

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, OCTOBER 18, 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, Capital Project Manager Bryan Rhodes, Health Department Director Steve Smith, Capital Projects Superintendent Brian Cotton, Flood Administrator Toby Linville, Human Resources Director Karen Ensley, 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. Deputy Travis Pierce provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Commissioner Andreotta provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2023.131 Proclamation – Homeless Youth Awareness Month

The Board received a request from Michael Absher with Only Hope WNC to designate November as Homeless Youth Awareness Month in Henderson County. The proclamation sets aside this month as Homeless Youth Awareness Month in Henderson County.

Chairman McCall read the Proclamation aloud.

PROCLAMATION

November – National Homeless Youth Awareness Month

WHEREAS, the month of November is designated as National Homeless Youth Awareness Month; and

WHEREAS, this designation was declared by the U. S. House and Senate in 2007, and renewed in 2021, and serves as an outlet to increase public awareness of an ongoing issue occurring in every city

Approved:

across the United States; and

WHEREAS, the nation's public schools report between 4.2 million homeless students, 700,000 of which are unaccompanied grades pre-k through 12th grade; and

WHEREAS, we realize that adolescents become homeless, becoming separated from their caregivers and homes for various reasons, often putting them in precarious situations; and that school is often the most safe and stable environment for these youth; and

WHEREAS, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

WHEREAS, Only Hope WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

WHEREAS, Only Hope WNC, Inc. will be hosting a sleepout on November 3 - November 4 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness; and

WHEREAS, an effort is being made by the board members of Only Hope WNC, Inc. to raise community-wide awareness of homeless youth in Henderson County;

NOW, THEREFORE, BE IT RESOLVED that we, the Henderson County Board of Commissioners, do hereby proclaim November 2023 as "Homeless Youth Awareness Month" in Henderson County and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

Adopted, this 18th day of October 2023.

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

Michael Absher with Only Hope and NC Stunning Star State Ambassador Mackenzie Louise Govern were in attendance to receive the Resolution.

2023.132 Resolution in Support of the Nation of Israel (add on)

Commissioner Hill read the Resolution aloud.

RESOLUTION

IN SUPPORT OF THE NATION OF ISRAEL

WHEREAS, on October 7, 2023, the terrorist group Hamas, a militant organization currently governing the Gaza Strip of the Palestinian territories, launched an unprovoked

Approved:

attack on Israeli civilians; and

WHEREAS, innocent men, women, children, and babies have been wantonly attacked, captured and killed by Hamas terrorists; and

WHEREAS, Israel declared war against Hamas on Sunday, October 8, 2023, and

WHEREAS, the United States of America was the first country to recognize Israeli statehood when Israel declared their independence in 1948; and

WHEREAS, our partnership that, now spans 75 years has been built on mutual interests and shared democratic values, with Israelis and Americans united by their commitment to democracy, economic prosperity, and regional security; and

WHEREAS, the Board of Commissioner and citizens of Henderson County continue stand in support and solidarity with our partners;

NOW, THEREFORE, the Henderson County Board of Commissioners does hereby resolve to urge the United States Congress to fully and unequivocally support Israel in the fight to bring justice to its citizens.

Adopted this the 18th day of October, 2023.

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

2023.133 Resolution in Memoriam of Patrick “Bill” O’Connor (add on)

Vice-Chair Edney read the Proclamation aloud.

RESOLUTION IN MEMORIAM

William Patrick “Bill” O’Connor

WHEREAS, William “Bill” O’Connor was born in Chicago, Illinois, but “got here as soon as he could”, moving to Henderson County permanently in 1998; and

WHEREAS, William “Bill” O’Connor served as a Henderson County Commissioner from 2010 until 2012; and

WHEREAS, William “Bill” O’Connor served as Vice-Chairman of the Henderson County Board of Commissioners from 2011 until 2012; and

WHEREAS, William “Bill” O’Connor was a founding member of the Henderson County Tea Party and the Asheville chapter of the American Chestnut Foundation member of

Approved:

the Four Season's Club and a member of the American Legion Hubert M. Smith Post No. 77; and

WHEREAS, William "Bill" O'Connor, believing strongly in America's founding principles, donated the framed Declaration of Independence, Constitution and Bill of Rights displayed in the Commissioners' Meeting Room; and

WHEREAS, William "Bill" O'Connor spent many years of his life serving his community, making it a better place to live;

NOW, THEREFORE, BE IT RESOLVED that William "Bill" O'Connor will be remembered for his contributions to our community.

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

Adopted this the 18th day of October, 2023

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

Chairman McCall said there was an additional presentation to make and then asked Vice-Chair Edney to stand. Chairman McCall stated that this year marks Edney's anniversary of twenty years of service to Henderson County. She then presented him with his twenty-year service award.

INFORMAL PUBLIC COMMENT

1. James Kelly, president of the Hunter's Glen Sub-Division HOA, complained of delivery services using Kanarsky Lane, a road into the sub-division that is designated for use by Henderson County Emergency Services only, as an entry point for delivery of packages.
2. Kirk Hall said he is a resident of the Fork Creek Community and spoke in opposition to a men's drug rehab facility that had recently opened in his community.
3. Joe Elliott spoke about the development of the 2045 Comprehensive Plan. He was in opposition to the term "climate change" being removed from the plan.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman McCall added a Resolution In Support of In Support of the Nation of Israel and a Resolution in Memoriam of Patrick "Bill" O'Connor.

Commissioner Lapsley made the motion to approve the agenda with the two additional items added. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Approved:

Minutes

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

October 2, 2023 - Regularly Scheduled Meeting

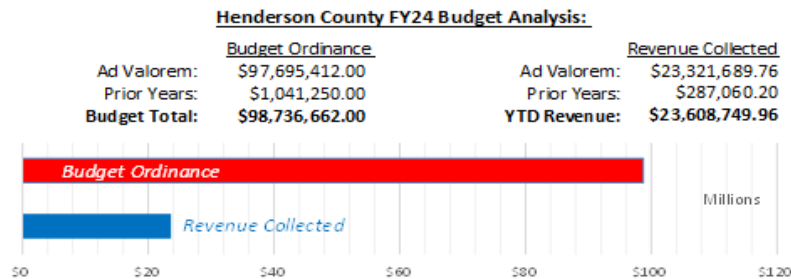
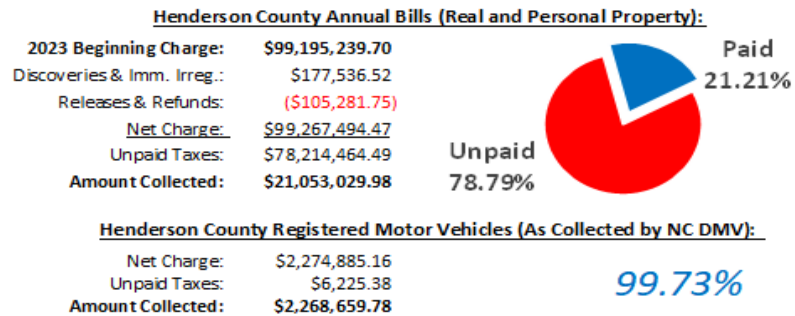
Motion:

I move the Board approve the minutes of October 2, 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 October 5, 2023 for 2023 real and personal property bills mailed on August 21, 2023. Vehicles taxes are billed monthly by NC DMV.



Opioid Settlement Fund – Authorized Expenditures Update

The Opioid Settlement Fund's authorized expenditures update as of September 30, 2023, was attached for the Board's review and approval. Amounts received and expended will be reported annually to the Community Opioid Resources Engine for NC (CORE-NC) in compliance with the Memorandum of Agreement (MOU).

OPIOID SETTLEMENT FUNDS

Subsidiary Ledger - Funding Summary
Through September 30, 2023

Total Distributions Received to Date	\$ 1,749,724.80
Total Interest Earned to Date	\$ 39,042.44
Total Revenues Received to Date	<u>\$ 1,788,767.24</u>
Total Expenses Incurred to Date	\$ 21,146.73
Unspent Funding	\$ 1,767,620.51

Motion:

Approved:

I move that the Board approve the September 30, 2023, Authorized Expenditures Update as presented.

2023.134 Correction to Property Assessment

Mr. Eddie Ward filed an Appeal with the Board of Equalization and Review after the county-wide real property evaluation earlier this year. As part of the formal appeal process, a new appraisal was done on his real property, lowering the assessed value from \$568,900 to \$510,300. Though this reduction was less than what Mr. Ward appealed for, he decided to accept the new valuation during the appeal hearing and asked that his appeal be withdrawn. The Board of Equalization and Review voted to accept the withdrawal of the appeal but did not vote to accept the new valuation. In accordance with NCGS § 105-325(a)(6), the Board of Commissioners was requested to accept the new valuation of parcel 600432 from \$568,900 to the updated valuation of \$510,300.

Motion:

I move that the Board adopt the attached Order, pursuant to N.C. Gen. Stat. §105-325(a)(6).

2023.135 Resolution – Opioid Settlement Fund Expenditure Authorization

At the Board's August 16, 2023, meeting, the Board was presented with the Henderson County Strategic Plan for the Opioid Settlement Funds. The presenters explained that the county may proceed with strategies from the MOA's Option A. Among the Strategic Plan's recommendations is a management position for the Opioid Settlement and related efforts. Additional expenditures are necessary for this position. These include, but are not limited to, office supplies, training and travel expenses, and computer software and licenses. This request included the salary and benefits for the remainder of the fiscal year, in addition to estimated costs for the additional expenses needed to fund this position.

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

Motion:

I move the Board adopt the Resolution authorizing the expenditure of opioid settlement funds as presented and the associated Budget Amendment for the Behavioral Health Systems Director position.

Facility Use Policy Exemption – Salvation Army

The County received a request from the Salvation Army of Hendersonville to use the Historic Courthouse lawn for their Red Kettle Kick-Off on Saturday, November 18th, beginning at 11:00 am.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to rule #5 of the County Facility Use Policy, which prohibits solicitation on the grounds. This exemption would cover the date specified in the request.

Approved:

Motion:

I move that the Board grant an exemption to the County Facility Use Policy for the Salvation Army of Hendersonville to use the Historic Courthouse lawn for their Red Kettle Kick-Off on Saturday, November 18th, beginning at 11:00 am.

2023.136 Facility Use Policy Exemption – NCAJ High School Moot Court Competition

The County received a request to appropriate the sum of \$3,000 to support the NCAJ High School Moot Court Competition and to waive facility fees and security fees for the Regional Competition being held in the Henderson County Courthouse in February 2024.

The Henderson County Board of Commissioners are helping to sponsor this event in support of our local high schools and student who participate in the program, but also, in 2024, in recognition of the 141st Anniversary of the Henderson County Bar Association, which was the first bar association in the state of North Carolina.

To allow for this use, the Board was requested to grant a one-time waiver of the facility and security fees outlined in the County's Facility Use Policy.

Motion:

I move that the Board grant an exemption to the County Facility Use Policy for the NCAJ High School Moot Court Competition in February 2024 and the associated Budget Amendment as presented.

Flu Vaccine for Uninsured Low-Income Adults

The Henderson County Board of Health was informed at their September 12, 2023, meeting that access to several programs providing free flu vaccinations to uninsured adults had been eliminated or reduced. Given the frequent requests from this population for assistance, the Board of Health was presented with a proposal to provide up to 350 doses of flu vaccine free of charge for uninsured adults without the ability to pay the fee. The board was assured that doing so would not compromise current revenue projections within the public health budget.

The Henderson County Board of Health subsequently approved a motion by unanimous vote to support the proposal and to forward it to the Henderson County Board of Commissioners for consideration and approval.

Motion:

I move the Board approve the provision of 350 flu vaccinations at no cost during the 2023-2024 fiscal year to address the needs of uninsured low-income adults.

2023.137 Supplemental Agreement with NCDOT for NSFLTP Funds to be used for Ecusta Phase I Construction

The Board approved a resolution of support last October for a grant application for NSFLTP (Nationally Significant Federal Lands and Tribal Projects) for the construction of the Ecusta Trail. NCDOT was successful in awarding these funds. A supplemental agreement is required for Henderson County to access these funds in Phase I construction of the trail. NCDOT is also shifting more of these funds to be used on the trail in place of STBG-DA funds, which will reduce the

Approved:

required local match from 20% to 10%, which comes from fundraising, TDA, and other grant sources. The total NSFLTP funds to be allocated are \$5,705,079.

Motion:

I move the Board authorize the County Manager to sign the supplemental agreement with NCDOT to access allocated funding from NSFLTP to be used in Phase I construction of the Ecusta Trail.

Chairman McCall made the motion to adopt the consent agenda as presented. All voted in favor, and the motion carried.

PUBLIC HEARINGS

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

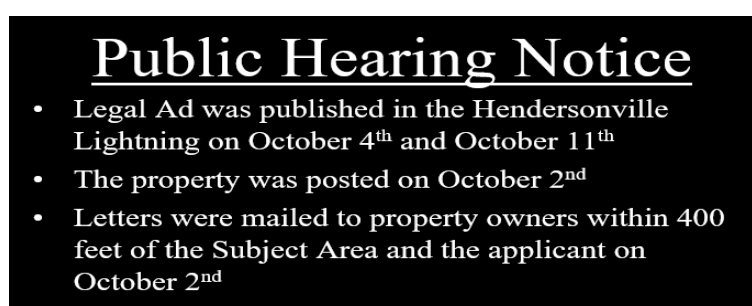
2023.138 Public Hearing for Rezoning Application #R-2023-09, Peterson Property, Residential Two (R2) to Community Commercial (CC)

Rezoning Application R-2023-09, submitted on August 9, 2023, requested that the County rezone approximately 2.38 acres out of 6.5 acres of land from the Residential Two (R2) zoning district to the Community Commercial (CC) zoning district. The zoning map amendment application was for a portion of PIN: 9549-19-5165 with access along Old Bard Rd (Private) and S Rugby Rd (SR 1312). The property owners and applicants are Jeri and Ernest Peterson.

The Technical Review Committee reviewed the application at its September 5, 2023, meeting, saw no administrative issues with the request, and voted unanimously to forward the application to the Planning Board. The Planning Board reviewed this request at its September 21, 2023, meeting and voted unanimously to send forth a favorable recommendation for approval.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the October 18, 2023, public hearing regarding rezoning application #R-2023-09 was published in the Hendersonville Lightning on October 4th and October 11th. Notices of the hearing were sent via first class mail to the owners of properties within 400' of the Subject Area on October 2, 2023, and posted signs advertising the hearing on the Subject Area on October 2, 2023.

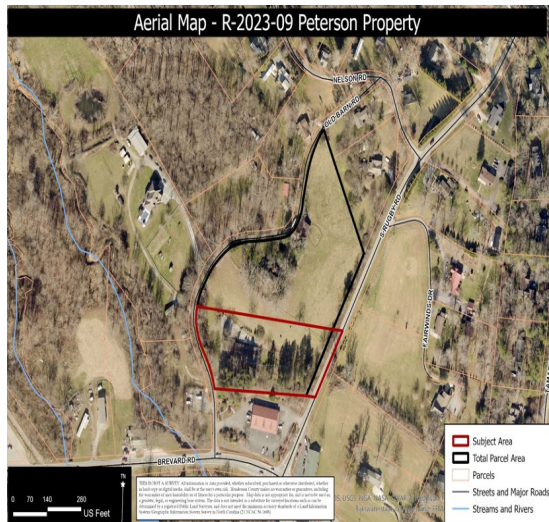
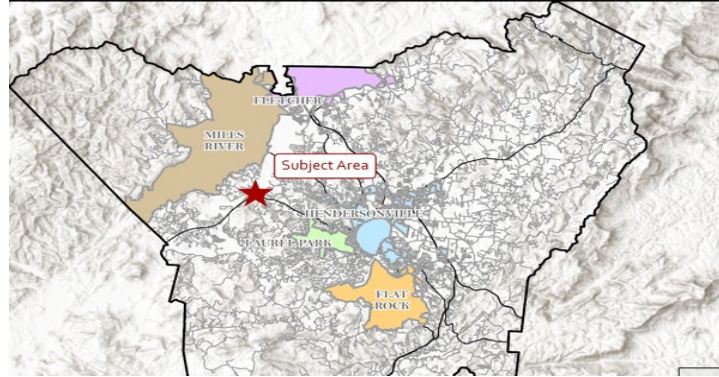


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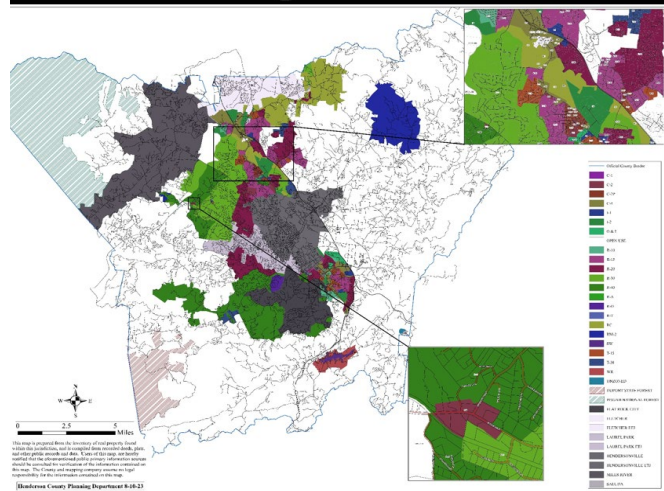
Application Summary

- Rezoning Request: R-2023-09
- Owner/Applicant: Jeri and Ernest Peterson
- Property Location: 253 Old Barn Rd, Hendersonville, NC
- Portions of PIN: 9549-19-5165
- Rezone from a Residential Two (R2) Zoning District to a Community Commercial (CC) Zoning District
- Approximately 2.38 acres

County Context - R-2023-09 Peterson Property

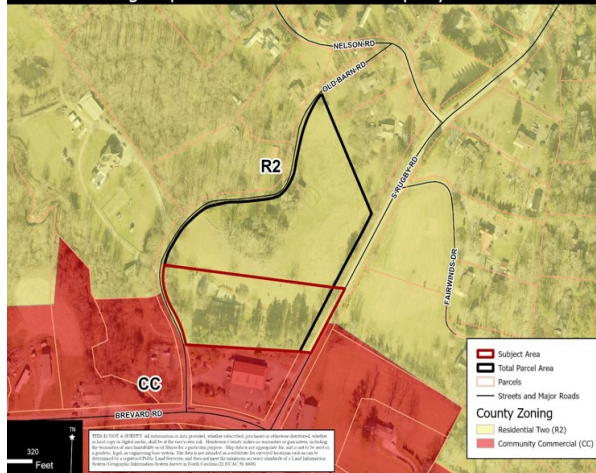


Zoning Prior to LDC



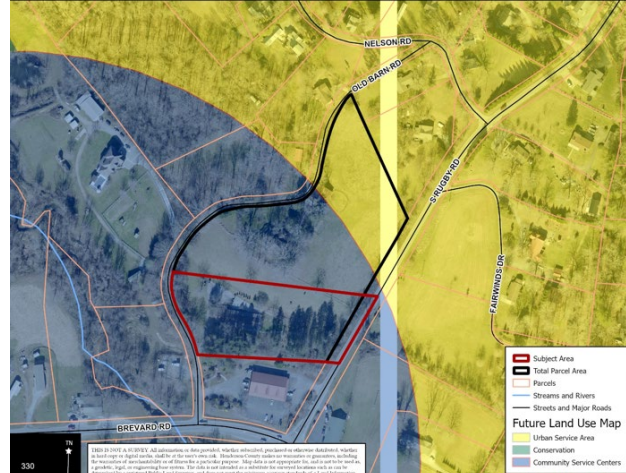
Current Zoning Map

Zoning Map - R-2023-09 Peterson Property

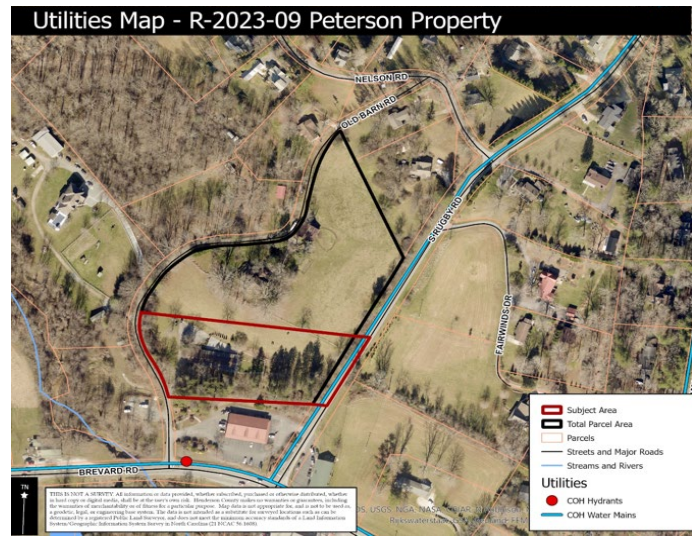


CCP Future Land Use Map

Future Land Use Map - R-2023-09 Peterson Property



Approved:



Public Input: There was none.

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

Commissioner Hill made the motion that the Board approve rezoning application #R-2023-09 to rezone the Subject Area from a Residential Two (R2) zoning district to Community Commercial (CC) zoning district based on the recommendations of the Henderson County Comprehensive Plan and;

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

2023.139 LDC Text Amendment – TX-2023-04, Flood Hazard Amendment

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

Planning staff received an application for a text amendment (#TX-2023-04) to amend the special fill requirements for the floodways. This amendment, if adopted, would still comply with the state model ordinance. The Land Development Code (LDC) does not allow for an applicant to initiate a study of the floodway or consider any fill in the floodway area. The state ordinance allows for fill within the floodway if an applicant obtains a certification by a registered professional engineer proving that the anticipated encroachment will not result in any increase in the elevation of the regulatory flood during the occurrence of the base flood. The amendment would allow an applicant to seek a special fill permit from the Board of Commissioners if certification can be acquired. The current LDC allows for 20% of the flood fringe to be filled and allows for an applicant to seek a special fill permit from the Board of Commissioners when exceeding the 20% fill threshold if certification can be obtained. The LDC does not currently allow for fill of any kind in the floodway.

Approved:

The Planning Board reviewed the application at its meeting on September 21st. Following a lengthy discussion, the Board voted 5-3 to send forward an unfavorable recommendation to amend the flood hazard regulations for fill in the floodway. Those in favor of the amendment stated that the amendment would provide a property owner the option to study the property to see if a no-rise was possible and make an application for a special fill permit to the BOC. They felt the process in place allowed the County to review these applications through the conditional rezoning application and upon an engineer study. They were comfortable with allowing this option in the LDC. The item will move to the BOC for a public hearing.

TX-2023-04 Flood Hazard Amendment



October 18, 2023

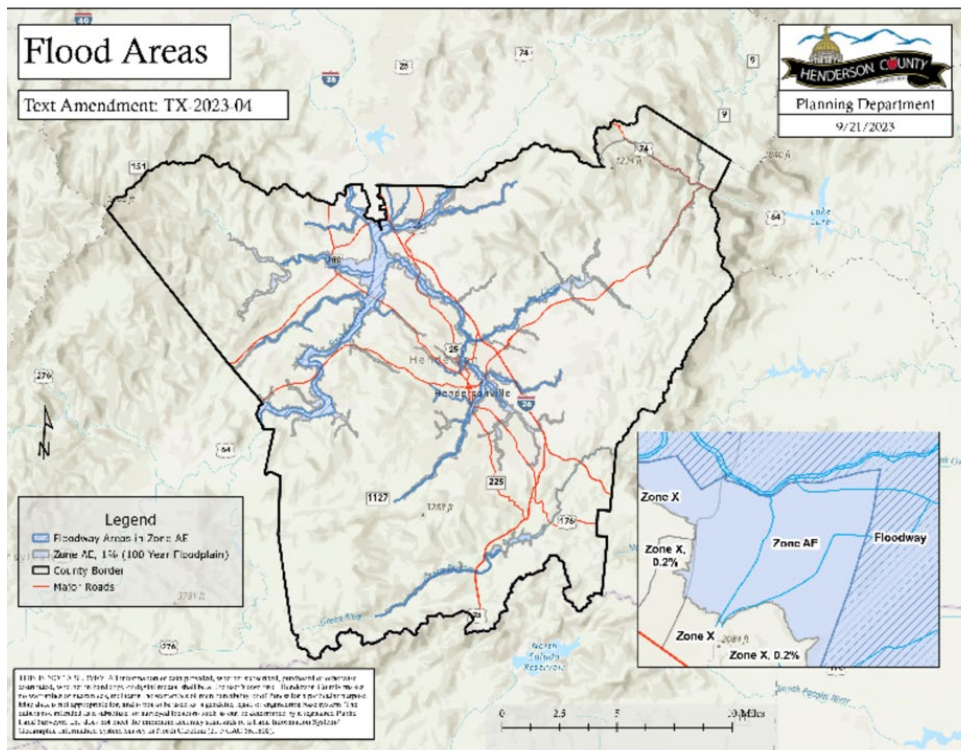
Board of Commissioners Meeting

Terminology/Definitions:

Floodway. The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the *water surface elevation* more than one (1) foot.

Floodplain. Any land area susceptible to being inundated by water from any source.

- **100-year floodplain** – Areas with a 1% annual chance of flooding.
- **500-year floodplain** – Area with a 0.2% (or 1 in 500 chance) annual chance of flooding. Area of minimal flood hazard and not regulated.



**Map of Flood
Hazard Areas**

Approved:



Current LDC Regulations:

- 20% of the floodplain may be filled (for parcels that existed as of July 5, 2005)
- Any additional fill beyond the 20%, may be allowed provided:
 - A study is required
 - If the certification can be obtained, then the applicant must apply for a special fill permit through the conditional rezoning process to the BOC
- No fill is allowed in the floodway

Special Fill Permits in the flood fringe may be granted by the Board of Commissioners **only in Conditional Zoning Districts** where particular cases meeting specific community need and subject to appropriate conditions and safeguards.

1. Proposed *encroachment* would not result in any increase in the flood levels during the occurrence of the *base flood*; and,
2. *Special Fill Permit*, if granted will result in no net decrease in flood storage capacity on the parcel upon which the fill is proposed; and,
3. Proposed *encroachment* will not violate any other Federal, State or Henderson County laws, rules, ordinances, or regulations; and,
4. *Special Fill Permit*, if granted, will comply with the *Comprehensive Plan*, and that, if granted, it will advance a public or community purpose, and that such purpose is sufficiently substantial to justify issuance of the *Special Fill Permit*.

Approved:

Text Amendment TX-2023-04, Flood Hazard Amendment

Summary:

Planning staff received an application for a text amendment (#TX-2023-04) to amend the special fill requirements for the floodways and non-encroachment areas. This amendment, if adopted, would still comply with the state model ordinance. The amendment would allow an applicant to seek a special fill permit from the Board of Commissioners if certification can be acquired.

Text Amendment TX-2023-04, Flood Hazard Amendment

Amend Section 42.234. Flood Hazard Reduction

42-234.1 General Standards.

In all *Special Flood Hazard Areas* the following provisions are required.

- A. In the *flood fringe* area as indicated on the *FIRM*, ~~no fill whatsoever shall be allowed except on parcels of land, the boundaries of which are of record in the Henderson County Registry as of the original date of adoption of these regulations (July 5, 2005), and then only upon no more than 20 percent of the total of the *flood fringe* area~~ **may be filled** contained in each such parcel, except that additional fill may be permitted in the *flood fringe* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).
- B. In the *floodway* area as indicated on the *FIRM*, fill may be permitted in the *floodway* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).

Text Amendment TX-2023-04, Flood Hazard Amendment

42-354 Special Fill Permits

- A. Purpose. *Special Fill Permits* in the ***flood fringe special flood hazard area*** may be granted by the Board of Commissioners only in Conditional Zoning Districts where particular cases meeting specific community need and subject to appropriate conditions and safeguards.
- B. Permit Issuance. The Board of Commissioners shall have the power to grant permits for special fill in the ***flood fringe special flood hazard area***. In order to grant a *Special Fill Permit*, the Board of Commissioners must conclude that the: **application meets the requirements under 42-354.**

Vice-Chair Edney made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Approved:

Vice-Chair Edney noted that this change would affect less than 2% of the county.

Commissioner Lapsley voiced concern that over the years, there are areas in the affected portions of the county (that contain floodplain) that will be developed. He believes the Board has a responsibility to consider this change a “major significant issue.” He acknowledged that this change, through the conditional zoning process, would be brought before the Board on a case-by-case basis, but he believes that once “that door is opened,” there will be an increase in the number of applications submitted.

He then presented the following photos of Los Angeles, California.



Commissioner Lapsley noted the industrial areas in these photos right next to the river. He said this happens when local governing authorities allow development up to the edge of the floodway. He said to prevent erosion and keep the floodwaters in the channel; the channels would need to be lined with concrete. He noted the 10-15-foot overflow area to each side of the water in the picture below.



Approved:



Commissioner Lapsley again voiced his concern: "If we open the door," this is what we will see down the road: development up to the edge of the floodways.



In the photos presented, he speculated that the importance of farmland preservation was not very strong in these communities.

He said as this Board enters into the final stages of adopting the 2045 Comprehensive Plan, there has been a strong public response supporting preserving farmland. He said a large portion of the farmland is adjacent to the County's rivers and floodplains. He said, "Just because the technical aspects say we can do this does not mean we should do it."

Commissioner Lapsley said that based on his experience and review, he would not support the proposed text amendment change to the Flood Ordinance.

Approved:

Vice-Chair Edney stated that the text amendment change would only allow the opportunity for the property owners to ask.

Chairman McCall stated that she is an advocate for farmland preservation and noted that there are roughly 15,000 – 20,000 acres of farmland in the county, and it was dwindling fast.

Vice-Chair Edney made the motion that the Board approve the proposed text amendment TX-2023-04, flood hazard amendment with any changes as discussed, and find that these changes are consistent with the County Comprehensive Plan.

Chairman McCall asked the clerk to call the roll.

The motion carried with a 3-2 vote; Commissioner Lapsley and Chairman McCall were the nay votes.

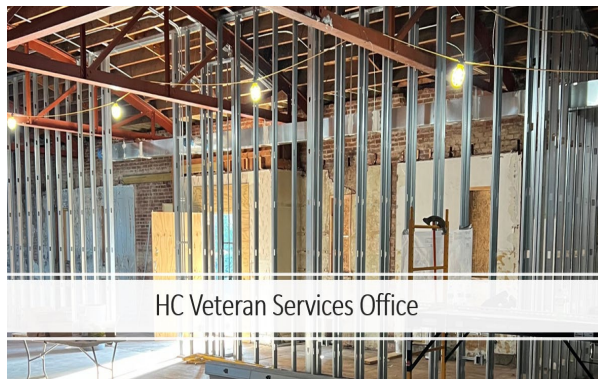
DISCUSSION

Construction Projects Update

Bryan Rhodes and Chris Todd updated the Board 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 Veterans Services Office

BRCC MRTS Projects



FY 22-23
BRCC MRTS

- **Patton Building Roof Replacement** – AAR has completed the job and punch list items. We are waiting for the Roof Ladders to be delivered, with installation to follow.
- **TEDC Chiller #2** – Good news. The chiller will arrive on 10/23/23 and the crane is scheduled as well.
- **Spearman LED Replacement** – This project is now complete.
- **Duck Pond Privacy Fence** – This project is now complete.



FY 23-24
BRCC MRTS

We have 39 projects that are under contract or completed to date, of the 55 BOC approved project list, for Blue Ridge Community College. I will not list them all for the time's sake, but all are tracking good; on time and under budget!

Approved:



Henderson County Public Schools MRTS Projects

HCPS MRTS Projects

West Henderson High Renovation and Addition

- LS3P is due to deliver their 100% Construction Documents on 10/20/23, followed by a period of revision and value engineering, if needed.
- Carolina Specialties is waiting on LS3P to complete their Construction Documents deliverable. At that point, they will begin the bid process, and working on compiling numbers to present a Guaranteed Maximum Price.

HCPS MRTS Projects

Upward Elementary Cafeteria Renovation and Secure Entry

- Clark Nexsen Architecture has delivered their 100% Construction Documents for the Secure Vestibule and are working on their CD deliverable for the Cafeteria Addition/Sitework.
- Vannoy has started the procurement of materials needed and are preparing to mobilize for the execution of GMP #1. They are scheduled to be onsite 10/23/23, with a 60-day schedule for the Secure Vestibule. The Cafeteria Addition/Sitework to follow in the next couple of months.

HCPS MRTS Security Cameras

Haynes Technologies has completed the Security Camera Project for all Henderson County Public Schools. 2 administrative sites remain for their contract. The Technology Building and the Central Office. Haynes is currently working on the Technology Building now.



FY 23-24 HCPS MRTS

- **Gutters and Downspouts Project**
 - Bids will be opened publicly and read aloud on 10/11/23.
- **Various Roofing**
 - Bids will be opened publicly and read aloud on 10/11/23. The Board should expect a recommendation for next months meeting, since it's a formal bid.
- **Atkinson HVAC Upgrade**
 - Staff is working to contract with Sims Group Engineering and to finalize the scope of work for the project. The RFP should be posted soon.

FY 23-24 HCPS MRTS

• West High Air Handler Replacement

- The RFP is posted to receive bids from contractors, to replace an air handler that is close to it's end of life, on X-building.

• Elementary Schools HVAC Controls Upgrade

- 9 Elementary Schools are listed on the posted RFP, to receive new HVAC upgrades.

Approved:

Chris Todd provided the Board with a brief update on the JCAR project. The total estimated budget for the construction of the JCAR project, including the additions of new courthouse space, detention center space, and renovations of both the existing courthouse and detention center, is just over \$215M. He said, per the Board's direction, Staff and the architects continue to explore options to reduce the costs. He said within the County's budget today, a \$150M project can fit into its debt service. He said this would require a significant decrease in the project scope to get down to \$150M. The staff was seeking direction from the Board.

Henderson County JCAR Project



Vice-Chair Edney stated the JCAR was a necessary project, and he understood that the \$215M cost would require increased property taxes or cutting into the school budget. He asked the Board to consider moving forward with the detention center basically “as is” and to value engineering where possible. And secondly, consider moving forward with the new court tower with the consideration of not finishing at least one of the floors and, at the same time, providing the Clerk of Court the ground floor as designed. Then, look at how the 95 courthouse can be modified and renovated to include bringing probation from Spartanburg Highway and bringing in the King Street Building property and the functions we have there. He believes the Detention Center and the courthouse Tower can be done for roughly \$150M. He thinks the county should advise the General Assembly that Henderson County is providing district offices for the District Attorney, Public Defender, Judges, and Probation that we do not legally have to but provide out of Judicial Economy. He believes that given the County is providing a district function, it would only be logical that the State provide some funding to assist in that regard. He said we need to give them a number, and that is what we need to work on. Edney said we could ask Transylvania and Polk County commissioners and ask them to chip in on this capital project as well. He said, “If you don’t ask, they cannot say no.”

Commissioner Hill thinks the Board should consider revamping the 95 courthouse just for court purposes and look elsewhere for administration (Tax, Assessors, Land Records, and Register of Deeds). He said while he understands the need is there, he will not support this project at the current costs projected. Hill was in would support moving forward with the detention portion of the project.

Approved:

Commissioner Lapsley stated that he would like for the Board to authorize Staff during today's meeting to proceed with the improvement of the Detention Center. He does not want to delay the movement of that project while the discussion continues on the courthouse portion of the project.

Commissioner Andreotta believes the need is real and needed now. He agrees with moving forward with the Detention Center. He said renovating or constructing an administration workspace is much cheaper than a new court space with security technology. He suggested that the 95 courthouse be given for use by judiciary functions and the Register of Deeds and look at what we may already have that can be repurposed. He asked if the King Street building was salvageable and could be renovated. He fears this project, as it stands, would cripple other needs in the county.

Chairman McCall agreed that the Detention Center portion of the project needs to move forward. She said that when the 95 courthouse was constructed, the structure design deters remodeling that could have been done to utilize the current space for court purposes. She agreed that that building needs to be used to its full potential. She agreed with Vice-Chair Edney's suggestion of asking the state for funds to assist in the construction of the courthouse portion of the JCAR project. She said that with Henderson County serving as the district "hub" for the court system, the state should provide some funding for the project. She believes additional money will be found in the new design for the court tower. She wants the facilities committee to meet with the contractor as soon as possible to provide accurate numbers for the Board's consideration. Taking into account the suggestions shared during today's meeting.

Vice-Chair Edney made the motion to direct Staff to move forward with the next phase of the Detention Center portion of the JCAR project, with the consideration of how the structure will attach to the courthouse building will need to be determined. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion to direct Staff to work with the architect and the construction manager at risk to obtain a lower overall cost of the courthouse portion of the project and provide a realistic cost for the options provided. All voted in favor, and the motion carried.

Vice-Chair Edney asked Staff to provide each of the Board members with a copy of the 2021 Fentress study that details what current and projected numbers are needed.

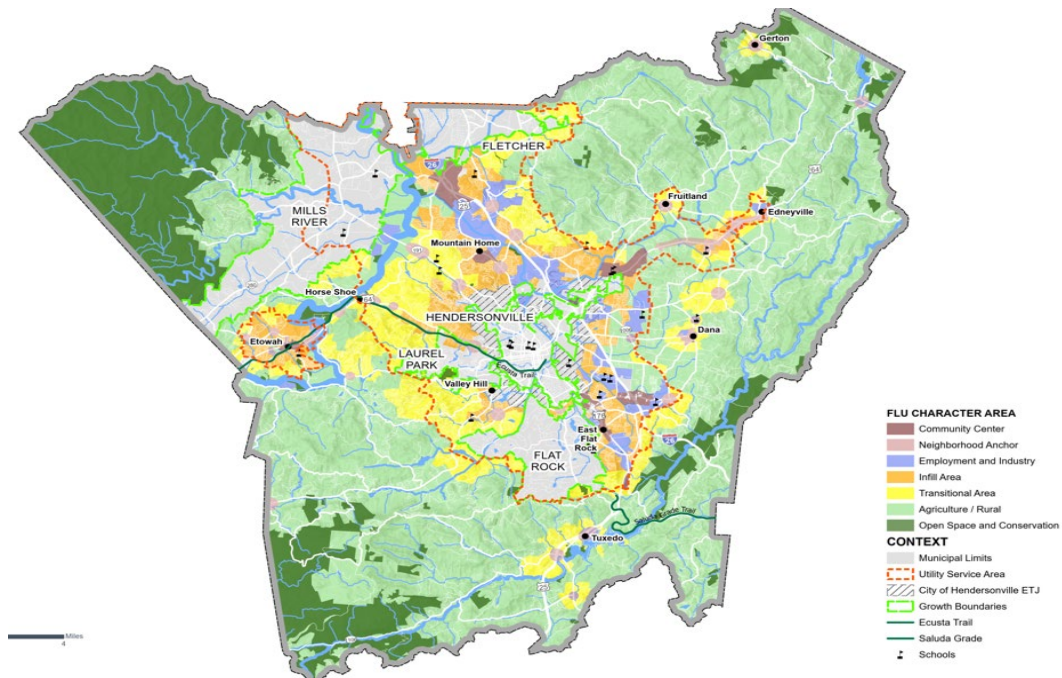
John Mitchell said the study would be provided and, in addition, placed on the County's website.

County Comprehensive Plan Update

After receipt of the draft 2045 Comprehensive Plan from the Planning Board on December 5th, 2022, the Board has been conducting a thorough review of the draft plan. As part of that process, the Board wishes to review the Future Land Use Map.

The Board directed staff to break down the current draft map into smaller geographic areas for review. The Board discussed each region of the county specifically as part of their review.

Approved:



Future and Use Map Exercise

- At the direction of the Board, on September 14th, staff provided each commissioner with nine blank inset maps to color. Each map represented a different portion of the County.
- Staff received the Etowah area map from the commissioners.
- Overall, all maps were similar to each other and did not vary greatly from the existing draft.

Autumn Radcliff noted the key differences between the maps the Board submitted.

- **Specific buffering along the French Broad River**
 - 2 maps showed a specific color contouring the river.
 - One showed Open Space & Conservation area
 - The other showed Agricultural Rural
 - The LDC will dictate how a specific land use can (or cant) develop along the river, which is a more impactful tool.
 - The OSC is intended to for properties in conservation easements, present-use value, and state and federal lands.
 - The use of multiple character areas along floodplains and rivers may be used to create more general use areas, rather than a singular character area, which may restrict potentially compatible uses.

Approved:

- **Change in Infill Area**
 - 2 maps replaced the Infill Area completely with Transitional Area
 - 2 maps reduced the Infill Area but left some along the US64 corridor to buffer the Transitional Area residences from any Community Center commercial entities
- **Community Center along the corridor**
 - All maps showed Community Center in lieu of Neighborhood Anchor along the US64 corridor
 - The length of Community Center corridor varies from map to map, but it appears to range from the County line to the Etowah Horse Shoe Fire Dept.
- **Change in Transitional Area**
 - All maps removed TA from outside of the USA
 - 3 maps also removed the TA from along the Mills River municipal limits
 - South of US64, near Horse Shoe Mountain
 - 2 maps show a reduction of the Transitional Area and extends the Agriculture/Rural character area
 - One map shows the removal of the AR area and the extension of the Transitional Area
 - Another map shows no change from the current draft FLUM which presents a mixture of both character areas

Previous Board Requested Changes

- Changes were made to the draft FLUM according to Board direction.
- Including:
 - Inclusion of the Ecusta and Saluda Grade Trails
 - Clear demarcation of the City's ETJ and update of city limits
 - Removal of the Employment & Industry area and extension of Neighborhood Anchor in Edneyville
 - Removal of Infill Area and extension of Agriculture/Rural in East Flat Rock
 - Removal of Infill Area and extension of Transitional Area in the Cummings Cove area
 - Changes to the Utility Service Area
 - Creation of Growth Boundaries

Next Step

- The changes the Board previously approved are incorporated into the current draft Future Land Use Map.
- Request Board consensus on changes presented today for incorporation into the current draft map.
- Based on past discussions and today's, are there any other areas of concern?
- Option: If the Board is ready, staff will incorporate all changes and provide Board with an updated map for approval and then can move forward with updating the draft plan.

Approved:



After discussion, Chris Todd summarized the Board's suggestions for moving forward. The consensus of the Board was that Staff would move forward utilizing, as the base, the map that was submitted by Commissioner Lapsley with some infill, expanding the commercial corridor to match, but adding some infill, looking at Old US64 as the general boundary. He said Staff would look to find natural roadways to ensure it is cut off in a way that makes sense. At this time, not include, for clarity, a buffer around the river but use the Land Development Code to address those concerns.

The Board determined the next area the Board would focus on would be the Edneyville/Fruitland portion of the county. Chairman McCall noted that the Comp Plan would need to be addressed at every meeting until the end of the year.

NOMINATIONS AND APPOINTMENTS

1. Cemetery Advisory Committee – 1 vac.

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

2. Henderson County Board of Health – 1 vac.

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

3. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

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

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

5. Juvenile Crime Prevention Council – 3 vacs.

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

Approved:

6. Laurel Park Zoning Board of Adjustment – 1 vac.

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

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

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

COMMISSIONER UPDATES

Vice-Chair Edney and Commissioners Lapsley & Andreotta did not have updates to share.

Commissioner Hill recognized the County's Finance Department for receiving its 34th consecutive Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting.

At the recent LGCCA meeting, Chairman McCall said that the mayor of Laurel Park had shared that Ingles had purchased the Laurel Park Shopping Center and the Coats building. She anticipates that there may be commercial changes in the Laurel Park area in the future. She also noted that the property is located along the Ecusta Trail.

GENERAL ASSEMBLY UPDATE

John Mitchell shared that the budget had been passed, and the implications are that a great deal of resources are coming into Henderson County. He thanked the Board and county staff for their work in presenting projects that were actionable to the General Assembly promptly in order to bring those resources to our county. He said the majority of it is money to address public safety concerns. The full implications of that budget will be known and felt over the next two years. He continues to watch the federal government, and he is proud that WNC has the Speaker of the House at the moment.

COUNTY MANAGER'S REPORT

Mr. Mitchell shared that the County will celebrate the much anticipated groundbreaking for the first six-mile stretch of the Ecusta Trail. The groundbreaking is scheduled on Saturday, October 28th, from 10:00 am to 12:00 pm at the Veteran's Healing Farm at 38 Yale Road Hendersonville.

In closing, John Mitchell shared that Recreation Director Bruce Gilliam had been working feverishly with the City of Hendersonville to put together the upcoming "Treat Street" to be held downtown Hendersonville; the event is Tuesday, October 31, 2023, from 5-8 pm.

Vice-Chair Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(1), 143-318.11(a)(3), and 143-318.11(a)(5) for the reasons set out in the Board's agenda packet. All voted in favor, and the motion carried.

Chairman McCall made the motion to go out of closed session and adjourn at 1:10 p.m. All voted in favor, and the motion carried.

Approved:

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Rebecca McCall, Chairman

Approved: