

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, APRIL 1, 2024**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, Senior Planner Janna Bianculli, Planner Liz Hansen, Soil and Water Conservation Engineer Betsy Gerwig, Parks and Recreation Director Bruce Gilliam, Engineer Marcus Jones, Sheriff Lowell Griffin, Human Resources Director Karen Ensley, , Capital Projects Manager Bryan Rhodes, DSS Director Jerrie McFalls, Emergency Management/Rescue Coordinator Jimmy Brissie, and PIO Kathy Finotti – videotaping. Deputies Jesse Beddingfield and Mandy Ladd provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Steven Blanton with Ebenezer Baptist Church provided the invocation.

PLEDGE OF ALLEGIANCE

Airly Hart, with the Young Naturalist 4-H Club, led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENT

1. Konnie Hall opposed the special use permit for First Contact Ministries. She urged the Board to consider revoking the permit.
2. Kirk Hall opposed First Contact Ministries' special use permit and urged the Board to consider revoking it.
3. Tae Brown asked the Board to provide wisdom on how to deal with times when his perception does not equal reality.

Chairman McCall said it is not the Board's procedure to address questions during the public comment period and invited Mr. Brown to email her directly.

4. Lynne Williams asked the Board to consider her as an appointee to the Farmland Preservation Taskforce.

Approved:

DISCUSSION/ADJUSTMENT OF AGENDA

Vice-Chair Edney pulled item K, Interlocal Agreements for Tax Collections, from the agenda and tabled the matter until the next meeting.

Commissioner Andreotta added N.C. Gen. Stat. §143-318.11(a)(5) to closed session.

Chairman McCall moved discussion item C—Tenancy Issues/Vacant Property in Henderson County to discussion item A, discussion item A – Henderson County Broadband Access – Funding Options to discussion item B, and Discussion item B – NC State Budget Allocation – Soil and Water to discussion item C.

Chairman McCall made the motion to approve the agenda with the revisions discussed. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meeting:
 March 20, 2024 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of March 20, 2024.

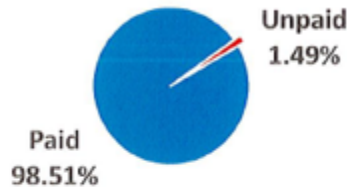
Tax Collector’s Report

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

Please find outlined below collections information through March 20, 2024 for 2023 real and personal property bills mailed on August 21, 2023. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2023 Beginning Charge:	\$99,217,401.89
Discoveries & Imm.	\$216,128.76
Releases & Refunds:	(\$299,269.34)
<u>Net Charge:</u>	<u>\$99,134,261.31</u>
Unpaid Taxes:	\$1,474,954.95
Amount Collected:	\$97,659,306.36



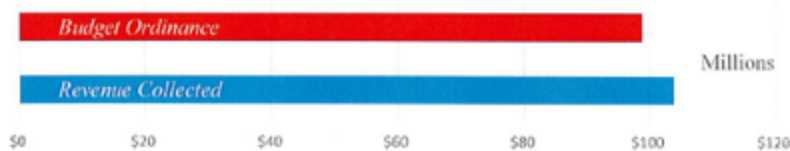
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$5,427,011.35
Unpaid Taxes:	\$16,432.00
Amount Collected:	\$5,410,579.35

99.70%

Henderson County FY24 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$97,695,412.00	\$103,069,885.71
Prior Years:	\$1,041,250.00	\$733,560.67
Budget Total:	\$98,736,662.00	YTD Revenue: \$103,803,446.38



Approved:

2024.038 Pending Releases & Refunds

The Assessor reviewed the pending releases and refunds and concluded that these findings were in order. Supporting documentation is on file in the County Assessor’s Office.

The pending release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

Type:	Amount:
Total Taxes Released from the Charge	\$4,972.05
Total Refunds as a result of the Above Releases	\$4,653.87

Motion:

I move the Board approve the Combined Release/Refund Report as presented.

County Financial Report – February 2024

The February 2024 County Financial and Cash Balance Reports were provided for the Board’s review and approval.

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

- Dues/Non-Profit Contributions – payment of 3rd quarter Board appropriations
- Rescue Squad – payment of 3rd quarter Board appropriations and timing of reimbursable expenditures
- Mental Health – payment of 3rd quarter Board appropriations
- Public Education – payment of 8 of 10 annual appropriates made to the public school system
- Interfund transfers – the timing of payment of Board approved transfers

Year-to-date Net Revenues under Expenditures for the Emergency Telephone System (911) Fund are due to utilizing fund balance appropriations for FY24.

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Approved:

HENDERSON COUNTY
FINANCIAL REPORT
FEBRUARY 2024

GENERAL FUND REVENUES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
General Fund	202,948,012	8,940,827.10	148,420,660.02	73.1%	-	148,420,660.02
GENERAL FUND EXPENDITURES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
Governing Body	690,655	34,237.06	406,763.21	58.90%	13,631.47	420,394.68
Dues/Non-Profit Contributions	829,896	34,288.86	601,948.48	72.53%	-	601,948.48
County Manager	470,511	23,783.71	196,904.20	41.85%	-	196,904.20
Administrative Services	823,862	58,790.28	545,377.79	66.20%	-	545,377.79
Human Resources	1,444,007	106,070.29	914,948.47	63.36%	18,259.50	933,207.97
Elections	1,127,819	56,988.96	580,762.40	51.49%	46,052.96	626,815.36
Finance	1,344,653	94,844.19	828,757.49	61.63%	-	828,757.49
County Assessor	2,133,023	168,419.24	1,213,658.13	56.90%	1,024.00	1,214,682.13
Tax Collector	589,966	41,587.67	321,047.24	54.42%	-	321,047.24
Legal	1,086,063	74,110.25	683,985.73	62.98%	-	683,985.73
Register of Deeds	726,643	41,832.46	426,119.19	58.64%	32,093.57	458,212.76
Facilities Services	6,367,233	437,975.32	3,030,878.80	47.60%	564,470.36	3,595,349.16
Garage	553,002	34,822.60	267,960.22	48.46%	-	267,960.22
Court Facilities	153,000	18,076.06	82,563.90	53.96%	-	82,563.90
Information Technology	6,542,927	291,836.58	3,860,563.01	59.00%	388,798.13	4,249,361.14
Sheriff	23,832,033	1,694,792.73	14,500,836.40	60.85%	466,870.68	14,967,707.08
Detention Center	6,830,443	462,781.03	3,860,581.57	56.52%	235,054.34	4,095,635.91
Emergency Management	841,909	60,508.88	503,900.86	59.85%	15,843.00	519,743.86
Fire Services	1,199,855	36,635.52	431,384.15	35.95%	31,376.58	462,760.73
Building Services	1,655,748	116,460.09	1,004,360.01	60.66%	1,785.38	1,006,145.39
Wellness Clinic	1,460,996	107,827.29	929,922.29	63.65%	54,276.00	984,198.29
Emergency Medical Services	12,376,042	843,091.27	7,327,822.71	59.21%	80,079.57	7,407,902.28
Animal Services	963,795	50,938.05	511,356.96	53.06%	48,532.62	559,889.58
Rescue Squad	757,750	948.17	573,415.70	75.67%	-	573,415.70
Forestry Services	151,972	6,945.68	24,764.86	16.30%	-	24,764.86
Soil & Water Conservation	971,421	33,042.87	295,382.25	30.41%	253,688.50	549,070.75
Planning	1,026,955	84,784.54	588,070.80	57.26%	-	588,070.80
Code Enforcement Services	331,303	22,324.02	186,024.25	56.15%	-	186,024.25
Site Development	326,490	15,035.00	196,678.51	60.24%	-	196,678.51
Heritage Museum	100,000	8,333.33	66,666.64	66.67%	-	66,666.64
Cooperative Extension	682,639	67,709.93	441,181.21	64.63%	-	441,181.21
Projects Management	267,360	17,808.08	137,705.29	51.51%	-	137,705.29
Economic Development	945,777	153,693.57	556,586.80	58.85%	-	556,586.80
Agri-Business	220,084	-	90,133.75	40.95%	-	90,133.75
Public Health	12,403,028	750,624.16	6,705,702.94	54.07%	309,450.36	7,015,153.30
Environmental Health	1,876,787	137,801.76	1,104,380.65	58.84%	-	1,104,380.65
H&CC Block Grant	844,293	70,341.75	499,341.50	59.14%	-	499,341.50
Medical Services - Autopsies	90,000	2,750.00	44,200.00	49.11%	-	44,200.00
Strategic Behavioral Health	298,615	21,789.75	94,970.40	31.80%	6,231.00	101,201.40
Mental Health	528,612	-	396,459.00	75.00%	-	396,459.00
Rural Transportation Assist Program	201,384	17,497.98	121,166.51	60.17%	-	121,166.51
Social Services	22,729,501	1,648,185.40	12,956,715.03	57.00%	34,343.28	12,991,058.31
Juvenile Justice Programs	302,020	35,516.00	196,620.15	65.10%	-	196,620.15
Veteran Services	245,704	14,704.97	128,024.59	52.11%	-	128,024.59
Public Library	4,206,930	265,508.26	2,529,514.65	60.13%	144,974.60	2,674,489.25
Recreation	3,224,212	240,021.16	1,917,994.05	59.49%	70,672.25	1,988,666.30
Public Education	40,128,000	3,896,133.33	31,356,566.64	78.14%	-	31,356,566.64
Debt Service	19,178,617	3,232.50	8,611,966.59	44.90%	-	8,611,966.59
Non-Departmental	4,810,737	188,718.19	2,298,711.03	47.78%	-	2,298,711.03
Interfund Transfers	12,053,750	979,895.84	8,134,166.72	67.48%	-	8,134,166.72
TOTAL	202,948,012	13,574,044.63	123,285,513.72		2,817,508.15	126,103,021.87
Net Revenues over (under) Exp.	-	(4,633,217.53)	25,135,146.30		(2,817,508.15)	22,317,638.15

Approved:

APPROPRIATIONS DETAIL						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOCIAL SERVICES						
Staff Operations	18,535,353	1,352,041.24	10,956,787.72	59.1%	34,343.28	10,991,131.00
Federal & State Programs	4,094,148	287,476.86	1,961,876.29	47.9%	-	1,961,876.29
General Assistance	100,000	8,667.30	38,051.02	38.1%	-	38,051.02
TOTAL	22,729,501	1,648,185.40	12,956,715.03		34,343.28	12,991,058.31
EDUCATION						
Schools Current/Capital Expense	34,628,000	3,437,800	27,689,900	80.0%	-	27,689,900.00
Blue Ridge Community College	5,500,000	458,333	3,666,667	66.7%	-	3,666,666.64
TOTAL	40,128,000	3,896,133.33	31,356,566.64		-	31,356,566.64
DEBT SERVICE						
Public Schools	11,642,875	-	4,472,145.00	38.4%	-	4,472,145.00
Blue Ridge Community College	3,297,401	3,232.50	1,737,586.65	52.7%	-	1,737,586.65
Henderson County	4,238,341	-	2,402,234.94	56.7%	-	2,402,234.94
TOTAL	19,178,617	3,232.50	8,611,966.59		-	8,611,966.59
INTERFUND TRANSFERS						
Capital Projects Fund	250,000	20,833.34	166,666.72	66.7%	-	166,666.72
Capital Reserve Fund	4,603,500	383,625.00	3,069,000.00	66.7%	-	3,069,000.00
Fire Districts Fund	20,000	-	20,000.00	100.0%	-	20,000.00
HCPS MRTS	4,603,500	383,625.00	3,069,000.00	66.7%	-	3,069,000.00
BRCC MRTS	2,301,750	191,812.50	1,534,500.00	66.7%	-	1,534,500.00
Solid Waste	275,000	-	275,000.00	100.0%	-	275,000.00
TOTAL	12,053,750	979,895.84	8,134,166.72		-	8,134,166.72
SPECIAL REVENUE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
FIRE DISTRICTS FUND						
Revenues:	15,915,648	286,076.56	16,279,772.73	102.3%	-	16,279,772.73
Expenditures:	15,915,648	2,763,846.55	15,997,724.30	100.5%	-	15,997,724.30
Net Revenues over (under) Exp	-	(2,477,769.99)	282,048.43		-	282,048.43
REVALUATION RESERVE FUND						
Revenues:	1,510,021	136,856.38	1,087,325.24	72.0%	-	1,087,325.24
Expenditures:	1,510,021	68,857.00	897,048.96	59.4%	10,800.00	907,848.96
Net Revenues over (under) Exp	-	67,999.38	190,276.28		(10,800.00)	179,476.28
EMERGENCY TELEPHONE SYSTEM (911) FUND						
Revenues:	331,837	3,935.17	31,732.42	9.6%	-	31,732.42
Expenditures:	331,837	8,851.67	242,912.68	73.2%	1,843.00	244,755.68
Net Revenues over (under) Exp	-	(4,916.50)	(211,180.26)		(1,843.00)	(213,023.26)
PUBLIC TRANSIT FUND						
Revenues:	1,240,801	5,927.00	974,136.04	78.5%	-	974,136.04
Expenditures:	1,240,801	65,445.57	463,528.45	37.4%	3,099.30	466,627.75
Net Revenues over (under) Exp	-	(59,518.57)	510,607.59		(3,099.30)	507,508.29
MISC. OTHER GOVERNMENTAL ACTIVITIES						
Revenues:	960,000	43,263.52	335,999.49	35.0%	-	335,999.49
Expenditures:	960,000	43,969.27	331,029.18	34.5%	-	331,029.18
Net Revenues over (under) Exp	-	(705.75)	4,970.31		-	4,970.31
ARPA FUND						
Revenues:	16,692,537	98,678.71	21,872,679.24	-	-	21,872,679.24
Expenditures:	16,692,537	-	559,992.94	-	-	559,992.94
Net Revenues over (under) Exp	-	98,678.71	21,312,686.30		-	21,312,686.30
OPIOID FUND						
Revenues:	668,882	1,009,278.80	2,890,149.98	-	-	2,890,149.98
Expenditures:	668,882	55,531.00	123,740.93	-	-	123,740.93
Net Revenues over (under) Exp	-	953,747.80	2,766,409.05		-	2,766,409.05

Approved:

CAPITAL PROJECTS						
	BUDGET	CURRENT MONTH	PROJECT TO DATE	% USED	ENCUMBRANCES	TOTAL
EDNEYVILLE ELEMENTARY SCHOOL PROJECT (1702)						
Revenues:	26,854,136	9,396.46	27,891,962.18	103.9%	-	27,891,962.18
Expenditures:	26,854,136	-	25,331,294.76	94.3%	-	25,331,294.76
Net Revenues over (under) Exp	-	9,396.46	2,560,667.42		-	2,560,667.42
HENDERSONVILLE HIGH SCHOOL PROJECT - 2019 (1903) - PROJECT COMPLETE						
Revenues:	60,442,694	-	61,181,021.22	101.2%	-	61,181,021.22
Expenditures:	60,442,694	342.00	60,940,000.37	100.8%	-	60,940,000.37
Net Revenues over (under) Exp	-	(342.00)	241,020.85		-	241,020.85
BRCC PATTON BUILDING PROJECT (1904) - PROJECT COMPLETE						
Revenues:	24,800,016	-	25,490,375.25	102.8%	-	25,490,375.25
Expenditures:	24,800,016	407,153.65	25,490,375.25	102.8%	-	25,490,375.25
Net Revenues over (under) Exp	-	(407,153.65)	-		-	-

ENTERPRISE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOLID WASTE LANDFILL FUND						
Revenues:	9,620,547	830,842.54	6,030,065.40	62.7%	-	6,030,065.40
Expenditures:	9,620,547	837,726.29	5,983,290.67	62.2%	6,607,269.03	12,590,559.70
Net Revenues over (under) Exp	-	(6,883.75)	46,774.73		(6,607,269.03)	(6,560,494.30)
JUSTICE ACADEMY SEWER FUND						
Revenues:	67,739	7,166.04	55,230.31	81.5%	-	55,230.31
Expenditures:	67,739	2,620.83	23,932.10	35.3%	5,793.49	29,725.59
Net Revenues over (under) Exp	-	4,545.21	31,298.21		(5,793.49)	25,504.72

HENDERSON COUNTY - CASH BALANCE REPORT – FEBRUARY 2024

Fund(s)	02/01/24 Beg. Cash Balance	Debits Revenues	(Credits) Expenditures	02/29/24 Ending Cash Balance
General	\$ 127,875,814.48	\$ 9,471,063.56	\$ (15,283,235.02)	\$ 122,063,643.02
Special Revenue	44,791,540.87	1,962,082.41	(3,039,645.61)	\$ 43,713,977.67
Capital Projects	4,334,912.61	551,971.10	(2,668,015.59)	\$ 2,218,868.12
Enterprise	1,932,625.69	837,174.86	(843,698.45)	\$ 1,926,102.10
HCPS - Maint. and Repair	10,418,923.21	383,625.00	(467,877.88)	\$ 10,334,670.33
BRCC - Maint. and Repair	2,302,061.50	191,812.50	(13,034.05)	\$ 2,480,839.95
Custodial	3,587,553.11	403,813.54	(3,385,423.39)	\$ 605,943.26
Total	\$ 195,243,431.47	\$ 13,801,542.97	\$ (25,700,929.99)	
Total cash available as of 2/29/2024				\$ 183,344,044.45

Motion:

I move the Board approve the February 2024 County Financial Report and Cash Balance Report as presented.

Approved:

Henderson County Public Schools Financial Report –February 2024

The Henderson County Public Schools February 2024 Local Current Expense Fund / Other Restricted Funds Report was provided for the Board’s information.

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of February 29, 2024**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
REVENUES:						
3200 State Sources	\$ -	\$ -	\$ 8,000	\$ 8,283	\$ 8,283	\$ 8,000
3700 Federal Sources-Restricted	-	-	1,522,494	382,898	382,898	323,984
3800 Other Federal-ROTC	-	-	106,000	83,889	83,889	69,127
4100 County Appropriation	32,878,000	26,302,400	-	-	26,302,400	25,102,400
4200 Local -Tuition/Fees	-	-	55,000	30,780	30,780	35,395
4400 Local-Unrestricted	705,000	375,028	152,579	124,177	499,203	528,062
4800 Local-Restricted	-	-	1,485,189	1,096,400	1,096,400	478,130
4900 Fund Balance Appropriated/Transfer From school	2,001,317	-	132,816	32,238	32,238	-
TOTAL FUND REVENUES	\$ 35,584,317	\$ 26,677,426	\$ 3,472,059	\$ 1,756,645	\$ 28,434,071	\$ 26,543,138
EXPENDITURES:						
Instructional Services:						
5100 Regular Instructional Services	\$ 9,934,680	\$ 5,192,870	\$ 680,806	\$ 285,851	\$ 5,478,720	\$ 5,951,994
5200 Special Populations Services	1,378,356	685,694	935,525	292,449	978,143	866,084
5300 Alternative Programs and Services	183,243	92,339	377,954	179,968	272,308	257,660
5400 School Leadership Services	3,114,291	2,072,498	12,513	12,092	2,084,589	1,960,706
5500 Co-Curricular Services	890,423	425,305	390,727	111,875	537,180	418,040
5800 School-Based Support Services	1,911,109	1,383,985	9,500	1,450	1,385,434	999,414
Total Instructional Services	\$ 17,412,102	\$ 9,852,889	\$ 2,407,024	\$ 883,685	\$ 10,736,374	\$ 10,453,928
System-Wide Support Services:						
6100 Support and Development Services	\$ 312,404	\$ 197,354	\$ 6,500	\$ 6,890	\$ 204,244	\$ 188,529
6200 Special Population Support	183,034	147,579	118,579	74,801	222,380	155,742
6300 Alternative Programs	106,286	70,382	431	431	70,813	64,823
6400 Technology Support Services	1,287,752	885,445	92,281	69,912	965,357	860,714
6500 Operational Support Services	9,491,369	5,462,847	425,671	255,256	5,718,103	5,185,418
6800 Financial and Human Resource Services	2,346,702	1,869,859	123,292	42,463	1,912,322	1,855,463
6700 Accountability Services	120,174	92,909	1,200	1,200	94,109	143,806
6800 System-Wide Pupil Support Services	415,304	273,843	538	538	274,381	266,199
6900 Policy, Leadership and Public Relations	781,001	474,008	25,970	13,220	487,227	441,460
Total System-Wide Support Services	\$ 15,044,025	\$ 9,474,228	\$ 792,461	\$ 464,711	\$ 9,938,937	\$ 9,161,985
Ancillary Services:						
7100 Community Services	\$ 388	\$ 388	\$ 185,108	\$ 108,646	\$ 107,034	\$ 85,463
7200 Nutrition Services	285,803	97,352	23,725	23,725	121,077	84,080
Total Ancillary Services	\$ 286,190	\$ 97,740	\$ 188,833	\$ 130,371	\$ 228,111	\$ 169,543
Non-Programmed Charges:						
8100 Payments to Other Governments	\$ 2,362,000	\$ 1,404,052	\$ -	\$ -	\$ 1,404,052	\$ 1,211,842
8400 Interfund Transfers	500,000	-	47,741	47,696	47,696	50,379
8500 Contingency	-	-	-	-	-	-
8800 Educational Foundations	-	-	36,000	976	976	24,679
Total Non-Programmed Charges	\$ 2,862,000	\$ 1,404,052	\$ 83,741	\$ 48,672	\$ 1,452,724	\$ 1,286,900
TOTAL FUND EXPENDITURES	\$ 35,584,317	\$ 20,828,706	\$ 3,472,059	\$ 1,527,440	\$ 22,356,145	\$ 21,072,356

Motion:

I move the Board approve the February 2024 Henderson County Public Schools Financial Report and Cash Balance Report as presented.

Notification of Vacancies

The Notification of Vacancies was provided for the Board’s information. They will appear on the next agenda under “Nominations.”

1. Blue Ridge Community College Board of Trustees – 1 vac.
Position # 1 – At Large
2. EMS Peer Review Committee – 1 vac.
Position #18 – EMT

Approved:

3. Henderson County Planning Board – 3 vacs.
 Position # 2 – Regular At Large
 Position # 4 – Regular At Large
 Position # 7 – Regular At Large
4. Hospital Corporation Board of Directors/UNCH – 1 vac.
 Position # 6 – BOC Nominating Body

2024.039 Budget Amendment – Unspent Bonds Proceeds Transfer

To date, \$2,571,266.47 remains in unspent bond proceeds, sales tax, and interest earnings related to Henderson County’s Series 2018A Limited Debt Obligation for Edneyville Elementary School’s capital project. According to the Installment Financing Contract, unspent bond proceeds must be applied against future debt service payments as they become due.

The remaining debt service payment for FY2024 totals \$1,628,534.38, including \$1,220,000 in principal and \$408,534.38 in interest.

The Board was requested to approve a Budget Amendment to transfer \$1,628,535 to the general fund to apply against the next FY2024 debt service payment. The remaining unspent debt proceeds will be transferred as future debt service payments are due until exhausted.

Motion:

I move that the Board of Commissioners approve the Budget Amendment to transfer unspent bond proceeds to the general fund.

2024.040 Budget Amendment – Debt Service Transfer

Pending approval of the request to transfer unspent bond proceeds from the Capital Projects Fund to the General Fund to apply against future debt service payments, the Board was requested to transfer the amount originally budgeted for Series 2018A LOBS principal and interest to the Debt Service Fund.

Motion:

I move that the Board of Commissioners approve the Budget Amendment to transfer funds to the Debt Service Fund.

2024.041 NC State Budget Allocation – Multipurpose Agricultural Services Building

Staff requested the Board approve the State Budget allocation for the Henderson County Soil and Water Department in the amount of \$14,000,000. This allocation has been made as directed by the NC General Assembly pursuant to Session Law 2023-134 (House Bill 259) for stream restoration and flood resiliency projects. Staff requests that the Board authorize the scope of work, budget amendment, and state grant agreement. Staff also requested that the Board provide authorization for the County Manager to execute the agreement on behalf of the County.

These stream restoration and flood resiliency projects are intended to be completed via a Sub-Recipient arrangement with Resource Institute, Inc. As such, staff requested the Board authorize the Subrecipient agreement provided.

Approved:

Motion:

I move the Board approve the scope of work, Budget Amendment, state grant agreement and subrecipient agreement. I move the Board provide authorization to the County Manager to execute the agreement on behalf of the County.

Administrative Manual – Recission of Policies and Procedures

Staff was reviewing policies and procedures included in the County's Administrative Manual to ensure compliance and that all policies are up to date. The tabs listed below have been identified as appropriate for recission from the Manual. Several tabs are currently included in the Administrative Manual; however, they are not necessarily policies. Others have completed their life cycle, and the remainder can be combined into single policies to avoid redundancy.

The Board was requested to authorize the recission of the following tabs in the Administrative Manual.

Tab 26 – Television Cablecast Policies and Procedures

Tab 38 – Internet Broadcasting Policies and Procedures

Motion:

I move the Board authorize Staff to rescind Tabs 26 and 38 in the Administrative Manual as of April 1, 2024, effective immediately.

2024.042 Purchase of Used Communications Vehicle

As part of the radio system communications project, staff included a "Field Communications Vehicle" as a long-term project goal. This vehicle would transport the County's cache of disaster communications equipment and serve as a facility for field communications. It would work in conjunction with other assets, such as the Sheriff's Office Command Bus. It would be more mobile and able to be used in smaller areas, such as the recent search in Big Hungry.

During 2023, Emergency Management secured a surplus cargo van from the Sheriff's Office for this purpose. With over 200,000 miles, the van will require extensive outfitting of cabinetry, wiring, power, heat, and air conditioning. It is estimated the upfitting will cost approximately \$20,000. Staff recently located a surplus National Guard communications truck being sold by an individual for \$31,500.00. After extensive discussions between the owner and our Field Communications Team members, we feel this vehicle would be better suited for our purpose. The vehicle has considerably fewer miles (32,820) and has recently had a complete mechanical evaluation and service. Surplus funds from the renewal of the fire services radio system maintenance contract are available to fund the proposed purchase. The vehicle will be outfitted by members of the Field Communications Team. The existing cargo van would remain available to transport supplies to incident scenes and other logistical support needs.

Staff requested the Board authorize Staff to negotiate the purchase of the communications vehicle for \$31,500.00 and complete the necessary budget amendment.

Motion:

I move the Board approve the purchase of a used communication vehicle for \$31,500 and authorize the Emergency Services Director to execute the necessary budget amendment for the transaction.

Approved:

2024.043 Truck Purchase – Soil and Water

Staff requested the Board approve a budget amendment that appropriates funds to be used toward the purchase of a new department vehicle (truck). Funds for the purchase of the vehicle are from the recent sale of a piece of equipment and appropriated Soil & Water fund balance. This vehicle will be a vital addition to the staff for the following reasons:

- Many out-of-county training events are held throughout the year, and a new Soil & Water vehicle would reduce requests for temporary vehicle assignments and take the strain off of the motor pool
- An increasing number of projects from state funding and grant sources make sharing only one department vehicle amongst four employees a hardship
- Having a second department vehicle branded with the County logo would make Soil & Water more professional during on-site visits
- When using motor pool vehicles, some measure of productivity is always lost in having to schedule time to pick up and return the vehicle, usually requiring two staff members (which is 50% of the staff)

Motion:

I move the Board approve the purchase of the requested vehicle and the budget amendment provided to facilitate its purchase.

American Rescue Plan – Adoption of Policies and Procedures

The Final Rule for the American Rescue Plan was issued on January 6, 2022. That final rule contains a number of regulations that local governments must follow when expending Federal Funds, including various policies and procedures. Staff believes that with the adoption of the Subrecipient and Monitoring Policy, all required policies will now be in place. However, should any additional policies require approval, Staff will bring those to the Board for adoption once finalized.

Tab 10 – Subrecipient and Monitoring Policy is a required policy that has been reviewed by Finance and the County Attorney.

Motion:

I move the Board adopt the Federal Awards Subrecipient and Monitoring Policy drafted by Staff and adopt it as presented.

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

DISCUSSION

Tenancy Issues/Vacant Property in Henderson County

Sheriff Lowell Griffin provided the Board an update on tenancy issues / vacant properties in Henderson County. North Carolina has provisions in place for the eviction process through cases that NC's magistrate judges hear. It must be determined if the offense is a criminal or civil issue. Owners may meet with the magistrate to obtain an arrest warrant, a summons that allows law

Approved:

enforcement to evict squatters through the criminal process. In NC, there are no possession rights for squatters. Provisions in the law, such as trespassing and breaking and entering, may be applicable if an owner returns to their full or part-time residence to find someone who has taken up residence in a home without permission. Sheriff Griffin stated that in NC, presenting false evidence such as lease agreements, proof of ownership, or possessory interest may result in felony charges.

Commissioner Andreotta asked how the laws apply to vacant land, and if someone erects a tent or a tarp without consent. Griffin said individuals who trespass on land that is conspicuously posted with no trespassing signs or have received a verbal warning from the owner to exit the property may be charged with trespassing.

Vice-Chair Edney noted there may be some confusion between the magistrate's office and the Sheriff's office and people getting mixed messages. He proposed that the Sheriff's attorney, the magistrates, and the Chief Judge meet to outline the rules and procedures to be followed. If, under the law, there is trespass, the owner need not be sent to the Clerk's office to begin the eviction process. A clear understanding of the process would help in these types of situations.

Chairman McCall has reached out to NC State Representative Jennifer Balkcom to ask what NC was doing to address the problem and will share those details once they are received from Balkcom.

Henderson County Broadband Access – Funding Options

At the March 20, 2024, meeting, the Board heard an update from the Broadband Taskforce on the program guidance for the North Carolina Department of Information Technology (NCDIT) broadband funding programs, including the GREAT grant (Growing Rural Economies with Access to Technology), RDOF (the Rural Digital Opportunity Fund), and CAB (Completing Access to Broadband). The CAB program is currently seeking funding commitment forms and county priority areas for broadband access. These items will be included in a Scope of Work from counties across the state, and internet service providers will bid for each contract.

Staff have identified areas without broadband access and have mapped those locations alongside Census data, emergency response data, cell service data, and other broadband funded locations to help select potential priority areas. Staff have also estimated how many addresses could be served by different levels of committed funds under CAB's program rules.

The Board was requested to discuss the total funding allocation to be provided by Henderson County and direct Staff accordingly.

Approved:



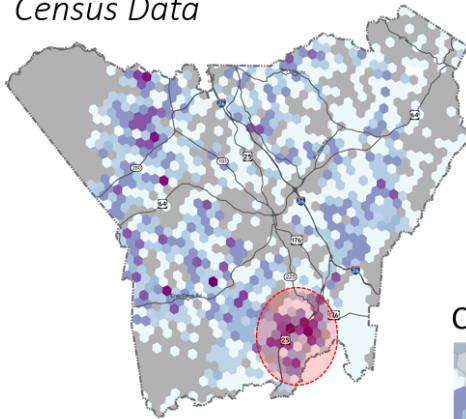
Completing Access to Broadband (CAB)

Program Overview

- CAB is a partnership between NCDIT and NC county governments using ARPA funds to connect households and businesses to broadband.
- Procurement process with individual Scopes of Work for each county that may include "high priority areas." Once award is made, the project is contracted right away to a pre-qualified service provider.
- A *County Commitment Form* with an "up to" amount of funding we plan to commit is required by the program.
- The Stop-Gap Program and BEAD will be following CAB to continue completing access to widely spread unserved areas that are harder to reach.

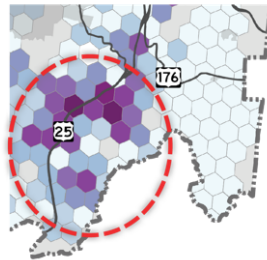
Focus Area 1: SE of County

Census Data



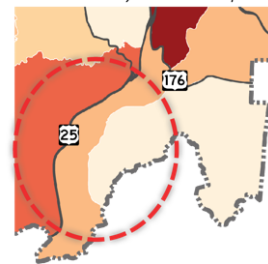
High Concentration of CAB Locations
 Low Concentration of CAB Locations

CAB Eligible Density



Population Under 18

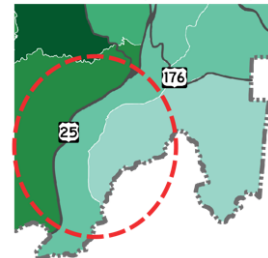
By Block Group



487 - 725
 389 - 487
 306 - 389
 238 - 306
 138 - 238
 63 - 138
 0 - 63

Household Income

By Block Group

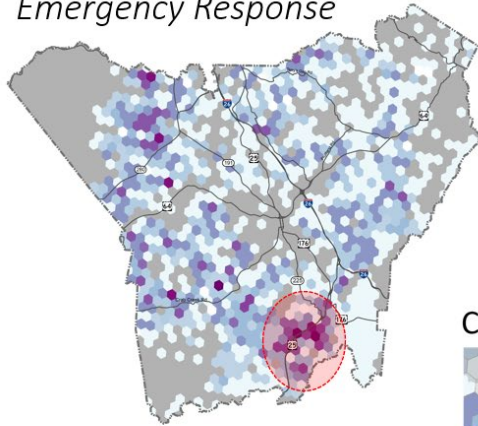


\$99,762 - \$125,268
 \$85,875 - \$99,762
 \$73,278 - \$85,875
 \$61,270 - \$73,278
 \$50,938 - \$61,270
 \$39,457 - \$50,938
 \$26,879 - \$39,457

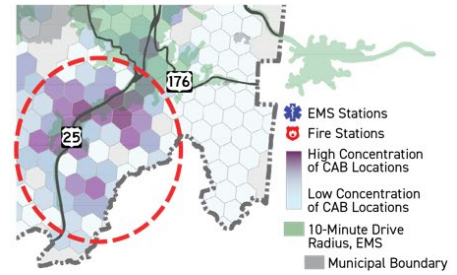
Approved:

Focus Area 1: SE of County

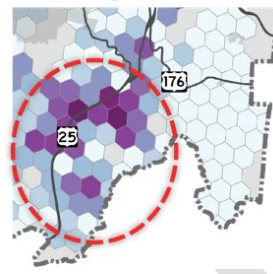
Emergency Response



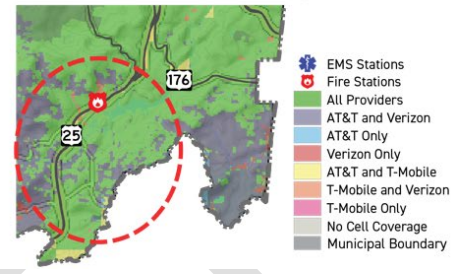
Emergency Response & CAB



CAB Eligible Density

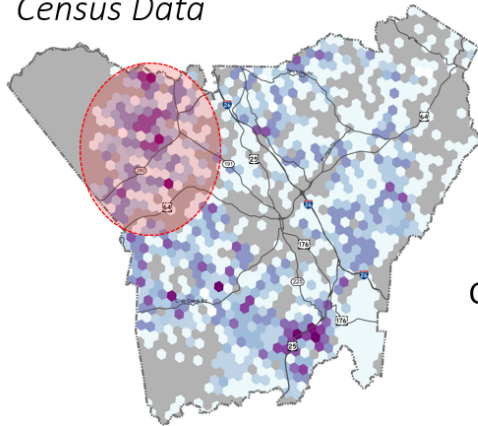


Cell Service Coverage



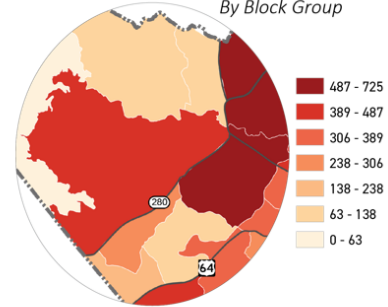
Focus Area 2: NW of County

Census Data

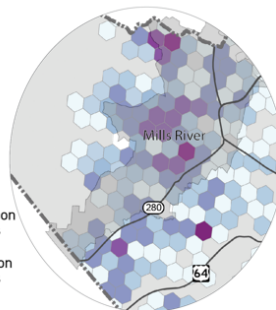


Population Under 18

By Block Group

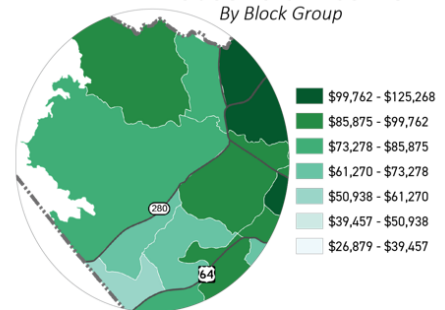


CAB Eligible Density



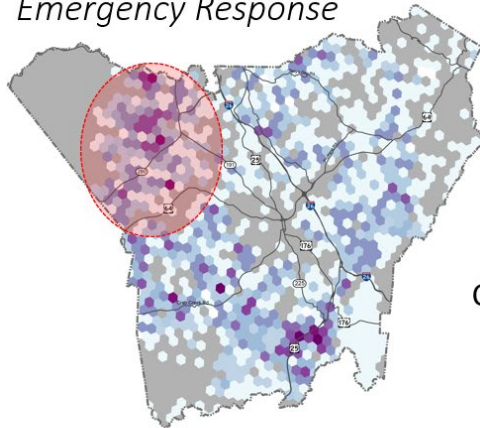
Household Income

By Block Group

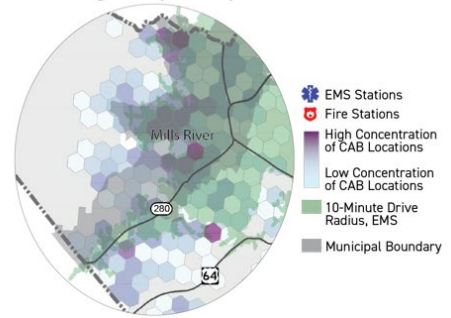


Focus Area 2: NW of County

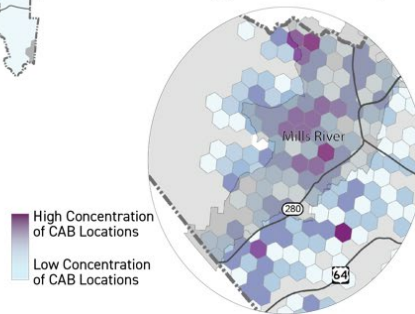
Emergency Response



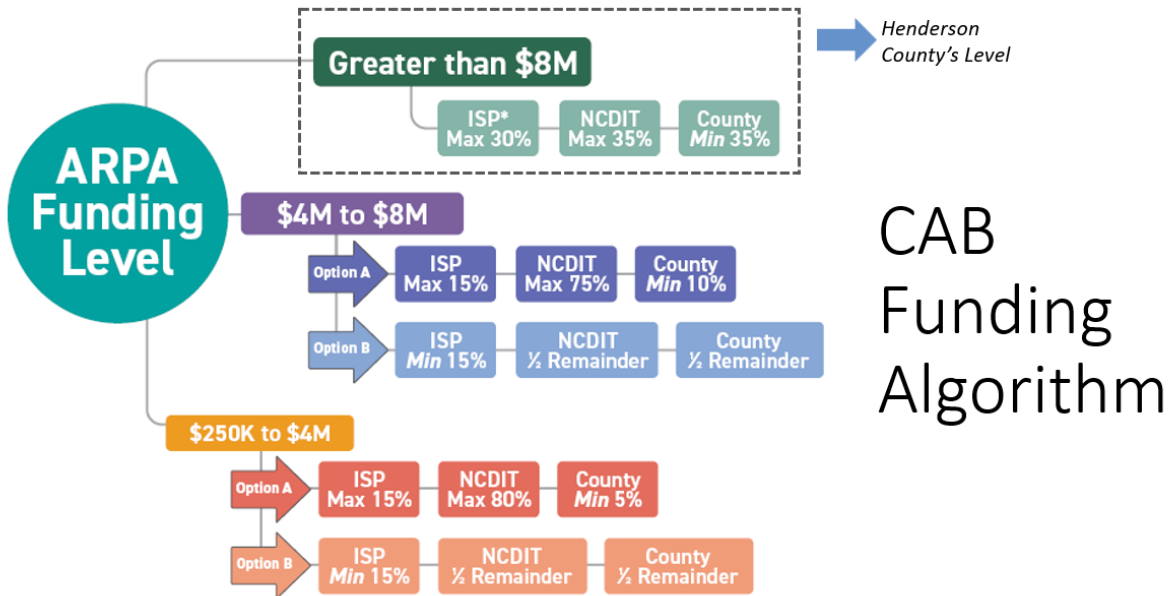
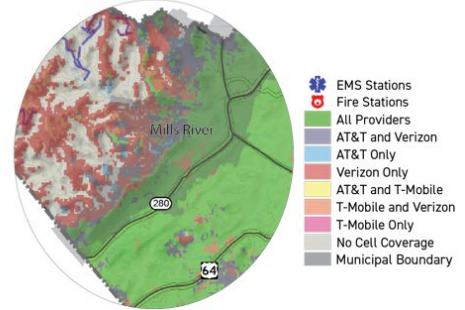
Emergency Response & CAB



CAB Eligible Density



Cell Service Coverage



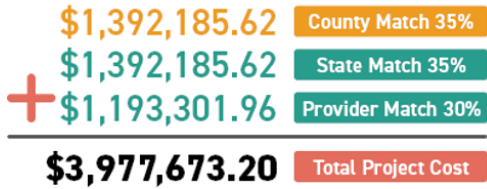
*ISP: Internet Service Provider

County Contributions can be drawn from American Rescue Plan (ARPA) funds or from a county's General Fund

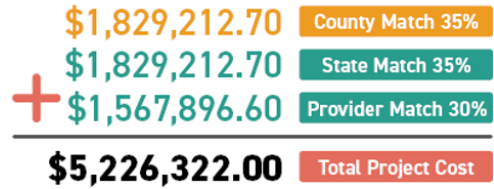

Approved:

Project Examples

ERC Example:




Saluda Mountain Telephone Company Example:

ARPA Funding Level Greater than \$8M

ISP* Max 30% NCDIT Max 35% County Min 35%

	\$900,000	Henderson County
	\$900,000	State
+	\$771,428	Service Provider
<hr/>		
	\$2,571,428	Total Project Cost



Funds estimated to reach about 570 units

Henderson County Budget

Henderson County currently has \$900,000 in ARPA Funds earmarked to finance broadband

Funding Levels & Locations Reached

At a rate of \$4,500 per address*, the total cost to provide broadband to all of Henderson County's unserved locations would be an estimated \$24.7 Million with an \$8.6 Million match.

Here are estimates for how many locations we could reach at different funding levels:



*Cost per address estimated based on other projects already completed in the County, see previous slide

An additional slide was shown and is attached to these minutes; the scanned image is unreadable.

The Assistant County Manager noted that the \$22.8m in ARP Funds had been accruing interest and had earned \$1.35m.

Commissioner Hill said the county could choose to do the 30% option, covering approximately 1500 homes.

John Mitchell said that at some point, a letter must be generated for the county to qualify for the CAB program. Chris Todd noted that the state has been notified that the county is interested in the program. He said the manager was alluding to a promissory letter to the state indicating how much funding the county was interested in participating. He said that the letter needs to be submitted sooner rather than later as the state is ready to move on that right now. He said there were two sides; the first was the state trying to meet the calendar to spend the money. The other was, as discussed with the Board, getting the county's ARP funds under contract and within a timeframe that meets the December 31, 2024 deadline. He said there was time now to work with the state, put out requests for ISPs, and work through the specifics. The state wants to know if the county is interested firmly and for how much money. They would like to have this information as soon as possible.

After discussion, *Commissioner Lapsley made a motion to authorize staff to send a letter indicating the county's support for up to \$2.5 million as the county match. All voted in favor, and the motion carried.*

2024.043 NC State Budget Allocation – Soil and Water

Staff requested the Board approve the State Budget allocation for the Henderson County Soil and Water Department in the amount of \$14,000,000. This allocation has been made as directed by the NC General Assembly pursuant to Session Law 2023-134 (House Bill 259) for stream restoration and flood resiliency projects. Staff requested the Board authorize the scope of work,

Approved:

budget amendment and state grant agreement. Staff also request that the Board provide authorization for the County Manager to execute the agreement on behalf of the County.

These stream restoration and flood resiliency projects are intended to be completed via a Sub-Recipient arrangement with Resource Institute, Inc. As such, the staff requested the Board authorize the subrecipient agreement.

Soil and Water Conservation Engineer Betsy Gerwig presented the following to the Board.



Hugh Hammond Bennett
“the father of soil conservation”

1930 – DUST BOWL
 1935 – SOIL CONSERVATION SERVICE
 1937 – FIRST SOIL CONSERVATION DISTRICT

Division Mission

To foster voluntary, incentive-driven management of soil, water and related natural resources for the benefit of the environment, economy and all citizens.

BEST MANAGEMENT PRACTICES (BMPs)

Devices, systems and procedures that reduce or eliminate pollutants from harming the environment

Urban BMPs Agricultural BMPs Forestry BMPs

Including Stream restoration, Streambank and shoreline protection, Stream Debris Removal, Wetland restoration, Constructed wetlands, Riparian buffer

RESOURCE CONCERN

1. Water Quality
2. Water Quantity
3. Soil Erosion

CURRENT PROJECTS

Edneyville Community Center – Stream Restoration
 Rugby Middle School – Stream Restoration
 Jackson Park – Stream Debris Removal
 Transfer Station – Cistern for Compost Site

All work has been funded by grants and cost share programs.

DISASTER RELIEF AND RECOVERY/ MITIGATION/RESILIENCE DIRECTED GRANT

Approved:

GRANT FACTS

- Henderson County has been awarded the \$14M for the purpose of stream restoration and floodplain resiliency projects.
- Henderson County Soil & Water was selected to oversee the grant based on experience and expertise.
- Initial project list identified prior to the award of grant.

PROJECT SELECTION

- Initially, the landowner contacted either Soil & Water, Conserving Carolina, Resource Institute, or a local Stream Restoration Engineer.
- Site visits were conducted by these groups or individuals.
- Sites providing significant improvement for the watershed were targeted.
- Cost of these projects are high and would unlikely be completed without financial assistance.

PROPOSED PROJECTS

- 14 Projects Selected
 - 2 High Hazard Dams
 - 5 Stream Restoration Projects with Floodplain Expansion
 - 6 Stream Restoration Projects with Wetland/Habitat Improvements
 - 1 Flood Stream Gage for Emergency Services
- 3 Additional projects identified if funding is available.

NEXT STEP

- Develop RFQ for project management services

After conversations with the Board, John Mitchell recommended that the Board hear the presentation, ask Ms. Gerwig any questions they may have had, and then take some time to review the identified projects individually. We are required to have a quote, a scope of work, and a broad brush of what the money could be used for. In his estimation, the funds will be restricted to use for those purposes. Finance Director Samantha Reynolds said the manager was correct in the statement that the county did not have to specify specific projects if the projects selected fit within the general description, which is stream restoration and flood resiliency projects. The county attorney echoed Mr. Mitchell's recommendation.

Approved:

Commissioner Hill asked if the projects identified were from prior applications received by Soil and Water. Ms. Gerwig said that all the applications had been submitted previously.

Chairman McCall expressed concern over the term high-hazard dam. Ms. Gerwig explained that a “high-hazard dam” is a classification given by the state and does not necessarily mean the dam will fail. High-hazard dams are tall dams that hold back a significant amount of water, so if they fail, they may cause catastrophic results. However, both dams had been identified as potential projects that needed repair.

Commissioner Lapsley had concerns about the two dams on the list as they are privately owned. He said there are a number of high-hazard dams in Henderson County, not just those two. These two apparently have some serious maintenance issues that need to be taken care of. He believes there may be other high-hazard dams in the county that need repair and are also privately owned. He would like to go on the record that he was uncomfortable with funding the repair of the two dams included on the list.

Vice-Chair Edney questioned whether one of the dams on the list owned by the Methodist Church was eligible to receive funds from the grant because the church is a religious organization. He believed there were substantially more dams in the county that needed repair than the two identified.

Commissioner Andreotta asked who would be liable for a dam failure if the grant funds did not exist. Mr. Lapsley said that the dam owner would be responsible under state regulations.

Commissioner Andreotta made the motion that the Board accept the money from the state with no projects identified at this time and approve the budget amendment, state grant agreement, and subrecipient agreement. And further moved, that the Board authorize the County Manager to execute the agreement on behalf of the County. All voted in favor, and the motion carried.

Chairman McCall said she would like to see a list of prioritizations from Soil and Water. Commissioner Lapsley added he would like to see a map showing all the projects the staff is aware of and the order of prioritization.

The county manager proposed that soil and water staff spend some time with board members over the coming weeks to discuss the projects included in the list provided. He thanked Jonathon Wallin, Betsy Gerwig, and soil and water staff for bringing the \$14 million in grant funds to our county. In closing, he said this was a big win for the county.

NOMINATIONS AND APPOINTMENTS

1. Animal Services Committee – 3 vacs.

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

2. Farmland Preservation Task Force – 13 vacs.

*Chairman McCall moved Farmland Preservation to the end of the nominations.

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 Rail Trail Advisory Committee – 1 vac.

Approved:

Chairman McCall made the motion to nominate Nancy McKinley for reappointment to position #2. All voted in favor, and the motion carried.

- 5. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

- 6. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

- 7. Laurel Park Planning Board – 1 vac.

Chairman McCall made the motion to nominate Ritch Holt for appointment to position #1. All voted in favor, and the motion carried.

- 8. Laurel Park Zoning Board of Adjustment – 1 vac.

Chairman McCall made the motion to nominate Ritch Holt for appointment to position #1. All voted in favor, and the motion carried.

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

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

*Farmland Preservation Taskforce – 13 vacs.

The Farmland Preservation Taskforce shall have the following members, all appointed by the Board of Commissioners:

- 1) Henderson County Board of Commissioners Liaison
- 2) Henderson County Board of Commissioners Liaison
- 3) Appointee nominated by Henderson County Planning Board
- 4) Appointee nominated by Henderson County Soil and Water Conservation District
- 5) Appointee nominated by Agribusiness Henderson County
- 6) Appointee nominated by North Carolina Cooperative Extension
- 7) Appointee nominated by North Carolina Farm Bureau Federation
- 8) Appointee nominated by Hendersonville Board of Realtors
- 9) Appointee at large
- 10) Appointee at large
- 11) Appointee at large
- 12) Appointee at large
- 13) Appointee at large

Chairman McCall and Commissioner Hill will serve as the Commissioner Representatives.

Commissioner Lapsley made the motion to nominate Hunter Marks for appointment to position #3. All voted in favor, and the motion carried.

Commissioner Hill made the motion to nominate Daniel McConnell for appointment to position #4. All voted in favor, and the motion carried.

The Board agreed they would like staff members from the Soil & Water Conservation District, the Planning Department, and NC Cooperative Extension to participate in the taskforce. John Mitchell said a staff person could be required to be present at the meeting and does not necessarily need to be appointed to an actual position.

A recommendation from Agribusiness was yet to be received; the Board will address position #5 at their next meeting.

Approved:

Chairman McCall made the motion to nominate Gary Steiner for appointment to position #6. All voted in favor, and the motion carried.

County Extension Director Dr. Terry Kelley will serve as the staff representative for Cooperative Extension.

Commissioner Hill made the motion to nominate Jimmy Cowan for appointment to position #7. All voted in favor, and the motion carried.

Commissioner Andreotta made the motion to nominate Randy Newman for appointment to position #8. All voted in favor, and the motion carried.

Chairman McCall said many of the applications received were appointed to the designated positions at tonight's meeting. She said the open at-large positions would be addressed at the Board's next meeting, which would allow folks a couple more weeks to submit their applications.

John Mitchell said Planner Liz Hansen would serve as the staff representative for the Planning Department. A staff representative for the Soil and Water Conservation District was not identified.

The Board agreed the chairman of the task force would be determined after all positions had been appointed.

The Farmland Preservation Taskforce bylaws state that meetings would be held on the second Monday of the month at 6:30 p.m. in the meeting room of the county office located at 100 N King Street. The first taskforce meeting was scheduled for Monday, May 13, 2024, at 6:30 p.m.

John Mitchell said he would have planning department staff put together an agenda for the commissioners to review. Mike Morgan would also put together an informational video.

Chairman McCall noted that all taskforce meetings are open, and the public was invited to attend.

COMMISSIONER UPDATES

Commissioner Andreotta congratulated NC State's men's and women's basketball teams on reaching the NCAA Final Four Championship.

Vice-Chair Edney and Commissioners Hill and Lapsley did not have updates.

Chairman McCall shared that she had recently visited New York City and was inspired by the reminders of our American citizenship, which include the Statue of Liberty and the 911 Memorial.

COUNTY MANAGER'S REPORT

John Mitchell stated that there was a significant fire at the Beaumont Estate over the last weekend. More than fifty firefighters battled the fire, as well as county firefighters. The Fire marshal indicated that the building is recoverable. He said the RFQ for the medical office building projects would go out in the next couple of days. In closing, he highlighted events that were not yet scheduled but were coming up. Those include the Etowah Amphitheater, the Dana Community Center, the Jackson Park tennis courts, and Upward Elementary. Ribbon cuttings are expected to be in the next couple of months.

Approved:

Commissioner Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3),(5),and (6). All voted in favor, and the motion carried.

CLOSED SESSION

Commissioner Edney made the motion to go out of closed session and adjourn the meeting at 8:20 pm. All voted in favor, and the motion carried.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Rebecca McCall, Chairman

DRAFT

Approved: