

MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

**BOARD OF COMMISSIONERS
MONDAY, AUGUST 4, 2025**

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

Also present were County Engineer Marcus Jones, Sheriff Lowell Griffin, Chief Communications Officer Mike Morgan, Lead for NC Fellow Abby Buxton, Social Media Coordinator Tiffany Lucey, Public Information Officer Kathryn Finotti, A/V Technician Oscar Guerrero, Finance Director Randy Cox, Tax Assessor Kevin Hensley, Strategic Behavioral Health Director Jodi Grabowski, Planning Director Autumn Radcliff, Planner I Carlos Martinez, Register of Deeds Lee King, Human Resources Director Karen Ensley, Soil Conservation District Director/Conservationist Jonathan Wallin, Capital Projects Manager Bryan Rhodes, Deputies Tracy Davis and Matt Covil provided security.

CALL TO ORDER/WELCOME

Chairman Lapsley called the meeting to order and welcomed everyone.

INVOCATION

Pastor Nathan Sundt with Bat Cave Baptist Church provided the invocation.

PLEDGE OF ALLEGIANCE

2025 NCACC Youth Voice Delegate Randi-Mae Eatman led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENT

1. Joe Elliott expressed concern about cost increases for the JCAR project, attributing the rising costs of materials and labor to tariffs.
2. Perri David, a resident along the Ecusta Trail, shared concerns about recent zoning ordinance changes that would allow parking lots on properties adjoining the trail. She urged the Board to pause any zoning changes and provide clear, accessible information to affected residents.
3. Randi-Mae Eatman, the 2025 Youth Voice Delegate, spoke about her involvement in local 4-H clubs and highlighted the personal and community benefits of the 4-H program.
4. Patty Steman requested that the Board allow public input on the pending permit for a 134-space paid parking lot adjacent to the Horse Shoe Post Office and the Hunters Glen Subdivision.

DISCUSSION / ADJUSTMENT OF AGENDA

Approved: August 20, 2025

Chairman Lapsley added a Discussion Item regarding Tree Preservation and the Land Development Code (LDC). He noted that this topic was first brought to the Board's attention several months ago and was mentioned again during public comment at a previous meeting, but had since gotten lost in the shuffle. He stated that he would like to offer a few comments at the beginning of the discussion portion of the agenda and see if the Board wished to consider how to move forward in addressing the request.

Chairman Lapsley pulled Item R – City of Hendersonville Interlocal Agreement from the consent agenda and added a new Item R - Minutes Revision – Clear Creek Sewer System, WGLA Engineering in its place.

Chairman Lapsley made a motion to approve the revised agenda. All voted in favor, and the motion carried.

CONSENT AGENDA

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meeting:
July 16, 2025 – Regularly Scheduled Meeting

Motion: I move the Board approve the minutes from July 16, 2025

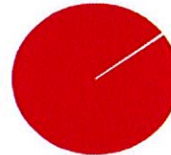
Tax Collector's Report

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

Please find outlined below collections information through July 24, 2025 for 2025 real and personal property bills to be mailed on July 31, 2025. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2025 Beginning Charge:	\$101,719,415.01	
Discoveries & Imm.	\$63,528.86	
Releases & Refunds:	(\$6,394.46)	
Net Charge:	\$101,776,549.41	
Unpaid Taxes:	\$101,536,670.56	
Amount Collected:	\$239,878.85	
		Unpaid 99.76%
		Paid 0.24%



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

Net Charge:	\$536,582.79	
Unpaid Taxes:	\$2,550.70	99.52%
Amount Collected:	\$534,032.09	

Henderson County FY25 Budget Analysis:

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$103,559,409.00	Ad Valorem:	\$773,910.94
Prior Years:	\$1,041,250.00	Prior Years:	\$93,948.07
Budget Total:	\$104,600,659.00	YTD Revenue:	\$867,859.01



2025.118 Pending Releases & Refunds

The Assessor reviewed the pending releases and refunds. As a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 370.12
Total Refunds as a Result of the Above Releases	\$ 242.96

Motion: I move the Board approve the Combined Release/Refund 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. Hickory Nut Gorge Community Partners Group – 1 vac.
Position #5 – Regular

2025.119 Resolution and Grant Application – Whitaker Farm Stream Restoration Project

Maria Wise, Executive Director of Mills River Partnership, requested the Board approve a Resolution authorizing the Soil & Water Conservation District to apply for an NC Water Resources Development Grant on their behalf. The Soil & Water Conservation District Board of Supervisors considered this request at their meeting on June 9, 2025, and voted to send the Board of Commissioners a favorable recommendation on the request.

Organizations that are eligible to apply for this type of grant are units of local government and local political subdivisions. Non-governmental organizations such as a non-profit, private consultant, university or watershed association can serve as a primary contact or supporter and help administer the grant on behalf of the local government applicant.

EnviroScience, per its Memorandum of Understanding with Mills River Partnership, will be responsible for the project's management. As an inclusion in the project budget, Soil & Water will be supplied with \$1,310 for the financial reporting management required for the project.

No County dollars are required for the grant.

Motion: I move the Board approve the Resolution, authorizing Soil & Water's application for the N.C. Water Resources Development Grant on behalf of Mills River Partnership.

2025.120 Home & Community Care Block Grant Funds FY 2026 Service Contract and County Funding Plan

The Home & Community Care Block Grant is a State and Federal program managed at the local level to support services for older adults. Each year, the Board of Commissioners must approve

the agreement between Henderson County and the Land of Sky Regional Council's Area Agency on Aging. The agreement for County-Based Aging Services [DAAS-735] outlines the responsibilities of each party for administering the Home and Community Care Block Grant Program and allows the Area Agency on Aging to provide reimbursement payments to community service providers on behalf of the County.

For Fiscal Year 2026, the County has been allocated \$820,634 through the block grant - a decrease of \$42,868 from the previous fiscal year. The proposed funding amounts are based on preliminary funding allocations received from the North Carolina Division of Aging and Adult Services (NCDOA) on July 3, 2025, and are subject to the availability of federal and/or state funding. Final funding is contingent upon the State's adoption of a budget for the remainder of FY 2026 and may be adjusted if there are any differences between the adopted State budget and the assumptions used in the County's approved funding plan.

Motion: I move that the Board approve the FY 2026 agreement for County-based Aging Services and the County Funding Plan as presented.

2025.121 Home and Community Care Block Grant Funds FY 2026 Funding Provider Packets

After the FY 2026 County Funding Plan for Home & Community Care Block Grant (HCCBG) allocations are approved, local Providers must submit completed application packets to Land of Sky (LOS), the Area Agency on Aging responsible for County-Based Aging Services.

Motion: I move that the Board authorize the Chairman to approve and sign the HCCBG County Funding Plan, County Services Summary, and the Provider Services Summaries as presented.

2025.122 Home and Community Care Block Grant Funds FY 2026 Provider Contracts

The HCCBG Advisory Committee recommended a County Funding Plan for FY 2026 to the Board of Commissioners. Following the Board's approval of this plan, authorization was requested to execute the related funding agreements with area providers for Fiscal Year 2026.

Motion: I move that the Board approve the HCCBG Funding Agreements for Fiscal Year 2026 as presented.

2025.123 FY 2026 Non-Profit Funding Agreements

Following the adoption of the FY 2025–2026 Budget, staff provided funding agreements to the non-profit organizations that were awarded County funding. The agreements included have been reviewed and executed by the respective Non-Profit organizations.

Motion: I move that the Board authorize the Chairman to execute the funding agreements, thereby approving the release of the first payment to the listed agencies.

Grant Application – The Grace Foundation

The Grace Foundation, an entity of Grace Lutheran Church, has an open application process for grant funding. The Grace Foundation's initiative includes support for people involved in the justice system.

The Henderson County Strategic Behavioral Health Department's Adult Recovery Court (ARC) was requesting funding to support participants with driver's license restoration, criminal record expungement, and other civil legal needs. These services are critical to helping ARC participants achieve long-term recovery, family reunification, and successful reintegration into the community. This initiative seeks to eliminate barriers that prevent individuals from accessing employment, housing, education, and essential family responsibilities — especially in our suburban and rural areas, where reliable transportation is a necessity.

No county funds or county positions will be required for the initiative.

Motion: I move the Board authorize the grant application to The Grace Foundation to support participants with driver license restoration, criminal record expungement, and other civil legal needs.

Grant Application – Blue Ridge ABC Board

The Blue Ridge ABC (Alcohol Beverage Control) Board has opened applications for grant funding. The Blue Ridge ABC Board provided grant funding for the Adult Recovery Court in FY25, and this grant is a continuation of that work.

The Henderson County Strategic Behavioral Health Department's Adult Recovery Court (ARC) was requesting funding to support participants with driver's license restoration, criminal record expungement, and other civil legal needs. These services are critical to helping ARC participants achieve long-term recovery, family reunification, and successful reintegration into the community. This initiative seeks to eliminate barriers that prevent individuals from accessing employment, housing, education, and essential family responsibilities — especially in our suburban and rural areas, where reliable transportation is a necessity.

No county funds or county positions will be required for the initiative.

Motion: I move that the Board authorize a grant application to The Blue Ridge ABC Board to support participants with driver license restoration, criminal record expungement, and other civil legal needs.

Chronic Nuisance Property – 230 Elson Avenue

The Code Enforcement and Zoning Services Department has cited a particular parcel of property three times within the past year for violation of your nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on the geographical information system as PIN 9557494748, with owner shown as “Sonya D. Cantrell”. A copy of each of the notices of violation was provided.

Under N.C.G.S. §153A-140.2,

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and

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shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

This matter would, in the worst case, come back before the Board before a contractor was hired to clear up the property under the authority noted above.

Motion: I move that the Board give the owner(s) of the property which is the subject of this agenda item the notice provided for under N.C.G.S. §153A-140.2.

2025.124 Correction of Abstract and Tax Record – 750 6th Avenue West

The Board was requested to authorize a change to the abstract and tax record for the property located at 750 6th Ave. W., PIN 9568-58-2912, in accordance with NCGS §105-325(a)(3) “; and to correct an erroneous description of any property appearing on the abstract or tax record.”. As of the assessment date of January 1, 2025, erroneous descriptions existed on the tax record. An inquiry into the property descriptions revealed discrepancies that were confirmed with a site visit and a review of permit information. These erroneous descriptions were discovered after the adjournment date of the Board of Equalization and Review. As a result, the matter was brought before the Board.

Correction of the descriptions will result in a value change, placing the assessed value of the subject property for the 2025 tax year at \$6,446,300.

Motion: I move the Board of Commissioners authorize the description change of the subject property; PIN 9568-58-2912, in accordance with NCGS §105-325(a)(3), with the results placing the assessed value at \$6,446,300 as of January 1, 2025.

2025.125 Budget Amendment – Environmental Planning Position

Staff identified the need for a full-time Environmental Planner who will report to the Planning Director. For FY2026, this position will be established by reclassifying the vacant Environmental Coordinator position from within the Solid Waste Enterprise Fund to the Planning Department within the General Fund. The anticipated personnel cost requested was to be funded by reallocating budgeted funds from the Solid Waste Enterprise Fund for the vacant Environmental Coordinator position to the Planning Department within the General Fund. A budget amendment to transfer the funding was presented as an attachment in the agenda packet.

Motion: I move the Board approve the budget amendment as presented.

2025.126 Budget Amendment – Appropriated Fund Balance

Staff requested the Board approve a budget amendment, transferring \$54,935 from Restricted Fund Balance for Register of Deeds Automation Enhancement and Preservation Funds (AEPF) for payment of services for microfilm preservation of deed books with the North Carolina Archives.

Motion: I move the Board approve a Budget Amendment to appropriate fund balance for the preservation of deed books within the Register of Deeds' Office.

Property Access Request – 330 North King Street

The North Carolina Division of Waste Management was investigating the release of hazardous substances, pollutants, or contaminants at a local facility. The Division has requested access to a Henderson County property, located at 330 North King Street, to allow the Division's independent contractor to conduct additional assessment activities.

Motion: I move the Board authorize the completion of a Consent for Sampling form.

Project Position – Disaster Response/County Operations Extension

On October 7, 2024, the Board voted in favor of a motion to approve 20 project positions for county operations related Hurricane Helene.

On April 7, 2025, the Board voted in favor of a motion to extend all 20 project positions through June 30, 2025.

Staff requested the Board extend 11 of the 20 project positions through October 31, 2025, at which time another assessment of need will be completed.

Motion: I move that the Board extend 11 project positions through October 31, 2025.

2025.127 Minutes Revision - Clear Creek Sewer System, WGLA Engineering (Add on)

During the Board's November 16, 2023, meeting, WGLA Engineering (WGLA) was selected as the most qualified responding engineering firm for the Clear Creek Sewer System project. Subsequently, staff negotiated an agreement with WGLA for \$1,430,000.

During the Board's July 17, 2024, meeting, the Board voted to change the design option for the project, which altered the scope of the original WGLA agreement. Revised fees for designing and permitting by WGLA changed to \$1,149,210.

Since that time, staff have discovered an error in the minutes for the July 17, 2024, meeting. Staff requested a technical correction to include the revised fees for design and permitting amount of \$1,149,210 based on the change in scope for design services for WGLA.

Motion: I move that the Board approve the technical revision of the July 17, 2024 minutes to include the revised fees for design and permitting by WGLA of \$1,149,210.

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

PUBLIC HEARING

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

2025.128 Land Development Code Text Amendment (TX-2025-04), Helene Recovery – Temporary Housing

On November 20, 2024, the Board of Commissioners approved an amendment to address temporary housing post-disaster declaration due to ongoing recovery efforts from Hurricane Helene. The

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amendment that was adopted allowed Henderson County to permit temporary housing for residents who were impacted by the disaster. The proposed amendment would extend the temporary housing provision to include disaster relief workers assisting local organizations with the repairs and clean up.

The Planning Board reviewed the proposed text amendment on June 19, 2025, and voted unanimously to send forward a favorable recommendation on the amendment to the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this hearing was submitted to be advertised in the Hendersonville Lightning on Wednesday, July 23, 2025, and Wednesday, July 30, 2025, to meet the requirements of NCGS §160D-601

Public Input: There was none.

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

Vice-Chair Edney made the motion that the Board of Commissioners approve proposed text amendment #TX-2025-04 and find it is reasonable and consistent with the 2045 Comprehensive Plan. All voted in favor, and the motion carried.

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

2025.129 Rezoning Application #R-2025-07, Hickory Tree Lane

Staff received rezoning application #R-2025-07 for PIN 9547-42-5733 (hereafter, the subject area) for the entire 1.12 acres of the parcel. Bragg and Bragg Properties LLC owns the subject area with frontage along Hickory Tree Lane. The owner has requested that the subject area be rezoned from Estate Residential District (R-40) to Residential District Two Rural (R2R). The application was submitted on June 8, 2025. The subject area does not have access to city water & sewer.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. Per the Henderson County Land Development Code and State Law, notices of the August 4, 2025, public hearing were published in the Hendersonville Lightning on July 23, 2025, and July 30, 2025. Notices were also sent via first-class mail to the property owners within 400' of the Subject Area on July 16, 2025, and staff posted signs advertising the hearing on the Subject Area on July 22, 2025.

Public Input: There was none.

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

Commissioner Franklin made the motion that the Board of Commissioners approve rezoning application #R-2025-07 to rezone the Subject Area to the Residential District Two Rural (R2R) zoning district based on the Henderson County 2045 Comprehensive Plan recommendations. All voted in favor, and the motion carried.

DISCUSSION

Tree Preservation and Land Development Code (LDC) – Add On Item

In December of last year, the County's Environmental Advisory Committee submitted a memorandum to the Board of Commissioners requesting consideration of revisions to the LDC related to tree preservation, protection, and maintenance. The memorandum also recommended the formation of a Tree Canopy Committee to review existing regulations and propose amendments to the LDC.

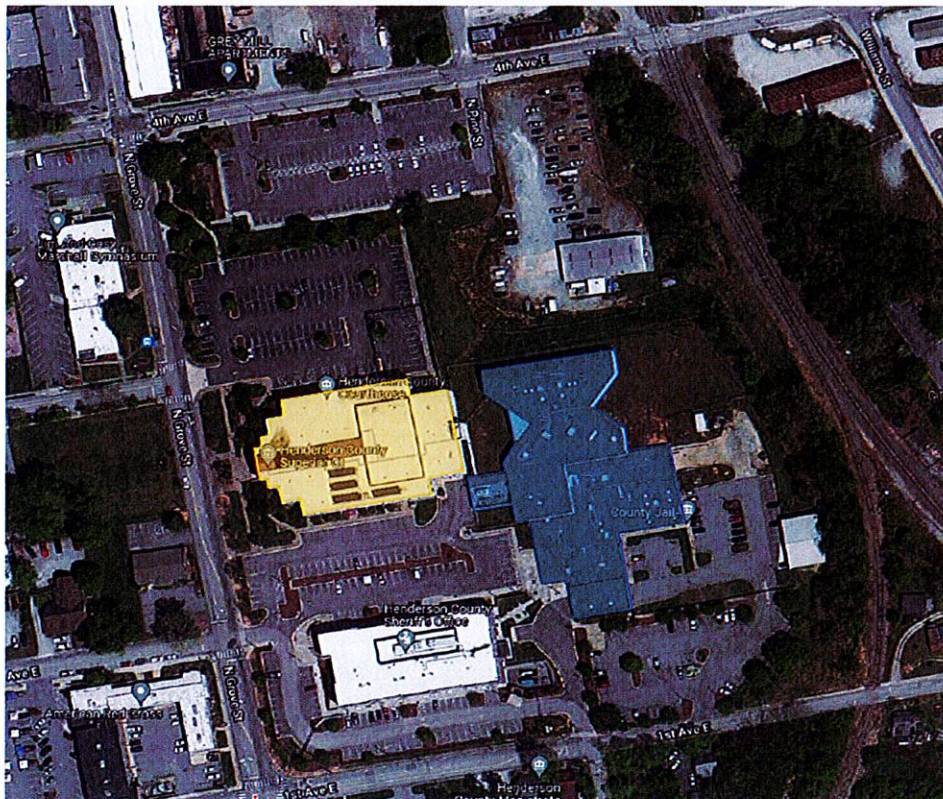
At the Board's June meeting, a member of the Environmental Advisory Committee voiced concern that no action had been taken on the request. Chairman Lapsley acknowledged and took full responsibility, stating that the request had unfortunately gotten "lost in the shuffle."

Chairman Lapsley recommended that the request be referred to the Planning Board for review and that the Planning Board report back to the Board of Commissioners with a recommendation as to whether or not the topic should be addressed through revisions to the LDC. The Board unanimously agreed with Chairman Lapsley's recommendation, and the matter will be sent to the Planning Board for consideration.

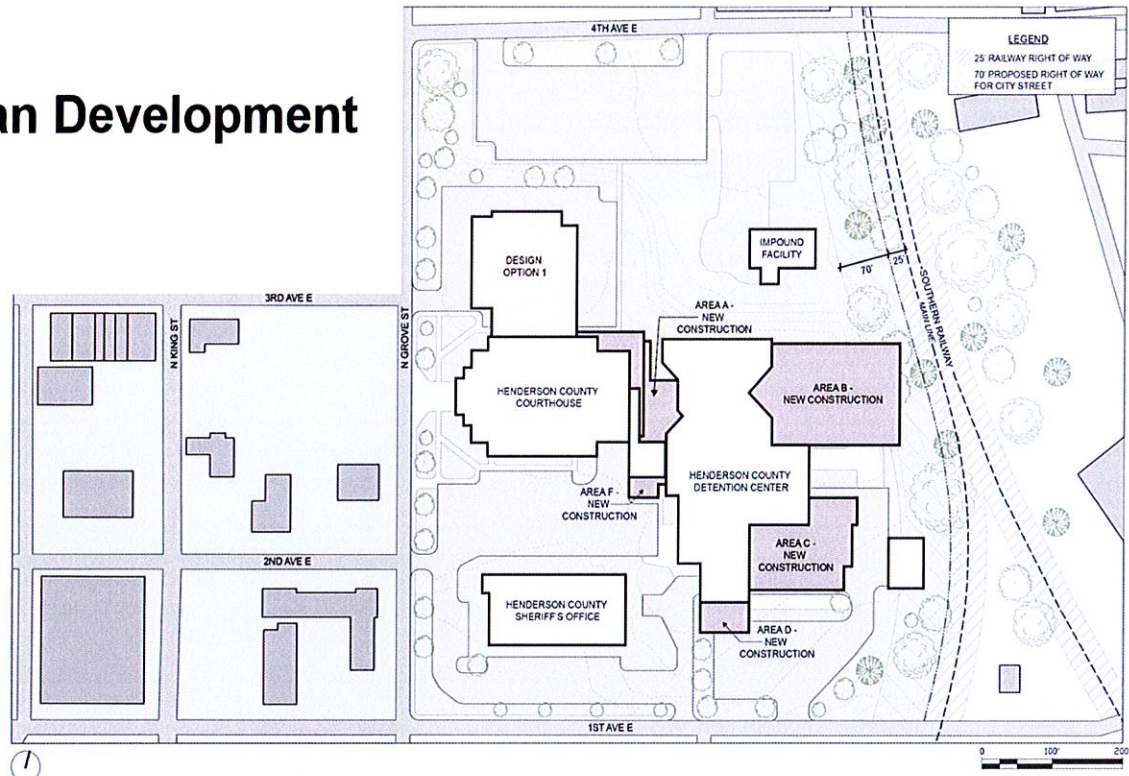
2025.130 Judicial Complex Addition & Renovation (JCAR): Detention Center Project
Guaranteed Maximum Price Review

Chris Todd provided a brief overview of the project and then the Board was presented with the Guaranteed Maximum Price (GMP) from Haskell-Cooper, Construction Manager at Risk (CMR), for the Judicial Complex Addition and Renovation (JCAR): Detention Center Project.

CURRENT SITE

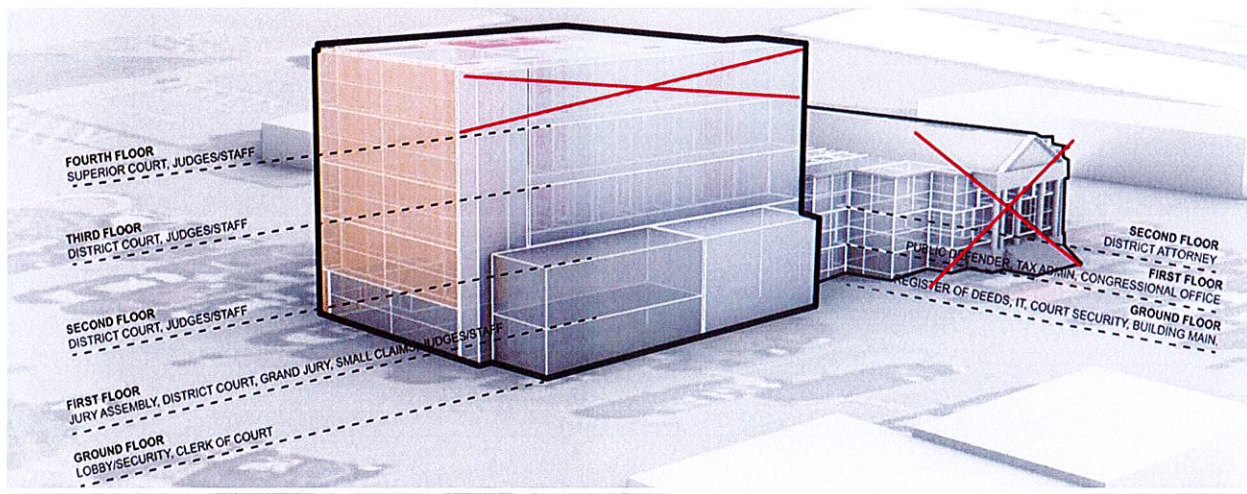
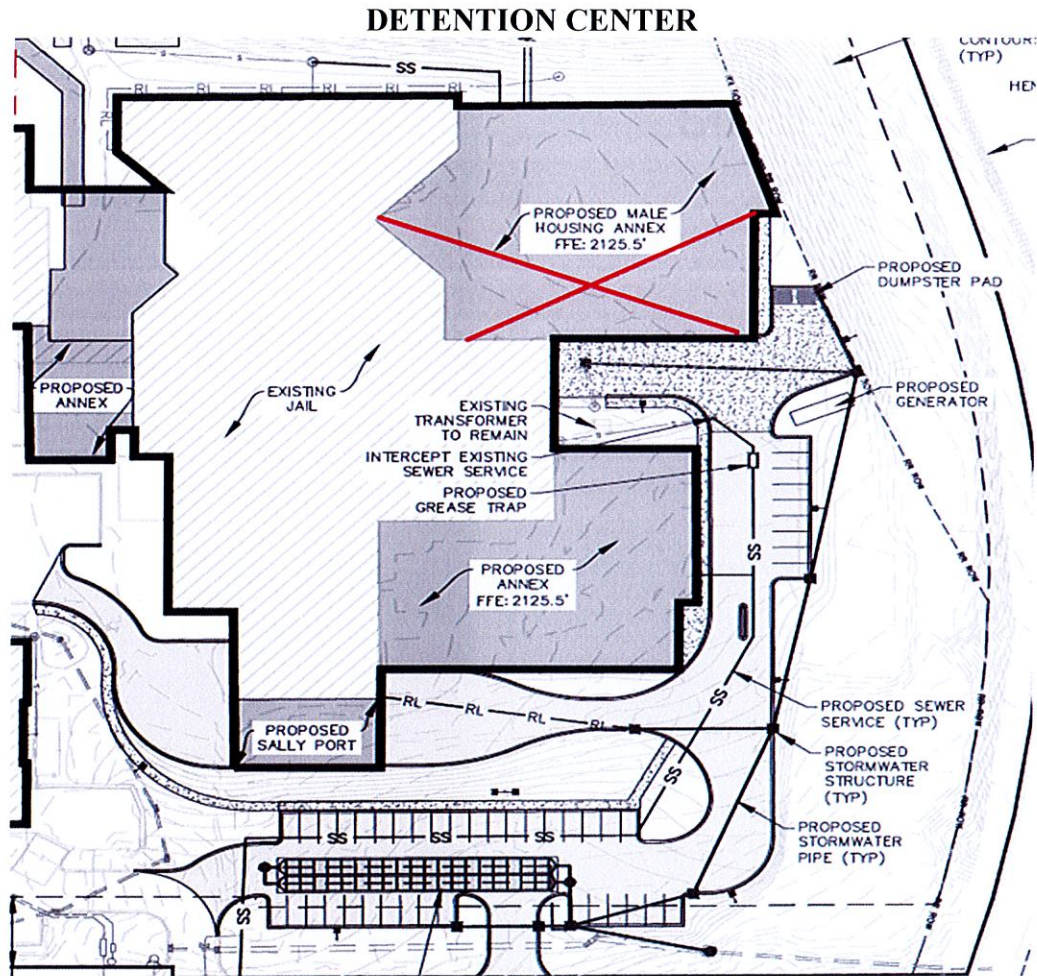


Site Plan Development

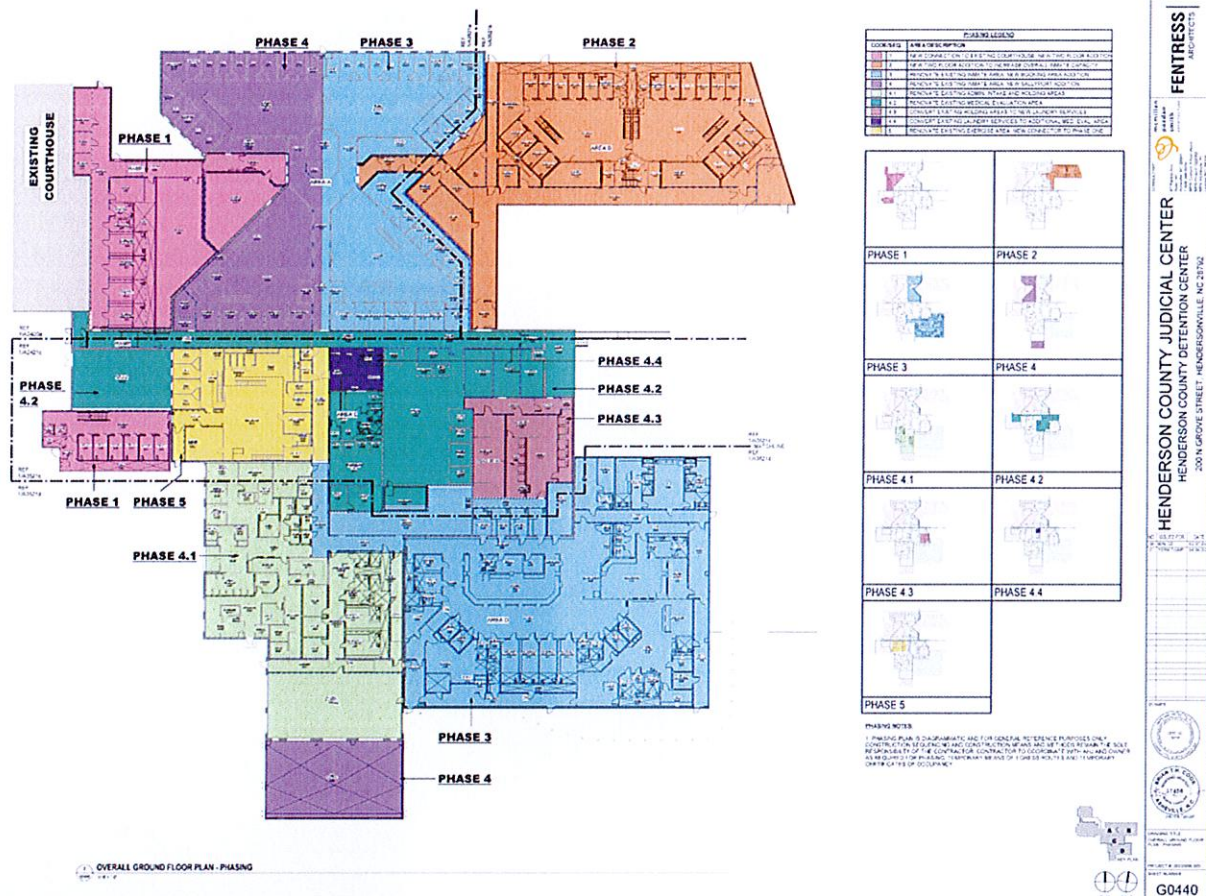


Henderson County - Courts VE cost options

Item	Courts VE item list	Base Option	Option 1 - delete Judge's garage	Option 2 - delete level 5 fully	Option 3 - shell out level 5	Option 4 - combination	Option 5 - combination	
starting point	SD cost estimate Courts and Jail Bldgs.	\$175.0	\$175.0	\$175.0	\$175.0	\$175.0	\$175.0	
1	Existing 95 Bldg. security office space demo and build, relocate to south entry	\$0.7	\$0.7	\$0.7	\$0.7	\$0.7	\$0.7	
2	Don't renovate 95 Bldg.	(\$35.6)	(\$35.6)	(\$35.6)	(\$35.6)	(\$35.6)	(\$35.6)	
3	Light touch to 95 Bldg. levels G, 1 and 2 for public and staff corridor connections	\$1.5	\$1.5	\$1.5	\$1.5	\$1.5	\$1.5	
4	Delete south half of jail area B	(\$9.1)	(\$9.1)	(\$9.1)	(\$9.1)	(\$9.1)	(\$9.1)	
5	Minor cost for existing department shuffle into existing 95 Bldg. spaces & levels	\$3.5	\$3.5	\$3.5	\$3.5	\$3.5	\$3.5	
6	Delete secure Judge's parking garage		(\$3.0)			(\$3.0)	(\$3.0)	
7	Delete level 5 of new courts Bldg., reduces courtroom total to 7 (new Courthouse Bldg.) (can't be added back in later)			(\$12.0)			(\$12.0)	
8	Delete parking lot fill and site retaining wall for a 4 story Bldg.			(\$0.7)			(\$0.7)	
9	Shell out level 5 only, temporarily reduces courtroom total to 7 (new Courthouse Bldg.)				(\$4.1)	(\$4.1)		
	Total for Buildings only	\$136.0	\$133.0	\$123.3	\$131.9	\$128.9	\$120.3	
	HC soft cost budget	\$35.0	\$35.0	\$35.0	\$35.0	\$35.0	\$35.0	
	Total project with all cost included	\$171.0	\$168.0	\$158.3	\$166.9	\$163.9	\$155.3	



Courthouse Development – Basis of Design



Detention Center Budget

Construction Cost

Guaranteed Maximum Price	\$64,356,271.00
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Soft Cost

FF&E and Technology Allowance	\$2,766,607.85
A&E Design Fees 50% of Fentress Contract	\$6,464,319.50
Permit Fee	\$412,208.50
Geo Technical and Materials Testing Fees	\$706,643.14
CMR Pre-Construction Fee	\$750,000.00
EERC Allowance	\$180,000.00
Owner Contingency (4%)	\$2,355,477.13
Sub Total	\$13,635,256.12

Overall Total Budget	\$77,991,527.12
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Chris Todd provided an overview of the Detention Center expansion project. He stated that the project includes the construction of an expanded parking area and the development of a new staff parking area. Within the Detention Center itself, a secure connection corridor—an above-ground tunnel—will be constructed to link the courthouse and the detention center, allowing for the secure movement of inmates between the two facilities.

The project also includes the addition of new female and male housing, rework of the existing administrative wing, and construction of a new administrative area. Additionally, a new Sally Port will be added to increase the facility's overall capacity and improve operational efficiency.

Mr. Todd emphasized that safety was the ultimate driver of the project. He noted that when construction takes place within a live and operating detention facility, safety must be at the forefront of every phase of the project.

Mr. Todd also stated that the construction cost presented to the Board reflects a guaranteed maximum price (GMP). This is significant because, should the Board choose to take action, they would be effectively locking in the price for the construction of the Detention Center. He explained that the decision before the Board was critical to stay on schedule with the County's borrowing timeline. The requested action was to either approve or disapprove moving forward with the Detention Center project later this fall.

Courts Addition Budget

Construction Cost

Construction Cost Estimate based on component cost - **not square footage	\$74,896,284.00
CMR Fee (3.75% included in construction cost)	\$2,808,610.65
Construction / Contractor Contingency (5% included in const cost)	\$3,437,580.00
Sub Total	\$74,896,284.00

Soft Cost

FF&E and Technology Allowance	\$5,493,777.04
A&E Design Fees	\$6,464,319.50
Permit Fee	\$524,273.99
Geo Technical and Materials Testing Fees (1.2%)	\$898,755.41
CMR Pre-Construction Fee	\$0.00
EERC Allowance	\$180,000.00
Owner Contingency	\$4,493,777.04
Sub Total	\$18,054,902.98

Overall Total Budget	\$92,951,186.98
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Henderson JCAR – Pricing History

○ Estimate #1 August 2023

- Based on Preliminary Design Development Documents
- Included the Courts
- Pricing based on Internal Database
- Conducted reconciliation workshops with OCMI, Fentress, MPS, Burns, and County Staff
- ◆ Developed Initial Preliminary Phasing Strategy & Schedule - GMP Jan of 2025/Construction Start Feb 2025 ~ 25 Months Construction

○ Estimate #2 July 2024

- Based on Updated Schematic Design Documents
- Excluded the Courts
- Pricing based on Internal Database
- Conducted reconciliation workshop with OCMI, Fentress, MPS, Burns, and County Staff
- Refined Preliminary Phasing Strategy & Schedule – GMP Jan of 2025/Construction Start Feb 2025 ~25 Months Construction

GMP Proposal July 2025

- Based on ~95% Permit Issue Construction Documents
- Excludes the Courts
- Based on Competitive Subcontractor Prequalification and Bidding Process
- Further Refined Preliminary Phasing Strategy & Schedule – Forecasted October 2025 start ~30 Months Construction.

GMP (Guaranteed Maximum Price) Refinement

- ◆ Initial GMP Reviewed with County Staff on 06/30/2025
 - ◆ \$69,600,000
- ◆ Reviewed Updated GMP (R1) with County Staff on 07/08/2025
 - ◆ General Conditions / Staffing / Phasing Adjustments
 - ◆ Escalation Allowance Reduction
 - ◆ Subcontractor Negotiations
 - ◆ \$66,300,000
- ◆ Reviewed Updated GMP (R2) with County Staff on 07/23/2025
 - ◆ Contingency Reductions
 - ◆ General Conditions / Staffing / Phasing Adjustments
 - ◆ Allowance Refinements
 - ◆ \$64,500,000

John Alborough with Haskell-Cooper summarized the update by stating that today's Guaranteed Maximum Price (GMP) was \$64.4 million, with an estimated construction duration of 30 months.

Chairman Lapsley clarified that the JCAR project has undergone numerous studies and extensive planning. He emphasized that discussions surrounding the project began approximately eight years ago and that a significant amount of work has been completed since then. He noted that the project has been on the table for a long time and has been carefully and thoughtfully evaluated throughout that period. While he wished the cost were lower, he did not believe that would be possible.

Additional discussion followed, with Commissioner Egolf noting that he had toured the detention center while campaigning for his seat on the Board and agreed that the proposed improvements were necessary. Commissioner McCall clarified that the GMP (Guaranteed Maximum Price) represents the maximum cost of the project, and actual costs could come in lower if further savings are identified during construction. Commissioner Franklin expressed her disappointment with the overall cost but deferred to the judgment of the engineers, adding that she holds the utmost respect for those who have dedicated the past eight years to the project. Vice-Chair Edney also commended everyone involved for their hard work and commitment. He stated that, given the current economy and the amount of time already invested in the project, he was confident the costs would not be any lower and believed the price presented was as good as it could be.

Vice-Chair Edney made the motion that the Board of Commissioners accept the Guaranteed Maximum Price (GMP) of \$64,356,270.99 as presented from Haskell-Cooper, Construction Manager at Risk (CMR) as presented for the Judicial Complex Addition and Renovation – Detention Center Project. All voted in favor, and the motion carried.

2025.131 Final Approval of a Financing Contract for Detention Center Portion of the Henderson County Judicial Center Project

A public hearing was scheduled and held on July 16, 2025, at 9:30 am in the above matter. Notice was published in the *Hendersonville Lightning* on July 2, 2025.

The Board gave notice that this hearing would be conducted concerning the approval of the execution and delivery of the Financing Contract and the County's acquisition, construction, and equipping of the Project. Under the proposal, the County would pay the capital costs of renovation and expansion of the County's existing detention facility as part of a County judicial center, and the refinancing of the County's outstanding installment payment obligations related to (the "Project"). This would be done pursuant to an installment financing contract (the "Contract"), in a principal amount not to exceed \$110,000,000, under which the County will make certain installment payments.

Vice-Chair Edney clarified that, unless something unusual occurs, approval of the project would not result in a tax increase. John Mitchell confirmed that this portion of the project remains well within the established budget.

Vice-Chair Edney made the motion the Board of Commissioners approve and authorize staff to proceed with the Financing Contract for Project for Detention Center Portion of Henderson County Judicial Complex. All voted in favor, and the motion carried.

2025.132 Henderson County Occupancy Tax Rate Levy

The Board of Commissioners discussed a proposal to increase the county's occupancy tax rate from 5% to 6%. Commissioner Egolf, who serves as the commissioner representative of the Tourism Development Authority (TDA) and previously served as a member of the School Board, emphasized the need for additional funding to support tourism promotion and the Berkeley Park Sports Complex.

County Attorney Russ Burrell provided background on the occupancy tax and clarified that the Board has the authority to increase the rate to a maximum of 6% per Session Law 2013-61. It was noted that tourists, not county residents, pay the tax, and a 1% increase would generate an estimated \$750,000 annually.

Commissioner Egolf made a motion to increase the Occupancy Tax Rate to a total of 6% according to the provision of Section 1 of North Carolina Session Law 2013-61. The new occupancy rate of 6% will take effect on October 1, 2025. All voted in favor, and the motion passed unanimously.

Hurricane Helene Update

Staff provided the most recent information on the impacts of Hurricane Helene.

Financial Impacts

FEMA Projects Summary - Closed Out

Title	Process Step	Total Cost
Emergency Debris Removal	Project Closed Out	\$1,139,019
Total		\$1,139,019

FEMA Projects Summary - Closed Out

Title	Process Step	Total Cost
Expedited Funding	Obligated, Payment Received	\$15,224,300
United Way	Obligated, Awaiting Payment	\$91,277
Private Property Debris Removal		\$78,048.30
Total		\$15,393,625.30

FEMA Projects Summary – Phase 2

Title	Process Step	Total Cost
Radio Tower Access Roads	Pending PDMG Scope & Cost Routing	\$20,000
Mill Pond Creek Educational Drainage Project	Pending DDD Completion	\$400,000
Waterway Debris Removal – 90%	Pending PDMG Application Review	\$33,238,833
Waterway Debris Removal – 100%		\$1,657,450
Personal Property Debris Removal – CAT A	Pending Recipient Application Review	\$22,735,164.35
Right of Way Debris Removal – 90%	Pending Application Completion	\$0
Personnel costs thru Dec 2024 – External	Pending Application Completion	\$0
Leases – DRC and Warehouse	Pending Application Completion	\$930,000
Personnel Costs thru Dec 2024	Pending Application Completion	\$3,442,559.68
Emergency Management – CAT B	Pending Application Completion	\$0
Food Supply Rental Generator	Pending Application Completion	\$0
Jackson Park Field and Lighting	Pending Initial Project Development	\$250,000
Libraries, Activities and Community Center	Pending Initial Project Development	\$40,500
Dana, Etowah, Edneyville and Flat Rock Parks	Pending Initial Project Development	\$35,500
Bearwallow Mountain Tower	Pending Initial Project Development	\$25,000
Etowah Sewer	Pending Initial Project Development	\$46,200
Vehicles and Equipment	Pending Initial Project Development	\$76,661
Creeks & Stream Gauges	Pending Initial Project Development	\$100,000

Summary to Date

Revenues:

FEMA Funding Received	16,363,318.50
Cash Flow Loan Net Proceeds	2,770,048.35
Donations, Unassigned	104,628.30
Insurance Proceeds	538,876.21
Interest Earned	55,690.13
Grants	25,000.00
Reimbursements	5,384.00
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	19,862,945.49

Expenditures:

Personnel	3,551,765.38
Debris Management/Monitoring	20,178,972.07
Other Disaster Response	2,746,434.90
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	26,477,172.35

Net

-6,614,226.86

Chairman Lapsley inquired about the anticipated receipt date for the \$6.6 million FEMA reimbursement. County Manager John Mitchell responded that he expects the total reimbursement amount to increase to approximately \$20 million as additional bills are submitted. While he has attempted to get a definitive repayment timeline, the best information received from FEMA indicates that funds may begin flowing to the County in late August or early September.

Mitchell acknowledged the Board of Commissioners' longstanding commitment to maintaining a fund balance policy and noted that, because the Board has responsibly set aside reserves over time, he does not anticipate the current reimbursement delays will negatively impact the County's ability to conduct day-to-day operations.

Chairman Lapsley reiterated his concerns about delays in FEMA reimbursements and encouraged staff to "keep pushing" for timely processing.

Mitchell also informed the Board that the County joined the SMART program about a week and a half ago. Under this program, eligible expenses are submitted directly to the state for payment, eliminating the need for the County to front the costs.

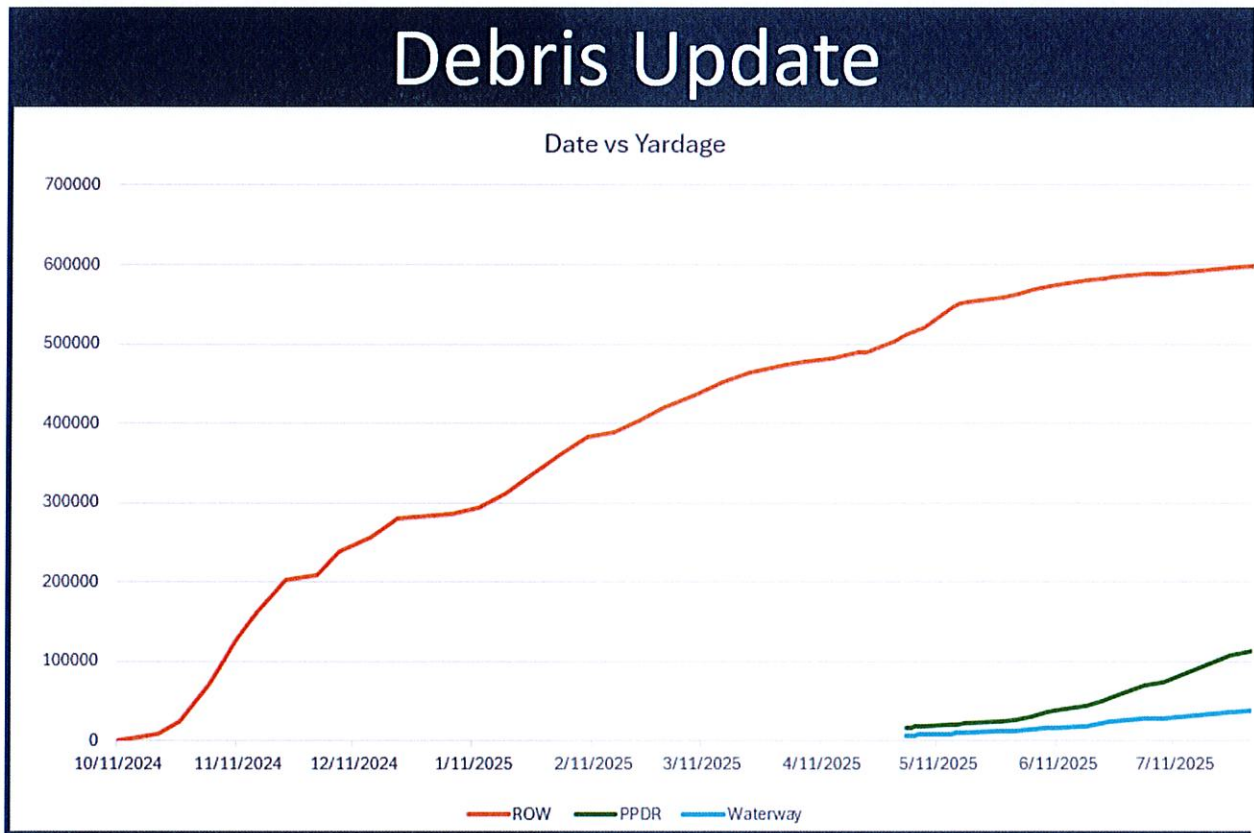
Debris Update

Marcus Jones provided a brief update on ongoing debris removal efforts. He reported that approximately 35% of waterway debris removal and 50% of private property debris removal have been completed. The Right-of-Way (ROW) Debris Removal Program has officially closed, with the debris contractor now responding to any additional calls on a case-by-case basis.

Mr. Jones provided additional information on the SMART Program, stating that the kickoff meeting was held the previous Friday, and the program officially began on Sunday. From this point forward, eligible disaster recovery work will be invoiced directly to the state for payment. Jones explained

Approved: August 20, 2025

that, from the public's perspective, there will be no visible changes in how services are delivered. The shift to SMART is primarily internal, affecting finance procedures and the payment of invoices.



Helene Related Programs

Mr. Mitchell shared updates on several related recovery programs, beginning with the Tuxedo Hydroelectric Dam at Lake Summit. He informed the Board that Northbrook had indicated that they are in negotiations to sell their interest in the dam. The prospective buyer, whose identity is not yet known, is currently undergoing due diligence and has expressed interest in rehabilitating the dam for continued hydroelectric use. Mitchell described this as positive news for the community.

John Mitchell shared updates on other related recovery programs, including the SMART Program, the Hazard Mitigation Grant Program (with the first property purchase anticipated in October), NCDOT projects, and the Renew NC Single-Family Housing Program.

NOMINATIONS AND APPOINTMENTS

1. Henderson County Rail – Trail Advisory Committee – 1 vac.

Vice-Chair Edney made the motion to move Richard “Ken” Shelton from his current At-Large Seat to the Conserving Carolina-designated Seat #4 on the Henderson County Rail-Trail Advisory Committee. All voted in favor, and the motion carried.

Vice-Chair Edney moved to nominate Chris Burns for appointment to Seat #9. All voted in favor, and the motion carried.

2. Hendersonville City Zoning Board of Adjustment - 1 vac.

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

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

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

4. Juvenile Crime Prevention Council – 1 vac.

Commissioner McCall made the motion to nominate Stephanie Cantwell for appointment to Seat #25 on the Juvenile Crime Prevention Council. All voted in favor, and the motion carried.

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

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

6. Mountain Area Workforce Development Board – 1 vac.

Chairman Lapsley made the motion to nominate Teresa Medlin for appointment to Seat #1 on the Mountain Area Workforce Development Board. All voted in favor, and the motion carried.

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

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

Chairman Lapsley announced that applications are currently being accepted for the newly formed Joint Water and Sewer Commission in partnership with the City of Hendersonville. Individuals interested in serving are encouraged to submit an application along with a cover letter outlining their qualifications and reasons for wishing to participate on the commission. Applications and recommendations should be submitted to the Clerk to the Board, Denisa Lauffer.

COMMISSIONER UPDATES

Commissioner Egolf – No updates.

Vice-Chair Edney asked about the software that would take the place of the county's current GIS program. Mr. Todd said the replacement would be another web GIS system. He noted that the changeover was predicated on the fact that the county was no longer getting support for the current GIS system. Todd indicated that staff were currently beta testing the new system, with a full launch anticipated by the end of the month.

Commissioner McCall gave a shout-out to the Recreation Department for its partnership with Lipman Family Farms, who donated 500 backpacks filled with school supplies. Notably, 100 of those backpacks also included certificates for brand-new bicycles.

Commissioner Franklin inquired about the status of the new Farmland Preservation staff position. Chris Todd responded that the position had been advertised, and staff was working with Soil and Water to review potential candidates.

Commissioner Franklin also voiced her appreciation for the recent public input meeting held in Mills River on the proposed agriculture building and asked Todd to announce the date of the upcoming input session in Edneyville. Todd responded that the meeting will be held on August 14, 2025, from 5:30 to 7:30 p.m. at the Edneyville Community Center.

In closing, Commissioner Franklin asked if there was an update on the Davis Mountain Road project. Mr. Mitchell responded that several meetings had been held regarding the project, and the latest information he has is that it is scheduled to let—to go to contract—on October 21, 2025.

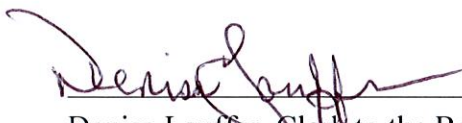
Chairman Lapsley announced that he is currently serving in his third term representing District 3 and has decided not to seek reelection. He stated that he intends to complete his current term with dedication and commitment. Chairman Lapsley has served on the Board since December 2014.

COUNTY MANAGER'S REPORT

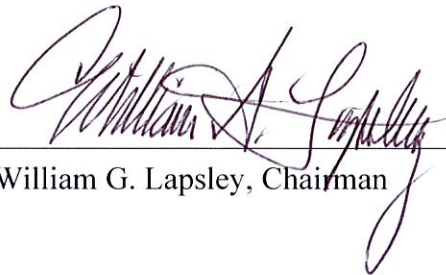
County Manager John Mitchell stated he speaks for everyone in saying how much the County and its citizens have benefited from Chairman Lapsley's leadership, wisdom, and experience.

Mr. Mitchell also noted that with the Board's decision tonight, the County has just committed to one of the most significant capital expenditures in its history.

Motion: Vice-Chair Edney made the motion to go into Closed Session pursuant to NCGS 143.318.11(a)(3),(4). All voted in favor, and the motion carried.



Denisa Lauffer, Clerk to the Board



William G. Lapsley, Chairman