

April 21, 2025

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, APRIL 21, 2025**

The Henderson County Board of Commissioners met for a special called meeting at 1:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Present were: Chairman William Lapsley, Vice-Chair J. Michael Edney, Commissioner Rebecca McCall, Commissioner Sheila Franklin, Commissioner Jay Egolf, County Manager John Mitchell, Assistant County Manager Chris Todd, Public Safety Director Jimmy Brissie, Financial Services Director Samantha Reynolds, County Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Chief Communications Officer Mike Morgan, and A/V Technician Oscar Guerrero. Deputy Chris Stepp provided security.

CALL TO ORDER/WELCOME

Commissioner Lapsley called the meeting to order and welcomed all in attendance.

INVOCATION

John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

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

DISCUSSION

LEGISLATIVE AGENDA

House Bill 50 – Short Title: LEO Special Separation Allowance Options

House Bill 753 – Short Title: LEOs Return to Work

Motion: Commissioner McCall made the motion to the Board to support HB 50 and HB 753. All voted in favor, and the motion carried.

House Bill 765 – Short Title: Local Government Development Regulations Omnibus

Vice-Chair Edney recommended that the Board adopt the following resolution to formally state its position on the Bill.

Resolution Providing Input and Information Reflecting A Local Government Prospective of Necessary and Beneficial Reforms to Local Government Development Regulations

Whereas the General Assembly of North Carolina has created various local units of government, including county governments, within the State for the purpose of implementing the collective will thereof, and.

Approved:

Whereas Henderson County is one of the 100 counties of North Carolina, which was created by the North Carolina General Assembly in 1838, and

Whereas the Henderson County Board of Commissioners are the duly elected local representatives of the citizens of Henderson County, North Carolina, and

Whereas it has come to the attention of the Henderson County Board of Commissioners that the North Carolina General Assembly is studying and considering various measures aimed at the reformation of local government development regulations within the State, and,

Whereas the Henderson County Board of Commissioners acknowledge and respect the role of local government as creatures of the General Assembly, desire to provide input and information to assist the General Assembly in crafting reforms which best meet their desired goals and which best serve the Citizens of the State.

Now, Therefore, the Henderson County Board of Commissioners humbly request the members of the North Carolina General Assembly consider the following matters as they debate potential reforms to local government development regulations within the State, to-wit:

1. Real Property ownership by private individuals and entities created thereby is one of the bedrock pillars upon which this nation was founded and under which it has flourished.
2. Ownership entails the right to use, manage and control the property without undue interference.
3. Ownership entails responsible ownership and respecting the property rights of others.
4. Zoning laws are a means for the government to restrict the use thereof by its owner.
5. Zoning laws are a means for the government to control and guide development within its jurisdiction.
6. Zoning laws must always be tailored to impose the least restrictive means to achieve an appropriate governmental objective.
7. Zoning laws must always mirror the collective desires of the community over the individual whims of those imposing them.

Down Zoning

Down zoning is an appropriate exercise of zoning authority when adopted in a reasonable and rational manner.

Micromanagement of Zoning Decisions

Zoning decisions should be made by local officials who are in a better position to amass the best and most information before making a decision.

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Zoning decisions are not a “one size fits all” solution.

Vested Rights

Vested rights are a desirable means of allowing for longer term planning and development.

Conflicts of Interest

Actual conflicts of interest must always be avoided. Specific and clear guidelines are necessary.

Threats to individual decision makers of personal liability over controversial but legitimate decisions cannot be allowed to inhibit the decision-making process.

Ex parte Communications

In a legislative setting, ex parte communications are necessary and desirable.

In a judicial setting, ex parte communications are improper.

Split Jurisdiction Issues

Development regulations affecting properties encompassing multiple jurisdictions must be enacted and administered uninfluenced by the availability of utilities when owned or controlled by competing jurisdictions.

Development Density

Rules imposing specific development densities must bear a rational relationship to a duly adopted comprehensive land use plan for the area affected.

Residential / Commercial / Industrial Structural Design

The only legitimate distinction allowable in relation to the types of size, design, and materials of structures permitted within zoning districts are those with a direct and rational relationship to health, safety and welfare of its inhabitants.

Appealing ability of Decisions

Appeals of land use decisions to the judicial branch of government should only be of the last resort and restricted to intentional or gross abuses of the discretion of the legislative bodies making such decisions.

Bureaucratic and Administrative decisions should be freely appealable to the elected legislative
Approved:

bodies ultimately responsible for the original enactment of relevant laws.

Utility Ownership, Development and Operation

Private ownership, development and operation of utilities is always preferable to governmental ownership, development or operation – with appropriate oversight to prevent a monopolistic abuse of consumers.

Usage charges and rates for all utilities, public or private, must bear a rational relationship to the costs / expenses to operate such utility regardless of governmental boundaries.

Expansion of utilities within a given jurisdiction must be regulated by the governmental unit exercising jurisdiction prior to the time expansion is contemplated. Annexation and expansion of utilities or the costs thereof shall never be contingent upon the other.

Motion: Vice-Chair Edney made the motion that the Board adopt the resolution as presented. All voted in favor, and the motion carried.

House Bill 219 –Short Title: Counties/Franchise Ambulance Service

Motion: Commissioner Franklin moved that the Board oppose House Bill 219. All voted in favor, and the motion carried.

House Bill 675 –Short Title: EMT Personnel Credentialing Modifications

Vice-Chair Edney stepped out of the meeting.

Motion: Commissioner McCall moved that the Board oppose House Bill 675. All voted in favor, and the motion carried.

House Bill 253 – Short Title: Restore Down-Zoning/Farmland & Floodplain

Vice-Chair Edney returned to the meeting during the discussion of House Bill 253.

The consensus of the Board was to remain neutral regarding this item; no formal action was taken.

Senate Bill 149 – Short Title: Henderson County/Blue Ridge CC Construction

Motion: Commissioner Franklin moved that the Board support Senate Bill 149. All voted in favor, and the motion carried.

Senate Bill 137– Short Title: Restores Down-Zoning/Farmland Preservation

The consensus of the Board was to remain neutral regarding this item; no formal action was taken.

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Senate Bill 137 – Short Title: Land Use Clarification and Changes

Motion: Commissioner Egolf moved that the Board support Senate Bill 493. All voted in favor, and the motion carried.

Senate Bill 495 – Short Title: Regulation of Accessory Dwelling Units

The Board agreed to draft a letter to State Legislatures expressing concerns about the Bill's provision that restricts local governments from setting minimum parking requirements.

Senate Bill 497 – Short Title: Expand Middle Housing

Motion: Commissioner Egolf moved that the Board oppose Senate Bill 497. All voted in favor, and the motion carried.

Senate Bill 499 – Short Title: Allow Housing Near Jobs

Vice-Chair Edney made the motion that the Board support Senate Bill 499. All voted in favor, and the motion carried.

Senate Bill 688 – Short Title: Local Government Land Use Reform

Vice-Chair Edney stated that the Resolution adopted earlier in the meeting reflects the Board's official position on Senate Bill 688.

Senate Bill 257 - Short Title: 2025 Appropriations Act

The Board took no action on this matter.

Senate Bill 470 – End Block Scheduling

Vice-Chair Edney left the meeting during the discussion of Senate Bill 470.

Commissioner McCall made the motion that the Board oppose Senate Bill 470. All voted in favor, and the motion carried.

Senate Bill 69 – Short Title: Hendersonville Public Enterprises Operation

Chairman Lapsley stated that he was prepared to make a motion on the following resolution concerning Senate Bill 69, which had been tabled at the Board's meeting on March 19, 2025. Since that time, The County Manager, and Commissioners Edney and Egolf have met with city

Approved:

officials but had been unsuccessful in reaching an agreement

Commissioner McCall noted that the Board should vote on the resolution when all members are present, but Vice-Chair Edney had already left. Chairman Lapsley responded that he had informed the Vice-Chair that the item would be discussed and possibly called for a vote prior to his leaving the meeting.

RESOLUTION – HENDERSONVILLE PUBLIC ENTERPRISES OPERATION

WHEREAS, the current North Carolina law under GS 160A-312 states a city shall have authority for the operation of any or all of the public enterprises as defined in the article to furnish services to the city and its citizens, and shall have full authority to operate it by adequate and reasonable rules; and

WHEREAS, Senate Bill 69 of Session 2025 of the North Carolina General Assembly, entitled an act regarding the operation of public enterprises by the City of Hendersonville, proposes changes to include rules of compliance,

WHEREAS, the amendment states the rules shall apply equally, both within and outside the corporate limits of the city; and the rules may not apply differing treatment within and outside the corporate limits of the city; and

WHEREAS, the amendment states a city shall account for a public enterprise in a separate fund and may not transfer any money from that fund to another except for a capital project fund established for the construction or replacement of assets for that public enterprise; and

WHEREAS, the amendment states a petition for annexation shall also contain a statement from the owner that the owner's petition for annexation is not based upon any representation by the municipality that a public enterprise service available outside the corporate limits of that municipality would be withheld from the owner's property without the petition for annexation.

WHEREAS, the amendment to the current law establishes rules to require equal treatment to all Henderson County residents, both within and outside the corporate limits of the city.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners do hereby support Senate Bill 69 as currently amended.

Commissioner Egolf stated that if the Board decides to support the Bill, this action would not indicate its unwillingness to negotiate with the City.

Approved:

Chairman Lapsley made the motion that that the Board adopt the resolution as presented. All voted in favor, and the motion carried.

Chairman Lapsley made a motion to adjourn the meeting at 2:36 p.m. All voted in favor and the meeting was adjourned.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

William G. Lapsley, Chairman

Approved: