are Hope” banners signed by area middle and high school students to signify their commitment to participate in the program. She was also in attendance for the Boy Scouts Arrow of Light Ceremony that was held in the Commissioners’ Meeting Room on Sunday of last week.

## **COUNTY MANAGER’S REPORT**

County Manager John Mitchell shared that the number of cameras in the room had been doubled recently. As the old cameras are replaced with the new ones, staff recorded tonight’s meeting with both to ensure all bugs have been worked out.

Mr. Mitchell thanked the Board for their time and commitment to their Legislative priorities.

In closing, Mitchell asked the Board to include personnel in the closed session to be held at the conclusion of tonight’s open meeting.



*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(5)(6), for the reasons set out in the Board's agenda packet. All voted in favor, and the motion carried.*

*Chairman McCall made the motion to go out of closed session and adjourn at 8:45 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