

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, JUNE 7, 2021

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

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 Denisa Lauffer.

Also present were: Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Health Director Steve Smith, Planning Director Autumn Radcliff, Registrar of Deeds Lee King, Recreation Director Carleen Dixon, HR Director Karen Ensley, Sheriff Lowell Griffin, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Manager Megan Powell, DSS Director Jerrie McFalls, Budget Analyst Sonya Flynn, Environmental Health Supervisor Seth Swift, 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 Hannah Queen from the Barnyard Bandits 4-H Club.

INFORMAL PUBLIC COMMENT

1. Gayann O'Neal spoke in opposition to the proposed storage facility on Crab Creek Rd.
2. Debbie Bell spoke in opposition to the proposed storage facility on Crab Creek Rd.
3. Randy Doss spoke in opposition to the proposed storage facility on Crab Creek Rd.
4. Angie Bell spoke in opposition to the proposed storage facility on Crab Creek Rd.
5. Rocio Borghini spoke in opposition to the proposed storage facility on Crab Creek Rd.
6. Ashley Lott spoke in opposition to the proposed storage facility on Crab Creek Rd.
7. Kraig Hargraves spoke in opposition to the proposed storage facility on Crab Creek Rd.
8. Deborah Holt with Pisgah Legal Services spoke in opposition to omission of funding for Pisgah Legal Services in the proposed budget for FY2021 – 2022.
9. Jim Barrett, the director of Pisgah Legal Services, spoke in opposition to omission of funding for Pisgah Legal Services in the proposed budget for FY2021 – 2022.
10. Terrie Garren spoke in opposition to the number of times an applicant may apply for Conditional Use Zoning (in regard to the asphalt plant) and withdraw the application before the Board votes on the matter.
11. Gibbs Jones spoke in opposition to the proposed storage facility on Crab Creek Rd.

DISCUSSION/ADJUSTMENT OF AGENDA

CONSENT AGENDA

Minutes – May 17, 2021, Special Called Meeting & May 19, 2021, Regularly Scheduled Meeting
The Board is requested to adopt the Minutes from the May 17, 2021, and May 19, 2021 as presented.

APPROVED: 7/21/2021

Motion:

I move the Board approve the Minutes of May 17, 2021, and May 19, 2021.

Tax Collector's Report

The May 27, 2021, report from the office of the Tax Collector is provided for the Board's information for information only. No action was required.

Henderson County Annual Bills (Real and Personal Property):

2020 Beginning Charge:	\$86,176,863.18	
Discoveries & Invn. Irreg.:	\$289,758.78	
Releases & Refunds:	(\$445,085.85)	
Net Change:	\$85,021,540.09	
Unpaid Taxes:	\$927,625.61	
Amount Collected:	\$85,093,914.42	Paid 98.92%

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

Net Change:	\$6,846,861.53	99.36%
Unpaid Taxes:	\$44,003.12	
Amount Collected:	\$6,802,859.41	

Henderson County FY21 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$67,594,211.00	\$61,896,773.83
Prior Years:	\$1,035,000.00	\$1,026,499.44
Budget Total:	\$68,629,211.00	YTD Revenue: \$62,923,273.27



Pending Releases and Refunds

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

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

<u>Type</u>	<u>Amount</u>
Total Taxes Released from the Charge	\$ 1,395.52
Total Refunds as a Result of the Above Releases	\$ 41.87

Motion:

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

County Financial Report/Cash Balance Report – April 2021

The month of April 2021 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 April:

- Governing Body – timing of payment for Board approved projects and purchases
- Dues/Non-Profit Contributions – payment of 4th quarter Board appropriations
- Rescue Squad – payment of 4th quarter Board appropriation
- Heritage Museum – timing of payment of Board approved appropriation
- Agri-Business – excess operating expenditures to be covered by membership fees

- Medical Services – Autopsies – timing and quantity of services provided
- Mental Health – payment of 4th quarter Board approved maintenance of effort (MOE)
- Juvenile Justice – timing of provider appropriations and costs incurred for juvenile detention fees
- Public Education – payment of 10th of 10 annual appropriations made to the public school system
- Interfund Transfers – transfer for HCPS MRTS

Motion:

I move the Board approve the April 2021 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – April 2021

The Henderson County Public Schools April 2021 Local Report was provided for the Board's information.

Motion:

I move that the Board approve the Henderson County Public Schools April 2021 Financial Reports as presented.

Notification of Vacancies

1. **Blue Ridge Community College Board of Trustees – 2 vac.**
Positions #1 & 3
2. **Cemetery Advisory Committee – 2 vac.**
Positions #6 & 7
3. **Environmental Advisory Committee – 5 vac.**
Positions #3, 4, 6, 8, 9
4. **Fire and Rescue Advisory Committee – 2 vac.**
Positions #1 & 5
5. **Henderson County Board of Health – 4 vac.**
Positions # 1, 4, 6, 10
6. **Henderson County Historic Courthouse Corporation dba/Heritage Museum – 3 vac.**
Positions # 4, 5, 6
7. **Henderson Tourism Development Authority – 1 vac.**
Position # 2
8. **Hendersonville City Zoning Board of Adjustment – 1 vac.**
Position #3
9. **Hendersonville Planning Board – 1 vac.**
Position #3
10. **Historic Resources Commission – 3 vac.**
Positions #1, 4, 7
11. **Home and Community Care Block Grant Advisory Committee – 1 vac.-**
Position #5
12. **Jury Commission – 1 vac.**
Position #1
13. **Juvenile Crime Prevention Council – 6 vac.**
Position #3, 9, 16, 20, 23, 25
14. **Laurel Park Planning Board – 1 vac.**
Position #1
15. **Mountain Area Workforce Development Board – 3 vac.**
Positions # 2, 5, 6
16. **Mountain Valleys Resource Conservation and Development Program – 1 vac.**
Position #2

17. Nursing/Adult Care Home Community Advisory Committee – 14 vac.
 Positions #3, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 18, 19 & 22

2021.39 Surplus and Donation of Ambulance, Radio, Stretcher, and Stair Chair Stretchers to the Henderson County Rescue Squad

Staff requests that the Board consider approving the attached resolution declaring the Ambulance, Radio, Stretcher, and Stair Chair Stretchers as surplus and authorizes the donation to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A-280.

Exhibit B - List of Surplus Property:

Department	Year	Make	Model	HC#	VIN / Serial #	Asser #	Mileage
EMS	2016	Chevy	G4500	EMS 201	VIN#1GB6GUCL9G1146635	17695	82,544
EMS	2014	Kenwood Radio	Nextedge	N/A	SN# B4900590	17221	N/A
EMS	2003	Stryker	Stair Chair	N/A	SN# 030939505	10912	N/A
EMS	2003	Stryker	Stair Chair	N/A	SN# 030939506	10913	N/A
EMS	2008	Stryker	Power Pro Stretcher	N/A	SN# 80740175	13853	N/A

§ 160A-280. Donations of personal property to other governmental units.

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by: (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

Motion:

I move that the Board approve the attached resolution declaring the Ambulance, Radio, Stretcher, and Stair Chair Stretchers presented as surplus and authorizes the donation to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A280.

2021.40 Soil and Water Conservation District – Grant Award

The Henderson Soil and Water Conservation District is requesting that the Board approve a grant to be awarded to the department for the stream restoration project on the campus of Rugby Middle School. These grant funds will provide support for the design and permitting phase of the project as well as funding for the construction of the educational access point/outdoor learning lab.

Motion:

I move the Board of Commissioners approve the \$20,000 grant from the Community Foundation of Henderson County for the stream restoration project at Rugby Middle School and the associated Budget Amendment.

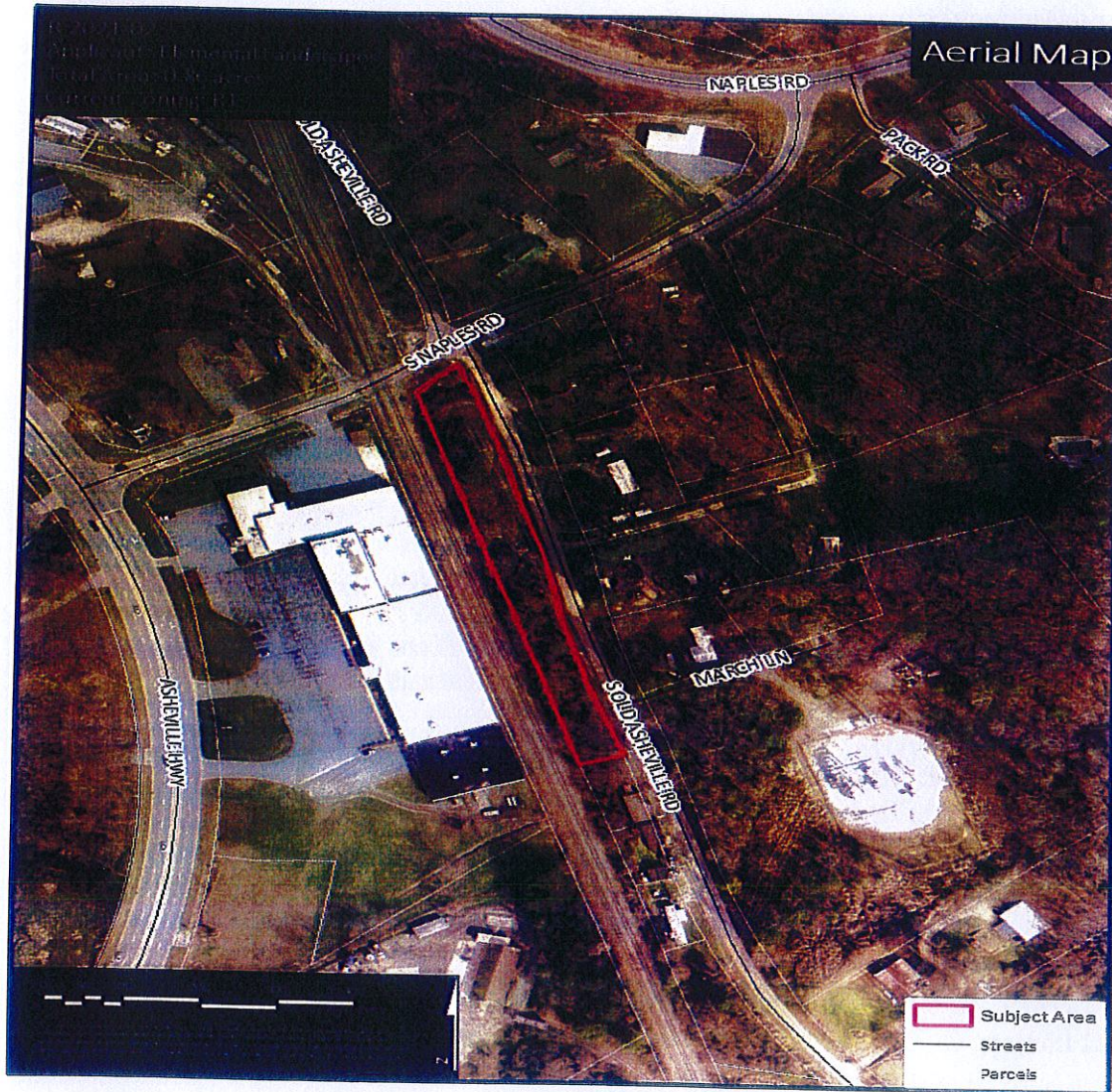
Set Public Hearing for Rezoning Application #R-2021-02 Elemental Landscapes, Residential One (R1) to Residential Commercial

Rezoning Application #R-2021-02, initiated on January 21, 2021, requests that the County rezone approximately 0.86 acres of land from Residential One (R1) to Regional Commercial (RC) zoning district. The acreage consists of 1 parcel (PIN: 9651-86-9053) located at the intersection of S. Naples Rd (SR 1695) and S. Old Asheville Rd (SR 1533).

The Planning Board reviewed this request at its May 20th meeting and voted unanimously to send forth a favorable recommendation for approval.

Motion:

I move that the Board schedule a public hearing for rezoning application #R-2021-02 for Wednesday, July 21, 2021, at 9:30 AM.



2021. 41 Memorandum of Agreement on Potential Opioid Settlement

The Court hearing certain of the opioid-related national class action lawsuits (Defendants are opioid distributors – Johnson & Johnson, Amerisource Bergen, Cardinal Health and McKesson – with the litigation taking place in Cleveland, Ohio) is reported to be (possibly) nearing a resolution of these cases. The North Carolina Attorney General’s Office and the North Carolina Association of County Commissioners have negotiated a Memorandum of Agreement (“MOA”), which governs how North Carolina would use the proceeds of any future national settlement or bankruptcy resolution with the listed drug distributors. These potential settlements and resolutions could bring as much as \$850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic. To maximize funds flowing to North

Carolina communities on the front lines of the opioid epidemic, the agreement would direct settlement funds as follows:

- 80 percent to local governments, including all 100 counties and 17 municipalities (all NC municipalities with populations in excess of 30,000).
- 15 percent to the state, which the General Assembly would appropriate to address the epidemic.
- An additional five percent to an incentive fund to encourage counties and large- and medium-size municipalities to sign on to the agreement.

Fire and Rescue Advisory Committee Appointee

Robert Griffin is currently serving on the Fire and Rescue Advisory Committee; his term expires June 30, 2021. Henderson County Fire and Rescue Association polled Henderson County Fire Chiefs May 27, 2021 and voted to appoint Adrian Berry to fill Robert Griffin's position upon expiration of his term June 30, 2021.

2021.42 Plat Review Officer Resolution

N.C. Gen. Stat. §47-30.2 requires that all persons appointed as plat review officers be so appointed by a resolution recorded in the Register of Deeds office. "Plat review officers" ensure that all plats to be recorded comply with the plat requirements set out in the General Statutes.

On September 17, 1997, this Board first adopted a plat review officer resolution, and it has been revised several times since its adoption. This resolution also sets out certain other procedures that all plat review officers must follow.

The Board needs to update the list of those persons appointed as plat review officers due to staff changes. A proposed resolution has been prepared and is attached for the Board's consideration. This proposed resolution restates all persons currently appointed as plat review officers, removes any former county employees, and appoints new employees from the Planning Department and/or Land Records.

Public Records Disposal Request

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the attached Public Disposal Requests and Destruction Logs – 9 (nine) total pages included in accordance with the County's Record Retention Policy and the provisions of the North Carolina Department of Natural and Cultural Resources Records Retention and Disposition Schedule, a copy of said pages attached hereto, as the period of these records have expired.

DISCUSSION – OLD BUSINESS ITEMS

PUBLIC HEARINGS

FY2021 - 2022 Budget

Chairman Lapsley made the motion to go into public hearing regarding the Fiscal Year 2021 – 2022 Budget. All voted in favor and the motion carried.

Public Input

Public was given the opportunity to sign up for public input. There were no names on sign-up sheet for public input.

Chairman Lapsley made the motion to go out of public hearing regarding the Fiscal Year 2021 – 2022 Budget. All voted in favor and the motion carried.

2021.43 FY 2022 BUDGET ORDINANCE

The Board continued discussions in regard to the FY2021-2022 Budget. Should the Board wish to adopt the budget following the discussion, Staff was prepared to present the FY 2022 Budget Ordinance.

The following is a list of items discussed by the Commissioners at the budget work session:

1. Staff was directed to provide a breakdown of MRTS projects to be discussed at the next Board of Commissioners meeting on June 16, 2021.
2. Contribution to City of Hendersonville for 50% for SRO's located at schools within City limits was not included in the budget.
3. Discussion regarding transfer to MRTS for HCPS based on updated tax valuation, \$41,628 was included in the budget.
4. Discussion regarding transfer to MRTS for BRCC based on updated tax valuation, \$27,752 was included in the budget.
5. Eligibility for MRTS and other capital projects for ARPA funding. Staff advised the Board that Capital Projects outside of water, wastewater, stormwater, and Broadband are not very likely to be ARPA eligible.
6. Removed \$100,000 funding from the budget for Hendersonville Connections Center due to future discussion of ARPA eligibility.
7. Discussed \$200,000 allocation to First Contact that was not included in the recommended budget, but it would be discussed during a future discussion of ARPA Eligibility.
8. Fund increase in NCACC dues of \$641.
9. Funding for (5) new Senior Deputy Sheriff positions and required equipment was included in the budget - \$614,121.
10. Funding for replacement of (2) Sheriff Department Sedans with (2) SUVs for was included in the budget - \$17,254.
11. Funding for (2) positions at Social Services (SW Supervisor 3; Social Worker 3) was included in budget - \$146,705.
12. Funding for (1) HR Analyst was included in the budget - \$84,980.
13. Commissioners discussed assessment of the installation of card readers in County buildings. Staff was directed to come back with a specific project cost at a later date to be potentially funded from the Capital Reserve Fund.
14. Discussion regarding funding of Emergency Management Rescue Coordinator. \$157,001 was added to the recommended budget, and \$100,000 removed from the Rescue Squad.
15. The Board discussed (5) EMS positions but did not include them in the budget due to potential ARPA funding.
16. Requested librarian III position was not included in the budget. Commissioners questioned the last time the library staff was increased.

- Library staff was 37 FT & 4 PT in FY18 ~ increased to 39 FT & 6 PT in FY19 ~ and transitioned to 40 FT & 5 PT in FY20 where it remains today
17. Commissioners discussed the replacement of turf at the Activities and Athletics Center (AAC)
 - Staff is currently evaluating the condition of the existing turf and will bring back necessary actions and related costs to upgrade and/or replacement of existing turf.
 18. Commissioners removed \$230,000 for the renovation of the Jackson Park house. Staff was directed to study the concept of a future performance venue in the current location of Jackson Park house.
 19. Jackson Park playground equipment was removed from the budget - \$333,000.
 20. The request for additional soccer field funding was not included in the budget. Staff was directed to perform a feasibility study of the Jackson Park soccer fields to explore options to determine what specific improvements are needed for long term sustainability.
 21. The following fees were removed from the Planning Department fee schedule:
 - Exempt Subdivision/Plat Review (each review) - \$10.
 - Associated reduction in revenue - \$450.
 - Recombination Plat Review (each review) - \$10.
 - Associated reduction in revenue - \$250.
 22. Discussion regarding additional transfer to MRTS to Capital Reserve Fund - \$13,876.
 23. Commissioners approved the additional benefit to current benefit plan to include 50% of cost for hearing aids up to \$3,000 every three years.
 24. Commissioners discussed raising the County's minimum wage for staff to \$15.00 per hour. Staff was directed to provide details of which county positions would be affected.
 25. Helping Hand developmental funding was discussed, but not included in the budget due to potential ARPA eligibility.
 26. Commissioners discussed allocations for funding to local non-profits and approved the following:
 - American Legion \$15,000 (To be budgeted in Veterans Services)
 - Flat Rock Playhouse \$30,000
 - Pisgah Legal Services \$7,500
 - Boy Scouts \$5,000*

*Commissioner Edney and Vice Chair McCall requested this allocation to be in the memory of late Henderson County Commissioner Charles Messer.

DISCUSSION – NEW BUSINESS ITEMS

Hendersonville High School Field

At the Board's direction, staff solicited a proposal from PFA to perform planning services for work associated with the Hendersonville High School turf field renovation.

John Mitchell provided the proposal for the planning services for the Hendersonville High School Stadium Improvements from PFA Architects (included as an attachment to these minutes). He noted that some issues

had become apparent in the preparation of the proposal. Maggie Carnevale, with PFA Architects, and Jared DeRidder, with WGLA Engineering were present to answer questions regarding the proposal or the associated issues that had arisen with the field.

Chairman Lapsley asked if any of the improvements may be paid by ARPA Funds to which Steve Wyatt said no, the improvements would not be eligible for ARPA funding. Vice Chair McCall questioned what improvements are needed to be done to bring the track up to the same standards as the other high schools. Jared explained the current field and track do not meet NC State Competition Design Criteria. He said it was discovered that the track and field at Hendersonville High School is not flat and drops about 4 feet on one side. The track and field in its current condition is not up to the same standards as other area high schools.

Vice Chair McCall asked if the Vocational Building at the high school had been demolished yet. David Berry stated that the demolition process for the building is scheduled to begin next couple of weeks. He said they are now faced with what is to be done to the existing press box and needed guidance from the Board on how to proceed. He noted that at the beginning of the project they had received an alternate price to include replacement of the existing press box with a brand-new modular unit supported by a steel structure. That price was, at the beginning of the project, and continues to be \$518,000 today. Guidance is needed as to which direction to proceed. If the Board wishes to proceed with the alternate price and replace the press box, there would also be the opportunity to incorporate some of the stonework that was removed for the old gym on the backside of the new press box. Commissioner Edney said a decision needed to be made at tonight's meeting on what to do with the press box and then direct PFA to provide options on everything else that has been discussed. He further stated that whatever options are chosen the project needs to be done right and first class.

It was the consensus of the Board that, with the exception of the press box, they would like a study completed of what options they have for consideration and the associated costs.

Commissioner Edney made the motion to authorize staff to move forward with the alternate price that was quoted on the press box for Hendersonville High School. The motion passed with 4 votes yes and one vote no (Commissioner Hill casted the No vote).

Commissioner Edney made the motion to accept the proposal from PFA and allow PFA to provide all the options related to the for the stadium. All voted in favor and the motion carried.

NOMINATIONS AND APPOINTMENTS

Blue Ridge Community College Board of Trustees – 2 vac.

Vice Chair McCall made the motion to accept the appointment of James Rasmussen to position #1 and reappoint Chip Gould to position #3 by acclamation. All voted in favor and the motion carried.

Cemetery Advisory Committee – 2 vac.

There were no Nominations and this item carried to the next meeting.

Environmental Advisory Committee – 5 vac.

Chairman Lapsley made the motion to reappoint Neil Brown to position #4 and Raymond Savage to position #8 by acclamation. All voted in favor and the motion carried.

Fire and Rescue Advisory Committee – 2 vac.

There were no Nominations and this item carried to the next meeting.

Henderson County Board of Health – 4 vac.

Chairman Lapsley made the motion to reappoint Dr. Magdalena Hayes to position #1 and Dr. John Brant to position #10 by acclamation. All voted in favor and the motion carried.

Chairman Lapsley made the motion to appoint Dr. Kenesha Smith to position #6. All voted in favor and the motion carried.

Henderson County Historic Courthouse Corporation dba/Heritage Museum – 3 vac.

Vice Chair McCall made the motion to reappoint Carolyn Justus to position #4 and Robert Justus to position #5. All voted in favor and the motion carried.

Henderson County Tourism Development Authority – 1 vac.

There were no Nominations and this item carried to the next meeting.

Hendersonville City Zoning Board of Adjustment – 1 vac.

There were no Nominations and this item carried to the next meeting.

Hendersonville Planning Board – 1 vac.

There were no Nominations and this item carried to the next meeting.

Historic Resources Commission – 3 vac.

Chairman Lapsley made the motion to reappoint Knox Crowell to position #4 by acclamation. All voted in favor and the motion carried.

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

There were no Nominations and this item carried to the next meeting.

Jury Commission – 1 vac.

Chairman Lapsley made the motion to reappoint Leslie Coker to seat # 1 by acclamation. All voted in favor and the motion carried.

Juvenile Crime Prevention Council – 8 vac.

Chairman Lapsley made the motion to reappoint Richard Simpson for position # 3 and Courtney Davis for position #20 by acclamation. Commissioner Edney made the motion to appoint Michael Absher for position #22. All voted in favor and the motions carried.

Laurel Park Planning Board – 1 vac.

There were no Nominations and this item carried to the next meeting.

Mountain Area Workforce Development Board – 3 vac.

There were no Nominations and this item carried to the next meeting.

Mountain Valleys Resource Conservation and Development Program – 1 vac.

There were no Nominations and this item carried to the next meeting.

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

Commissioner Andreotta made the motion to appoint Leigh Angel for position #3. All voted in favor and the motion carried.

COMMISSIONER UPDATES

Routine Updates from Commissioners

Commissioner updates included 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.

Topics for this meeting were as follows:

Zoning Ordinance Amendments..... Commissioner Edney

Commissioner Edney discussed several amendments he would like to submit for review to the current zoning ordinance. Commissioner Hill asked the Planning Board to study the Town of Mills River’s MRMU zoning district allowed uses in consideration of changes to the current Henderson County Land Development Code.

1. Storage Sheds on vacant lots
2. Allow Single Wide Manufactured Homes in all zoning districts
3. Discuss eliminating R40 zoning
4. Allow residential structures in any zoning district
5. Eliminate Conditional Zoning
6. Study The Town of Mills River’s MRMU zoning district for proposed amendments to the County’s R2, R3, R2R, R4.
7. Add provision to only allow applications to withdraw applications one time without penalty. Once an application is withdrawn the second time the application would be treated as though the application was denied in a vote.

Chairman Lapsley directed staff to address the seven proposed amendments brought forth by Commissioners and report their findings to the Board in 60 days.

Vice Chair McCall updated the Board that she is a plaintiff in a lawsuit against Governor Roy Cooper to rescind the NC State of Emergency. And to rescind the mask requirement for children in public schools. She explained that she is not representing the Henderson County Board of Commissioners in this effort but only as a citizen of NC. She made it clear that no county dollars are being spent if this effort.

In closing Chairman Lapsley added that the grass is now being cut at Sheperd Memorial Park. It appears at the moment this issue has been resolved.

Steve Wyatt presented the modifications to the proposed budget that had been requested by the Board for consideration. Commissioner Edney asked if the budget included enough money to update the audio/video equipment in the Commissioner Boardroom. Steve Wyatt stated there is 3.5 million in the Capital Reserve Fund for projects of this nature.

Motion:

Vice Chair McCall made the motion to approve the proposed budget for Fiscal Year 2021-2022 as presented. All voted in favor and the motion carried. The Fiscal year 2021-2022 is adopted along with the tax rate.

GENERAL ASSEMBLY UPDATES

Update on the General Assembly

COUNTY MANAGER'S REPORT

Report from the County Manager

IMPORTANT DATES

Upcoming schedule of meetings and events

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3), as allowed pursuant to NCGS 143-318.11 for the following reason:

To consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board.

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

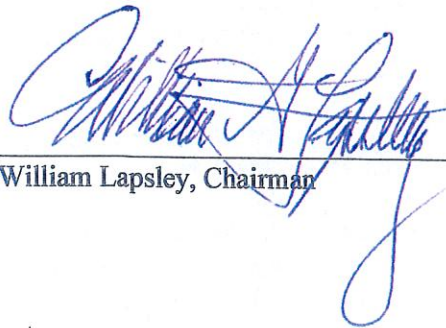
ADJOURN

Commissioner Edney made the motion to go out of closed session and adjourn at 10:20 p.m. All voted in favor and the motion carried.

Attest:



Denisa A. Lauffer, Clerk to the Board



William Lapsley, Chairman

During the June 7, 2021 regular meeting, the Board enacted the following:

2021.39 Surplus and Donation of Ambulance, Radio, Stretcher, and Stair Chair Stretchers to the Henderson County Rescue Squad

2021.40 Soil and Water Conservation District – Grant Award

2021. 41 Memorandum of Agreement on Potential Opioid Settlement 2021.42 Plat Review Officer Resolution

2021.42 Plat Review Officer Resolution

2021.43 Fiscal Year Budget Ordinance

PUBLIC COMMENT SIGNUP SHEET

JUNE 7, 2021

Pursuant to N.C. Gen. Stat. §153A-52.1, the Henderson County welcomes public comment at its meetings. Please note that each speaker is limited to three (3) minutes, unless a different time limit is announced. Also, the Board may adopt rules limiting the number of persons speaking taking the same position on a given issue, and other rules regarding the maintenance of good order.

Each speaker should be aware and by their signatures hereto they agree that their comments may be recorded (by audio-visual recordings, photography or other means), and may be (but are not required to be) broadcast by the County as a part of the broadcast of this meeting, or as a part of the County's programming on its local video channel(s). By their signature they further agree that Henderson County is and will be the sole owner of all rights in and to such programming. The undersigned hereby indemnifies Henderson County, its employees and agents, against any and all claims, damages, liabilities, costs and expenses arising out of the use of the undersigned's images and words in connection therewith.

1. GAYARD D'NEAL
PRINTED NAME
414 Old Post Dr
Hillsville NC 28739
MAILING ADDRESS

[Signature]
SIGNATURE
Crab Creek Mini Storage
Topic

2. Debbie Bell
PRINTED NAME
571 CRAB CREEK RD.
HVL NC 28739
MAILING ADDRESS

[Signature]
SIGNATURE
CRAB CREEK MINI STORAGE
Topic

3. RANDY DOSS
PRINTED NAME
4 Cooper Drive
Hendob 28739
MAILING ADDRESS

[Signature]
SIGNATURE
SAFETY / Crab Creek
Topic

4. Angie [unclear]
PRINTED NAME
999 [unclear]
[unclear]
MAILING ADDRESS

[Signature]
SIGNATURE
Emergency Services
Topic

5. Rocio Borghini
PRINTED NAME
16 Cartis Dr
Hendersonville NC
MAILING ADDRESS

RS
SIGNATURE
Crab Creek Storage
Topic

6. Ashley Lott
PRINTED NAME
16 Conger Dr
Hendersonville NC
MAILING ADDRESS

Ashley Lott
SIGNATURE
Crab Creek Storage
Topic

7. Kraig Hargraves
PRINTED NAME
6 Conger Dr
Hendersonville
MAILING ADDRESS

Kraig Hargraves
SIGNATURE
Crab Creek Storage
Topic

8. Deborah Holt
PRINTED NAME
512 Burge Mtn Rd.
Hendersonville NC 28792
MAILING ADDRESS

SIGNATURE
Pisgah Legal Services
Topic
Budget

9. Jim Burnett
PRINTED NAME
P.O. Box 2776
Asheville NC 28702
MAILING ADDRESS

James A. Burnett
SIGNATURE
Pisgah Legal Services
Topic
(Budget)

10. Terrie Gatten
PRINTED NAME
P.O. Box 413
East Flat Rock NC 28726
MAILING ADDRESS

Terrie Gatten
SIGNATURE
Times to apply for 2020 NC
Topic

11. Gibbs Jones

PRINTED NAME Gibbs

[Signature]
SIGNATURE
Crook Creek Storage
Topic

358 Crook Creek Rd.
MAILING ADDRESS

12.

PRINTED NAME

MAILING ADDRESS

SIGNATURE

Topic

13.

PRINTED NAME

MAILING ADDRESS

SIGNATURE

Topic

14.

PRINTED NAME

MAILING ADDRESS

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Topic

15.

PRINTED NAME

MAILING ADDRESS

SIGNATURE

Topic

16.

PRINTED NAME

MAILING ADDRESS

SIGNATURE

Topic

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF
COMMISSIONERS**

MEETING DATE: June 7, 2021
SUBJECT: Pending Releases & Refunds
PRESENTER: Darlene Burgess, Tax Administrator
ATTACHMENT: Yes
1. Pending Release/Refund Combined Report

SUMMARY OF REQUEST:

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

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 1,395.52
Total Refunds as a Result of the Above Releases	\$ 41.87

BOARD ACTION REQUESTED:

The Board is requested to approve this pending release and refund report as presented.

Suggested Motion:

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



Forever caring. Forever giving

GRANT AGREEMENT

The grant to your organization from the **Community Foundation of Henderson County** is for the explicit purpose(s) described below and is subject to your acceptance of the following conditions. To acknowledge this agreement, to accept the grant and to be eligible to receive funds when needed, **PLEASE RETURN A SIGNED COPY OF THIS GRANT AGREEMENT TO THE COMMUNITY FOUNDATION OF HENDERSON COUNTY AT PO BOX 1108, HENDERSONVILLE, NC 28793.**

Grantee: Henderson County Soil and Water Conservation District

Amount of Grant: \$20,000.00

Date Authorized: 5/13/2021

Grant Purpose: Mill Pond Creek Restoration

Grant Period Begins: 5/13/2021

Grant Period Ends: 5/14/2021

Payment Schedule: Payment will be made upon receipt of this signed agreement

Special Conditions of Grant: Recognition for support provided by CFHC is requested.

SPECIAL PROVISIONS:

All grants are made in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued thereunder:

Please read the following carefully:

I. ANNOUNCING GRANTS

Grants approved by the Community Foundation of Henderson County, Inc. Board are reported to the community through the Foundation's newsletter, Annual Report and periodic press releases. The Foundation is not always able, however, to issue press releases describing individual projects or programs.

Grantee agencies are encouraged to make public announcements on their own, especially when such notices might stimulate additional support or help to spread word about important new projects.

Two copies of such announcements, and of published references to the grants, should be sent to the Foundation for its records.

II. EXPENDITURE OF FUNDS

This grant is to be used only for the purpose described above and in accordance with the approved budget. The program is subject to modification only with the Foundation's prior written approval.

- A. The grantee shall return to the Foundation any unexpended funds:
1. at the end of the grant period, or
 2. if the Foundation determines that the grantee has not performed in accordance with this agreement and approved program/budget, or
 3. if the grantee loses its exemption from Federal income taxes under Section 501(c)(3) of the Internal Revenue Code.

- B. No funds provided by the Foundation may be used for any political campaign, or to support attempts to influence legislation by any governmental body, other than through making available the results of nonpartisan analysis, study and research.

- C. Unless specifically authorized by the Foundation, expenses charged against this grant may not be incurred prior to the effective date of the grant or subsequent to the termination date, and may be incurred only as necessary to carry out the purposes and activities of the approved program.

- D. The grantee organization is responsible for the expenditure of funds and for maintaining adequate supporting records consistent with generally accepted accounting principles.

III. REPORTS TO THE FOUNDATION

Full financial accounting of the expenditure of these grant funds and narrative reports on the grant-supported projects are required as a condition of this grant. They should be in writing and submitted according to the following schedule:

Interim or progress reports may be brief but should include a financial summary, indicating how Foundation funds have been expending during the period, and a narrative comment on development of the program or project.

Final reports, required within 90 days after the end of the grant period, should include a complete financial statement showing all funds received and expended for the programs covered by the grant, and a narrative report on the project and its significance. The financial and narrative reports should, in each case, compare actual expenditures and accomplishments with the budget and objectives cited in the original proposal.

IV. LIMIT OF COMMITMENT

Unless otherwise stipulated in writing, this grant is made with the understanding that the Foundation has no obligation to provide other or additional support to the grantee.

For the Grantee:

Andrew C. Brannon

Signature of Authorized Representative

Andrew C. Brannon

Print Name and Title

5-18-21

Date

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 7, 2021
SUBJECT: Soil and Water Conservation District - Grant Award
PRESENTER: Betsy Gerwig, Conservation Engineer
ATTACHMENTS: Yes
1. Budget Amendment
2. Community Foundation Grant Agreement

SUMMARY OF REQUEST:

The Henderson Soil and Water Conservation District is requesting that the Board approve a grant to be awarded to the department for the stream restoration project on the campus of Rugby Middle School. These grant funds will provide support for the design and permitting phase of the project as well as funding for the construction of the educational access point/outdoor learning lab.

BOARD ACTION REQUESTED:

The Board is requested to approve the \$20,000 grant from the Community Foundation of Henderson County which will provide funding for the stream restoration project at Rugby Middle School and the associated Budget Amendment.

Suggested Motion:

I move the Board of Commissioners approve the \$20,000 grant from the Community Foundation of Henderson County for the stream restoration project at Rugby Middle School and the associated Budget Amendment.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Soil & Water (115471)

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115471-569931-9011	Unallocated Funding	\$ 20,000
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
114471-454019-9011	Misc Local Grant (Duke Energy & Comm Fdtn of HC)	\$ 20,000
_____	_____	_____
_____	_____	_____

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

The District received a \$20,000 grant from the Community Foundation of Henderson County to use towards the restoration of Mill Pond Creek on the campus of Rugby Middle School. The grant award documentation is attached.

J. C. Walli
Authorized by Department Head

5/21/21
Date

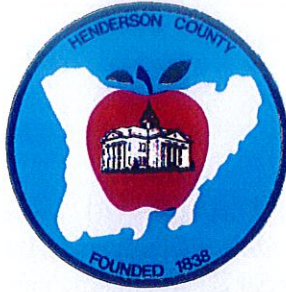
Authorized by Budget Office

Date

Authorized by County Manager

Date

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



Henderson County
North Carolina

Before the Board of Commissioners

**A RESOLUTION BY THE COUNTY OF HENDERSON APPROVING THE
MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF NORTH
CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE
SETTLEMENT OF OPIOID LITIGATION**

BOARD OF COMMISSIONERS ENACTMENT 2021-41

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total “economic burden” of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, Henderson County and its residents have suffered from an opioid epidemic to the extent that in 2018, 44 opioid pills were prescribed for every adult and child residing in the County, and the County consequentially suffered opioid overdoses and overdose-caused deaths; and

WHEREAS, representatives of North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina’s share of opioid settlement funds to ensure the needed resources reach communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Henderson County and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in

an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, Henderson County hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, presuming the anticipated settlement is reached, Henderson County authorizes the County Manager and County Attorney to take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the 7th day of June, 2021.

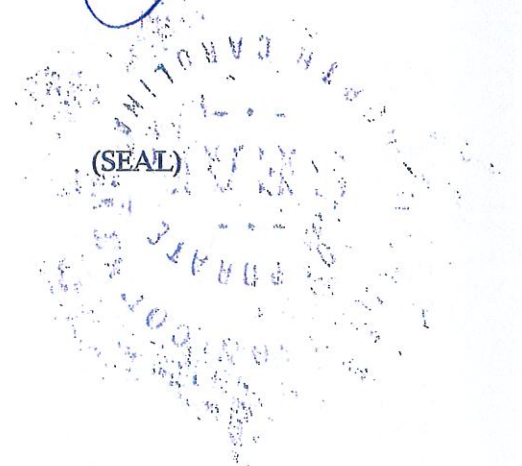


WILLIAM LAPSLEY, Chair
Henderson County Board of Commissioners

ATTEST:



DENISA A. LAUFFER
Clerk to the Board



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Signature Pages

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WHEREAS, this MOA is also intended to serve as a State-Subdivision Agreement under resolutions of claims concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and North Carolina counties and municipalities and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement (“Bankruptcy Resolutions”); and

WHEREAS, specifically, this MOA is intended to serve under the Bankruptcy Resolution concerning Purdue Pharma L.P. as a statewide abatement agreement, and under this MOA, a statewide abatement agreement is a type of State-Subdivision Agreement.

Statement of Agreement

The parties hereto agree as follows:

A. Definitions

As used in this MOA:

The terms “Bankruptcy Resolution,” “MOA,” “Pharmaceutical Supply Chain Participant,” “State,” and “State-Subdivision Agreement” are defined in the recitals to this MOA.

“Coordination group” refers to the group described in **Section E.7** below.

“County Incentive Fund” is defined in **Section G** below.

“Governing Body” means (1) for a county, the county commissioners of the county, and (2) for a municipality, the elected city council, town council, board of commissioners, or board of aldermen for the municipality.

“Incentive Eligible Local Government” is defined in **Section G** below.

“Local Abatement Funds” are defined in **Section B.2** below.

“Local Government” means all counties and municipalities located within the geographic boundaries of the State of North Carolina that have chosen to sign on to this MOA.

“MDL Matter” means the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio.

“MDL Parties” means all parties who participated in the matter captioned *In re: National Prescription Opiate Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio as Plaintiffs.

- a. Local Governments receiving payments. The proportions set forth in **Exhibit G** provide for payments directly to (i) all North Carolina counties, (ii) North Carolina municipalities with populations over 75,000 based on the United States Census Bureau's Vintage 2019 population totals, and (iii) North Carolina municipalities who are also MDL Parties as of January 1, 2021.
 - b. Municipality may direct payments to county. Any municipality allocated a share in **Exhibit G** may elect to have its share of current or future annual distributions of Local Abatement Funds instead directed to the county or counties in which it is located. Such an election may be made by January 1 each year to apply to the following fiscal year. If a municipality is located in more than one county, the municipality's funds will be directed based on the MDL Matter's Opioid Negotiation Class Model.
5. Use of funds for opioid remediation activities. This MOA requires that except as related to the payment of the Parties' litigation expenses and the reimbursement of the United States Government, all Opioid Settlement Funds, regardless of allocation, shall be utilized only for opioid remediation activities.
 6. Relationship of this MOA to other agreements and resolutions. All Parties acknowledge and agree the National Settlement Agreement will require a Local Government to release all its claims against the Settling Defendants to receive Opioid Settlement Funds. All Parties further acknowledge and agree based on the terms of the National Settlement Agreement, a Local Government may receive funds through this MOA only after complying with all requirements set forth in the National Settlement Agreement to release its claims. This MOA is not a promise from any Party that any National Settlement Agreement or Bankruptcy Resolution will be finalized or executed.

C. Payment of Litigating and Non-Litigating Parties

No Party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in **Exhibit G** or based on the eligibility criteria for payments from the County Incentive Fund as provided by **Section G** below.

D. Special Revenue Fund

1. Creation of special revenue fund. Every Local Government receiving Opioid Settlement Funds shall create a separate special revenue fund, as described below, that is designated for the receipt and expenditure of the Opioid Settlement Funds.
2. Procedures for special revenue fund. Funds in this special revenue fund shall not be commingled with any other money or funds of the Local Government. The funds in the

- a. Option A.
- i. Without any additional strategic planning beyond the meeting described in **Section E.4** above, Local Governments may spend Opioid Settlement Funds from the list of High-Impact Opioid Abatement Strategies attached as **Exhibit A**. This list is a subset of the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. **Exhibit A** may be modified as set forth in Exhibit D below; provided, however, that any strategy listed on **Exhibit A** must be within the list of opioid remediation activities for the then-current National Settlement Agreement. Opioid remediation activities undertaken under a previously authorized strategy list may continue if they were authorized at the time of the Local Government's commitment to spend funds on that activity.
- b. Option B.
- i. A Local Government that chooses to participate in additional voluntary, collaborative, strategic planning may spend Opioid Settlement Funds from the broader list of categories found in **Exhibit B**. This list contains all the initial opioid remediation strategies listed in the National Settlement Agreement.
 - ii. Before spending any funds on any activity listed in **Exhibit B**, but not listed on **Exhibit A**, a Local Government must first engage in the collaborative strategic planning process described in **Exhibit C**. This process shall result in a report and non-binding recommendations to the Local Government's Governing Body described in **Exhibit C** (right-hand column).
 - iii. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** and wishes to continue implementing a strategy listed in **Exhibit B**, but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process every four years (or more often if desired).
 - iv. A Local Government that has previously undertaken the collaborative strategic planning process described in **Exhibit C** that wishes to implement a new strategy listed in **Exhibit B** but not listed in **Exhibit A**, shall undertake a new collaborative strategic planning process.
 - v. Two or more Local Governments may undertake a single collaborative strategic planning process resulting in a report and recommendations to all of the Local Governments involved.

performance. The Local Government manager/administrator is the point of contact for questions that arise under this MOA.

5. Preservation of records. The Local Government must maintain, for a period of at least five years, records of Opioid Settlement Fund expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a manner consistent with the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA.
6. Reporting.
 - a. Annual financial report required. In order to ensure compliance with the opioid remediation provisions of the National Settlement Agreement, any Bankruptcy Resolutions, and this MOA, for every fiscal year in which a Local Government receives, holds, or spends Opioid Settlement Funds, the county or municipality must submit an annual financial report specifying the activities and amounts it has funded.
 - b. Annual financial report timing and contents. The annual financial report shall be provided to the North Carolina Attorney General by emailing the report to opioiddocs@ncdoj.gov, within 90 days of the last day of the state fiscal year covered by the report. Each annual financial report must include the information described on **Exhibit E**.
 - c. Reporting to statewide opioid settlement dashboard. Each Local Government must provide the following information to the statewide opioid settlement dashboard within the stated timeframes:
 - i. The budget or resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for a specific purpose or purposes during a specified period of time as described in **Section E.6.b** above (within 90 days of the passage of any such budget or resolution);
 - ii. If the Local Government is using Option B, the report(s) and non-binding recommendations from collaborative strategic planning described in **Section E.5.b.ii** above and **Exhibit C** (right hand column) (within 90 days of the date the report and recommendations are submitted to the local governing body for consideration);
 - iii. The annual financial reports described in **Section F.6.a** and **Exhibit E** (within 90 days of the end of the fiscal year covered by the report); and
 - iv. The impact information described in **Exhibit F** (within 90 days of the end of the fiscal year covered by the report).

The State will create an online portal with instructions for Local Governments to report or upload each of these four items by electronic means.

H. Effectiveness

1. When MOA takes effect. This MOA shall become effective at the time a sufficient number of Local Governments have joined the MOA to qualify this MOA as a State-Subdivision Agreement under the National Settlement Agreement or any Bankruptcy Resolution. If this MOA does not thereby qualify as a State-Subdivision Agreement, this MOA will have no effect.
2. Amendments to MOA.
 - a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this MOA to make any changes required by the final provisions of the National Settlement Agreement or any Bankruptcy Resolution. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the MOA. The amendments will be effective to any party that does not withdraw.
 - b. Coordination group. The coordination group may make the changes authorized in **Exhibit D**.
 - c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this MOA, the allocation proportions set forth in **Exhibit G** may not be amended.
 - d. General amendment power. After execution, the coordination group may propose other amendments to the MOA, subject to the limitation in **Section H.2.c** above. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this MOA. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in **Exhibit G**.
3. Acknowledgement. The Parties acknowledge that this MOA is an effective and fair way to address the needs arising from the public health crisis due to the misconduct committed by the Pharmaceutical Supply Chain Participants.
4. When MOA is no longer in effect. This MOA is effective until one year after the last date on which any Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution.
5. Application of MOA to settlements and bankruptcy resolutions. This MOA applies to all settlements under the National Settlement Agreement with the Settling Defendants and any Bankruptcy Resolutions. The Parties agree to discuss the use, as the Parties may deem appropriate in the future, of the settlement terms set out herein (after any necessary

Signature pages will be structured as one page for the State of North Carolina,
followed by separate signature pages for each county.

These signature pages will also include blanks for the county's municipalities.

To avoid having 101 signature pages in the middle of this file,
the signature pages are in a separate document.

First Aid, peer-based programs, or similar approaches. Training programs may target parents, family members, caregivers, teachers, school staff, peers, neighbors, health or human services professionals, or others in contact with children or adolescents.

7. **Naloxone distribution.** Support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as Syringe Service Programs, post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.
8. **Post-overdose response team.** Support post-overdose response teams that connect persons who have experienced non-fatal drug overdoses to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need to improve their health or well-being.
9. **Syringe Service Program.** Support Syringe Service Programs operated by any governmental or nongovernmental organization authorized by section 90-113.27 of the North Carolina General Statutes that provide syringes, naloxone, or other harm reduction supplies; that dispose of used syringes; that connect clients to prevention, treatment, recovery support, behavioral healthcare, primary healthcare, or other services or supports they need; or that provide any of these services or supports.
10. **Criminal justice diversion programs.** Support pre-arrest or post-arrest diversion programs, or pre-trial service programs, that connect individuals involved or at risk of becoming involved in the criminal justice system to addiction treatment, recovery support, harm reduction services, primary healthcare, prevention, or other services or supports they need, or that provide any of these services or supports.
11. **Addiction treatment for incarcerated persons.** Support evidence-based addiction treatment, including Medication-Assisted Treatment with at least one FDA-approved opioid agonist, to persons who are incarcerated in jail or prison.
12. **Reentry Programs.** Support programs that connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
14. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for or recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically-appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.
5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Enhanced family supports and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.
10. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

1. Fund media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Fund community anti-drug coalitions that engage in drug prevention efforts.
6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
7. Engage non-profits and faith-based communities as systems to support prevention.
8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, individuals at high risk of overdose, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities that provide free naloxone to anyone in the community.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local, or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services; to support training and technical assistance; or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A dashboard to share reports, recommendations, or plans to spend Opioid Settlement Funds; to show how Opioid Settlement Funds have been spent; to report program or strategy outcomes; or to track, share, or visualize key opioid-related or health-related indicators and supports as identified through collaborative statewide, regional, local, or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.

**EXHIBIT C to NC MOA:
COLLABORATIVE STRATEGIC PLANNING PROCESS UNDER OPTION B**

	ACTIVITY NAME	ACTIVITY DETAIL	CONTENT OF REPORT & RECOMMENDATIONS
A	Engage diverse stakeholders	Engage diverse stakeholders, per "ITEM A DETAIL" below, throughout the collaborative strategic planning process	Report on stakeholder engagement per "ITEM A DETAIL" below
B	Designate facilitator	Designate a person or entity to facilitate the strategic collaborative planning process. Consider a trained, neutral facilitator.	Identify the facilitator
C	Build upon any related planning	Build upon or coordinate with prior or concurrent planning efforts that address addiction, drug misuse, overdose, or related issues, including but not limited to community health assessments.	Report any related planning efforts you will build upon or coordinate with
D	Agree on shared vision	Agree on a shared vision for positive community change, considering how strategic investments of Opioid Settlement Funds have the potential to improve community health and well-being and address root causes of addiction, drug misuse, overdose, and related issues	Report on shared vision for positive community change
E	Identify key indicator(s)	Identify one or more population-level measures to monitor in order to gauge progress towards the shared vision. (The NC Opioid Action Plan Data Dashboard contains several such measures.)	Report on the key indicators selected
F	Identify and explore root causes	Explore root causes of addiction, drug misuse, overdose, and related issues in the community, using quantitative data as well as stakeholder narratives, community voices, the stories of those with lived experience, or similar qualitative information	Report on root causes as described
G	Identify and evaluate potential strategies	Identify potential strategies to address root causes or other aspects of the opioid epidemic; identify these strategies (by letter or number) on EXHIBIT A or EXHIBIT B, and consider the effectiveness of each strategy based on available evidence	Identify and evaluate potential strategies
H	Identify gaps in existing efforts	For each potential strategy identified (or for favored strategies), survey existing programs, services, or supports that address the same or similar issues; and identify gaps or shortcomings	Report on survey of and gaps in existing efforts
I	Prioritize strategies	Prioritize strategies, taking into account your shared vision, analysis of root causes, evaluation of each strategy, and analysis of gaps in existing efforts	Report on prioritization of strategies
J	Identify goals, measures, and evaluation plan	For each strategy (or favored strategy), develop goals and an evaluation plan that includes at least one process measure (How much did you do?), at least one quality measure (How well did you do it?), and at least one outcome measure (Is anyone better off?)	Report on goals, measures, and evaluation plan for each chosen strategy
K	Consider ways to align strategies	For each potential strategy identified (or for favored strategies), consider opportunities to braid Opioid Settlement Funds with other funding streams; develop regional solutions; form strategic partnerships; or to pursue other creative solutions	Report on opportunities to align strategies as described
L	Identify organizations	Identify organizations and agencies with responsibility to implement each strategy; and identify the human, material, and capital resources to implement each strategy	Identify organizations and needs to implement each strategy

**EXHIBIT D TO NC MOA:
COORDINATION GROUP**

COMPOSITION

The Coordination Group shall consist of the following twelve members:

Five Local Government Representatives

- Four appointed by the North Carolina Association of County Commissioners including:
 - One county commissioner
 - One county manager
 - One county attorney
 - One county local health director or consolidated human services director
- One municipal manager appointed by the North Carolina League of Municipalities

Four Experts Appointed by the Department of Health and Human Services

- Four appointed by the Secretary of the Department of Health and Human Services, having relevant experience or expertise with programs or policies to address the opioid epidemic, or with behavioral health, public health, health care, harm reduction, social services, or emergency services.

One Expert Appointed by the Attorney General

- One appointed by the Attorney General of North Carolina from the North Carolina Department of Justice or another state agency, having drug policy or behavioral health experience or expertise.

Two Experts Appointed by Legislative Leaders

- One representative from the University of North Carolina School of Government with relevant expertise appointed by the Speaker of the North Carolina House of Representatives.
- One representative from the board or staff of the North Carolina Institute of Medicine with relevant expertise appointed by the President Pro Tem of the North Carolina Senate.

The coordination group may appoint a non-voting administrator to convene meetings and facilitate the work of the coordination group. The administrator will not be paid from the Opioid Settlement Funds distributed under this MOA.

Appointees shall have relevant experience or expertise with programs or policies to address the opioid epidemic, behavioral health, public health, health care, social services, emergency services, harm reduction, management of local government, or other relevant areas.

Those responsible for making appointments to the coordination group are encouraged to appoint individuals who reflect the diversity of North Carolina, taking into consideration the need for geographic diversity; urban and rural perspectives; representation of people of color and

- c. The coordination group may, by consensus or by vote of a majority of members present and voting, work with the parties to this MOA, the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, other associations, foundations, non-profits, and other government or nongovernment entities to provide support to Local Governments in their efforts to effectuate the goals and implement the terms of this MOA. Among other activities, the coordination group may coordinate, facilitate, support, or participate in any of the following activities:
- i. Providing assistance to Local Governments in identifying, locating, collecting, analyzing, or reporting data used to help address the opioid epidemic or related challenges, including data referred to in **Exhibit F**;
 - ii. Developing resources or providing training or technical assistance to support Local Governments in addressing the opioid epidemic and carrying out the terms of this MOA;
 - iii. Developing pilot programs, trained facilitators, or other resources to support the collaborative strategic planning process described in this MOA;
 - iv. Developing and implementing a voluntary learning collaborative among Local Governments and others to share best practices in carrying out the terms of this MOA and addressing the opioid epidemic, including in-person or virtual convenings or connections;
 - v. Developing voluntary leadership training programs for local officials on strategies to address the opioid epidemic, opportunities for Local Governments to harness the ongoing transition to value-based healthcare, and other relevant topics;
 - vi. Taking other actions that support Local Governments in their efforts to effectuate the goals and implement the terms of this MOA but do not in any way change the terms of this MOA or the rights or obligations of parties to this MOA.

EXHIBIT F TO NC MOA: IMPACT INFORMATION

Within 90 days of the end of any fiscal year in which a Local Government expends Opioid Settlement Funds, the Local Government shall report impact information for each strategy that it funded with Opioid Settlement Funds during that fiscal year (“funded strategy”), using the STANDARD FORM or the SHORT FORM for each funded strategy.

The STANDARD FORM is recommended to all Local Governments for all funded strategies. However, Local Governments may use the SHORT FORM as follows:

- All Local Governments that receive less than 0.2 percent (two-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** may use the SHORT FORM for all funded strategies.
- All Local Governments that receive 0.2 percent (two-tenths of one percent) or more but less than 0.3 percent (three-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the funded strategy that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.
- All Local Governments that receive 0.3 percent (three-tenths of one percent) or more but less than 0.4 percent (four-tenths of one percent) of the total Local Government Allocation as shown on **Exhibit G** must use the STANDARD FORM for the two funded strategies that received the largest amount of settlement funds during the fiscal year and may use the SHORT FORM for all other funded strategies.

STANDARD FORM

1. County or municipality and fiscal year covered by this report.
2. Name, title, and organization of person completing this report.
3. Name of funded strategy, letter and/or number of funded strategy on **Exhibit A** or **Exhibit B** to the MOA, and number and date of resolution(s) authorizing expenditure of settlement funds on funded strategy.
4. **Brief progress report** describing the funded strategy and progress made during the fiscal year. Recommended length: approximately one page (250 words).
5. **Brief success story** from a person who has benefitted from the strategy (de-identified unless the person has agreed in writing to be identified). Recommended length: approximately one page (250 words).
6. **One or more process measures**, addressing the question, “How much did you do?”
Examples: number of persons enrolled, treated, or served; number of participants trained; units of naloxone or number of syringes distributed.
7. **One or more quality measures**, addressing the question, “How well did you do it?”
Examples: percentage of clients referred to care or engaged in care; percentage of staff with

**EXHIBIT G TO NC MOA:
LOCAL GOVERNMENT ALLOCATION PROPORTIONS**

Counties:

Alamance	1.378028967612490%
Alexander	0.510007879580514%
Alleghany	0.149090598929352%
Anson	0.182192960366522%
Ashe	0.338639188321974%
Avery	0.265996766935006%
Beaufort	0.477888434887858%
Bertie	0.139468575095652%
Bladen	0.429217809476617%
Brunswick	2.113238507591200%
Buncombe	2.511587857322730%
Burke	2.090196827047270%
Cabarrus	1.669573446626000%
Caldwell	1.276301146194650%
Camden	0.073036400412663%
Carteret	1.128465593852300%
Caswell	0.172920237524674%
Catawba	2.072695222699690%
Chatham	0.449814383077585%
Cherokee	0.782759152904478%
Chowan	0.113705596126821%
Clay	0.224429948904576%
Cleveland	1.119928027749120%
Columbus	1.220936938986050%
Craven	1.336860190247190%
Cumberland	2.637299659634610%
Currituck	0.186778551294444%
Dare	0.533126731273811%
Davidson	1.940269530393250%
Davie	0.513147526867745%
Duplin	0.382785147396895%
Durham	1.797994362444460%
Edgecombe	0.417101939026669%
Forsyth	3.068450809484740%
Franklin	0.500503643290578%
Gaston	3.098173886907710%
Gates	0.079567516632414%
Graham	0.183484561708488%
Granville	0.590103409340146%

Stanly	0.724974208589555%
Stokes	0.623953112434303%
Surry	1.410826706091650%
Swain	0.281162928604502%
Transylvania	0.497595509451435%
Tyrrell	0.041440907207785%
Union	1.466702679869700%
Vance	0.536258255282162%
Wake	4.902455667205510%
Warren	0.106390583495122%
Washington	0.074770720453604%
Watauga	0.469675799939888%
Wayne	0.970699333078804%
Wilkes	1.997177160589100%
Wilson	0.646470841490459%
Yadkin	0.562147145073638%
Yancey	0.382114976889272%

Municipalities:

Asheville	0.235814724255298%
Canton	0.011453823221205%
Cary	0.144151645370137%
Charlotte	1.247483814366830%
Concord	0.227455870287483%
Durham	0.380405026684971%
Fayetteville	0.309769055181433%
Gastonia	0.257763823789835%
Greensboro	0.527391696384329%
Greenville	0.162656474659432%
Henderson	0.032253478794181%
Hickory	0.094875835682315%
High Point	0.206428762905859%
Jacksonville	0.095009869783840%
Raleigh	0.566724612722679%
Wilmington	0.119497493968465%
Winston-Salem	0.494459923803644%

an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, Henderson County hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, presuming the anticipated settlement is reached, Henderson County authorizes the County Manager and County Attorney to take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the 7th day of June, 2021.

WILLIAM LAPSLEY, Chair
Henderson County Board of Commissioners

ATTEST:

DENISA A. LAUFFER
Clerk to the Board

(SEAL)

**MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS
ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

IN WITNESS WHEREOF, the parties, through their duly authorized officers, have executed this Memorandum of Agreement under seal as of the date hereof.

SIGNATURE PAGE FOR HENDERSON COUNTY

County Government

HENDERSON COUNTY

By: _____

Name: William Lapsley

Title: Board of Commissioners

Chair Date: June 7, 2021

RESOLUTION APPOINTING PLAT REVIEW OFFICERS

WHEREAS, pursuant to N.C. Gen. Stat. §47-30.2 the Henderson County Board of Commissioners has from time to time since September 17, 1997, adopted resolutions appointing one or more named persons experienced in mapping or land records management as Review Officers, with the same being recorded in the Office of the Register of Deeds for Henderson County;

WHEREAS, the Henderson County board of Commissioners desires to update, revise and restate the persons named as Review Officers;

WHEREAS, pursuant to NCGS 47-30.2, said revision must be made by resolutions of the Board of Commissioners with said resolution being recorded in the Office of the Register of Deeds for Henderson County;

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

- 1. That the following persons are experienced in mapping and/or land records management, and pursuant to NCGS 47-30.2, have been and are hereby appointed as Review Officers in Henderson County:

Sean Allison Heidi Cunningham
Tina Ball Patricia Sweet-MacDonald
Pamela Carver Sharon McCall
Mathew Champion Janna Peterson
Jacob Compher Autumn Radcliff

- 2. That the above named persons, as Review Officers, shall comply with all statutory requirements and shall follow all procedures, statutorily prescribed and as prescribed N.C. Gen. Stat. §47-30.2 and that Resolution adopted September 17, 1997;
3. That the above list of Review Officers is a complete and inclusive list of Review Officers for Henderson County. This list replaces previous lists of review officers in the Resolutions made in September 1997, May 2007, June 2007, April 20, 2011, September 19, 2012, February 3, 2014, July 16, 2014, October 21, 2015, June 5, 2017, March 21, 2018, May 16, 2018, December 3, 2018, April 1, 2019, and January 6, 2020. Former Review Officers not listed above are no longer permitted to be Review Officers in Henderson County.
4. That the Resolution adopted September 17, 1997 will continue in effect except as modified by this Resolution.
5. That this Resolution shall be recorded in the Office of the Register of Deeds for Henderson County as soon as practicable after its adoption.

THIS the 7th day of June 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: [Signature] WILLIAM LAPSLEY, CHAIR

ATTEST:

[Signature] Denisa A. Lauffer, Clerk to the Board

[COUNTY SEAL]

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON COUNTY

I, JoAnne Martin-Hinson, a Notary Public for said County and State, do hereby certify that Denisa A. Lauffer personally appeared before me this day and acknowledged that she is the Clerk for the Board of Commissioners.

Witness my hand and official seal, this the 7th of June, 2021.

(Official Seal)

My Commission Expires

May 23, 2023

[Signature] JoAnne Martin-Hinson
Notary Public

JOANNE MARTIN HINSON
NOTARY PUBLIC
Henderson County
North Carolina
My Commission Expires May 23, 2023

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 704-697-4808 • Fax: 704-698-6183
TDD: 704-697-4580

BOB EKLUND
CHAIRMAN
GRADY HAWKINS

VOLLIE G. GOC
RENES KUMC
DON WAR

RESOLUTION

COPY

WHEREAS, on the 17th day of July, 1997, the North Carolina General Assembly enacting an Act to Improve the Procedures for Recording Maps and Plats (Senate Bill 875) which amends various North Carolina statutes;

WHEREAS, this Act adds to the North Carolina General Statutes section 47-30.2 which creates the office of a Review Officer and charges the same with the responsibility of reviewing each map or plat required to be submitted for review prior to its presentation to the Register of Deeds for recordation;

WHEREAS, N.C.G.S. 47-30.2 requires that the Henderson County Board of Commissioners adopt a resolution appointing one or more named persons experienced in mapping or land records management as Review Officer(s) and that the resolution be recorded in the Office of the Register of Deeds for Henderson County;

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

- 1. The following named persons are experienced in mapping and/or land records management:**

**Matt Matteson
Stacy Merten
Karen Collins
David Gottberg
Stuart Rohrbaugh**

**Pam Carver
Marsha Drake
Audrey Frazier
Alida Delaney**

- 2. Pursuant to N.C.G.S. 47-30.2, the following persons are appointed as Review Officers in Henderson County:**

**Matt Matteson
Stacy Merten
Karen Collins
David Gottberg
Stuart Rohrbaugh**

**Pam Carver
Marsha Drake
Audrey Frazier
Alida Delaney**

- 3. The above-named Review Officers, and such other Review Officers as shall from time to time be appointed by the Board of Commissioners by Resolution, shall**

comply with all statutory requirements and shall follow all procedures, statutorily prescribed and as prescribed herein;

4. All Review Officers in the discharge of their duties should use a checklist that is identical to or substantially similar to the one attached hereto as Exhibit A and should retain the same as a record of those plats reviewed;
5. In the event that a Review Officer reviews a map or plat and refuses to certify the map or plat for recordation, that Review Officer shall immediately communicate that fact to the other Review Officers;
6. This Resolution shall be recorded in the Office of the Register of Deeds for Henderson County on or before September 30, 1997.
7. The County Attorney and the Assistant County Manager/Staff Attorney are authorized to take such further actions as may be necessary to comply with the requirements of the newly enacted statutory requirements pertaining to the appointment of the Review Officers in accordance with the intent of this Resolution.

THIS the 17th day of September, 1997.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Adel O. Palmer
Chairman/Vice Chairman

North Carolina, Henderson County The foregoing certificate(s) of



W. Corn Margaret Street
Notary Public (Notary Public) is/are certified to be correct. This
instrument presented for registration and recorded in this office
this 25 day of Sept., 1997,
at 11:30 in Book 934, page 309

Nedra Whitlock Debra Stancile
Register of Deeds (Assistant Deputy)

Margaret Street, Notary Public for said County and State, certify that Elizabeth W. Corn personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Henderson County, a municipal corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman of the Board of Commissioners, sealed with its corporate seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 17 day of September, 1997.



My Commission expires:
September 17, 2002

Margaret Street
Notary Public

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised February 19, 2020)

DEPARTMENT: Tax (Administrative)

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
Accounts Payable 2017 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 2 Item 1	
North Carolina Property Tax Commission (Appeals File) 2005-2015 2 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 7	
Release and Refund Records 2019 and earlier 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 9 Item 10	
	<input type="checkbox"/>	<input type="checkbox"/>		

* If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

Doreen RB

DEPARTMENT HEAD:

5/28/21

DATE:

Submitted to the Henderson County Board of Commissioners. The Board: APPROVED
 DISAPPROVED
the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on _____.

Clerk to the Board

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised February 19, 2020)

DEPARTMENT: Tax (Tax Relief and Collections)

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
Present Use Value Records (Denied Applications) 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 8	
Property Exempt from Taxation (Denied Applications) 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 9	
Attachment & Garnishment Records 2017-2018 4 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 9 Item 1	
	<input type="checkbox"/>	<input type="checkbox"/>		

* If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

Patricia Br...
DEPARTMENT HEAD:

5/28/21
DATE:

Submitted to the Henderson County Board of Commissioners. The Board: APPROVED
 DISAPPROVED
the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on _____.

Clerk to the Board

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
 (Revised February 19, 2020)

DEPARTMENT: Tax (Real Property and Personal Property)

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
Appraisal Monitoring Records 2013 3 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 1	
Individual and Business Personal Property Listing Forms 2009-2011 16 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 18	
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

* If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

[Signature]
 DEPARTMENT HEAD:

5/28/21
 DATE:

Submitted to the Henderson County Board of Commissioners. The Board: APPROVED
 DISAPPROVED
 the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on _____.

 Clerk to the Board

Monday, June 7, 2021

5:30 p.m.

PUBLIC HEARING

Public Hearing for consideration of the FY2021/2022 Budget

Sign-up Sheet

PLEASE PRINT

Name:

Complete Address:

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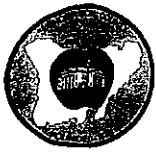
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Henderson County, North Carolina
Budget Ordinance
Fiscal Year July 1, 2021 – June 30, 2022

BOARD OF COMMISSIONERS ENACTMENT 2021.43

Preamble

The County Manager's proposed budget for the Fiscal Year beginning July 1, 2021, and ending June 30, 2022 ("FY2022") was presented to the Henderson County Board of Commissioners on May 3, 2021, pursuant to the North Carolina Local Government Fiscal Control and Budget Act, Article 3 of Chapter 159 of the General Statutes. The Board of Commissioners considered the proposal, deliberated concerning it in a public budget workshop held May 19, 2021, and then held a public hearing on the budget pursuant to N.C. Gen. Stat. §159-12 on June 7, 2021.

At the Board's meeting held June 7, 2021, the following Ordinance was offered by Vice-Chair McCall who moved its adoption. The vote on this motion was as is shown below.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA, THIS 7th DAY OF JUNE, 2021:

Section 1 – General Fund

A. Terms of Appropriation

The General Fund amounts noted in the Appendices, below, incorporated by reference, are hereby appropriated for the operation of the Henderson County Government and its departments and agencies for FY2022. Other fund amounts as set forth in this Ordinance are also appropriated as presented in this section. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

1. Operations

The County Manager or the Manager's designee is hereby authorized to execute all necessary agreements within funds included in the Budget Ordinance in departments subject to his control for the following purposes, and on the following terms and conditions:

- A) Grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to an projected contract amount of \$50,000;
- D) Purchase of supplies and materials when formal bids are not required by law, pursuant to the Manager's purchasing policy;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of and compliance with the funding agreement required by the County.

- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use in drug enforcement activities, for ultimate return by the Sheriff's Department.
- J) The County Manager may authorize pilot programs for the County's departments and evaluate such programs for effectiveness and efficiency.
- K) In addition to the foregoing, the Sheriff may execute contracts that require no financial expenditure and have no fiscal impact on the county government budget (for example, a grant contract requiring no county match in personnel or funding). Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners. Further, in the absence of express authority from Federal or State Court, all seizure transactions shall comply with N.C. Gen. Stat. §15-11.1
- L) For purposes of the County Personnel Policies, Employee and Retiree Benefits, years of service to Henderson County government shall include all prior years of service, whether consecutive or not.
- M) All procurement of goods and services shall be in accord with applicable Federal and State laws and policies, including but not limited to 2 C.F.R. Part 200, Subpart D, and N.C. Gen. Stat. §143-131, and the County Purchasing Policy. Notwithstanding, however, and in accordance with 2 C.F.R. §200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the County hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. §200.320(a)(1)(iv)(C):
 - 1) \$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
 - 2) \$30,000, for the purchase of "construction or repair work"; and
 - 3) \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
 - 4) \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to N.C. Gen. Stat. §143-64.32. If such exemption is not authorized, the micro-purchase threshold shall be \$10,000.

2. Construction Changes

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.

3. Operational Changes

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.

- C) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- D) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.
- E) The total of all amounts encumbered for outstanding purchase orders and contracts as of the end of June 30, 2021, shall be carried forward in fund balance as the amount Reserved for Encumbrances and the corresponding appropriations for these encumbrances shall not lapse in order to properly account for the payment in the fiscal year paid.

The County's authorized general fund appropriations are as shown on Appendix A hereto, which is incorporated herein by reference.

B. Revenues

For the operation of the Henderson County's government and its subdivisions for FY2022, it is estimated that the revenues and fund balances of the General Fund will be available to meet the appropriations as set forth herein. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

The County's estimated general fund revenues are as shown on Appendix A hereto, which is incorporated herein by reference.

1. Ad Valorem Tax Levy

That there is hereby levied for FY2022 an *ad valorem* property tax at the rate shown in Appendix A hereto, which is incorporated herein by reference, for the purpose of raising the revenue for current year's taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations, pursuant to and in accordance with the North Carolina Machinery Act (codified within Chapter 105 of the North Carolina General Statutes) and other applicable laws. This rate is based on an estimated total valuation of \$16,783,751,325 of taxable property and a collection rate of ninety-eight percent (98%). The Budget Ordinance also names ad valorem property taxes as the specific revenue source to fund the Tax Revaluation Reserve Fund as shown in Appendix C hereto, which is incorporated herein by reference.

2. Fees, Licenses and Other Taxes

There is hereby levied all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

C. Based on the Annual Budget

The appropriations, schedules of expected revenues, and taxes levied, as stated herein, are based on the annual Budget as hereby approved, a summary of which Budget is attached as Schedule No. 1 to Appendix A, and the terms of which Budget are hereby specifically incorporated by reference. The expenditures for general economic development activities are by appropriation to the Henderson County Partnership for Economic Development, for purposes which include advertisement of economic climate, recruitment of appropriate industries and businesses, and other actions to assist in increasing the employment, industrial output, taxable property, or business prospects of the County.

Section 2 – Fire Districts Fund

There are hereby appropriations and revenues estimated to be available in the Fire Districts Fund for FY2022 for payment to the appropriate corporation providing fire protection within each district as shown on Appendix B hereto, which is incorporated by reference.

Section 3 – Other Funds

There are hereby appropriations and revenues estimated to be available in special County budget funds as shown in Appendix C hereto, which is incorporated herein by reference.

Section 4 – Public Schools

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-tenth (1/10) of the total county appropriation, during the months of July through April, and by not later than the thirtieth (30th) of each month.

Section 5 – Elected Officials

Henderson County elected officials shall be compensated as shown on Appendix D, which is incorporated herein by reference.

Section 6 – Use of Budget

This Ordinance and the budget shall be the basis for the financial plan for the County of Henderson, North Carolina, during FY2022. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

Notwithstanding other Ordinances, Resolutions or other adoptions of this Board, all County citizens shall have the right to use Henderson County's parks and other recreation facilities free of any admission charge, subject to regularly adopted and customary facility rental fees, scheduling, participation fees, and other regulations.

Section 7 – Effective Date

This Ordinance shall be effective by its terms for FY2022 upon adoption.

VOTING:

AYES: Lapsley, McCall, Edney, Andreotta, Hill

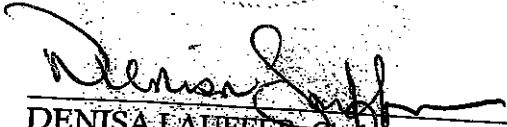
NAYS:

Adopted this the 7th day of June, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: 
WILLIAM LAPSLEY, Chairman

Attest:


DENISA LAUFFER, Clerk to the Board

APPENDIX A

GENERAL FUND APPROPRIATIONS

Governing Body	\$553,209
Dues & Non-Profit Contributions	496,765
County Manager	494,048
Administrative Services	632,372
Human Resources	1,197,484
Elections	988,805
Finance	1,083,229
Assessor	1,961,785
Tax Collections	534,375
Legal	910,391
Register of Deeds	783,211
Facility Services – Facility Services Division	5,164,608
Facility Services – Garage Division	389,422
Court Facilities	153,000
Information Technology	3,864,653
Sheriff	20,738,669
Detention Facility	5,740,924
Emergency Services – Emergency Management Division	691,301
Emergency Services – Fire Marshal Division	777,147
Building Services	1,247,606
Wellness Clinic	1,109,469
Emergency Services – Emergency Medical Services Division	7,565,955
Animal Services	748,905
Rescue Squad	381,360
Forestry Services	61,251
Soil & Water Conservation District	393,483
Planning	882,162
Code Enforcement	307,380
Site Development	253,859
Heritage Museum	100,000
Cooperative Extension	467,726
Project Management	263,376
Economic Development	700,825
AgriBusiness Henderson County	170,120
Public Health	8,653,607
Public Health – Environmental Health Division	1,461,425
Home & Community Care Block Grant (H&CCBG)	765,989
Medical Services - Autopsies	90,000
Mental Health -- Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	196,095
Social Services	15,657,150
Social Services – Federal & State Programs	3,954,283
Social Services – General Assistance Division	101,000

Juvenile Justice Grant	218,745
Veterans Services	79,978
Public Library	3,516,368
Recreation	2,404,070
Public School System	31,428,000
<i>Current Expense</i>	29,928,000
<i>Capital Expense</i>	1,500,000
Blue Ridge Community College	4,748,181
Public Schools Debt Service	11,275,450
Community College Debt Service	3,440,461
General Debt Service	5,666,043
Non-Departmental	614,696
Transfers to Other Funds	10,499,363
TOTAL GENERAL FUND APPROPRIATIONS:	\$167,108,391

GENERAL FUND REVENUES

Ad Valorem Taxes	\$92,107,728
<i>Current year general levy</i>	91,127,728
<i>Prior year taxes, interest and penalties</i>	980,000
County share of (local option only) sales taxes	28,132,879
Other taxes and licenses	1,349,000
Unrestricted intergovernmental revenue	50,000
Restricted intergovernmental revenue	15,730,050
Permits and fees	1,652,020
Sales and services	7,541,691
Investment earnings	753,000
Other revenues	1,493,240
Transfers from other funds	2,740,152
Fund balance appropriated	15,558,631
<i>Fund Balance Appropriated</i>	15,435,776
<i>Register of Deeds Restricted Fund Balance</i>	122,855
TOTAL GENERAL FUND REVENUE	\$167,108,391

RATE OF AD VALOREM PROPERTY TAX LEVY

The *ad valorem* property tax is levied at the rate of **fifty-six and one tenth cents (\$ 0.5610)** on each one hundred dollars (\$100) of assessed valuation of taxable property, based on a listing date of January 1, 2021.



May 26, 2021

Mr. David Berry
Capital Projects Manager
Henderson County
dberry@hendersoncountync.org
828-850-1046

Re: Henderson County Public Schools
Hendersonville High School
Architectural and Engineering Planning Services Proposal - Stadium Improvements

Dear David,

PFA Architects is honored to submit this proposal for planning services for the Hendersonville High School Stadium Improvements.

It is our understanding that the project will include the planning of a new artificial turf field to replace the grass football field, shifted approximately 15 yards to the south and centered within the track. Other issues that could be a concern include a new track (regulation, if possible), relocation of long jump and high jump areas and relocation of shot put and discus areas. The project may involve connecting the field, track, concessions, and existing bleachers with proper pedestrian access and expanding the home bleachers. There are additional challenges that come with an extremely difficult site are bound by existing City and NCDOT roads and sidewalks on 3 sides and existing buildings and courtyard grades on the fourth side.

We understand the County would like to complete the initial planning to develop an accurate scope and budget for this project. Based on this understanding, the services to be provided by the team including PFA and WGLA are outlined below:

- We will work with you to develop a schematic plan for the site to include a new configuration for the field and track along with access to the existing bleachers and concession areas.
- We will study the vehicular access to the stadium and plan for the school's and emergency services' needs.
- We will use the existing aerial photography, survey data and site exploration for this initial planning process.
- We will meet with you and the project team to review the preliminary concepts and to discuss options for the project.
- As a concept is selected, we will assist in developing a presentation that will include layouts and project budgets. Vannoy Construction will assist in the cost estimating.
- We will develop questions regarding decisions needed about the turf field and track. We will present questions and options for consideration to help guide the design process.
- We will meet with the City of Hendersonville planning staff to review the proposed plan.

Planning Services Fee proposed.....\$22,000

We believe this work is desired to be completed concurrently with the completion of the HHS renovation in August of 2022. Once a project scope is defined, the project is entitled, costs have been vetted, and Henderson County has granted approval to proceed through this scope of work, our team can propose a fee for full basic design services including civil and structural engineering, mechanical, electrical, and plumbing engineering and architectural design as needed. Depending on the complexity of the design and construction of the improvements, our team will work with the County and CMAR to establish a schedule for the design, permitting and construction of these facilities.

In the event the Owner contracts with the Designer for further architectural services related to the Project beyond this Agreement, the Designer will issue a full credit to the Owner in the amount of this fee to be applied toward the schematic design phase of the Project. The credit is contingent upon the utilization of the basis of the design completed as a result of this Agreement. Major changes associated with the Project during the schematic design phase, prompted by the Owner or County, will be tracked on an hourly basis, and deducted from the credit.

Optional Additional Services and Special Consultants not included in Basic Services but may be provided for additional fee:

- Architectural or Engineering Basic Services Design
- Outsourced Professional Renderings other than computer generated by PFA Architects.
- Special Consultants outside of the services consultants listed in this outline.
- Bidding and Consulting
- Offsite Improvements, including off-campus utility relocation & routing.
- Environmental Assessments / Environmental Impact Statements/Flood Studies
- Road improvements design during or post construction activities
- Traffic Impact Analysis - Pre-project and post-project traffic studies, Traffic Analysis as requested by NCDOT.
- Work related to design of pedestrian crossings or reconfiguration of traffic lanes at adjacent streets
- City of Hendersonville planning approval other than at the staff level.
- Surveying, topographical or for utilities - exploration/scoping of existing utility lines
- Soils/Geotechnical Investigations and Testing
- Hazardous Material Testing, Analysis, Documentation and Abatement
- Stream/Wetland/Impact Studies and Mitigation, Environmental delineation or permitting.
- Public water or sewer extensions
- Permitting and review fees
- Fast tracking of the project schedule by Owner or CMAR
- Cost Estimates (We anticipate Vannoy Construction will perform preliminary cost estimates on resulting concept)
- No variance requests or conditional zoning are included in this scope of services.
- Services for tasks other than those specifically detailed above are not included in the above fees.

Reimbursable Expenses:

- Fees paid for securing approval of authorities having jurisdiction over the Project shall be considered Reimbursable Expense.
- Included in Basic Services is 2 sets of Record Drawing Documents. Any additional sets of drawings will be made available to the Owner at cost of production/printing.
- Expense of reproduction documents prior to bidding/construction and the expense of reproduction including postage and handling of bid/construction documents shall be considered Reimbursable Expenses.

- Expense of overtime work of Architect or its sub-consultants requiring higher than
- Services to provide renderings, models or mock-ups requested by the Owner shall be Additional Services.

2021 PFA Architects Hourly Bill-Out Rates (Subject to Change on an Annual Basis):

Principal in Charge	\$180.00/hr.
Project Architect	\$140.00/hr.
Design Staff	\$115.00/hr.
Interior Designer	\$105.00/hr.
Administrative Staff	\$100.00/hr.

PFA Architects values our relationship with Henderson County. Thank you for the confidence in our team, and we look forward to greatly improving the stadium at Hendersonville High School to accompany the campus revitalization. We welcome the opportunity to further discuss any questions you may have.

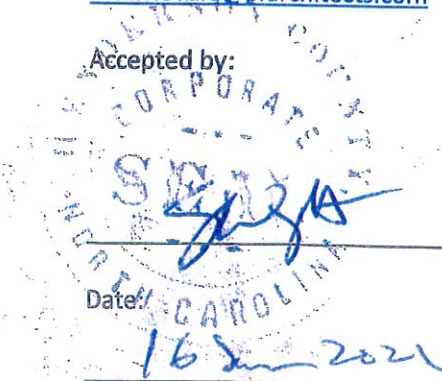
Sincerely,




Maggie Carnevale
PFA Architects, PA
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mcarnevale@pfarchitects.com

Accepted by:

Date:




16 Jun 2021



PFA Architects 5/26/2021