

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, JUNE 28, 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, and Attorney Russ Burrell.

Also present were: Director of Business and Community Development Christopher Todd, Assistant Finance Director Randall Cox, Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, Engineer Marcus Jones, Chief Communications Officer Mike Morgan, Register of Deeds Lee King, Code Enforcement Director Matt Champion, Director of Facility Services Andrew Griffin, Tax Administrator Harry Rising, Inspections Director Crystal Lyda, Purchasing Agent Doug Guffey, Capital Projects Manager Bryan Rhodes, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Recreation Director Bruce Gilliam, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputy Chris Stepp provided security.

Absent were: Clerk to the Board Denisa Lauffer, Finance Director Samantha Reynolds and Planning Director Autumn Radcliff.

CALL TO ORDER/WELCOME

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

INVOCATION

County Manager John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2023.88 Resolution of Appreciation – Karen Hebb

The Henderson County Board of Commissioners was requested to adopt the attached Resolution of Appreciation for Karen Hebb. Karen Hebb will retire on June 30, 2023, having been with Henderson County since April 7, 1986. Karen has been the Henderson County Elections Director since November 1, 2019.

RESOLUTION OF APPRECIATION

Approved:

KAREN HEBB

HENDERSON COUNTY DIRECTOR OF ELECTIONS

WHEREAS, Karen Hebb is a native of Western North Carolina. She graduated from East Henderson High School; and

WHEREAS, Karen Hebb first began her career with Henderson County on April 7, 1986, working as a temporary, part-time clerk at the Board of Elections; and

WHEREAS, Karen Hebb served at the Board of Elections as the Deputy Supervisor of Elections, the Deputy Director of Elections, Assistant to the Director of Elections from June 5, 1995 through October 31, 1998; and

WHEREAS, having served the Henderson County Board of Elections for 33 years, Karen Hebb became the Henderson County Elections Director on November 1, 2019; and

WHEREAS, during her tenure with Henderson County Board of Elections, Karen Hebb amassed a wealth of institutional knowledge and provided outstanding service to the Board of Commissioners, staff and citizens of Henderson County; and

WHEREAS, Karen Hebb has worked diligently and faithfully for Henderson County for 37 years; and

WHEREAS, Karen Hebb will retire from her service to Henderson County and its citizens on June 30, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners expresses their deep admiration for the experience and wisdom that Karen Hebb brought to the positions that she served in with Henderson County. On behalf of the citizens and staff of Henderson County, we appreciate and commend you on a job well done, Karen Hebb.

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

Adopted this the 28th day of June, 2023.

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

2023.89 Resolution of Appreciation – Mike Murdock

The Board was requested to adopt a Resolution of Appreciation for Mike Murdock. Mike Murdock

Approved:

will retire on June 30, 2023, having been with Henderson County since September 8, 2003. Mike Murdock has been the Veterans Services Officer for Henderson County for 20 years.

**RESOLUTION OF APPRECIATION
MICHAEL “MIKE” MURDOCK
HENDERSON COUNTY VETERAN SERVICE OFFICER**

WHEREAS, Michael Murdock is a native of Henderson County, North Carolina. He graduated from West Henderson High School; and

WHEREAS, Michael Murdock served his country in the United States Marine Corp beginning in October 1967. His many assignments included working as a radio operator, an Intelligence Officer, Logistics Specialist, and finally as an Inspection Team Coordinator of a world-wide analysis team; and

WHEREAS, having achieved the rank of Master Sergeant (E-8) after dutifully and faithfully serving his country for 26 years, Michael Murdock retired from the United States Marine Corp in September 1993; and

WHEREAS, on September 8, 2003, Michael Murdock began his career with Henderson County as the Veterans Services Officer where he continues to work today; and

WHEREAS, during his tenure as Veterans Services Officer, Mike Murdock amassed a wealth of institutional knowledge and provided outstanding service to the Board of Commissioners, staff and citizens of Henderson County; and

WHEREAS, Michael Murdock will retire from his service to Henderson County and its citizens on June 30, 2023;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners expresses their deep admiration for the experience and wisdom that Michael Murdock brought to the position that he served in with Henderson County. On behalf of the citizens and staff of Henderson County, we appreciate and commend you on a job well done, Michael “Mike” Murdock.

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

Adopted this the 28th day of June, 2023.

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

Recognition – Karen Blaedow NC State Award of Excellence

Dr. Terry Kelley informed the Board that Karen Blaedow had recently won an Award of

Approved:

Excellence, one of the most prestigious honors bestowed upon non-faculty employees. This award recognizes the outstanding accomplishments and contributions of individuals above and beyond an employee's normal job responsibilities. She won this award in the category of customer service and was the only winner from Cooperative Extension. Out of 278 nominations, there were 55 selected as winners from their respective colleges. Then, Karen was one of only 12 selected for the University honor.

INFORMAL PUBLIC COMMENT

1. Jane Fiore-O'Donnell – spoke in favor of a centrally located senior center.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for Board review and approval of the following meeting(s):
June 5, 2023 - Regularly Scheduled Meeting

Motion:

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

Tax Collector's Report

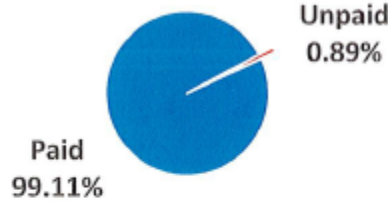
The report from the office of the Tax Collector was provided for the Board's information.

Approved:

Please find outlined below collections information through June 7, 2023 for 2022 real and personal property bills mailed on August 5, 2022. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2022 Beginning Charge:	\$91,627,197.91
Discoveries & Imm. Irreg.:	\$764,819.36
Releases & Refunds:	(\$1,125,801.94)
<u>Net Charge:</u>	<u>\$91,266,215.33</u>
Unpaid Taxes:	\$814,434.10
Amount Collected:	\$90,451,781.23



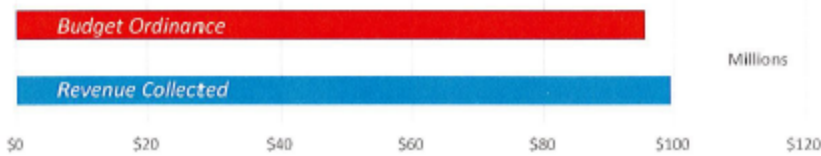
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$8,033,386.13
Unpaid Taxes:	\$23,370.15
Amount Collected:	\$8,010,015.98

99.71%

Henderson County FY22 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$94,458,998.00	Ad Valorem:	\$98,461,797.21
Prior Years:	\$981,000.00	Prior Years:	\$895,898.77
Budget Total:	\$95,439,998.00	YTD Revenue:	\$99,357,695.98



County Financial Report/Cash Balance Report – May 2023

The May 2023 County Financial and Cash Balance Reports were provided for the Board’s review and approval.

The following are explanations for departments/programs with higher budgets to actual percentages for the month of May:

- Dues/Non-Profit Contributions – payment of 4th quarter Board appropriations
- Human Resources – the timing of board-approved purchases
- Rescue Squad – payment of 4th quarter Board appropriations and billing for reimbursement of utilities
- Site Development – the timing of board-approved purchases
- Agri-Business – excess operating expenditures, to be covered by membership fees
- Medical Services – Autopsies – timing and quantity of services provided
- Mental Health – payment of 4th quarter Board appropriations
- Juvenile Justice Programs – receipt and disbursement of additional program funding
- Public Education – Payment of 10 annual appropriations made to the public school system
- Debt Service – Payment of scheduled debt service payments
- Interfund Transfers – the timing of board-approved transfers

Year to Date Net Revenues under Expenditures for the Emergency Telephone System (911) Fund is due to the utilizing fund balance appropriations for FY23.

Approved:

Year to Date Net Revenues under Expenditures for the Misc. Other Governmental Activities Fund is due to the expenditure of program funds held in fund balance received during the previous fiscal year.

Year to Date Net Revenues under Expenditures for the ARPA Fund is due to Board approved expenditures from restricted fund balance for ARPA funds received in a previous fiscal year.

HENDERSON COUNTY
FINANCIAL REPORT
MAY 2023

GENERAL FUND REVENUES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
General Fund	195,973,226	7,891,357.07	166,471,148.86	84.9%	-	166,471,148.86
GENERAL FUND EXPENDITURES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
Governing Body	583,191	33,708.43	480,357.04	82.37%	-	480,357.04
Dues/Non-Profit Contributions	1,017,201	7,539.14	943,543.52	92.76%	-	943,543.52
County Manager	392,022	23,733.60	289,512.95	73.85%	-	289,512.95
Administrative Services	753,341	56,619.02	644,670.88	85.57%	-	644,670.88
Human Resources	1,174,860	92,495.42	1,090,637.58	92.83%	5,277.80	1,095,915.38
Elections	994,733	40,313.75	700,296.48	70.40%	59,826.12	760,122.60
Finance	1,249,748	94,096.12	1,092,883.33	87.45%	-	1,092,883.33
County Assessor	1,996,430	151,323.78	1,605,421.52	80.41%	-	1,605,421.52
Tax Collector	543,131	28,846.05	412,025.60	75.86%	-	412,025.60
Legal	991,880	70,007.93	890,221.00	89.75%	-	890,221.00
Register of Deeds	703,454	42,034.94	606,593.07	86.23%	3.24	606,596.31
Facilities Services	5,782,968	624,633.59	4,342,318.63	75.09%	527,504.25	4,869,822.88
Garage	475,053	13,893.66	362,842.42	76.38%	-	362,842.42
Court Facilities	153,000	18,800.07	119,275.62	77.96%	-	119,275.62
Information Technology	5,746,714	254,383.80	3,779,078.21	65.76%	731,570.27	4,510,648.48
Sheriff	22,597,519	1,350,728.57	19,306,169.82	85.43%	331,450.54	19,637,620.36
Detention Center	6,280,838	403,174.37	5,062,716.23	80.61%	47,527.69	5,110,243.92
Emergency Management	1,056,570	72,585.79	892,687.82	84.49%	1.00	892,688.82
Fire Services	831,990	32,483.52	508,542.89	61.12%	94,019.25	602,562.14
Building Services	1,505,530	107,920.29	1,309,166.51	86.96%	-	1,309,166.51
Wellness Clinic	1,352,315	95,223.29	1,158,539.01	85.67%	24,034.64	1,182,573.65
Emergency Medical Services	9,463,321	714,875.69	8,343,268.85	88.16%	25,559.03	8,368,827.88
Animal Services	864,123	60,722.12	739,840.68	85.62%	46,272.45	786,113.13
Rescue Squad	557,750	(4,744.31)	561,947.96	100.75%	-	561,947.96
Forestry Services	91,484	11,510.48	47,705.53	52.15%	-	47,705.53
Soil & Water Conservation	1,206,462	30,283.01	451,899.74	37.46%	375,416.00	827,315.74
Planning	913,427	56,023.79	717,618.19	78.56%	520.51	718,138.70
Code Enforcement Services	336,695	25,149.66	300,553.92	89.27%	-	300,553.92
Site Development	247,341	18,441.64	239,504.67	96.83%	-	239,504.67
Heritage Museum	100,000	8,333.34	91,666.66	91.67%	-	91,666.66
Cooperative Extension	598,356	44,027.17	448,869.05	75.02%	979.00	449,848.05
Projects Management	286,800	9,294.17	171,409.85	59.77%	-	171,409.85
Economic Development	801,724	108,600.29	542,600.29	67.68%	-	542,600.29
Agri-Business	187,268	22,656.66	208,945.76	110.51%	4,984.98	211,930.74
Public Health	13,837,849	854,477.09	8,829,766.52	63.81%	312,018.51	9,141,785.03
Environmental Health	1,705,286	115,094.46	1,384,748.40	81.20%	12,400.00	1,397,148.40
H&CC Block Grant	820,541	80,083.25	714,846.00	87.12%	-	714,846.00
Medical Services - Autopsies	90,000	10,350.00	88,850.00	98.72%	-	88,850.00
Mental Health	528,612	-	528,612.00	100.00%	-	528,612.00
Rural Transportation Assist Program	201,384	-	118,053.48	58.62%	-	118,053.48
Social Services	20,704,188	1,402,533.63	16,513,793.23	79.76%	44,958.36	16,558,751.59
Juvenile Justice Programs	218,745	23,851.01	259,108.41	118.45%	-	259,108.41
Veteran Services	141,120	8,512.89	78,310.92	55.49%	-	78,310.92
Public Library	4,039,274	272,384.24	3,478,583.78	86.12%	71,294.18	3,549,877.96
Recreation	2,679,351	225,777.43	2,287,730.78	85.38%	103,566.74	2,391,297.52
Public Education	38,362,938	437,500.00	37,925,438.00	98.86%	-	37,925,438.00
Debt Service	19,668,907	7,618,526.04	19,659,308.76	99.95%	-	19,659,308.76
Non-Departmental	7,308,542	786,522.73	4,656,724.15	63.72%	-	4,656,724.15
Interfund Transfers	13,829,250	2,377,476.84	12,951,773.24	93.65%	-	12,951,773.24
TOTAL	195,973,226	18,932,808.25	167,936,978.75		2,819,184.56	170,756,163.31
Net Revenues over (under) Exp.	-	(11,041,451.18)	(1,465,829.89)		(2,819,184.56)	(4,285,014.45)

Approved:

APPROPRIATIONS DETAIL						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOCIAL SERVICES						
Staff Operations	16,723,584	1,143,701.50	13,747,614.81	82.2%	44,958.36	13,792,573.17
Federal & State Programs	3,879,604	251,687.80	2,699,105.36	69.6%	-	2,699,105.36
General Assistance	101,000	7,144.33	67,073.06	66.4%	-	67,073.06
TOTAL	20,704,188	1,402,533.63	16,513,793.23		44,958.36	16,558,751.59
EDUCATION						
Schools Current/Capital Expense	33,112,938	-	33,112,938.00	100.0%	-	33,112,938.00
Blue Ridge Community College	5,250,000	437,500.00	4,812,500.00	91.7%	-	4,812,500.00
TOTAL	38,362,938	437,500.00	37,925,438.00		-	37,925,438.00
DEBT SERVICE						
Public Schools	11,951,709	5,324,359.13	11,942,027.30	99.9%	-	11,942,027.30
Blue Ridge Community College	3,372,266	1,455,247.09	3,372,648.48	100.0%	-	3,372,648.48
Henderson County	4,344,932	838,919.82	4,344,632.98	100.0%	-	4,344,632.98
TOTAL	19,668,907	7,618,526.04	19,659,308.76		-	19,659,308.76
INTERFUND TRANSFERS						
Public Transit Fund	14,874	1,239.50	13,634.50	91.7%	-	13,634.50
Capital Projects Fund	2,029,528	20,833.34	2,008,694.74	99.0%	-	2,008,694.74
Capital Reserve Fund	1,710,808	142,567.33	1,568,240.63	91.7%	-	1,568,240.63
Fire Districts Fund	20,000	-	20,000.00	100.0%	-	20,000.00
HCCPS MRTS	5,132,424	427,702.00	4,704,722.00	91.7%	-	4,704,722.00
BRCC MRTS	3,421,616	285,134.67	3,136,481.37	91.7%	-	3,136,481.37
Solid Waste	1,500,000	1,500,000.00	1,500,000.00	100.0%	-	1,500,000.00
TOTAL	13,829,250	2,377,476.84	12,951,773.24		-	12,951,773.24

SPECIAL REVENUE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
FIRE DISTRICTS FUND						
Revenues:	12,264,624	158,900.89	12,350,796.93	100.7%	-	12,350,796.93
Expenditures:	12,264,624	139,547.39	12,194,849.99	99.4%	-	12,194,849.99
Net Revenues over (under) Exp	-	19,353.50	155,946.94		-	155,946.94
REVALUATION RESERVE FUND						
Revenues:	1,517,381.00	133,327.97	1,433,007.28	94.4%	-	1,433,007.28
Expenditures:	1,517,381.00	69,003.90	1,116,455.20	73.6%	-	1,116,455.20
Net Revenues over (under) Exp	-	64,324.07	316,552.08		-	316,552.08
EMERGENCY TELEPHONE SYSTEM (911) FUND						
Revenues:	452,332.00	9,183.01	84,750.66	18.7%	-	84,750.66
Expenditures:	452,332.00	5,261.73	291,894.03	64.5%	8,131.00	300,025.03
Net Revenues over (under) Exp	-	3,921.28	(207,143.37)		(8,131.00)	(215,274.37)
PUBLIC TRANSIT FUND						
Revenues:	1,088,403.00	7,329.48	690,688.78	63.5%	-	690,688.78
Expenditures:	1,088,403.00	57,885.80	651,797.56	59.9%	57,703.70	709,501.26
Net Revenues over (under) Exp	-	(50,556.32)	38,891.22		(57,703.70)	(18,812.48)
MISC. OTHER GOVERNMENTAL ACTIVITIES						
Revenues:	1,193,856	55,955.17	596,504.65	50.0%	-	596,504.65
Expenditures:	1,193,856	36,773.70	1,016,980.73	85.2%	-	1,016,980.73
Net Revenues over (under) Exp	-	19,181.47	(420,476.08)		-	(420,476.08)
ARPA FUND						
Revenues:	1,574,992.00	70,277.01	450,800.12	28.6%	-	450,800.12
Expenditures:	1,574,992.00	18,247.69	700,584.35	44.5%	448,361.14	1,148,945.49
Net Revenues over (under) Exp	-	52,029.32	(249,784.23)		(448,361.14)	(698,145.37)
OPIOID FUND						
Revenues:	27,100	3,634.98	831,844.77	-	-	831,844.77
Expenditures:	27,100.00	-	18.08	-	-	18.08
Net Revenues over (under) Exp	-	3,634.98	831,826.69		-	831,826.69

CAPITAL PROJECTS						
	BUDGET	CURRENT MONTH	PROJECT TO DATE	% USED	ENCUMBRANCES	TOTAL
EDNEYVILLE ELEMENTARY SCHOOL PROJECT (1702)						
Revenues:	26,854,136	8,207.48	27,818,343.51	103.6%	-	27,818,343.51
Expenditures:	26,854,136	-	25,331,294.76	94.3%	-	25,331,294.76
Net Revenues over (under) Exp	-	8,207.48	2,487,048.75		-	2,487,048.75

ENTERPRISE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOLID WASTE LANDFILL FUND						
Revenues:	10,269,933.00	2,263,209.89	9,363,100.13	91.2%	-	9,363,100.13
Expenditures:	10,269,933.00	696,585.10	7,853,413.28	76.5%	563,494.85	8,416,908.13
Net Revenues over (under) Exp	-	1,566,624.79	1,509,686.85		(563,494.85)	946,192.00
JUSTICE ACADEMY SEWER FUND						
Revenues:	65,781.00	6,036.14	56,104.08	85.3%	-	56,104.08
Expenditures:	65,781.00	3,959.76	40,587.75	61.7%	4,876.47	45,464.22
Net Revenues over (under) Exp	-	2,076.38	15,516.33		(4,876.47)	10,639.86

Approved:

**HENDERSON COUNTY
CASH BALANCE REPORT
MAY 2023**

<u>Fund(s)</u>	<u>04/30/23 Beg. Cash Balance</u>	<u>Debits Revenues</u>	<u>(Credits) Expenditures</u>	<u>05/31/23 Ending Cash Balance</u>
General	\$ 101,582,904.25	\$ 8,072,266.24	\$ (19,049,833.35)	\$ 90,605,337.14
Special Revenue	40,405,818.33	576,269.53	(363,050.60)	\$ 40,619,037.26
Capital Projects	7,594,068.23	730,288.61	(1,210,866.68)	\$ 7,113,490.16
Enterprise	1,119,072.55	2,264,111.42	(690,597.17)	\$ 2,692,586.80
HCPS - Maint. and Repair	7,876,594.30	427,702.00	(78,705.00)	\$ 8,225,591.30
BRCC - Maint. and Repair	2,537,316.22	136,893.00	(625,288.78)	\$ 2,048,920.44
Custodial	<u>570,512.87</u>	<u>258,446.81</u>	<u>(90,345.12)</u>	\$ 738,614.56
Total	<u>\$ 161,686,286.75</u>	<u>\$ 12,465,977.61</u>	<u>\$ (22,108,686.70)</u>	
Total cash available as of 05/31/2023				<u>\$ 152,043,577.66</u>

Motion:

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

Henderson County Public Schools Financial Reports – May 2023

The Henderson County Public Schools May 2023 Local Current Expense Fund / Other Restricted Funds Report was provided or the Board’s information.

Approved:

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of May 31, 2023**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
REVENUES:						
3200 State Sources	\$ -	\$ -	\$ 8,000	\$ 8,000	\$ 8,000	\$ 4,000
3700 Federal Sources-Restricted	-	-	1,143,384	691,190	691,190	646,350
3800 Other Federal-ROTC	-	-	100,520	113,321	113,321	135,413
4100 County Appropriation	31,378,000	31,378,000	-	-	31,378,000	29,928,000
4200 Local -Tuition/Fees	-	-	68,000	46,945	46,945	57,670
4400 Local-Unrestricted	630,000	594,588	151,284	141,443	736,031	780,591
4800 Local-Restricted	-	-	652,097	723,408	723,408	761,134
4900 Fund Balance Appropriated/Transfer From school	1,482,221	-	51,499	75,210	75,210	-
TOTAL FUND REVENUES	\$ 33,490,221	\$ 31,972,588	\$ 2,174,784	\$ 1,799,517	\$ 33,772,105	\$ 32,313,158
EXPENDITURES:						
Instructional Services:						
5100 Regular Instructional Services	\$ 9,983,252	\$ 6,568,388	\$ 373,631	\$ 314,467	\$ 6,882,834	\$ 6,055,963
5200 Special Populations Services	1,350,830	737,707	620,691	312,392	1,050,099	919,472
5300 Alternative Programs and Services	222,310	105,192	226,770	192,675	297,887	399,713
5400 School Leadership Services	2,773,563	2,580,511	12,522	12,091	2,592,602	2,360,340
5500 Co-Curricular Services	881,122	870,784	10,000	615	871,399	850,256
5800 School-Based Support Services	1,884,418	1,355,528	8,180	1,911	1,357,440	1,202,737
Total Instructional Services	\$ 17,095,495	\$ 12,218,089	\$ 1,251,795	\$ 834,152	\$ 13,052,241	\$ 11,788,480
System-Wide Support Services:						
6100 Support and Development Services	\$ 298,112	\$ 251,088	\$ 9,205	\$ 21,777	\$ 272,865	\$ 250,266
6200 Special Population Support	235,922	204,390	5,050	1,724	206,114	194,035
6300 Alternative Programs	98,817	85,562	431	431	86,023	65,047
6400 Technology Support Services	1,318,582	1,080,655	145,928	5,928	1,086,583	1,305,201
6500 Operational Support Services	8,721,855	7,863,460	307,118	339,756	8,003,246	7,222,473
6600 Financial and Human Resource Services	2,132,512	1,984,195	83,084	80,706	2,064,901	1,771,400
6700 Accountability Services	220,065	189,448	10,400	1,200	190,648	232,329
6800 System-Wide Pupil Support Services	402,068	322,880	538	538	323,419	289,678
6900 Policy, Leadership and Public Relations	708,800	585,128	13,220	12,789	597,917	625,993
Total System-Wide Support Services	\$ 14,132,733	\$ 12,366,866	\$ 574,973	\$ 464,849	\$ 12,831,715	\$ 11,965,421
Ancillary Services:						
7100 Community Services	\$ 388	\$ 388	\$ 135,703	\$ 101,924	\$ 102,311	\$ 144,622
7200 Nutrition Services	228,607	84,482	23,725	23,725	108,207	68,855
Total Ancillary Services	\$ 228,994	\$ 84,870	\$ 159,428	\$ 125,649	\$ 210,519	\$ 213,477
Non-Programmed Charges:						
8100 Payments to Other Governments	\$ 1,996,000	\$ 1,825,287	\$ -	\$ -	\$ 1,825,287	\$ 1,853,537
8400 Interfund Transfers	\$ 36,999	\$ 36,999	38,483	38,240	75,238	12,145
8500 Contingency	-	-	103,922	-	-	-
8800 Educational Foundations	-	-	46,184	36,090	36,090	47,364
Total Non-Programmed Charges	\$ 2,032,999	\$ 1,862,286	\$ 188,589	\$ 74,330	\$ 1,936,616	\$ 1,913,046
TOTAL FUND EXPENDITURES	\$ 33,490,221	\$ 26,532,111	\$ 2,174,784	\$ 1,498,980	\$ 28,031,092	\$ 25,880,424

Motion:

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

2023.90 Budget Amendment – Preservation of Deed Books

Staff requested the Board approve funding from the Restricted Fund Balance for Register of Deeds (AEPF) Funds in the amount of \$29,547 along with Grant Funding from the NCOBM in the amount of \$4,166 for the completion of preservation of Deed Books 5, 6, 10 and 20. This project completed by KoFile Laboratories preserves these books for future generations. These books contain records from the mid to late 1800s and are more than 140 years old.

Motion:

I move the Board approve the Budget Amendment for grant funding and the appropriation of fund balance for management and preservation of historic records and files within the Register of Deeds office.

Approved:

2023.91 NCDOT Right of Way Acquisition – US 191 Widening Project at Rugby Middle School

To accommodate NCDOT’s project to widen US191 and, in particular, the portion adjacent to Rugby Middle School, NCDOT Right of Way requested the Board approve the proposed Deeds. This will transfer County property to NCDOT for the construction and maintenance of the road widening. Details of the proposed transaction are as follows:

- Table summarizing offers:

NCDOT Parcel #	Acquisition (acres)	Temporary Construction Easement (acres)	Drainage / Utility Easement, (acres)	Permanent Utility Easement (acres)	Offer to County (USD)
84	1.151	0.836	0.568	0.000	\$242,800.00
90	0.973	0.825	0.349	1.224	\$214,025.00
95	0.000	0.066	0.053	0.007	\$14,825.00
Totals	2.124	1.727	0.970	1.231	\$471,650.00

- The color codes for the ROW maps are located on maps for parcel 90 (sheet 2) and parcel 95.
- The proposed deeds correlate to the NCDOT parcel number (84, 90, and 95). These numbers are highlighted on the proposed deeds in yellow.

The proposals had been reviewed by School Administration, the Board of Education, and the County Attorney.

Motion:

I move the Board approve the proposed Deeds for the North Carolina Department of Transportation’s US 191 widening project at Rugby Middle School.

2023.92 Bid Award – Purchase of 3D Scanner

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

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

Approved:

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

Motion:

I move the Board accept the lowest responsive, responsible bid from Florida Level & Transit Co Inc in the amount of \$112,615 for a 3D scanner as specified and to authorize the Sheriff to proceed with the purchase.

2023.93 DSS Replacement Vehicle

A DSS vehicle was involved in an accident in the first calendar quarter of 2023 and was declared a total loss. The insurance check which was issued by the driver's insurance company was at fault and was not sufficient to cover the total cost of a replacement vehicle. It is anticipated that delivery of the new vehicle will not occur until after the start of the FY2024 fiscal year. Therefore, DSS requested to be allowed to transfer the difference of \$14,915 into the multi-year vehicle fund to cover the shortage.

Motion:

I move the Board authorize the transfer of funds into the multi-year vehicle fund by approving the attached budget amendment.

2023.94 Budget Amendment – Revolving Vehicle Fund

The revolving vehicle fund accounted for within the Capital Projects Funds, is a multi-year fund where Board approved vehicle purchases will be purchased, funded by General Fund dollars via the annual budget ordinance. This fund allows purchases that span fiscal years to remain encumbered and reduces the administrative burden of annually appropriating fund balance to roll purchases forward.

The Board was requested to approve a Budget Amendment, transferring \$4,682 from Facilities Services in the General Fund to the Capital Projects Fund. These funds will be used to supplement the \$37,420 currently budgeted in the Revolving Vehicle Fund for a Board approved vehicle purchase for the Facilities Services Department. The total actual cost of the vehicle, including tag, tax, and title, is \$42,102.10.

Motion:

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

Juvenile Crime Prevention Council County Plan FY 2023-2024

The Henderson County Juvenile Crime Prevention Council (JCPC) has approved funding for local juvenile crime prevention programs. These funds for Fiscal Year 2023-2024 in the amount of \$266,020 are available for this purpose through the State of North Carolina. Each program is required to provide a 30% match.

The programs approved by the JCPC are as follows:

1. JCPC Administration Expenses \$ 5,400

Approved:

2. Blue Ridge Literacy Council	\$ 34,000
3. Kids at Work	\$ 76,952
4. Hendersonville Boys and Girls Club	\$ 39,600
5. Vocational Directions	\$ 68,443
6. Hope Rising – Teen Court	<u>\$ 41,625</u>
Total: \$266,020	

These program applications have been recommended for approval to the Board of Commissioners by Henderson County JCPC.

The Henderson County JCPC has approved the 2023-2024 County Plan for Henderson County. This County Plan has been recommended for approval to the Board of Commissioners by the JCPC.

Motion:

I move that the Board approve the JCPC recommendations for both the FY 2023-2024 Annual Plan and the distribution of the FY 2023-2024 Juvenile Crime Prevention Program Funds.

2023.95 Resolution – Opioid Settlement Fund Expenditure Authorization (NCAOC Contract for ADA)

In order to establish and staff a program to assist with drug and alcohol-related cases, the District Attorney has applied to the NCAOC Director, pursuant to G.S. 7A-64, for authority to hire one Assistant District Attorney. The County may appropriate funds under contract with the NCAOC as outlined in the attached MOU to pay for those services. The budget amendment would allocate funds for this position from the Opioid Settlement funds.

Motion:

I move that the Henderson County Board of Commissioners approve the Memorandum of Understanding and budget amendment as presented.

Hola Carolina Arts Lease Renewal

Hola Carolina has requested a lease renewal per their agreement with Henderson County. The agreement allows the lease to be renewed up to four times, each time subject to the Board of Commissioners’ approval. The Department of Parks and Recreation supports this request as the first three lease terms have been a positive experience for all.

Motion:

I move that the Henderson County Board of Commissioners approve the proposed lease renewal as presented.

Tax Discovery Settlement - Parcel 10010707

The City of Hendersonville, on behalf of Warren Shepherd and the heirs of Arthur B. Shepherd, have petitioned the Board for the “compromise, settlement and adjustment” of discovered taxes pursuant to N.C. Gen. Stat. §105-312(k). The City acquired the title to the subject property in a series of transactions in 2001. Apparently the partial (1/4) interest of the heirs of Arthur Shepherd

Approved:

was erroneously excluded from those transactions. Upon reporting of this error, which resulted in the incorrect listing of the property, a series of discovery bills (tax and penalty) was generated by your Assessor for the years 2018-2023. This matter is before you on the request that these bills be compromised, settled and adjusted to a \$-0- balance, based on the unawareness of the Shepherd heirs of their continued interest in the property. This interest is now being acquired by the City. By creating the bills for this parcel, the Tax Collector's charge for collection was increased by the amount of the bills. That charge would be reduced by any reduction granted under this agenda item.

Motion:

I move that the Board adjust the discovered taxes and penalties on parcel 10010707 to \$-0-.

Chronic Nuisance Property

This matter is back before the Board on the matter of a chronic nuisance property, as that term is used in N.C. Gen. Stat. §153A-104.2.

- The Board is reminded of its previous finding, on June 5, 2023, that the property located at 273 McMillan Dr was on that date a chronic nuisance property, in that it had three times within the last year been cited as a nuisance property under the County's nuisance ordinance, found in Chapter 52 of the Henderson County Code.
- Since the Board's previous finding, the owner of the property was notified by certified mail and by posting on the property of the Board's finding.
- After the notification of the owner, County staff again visited the property, and found no improvement, such that the property still constitutes a nuisance under Chapter 52 of the County Code.
- Staff has obtained estimates on the cost of removing the items which make up the nuisance on the property. The lowest estimate obtained is for a cost of \$1,500.
- The tax value of the property is \$120,200 (\$40,400 land value, \$79,800 building (mobile home, title surrendered)).

Staff seeks Board permission to contract to remove the nuisance from the site, and to impose a lien on the property (to be collected as back taxes) for the cost of remediating the nuisance.

Motion:

I move that the Board direct staff to contract for the remediation of the nuisance on this property, obtain a lien on the property and repayment for the cost of the remediation pursuant to N.C. Gen. Stat. §153A-104.2.

Consent Agenda Motion:

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

PUBLIC HEARING

2023.96 R2023-04, as amended, Ronnie Gray (25 N)


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

Approved:

Rezoning Application R-2023-04, submitted on March 1, 2023, and amended on May 8, 2023, requests that the County rezone approximately 6.10 acres of land from the Residential One (R1) zoning district to the Regional Commercial (RC) zoning district. The zoning map amendment application is for a portion of PINs: 9651-54-5337 and PIN: 9651-44-8562 located off Rugby Drive (SR 1417). The property owner is Ronnie Pete Gray and agent is Shane Laughter.

The Technical Review Committee reviewed the application at its April 18th, 2023, meeting, and saw no administrative issues with the request and voted to forward the application to the Planning Board. The Planning Board reviewed this original application during their April 20th meeting and recommended that only the front parcel along US 25 N should be rezoned.

Rezoning #R-2023-04
Ronnie Pete Gray



Board of Commissioners
June 28, 2023

Henderson County Planning Department

Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on June 14th and June 21st
- The property was posted on June 12
- Letters were mailed to property owners within 400 feet of the Subject Area and the applicant on June 13th

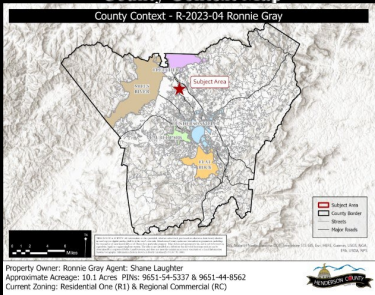
Henderson County Planning Department

Application Summary

- Rezoning Request: R-2023-04 (As Amended)
- Owner: Ronnie Pete Gray
- Agent: Shane Laughter
- Property Location: Portions of PINs: 9651 -54-5337 & 9651 -44-8562
- Rezone from a Residential One (R1) Zoning District to a Regional Commercial (RC) Zoning District
- Approximately 6.10 acres

Henderson County Planning Department

County Context Map
County Context - R-2023-04 Ronnie Gray



Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)

Henderson County Planning Department

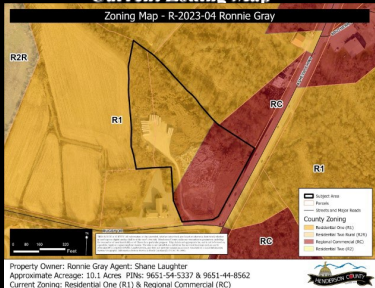
Aerial Map
Aerial Map - R-2023-04 Ronnie Gray



Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)

Henderson County Planning Department

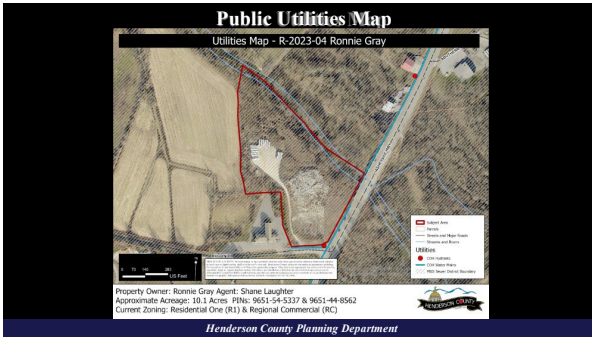
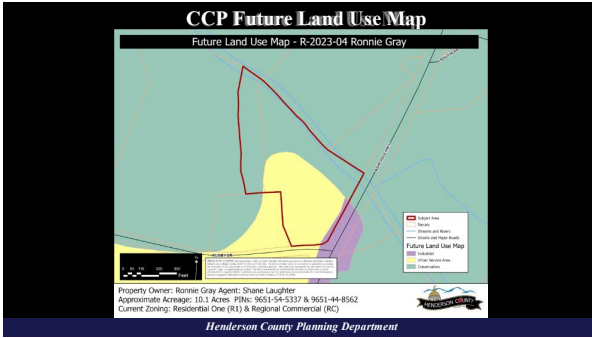
Current Zoning Map
Zoning Map - R-2023-04 Ronnie Gray



Property Owner: Ronnie Gray Agent: Shane Laughter
Approximate Acreage: 10.1 Acres PINs: 9651-54-5337 & 9651-44-8562
Current Zoning: Residential One (R1) & Regional Commercial (RC)

Henderson County Planning Department

Approved:



PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the June 28, 2023, public hearing regarding rezoning application #R-2023-04 was published in the Hendersonville Lightning on June 14th and June 21st. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on June 13, 2023, and posted signs advertising the hearing on the Subject Area on June 12, 2023.

Public Input:

1. John White Jr – Spoke in opposition to rezoning the property to allow current violations to come into compliance via rezoning.
2. Martha Walker – Spoke in opposition to rezoning the property for commercial uses.
3. Andy Myers – Spoke in opposition to rezoning the property to allow current violations to come into compliance via rezoning.
4. Travis Merrill - Spoke in opposition to rezoning the property for commercial uses.

Shane Laughter spoke on behalf of the applicant, Ronnie Gray. He stated that they had been trying to bring the existing uses on the property into compliance with County regulations.

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

There followed discussion about the fact that the site is not currently in compliance. If the rezoning was approved, the applicant would still be required to apply for a major site plan that would allow for outdoor storage, and conditions would apply. If it is not approved, they still have to move the

Approved:

storage containers come into compliance with a site plan which does require screening or buffering. The Technical Review Committee would review the outdoor storage plan and hold them to the standards in the code.

Commissioner Andreotta made the motion to table the application indefinitely to allow for the property to be brought into current compliance prior to further discussion of rezoning. All voted in favor and the motion carried.

2023.97 Text Amendment TX-2023-02, Low Impact Camping

Chairman McCall 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-2023-02) to add a specific use for low-impact camping, which is a primitive type of camping, which would include a definition and SR standards. The Land Development Code (LDC) does not specify this type of camping from a campground. Campgrounds are allowed in the LDC with a special use permit. This proposed amendment would allow for low-impact camping (5 or fewer sites) in certain areas.

The Technical Review Committee (TRC) discussed the amendment at its meeting on March 21st.

The Planning Board discussed the draft amendment at its March, April, and May meetings and worked with the applicant to revise the draft amendment. On May 18th, the Planning Board voted unanimously to send forward a favorable recommendation on the draft text amendment.



**Text Amendment TX202302,
Low Impact Camping**

Summary : Staff received an application for a text amendment request (#TX -2023-02) to add a specific use for low impact camping, which is a primitive type of camping, which would include a definition and SR standards. The Land Development Code (LDC) does not separate this type of camping from a campground. Campgrounds are allowed in the LDC with a special use permit. This proposed amendment would allow for low impact camping (5 or less sites) in the certain areas.

Text Amendment TX202302, Low Impact Camping

New Definition and SR

Definition:

Camping, Low Impact. Low impact camping is a primitive type of camping that has limited improvements, such as a fire ring, cleared or partially cleared sites for tent camping, and if possible, potable water. A landowner of a parcel or tract of land may establish and offer five (5) or less low impact camping spaces, for a fee, through a managed site or reservation system. Low impact camping is intended to follow the National Park Service principles of "leave no trace" which means anything brought in must be packed out, including trash.

4. Recreational Uses	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Camping, Low Impact			P	P	P						4.4

Text Amendment TX202302, Low Impact Camping

SR 4.4. Camping, Low Impact

- (1) Site Plan. Minor *Site Plan* required in accordance with §42-329 (Minor Site Plan Review) and it shall be reviewed and approved by the TRC.
- (2) Perimeter Setback. Fifty (50) feet.
- (3) Land Size. A minimum of three (3) acres is required.
- (4) Campsites. The following requirements shall apply.
 - a. All campsite locations shall be clearly marked.
 - b. Campsites shall provide a minimum 10x10 designated tent pad or visibly defined area.
 - c. Campfires shall be permitted within designated fire rings, and must follow all local fire regulations, including monitoring of fire bans.
- (5) Operations. The following requirements shall apply.
 - a. Landowner(s) will provide rules and regulations to campers.
 - b. Hiking trails, if provided, shall be clearly marked and/or mapped.
 - c. Designated parking shall be required at a minimum of one (1) parking space per campsite.
 - d. All camping equipment, personal property, trash, and refuse must be removed when vacating or leaving the area or site.
 - e. A management or reservation process is required.
 - f. The maximum stay shall not exceed 10 days.

Approved:



PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on June 14th, 2023, and June 21st, 2023.

Public Input:

There was none.

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

Commissioner Hill suggested that the perimeter setback be established according to the zoning district the property is in for consistency. He also suggested that the Board strike the minimum three (3) acre requirement and raise the number of spaces from five (5) to ten (10).

Vice-Chair Edney suggested that low impact camping be allowed in all zoning districts.

Sheriff Griffin Stated that he had some concerns about noise and other complaints that the Sheriff's Office would have difficulty enforcing.

Commissioner Hill made the motion that the Board approve the proposed text amendment TX-2023-02, low impact camping with the following changes: that Low Impact Camping be permitted in all Zoning Districts, that the perimeter setback be established according to the zoning district the property is in, eliminate the minimum three (3) acre requirement, raise the number of spaces from five (5) to ten (10), raise the maximum stay to 14 days, move the allowance for potable water from the definition to the supplemental requirements, and find that these changes are consistent with the County Comprehensive Plan. The motion carried 3-2, with Chairman McCall and Commissioner Andreotta voting in opposition.

2023.98 Public Hearing – Cryptocurrency Mining

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

The current Land Development Ordinance (Chapter 42 of the Henderson County Code) does not specifically regulate the operation of certain high-intensity cryptocurrency mining operations. This proposed amendment will establish locations where cryptocurrency mining operations may

Approved:

be located and the supplemental requirements that must be met to protect the public health, safety, and general welfare of county residents.

Other jurisdictions in which such high-intensity cryptocurrency mining operations have located have cited significant negative effects of such operations. These include very high energy usage, around the clock loud noise, and electronic waste disposal issues. This draft is intended to address those negative effects.

On May 1, 2023, after public hearing you adopted a moratorium on cryptocurrency mining for 60 days, to allow the Planning Board to recommend an amendment and for the BOC to consider adoption of the amendment.

The Planning Board discussed the concerns around cryptocurrency at its April, May, and June meetings. At its June 15th meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendment.

PUBLIC NOTICE:

The required public notice for this hearing was published in the *Hendersonville Lightning* on June 14, 2023, and June 21, 2023. North Carolina law requires a public hearing prior to the Board of Commissioners acting on a text amendment to the County's zoning laws.

Public Input:

There was none.

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

Commissioner Hill expressed concern about the following sections in the recommendation:

(3) Separation. Cryptocurrency mining operations shall not be constructed or newly located within 1,000 feet (measurements from the property line of the proposed facility to the property line of the district/use) of an existing dwelling unit (not located on the same property as the use), residential zoning district, library, day care facility, park, religious institution (including accessory uses not located on the same lot, but contiguous to the principal place of worship), or within two (2) miles of a school, all distances in straight-line distance.

(10) Power Grid Reductions. Duke Energy or any other power provider to the operation shall have the authority during select high power usage events to cut or significantly reduce or restrict power to any cryptocurrency mining operation. The power utility provider is requested to cut or reduce power to these operations before considering reducing power to residential homes or other commercial or industrial facilities.

(11) Renewable Energy. Cryptocurrency mining operations shall be required to develop or purchase sufficient new renewable energy to offset 10 percent of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining operation must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise.

Approved:

(12) Electronic Waste. Verification must be provided to the Henderson County Zoning Administrator that all qualified recyclable materials, including electronic waste, generated at the cryptocurrency mining operation will be recycled including packing foam, computer chips, and cardboard.

Commissioner Hill made the motion that the Board approve the proposed text amendment TX-2023-03, cryptocurrency mining with the following changes: revise 10.5(3) to move “existing dwelling unit (not located on the same property as the use), residential zoning district, library, day care facility, park, religious institution (including accessory uses not located on the same lot, but contiguous to the principal place of worship)” to the “within two (2) miles” section, add nursing facilities to section 3, delete sections 10, 11 and 12, and find that the changes contained in TX-2023-03 are consistent with the County Comprehensive Plan. The motion carried 4-1 with Commissioner Andreotta voting in opposition.

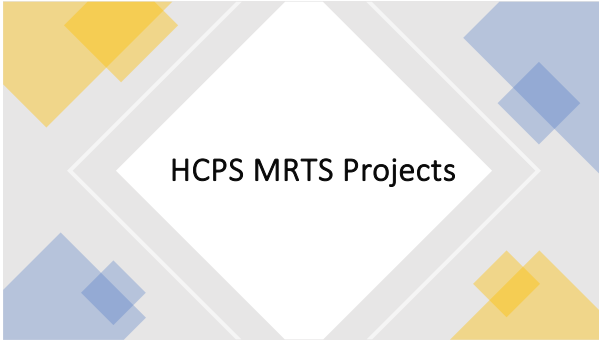
DISCUSSION AGENDA

Construction Projects Update

Construction Manager Bryan Rhodes provided the Board with the following update on construction projects.



Approved:



HCPS MRTS Projects

West Henderson High Renovation and Addition

- LS3P is scheduled to deliver 100% DD set on 7/1/23 and everything is on schedule.
- Carolina Specialties has 30 days scheduled for a Pre-Con deliverable, once receiving the DD set, making that objective due on 7/31/23.

HCPS MRTS Projects

Upward Elementary Cafeteria Renovation and Secure Entry

- Clark Nexsen Architecture is approximately 30% complete with their SD/DD set of drawings, which is on schedule.
- Had first OAC kickoff meeting with Vannoy and they are starting to refine scopes, in prep for their Pre-Con exercises.



GMP #1 for VFW

Chris Todd updated the Board on the VFW renovation project. The project is continuing on schedule, with a groundbreaking to be scheduled for late July. Mr. Todd presented the proposed AIA contract which included a fee of 3.75%. Staff will present the project's Guaranteed Maximum Price (GMP) at the July 19th meeting. The bids had been received and were currently being reviewed.

Approved:



VFW Renovation

- Proposed AIA Contract
 - CM Fee – 3.75%
 - Ground Breaking to be scheduled for late July
 - Full GMP to be presented to the board during their July 19th meeting



Commissioner Lapsley made the motion to accept the AIA-133 for the VFW renovation and direct Staff to proceed with the project. All voted in favor and the motion carried.

JCAR Construction Fee

Chris Todd stated that at the Board's direction, Staff had continued to work with the Haskell/Cooper team on the terms of the contract. The Board was presented with an AIA Contract at a rate of 3.75% and the previously agreed upon financial terms such as the limit of liabilities and split of any cost share savings. They were also presented a Pre-Construction scope in the amount of \$750,000 which represents approximately 0.5% of the anticipated construction cost of the project.

John Mitchell stated that should it be the desire of the Board to proceed, the next steps would be to direct Staff to proceed with the Preconstruction Scope of Services and also to accept the AIA contract.

Vice Chair Edney made the motion to proceed with Exhibit C – Preconstruction Scope of Services in the AIA contract.

Following much discussion, Vice Chair Edney withdrew his previous motion, *and made the motion to set a special called meeting to discuss the JCAR for Monday, July 10, 2023, at 5:30. All voted in favor and the motion carried.*

2023.99 Resolution on Interlocal Agreement – MOU for Stormwater/Floodplain Services for Ecusta

The Board is requested to approve the following resolution that would allow County rules to apply to, and be enforced by, the entirety of the “Ecusta Trail” property located within Henderson County.

RESOLUTION TO APPROVE INTERLOCAL AGREEMENT FOR ECUSTA TRAIL GOVERNANCE

WHEREAS, the County of Henderson is the Tenant of the property, owned by the Ecusta Rails2Trail, LLC, a North Carolina nonprofit corporation (“ER2T”), obtained by ER2T by way of that special warranty deed recorded in Book of Record 2764 at Page 590 of the Henderson County Registry, for the development of a greenway along the former railroad corridor, running from Transylvania County to a point in Henderson County (the “R2T Property”); and

Approved:

WHEREAS, the lease (the “Lease”) between Henderson County and ER2T dated November 1, 2021, for the R2T Property provides that the County may construct and maintain a greenway within the portions of the R2T Property lying in Henderson County (the “R2T Greenway”); and

WHEREAS, the County of Henderson has requested that the R2T Property be governed by the County’s flood damage prevention (Subpart A of Article VIII of Chapter 42 of the Henderson County Code), stormwater regulation, and water supply watershed protection (both Subpart B of Article VIII of Chapter 42) (the three together, the “Regulations”) and the City of Hendersonville and the Town of Laurel Park have agreed; and

WHEREAS, Henderson County, Laurel Park and the City of Hendersonville wish to enter into an interlocal agreement as allowed by N.C.G.S. Chapter 160A, Article 20, and N.C.G.S. Chapter 160D-202(f) and (i) to carry out these terms as agreed.

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

1. The Interlocal Agreement between the County of Henderson, the Town of Laurel Park, and the City of Hendersonville providing for the governance of the R2T Property by the Regulations is approved as presented.
2. The Chair of the Board of Commissioners is authorized to execute the Interlocal Agreement on behalf of the County.
3. County staff is authorized to take such actions as may be necessary to implement the terms of the Interlocal Agreement.

Adopted by the Board of Commissioners this the 28th day of June, 2023.

Commissioner Lapsley made the motion to approve the Resolution as presented. All voted in favor and the motion carried.

Henderson County Public Schools – Budget and Statutory Start Date

Vice Chair Edney stated that this was not about funding for the public school system, but about being accountable to the oaths that the Commissioners has taken to uphold the law. He also questioned whether non-compliance with the law had implications for state and federal grants received by the school system. He suggested that the Board reduce the HCPS FY24 Budget by the 10 days that the schools would be open in violation of state law.

Superintendent Mark Garrett noted that the State’s calendar dictated an “shall not to begin prior to” date and a “not to recess by” date. We would be in violation of the not to begin by date. He also stated that many school boards across the state had started the school year prior to the mandated date, with no consequences or punitive actions by DPI or the general assembly.

Chairman McCall noted that the current law in place was to allow high school students to continue to work seasonal jobs after college students had resumed classes. She listed a number of questionable state laws, but did not believe the Board of Commissioners was responsible for the

Approved:

decisions made by Board of Education members.

Following additional discussion, *Vice Chair Edney made the motion that the Board reduce the HCPS Current Expense budget by \$182,655 per day for each day children are required to be in school in violation of state statute. The motion failed 1-4, with Chairman McCall, Commissioner Lapsley, Commissioner Andreotta and Commissioner Hill voting in opposition.*

Vice Chair Edney made the motion to declare the first two weeks of August be declared as Amnesty Day wherein no one in Henderson County has to follow any laws they disagree with. The motion failed 0-5 with no one voting in favor.

Family Host Housing Opportunities

Daniel Corhn with the Hendersonville Honeycrisps presented the following PowerPoint with information about host family opportunities for Honeycrisp team members.

The Honeycrisps are a summer collegiate baseball team playing in The Old North State League. Their mission is to be the most exciting and family friendly entertainment option in the greater Hendersonville, NC community and to aid in the personal and athletic development of college baseball players.

**HENDERSONVILLE
HONEYCRISPS**

The Honeycrisps

- Summer Collegiate team - 2nd season in The Old North State League
- Players swing a wooden bat
- 35 players (mostly local), 12 with host families
- Old North State League (15 teams in NC from Mountains to Coast)
- Intense schedule: 45 games, 24 home games from May 20th through July 24rd

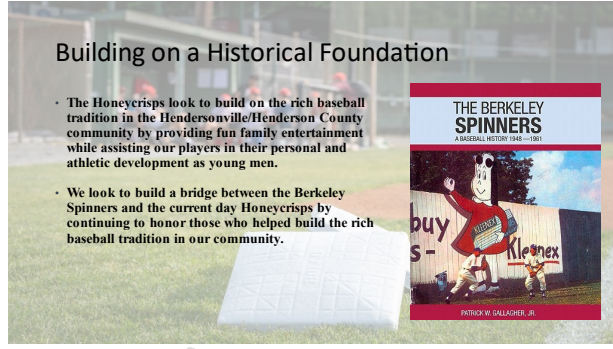
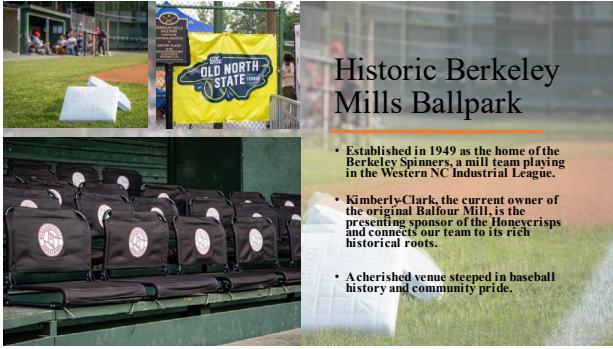
Host Families

- Hosting players creates strong bonds & players become like family, forming deep connections and lifelong friendships.
- Host families play a crucial role in nurturing players' personal and athletic growth. They provide guidance, mentorship, and a supportive environment.

Community Partners

- Collaborations with Henderson County Little League, Fletcher Youth Baseball & Softball, and Henderson County Education Foundation.
- Fostering positive impact on youth in the community & engaging interactions between kids and players at the games.
- Exciting activities such as mascot races, dizzy bat race, and kids ruining the bases.

Approved:



NOMINATIONS AND APPOINTMENTS

1. Child Protection and Fatality Prevention Team – 3 vacs.

Chairman McCall made the motion to appoint Meredith Bremmer to position #6 and Olga Escobar to position #7. All voted in favor, and the motion carried.

2. Environmental Advisory Committee – 5 vacs.

Commissioner Lapsley made the motion to reappoint Joseph Criscione to position #6. All voted in favor and the motion carried.

3. Henderson County Board of Equalization and Review – 1 vac.

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

4. Henderson County Board of Health – 2 vacs.

Commissioner Lapsley made the motion to reappoint Kathy Baluha to position #5. All voted in favor, and the motion carried.

5. Hendersonville City Zoning Board of Adjustment – 2 vac.

Chairman McCall made the motion to reappoint Chauncey Whiting to position #3. All voted in favor, and the motion carried.

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

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

Approved:

7. Hospital Corporation Board of Directors/UNCH – 3 vac.

Vice Chair Edney made the motion to appoint Dr. Laura Leatherwood to Position #1, Carol Larimore to position #3 and Dr. Robert Bryant to position #11. All voted in favor and the motion carried.

8. Juvenile Crime Prevention Council – 7 vacs.

Chairman McCall made the motion to reappoint Richard Simpson to position #3, James Capps to position #4 and Melanie Adams to position #18. All voted in favor, and the motion carried.

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

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

10. Recreation Advisory Board – 1 vac.

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

11. Social Services Board – 1 vac.

Chairman McCall made the motion to reappoint Josh Simpson to position #2. All voted in favor, and the motion carried.

12. Walk of Fame Steering Committee – 1 vac.

Chairman McCall made the motion to reappoint Ronnie Pepper to position #2. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Andreotta asked that everyone leave extra time and be extra safe as we move into the summer months as more people are out enjoying the weather.

Commissioner Hill extended his gratitude to our fire department employees, EMS and Sheriff's deputies, particularly those who will be working to protect us on July 4th.

Chairman McCall noted that there have been a few incidents lately with accidents involving our ambulances. She urged the public to listen for sirens, move to the side when they hear them, and to not pull out in front of an ambulance. Those accidents may be delaying response time to folks who are need of emergency services.

GENERAL ASSEMBLY UPDATES

John Mitchell noted that there were two competing budget bills between the House and the Senate. We don't expect to have a State budget in place for the beginning of the fiscal year, but Staff will continue to monitor.

The Governor had recently vetoed SB299, which would withhold 150% of the cost of an audit from that unit's sales tax receipts, from those units who had not complete an audit.

Approved:

SB99 deals with bond referendum transparency, and the information that must be included on the ballot for potential bond issues.

SB234 impacts reappraisals and would require an extraordinary amount of information be generated on each parcel and provided to the owner during the reappraisal year.

COUNTY MANAGER'S REPORT

The July 4th celebrations will include music starting at 5:00pm at the Historic Courthouse by the Lonesome Road Band and Hightop Mountain Harmony, with additional bands at the Visitor's Center Stage. Fireworks will begin about 9:30. As with previous years, if you can see the balloon, you'll be able to see the fireworks.

CLOSED SESSION

Vice-Chair Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. All voted in favor and the motion carried.

ADJOURN

Chairman McCall made the motion to adjourn at 12:59. All voted in favor and the motion carried.

Amy R. Brantley, Acting Clerk to the Board

Rebecca McCall, Chairman

Approved: