

**DRAFT**

**MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, NOVEMBER 20, 2019**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Grady Hawkins, Vice-Chairman William Lapsley, Commissioner Mike Edney, Commissioner Rebecca McCall, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, Construction Manager David Berry, IT Director Mark Seelenbacher, Emergency Management/Rescue Coordinator Jimmy Brissie, Wellness Manager Jamie Gibbs, Capital Projects Manager Thad Ninnemann, Maintenance Supervisor Chris Hill, Soil and Water Conservation Director Jonathan Wallin, Facility Services Manager Jerry Tucker, EMS Director Mike Barnett, Budget Manager Megan Powell, Planner Matt Champion, Planning Director Autumn Radcliff, Behavioral Wellness Counselor Michael Tui, Behavioral Wellness Counselor Holly Metcalf, Tax Administrator Darlene Burgess, Recreation Director Carleen Dixon, Budget Analyst Sonya Flynn, DSS Director Jerrie McFalls, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, Sergeant Fred Westphal and Deputy Seth Summey as security.

Absent was: Commissioner Mike Edney

**CALL TO ORDER/WELCOME**

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

**INVOCATION**

The invocation was provided by County Manager Steve Wyatt.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Chairman Hawkins.

**LUCAS CPR DEVICE DEMONSTRATION**

Jimmy Brissie thanked the Board for investing in the lives of the community and purchasing the CPR devices.

Mike Barnett stated during budget deliberations the Board of Commissioners made the decision to purchase Lucas CPR devices for every ambulance at a cost of approximately \$13,000 each. The medical field began use of the automatic devices in 2013.

Nathan Silvers and Jessica McMurray demonstrated use of the Lucas CPR Device.

**NCACC EXCELLENCE IN INNOVATION AWARD PRESENTATION**

Matt Bigelow, Program Development Manager for the N.C. Association of County Commissioners, stated the NCACC supports well-being in all of North Carolina. They partnered with the Local Government Federal Credit Union (LGFCU) where 10 projects received awards for 2019. Team members receiving the award are Behavioral Wellness Counselors Michael Tui, Holly Metcalf, contracted Behavioral Wellness Counselor Kaye Knauff and Dr. Jamie Gibbs. He introduced Greta Gibson with the LCFCU.

Greta Gibson noted at the August NCACC Conference, with 100 counties in attendance, Henderson County was recognized with the 2019 Excellence in Innovation Award for their Behavior Wellness Program. This was

Approved:

accomplished by determined leaders and staff offering counseling and other services to employees as needed.

Dr. Jamie Gibbs thanked the Board of Commissioners for everything, noting that adding counselors has made a huge difference in lives of Henderson County employees.

David Nicolson, Outreach Associate for NCACC took photos of the team receiving the award.

**PUBLIC HEARING**

**2019.86 Public Hearing for Land Development Code (LDC) Text Amendments (TC-2019-01)**

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

Autumn Radcliff stated with the adoption of the Land Development Code (LDC) on September 19, 2007, the Board of Commissioners directed staff to prepare annual updates to the LDC to prevent it from becoming outdated. This annual review is intended to prevent the need for a large overhaul of the entire code in the future. Trends and new issues are regularly emerging that require periodic updates to LDC text.

The proposed subdivision text amendments include: aggregation, lot designs, conservation subdivisions, clarifications for all subdivision types, property addressing, and private road standard reductions. The second round of proposed review processes and procedures text amendments address requirements when submitting for subdivision approval and plat recording element for active development plans.

The Henderson County Planning Board has been discussing the draft text amendments for several meetings and on October 24, 2019 voted to send forward a favorable recommendation on the attached draft LDC text amendments (TX-2019-01).

**Public Hearing Requirements**

- Planning Board reviewed and discussed these amendments over several meetings and made several adjustments to the draft amendments
- Planning Board voted to send forward a favorable recommendation at its meeting in October
- Notice of the public hearing were published in the Hendersonville Lightning on November 6<sup>th</sup> and November 13<sup>th</sup>
- BOC may adopt all or some of these amendments at anytime
- Staff will go through each amendment and give the BOC an opportunity to discuss, ask questions or make an individual motion to adopt, deny or table the amendment

**2019 Annual LDC Text Amendments**

**Subdivision Regulations Approved by Planning Board at the October 24, 2019 Meeting**

**Recommended changes are highlighted in red.**

**Text Amendment A: Aggregation**

When this could occur and related issues:

- Two small subdivisions avoiding the major subdivision standards
- Subdivision type and standards are based on size
- 300 unit threshold requires a different review process that does not fit
- Existing thresholds: 11 lots, 35 lots, 100 lots, 300 lots

Examples:

1. Dodd Meadows
2. Riverstone
3. Hammond Tract
4. Tap Root

Example: 600 ac (1 unit per ac) = 600 homes

600 home subdivision as a conditional zoning district

Or 2 subdivisions with 299 homes each

**§42-79. Aggregation**

Two or more developments shall be aggregated and treated as a single development under the Land Development Code when they are determined to be part of a unified plan of development and are physically proximate to one another. Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the Planning Board may determine that two or more projects are part of a unified plan of development:

- A. There is a reasonable closeness in time between the completion of some or all of one development and the submission of an application for authorization of other development which is indicative of a common developmental effort;
- B. A master plan or series of plans or drawings exists covering the development sought to be aggregated;
- C. There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
- D. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

**2019 Annual LDC Text Amendments**

**Subdivision Regulations Approved by Planning Board at the October 24, 2019 Meeting**

**Recommended changes are highlighted in red.**

**Text Amendment B: Lot Design**

**§42-83. Lot Designs**

New subdivision *lots* shall:

- A. Abut on an approved *road* or driveway easement (See §42-104, Residential Private Road Standards by Road Classification);
- B. Be no narrower than 30 feet in width where abutting the *right-of-way* or for purposes of the driveway easement;
- C. Be calculated excluding **new or existing road right-of-way** to determine size;
- D. Be of a size, width, depth, shape and orientation reasonable for the type of development;
- E. Where possible, have side *lot* lines at right angles or radial to the *roads* faced; and
- ~~F. Not be designed as *flag lots*, except where approval may be obtained from the reviewing agency for unusual circumstances (including severe topographic conditions, the presence of *unique natural areas*, preservation of working agricultural lands, or other limiting site conditions).~~
- G. Provide the approved E911 identification.

**Text Amendment C: Conservation Subdivisions**

**§42-88. Conservation Subdivision Standards**

**Conservation subdivision standards shall apply to all subdivisions proposing 35 lots or more.**

- A. *Open space* shall:
  - (1). Comprise a minimum of 25 percent of the project area. **Subdivision proposing 100 or more lots may not use the floodway area to determine the overall density calculation but may count the floodway area for open space requirements. Floodplain areas are allowed to be calculated for both density and open space requirements.**

**Flood Hazard Area Terms**

- **Floodway** – The area closest to stream or river that is reserved in order to discharge the base flood. NO Structures are permitted in the floodway area.

- **Floodplain** – The area adjacent to the floodway that has a 1% or 2% chance of flooding in a given storm event. Structures/homes are allowed to be built in the floodplain provided they are elevated and up to 20% of this area can be filled.

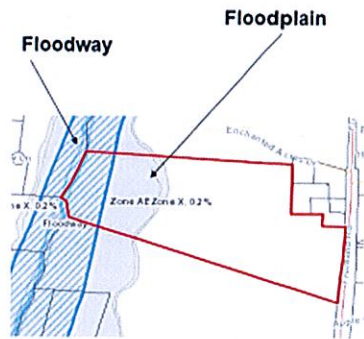
## Flood Example

**Example:** 200 acre parcel with 20 acres of floodplain and 12 acres of floodway.  
Zoning allows 1 unit per acre.

**Existing Rules**

200 Acres Total  
200 Homes  
25 % open space required (50 ac)

- All of the floodway and floodplain are calculated for density and used as open space.



**Proposed Amendment**

200 Acres Total (200 – 12 (floodway) = 188)  
188 Homes  
25 % open space required (50 ac)

- Floodway is not used to calculate density but is counted toward required open space.
- Only for subdivisions proposing 100 or more lots.

### Text Amendment D: Clarifications to Subdivision Types

**Subdivision Types**

- **Non Standard** - Cell Tower site or utility site
- **Exempt** – Recombining 2 lots into 1 lot of record
- **Special** – Parcels of record that existed when LDC was adopted and cannot meet the zoning density, may subdivide up to 5 lots that are a minimum of ½ ac in size (replaced family subdivision provision)
- **Minor** – Creating 10 or fewer lots
- **Major** – Creating 11 or more lots

**§42-93. Special Subdivisions**

Special subdivisions shall be permitted under the following conditions:

- A. For lots of record prior to September 19, 2007 where there is insufficient acreage to meet the density regulations of the zoning districts, up to five (5) lots may be created where each lot is at least one half (1/2) acre (21,780 square feet) in size.
- B. The special subdivision procedure may not be used in conjunction with an application for a minor subdivision or a major subdivision.

The special subdivision procedure does not apply to the following zoning districts: Estate Residential (R-40), Surface Water District (SW), and Waterfront Residential (WR).

**§42-94. Minor Subdivisions (Ten (10) or Fewer Lots)**

Minor subdivisions shall adhere to all applicable requirements of this Chapter. No more than ten (10) lots in a five (5) year time period shall be allowed unless the subdivision complies with the major subdivision standards.

**§42-95. Major Subdivisions (Eleven (11) or more Lots or Commercial, Office Institutional, or Industrial)**

- H. Street Tree Requirements. Street trees shall be required in accordance with Article V (Landscape Design Standards) Subpart C (Street Tree Requirements). **Street trees are required to be installed prior to final plat approval.**

#### §42-100. Existing Private Roads

Any portion of an existing private ~~road~~ ~~(H)~~ located in an existing recorded private *right-of-way* and ~~(2)~~ surrounded by the *tract* to be subdivided shall be upgraded to meet the *road* standards of this Subpart C (Subdivision Road Standards Applicable to All Subdivision Types and Subtypes) **in major subdivisions.**

#### **Text Amendment E: Road Names**

#### §42-103. Road Names

Road names are required for all public and private roads (including alleys and *driveway easements*) that access more than two (2) lots. Proposed names for *roads* shall:

- A. Be pre-approved by Henderson County in accordance with Chapter ~~142~~ **41** of the Henderson County Code, Property Addressing.
- ~~B. Not duplicate or be phonetically similar to existing road names, irrespective of the use of the suffix (i.e., road, avenue, boulevard, drive, place, court etc.).~~
- ~~C. Not exceed 15 characters, including spaces (not including prefixes and suffixes).~~

A proposed *road* **obviously** in alignment with an existing named *road* shall bear the name of **the** existing *road*.

#### §42-104. Road Name Signs and Regulatory Signs

*Road name signs* and *regulatory signs* (speed limit signs, stop signs, etc.) shall be provided in accordance with Chapter 142 of the Henderson County Code, *Property Addressing* and with applicable local, state and federal laws, rules and regulations. ***Road name signs* and *regulatory signs* must be acquired prior to final plat approval.**

#### **Text Amendment F: Road Standards**

#### §42-110. Additional Road Design Standards Applicable to all Road Classifications.

- D. Dead Ends, Cul-de-sacs and Turnarounds. *Vehicle* turnaround areas shall be provided at the end of all dead-end *roads* **(excluding private driveway easements)** that exceed 300 feet.

#### §42-111. Private Road Standard Reductions

- A. Right-of-way Width Reduction. Right-of-way width requirements may be reduced to 30 feet in width where no more than five (5) lots are proposed and it is unlikely (due to design, topographic conditions or existing development) that any road contained therein would be extended to serve more than five (5) lots.  
~~*Right-of-way width reductions are also permitted where the development is a dwelling, multifamily, five (5) or more units, provided these modifications are approved by the reviewing agency with consideration to sound engineering, public safety concerns and community character.*~~
- ~~B. Travelway Width Reduction. Travelway width requirements for private subdivision limited local roads in special subdivisions may be reduced to nine (9) feet where an existing road with a travelway width of at least nine (9) feet occurs. The Subdivision Administrator will permit the reduction only upon inspection for road stability and provided that all other private subdivision limited local road standards are met. Existing roads shall be improved to meet the private subdivision limited local road standards before a final plat can be approved.~~
- B. Centerline Curve Radius Reductions. Centerline curve radius reductions may be reduced to:
  - (1) 80 feet where the existing cross slope on *private subdivision collector roads* is 15 percent or greater, or
  - (2) 60 feet where the existing cross slope on *private subdivision limited local residential subdivision roads* or *private subdivision local residential subdivision roads* is 15 percent or greater.

~~Centerline curve radius reductions are also permitted where the development is a dwelling, multifamily, five (5) or more units, provided these modifications are approved by the reviewing agency with consideration to sound engineering, public safety concerns and community character.~~

- C. Shoulder Width Reduction. Shoulder width shall be reduced for:
- (1) *Private subdivision local roads* and *private subdivision collector roads* to a minimum of two (2) feet in cases where the existing cross slope is 20 percent or greater; and
  - (2) *Private subdivision collector roads* to a minimum of four (4) feet in cases where the existing cross slope is greater than ten (10) but less than 20 percent or greater.
- D. Cut and Fill Slopes. Cut and fill slopes shall be reduced to 1:1 where the existing cross slope is 20 percent or greater. **Additional erosion control measures are required in areas where cut and fill slopes utilize this reduction. Enforced by the Erosion Control Administrator.**

#### Additional Erosion Control

Applicant's engineer works with County's Project Engineer, Natalie Berry, to place the required erosion control measures based on the specific location.

**2019 Annual LDC Text Amendments – Subdivision Review Processes and Procedures: Amendment G Approved by Planning Board at the October 24, 2019 Meeting**  
**Recommended changes are highlighted in red.**

#### **Text Amendment G:**

#### **§42-337. Review for Minor, Special, and Nonstandard Subdivisions**

##### B. Application.

1. Application. Each *applicant* shall submit an application to the *Subdivision Administrator*. Applications may be modified by the *Subdivision Administrator* as necessary, who may require the *applicant* to supply additional information. Development plans are required for *minor* or *phased minor subdivisions* where ~~six (6)~~ up to ten (10) *lots* and new *right-of-way* are proposed. Development plans must be submitted to the *Subdivision Administrator* pursuant to §42-112 (Minor Subdivisions). Where development plan review is not required the *applicant* shall submit a *final plat* in mylar form and a **blue-line paper** copy of the *final plat* along with all application materials (see Article III (Subdivision Regulations)). The *final plat* must be prepared in conformance with the *final plat* requirements provided by the Planning Department, (§42-343 (Final Plat Review)) and provisions of this Chapter.

#### **§42-341. Master Plans – Concept Plan for the whole development**

- A. Plan Preparation. Master plans must be prepared in conformance with this subpart and master plan requirements provided by the Planning Department. A master plan is required during review of all *major subdivisions*. The *applicant* shall submit ~~four (4)~~ **two (2)** full-sized copies, **and** one (1) reduced-sized copy, **and a digital copy** of the master plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least ~~30~~ **4** large copies shall be submitted in its place. The master plan may consist of multiple sheets, if needed. *Applicants* proposing single section or *phased subdivisions* may submit a combined master plan and development plan (“master/development plan”) that shall be prepared in conformance with this subpart and the requirements of a development plan provided by the Planning Department and §42-342 (Development Plans).

#### **§42-342. Development Plans – Detailed plan submitted for each phase to begin moving dirt**

- A. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all *major subdivisions*. The development plan may be submitted for the entire *subdivision* or any section thereof. The *applicant* shall submit ~~four (4)~~ **two (2)** full-sized copies, **and** one (1) reduced-sized copy, **and a digital copy** of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at

least ~~30~~ 4 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.

- E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the *applicant* must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the *applicant* may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

**§42-343. Final Plat Review** – What is submitted to staff to review and approve for recoding of lots for sale. Requires a site inspection by Planning Department staff.

- A. Final Plat Review for Minor and Nonstandard Subdivisions.

(3) Staff Review. If the *subdivision* complies with the standards set forth herein the *Subdivision Administrator* shall provide approval in writing on the face of the *final plat* and shall retain a "~~blue line~~" signed copy for departmental records. Once the *plat* has been approved, the *final plat* must be recorded ~~in a timely manner~~ within twelve (12) months from *Subdivision Administrator* approval.

- B. Final Plat Review for All Major Subdivisions.

(3) Staff Review. The *Subdivision Administrator* shall review the *final plat* and determine its completeness, finding that the regulations of this Chapter that set forth specific standards have been met for *final plats*. The *Subdivision Administrator* shall review the *final plat* for conformance with all applicable standards and conformance to any associated master plans and development plans. The *final plat* may be approved administratively if the *plat* meets all requirements of the Chapter and satisfies all conditions imposed by the reviewing agency. Upon approval, and before any *lots* are transferred, the *applicant* shall record the *final plat* at the office of the Register of Deeds within twelve (12) months from *Subdivision Administrator* approval. Incidental changes to the *final plat*, which do not in any way affect the character of the development, may be submitted prior to, or after, recordation and may be approved for re-recordation by the *Subdivision Administrator*. No *lots* governed by this Chapter may be conveyed until a *final plat* is approved and recorded in the office of the Register of Deeds of Henderson County.

(4)

#### Plat Requirements

##### Existing Plat Requirements:

- Infrastructure must be completed and inspected

##### Proposed Plat Requirement Amendments:

- Infrastructure must be completed and inspected
- Required street trees must be installed
- Required street signs for property addressing must be acquired
- The plat must be recorded within 12 months

#### Public Input

There was none.

*Chairman Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried. It was the consensus of the Board to have the Planning Board revisit numbers for subdivision development.*

*Commissioner Lapsley made the motion that the Board adopt the Resolution regarding consistency with the CCP and further moved the Board adopt the proposed Land Development Code text amendments. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENT**

1. Deb Highsmith thanked the Board for their vision of the additions to the Oklawaha Greenway.
2. Gray Jernigan spoke on behalf of the Friends of the local Oklawaha and is the Regional Director of Mountain True. He thanked the Board for the feasibility study. He reminded the Board of Flooding in Jackson Park along the Greenway which needs to be addressed.
3. John Harrison signed up to speak but left prior to Informal Public Comment.
4. Anthony Strickland spoke regarding DSS transportation. He owns a transportation company and feels that most transportation has been handed out to one entity. Sometimes vendors are used due to the lowest cost but he feels they are less qualified. It should be done on a rotating schedule. Mr. Strickland feels he has been retaliated against and asked the Board to investigate.

Chairman Hawkins stated that County Manager Steve Wyatt will have the Department of Social Services address the situation.

County Manager Steve Wyatt noted a public request has been made and a response will be provided at the next meeting of the Board of Commissioners.

**Discussion/Adjustment of Consent Agenda**

*Chairman Hawkins made the motion to approve Consent Agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):  
November 4, 2019 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of November 4, 2019.*

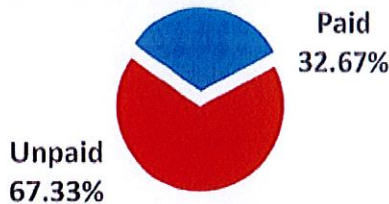
**Tax Collector’s Report**

Deputy Tax Collector Luke Small had presented the Tax Collector’s Report to the commissioners dated November 12, 2019 for information only. No action was necessary.

Please find outlined below collections information through November 11, 2019 for 2019 real and personal property bills mailed on August 1, 2019. Vehicles taxes are billed monthly by NC DMV.

**Henderson County Annual Bills (Real and Personal Property):**

<b>2019 Beginning Charge:</b>	<b>\$84,223,215.35</b>
Discoveries & Imm. Irreg.:	\$1,155,702.58
Releases & Refunds:	<b>(\$823,860.58)</b>
<u>Net Charge:</u>	<u>\$84,555,057.35</u>
Unpaid Taxes:	\$56,929,617.21
<b>Amount Collected:</b>	<b>\$27,625,440.14</b>



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

Net Charge:	\$2,437,045.22
Unpaid Taxes:	\$5,168.82
<b>Amount Collected:</b>	<b>\$2,431,876.40</b>

**99.79%**

**Henderson County FY20 Budget Analysis:**

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$86,093,532.00	Ad Valorem: \$30,057,316.54
Prior Years:	\$1,035,000.00	Prior Years: \$438,337.69
<b>Budget Total:</b>	<b>\$87,128,532.00</b>	<b>YTD Revenue: \$30,495,654.23</b>



**2019.87 Budget Amendment – Restricted Fund Balance for Adoption Assistance Incentive**

Staff is requesting the Board approve a budget amendment which appropriates fund balance for unused DSS Adoption Assistance Incentive funds. These funds are distributed by the Department of Health and Human Services, restricted for use in adoption assistance activities and incentives. The amounts reflected in the budget amendment are the unspent portion of restricted disbursements from FY2019, to be carried over and spent in FY2020.

Motion:

*I move the Board approves the budget amendment to appropriate restricted fund balance for Adoption Assistance Incentive funds as presented.*

**2019.88 Budget Amendment - Restricted Fund Balance for Emergency Management Grant Funds**

Staff is requesting the Board approve a budget amendment to appropriate restricted fund balance for unspent Emergency Management grant funds. These funds were awarded by the United States Department of Homeland Security, restricted to enhance all-hazards preparedness for disasters. On March 20, 2019, the Board approved these grant funds be used for the procurement of two Prime Mover vehicles. Due to production delays, the vehicles were not completed until FY20. The amounts reflected in the budget amendment are the restricted grant funds received in FY2019, to be carried over and spent in FY2020.

Motion:

*I move the Board approves the budget amendment to appropriate restricted fund balance for Emergency Management grant funds as presented.*

**2019.89 Budget Amendment – Asset Forfeiture Fund Transfer – Ballistic Vest**

The Sheriff's Department is requesting that the Board approve a budget amendment to transfer funds from US DOJ Asset Forfeiture revenues (114431-451005) for the purchase of a Ballistic Vest for the US Marshal Task Force team member. US Marshal Task force members wear a different level of vest from HCSO officers.

Motion:

*I move the Board of Commissioners approves the Budget Amendment to appropriate funds from Federal Forfeiture – US DOJ revenues necessary to purchase this ballistic vest.*

**2019.90 Budget Amendment – Asset Forfeiture Fund Transfer**

The Sheriff's Department is requesting that the Board approve a budget amendment to transfer funds from NC DOR State Drug Excise Tax revenues (114431-451006) for the purchase of Challenge Coins for use throughout the Agency. Challenge coins are used for recognition of exemplary service, as a motivational tool as well as passed on to visiting agencies. Challenge Coins are used by law enforcement agencies, all branches of the US Military and Fire Services throughout all of the U.S.

Motion:

*I move the Board of Commissioners approves the Budget Amendment to appropriate funds from NC DOR State Drug Excise Tax revenues necessary to purchase Challenge Coins.*

**Vaya Health – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended September 30, 2019**

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Vaya Health was received by the County Finance Officer on October 31, 2019.

Motion:

*I move that the Board of Commissioners approves the Vaya Health Fiscal Monitoring Report for the quarter ended September 30, 2019.*

### **Republic Services Extension Proposal – 2015 Hauling and Disposal Contract**

Staff has negotiated and recommend, the proposal from Republic Services to extend their Hauling and Disposal contract with the County Solid Waste Department.

#### Details of Proposal

- The fee is reduced from \$40.02 to \$38.50 per ton for transportation and disposal.
- The fee is held at \$38.50 with no annual inflation adjustment until July 1, 2022.
- The maximum annual inflation rate (CPI) is reduced from 5% to 4% CPI = 90% of the Consumer Price Index for all Urban Consumers (Water, Sewer and Trash Collection) US City Average, as published by United States Department of Labor, Bureau of Statistics).
- The term of the extension is for 10 years: July 1, 2020 to June 30, 2030.

Proposals includes a change of the trucking subcontractor to Hilco Transport.

- Hilco is a very reputable trucking company based on staff and Republic's research.
- Republic is switching other operations to Hilco as well.
- Hilco is \$7.50 per ton more expensive than current trucking subcontractor.

#### Staff Analysis

- Republic proposal cost can be verified based on the bid results in 2015 and the lack of changes in the Solid Waste disposal industry in our service area.
- Proposal reduces fee by \$1.52 / ton and increase contract value by \$7.50. This is a strong proposal compared to the fee increases paid since 1997.
- Trucking cost increase can also be independently verified the based on previous bids received from Hilco and Republic in 2015, the inflation in the trucking industry, and with Hilco Impact on the Solid Waste enterprise fund (self-supporting) is positive.
- The \$1.52 / ton reduction translates to an annual expense reduction of \$182,400 in FY2021.
- This reduction continues in FY2022.
- From FY2023 through FY2030, the fee increases annually by a published index as during the 2010 and 2015 contracts.
- With the fee less than \$40 / ton it is reasonable to forecast that our current tipping of \$60 / ton implemented in 2016 can remain through FY2023 or beyond.
- Maintaining a low tipping fee is critical to Solid Waste remaining self-sufficient.

#### Motion:

*I move the Board approves Republic Services proposal to extend their 2015 Contract for Solid Waste Hauling and Disposal and authorize the County Engineer to sign the required documents.*

### **Edneyville Community Park – Stream Restoration Project**

Lewis Creek sits at the back of the Edneyville Community Center Park located at 15 Ida Rogers Lane. During the high rains the County experienced in 2018 and 2019 the creek that borders the Park saw significant flooding and as a result a large amount of damage.

Parks and Recreation staff reached out to Soil and Water to evaluate the creek and look into options. Soil and Water has worked to produce an option to restore the creek with no cost to the County through the Army Corp of Engineers mitigation credits. The Army Corp of Engineers will be doing inspections of potential mitigation sites in January of 2020.

Should the Board wish to pursue this option for restoration, a draft proposal was provided that would be included in the list of potential sites for review. If the Army Corp of Engineers approves the project, all restoration work would be paid through the mitigation bank. The proposed contract is to begin the pursuit of the mitigation bank. If acceptance into the bank is approved, this proposal will also serve as the design and construction contract to implement the required restoration.

#### Motion:

*I move the Henderson County Board of Commissioners approves the contract allowing staff to pursue the mitigation and restoration of the site pending the Army Corp of Engineers approval.*

### **Request to Allow the WestNGN to Inventory Existing Towers in Henderson County for Broadband Expansion**

Broadband is one of the regions highest identified priorities due to its connection to education, healthcare, economic development, business, emergency management, and entertainment. The WestNGN broadband initiative is working through final pieces of the PHASE II project. This phase includes identification of demand aggregation and asset identification to help drive broadband deployment in Henderson County, with an emphasis on getting unserved areas better connectivity. These efforts are separate, but in conjunction with the efforts of the PHASE I project which was focused on driving investment into more urban centers.

At this point Henderson County had nearly 1,400 responses with nearly 6% saying they have no access (actual unserved populations are anticipated to be 18-20%) and over 55% of survey responses claim service does not meet their needs. The draft broadband plan is complete and final work for the project includes vetting the publicly own towers for fixed wireless opportunities and hosting a provider meeting where collected data will be presented as business opportunities to Internet Service Providers. This process follows the state's process of broadband deployment, accounts for neutrality, and will be hosting by NC DIT.

In order to complete these final steps will need to work with county staff to assist in location and viability of the towers as well as help coordinate the provider meeting. Additionally, we welcome additional comments to add to the draft broadband plan to best present Henderson County's broadband picture.

Motion:

*I move that the Board direct staff to work with Land of Sky and the WestNGN to conduct and inventory of the existing towers in Henderson County for the purpose of Broadband expansion.*

### **Petition for addition to State Road system**

Staff received a petition to add Pinecrest Estates Drive to the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list. Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petition.

Motion:

*I move that the Board approves the petition and direct staff to forward it to NCDOT.*

### **2019.91 Resolution – Electronic Listing of Personal Property**

A Resolution is required by Statute in order for the Assessor to begin receiving Personal Property Listings electronically. At this time, the Assessor wishes to receive electronic listings for Business Personal Property beginning with the 2020 tax year.

Motion:

*I move the Board approves the implementation of electronic listing for personal property and enact the Resolution regarding same.*

### **DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

*Commissioner Messer made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.*

### **NOMINATIONS**

#### **Notification of Vacancies**

1. Asheville Regional Housing Consortium – 1 vac.
2. Henderson County Zoning Board of Adjustment – 3 vac.
3. Home and Community Care Block Grant Advisory Committee – 3 vac.
4. Laurel Park Zoning Board of Adjustment – 1 vac.

**Nominations**

Chairman Hawkins recognized the vacancies and opened the floor for nominations.

1. Asheville Regional Housing Consortium – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

2. Cane Creek Water and Sewer District Advisory Committee – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

3. Cemetery Advisory Committee – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

4. EMS Peer Review Committee – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

5. Hendersonville City Zoning Board of Adjustment – 3 vac.

There were no nominations at this time and this item was rolled to the next meeting.

6. Hendersonville Planning Board – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

7. Historic Resources Commission – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

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

There were no nominations at this time and this item was rolled to the next meeting.

9. Library Board of Trustees – 1 vac.

Chairman Hawkins nominated Bill Ramsey for position #9.

*Chairman Hawkins made the motion to accept the appointment of Bill Ramsey to position #9 by acclamation. All voted in favor and the motion carried.*

10. Mountain Valleys Resource Conservation and Development Program – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

11. Nursing/Adult Care Home Community Advisory Committee – 10 vac.

There were no nominations at this time and this item was rolled to the next meeting.

**HENDERSON COUNTY AUDIT RESULTS FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

Ms. Cassie Wilson, CPA, manager with our external audit firm, Martin Starnes and Associates, CPAs, P.A. will provide a brief executive summary presentation on the fiscal year ended June 30, 2019 audit results. Ms. Wilson and Samantha Reynolds, Finance Director were available to answer any questions the Board of Commissioners and Management may have had regarding the results of the audit. The auditors have given an unmodified opinion. Staff was cooperative and very helpful. The GASB 88 was implemented.

**Audit Process**

- Planning and Risk Assessment
- Interim Procedures
- Final Procedures
- Year Round Process

The Comprehensive Annual Financial Report (CAFR) and Compliance Letters been submitted to the Local Government Commission (LGC) for final approval as required. The LGC approved the CAFR on Monday, November 18, 2019. The final report will be placed on the County's website for the public to view and in the main branch of the public library.

## General Fund Expenditures / July 1, 2018 – June 30, 2019

Budgeted expenditures	\$	147,093,413
Actual expenditures	\$	139,915,582
Net expenditures under budget	\$	7,177,831

## General Fund Revenues – Budget / July 1, 2018 – June 30, 2019

Annual revenues	\$	130,990,336
Other financing sources:		
Transfers in	\$	243,695
Appropriated Fund Balance	\$	15,859,382
Total budgeted revenues	\$	147,093,413

## General Fund Revenues / July 1, 2018 – June 30, 2019

Total budgeted revenues (Includes Fund Balance)	\$	147,093,413
Actual revenues	\$	142,041,517
Net revenues under budget	\$	- 5,051,896

## General Fund Summary Report / July 1, 2018 – June 30, 2019

		Actual
Total revenues	\$	142,041,517
Total expenditures	\$	139,915,582
Net Change in Fund Balance	\$	2,125,935

## Fund Balance Position - General Fund

Unassigned Fund Balance	\$	27,854,812
BOC Policy Level (12% of actual FY 19 expenditures)	\$	16,789,870
Amount over BOC Policy (as of July 1, 2019)	\$	11,064,942

## FY 19-20 Adopted Budget - General Fund

Annual Expenditures	\$	154,578,655
Annual Revenues	\$	141,120,375
Other financing sources:		
Fund balance	\$	13,458,280

**2019.92 CONSTRUCTION PROJECTS UPDATE**

David Berry provided the Board of Commissioners with an update on construction projects around Henderson County. This monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

**95 Courthouse**

One of the projects to be presented relates to renovation at the 95 Courthouse to create a holding cell. This project was originally approved and budgeted in FY19, but was delayed due to the length of the approval process by the State. To date \$11,000 has been spent in Architectural fees with an estimated cost of construction in the \$100,000 range. Currently there is one male holding cell and one female holding cell. This construction will add one additional male holding cell.

*Chairman Hawkins made the motion that the Board approves a Budget Amendment appropriating Fund Balance for the 95 Courthouse Holding Cell project. All voted in favor and the motion carried.*

Facilities Maintenance and Repair, Technology and Security Initiatives / Henderson County Public Schools Delta Engineering invoices totaling \$82,778 are not shown but have been paid as a part of their overall previously approved fee of \$250,850. The design work is nearing completion and expected to go out for bid in December or the first of the year.

**Dana Gym Roof**

The Dana Gym Roof is complete and under budget.

**Etowah Gym Roof**

The Etowah Gym Roof is about 30% complete and under budget.

**Upward Elementary**

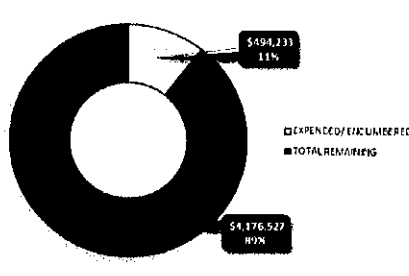
Upward Elementary Architect fees were \$42,650.

**Former Hillandale**

The former Hillandale school demolition is 95% complete and trailers will be removed by the end of the year.

Commissioner McCall requested that “percentage complete” be added to the spreadsheets.

Assistant County Manager Amy Brantley noted the spreadsheets will be on the County website and updated December 1<sup>st</sup>. She will add a column for percentage complete.

Detailed Project Report				At A Glance—Summary Report	
PROJECT	FY20 BOC APPROVED	EXPENDED/ ENCUMBERED	TOTAL REMAINING		
<b>Elementary Schools</b>				<b>MRTS Project Status - November 2019</b>  <p> <span style="color: grey;">■</span> EXPENDED/ENCUMBERED  <span style="color: black;">■</span> TOTAL REMAINING                 </p>	
Dana - Gym Roof	\$ 140,000	\$ 62,300	\$ 77,700		
Etowah - Gym Roof	\$ 110,000	\$ 61,810	\$ 48,190		
Hendersonville - iWorks Control System	\$ 40,000	\$ -	\$ 40,000		
Upward - Entrance/Cafeteria	\$ 702,000	\$ 42,650	\$ 659,350		
<b>Middle Schools</b>					
Flat Rock - HVAC - Phase I	\$ 1,000,000	\$ -	\$ 1,000,000		
Flat Rock - Paving	\$ 50,000	\$ -	\$ 50,000		
Rugby - HVAC - Phase I	\$ 1,000,000	\$ -	\$ 1,000,000		
Rugby - Paving	\$ 100,000	\$ -	\$ 100,000		
Rugby - Main Entrance	\$ 500,000	\$ 31,500	\$ 468,500		
<b>High Schools</b>					
East - Paving	\$ 100,000	\$ -	\$ 100,000		
West - iWorks and fan coil replacement	\$ 70,000	\$ 54,500	\$ 15,500		
West - Paving	\$ 100,000	\$ -	\$ 100,000		
<b>Other</b>					
ADA Study - Stadiums	\$ 25,000	\$ -	\$ 25,000		
Former Hillandale - Demolition	\$ 197,000	\$ 196,800	\$ 200		
Contingency	\$ 200,000	\$ 44,673	\$ 155,327		
Johnson Farm Sewer Improvement		\$ 44,673			
Project Empower Chromebooks	\$ 300,000	\$ -	\$ 300,000		
Unallocated	\$ 36,760	\$ -	\$ 36,760		
<b>TOTAL</b>	<b>\$ 4,670,760</b>	<b>\$ 494,233</b>	<b>\$ 4,176,527</b>		
					<b>FY20 BOC APPROVED</b>
					<b>\$4,670,760</b>
				<b>EXPENDED/ENCUMBERED</b>	
				<b>\$494,233</b>	
				<b>TOTAL REMAINING</b>	
				<b>\$4,176,527</b>	

**Edneyville Elementary**

The temporary Certificate of Occupancy was received for Edneyville Elementary on Friday November 8, 2019. The first delivery of furniture is scheduled for Monday November 18, 2019. Work continues with ClarkNexsen and HCPS to complete the punch list inclusive of floors being waxed, finishing of the gym floor, some final millwork installs, clear touch screens and other FFE components, and final site work finishes primarily some remaining sod placement and minor grading. Once the furniture is installed we will request the final Certificate of Occupancy. The teachers will begin their occupancy after their scheduled ½ day of school on December 20<sup>th</sup> making ready for school to start back on January 6, 2020. Once they are in completely we will prepare to start the demotion of the old school and the build of the new parking lots and civil work. The official ribbon cutting is scheduled for December 18, 2019 at 10:00 a.m.

**Hendersonville High School**

Vannoy advertised and we received bids for the GMP #2 portion of the project on November 14, 2019. The bid work included site development, selected demolition, turnkey concrete, block masonry, turnkey steel and electrical back feeding. The total of these, GMP #2 bids, inclusive of several alternates is within the budgeted amount for those components of GMP #2. The official GMP #2, which includes the total of these bids plus the mark-up and fees will be presented to the Board for approval at the first meeting in December. If approved, the contractors will be notified and we expect to be breaking ground in January. Vannoy is already in the process of finalizing the bid packages for the final GMP #3 and we expect that to be on the street by mid-January, with those bid openings happening around mid-February, at which time the official final GMP #3 will be formatted and brought to the Board for approval. Staff continues to work with HCPS, Vannoy, Clark Nexsen, Duke Power, and the City in the finalizing of permits and schedules for this project.

**Facilities Maintenance and Repair, Technology and Security Initiatives / Blue Ridge Community College**

Detailed Project Report				At A Glance—Summary Report	
PROJECT	FY20 BOC APPROVED	EXPENDED/ ENCUMBERED	TOTAL REMAINING	MRTS Project Status - November 2019	
<b>Continuing Education</b>				<p> <span style="color: black;">■</span> EXPENDED/ENCUMBERED  <span style="color: white;">■</span> TOTAL REMAINING                 </p>	
Renovation for BLET	\$ 363,124	\$ 10,438	\$ 352,686		
Replace Chiller	\$ 121,400	\$ 2,340	\$ 119,060		
<b>Grounds/Maintenance</b>					
Replace Heaters and Circular Fans	\$ 15,000	\$ 5,913	\$ 9,087		
Re-Coat Roof	\$ 17,500	\$ 5,278	\$ 12,222		
<b>Industrial Skills Center</b>					
Install Ventilation System	\$ 22,500	\$ -	\$ 22,500		
Install Welding Booth	\$ 35,000	\$ -	\$ 35,000		
<b>Sink</b>					
Replace Chiller	\$ 225,000	\$ -	\$ 225,000		
New Furniture	\$ 262,500	\$ 93,147	\$ 169,353		
<b>Spearman</b>					
Replace Boiler	\$ 80,000	\$ 2,340	\$ 77,660		
Install Generator	\$ 21,000	\$ 16,319	\$ 4,681		
Renovation for Tradas Programs	\$ 50,000	\$ 23,248	\$ 26,754		
New Furniture	\$ 168,358	\$ -	\$ 168,358		
<b>TEDC</b>					
Replace Compressors	\$ 35,000	\$ 20,293	\$ 14,707		
Replace Conference Staff Tables & Chairs	\$ 151,500	\$ -	\$ 151,500		
<b>Campus Wide Improvements</b>					
Outdoor Lighting Improvements	\$ 134,250	\$ 20,459	\$ 113,791		
Sidewalk Installation	\$ 89,730	\$ 81,938	\$ 7,792		
Update Wayfinding and Monument Signs	\$ 300,000	\$ -	\$ 300,000		
<b>Additional Classroom Space</b>					
Surveyor Fee	\$ 28,500	\$ 50,554	\$ (22,054)		
Architect Fee	\$ 1,500,000	\$ 881,050	\$ 618,950		
<b>TOTAL</b>	<b>\$ 3,114,340</b>	<b>\$ 1,213,180</b>	<b>\$ 1,901,160</b>	<b>FY20 BOC APPROVED</b> <b>\$3,114,340</b>	
				<b>EXPENDED/ENCUMBERED</b> <b>\$1,213,180</b>	
				<b>TOTAL REMAINING</b> <b>\$1,901,160</b>	

**Blue Ridge Community College – New Construction and Remodel**

Staff is currently working the Clark Nexsen Architects and BRCC staff on the Design Development phase of the plans and also with the City on utility requirements. Once the design Development documents are finalized

they will be presented to both Board for review. The Construction Manager at Risk (CMR) for the project was advertised and RFQ's were received with follow up interviews by the selection committee on November 19, 2019. Those interviews included BG/Barnhill, Vannoy, Ediface, FM Blum, and HM Constructors.

The interviews were scored based on statute recommended guidelines. The results of the scoring are being reviewed and the CMR and recommendation will be forthcoming for approval at the December 2 meeting.

Asbestos and lead paint surveys in the existing buildings are ongoing by Reliant Environmental, and necessary design soil borings by Wood Environmental are being scheduled. Construction is anticipated to begin September 2020 and last until December 2021.

#### Department of Social Services Expansion

As directed by the Board, staff has released Cooper Construction with the architect design portion of the work. Work is expected to be completed in December allowing Cooper Construction to provide hard final numbers for the project, at which time staff will bring back before the Board for approval to proceed. We should be able to go out for bids in January.

#### Etowah Park Restrooms

Dunlap Construction is finishing up the construction portion of the work. Cost for the additional work for the required septic modification came in above the budgeted amount and is being rebid.

### **PRESENTATION OF OKLAWAHA GREENWAY EXPANSION FEASIBILITY STUDIES**

David Tuch, President, Equinox stated in October of 2017, the County received a total of \$96,000 via Surface Transportation Block Grant-Directly Attributable (STBG-DA) funds for the creation of two studies to determine the feasibility of extending the Oklawaha Greenway south to Blue Ridge Community College, with an option to expand further to Flat Rock Park, and north to Westfeldt Park. The Board voted to accept the winning proposal from Equinox, a local planning firm in February of 2018.

Since that time, Equinox conducted the studies by evaluating the land's topography and environmental features, conducting extensive property owner outreach and stakeholder meetings, and identifying various opportunities and constraints. Equinox will present to the Board an overview of the study. Staff will use the document to determine a final route by working with willing landowners.

- Funding: Surface Transportation Block Grant-Directly Attributable (STBG-DA) funds
- Southern Extension: Blue Ridge Community College & Flat Rock Park
- Northern Extension: Westfeldt & Kuntz Park
- +/-14.65 miles of proposed greenway



#### The Feasibility Study

- Vision & Goals
- Summary of Past Plans
- Existing Conditions Assessment
- Property Owner Outreach



- Steering/Stakeholder Engagement
- Opportunities & Constraints
- Potential Routes & Alternatives
- Action & Maintenance Plan
- Phasing, Cost Summary & Funding Sources

**The Vision**

The Oklawaha Greenway extensions will create connectivity between parks, municipalities, and destinations through an accessible, continuous greenway that serves as a walking and biking spine for future greenway growth and connections within Henderson County. The greenway will build community through shared recreation and ease of transportation.

**The Goal**

**Accessibility:** To provide access to local assets (both natural and cultural) by providing an opportunity for and promoting active transportation and recreation that is accessible to all abilities.

**Community engagement:** To build excitement and support for the greenway project through engagement and focus on community improvements, and respect for property owners.

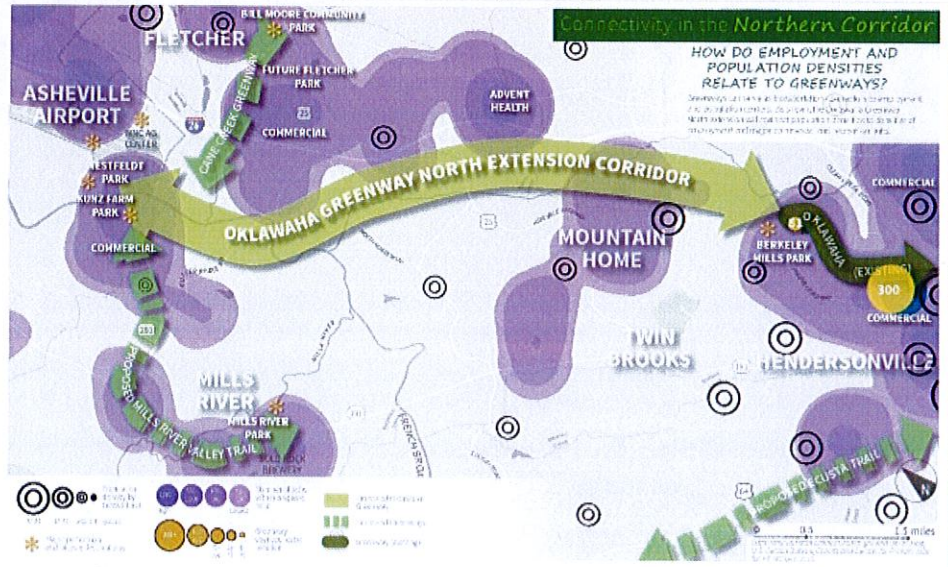
**Constructability:** To provide a cost-effective greenway by exploring alignment options, phasing and funding sources.

**Stimulates Economic Development:** Greenways are power to stimulate economic development and attract business, and are an economic development strategy for the County.

**Adds to Henderson County’s Sense of Place & Citizen’s Quality of Life:** The greenway contributes to the large sense of place and quality of life.

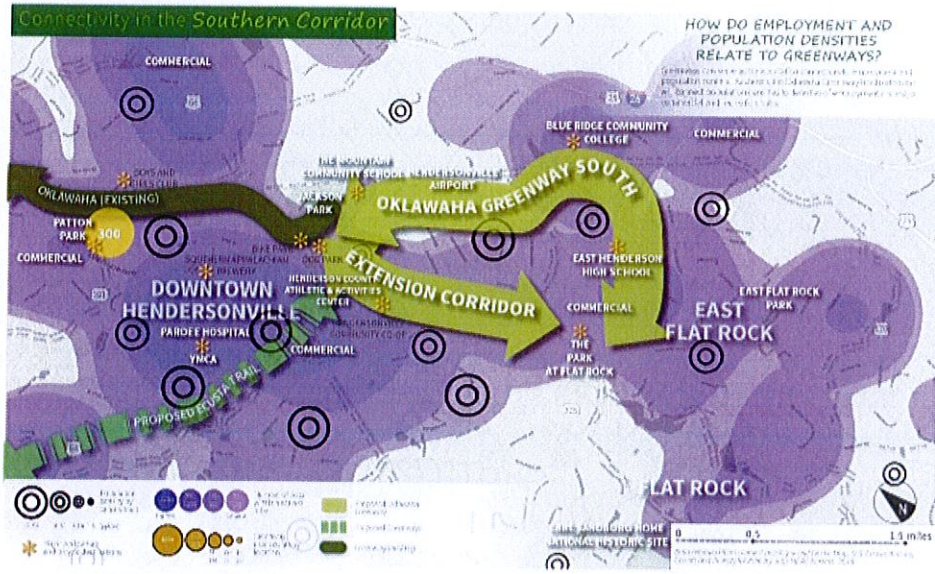
**Destinations**

- Fletcher, Mills River, Hendersonville and Flat Rock
- French Broad River, Mud Creek, & Bat Creek
- Parks, greenways, Blue Ridge Community College • Natural Areas



**Opportunities**

- Existing sewer easements, Duke power line easements & Blue Ridge Southern Railroad
- New development to accommodate greenways
- Partnerships such as Conserving Carolina



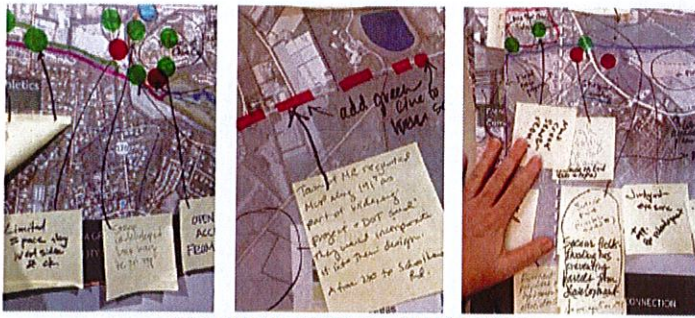
**Public & Stakeholder Engagement**

Early & mid-process stake holder engagement + public input in conjunction with the County Master Plan + Landowner input via a workshop and other correspondence.

**Stakeholders**

- Henderson County Greenway Master Plan Advisory Committee, Recreation Advisory Board & Transportation Advisory Board
- Blue Ridge Community College
- Friends of Oklawaha Greenway
- Henderson County Planning, Engineering, and the Parks & Rec. Departments
- Healthy People-Healthy Carolinas • City of Hendersonville • Conserving Carolina • Henderson County Cooperative Extension
- The Town of Mills River
- Blue Ridge Bicycle Club
- Henderson County Public Schools
- Village of Flat Rock
- Hendersonville Airport





**FEEDBACK FROM STAKEHOLDERS**

**EXPERIENCE IS IMPORTANT:**

Locate the greenway along streams and creeks, even if the alignment could more easily be located along a road.

**CONNECT DESTINATIONS:**

Connect schools, affordable housing, and commercial areas.

**THIS CORRIDOR FLOODS:**

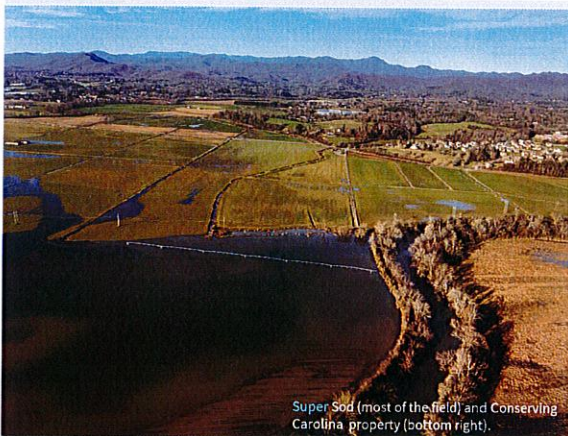
Much of the study area routinely floods, so design for the greenway should ensure it drains quickly and isn't an impediment to connectivity.

**WE ARE READY TO HELP:**

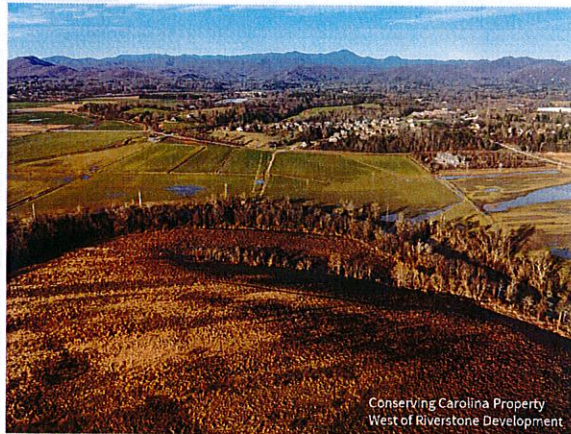
Henderson County and the surrounding municipalities are blessed with many non-profits and other organizations

willing to help with reaching out to landowners, advocacy, helping to get funding, etc.

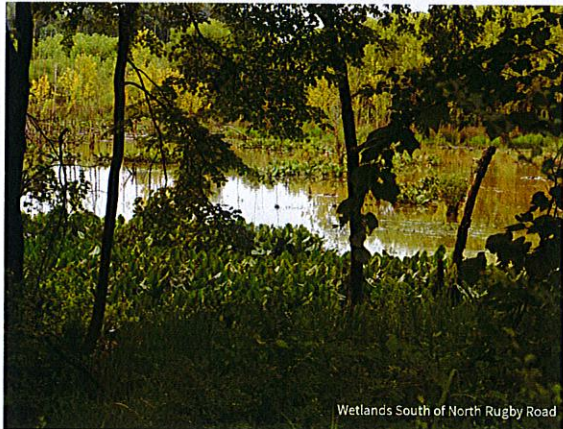
**WE NEED TO CONSIDER, AS A COMMUNITY, THE LARGER DESTINATIONS WITH WHICH WE WANT TO CONNECT:** for example, area hospitals and Buncombe County.



Super Sod (most of the field) and Conserving Carolina property (bottom right).



Conserving Carolina Property West of Riverstone Development



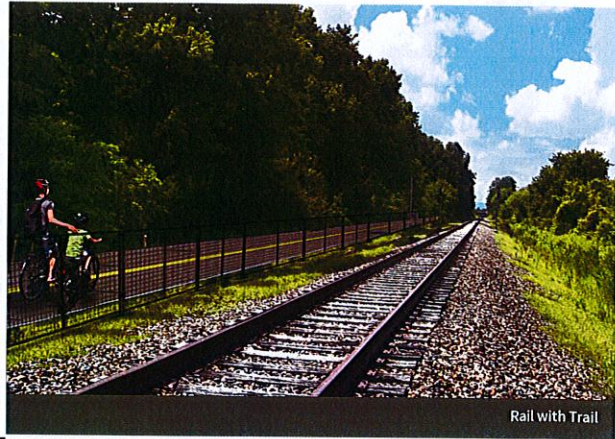
Wetlands South of North Rugby Road



Existing Sewer Easement (off North Rugby Road)



Blue Ridge Southern Railroad



Rail with Trail

Next Steps

- Potential alignments have been studied to test feasibility from a physical constraints perspective but specific greenway alignments would be determined based on conversations with property owners.
- Work with other non-profit groups such as Conserving Carolina to secure greenway easements.
- Design, engineering & construction

It is suggested that easements be secured now.

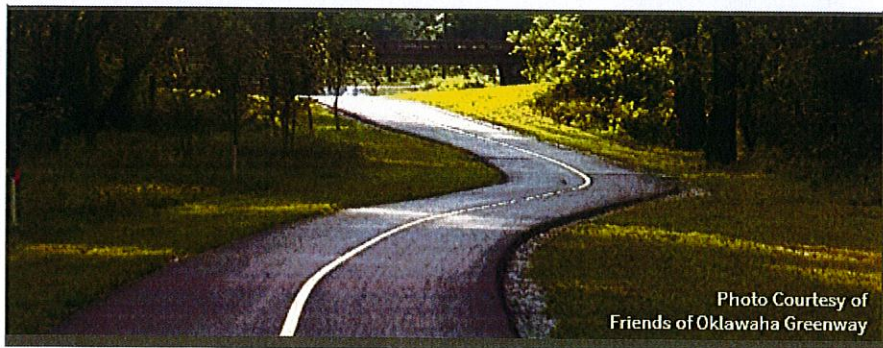
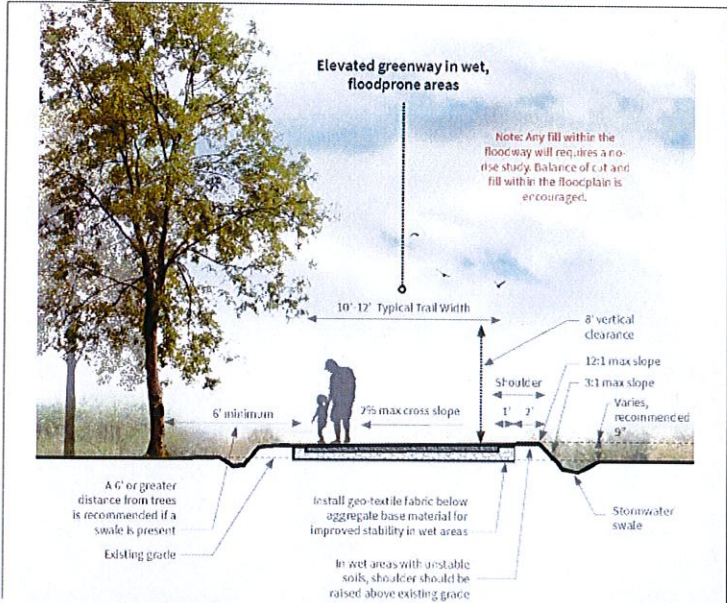


Photo Courtesy of Friends of Oklawaha Greenway

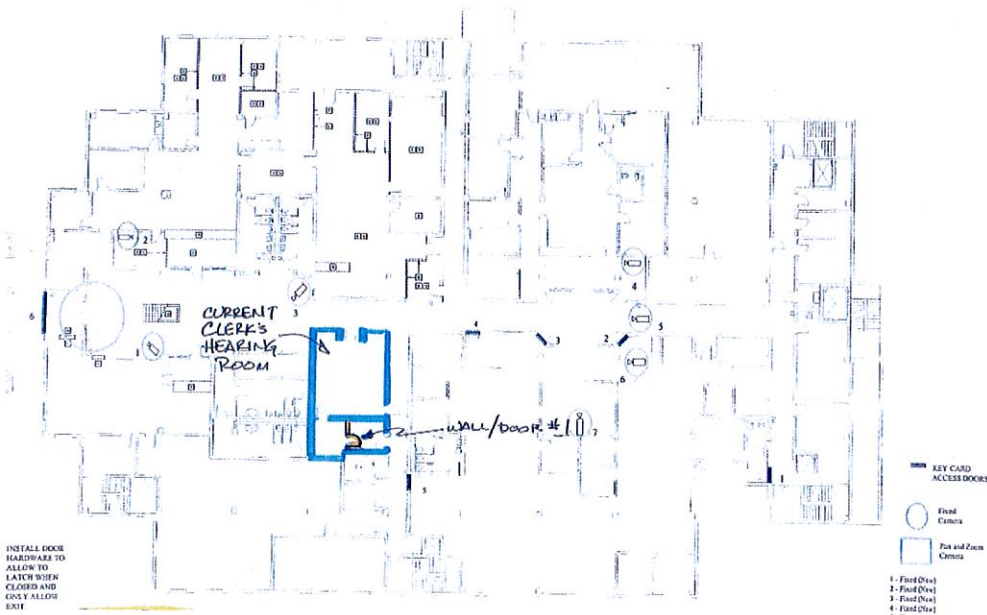
### 95 COURTHOUSE SPACE DISCUSSION

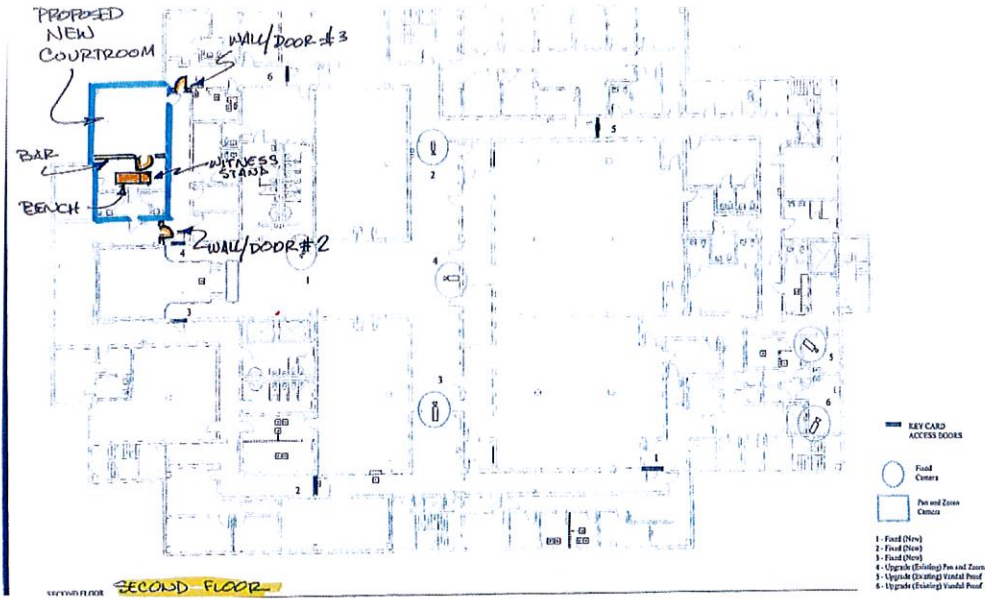
Tyler Ray, Henderson County Clerk of Court, presented the Board with information on space needs at the 95 Courthouse. The Board is requested to hear the presentation, and direct Staff accordingly. The Clerk of Court is dealing with space issues for storing records and files, and courtroom space. Mr. Ray feels his proposal is the most cost efficient with different use of the space.

#### Ground Floor



#### First Floor





County Manager Steve Wyatt requested that staff get a cost estimate together and bring the information back to the Board at either the December 2nd or January 6<sup>th</sup> meeting.

**THE EFFECTS OF E-CIGARETTES AND THE RISE OF USE BY YOUTH**

Vice Chairman Lapsley and Commissioner McCall requested the inclusion of this item to discuss the effects of e-cigarettes, and the increase in use of these products by youth. Julie Huneycutt, Michelle Keiser and Karen Caldwell provided the following information.

**The Rise of E-Cigarettes Among Youth:  
Implications for Policy and Practice**

Henderson County Board of Commissioners Meeting  
November 20, 2019



**The "4<sup>th</sup> Generation" E-cigarette Has Arrived:  
The "Pod Mod"**



- JUUL was the first USB shaped product to hit the US market in 2015. Since then we have seen a lot of knock off products.
- By the end of this past year JUUL had more than 75% of the US market share of all e-cigarettes sold.
- JUUL is now dominating the market.

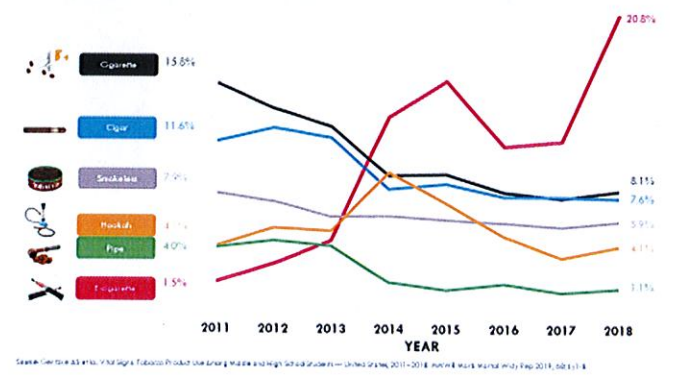
### E-Cigarettes Make Aerosol, Not Vapor

THE E-CIGARETTE AEROSOL THAT USERS BREATHE FROM THE DEVICE AND EXHALE CAN CONTAIN HARMFUL AND POTENTIALLY HARMFUL SUBSTANCES:

- VOLATILE ORGANIC COMPOUNDS
- NICOTINE
- ULTRAFINE PARTICLES
- HEAVY METALS SUCH AS NICKEL, TIN, AND LEAD
- CANCER-CAUSING CHEMICALS
- FLAVORING SUCH AS DIACETYL, A CHEMICAL LINKED TO A SERIOUS LUNG DISEASE

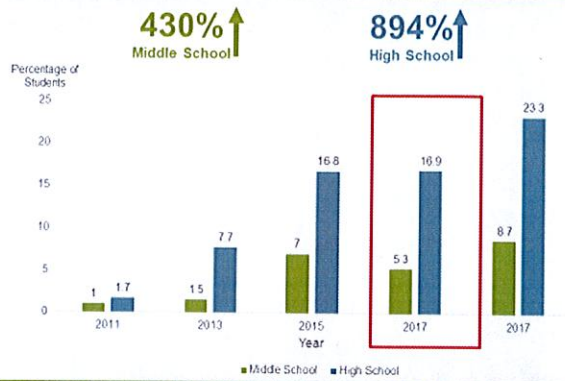
- The perception out there for most people is that these products only produce a harmless water vapor. In fact, we know that e-cigarettes do generate a mixture of chemicals that produce harmful aerosols.
- in addition to nicotine, There are volatile organic compounds such as benzene, which is found in car exhaust;
- There are fine and ultrafine particles that are inhaled and penetrate deeply into the lungs.
- There are cancer-causing chemicals, like Formaldehyde
- There are heavy metals, such as nickel, tin, and lead.
- Glycerin, propylene glycol, and flavorings, and although a lot of flavorings that are used in e-cigarettes may be safe to eat, that doesn't meant they are safe to inhale.
- We don't know the long-term effects of inhaling many of these flavorings. Several popular flavors contain – diacetyl, which is a chemical that has been linked to a disease called popcorn lung,

CURRENT (Past 30 Day) Tobacco Product Use Among U.S. High School Students  
National Youth Tobacco Survey 2011–2018



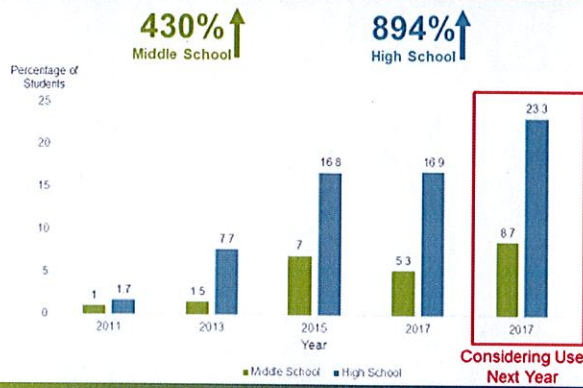
- This graphic illustrates the skyrocketing use of e-cigs among high school students across the nation.
- The US Surgeon General called the use of e-cigarettes an epidemic among our nation's youth back in December of last year

**NC Middle and High School Current E-Cigarette Use**  
NC Youth Tobacco Survey 2011-2017



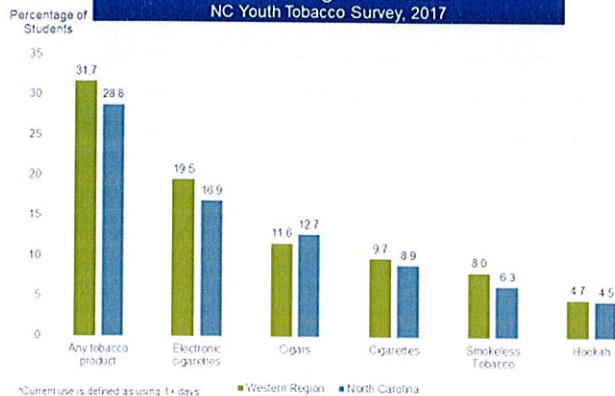
In North Carolina, specifically – this is our data from the most recent Youth Tobacco Survey show that between 2011 when we first started collecting data on e-cigarettes in NC, up until 2017 the use of e- cigarettes among our youth increased at an alarming rate: increased by 430% for middle schoolers, and by 894%, for high schoolers.

**NC Middle and High School Current E-Cigarette Use**  
NC Youth Tobacco Survey 2011-2017



Even more high school students indicated they were considering using e-cigarettes in the next year.

**High School Current Use\* of Tobacco Products:**  
Western Region vs State  
NC Youth Tobacco Survey, 2017



\*Current use is defined as using 1+ days



- This slide compares the rates of the different tobacco products that our WNC youth use, as compared to the state rates of use.
- For all tobacco products - use is higher here in the western region.
- Also more specifically for e-cigarettes our western youth are vaping at a rate of about 19.5% compared to about 16.9% across the state.
- One of the key public health concerns we have is that e-cigarettes are introducing a whole new generation of youth to a lifetime addiction to nicotine.
- And this is very alarming because we now know from the research that young people who have never smoked but are using e-cigarettes are up to 8 times more likely to progress to cigarette smoking.
- In 2017 37.4% of Henderson High School 9th graders youth had ever used e-cigarettes.
- Current use of e-cigarettes by high school youth was higher than use of any other tobacco products combined.

† Use in the past 30 days  
 ‡ Conventional tobacco defined as cigarettes, cigars (including little cigars and cigarillos), and smokeless tobacco (chewing tobacco, snuff, dip)  
 Source: MA YRBS

### Use of Flavors is Prominent Among Youth



- We know from the available evidence that flavors are among the primary reasons that youth report using e-cigarettes.
- And researchers have identified more than 15,000 unique e-cigarette flavors that are available. Most of which are very kid friendly including candy and fruit flavors.

### Nicotine Poses Unique Dangers to Young People

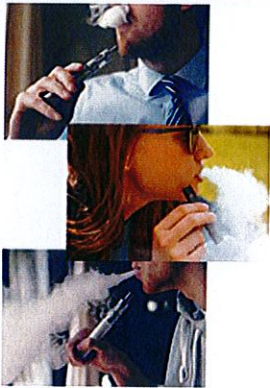
Chapter 3 Conclusion 1, 2, & 5

1. Nicotine exposure during adolescence can cause addiction and can harm the developing adolescent brain.
2. Nicotine can cross the placenta and has known effects on fetal and postnatal development. Therefore, nicotine delivered by e-cigarettes during pregnancy can result in multiple adverse consequences, including sudden infant death syndrome, and could result in altered corpus callosum, deficits in auditory processing, and obesity.
5. Ingestion of e-cigarette liquids containing nicotine can cause acute toxicity and possibly death if the contents of refill cartridges or bottles containing nicotine are consumed.

- A CDC study published in the American Journal of Public Health found that 99% of e-cigarettes in the US market contained nicotine.
- Nicotine can harm the developing adolescent brain, concerns about fetal toxicity. Exposures to pregnant

women...and also poisonings, there are on average of 4,000 calls every year to poison control centers around the county from nicotine poisonings and about 50% of those of for kids less than 5 years of age.

## Lung Disease and Death from Vaping



### North Carolina

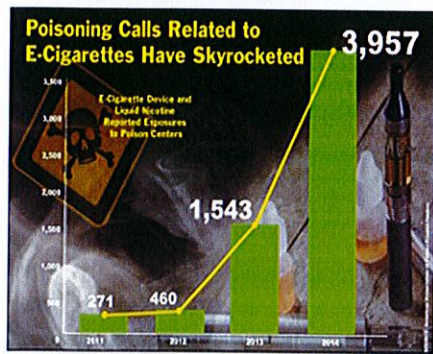
- 69 cases

### Nationwide

- 2172 cases
- 42 deaths


There were 800 cases when last presented to the Board of Health, 12 deaths.

### E-Cigarette Poisonings




Even worse, children and adults have been poisoned by swallowing, breathing, or absorbing e-cigarette liquid through their skin or eyes. There has been a major increase in calls to poison control centers across the country where people call for help when they've been exposed to poisons or other harmful things. Nearly 4,000 calls per year from e-cigarettes, and it's increased over time

## E-cigarettes can be Modified to use other Psychoactive Substances



**Conclusion:**

"E-cigarette products can be used as a delivery system for cannabinoids and potentially for other illicit drugs."



- Conclusion:**
- 33.3% of high school e-cigarette users report using marijuana in the device.
  - 23.1% of middle school e-cigarette users report using marijuana in the device.

Sources: Singh T, Kennedy S, Mazyrak K, Perissaki A, Melstrom P, King BA. Characteristics of Electronic Cigarette Use Among Middle and High School Students — United States, 2013. *MMWR Morbidity and Mortality Weekly Report* 2016; 65: 1425-1429. National Academies of Sciences, Engineering, and Medicine 2017. The health effects of cannabis and cannabinoids: Current evidence and recommendations for research. Washington, DC: The National Academies Press; 2017. Traversi et al. Prevalence of Cannabis Use in Electronic Cigarettes Among US Youth. *JAMA Pediatr*. 2016; 160(11): 1097-1099.

- A CDC study found that 1/3 of all high school e-cigarette users report using marijuana in these devices.
- So it is certainly very prominent
- Almost a quarter of middle school students

**The Community Preventive Services Task Force recommends smoke-free policies to**

- Reduce exposure to secondhand smoke
- Reduce the prevalence of tobacco use
- Increase the number of tobacco users who quit
- Reduce the initiation of tobacco use among young people
- Reduce tobacco-related morbidity and mortality, including acute cardiovascular events
- Reduce healthcare costs substantially
- Evidence shows smoke-free policies do not have an adverse economic impact on businesses, including bars and restaurants.

<http://www.thecommunityguide.org/Tobacco/smokefreepolicies.html>

There has been more than 50 years of research in tobacco prevention and control and we know that one of the most effective ways of reducing exposure to tobacco use and exposures to second hand smoke is to implement a comprehensive smoke-free and tobacco free policies to protect everyone. A strong policy will also prevent youth initiation of tobacco use, reduce morbidity and mortality, and also substantially reduce health care costs.

**Economic Costs of Smoking in NC and Henderson County**

- NC annual healthcare costs caused by smoking:  
**\$3.81 billion (direct costs)**
- Henderson County residents estimated, annual tax burden from smoking-caused government expenditures
  - **\$36.6 million**
  - **\$766/ per household**
- Nearly \$4 Billion dollars is spent every year for direct medical costs from just cigarette smoking. This figure does not even include other health costs caused by smokeless tobacco, cigar, pipe smoking, doesn't include costs caused by exposure to secondhand smoke, babies born prematurely due to smoking.
- In Henderson County alone, almost \$37 Million is spent every year on smoking-caused government expenditures
- And that breaks down to \$766 per household. So, if you live in Henderson County, whether or not you even smoke, each household pays almost \$800 a year in taxes for these expenses.
- 47,804 households

**Local Government Authority to Regulate Smoking**

A local government may adopt and enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than state law and that apply to: NCGS § 130A-498

- Local Government Buildings
- Local Government Vehicles
- Local Government Grounds
- Enclosed Public Places

**Who May Regulate?**

Board of County Commissioners, Municipal Governing Board, Board of Health

**Local Board of Health / Health and Human Services**

- Rules apply throughout the county or district
- Rule must be **approved** by an ordinance adopted by the Board of County Commissioners
- After Board of County Commissioners approves the rule by ordinance, it applies throughout the county
- No additional action or approval of city or town councils is required

**What about OTHER Tobacco Products?**

- Prior law preempted local governments' authority to regulate *smoking*

- There was no pre-emption related to local authority to regulate the use of other tobacco products
- 2010 changes removed the preemption related to smoking; still no preemption for other tobacco products
- Local governments can pass such regulations under their basic authority to pass regulations to protect the health and welfare of the community.


CDC Recommendations on Smoke-Free Policies and E-Cigs (electronic nicotine delivery systems):

- Air containing electronic nicotine delivery systems (ENDS) aerosol is less safe than clean air
- ENDS use has the potential to involuntarily expose children, adolescents, pregnant women, and non-users to aerosolized nicotine, toxic substances and, if the products are altered, to other psychoactive substances.
- Therefore, clean air—free of both smoke and ENDS aerosol—remains the standard
- Source: Letter from Tim McAfee, MD, MPH, Former Director, Office on Smoking and Health, Centers for Disease Control and Prevention, March 2015

What is left unchecked in Henderson County?

**Tobacco-free** government buildings, vehicles, and grounds, including parks  
**Smoke-free** public places, including e-cigarettes


**NORTH CAROLINA COUNTYWIDE 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS**



		Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
BURKE	2	☑	☑	☑	☑	☑	☑	⊗
CALDWELL	2	☑	☑	☑	☑	☑	☑	⊗
WATAUGA	3	☑	☑	☑	☑	☑	☑	⊗
BUNCOMBE	2	☑	☑	☑	☑	☑	☑	⊗
MCDOWELL	2	☑	⊗	⊗	☑	☑	☑	⊗
AVERY	2	☑	☑	☑	⊗	⊗	⊗	⊗
MITCHELL	2	☑	☑	⊗	⊗	⊗	⊗	⊗
POLK	2	⊗	☑	⊗	⊗	⊗	⊗	⊗
RUTHERFORD	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
MADISON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
HENDERSON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
YANCEY	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
<b>TOTAL # OF PLACES STATEWIDE</b>		<b>83</b>	<b>63</b>	<b>22</b>	<b>30</b>	<b>34</b>	<b>2</b>	

**LEGEND:**  
 ☑ 100% Tobacco Free Policy  
 ☑ 100% Smoke Free Policy  
 ⊗ No Written Regulation or Less than 100% Written Regulation

**HENDERSON COUNTY WRITTEN REGULATIONS 100% TOBACCO-FREE OR SMOKE-FREE**



	County		Local Health Dept. Region	Gov't Buildings	Gov't Vehicles	Gov't Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
HENDERSON COUNTY	HENDERSON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Flat Rock	HENDERSON	2	⊗	⊗	⊗	☑	⊗	⊗	⊗
Fletcher	HENDERSON	2	☑	☑	⊗	⊗	⊗	⊗	⊗
Hendersonville	HENDERSON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Laurel Park	HENDERSON	2	⊗	⊗	⊗	⊗	⊗	⊗	⊗
Mills River	HENDERSON	2	⊗	⊗	⊗	☑	⊗	⊗	⊗
<b>TOTAL # OF PLACES STATEWIDE</b>			<b>232</b>	<b>156</b>	<b>74</b>	<b>105</b>	<b>103</b>	<b>13</b>	

**LEGEND:**  
 ☑ 100% Tobacco Free Policy  
 ☑ 100% Smoke Free Policy  
 ⊗ No Written Regulation or Less than 100% Written Regulation

Michelle Geiser, M.Ed., HopeRX Program Director  
828- 708-8474 [HopeRXmm@gmail.com](mailto:HopeRXmm@gmail.com)

Karen Caldwell, M.S.  
Regional Tobacco Control Manager  
NC Tobacco Prevention and Control Branch, Division of Public Health, DHHS  
Region 2 Lead Health Department:  
Henderson County Department of Public Health  
828-620-1646 [Karen.Caldwell@dhhs.nc.gov](mailto:Karen.Caldwell@dhhs.nc.gov)

Region 2 Counties:

Avery, Buncombe, Burke, Caldwell, Henderson, Madison, McDowell, Mitchell, Polk, Rutherford, Yancey

Russ Burrell explained that one Statute allows for governing of closed places and another allows for property.

Steve Wyatt feels this should be put of Congressman Meadow's radar. He asked staff to research and bring information back to the Board at the December 2<sup>nd</sup> meeting.

Chairman Hawkins asked that Dr. John Bryant speak with the Board of Education about policies within the schools, the County Attorney look at options for the County within the Statutes, and staff correspond with legislators for enforceable bans within the County.

### **COUNTY MANAGER'S REPORT**

Steve Wyatt noted Edneyville Elementary is one of the finest facilities. The dedication tour and ribbon cutting will be held December 18, 2019 at 10:00 a.m.

Since 2006 Henderson County and surrounding Counties have sponsored a training event annually at the DuPont State Forest, the DuPont Rescue Experience. Several hundred first responders attended the event with some from as far away as New York. We received many thanks for allowing them the use of our portable restroom.

In fun, Steve Wyatt stated Thursday, November 28<sup>th</sup> is Chairman Hawkins birthday and because it is such an important event, employees will be given the day off. (Thanksgiving Holiday)

### **IMPORTANT DATES**

Reminder: 2020 Mid-month Board of Commissioners' meetings will be held at 9:30 a.m.

### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to consult with an attorney employed or retained by the Board to preserve attorney-client privilege.

*Chairman Hawkins made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.*

### **ADJOURN**

*Chairman Hawkins made the motion to go out of closed session and adjourn at 12:40 p.m. All voted in favor and the motion carried.*

Attest:

---

Teresa L. Wilson, Clerk to the Board

---

Grady Hawkins, Chairman



**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case TX-2019-01; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearing on November 20, 2019; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendment (TX-2019-01 – Land Development Code Amendments) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS** the 20<sup>th</sup> day of November, 2019.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY: Grady Hawkins

**GRADY HAWKINS, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

Teresa L. Wilson  
**TERESA L. WILSON**  
**Clerk to the Board of Commissioners**

[COUNTY SEAL]

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** FINANCE

*Please make the following line-item transfers:*

**What expense line-item is to be increased?**

Account	Line-Item Description	Amount
<u>115535-539923</u>	<u>ADOPTION ASSISTANCE INCENTIVE</u>	<u>\$243,313</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**What expense line-item is to be decreased? Or what additional revenue is now expected?**

Account	Line-Item Description	Amount
<u>114990-401003</u>	<u>FUND BALANCE APPROPRIATED - ADOPTION ASSISTANCE</u>	<u>\$243,313</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 APPROPRIATE FUND BALANCE FOR UNUSED DSS ADOPTION ASSISTANCE INCENTIVE FUNDS, DISTRIBUTED BY DHHS  
 AND RESTRICTED FOR USE IN ADOPTION ASSISTANCE ACTIVITIES AND INCENTIVES. APPROVED BY BOC 11.20.2019.

*Samatha R Reynolds*

\_\_\_\_\_  
 Authorized by Department Head 11.20.2019 Date

\_\_\_\_\_  
 Authorized by Budget Office \_\_\_\_\_ Date

\_\_\_\_\_  
 Authorized by County Manager \_\_\_\_\_ Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115433-526000</u>	<u>DEPT SUPPLIES AND MATERIALS</u>	<u>\$60,176</u>
<u>115433-553000</u>	<u>CAPITAL OUTLAY-VEHICLES</u>	<u>\$60,177</u>
<u>115433-553000</u>	<u>CAPITAL OUTLAY-VEHICLES</u>	<u>\$1,811</u>
		<u>\$122,164</u>

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114990-401004</u>	<u>FUND BALANCE APPROPRIATED - RESTRICTED</u>	<u>\$120,353</u>
<u>115433-526000</u>	<u>DEPT SUPPLIES AND MATERIALS</u>	<u>\$1,811</u>
		<u>\$122,164</u>

**Justification:** Please provide a brief justification for this line-item transfer request.

APPROPRIATE FUND BALANCE FOR RESTRICTED GRANT FUNDS (\$120,353) AND TAG COSTS (\$1,811) FOR EMERGENCY MANAGEMENT VEHICLES FUNDED IN FY2019. BECAUSE OF A DELAY IN PRODUCTION, VEHICLES WERE NOT COMPLETED AND DELIVERED UNTIL FY20. APPROVED BY BOC 11.20.2019.

*Samantha R Reynolds*

\_\_\_\_\_  
Authorized by Department Head

11.20.2019

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____



**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Sheriff

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-521201</u>	<u>BALLISTIC VESTS</u>	<u>\$2,835.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>Total</b>	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114431-451005</u>	<u>Federal Forfeiture - US DOJ</u>	<u>\$2,835.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>Total</b>	_____	_____

**Justification:** Please provide a brief justification for this line-item transfer request.  
To purchase Level III ballistic vest for agent working on US Marshal Task Force

*Samuel Gilbert*  
Authorized by Department Head

11/7/2019  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

For Budget Use Only	
Batch #	_____
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Batch Date	_____

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Sheriff

Please make the following line-item transfers:

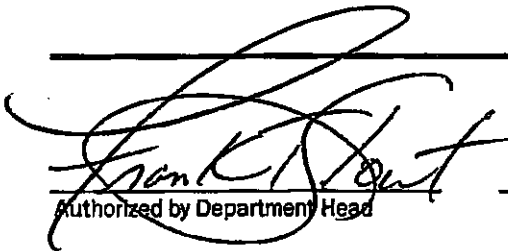
What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-528000</u>	<u>DEPT SUPPLIES</u>	<u>\$5,160.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>Total</b>	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114431-451006</u>	<u>NC STATE EXCISE TAX</u>	<u>\$5,160.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>Total</b>	_____	_____

**Justification:** Please provide a brief justification for this line-item transfer request.  
Challenge coins used as recognition and motivation as well as shared with visiting agencies

  
Authorized by Department Head

11/7/2019

Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

For Budget Use Only	
Batch #	_____
BA #	_____
Batch Date	_____

## AMENDMENT TO TRANSPORTATION AND DISPOSAL AGREEMENT

This Amendment to Solid Waste Transportation and Disposal Agreement (this "Amendment") is entered into as of November 20, 2019 ("Effective Date"), between the County of Henderson, North Carolina, (the "County"), and Republic Services of Kentucky, LLC d/b/a Republic Services of Raleigh ("Contractor").

### Recitals

A. The parties entered into that certain Transportation and Disposal Agreement dated July 1, 2015, (the "Agreement"), pursuant to which Contractor agreed to provide solid waste hauling and disposal services to the County.

B. The parties desire to enter into this Amendment to extend the term and modify certain terms as identified below.

### Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree to the following terms and conditions:

1. Term. The Term of the Agreement, identified in Section 2, is extended for an additional ten-year term, commencing on July 1, 2020 and ending on June 30, 2030.
2. Compensation. Section 3 is modified as follows:
  - (a) Effective as of July 1, 2020, the County shall pay Republic a Disposal Fee of \$38.50 per ton, as adjusted pursuant to Section 3.1. The rate escalator in Section 3.1 will not apply until July 1, 2022.
  - (b) The CPI cap in Section 3.1 is changed to 4%.
  - (c) Section 3.3 is modified to change the Minimum Average to 22 tons.
3. Insurance. Section 9, Insurance, is modified as follows: The certificates shall not contain any express obligations but rather shall include a notice of cancellation endorsement that shall provide the County with thirty (30) days' notice of any cancellation of the required policies, other than workers' compensation.
4. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement.
5. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect. In the case of a conflict in meaning between the Agreement and this Amendment, this Amendment shall prevail.
6. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the

same instrument. Facsimile and/or electronic copies of the parties' signatures shall be valid and treated the same as original signatures.

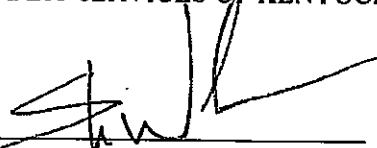
IN WITNESS WHEREOF, the parties have entered into this Amendment to be effective as of the Effective Date.

**CONTRACTOR:**

**COUNTY:**

REPUBLIC SERVICES OF KENTUCKY,  
LLC

HENDERSON COUNTY, NORTH  
CAROLINA

By:   
Name: SHANE WALKER  
Title: AREA PRESIDENT

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Henderson County  
North Carolina  
Before the Board of Commissioners

**Resolution Authorizing Electronic Listing of Personal Property**

BOARD OF COMMISSIONERS ENACTMENT 2019- 91

WHEREAS, North Carolina General Statute §105-310.1 provides for the electronic listing of personal property and authorizes the North Carolina Department of Revenue to establish the standards and requirements for electronic listing; and

WHEREAS, §105-310.1 of the North Carolina General Statutes provides that the Board of Commissioners may, by resolution, provide for electronic listing and may delegate its authority to provide for electronic listing to the County Assessor; and

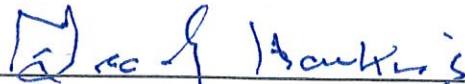
WHEREAS, to facilitate the accurate, timely, efficient and convenient listing of personal property for taxation by owners of personal property, Henderson County, acting by and through its Board of Commissioners, desires to implement a system for electronic listing of personal property and delegate the authority for electronic personal property listing to the County Assessor.

THEREFORE, BE IT RESOLVED that Henderson County, acting by and through its Board of Commissioners and pursuant to NCGS §105-310.1, is authorized to implement an electronic system for listing personal property and that the authority to provide for electronic listing of personal property is hereby delegated to the County Assessor. Further, that this Resolution shall take effect upon its approval by the North Carolina Department of Revenue and that a certified copy of this Resolution shall be forwarded to the North Carolina Department of Revenue for its approval.

ADOPTED this the 20<sup>th</sup> day of November 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By:

  
\_\_\_\_\_  
GRADY HAWKINS, Chairman

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



**Department:** Capital Reserve Fund/School Capital Project Fund

*Please make the following line-item transfers:*

**What expense line-item is to be increased?**

Account	Line-Item Description	Amount
<u>115419-535103</u>	<u>PLANNED PROJECTS</u>	<u>\$11,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**What expense line-item is to be decreased? Or what additional revenue is now expected?**

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$11,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
**TO TRANSFER FUNDS ORIGINALLY BUDGETED IN FY19 FOR DESIGN SERVICES FOR AN ADDITIONAL HOLDING CELL AT THE 95 COURTHOUSE.**

**Budget** 11/20/2019

Authorized by Department Head \_\_\_\_\_ Date \_\_\_\_\_

Authorized by Budget Office \_\_\_\_\_ Date \_\_\_\_\_

Authorized by County Manager \_\_\_\_\_ Date \_\_\_\_\_

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

**DURING THE NOVEMBER 20, 2019 MEETING, THE BOARD ENACTED THE FOLLOWING**

**2019.86** Public Hearing for Land Development Code (LDC) Text Amendments (TC-2019-01)

**2019.87** Budget Amendment – Restricted Fund Balance for Adoption Assistance Incentive

**2019.88** Budget Amendment - Restricted Fund Balance for Emergency Management Grant Funds

**2019.89** Budget Amendment – Asset Forfeiture Fund Transfer – Ballistic Vest

**2019.90** Budget Amendment – Asset Forfeiture Fund Transfer

**2019.91** Resolution – Electronic Listing of Personal Property

**2019.92** Construction Project Budget Amendment appropriating Fund Balance for the 95 Courthouse Holding Cell project.