

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
WEDNESDAY, JULY 19, 2023

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

Those present were Chairman Rebecca McCall, Vice-Chair J. Michael 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, Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, Finance Director Samantha Reynolds, Tax Director Harry Rising, Deputy Tax Collector Luke Small, Planning Director Autumn Radcliff, Planner Liz Hansen, Senior Planner Janna Bianculli, Park Maintenance Supervisor Jason Kilgore, Capital Project Manager Bryan Rhodes, Erick Mendez, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, Human Resources Directors Karen Ensley, DSS Director Jerrie McFalls, County Engineer Deb Johnston, PIO Kathy Finotti – videotaping and Deputy Chris Stepp provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Commissioner Hill provided the invocation.

PLEDGE OF ALLEGIANCE

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

INFORMAL PUBLIC COMMENT

1. Andrew Clark spoke about Veteran issues and American Legion Post #77.
2. Chris Pair spoke about increasing costs in aviation. He urged the Board to promote general Aviation.

DISCUSSION/ADJUSTMENT OF AGENDA

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

Commissioner Lapsley made to motion to add Item L to the Consent Agenda – Final Order, Johnston Family Group and Orange Capital Advisors Rezoning (R-2023-02). All voted in favor, and the motion carried.

CONSENT AGENDA

Approval of June 28, 2023, and July 10, 2023, meeting minutes.

Motion:

I move the Board approve the minutes of the June 28, 2023, and July 10, 2023, meeting minutes.

Notification of Vacancies

Approved:

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

1. **Historic Resources Commission – 1 vac.**
Position #7 – Flat Rock Representative
2. **Juvenile Crime Prevention Council – 1 vac.**
Position # 21 – At Large

Court Services Lease Renewal for District Office

A lease proposal was presented for Board approval for the Department of Public Safety's (DPS) Division of Community Corrections Offices in the County's Court Services Building at 1347 Spartanburg Highway. DPS proposes to lease +/- 1,334 square feet for an annual cost of \$13,846.92, which includes an 18.6% increase over the previous lease amount, based on a three-year CPI increase from May 2020. The proposed term of the lease is from September 1, 2023, through August 31, 2026.

Motion:

I move the Board approve the lease proposal between Henderson County and the State of North Carolina for the period of September 1, 2023, through August 31, 2026 and authorize the County Manager to execute documentation on behalf of Henderson County.

2023.100 Information Technology – Dogwood Health Trust Grant

Staff requested the Board approve a budget amendment to recognize the receipt of grant funding provided by Dogwood Health Trust for the CRAVE/WAVE projects being implemented by the state of North Carolina. These grant funds in the amount of \$25,000 are restricted for use to cover technology and equipment costs for child welfare adjudication support.

Motion:

I move the Board approve the budget amendment for grant funding from Dogwood Health Trust for child welfare adjudication support.

2023.101 Budget Amendment – Fund Balance Appropriated

Staff requested the Board approve a proposed budget amendment that appropriates Fund Balance for FY2023 Board approved purchases that will be fulfilled in FY2024. Approved purchases are for ammunition, ballistic vests, and FLOCK cameras. These items are currently on order and will not be received until FY2024.

Motion:

I move the Board approve the budget amendment to appropriate fund balance.

2023.102 Not-For-Profit Funding Agreements

Subsequent to the approval of the FY 2023-2024 Budget, staff distributed the funding agreements to the not-for-profit agencies receiving County allocations.

Motion:

I move the Board authorize the Chairman to execute the funding agreements presented and thereby authorize the release of the initial payment to the named agencies.

2023.103 Parks and Recreation – Edneyville Community Center Transfer

On February 15th, donations totaling \$70,745.46 from the Edneyville Community Center were received and recognized to fund park improvements for the Edneyville Community Center Park. Upon completion of park improvements, \$2,106 remains unspent.

Staff requested the Board approve a budget amendment to transfer unspent funds from the Edneyville Community Center Park project to the Parks and Recreation Department budget to supplement the purchase of pickleball nets for use in the Edneyville Community Center Park.

Motion:

I move the Board approve the budget amendment as presented.

2023.104 Budget Amendment – Asset Forfeiture Funds

On September 21, 2022, the Board approved an appropriation from restricted USDOJ funds for the purchase of Leica 360 Crime Scene Mapping equipment. As of June 30, 2023, that purchase has not been completed.

The Board was requested to approve an appropriation from the Restricted USDOJ funds in FY2024 in an amount not to exceed \$112,615 to purchase the Leica equipment.

Motion:

I move the Board approve the budget amendment.

2023.104A Partnership for Economic Development – Partnership Match

At the Board of Commissioner's meeting on June 5, 2023, the Board adopted the Budget Ordinance for FY24, which included a matching grant in the amount of \$82,500 for the Partnership for Economic Development's Economic Investment Fund. Following the adoption of the budget for the Town of Mills River on June 22, 2023, the Partnership for Economic Development requested an increase to that fund in the amount of \$15,000 based on an additional grant match for a total investment amount of \$97,500.

Motion:

I move the Board authorize the additional amount of \$15,000 to the Partnership for Economic Development Investment Fund by approving the budget amendment.

NCACC Annual Conference – Voting Delegate

The North Carolina Association of County Commissioners (NCACC) requested that the Board of Commissioners designate a Voting Delegate for the NCACC's 116th Annual Conference.

The Conference will be held in Wake County on August 24-26, 2023. The Conference Business Session will be on Saturday, August 26, at 2:00 pm, with each county entitled to one vote on items that come before the membership.

In order to facilitate the voting process, the NCACC requests that each county designate one voting delegate prior to the Conference and one alternate if desired.

Motion:

I move the Board designate Vice-Chair Michael Edney as Henderson County's voting delegate to the NCACC Annual Conference and Commissioner Daniel Andreotta as the alternate.

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

At the June 5, 2023, meeting, the Board approved the standard County comment on an ABC permit application for Jason Cody McCarson and J & M Farms at Freeman Orchards, LLC, for off-premise malt beverage and unfortified wine permits. They have now requested a revision to the permit to also apply for on-premise malt beverage and unfortified wine permits. A request for comment has been made to the Sheriff's Office.

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.

Motion:

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

2023.106 Final Order, Johnston Family Group and Orange Capital Advisors Rezoning (R-2023-02) (Add On)

On April 1, 2023, the Board held a public hearing on a proposed rezoning for "The Farmhouse at Taproot." The Board gave its approval to the rezoning on April 3, 2023, subject to conditions. Under NC General Statute §160D-703(b), the conditions imposed by the Board must be agreed upon by the applicant. Those conditions, with applicant approval, are attached to these minutes.

Motion:

I move the Board approve the Conditions for Approval for rezoning R-2023-02-C previously given preliminary approval by the Board, as accurately stating the Board's conditions for approval of the rezoning.

Commissioner Andreotta made the motion to adopt the consent agenda with the addition of Consent Item L - Final Order, Johnston Family Group, and Orange Capital Advisors Rezoning (R-2023-02). All voted in favor, and the motion carried.

PUBLIC HEARING

Commissioner Lapsley made the motion to go into the Public Hearing. All voted in favor, and the motion carried.

2023.105 Public Hearing for Conditional Rezoning Application #R-2023-07-C OurCo Minor Subdivision Estate Residential (R-40) to Conditional District (CD-2023.07)

Rezoning Application R-2023-07-C was initiated on May 24, 2023, and requests that the County conditionally rezone approximately 1.62 acres of land from the Estate Residential (R-40) zoning district to a Conditional District (CD-2023-07). The project contains all of PIN: 9577-27-0660 that has direct access to Greenville Highway. The property is owned by OurCo Construction Company LLC, which is also the applicant.

The applicant is proposing to develop a 5-lot minor subdivision for 5 single-family residential dwellings. 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, June 14, 2023, in the King Street Meeting Room. A copy of the meeting report was provided to the Planning Board at its June meeting.

The Technical Review Committee (TRC) reviewed the application on June 6, 2023, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC are listed in the staff report.

The Planning Board reviewed the conditional rezoning request at its June 15, 2023, meeting.

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-2023-07-C was published in the Hendersonville Lightning on July 5th and July 12th. 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 June 30, 2023, and posted signs advertising the hearing on June 28, 2023.

Rezoning

#R-2023-07-C

OurCo Minor Subdivision

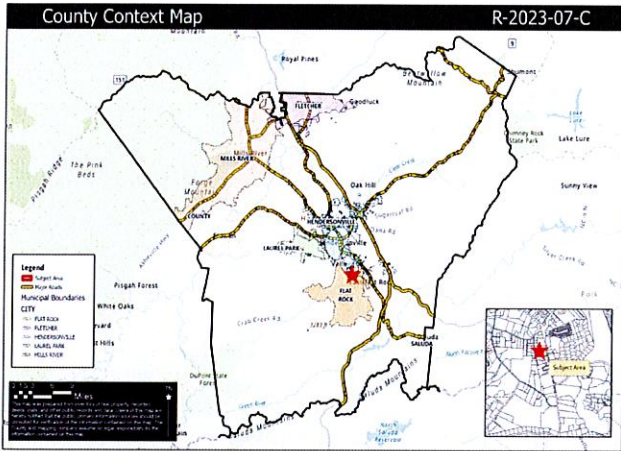
Board of Commissioners – July 19, 2023

Conditional Rezoning's are:

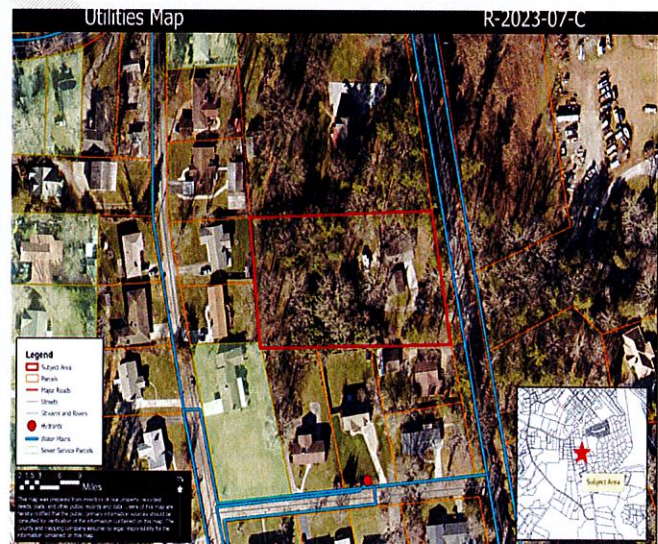
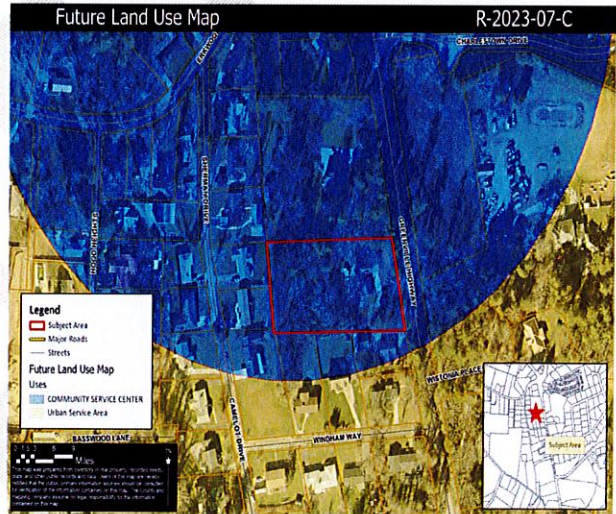
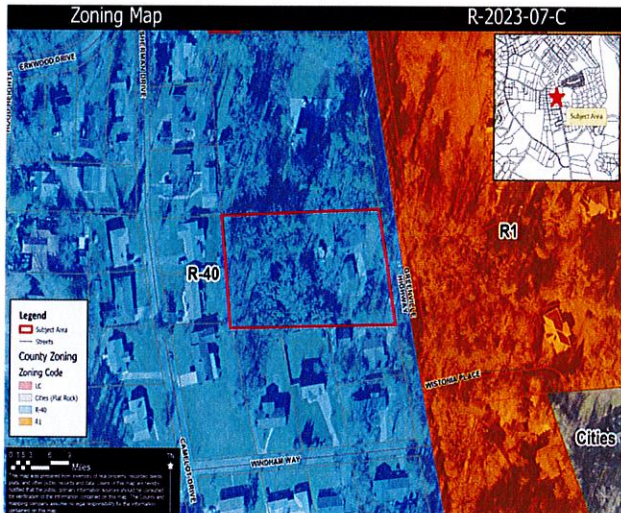
- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

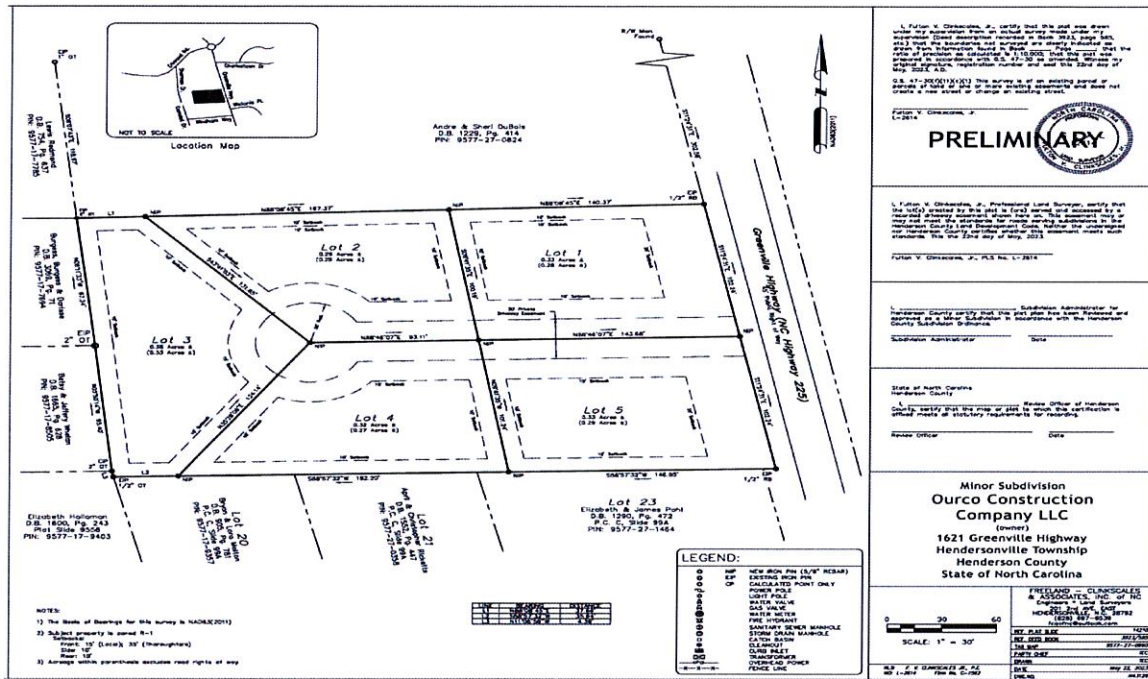
- Conditional Rezoning Request: R-2023-07-C
- Owner: OurCo Construction LLC
- Applicant: OurCo Construction LLC
- Property Location: 1621 Greenville Highway
 - PIN: 9557-27-0660
- Conditionally rezone from Estate Residential (R-40) Zoning District to a Conditional District (CD-2023-07)
- Approximately 1.62 Acres

Application Summary



applicant: OurCo Construction LLC
 total Surveyed Area: 1.62 Acres
 Current Zoning: Estate Residential (R-40)





Project Summary

- **Minor Subdivision**
 - 5 total lots (0.29 acres to 0.35 acres each including ROW)
 - 10' side setback
 - 10' rear setback
 - 15' private ROW setback
 - 35' public ROW setback (Greenville Hwy)
- **30' Private Driveway Easement**
 - Single entrance off Greenville Hwy, served by a 30' rad. cul-de-sac at the rear of the property
- **Additional**
 - Engineered septic system
 - Landscaped/vegetative buffer

Conditional Rezoning

Conditions required by the LDC and additional conditions recommended for consideration and requests made by the TRC and Planning Board are found in the List of Conditions.

Public Input

1. April Ricketts spoke in opposition to the rezoning application; she has concerns about the installation of additional septic tanks and the possible contamination of a nearby stream.
2. Andre Dubois opposed the rezoning application; he said, if approved, this project would allow 5 houses to be built in an already low-lying area with poor absorption from existing septic tanks.
3. Lora Molton spoke in opposition to the rezoning application. She said the existing septic systems already experience drainage problems, and some residents have had to install sump pumps to remove water from the foundations of their homes. She anticipates the increased traffic to have a negative impact on the neighborhood.

4. Brent Crowell spoke in support of the rezoning application. He believes the owner Eric Oursler, would construct homes that would preserve the neighborhood's character.
5. Karen Parsons spoke in support of the rezoning application. She said the project is compatible with the surrounding neighborhoods.
6. Nancy Sloan spoke in support of the rezoning application. Eric Oursler constructed her home, and she believes he is a great contractor who would build quality homes.
7. Dan Williams spoke in opposition to the rezoning application. He said Greenville Highway is already saturated. He is concerned with the ease of obtaining rezoning approvals of property in Henderson County.
8. Emailed public input on this rezoning application from Jeff and Betsy Whelan was in opposition to the rezoning application. The concerns noted were low-lying areas, potential flooding, and the effects of grading on adjoining parcels.

Commissioner Lapsley voiced concerns regarding the property's side and rear setbacks. He clarified that the side and rear setbacks in the R1 zoning district are 10ft, and in R40, that setback is 35ft.

Vice-Chair Edney asked about annexation. He referenced an agreement between the Village of Flat Rock and the City of Hendersonville that encompasses the subject area regarding who may annex and under what conditions. Autumn Radcliff said that Edney was correct, and there was a small area that falls within the County's jurisdiction. There is an existing agreement between the City of Flat Rock that they will not annex any further down Greenville Highway, which creates a "pocket" of county residents that fall between those two jurisdictions where the growth that is happening.

Inaudible comments from applicant Eric Oursler in the audience followed.

Commissioner Lapsley asked if that agreement addresses the availability of public sewer. Autumn Radcliff said it was her understanding that both jurisdictions recognize this agreement and have agreed not to move closer to one another along Greenville Highway. If there were public sewer capacity, they would probably do it without requiring annexation.

Craig Justice, Attorney for the applicant, said the intention is to extend city sewer to the subject property.

Commissioner Andreotta said he would support this project only if there were a guarantee that the property was going to be served by public sewer.

Craig Justice said that the extension of public sewer would be added as a condition.

Commissioner Lapsley made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Commissioner Lapsley voiced concern about the side and rear setbacks of the proposed application. He said a 10-foot setback is too close; he would like a minimum of 20 feet setback on the side and rear.

Russ Burrell asked the applicant's attorney Craig Justice for clarification of the side and rear of the property. Mr. Justice said the side and rear are defined as the exterior perimeter of the property.

After a discussion about defining the vegetative buffer requirement, Vice-Chair Edney made the following motion:

Vice-Chair Edney moved that the Board approve rezoning application R-2023-07-C to rezone the subject area to a conditional district (CD-2023-07), based on the Henderson County Comprehensive Plan, with the following conditions:

- 1. The Developer must extend public sewer to the property to serve all lots in the subdivision. The Developer may not agree to annexation by any municipality as a condition for the ability to connect to such municipality's sewer system.*
- 2. The Developer must cause the site plan to be modified to show a building setback on all sides of the (original) parcel to be subdivided under the provisions of this rezoning not facing Greenville Highway (N.C. Highway 225) of at least fifteen feet (15'). All structures to be located on the lots created as a result of this rezoning must, in fact be set back in accordance with this requirement. Setbacks between lots created in the subdivision, as shown on the originally submitted site plan, are not affected by this provision.*
- 3. The Developer must create (or maintain, as the case may be) a conifer tree buffer within the setback modified in 2., above, with at least seven (7) foot tall trees placed at twelve (12) foot intervals, using either existing trees located within the setback or newly planted trees.*

Vice-Chair Edney further moved that the Board approve the resolution that was attached to the agenda item regarding the rezoning's consistency with the Henderson County Comprehensive Plan. All voted in favor, and the motion carried.

DISCUSSION

2023.107 FY2022-2023 Tax Collector's Settlement, Approval for Bond Amounts for Tax Collector/Deputy: 2023. FY2023-2024 Tax Order for Collection

Pursuant to N.C.G.S. 105-352, delivery of the tax receipts to the Henderson County Tax Collector; must occur prior to delivery.

(a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director’s satisfaction that all prepayments received have been deposited.

(b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.

(c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.

(d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today’s meeting, which will charge the Tax Collector with the collection of FY 2023-2024 taxes, plus all outstanding delinquent taxes.

STATUTORY REQUIREMENTS FOR TAX COLLECTOR'S SETTLEMENT
(NCGS 105-373)



FY2023 TAX COLLECTOR'S SETTLEMENT

Presented to the Henderson County Board of Commissioners
WEDNESDAY, JULY 19, 2023

The Tax Collector's Settlement must:

1. Occur after July 1 and before the Board charges the Collector with the FY2024 Levy
2. Include two lists:
 - Persons owning real property whose taxes remain unpaid; and
 - Persons not owning real property whose taxes remain unpaid (the "Insolvents List")
3. Include an accounting of all amounts charged to the Collector and the amounts allowed as credits to the Collector
4. Include a statement from the Collector stating he/she has made diligent efforts to collect the tax
5. The Settlement for prior-year taxes shall be made in whatever form is satisfactory to the County's Chief Accounting Officer and the Governing Body

FY2023 ANNUAL LEVY

Includes Real Property, Personal Property, Business Personal Property, and Public Service Property billed and collected by the County

LEVY ADDITIONS				
All amounts charged to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 92,163,683.57	\$ 11,518,140.66	\$ 13,293,135.68	\$ 116,974,959.91
Penalty	\$ 228,333.70	\$ 21,014.25	\$ 37,085.95	\$ 286,433.90
Interest	\$ 160,858.48	\$ 20,968.94	\$ 18,439.58	\$ 200,267.00
TOTAL	\$ 92,552,875.75	\$ 11,560,123.85	\$ 13,348,661.21	\$ 117,461,660.81

LEVY CREDITS				
All sums allowed as credits to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 90,502,003.59	\$ 11,244,035.42	\$ 13,134,687.99	\$ 114,880,727.00
Adjustments	\$ 168,701.43	\$ 13,538.76	\$ 30,975.03	\$ 213,215.22
Releases	\$ 957,100.85	\$ 177,028.58	\$ 172.78	\$ 1,134,302.21
Interest	\$ 160,858.48	\$ 20,968.94	\$ 18,439.58	\$ 200,267.00
Unpaid Tax: Real & Personal Property	\$ 764,211.40	\$ 104,552.15	\$ 164,385.83	\$ 1,033,149.38
Unpaid Tax: Registered Motor Vehicles	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 92,552,875.75	\$ 11,560,123.85	\$ 13,348,661.21	\$ 117,461,660.81

REGISTERED MOTOR VEHICLE (RMV) LEVY

*Includes Registered (tagged) Motor Vehicle Tax Bills that are billed and collected on behalf of the County by NC's Tax & Tag Together Program
RMV tax is not part of the Collector's charge, however it is part of the Tax Levy.*

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 8,606,810.82	\$ 1,180,677.86	\$ 1,807,711.50	\$ 11,595,200.18
Vehicle Fee	\$ -	\$ -	\$ 220,245.00	\$ 220,245.00
Interest	\$ 64,616.95	\$ 8,933.95	\$ 14,549.83	\$ 88,100.73
TOTAL	\$ 8,671,427.77	\$ 1,189,611.81	\$ 2,042,506.33	\$ 11,903,545.91

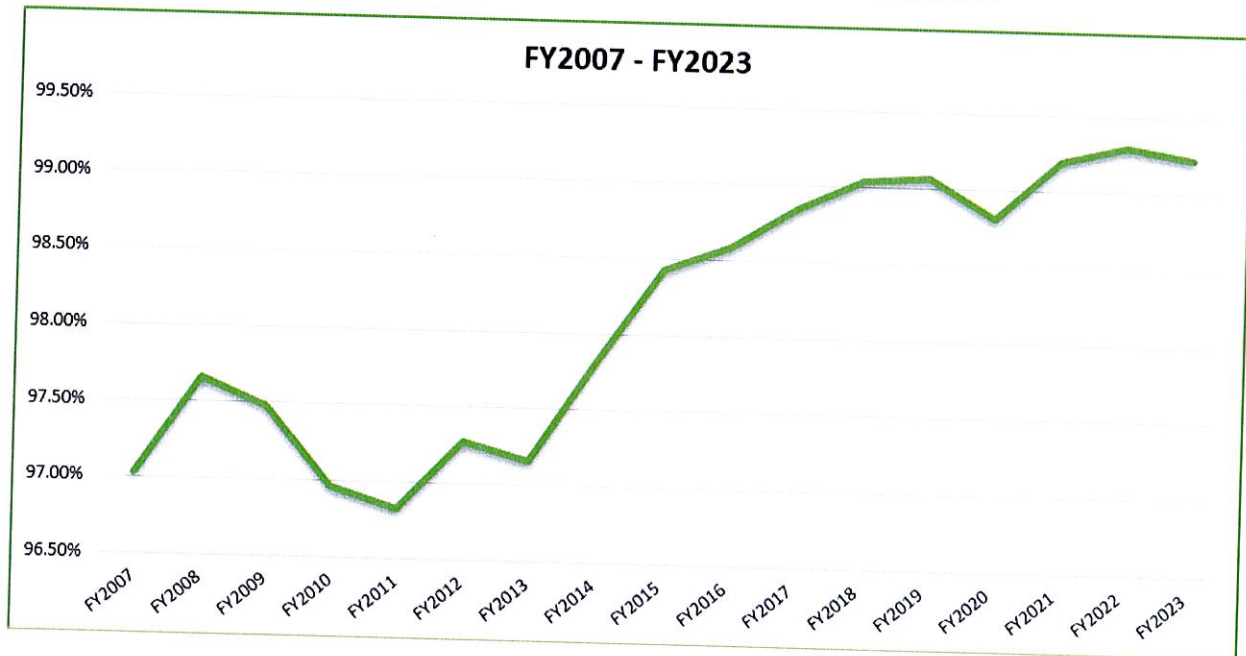
LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Levy Collected	\$ 8,582,829.95	\$ 1,178,451.79	\$ 2,017,620.83	\$ 11,778,902.57
Unpaid Levy	\$ 23,980.87	\$ 2,226.07	\$ 10,335.67	\$ 36,542.61
Interest Collected	\$ 64,616.95	\$ 8,933.95	\$ 14,549.83	\$ 88,100.73
TOTAL	\$ 8,671,427.77	\$ 1,189,611.81	\$ 2,042,506.33	\$ 11,903,545.91

The following slides focus only on the County Levy for Annual Bills and do not include Fire Districts and/or Municipal Districts

FISCAL YEAR-END COLLECTION RATES

	FY2023	FY2022
Annual Levy	99.17%	99.26%
RMV Levy	99.72%	99.70%
Combined Levy	99.22%	99.30%

COMBINED LEVY COLLECTION RATE TREND:



LEVY COLLECTED COMPARED TO FY2023 BUDGETED PROPERTY TAX REVENUE

	LEVY BUDGETED	LEVY COLLECTED (\$ DEPOSITED)	\$ COLLECTED OVER (UNDER) BUDGET
FY2023	\$ 95,439,998.00	\$ 100,037,258.80	\$ 4,597,260.80
FY2022	\$ 92,107,728.00	\$ 96,697,252.46	\$ 4,589,524.46
FY2021	\$ 88,629,211.00	\$ 93,935,287.74	\$ 5,306,076.74
FY2020	\$ 87,128,532.00	\$ 90,966,806.18	\$ 3,838,274.18
FY2019	\$ 76,722,389.00	\$ 80,239,454.85	\$ 3,517,065.85
FY2018	\$ 74,231,301.00	\$ 78,183,956.57	\$ 3,952,655.57
FY2017	\$ 73,075,676.00	\$ 76,381,248.10	\$ 3,305,572.10
FY2016	\$ 65,998,066.00	\$ 68,524,823.14	\$ 2,526,757.14

*Includes Ad Valorem, RMV, and Prior Year budgeted items

COLLECTOR'S EFFORTS TO COLLECT UNPAID TAX

TYPE OF ACTION	ENFORCED COLLECTION ACTIVITY			
	FY2023 ACTIVITY		FY2022 ACTIVITY	
	# OF NEW ACTIONS	\$ VALUE *	# OF NEW ACTIONS	\$ VALUE*
Payment Arrangements	190	\$ 559,153	154	\$ 415,059
Bank Account Attachments	364	\$ 883,883	491	\$ 904,088
Wage Garnishments	432	\$ 344,807	637	\$ 415,293
Rent Attachments	3	\$ 33,733	3	\$ 122,929
Garnishments of Escheated Funds	131	\$ 109,370	120	\$ 170,918
NC Debt Setoff (State Income Tax Garnishment)	2,138	\$ 859,364	2,555	\$ 1,113,104

* \$ Value includes the total value of each action when it was created. It should not be confused with collection activity resultant from the action. Total value includes levy, interest, penalties and any collection costs associated with the action.

After discussing separating charges from municipalities on the bill sent to taxpayers, the following motion was made.

Vice-Chair Edney made the motion the Board approve the tax collector's settlement for Fiscal Year 2022-2023 taxes and further approve the bonds, the order of collection, and charge for collection to the tax collector for Fiscal Year 2023-2024 taxes. It is stipulated that no bills be

printed until the Board determines whether to separate municipal bills from county and fire tax bills. This item will be on the agenda for the next meeting. All voted in favor, and the motion carried.

Commissioner Lapsley asked about how Park Models/Tiny Homes are taxed. After a brief discussion, John Mitchell said Planning Director Autumn Radcliff would present information regarding "Tiny Homes" at an upcoming Board meeting.

Asheville Regional Airport Update

Lew Bleiweis, President and CEO of the Asheville Regional Airport, provided the annual Airport update to the Board.

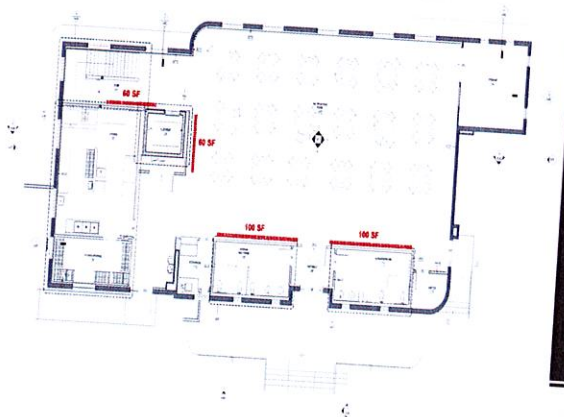
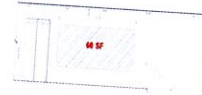
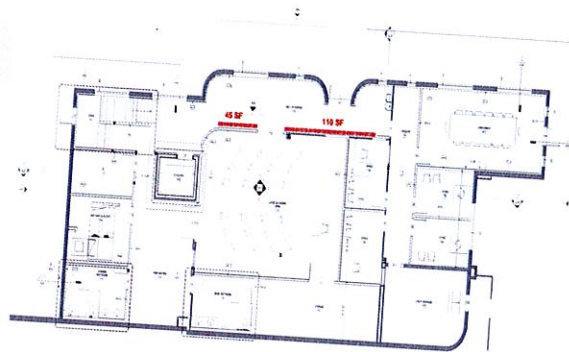
2023.108 Construction Projects - Budget Amendment – GMP - VFW

Chris Todd provided the Board with an update on construction projects around Henderson County. This monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

Mr. Todd provided an overview of the VFW building renovation guaranteed maximum price (GMP) as part of the update. Requests for proposals were properly advertised according to North Carolina General Statute, and bids were opened on November 14, 2019. The total cost of the work is \$4,682,261. This number is within the total approved budget. The groundbreaking ceremony for the project is scheduled for July 25th of this year, pending the board's approval of the GMP.



Veteran's Services Offices



Front Door Perspective



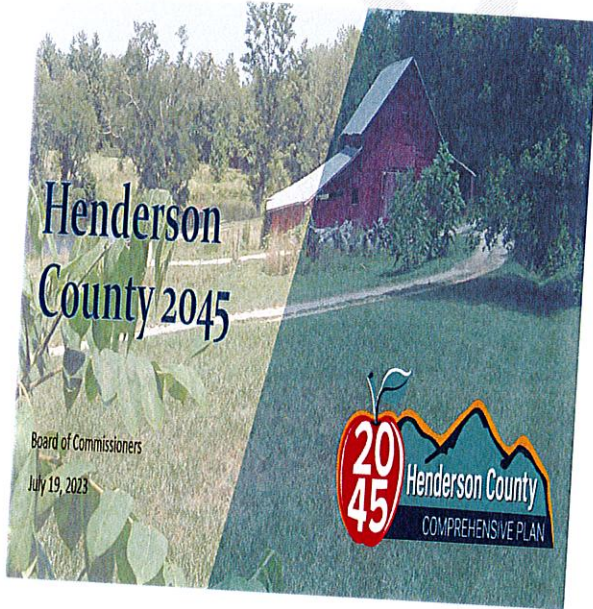
Contractor GMP	
Project Soft Costs	\$4,682,261
Design Fees	\$270,000
Owner Contingency 3%	\$140,468
Material and Geotechnical Testing	\$50,000
FFE	\$269,100
Preconstruction and Advertising	\$46,935
Total Cost	\$5,458,764

Commissioner Lapsley made the motion to accept the Guaranteed Maximum Price and direct staff to continue the project and adopt the Budget amendment as presented. All voted in favor, and the motion carried.

2045 County Comprehensive Plan Update

Starting in July 2021, the County embarked on developing its new comprehensive plan. Over the course of 24 months, thousands of community members actively participated in the planning process to shape the plan's vision for 2045. The December 5th draft plan was formally recommended by the Planning Board (pursuant to NCGS) and was presented to the Board of Commissioners in December 2022.

The Board began review of the Plan at the February 15, 2023 meeting, with continued discussion at the March 6th, March 15th, April 19th, and May 3rd, 2023 meetings. The Board was requested to continue the discussion of the draft 2045 Comprehensive Plan.

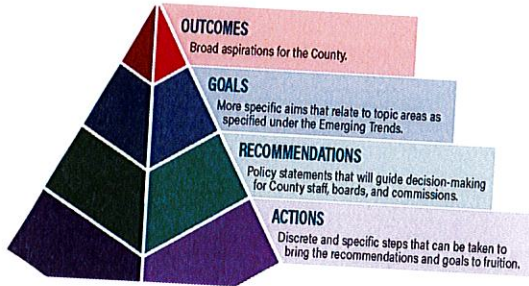


What is a Comprehensive Plan?

Henderson County's 2045 Comprehensive Plan uses resources efficiently in its vision for fair land use and thriving social and economical wellbeing.

The plan calls for preservation of farmland, redevelopment and investment in anchor areas within the Utility Service Area, connectivity of people, jobs, businesses, and infrastructure, and expanding opportunity to communities across the County.

PLAN VISION STRUCTURE



Future Land Use Map

The FLUM went through multiple iterations, including changes done at a joint meeting with Planning Board, but the final version was based upon a plethora of information from various sources.

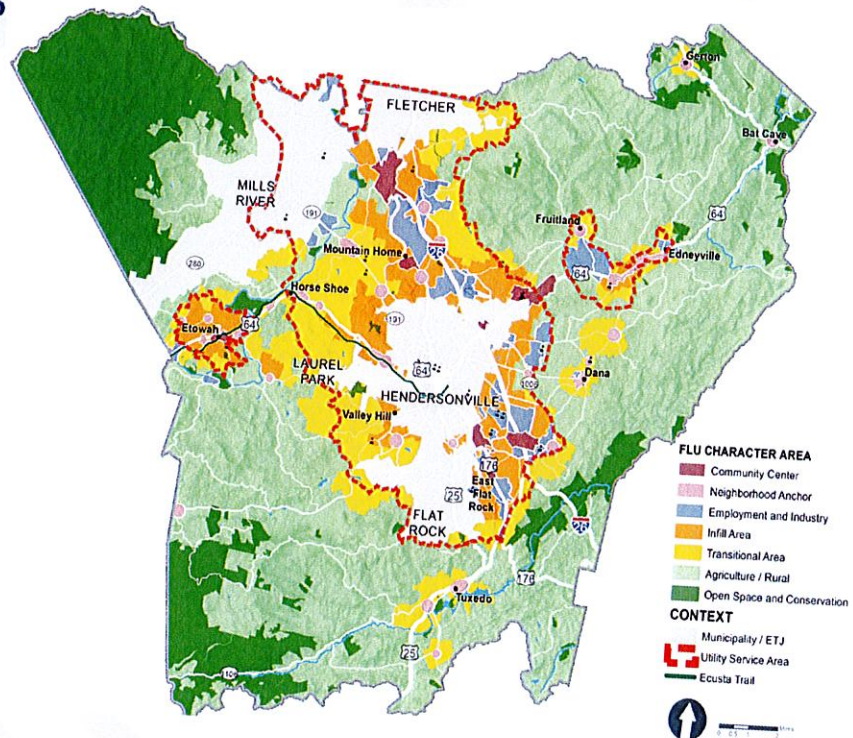
The map balances the necessity of development with the goals of the plan.

It can serve as guidance for changes to the zoning map, but it does NOT represent zoning.

FUTURE LAND USE MAP

Highlights

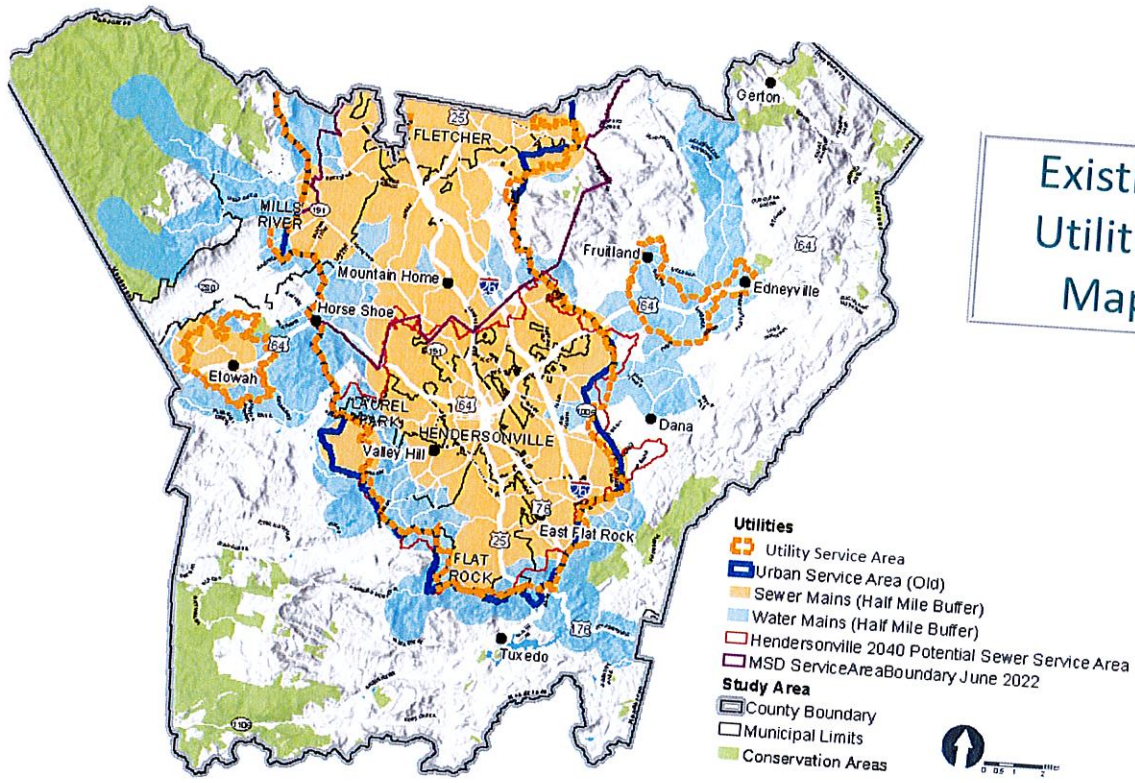
- Directs future residential development toward areas with infrastructure and utilities
- Encourages commercial, mixed-use, and economic development in key locations and corridors



UTILITY SERVICE AREA

- Represents an area already, and intended to be, served by utilities and other services by 2045.
- Accounts for the existing services as well as the relative feasibility of sewer extension from sewer providers (City of Hendersonville, MSD, Etowah, and proposed Edneyville).
- Utility extensions and service enhancements should generally be encouraged within the Utility Service Area.
- The Etowah and Edneyville areas will be reexamined as the sewer situations change.





Existing Utilities Map

Next Steps

1

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

- The Board must vote to adopt the plan
- The Board may set an additional public hearing if any changes to the plan are made

2

Begin Implementation Plan with the Planning Board

- Work through plan goals and prioritize recommendations and action steps

3

Achieve plan goals over the next 22 years!

Chairman McCall asked that this item be added to the agenda for the Board’s mid-August meeting.

NOMINATIONS

1. Child Protection and Fatality Prevention Team - 1 vac.

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

2. Environmental Advisory Committee – 4 vacs.

Commissioner Lapsley made to motion to appoint Jere Brittain to position #3, Deb Johnston to position #4, and Ben Witmeier to position #4. All voted in favor, and the motion carried.

3. Henderson County Board of Equalization and Review – 1 vac.
There were no nominations, and this item was carried to the next meeting.

4. Henderson County Board of Health – 1 vac.
There were no nominations, and this item was carried to the next meeting.

5. Hendersonville City Zoning Board of Adjustment – 1 vac.
There were no nominations, and this item was carried to the next meeting.

6. Home and Community Care Block Grant Advisory Committee – 1 vac.
There were no nominations, and this item was carried to the next meeting.

7. Juvenile Crime Prevention Council – 4 vacs.

Commissioner Andreotta made the motion to appoint Jonah Jakubielski to position #26. All voted in favor, and the motion carried.

Commissioner Hill made the motion to appoint Donald Dessenberger to position #23. All voted in favor, and the motion carried.

Chairman McCall made the motion to appoint Shannon Auten to position # 25. All voted in favor, and the motion carried.

8. Library Board of Trustees – ~~Appoint~~ of Chair

Chairman McCall made the motion to appoint Michael Absher as the Chair of the Library Board of Trustees. All voted in favor, and the motion carried.

9. Metropolitan Sewerage District of Buncombe County (MSD) – 1 vac.

Chairman McCall made the motion to reappoint William Lapsley to position #1. All voted in favor, and the motion carried.

10. Nursing/Adult care Home Community Advisory Committee – 11 vacs.

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

11. Recreation Advisory Committee – 1 vac.

Commissioner Hill made the motion to appoint Mary Beth Davis to position #2. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Andreotta commended county taxpayers for paying their taxes early and on time for the County to achieve an aggregate collection percentage of 99.22%.

Chairman McCall said at the last meeting during the school calendar discussion that the Board proposed the possibility of providing a letter to the General Assembly asking for them to expedite their attention to this subject. The Board reached out to the School Board, and they provided a Resolution that was sent in the Spring of 2022. She would like the Board to review the Resolution and consider putting together a letter in support, not in the decision to change the school calendar, but in support of the General Assembly taking action on this matter in a more timely manner than in the past. She would like this to be added to the agenda for the next meeting.

Vice-Chair Edney said the item could be added, but he would not be in support.

GENERAL ASSEMBLY UPDATE

John Mitchell said the main update was that the Senate and House are in discussions. There have been no indications from the joint committee as to when its work will be finished. It is his understanding that they are pretty far apart at this moment. But they are back in Raleigh to address some potential vetoes to Legislation. Whether or not they will be overturned or not is anyone's guess, but he does believe it will happen. In closing, he said, "There is an air of expectancy."

COUNTY MANAGER'S REPORT

Mr. Mitchell said today marks the 56th anniversary of the Piedmont Airlines plane crash in Henderson County. He said former County Commissioner Tommy Thompson was a Boy Scout at the time, and the Boy Scouts set up a perimeter around the crash site. Chairman McCall's father, who was the County Coroner at the time, was responsible for seeing that all remains were sent home to their respective families. She noted one story and said her father was working at the Command Center that was set up at the National Guard Armory. Her father was told he had a phone call, and while busy working, he asked to have the caller call back. He was told it was the White House calling, so he took the call to learn it was not a white house staffer calling but President Lyndon Johnson. The President asked if the remains of the Secretary of the Navy and his family had been recovered. Her father responded that the remains had not been located but should be found and ready to send home in a couple of days. The President asked that he call a certain number once the remains were ready for transport, and when her father called the number, President Johnson answered the phone himself and ultimately sent his plane to pick up the remains. Vice-Chair McCall said this is something that would never be forgotten.

Mr. Mitchell commended new Tax Administrator Harry Rising. For seven weeks on the job, he had "hit the ground running" with a great presentation at today's meeting and another one at yesterday's LGCCA meeting. Mitchell thanked Mr. Rising and Tax Department staff for a job well done.

In closing, John Mitchell informed the Board that at yesterday's LGCCA meeting, there was a presentation about the strategic plan related to the opioid funds. That plan is nearing its final draft, and he expects it will be ready for the Board to review in early August. As a part of that, a Drug Diversion Court has been put together, along with a Veteran's Diversion Court. He said that the individual who will lead the effort was just hired last week, but there was not a complete contingent because the prosecutor that will be working with the court has not been hired. However, that job has been "put on the street," and applicants are welcome to apply.

Vice-Chair Edney made the motion to go into Closed Session pursuant to N.C. Gen. Stat. § 143-318.11(a)(3)(5), & (6). All voted in favor, and the motion carried.

Chairman McCall made the motion to go out of closed session and adjourn at 2:05 p.m. All voted in favor, and the motion carried.

July 19, 2023

ADJOURN

Denisa Lauffer, Clerk to the Board

Rebecca McCall, Chairman

During the July 19, 2023 regular meeting, the Board enacted the following:

- 2023.100 Information Technology – Dogwood Health Trust Grant**
- 2023.101 Budget Amendment – Fund Balance Appropriated**
- 2023.102 Not-For-Profit Funding Agreements**
- 2023.103 Parks and Recreation – Edneyville Community Center Transfer**
- 2023.104 Budget Amendment – Asset Forfeiture Funds**
- 2023.104A Partnership for Economic Development – Partnership Match**
- 2023.105 Public Hearing & Resolution of Consistency with the Comprehensive Plan**
- 2023.106 Final Order, Johnston Family Group and Orange Capital Advisors Rezoning (R-2023-02) (Add On)**
- 2023.107 FY2022-2023 Tax Collector’s Settlement,, Approval for Bond Amounts for Tax Collector/Deputy, & FY2023-2024 Tax Order for Collection**
- 2023.108 Construction Projects - Budget Amendment – GMP - VFW**

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 19, 2023

SUBJECT: Information Technology – Dogwood Health Trust Grant

PRESENTERS: Samantha R. Reynolds, Finance Director

ATTACHMENTS: Yes

1. Grant Agreement
2. Budget Amendment

SUMMARY OF REQUEST:

Staff is requesting the Board approve a budget amendment to recognize the receipt of grant funding provided by Dogwood Health Trust for the CRAVE/WAVE projects being implemented by the state of North Carolina. These grant funds in the amount of \$25,000 are restricted for use to cover technology and equipment costs for child welfare adjudication support.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment for grant funding from Dogwood Health Trust for child welfare adjudication support.

Suggested Motion:

I move the Board approve the budget amendment for grant funding from Dogwood Health Trust for child welfare adjudication support.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Finance

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>405400-526201-2069</u>	<u>NON-CAPITAL TECHNOLOGY</u>	<u>\$25,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>404400-454019-2069</u>	<u>LOCAL - MISC GRANTS</u>	<u>\$25,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*
 TO RECOGNIZE GRANT FUNDING FROM DOGWOOD HEALTH TRUST FOR CRAVE/WAVE PROJECT IMPLEMENTATION.

 Authorized by Department Head

 Date

 Authorized by Budget Office

 Date

 Authorized by County Manager

 Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 19, 2023
SUBJECT: Budget Amendment – Fund Balance Appropriated
PRESENTER: Samantha R. Reynolds, Finance Director
ATTACHMENT: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

Staff is requesting the Board approve the attached budget amendment which appropriates Fund Balance for FY2023 Board approved purchases that will be fulfilled in FY2024. Approved purchases are for ammunition, ballistic vests and FLOCK cameras. These items are currently on order and will not be received until FY2024.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment to appropriate fund balance.

Suggested Motion:

I move the Board approve the budget amendment to appropriate fund balance.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: SHERIFF

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-526001</u>	<u>AMMUNITION</u>	<u>\$77,284</u>
<u>115431-521201</u>	<u>BALLISTIC VESTS</u>	<u>\$21,894</u>
<u>115431-547500</u>	<u>RENTAL OF EQUIPMENT</u>	<u>\$24,850</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$124,028

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$124,028</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$124,028

Justification: Please provide a brief justification for this line-item transfer request.

TO BUDGET FOR BOARD APPROVED PURCHASES INITIATED IN FY2023, BUT ORDERS WILL NOT BE FULFILLED UNTIL FY2024. BOC APPROVED 7.19.2023.

_____	7.19.2023
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: July 19, 2023

SUBJECT: Parks and Recreation – Edneyville Community Center Transfer

PRESENTERS: Samantha R. Reynolds, Finance Director
Bruce Gilliam, Parks and Recreation Director

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

On February 15th, donations totaling \$70,745.46 from the Edneyville Community Center were received and recognized to fund park improvements for the Edneyville Community Center Park. Upon completion of park improvements, \$2,106 remains as unspent.

Staff is requesting the Board to approve a budget amendment to transfer of unspent funds from the Edneyville Community Center Park project to the Parks and Recreation Department budget to supplement the purchase of pickleball nets for use in the Edneyville Community Center Park.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment.

Suggested Motion:

I move the Board approve the budget amendment.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: FINANCE/RECREATION

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>405400-598011-9054</u>	<u>TRANSFER TO GENERAL FUND</u>	<u>\$2,106</u>
<u>115612-526007</u>	<u>SPORTS & ATHLETICS SUPPLIES</u>	<u>\$2,106</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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

Account	Line-Item Description	Amount
<u>405400-539000-9054</u>	<u>CONTRACTED SERVICES</u>	<u>\$2,106</u>
<u>114980-402400</u>	<u>TRANSFER FROM CAPITAL PROJECT FUND</u>	<u>\$2,106</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Justification: Please provide a brief justification for this line-item transfer request.

TO BUDGET FOR TRANSFER OF UNSPENT FUNDS FROM THE EDNEYVILLE COMMUNITY CENTER TO THE PARKS AND RECREATION DEPARTMENT BUDGET TO SUPPLEMENT THE COST OF PICKLEBALL NETS FOR THE EDNEYVILLE COMMUNITY CENTER. BOC APPROVED 7.19.2023.

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: July 19, 2023

SUBJECT: Budget Amendment – Asset Forfeiture Funds

PRESENTER: Samantha R. Reynolds, Finance Director
Sheriff Lowell Griffin

ATTACHMENT: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

On September 21, 2022, the Board approved an appropriation from restricted USDOJ funds for the purchase of Leica 360 Crime Scene Mapping equipment. As of June 30, 2023, that purchase has not been completed.

The Board is requested to approve an appropriation from the Restricted USDOJ funds in FY2024 in an amount not to exceed \$112,615 to purchase the Leica equipment.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment.

Suggested Motion:

I move the Board approve the budget amendment.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: FINANCE/SHERIFF

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-551000-9067</u>	<u>HCSO: CAPITAL OUTLAY - EQUIPMENT</u>	<u>\$88,115</u>
<u>115431-551000-9034</u>	<u>HCSO: CAPITAL OUTLAY - EQUIPMENT</u>	<u>\$24,500</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114431-451005-9067</u>	<u>HCSO: USDOJ FUNDS</u>	<u>\$88,115</u>
<u>114431-451001-9034</u>	<u>HCSO: GCC JAG GRANT FUNDING</u>	<u>\$24,500</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: Please provide a brief justification for this line-item transfer request.
 TO BUDGET FOR NCDNJ AND GCC GRANT FUNDS TO BE USED TO PURCHASE EQUIPMENT. BOC APPROVED 7.19.2023.

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: July 19, 2023
SUBJECT: Partnership for Economic Development – Partnership Match
PRESENTER: Jennifer Miranda, Budget Analyst
ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

At the Board of Commissioner's meeting on June 5, 2023, the Board adopted the Budget Ordinance for FY24 which included a matching grant in the amount of \$82,500 for the Partnership for Economic Development's Economic Investment Fund. Following adoption of the budget for the Town of Mills River on June 22, 2023, the Partnership for Economic Development is requesting an increase to that fund in the amount of \$15,000 based on an additional grant match for a total investment amount of \$97,500.

BOARD ACTION REQUESTED:

Staff requests the Board approve the attached budget amendment to authorize the addition of \$15,000 to the Economic Investment Fund for a total investment amount of \$97,500.

SUGGESTED MOTION:

I move the Board authorize the additional amount of \$15,000 to the Partnership for Economic Development Investment Fund by approving the attached budget amendment.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: _____ **Budget Office** _____

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115498-563000	Payments to Other Agencies	\$15,000
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$15,000

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

Account	Line-Item Description	Amount
114990-401000	Fund Balance Appropriated	\$15,000
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$15,000

Justification: *Please provide a brief justification for this line-item transfer request.*

To increase the grant match amount for the Partnership for Economic Development - Economic Investment Fund based on an additional \$15,000 from the Town of Mills River for FY24.

Budget Office
Authorized by Department Head

7/19/2023
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

Conditional Rezoning Application R-2023-02-C Conditions for Approval

Applicants: Johnston Family Group and Orange Capital Advisors, LLC
Property: Henderson County GIS PIN 9652-12-2330

The following conditions are in addition to and intended to supplement and amend the application for Conditional Re-zoning submitted by the Co-Applicants, the proposed site plan and the Henderson County Land Development Code (herein "Henderson County LDC"). In case of any conflict between this document, the LDC, and the site plan, the final approved site plan will control, then these Conditions, then the application filed. To the extent that any specification or development standard has been omitted from or is not addressed in the site plan or this document, the presumption is that the standard or specification in the LDC shall apply.

The conditions are as follow:

1. Size and Scope of project (numbers are approximate, subject to confirmation when site plan is final):
 - a. Size of project: approximately 20.32 acres.
 - b. As shown on the site plan: Maximum of 270 total residential apartment units, based in ten (10 total apartment buildings, plus associated amenities buildings, of a size and scope illustrated on the site plan.
 - c. Overall project density will not exceed 14.0 units per acre. Dimensional requirements are as shown on the site plan. Building separation shall be a minimum of twenty feet (20') as stated in SR1.5 4(b).
2. I-26 and outer boundary of project: All buildings must maintain 45 foot minimum setback from the I-26 right of way. Perimeter boundary setbacks shall not be less than as illustrated on the site plan submitted. No landscape buffer is required along outer project boundary.
3. Sidewalks not less than 5 feet in width shall be installed on at least all building sides that separate the building from a roadway or parking lot within the development.
4. Interior roads – build to Henderson County design standards for residential major subdivisions; minimum road right of way width of 50 feet for roads that will be made public (including valley curb & gutter if utilized). Travelable surfaces of two way roads built to at least 18' width, and one way roads to 12' travelable surface. No pervious pavement shall be required within the development.
5. Road passage in parking lot areas- In parking lot areas, all two way road passage shall have a 26' width between parking spaces, as opposed to the 24' passage shown on the site plan. This is to comply with the fire marshal requirements.
6. Traffic Impacts on Butler Bridge Road - Developer must comply with all standards and requirements of NCDOT for the roadway entrances onto Butler Bridge Road. Entrance improvements if any required shall be completed before a certificate of occupancy is issued for any dwelling structure. Applicant may use the entrance shown as the eastern emergency entrance on the

site plan as the main entrance to the project, so long as Applicant complies with all requirements of NCDOT as to that entrance. The County planning office shall upon request review and approve the final plat as to compliance with this provision.

A. If the eastern entrance is utilized as the main entrance to the project, Developer/Owner may use the current 60 ft. wide western entrance as an emergency entrance, setting the gate thereon back from Butler Bridge Road in a fashion that allows emergency vehicles to be totally off of Butler Bridge Road prior to reaching the gate.

B. In the alternative to the foregoing regarding the main entrance to the project, Applicant may utilize as the principal entrance a western entrance to the immediate west of that originally proposed, if that entrance meets the following minimum criteria:

(1) the portion of that entrance exiting that entrance onto Butler Bridge Road, for travel in an easterly direction, must be directly opposite Yadkin Road and designed in accord with NCDOT standards, and

(2) the design of that entrance/exit from the project must be approved for use by the Henderson County Fire Marshal and /or other appropriate emergency services authorities as determined by the Henderson County Planning Director; and

(3) the installation and use of that entrance must be approved by NCDOT, and designed and installed according to NCDOT standards and requirements, and to that end Applicant must:

(i) erect all appropriate signage, signals and/or traffic regulation lights required by NCDOT, and

(ii) submit to the Henderson County Planning Director proof of approval by NCDOT.

(4) If Applicant utilizes this alternative entrance, contemplated to be constructed on lands currently owned by Phillip Keith Gilliam (with title or right of way to be acquired by Applicant), Applicant may utilize the eastern entrance as an emergency entrance, as originally proposed.

7. Off-street parking: each unit shall have sufficient off street parking for at least one and one-half (1.5) standard passenger automobiles per residential unit. (Averaged over the total units). Additional off-street spaces shall be provided for the common amenities area, with locations and number as shown on the site plan. No on-street storage of boats, campers, recreational vehicles, or trailer apparatus shall be allowed within the project.

8. Storm water drainage facilities shall be built to an approved engineered storm water treatment and retention plan, and shall be approved by by State or local authority as by law required.. No storm water retention facilities which promote standing water for more than forty-eight (48) hours shall be allowed of such size or nature as would attract large numbers of waterfowl. The storm water retention pond shall be constructed in compliance with the standards and rules of NCDEQ as may be required at the time of construction, and the same shall be permitted or otherwise authorized by the proper government authority, recognizing that the facility is within five miles of a regional airport.

9. Fire hydrant locations shall be provided per Henderson County fire standards within

development and be approved by the Fire Marshal and indicated on each development plan.

10. Subsurface utilities are required for all phases of the development.
11. Landscaping--including street trees, buffers, and natural areas--will be provided as required by the Henderson County LDC and noted on Master Plan.
12. Open Space:
 - a. The applicant will set aside approximately 20% of the Subject Property (3.78 acres) as open space. A minimum of 1.89 acres of the total area in the project shall be common space, including amenity locations.
 - b. Open space areas (approximate size and location) shall be shown on the master plan. These areas shall be designated and (where applicable) dedicated for each phase of the project as plats are recorded.
 - c. The Planning Office shall monitor compliance with this condition on the final site plan. Minor variances in the percentage amounts of such areas shall be in the discretion of the Planning Office.
13. Resident amenities: Central amenity facilities will include those features shown on the site plan.
14. Lighting:
 - A. Street lighting: Lighting will be installed in accordance with the following:
 - (1) Light Level - .5 fc average with 4-6 Avg/Min uniformity (or compliant with current IES/ANSI standards for residential street lighting - reference RP-8-18)
 - (2) Pole Mounting Height - Max 25 ft (spacing dependent on design layout to meet recommended light level)
 - (3) Pole Material - Aluminum or Concrete preferred
 - (4) B-U-G Rating (Back-Up-Glare) - Not to exceed B2-U0-G2 (B1-U0-G1 preferred) Light Source - LED, 3500K or 4000K Color Temp (not to exceed 4000K)
15. Matters Relating to the Airport- No upward facing lighting shall be utilized on the project which could reasonably interfere with aviation operation and navigation related to the Asheville Regional Airport, or which could reasonably be construed to create confusion to pilots in navigation. The Applicant must execute and record an Avigation Easement in that form jointly approved by the Applicant and the Greater Asheville Regional Airport Authority
16. Street Trees—Street trees shall be installed per Henderson County LDC requirements, using County-approved species.
17. Building Code - Builder/ Developer to adhere to Henderson County LDC whenever it exceeds the NC Building Code requirements.

18. Submit to and receive approval of a water utilities plan from the City of Hendersonville and comply with City of Hendersonville regulations.
19. Submit to and receive approval of a sewer utilities plan from the applicable Sewer District and provide proof of wastewater treatment allocation.
20. Submit for prior approval all building plans for all structures to the County Inspections Department.
21. Apply for floodplain, stormwater and soil erosion control permits from the County for all required phases of development.
22. Apply for and execute an encroachment agreement with NCDOT for utility work within the right of way of Butler Bridge Road and I-26, as needed.
23. Apply for and receive a NCDOT street access permit and comply with all required road improvements identified by NCDOT, as may be required by law.
24. Pay in full all fees for permits, as each fee is assessed or becomes due.
25. Per Chapter 42 of the Henderson County Code, the approval authority for each phase of the project, if needed, is the Henderson County Planning Board. Approval authority of the final site plan and it's compliance with these conditions, and the enforcement of these conditions, is granted to the Director of the Henderson County Planning Office. If the Planning Director deems further review necessary, on all issues of compliance, or requests for modification within the spirit of these conditions, those issues may be submitted to the Planning Board for consideration and approval.
26. The County shall retain the right to suspend construction and the issuance of building permits if the developer is found by the County to be in noncompliance with any one of the conditions imposed on the Project by the Board of Commissioners.
27. The site plan is deemed amended to show the eastern entrance as being totally on the property of the project, to correct an error existing thereon.
28. Requirement for Restrictive Covenants: Co-applicant Developer is responsible for implementing the development plan and maintaining compliance with all of the conditions set out herein, all of the features of the approved master plan, and all applicable provisions of the Henderson County LDC to the extent not waived or modified herein. Applicant has elected to carry out some of its responsibilities through the use of private restrictive covenants, as allowed by the Henderson County Code. The forms of the restrictive covenants will be submitted to the County Attorney for approval after application approval. To this end, the County shall reserve the right to review any amendment or revision to the restrictive covenant documents prior to their effectiveness to ensure continued compliance with this conditional zoning ordinance, and other applicable County ordinances. Failure to comply with any of the provisions of the conditional zoning ordinance or the Henderson County LDC, or other applicable provisions of the County ordinances, shall subject the applicant or its successors to penalties at law or in equity as provided for in the Henderson County LDC, other County ordinances, or North Carolina law, including repeal or amendment to the conditional zoning enactment.

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Adopted by a majority of the Board of Commissioners, this the 3rd day of April, subject to the agreement hereto by the Applicants, and executed on behalf of the Board the date shown below.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By Rebecca McCall
REBECCA McCALL, Chair

Attest:
Dennis R. Griffin
Clerk to the Board of Commissioners

Date: 7-25-2023

CONSENT PAGE TO CONDITIONAL ZONING ORDER-

We agree to the conditions stated above for requested rezoning.

Mary Louise Corn
MARY LOUISE CORN

Date: 7/14/23

Michael R. Corn
MICHAEL R. CORN

Date: 7/14/23

S. E. Johnston, III
S. E. JOHNSTON, III

Date: 7-15-23

Kathy G. Johnston
KATHY G. JOHNSTON

Date: 7/15/23

William Franklin Johnston
WILLIAM FRANKLIN JOHNSTON

Date: 7-15-2023

Nancy M. Johnston
NANCY M. JOHNSTON

Date: 7-15-2023

Timothy M. Johnston
TIMOTHY M. JOHNSTON

Date: 7/15/23

Bradley A. Johnston
BRADLEY A. JOHNSTON

Date: 7/15/23

ORANGE CAPITAL ADVISORS, LLC

By: W. McFaddin Blandins
Member W. McFADDIN BLANDINS
PRESIDENT

Date: 7/15/23



BOARD OF COMMISSIONER ENACTMENT 2023- 07-C 2023-105

RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2023-07-C; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice and the Board held the required public hearing on July 19, 2023; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed map amendment (#R-2023-07-C, OurCo Construction LLC) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

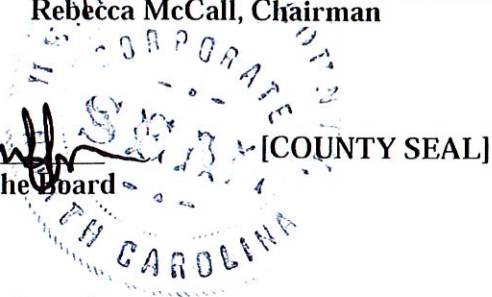
THIS the 19th day of July 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Rebecca McCall
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer
Denisa Lauffer, Clerk to the Board



Resolution Adopting the Order of Collection for the 2023-2024 Tax Year

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2023-2024 Tax Year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the 2022-2023 tax year; and (3) the Board of Commissioners must approve the bonds proposed for the Tax Collector (and the Deputy Tax Collector) for collection of all taxes charged for the 2023-2024 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2023 taxes; 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, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the bonds 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 19th day of July, 2023.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS



BY:

Rebecca McCall

Rebecca McCall, Chairman

Attest:

Denisa Lauffer
Denisa Lauffer, Clerk of the Board

STATE OF NORTH CAROLINA

ORDER OF COLLECTION

COUNTY OF HENDERSON

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 15th, 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.

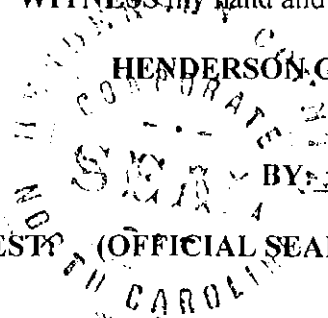
WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1st, 2019 between the County of Henderson and City of Hendersonville, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal 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 19th day of July, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS



BY: Rebecca McCall

Rebecca McCall, Chairman

ATTEST: (OFFICIAL SEAL)

Denisa Lauffer
Denisa Lauffer, Clerk to the Board

Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Board of Commissioners must approve a bond amount for the Tax Collector and Deputy Tax Collector; and

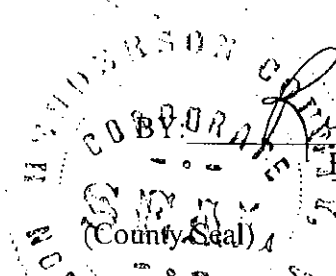
WHEREAS, the Board of Commissioners is desirous of complying with N.C.G.S. 105-352;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:

1. The Bond amount for the Tax Collector shall be set at \$1,000,000 through August of 2024.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2024.

THIS the 19th day of July, 2023.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

The seal of Henderson County, North Carolina, is circular and contains the text "HENDERSON COUNTY, NORTH CAROLINA" around the perimeter. In the center, it says "SEAL OF HENDERSON COUNTY, NORTH CAROLINA".
Rebecca McCall

Rebecca McCall, Chairman

Attest:

Denisa Lauffer

Denisa Lauffer, Clerk to the Board

Resolution Approving the Settlement with the Tax Collector for the 2022-2023 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 previous tax year prior to delivery of the tax receipts to the Tax Collector for the current 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 previous 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, and all delinquent taxes charged to the Tax Collector for prior tax years;

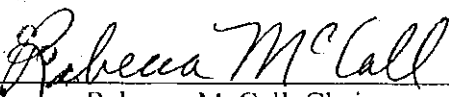
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Settlement for the 2022-2023 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 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 19th day of July, 2023.

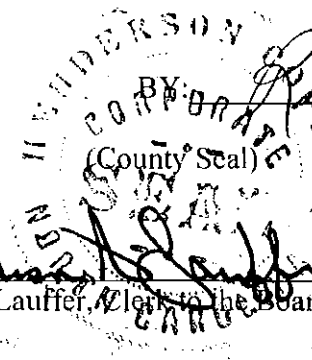
THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Rebecca McCall, Chairman

Attest: 

Denisa Lauffer, Clerk to the Board



REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 19, 2023

SUBJECT: Construction Project Update

PRESENTER: Christopher Todd, Business and Community Development Director
Bryan Rhodes, Capital Projects Manager

ATTACHMENTS: Yes

1. VFW Budget Amendment
2. Cover Letter from Blum
3. GMP

SUMMARY OF REQUEST:

Christopher Todd will provide the Board of Commissioners with an update on construction projects around Henderson County. This monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

As part of the update Mr. Todd will overview the VFW building renovation guaranteed maximum price (GMP). Requests for proposals were properly advertised according to North Carolina General Statute, and bids were opened on June 20, 2023. The total cost of the work is \$4,682,261. This number is within the total approved budget. The groundbreaking ceremony for the project is scheduled for July 25th pending the board's approval of the GMP.

BOARD ACTION REQUESTED:

The Board is requested to accept the Guaranteed Maximum Price and direct staff to continue the project.

SUGGESTED MOTION:

I move the Board accept the Guaranteed Maximum Price, direct staff to continue the project, and adopt the Budget Amendment as presented.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Capital Reserve Fund

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount	
<u>405400-555000-9040</u>	<u>Capital Outlay - Bldgs & Improvements</u>	<u>\$1,258,765</u>	
<u>215400-598040</u>	<u>Transfer to Capital Project Fund</u>	<u>\$1,258,765</u>	
_____	_____	_____	
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_____	_____	_____	
_____	_____	_____	
_____	_____	_____	
_____	_____	_____	\$2,517,530

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

Account	Line-Item Description	Amount	
<u>404400-402100-9040</u>	<u>Transfer from Capital Reserve Fund</u>	<u>\$1,258,765</u>	
<u>214400-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$1,258,765</u>	
_____	_____	_____	
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_____	_____	_____	
_____	_____	_____	\$2,517,530

Justification: Please provide a brief justification for this line-item transfer request. \$0
 Appropriates funding for the VFW Renovation. BOC approved 7.19.2023

Budget _____	7.19.2023
Authorized by Department Head _____	Date _____
Authorized by Budget Office _____	Date _____
Authorized by County Manager _____	Date _____

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____