

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, JUNE 5, 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, Library Director Trina Rushing, Public Health Director Steve Smith, Planner Liz Hanson, Code Enforcement Director Matt Champion, Building Services Director Crystal Lyda, Environmental Health Supervisor Seth Swift, Recreation Director Bruce Gilliam, Park Maintenance Supervisor Jason Kilgore, Benefits Compliance and NRIS Manager Anita Glance, Director of Facility Services Andrew Griffin, Sheriff Lowell Griffin, Master Deputy Johnny Duncan, Tax Administrator Harry Rising, Purchasing Agent Doug Guffey, Capital Projects Manager Bryan Rhodes, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputies Travis Pierce and Matthew Covil provided security

### CALL TO ORDER/WELCOME

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

### INVOCATION

West Henderson High School student Jesse Baldwin provided the invocation.

### PLEDGE OF ALLEGIANCE

Molly Cowan with the Barnyard Bandits led the Pledge of Allegiance to the American Flag.

### RESOLUTIONS AND RECOGNITIONS

#### **2023.73 Appointment of Henderson County Assessor and Tax Collector**

The Board was requested to appoint Mr. Harry Rising as the Henderson County Assessor and Tax Collector for an initial two-year period (adjusted to the end of the fiscal year), under the existing supervisory and bonding arrangements. The initial appointment time is pursuant to NCGS §105-294, which also requires that within two years of the date of appointment, the candidate must be certified by the Department of Revenue.

The Board was also requested to approve an interim settlement through the end of May and charge the new Tax Collector with collections remaining for the balance of the current fiscal year.

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**Resolution Approving the Settlement with the Tax Collector for the 2021-2022 Tax Year**

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the current not yet completed tax year prior to charging a new Tax Collector for the remainder of the tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the current not yet completed tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2022-2023 tax year taxes to date, and all delinquent taxes charged to the Tax Collector for prior tax years;

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The Settlement for the 2022-2023 tax year to date taxes charged to the Tax Collector is hereby approved. The Board finds:

- a. All prepayments received by the Tax Collector were properly deposited;
- b. The settlement is in proper form;
- c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the as yet incomplete 2022-2023 fiscal year; and
- d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.

2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

This the 5<sup>th</sup> day of June, 2023.

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

**ORDER OF COLLECTION**

TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You, Harry Rising, are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the

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amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

WHEREAS, the County of Henderson includes the following unincorporated districts: Blue Ridge Fire District, Valley Hill Fire District, Edneyville Fire District, Etowah-Horseshoe Fire District, Fletcher Fire District, Green River Fire District, Mountain Home Fire District, Mills River Fire District, Dana Fire District, Gerton Fire District, Raven Rock Fire District, and Bat Cave Fire District. You are hereby ordered to collect on their behalf in accordance with paragraph one of this Order of Collection.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 15, 2015, between the County of Henderson and City of Saluda, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an interlocal Agreement for Tax Collection was made effective July 1, 2019, between the County of Henderson and the City of Hendersonville, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, the City of Hendersonville contains two special districts: Downtown-Main Street and Seventh Avenue; you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1st, 2019 between the County of Henderson and the Town of Laurel Park, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WITNESS my hand and official seal, this 5th day of June 2023.

*Chairman McCall made the motion that the Board appoint Harry Rising as Assessor and Tax Collector of Henderson County for a term through the end of June 2025, approve an interim settlement through the end of May, and charge the new Tax Collector with collections. All voted in favor, and the motion carried.*

### **Student-Athlete Recognition**

The Board of Commissioners was requested to recognize student-athletes from across the County for outstanding athletic performance throughout the school year.

Commissioner Andreotta recognized area high school students that had won state titles this year. The West Henderson High School Men's Baseball team recently won the 3A State Baseball Championship game in Burlington, NC. This was the Falcons' first baseball title since 1992. Members of the team were in attendance and gathered at the front of the boardroom as their names

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were read aloud. Members of the team include Lukas Kachilo, Alex Anderson, Cayden Saltz, Jackson Lyda, Hudson Pressley, Bradley Clark, Jude Lyda, Colin Ingle, Isaac Johnson, Truitt Manuel, Ryan Kasney, Nicky Stanko, Logan Oliver, Jackson Lynn, Eli Shinn, Jake Lindsey, Cameron Grady, Grant Putnam, Amani Peri, and Robert Waters. The coaches for the team were also present: Assistant Coach Ryan Anderson, Head Coach Jackie Corn, Assistant Coach Chip Koontz, and Assistant Coach Anthony Lindsey.

Also from West Henderson, Emma Hall won three state titles in outdoor track. Aaron Saft, the women's track head coach, was also present. Tayman Howell was the winner of the state 3A title in men's outdoor track 110-meter hurdles. The Hendersonville High School Women's Tennis Team won their fourth straight state 2A dual tennis team title. Team members include Eliza Perry, Ramsey Ross, Raleigh Prichard, Reese Redden, Anna MacDowell, and Katherine Graham.

### **INFORMAL PUBLIC COMMENT**

1. Gayle Kemp spoke in regard to the Bill of Rights.
2. Cathy Johnson spoke in opposition to the upcoming event "transgender story time" that is to be held at Jackson Park.
3. Margaret L'Hommedien spoke in opposition to the transgender story time that is to be held at Jackson Park.
4. Phillip Kuykendall spoke in opposition to the transgender story time that is to be held at Jackson Park.
5. Janice Parker spoke in opposition to the transgender story time that is to be held at Jackson Park.

Chairman McCall clarified that the event to be held at Jackson Park the upcoming weekend was not a County sponsored event.

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

*Commissioner Lapsley 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):  
May 17, 2023 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of May 17, 2023.*

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

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

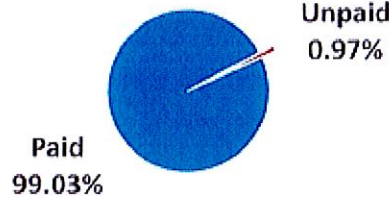
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Please find outlined below collections information through May 24, 2023 for 2022 real and personal property bills mailed on August 5, 2022. Vehicles taxes are billed monthly by NC DMV.

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

<b>2022 Beginning Charge:</b>	<b>\$91,627,197.91</b>
Discoveries & Imm. Irreg.:	\$764,819.36
Releases & Refunds:	<b>(\$1,125,799.73)</b>
<u>Net Charge:</u>	<u>\$91,266,217.54</u>
Unpaid Taxes:	\$884,638.71
<b>Amount Collected:</b>	<b>\$90,381,578.83</b>



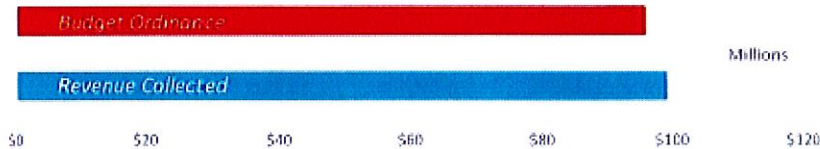
**Henderson County Registered Motor Vehicles (As Collected by NC DMV):**

Net Charge:	\$7,655,116.02
Unpaid Taxes:	\$22,850.91
<b>Amount Collected:</b>	<b>\$7,632,265.11</b>

**99.70%**

**Henderson County FY22 Budget Analysis:**

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$94,458,998.00	\$98,013,843.94
Prior Years:	\$981,000.00	\$862,865.56
<b>Budget Total:</b>	<b>\$95,439,998.00</b>	<b>YTD Revenue: \$98,876,709.50</b>



**2023.74 Pending Releases and Refunds**

The pending releases and refunds have been reviewed by the Assessor. 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.

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

<b>Type:</b>	<b>Amount:</b>
Total Taxes Released from the Charge	\$ 1,594.57
Total Refunds as a Result of the Above Releases	\$ 813.75

Motion:

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

**Henderson County Financial Report/Cash Balance Report – April 2023**

The April 2023 financial and cash balance reports were provided for the Board’s review.

- Dues/Non-Profit Contributions – payment of 4<sup>th</sup> quarter Board appropriations
- Human Resources – the timing of board-approved purchases
- Rescue Squad – payment of 4<sup>th</sup> quarter Board appropriations and billing for reimbursement of utilities
- Site Development – the timing of board-approved purchases
- Agri-Business – excess operating expenditures, to be covered by membership fees

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- Medical Services – Autopsies – timing and quantity of services provided
- Mental Health – payment of 4<sup>th</sup> quarter Board appropriations
- Juvenile Justice Programs – receipt and disbursement of additional program funding
- Public Education – Payment of 10 of 10 annual appropriations made to the public school system
- Interfund Transfers – the timing of board-approved transfers

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.

Year to Date Net Revenues under Expenditures for the Solid Waste Landfill Fund are addressed by a Board approved appropriation from the General Fund, approved May 17, 2023.

HENDERSON COUNTY FINANCIAL REPORT APRIL 2023						
GENERAL FUND REVENUES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
General Fund	194,119,126	7,353,196.94	158,579,791.79	81.7%	-	158,579,791.79
GENERAL FUND EXPENDITURES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
Governing Body	583,191.00	31,369.14	446,648.51	76.59%	-	446,648.51
Dues, Non-Profit Contributions	1,017,201.00	120,159.48	936,004.38	92.02%	-	936,004.38
County Manager	392,022.00	22,127.63	265,779.45	67.80%	-	265,779.45
Administrative Services	753,341.00	53,890.17	588,051.66	78.06%	-	588,051.66
Human Resources	1,174,860.00	80,822.13	998,142.16	84.95%	-	998,142.16
Elections	994,733.00	40,733.66	659,982.73	66.35%	21,850.87	681,833.60
Finance	1,249,748.00	75,305.63	998,787.21	79.92%	-	998,787.21
County Assessor	1,996,430.00	121,529.02	1,454,097.74	72.83%	2,254.41	1,456,382.15
Tax Collector	543,131.00	32,309.39	383,179.55	70.55%	-	383,179.55
Legal	991,880.00	71,962.18	820,213.07	82.69%	-	820,213.07
Register of Deeds	703,454.00	38,509.36	654,568.13	80.26%	3.24	654,561.37
Facilities Services	5,784,268.00	253,793.07	3,717,685.04	64.27%	766,248.50	4,503,933.54
Garage	475,053.00	16,874.53	348,948.76	73.45%	-	348,948.76
Court Facilities	153,000.00	5,008.64	100,475.55	65.67%	-	100,475.55
Information Technology	5,745,414.00	197,789.95	3,824,694.41	66.61%	696,398.55	4,221,082.96
Sheriff	22,597,519.00	1,469,424.07	17,955,441.25	79.46%	292,601.40	18,248,042.65
Detention Center	6,280,838.00	443,009.23	4,659,541.86	74.19%	98,835.93	4,758,377.79
Emergency Management	1,024,069.00	97,743.39	820,102.03	80.08%	30,001.48	850,103.49
Fire Services	824,220.00	15,317.69	476,059.37	57.76%	94,035.00	570,094.37
Building Services	1,505,530.00	109,287.55	1,201,246.22	79.79%	-	1,201,246.22
Wellness Clinic	1,352,315.00	86,809.14	1,063,315.72	78.63%	32,034.64	1,095,350.36
Emergency Medical Services	9,462,971.00	769,534.15	7,628,393.26	80.61%	18,192.21	7,646,585.47
Animal Services	864,123.00	58,831.24	679,118.56	78.59%	49,945.45	729,064.01
Rescue Squad	557,750.00	144,260.29	556,692.27	101.60%	-	556,692.27
Forestry Services	91,484.00	-	36,155.05	39.52%	-	36,155.05
Soil & Water Conservation	932,159.00	65,710.41	421,616.73	45.23%	373,906.00	795,522.73
Planning	913,427.00	50,866.60	651,594.40	71.34%	520.51	652,114.91
Code Enforcement Services	336,695.00	21,777.94	276,404.26	81.80%	1,587.00	277,991.26
Site Development	247,341.00	18,777.62	221,063.03	89.38%	-	221,063.03
Heritage Museum	100,000.00	8,333.34	83,333.32	83.33%	-	83,333.32
Cooperative Extension	598,356.00	45,816.24	404,841.88	67.66%	-	404,841.88
Projects Management	286,800.00	12,275.43	162,115.68	56.53%	-	162,115.68
Economic Development	801,724.00	103,500.00	434,000.00	54.13%	-	434,000.00
Agri-Business	187,266.00	16,509.49	184,289.10	98.41%	-	184,289.10
Public Health	13,831,856.00	736,548.37	7,976,289.43	57.66%	439,907.61	8,415,197.04
Environmental Health	1,705,266.00	123,439.01	1,269,653.94	74.45%	12,400.00	1,282,053.94
H&CC Block Grant	820,541.00	81,999.25	634,762.75	77.36%	-	634,762.75
Medical Services - Autopsies	90,000.00	21,150.00	78,500.00	87.22%	-	78,500.00
Mental Health	528,512.00	132,153.00	528,612.00	100.00%	-	528,612.00
Rural Transportation Assist Program	201,364.00	11,884.91	118,053.48	58.62%	-	118,053.48
Social Services	20,686,003	1,300,016.85	15,111,259.50	73.04%	18,031.60	15,129,291.20
Juvenile Justice Programs	218,745.00	21,716.00	235,257.40	107.55%	-	235,257.40
Veteran Services	141,120.00	8,866.67	59,798.03	42.35%	-	59,798.03
Public Library	4,032,274.00	305,397.19	3,206,199.54	79.51%	83,260.44	3,289,459.98
Recreation	2,654,351.00	155,185.07	2,051,953.35	77.68%	99,253.06	2,151,216.41
Public Education	38,362,938	3,764,034.60	37,487,938.00	97.72%	-	37,487,938.00
Debt Service	19,666,907	1,481,437.83	12,040,782.72	61.22%	-	12,040,782.72
Non-Departmental	7,323,542.00	260,799.53	3,870,201.42	52.14%	-	3,870,201.42
Interfund Transfers	12,329,250	2,257,004.84	10,574,295.40	85.77%	-	10,574,295.40
<b>TOTAL</b>	<b>194,119,126</b>	<b>15,423,319.00</b>	<b>149,004,170.50</b>		<b>3,151,297.88</b>	<b>152,155,468.38</b>
<b>Net Revenues over (under) Exp.</b>	<b>-</b>	<b>(6,070,122.06)</b>	<b>9,575,621.29</b>		<b>(3,151,297.88)</b>	<b>6,424,323.41</b>

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APPROPRIATIONS DETAIL						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>SOCIAL SERVICES</b>						
Staff Operations	16,726,787.00	1,064,726.30	12,603,913.31	75.4%	18,031.60	12,621,944.91
Federal & State Programs	3,860,216.00	228,561.42	2,447,417.56	63.4%	-	2,447,417.56
General Assistance	101,000.00	6,728.13	59,928.73	59.3%	-	59,928.73
<b>TOTAL</b>	<b>20,688,003</b>	<b>1,300,015.85</b>	<b>15,111,259.60</b>		<b>18,031.60</b>	<b>15,129,291.20</b>
<b>EDUCATION</b>						
Schools Current/Capital Expense	33,112,938.00	3,346,534.50	33,112,938.00	100.0%	-	33,112,938.00
Blue Ridge Community College	5,250,000.00	437,500.00	4,375,000.00	83.3%	-	4,375,000.00
<b>TOTAL</b>	<b>38,362,938</b>	<b>3,784,034.50</b>	<b>37,487,938.00</b>		<b>-</b>	<b>37,487,938.00</b>
<b>DEBT SERVICE</b>						
Public Schools	11,951,709.00	711,090.16	6,617,668.17	55.4%	-	6,617,668.17
Blue Ridge Community College	3,372,266.00	-	1,917,401.39	56.9%	-	1,917,401.39
Henderson County	4,344,932.00	770,347.67	3,505,713.16	80.7%	-	3,505,713.16
<b>TOTAL</b>	<b>19,668,907</b>	<b>1,481,437.83</b>	<b>12,040,782.72</b>		<b>-</b>	<b>12,040,782.72</b>
<b>INTERFUND TRANSFERS</b>						
Public Transit Fund	14,874	1,239.50	12,395.00	83.3%	-	12,395.00
Capital Projects Fund	2,029,528	1,400,361.34	1,987,861.40	97.9%	-	1,987,861.40
Capital Reserve Fund	1,710,808	142,567.33	1,425,673.30	83.3%	-	1,425,673.30
Fire Districts Fund	20,000	-	20,000.00	100.0%	-	20,000.00
HCPs MRTS	5,132,424	427,702.00	4,277,020.00	83.3%	-	4,277,020.00
BRCC MRTS	3,421,616	285,134.67	2,851,346.70	83.3%	-	2,851,346.70
<b>TOTAL</b>	<b>12,329,250</b>	<b>2,257,004.84</b>	<b>10,574,296.40</b>		<b>-</b>	<b>10,574,296.40</b>

APRIL 2023

SPECIAL REVENUE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>FIRE DISTRICTS FUND</b>						
Revenues:	12,264,624	139,764.40	12,191,896.04	99.4%	-	12,191,896.04
Expenditures:	12,264,624	196,759.51	12,055,302.60	98.3%	-	12,055,302.60
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(56,995.11)</b>	<b>136,593.44</b>		<b>-</b>	<b>136,593.44</b>
<b>REVALUATION RESERVE FUND</b>						
Revenues:	1,517,381	133,122.25	1,299,679.31	85.7%	-	1,299,679.31
Expenditures:	1,517,381	63,561.96	1,047,451.30	69.0%	-	1,047,451.30
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>69,560.29</b>	<b>252,228.01</b>		<b>-</b>	<b>252,228.01</b>
<b>EMERGENCY TELEPHONE SYSTEM (011) FUND</b>						
Revenues:	452,332	9,265.62	75,567.65	16.7%	-	75,567.65
Expenditures:	452,332	34,584.98	286,632.30	63.4%	8,131.00	294,763.30
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(25,319.36)</b>	<b>(211,064.65)</b>		<b>(8,131.00)</b>	<b>(219,195.65)</b>
<b>PUBLIC TRANSIT FUND</b>						
Revenues:	1,088,403	8,223.65	683,359.30	62.8%	-	683,359.30
Expenditures:	1,088,403	69,801.11	593,911.76	54.6%	56,654.70	650,566.46
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(61,577.46)</b>	<b>89,447.54</b>		<b>(56,654.70)</b>	<b>32,792.84</b>
<b>MISC. OTHER GOVERNMENTAL ACTIVITIES</b>						
Revenues:	1,193,856	55,094.85	540,549.48	45.3%	-	540,549.48
Expenditures:	1,193,856	70,668.55	980,207.03	82.1%	-	980,207.03
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(15,573.70)</b>	<b>(439,657.55)</b>		<b>-</b>	<b>(439,657.55)</b>
<b>ARPA FUND</b>						
Revenues:	1,574,992	70,167.95	380,523.11	24.2%	-	380,523.11
Expenditures:	1,574,992	-	682,336.66	43.3%	466,608.83	1,148,945.49
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>70,167.95</b>	<b>(301,813.55)</b>		<b>(466,608.83)</b>	<b>(768,422.38)</b>
<b>OPIOID FUND</b>						
Revenues:	-	3,629.34	628,209.79	-	-	628,209.79
Expenditures:	-	-	18.08	-	-	18.08
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>3,629.34</b>	<b>628,191.71</b>		<b>-</b>	<b>628,191.71</b>

CAPITAL PROJECTS						
	BUDGET	CURRENT MONTH	PROJECT TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>EDNEYVILLE ELEMENTARY SCHOOL PROJECT (1702)</b>						
Revenues:	26,854,135	8,146.75	27,810,136.03	103.6%	-	27,810,136.03
Expenditures:	26,854,135	-	25,331,294.76	94.3%	-	25,331,294.76
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>8,146.75</b>	<b>2,478,841.27</b>		<b>-</b>	<b>2,478,841.27</b>
<b>HENDERSONVILLE HIGH SCHOOL PROJECT - 2019 (1903) - PROJECT COMPLETE</b>						
Revenues:	60,442,694	-	61,155,283.96	101.2%	-	61,155,283.96
Expenditures:	60,442,694	342.00	60,940,000.37	100.8%	-	60,940,000.37
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(342.00)</b>	<b>225,283.59</b>		<b>-</b>	<b>225,283.59</b>
<b>BRCC PATTON BUILDING PROJECT (1904) - PROJECT COMPLETE</b>						
Revenues:	24,800,016	-	25,487,986.04	102.8%	-	25,487,986.04
Expenditures:	24,800,016	212,548.25	25,083,221.60	101.1%	-	25,083,221.60
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(212,548.25)</b>	<b>404,764.44</b>		<b>-</b>	<b>404,764.44</b>

ENTERPRISE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
<b>SOLID WASTE LANDFILL FUND</b>						
Revenues:	8,745,933	651,066.03	7,099,890.24	81.2%	-	7,099,890.24
Expenditures:	8,745,933	770,316.05	7,156,828.18	81.8%	899,338.31	8,056,166.49
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>(119,250.03)</b>	<b>(56,937.94)</b>		<b>(899,338.31)</b>	<b>(956,276.25)</b>
<b>JUSTICE ACADEMY SEWER FUND</b>						
Revenues:	65,781	6,034.95	50,067.94	76.1%	-	50,067.94
Expenditures:	65,781	4,507.63	36,627.99	55.7%	-	36,627.99
<b>Net Revenues over (under) Exp</b>	<b>-</b>	<b>1,527.32</b>	<b>13,439.95</b>		<b>-</b>	<b>13,439.95</b>

**HENDERSON COUNTY  
CASH BALANCE REPORT  
APRIL 2023**

Fund(s)	03/31/23	Debits	(Credits)	04/30/23
	Beg. Cash Balance			Revenues
General	\$ 110,446,883.65	\$ 7,102,294.20	\$ (15,966,273.60)	\$ 101,582,904.25
Special Revenue	40,421,215.11	551,734.84	(567,131.62)	\$ 40,405,818.33
Capital Projects	7,720,256.26	1,666,053.53	(1,792,241.56)	\$ 7,594,068.23
Enterprise	1,236,795.26	655,964.78	(773,687.49)	\$ 1,119,072.55
HCPS - Maint. and Repair	7,564,885.21	427,702.00	(115,992.91)	\$ 7,876,594.30
BRCC - Maint. and Repair	2,400,923.22	136,893.00	(500.00)	\$ 2,537,316.22
Custodial	<u>585,090.55</u>	<u>233,978.59</u>	<u>(248,556.27)</u>	\$ 570,512.87
<b>Total</b>	<u>\$ 170,376,049.26</u>	<u>\$ 10,774,620.94</u>	<u>\$ (19,464,383.45)</u>	
<b>Total cash available as of 04/30/2023</b>				<u><u>\$ 161,686,286.75</u></u>

Motion:

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

**Henderson County Public Schools Financial Reports – April 2023**

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

Approved: June 28, 2023



**HENDERSON COUNTY PUBLIC SCHOOLS  
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS  
as of April 30, 2023**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
<b>REVENUES:</b>						
3200 State Sources	\$ -	\$ -	\$ 8,000	\$ 8,000	\$ 8,000	\$ 4,000
3700 Federal Sources-Restricted	-	-	1,104,588	640,395	640,395	588,201
3800 Other Federal-ROTC	-	-	100,520	98,589	98,589	128,067
4100 County Appropriation	31,378,000	31,378,000	-	-	31,378,000	29,928,000
4200 Local -Tuition/Fees	-	-	68,000	36,695	36,695	30,485
4400 Local-Unrestricted	630,000	520,362	142,516	131,384	651,746	641,139
4800 Local-Restricted	-	-	636,065	546,891	546,891	747,968
4900 Fund Balance Appropriated/Transfer From school	1,182,221	-	60,884	64,398	64,398	-
<b>TOTAL FUND REVENUES</b>	<b>\$ 33,190,221</b>	<b>\$ 31,898,362</b>	<b>\$ 2,110,573</b>	<b>\$ 1,526,352</b>	<b>\$ 33,424,714</b>	<b>\$ 32,065,861</b>
<b>EXPENDITURES:</b>						
<b>Instructional Services:</b>						
5100 Regular Instructional Services	\$ 9,997,767	\$ 8,323,867	\$ 371,167	\$ 281,714	\$ 6,605,581	\$ 5,881,557
5200 Special Populations Services	1,350,830	719,719	620,691	281,582	1,001,301	879,194
5300 Alternative Programs and Services	222,310	102,515	211,699	179,697	282,212	370,560
5400 School Leadership Services	2,773,563	2,352,650	12,522	12,091	2,364,741	2,123,501
5500 Co-Curricular Services	881,122	602,626	10,000	92	602,718	597,058
5800 School-Based Support Services	1,569,903	1,254,031	8,180	1,911	1,255,943	1,121,373
<b>Total Instructional Services</b>	<b>\$ 16,795,495</b>	<b>\$ 11,355,408</b>	<b>\$ 1,234,259</b>	<b>\$ 757,088</b>	<b>\$ 12,112,496</b>	<b>\$ 10,973,242</b>
<b>System-Wide Support Services:</b>						
6100 Support and Development Services	\$ 298,112	\$ 224,648	\$ 9,205	\$ 12,162	\$ 236,810	\$ 230,373
6200 Special Population Support	235,922	187,626	5,050	1,558	189,184	177,194
6300 Alternative Programs	96,817	78,643	431	431	79,074	59,782
6400 Technology Support Services	1,318,582	1,014,536	143,757	3,548	1,018,084	1,223,035
6500 Operational Support Services	8,721,855	6,485,271	306,503	304,509	6,789,780	6,090,003
6600 Financial and Human Resource Services	2,132,512	1,926,106	71,688	69,969	1,996,075	1,693,625
6700 Accountability Services	220,065	174,140	10,400	1,200	175,340	215,258
6800 System-Wide Pupil Support Services	402,068	301,914	538	538	302,452	263,691
6900 Policy, Leadership and Public Relations	706,800	533,949	13,220	12,789	546,639	582,593
<b>Total System-Wide Support Services</b>	<b>\$ 14,132,733</b>	<b>\$ 10,926,733</b>	<b>\$ 560,791</b>	<b>\$ 408,704</b>	<b>\$ 11,333,437</b>	<b>\$ 10,535,554</b>
<b>Ancillary Services:</b>						
7100 Community Services	\$ 388	\$ 388	\$ 135,703	\$ 96,920	\$ 97,308	\$ 130,528
7200 Nutrition Services	228,607	84,482	-	18,480	102,982	68,855
<b>Total Ancillary Services</b>	<b>\$ 228,994</b>	<b>\$ 84,870</b>	<b>\$ 135,703</b>	<b>\$ 115,400</b>	<b>\$ 200,270</b>	<b>\$ 199,383</b>
<b>Non-Programmed Charges:</b>						
8100 Payments to Other Governments	\$ 1,996,000	\$ 1,614,724	\$ -	\$ -	\$ 1,614,724	\$ 1,671,006
8400 Interfund Transfers	\$ 36,999	\$ 36,999	29,715	28,574	63,572	11,209
8500 Contingency	-	-	103,922	-	-	-
8600 Educational Foundations	-	-	46,184	35,162	35,162	46,498
<b>Total Non-Programmed Charges</b>	<b>\$ 2,032,999</b>	<b>\$ 1,651,723</b>	<b>\$ 179,821</b>	<b>\$ 61,735</b>	<b>\$ 1,713,458</b>	<b>\$ 1,728,713</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>\$ 33,190,221</b>	<b>\$ 24,018,734</b>	<b>\$ 2,110,573</b>	<b>\$ 1,340,928</b>	<b>\$ 25,359,661</b>	<b>\$ 23,436,892</b>

Motion:

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

**Notification of Vacancies**

The Notification of Vacancies was provided for the Board’s information. They will appear on the next agenda under “Nominations.”

1. Child Protection and Fatality Prevention Team – 1 vac.  
Position #6  
Position Requirement: Regular – At Large
2. Henderson County Board of Equalization and Review – 1 vac.  
Position #2

Approved: June 28, 2023

Position Requirement: Regular – At Large

3. Recreation Advisory Board – 1 vac.

Position # 2

Position Requirement: Regular – At Large

**2023.75 Budget Amendment – Soil and Water Fund Balance Appropriated**

The Board was requested to approve a Budget Amendment, transferring \$37,195 from Restricted Fund Balance that is comprised of Soil and Water Conservation donations to fund survey equipment for Soil and Water Conservation staff.

Motion:

*I move to approve the budget amendment as presented, appropriating restricted fund balance to fund survey equipment.*

**Sole Source of Trimble R12i Survey Equipment System**

The Board was requested to approve a proposal and authorize staff to proceed with the purchase of (1) Trimble R12i Survey Equipment via the sole source exception to informal bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole quote was received from Duncan Parnell for a total price of \$37,195 for the purchase of the Trimble R12i Survey Equipment System, including training. The R12i system will upgrade currently owned survey equipment to a GIS-based system which will provide greater versatility in surveying previously difficult locations, such as stream corridors. The controller and software of the existing equipment are no longer being serviced or updated. Duncan Parnell provided the original equipment and has serviced the equipment annually. The system will be used for surveying sites involved in the cost-share programs and other projects on County property. The department has been actively working with Rugby Middle School and the Parks and Recreation Department on stream restoration projects. The R12i system will allow for more detailed and accurate surveys of the stream restoration sites.

The funds for the R12i system are coming from restricted donations previously set aside for technical equipment purchases for the Department.

Motion:

*I move the Henderson County Board of Commissioners accept the sole proposal from Duncan Parnell and authorize Henderson County Staff to proceed with the purchase of (1) Trimble R12i Survey Equipment System via the sole source exception to informal bidding as allowed under N.C.G.S 143-129 (e)(6).*

**2023.76 Surplus and Donation of Stair Chair Stretcher to Dana Fire and Rescue Inc.**

The Board was provided a resolution declaring one (1) Stryker Stair Chair Stretcher no longer used by Henderson County Emergency Medical Services as surplus property and the donation of the Stair Chair to the Dana Fire and Rescue Inc. as allowed by N.C.G.S. 160A-280 to be used for assisting non-ambulatory patients.

Motion:

*I move that the Board approve the attached resolution declaring the Stair Chair*

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*Stretcher presented as surplus and authorizes the donation to the Dana Fire and Rescue Inc. as allowed by N.C.G.S. 160A-280.*

### **Home and Community Care Block Grant FY24 County Funding Plan**

The Board of Commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agency responsible for coordinating the County Funding Plan. The Home & Community Care Block Grant is a State/Federal program administered at the local level. The Funding Plan supports the service priorities identified for the current planning cycle.

Home & Community Care Block Grant funding for FY2024 is \$844,293.

Motion:

*I move the Board appoint the County Manager's office as the Lead Agency and approve the proposed FY24 Funding Plan.*

### **2023.77 Budget Amendment – Funding for Edneyville Sewer Collection System**

On May 2, 2022, the Board approved the funding of the Edneyville Sewer Collection System project of \$9.3M using American Rescue Plan (ARPA) Funds. The Board was requested to approve a Budget Amendment, transferring the approved funding of \$9.3M from the ARPA Fund to the Capital Projects Fund. These monies will be used to fund approved expenditures for the Edneyville Sewer Collection System Project.

Motion:

*I move the Board approve the budget amendment as presented, transferring funds from the ARPA Fund to the Capital Projects Fund.*

### **2023.78 Budget Amendment – Funding for VFW Project**

On May 2, 2022, the Board approved the funding of the VFW Renovation and Repair project of \$4.2M using American Rescue Plan (ARPA) Funds. To date, \$212,000 has been appropriated for architectural services. The Board was requested to approve a Budget Amendment, transferring the remainder of the approved funding of \$3,988,000 from the ARPA Fund to the Capital Projects Fund. These monies will be used to fund approved expenditures for the VFW building project.

Motion:

*I move the Board approve the budget amendment as presented, transferring funds from the ARPA Fund to the Capital Projects Fund.*

### **Sole Source of Zetron Fire Station Alerting**

The Board was requested to approve the proposal presented and authorize staff to proceed with the purchase of (1) Zetron Fire Station Alerting-Voice to Speech System via the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole quote was received from Kimball Communications for a total price of \$32,802.18 for the purchase of hardware and software for the system as well as a CAD Interface for Fire Alerting from Southern Software in the amount of \$5,250. The FSA system will integrate with our current Zetron Max radio and system, which is under a maintenance contract with Kimball Communications. Kimball Communications is the *only* certified and fully authorized Zetron factory-trained sales and service center in the region. The FSA system will also integrate with our

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current CAD system.

The FSA system will allow telecommunicators to activate fire station alerting functions, including automated text-to-speech dispatching.

The FSA system was included in the FY2023 budget in the amount of \$54,927.

Motion:

*I move the Board accept the budget amendment as presented and the sole proposal from Kimball Communications and Southern Software and authorize Henderson County Staff to proceed with the purchase of (1) Zetron Fire Station alerting-Voice to Speech System via the sole source exception to informal bidding as allowed under N.C.G.S 143-129 (e)(6).*

### **2023.79 Agreement with Airport Authority**

The Board was requested to approve the agreement with the Airport Authority as presented.

Motion:

*I move that the Board approve the proposed agreement, with the understanding that the terms of an easement in favor of the County (and future purchaser) may be added prior to execution and direct staff to execute the same on behalf of the County.*

### **2023.80 Budget Amendment – Appropriating Register of Deeds Restricted Fund Balance**

The Board was requested to approve a budget amendment appropriating Restricted Fund Balance from the Register of Deeds AEPF Fund in the amount of \$107,030 for the completion of Phases 1 and 2 of the Back Indexing Project. This project completed by Courthouse Computer Systems creates a searchable index for our Deeds from 1949-1978. With this addition, the total searchable index will now range from 1949 to the present day.

Motion:

*I move the Board approve the Budget Amendment appropriating Restricted Fund Balance from the Register of Deeds AEPF Fund in the amount of \$107,030 for the completion of Phases 1 and 2 of the Back Indexing Project.*

### **Chronic Nuisance Property**

The Code Enforcement and Zoning Services Department has cited a parcel of property three times within the past year for violation of the nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on the geographical information system as PIN 0610-51-0938, with the owner shown as “Carroll Bruce Haynes.”

Under N.C.G.S. §153A-140.2,

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a

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person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

This matter would come back before the Board before a contractor was hired to clear up the property under the authority noted above.

Motion:

*I move that the Board give the owner(s) of the property, which is the subject of this agenda item, the notice provided for under N.C.G.S. §153A-140.2.*

### **American Rescue Plan – Adoption of Policies and Procedures**

The Final Rule for the American Rescue Plan was issued on January 6, 2022. That final rule contains a number of regulations that local governments must follow when expending Federal Funds, including a variety of policies and procedures. Staff is in the process of developing those policies and procedures and will bring those to the Board for adoption once finalized.

The required policies have been drafted and reviewed by Finance and the County Attorney. The Property Management Policy was originally adopted in September 2022 and is being renumbered as Tab 8 as some previously anticipated policies do not appear to be required at this time based on the Board's allocations.

The Board was requested to review the policies drafted by Staff and adopt them as presented.

Motion:

*I move the Board adopt the Federal Awards Purchasing Policy, Program Income, Property Management, and Uniform Guidance Policy for Conflicts of Interest as presented.*

### **2023.81 Budget Amendment – Etowah Library Outdoor Space**

The Board was requested to approve a Budget Amendment to recognize restricted funding for the Etowah Library outdoor space project. The funding, not to exceed \$80,000, is derived from the Betty A. and Richard J. Scott Endowment held by the Friends of the Library. No county funds will be spent on this project.

Motion:

*I move the Board approve the budget amendment as presented, recognizing restricted funding to fund the Etowah Library outdoor space project.*

### **2023. 82 GREAT Grant Agreement**

The North Carolina Budget has appropriated \$350 million from the American Rescue Plan Act (ARPA) for the GREAT Grant program. Awards can be made within eligible economically-distressed counties in areas unserved with broadband at speeds of 25 Mbps download and 3 Mbps upload. Project deployments must provide minimum speeds of 100 Mbps download and 20 Mbps upload, scalable to 100 Mbps symmetrical. The program encourages partnerships with counties, nonprofits, or other internet service providers. Grants require matching investments from private broadband provider grantees, leveraging funding to deploy infrastructure to N.C. households, businesses, and farms in the most rural and remote areas of the state.

Henderson County has had one internet service provider, Altice USA, successfully receive GREAT Grant funding. The contract outlines Henderson County's responsibility as supporting the application with \$500,000 in ARP funds as matching dollars towards the project.

Motion:

*I move to approve the GREAT Grant Agreement as presented.*

**2023.83 Resolution – Opioid Settlement Fund Expenditure Authorization**

At the Board's May 17, 2023 meeting, the Board approved a Budget Amendment for Substance Abuse Task Force members to travel to and attend the RISE23 conference in Houston, TX. The RISE23 Conference is an annual training conference for members of the National Association of Drug Court Professionals (NADCP), along with individuals in public health and public safety fields. The Board was also requested to approve a Budget Amendment from this fund for members to attend the NC Summit on Reducing Overdose in Durham.

In addition to the Budget Amendment, the Board must also adopt a Resolution per the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation which dictates the process for drawing from the Special Revenue Fund.

Motion:

*I move the Board adopt the Resolution authorizing the expenditure of opioid settlement funds as presented, and the associated Budget Amendment for the NC Summit on Reducing Overdose.*

**Vannoy Construction's Preconstruction Fee Proposal for Pre-Con Services on HCPS Upward Elementary Project**

The Board was requested to approve the Pre-Con Proposal from Vannoy Construction and authorize staff to proceed to Contract for Pre-Con Services for the HCPS Upward Elementary Project.

The proposal received from Vannoy Construction is for a price of \$18,740.00 for the Preconstruction Services.

Motion:

*I move the Henderson County Board of Commissioners approve the Preconstruction Proposal, for Vannoy Construction, in the amount of \$18,740.00, for the Preconstruction Services.*

**ABC Permit Request – Jason Cody McCanson; J&M Farms at Freeman Orchards, LLC**

Jason Cody McCanson and J & M Farms at Freeman Orchards, LLC, have applied for on-premise malt beverage and unfortified wine permits. A request for comment has been made to the Sheriff's Office. This item was placed on the agenda pursuant to Board policy.

In the absence of objections meeting the statutory criteria, the County's standard response is to provide a notice that it does not object to the permit to the North Carolina Alcoholic Beverage Control Commission.

Approved: June 28, 2023

**Motion:**

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

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

**PUBLIC HEARING****2023.84 FY2023-2024 Budget Public Hearing**

*Commissioner Lapsley made the motion to go into the public hearing. All voted in favor, and the motion carried.*

The Board of Commissioners was requested to hold the Public Hearing on the FY 2023-2024 Budget. Following the public hearing, the Board was requested to continue discussions with regard to the FY 2023-2024 Budget.

Public Input: There was none.

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

**2023.85 Conditional Rezoning Application #R-2023-03-C, Residential One (R1) to Conditional District**

*Commissioner Lapsley made the motion to go into the public hearing. All voted in favor, and the motion carried.*

Rezoning Application #R-2023-03-C was initiated on February 23, 2023, and requests that the County conditionally rezone approximately 2.7 acres of land from Residential One (R1) to a Conditional District (CD-2023-03). The project contains all of PIN 9587-03-4418 that has direct access to Princetonia Dr. The property is owned by Robert Francis and Jennie Francis, who are also the applicants.

The applicant is proposing to add an additional structure with 4 dwelling units. The subject area already contains two existing structures with a total of 13 dwelling units. The development is required to be approved as a conditional rezoning due to the number of multi-family units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Wednesday, March 29, 2023, in the King Street Meeting Room. A copy of the meeting report is attached to this agenda item.

The Technical Review Committee (TRC) reviewed the application on April 4, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of

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the conditions required by the TRC is listed in the staff report.

The Planning Board reviewed the conditional rezoning request at its April 20, 2023, meeting. The Planning Board voted to send forward a favorable recommendation.

**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 June 5, 2023, public hearing regarding rezoning application #R-2023-03-C was published in the Hendersonville Lightning on May 24<sup>th</sup> and May 31<sup>st</sup>. The Planning Department sent notices of the hearing via first-class mail to the owners of properties within 400 feet of the Subject Area on May 19, 2023, and posted signs advertising the hearing on May 22, 2023.

## Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on May 24<sup>th</sup> and May 31<sup>st</sup>
- The property was posted on May 22<sup>nd</sup>
- Letters were mailed to property owners within 400 feet of the Subject Area on May 19<sup>th</sup>

## Conditional Districts

Conditional rezoning's are:

- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

## Application Summary

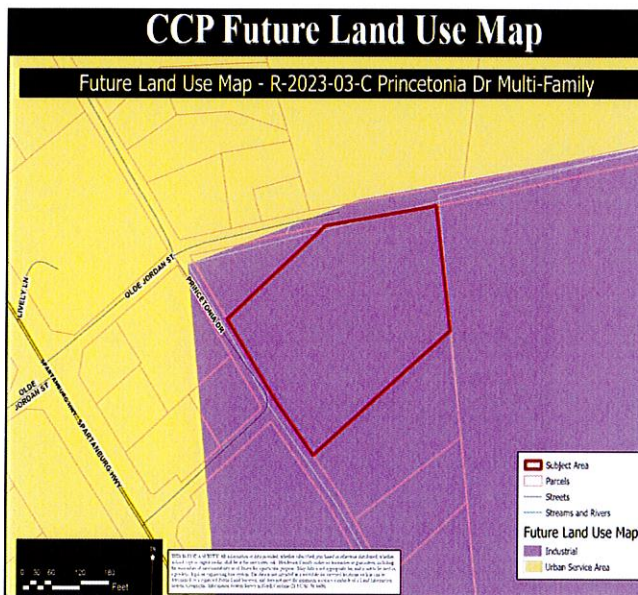
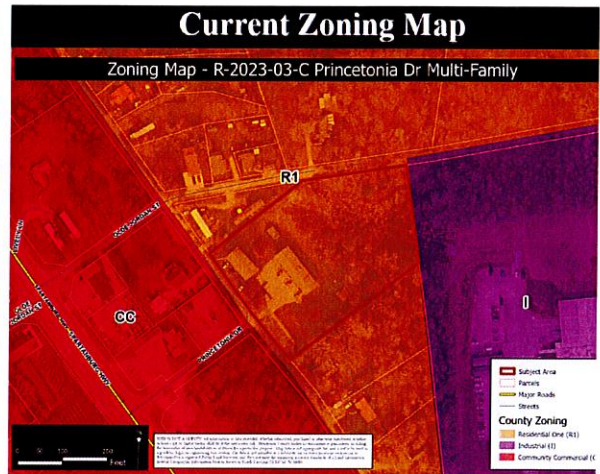
- Conditional Rezoning Request: R-2023-03-C
- Owner(s): Robert Francis and Jennie Francis
- Applicant(s): Robert Francis
- Property Location: 70 Princeton Dr PIN: 9587-03-4418
- Conditionally rezone from a Residential One (R1) Zoning District to a Conditional District (CD-2023-03)
- Approximately 2.7 acres

## County Context Map

County Context - R-2023-03-C Princeton Dr Multi-Family

Property Owner: Robert Francis & Jennie Francis  
 Assessed Acreage: 2.89 Acres PIN: 9587-03-4418  
 Current Zoning: Residential One (R1)









*voted in favor, and the motion carried.*

**2023.86 Rezoning Application #R-2023-05, Office Institutional (O&I) to Residential Two Rural (R2R)**

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

Rezoning Application #R-2023-05, initiated on April 11, 2023, requests that the County rezone approximately 9.98 assessed acres from Office Institutional (O&I) to Residential Two Rural (R2R) zoning district. The acreage consists of PIN: 9681-84-5915, located off Parham Road. The property owner is the J Keith Garren Trustee and Revocable Trust. The applicant is Lane Heffner.

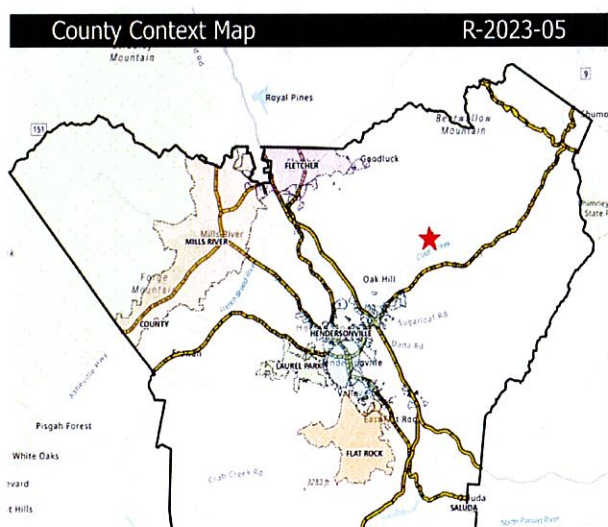
The Technical Review Committee reviewed the application at its May 16<sup>th</sup>, 2023, meeting, and saw no administrative issues with the request, and voted unanimously to forward the application to the Planning Board. The Planning Board reviewed this request at its May 18<sup>th</sup>, 2023, meeting and voted unanimously to send forth a favorable recommendation for approval.

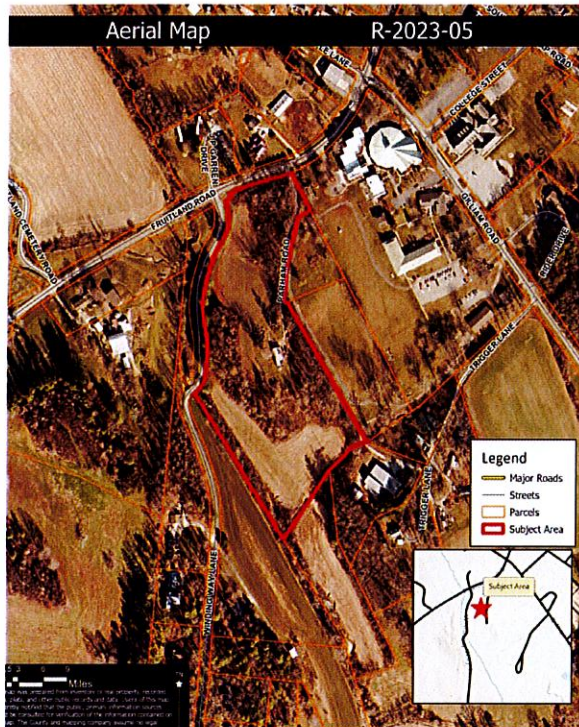
**PUBLIC NOTICE:**

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-2023-05 was published in the Hendersonville Lightning on May 24<sup>th</sup> and May 31<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 May 22<sup>nd</sup>, 2023, and posted signs advertising the hearing on the Subject Area on May 22<sup>nd</sup>, 2023.

**Application Summary**

- Rezoning Request R-2023-05
- Owner: J Keith Garren Trustee & Revocable Trust
- Agent/Applicant: Lane Heffner
- Property Location: 110 Parham Rd (PIN # 9681-84-5915)
- Acreage: 9.98 (assessed)





## District Comparison



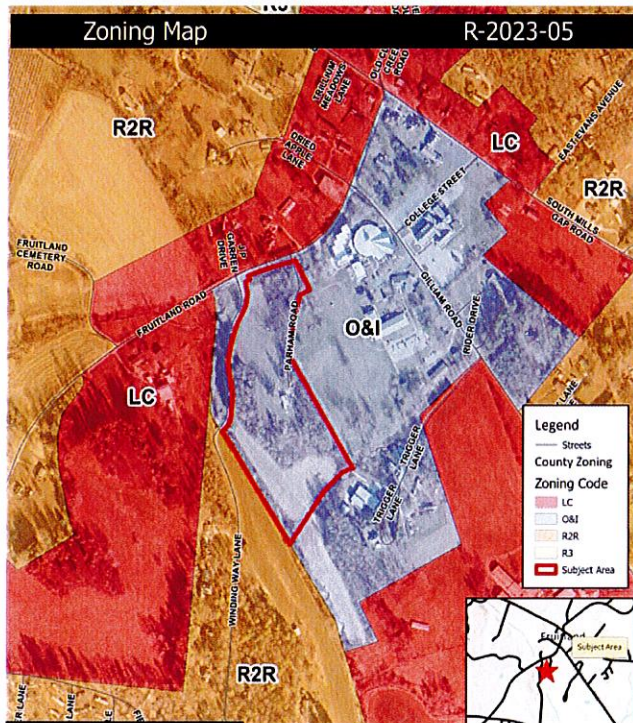
### Office Institutional (O&I)

- Principle land use is a mix of office, institutional, and residential



### Residential Two Rural (R2R)

- Principle land use is residential
- Low to medium density residential development
- Typically meant to be utilized in areas designated as Transitional (RTA) in the Comprehensive Plan



## 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



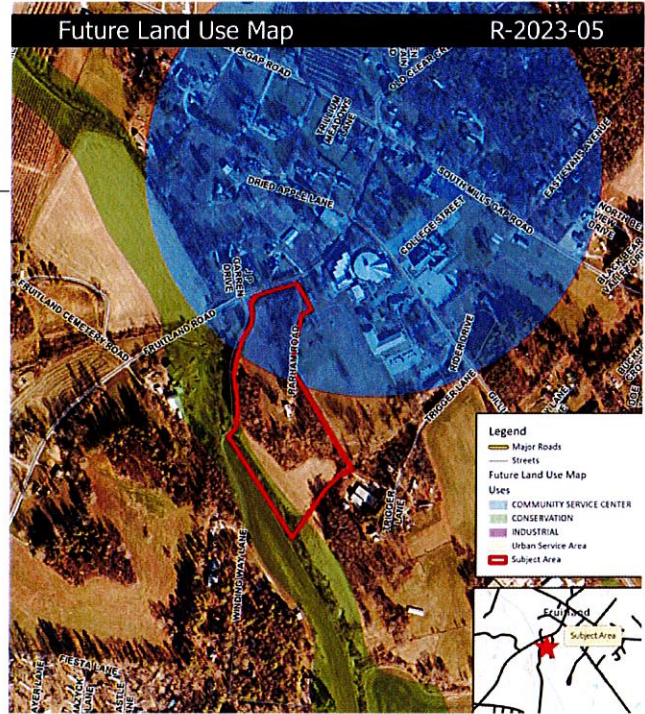
# Comprehensive Plan Compatibility



## Conservation

Includes land areas that are intended to remain largely in their natural state, with only limited development

Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watershed



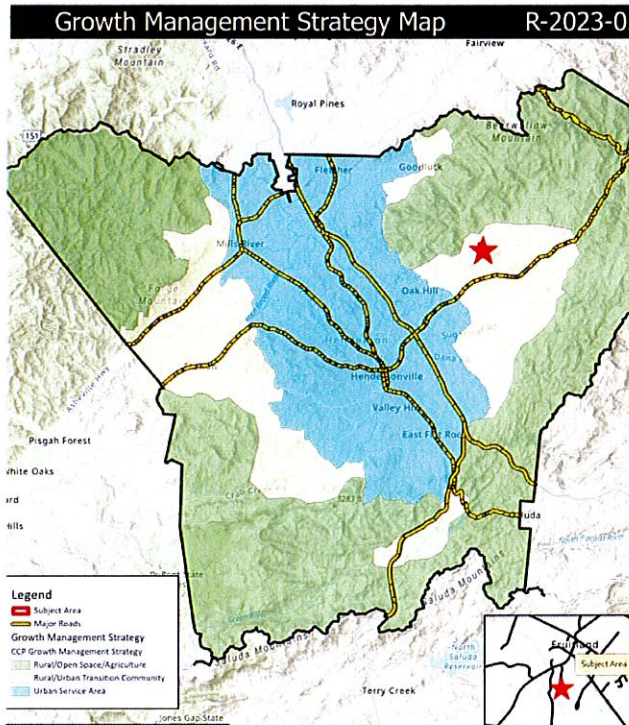
# Additional Plans & Studies

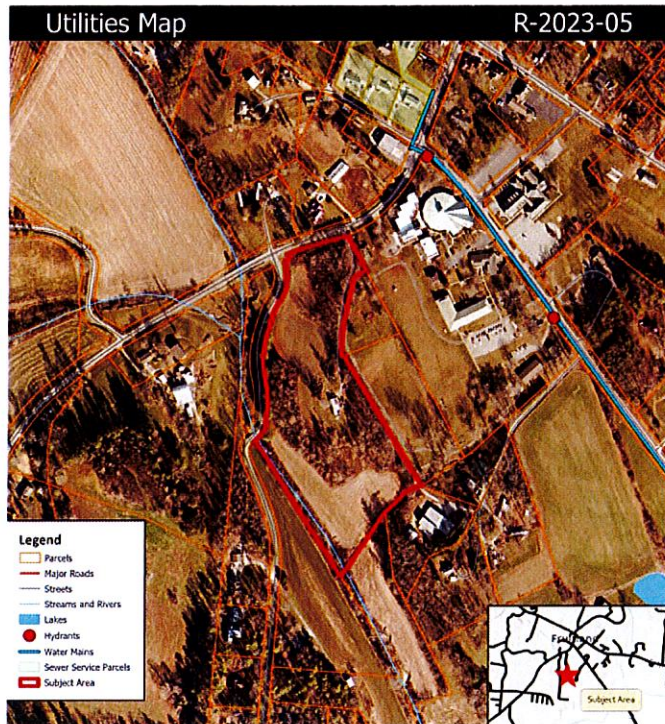
## Edneyville Community Plan



Adopted May 11, 2010

The subject area lies within the Edneyville Community Planning Area per Map 1. Planning Area Boundary of the Edneyville Community Plan (2010) (ECP, p.61). Per Map 9B. Land Use Recommendations, the community plan proposes zoning the subject area as Office Institutional (OI) (ECP, p.71).





Public Input: There was none.

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

*Commissioner Andreotta made the motion that the Board approve rezoning application #R-2023-05 to rezone the Subject Area from an Office Institutional (O&I) zoning district to a Residential Two Rural (R2R) zoning district based on the recommendations of the Henderson County Comprehensive Plan, and;*

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

**DISCUSSION**

**2023.87 FY2023-2024 Budget Ordinance**

The Board was requested to continue discussions with regard to the FY 2023-2024 Budget.

County Manager John Mitchell opened the discussion with the timeline for the creation of the proposed FY2024 budget. He said the proposed budget has been available for the public to view on the County’s website.

Mr. Mitchell said the proposed budget had been put together with a revenue-neutral tax rate of \$0.431, and if the Board approved the revenue-neutral rate that Henderson County would have the lowest rate of the 29 urban counties.

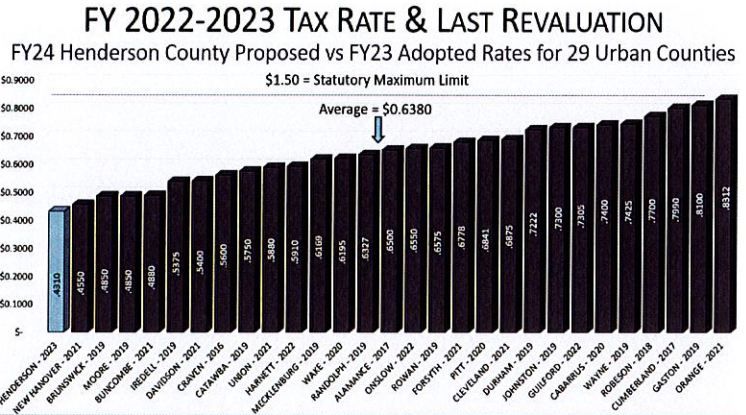
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FY 2023-2024 RECOMMENDED BUDGET

# TAX RATE DECREASE

Tax Rate decreased to the Revenue Neutral Rate of \$0.431



FY 2023-2024 RECOMMENDED BUDGET

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

Funding Priorities

➤ Education	\$ 54,893,276	29%
➤ Public Safety	\$ 47,700,597	25%
➤ Human Services	\$ 38,959,824	20%
	<b>\$ 141,553,697</b>	<b>74%</b>

FY 2023-2024 RECOMMENDED BUDGET  
AS PRESENTED MAY 1, 2023

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

FY 2023-2024 RECOMMENDED BUDGET

- Full funding of County's Debt Service obligation of \$19,178,617
- Also includes funding for future Courthouse and Detention additions and renovations
- Maintains funding to meet current and approved future obligations

FY 2024 BUDGET PROCESS

- ✓ May 1, 2023 – Regularly Scheduled Meeting
  - County Manager's Recommended Budget Presented to the Board of Commissioners
  - Schedule the Public Hearing for Monday, June 5, 2023
- ✓ Advertise the Presentation and Publication of the Recommended Budget and June 5<sup>th</sup> Public Hearing
  - The Budget Publication, Workshop, and Public Hearing will be advertised in the Hendersonville Lightning on May 3<sup>rd</sup>
- ✓ May 17, 2023 – Regularly Scheduled Meeting
  - FY24 Budget Workshop
- ✓ June 5, 2023 – Regularly Scheduled Meeting
  - FY24 Budget Public Hearing
  - FY24 Budget Adoption

FY 2023-2024 RECOMMENDED BUDGET  
AS PRESENTED MAY 1, 2023

Fund Balance Available over 12%	\$ 23,131,740
Fund Balance Appropriated	\$ 18,681,665
Remaining Fund Balance Available	\$ 4,450,075

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# BUDGET TALLY

## FOLLOWING MAY 17<sup>TH</sup> WORKSHOP

FY 2023-2024 Manager Proposed Budget as Presented May 1, 2023					Total Budget	Fund Balance Appropriation
					\$ 190,936,500	\$ 18,681,665
Following Discussions at the May 17th Workshop	REVENUE		EXPENDITURE			
	Reductions	Additions	Reductions	Additions		
1 Mills River Fire Department - PILT Transfer				\$ 20,000	\$ 190,956,500	\$ 18,701,665
2 Fire Services - Fire Training Facility Technician				\$ 76,924	\$ 191,033,424	\$ 18,778,589
3 Rescue Squad - Operational Expenses				\$ 124,600	\$ 191,158,024	\$ 18,903,189
4 Agribusiness - Additional \$40,000 contribution from County	\$ 18,457			\$ 21,543	\$ 191,179,567	\$ 18,943,189
5 Cooperative Extension - Farmworker Health & Safety Agent				\$ 73,095	\$ 191,252,662	\$ 19,016,284
6 Cooperative Extension - Additional Community Event Expenses				\$ 1,000	\$ 191,253,662	\$ 19,017,284
7 Cooperative Extension - Additional funding for WNC Development Association (Non-Profit)				\$ 2,781	\$ 191,256,443	\$ 19,020,065
8 Recreation - Office Assistant IV				\$ 53,195	\$ 191,309,638	\$ 19,073,260
9 Recreation - Tennis Courts (upper) - resurface				\$ 25,200	\$ 191,334,838	\$ 19,098,460
11 NonProfits - Back on Track Ministries				\$ 150,000	\$ 191,484,838	\$ 19,248,460
12 NonProfits - H3 Collective				\$ 20,000	\$ 191,504,838	\$ 19,268,460
13 NonProfits - Housing Assistance Corporation (additional funding)				\$ 8,250	\$ 191,513,088	\$ 19,276,710
14 Health Dept. Training Room - Cost to be confirmed (can be paid from Cap Reserve Fund)			\$ 1,000,000		\$ 190,513,088	\$ 18,276,710
<b>Totals following May 17th Workshop</b>	<b>\$ 18,457</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>	<b>\$ 576,588</b>	<b>\$ 190,513,088</b>	<b>\$ 18,276,710</b>

**FY 2023-2024 BUDGET  
FOLLOWING MAY 17<sup>TH</sup> WORKSHOP**

**FY 2023-2024 BUDGET  
SINCE THE MAY 17<sup>TH</sup> WORKSHOP**

Revised Expenditures	\$ 190,513,088
Fund Balance Appropriated	\$ 18,276,710
<b>Remaining Fund Balance Available</b>	<b>\$ 4,855,030</b>

DSS – Foster Care Rate Increase	\$ 87,440
<small>Additional Expenditure</small>	
Home and Community Care Block Grant	\$ 23,752
<small>Additional Expenditure and Revenue (100% pass-through)</small>	

## OUTSTANDING ISSUES

**Henderson County Public Schools**

- Capital Outlay Request – MRTS
  - \$5,453,200 Requested
- Operational Expenses – Additional \$635,000 Requested
  - Local Payroll Uncontrollables = \$300,000
  - Local Operational Increases = \$150,000
  - Increase to Local Supplement = \$185,000

**Blue Ridge Community College**

- Capital Outlay Request – MRTS
  - \$2,113,665 Requested

**Transfers to Other Funds**

- Transfer to Debt Service Fund = \$7,224,535

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# STAFF RECOMMENDATIONS

- Henderson County Public Schools**
  - Capital Outlay Request – MRTS
    - \$5,453,200 Requested – **Staff Recommendation = 2 cent TRE = \$4,603,500**
  - Operational Expenses – Additional \$635,000 Requested
    - Local Payroll Uncontrollables = \$300,000 **Staff Recommendation = \$100,000**
    - Local Operational Increases = \$150,000 **Staff Recommendation = \$150,000**
    - Increase to Local Supplement = \$185,000 **Staff Recommendation = \$0**
  
- Blue Ridge Community College**
  - Capital Outlay Request – MRTS
    - \$2,113,665 Requested **Staff Recommendation = 1 cent TRE = \$2,301,750**
  
- Transfers to Other Funds**
  - Transfer to Debt Service Fund = \$7,224,535
    - Staff Recommendation = Reduce transfer for future capital to \$4,603,500**

## BUDGET TALLY WITH STAFF RECOMMENDATIONS

					Total Budget	Fund Balance Appropriation
<b>Proposed Revisions based on Staff Recommendations</b>					\$ 190,513,088	\$ 18,276,710
Following Discussions at the May 17th Workshop	REVENUE		EXPENDITURE			
	Reductions	Additions	Reductions	Additions		
1 DSS Federal & State Programs - Increase in rates for Foster Care Services				\$ 87,440	\$ 190,600,528	\$ 18,364,150
2 Home & Community Care Block Grant (HCCBG) - Additional funding (100% Grant Funded)		\$ 23,752		\$ 23,752	\$ 190,624,280	\$ 18,364,150
3 HCPS - Operating Expenses				\$ 175,000	\$ 190,799,280	\$ 18,539,150
4 HCPS - MRTS (2 cent TRE)				\$ 4,603,500	\$ 195,402,780	\$ 23,142,650
5 BRCC – MRTS (1 cent TRE)				\$ 2,301,750	\$ 197,704,530	\$ 25,444,400
6 Transfer to Capital Reserve (2 cent TRE)				\$ 4,603,500	\$ 202,308,030	\$ 30,047,900
7 Remove Transfer to Debt Service Fund (\$7,224,535)			\$ 7,224,535		\$ 195,083,495	\$ 22,823,365
<b>As of June 5, 2023</b>	\$ -	\$ 23,752	\$ 7,224,535	\$ 11,794,942	\$ 195,083,495	\$ 22,823,365

Chairman McCall opened the floor for comments from the Board.

Commissioner Lapsley commended budget staff and was pleased that money had been added to the budget for MRTS funds while keeping a revenue-neutral tax rate. He also said that at the last meeting, he had raised some questions about the proposed fire district taxes. He explained that each Board member has individually met with all of the fire chiefs and gone through their budgets, and all questions have been answered. He went on record to thank all of the chiefs for opening up their books and sharing them with the Board and noted that they are not only doing a great job of protecting the citizens in the field but also exhibiting great care in the use of the taxpayer dollars. He stated that he would support the rates that the fire departments presented.

Vice-Chair Edney stated that this was the fourth revaluation he had been a part of. He said that a revenue-neutral rate is more important with this revaluation than in the past due to the uncertainty

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of the national economy and its effect on us locally. He commended staff for their hard work to present a budget that will meet all the needs of the county while remaining revenue neutral. He stated he was happy and satisfied with the budget presented.

Commissioner Hill echoed the comments made by his colleagues. His main concern about MRTS funds was that it was in addition to the revenue neutral presented at the last meeting. He said it was commendable that staff was able to include the funds and remain revenue-neutral. He stated that the twelve local fire departments provide an invaluable service to Henderson County communities, and he commended them for the work that they do.

Commissioner Andreotta said that he and his fellow Board members were all finding the same things in the budget presented. He said he had made the decision early in the budget process that he would not vote for a budget that was one shred above revenue-neutral. He will fully support the fire department tax as presented.

Chairman McCall proposed the following additions to the proposed budget. She wants the addition of \$5,000 to be funded to the Boy Scouts and \$20,000 to be funded to the Hope Center.

Chairman McCall asked if Opioid funds could be used for the \$100,000 funds proposed for Back on Track's expansion of services. She stated that the proposed funds budgeted for H3 Collective may be covered under the DSS Budget and would like staff to investigate further.

Chairman McCall said at the Board's last meeting that \$25,000 had been approved to fund the upper tennis courts at Jackson Park. However, after visiting the lower tennis courts, she determined that the \$250,000 that was requested for the replacement of the lower courts needed to be funded due to safety concerns. She added that she would like Staff to obtain real numbers for the cost of resurfacing the courts.

Amy Brantley said Staff would obtain the costs and request the Board appropriate funds from the Capital Reserve Fund to cover the expense.

Chairman McCall wants to pursue the Agricultural Land Conservation project that was discussed at the Board's May 3 Special Called meeting for the Comprehensive Plan work session. She said the first step necessary to bring this project to fruition is to establish a fund with "seed money" so Staff may begin to apply for grants that will become available during the next fiscal year. She has found that there is roughly \$210M in tax dollars generated from agricultural land in the county; this equates to \$1.175M paid in ad valorem taxes. She proposed that \$118,000 be appropriated to start the fund for Farmland Preservation.

Commissioner Andreotta cautioned that establishing a fund for "seed money" could eventually become a budget item if grants go away or are no longer available. He said he is not comfortable with the proposed fund when he has not seen a model of how the program is functioned, governed

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or how it would operate long-term. This doesn't mean he is opposed to the idea; however, to support the creation of this fund, he would need information on how the program would function.

Chairman McCall clarified that the funds would not be "spending money"; it would just be putting money into a "bucket." She said the money would be used to show, in the application of a grant, that there is money already in a fund to establish the project.

Commissioner Hill said the fund cannot be created at this time. He said that a one-time contribution to the project is feasible, but not the creation of the program and the fund simultaneously.

Chairman McCall said this would be a one-time contribution. Unless the program is established and there is a future need, which could be discussed at that time. This is money that is set aside to establish the program, which may potentially be given back to the county because it is not needed.

Vice-Chair Edney said this did not have to be part of the budget process; if rebated money were used, that would be funds that come from outside of the budget. This would allow the study of the program over the coming months. Part of starting a program like this is to identify potential sources of money, which wouldn't necessarily need to be a part of the budget now.

Commissioner Hill said he would caveat that the funds would only be for this next year to establish the "seed money" and then reevaluate. He does not agree with committing to funding the project yearly.

Chairman McCall said that she had spoken with Conserving Carolina, and they have offered to establish a fund in their budget to accept donations toward the creation of the project. She said that she envisions Conserving Carolina accepting the donations, not the county. The county would manage its part of the money, and Conserving Carolina would manage any other funds donated toward the project.

Commissioner Lapsley voiced his concern with the use of the word "fund" due to auditing procedures. He supports further investigation into the program and possibly appropriating some monies to the Planning Department to obtain the services of an appropriate consultant to assist in the details of the program. He wants to know the effect this would have on the County's taxpayers.

Vice-Chair Edney said that he had been criticized during this budget process for his stance on school supplements. He said those increases have been done year after year, and given the economy at the present time, this is not the year to have another increase.

Vice-Chair Edney said there was some additional language that needed to be added to the budget ordinance. He wanted to add the following paragraph:

The General Funds amounts noted in the appendices below, incorporated by reference, are hereby appropriated for the operation of Henderson County Government, including the office of the Register of Deeds and the office of the Sheriff of Henderson County, and its departments and agencies of Fiscal Year 2024. Other fund amounts, as set forth in this ordinance, as also appropriated, as presented in this section. Appropriations for land and new buildings included in this ordinance may be expended only after release by the Board of Commissioners. These appropriations shall be exclusively managed and controlled by the County Manager under the terms of this ordinance. And no department head, elected or appointed officials shall have any authority over appropriations inconsistent herewith.

Vice-Chair Edney said this would make the procedure clearer that the manager and administration manage the budget. No department, elected or appointed, has the authority to change items within its budget without the approval of the county manager.

John Mitchell says this was not an expansion of authority by the finance department; it is more of a clarification of the General Statute.

Russ Burrell said the intent was not to have the County Manager sign each of the numerous contracts throughout county operations but for the “big-ticket” items.

For clarification, Commissioner Andreotta said it was his understanding that the Board was going to fund the tennis court replacement out of the Capital Reserve, and Staff will provide a better estimate of the cost of that project. There will be \$5,000 appropriated to the Boy Scouts of America, \$20,000 to the Hope Center, and the funds appropriated to H3 Collective are to be moved under the DSS budget to manage the distribution to H3. And that the Board was not doing anything budgetary or financial on the Farmland Preservation fund but will move forward with the Planning Board.

Vice-Chair Edney recommended the addition of the following verbiage to the ordinance:

Prior to and as a specific condition permissive to the Finance Director’s authority to remit any monthly appropriation to or on behalf of the Henderson County Board of Public Education legal counsel for the Board of Education shall issue and deliver to the county attorney for the County of Henderson an opinion letter that no exclusions or exceptions stating in part Council has made due and diligent inquiry examination and review of all matters and actions of the Board of Public Education and senior administrative personnel accountable thereto and based on the forgoing it is council’s professional opinion that the Henderson County Board of Public Education is in all respects in full compliance with any and all federal state and local laws, rules, and regulations,

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including but not limited to NC General Statutes 115C-84.2.D. and no portion of any funds appropriated for the use of the Henderson County Public Schools is to be used for the purpose of increasing any local supplement paid to employees of the Public School System.

Vice-Chair Edney said the paragraph is meant to address school calendaring. State law requires that schools start the closest Monday in August to the 26<sup>th</sup>. He said in looking at the School Board's website; it is advertised the school start date of August 4<sup>th</sup> for staff and August 14<sup>th</sup> for students. He said this is two weeks before what is allowed under NC State law. He said this Board cannot condone an intentional violation of state law. He said that by funding the school board, the County would be assisting them to violate the law. He said this violates the Board's constitutional oath, duty, and our moral duty not to condone violating the law. He asked that the Board support this provision that does not allow the Board to be co-conspirators in the violation of the law.

After discussion, a consensus was not reached, and Vice-Chair Edney asked to resume the discussion at the Board's July meeting.

*Chairman McCall made the motion to adopt the FY 2023-2024 Budget and further moved that the Chairman be authorized to execute the Budget Ordinance to be effective July 1, 2023.*

The final vote on the budget was taken later in the meeting after the recommended revisions were made.

#### **Bid Award – Purchase of 3D Scanner**

The Board was requested to approve the lowest responsive, responsible bid in the amount of \$112,615 and authorize the Sheriff to proceed with the purchase of a 3D Scanner from Florida Level & Transit Co Inc. Bidding was conducted between March 15, 2023, and March 30, 2023.

Due to the federal nature of the funds involved in this purchase, equivalent language was included in the specifications of the bid document for the purchase of a 3D scanner. Equipment bids were submitted from Source Graphics in the amount of \$61,650 and FARO Technologies Inc in the amount of \$74,923.52, which were different from the equipment specified. After staff review, it was determined that this equipment is not equivalent in nature to the equipment specified within the bid documents. Please see Attachment 2, Equivalent Equipment Evaluation, for further clarification. As a result, staff recommends the award be made to Florida Level & Transit, the lowest responsive, responsible bidder who complied with the equipment specifications and compliance requirements.

Revenue sources for this project include federal forfeiture funds in the amount of \$88,115 as well as a Department of Public Safety Block grant in the amount of \$24,500 that have been previously awarded.

After discussion, the Board did not take final action and will discuss this matter at their next meeting.

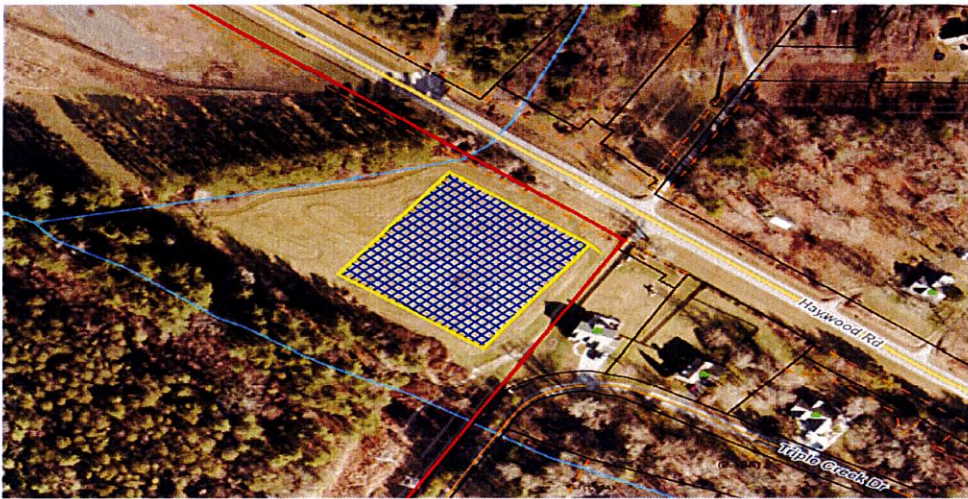
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Chairman McCall recessed the meeting for a 10-minute break.

The meeting reconvened at 8:10 p.m.

**Mountain Home Fire Department Substation Relocation**

Commissioner Andreotta requested this item be included for discussion of the possible relocation of a Mountain Home Fire Department Substation. The potential property for the location is already owned by the County, as indicated on the map below.



Mountain Home Fire Chief Mahlon Hudgins and Deputy Chief Mark Wilson were present to answer questions.

Commissioner Lapsley asked if Staff had consulted with the school board regarding the relocation, as the property is adjacent to Rugby Middle School. John Mitchell said there has not, but he had an informal discussion with the school superintendent. What the Staff was seeking at this meeting



was whether the Board had an interest in moving forward with this proposal. The first step of the due diligence process would be to begin formal conversations with school officials. He has been advised that this would require a vote by the school board and assent.

The consensus of the Board was to support moving forward with due diligence in the matter of the relocation of the Mountain Home Volunteer Fire Department substation.

**JCAR Construction Fee**

Chris Todd provided an overview of the AIA contract for preconstruction and construction manager at risk fees.

Representatives from Haskell – Cooper were present at the meeting.

## Experience

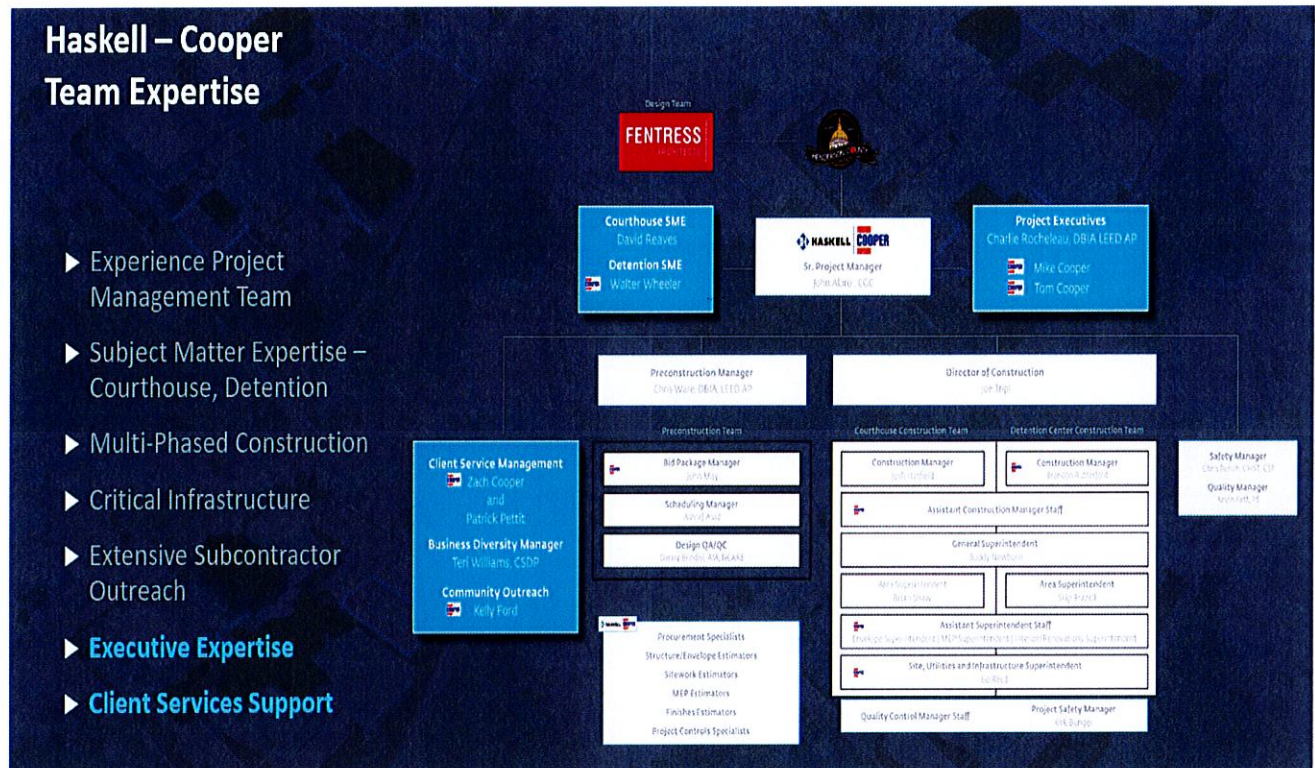
### Hand Selected Team

- ▶ High Profile - High Risk
- ▶ Critical Infrastructure
- ▶ Complex Logistics
- ▶ Multiple Phases, Multiple Years
- ▶ Dense Urban Environment
- ▶ Detention and Court Facilities Remain Occupied & Operational
- ▶ Existing Facility Construction
- ▶ Subterranean Parking Structure



Project Experience	Three (3) Stories or Higher	Govt. Function	\$100 Million Project	Similar Building System Components	Working in urban environment	Judicial or Detention Facility	Multi-Phased Project	CMAR Experience on \$100 Million Project	Construction Work on Existing Buildings
Sr. Project Manager   John Albro	✓	✓	✓	✓	✓	✓	✓	✓	✓
Preconstruction Manager   Chris Ware	✓	✓	✓	✓	✓		✓	✓	✓
Bid Package Manager   John May	✓	✓	✓	✓	✓	✓	✓	✓	✓
Scheduling Manager   Ashraf Asad	✓	✓	✓	✓	✓	✓	✓	✓	✓
Design QA/QC   Danny Brindisi	✓	✓	✓	✓	✓		✓	✓	✓
Business Diversity Manager   Ten Williams	✓	✓	✓	✓	✓		✓	✓	✓
Safety Manager   Chris Bunch	✓	✓	✓	✓	✓	✓	✓	✓	✓
Quality Manager   Kevin Kett	✓	✓	✓	✓	✓		✓	✓	✓
Director of Construction   Joe Tripi	✓	✓	✓	✓	✓	✓	✓	✓	✓
Courthouse Construction Mgr.   Josh Hatfield		✓	✓	✓	✓		✓	✓	✓
Detention Construction Mgr   Brandon Rutterford	✓	✓	✓	✓	✓	✓	✓	✓	✓
General Superintendent   Buddy Newburn	✓	✓	✓	✓	✓		✓	✓	✓
Courthouse Area Super   Brian Shaw	✓	✓	✓	✓	✓		✓		✓
Detention Area Super   Skip Brazell	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site Superintendent   Ed Reed		✓	✓	✓	✓	✓	✓		✓
Courthouse SME   David Reaves	✓	✓	✓	✓	✓	✓	✓	✓	✓
Detention SME   Walter Wheeler	✓	✓	✓	✓	✓	✓	✓	✓	✓
Project Executive   Charlie Rocheleau	✓	✓	✓	✓	✓	✓	✓	✓	✓
Project Executive   Tom Cooper	✓	✓	✓	✓	✓	✓	✓		✓
Project Executive   Mike Cooper	✓	✓	✓	✓	✓	✓	✓		✓





## PHASED Preconstruction Services Fee Proposal

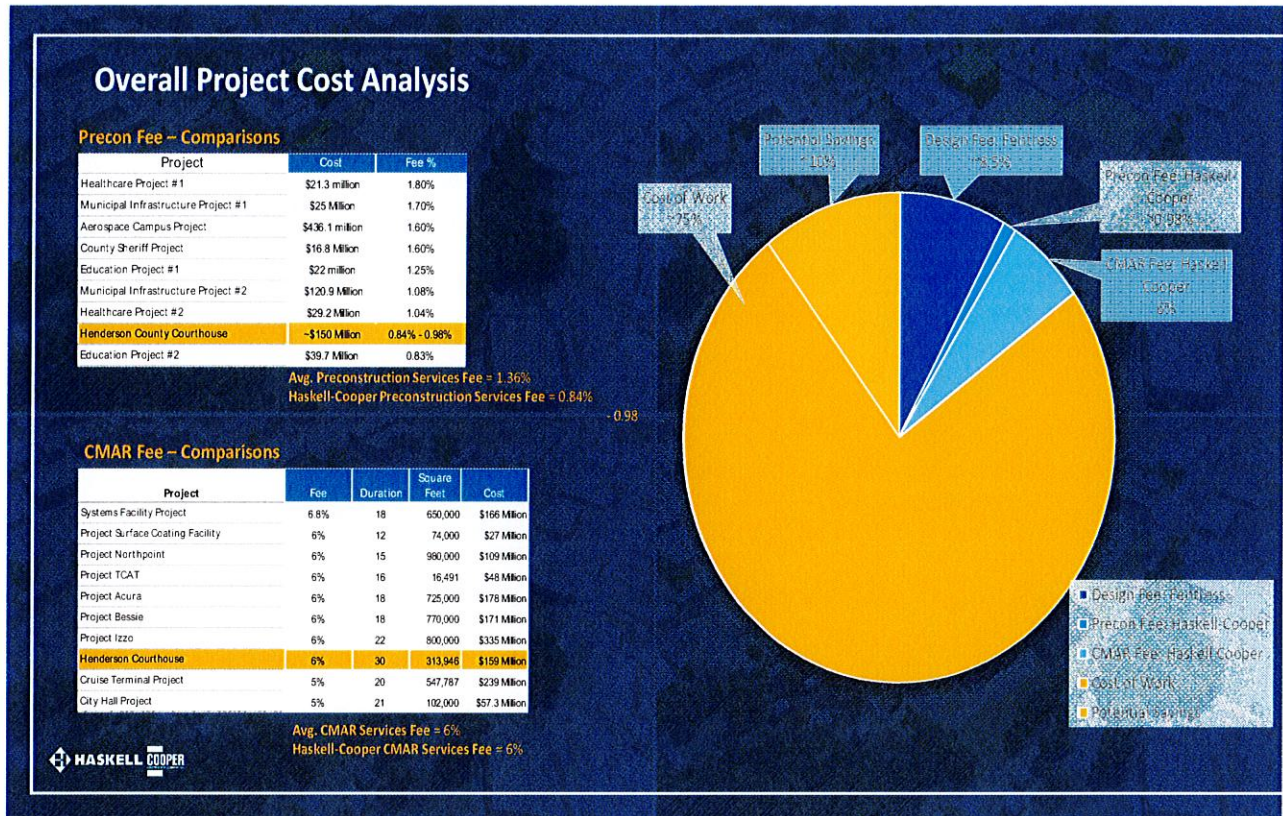
<p><b>Preconstruction Lump Sum Total</b> \$1,475,323</p> <p><b>Construction Manager Fee</b> 6%</p>	<p><b>Phased Scope of Services</b></p> <ul style="list-style-type: none"> <li>▶ Planned: 9,800+ man hours and ~18-20 staff members</li> <li>▶ Four Budget Estimates</li> <li>▶ Off Ramp Provisions at Each Stage</li> <li>▶ Budget Alignment Certainty</li> </ul>
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Haskell Vice President and Commercial Division Leader Charlie Rocheleau said that Haskell-Cooper had been selected by the county to act as the Construction Manager at Risk for the JCAR project to work alongside Fentress Architects to work through the design development process and to work through ideas around budgeting, schedule, value engineering, and other factors set around getting the project into the budget the county would like to spend.

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Mr. Rocheleau said the pre-construction fee settled around \$150M for an “all-in” budget, which is less than 1%. The CMR fee based on the contract they have been working through and the amount of risk and the expectations, the delivery, working together as a partner for over four years to deliver this project is a fee of 6%.



John Mitchell said the Board needed to discuss the fees proposed for preconstruction and the construction manager at risk and, additionally, the Limitation of Liability.

Commissioner Lapsley asked if previous projects that a construction manager at risk have had limited liability at 50% of the CMR fee. Russ Burrell said no, there was not a limitation of liability provision on past projects.

Commissioner Lapsley said he could not support a limitation of liability of 50%. That has not been done in the past, and sees no reason to change.

Vice-Chair Edney asked if this was the standard AIA that normally is taken. Mr. Burrell said this was a different version of the AIA from previous CMRs. Previous versions of the AIA33 did not include an added provision or any other provision regarding the limitation of liability.

Commissioner Lapsley stated that the 6% CMR fee that Haskell-Cooper was proposing was higher than the County has paid for any project in the past. The average fee paid for past projects was an average of 3.75%. He expected that with a project of this size, and for this amount of money, the

CMR fee would become lower percentage-wise. The 3.75% to 6% is 2.25% higher than what we have paid in the past. He cannot in good conscience agree to have county taxpayers pay the increased fee. Lapsley stated he would be a no-vote to the contract at the current fees proposed.

Mr. Rocheleau said Haskell-Cooper was willing to come down to 5% but unable to match the fees that have been paid in the past due to the duration and complexities of the project.

Vice-Chair Edney stated that he was ok with the 5% and the 60/40 given the scope of this project. He then asked if tonight's discussion was about the preconstruction contract or if this was all one contract. Russ Burrell said what the Board is looking for is a preconstruction contract and setting the fee on the CMR. The percentage of the GMP is included in the contract present this evening. However, the GMP has not yet been determined.

*Vice Chair Edney moved to accept the proposed contract (AIA contract form A133-2019, including Exhibits through Exhibit F), setting the preconstruction fee (Exhibit C) at \$1,475,323, with the following changes:*

- *Setting the percentage fee for the construction portion of the contract (6.1.2) at five percent (5%) of the Cost of the Work (as defined in the Contract).*
- *Setting the division of shared savings (11.1.14) at sixty percent (60%) to the Construction Manager and forty percent (40%) to the Owner.*
- *Setting the manner of Binding Dispute Resolution (12.2) as "Litigation in a court of competent jurisdiction."*
- *Setting the Limitation of Liability (14.7) at "one hundred percent (100%) of the Construction Manager's Fee".*

*Chair McCall and Vice Chair Edney voted in favor, Commissioners Lapsley, Andreotta and Hill voted against, and the motion failed.*

*The Board directed staff and asked Cooper Haskell to again discuss the matter and either bring a new proposal before the Board for final determination at the Board's second meeting in June or determine that no agreement could be reached.*

County Manager John Mitchell asked Chairman McCall to take revisit the motion on the FY2024 proposed budget.

Amy Brantley advised the Chairman that the budget is presented to the Board for adoption at \$195,108,495, with a revenue-neutral tax rate of \$0.431. There are appendixes that will be uploaded to the County's website as soon as the budget staff has finalized the documents.

The revised Budget did include the first paragraph recommended by Vice-Chair Edney but did not include the additional paragraph that was recommended.

Approved: June 28, 2023

*Chairman McCall made the motion the Board adopt the proposed budget for FY2024 at \$195,108,495 with a revenue-neutral rate of \$0.431, the fire department rates at the FRAC recommendations, and the additional language in Section 1(A)(1)(N) of the Ordinance. All voted in favor, and the motion carried.*

## **NOMINATIONS AND APPOINTMENTS**

1. Blue Ridge Community College Board of Trustees – 2 vacs.

*Commissioner Lapsley made the motion to reappoint Nathan Kennedy to position #2 and reappoint Kelly Leonard to position #4. All voted in favor, and the motion carried.*

2. EMS Peer Review Committee – 1 vac.

*Commissioner Hill made to motion to appoint Timothy McFalls to position #13. All voted in favor, and the motion carried.*

3. Environmental Advisory Committee – 5 vacs.

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

4. Fire and Rescue Advisory Committee – 2 vacs.

*Commissioner Andreotta made the motion to appoint Rudd Orr to position #2, and Commissioner Hill made the motion to reappoint Matt Hossley to position #6. All voted in favor, and the motion carried.*

5. Henderson County Board of Health – 3 vacs.

*Commissioner Lapsley made the motion to reappoint Jeffrey Young to position #8. All voted in favor, and the motion carried.*

6. Henderson County Rail Trail Advisory Committee – 2 vacs.

*Chairman McCall made the motion to reappoint Selena Einwechter to position # 5 and Chuck McGrady to position #8. All voted in favor, and the motion carried.*

7. Hendersonville Business Advisory Committee – 1 vac.

*Chairman Mccall made the motion to reappoint Rebecca Nabers Wagoneer to position #1. All voted in favor, and the motion carried.*

8. Hendersonville City Zoning Board of Adjustment – 2 vacs.

*Vice-Chair Edney made the motion to reappoint Charles Webb to position #4. All voted in favor, and the motion carried.*

9. Historic Resources Commission – 2 vacs.

*Commissioner Hill made the to motion to reappoint Sean Patrick Smith to position #3 and Kathie Doole to position #5. All voted in favor, and the motion carried.*

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

Approved: June 28, 2023

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

11. Jury Commission – 1 vac.

*Vice-Chair Edney made the motion to reappoint Leslie Coker to position #1. All voted in favor, and the motion carried.*

12. Juvenile Crime Prevention Council – 12 vacs.

*Chairman McCall made the motion to reappoint Sonya Flynn to position #8, Lynette Oliver to position #9, Leighton Hannah to position #16, and Lauren Riggs to position #19. Commissioner Hill made the motion to appoint Jordan Ray to position # 20. All voted in favor, and the motion carried.*

13. Library Board of Trustees – 2 vacs.

*Chairman Mccall made the motion to reappoint Michael Absher to position #3 and Celeste Mayes to position #4. All voted in favor, and the motion carried.*

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

*Chairman McCall made the motion to reappoint Darryl Pierce to position #4. All voted in favor, and the motion carried.*

15. Social Services Board – 1 vac.

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

16. Tourism Development Authority – Appointment of Chair

*Commissioner Andreotta made to motion to reappoint Richard Rhodes as the Chairman of the Tourism Development Authority. All voted in favor, and the motion carried.*

17. Walk of Fame Steering Committee – 1 vac.

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

### **COMISSIONER UPDATES**

Vice-Chair Edney would like staff to revisit the cost of completing the Barbara Baker Collection completed in the next few years. He would like for Staff to provide an update at the next Board meeting.

Vice-Chair Edney said Dr. Callahan was recognized as Physician of the Year at the Pardee Gala that was held recently. Commissioner Lapsley said, for the record, that almost three years ago, he faced a very serious medical condition and credits Dr. Callahan for saving his life. He said he would be forever thankful to Dr. Callahan.

Commissioner Lapsley again commended Staff on their work in crafting the FY2024 budget. He said the Board and Staff spend a lot of time building the County's budget.

Commissioner Hill congratulated Mills River Volunteer Fire and Rescue for their beautiful new facility. In closing, he wished his beautiful daughters Micheala and Marissa a happy birthday.

Approved: June 28, 2023



Commissioner Andreotta recently attended a Hendersonville Honeycrisps baseball game at the historic Berkley Park. He encouraged Henderson County residents to attend an upcoming game.

Chairman McCall said she recently attended the NCACC County Advocacy Day in Raleigh. This event is attended by commissioners and legislators from all over the State. She was pleased that the meeting was opened with prayer. In closing, Chairman McCall recognized Hendersonville Lightning Editor Bill Moss for being recognized for the 150<sup>th</sup> Anniversary of the NC Press Association.

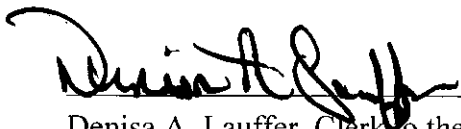
### **COUNTY MANAGER'S REPORT**

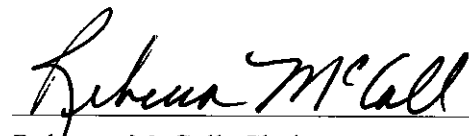
John Mitchell thanked the Board for their time and attention to the adoption of the FY2024 Budget.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(5), 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 9:53 p.m. All voted in favor, and the motion carried.*

### **ADJOURN**

  
\_\_\_\_\_  
Denisa A. Lauffer, Clerk to the Board

  
\_\_\_\_\_  
Rebecca McCall, Chairman

**During the June 5 , 2023 regular meeting, the Board enacted the following:**

- 2023.73 Appointment of Henderson County Assessor and Tax Collector**
- 2023.74 Pending Releases and Refunds**
- 2023.75 Budget Amendment – Soil and Water Fund Balance Appropriated**
- 2023.76 Surplus and Donation of Stair Chair Stretcher to Dana Fire and Rescue Inc.**
- 2023.77 Budget Amendment – Funding for Edneyville Sewer Collection System**
- 2023.78 Budget Amendment – Funding for VFW Project**
- 2023.79 Agreement with Airport Authority**
- 2023.80 Budget Amendment – Appropriating Register of Deeds Restricted Fund Balance**
- 2023.81 Budget Amendment – Etowah Library Outdoor Space**
- 2023.82 GREAT Grant Agreement**
- 2023.83 Resolution – Opioid Settlement Fund Expenditure Authorization**
- 2023.84 FY2023-2024 Budget Public Hearing**
- 2023.85 Public Hearing - Conditional Rezoning Application #R-2023-03-C, Residential One (R1) to Conditional District**
- 2023.86 Public Hearing - Rezoning Application #R-2023-05, Office Institutional (O&I) to Residential Two Rural (R2R)**
- 2023.87 FY2023-2024 Budget Ordinance**

**Resolution Approving the Settlement with the Tax Collector for the 2021-2022 Tax Year**

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the current not yet completed tax year prior to charging a new Tax Collector for the remainder of the tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the current not yet completed tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2022-2023 tax year taxes to date, and all delinquent taxes charged to the Tax Collector for prior tax years;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

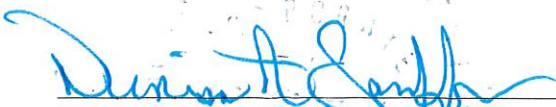
1. The Settlement for the 2022-2023 tax year to date taxes charged to the Tax Collector is hereby approved. The Board finds:
  - a. All prepayments received by the Tax Collector were properly deposited;
  - b. The settlement is in proper form;
  - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the as yet incomplete 2022-2023 fiscal year; and
  - d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.
  
2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

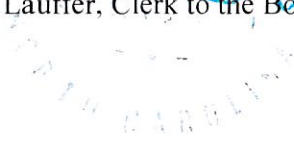
THIS the 5<sup>th</sup> day of June, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By:   
REBECCA McCALL, Chair

Attest: (County Seal)

  
Denisa Lauffer, Clerk to the Board





STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

ORDER OF COLLECTION

TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You, Harry Rising, are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

WHEREAS, the County of Henderson includes the following unincorporated districts: Blue Ridge Fire District, Valley Hill Fire District, Edneyville Fire District, Etowah-Horseshoe Fire District, Fletcher Fire District, Green River Fire District, Mountain Home Fire District, Mills River Fire District, Dana Fire District, Gerton Fire District, Raven Rock Fire District, and Bat Cave Fire District. You are hereby ordered to collect on their behalf in accordance with paragraph one of this Order of Collection.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 15, 2015, between the County of Henderson and City of Saluda, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1, 2019, between the County of Henderson and City of Hendersonville, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, the City of Hendersonville contains two special districts: Downtown-Main Street and Seventh Avenue, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1st, 2019 between the County of Henderson and Town of Laurel Park, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WITNESS my hand and official seal, this 20th day of July, 2022.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Rebecca McCall  
REBECCA McCALL, Chair

ATTEST:

Denisa Lauffer  
Denisa Lauffer, Clerk to the Board

(COUNTY SEAL)

Resolution Adopting the Order of Collection for the 2022-2023 Tax Year

WHEREAS, the County Assessor and Tax Collector has retired, effective May 31, 2023, after great service to the County; and,

WHEREAS, a new County Assessor and Tax Collector is appointed, and must be charged with collection of taxes for the remainder of the existing tax year; and,

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2022-2023 tax year collected to date, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the retaining the existing bond amounts proposed for the Tax Collector and the Deputy Tax Collector;

NOW THEREFORE BE IT RESOLVED that the order of collection attached hereto is hereby adopted.

THIS the 5<sup>th</sup> day of June, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Rebecca McCall  
REBECCA McCALL, Chair

Attest:

Denisa Lauffer  
Denisa Lauffer, Clerk to the Board

(County Seal)

# Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 692-9855 • [www.hendersoncountync.gov](http://www.hendersoncountync.gov)

**William G. Lapsley**  
Chairman  
**Rebecca K. McCall**  
Vice-Chairman



**J. Michael Edney**  
**Daniel J. Andreotta**  
**David H. Hill**

June 5, 2023

Harry Rising, Assessor  
Henderson County Assessor's Office  
200 N. Grove Street, Suite 102  
Hendersonville, NC 28792

Dear Mr. Rising:

Attached, please find tax release requests in the amount of \$1,594.57 and tax refund requests in the amount of \$813.75 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, June 5, 2023. All Releases and refunds were approved.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rebecca McCall". The signature is fluid and cursive, with the first name "Rebecca" written in a larger, more prominent script than the last name "McCall".

Rebecca McCall, Chairman  
Henderson County Board of Commissioners

RM/dal

enclosures



# NCPTS Pending Release/Refund Report. Tuesday, May 23, 2023\*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
CRUZ, VENANCIO ELISEO	0003088740-2021-0000	ADJ CREATED FOR 2015 UT. TRAILER WAS SOLD PER STARS. NEW OWNER HAS OWNED SINCE MID 2019.	(\$1,600)	8520	MHANEY	505 GREENTREE LN HENDERSONVILLE NC 28739	COUNTY	TAX	\$14.14	\$14.14	\$8.98	\$8.98
								LATE LIST FEE	\$1.41	\$1.41	\$0.90	\$0.90
								TOTAL:	\$9.88	\$9.88	\$9.88	\$9.88
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
DODD, RICKY EUGENE	0000378830-2022-0000	ADJ CREATED FOR 2015 UT. TRAILER WAS SOLD PER STARS. NEW OWNER HAS OWNED SINCE MID 2019.	(\$1,620)	8521	MHANEY	505 GREENTREE LN HENDERSONVILLE NC 28739	COUNTY	TAX	\$14.32	\$14.32	\$9.09	\$9.09
								LATE LIST FEE	\$1.43	\$1.43	\$0.91	\$0.91
								TOTAL:	\$10.00	\$10.00	\$10.00	\$10.00
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
DODD, RICKY EUGENE	0000378830-2022-0000	VOID ABSTRACT DUE TO TAXPAYER SELLING MOBILE HOME JUNE 16, 2021; CONFIRMATION OF TRANSFER OF OWNERSHIP PER STARS	(\$3,220)	8518	SMORROW	42 JUNCO WAY HENDERSONVILLE NC 28792	COUNTY	TAX	\$74.46	\$74.46	\$74.46	\$74.46
								LATE LIST FEE	\$7.45	\$7.45	\$7.45	\$7.45
								TOTAL:	\$81.91	\$81.91	\$81.91	\$81.91
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
DODD, RICKY EUGENE	0000378830-2022-0000	MOBILE HOME LISTED IN NEW OWNER ON ABSTRACT NO. 3111604	(\$13,272)	8512	SMORROW	DANA FIRE	COUNTY	TAX	\$18.58	\$18.58	\$18.58	\$18.58
								LATE LIST FEE	\$1.86	\$1.86	\$1.86	\$1.86
								TOTAL:	\$20.44	\$20.44	\$20.44	\$20.44
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
GOODER, PENNY BANKS	0000132852-2022-0000	MOBILE HOME IS PERSONAL PROPERTY	(\$87,200)	8512	TCANNON	21 BENTON DR HENDERSONVILLE NC 28739	COUNTY	TAX	\$549.22	\$549.22	\$489.19	\$489.19
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$112.59	\$112.59	\$112.59	\$112.59
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
HARRIS, JESSE C IV	0003111552-2023-0000	VOID ABSTRACT DUE TO CLERICAL ERROR; PERSONAL PROPERTY LISTED ON ABSTRACT 0003111553	(\$87,200)	8513	SMORROW	145 DEERWOOD LN LAUREL PARK NC 28739	COUNTY	TAX	\$532.95	\$532.95	\$532.95	\$532.95
								LATE LIST FEE	\$106.59	\$106.59	\$106.59	\$106.59
								TOTAL:	\$639.54	\$639.54	\$639.54	\$639.54
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
HINES, JUNIE	0000765511-2021-0000	VOID ABSTRACT DUE TO PERSONAL PROPERTY MH LISTED AS REAL PROPERTY AS OF 11.02.20	(\$2,078)	8517	SMORROW	1077 CAMP CREEK RD SALUDA NC 28773	COUNTY	TAX	\$11.66	\$11.66	\$11.66	\$11.66
								LATE LIST FEE	\$1.17	\$1.17	\$1.17	\$1.17
								TOTAL:	\$12.83	\$12.83	\$12.83	\$12.83
								ABSTRACT TOTAL:	\$19.88	\$19.88	\$19.88	\$19.88
HINES, JUNIE	0000765511-2021-0000	RAVEN ROCK	(\$95,000)	8517	SMORROW	1077 CAMP CREEK RD SALUDA NC 28773	COUNTY	TAX	\$2.39	\$2.39	\$2.39	\$2.39
								LATE LIST FEE	\$0.24	\$0.24	\$0.24	\$0.24
								TOTAL:	\$2.63	\$2.63	\$2.63	\$2.63
								ABSTRACT TOTAL:	\$15.46	\$15.46	\$15.46	\$15.46



**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** June 5, 2023

**SUBJECT:** Resolution – Opioid Settlement Fund Expenditure Authorization

**PRESENTER:** Russ Burrell, County Attorney  
Jodi Grabowski, Behavioral Health System Coordinator

**ATTACHMENT(S):** Yes

1. Budget Amendment
2. Resolution

**SUMMARY OF REQUEST:**

At the Board's May 17, 2023 meeting, the Board approved a Budget Amendment for Substance Abuse Task Force members to travel to and attend the RISE23 conference in Houston, TX. The RISE23 Conference is an annual training conference for members of the National Association of Drug Court Professionals (NADCP), along with individuals in public health and public safety fields. The Board is also requested to approve a Budget Amendment from this fund for members to attend the NC Summit on Reducing Overdose in Durham.

In addition to the Budget Amendment, the Board must also adopt a Resolution per the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation which dictates the process for drawing from the Special Revenue Fund.

**BOARD ACTION REQUESTED:**

The Board is requested to adopt the Resolution authorizing the expenditure of opioid settlement funds for the Substance Abuse Task Force members to attend the RISE23 conference and NC Summit on Reducing Overdose and an associated Budget Amendment as presented.

**Suggested Motion:**

*I move the Board adopt the Resolution authorizing the expenditure of opioid settlement funds as presented, and the associated Budget Amendment for the NC Summit on Reducing Overdose.*



**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Public Health/Finance

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>515500-537100</u>	<u>Opioid Fund: Travel &amp; Staff Dev.</u>	<u>\$800</u>
_____	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>514510-452047</u>	<u>Opioid Settlement Funds</u>	<u>\$800</u>
_____	_____	_____
_____	_____	_____

**Justification** Please provide a brief justification for this line-item transfer request.  
 TO BUDGET FOR REGISTRATION, HOTEL AND MEALS FOR THE NC SUMMIT ON REDUCING OVERDOSE. BOC  
 APPROVED 6.5.2023.

<u>Budget</u>	<u>6/5/2023</u>
Authorized by Department Head	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date
_____	_____

**For Budget Use Only**

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

HENDERSON COUNTY  
NORTH CAROLINA

Before the Board of Commissioners

RESOLUTION

BOARD OF COMMISSIONERS ENACTMENT 2023- 83

WHEREAS Henderson County previously joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and,

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”); and

WHEREAS Henderson County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and

WHEREAS section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the MOA, Henderson County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
  - a. Name of strategy: Diversion Programs
  - b. Strategy is included in Exhibit A
  - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: 1
  - d. Amounted authorized for this strategy: \$27,100
  - e. Period of time during which expenditure may take place: Start date May 17, 2023 through End date June 30, 2023
  - f. Description of the program, project, or activity: RISE23 Conference in Houston TX
  - g. Provider: NACDP

2. Second strategy authorized

- a. Name of strategy: Collaborative Strategic Planning
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: 1
- d. Amount authorized for this strategy: \$800
- e. Period of time during which expenditure may take place: Start date June 6, 2023 through End date June 8, 2023
- f. Description of the program, project, or activity : NC Summit on Reducing Overdose
- g. Provider: NCACC

The total dollar amount of Opioid Settlement Funds at this time appropriated is \$27,900.

Adopted this the 5<sup>th</sup> day of June, 2023.

  
REBECCA McCALL, Chair  
Board of Commissioners of Henderson County

ATTEST:

  
DENISA LAUFFER  
Clerk to the Board of Commissioners





**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE DISPOSITION OF PERSONAL PROPERTY  
BY DONATION**

**WHEREAS**, Henderson County owns the Stair Chair Stretcher itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of declaring the Stair Chair Stretcher as surplus and transferring to the Dana Fire and Rescue Inc. via donation as authorized by N.C.G.S. 160A-280; and

**WHEREAS**, it is the intent of the County to donate said surplus property.

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

1. The Stair Chair Stretcher itemized on the attached Exhibit B is hereby declared to be surplus property.
2. Henderson County Emergency Medical Services is hereby authorized to transfer by donation, the surplus property described above to the Dana Fire and Rescue Inc.
3. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

THIS the 5<sup>th</sup> of June 2023

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY: Rebecca McCall

Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer  
Denisa Lauffer, Clerk to the Board

[OFFICIAL SEAL]

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** June 5, 2023

**SUBJECT:** Budget Amendment – Soil and Water Fund Balance Appropriated

**PRESENTER:** Samantha Reynolds, Finance Director

**ATTACHMENTS:** Yes – Budget Amendment

#### **SUMMARY OF REQUEST:**

The Board is requested to approve a Budget Amendment, transferring \$37,195 from Restricted Fund Balance that is comprised of Soil and Water Conservation donations to fund survey equipment for Soil and Water Conservation staff.

#### **BOARD ACTION REQUESTED:**

The Board is requested to approve the Budget Amendment to appropriate restricted fund balance to fund survey equipment.

#### **SUGGESTED MOTION:**

*I move to approve the budget amendment as presented, appropriating restricted fund balance to fund survey equipment.*





**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** June 5, 2023

**SUBJECT:** Budget Amendment – Funding for Edneyville Sewer Collection System

**PRESENTERS:** Samantha R. Reynolds, Finance Director

**ATTACHMENTS:** Yes  
1. Budget Amendment

**SUMMARY OF REQUEST:**

On May 2, 2022, the Board approved the funding of the Edneyville Sewer Collection System project of \$9.3M using American Rescue Plan (ARPA) Funds. The Board is requested to approve a Budget Amendment, transferring the approved funding of \$9.3M from the ARPA Fund to the Capital Projects Fund. These monies will be used to fund approved expenditures for the Edneyville Sewer Collection System Project.

**BOARD ACTION REQUESTED:**

The Board is requested to approve the attached Budget Amendment as presented.

***Suggested Motion:***

*I move the Board approve the budget amendment as presented, transferring funds from the ARPA Fund to the Capital Projects Fund.*

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: FINANCE/ENGINEERING

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>405400-555006-2059</u>	<u>SEPTIC SYSTEM REPAIRS/REPLACEMENT</u>	<u>\$9,300,000</u>
<u>395400-598040</u>	<u>TRANSFER TO CAPITAL PROJECTS FUND</u>	<u>\$9,300,000</u>
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<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u>\$18,600,000</u>

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>404400-403900-2059</u>	<u>TRANSFER FROM APRA FUND</u>	<u>\$9,300,000</u>
<u>394500-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$9,300,000</u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u>\$18,600,000</u>

**Justification:** *Please provide a brief justification for this line-item transfer request.* \$0  
 TO BUDGET FOR EDNEYVILLE SEWER/CLEAR CREEK SEWER SYSTEM PROJECT, TO BE FUNDED WITH ARPA DOLLARS. BOC APPROVED PROJECT AND FUNDING 5.2.2022. BOC APPROVED BUDGET AMENDMENT 6.5.2023

Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

*For Budget Use Only*

Batch #	
BA #	
Batch Date	

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** June 5, 2023

**SUBJECT:** Budget Amendment – Funding for VFW Project

**PRESENTERS:** Samantha R. Reynolds, Finance Director

**ATTACHMENTS:** Yes  
1. Budget Amendment

**SUMMARY OF REQUEST:**

On May 2, 2022, the Board approved the funding of the VFW Renovation and Repair project of \$4.2M using American Rescue Plan (ARPA) Funds. To date \$212,000 has been appropriated for architectural services. The Board is requested to approve a Budget Amendment, transferring the remainder of the approved funding of \$3,988,000 from the ARPA Fund to the Capital Projects Fund. These monies will be used to fund approved expenditures for the VFW building project.

**BOARD ACTION REQUESTED:**

The Board is requested to approve the attached Budget Amendment as presented.

***Suggested Motion:***

*I move the Board approve the budget amendment as presented, transferring funds from the ARPA Fund to the Capital Projects Fund.*





**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** June 5, 2023

**SUBJECT:** Budget Amendment – Appropriating Register of Deeds Restricted Fund Balance

**PRESENTERS:** Lee King – Register of Deeds

**ATTACHMENTS:** Yes  
1 – Budget Amendment  
2 – Invoice

**SUMMARY OF REQUEST:**

Staff is requesting the Board approve a budget amendment appropriating Restricted Fund Balance from the Register of Deeds AEPF Fund in the amount of \$107,030 for the completion of Phases 1 and 2 of the Back Indexing Project. This project completed by Courthouse Computer Systems creates a searchable index for our Deeds from 1949-1978. With this addition, the total searchable index will now range from 1949 to present day.

**BOARD ACTION REQUESTED:**

The Board is requested to approve the Budget Amendment to appropriate fund balance for payment of the invoice for completion of Phases 1 and 2 of the Back Indexing Project by Courthouse Computer Systems.

***Suggested Motion:***

*I move the Board approve the Budget Amendment appropriating Restricted Fund Balance from the Register of Deeds AEPF Fund in the amount of \$107,030 for the completion of Phases 1 and 2 of the Back Indexing Project.*

LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY



Department: Register of Deeds

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115418-539000</u>	<u>Contracted Services</u>	<u>\$107,030</u>
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What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114990-401002</u>	<u>Fund Balance Appropriated - ROD Restricted</u>	<u>\$107,030</u>
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**Justification:**

Appropriation of Fund Balance to pay the invoice for the first 2 sub projects with the Back Indexing of our older Deed Books. This covers 1949-1978. Approved by the Board of Commissioners June 5, 2023.

William Lee King 5-Jun-2023  
Authorized by Department Head Date

     
Authorized by Budget Office Date

     
Authorized by County Manager Date

*For Budget Use Only*

Batch #  

BA #  

Batch Date



## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** June 5, 2023

**SUBJECT:** Etowah Library Outdoor Space – Budget Amendment

**PRESENTER:** Samantha Reynolds, Finance Director

**ATTACHMENTS:** Yes  
1. Budget Amendment

#### **SUMMARY OF REQUEST:**

The Board is requested to approve a Budget Amendment to recognize restricted funding for the Etowah Library outdoor space project. The funding, not to exceed \$80,000, is derived from the Betty A. and Richard J. Scott Endowment held by the Friends of the Library. No county funds will be spent for this project.

#### **BOARD ACTION REQUESTED:**

The Board is requested to approve the Budget Amendment to recognize restricted funding to fund the Etowah Library outdoor space project.

#### **SUGGESTED MOTION:**

*I move the Board approve the budget amendment as presented, recognizing restricted funding to fund the Etowah Library outdoor space project.*



# Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 692-9855 • [www.hendersoncountync.gov](http://www.hendersoncountync.gov)

**Rebecca K. McCall**  
Chairman  
**J. Michael Edney**  
Vice-Chairman



**William Lapsley**  
**Daniel J. Andreotta**  
**David Hill**

June 6, 2023

Carroll Bruce Haynes  
273 McMillan Dr.  
Hendersonville, NC 28792

**SENT BY CERTIFIED MAIL AND BY HAND DELIVERY (POSTING)**

RE: 273 McMillan Dr., Hendersonville

Dear Mr. Haynes:

The Board of Commissioners of Henderson County has reviewed your numerous violations of the County's Nuisance Ordinance (the ordinance is found in Chapter 52 of the Henderson County Code). These violations occurred on the property owned by you located at 273 McMillan Drive in Hendersonville, and were cited February 15, 2023, April 26, 2023 and May 16, 2023.

Under the North Carolina General Statutes,

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.** A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

This serves as your notice pursuant to N.C. Gen. Stat. §153A-140.2, that, if your property listed above is found to be in violation of the County's Nuisance Ordinance at any point during the calendar year 2023, the County will, without further notice, take action to remedy the violation, and the expense of the cost of remedying the violation will be a lien on your property and be collected as unpaid taxes. The County will inspect the property at various times during 2022, given the chronic nature of the nuisance violations, and if no significant improvement is found, take action to remedy the nuisance.