

Henderson County



LOCAL GOVERNMENT COMMITTEE FOR COOPERATIVE ACTION "LGCCA"

Historic Courthouse | 1 Historic Courthouse Square | Hendersonville, NC 28792

Tuesday, October 17, 2023 – 3:00 p.m.

MINUTES

Present: City of Hendersonville: Council Member Debbie O'Neal Roundtree, Mayor Barbara Volk
Henderson County: Chairman Rebecca McCall, and Clerk to the Board Denisa Lauffer
Village of Flat Rock: Mayor Nick Weedman, Vice-Mayor Anne Coletta
Town of Fletcher: Mayor Preston Blakely, and Council Member Keith Reed
Town of Laurel Park: Mayor J. Carey O'Cain and Clerk Tamara Amin
Town of Mills River: Mayor Shanon Gonce, Council Member Sandra Goode

CALL TO ORDER (Henderson County Hosting)

Henderson County Board of Commissioners Chairman Rebecca McCall called the meeting to order and welcomed those in attendance.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman McCall led the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS – None

APPROVAL OF AGENDA – Additions/Deletions

Chairman McCall removed the Career Development Discussion from the agenda. This will be brought before the committee at the next meeting.

Nick Weedman moved to adopt the agenda as amended, seconded by Preston Blakely. All voted in favor, and the motion carried.

APPROVAL OF MINUTES – July 18, 2023

J. Carey O'Cain moved to approve the minutes of July 19, 2023, seconded by Preston Blakely. All voted in favor, and the motion carried.

OLD BUSINESS – None

NEW BUSINESS

Adopt the 2024 Meeting Schedule

<u>Date</u>		<u>Host</u>
January 16, 2024	Host	Town of Laurel Park
April 16, 2024	Host	Town of Mills River
July 16, 2024	Host	City of Hendersonville
October 15, 2024	Host	Village of Flat Rock

Hosts next in order: Town of Fletcher
Henderson County

Mayor Nick Weedman made the motion to approve the 2024 LGCCA Meeting Schedule, seconded by Mayor Preston Blakely. All voted in favor, and the motion carried.

Task Force for Racial Equity in Criminal Justice

Mayor Preston Blakely and former Transylvania County Commissioner Mike Hawkins presented information regarding three racial equity organizations formed after George Floyd's death in 2020: the Sheriff's Association, the Legislative Committee, and TREC.

The Sheriff's Association focused mainly on officer training, officer support, mental health issues, and the standardization of use of force practices and policies.

The Legislative Committee was a select committee to look at law enforcement and judicial/criminal justice issues.

TREC is a Task Force for Racial Equity; Mr. Blakey and Mr. Hawkins are members of the seventeen-member task force established by NC Governor Roy Cooper in 2020. The task force focuses on addressing existing policies that affect communities of color and developing solutions to ensure racial equity in NC's criminal justice system. Blakely explained that last year was TREC 1.0, the recommendations phase and this year is TREC 2.0, the implementation phase.

The task force came up with 125 recommendations that may be viewed in the final report listed on their website, www.NCDOJ.GOV/TREC. These recommendations resulted from a collaborative

Blakely explained that diversion programs address the core circumstances of criminal activity. This promotes alternatives to arrest and involvement in the criminal justice system to make our community safer. There are pre and post-diversion programs, such as Durham's misdemeanor diversion program (MDP). The MDP Partnership is a partnership with the criminal justice resource center that serves 18-26 year olds who have committed an eligible first-time misdemeanor offense. An MDP referral is made instead of an arrest. It is a 90-day diversion program that, if successfully completed, closes the referred individual's case and keeps their criminal record clean. Durham County and donations from community partners fund the MDP. The MDP has had over 750 participants with a 99% completion rate, 94% rate of no new charges, and misdemeanor arrest rates for 16 and 17-year-old black and Hispanic males declined after the implementation of MDP.

Recruitment & Training

Rec 2. Add Crisis intervention training for current law enforcement officers.

- *Summary:* Crisis intervention training should be provided to all current law enforcement officers. Mental Health First Aid, or a similar program covering the same information, should be added to the curriculum for Basic Law Enforcement Training (BLET) and should be provided to all current law enforcement officers where CIT training has not yet been implemented.
- *Resource:* ??
- *Example:* All officers at the Aberdeen Police Department at CIT trained. Other examples of agencies requiring Crisis Intervention Training can be found in the map [here](#).

Procedures & Policy

Rec 18. Encourage citations and summons in lieu of arrest whenever possible.

- *Summary:* For Class III misdemeanors and violations of local ordinances, the process shall be the issuance of citations. Magistrates are encouraged to issue summons in lieu of arrest whenever possible, including for any civilian-initiated charges. Before a local hospital police force can issue a citation for minor assault against a patient who committed the offense while psychotic or otherwise cognitively impaired, a physician must also sign the petition.
- *Resource:* [Citation in Lieu of Arrest Sample Policy](#)
- *Example:* : Pitt County Sheriff's Office requires officers to obtain a person's written consent before performing a warrantless search without probable cause. Other examples of agencies requiring written consent can be found in the map [here](#).

effort by key community members that include law enforcement, judiciary officials, and elected officials.

To implement the recommendations, TREC was broken into three sub-groups: the legislative sub-group, a judicial sub-group, and the local sub-group. The legislative sub-group works with legislators to implement recommendations on a state level, and the judicial sub-group works with issues or recommendations regarding court or district attorney recommendations. The local sub-group works with the local communities on how TREC's recommendations may be implemented on a local level.

Mayor Blakely presented the following:

TREC Recommendations for Localities

Local Government Areas

- Alternative call response methods
- Add/expand crisis intervention training (CIT) for emergency personnel
- Develop wellness/violence prevention programs
- Community policing
- Diversion programs
- Advocate for mental health services
- Improve court appearance strategies
- Expand recruitment/retention efforts

North Carolina Task Force
for Racial Equity in Criminal Justice

Recommendation 5. "Form a local Community Safety and Wellness Task Force"

Mr. Blakley said the Durham Community has done this in partnership with their county, the city, and the county public schools. The Durham Task Force has recommended establishing an office of survivor care with the mission to have appropriate outreach to survivors of violence and their families for support and to connect them with relevant resources. Blakley believes a collaborative effort such as this could exist between municipalities in Henderson County. To assist with Reentry, prevention, and intervention.

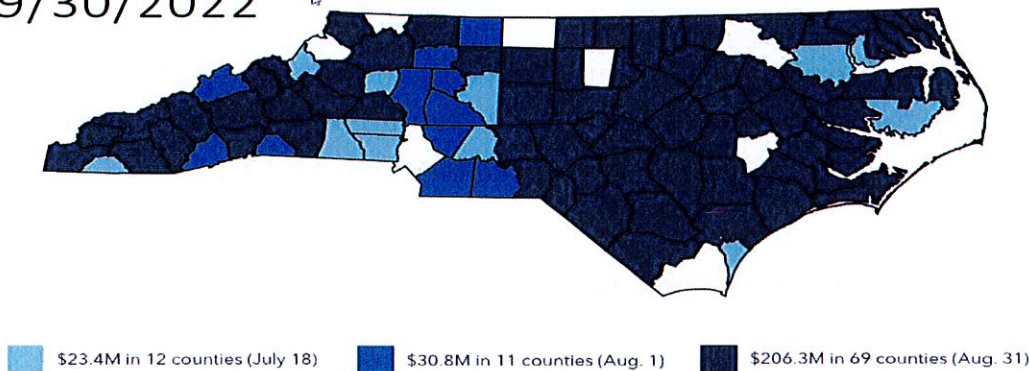
Recommendation 16. "Establish and expand access to diversion programs."

NORTH CAROLINA MAJOR PROGRAMS

- GREAT
 - Total of 305 applications received
 - Requested \$1.77B in total project costs
 - Three rounds completed – fourth round in process
- Infrastructure Solutions
 - Completing Access to Broadband (CAB)
 - Stop Gap Solutions
 - Pole Replace
- Digital Equity & Literacy Programs
- [Future] BEAD Program participation



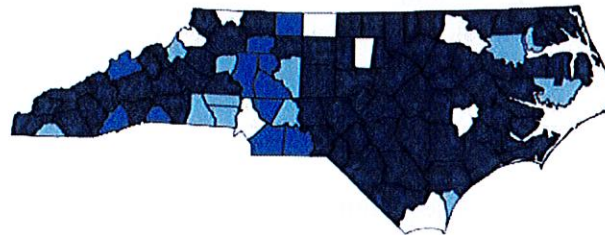
GREAT GRANT AWARDS THROUGH 9/30/2022



NCDIT NORTH CAROLINA DEPARTMENT OF INFORMATION TECHNOLOGY

GREAT GRANT

- Total Awards to date: 92
- Total providers awarded: 15
 - 3 telephone membership co-operatives
 - 2 electric membership co-operatives
 - 5 publicly traded corporations
 - 2 multi-state internet service providers
 - 3 small businesses
- Awarded average cost per location: \$4,776
- Total awarded locations: 112,112
- Total match amount \$146,692,468
- 2021 County Tiers:
 - Tier 1: 38
 - Tier 2: 37
 - Tier 3: 17
- Awards by Regions
 - Mountain: 21
 - Piedmont: 33
 - Coastal Plain: 38



NCDIT NORTH CAROLINA DEPARTMENT OF INFORMATION TECHNOLOGY

Options for Local Collaboration

Rec 1. Respond more appropriately to situations concerning mental illness, autism, intellectual disabilities, substance abuse, homelessness, and other nonemergency situations

Rec 5. Form local Community Safety and Wellness Task Forces to examine public safety and wellness needs

Rec 16. Establish and expand access to diversion programs

Rec 17. Treat addiction as a public health crisis, including substance use addictions that disproportionately impact Black and brown communities, such as crack cocaine.

Rec 24. Encourage School Justice Partnerships to reduce students' juvenile court involvement.

Rec 82. Promote court appearance strategies and develop alternative responses to failure to appear.

Rec 83. Create independent pretrial services and improve data.

Rec 91. Increase representation of North Carolinians serving on juries through expanded and more frequent sourcing, data transparency, and compensation.

Mayor Blakely added that in early 2024, Henderson County will begin the new Adult Recovery Court.

Commissioner Rebecca McCall said the Adult Recovery Court program has the cooperation of the Henderson County justice system. Everyone is on board with the project and excited to implement the program. She noted that the program is being paid for by Opioid Settlement Funds.

Broadband Discussion

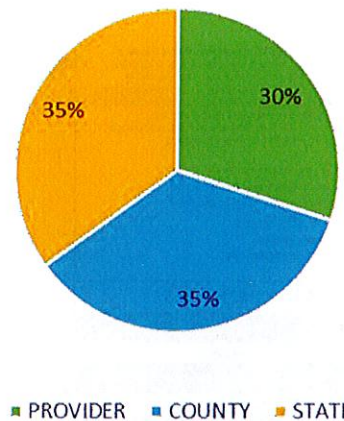
The North Carolina Budget has appropriated \$350 million from the American Rescue Plan Act (ARPA) for the GREAT Grant program. The 2021-2022 funding round may award up to \$350 million in federal ARPA funding. The application window opens on Jan. 31, and applications are due April 4.

Awards can be made within eligible economically distressed counties in areas unserved with broadband at speeds of 25 Mbps download and 3 Mbps upload. Project deployments must provide minimum speeds of 100 Mbps download and 20 Mbps upload, scalable to 100 Mbps symmetrical. The program encourages partnerships with counties, nonprofits, or other internet service providers. Grants require matching investments from private broadband provider grantees, leveraging funding to deploy infrastructure to N.C. households, businesses, and farms in the most rural and remote areas of the state.

CAB EXAMPLE PROJECT FUNDING

Funding Sources - Example Project

- Maximum State contribution is \$4M
- Example graph is for a county which received more than \$8M in ARPA funding
- Funding Sources
 - Provider –up to 30% of the total project cost
 - County –At least 35% of the total project cost
 - NC BIO –Up to 35% of the total project cost
- Differing percentages for ARPA funding received
 - More than \$8M in ARPA funding, or
 - Less than \$8M in ARPA funding
 - \$4M to \$8M
 - \$250K to \$4M



The Board of Commissioners have scheduled a special meeting of the Broadband Task for Tuesday, October 24, 2023, AT 6 p.m.

UPDATES

Henderson County

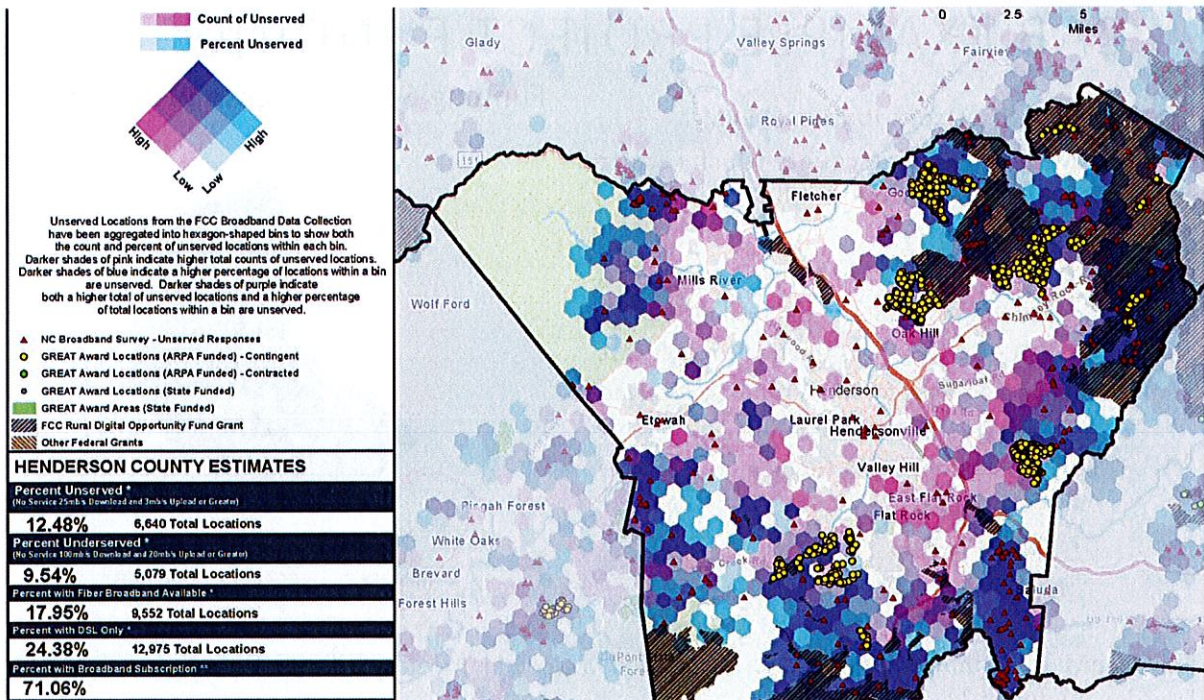
Chairman McCall shared that the county would hold a Groundbreaking for the Ecusta Trail at the Veteran's Healing Farm on Saturday, October 28, 2023, at 10:00 a.m. She encouraged all to attend.

Town of Laurel Park

Mayor J. Carey O'Cain said that he was saddened to hear of the retirement of Fletcher Councilman Bob Davy and proposed the committee present a Resolution to Honor Mr. Davy at the next meeting in January. He said the Town is working diligently on the paving project and noted that the first phase is complete. Paving is done as recommended by their engineers, paving those in the worst condition first. O'Cain said Laurel Park was nearing the completion of the Laurel Green Stream Restoration, funded through a Clean Water Management Trust Fund grant. He expects that project to be complete in the fall of 2024. Mr. O'Cain informed the committee that the Coats North America property had been sold to Ingles. Ingles is also nearing the final phases of buying the Laurel Park Shopping Center. He said Laurel Park has a committee meeting with the buyer later this week to learn what the company envisions for the property.

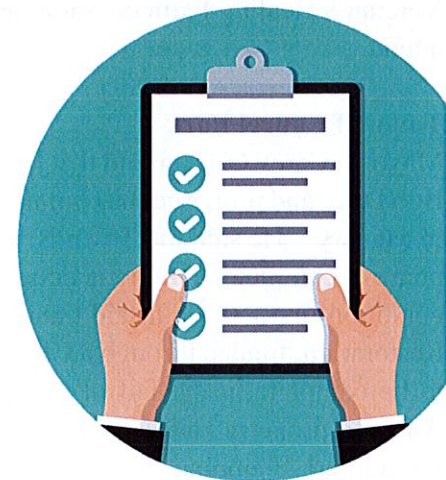
The Town of Mills River

Mayor Shanon Gonce said the Town of Mills River was running status quo. Tax revenues are coming in as expected. The Town is contemplating what direction they would like to go after purchasing a tract of land. They are in the process of getting the property surveyed in an attempt



CAB PROJECT FUNDING & ELIGIBILITY

- Designed as three-way partnership between service provider, counties and the State
- Required reviews of financial, operational & technical viability
- A county is considered ineligible to participate in either the North Carolina GREAT or CAB programs:
 - If a county has entered into a contract with an ISP on or after May 1 2021, and,
 - has used federal funds for a broadband infrastructure project unsupported by a State program
- CAB represents a potential opportunity to advance locally focused projects not funded in the current round of GREAT grants



will continue to be on a primary election. Mr. Weedman said a major stream (Dye Creek) runs through their park, and they have received a Clean Water grant for \$190,000. They are in the final stages of putting a contract together, so work on the project may begin. He said this would be a significant project for the village.

Anne Coletta provided an update on the N Highland Lake Road project. She said the road is still completely blocked at the Dye Creek culvert. The DOT has had difficulty locating the water and sewer lines, which has caused a delay in the project. The DOT hopes to complete that portion and get the asphalt down before it gets too cold and the asphalt plants shut down. If that doesn't happen, the road will be blocked entirely until next spring. She said the park at Flat Rock is still accessible off Spartanburg Highway. Once the Dye Creek culvert is completed, the work will move down to the King Creek culvert, where the dam is located. At that point, that portion of the road will be closed. Due to issues with the pipes, the DOT has added 100 days to the end of the original completion date. Their new completion date is December 15, 2024.

Hendersonville County Manager John Connet addressed the committee to discuss the Highland Lake Rd delay that was explained to have been due to the difficulty in locating water and sewer lines. Mr. Connet said the City Utilities Department had helped the DOT with the sewer problem, but the situation was more of a contract issue with the DOT's contractor. He said that at no time did the city not return calls to the DOT; in fact, Mr. Connet said he had been unable to reach the DOT District Engineer since the Transportation Advisory Committee meeting held last week. He continued that the city had been working with the utility contractors since May to assist in relocating the lines. He said the contractor informed the city that they had a plan but did not. The sewer line needed to be relocated and to do that; the contractor would need to take three of the City's pump stations offline; if not done appropriately, there would have been sewer on the ground. The city followed up with the contractor and even had the City's large vector machine onsite as a backup because they did not believe the contractor's plan would work. As expected, the contractor's plan did not work, and luckily, the vector machine was there to prevent the sewer from reaching the ground. He believes the city was blamed for the delays when, in fact, it was an internal problem within DOT.

Chairman McCall asked Anne Coletta if the Village had knowledge of when the dam at the Carl Sandburg home would be repaired. Mrs. Coletta said Carl Sandburg's superintendent informed the council Sandburg's had received money for the design of the new bridge and the replacement that needs to be done in the lake. They are trying to get the grant funding needed to do the project once the design is completed. Coletta said the Carl Sandburg property now offers a shuttle from the parking lot to the house.

Town of Fletcher

Mayor Blakley said Fletcher residents had alerted town officials of a potential small cell wireless facility in a residential community. Town Council and Fletcher Staff have been in discussions with the company, Crown Castle, in an attempt to steer them to a different location that is outside of a residential neighborhood. The company has agreed to identify alternate locations and report

to recoup some of the funds used for the purchase. The reimbursement would come through the Part F (Parks and Recreation Trust Fund) grant.

Council member Sandra Goode shared that Mills River had an excellent turnout for the Guardians of the Galaxy (movie in the park); thirty families camped out for the night for the Camp Out in the Park event. The Ghostbusters movie in the park was rescheduled due to high winds, but the hay rides and pumpkin patch were still a hit despite the weather. She said the WNC Big Sweep on September 23 was a huge success; the group gathered 360 pounds of garbage from the river. Only two more farmers' markets are left this season, as most of the gardens are already done for the year. Goode said the town was able to help the fire department with a traffic signal for safe road access during emergencies.

City of Hendersonville

Mayor Barbara Volk shared that the auction for the painted bears will be held on Saturday, October 21; she noted that all the bears were currently in the courtyard of the historic courthouse in preparation for the auction on Saturday. Treat Street will be on Monday, October 31, beginning at 5:00 p.m. There will be hundreds of children on Main Street and some city neighborhoods. Mayor Volk said the City was well into their Gen H Comp Plan surveys. She encouraged everyone to complete the survey, not just those who reside within city limits.

Volk said the voluntary level one water advisory that was initiated several months ago was helpful in reducing water usage by about five percent. Due to the dry conditions, the water advisory has been upgraded to Level 2A. She said the situation was not dire at this point but noted the continuation of reduced water usage would hopefully help to prevent a dire situation in the future. She said the French Board River intake is under construction and asked City Manager John Connet to provide a brief update. Mr. Connet said the intake by pay app is about 60% complete. He expects the main structure to be done by March. However, a generator ordered for that site a year ago has a delivery period of two years. He explained that the intake and the pumps would be operational, but without the backup generator, until that generator is delivered.

Mayor Volk shared that council member Jerry Smith had resigned from the council for personal reasons. Per state statutes, sitting council members will appoint a replacement to complete one year of Mr. Smith's existing term, and then a new council member will be elected to complete the final two years of his term. She hopes to have an appointment soon. In closing, she announced the ribbon cutting and opening for the new putt-putt course will be held on October 19 at 4:00 p.m.

Village of Flat Rock

Mayor Nick Weedman said Flat Rock had been working with the state senator on their municipal elections. Unfortunately, none of the things that were asked for were approved. That means the elections will be moved to November of next year. He said candidates that will run next year will have to file this December. The village had asked to be moved to a plurality vote count election, which Mayor Weedman thought was on the conference committee agenda, but it was not. They

back to the Town. This is an improved 5G cell service with Verizon. Town Council adopted a resolution in opposition to the proposed location of small cell wireless facilities in primarily residential areas.

Mr. Blakely shared that Fletcher had a ribbon cutting for the Multi-Use Courts Project at Bill Moyer Community Park. The multi-use courts can be used for basketball, tennis, and pickleball; courts may be reserved for a small fee. Town officials met with Eric Clonch and Mike Ragikaulb regarding soccer fields at the Town's Meritor property; this proposed project is still in the exploration phase; town officials will provide an update if this plan progresses. Blakely said that council member Bob Davy will resign at the end of this year, creating a vacancy in district three. Applications will be accepted until October 27, and hopefully, a decision will be made at their November meeting, depending on the number of applications received. He said Fletcher would support the resolution proposed by J. Carey O'Cain in honor of Mr. Davy, who has been an asset to both Fletcher and Western North Carolina. In closing, Mr. Blakely shared that the Town would host a Halloween Carnival on October 28 at Biltmore Community Park at noon.

There was discussion about municipalities moving to a plurality election. John Connet shared information regarding SB68, a senate bill on the floor for concurrence. The bill was defeated because Laurel Park and Mills River were not included. He understood that it is in the conference committee to be voted on before the end of the month. This would move all municipal filing periods to December instead of July. He stated that the entire delegation desired all filing periods to be in December, with no filing period in July.

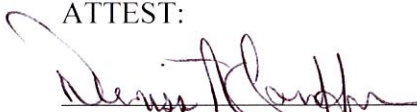
REMINDER OF NEXT MEETING – January 16, 2024; Host: Town of Laurel Park

Chairman McCall made a motion to adjourn the meeting at 4:15 p.m., seconded by Mayor Blakely. All voted in favor, and the motion carried.

ADJOURN


Rebecca McCall, Chairman
Henderson County Board of Commissioners

ATTEST:


Denisa A. Lauffer, Clerk to the Board