# **MINUTES**

#### STATE OF NORTH CAROLINA COUNTY OF HENDERSON

## BOARD OF COMMISSIONERS MONDAY, MAY 1, 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 J. Michael Edney, Commissioner William Lapsley, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, and Attorney Russ Burrell.

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, Chief Communications Officer Mike Morgan, Planning Director Autumn Radcliff, Building Services Director Crystal Lyda, County Engineer Marcus Jones, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, Detention Captain Todd McCrain, Major Andrew Starling, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping and Deputy Travis Pearce and Deputy Mandy Ladd provided security.

## CALL TO ORDER/WELCOME

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

## **INVOCATION**

Pastor Steven Blanton with Ebenezer Baptist Church provided the invocation.

## PLEDGE OF ALLEGIANCE

Emory Blanton with the Dana Elementary 4-H Club led the Pledge of Allegiance to the American Flag.

#### **RESOLUTIONS AND RECOGNITIONS**

#### **Elks Lodge Recognition**

Chairman McCall recognized Connie Pace, representing the Elks Lodge, for their assistance and fund-raising efforts for the construction of the new All-Inclusive Playground at Jackson Park. The playground, at almost 10,000 square feet, has been designed for all children and for all physical abilities. JR Spachman built the fence, Chris McCraw helped design the sidewalks and Scott Case spent hours trying to find ideas to make the grading work cheaper and more workable to improve the overall landscape The Elks Lodge raised \$5,000 toward the project, which is in the final stages of construction, with a ribbon-cutting planned for Saturday, May 13, 2023 at 10:00am.

Approved:

# 2023.63 Proclamation – Designating June as Elder Abuse Awareness Month

- **WHEREAS,** in 2006, the International Network for the Prevention of Elder Abuse, in support of the United Nations International Plan of Action, proclaimed a day to recognize the significance of elder abuse as a public health and human rights issue; and
- WHEREAS, Henderson County's vulnerable and elder adults deserve to live safely with dignity; and
- **WHEREAS**, vulnerable and elder adults of all socio-economic, racial and ethnic backgrounds may be targets of abuse, neglect or exploitation which occurs in families, long term care facilities and communities; and
- **WHEREAS,** Henderson County Adult Protective Services received 579 reports in 2022 with 339 screened in for evaluation; and
- **WHEREAS,** we know that elder abuse and mistreatment are underreported according to a study by the World Health Organization that found only **1** in 24 cases of elder abuse is reported; and
- **WHEREAS,** recognizing that it is up to all of us, to ensure that proper social structures exist so people can retain community and societal connections, reducing the likelihood of abuse; and
- **WHEREAS,** protecting Henderson County's vulnerable and elder adults is a community responsibility and it is imperative that communities work together to help reduce and prevent abuse, neglect and exploitation; and
- WHEREAS, all residents should watch for signs of abuse such as physical trauma, withdrawal, depression, anxiety, fear of family members, friends or caregivers and report suspected abuse or exploitation to the Department of Social Services.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Henderson County Board of Commissioners does hereby declare June as Elder Abuse Awareness Month in Henderson County, and encourages the community to work together to help reduce and prevent abuse, neglect and exploitation of our elders.

Adopted this the 1st day of May, 2023.

Commissioner Hill made the motion that the Board adopt the Proclamation to declare June as Elder Abuse Awareness Month in Henderson County. All voted in favor and the motion carried.

# **INFORMAL PUBLIC COMMENT**

- 1. Sue Hendrickson spoke in favor if pay increases at the Sheriff's Office.
- 2. Phyllis Benbow spoke in favor if pay increases at the Sheriff's Office.
- 3. Margaret (Lee) L'Hommedieu spoke to the 2045 Comp Plan and the changes made to some of the terminology.
- 4. Chris Walters gave a brief history of Chuck McGrady, and spoke in favor of the comments made by Mr. McGrady at the last meeting.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chaman McCall requested the addition of Consent Item E – Facility Use Policy Exemption – American Legion. *Vice-Chair Edney made the motion to adopt the agenda as amended. All voted in favor, and the motion carried.* 

#### **CONSENT AGENDA**

Chairman McCall made the motion to adopt the Consent Agenda as amended. All voted in favor, and the motion carried.

The CONSENT AGENDA consisted of the following:

#### Minutes

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

April 19, 2023 - Regularly Scheduled Meeting

Motion: I move the Board approve the minutes of April 19, 2023.

#### **Tax Collector's Report**

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

Henderson County Annual Bills (Real and Personal Property):



## **Pending Releases and Refunds**

Pending releases and refunds had been reviewed by the Assessor, and found to be in order. Those pending release and refund requests were submitted for the approval by the Henderson County Board of Commissioners. Supporting documentation is on file in the County Assessor's Office.

Type:	P	Amount:
Total Taxes Released from the Charge	\$	514.48
Total Refunds as a Result of the Above Releases	\$	255.25

Motion:

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

## **Notification of Vacancies**

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

- 1. Blue Ridge Community College Board of Trustees 2 vacs.
- 2. Environmental Advisory Committee 5 vacs.
- 3. Fire and Rescue Advisory Committee 2 vacs.
- 4. Henderson County Board of Health 3 vacs.
- 5. Henderson County Rail Trail Advisory Committee 1 vac.
- 6. Hendersonville Business Advisory Committee 1 vac.
- 7. Hendersonville City Zoning Board of Adjustment 2 vacs.
- 8. Historic Resources Committee 2 vacs.
- 9. Jury Commission 1 vac.
- 10. JCPC 7 vacs.
- 11. Library Board of Trustees 3 vacs.
- 12. Nursing Adult Care 1 vac.
- 13. Social Services 1 vac.
- 14. Walk of Fame Steering Committee 1 vac.

## Henderson County Financial Report/Cash Balance Report – March 2023

The Henderson Financial Report/Cash Balance Report for March 2023 was provided for the Board's approval.

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

- Dues/Non-Profit Contributions payment of 3rd quarter Board appropriations
- Human Resources timing of board approved purchases
- Legal timing of board approved purchases
- Code Enforcement timing of board approved purchases
- Site Development timing of board approved purchases
- Agri-Business excess operating expenditures, to be covered by membership fees
- Juvenile Justice Programs receipt and disbursement of additional program funding
- Public Education Payment of 9 of 10 annual appropriations made to the public school system
- Interfund Transfers timing of board approved transfers

Year to Date Net Revenues under Expenditures for the Emergency Telephone System (911) Fund is due 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 approve the County Financial Report and Cash Balance Report for March 2023 as presented.

#### Henderson County Public Schools Financial Reports – March 2023

The Henderson County Public Schools March 2023 Local Current Expense Fund / Other Restricted Funds Report was provided for the Board's information.

	LOCAL CURR FU	ENT EXPENSE ND	OTHER RE FU	STRICTED		
REVENUES:	Budget	YTD Activity	Budget	YTD Activity	Combined Total	Prior YTD
3200 State Sources	\$ -	\$ -	\$ 8,000	\$ 8,000	\$ 8,000	\$ 4,000
3700 Federal Sources-Restricted	-	-	1,104,588	352,672	352,672	561,873
3800 Other Federal-ROTC	-	-	100,520	83,858	83,858	113,912
4100 County Appropriation	31,378,000	28,240,200	-	-	28,240,200	26,935,200
4200 Local -Tuition/Fees	-	-	68.000	35,395	35,395	30,485
4400 Local-Unrestricted	630.000	430,170	127,198	114,386	544,556	581,346
4800 Local-Restricted	-	-	632,309	496,905	496,905	517,969
4900 Fund Balance Appropriated/Transfer From school	1,182,221	-	50,729			-
TOTAL FUND REVENUES	\$ 33,190,221	\$ 28,670,370	\$ 2.091.344	\$ 1,091,216	\$ 29,761,586	\$ 28,744,785
EXPENDITURES:		YTD		YTD	Combined	Prior
Instructional Services:	Budget	Activity	Budget	Activity	Total	YTD
5100 Regular Instructional Services	\$ 9.997.767	\$ 6.052.865	\$ 371.012	\$ 244,396	\$ 6,297,261	\$ 5,307,188
5200 Special Populations Services	1.350.830	700,721	620,691	205.534	906,255	845,952
5300 Alternative Programs and Services	222.310	106,404	211.699	166,597	273.000	332,381
5400 School Leadership Services	2.773.563	2.153.011	12,522	12.091	2,165,102	1,900,976
5500 Co-Curricular Services	881,122	602,538	10.000	12,091	614,723	589.673
5800 School-Based Support Services	1.569.903	1.120.379	8,180	1.911	1,122,290	1.058.569
Total Instructional Services	\$ 16,795,495	\$ 10,735,919	\$ 1.234.104	\$ 642,713	\$ 11,378,632	\$ 10,034,737
Total Instructional Services	\$ 10,795,495	\$ 10,735,919	\$ 1,234,104	\$ 042,713	\$ 11,370,032	\$ 10,034,737
System-Wide Support Services:						
6100 Support and Development Services	\$ 298,112	\$ 202,867	\$ 9,205	\$ 9,109	\$ 211,976	\$ 207,382
6200 Special Population Support	235,922	173,603	5,050	1,479	175,081	161,587
6300 Alternative Programs	96,817	71,674	431	431	72,105	54,791
6400 Technology Support Services	1,318,582	940,830	140,000	-	940,830	1,289,182
6500 Operational Support Services	8,721,855	5,681,861	306,503	203,907	5,885,768	5,437,176
6600 Financial and Human Resource Services	2,132,512	1,853,782	71,688	54,803	1,908,585	1,645,121
6700 Accountability Services	220,065	158,780	10,400	1,200	159,980	199,318
6800 System-Wide Pupil Support Services	402,068	282,148	538	538	282,686	233,667
6900 Policy, Leadership and Public Relations	706,800	499,501	13,220	12,789	512,290	511,734
Total System-Wide Support Services	\$ 14,132,733	\$ 9,865,046	\$ 557,034	\$ 284,255	\$ 10,149,301	\$ 9,739,958
Ancillary Services:						
		\$ 388		A 00.070	0 01 007	
7100 Community Services	\$ 388	+	\$ 135,703	\$ 90,979	\$ 91,367	\$ 116,455
7200 Nutrition Services	228,607	84,171			84,171	68,325
Total Ancillary Services	\$ 228,994	\$ 84,558	\$ 135,703	\$ 90,979	\$ 175,538	\$ 184,780
Non-Programmed Charges:						
8100 Payments to Other Governments	\$ 1,996,000	\$ 1,415,337	S -	\$ -	\$ 1,415,337	\$ 1,489,947
8400 Interfund Transfers	\$ 36,999	\$ 36,999	14,397	26,574	63.572	10,539
8500 Contingency			103,922		,	
8600 Educational Foundations			46,184	25.608	25.608	42,757
Total Non-Programmed Charges	\$ 2.032.999	\$ 1,452,335	\$ 164,503	\$ 52,182	\$ 1,504,517	\$ 1,543,243
TOTAL FUND EXPENDITURES	\$ 33,190,221	\$ 22,137,859	+	\$ 1,070,129	\$ 23,207,988	\$ 21,502,719
TOTAL FORD EXPENDITORES	φ 00,100,221	¥ 22,107,009	¥ 2,001,044	¥ 1,010,123	¥ 20,201,000	¥ 21,002,119

#### Motion:

*I move that the Board approve the Henderson County Public Schools Financial Reports for March 2023 as presented.* 

# Facility Use Policy Exemption – American Legion

The County has received a request from the American Legion Auxiliary Unit 77 to set up a poppy display in the Historic Courthouse Rotunda. The request would be now through Memorial Day. Part of the would include a donation cup, which would involve solicitation.

To allow for this use on County grounds, the Board is requested to grant a one-time exemption to rule #4 of the County Facility Use Policy, which prohibits solicitation on the grounds. This exemption, if granted, would cover the dates as outlined above.

## Motion:

I move that the Board grant an exemption to the County Facility Use Policy for the American Legion Auxiliary Unit 77 to set up a poppy display, including a donation cup, in the Historic Courthouse Rotunda through Memorial Day, 2023.

# 2023.62 PUBLIC HEARING - To Consider a Moratorium on "Cryptocurrency Mining"

A Public Hearing has been scheduled on a draft Ordinance Imposing a Moratorium on Cryptocurrency Mining.

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

County Attorney Russ Burrell gave the Board an update on what cryptocurrency mining meant from a practical standpoint. It uses tremendous amounts of electricity, and is extremely loud. He stated that the request was to impose a 60-day moratorium on cryptocurrency mining to allow the Planning Board to recommend some regulations in the form of a draft Ordinance for the Board's consideration.

## **Public Input**

There was none.

Commissioner Andreotta stated that he had done some research, and noted that one of the other concerns was about the impact that cryptocurrency mining has on water quality.

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

Vice-Chair Edney made the motion to adopt an ordinance impose a 60-day moratorium on cryptocurrency mining in Henderson County. All voted in favor and the motion carried.

## **DISCUSSION AGENDA**

## County Manager's FY2023-2024 Recommended Budget

John Mitchell presented the County Manager's FY2023-2024 Recommended Budget for the Board's consideration. The recommended budget was presented in accordance with the Board's direction from the January 2023 Budget Retreat. The Revenue Neutral Tax Rate as of May 1<sup>st</sup> is \$0.431, and is what the FY24 Ad Valorem Tax Revenue is based upon. Mr. Mitchell reviewed the following PowerPoint which included highlights from the recommended budget.



#### FY 2023-2024 RECOMMENDED BUDGET

TAX RATE DECREASE

Tax Rate decreased to the

#### **Budget Preparation Framework**

- Property Tax reduced to \$0.431
- Sales tax projections reflect actual receipts from FY22
- TRE at 98%= \$2,301,750

# FY 2023-2024 RECOMMENDED BUDGET

FY23 Recommended Budget	\$ 190,936,500
Tax Rate	\$ 0.431
Fund Balance Appropriated	\$ 18,681,665

#### FY 2023-2024 RECOMMENDED BUDGET

	FY 2023 Adopted	FY 2024 Proposed	Variance
Ad Valorem Taxes	\$95,439,998	\$98,736,662	\$3,296,664
Local Option Sales Taxes	\$32,577,783	\$41,726,791	\$9,149,008
Other Taxes and Licenses	\$1,655,000	\$1,655,000	\$0
Unrestricted Intergovernmental Revenue	\$50,000	\$50,000	\$0
Restricted Intergovernmental Revenue	\$16,422,643	\$16,845,619	\$422,976
Permits and Fees	\$2,090,795	\$2,067,735	(\$23,060)
Sales and Services	\$8,361,912	\$8,251,423	(\$110,489)
Investment Earnings	\$502,500	\$1,505,000	\$1,002,500
Other Revenues	\$1,262,648	\$1,344,388	\$81,740
Transfers from Other Funds	\$2,290,327	\$72,217	(\$2,218,110)
Fund Balance Appropriated	\$19,509,951	\$18,681,665	(\$828,286)
TOTAL GENERAL FUND REVENUE	\$180,163,557	\$190,936,500	\$10,772,943

#### FY 2023-2024 RECOMMENDED BUDGET

- Full funding of County's Debt Service obligation of \$19,178,617
- Maintains funding to meet current and approved future obligations

#### FY 2023-2024 RECOMMENDED BUDGET

Y24 Proposed Expenditur	es-	\$190,936,500
Y23 Revised Budget -		\$194,119,126
	\$ Variance =	(\$ 3,182,626)
	% Variance =	(1.6%)

F

#### FY 2023-2024 RECOMMENDED BUDGET

Fund	ding Priorities		
۶	Education	\$ 54,893,276	29%
۶	Public Safety	\$ 47,700,597	25%
۶	Human Services	\$ 38,959,824	20%
		\$ 141,553,697	74%

#### FY 2023-2024 RECOMMENDED BUDGET

Proposed Expenditures	\$190,936,500
Proposed Revenues (Excluding Fund Balance)	\$172,254,835
Variance	\$ 18,681,665

**DEBT SERVICE SCHEDULE** 



Staff will present the Budget in detail at the Board's May 17<sup>th</sup> regularly scheduled meeting, which will primarily be dedicated to a budget workshop. The Board is also requested to schedule the required public hearing for the FY24 Budget for Monday, June 5, 2023 at 5:30.

Motion:

Chairman McCall made the motion that the Board schedule the Public Hearing on the FY 2023-2024 Budget for Monday, June 5, 2023 at 5:30pm.

# **Budget Amendment – Motorola Body Cameras**

The Board had a discussion at the March 15<sup>th</sup> meeting regarding a request from the Sheriff's Office to approve a five-year contract to allow for a switch to Motorola/Watchguard body cameras. The change is necessary due to the reoccurring failures of our current cameras, for integration with the vehicle car cameras and for officer safety. Sheriff Griffin stated that when we started the Body Camera program, the vendor selected was Intrensic, but with the necessary in-camera upgrades, the upgrade for integrated body cameras seems to make sense timing wise.

The Sheriff's Office has included a Budget Amendment to pay \$33,077 from the FY23 budget to allow them to receive the cameras and start the service. The remaining amounts per the contract will be payable according to the contract schedule. The total cost of the contract is \$379,985 which includes the cameras, video evidence storage, setup, no fault warranty on the cameras, transfer stations, batteries, docking stations, and training.

Following discussion, Commissioner Lapsley made the motion to "approve an appropriation from the Automotive Supplies funds in an amount of \$33,077 and the necessary budget amendment(s), and to authorize the Sheriff's Office to purchase the body cameras." All voted in favor and the motion carried.

# **NOMINATIONS AND APPOINTMENTS**

- 1. EMS Peer Review Committee 1 vac. There were no nominations, and this item was carried to the next meeting.
- 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.

# **COUNTY MANAGER'S REPORT**

Mr. Mitchell noted that the All-Inclusive Playground is nearly finished. A ribbon-cutting is scheduled for May 13<sup>th</sup> at 10:00am. We anticipate this week having the 100% design drawings for the EMS facility at Fletcher, so a ground-breaking will be scheduled for that project in the coming months. A ribbon cutting at East Flat Rock Park will need to be scheduled. The VFW will be bid out in the very near future and a ground-breaking will be scheduled. And finally the 100% design drawings for the Ecusta Trail are nearing completion and those bids will be received in the near future.

# **IMPORTANT DATES**

Chairman McCall noted the June 5<sup>th</sup> Public Hearing on the FY24 Budget Recommended Budget. She also stated there is a Special Called Meeting scheduled for June 3<sup>rd</sup> at 1:00 dedicated to the 2045 Comprehensive Plan. She reminded the public that they are always welcome and thanked those in attendance for being present.

# **COMMISSIONER UPDATES**

Commissioner Andreotta reminded people that with nice weather emerging, to please be careful when bicycling. Cyclists should follow the traffic rules of the road for their protection. He also asked that folks attend the May 13<sup>th</sup> ribbon cutting for the All Inclusive Playground.

Commissioner Hill stated that May 19<sup>th</sup> at 8:30am is the FFA Awards breakfast at Tracy Grove Baptist Church.

Vice-Chairman Edney thanked Staff for all the work that has gone into the FY24 budget thus far.

Chairman McCall stated that the litter clean-up held last Saturday had been very successful. The County had partnered with the City for the litter sweep, and about 15 people had removed about 290 lbs. of litter.

# **CLOSED SESSION**

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. \$143-318.11(a)(5), to establish, or to instruct the public body's staff or negotiating agents

concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. All voted in favor, and the motion carried.

Chairman McCall made the motion to go out of closed session and adjourn at 7:50 p.m. All voted in favor, and the motion carried.

# ADJOURN

Brantley, Assistant County Manager	Rebecca McCall, Chairman