

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, SEPTEMBER 20, 2023**

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

Those present were Chairman Rebecca McCall, Vice-Chair Mike Edney, Commissioner William Lapsley, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, Engineer Marcus Jones, Chief Communications Officer Mike Morgan, Senior Planner Janna Bianculli, Planner Liz Hansen, Capital Project Manager Bryan Rhodes, Capital Projects Superintendent Brian Cotton, IT Director Mark Seelenbacher, DSS Director Jerrie McFalls, Tax Director Harry Rising, Tax Assessor Kevin Hensley, Chief Deputy Vanesa Gilbert, Sheriff Lowell Griffin, Captain Todd McCrain, Emergency Services Director Jimmy Brissie, Parks & Recreation Director Bruce Gilliam, Site Development Technician Deb Johnston, and PIO Kathy Finotti – videotaping, and Deputy Tracy Davis provided security

CALL TO ORDER/WELCOME

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

INVOCATION

Tim Clark, the Pastor of Bethel Wesleyan Church, provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2023.129 Service Badge and Sidearm Request – Master Deputy Steven Owen

The Sheriff's Office requested that the service badge and sidearm of Master Deputy Steven Owen be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Master Deputy Steven Owen began his career with the Henderson County Sheriff's Office October 26, 2009, and held the ranks of Detention Officer, Deputy, School Resource Officer, Senior Deputy, and Master Deputy over his 14 years with the Sheriff's Office. To honor him and show our gratitude, the Sheriff's Office intends to present him with his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Resolution Honoring Master Deputy Steven Owen

For 25 Years of Law Enforcement Service and Awarding His Badge and Sidearm

Approved:

WHEREAS, Officer Owen joined the Henderson County Sheriff's Office as a Deputy on October 26, 2009, and held the ranks of Detention Officer, Deputy, School Resource Officer, Senior Deputy, and Master Deputy.

WHEREAS, Master Deputy Owens's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 14 total years of service are hereby recognized and commended; and

WHEREAS, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

WHEREAS, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such a retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS, Officer Owen has served as a member of the Henderson County Sheriff's Office for a period of more than 14 years and is retiring from the Henderson County Sheriff's Office on August 1, 2023, and

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

1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 187.2 to transfer to Officer Owen the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Officer Owen his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14.402.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Officer Owen for his dedicated service the Henderson County and its citizens.

Adopted this on the 20th day of September, 2023.

Chairman McCall made the motion to accept the resolution as presented. All voted in favor, and the motion carried.

2023.130 Resolution – First Responder's Day

The Board was requested to adopt a Resolution declaring the first Wednesday of October as First Responders Day in Henderson County.

RESOLUTION - DECLARING THE FIRST WEDNESDAY IN OCTOBER AS FIRST RESPONDERS DAY IN HENDERSON COUNTY

Approved:

WHEREAS, Henderson County is home to men and women who serve as first responders; and

WHEREAS, at a moment's notice, our first responders are here to keep our streets safe, rush into burning buildings, provide life-saving emergency care, provide support and relief for our families during and after a natural disaster; and

WHEREAS, our first responders put their own lives on the line each and every day, living a life of service and sacrifice; and

WHEREAS, our first responders are tasked with multi-faceted responsibilities. Law Enforcement entails not only keeping our streets safe but also acting as a social worker and a counselor; Fire Fighters not only put out fires at our homes and businesses but also secure accident scenes and fight wildfires; EMTs and community health workers are tasked with working throughout pandemics and natural disasters to provide medical assistance; and

WHEREAS, because of our first responders, brave men and women who show up whenever they are needed and without hesitation, our lives are safer and more secure;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners do hereby proclaim the first Wednesday of October as First Responders Day in Henderson County and urge the citizens of the County to honor, pay tribute, and support our first responders.

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

Adopted this the 20th day of September, 2023

Commissioner Andreotta made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

Pastor David Lewkowicz and his wife, Delaina, with the Bridge Church, thanked the Board for their support.

INFORMAL PUBLIC COMMENT

1. Julie Brandt spoke in opposition to the proposed Wastewater Treatment Plant in Etowah.
2. Toni Marie spoke in opposition to the proposed development in Etowah.
3. Ken Shelton spoke in support of construction funding for the first phase of the Ecusta Trail.
4. Ray Crombe spoke in opposition to the proposed development in Etowah.
5. District Attorney Andrew Murray spoke in support of the Courthouse and Detention Center expansion. He said the courthouse is at its full capacity and needs room to grow.
6. Chief Public Defender Beth Stang spoke in support of the Courthouse and Detention Center expansion.

Approved:

7. Clerk of Superior Court Tyler Ray spoke in support of the Courthouse and Detention Center expansion. He stated the current courthouse is “just plain full.”
8. The Honorable Kim Gasperson-Justice spoke in support of the Courthouse and Detention Center expansion. She implored the Board to vote to proceed with the project.
9. Mike Reid spoke in opposition to the proposed development in Etowah.
10. Rick Wood spoke about the need for pickleball courts at Jackson Park.
11. David O’Connor spoke in opposition to the proposed development in Etowah.
12. Peter Knight, Chief Resident Superior Court Judge for Henderson, Polk, And Transylvania County, wrote a letter in support of the Judiciary Center expansion. (Letter attached to these minutes.)

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Lapsley added Consent Item N – ABC Permit Request and pulled Consent Agenda Item C- Ecusta Trail West: Engineer Election and Item D- Construction Contract Award: Ecusta Trail East and moved the items to Discussion.

Vice-Chair Edney made the motion to approve the agenda with the revisions discussed. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

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

September 5, 2023 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of September 5, 2023.

Tax Collector’s Report

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

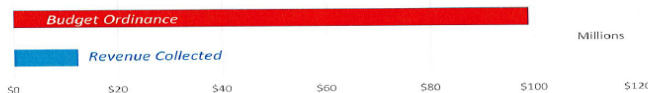
Please find outlined below collections information through September 5, 2023 for 2023 real and personal property bills mailed on August 21, 2023. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):			
2023 Beginning Charge:	\$99,190,969.00		Paid 10.51% Unpaid 89.49%
Discoveries & Imm. Irreg.:	\$117,588.58		
Releases & Refunds:	(\$48,199.50)		
Net Charge:	\$99,260,358.08		
Unpaid Taxes:	\$88,826,901.18		
Amount Collected:	\$10,433,456.90		

Henderson County Registered Motor Vehicles (As Collected by NC DMV):	
Net Charge:	\$1,592,741.49
Unpaid Taxes:	\$3,925.69
Amount Collected:	\$1,588,815.80

99.75%

Henderson County FY24 Budget Analysis:			
Budget Ordinance	Revenue Collected		
Ad Valorem:	\$97,695,412.00	Ad Valorem:	\$12,022,272.70
Prior Years:	\$1,041,250.00	Prior Years:	\$187,104.10
Budget Total:	\$98,736,662.00	YTD Revenue:	\$12,209,376.80



Approved:

2023.131 Budget Amendment – Ecusta Trail Construction Contract

The Board was requested to approve a Budget Amendment for the construction contract for the Ecusta Rail Trail Project #1 and #3 (Kanuga Road to Horse Shoe Section and North Main to Kanuga Road sections, respectively).

Motion:

I move the Board approve the Budget Amendment as presented.

Surface Transportation Block Grant Award Acceptance

Henderson County was recently awarded additional funding from the French Broad River Metropolitan Planning Organization (MPO) as part of the existing Surface Transportation Block Grant – Direct Attributable (STBG-DA) grant the County was originally awarded in July of 2020 for the first phase of the Ecusta Trail. This federal grant covers eighty percent of total project cost. The MPO voted to award the County an additional \$2,708,974 in STBG funds. These additional funds make the total grant award equal to \$7,784,193. A grant agreement between the County and NCDOT is required to expend these additional funds.

Motion:

I move to authorize the County Manager to sign the grant agreement documents.

2023.132 Contract Amendment for Apple Country Public Transit

On May 31, 2022, the Board of Commissioners entered into a contract with WNCSource (F.K.A. Western Carolina Community Action) to provide services for Apple Country Public Transit (ACPT) from FY23 through FY25 with a possible three-year extension.

WNCSource successfully completed the first year of contracted services. Moving forward, an amendment is required to comply with the standards of the Federal Transit Administration for the calculation of service hours. WNCSource was unknowingly calculating the running time of paratransit services incorrectly until reviewed by an agent of NCDOT. The uncovering of the deficiency occurred after the County's contract was executed, so the miscalculation was used when WNCSource submitted their proposal determining the total number of hours WNCSource could provide in paratransit services (see attachment 1).

Additionally, an amendment to the fixed-route total service hours is required. The paratransit issue caused staff to examine the contracted service hours and noticed an inconsistency between the current contract and past contracts. This past year when the service hours were calculated by the consultant, they mistakenly attributed additional holidays, which created fewer hours than needed for a full year of service. An amendment is necessary to ensure that the County can provide ACPT services to the community for the whole year and pay WNCSource for their services.

Motion:

I move the Board approve the amendment to the Apple Country Transit contract and subsequent Budget Amendment

Not-For-Profit Funding Agreement

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:

Approved:

I move the Board authorize the Chairman to execute the funding agreements, thereby authorizing the release of the initial payment to the named agency.

2023.133 Budget Amendment – Fund Balance Appropriation

Staff requested the Board approve a budget amendment that appropriates fund balance for a lighting project approved and budgeted for in FY23 that will not be completed until FY24.

Motion:

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

American Rescue Plan Report

The American Rescue Plan approved projects update as of June 30, 2023, was provided for the Board's review and approval. The update includes all approved projects to be funded by American Rescue Plan funds with the amount of funds currently encumbered and expended. Amounts expended and encumbered have been reported to the US Department of the Treasury via State and Local Government Fiscal Recovery Funds Compliance Reports for Quarter 2 2023.

Motion:

I move the Board approve the June 30, 2023, American Rescue Plan approved projects as presented.

Temporary Project Position – Health Department

The Henderson County Department of Public Health recently received a retirement notice from the staff member with primary responsibilities for Vital Records and the Child Fatality Prevention Team. Both obligations are connected to direct statutory responsibilities and involve complex tasks. The department respectfully requested an overlap of four (4) work weeks of training for a new hire with the existing staff member (Processing Assistant IV) to ensure a smooth transition with these mandates.

Given the department's trend of lapsed salaries each year, an additional project position for four (4) work weeks can be accommodated within the existing budget. The department has discussed this need and proposal with Henderson County Human Resources.

Motion:

I move the Board approve a temporary project position for four (4) work weeks to accomplish essential training for Vital Records and the Child Fatality Prevention Team.

Request for Surplus Vehicles

The FY24 budget includes funding for a "Public Safety Training Center Coordinator" position, funded in part by the County and the Fire & Rescue Association. As part of the position request, funding was requested for the purchase of a vehicle to be used by this position. A dedicated vehicle will be needed for the day-to-day operations of the Training Center. The position will also be part of the Emergency Services team and available for other activities during disasters and emergencies, making a dedicated vehicle a necessity. During the budget discussions, the Board instructed staff to try and locate a surplus vehicle for this position. Working with the County

Approved:

Garage staff have identified a surplus vehicle that should work for this position, SH122 (FA 16096), a 2012 Nissan Frontier. This vehicle is being replaced by the Sheriff's Office; the replacement vehicle was included in the FY23 budget.

Additionally, Fire Services staff have been working closely with the County Garage and Facility Services for over a year to identify a surplus vehicle for the Auxiliary Fire Inspector to use during their daily inspections. Currently, this staff member must drive a larger truck which is not as efficient for occasional use during fire safety inspections. After evaluating several options, Fire Services staff and the County Garage staff have identified EMS 003, a 2008 Chevrolet Blazer, as a suitable option (Fixed Asset: 13486). This vehicle is included in the FY24 budget for replacement. The vehicle is currently being used daily for emergency response. Staff feel the vehicle will be able to be used for several more years with occasional use. The vehicle is already marked, reducing the amount of funding needed to place the vehicle in service.

Motion:

I move the Board approve the retention of two (2) vehicles originally scheduled to be surplus in FY23 & FY24 (SH122, FA 16096 and EMS003, FA 13486) to be utilized by the Fire Services Department.

2023.134 Budget Amendment – Fund Balance Appropriated

The Board was requested to approve a budget amendment that appropriates fund balance for Professional Services as approved by the Board of Commissioners.

Motion:

I move the Board approve the Budget Amendment appropriating fund balance as presented.

ABC permit comment -- Stacy Capps Nix (Add on)

Stacy Capps Nix applied for off-premise malt beverage and unfortified wine permits. A request for comment has been made to the Sheriff's Office. This matter was placed on the agenda pursuant to the Board's 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.

Motion:

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

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

Approved:

DISCUSSION

Judicial Center Addition and Renovation (JCAR)

The Board of Commissioners voted on July 10th, 2023, to approve preliminary schematic design estimate work to be performed by Haskell/Cooper. As part of the analysis, Haskell/Cooper was to provide a detailed conceptual estimate, confirm basis of design, the phasing strategy, conduct a constructability analysis, update the project schedule, and provide a value analysis report.

Chris Todd and representatives from Haskell/Cooper provided an overview of the project and reported the findings of the Phase 1 Schematic Design Estimate Deliverable.



4400637 30 PCT HENDERSON COUNTY JUDICIAL CENTER (HASKELL-COOPER)

Project Summary

The estimate and schedule herein are based on a blend of historical and current market data. Material shortages, supply chain disruptions, and skilled labor shortages produce extreme and unpredictable market volatility. These factors create uncertainty in directional pricing and project timelines, both of which are exacerbated over time.

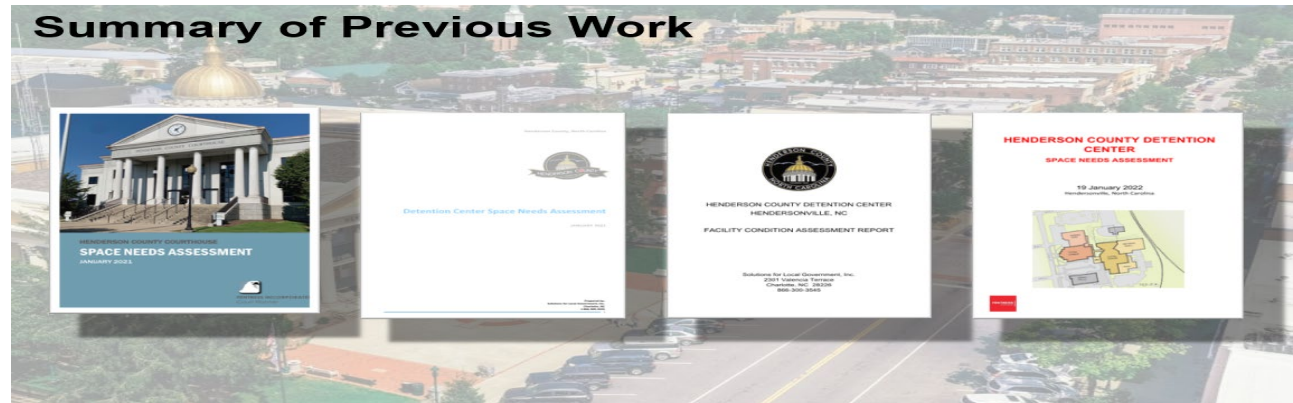
Haskell commits to communicating with transparency and expediency as we become aware of market fluctuations that effect this proposal.

DIRECT COST OF WORK		Cost	% Total	
COURTHOUSE EXPANSION		\$53,837,544	30.8%	\$53,837,544.31
COURTHOUSE RENOVATION		\$25,144,563	14.4%	\$25,144,562.92
DET A - COURT HOLDING CELLS & CORRIDOR		\$3,415,224	2.0%	\$3,415,223.78
DET B - MALE HOUSING EXPANSION		\$13,735,743	7.8%	\$13,735,742.72
DET C - NEW INTAKE & BOOKING		\$8,954,802	5.1%	\$8,954,801.80
DET D - NEW SALLY PORT		\$1,020,152	0.6%	\$1,020,152.26
DET E - EXISTING RENOVATION		\$7,840,275	4.5%	\$7,840,274.63
DET F - FEMALE HOUSING EXPANSION		\$1,129,874	0.6%	\$1,129,874.46
GENERAL CONDITIONS		\$13,107,203	7.5%	\$13,107,202.56
GENERAL REQUIREMENTS		\$3,092,827	1.8%	\$3,092,826.60
SITE		\$8,197,187	4.7%	\$8,197,186.60
DIRECT COST OF WORK SUBTOTAL		\$139,475,393		
INDIRECT COSTS				
Subcontractor Bonds (1.45%)	\$1,787,493	\$1,787,493	1.0%	\$1,787,492.77
Builders Risk Insurance	0.25%	\$437,513	0.3%	\$437,512.68
General Liability Insurance	1.25%	\$2,187,563	1.3%	\$2,187,563.42
P&P Bond	1.00%	\$1,750,051	1.0%	\$1,750,050.74
CM Contingency on New Construction (3.0%)	\$2,575,328	\$2,575,328	1.5%	\$2,575,327.99
CM Contingency on Renovation (5.0%)	\$2,989,687	\$2,989,687	1.7%	\$2,989,687.30
Design Contingency	12.00%	\$17,476,561	10.0%	\$17,476,561.47
OH & P	3.75%	\$6,325,485	3.6%	\$6,325,484.59
INDIRECT COSTS SUBTOTAL		\$35,529,681		
TOTAL PROJECT COST		\$175,005,074	100%	\$175,005,073.60

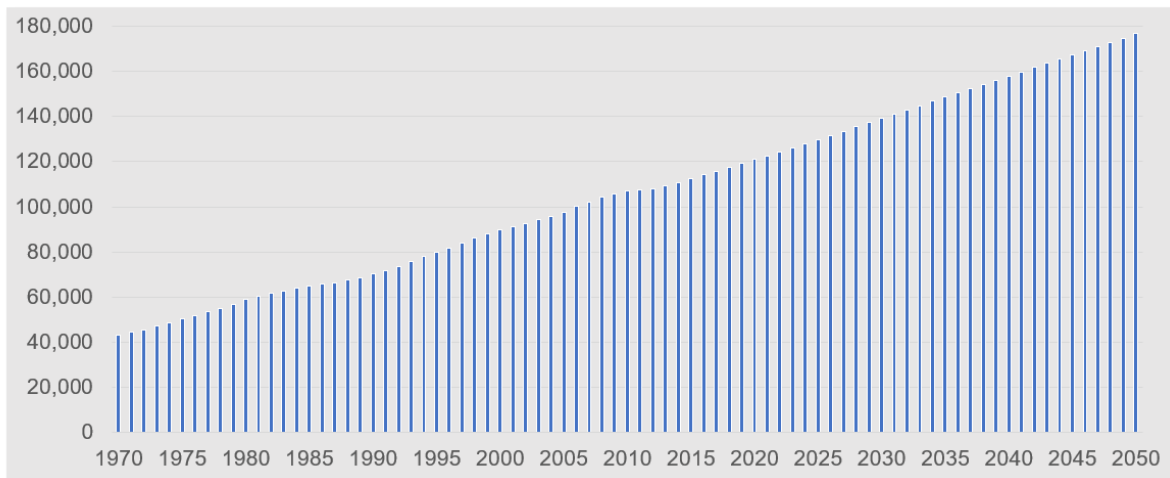
Approved:

Judicial Complex Addition and Renovation

Conceptual Design Presentation – September 20, 2023
Henderson County, North Carolina

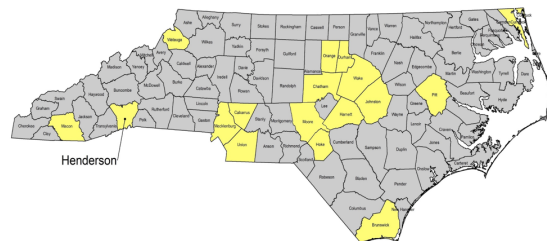
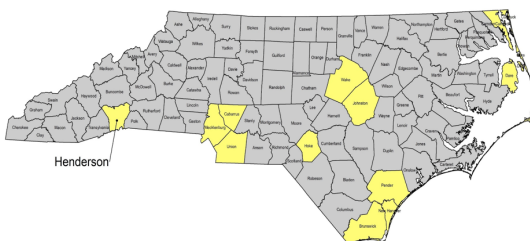


Henderson County Population



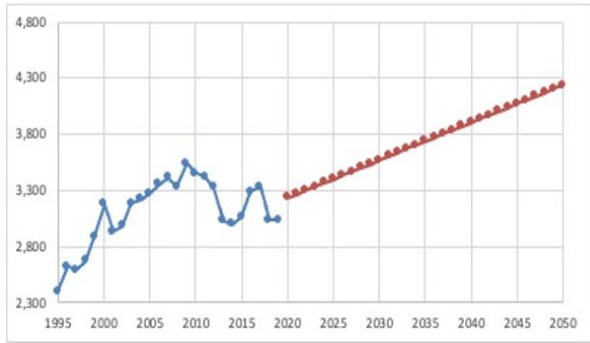
Population Growth, 1969-2019
Top 12 Counties (% Growth)

Population Growth, 2019-2050
Top 17 Counties (% Growth)

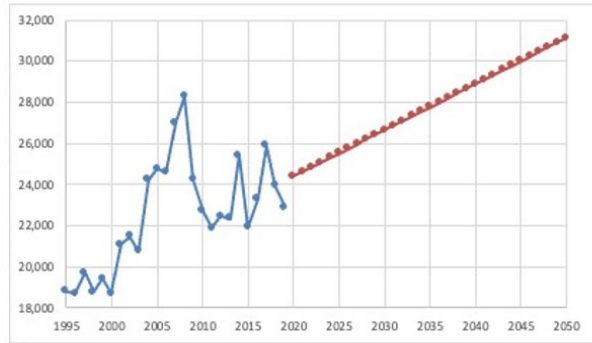


Approved:

Caseload Growth – Civil and Criminal Cases

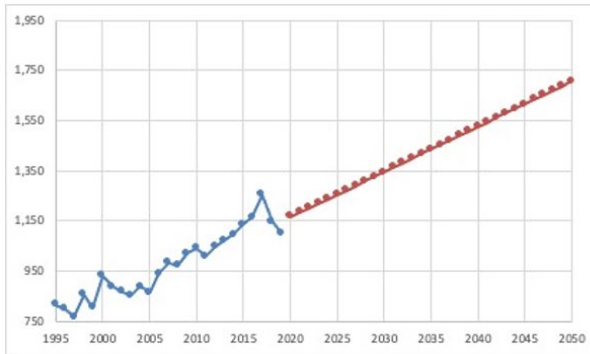


Civil Cases – Historical and Projected

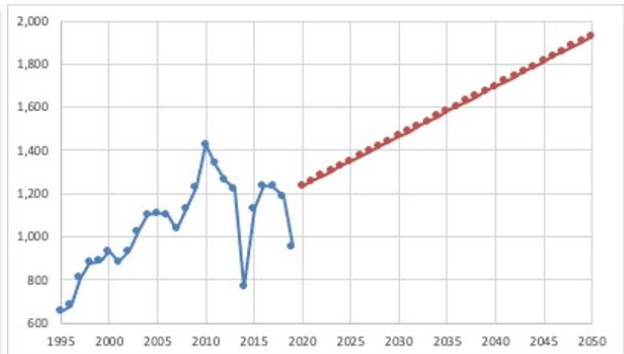


Criminal Cases – Historical and Projected

Caseload Growth – Estates and Special Proceedings




Estate Cases – Historical and Projected



Special Proceedings – Historical and Projected

Courthouse Needs

Table 1-1. Henderson County Courthouse Overview

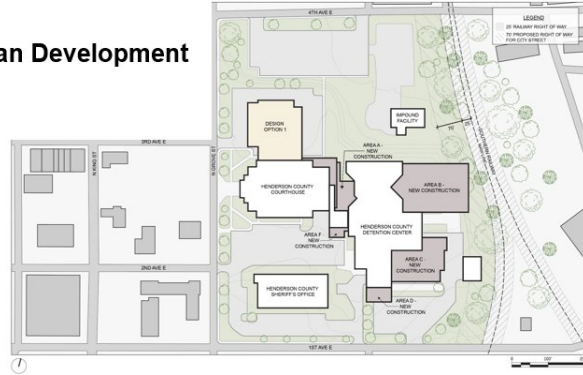
BUILDING SUMMARY		
Year Constructed	1995	
Major Renovation Year(s)	2016	
Historic Designation	No	
Number of Floors (including basement)	3	
Approx. Building Area (GSF)	99,100	
SPACE SUMMARY		CORE SUMMARY
	QTY	OVERALL CORE SCORE 58.7
Courtrooms	5	SPACE STANDARDS 57.0
Hearing Rooms	1	SPACE FUNCTIONALITY 56.6
Judges' Chambers	7	SECURITY 51.8
Courtroom Holding Cells	3	BUILDING CONDITION 71.2
Jury Deliberation Rooms	4	BUILDING SYSTEMS 63.5
Attorney-Witness Rooms	3	TECHNOLOGY 50.0
Cellblock Single Cells	In Sheriff's Office	
Cellblock Observation Cell	In Sheriff's Office	
Cellblock Group Holding Cells	In Sheriff's Office	
	Y/N	
Dedicated Vehicle Sallyport	In Sheriff's Office	
Dedicated Prisoner Elevator	Y	
Dedicated Judges/Staff Elevator	Y	

Approved:

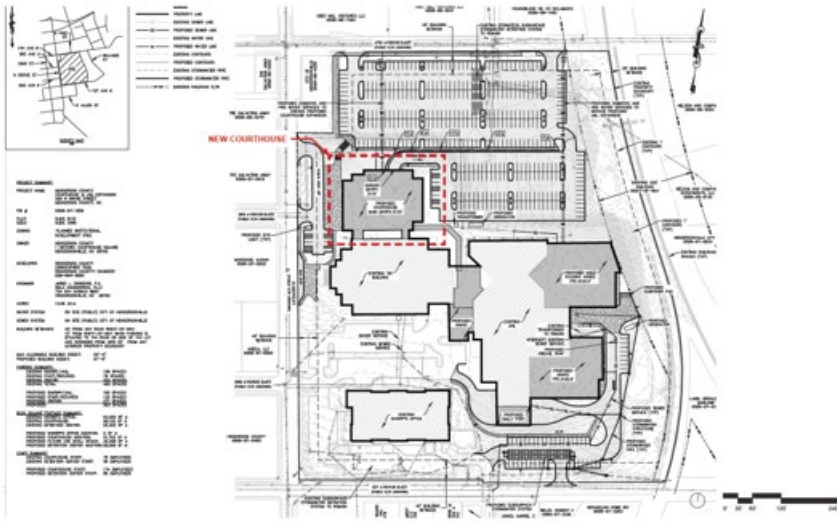
Current Site



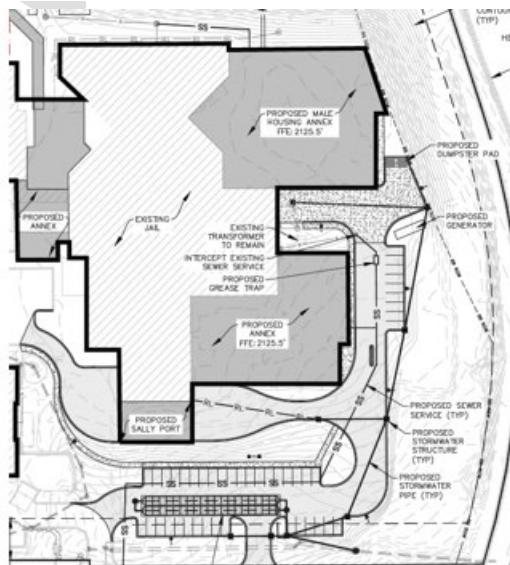
Site Plan Development



Parking



Detention Center



Approved:

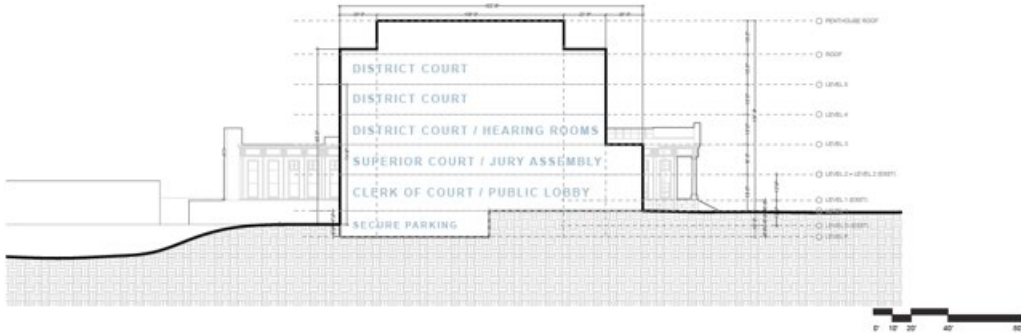
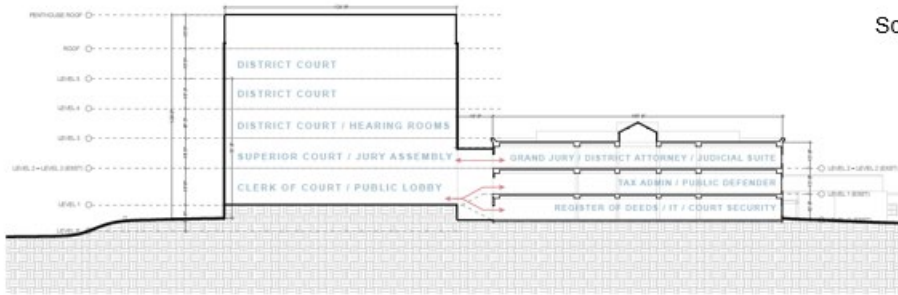
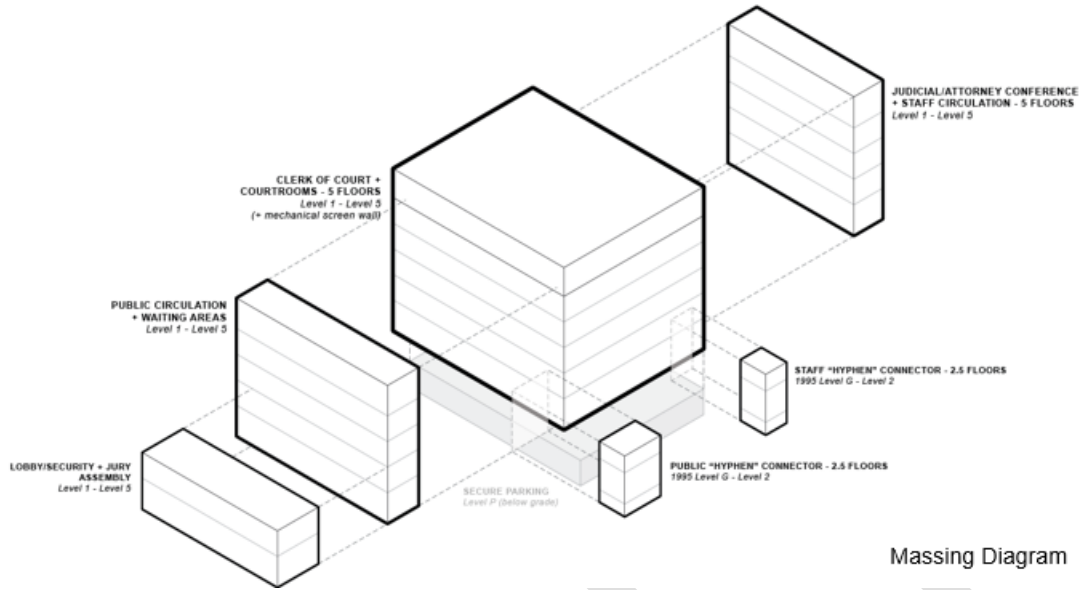
Chairman McCall noted that the Detention Center design presented today eliminated the need for an easement from the railroad. Chris Todd said yes, as part of the design, there was a decrease in the overall footprint of the male housing to move the constructed building out of the railroad right-of-way. Commissioner Lapsley asked if this design would cost more than the original design that included the railroad right-of-way. John Mitchell said no, the design provides cost savings due to a reduction in square footage. Chris Todd said that there were discussions with the Sheriff and his staff throughout the reduction to ensure it would not drastically impact Detention Center operations.

Chairman McCall asked Sheriff Lowell Griffin if the reduction in square footage would present a problem from his point of view. Griffin stated that even with the reduction, the square footage would adequately accommodate the needs of the Detention Center.

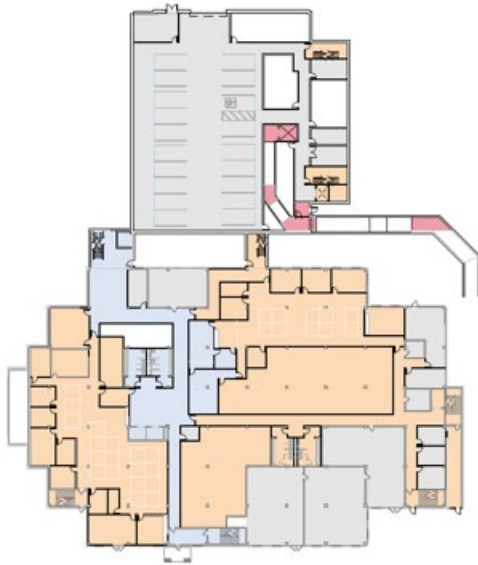


Courthouse Development – Basis of Design

Approved:



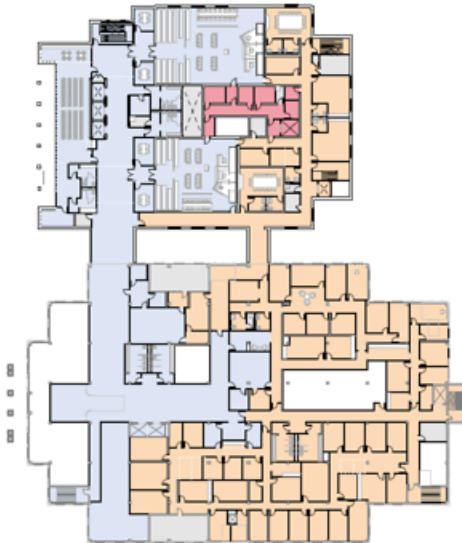
Approved:



GROUND FLOOR PLAN:
COURTS + ADMIN (1995) BUILDING



FIRST FLOOR PLAN:
COURTS + ADMIN (1995) BUILDING



SECOND FLOOR PLAN:
COURTS + ADMIN (1995) BUILDING



THIRD FLOOR PLAN:
COURTS BUILDING



SPACE ACCESS
BOH
INMATE/SECURE
PUBLIC
STAFF
UNASSIGNED



FOURTH FLOOR PLAN:
COURTS BUILDING

FIFTH FLOOR PLAN:
COURTS BUILDING



Approved:



Phase 1 Construction Management Services

- Confirmed Basis of Design
- Constructability Analysis
- Phasing Strategy
- Program Schedule
- Itemized Conceptual Estimate
- Value Analysis & Report



Basis of Design / Constructability Analysis

Basis of Design

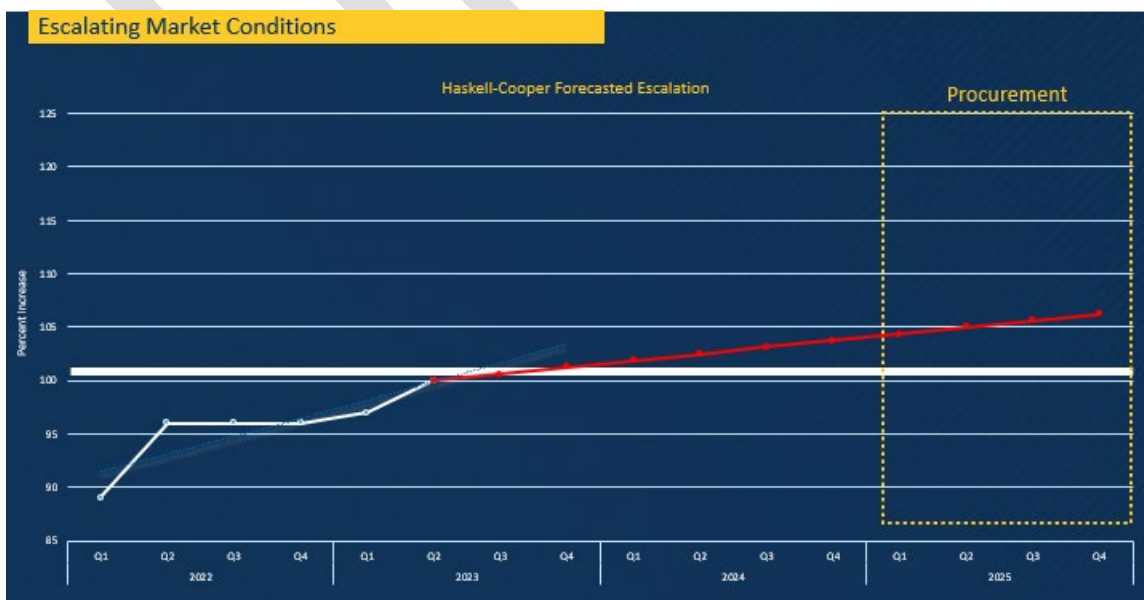
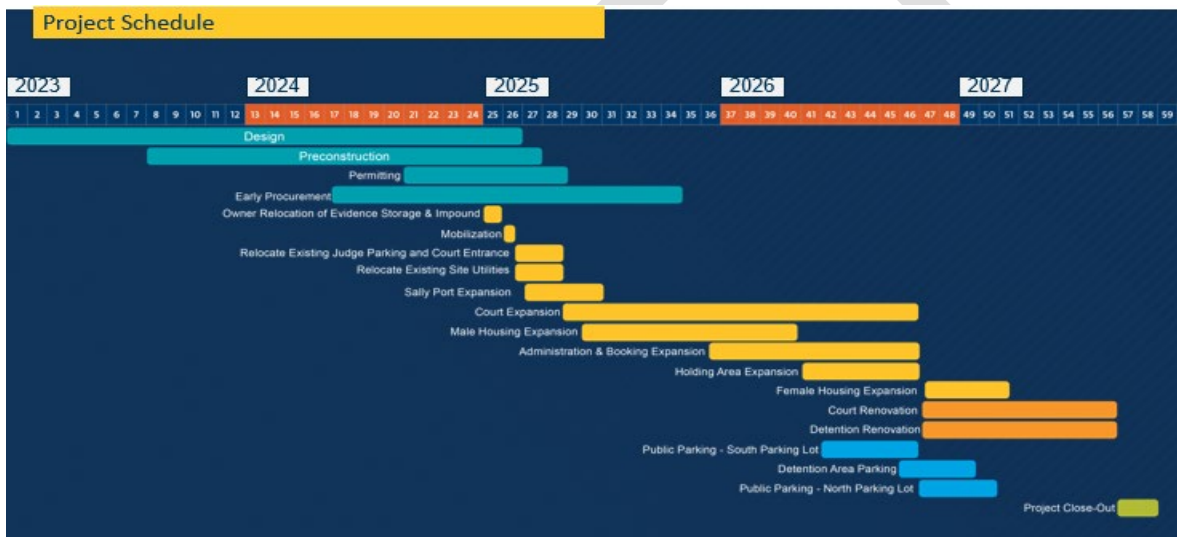
- Convened Workshops w/ Fentress Architects, Engineering Consultants, and Detention Experts
- Conducted design review meetings to confirm interpretation of schematic documents

Constructability Analysis

- Cost Feasibility
- Lead Time
- Quality Review
- Sequence of Work / Phasing

Approved:

At this point in the presentation, a short production video was shown to demonstrate construction phasing.



Approved:

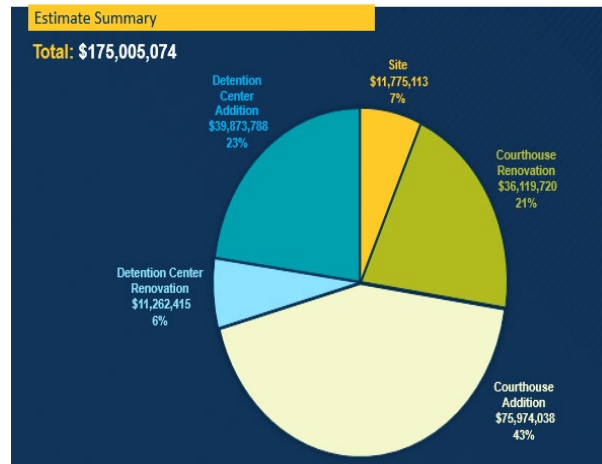
Basis of Estimate

- Detailed Itemized Quantity Takeoffs
- Unit Pricing from Haskell-Cooper Database
- Selective Subcontractor Input on Key Trades
- Comparative Market Analysis

Estimate Reconciliation

Conducted Estimate Reconciliation Workshops
Total estimate variance within 2%.

	Variance Amount	Variance %
Courthouse Renovation	~ \$2,085,554	~ 8%
Courthouse Addition	~ \$1,172,875	~ 2%
Detention Center - Renovation - Area E - Existing	~ \$158,609	~ 2%
Detention Center - Addition - Area A	~ \$1,152,154	~ 34%
Detention Center - Addition - Area B	~ \$55,006	~ 0%
Detention Center - Addition - Area C	~ \$2,341,317	~ 26%
Detention Center Addition - Area D - New Sallyport	~ \$3,030	~ 0%
Detention Center - Addition - Area F	~ \$581,439	~ 51%
Site	~ \$1,334,302	~ 16%
Indirect / Soft Costs	~ \$11,393,591	~ 33%
Total Construction Variance	\$3,678,243	~2.1%



Site Construction - Estimate Details

Phased Site Construction

- Minimize Disruption to Public & Staff Parking
- Maintain Storm Water Management
- 25,500 CY Imported Dirt
- 49,000 CY Total Dirt Moved
- 115 New Trees Planted

Basement Garage Parking

- Secured Judge's Parking
- Minimize Footprint

OffSite Construction Parking

- Minimize Impact to Downtown Traffic
- Maximize Site Utilization

Category	Amount	Percentage
Site	\$11,775,113	~7%
Substructure	\$55,157.43	
Shell	\$ -	
Interiors	\$ -	
MEP Systems	\$ -	
Equipment & Furnishings	\$17,331.47	
Special Construction & Demolition	\$ -	
Building Sitework	\$11,702,624.25	
Subtotal	\$11,775,113.15	

Existing Courthouse & Public Services - Renovation Estimate Details

Building Enclosure Restoration

Roof Remediation

Complete Renovation of ~98,677 SF of Interior Space

- Congressional Office
- Register of Deeds
- Public Defenders
- District Attorney

Elevator & Accessibility Upgrades

New HVAC, Power and Lighting Systems

Category	Amount	Percentage
Existing Facility Renovation	\$36,119,719	~21%
Substructure	\$ -	
Shell	\$1,149,808.97	
Interiors	\$7,095,861.54	
MEP Systems	\$26,195,941.10	
Equipment & Furnishings	\$427,154.03	
Special Construction & Demolition	\$1,250,954.01	
Building Sitework	\$ -	
Subtotal	\$36,119,719.65	

Approved:

New Courthouse & Public Services – Addition Estimate Details			
Construction of New ~107,158 SF Five Story Facility			
Basement Garage Parking			
Courtroom Expansion			
<ul style="list-style-type: none"> Two (2) Superior Courts Five (5) District Courts One (1) Small Claims Court One (1) Clerk's Hearing 			
		Courthouse Addition	\$75,974,038 43%
		Substructure	\$3,723,547.00
		Shell	\$23,842,950.41
		Interiors	\$17,058,389.87
		MEP Systems	\$27,369,696.61
		Equipment & Furnishings	\$3,080,992.83
		Special Construction & Demolition	\$741,570.91
		Building Sitework	\$156,890.38
		Subtotal	\$75,974,038.01

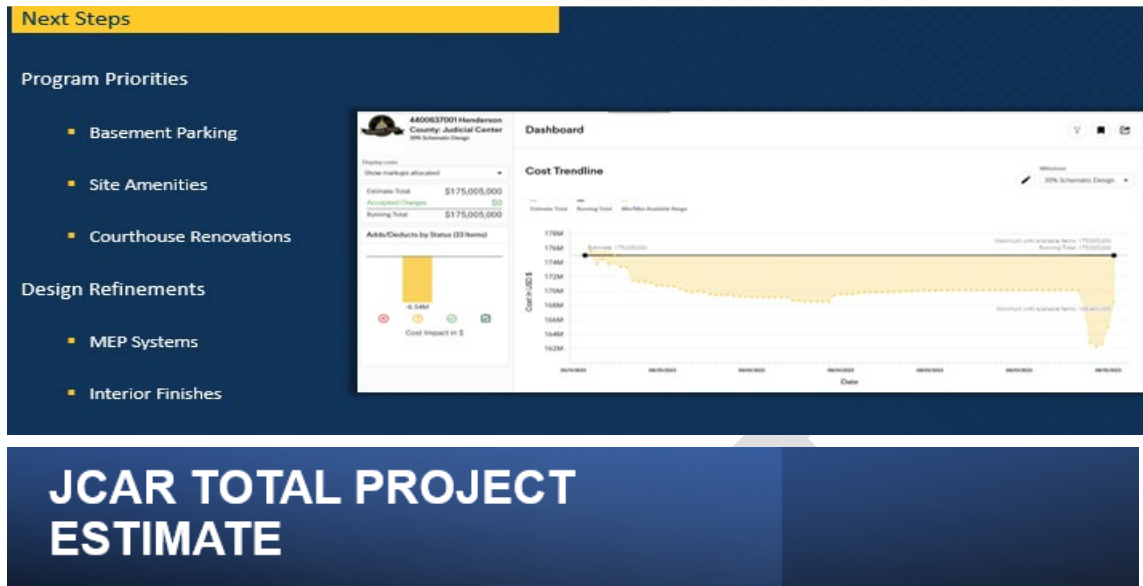
Existing Detention Center – Renovations Estimate Details			
Renovation of ~60,520 SF Detention Center			
<ul style="list-style-type: none"> Upgraded Access Controls Expanded Security System MEP Upgrades Updated Finishes 			
		Detention Renovation	\$11,262,415 6%
		Substructure	\$69,399.55
		Shell	\$375,027.75
		Interiors	\$2,485,727.08
		MEP Systems	\$4,437,819.56
		Equipment & Furnishings	\$325,912.53
		Special Construction & Demolition	\$3,568,528.98
		Building Sitework	\$ -
		Subtotal	\$11,262,415.45

New Detention Center – Addition Estimate Details			
~59,147 SF New Detention Housing			
<ul style="list-style-type: none"> ~192 Added Male Beds ~24 Added Female Beds 			
Remote Holding Facility			
<ul style="list-style-type: none"> Four (4) 8-Person Cells 			
New Sally Port			
Administrative/Booking Facility			
		Detention Addition	\$39,873,788 23%
		Substructure	\$3,482,713.86
		Shell	\$14,017,868.52
		Interiors	\$7,778,490.79
		MEP Systems	\$11,578,462.97
		Equipment & Furnishings	\$241,677.59
		Special Construction & Demolition	\$2,580,328.10
		Building Sitework	\$194,246.51
		Subtotal	\$39,873,788.34

Estimate Summary			
Site	\$11,775,113	7%	Included In Estimate
Courthouse Renovation	\$36,119,720	21%	<ul style="list-style-type: none"> Design Contingency: \$17,476,561
Courthouse Addition	\$75,974,038	43%	<ul style="list-style-type: none"> Escalation Allowance: \$10,587,757
Detention Center Renovation	\$11,262,415	6%	
Detention Center Addition	\$39,873,788	23%	
Total	\$175,005,074	100%	

Design Contingency / Escalation Allowance	
Design Contingency	Included In Estimate
<ul style="list-style-type: none"> Design Development Scope Enhancement User Input 	<ul style="list-style-type: none"> Design Contingency: \$17,476,561 Escalation Allowance: \$10,587,757
Escalation Allowance	
<ul style="list-style-type: none"> Regional / Market Specific Scope Specific Forecast 	

Approved:



JCAR TOTAL PROJECT ESTIMATE

Construction Cost	\$175,005,074
Construction Cost Estimate (Includes 3.2% Contingency)	\$168,679,589
Construction Manager at Risk Fee	\$6,325,485
Soft Cost	\$40,027,026
FF&E and Technology Allowance	\$12,500,000
A&E Design Fees	\$11,921,759
Permit Fees	\$1,180,757
Geo Technical and Materials Testing Fees	\$2,024,155
Construction Manager at Risk Pre-Construction Fee	\$1,750,051
EERC Allowance	\$150,000
Design Contingency	\$17,476,561
Escalation Contingency	\$10,587,757
Owner Contingency	\$10,500,304
OVERALL TOTAL BUDGET	\$215,032,100

Commissioner Lapsley stated the county had just completed the Hendersonville High School project at \$60M. He said he is concerned about whether or not this county can afford a project of this scope. That is not to diminish the needs that have clearly been identified. He does not support making a decision on this project today. He would like Staff to explore phasing the project and cutting costs if possible.

Commissioner Hill and Commissioner Andreotta agree that the Board needs to “walk slow” with this project and that a decision does not need to be made today.

Chairman McCall would like to explore where in the project we could value engineer. One of the areas she would like to examine is the underground parking. How much does that cost, and could secure parking be moved to a different location if the costs are extravagant? Another area where she noticed a bulk of expenses is with the MEP System; she said we have an existing MEP System. How old are they? Do they really need to be replaced right now, or is this something that could be scaled back at this time? She also questioned how much renovation is actually needed in the existing courthouse. She said it had been described as a “gut job,” but she believes there is a lot of usable space in the building. She said we needed to take a hard look at how much usable space

Approved:

may remain with minor updates and then focus on what areas of the building are really in need of renovation. She challenged the Construction Manager at Risk and the Design Team to find at least \$30M that could be taken out of this project.

Vice-Chair Edney referred to a quote he read that said, “Those who fail to learn from history are doomed to repeat the same mistakes.” He said over the last few decades, some mistakes had been made. He recounted the history of previous courthouses in the county and that each of those structures had been used in excess of 30 years. He believes it is important that the county does not “build to a number” but build to the actual needs of the county. He agrees that numbers are important and we have to “pay the bills”; it is short-sided to build to a number. He agrees there needs to be value engineering to cut costs. He said he would argue that the county cannot afford to “put the project off.” In closing, he said that a group needs to be formed to begin working on value engineering.

Chairman McCall proposed that Commissioner Lapsley and Vice-Chair Edney work with the contracting team to identify areas where costs could be lowered and brought back to the Board. Once completed, have the Finance/Budget Team put together the numbers and how that would look in our budget.

Vice-Chair Edney adds the proposal that two members of the Board work with the Budget/Finance staff on the financing side of things.

It was the consensus of the Board to move forward with Chairman McCall and Vice-Chair Edney’s proposals.

This item will be back before the Board at the October mid-month meeting.

Vice-Chair Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143–318.11(a)(4)(5)(6), for the reasons set out in the Board’s agenda packet. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion to go back into open session at 12:45 p.m. All voted in favor, and the motion carried.

Construction Contract Award – Ecusta Trail East (Pulled from the Consent Agenda)

For the eastern portion of the Ecusta Trail (Hendersonville to Horseshoe), the Board was requested to authorize the County Engineer to award the construction contract. The engineer, JMT, initially opened bids on Monday, August 7, 2023. Unfortunately, only two bidders submitted bids, and according to NC statutes, the bids were returned unopened. Statutes require a minimum of three bidders for the first opening. Note subsequent openings only require one bid.

The second bid opening was held on August 30, 2023, and three responsive bids were received, as detailed in the bid recommendation letter. Within this letter, JMT is recommending the lowest responsive bid from NHM Constructors, Inc. in the amount of \$10,126,120.

The schedule for this project is aggressive to complete design and permitting prior to the availability of construction funds. Therefore, staff will distribute the engineer’s recommendation and bid tab from JMT after this agenda memo but prior to the Board’s meeting.

Approved:

Commissioner Lapsley stated concerns about proceeding with the recommendation of the Project Engineer due to what he believes was an unfair disqualification of two of the five bids received.

After discussion, *Chairman McCall made the motion that the Board authorize the County Engineer to award the construction contract for Ecusta Trail East to NHM Constructors, Inc. for \$10,126,120.00, pending approval from NCDOT. The motion passed with a 4-1 vote. Commissioner Lapsley was the nay vote.*

Ecusta Trail West: Engineer Selection (Pulled from the Consent Agenda)

With the approval of the two Federal grants that fund the construction of the west portion of the Ecusta Trail, staff released a Request for Letters of Interest (RFLOI) for the subject. Importantly, the construction funds will be available within 12 months, which requires an aggressive design and permitting schedule to have engineering complete in time for the release of construction funds. Note we are more familiar with the term Request For Qualifications; however, NCDOT, the grant administer, refers to this document as an RFLOI.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed an RFLOI and, on July 21, 2023, posted it on the County's website and NCDOT's website. The RFLOI was approved by NCDOT prior to publishing. The responses were received by August 18, 2023. The following firms submitted Letters of Interest: Johnson, Mirmiran, and Thompson, Inc., Stewart Engineering, Inc., Traffic Planning and Design, Inc., and TranSystems Corp. The Statements are available for review on the County's RFP website.

The selection committee consisted of Janna Bianculli (Senior Planner), Autumn Radcliff (Planning Director), Andrew Griffin (Facility Services Director), and Marcus Jones, PE (County Engineer). A detailed review of the firms was conducted based on the criteria established within the RFLOI. The selection criteria are as follows: Experience, Project Team, Project Approach and Methodology, Funding and Regulatory Organizations, and Workload and Resources. Based on their LOIs, experience with the County, and further investigations, staff recommends Johnson, Mirmiran, and Thompson, Inc. as the most qualified firm.

With Board selection approved, staff will proceed with negotiating an agreement with the selected firm and bring the agreement back to the Board for review and approval. Per the grant agreement, NCDOT will review and approve the selection and proposed agreement prior to bringing the agreement to the Board.

Commissioner Lapsley stated he had lost confidence in the Project Engineer due to the bid process procedure for the Ecusta Trail East Construction Contract. Therefore, he will not support a vote to continue with Johnson, Mirmiran, and Thompson, Inc. as the engineering firm for the Ecusta Trail West portion of the project.

Vice-Chair Edney made the motion the Board authorize the selection of Johnson, Mirmiran, and Thompson, Inc. as the most qualified responding firm to perform the engineering for the Ecusta Trail. The motion passed with a 3-2 vote. Commissioner Lapsley and Commissioner Hill were the nay votes.

Approved:

Construction Projects Update

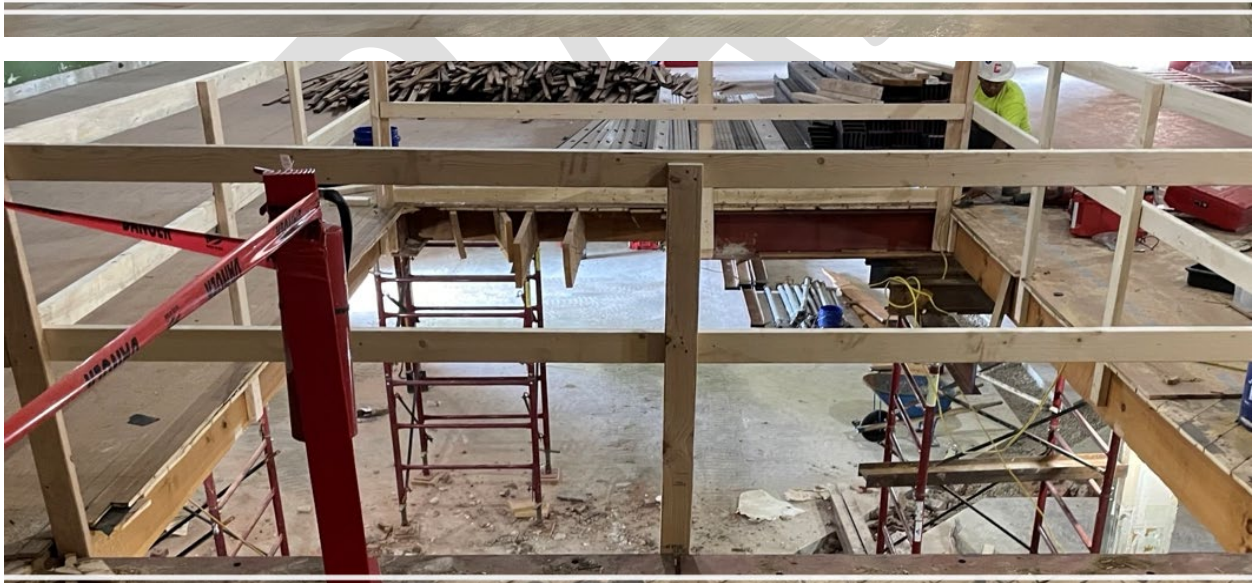
Bryan Rhodes and Chris Todd provided the Board with an update on construction projects around Henderson County.

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

Henderson County Capital Projects



HC Veteran Services Office



HC Veteran Services Office

BRCC MRTS PROJECTS

FY 22-23

- **Patton Building Roof Replacement** - AAR has completed the job. The initial punch list walk has been completed, and the job should be complete by the end of this month.

Approved:

- **TEDC Chiller #2** - Last update on the Chiller; ship date was 10/31/2023.
- **Spearman LED Replacement** - JEC's back-ordered safety cages have arrived. The project is scheduled to be completed by the end of the month.
- **Duck Pond Privacy Fence** – Greybeard Fencing has completed the fencing and has completed the punch list. Extra privacy slats have been ordered to replace the damaged ones that were previously installed.

BRCC FY 23-24

Thirty of the fifty-five projects are either under contract or complete. All projects are tracking on time and under budget.

HCPS MRTS Projects

- LS3P is 50% through the Construction Documents phase.
- Carolina Specialties is awaiting the Construction Document deliverable from LS3p. Once received, the bid process will begin, and Carolina Specialties will work toward compiling numbers to present a Guaranteed Maximum Price.

HCPS MRTS FY 23-24

- **Gutters and Downspouts Project** – Mark Lusk Architecture is contracted for the design work, and the RFP is posted.
- **Various Roofing** - Mark Lusk Architecture is contracted for the design work, and the RFP is posted.
- **Atkinson HVAC Upgrade** – Staff is working to contract with Sims Group Engineering and the finalize the scope of work for the project.

HCPS MRTS Security Cameras

Haynes Technologies is still working to complete this 2-phase project. They had to work through a few warranty issues with hard drives, which delayed them a couple of weeks. They are at Atkinson now, the final school, and should be complete by the October mid-month meeting.



Upward Elementary Cafeteria Renovation and Secure Entry

- Clark Nexsen has delivered their 100% Construction Documents for the secure vestibule and is working on their C deliverable for the cafeteria addition and Sitework.
- To expedite the schedule, Vannoy is presenting the GMP#1 today for the Secure Vestibule
- GMP #1 is \$163,586




Approved:

Farmland Preservation Update

The Board has been discussing Farmland Preservation. This was a presentation provided for an overview of this topic.



Table of Contents

-  Why Farmland Preservation
-  What is Farmland Preservation
-  Farmland Preservation Funding

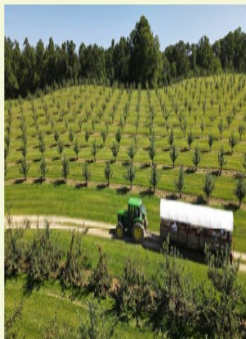
Farmland Loss in NC

- North Carolina is the second-most threatened state for farmland loss
 - 732,000 acres of agricultural land converted between 2001 and 2016
 - 78% of agricultural land was converted to low-density residential uses
- North Carolina is projected to lose over 1 million acres of agricultural land by 2040
 - Loss of nearly 20,000 jobs
 - Loss of 9,000 farms
 - Loss of \$1.25 billion in farming output

Agriculture in Henderson County


Agriculture (including managed forests) covers 26% of land in the County (60,000 acres)

- Nearly a \$1 billion industry
- Approximately 4,000 jobs


 A photograph showing a large orchard with rows of trees on a hillside. A green tractor is visible in the lower part of the image, near a white structure.

Farmland Loss in Henderson County

- Henderson County lost 2,058 acres of agricultural land between 2020 and 2023
 - The County lost 1/3 of orchard land between 2002 and 2017
- Example causes of farmland loss include low-density residential and commercial development, growth of utility services


 An aerial photograph showing a residential neighborhood with many houses and winding roads, illustrating the conversion of farmland to residential use.

Why Preserve Farmland in Henderson County

- Quality of life & rural character
- Food production & security
- Agribusiness & agritourism
- Economic & employment benefits

Approved:

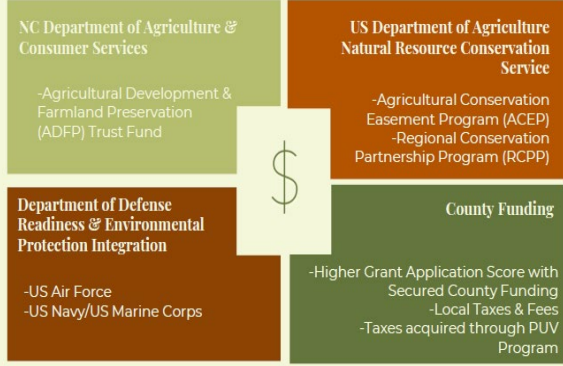
What is Farmland Preservation?

Agricultural Conservation Easements

- Purchase of Agricultural Easements programs (PACE) permanently preserves agricultural lands from future residential, commercial, or industrial development.
 - Voluntary, incentive-based program
 - Binding agreement recorded at Register of Deeds
 - Provides an alternative to restrictive land use
 - Property remains in private ownership
 - Reduces conflict between agricultural uses and other uses
 - Preserves agricultural land for future generations
 - Allows land to remain in Present-Use Value

Agricultural Conservation Easement Funding

Funding Sources



Wake County, NC Agricultural Conservation Easement Program

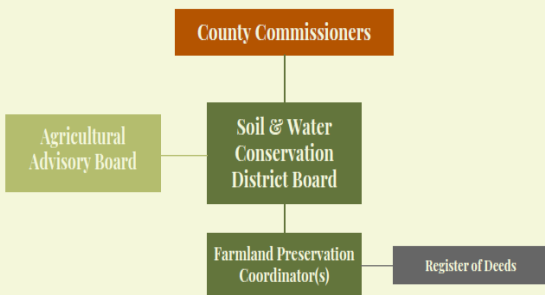
- Wake County has lost **22,964 acres** of agricultural land (~20%) since 2014
- To protect the nearly **700 farms** within the County, a **Farmland Preservation Program Ordinance** was created using three different preservation tools



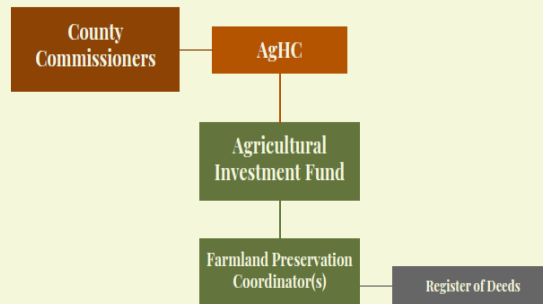
Agricultural Conservation Easement Program

- Permanently protect and conserve land for agricultural uses
- Better integrate policies of government that may conflict with farmland protection
- Reduce land conflicts between agriculture and other uses
- The easement is a recorded deed in which the landowner enters an agreement with the Wake County Soil and Water Conservation District
- Binding agreement stays with the property even as it changes ownership and is regularly monitored by our staff and Advisory Board
- Tax benefits may include tax incentives, federal income tax reduction and estate tax deduction

Program Administration & Oversight #1



Program Administration & Oversight #2



Chairman McCall said we have to find a way to keep these crops alive in Henderson County. She

Approved:

challenged fellow Board members and Staff to meet with AgHC and develop a creative way to move forward with Farmland Preservation. She is confident the County will get support from State Legislators.

Commissioner Hill said he would be pleased to work with Chairman McCall in this effort.

NOMINATIONS AND APPOINTMENTS

1. Cemetery Advisory Committee – 2 vacs.

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

2. EMS Peer Review Committee – 2 vacs.

Commissioner Hill made the motion to appoint Joshua Darling to position #7 and Tim Putnam to position #17. All voted in favor, and the motion carried.

3. Environmental Advisory Committee – 1 vac.

Chairman McCall made the motion to appoint Ariele Emmett to position #9. All voted in favor, and the motion carried.

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. Historic Resources Commission – 1 vac.

Chairman McCall made the motion to appoint Anne Bryan Hanson to position #7. All voted in favor, and the motion carried.

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

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

8. Juvenile Crime Prevention Council – 3 vacs.

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

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

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

COMMISSIONER UPDATES

Chairman McCall reminded everyone that the Fall Litter Sweep is coming up and encouraged everyone to participate.

Approved:

GENERAL ASSEMBLY UPDATE

John Mitchell shared that the State’s proposed budget was released yesterday, and he has not yet had the opportunity to review the document. He said that a list of the County’s Capital needs had been sent. He is informed that the casino portion is out, and Medicaid is in the draft budget.

Chairman McCall made the motion to adjourn at 2:19 p.m. All voted in favor, and the motion carried.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Rebecca McCall, Chairman

DRAFT

Approved: