

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, MARCH 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 Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, Engineer Marcus Jones, Chief Communications Officer Mike Morgan, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Tax Assessor Darlene Burgess, Chief Deputy Vanesa Gilbert, Register of Deeds Lee King, Alicia Eddy, Capital Projects Manager Bryan Rhodes, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Strategic Project Coordinator Erick Mendez, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputy Chris Stepp provided security

CALL TO ORDER/WELCOME

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

INVOCATION

Commissioner Hill provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2023.40 Proclamation – Designating April as Child Abuse Prevention Month and Week of the Young Child

The Board received a request from Safelight to proclaim April 2023 as Child Abuse Prevention and Week of the Young Child Month in Henderson County. Therefore, the following proclamation sets aside April 2023 as Child Abuse Prevention Month and Week of the Young Child month in Henderson County.

Commissioner Andreotta read the Proclamation aloud.

CHILD ABUSE PREVENTION MONTH AND WEEK OF THE YOUNG CHILD PROCLAMATION

Whereas, while children are vital to our state's future success, prosperity, and quality of life, they are also our most vulnerable members of society,

Whereas, all children deserve to have safe, stable, nurturing homes and communities to foster their healthy growth and development,

Approved:

Whereas, child abuse and neglect is a serious problem affecting every segment of our community, as well as both the current and future quality of life of our community,

Whereas, preventing child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community,

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community,

Whereas, in 1971 The Week of the Young Child™ was established by the National Association for the Education of Young Children (NAEYC), the world’s largest early childhood education association,

Whereas, communities that provide parents with the social support, knowledge of parenting and child development, and the concrete resources they need to cope with stress and nurture their children are able to foster all children growing to their full potential,

NOW THEREFORE, We, the Henderson County Board of Commissioners, along with Safelight and other youth-serving agencies of Henderson County, are collaborating for public attention to focus on child abuse and ways to improve opportunities for our children and their families. Therefore, we hereby proclaim April as Child Abuse Prevention Month and Week of the Young Child and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

Adopted this 15th day of March 2023.

Chairman McCall made the motion that the Board adopt the Proclamation designating the month of April 2023 as Child Abuse Prevention and Week of the Young Child month in Henderson County. All voted in favor, and the motion carried.

Vice-Chair Edney added the following Resolution to the agenda. He then read the Resolution aloud.

2023.41 Resolution – Declaring March as National Athletic Training Month in Henderson County (Add on)

The Henderson County Board of Commissioners was requested to adopt the Resolution, declaring March National Athletic Training Month in Henderson County.

NATIONAL ATHLETIC TRAINING MONTH IN HENDERSON COUNTY

WHEREAS, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge, and skills acquired through their nationally regulated educational processes; and

WHEREAS, athletic trainers provide prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education, and guidance; and

WHEREAS, the National Athletic Trainers' Association represents and supports members of the athletic training profession employed in the following settings: professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings, and military branches; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

WHEREAS, such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners do hereby proclaim the month of March as National Athletic Training Month in Henderson County and urge the citizens of the County to learn more about the importance of athletic training.

In witness whereof, I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 15th day of March 2023

Vice-Chair Edney made the motion that the Board adopt the Resolution, declaring March as National Athletic Training Month in Henderson County. All voted in favor, and the motion carried.

INFORMAL PUBLIC COMMENT

1. Dennis Justice spoke regarding House Bill 347, which he says would legalize mobile sports betting.
2. Linda Pryor spoke in support of recommendation 2.1 G in the Comprehensive Plan to study the creation of an Agricultural Visitor Center. She supported this recommendation and stated that the Agricultural Visitor Center is a need for the County and should be a priority.
3. Margo Borg spoke about the adverse effects she experienced after receiving the COVID vaccine. She urged the Board to support NC House Bill 98 – the Medical Freedom Act.
4. Jimmy Cowan urged the Board not to take agriculture for granted in this county and not to discount it as a thing of the past. He said to remember the farmers that are already in Henderson County and have been for generations. He believes the current Cooperative Extension Building is inadequate space for the number of programs and services offered. He encouraged the Board to support the future of Agriculture in Henderson County by investing in an Agriculture Services Building with adequate space for all services.
5. Victoria Beare spoke about flooding on the Oklawaha Greenway and complained that the crosswalk lines at 7th avenue had not been replaced when the road was repaved last year. She hopes county staff and commissioners will prioritize greenway and bike lane extensions.
6. Maria Freeman spoke regarding the language used in the County's noise ordinance. She believes the language in the ordinance needs to be clarified concerning the firing of guns in residential areas and neighborhoods.
7. Andrew Clarke introduced himself as the Legislative Director for Beddingfield/Sheitle Chapter 14, Disabled American Veterans. He asked the Board to become a community partner and support the "Coffee for Veterans" program at the Charles George VA Medical Center. Additionally, he asked

the Board to pass resolutions supporting the expansion of tax exemption for veterans and a resolution supporting House Bill 139 - American Made Flags.

8. Rachell Poller spoke in opposition to what she believes is soft language used in the proposed Comprehensive Plan. In her opinion, the document is being “whittled away,” and said the Board’s revisions thus far have weakened the plan. She said the Board has an “ethical liability” to provide sound direction and that the plan must contain clear, focused, detailed guidance. She stated that the words used in the plan have the power to shape the future of Henderson County.
9. Chris Berg spoke regarding draft plan recommendations concerning several energy issues.
10. Kieran Roe spoke about Goal 3 as outlined in the proposed Comprehensive Plan. He suggested that Item I be added to this goal to read as follows:

I: Consider creating a voluntary program with a land conservancy fund to purchase development rights and establish conservation easements on important natural lands and other sensitive environmental habitats.

He commended the Planning Department staff for their efforts in crafting the draft plan.

Public Comment that was received by email to follow.

1. Eric Clonch wrote that he is in favor of expanding East Flat Rock Park, specifically the purchase of 13.5 acres adjacent to the park. He noted that there is a record number of youth soccer participants in Henderson County, and there is a need for better and additional soccer fields in our area.

DISCUSSION/ADJUSTMENT OF AGENDA

In addition to the Resolution– declaring March as National Athletic Training Month in Henderson County, Vice-Chair Edney added an additional Discussion Item for a Financial Status Update.

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):

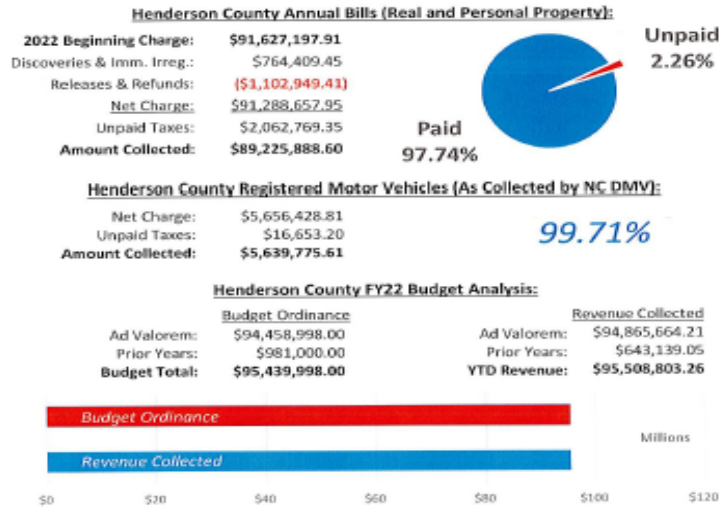
March 6, 2023 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of March 6, 2023.

Tax Collector’s Report

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



Henderson County Public Schools Financial Reports – January 2023

The Henderson County Public Schools Financial Reports for January 2023 were provided for the Board’s approval.

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of January 31, 2023**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
REVENUES:						
3200 State Sources	\$ -	\$ -	\$ 8,000	\$ 8,000	\$ 8,000	\$ 4,000
3700 Federal Sources-Restricted	-	-	1,104,588	341,518	341,518	301,811
3800 Other Federal-ROTC	-	-	100,520	35,380	35,380	79,058
4100 County Appropriation	31,378,000	21,964,600	-	-	21,964,600	20,949,600
4200 Local -Tuition/Fees	-	-	68,000	24,760	24,760	29,410
4400 Local-Unrestricted	630,000	392,790	120,401	89,855	482,645	413,087
4800 Local-Restricted	-	-	627,288	285,499	285,499	297,734
4900 Fund Balance Appropriated/Transfer From school	1,182,221	-	50,729	-	-	-
TOTAL FUND REVENUES	\$ 33,190,221	\$ 22,367,390	\$ 2,079,628	\$ 786,012	\$ 28,142,402	\$ 22,074,700
EXPENDITURES:						
Instructional Services:						
5100 Regular Instructional Services	\$ 10,004,854	\$ 5,439,191	\$ 368,876	\$ 215,782	\$ 5,654,573	\$ 4,400,887
5200 Special Populations Services	1,350,830	665,136	619,055	164,383	829,519	760,631
5300 Alternative Programs and Services	222,310	98,443	211,699	139,102	237,545	258,465
5400 School Leadership Services	2,773,563	1,769,054	12,522	9,473	1,778,527	1,485,904
5500 Co-Curricular Services	881,122	403,989	10,000	9,630	413,619	401,736
5800 School-Based Support Services	1,569,903	876,384	8,000	422	876,806	860,321
Total Instructional Services	\$ 16,802,582	\$ 9,252,197	\$ 1,230,152	\$ 538,792	\$ 9,790,990	\$ 8,167,943
System-Wide Support Services:						
6100 Support and Development Services	\$ 298,112	\$ 159,111	\$ 6,500	\$ 7,721	\$ 166,832	\$ 157,680
6200 Special Population Support	235,922	137,635	5,050	1,304	138,939	126,667
6300 Alternative Programs	96,817	57,609	431	431	58,039	43,620
6400 Technology Support Services	1,318,582	729,796	140,000	-	729,796	1,039,760
6500 Operational Support Services	8,721,855	4,267,801	306,033	138,812	4,406,613	3,851,863
6600 Financial and Human Resource Services	2,132,512	1,747,048	71,688	46,575	1,793,624	1,539,995
6700 Accountability Services	220,065	123,738	10,400	1,200	124,938	149,438
6800 System-Wide Pupil Support Services	402,068	238,564	538	538	239,102	183,357
6900 Policy, Leadership and Public Relations	706,800	387,520	13,220	12,789	400,309	392,447
Total System-Wide Support Services	\$ 14,132,733	\$ 7,848,821	\$ 563,859	\$ 209,370	\$ 8,058,191	\$ 7,484,826
Ancillary Services:						
7100 Community Services	\$ 388	\$ 388	\$ 135,703	\$ 75,029	\$ 75,417	\$ 89,204
7200 Nutrition Services	228,607	83,563	-	-	83,563	68,325
Total Ancillary Services	\$ 228,994	\$ 83,950	\$ 135,703	\$ 75,029	\$ 158,979	\$ 157,529
Non-Programmed Charges:						
8100 Payments to Other Governments	\$ 1,996,000	\$ 813,243	\$ -	\$ -	\$ 813,243	\$ 937,981
8400 Interfund Transfers	\$ 29,912	\$ 36,999	9,706	11,524	48,523	9,539
8500 Contingency	-	-	103,922	-	-	-
8600 Educational Foundations	-	-	46,184	15,125	15,125	40,936
Total Non-Programmed Charges	\$ 2,025,912	\$ 850,242	\$ 159,812	\$ 26,649	\$ 876,891	\$ 988,455
TOTAL FUND EXPENDITURES	\$ 33,190,221	\$ 18,036,210	\$ 2,079,628	\$ 848,841	\$ 18,885,061	\$ 16,788,763

Motion:

I move that the Board of Commissioners approve the Henderson County Public Schools January 2023 Financial Reports as presented.

2023.42 Change to the County’s Standard Contractual Terms and Conditions

The proposal provided attempts to deal with the cost of vendor/contractor-caused security breaches of the County’s information technology infrastructure. Other local governments have suffered such breaches, at huge costs, both in lost productivity and in the required notification of possibly affected persons. This attempts to shift the cost of a breach occasioned by the otherwise legitimate use of the County’s systems (directly or indirectly, as where the County downloads software or information from a vendor’s site) by a third party to that third party if the breach was caused by malware on their system or otherwise attributed to them.

PROPOSAL: That the following terms be added to the County’s standard contractual terms and conditions in situations where the contractor is able to access the County’s information systems (whether directly or indirectly by means of information downloaded from the contractor).

Where a security breach or unauthorized release, as those terms are defined or used in Article 2A of Chapter 75 of the North Carolina Statutes, or in any other state or federal regulation, occurs and is attributed to the Contractor (or any sub-contractor thereof), the Contractor shall promptly pay or reimburse Henderson County for all the costs to Henderson County for all required notifications under all applicable laws, including any associated legal fees incurred by Henderson County, and shall indemnify Henderson County from any liability resulting from the security breach or unauthorized release.

The Contractor shall maintain cyber liability insurance with an insurer permitted to offer the same in North Carolina in the minimum insurance amount per occurrence based on the Contractor’s Security Scorecard (securityscorecard.com) rating, but in no event less than \$1,000,000.00. Such insurance shall include third-party coverage for incidents or associated impacts caused directly or indirectly by the Contractor or the Contractor’s sub-contractors, and shall name Henderson County as an additional insured. The Contractor shall provide the County with a Certificate of Insurance for such coverage.

<u>Security Rating</u>	<u>Required cyber insurance</u>
above 90	\$1,000,000 or above
80-89, inclusive	\$2,000,000 or above
70-79, inclusive	\$3,000,000 or above
60-69, inclusive	\$4,000,000 or above
Below 60	\$5,000,000 or above

If the Contractor’s Security Scorecard rating is less than 90, the County and the Contractor agree to work to assist the Contractor to improve their rating.

Motion:

I move that the Board adopt the proposed policy.

Offer to Purchase Tax-Foreclosed Property

On December 5, 2022, the Board gave preliminary approval to the offer of Robert Riffle to purchase 1.26 acres located in Greens on Hoopers Creek Subdivision, off Jackson Road, near the Town of Fletcher, in Henderson County. The property is shown on the GIS system as “Common Area.” This matter was on the agenda for preliminary review and, if desired, preliminary acceptance only. The offer included a deposit of \$150.00, based on an offer of \$900.00. This offer was advertised in the *Hendersonville Lightning* for upset bids. None was received.

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

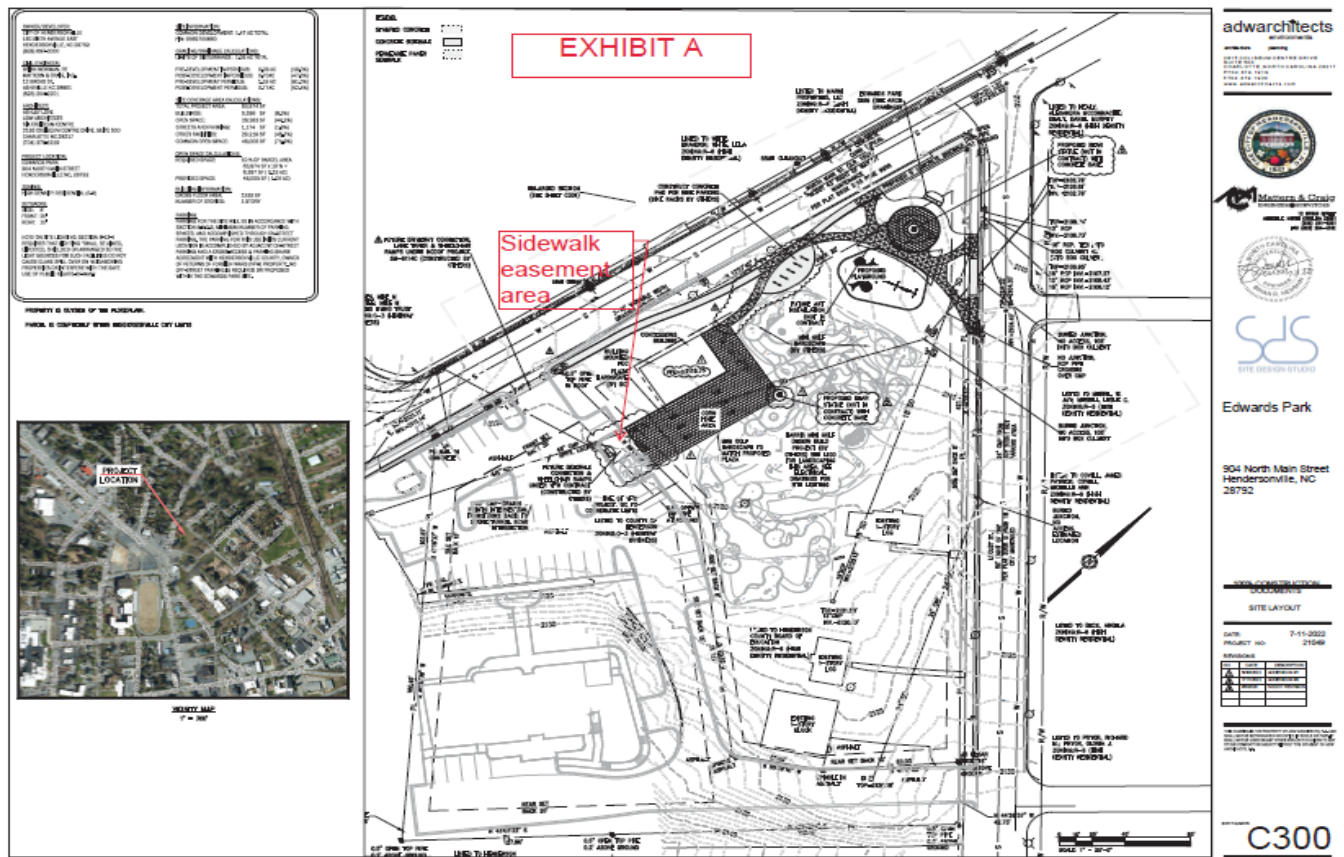
This is for the final approval of this offer.

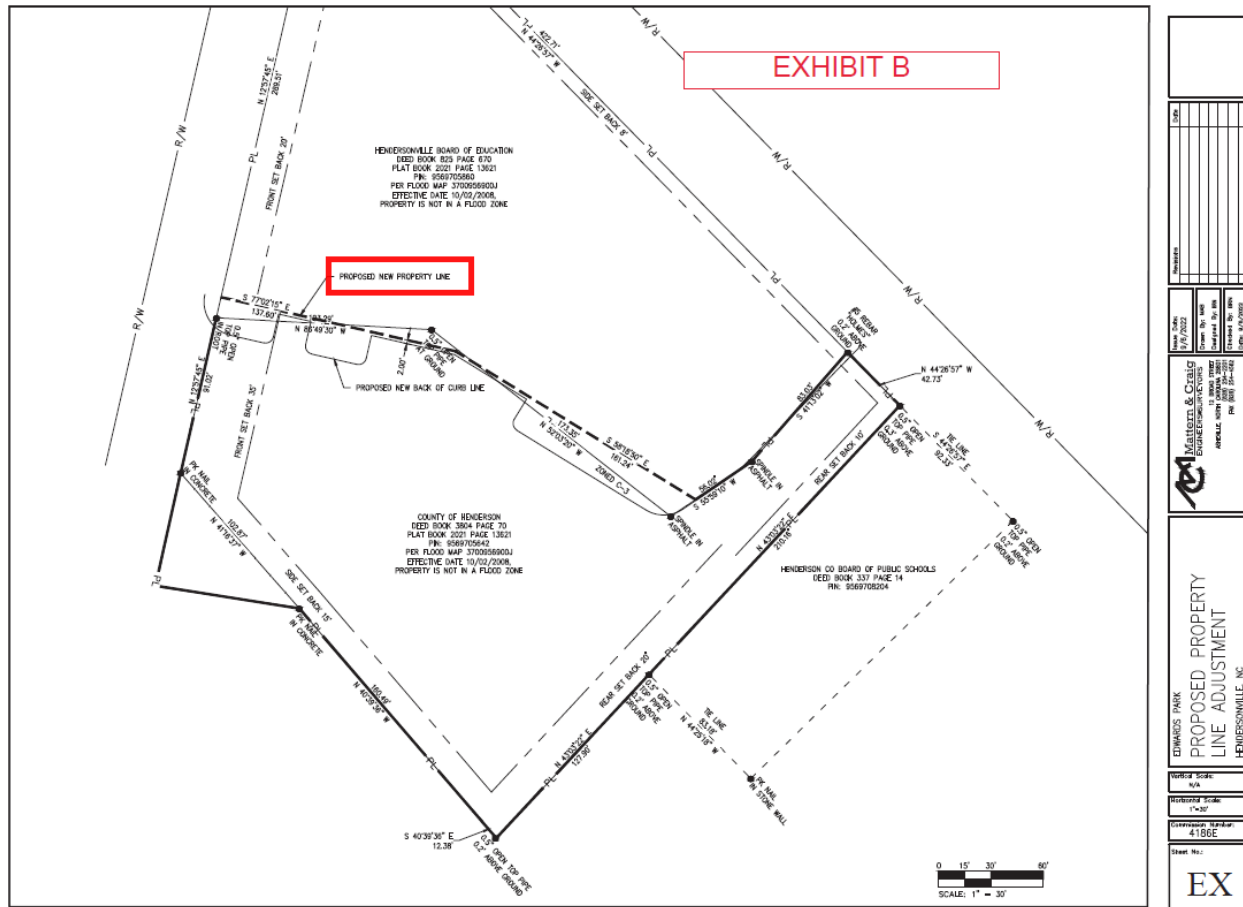
Motion:

I move that the Board give final acceptance to this offer.

2023.43 Memorandum of Understanding with the City of Hendersonville – VFW Property

Henderson County is the property owner of the former Hedrick Rhodes post of the Veterans of Foreign Wars, located on North Main Street, Hendersonville. The City of Hendersonville is the owner of the property known as Edwards Park, which is contiguous with the County’s property. The County and the City will construct various improvements on their respective properties. The proposed agreement between the County and City would allow for a mutual use agreement of certain portions of the VFW Property and the Edwards Park Property as outlined within the draft memorandum of understanding that was attached to this request for board action. The document is attached to these minutes.





Motion:

I move the Board adopt the MOU as presented and authorize the Chair to sign the MOU on behalf of the Board.

2023.44 Budget Amendment – Property Acquisition

The Board was requested to approve a Budget Amendment, appropriating Fund Balance of \$395,000 from Fund Balance for property acquisition.

Motion:

I move the Board approve the attached Budget Amendment appropriating \$395,000 from Fund Balance for property acquisition.

2023.45 Non-Profit Funding Agreement

Subsequent to the approval of the Early Childhood Taskforce Budget Amendment on March 6, 2023, to fund 50% of the cost of retaining a consultant, the Board of Commissioners requested to approve the necessary Non-Profit funding agreement.

Motion:

I move the Board authorize the Chairman to execute the attached funding agreement, thereby authorizing the release of the funds to the named agency.

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

DISCUSSION

Construction Projects Update

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

This monthly report was a review of the scope and statuses of assigned construction management responsibilities and includes specific updates regarding County funded construction activities.

HC Capital Projects

Henderson County Project Tracking					
<i>(italic numbers are estimates)</i>					
#	Name	Description	Project Authorization	Budget	% Complete
County Improvement Projects					
CI19001	AAC Generator (FEMA)	Emergency Gym Power	FEMA 2018	\$ 106,650	25
CM2119	DC Fast Charger 95 Courthouse	DC Fast Charger	BOA NCDEQ Grant	\$ 111,990	50
CI22002	Ecusta Trail, phase 1	Ecusta Trail from HVL to Horsehoe	STBG 9/17/21	\$ 10,500,000	Design 71%
CI22003	EMS Base #6	new EMS Base at Fletcher Elementary	2/16/2022	\$ 3,200,000	Design 0%
CI23001	Third Bay	add 3rd transfer station bay at Solid Waste	FY23 Budget	\$ 4,500,000	Design 11%
CI23002	95CH & DC Expansion	Expansion of Courthouse & Detention Center	FY 22 Budget	\$ 127,000,000	
		Architect - Fentress		\$ 11,921,759	11%
		CMR - ?			
CI23003	VFW Renovation	Major renovation of the old VFW buidling	FY 22 Budget/ARPA	\$ 4,300,000	
		Architect - MPS		\$ 270,000	35%
		CMR - Blum Construction (precon)		\$ 42,170	50%
CI23004	JP Accessable Playground	Approx 10,000 SQFT Inclusive Playground	FY 22 Budget/ARPA	\$ 935,000	45%
		Engineer - RVE		\$ 49,500	80%
CI23005	Sports Complex (Due Diligence)	Desired to be 30+ acre multisport outdoor facility	ARPA Funds		
		Land Aquistion Funds		\$ 2,032,830	
CI23006	Etowah Library Stage / Event	Build exterior stage venue for performances/events	Library endowment fund	\$ 50,000	0
CI23007	HSB Drainage Project	Connecting drainage to DOT	State Funds	\$ 350,000	0
CI23008	EMSHQ Parking Improvement	Expand and secure gravel area w/ possible sh	State Funds	\$ 250,000	0
CI23009	Etowah Park Improvements				
CI24001	HSB Shell Space Upfit		FY 24 Budget		
CI27001	Ecusta Trail, phase 2	Ecusta Trail from Horseshoe to Cty Line	STBG FY27	\$ 12,500,000	

HCPS Improvement Projects

SI2401

BRCC Improvement Projects

BM2401

County Maintenance Projects

CM2301	Tree Trimming	County-wide General	FY23 Planned	\$ 10,000.00	0
CM2302	Painting	Historic hand rails and fencing	FY23 Planned	\$ 3,202.00	100
CM2303	Chain Link Perma Hedge	Animal Shelter Sally port area	FY23 Planned	\$ 1,600.00	100
CM2304	HVAC UV Light Upgrade	DHHS	Deleted per JM	\$ 51,850.00	0
CM2305	Storage Building	Jackson Park Shed	FY23 Planned	\$ 220,000.00	10
		Sitework and Slab		\$ 103,833.00	10
		Electrical		\$ 25,000.00	0
		Pole Barn		\$ 73,780.00	0
CM2306	HVAC System	New HVAC for AAC Gym	FY23 Planned	\$ 65,300.00	90
CM2307	Replace Boilers	DSS Building	FY23 Planned	\$ 79,740.00	10
CM2308	Replace Circulation pumps	Historic Courthouse	FY23 Planned	\$ 30,000.00	50
CM2309	LED Upgrade	Main Library	FY23 Planned	\$ 30,000.00	80
CM2310	Facility Assessments	County Wide	Unfunded per FY23	County Forces	60
CM2311	Fire Panel	95 Courthouse Fire Panel	FY23 Planned	\$ 98,980.00	10

CM2312	Ceiling repair	Fletcher Library	Added Per AB 6/30/22	\$ 37,559.00	100
CM2313	Community Room Windows	Replace 3 rear windows	Unfunded then Refunded JM	\$ 160,000.00	10
CM2314	HVAC Replacements	Animal Shelter	FY23 Planned	\$ 58,000.00	10
CM2315	HVAC Replacements	HVAC unit replacements		\$ 150,000.00	0
CM2316	Parking Lot Repave/ Reseal	County-wide General	FY23 Planned	\$ 150,000.00	0
CM2317	Carpet Replacement	County-wide General	FY23 Planned	\$ 75,000.00	30
CM2318	Painting	General Painting	FY23 Planned	\$ 75,000.00	30
CM2320	Windows and Façade repair	Main Library	State Funded	\$400,000.00	0
CM2321	Jackson Park Paving	Gravel Lot near 9 and road patches	State Funded	\$200,000.00	0
CM2322	AAC Gym Roof Replacement	New TPO Retro-fit Roof	FY23 Planned	\$109,250.00	100

HCPS Maintenance, Repair, Technology, and Safety Projects

SM2301	Security Cameras Middle and High	no professional services		\$750,000	99%	MRTS FY 21-22
SM2302	Security Cameras Elementary	no professional services		\$700,000	40%	MRTS FY 22-23
SM2303	West Henderson High Reno and Addition			\$5,000,000	0%	MRTS FY 22-23
		Architect - LS3P		\$268,000	12%	
		CMR - Carolina Specialties			0%	
SM2304	Chromebooks	no professional services		\$300,000	?	MRTS FY 22-23
SM2305	Various Paving			\$165,000	0%	MRTS FY 22-23
		Engineer - WGLA		\$9,000	60%	
SM2306	Upward Elementary Reno and Addition			\$2,072,584	0%	MRTS FY 22-23
		Architect - Clark Nexsen		\$104,615		
		CMR - ?				

BRCC Maintenance, Repair, Technology, and Safety Projects					
BM2301	Patton Parking Lot Paving		\$537,171.28	0%	MRTS FY 22-23
		Engineer - WGLA	\$16,800.00	81%	
BM2302	Patton Roof Replacement		\$375,000.00	0%	MRTS FY 22-23
		Engineer - REI	\$44,900.00	61%	
BM2303	TEDC Renovate TEDC room 102	no professional services	\$106,888.73	5%	MRTS FY 22-23
BM2304	TEDC Boiler #1 Replacement		\$88,185.00	90%	MRTS FY 22-23
		Sims Group	\$2,400.00	100%	
BM2305	TEDC Chiller #2 Replacement		\$152,730.00		MRTS FY 22-23
		Sims Group	\$2,400.00	100%	
BM2306	TEDC Hot Water Tanks/Pump	no professional services	\$9,671.73	100%	MRTS FY 22-23
BM2307	Spearman Shops/Lab Light Replacement	no professional services	\$102,000.00	0%	MRTS FY 22-23
BM2308	Sink LED Light Replacement	no professional services	\$84,705.67	100%	MRTS FY 22-23
BM2309	Killian Lobby/Dining Room LED Light Replacement	no professional services	\$11,000.00	0%	MRTS FY 22-23
BM2310	Privacy Fence install on Duck Pond Drive	no professional services	\$10,000.00	0%	MRTS FY 22-23

VFW Renovation Project

Mr. Rhodes shared that Staff continues to work with MPS and FL Blum Construction through the project’s pre-construction phase. It is expected that the 100% drawings will be delivered on May 1, 2023. At that point, FL Blum will then bid the trades, and Staff will work toward GMP and a contract.

Commissioner Hill asked when work is scheduled to begin on the VFW project. Mr. Rhodes said the anticipated start date is July 1, 2023. However, Staff is making every effort to move that date up if possible.

Commissioner Hill asked how long the construction is expected to take once the project is started. Mr. Rhodes said they anticipate a twelve-month build.

BRCC MRTS Projects

Numerous projects for FY22/23 are underway or complete.

- Patton Parking Lot Paving – Tarheel Paving & Asphalt Co. is scheduled to starting taking down a few trees today and will start the paving project on 3/20/21, weather permitting.
- Patton Roof Project – AAR of NC is the awarded contractor and staff has finalized and executed the contract through REI (the engineer).
- TEDC Boiler #1 – Bolton Construction has been on site installing Boiler #1 and should be substantially complete on 3/17/23, with HC inspections to follow.
- TEDC Chiller #2 – No status change - The contractor has been selected by the RFP process (Superior Mechanical Services), and parts have been ordered. Soft shipping date is the end of August 2023.
- TEDC 102 Renovation – Staff has contracts established with Young Office (furniture), D.F Sarno (blinds), and Shaw Industries (carpet). Products are in the procurement phase.
- Spearman Shops/Labs LED Lighting – The RFP is listed on the HC website with a Pre-Bid on 3/21/23 and Bid Opening on 3/30/23.
- Killian LED Lighting – The Contract has been awarded to Jackson Electrical Contractors and products are in the procurement phase.
- Privacy Fence on Duck Pond Dr. – The RFP is listed on the HC website with a Pre-Bid on 3/27/23 and Bid Opening on 4/18/23.

HCPS MRTS Projects**School Security Camera System – Elementary Schools (Phase 2)**

Etowah Elementary and Bruce Drysdale are already complete, and Hendersonville Elementary should be complete by the end of the week. Haynes Technologies is set to begin work at Fletcher Elementary Monday, March 20, with the remainder of elementary schools to follow in prioritized order.

West Henderson High School Renovation and Addition

LS3P has delivered a 100% SD set of drawings and is set to deliver a 100% DD set on May 21, 2023. Carolina Specialties was awarded the CMR for the project, and staff is finalizing the Pre-Construction Contract. Once this is complete, staff will begin the first pricing exercise.

Vice-Chair Edney asked that the construction drawings for this project be shared with the Board.

Upward Elementary Cafeteria Renovation and Secure Entry

Clark Nexsen Architecture is now under contract and working on the Upward Elementary design. The RFQ for the CMR has been posted, and staff has already conducted the pre-proposal meeting, with proposals due today at 2:00 pm. A selection committee will be formed to rank the potential CMR firms for the Board to select.

Mr. Rhodes turned the discussion over to the Board for questions.

Chairman McCall asked if the replacement of the windows at the library had been added to the project list. County Engineer Marcus Jones said the project was in the works, would fall under the county maintenance projects, and is on the project list.

Vice-Chair Edney asked if Mr. Rhodes could confirm that the yearbooks at the Career Academy had been completed. He added that funds might need to be reserved to pay for those yearbooks. Mr. Rhodes could not confirm but would inquire about the status of the yearbooks.

Financial Status Update (Add on)

County Manager John Mitchell and Finance Director Samantha Reynolds provided insight into the County's current investment practices and account status. Manager Michell stated that staff is constantly monitoring the strength of the financial institutions that hold County taxpayer dollars. He said the County has a conservative fiscal stance through the direction of the Board. He said the County's financial position is strong.

Mrs. Reynolds said that County fund levels are monitored daily to ensure sufficient funding in the operating account to pay the county's bills and its employees. She said funds are diversified where taxpayer dollars are held to ensure that all of our eggs are not in one basket. She said there is a certain amount of cash in the operating accounts that are maintained at the lowest level possible. Money is moved into that account as needed for operations. The rest of the funds are invested in either NC Capital Management Trusts, NC Government Agencies, Federal Agencies, or Prime Quality Commercial Paper, all of which are approved by NC General Statute 159-30.

Vice-Chair Edney asked if there was excess of \$250,000 in any given account in a regional bank. County Attorney Russ Burrell said no, that would be a violation of law as defined in N.C.G.S. 159-30.

Mrs. Reynolds said that finance staff had been working with the County’s bank on Incident Response Planning so that County operations could continue if something disastrous happened. That conversation will continue to ensure the County is prepared for anything that could happen.

County 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 5th draft plan was formally recommended by the Planning Board (pursuant to NCGS) and was presented to the Board of Commissioners in December 2022.

The Board began its review of the Plan at the February 15, 2023, meeting, with the continued discussion at the March 6, 2023, meeting. The Board was requested to continue their discussion of the draft 2045 Comprehensive Plan.

Revisions made by the Board 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 Sower 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 Sower 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.~~

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.

GOAL 3: IMPROVE RESILIENCY OF THE NATURAL AND BUILT ENVIRONMENTS

RECOMMENDATIONS

Rec 3.1: Protect and conserve sensitive environmental habitats, steep slopes, and ridge tops.

- A: ~~Strengthen~~ Encourage conservation subdivision design in areas with sensitive environmental resources.
- B: Consider allowing for administrative approval for conservation subdivisions that meet certain criteria ~~as defined in the Land Development Code.~~
- C: ~~Implement minimum open space requirements and prioritize~~ Encourage the reservation of sensitive natural resources as ~~open space~~ in new development.
- D: ~~Limit development on steep slopes and mountain ridges by lowering the slope thresh- old for density reductions and~~

~~consider requir- ing geotechnical review of developments with slope greater than 40%.~~

- E: Study the creation of ~~guidelines for a Conservation Overlay District~~ development of ~~all County~~ public lands.
- F: ~~Consider increasing the open space require- ments when developing within a Farmland Preservation District.~~
- G: Consider incentivizing open space conservation in new industrial developments of a certain size and where appropriate.
- H: Consolidate steep slope requirements within the Land Development Code for simplification. ~~transparency.~~
- I: Consider the creation of a voluntary program with a land conservancy fund to purchase development rights and establish conservation easements on important natural lands and other sensitive environmental habitats.

Rec 3.2: Improve the resiliency of natural areas and critical assets against hazards.

- A: ~~Collaborate~~ In collaboration with existing organizations, ~~study how~~ to protect sensitive habitats, farmland, and land adjacent to creeks and rivers throughout Henderson County.
- B: Coordinate efforts between Emergency Services and the Planning Department regarding emergency response and critical infrastructure.
- C: Regularly review implementation progress and update the Hazard Mitigation Plan to strengthen emergency management and response in the County.
- D: Ensure ~~federally required emergency- service regulations are reflected in the~~ the Land Development Code ~~is consistent with State and Federal regulations.~~

Autumn Radcliff emphasized that the Planning Department does not condemn county properties, and they do not insert regulations in NC that would institute a taking of property and prevent an owner from doing anything with their property. Even with zoning regulations, if an owner had a lot that didn't "meet zoning requirements," it may be a non-conforming lot, but the County would not prevent the owner from building or using their property as they see fit.

After discussion regarding Goal 3 Rec. 3.1 item I was added per the suggestion made by Kieran Roe, with Conserving Carolina, during the public comment period.

Commissioner Hill was not in support of the addition of Item I.

E: ~~Consider lowering the threshold for required additional ingress/egress for developments and requiring reasonable connection between developments.~~

F: ~~Protect critical infrastructure facilities, especially utility and emergency facilities through facility upgrades and site design.~~

G: ~~Develop ingress/egress emergency plans for areas that may become inaccessible if land-slides occur.~~

H: ~~Develop a flood early warning system for areas that may become inaccessible if roadways are flooded.~~

I: Continue to work with local, state, and federal land managers to develop plans for wildfire management, especially in interface areas. (See also Rec 3.3 F)

J: Continue to work with the community to increase emergency preparedness awareness and educate the community regarding existing response plans.

G: Encourage best practice design standards for new construction within the Wildland Urban Interface.

H: Encourage additional street trees within new developments to enhance the environmental benefits of the requirement.

Janna Bianculli reiterated that this is not a Land Use Plan, Henderson County has chosen to do a Comprehensive Plan, and they are different.

The Board ended today's review of Goal 3 Rec.3.2 J and will resume at their next meeting, beginning with Goal 3 Rec. 3.3.

NOMINATIONS AND APPOINTMENTS

1. Fletcher Planning Board and Zoning Board of Adjustment – 1 vac.

Vice-Chair Edney made the motion to nominate Duane Gentle to position # 1. 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 – 4 vacs.

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

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

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

COMMISSIONER UPDATES

Commissioners Lapsley, Andreotta, and Hill did not have any updates to share.

Vice-Chair Edney shared that he was honored to have participated in the Honor Walk to show appreciation to the family of a young girl who recently passed away as a result of a fentanyl overdose for making the decision to donate her organs.

Chairman McCall said that First Contact would hold a grand opening of their new facility for rehabilitation in April. The name of the facility is Living Stones, which was funded by money that was generated by, at that time, Senator Chuck Edwards. This, she believes, gets us one step closer to helping with the opioid problem in our county.

GENERAL ASSEMBLY UPDATE

John Mitchell is told the Governor will be releasing his budget later in the day. He is informed that the budget is well on its way to being created in the House and the Senate. Mr. Mitchell has met individually with our Legislators about the Board's long-term funding priorities. He continues to monitor the Medicaid Expansion Bill HB76 and has concerns about the certificate of need. Manager Mitchell remarked that SB240 is Airport Legislation and concerns our local airport. There has been some discrepancy about the jurisdiction of airports and where their permitting can take place. The language clarifies that land in the County's jurisdiction airport goes the Henderson County, and land in Buncombe's jurisdiction goes to Buncombe; similarly, throughout the State. He has spoken to the Executive Director of the airport regarding this. He said a couple of pieces of legislation would come down concerning short-term rentals. He believes this will be a big deal from the side of taxation regulation. He is monitoring the progress closely. HB273 is a Local Government Budget-related bill co-sponsored by Representative Balkcom. This bill reiterates some of the rules we must follow in local government.

COUNTY MANAGER'S REPORT

John Mitchell said Staff continues to work on the idea of a Drug Diversion Court for both regular justice and veteran's court. He expects to be able to present at the Board's April mid-month meeting to explain the structure and the funding source. He will ask the Board to make some targeted decisions so we can be ready for business on July 1st if that is the Board's intention. The consultant will also be at that meeting for an update and at a place where they can show the Board their recommendation of a plan to disburse the Opioid funding. He congratulated the Board on the action taken at their last meeting to sign on to the most recent agreement with the State so that the County will receive more than the original \$8M; he believes it to be \$7M-\$8M more that will be received to address these issues.

Mr. Mitchell thanked the Board for today's action regarding East Flat Rock Park. The County has yet to close on that property; however, due diligence continues on behalf of the citizens. The closing date is set for early April. He encouraged the Board to select a date for a ribbon cutting to celebrate the expansion, doubling the park's size in East Flat Rock.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(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 1:20 p.m. All voted in favor, and the motion carried.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Rebecca McCall, Chairman