

DRAFT

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, FEBRUARY 17, 2021**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:30 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman William Lapsley, Vice-Chair Rebecca McCall, Commissioner Mike Edney, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Teresa Wilson.

Also present were: Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Planning Director Autumn Radcliff, Emergency Management/Rescue Coordinator Jimmy Brissie, Recreation Director Carlene Dixon, HR Director Karen Ensley, Sheriff Lowell Griffin, DSS Director Jerrie McFalls, Health Director Steve Smith, Registrar of Deeds Lee King, Construction Manager David Berry, Budget Manager Megan Powell, Budget Analyst Sonya Flynn, Project Engineer Natalie Berry, PIO Kathy Finotti – videotaping, Deputy Mike Marsteller as security.

CALL TO ORDER/WELCOME

Chairman Lapsley 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 Lapsley.

RESOLUTIONS AND RECOGNITIONS

Recognition of County Manager Steve Wyatt – Recipient of the John E. Whitehurst Service Award
Chairman Lapsley stated he was honored to present the plaque to Steve Wyatt, a recognition well deserved.

News Release - Henderson County Manager Steve Wyatt received the prestigious John Whitehurst Service Award at the North Carolina City & County Management Association (NCCCMA) Winter Seminar on Thursday, February 4, 2021, for his service and dedication to local government management.

The award, given only when exceptional candidates are nominated, was developed “to honor North Carolina managers who follow Mr. Whitehurst’s example of consistency and diligence in his support of all local government professionals.”

Wyatt has more than 38 years of city and county management experience and has been the Henderson County Manager since 2006. His previous local government management experience includes stints in Moore, Polk and Catawba County, the Town of Chadbourn and Kingtree, SC.

An alumnus of Appalachian State University (ASU) in Boone, N.C., Wyatt was a founding member and past president of ASU Local Government Alumni Association, whose mission is to support professional training and continuing education. He has been presented with their Distinguished Alumni Award and served as the Chairman of the University Board of Visitors.

He has been actively involved with the NCCCMA throughout his career. He has served on the Emergency Response Committee, the Budget Committee, and the Scholarship Committee. In addition to serving on the Membership Support Committee, he is also a past Chairman. He has also served colleagues across the state through his work with the North Carolina Association of County Commissioners. He has served on the Finance and Taxation Policy Committee, the Legislative Goals Committee, and Intergovernmental Affairs.

Lee County Manager John Crumpton, in a letter of nomination, stated “I cannot think of another manager who has devoted himself to the profession as has Steve Wyatt”, this award is well deserved and a result “of the love he has for our profession and the people in it.”

Steve Wyatt knows John Whitehurst and has great memories of his kindness and helpfulness. Mr. Wyatt thanked everyone for the kindness shown over the years.

INFORMAL PUBLIC COMMENTS

Via email:

1. The Board received comment on 2nd Amendment Rights from Zachary Cawthorn.
2. The Board received comment on 2nd Amendment Rights from Priscilla Bardes.
3. The Board received comment on 2nd Amendment Rights from Laura Barham.
4. The Board received comment on 2nd Amendment Rights from Justin Huggins.
5. The Board received comment on 2nd Amendment Rights from Jack Walsh.
6. The Board received comment on 2nd Amendment Rights from Roger Cawthorn.
7. The Board received comment on 2nd Amendment Rights from Frank C. Burdette, III.
8. The Board received comment on 2nd Amendment Rights from D.J. Harrington.
9. The Board received comment on 2nd Amendment Rights from Tara M Burdette.
10. The Board received comment on 2nd Amendment Rights from Ryan Koch.
11. The Board received comment on 2nd Amendment Rights from Willie and Shirley Morgan.
12. The Board received comment on 2nd Amendment Rights from Bob Belmont.
13. The Board received comment on 2nd Amendment Rights from Cheri Walsh.
14. The Board received comment on 2nd Amendment Rights from Steve Cochran.
15. The Board received comment on 2nd Amendment Rights from Alice Cochran.
16. The Board received comment on 2nd Amendment Rights from Chad Morgan.
17. The Board received comment on 2nd Amendment Rights from Kathy Frady Capps.
18. The Board received comment on 2nd Amendment Rights from Phillip Whitaker.
19. The Board received comment on 2nd Amendment Rights from Savannah Morrow.
20. The Board received comment on 2nd Amendment Rights from Melissa Brown.
21. The Board received comment on 2nd Amendment Rights from Arthur Henderson.
22. The Board received comment on 2nd Amendment Rights from Colin Fryer.
23. The Board received comment on 2nd Amendment Rights from Kendra Fryer.
24. The Board received comment on 2nd Amendment Rights from Kristi Glaspy.
25. The Board received comment on 2nd Amendment Rights from Rick Sulo.
26. The Board received comment on 2nd Amendment Rights from Katie Skaggs.
27. The Board received comment on 2nd Amendment Rights from Caleb Skaggs.
28. The Board received comment on 2nd Amendment Rights from Eddie Merrell.
29. The Board received comment on 2nd Amendment Rights from Steven Hendershott.
30. The Board received comment on 2nd Amendment Rights from Tracey Sulo.
31. The Board received comment on 2nd Amendment Rights from Larry Holcombe.
32. The Board received comment on 2nd Amendment Rights from Mark A. Stibitz.
33. The Board received comment on 2nd Amendment Rights from Pamela Rogers.
34. The Board received comment on 2nd Amendment Rights from Marilyn Gordon.
35. The Board received comment on 2nd Amendment Rights from Jessica Garrett.

36. The Board received comment on 2nd Amendment Rights from Candice Rhinehart.
37. The Board received comment on 2nd Amendment Rights from Mark Rhinehart.
38. The Board received comment on 2nd Amendment Rights from Darlene Goforth.
39. The Board received comment on 2nd Amendment Rights from Rocky Hyder.
40. The Board received comment on 2nd Amendment Rights from David Heath.
41. The Board received comment on 2nd Amendment Rights from Joseph Swain.
42. The Board received comment on 2nd Amendment Rights from Rebecca Scrivener.
43. The Board received comment on 2nd Amendment Rights from Barbara Briley.
44. The Board received comment on 2nd Amendment Rights from Lori Young.
45. The Board received comment on 2nd Amendment Rights from Kimberly Hodge.
46. The Board received comment on 2nd Amendment Rights from Lowell Corn.
47. The Board received comment on 2nd Amendment Rights from Martha Pryor.
48. The Board received comment on 2nd Amendment Rights from George Reed.
49. The Board received comment on 2nd Amendment Rights from Jane Fleming.
50. The Board received comment on “The Friends of Etowah Park & Recreation Foundation” from Larry Mobley.
51. The Board received comment on 2nd Amendment Rights from Phil Pavarini Jr.
52. The Board received comment on 2nd Amendment Rights from Scott Clinton.
53. The Board received comment on 2nd Amendment Rights from Seth Grant.
54. The Board received comment on 2nd Amendment Rights from Robin Clinton.
55. The Board received comment on 2nd Amendment Rights from Derek C Gazaway.
56. The Board received comment on 2nd Amendment Rights from Joshua Saltz.
57. The Board received comment on 2nd Amendment Rights from Sonya Garren.
58. The Board received comment on 2nd Amendment Rights from Cody Muse.
59. The Board received comment on 2nd Amendment Rights from Michael Stinson.
60. The Board received comment on 2nd Amendment Rights from Maria Kaiser.
61. The Board received comment on 2nd Amendment Rights from Danny Owens.
62. The Board received comment on 2nd Amendment Rights from Thomas Valenta.
63. The Board received comment on Oklawaha Greenway flooding and Etowah Park walking trail repair from Katie Breckheimer.
64. The Board received comment on 2nd Amendment Rights from Harvey Sankey.
65. The Board received comment on 2nd Amendment Rights from Darrell Warren.
66. The Board received comment on 2nd Amendment Rights from Michael Haynes.
67. The Board received comment on 2nd Amendment Rights from Marcia Lancaster.
68. The Board received comment on 2nd Amendment Rights from Kristi Kicklighter.
69. The Board received comment on 2nd Amendment Rights from Robert Murray.
70. The Board received comment on 2nd Amendment Rights from Christina Ciccarelli.
71. The Board received comment on 2nd Amendment Rights from Jenni Frady.
72. The Board received comment on 2nd Amendment Rights from Monte McCraw.
73. The Board received comment on 2nd Amendment Rights from Sam Summey.
74. The Board received comment on 2nd Amendment Rights from Janine Mazur.
75. The Board received comment on Oklawaha Greenway flooding from Amy Duernberger.
76. The Board received comment on asphalt plants from Jimmie Lynn Whitmire.
77. The Board received comment on 2nd Amendment Rights from Austin Payne.
78. The Board received comment on 2nd Amendment Rights from S. Rhodes.
79. The Board received comment on 2nd Amendment Rights from Vance McCraw.
80. The Board received comment on property rights and the County Ordinance from Marianne Williams.
81. The Board received comment on property rights and the County Ordinance from Tony Simonelli.
82. The Board received comment on 2nd Amendment Rights from Donald LeDane.
83. The Board received comment on Oklawaha Greenway flooding from Anne M. and D. Gary Cooley.
84. The Board received comment on Oklawaha Greenway flooding from Jan Allen.

- 85. The Board received comment on 2nd Amendment Rights from Wendy Stephens.
- 86. The Board received comment on 2nd Amendment Rights from Chelsea Walsh.
- 87. The Board received comment on 2nd Amendment Rights from Michael Edwards.
- 88. The Board received comment on 2nd Amendment Rights from Harry Hudson.
- 89. The Board received comment on 2nd Amendment Rights from Harry Hudson Jr.
- 90. The Board received comment on 2nd Amendment Rights from Dennis Lanning.
- 91. The Board received comment on Oklawaha Greenway Flooding from Gray Jernigan.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Chairman Lapsley made the motion to approve Consent Agenda with the addition of HCPL Mobile Resource Center Grant as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

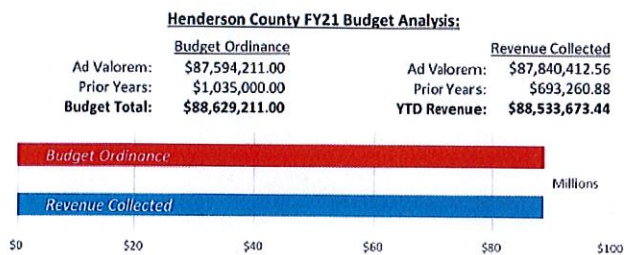
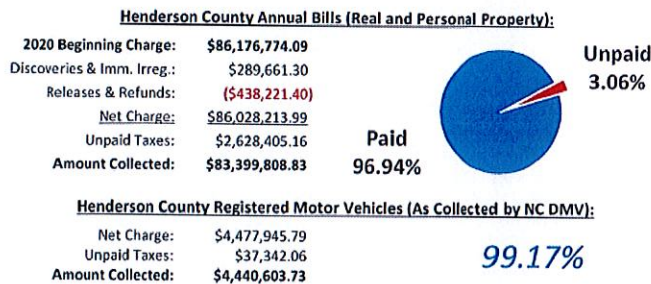
Draft minutes were presented for board review and approval of the following meeting(s):
February 1, 2021 - Regularly Scheduled Meeting

Motion:

I move the Board approves the minutes of February 1, 2021.

Tax Collector’s Report

The February 5, 2021 report from the office of the Tax Collector was provided for the Board’s information.



County Financial Report/Cash Balance Report – December 2020

The Henderson County Public Schools December 2020 Local Current Expense Fund / Other Restricted Funds and Capital Outlay Reports were provided for the Board’s information.

Motion:

I move that the Board of Commissioners approves the December 2020 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – December 2020

The December 2020 County Financial and Cash Balance Reports were provided for the Board’s review and approval.

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

- Elections – timing of expenditures related to 2020 elections
- Emergency Management – FEMA expenditure reimbursement to partner agencies and timing of Board approved purchases
- Medical Services – Autopsies – timing and quantity of services provided
- Juvenile Justice – timing of provider appropriations
- Public Education – payment of 6th of 10 annual appropriations made to the public-school system

The project to date deficit for the BRCC Patton Building Project is due to the payment of architect fees and other expenditures for the project in the Capital Projects Fund, to be reimbursed from a future financing.

Motion:

I move that the Board of Commissioners approve the Henderson County Public Schools December 2020 Financial Reports as presented.

2021.08 Budget Amendment – Unspent Bond Proceeds and Principal Payment Due

The Board is requested to approve a Budget Amendment to appropriate \$124,757 in funding for the first debt service payment for the Blue Ridge Community College Patton Building Project. An interest payment was approved in the FY21 Budget, in the amount of \$517,500. Due to the timing of the financing for the project, which closed in February 2021 with an AIC of 1.56%, the first debt service payment of \$642,257 includes principal and interest and is due on June 1, 2021.

The funds being utilized for this payment were a portion of the unspent bond proceeds and other revenues earned on the Emergency Services Center project, which was completed in 2019. Unspent bond proceeds and other earnings, such as interest are required to be used to pay down debt service.

Motion:

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

2021.09 Budget Amendment – Public Transit

In June of 2020, the Board of Commissioners approved the FY2021 transit budget with sufficient funding for the new CNG transit buses. Due to the long-term nature of the bus purchase, the Finance Department recorded transactions related to the CNG buses in a capital project fund as the expenditures were expected to span multiple fiscal years.

The Board is requested to approve a Budget Amendment to appropriate additional funding to be received from the Federal Transit Administration - including some CARES Act funding which was originally budgeted in the Public Transit Fund. These funds, including funds previously budgeted will cover the cost of CNG buses and bus components.

Motion:

I move that the Board approves the budget amended as presented, increasing funding in the Capital Projects fund for the purchase of CNG buses and bus components.

Vaya Health – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended December 31, 2020
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 attached FMR for Vaya Health was received by the County Finance Officer on January 29, 2021.

Motion:

I move that the Board of Commissioners approves the Vaya Health Fiscal Monitoring Report for the quarter ended December 31, 2020.

HCPL Mobile Resource Center Grant – Add on

Library staff requests approval to submit a Federal Library Services Technology Act (LSTA) grant application for the purchase a Ford 59 vehicle to be used as a Mobile Resource Center that will provide access to library, county, and community information and resources to underserved populations throughout Henderson County. This vehicle will go beyond the traditional use of a bookmobile by partnering with community organizations to address the literacy, digital access, and basic health and wellness needs of individuals who encounter barriers to needed resources. Through strategically planned stops and attendance at community events, this project will benefit both current and future library users by taking literacy, technology, educational resources, and programming into the communities that need them the most.

The LSTA grant request is for \$100,000 with an anticipated \$102,000 match to be taken from Library donations and endowments. No additional funds will be requested of the County to complete this initial purchase.

Motion:

I move that the Board approves submission of an LSTA Grant in the amount of \$100,000 with matching funds coming from Library donations and endowments.

PUBLIC HEARINGS

2021.10 Revised 2020 Annual Land Development Code (LDC) Text Amendments (TX-2020-01) (Special Fill Permits, Permeable Surface Requirements, Accessory Structures, Home School Clarification)

Commissioner Edney 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.

On October 5th, the Board of Commissioners held a public hearing on the draft text amendments. Following the public hearing and discussion by the Commissioners, the Board voted to send the amendments to the Planning Board requesting revisions based on the discussion by the Board.

The Planning Board discussed the Board's concerns at its meeting on November 19th and December 17th. On December 17th, the Planning Board voted unanimously to send forward a favorable recommendation on the proposed amendments as revised. The draft amendments included:

- Requiring special fill permits to be approved by the Board of Commissioners as a conditional rezoning request
- Removing permeable surface requirement for multi-family developments
- Allowing accessory structures in the front yard
- Home School Clarification

Proposed amendments to conditional rezoning resubmittals and separation setback require further discussion by the Planning Board and will be processed at a later date.

Public Notice:

The required public notice of this hearing was published in the Hendersonville Lightning on February 3rd, 2021 and February 10th, 2021.

Board Action Requested:

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment and adopt a written statement of consistency with the County Comprehensive Plan.

Overview

- BOC held public hearing on October 5th, 2020
- BOC requested the Planning Board revise the proposed amendments based on the Board discussion during the public hearing
- Planning Board discussed the revisions at its meeting on November 19th and December 17th
- Planning Board voted to recommend the following amendments (amendments related to the conditional rezoning submittals and separation setback definition require further discussion by the Planning Board and will be processed at a later date)

Public Hearing Requirements

- Notices of the public hearing were published in the Hendersonville Lightning on February 3rd and February 10th

LDC Amendment: Special Fill Permits**Text Amendment A: Special Fill Permits**

Summary: Amend the approval process and granting board on special fill permits.

Currently, special fill permits may be granted by the Zoning Board of Adjustment. This amendment would require the Board of Commissioners approve special fill permits as part of a conditional rezoning request under the current LDC guidelines and requirements for special fill permits.

LDC Amendment: Permeable Pavement Requirement**Text Amendment B: Remove the Permeable Surface Requirements**

Summary: Due to the ongoing maintenance issues, remove the permeable pavement requirement for multi-family developments.

LDC Amendment: Accessory Structures Location**Text Amendment C: Accessory Structures in the Front Yard**

Summary: This amendment would allow accessory structures to be located anywhere on the parcel, with a minimum setback of five (5) feet from side and rear property line, and ten (10) feet for the front property line. Accessory structures must be separated a minimum of five (5) feet to any other structure or accessory structure. Amend the definition of accessory structure to reflect this language and specifically include shipping containers as a permitted use.

Based on feedback from the Board:

Accessory structures are permitted uses in all zoning districts provided it is incidental to the use of the principal Structure.

LDC Amendment: Home School**Text Amendment D: Clarify Definition of a Home School**

Summary: This amendment would clarify the definition of a home school and put it as an accessory use in the table of permitted and special uses.

Home schools are allowed as an accessory use and do not require a zoning permit. The setback requirements for schools do not apply to home schools.

Public Input

There was none.

Commissioner Edney made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board adopts Accessory Structures Locations be modified to not require a special use permit but require a five (5) foot setbacks on side or rear of property, and ten (10) foot setbacks in front of property. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board adopts the resolution regarding the consistency with the CCP, and further moved that the Board adopt the proposed Land Development Code text amendments subject to the changes of the Accessory Structures Locations. All voted in favor and the motion carried.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Chairman Lapsley made motion to adopt the discussion agenda with the addition of a COVID 19 Vaccinations Update and VFW Property purchase update. All voted in favor and the motion carried.

OLD BUSINESS

2045 COUNTY COMPREHENSIVE PLAN (CCP) CONTINUED DISCUSSION

Autumn Radcliff stated in May 2019, the Board of Commissioners adopted a resolution to extend the County Comprehensive Plan (CCP) through 2023. In October of 2019, the overall process was identified including the need for a consultant to assist staff with the development of the 2045 CCP. The adopted FY21 budget provided half of the necessary funding to hire a consultant with the remaining funding to be approved in FY22.

In October of 2020, the BOC was provided with an update on the CCP process and the release of the RFP for a consultant. The RFP deadline was October 22, 2020 and a total of 7 proposals were received. The selection committee reviewed the proposals and the top 3 firms (Housel Lavigne, Stewart, and Clarion) were interviewed and references were verified.

At the February 1st, 2021 meeting, the Board of Commissioners discussed the consultant process and voted to hire a consultant for the 2045 CCP development. The Board discussed the top three scoring firms.

Commissioner Hill made the motion that the Board selects Stewart as the consultant firm for the 2045 CCP and authorizes staff to proceed with all required documents and contracts. The motion passed 4-1 with Vice-Chairman McCall voting nay.

CONSTRUCTION PROJECT UPDATE

David Berry provided the Board of Commissioners with an update on the following 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.

Hendersonville High School

David Berry provided pictures of the progress at Hendersonville High School. The project is on schedule and within budget. A tour will be scheduled sometime in March.

A request was made to provide the City of Hendersonville with an update.

Blue Ridge Community College

The groundbreaking ceremony was held last Thursday, February 10, 2021. Our contractor Vannoy currently has all perimeter fencing in place inclusive of pedestrian and vehicle signage and pathways being located. Meetings are ongoing with Duke, AT&T, the City, Clark-Nexsen, Vannoy, BRCC and staff in

regard to finalizing utility plans and schedules. The demo of the interior of the existing Patton is underway with the asbestos abatement being performed initially which will take several weeks followed by the remaining interior demo. Necessary tree and landscape removals are scheduled to be performed with initial sitework to follow. This project is on schedule and within budget.

PUBLIC SAFETY TRAINING FACILITY BLUE RIDGE COMMUNITY COLLEGE

John Mitchell stated Blue Ridge Community College received authorization in the FY 20/21 Budget to build a Police Safety Training Facility (POPAT) at a cost not to exceed \$1,000,000.

Following North Carolina General Statutes, the project was publicly bid. Bids were received on December 15, 2020. Cooper Construction was the lowest apparent responsible bidder, at a base bid cost of \$1,177,000.

The Blue Ridge Community College Foundation has allocated \$200,000 to the project to account for the difference in cost.

David Berry stated the total budgeted amount for this building is \$1M. The 6500 sq. ft. facility has now been bid. Six bids were received ranging from a base bid high of \$1,440,000 to a low base bid from Cooper Construction of \$1,177,000, with a start to finish timetable of approximately 10 months. With all bids coming in above the budget, value engineering components were discussed, but not found to be worthwhile in dollars and taking away from the buildings intended use. After much discussion with the contractor, BRCC and staff, the folks at BRCC have made the decision, based on design and the lack of time for a rebid, to come up with a way to make up the difference.

Dr. Leatherwood shared that originally the project was for Law Enforcement use only, however, now the facility will be used by Fire and EMS also. BRCC will be equipping the building.

Chairman Lapsley made the motion that the Board supports the proposal from Cooper Construction for the Public Safety Training Facility at the College. All voted in favor and the motion carried.

MRTS PROJECTS

David Berry stated at the last Commissioners' meeting the Board approved funding and gave the go-ahead to proceed with specific previously approved MRTS projects which were on hold due to Covid budget restraints.

BRCC MRTS

The BRCC MRTS projects included Henderson Building welding booth/ ventilation system, and roof recoating, Killian Building chiller replacement, replacing the air handling piping in the Sink Building, and restroom renovations in the Flat Rock building. Staff is working with BRCC to define exact scopes for all projects and preparing RFP's to receive bids.

HCPS MRTS

HCPS MRTS projects included the Upward Elementary School Main Entrance and cafeteria renovation, the Rugby main entrance renovation, and two Chromebook projects.

Rugby Main Entrance Project

The Rugby entrance project is a \$500,000 budgeted project. It was previously bid with a low bid received from H & M Contractors for \$444,000. We are currently in conversation with them to determine if they will still honor their bid. If they do, we will be moving forward with the project. If not, we must rebid.

Upward School Main Entrance/Cafeteria Renovation

The Upward project was also previously bid back in March 2020. The bids received at that time included a low bid from a local contractor Carolina Specialties. The adjusted bid after value engineering, inclusive of specific add alternates that HCPS needed and were priced in the bid documents, was and is \$850,991. The total cost of the project also includes Novus Architecture, \$39,000, BLE testing \$4,034, and Hill Surveying \$3,650. A large portion of the architectural fees as well as the surveying and some bond associated cost for the contractor have already been funded, leaving, or requiring \$859,904 to complete the project.

Edneyville Library

Clark-Nexsen has completed the drawings and we expect to be putting the project out to bid within the next two weeks.

Activity Center Shower Coatings

A bid has been received and is currently being reviewed.

Health Department Overflow Parking

Completion of the project is pending due to weather.

95 Courthouse Holding Cell

The Design work is complete and waiting for go-ahead.

RAILS TO TRAILS PROJECT

Staff provided an update the Board on the rails to trails project and were available to answer questions.

John Mitchell stated Conserving Carolina is completing the title work necessary for conveyance and the survey has been complete of the line. The Railroad will soon be notifying the Surface Transportation Board of their desire to railbank the property. It is believed that the transaction will likely occur in May. The intention is to develop a long-term lease with conserving Carolina to build and operate the trail, with plans to have that document signed at closing.

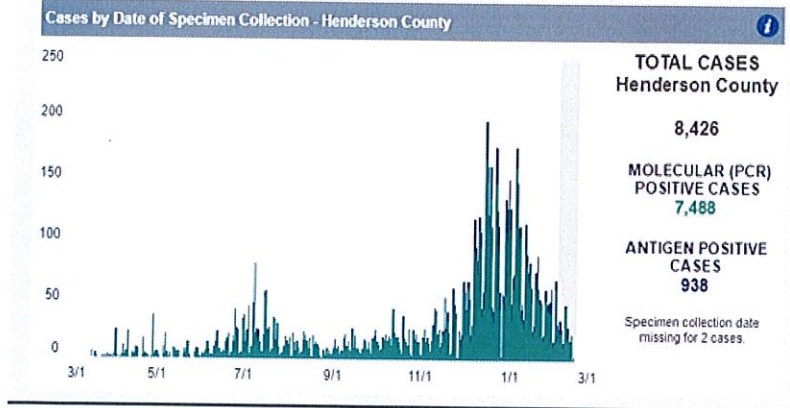
Staff is working on a MOU with Laurel Park and an RFP is scheduled to be released in early fall. Additional grants will be utilized for construction of the trail. Friends of the Ecusta Trail and Conserving Carolina are working to acquire funds for the grant match, and information will be shared with the Board later. Letters have gone out to the landowners. Conserving Carolina and the friends of Ecusta have entered into an MOU where Conserving Carolina will act as the fiduciary and fundraising consultant and administration of a capital campaign.

Staff has finished a draft RFP for the construction portion of the project. It is anticipated to be released in the early fall in time to drawdown funding the upcoming fiscal year.

COVID 19 VACCINATIONS UPDATE – Add on

Steve Smith shared the following information.

Data and Trends



Daily New Cases Rate per 100,000

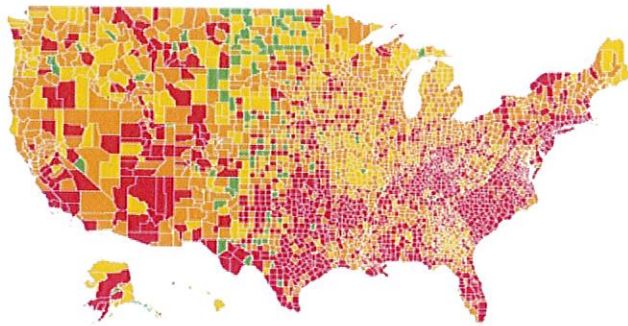
	February 9	February 17
• United States –	35	28
• North Carolina	58.3	35.3
• Henderson County	58.3	26.6

Nationally, we hit a peak of cases in January and most jurisdictions are now reporting reductions in cases and hospitalizations.

- Harvard Global Health Institute

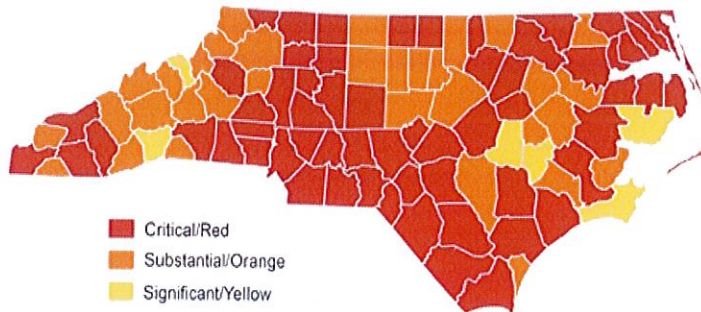
National Covid 19 Case Distribution

Risk Levels by County



NC DHHS County Alert Map

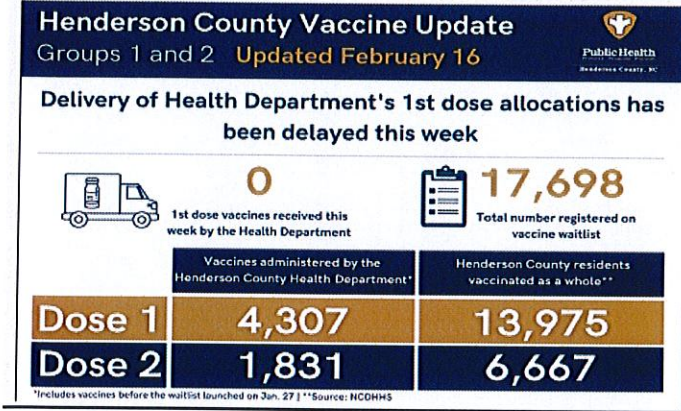
NC Counties by Tier: Data from January 17 through January 30, 2021



Data & Trends

	November 10, 2020	January 12, 2021	February 17, 2021
Cases	2,655	6,413	8,426
Deaths	68	91	127
Tests	44,830	73,403	102,639

Covid 19 Vaccination Campaign



- More resources than most jurisdictions
- Strong partnerships between healthcare, public health and other community organizations
- Resilient community that is prepared to do what is necessary

Jimmy Brissie stated today is the 352 day that we have been engaged with Covid 24/7. Hospital numbers are down, as well as EMS calls.

VFW PROPERTY PURCHASE UPDATE – Add on

Steve Wyatt stated conversations and meetings have been held with HCPS and the City of Hendersonville. A proposal has been drawn up to allow for the parking needed. The proposal would allow for use of the parking by the City also. Options are being viewed for financing (rates are in the 2% range), or perhaps we could use the capital reserve fund. This is a \$2m - \$5m project that will be addressed at the next Board meeting.



CLERK TO THE BOARD- NOTICE OF RETIREMENT

Chairman Lapsley stated that the Clerk has informed the Board of her upcoming retirement. The position has been posted on the Henderson County Human Resources website for interested candidates.

NOMINATIONS

Chairman Lapsley opened the floor for nominations.

1. Agriculture Advisory Board – 2 vac.

Commissioner McCall nominated for reappointment Richard Jordan for #2 and Stacy Fields for position #4.

Chairman Lapsley made the motion to accept the reappointment of Richard Jordan to position #2 and Stacy Fields to position #4 by acclamation. All voted in favor and the motion carried.

2. Animal Services Committee – 4 vac.

Chairman Lapsley nominated Terry Bentcover for position #4, John Lynn for position #7, and Caroline Gunther for position #8.

Chairman Lapsley made the motion to accept the appointments of Terry Bentcover to position #4, John Lynn to position #7 and Carolina Gunther to position #8 by acclamation. All voted in favor and the motion carried.

3. Cemetery Advisory Committee – 2 vac.

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

4. Hendersonville Business Advisory 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 – 1 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. Juvenile Crime Prevention Council – 2 vac.

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

8. Laurel Park Planning Board – 1 vac.

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

9. 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.

10. Nursing/Adult Care Home Community Advisory Committee – 14 vac.

Commissioner McCall nominated Dr. John Weldon for reappointment for position #20.

Chairman Lapsley made the motion to accept the reappointment of Dr. John Weldon to position #20 by acclamation. All voted in favor and the motion carried.

11. Recreation Advisory Board – 2 vac.

Commissioner McCall nominated for reappointment Hunter Marks for position #2 and Stephanie Cantwell for position #9.

Chairman Lapsley made the motion to accept the reappointments of Hunter Marks to position #2 and Stephanie Cantwell to position #9 by acclamation. All voted in favor and the motion carried.

12. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

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

COMMISSIONER UPDATES

Commissioner updates include current and ongoing items of interest in the County and allow commissioners an opportunity to bring the full Board up to date on issues that occur between meetings. Commissioners may also use this opportunity to report on related committee work and assignments.

Fire District Issues – Commissioner Andreotta

Commissioner Andreotta requested the inclusion of an item discussing fire district issues in the County, including, but not limited to, funding and the impact of annexation.

Jimmy Brissie stated fire departments are being hit with operational impacts. County fire departments are limited on the amount they can tax at 0.15. The Fire and Rescue Advisory Committee assists in determining the appropriate rate for each department.

Fire Chief Sheehan stated service at a whole is good. Their ability in the future is a concern. For example, when a piece of land is nothing but a field, no service is necessary and not much income to the department in tax. However, when the land is purchased and turned into a large development, it is taxed at a higher rate, but when it is annexed into the city the fire department received no funding, but has a much larger service area to cover during emergencies. Continued annexation makes it very difficult.

Deputy Fire Chief Wilson noted that annexation at the time doesn't change how much of the money they receive, however once there is new development, it increases people and places to cover. The taxes are raised but the fire department receives no funding.

Commissioner Andreotta feels the problem is coming soon, down the road. The City and County must work together and not compete. He would like to see a meeting between the City and County for discussion and work for a 90-day goal.

Chairman Lapsley asked Commissioner Hill to hold discussion with the Fire and Rescue Advisory Committee. He further asked staff to reach out to other counties/cities to see how they deal with the issue, and place this item on April agenda with an update if possible.

CLOSED SESSION

The Board is requested to go into Closed Session for the following reasons:

1. (a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.
2. (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4)&(5), 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.

Chairman Lapsley made the motion to go out of closed session and reconvene into open session. All voted in favor and the motion carried.

First Contact Ministries – Chairman Lapsley/Vice-Chairman Rebecca McCall

At the Board’s January 20, 2021 meeting, there was discussion of the Board’s Substance Abuse Initiative. As a follow-up to that discussion, Reverend Craig Halford with First Contact Ministries was present and provided information on their work with substance abuse.

Vice-Chairman McCall stated Chairman Lapsley has been involved and working with the Detention Center. She introduced Craig Halford, Executive Director of First Contact Ministries.

Mr. Halford stated First Contact Ministries is looking for a partnership. They currently work with thirteen (13) entities to place people who are suffering with disorders. Under normal circumstances they hold many fundraising events to raise funds, but due to Covid, many were canceled. Now they are dealing with significant changes for funding of the organization.

Kevin Varble is a recovered addict and hired as the placement coordinator of First Contact Ministries. He provided a brief story of his recovery process.

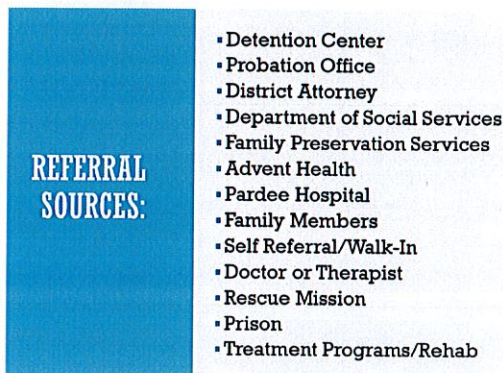
Jessica Bayne is a recovered addict and hired as the placement director of First Contact Ministries. She shared a brief story of her recovery process.

2020 – Year of Covid

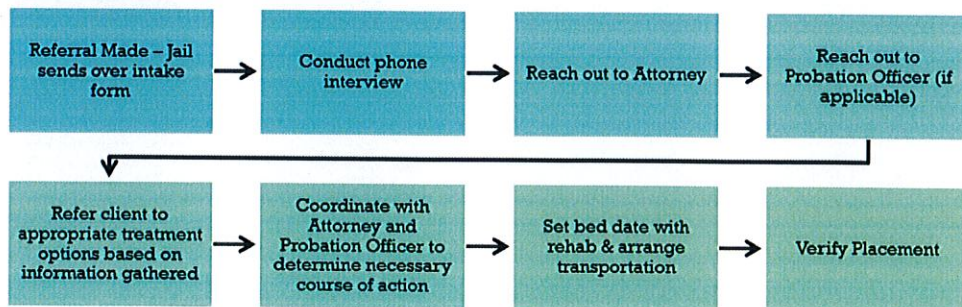
- 3 ½ Month Shut Down
- 2% Increase in-person appointments
- 47% Increase in Intakes
- 128% Increase in Placements

2020 – Jail Open Legal Cases

- 180 total intakes were people with open legal issues
- 137 of those came directly from the jail
- 54 placements had open legal cases
- 24 placed directly from the jail



Placement Procedure





Breakdown of Placement Cost

Phone time – 30 hours

Travel – 4 hours

Mileage reimbursement (.575 cents/mile) - \$73.03

Entry fee - \$250.00

Labor @ \$15.00

34 hours x \$15.00 = \$510.00

$\$510.00 + \$73.03 + \$250.00 = \underline{\$833.03}$

Testimonies given via video:

Abbie London – Placed in Life Challenge directly from Henderson County Detention Center. Abbie is 7 months into her 1 year program at Life Challenge. Because of First Contact's Inmate Placement Program Abbie now has a chance at life again!

Jessie Ball – Placed at Teen Challenge he spent 5 months in their program. He went on to be placed at Bethel Colony where he stayed for 16 months. First Contact paid the entry fee for Jesse at Tenn Challenge making it possible for him to go. Jesse now resides at the First Contact Transition House and has 2 years sober.

Fostering Hopes – Vice-Chairman McCall

Vice-Chair McCall has requested the inclusion of an item discussing foster care in our area. Alex Williams, President of Fostering Hopes, was present and provided information on their work and initiatives in this field.

Fostering Hopes exists to improve the lives and lifelong outcomes of children in Foster Care.

Why Fostering Hopes is needed:

The ever-growing Foster Care crisis is straining an already overwhelmed system. Children face uncertain futures and multiple moves, often far from home. Foster families burn out. Costs are soaring as governments struggle to keep up with the challenges faced.

“95% of all children in foster care experience at least one placement disruption”

“Nationally, more than half of foster parents quit in their first year”

Foster Care is the hidden root cause of so many of the broad social issues we face in society today. Unless we make meaningful changes to how to deal with the foster care crisis, we will continue to be faced with significant economic and societal challenges.

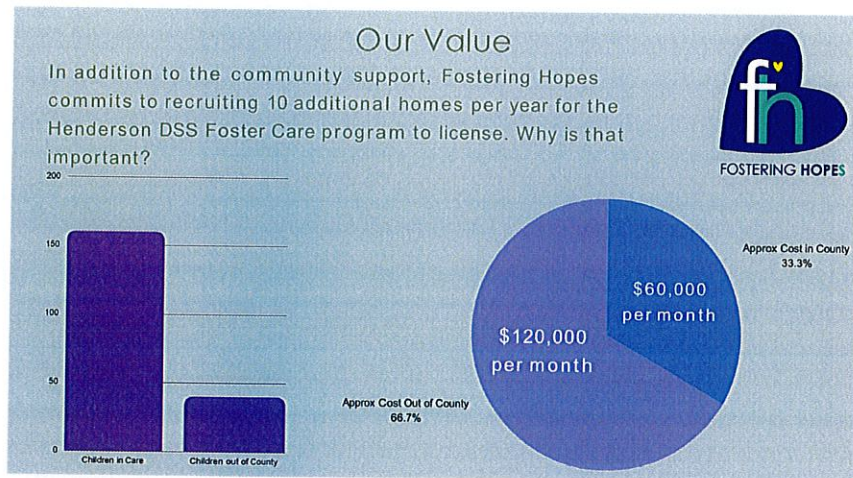
“20% of Foster Children will instantly become homeless when they turn 18”

“80% of inmates incarcerated in our prisons are former foster youth”

“60% of all sex trafficked people are current or former foster youth”

“50% of young people aging out will develop a substance dependence”

“70% of girls in foster care will become pregnant by the age 21”



Forty (40) children placed out of County is costing the Department an additional \$1.4 million per year: Simply getting 10 additional homes licensed in County, averaging 15 placements per home per year, would save the County \$500,000 per year.

How we will meet the Need

- Develop Foster Care Ministries with church, community, and business partners ('Hubs').
- Provide staff to support Hub partners to help direct, encourage, and implement programs.
- Facilitate and connect Hubs and partner agencies to meet the direct needs of families and children in the community.
- Contract with local DSS agencies to recruit families to meet specific placement needs and reduce out-of-County placements.
- Provide training to the community to increase understanding of Foster Care, trauma, and challenges faced by children, foster families, and biological families.
- Empower the community to recognize that everyone can have a role to play in the Foster Care system, beyond simply taking children into your home.
- Collect and present evidence-based data and statistics to educate governments and communities on the far-reaching impacts and long-term implications of inefficiencies in the Foster Care system.

Expected Outcomes

- Increase in licensed foster homes in-County
- Decrease of children placed out-of-County
- Increase in placement stability
- Increase in foster parent retention
- Brighter future for foster children

Future Growth and Vision

Fostering Hopes has a multi-year, statewide vision to impact positively and improve the Foster Care system. After successfully showing out proof of work, Fostering Hopes plans to expand statewide, working with County directors, NC DHHS, and state legislators to implement our program in order to bring the work of Fostering Hopes to all 100 counties.



Next Steps

If you are interested in taking the next steps in becoming a partner of Fostering Hopes, please contact Alex Williams:

awilliams@fosteringhopes.org

828-630-8413

Fostering Hopes, Inc.
P.O. Box 2870
Asheville, NC 28802

www.fosteringhopes.org

Deed Scanning Project – Commissioner Hill

At the Board’s January 20, 2021 meeting, Commissioner Hill discussed a Quote the Register of Deeds had received to scan the remaining Deed books that had not been digitized, as well as ensure that all Deed books have database searchable index records. The quote included:

Document Book Scanning

Deed Books 1-199	\$57,675
<u>Back Indexing of All Deed Books prior to 1978</u>	
1962 to 1978	\$69,020
1949 to 1961	\$38,010
Formation of County to 1948	\$80,825

Staff Research

The funding for scanning Deed Books 1-199 was approved within the current year (FY21) budget. The Register of Deeds has worked with the Finance Director and Purchasing Agent on posting an RFP for those scanning services, and will update the Board on the status of that portion of the project.

Register of Deeds Lee King discussed the back-indexing project, and potential phasing of those projects as they span the fiscal year.

Registrar of Deeds Lee King shared the following information:

Digitization & Intelligent Indices

Digitization Final Phase

What has been done

- In 2015 we began digitizing images of our Deed and Deed of Trust Books from 2004 back to 1979.
- As of today, we have Deed Book images available to the public from 1932 to 2016 (Deed Books 200-1692).
- We also have Deed of Trust Book images available to the public from 1952 to 2016 (Deed of Trust Books 173-2912).
- Beginning on 1 January 2017 Deed and Deed of Trust Books were consolidated into the new Book of Record. All Books of Record are online and available to the public (Books of Record 3000-present).

What is left to be done

- Deed Books 1-199 [Formation (1838) to 1931]
- Deed of Trust Books 1-173 (1887-1951)
- We are in the process of accepting bids to complete the scanning and enhancing the images for the remaining Deed Books.
- We have elected to postpone the final scanning of Deed of Trust Books at this time. Deed Books are more vital for Title Searches.

Indexing - Making the Indices Searchable

Currently the Grantor/Grantee Indices from 1979 to present are computer searchable or intelligent.

- User is able to search by Name.
- User types in “Smith, John” and Deeds appear with the name of John Smith.

The Indices from Formation until 1978 are not. Currently Index information is online from 1932-1978.

- User has to type in Smith. An image of the index page for the period the user specifies (1838-1948, 1949-1961, or 1962-1978) appears.
- User then selects the page of the Index to view the entries for “Smith”
- An image of the page for “Smith” appears and user then selects the correct book and page for the image he/she wishes to view.
- The desired image appears.
- Courthouse Computer Systems (CCS) has been our software vendor since August 2011.
- CCS has a proprietary system to make the indices in our software computer searchable or intelligent.
- These intelligent indices will function in the same way and manner as the indices we already have in place for documents recorded from 1979 to the present.

Time-Line, Cost & Estimated Completion Dates

Process	Price	Estimated Completion Time
Final Phase of Digitization (Deed Books 1-199)	\$57,675* *Project is out for bid. Funding for the Final Phase of Digitization in the amount above is currently approved in the Current Fiscal Year's Budget.	June 2021
Indexing – Making the Indices Computer Searchable		
Phase 1 (Indices from 1962-1978)	\$69,020	December 2021
Phase 2 (Indices from 1949-1961)	\$38,010	June 2022
Phase 3 [Indices from Formation] (1838-1948)	\$80,825	December 2022
Total Cost of Indexing Project	\$187,855	
Estimated Balance of Automation and Enhancement Preservation Fund (AEPF)	\$213,400 -\$57,675 Scan Project Available Funds \$155,725 -\$10,000 Minimum Balance Reserve \$145,725 Available Funds	As of 15 February 2021
Total Cost of Indexing Project	\$187,855	
Estimated Balance of Automation and Enhancement Preservation Fund (AEPF)	\$213,400 -\$57,675 Scan Project Available Funds \$155,725 -\$10,000 Minimum Balance Reserve \$145,725 Available Funds	As of 15 February 2021

- \$187,855 - \$145,725 = \$42,130 Remaining Funds to be covered.
- Assuming that we collect on average \$6,500 per month over the remaining 5 months in this fiscal year and assuming we continue to collect AEPF Funds at the same rate for the 1st Quarter of FY2021-2022:
 - \$6,500 X 5 = \$32,500 estimated funds to be collected for the remainder of FY2020-2021
 - \$6,500 x 3 = \$19,500 estimated funds to be collected during the 1st Quarter of FY2021-2022
 - Total Estimated Funds for both periods = \$52,000
 - This would pay for the total project using AEPF funding while maintaining a \$10,000 reserve.

Commissioner Hill made the motion that the Board directs staff to proceed with scanning and indexing of currently unscanned and unindexed projects of the Register of Deeds subject to availability of funding. All voted in favor and the motion carried.

Keep Henderson County Beautiful – Vice-Chairman McCall

At the Board's January 20, 2021 meeting, Vice-Chair McCall discussed the amount of litter along the roadways in Henderson County. Staff was directed to bring this item back for further discussion, and Staff has done some research on some options to address this item.

Lonnie Watkins, PE, District Engineer, Division 14, District 1, shared the following information regarding Litter Programs by NCDOT.

NCDOT Litter Programs

Programs include:

- Adopt-A-Highway
- Sponsor-A-Highway
- NCDOT Contract Litter Removal
- Litter Sweep

Adopt-A-Highway

- Started 1988
- 120,000 + participants statewide
- Who: civic and community groups
- No fee to participate
- Volunteer groups commits to:
 - Four-year term
 - Two Mile section of roadway
 - Pickup cycles – four times/year or more
- Signs are placed at each end of road section
- NCDOT provides gloves, vests, bags, grabbers
- After pickup cycle NCDO collects bags
- Local coordinator – Mills River District Office
- Henderson County has 51 active groups

Sponsor-A-Highway

- Road sections are one mile and one direction
- Pickup cycles – monthly
- Statewide sponsors – 608
- Henderson County sponsors – 4 (All on I-26)

NCDOT Contract Litter Removal

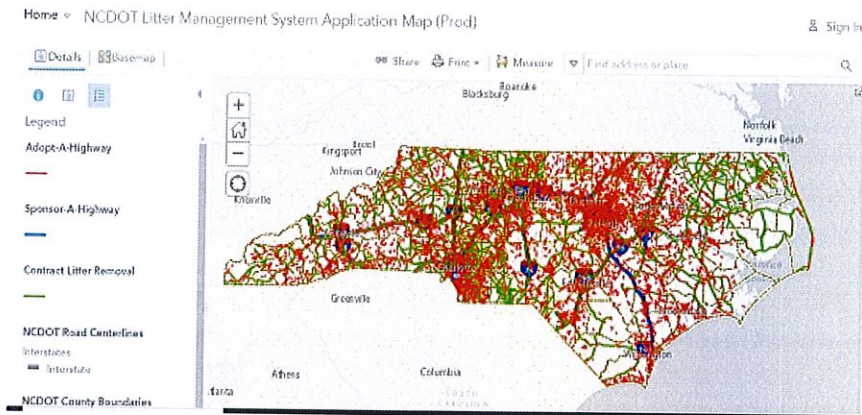
- Focus on primary system (Interstate, NC & US routes)
- Pickup cycles – six/year
- Two contractors for Division 14 (10 counties)
- Cycle takes 4 weeks to complete

Litter Sweep

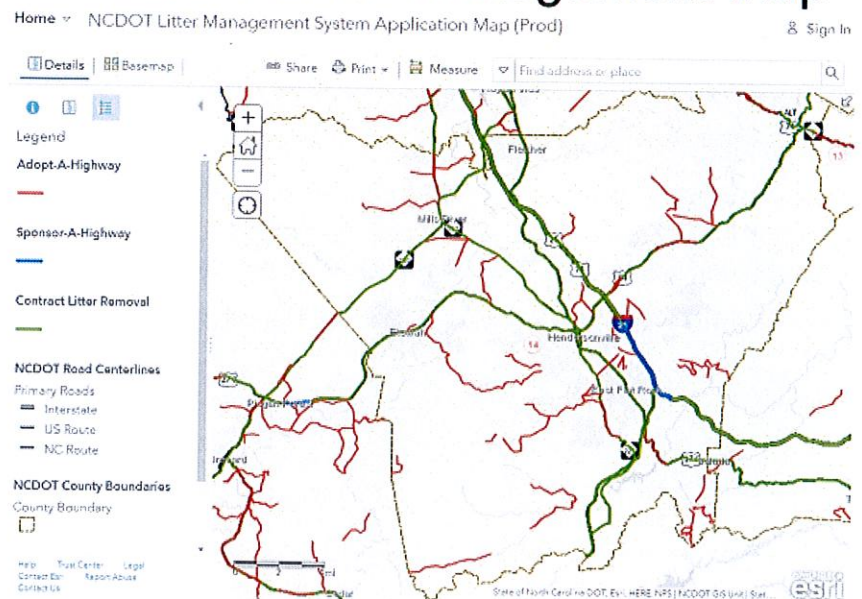
- Biannual statewide roadside litter removal initiative
- Last two weeks April & September
- General public participates in local efforts
- NCDOT provides supplies and picks up bags
- NCDOT maintenance crews devote one week

NCDOT Litter Management

<https://www.ncdot.gov/initiatives-policies/environmental/litter-management/Pages/default.aspx>



NCDOT Litter Management Map



Oklawaha Greenway Flooding Remediation – Commissioner Edney - Budget Amendment 2021.11

During the Board’s budget workshop on January 20, 2021, staff was directed to develop a proposal to address the flooding problem with the section of the Oklawaha Greenway from 4th Avenue to Martin Luther King Blvd (US 64). A reference map is attached, on which the greenway appears as a white line, and the aerial photo captured the trail flooded on the upper middle portion. Typically, this flooding expands northward to the crossing under MLK Blvd.

Staff Research

During the February 17, 2019 meeting, the Board directed staff to apply for the Parks and Recreation Trust Fund (PARTF grant) to replace this section of the greenway with a boardwalk structure. The application was not successful. Therefore, staff have identified the Land and Water Conservation Fund as a possible funding source. The LWCF grants are up to \$500,000 with a 50% local match as with PARTF. Should the

COUNTY MANAGER'S REPORT

The County Manager provided the Board of Commissioners with a brief update concerning any issues that should be brought to the attention of the Board.

Tomorrow, February 18, 2021, severe weather is predicted, and the county will consider a delayed opening.

Friday, February 19, 2021 at 11:00 a.m. is the dedication service at the Human Services Building in honor of former Commissioner Charles D. Messer.

ADJOURN

Chairman Lapsley made the motion to adjourn at 2:30 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William Lapsley, Chairman

During the February 17, 2021 regular meeting, the Board enacted the following:

2021.08 Budget Amendment – Unspent Bond Proceeds and Principal Payment Due

2021.09 Budget Amendment – Public Transit

**2021.10 Revised 2020 Annual Land Development Code (LDC) Text Amendments (TX-2020-01)
Resolution of Consistency**

2021.11 Budget Amendment Oklawaha Greenway Flooding Remediation

State Library of North Carolina
2021-2022 LSTA Online Signature Page

Print this page, obtain the required signatures, scan the PDF and return it with the application as one attachment to LSTA@ncdcr.gov by 11:59 PM on March 1, 2021.

Project Title: HCPL Mobile Resource Center Grant Type: Project Grant
Institution/Library: Henderson County Public Library Year 1 of 1
Mailing Address: 301 N Washington Street
City: Hendersonville Zip Code: 28739

Library Director, Name: Trina Rushing
Phone: 828-697-4725 Email: trushing@hendersoncountync.gov

Project Manager, Name: Trina Rushing
Phone: 828-697-4725 Email: trushing@hendersoncountync.gov

Authorizing Official, Name: William Lapsley Email: wlapsley@hendersoncountync.gov

LSTA Funds Requested this year: \$ 100000
Matching Funds: \$ 102127
Project Total this year: \$ 202127

Project Abstract:

The Henderson County Public Library System proposes the purchase of a Mobile Resource Center that will provide access to library, county, and community information and resources to underserved populations throughout Henderson County. This vehicle will go beyond the traditional use of a bookmobile by partnering with community organizations to address the literacy, digital access, and basic health and wellness needs of individuals who encounter barriers to needed resources. Through strategically planned stops and attendance at community events, this project will benefit both current and future library users by taking literacy, technology, educational resources and programming into the communities that need them the most.

Certification and Signatures (please sign)

We are aware of and agree to comply with all state and federal provisions and assurances required under this grant program. If awarded grant funds, we assure that we will carry out the grant project according to the approved grant application. This application has been authorized by the appropriate authorities of my institution/library.

Trina Rushing
Printed name of library director

Signature of library director

Date

William Lapsley
Printed name of local government or institutional authorizing official


Signature of above official

2.17.21
Date



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-2020-01 as revised; 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 February 17, 2021; 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-2020-01-Revised 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 17th day of February, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:

TERESA L. WILSON
Clerk to the Board of Commissioners

[COUNTY SEAL]