

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, OCTOBER 4, 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, Interim County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Finance Director Samantha Reynolds, County Engineer Marcus Jones, Planning Director Autumn Radcliff, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Manager Sonya Flynn, Social Services Director Jerrie McFalls, Code Enforcement Director Matt Champion, Sheriff Lowell Griffin, Human Resources Director Karen Ensley, Recycling Coordinator Christine Wittmeier, and PIO Kathy Finotti – videotaping, and Deputies John Ashe and Carl Greco as security.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by Karen Easter-Bayne

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Allie Justice.

INFORMAL PUBLIC COMMENT

1. Dennis Homes spoke regarding the need for legislation to protect the rights of Manufactured Homeowners that reside on leased lots in Mobile Home Retirement Communities.
2. Lisa Theren spoke regarding the need for Mobile Home Legislation for Elderly Mobile Home Communities.
3. William Getman Spoke regarding the rights of Lessees in Mobile Home Retirement Communities.

DISCUSSION/ADJUSTMENT OF AGENDA

The following changes were made to the proposed meeting agenda. Commissioner Edney asked to table agenda item M, ERAD Recovery Agreement, from the Consent Agenda and move to a future meeting. Commissioner Andreotta asked to pull consent agenda Item O, Stakeholder Advisory Committee for the Ecusta Trail, from the consent agenda and move to Discussion Item C. Chairman Lapsley added an additional Closed Session Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6) to the end of the agenda.

Motion:

Chairman Lapsley made the motion to accept the agenda as amended. All voted in favor and the motion carried (5-0).

RESOLUTIONS AND RECOGNITIONS

2021.72 RESOLUTION IN OPPOSITION TO REINSTITUTING THE ADDITIONAL \$300 OF UNEMPLOYMENT

Vice-Chair Mc Call read the Resolution aloud.

RESOLUTION

IN SUPPORT OF ENDING PANDEMIC UNEMPLOYMENT ASSISTANCE BENEFITS

WHEREAS, Federal Pandemic Unemployment Compensation is a supplemental benefit that is paid on top of an individual's weekly benefit amount for state unemployment

APPROVED: October 20, 2021

insurance benefits, Pandemic Emergency Unemployment Compensation, Extended Benefits or Pandemic Unemployment Assistance; and

WHEREAS, Federal Pandemic Unemployment Compensation provided an additional \$300 per week benefit from December 27, 2020 through September 4, 2021; and

WHEREAS, in June 2021, the General Assembly passed a bill to eliminate the additional \$300 per week pandemic benefit; and

WHEREAS, that bill was ultimately vetoed by the Governor; and

WHEREAS, both public and private employers in Henderson County, and across the State of North Carolina are experiencing labor shortages; and

WHEREAS, those labor shortages have resulted in a negative impact on local businesses, government services, the local economy, and the overall wellbeing of the county as a whole;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners does hereby support the General Assembly ending Pandemic Unemployment Assistance Benefits.

Motion:

Vice-Chair McCall made the motion to adopt the Resolution. All voted in favor and the motion carried (5-0).

CONSENT AGENDA

Consent Agenda consisted of the following:

MINUTES

Draft minutes were presented for board review and approval of the following meeting(s):
September 15, 2021 - Regularly Scheduled Meeting

Motion:

I move the Board approves the minutes of September 15, 2021.

TAX COLLECTOR'S REPORT

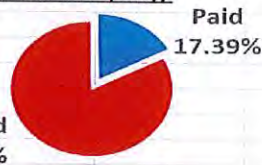
The September 23, 2021, report from the office of the Tax Collector was provided for the Board's information.

Please find outlined below collections information through September 23, 2021 for 2021 real and personal property bills mailed on August 27th. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):	
2021 Beginning Charge:	\$88,163,367.61
Discoveries & Imm. Irreg.:	\$907,918.44
Releases & Refunds:	(\$63,073.54)
Net Charge:	\$89,008,212.51
Unpaid Taxes:	\$73,529,797.39
Amount Collected:	\$15,478,415.12

Henderson County Registered Motor Vehicles (As Collected by NC DMV):	
Net Charge:	\$1,870,958.61
Unpaid Taxes:	\$4,444.16
Amount Collected:	\$1,866,514.45

Henderson County FY22 Budget Analysis:			
	Budget Ordinance		Revenue Collected
Ad Valorem:	\$91,127,728.00	Ad Valorem:	\$17,344,929.57
Prior Years:	\$980,000.00	Prior Years:	\$278,811.68
Budget Total:	\$92,107,728.00	YTD Revenue:	\$17,623,741.25



99.76%



2021.73 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 were submitted for the approval by the Board.

Type:	Amount:
Total Taxes Released from the Charge	\$ 29,593.82
Total Refunds as a Result of the Above Releases	\$ 3,649.79

Motion:

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

NOTIFICATION OF VACANCIES

The Notification of Vacancies was provided for the Board's information. They will appear on the next agenda under "Nominations".

1. Henderson County Board of Equalization on Review – 1 vac.
Position #2
2. Juvenile Crime Prevention Council – 1 vac.
Position #8
3. Henderson County Zoning Board of Adjustment – 1 vac.
Position #1

SIDEARM REQUEST

The Henderson County Sheriff's Office requested that the sidearm of late Deputy Ryan Hendrix be given to his father, Mr. Donald Hendrix in recognition of his service and sacrifice in the Line of Duty for the citizens of Henderson County and the Henderson County Sheriff's Office.

Deputy Ryan Hendrix joined the Henderson County Sheriff's Office as a benefit-eligible employee in June of 2012 and served until his death on September 10, 2020. Deputy Hendrix held the ranks of Detention Jailer, Deputy, Patrol Investigator, Field Training Officer and was a member of the SWAT team. He spent his adult life serving first our country as a Marine, and then our community and agency. To honor Deputy Hendrix and show the gratitude of the Sheriff's Office, Sheriff Griffin intends to present his service sidearm to Mr. Hendrix.

Sheriff Lowell S. Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Motion:

I move the Board allows Sheriff Lowell S. Griffin to present the service sidearm as a token of appreciation to Mr. Donald Hendrix.

K9 GITMO PURCHASE AGREEMENT

The Sheriff's Department requested the Board approve the purchase of K9 Gitmo by Rutherford County for use by their Sheriff's Office. K9 Gitmo has a remaining service life of no more than two years and Rutherford County is willing to pay Henderson County the sum of one thousand (\$1,000.00) dollars which is the fair market value of this canine. Rutherford County is aware of the inherent risks associated with working K9s is willing to accept such risks and agrees to indemnify and hold harmless Henderson County from any and all claims or any cause of action whatsoever arising from K9 Gitmo.

Motion:

I move the Board of Commissioners approves the K9 Purchase Agreement to allow Rutherford County to purchase K9 Gitmo and ownership be transferred.

TRANSFER OF OWNERSHIP OF K9 RENTO

The Sheriff's Department requested the Board approve the transfer of ownership of K9 Rento to his handler, Jerad McFalls. K9 Rento has served the citizens of this county well but is nearing the end of his potential service life and the end of his life expectancy. Jerad McFalls has been his sole trainer, partner and handler for the duration of his career. Jerad McFalls is aware of the inherent risks associated with retired service K9s is willing to accept such risks and agrees to indemnify and hold harmless Henderson County from any and all claims or any cause of action whatsoever arising from K9 Rento as well as to assume all responsibility for feeding, care and veterinary expenses.

Motion:

I move the Board of Commissioners approves the K9 Disposition Agreement to allow his handler, Jerad McFalls to purchase K9 Rento and ownership be transferred.

2021.74 BUDGET AMENDMENT – ASSET FORFEITURE FUNDS

The Sheriff's Department requested the Board approve an appropriation from the Sheriff's Office Restricted US DOJ funds (114431-451005) in an amount not to exceed \$71,000 to purchase needed equipment not approved in the budget. The appropriation would be used to purchase equipment to be used in investigations as well as sights for weapons.

Motion:

I move the Board of Commissioners approves an appropriation from Restricted US DOJ funds in an amount not to exceed \$71,000 and the necessary budget amendment(s), and to authorize the Sheriff's Office to purchase equipment for this Mobile Command Center currently being held by the Sheriff's Office.

RECEIPT OF SEIZED ASSET

The Sheriff's Office requested the Board approve the receipt of one vehicle from the United States Department of Justice Federal Asset Forfeiture to be utilized by the department as needed.

The department has evaluated the vehicle, determined that it is serviceable and will enhance operations the department. The vehicle is in good aesthetic and mechanical condition.

Motion:

I move the Board of Commissioners accepts receipt of the vehicle from the United States Department of Justice Federal Asset Forfeiture and authorize the Chairman to sign a letter on the board's behalf approving the acceptance.

CLOSURE FOR RENOVATIONS – ETOWAH LIBRARY

Renovations to the Etowah Library, which include carpeting and paint, are scheduled for the third week of November. The size of this facility prohibits it from safely remaining open while these renovations take place. Therefore, it is requested that the library be closed from November 13-20, 2021 so that renovations may safely be completed.

Motion:

I move the Board approves the Etowah Library closure for renovations during the dates presented.

AMENDMENT TO AGREEMENT WITH KIMBERLY-CLARK

Kimberly-Clark Corporation is party with the County to an economic incentives' agreement, dated March 14, 2018. Under that agreement, Kimberly-Clark Corporation is obligated to make new investment and create and maintain new jobs in its Henderson County plant.

Kimberly-Clark Corporation has created a new subsidiary, Kimberly-Clark USA, LLC, which will operate the Henderson County plant, and which will take on Kimberly-Clark Corporation's responsibilities under the 2018 agreement. This Amendment would amend the 2018 agreement to provide for that.

Motion:

I move that the Board approves the Amendment to the 2018 agreement between the County and Kimberly-Clark Corporation.

COMPUTER SUPPORT TECHNICIAN PROJECT POSITION REQUEST FOR COVID-19 RESPONSE ACTIVITIES

The Henderson County Department of Public Health has identified a need for expanded information technology support linked to COVID-19 response activities. The department is currently experiencing significant demands for expediting IT equipment purchases, assignments and deployment for staff including newly added project positions.

The request is for 1 Computer Support Technician that would be deemed a project position. This position would be embedded within the Henderson County Information Technology Department and assigned to the Department of Public Health. The cost of the position would be covered by funds afforded for COVID-19 response through the NC Department of Health and Human Services. The position would end when there is no longer a need, or the funds are exhausted. No local appropriations are required.

The Henderson County Board of Health reviewed the information and supported the need for this expanded capacity at their September 14, 2021 meeting. They asked that the matter be forwarded to the Henderson County Board of Commissioners for consideration and approval.

The position request has been discussed with the Human Resources Department and Information Technology Department.

Motion:

I move the Board approves the addition of 1 Computer Support Technician project position for COVID-19 response activities.

2021.75 BUDGET AMENDMENT - RESTRICTED FUND BALANCE SHERIFF'S DEPARTMENT

The Sheriff's Office requested the Board approve a budget amendment which appropriates fund balance for unused restricted donations for Sheriff's Office special funds. These funds are derived from restricted donations, to be used for specific programs, including Pawnbroker, K-9, VIP, STAR and Victim's Assistance. The amounts reflected in the budget amendment are the unspent portion of restricted donations from FY2021, to be carried over and spent in FY2022.

Motion:

I move the Board approves the budget amendment to appropriate restricted fund balance for the special Sheriff's Office accounts as presented.

2021.76 MODIFICATION OF CODE SECTION 16-4. B. (4)

In instances when an animal is being held until a case is adjudicated staff have been utilizing a cost recovery procedure under N.C.G.S. §19A-70. This statute gives a Judge the authority to order an animal owner to pay the shelter to maintain the animal during the time an animal is expected to stay awaiting trial. If the owner does not post the amount of funds ordered by the Judge, the animals become property of the County under operation of the law. Staff wanted this statute placed in Chapter 16. It was placed on the Animal Services Advisory Committee's July 8, 2021, Meeting Agenda. The Committee voted to recommend this modification to the Board of Commissioners.

§ 16-4. General duties of Animal Services Center and Animal Enforcement

A. Duties and responsibilities of Animal Services Director:

- (1) Enforcing all County ordinances relating to the care, custody, and control of domestic animals.

- (2) Operating the County Animal Services Center pursuant to policies adopted by the County Board of Commissioners.
 - (3) Keeping, or causing to be kept, accurate and detailed records of:
 - a. Impoundment and disposition of all animals coming into custody of the Animal Services Center.
 - b. All monies derived from fees and civil penalties.
 - c. Any other matters deemed necessary by the Animal Services Director.
- B. Duties and responsibilities of Animal Enforcement
- (1) Enforcing all County ordinances relating to the care, custody, and control of domestic animals.
 - a. Investigating all reported animal bites or other human physical contact with a suspected rabid animal, enforcing quarantine ordered for any dog or cat (ferret?) involved and submitting bite reports and reports of human contacts to the local health director
 - (2) Investigating complaints with regard to animals arising under this Chapter.
 - (3) Protecting animals from neglect; investigating animal mistreatment, as defined in §16-11.
 - (4) **Subject to the provisions of N.C.G.S §19A-70**, seizing and arranging for impoundment, where deemed necessary, of any animal involved in a violation of this Ordinance or the General Statutes.
 - (6) Keeping, or causing to be kept, accurate and detailed records of:
 - a. Seizure, impoundment, and disposition of all animals coming into custody of the Animal Services Center.
 - b. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
 - c. All monies derived from fees and civil penalties.
 - d. Any other matters deemed necessary by the Sheriff.

Motion:

I move that the Board approves the modification to Code Section 16-4.B. (4) as proposed.

DESIGN SERVICES FOR THE VFW BUILDING - PROPOSAL

On July 20, 2021, a Request for Qualifications for architectural services for the VFW was posted. The overall project scope includes designs that address all necessary repairs and replacements of all building systems components including but not limited to HVAC, plumbing, electrical, structural, interior and exterior finishes, and parking, associated with a yet to be finalized design criteria and scope. Also included in the scope of the project is the necessary programming with Henderson County in order to provide a proposed design with cost estimates and schedules for approval, as well as the necessary Construction Administration once the project is bid and awarded, to ensure project success. Proposals were due on August 4, 2021, subsequently received, and reviewed by Staff.

At the September 7, 2021 meeting of the Board of Commissioners, the Board approved the selection of McMillan | Pazdan | Smith as the most qualified firm and directed to Staff to negotiate an agreement.

McMillan, Pazdan, Smith is proposing a fee of 6%, based on the construction cost. This proposal is within the approved budget and timeline.

Motion:

I move that the Board accepts the proposal from McMillan, Pazdan, Smith, and direct Staff to execute the necessary contracts.

2021.77 BUDGET AMENDMENT – MRTS FISCAL YEAR 21 PROJECTS

The Board was requested to approve a Budget Amendment appropriating fund balance from Maintenance, Repair, Technology and Security (MRTS) for both the Henderson County Public Schools and Blue Ridge Community College. This budget amendment will appropriate funds for projects that were budgeted in FY21, but not completed by the close of the fiscal year.

Motion:

I move the Board approve the Budget Amendment as presented.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Chairman Lapsley made the motion to accept the consent agenda as revised. All voted in favor and the motion carried (5-0).

CLOSED SESSION

The Board requested to go into closed session pursuant to N.C. Gen. Stat. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

Commissioner Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the reason(s) set out in the Board's agenda. All voted in favor and the motion carried (5-0).

Commissioner Edney made the motion to go out of Closed Session and back into Open Session at 6:00 p.m. All voted in favor and the motion carried (5-0).

CALL TO ORDER

Chairman Lapsley reconvened the meeting at 6:05 p.m.

PUBLIC HEARINGS

2021.78 PUBLIC HEARING FOR LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS (TX-2021-04)

Chairman Lapsley made the motion to go into Public Hearing. All voted in favor and the motion carried (5-0).

Henderson County Planning Department received a text amendment application from Jim Honeycutt with Haynes International to amend the supplemental requirements for SR 2.12 Solar Panels. Currently, solar collectors as an accessory use are not permitted in a *Special Flood Hazard Area*. The proposed text amendment would allow solar collectors to be located within the 100-year and 500-year *floodplain* with an approved *Floodplain* Development Permit.

The draft amendment was provided and requested guidelines for solar array projects in a *Special Flood Hazard Area* prepared by the Site Development Director, Natalie Berry.

The Henderson County Planning Board discussed the draft text amendment and voted to send forward a favorable recommendation.

The required public notice of this hearing was published in the Hendersonville Lightning on September 22nd, 2021, and September 29th, 2021.

Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor and the motion carried (5-0).

Public Input

There was none.

Commissioner Edney made the motion to adopt the resolution regarding the consistency with the CCP, and further moved that the Board adopt the proposed text amendments to the LDC (#TX-2021-04). All voted in favor and the motion carried (5-0).

2021.79 PUBLIC HEARING FOR LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS (TX-2021-05)

Chairman Lapsley made the motion to go into Public Hearing. All voted in favor and the motion carried (5-0).

During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns with conditional rezoning's and withdrawal periods. During the August 19th meeting, the Planning Board discussed the item and voted to send forward a favorable recommendation on the withdrawal periods for conditional rezonings.

The Henderson County Planning Board will continue to discuss future amendments to conditional rezonings during their upcoming October meeting.

A draft text amendment was provided for withdrawal periods recommended by the Planning Board.

The required public notice of this hearing was published in the Hendersonville Lightning on September 22nd, 2021, and September 29th, 2021.

Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor and the motion carried (5-0).

Public Input

There was none.

Commissioner Edney moved that the Board adopt the resolution regarding consistency with the County's Comprehensive Plan, and further moved that the Board adopt the text amendments as proposed, except that the new Henderson County Code §42-345.d.B. shall now read as follows:

B. 2nd Withdrawal: An application for an amendment withdrawn by the applicant after the first newspaper notice appears shall not be resubmitted for a map amendment within the following eighteen (18) months after withdrawal. All voted in favor and the motion carried (5-0).

2021.80 PUBLIC HEARING TO RENAME HARVEY DRIVE TO ALBRITTON DRIVE

Chairman Lapsley made the motion to go into Public Hearing. All voted in favor and the motion carried (5-0).

Planning and Property Addressing staff have received an application to rename Harvey Drive to Albritton Drive. Under Section 41-7D of the Henderson County Code, the Property Addressing Coordinator has the authority to post that street name and present the street name to the Board of County Commissioners at a public hearing, provided that all public noticing requirements are met and the applicants obtained "a favorable response by the property owners representing a one hundred percent (100%) for any particular street name."

The applicant, Ms. Grace Albritton, has submitted all required documentation and obtained 100% response from impacted property owners to initiate this application. Seeing as there are no duplicative names in the county's Master Street Address Guide (MSAG) that would cause confusion to residents and motorists, staff recommends approval of this application.

Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor and the motion carried (5-0).

Public Input

There was none.

Commissioner Edney made the motion that the Board approve renaming Harvey Drive to Albritton Drive. All voted in favor and the motion carried (5-0).

2021.81 Public Hearing to rename Daddys Girl Lane to Three Sisters Drive

Chairman Lapsley made the motion to go into Public Hearing. All voted in favor and the motion carried (5-0).

Planning and Property Addressing staff received an application to rename Daddys Girl Lane to Three Sisters Drive. Under Section 41-7D of the Henderson County Code, the Property Addressing Coordinator has the authority to post that street name and present the street name to the Board of County Commissioners at a public hearing, provided that all public noticing requirements are met and the applicants obtained “a favorable response by the property owners representing a one hundred percent (100%) for any particular street name.”

The applicant, Ms. J. Beth Williams, has submitted all required documentation and obtained 100% response from impacted property owners to initiate this application. Seeing as there are no duplicative names in the county’s Master Street Address Guide (MSAG) that would cause confusion to residents and motorists, and that Ms. Williams is the sole owner of all affected properties, staff recommends approval of this application.

Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor and the motion carried (5-0).

Public Input

There was none.

Vice-Chair McCall made the motion that the Board approves renaming Daddys Girl Lane to Three Sisters Drive. All voted in favor and the motion carried (5-0).

DISCUSSION

COVID UPDATE

The Board requested Staff provide the most current information pertaining to quarantine guidelines, specifically quarantine regulations for Henderson County Schools. Staff was also requested to provide data on how many students and teachers have been quarantined since August 23, 2021 and how many of those quarantine contracted COVID-19, not including the positive case that initiated the quarantine.

Additionally, the Board requested discussion related to educational efforts on appropriate treatment methods including infusion treatments.

Public Health Director Steve Smith provided the following information:

DAILY NEW CASES/100,000 RATES

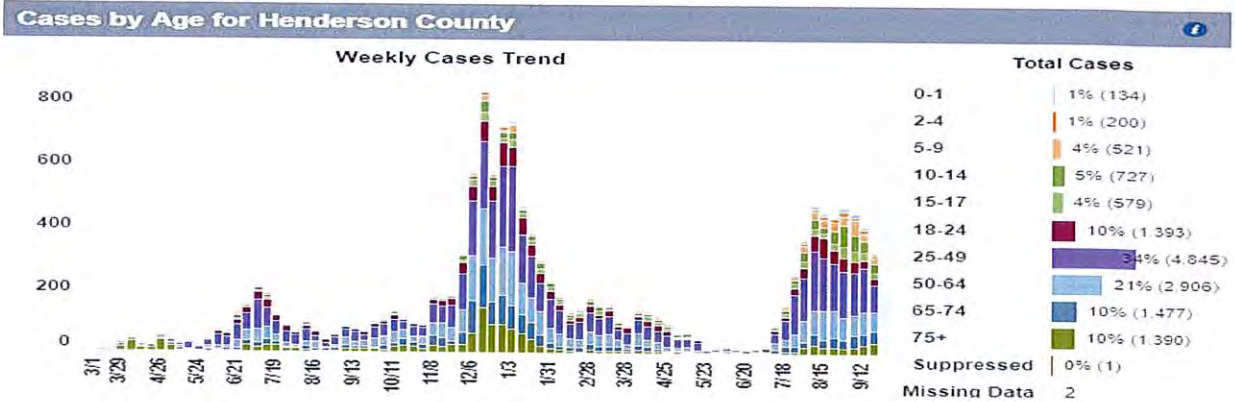
	August 26, 2021	September 30, 2021
United States	54.1	35
North Carolina	61.4	47.7
Henderson County	57.3	45.7

HENDERSON COUNTY VACCINATION RATES

	12 & up	18 & up	65 & up	Total Population
At Least One Dose	62%	64%	82%	55%
Fully Vaccinated	59%	61%	80%	52%

Source: NCDHHS Vaccination Dashboard

CASES BY AGE



RECENT VACCINATION CLINICS

- Tuesday, September 28, 2021 – 470 vaccinations
- 425 boosters, 31 2nd doses, 14 1st doses

- Thursday, September 30, 2021 – 411 vaccinations
- 365 boosters, 20 2nd doses, 26 1st doses

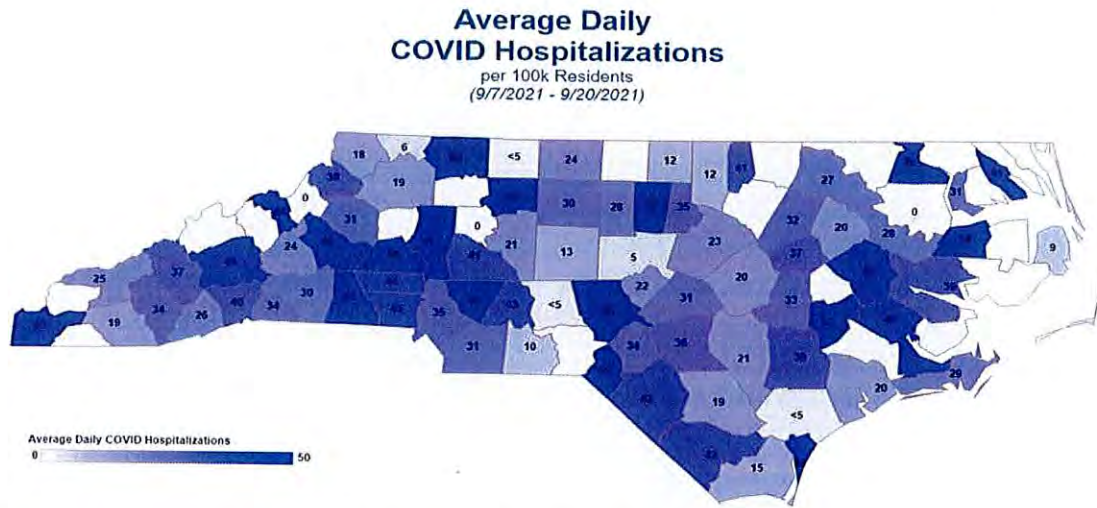
HENDERSON COUNTY PUBLIC SCHOOLS CASES AND QUARANTINES

- Total of 617 cases among staff and students (since July 9, 2021)
- Total of 596 cases among students (since July 9, 2021)
- Total of 659 student quarantines (since August 30, 2021 forward)
- Ratio of student quarantines to cases is relatively low, at .9 this past week
- % of student quarantines that became positive is 38% (251 of 659)
- Of quarantines that became positive, 167 from household contacts (67%), 38 for community contacts (15%), 46 were school contacts (18%)

HENDERSON COUNTY PUBLIC SCHOOLS CASES AND QUARANTINES

	Monday Sept. 27	Tuesday Sept. 28	Wednesday Sept. 29	Thursday Sept. 30	Friday Oct. 1	Weekly Total
Positive Cases	17	14	5	7	8	51
Quarantines	16	8	9	4	9	46
Ratio						.90
	Sept. 20	Sept. 21	Sept. 22	Sept. 23	Sept. 24	Weekly Total
Positive Cases	32	15	15	14	14	90
Quarantines	28	18	21	7	14	88
Ratio						.98
	Sept. 13	Sept. 14	Sept. 15	Sept. 16	Sept. 17	Weekly Total
Positive Cases	36	20	21	23	8	108
Quarantines	38	25	8	24	3	98
Ratio						.91
	Sept. 6	Sept. 7	Sept. 8	Sept. 9	Sept. 10	Weekly Total
Positive Cases	Holiday	72	37	34	21	164
Quarantines	Holiday	80	29	31	50	190
Ratio						1.2
	Aug. 30	Aug. 31	Sept. 1	Sept. 2	Sept. 3	Weekly Total
Positive Cases	53	24	28	21	21	147
Quarantines	97	28	36	30	46	237
Ratio						1.61

AVERAGE DAILY HOSPITALIZATIONS



Note: Data in the above map reflect the average daily COVID-19 related hospitalizations in the previous two weeks (8/24/2021 - 9/6/2021) by county. The values are normalized to rates per 100,000 residents. Data are displayed as "<5" to protect privacy in counties where the average number of hospitalizations is less than 5.

2021.82 MILLS RIVER – ANIMAL AND NOISE ENFORCEMENT

At their August 26, 2021 Meeting, the Mills River Town Council adopted two Resolutions pertaining to enforcement of ordinances within the municipality. The first Resolution adopted the County’s Animal Ordinance (Chapter 16) and requested enforcement by the County. The second Resolution requested the County enforce the Mills River Noise Ordinance within the municipality.

Sheriff Lowell Griffin had been informed of these requests. He was present at the meeting to answer questions the Board may have had.

Vice-Chair McCall made the motion that the Board authorize the Sheriff to enforce both the Henderson County Animal Ordinance and the Mills River Noise Ordinance within the municipal limits of Mills River. All voted in favor and the motion carried (5-0).

STAKEHOLDER ADVISORY COMMITTEE FOR THE ECUSTA TRAIL

To provide advice to the Board of Commissioners and County staff during the design, construction and operation of the Ecusta Trail, staff recommends that the Board establish a Stakeholder Committee. A recommendation of the members is below. The County would appoint three representatives, and the remaining jurisdictions and organizations would appoint their respective representatives. The County will staff the Committee, and the Board of Commissioners will select the Chair.

1. County Appointee
2. County Appointee
3. County Appointee
4. Representative from Hendersonville
5. Representative from Laurel Park
6. Representative from Conserving Carolina
7. Representative from Friends of Ecusta

Commissioner Andreotta requested two additional county appointed positions be added to the committee for a total of nine committee members, five of which are County Appointees.

1. County Appointee
2. County Appointee
3. County Appointee
4. County Appointee
5. County Appointee
6. Representative from Hendersonville
7. Representative from Laurel Park
8. Representative from Conserving Carolina
9. Representative from Friends of Ecusta

Commissioner Andreotta made the motion that the Board approves the establishment of the Stakeholder Committee for the Ecusta Trail with the amendment of adding two additional members for a total of 9 committee members, 5 of which are county appointed positions, and with the Board appointing the Chairman of the Committee. All voted in favor and the motion carried (5-0).

NOMINATIONS AND APPOINTMENTS

Chairman Lapsley opened the floor for nominations.

1. Cemetery Advisory Committee – 6 vac.

Chairman Lapsley nominated Carroll Scott for position #1, Jennie Giles for position #2, and James Jackson for position #3.

Chairman Lapsley made the motion to accept the reappointments of Carroll Scott for position #1, Jennie Giles for position #2, and James Jackson for position #3 by acclamation. All voted in favor and the motion carried (5-0).

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

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

3. Historic Resources Commission – 1 vac.

Vice-Chair McCall nominated Amanda Gibson for position #1.

Chairman Lapsley made the motion to accept the appointment of Amanda Gibson to position #1 by acclamation. All voted in favor and the motion carried (5-0).

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

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

5. Juvenile Crime Prevention Council – 3 vac.

Vice-Chair McCall nominated Leighton Hannah for position #16, Lynette Oliver for position #25, and Sonya Flynn for position #8.

Chairman Lapsley made the motion to accept the appointments of Leighton Hannah to position #16, Lynette Oliver to position #25, and Sonya Flynn to position #8 by acclamation. All voted in favor and the motion carried (5-0).

6. Laurel Park Planning Board – 1 vac.

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

7. Nursing/Adult Care Home Community Advisory Committee – 12 vac.

Vice-Chair McCall nominated Verna Smith for position #10 and Linda Owenby for position #11.

Chairman Lapsley made the motion to accept the appointments of Verna Smith to position #10 and Linda Owenby for position #11 by acclamation. All voted in favor and the motion carried (5-0).

COMMISSIONER UPDATES

Vice Chair McCall provided an update on the Safety Around Water Program that was introduced in May

2021. This program provides four sessions of water safety classes for all 2nd graders enrolled in Henderson County Schools.



Vice Chair McCall and Commissioner Andreotta shared their experiences at the Fall Litter Sweep that was held Saturday, September 25, 2021.



COUNTY MANAGER'S REPORT

John Mitchell expressed his thanks to the Henderson County Cooperative Extension for organizing the 2021 Farm City Day that was held Saturday October 2, 2021, at Jackson Park. Mr. Mitchell then praised

the Board for being recognized as the Economic Development Partner of the Year by the Henderson County Partnership for Economic Development. He commended the Board for working with the Partnership to bring jobs and education opportunities to Henderson County.

Farm City Day 2021





IMPORTANT DATES

ADJOURN

Chairman Lapsley made the motion to go into closed session The Board requested to go into closed session pursuant to N.C. Gen. Stat. § 143-318.11(a)(6) at 7:35 p.m. All voted in favor and the motion carried (5-0).

Attest:


Denisa A. Lauffer, Clerk to the Board


William Lapsley, Chairman

During the October 04, 2021 meeting, the Board enacted the following:

- 2021.72 Resolution in opposition to extending Unemployment**
- 2021.73 Pending Releases and Refunds**
- 2021.74 Budget Amendment – Asset Forfeiture Funds**
- 2021.75 Budget Amendment - Restricted Fund Balance Sheriff's Department**
- 2021.76 Modification of Code Section 16-4. B. (4)**
- 2021.77 Budget Amendment – MRTS Fiscal Year 21 Projects**
- 2021.78 Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-04)**
- 2021.79 Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-05)**
- 2021.80 Public Hearing to rename Harvey Drive to Albritton Drive**
- 2021.81 Public Hearing to rename Daddys Girl to Three Sisters**
- 2021.82 Mills River – Animal and Noise Ordinance Enforcement**

**Henderson County
Board of Commissioners**

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

William G. Lapsley
Chairman
Rebecca K. McCall
Vice-Chairman



J. Michael Edney
Daniel J. Andreotta
David H. Hill

RESOLUTION

IN SUPPORT OF ENDING PANDEMIC UNEMPLOYMENT ASSISTANCE BENEFITS

WHEREAS, Federal Pandemic Unemployment Compensation is a supplemental benefit that is paid on top of an individual’s weekly benefit amount for state unemployment insurance benefits, Pandemic Emergency Unemployment Compensation, Extended Benefits or Pandemic Unemployment Assistance; and

WHEREAS, Federal Pandemic Unemployment Compensation provided an additional \$300 per week benefit from December 27, 2020 through September 4, 2021; and

WHEREAS, in June 2021, the General Assembly passed a bill to eliminate the additional \$300 per week pandemic benefit; and

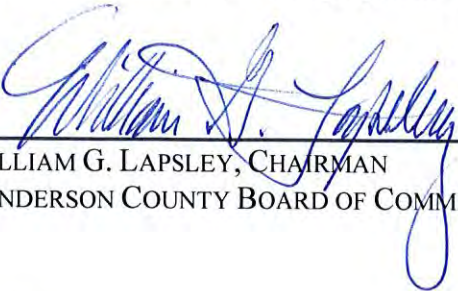
WHEREAS, that bill was ultimately vetoed by the Governor; and

WHEREAS, both public and private employers in Henderson County, and across the State of North Carolina are experiencing labor shortages; and


WHEREAS, those labor shortages have resulted in a negative impact on local businesses, government services, the local economy, and the overall wellbeing of the county as a whole;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners does hereby support the General Assembly ending Pandemic Unemployment Assistance Benefits.

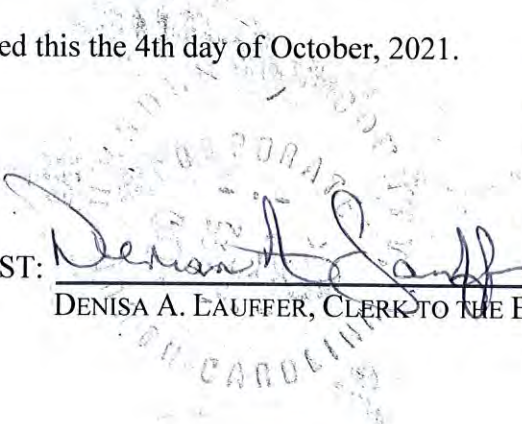
Adopted this the 4th day of October, 2021.



WILLIAM G. LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST: 

DENISA A. LAUFFER, CLERK TO THE BOARD



PUBLIC COMMENT SIGNUP SHEET

OCTOBER 4, 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. Dennis Homer
PRINTED NAME
10 Ridgestone Dr.
H'ville 28792
MAILING ADDRESS

Dennis Homer
SIGNATURE
Legislation Needed
Topic

2. LISA Theren
PRINTED NAME
5 Ridgestone Dr
Hendersonville
MAILING ADDRESS

Lisa Theren
SIGNATURE
Elder Mobil Home Legislation
Topic

3. William Getman
PRINTED NAME
7 Ridgestone Drive
Hendersonville, NC
MAILING ADDRESS

William Getman
SIGNATURE
Elder Mobile Home Legislation:
Topic Misuse of Land.

4. _____
PRINTED NAME

MAILING ADDRESS

SIGNATURE

Topic

NCPTS Pending Release/Refund Report. Monday, September 20, 2021 *

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
BB&T COMMERCIAL EQUIPMENT CAPITAL CORP.	0002989428-2021-2021-0000	PER LISTING FORM, PROPERTY AT THIS LOCATION DISPOSED OF IN 2020.	(\$39,212)	7836	SMORROW	4112 HAYWOOD RD MILLS RIVER NC 28759	TAX		\$219.98	\$0.00	\$219.98	\$0.00
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:		\$219.98		\$219.98	\$0.00
							ABSTRACT TOTAL:				\$219.98	\$0.00
BLACK, RALPH ROBINSON	0003096585-2021-2021-0000	WATERCRAFT SOLD 10/24/2020.	(\$2,630)	7841	SCURTIS	89 WHISTLE LN ZIRCONIA NC 28790	TAX		\$14.75	\$0.00	\$14.75	\$0.00
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:		\$2.37		\$2.37	\$0.00
							ABSTRACT TOTAL:				\$219.98	\$0.00
BORN, THOMAS	0003101107-2021-2021-0000	RECREATIONAL VEHICLE MOVED TO ARIZONA 9/6/20.	(\$2,630)	7870	SMORROW	4 CLASSIC A LOOP FLAT ROCK NC 28731	TAX		\$224.12	\$0.00	\$224.12	\$0.00
							LATE LIST FEE		\$22.41	\$0.00	\$22.41	\$0.00
							TOTAL:		\$51.94		\$51.94	\$0.00
							ABSTRACT TOTAL:				\$303.66	\$0.00
BRANKS, BOBBY LEE KIRK	0003080937-2021-2021-0000	WATERCRAFT LOCATED IN BUNCOMBE COUNTY.	(\$39,950)	7848	KDECKARD	1447 MT OLIVET RD ZIRCONIA NC 28790	TAX		\$15.16	\$0.00	\$15.16	\$0.00
							LATE LIST FEE		\$1.52	\$0.00	\$1.52	\$0.00
							TOTAL:		\$2.43		\$2.43	\$0.00
							ABSTRACT TOTAL:				\$303.66	\$0.00
CITI BANK NA	0003100365-2021-2021-0000	DEPRECIATION SCHEDULE ADJUSTED ON BUSINESS PERSONAL PROPERTY LISTING.	(\$1,266)	7729	SMORROW	95 FRANCIS RD HENDERSONVILLE NC 28792	TAX		\$26.47	\$0.00	\$26.47	\$0.00
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:		\$6.61		\$6.61	\$0.00
							ABSTRACT TOTAL:				\$19.35	\$0.00
CITI BANK NA	0003100366-2021-2021-0000	DEPRECIATION SCHEDULE ADJUSTED ON BUSINESS PERSONAL PROPERTY LISTING.	(\$2,176)	7730	SMORROW	507 DUNCAN HILL RD HENDERSONVILLE NC 28792	TAX		\$86.97	\$0.00	\$86.97	\$0.00
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:		\$264.67		\$264.67	\$0.00
							ABSTRACT TOTAL:				\$19.35	\$0.00
CITI BANK NA	0003103211-2021-2021-0000	DEPRECIATION SCHEDULE ADJUSTED ON BUSINESS PERSONAL PROPERTY LISTING.	(\$5,618)	7746	SMORROW	VARIOUS-FLETCHER	TAX		\$31.52	\$0.00	\$31.52	\$0.00
							LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:		\$31.52		\$31.52	\$0.00
							ABSTRACT TOTAL:				\$31.52	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Monday, September 20, 2021 *

OWNER	ABSTRACT	NOTE	ADJ. NUMBER	VALUE CHANGE	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
	0003103212-2021-2021-0000	ABSTRACT ADJUSTED TO CORRECTLY REFLECT PROPERTY REPORTED.	7751	(\$3,712)	SMORROW	VARIOUS - HENDERSONVILLE	COUNTY	TAX LATE LIST FEE TOTAL:	\$66.83 \$0.00 \$20.82	\$0.00 \$0.00 ABSTRACT TOTAL:	\$20.82 \$0.00 \$20.82	\$0.00 \$0.00 \$0.00
CLARK, PAULA	OWNER TOTAL:			(\$12,772)							\$73.42	\$0.00
	0003091752-2018-2018-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3091752 AND 727786. ABSTRACT 3091752 VOIDED FOR 2018.	7858	(\$5,000)	SMORROW	301 N CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY MOUNTAIN HOME FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$28.25 \$2.83 \$6.00 \$0.60 \$0.60	\$0.00 \$0.00 \$0.00 \$0.00 ABSTRACT TOTAL:	\$28.25 \$2.83 \$31.08 \$6.00 \$6.60	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003091752-2019-2019-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3091752 AND 727786. ABSTRACT 3091752 VOIDED FOR 2019.	7857	(\$5,000)	SMORROW	301 N CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY MOUNTAIN HOME FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$28.05 \$2.81 \$6.00 \$0.60 \$0.60	\$0.00 \$0.00 \$0.00 \$0.00 ABSTRACT TOTAL:	\$28.05 \$2.81 \$30.86 \$6.00 \$6.60	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003091752-2020-2020-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3091752 AND 727786. ABSTRACT 3091752 VOIDED FOR 2020.	7856	(\$5,000)	SMORROW	301 N CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY MOUNTAIN HOME FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$28.05 \$2.81 \$6.00 \$0.60 \$0.60	\$0.00 \$0.00 \$0.00 \$0.00 ABSTRACT TOTAL:	\$28.05 \$2.81 \$30.86 \$6.00 \$6.60	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003091752-2021-2021-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3091752 AND 727786. ABSTRACT 3091752 VOIDED FOR 2021.	7855	(\$7,076)	SMORROW	301 N CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY MOUNTAIN HOME FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$39.70 \$3.97 \$8.49 \$0.85 \$0.85	\$0.00 \$0.00 \$0.00 \$0.00 ABSTRACT TOTAL:	\$39.70 \$3.97 \$43.67 \$8.49 \$9.34	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
CSC LEASING CO	OWNER TOTAL:			(\$22,076)							\$165.61	\$0.00
	0003103264-2021-2021-0000	PROPERTY DOUBLE LISTED ON THE SAME ABSTRACT. ABSTRACT ADJUSTED TO CORRECTLY REFLECT PROPERTY REPORTED.	7867	(\$29,299)	SMORROW	VALLEY HILL FIRE DISTRICT	COUNTY VALLEY HILL FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$169.33 \$0.00 \$30.18 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00 \$0.00 ABSTRACT TOTAL:	\$164.37 \$0.00 \$164.37 \$29.30 \$29.30	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:			(\$29,299)							\$193.67	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Monday, September 20, 2021 *

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
CUSTOM CARPENTRY CONCEPTS, LLC	0003099494-2021-2021-0000	BUSINESS CLOSED 12/31/2020.	(\$8,866)	7843	SMORROW	800 WHITESIDE TRL HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$49.74 \$0.00 \$49.74 \$10.20 \$0.00 \$10.20	\$0.00 \$0.00 \$0.00 \$0.00	\$49.74 \$0.00 \$49.74 \$10.20	\$0.00 \$0.00 \$0.00 \$0.00
DE LAGE LANDEN FINANCIAL SERVICES INC	OWNER TOTAL: 0003100386-2021-2021-0000	ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REFLECT CORRECT BUSINESS PERSONAL PROPERTY VALUES.	(\$8,866) (\$5,303)	7829	SMORROW	25 HOWARD GAP RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$29.75 \$2.97 \$32.72	\$0.00 \$0.00 \$0.00	\$29.75 \$2.97 \$32.72	\$0.00 \$0.00 \$0.00
EDNEYVILLE BOY SCOUTS TRUST	OWNER TOTAL: 0003103478-2021-2021-0000	PERSONAL PROPERTY EXEMPT PER TIMELY APPLICATION.	(\$5,303) (\$779)	7845	HSALTER	29 ARABIAN LN HENDERSONVILLE NC 28792	COUNTY EDNEYVILLE FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$4.37 \$0.44 \$4.81 \$0.90 \$0.09 \$0.99	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$4.37 \$0.44 \$4.81 \$0.90 \$0.09 \$0.99	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
ELEMENT FLEET CORPORATION	OWNER TOTAL: 0003096314-2021-2021-0000	CORRECTED 2021 LISTING TO REFLECT BUSINESS PERSONAL PROPERTY VALUES DUE TO CHANGES MADE BY BUSINESS.	(\$779) (\$30,633)	7863	SMORROW	40 VAUGHN CIR FLETCHER NC 28732	COUNTY FLETCHER FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$243.28 \$0.00 \$243.28 \$49.87 \$0.00 \$49.87	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$243.28 \$0.00 \$243.28 \$49.87	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
FCA US LLC	OWNER TOTAL: 000092332-2021-2021-0000	CORRECTED 2021 LISTING TO REFLECT BUSINESS PERSONAL PROPERTY VALUES DUE TO CHANGES MADE BY BUSINESS.	(\$30,633) (\$428,968)	7759	SMORROW	1 QUALITY WAY FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$11,044.40 \$0.00 \$11,044.40	\$0.00 \$0.00 \$0.00	\$2,406.51 \$0.00 \$2,406.51	\$0.00 \$0.00 \$0.00
FREEMAN, MARK DONALD	OWNER TOTAL: 0003100786-2020-2020-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3100786 AND 3017553. ABSTRACT 3100786 VOIDED FOR 2020.	(\$428,968) (\$6,645)	7837	SMORROW	295 DALTON FARM RD HENDERSONVILLE NC 28792	COUNTY EDNEYVILLE FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$37.28 \$3.73 \$41.01 \$7.64 \$0.76 \$8.40	\$37.28 \$3.73 \$41.01 \$7.64 \$0.76 \$8.40	\$37.28 \$3.73 \$41.01 \$7.64 \$0.76 \$8.40	\$37.28 \$3.73 \$41.01 \$7.64 \$0.76 \$8.40

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NCPTS Pending Release/Refund Report. Monday, September 20, 2021*

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	0003100786-2021-2021-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3100786 AND 3017553. ABSTRACT 3100786 VOIDED FOR 2021.	(\$6,365)	7822	SMORROW	295 DALTON FARM RD HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$35.71 \$0.00 \$35.71	\$0.00 \$0.00 \$0.00	\$35.71 \$0.00 \$35.71	\$0.00 \$0.00 \$0.00
						EDNEYVILLE FIRE		TAX LATE LIST FEE TOTAL:	\$7.32 \$0.00 \$7.32	\$0.00 \$0.00 \$0.00	\$7.32 \$0.00 \$7.32	\$0.00 \$0.00 \$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$7.32	\$7.32	\$7.32	\$0.00
								ABSTRACT TOTAL:	\$43.03	\$43.03	\$43.03	\$0.00
								ABSTRACT TOTAL:	\$92.44	\$92.44	\$92.44	\$49.41
GARY GRADY PARIS DBA	0003081666-2017-2017-0000	ABSTRACT VOIDED FOR 2017 DUE TO MOTOR VEHICLE BEING REGISTERED WITH THE DMV.	(\$13,010) (\$36,516)	7723	SCURTIS	465 PARIS FARM DR FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$206.32 \$20.63 \$226.95	\$206.32 \$20.63 \$226.95	\$206.32 \$20.63 \$226.95	\$206.32 \$20.63 \$226.95
						DANA FIRE		TAX LATE LIST FEE TOTAL:	\$47.47 \$4.75 \$52.22	\$47.47 \$4.75 \$52.22	\$47.47 \$4.75 \$52.22	\$47.47 \$4.75 \$52.22
								ABSTRACT TOTAL:	\$279.17	\$279.17	\$279.17	\$279.17
								ABSTRACT TOTAL:	\$197.25	\$197.25	\$197.25	\$197.25
								ABSTRACT TOTAL:	\$19.72	\$19.72	\$19.72	\$19.72
								ABSTRACT TOTAL:	\$216.97	\$216.97	\$216.97	\$216.97
								ABSTRACT TOTAL:	\$45.38	\$45.38	\$45.38	\$45.38
								ABSTRACT TOTAL:	\$4.54	\$4.54	\$4.54	\$4.54
								ABSTRACT TOTAL:	\$49.92	\$49.92	\$49.92	\$49.92
								ABSTRACT TOTAL:	\$266.89	\$266.89	\$266.89	\$266.89
								ABSTRACT TOTAL:	\$186.85	\$186.85	\$186.85	\$186.85
								ABSTRACT TOTAL:	\$18.68	\$18.68	\$18.68	\$18.68
								ABSTRACT TOTAL:	\$205.53	\$205.53	\$205.53	\$205.53
								ABSTRACT TOTAL:	\$46.63	\$46.63	\$46.63	\$46.63
								ABSTRACT TOTAL:	\$4.66	\$4.66	\$4.66	\$4.66
								ABSTRACT TOTAL:	\$51.29	\$51.29	\$51.29	\$51.29
								ABSTRACT TOTAL:	\$256.82	\$256.82	\$256.82	\$256.82
								ABSTRACT TOTAL:	\$180.09	\$180.09	\$180.09	\$180.09
								ABSTRACT TOTAL:	\$18.01	\$18.01	\$18.01	\$18.01
								ABSTRACT TOTAL:	\$198.10	\$198.10	\$198.10	\$198.10
								ABSTRACT TOTAL:	\$44.94	\$44.94	\$44.94	\$44.94
								ABSTRACT TOTAL:	\$4.49	\$4.49	\$4.49	\$4.49
								ABSTRACT TOTAL:	\$49.43	\$49.43	\$49.43	\$49.43
								ABSTRACT TOTAL:	\$247.53	\$247.53	\$247.53	\$247.53
								ABSTRACT TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$171.09	\$171.09	\$171.09	\$171.09
								ABSTRACT TOTAL:	\$17.11	\$17.11	\$17.11	\$17.11
								ABSTRACT TOTAL:	\$188.20	\$188.20	\$188.20	\$188.20
								ABSTRACT TOTAL:	\$42.70	\$42.70	\$42.70	\$42.70
								ABSTRACT TOTAL:	\$4.27	\$4.27	\$4.27	\$4.27
								ABSTRACT TOTAL:	\$46.97	\$46.97	\$46.97	\$46.97
								ABSTRACT TOTAL:	\$235.17	\$235.17	\$235.17	\$235.17
								ABSTRACT TOTAL:	\$1,285.58	\$1,285.58	\$1,285.58	\$1,050.41

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Monday, September 20, 2021*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND	
GIBSON, DONNA LOU HEIRS	0002853851-2021-2021-0000	TAX RELIEF STATUS WAS OMITTED FROM THE 2021 TAX BILL IN ERROR. ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REINSTATE TAX RELIEF FOR TAX YEAR 2021.	(\$61,134)	7832	NBROWN	171 APPLE BLOSSOM TRL HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$911.82 \$0.00 \$186.91 \$0.00	\$0.00 \$0.00 \$0.00	\$342.96 \$0.00 \$70.30	\$0.00 \$0.00 \$0.00	
	OWNER TOTAL:												
				(\$61,134)							ABSTRACT TOTAL:	\$413.26	\$0.00
				(\$23,700)								\$109.49 \$10.95 \$120.44	\$0.00 \$0.00 \$0.00
GORDON, DAVID A SR	0002446017-2010-2010-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2010.	(\$23,000)	7701	RJONES	HENDERSON COUNTY NC	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$109.49 \$10.95 \$22.52 \$2.25	\$0.00 \$0.00 \$0.00	\$109.49 \$10.95 \$22.52 \$2.25	\$0.00 \$0.00 \$0.00	
	OWNER TOTAL:												
				(\$23,000)							ABSTRACT TOTAL:	\$145.21	\$0.00
												\$118.13 \$11.81 \$129.94	\$0.00 \$0.00 \$0.00
GORDON, DAVID A SR	0002446017-2011-2011-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2011.	(\$23,000)	7702	RJONES	HENDERSON COUNTY NC	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$118.13 \$11.81 \$23.00 \$2.30	\$0.00 \$0.00 \$0.00	\$118.13 \$11.81 \$23.00 \$2.30	\$0.00 \$0.00 \$0.00	
	OWNER TOTAL:												
				(\$23,000)							ABSTRACT TOTAL:	\$155.24	\$0.00
												\$118.13 \$11.81 \$129.94	\$0.00 \$0.00 \$0.00
GORDON, DAVID A SR	0002446017-2012-2012-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2012.	(\$23,000)	7703	RJONES	HENDERSON COUNTY NC	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$118.13 \$11.81 \$23.00 \$2.30	\$0.00 \$0.00 \$0.00	\$118.13 \$11.81 \$23.00 \$2.30	\$0.00 \$0.00 \$0.00	
	OWNER TOTAL:												
				(\$23,000)							ABSTRACT TOTAL:	\$155.24	\$0.00
												\$114.53 \$11.45 \$125.98	\$0.00 \$0.00 \$0.00
GORDON, DAVID A SR	0002446017-2013-2013-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2013.	(\$23,000)	7704	RJONES	HENDERSON COUNTY NC	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$114.53 \$11.45 \$22.30 \$2.23	\$0.00 \$0.00 \$0.00	\$114.53 \$11.45 \$22.30 \$2.23	\$0.00 \$0.00 \$0.00	
	OWNER TOTAL:												
				(\$23,000)							ABSTRACT TOTAL:	\$150.51	\$0.00
												\$24.53	\$0.00

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OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
	0002446017-2014-2014-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2014.	(\$22,300)	7705	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$114.53	\$0.00	\$114.53	\$0.00
								LATE LIST FEE	\$11.45	\$0.00	\$11.45	\$0.00
								TOTAL:	\$125.98	\$0.00	\$125.98	\$0.00
						FLETCHER FIRE		TAX	\$22.30	\$0.00	\$22.30	\$0.00
								TOTAL:	\$2.23	\$0.00	\$2.23	\$0.00
								ABSTRACT TOTAL:	\$24.53	\$0.00	\$24.53	\$0.00
								ABSTRACT TOTAL:	\$150.51	\$0.00	\$150.51	\$0.00
	0002446017-2015-2015-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2015.	(\$22,300)	7706	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$114.53	\$0.00	\$114.53	\$0.00
								LATE LIST FEE	\$11.45	\$0.00	\$11.45	\$0.00
								TOTAL:	\$125.98	\$0.00	\$125.98	\$0.00
						FLETCHER FIRE		TAX	\$25.65	\$0.00	\$25.65	\$0.00
								TOTAL:	\$2.56	\$0.00	\$2.56	\$0.00
								ABSTRACT TOTAL:	\$28.21	\$0.00	\$28.21	\$0.00
								ABSTRACT TOTAL:	\$154.19	\$0.00	\$154.19	\$0.00
GORDON, DAVID ALLISON SR	OWNER TOTAL:		(\$136,600)								\$910.90	\$0.00
	0002446017-2016-2016-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2016.	(\$22,300)	7707	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$126.00	\$0.00	\$126.00	\$0.00
								LATE LIST FEE	\$12.60	\$0.00	\$12.60	\$0.00
								TOTAL:	\$138.60	\$0.00	\$138.60	\$0.00
						FLETCHER FIRE		TAX	\$25.65	\$0.00	\$25.65	\$0.00
								TOTAL:	\$2.56	\$0.00	\$2.56	\$0.00
								ABSTRACT TOTAL:	\$28.21	\$0.00	\$28.21	\$0.00
								ABSTRACT TOTAL:	\$166.81	\$0.00	\$166.81	\$0.00
	0002446017-2017-2017-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2017.	(\$22,300)	7708	RJONES	HENDERSON COUNTY NC	COUNTY	TAX	\$126.00	\$0.00	\$126.00	\$0.00
								LATE LIST FEE	\$12.60	\$0.00	\$12.60	\$0.00
								TOTAL:	\$138.60	\$0.00	\$138.60	\$0.00
						FLETCHER FIRE		TAX	\$25.65	\$0.00	\$25.65	\$0.00
								TOTAL:	\$2.56	\$0.00	\$2.56	\$0.00
								ABSTRACT TOTAL:	\$28.21	\$0.00	\$28.21	\$0.00
								ABSTRACT TOTAL:	\$166.81	\$0.00	\$166.81	\$0.00
	0002446017-2018-2018-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 9960421 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED FOR 2018.	(\$22,300)	7709	RJONES	NEED PHYSICAL LOCATION FOR MOBILE HOME NC	COUNTY	TAX	\$126.00	\$0.00	\$126.00	\$0.00
								LATE LIST FEE	\$12.60	\$0.00	\$12.60	\$0.00
								TOTAL:	\$138.60	\$0.00	\$138.60	\$0.00
						FLETCHER FIRE		TAX	\$25.65	\$0.00	\$25.65	\$0.00
								TOTAL:	\$2.56	\$0.00	\$2.56	\$0.00
								ABSTRACT TOTAL:	\$28.21	\$0.00	\$28.21	\$0.00
								ABSTRACT TOTAL:	\$166.81	\$0.00	\$166.81	\$0.00
	OWNER TOTAL:		(\$66,900)								\$500.43	\$0.00

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OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
GORDON, DENNIS	0003093302-2021-2021-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 1016163 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED.	(\$24,409)	7831	RIONES	1393 SUMMIT SPRINGS DR FLAT ROCK NC 28731	COUNTY	TAX	\$136.93	\$0.00	\$136.93	\$0.00
								LATE LIST FEE	\$13.69	\$0.00	\$13.69	\$0.00
								TOTAL:	\$150.62	\$0.00	\$150.62	\$0.00
								TAX	\$31.73	\$0.00	\$31.73	\$0.00
								LATE LIST FEE	\$3.17	\$0.00	\$3.17	\$0.00
TOTAL:	\$34.90	\$0.00	\$34.90	\$0.00								
OWNER TOTAL:									ABSTRACT TOTAL:	\$185.52	\$185.52	\$0.00
GOSNELL, NAOMI JONES	0000315600-2021-2021-0000	MANUFACTURED HOME IS REAL PROPERTY ON PARCEL 1011669 AND NOT PERSONAL PROPERTY. PERSONAL PROPERTY ABSTRACT VOIDED.	(\$16,751)	7872	SMORROW	532 GUCE RD SALUDA NC 28773	COUNTY	TAX	\$93.97	\$0.00	\$93.97	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$93.97	\$0.00	\$93.97	\$0.00
								TAX	\$19.26	\$0.00	\$19.26	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00								
OWNER TOTAL:									ABSTRACT TOTAL:	\$113.23	\$113.23	\$0.00
HOGLEN, ERICA MICHELLE	0003094200-2021-2021-0000	WATERCRAFT SOLD 3/28/2020.	(\$16,751)	7865	SCURTIS	715 DANA RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$250.57	\$0.00	\$250.57	\$0.00
								LATE LIST FEE	\$25.06	\$0.00	\$25.06	\$0.00
								TOTAL:	\$275.63	\$0.00	\$275.63	\$0.00
								TAX	\$58.06	\$0.00	\$58.06	\$0.00
								LATE LIST FEE	\$5.81	\$0.00	\$5.81	\$0.00
TOTAL:	\$63.87	\$0.00	\$63.87	\$0.00								
OWNER TOTAL:									ABSTRACT TOTAL:	\$170.90	\$170.90	\$0.00
HOLT, TERRY	0003091565-2021-2021-0000	MANUFACTURED HOME SOLD AND MOVED TO BUNCOMBE COUNTY.	(\$6,593)	7830	RIONES	706 HUTCH MOUNTAIN RD FLETCHER NC 28732	COUNTY	TAX	\$36.99	\$0.00	\$36.99	\$0.00
								LATE LIST FEE	\$3.70	\$0.00	\$3.70	\$0.00
								TOTAL:	\$40.69	\$0.00	\$40.69	\$0.00
								TAX	\$7.58	\$0.00	\$7.58	\$0.00
								LATE LIST FEE	\$0.76	\$0.00	\$0.76	\$0.00
TOTAL:	\$8.34	\$0.00	\$8.34	\$0.00								
OWNER TOTAL:									ABSTRACT TOTAL:	\$49.03	\$49.03	\$0.00
HORTON, DENNIS MATTHEW	0003102999-2021-2021-0000	WATERCRAFT SOLD MARCH 2020.	(\$25,814)	7873	HSALTER	397 STEPP RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$365.69	\$0.00	\$365.69	\$0.00
								LATE LIST FEE	\$36.57	\$0.00	\$36.57	\$0.00
								TOTAL:	\$402.26	\$0.00	\$402.26	\$0.00
								TAX	\$78.22	\$0.00	\$78.22	\$0.00
								LATE LIST FEE	\$7.82	\$0.00	\$7.82	\$0.00
TOTAL:	\$86.04	\$0.00	\$86.04	\$0.00								
OWNER TOTAL:									ABSTRACT TOTAL:	\$490.30	\$490.30	\$0.00

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OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
HOWARD, VERNON	0003100022-2021-2021-0000	2021 APPEAL OF MANUFACTURED HOME. VALUE REDUCED DUE TO INFORMATION FROM TAXPAYER.	(\$38,500)	7874	SMORROW	22 CLASSIC A LOOP FLAT ROCK NC 28731	COUNTY	TAX	\$468.44	\$0.00	\$215.99	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$215.99	\$0.00	\$0.00	
								TAX	\$108.55	\$0.00	\$50.05	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$50.05	\$266.04	\$0.00	
								ABSTRACT TOTAL:	\$266.04	\$0.00	\$0.00	
HYG FINANCIAL SERVICES INC	0003093959-2021-2021-0000	ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REFLECT CORRECT BUSINESS PERSONAL PROPERTY VALUES.	(\$38,500)	7849	SMORROW	200 N GROVE ST HENDERSONVILLE NC 28792	COUNTY	TAX	\$1,511.33	\$0.00	\$1,511.33	\$0.00
								LATE LIST FEE	\$151.13	\$0.00	\$151.13	
								TOTAL:	\$1,662.46	\$0.00	\$1,662.46	
								TAX	\$113.15	\$0.00	\$113.15	
								LATE LIST FEE	\$11.32	\$11.32	\$0.00	
								TOTAL:	\$124.47	\$124.47	\$0.00	
								ABSTRACT TOTAL:	\$124.47	\$0.00	\$0.00	
IICNA, PC	0003102431-2021-2021-0000	BUSINESS PERSONAL PROPERTY DOUBLE BILLED ON ABSTRACTS 3102431 AND 3103075. ABSTRACT 3102431 VOIDED.	(\$269,399)	7840	SMORROW	1303 7TH AVE E HENDERSONVILLE NC 28792	COUNTY	TAX	\$24.75	\$0.00	\$24.75	\$0.00
								LATE LIST FEE	\$2.47	\$0.00	\$2.47	
								TOTAL:	\$27.22	\$0.00	\$27.22	
								TAX	\$19.89	\$0.00	\$19.89	
								LATE LIST FEE	\$1.99	\$1.99	\$0.00	
								TOTAL:	\$21.88	\$21.88	\$0.00	
								ABSTRACT TOTAL:	\$21.88	\$0.00	\$0.00	
KING, BRIAN SHANNON	0003088879-2018-2018-0000	WATERCRAFT LOCATED IN BUNCOMBE COUNTY AS OF 12/23/2017. ABSTRACT VOIDED FOR 2018.	(\$20,170)	7700	SCURTIS	31 RICE RD FLETCHER NC 28732	COUNTY	TAX	\$182.33	\$0.00	\$182.33	\$0.00
								LATE LIST FEE	\$18.23	\$0.00	\$18.23	
								TOTAL:	\$200.56	\$0.00	\$200.56	
								TAX	\$37.38	\$0.00	\$37.38	
								LATE LIST FEE	\$3.74	\$3.74	\$0.00	
								TOTAL:	\$41.12	\$41.12	\$0.00	
								ABSTRACT TOTAL:	\$41.12	\$0.00	\$0.00	
KNEISLEY, MATTHEW	0003096404-2021-2021-0000	MANUFACTURED HOME MOVED TO SOUTH CAROLINA.	(\$7,926)	7827	RIONES	140 L 62 JAYMAR PARK DR HENDERSONVILLE NC 28792	COUNTY	TAX	\$7,763.12	\$0.00	\$7,763.12	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$3,940.46	\$0.00	\$3,940.46	
								TAX	\$1,937.32	\$0.00	\$1,937.32	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$983.36	\$983.36	\$0.00	
								EDNEYVILLE FIRE	\$0.00	\$0.00	\$0.00	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$41.12	\$41.12	\$0.00	
								ABSTRACT TOTAL:	\$41.12	\$0.00	\$0.00	
LANE-FOZZARD ORCHARDS LLC	0003101451-2021-2021-0000	PRESENT-USE VALUE STATUS WAS REMOVED IN ERROR. ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REINSTATE PRESENT-USE VALUE STATUS FOR 2021.	(\$32,500)	7710	NBROWN	185 GEORGIANA LN FLAT ROCK NC 28731	COUNTY	TAX	\$7,763.12	\$0.00	\$7,763.12	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$3,940.46	\$0.00	\$3,940.46	
								TAX	\$1,937.32	\$0.00	\$1,937.32	
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	
								TOTAL:	\$983.36	\$983.36	\$0.00	
								ABSTRACT TOTAL:	\$983.36	\$0.00	\$0.00	
								ABSTRACT TOTAL:	\$4,923.82	\$4,923.82	\$0.00	

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OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
MARTSON, JEFFREY	0003099339-2020-2020-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3099339 AND 3086632. ABSTRACT 3099339 VOIDED FOR 2020.	(\$4,200)	7716	RJONES	37 CRAIGS COVE LN HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$23.56 \$2.36 \$25.92 \$5.04 \$0.50 \$5.54	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$23.56 \$2.36 \$25.92 \$5.04 \$0.50 \$31.46	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
MAYBIN, JEFFREY SCOTT	0003099339-2021-2021-0000	OWNER TOTAL: MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 3099339 AND 3086632. ABSTRACT 3099339 VOIDED FOR 2021.	(\$4,200) (\$11,410)	7717	RJONES	37 CRAIGS COVE LN HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$64.01 \$6.40 \$70.41 \$13.69 \$1.37 \$15.06	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$64.01 \$6.40 \$70.41 \$13.69 \$1.37 \$15.06	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
MISYUK, ARTEM PAVLOVICH	0003099558-2021-2021-0000	OWNER TOTAL: PROPERTY DOUBLE LISTED ON SAME ABSTRACT.	(\$11,410) (\$14,250)	7859	HSALTER	651 MOUNTAIN RD HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$128.75 \$0.00 \$128.75 \$27.54 \$0.00 \$27.54	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$128.75 \$0.00 \$128.75 \$27.54 \$0.00 \$17.10	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
MIXON, JAMES DONALD	0003085262-2021-2021-0000	OWNER TOTAL: TRAILER WAS NOT LOCATED IN HENDERSON COUNTY AS OF 1/1/2021.	(\$14,250) (\$4,459)	7871	HSALTER	328 SEAN FRANKLIN DR SALUDA NC 28773	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$25.01 \$2.50 \$27.51 \$5.13 \$0.51 \$5.64	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$25.01 \$2.50 \$27.51 \$5.13 \$0.51 \$5.64	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
MONTEITH, ERIC EUGENE	0000251290-2021-2021-0000	OWNER TOTAL: MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 251290 AND 96231. ABSTRACT 251290 VOIDED.	(\$4,459) (\$3,499)	7731	ROONES	223 BANNER FARM RD MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL:	\$19.63 \$1.96 \$21.59	\$0.00 \$0.00 \$0.00	\$19.63 \$1.96 \$21.59	\$0.00 \$0.00 \$0.00
		OWNER TOTAL:	(\$3,499)									

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OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
NUCO2 SUPPLY LLC	0003099648-2021-2021-0000	2021 ABSTRACT VOIDED AS TAXPAYER HAD NO TANGIBLE BUSINESS PERSONAL PROPERTY TO REPORT FOR THIS YEAR.	(\$2,494)	7850	KDECKARD	6488 BREVARD RD ETOWAH NC 28729	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$13.99 \$0.00 \$13.99 \$2.87	\$0.00 \$0.00 \$0.00	\$13.99 \$0.00 \$13.99 \$2.87	\$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$2,494)							ABSTRACT TOTAL:	\$16.86	\$0.00
OBERMILLER, WILLIAM LEE	0003090903-2021-2021-0000	UNREGISTERED VEHICLES SOLD IN 2018.	(\$785)	7869	SMORROW	684 DEEP GAP LOOP RD FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$4.40 \$0.44 \$4.84 \$1.10	\$0.00 \$0.00 \$0.00	\$4.40 \$0.44 \$4.84 \$1.10	\$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$785)							ABSTRACT TOTAL:	\$6.05	\$0.00
OCEGUERA, GUILLERMO	0003100817-2021-2021-0000	TRAILER SOLD 10/29/20.	(\$1,684)	7838	SMORROW	302 CREEKS END CIR MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$9.45 \$0.94 \$10.39 \$10.39	\$0.00 \$0.00 \$0.00	\$9.45 \$0.94 \$10.39 \$10.39	\$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$1,684)							ABSTRACT TOTAL:	\$10.39	\$0.00
OSTEEN, MITCHELL M	0003099212-2020-2020-0000	PRESENT-USE VALUE STATUS WAS REMOVED IN ERROR. ABSTRACT VOIDED FOR 2020 AND WILL BE REBILLED TO REINSTATE PRESENT-USE VALUE STATUS FOR 2020.	(\$345,500)	7721	NBROWN	4106 PINNACLE MOUNTAIN RD ZIRCONIA NC 28790	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$3,325.05 \$0.00 \$3,325.05 \$533.43	\$3,325.05 \$0.00 \$3,325.05 \$533.43	\$1,938.26 \$0.00 \$1,938.26 \$310.95	\$0.00 \$0.00 \$1,938.26 \$310.95
	OWNER TOTAL:		(\$345,500)							ABSTRACT TOTAL:	\$310.95	\$0.00
	0003099213-2020-2020-0000	PRESENT-USE VALUE STATUS WAS REMOVED IN ERROR. ABSTRACT VOIDED FOR 2020 AND WILL BE REBILLED TO REINSTATE PRESENT-USE VALUE STATUS FOR 2020.	(\$46,200)	7722	NBROWN	0 NO ADDRESS ASSIGNED ZIRCONIA NC 28790	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$264.79 \$0.00 \$264.79 \$42.48	\$264.79 \$0.00 \$264.79 \$42.48	\$259.18 \$0.00 \$259.18 \$41.58	\$0.00 \$0.00 \$259.18 \$41.58
	OWNER TOTAL:		(\$46,200)							ABSTRACT TOTAL:	\$41.58	\$0.00
OWEN, JOHN HOUSTON	0003086476-2021-2021-0000	TWO WATERCRAFTS SOLD MAY 2020.	(\$5,891)	7866	SCURTIS	125 PARKER HOLLOW RD MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$73.90 \$0.00 \$73.90 \$33.05	\$0.00 \$0.00 \$0.00	\$33.05 \$0.00 \$33.05 \$33.05	\$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$5,891)							ABSTRACT TOTAL:	\$33.05	\$0.00
	OWNER TOTAL:		(\$5,891)							ABSTRACT TOTAL:	\$33.05	\$0.00

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PATILLA, CYNTHIA LORRAINE	0003101193-2021-2021-0000	ABSTRACT VOIDED DUE TO MOTOR VEHICLE BEING REGISTERED WITH THE DMV.	(\$1,481)	7861	SCURTIS	652 OWENSBY RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$8.31	\$0.00	\$8.31	\$0.00
								LATE LIST FEE	\$0.83	\$0.00	\$0.83	\$0.00
								TOTAL:			\$9.14	\$0.00
								TAX	\$2.07	\$0.00	\$2.07	\$0.00
								LATE LIST FEE	\$0.21	\$0.00	\$0.21	\$0.00
TOTAL:			\$2.28	\$0.00								
					ABSTRACT TOTAL:				\$11.42	\$0.00	\$0.00	
PAYNE, CHRISTOPHER FRANCIS	0002916808-2021-2021-0000	UNREGISTERED VEHICLE SOLD IN 2019.	(\$1,475)	7835	SCURTIS	97 AMBLE LN FLETCHER NC 28732	COUNTY	TAX	\$11.08	\$0.00	\$11.08	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:			\$8.27	\$0.00
								TAX	\$2.27	\$0.00	\$2.27	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL:			\$1.70	\$0.00								
					ABSTRACT TOTAL:				\$9.97	\$0.00	\$0.00	
POPLIN, JOHNNY LEE	0002338696-2021-2021-0000	2021 APPEAL OF UNREGISTERED VEHICLES. VALUES REDUCED DUE TO INFORMATION FROM TAXPAYER.	(\$3,825)	7833	SCURTIS	26 E MARKLEY DR FLAT ROCK NC 28731	COUNTY	TAX	\$24.26	\$0.00	\$24.26	\$0.00
								LATE LIST FEE	\$2.43	\$0.00	\$2.43	\$0.00
								TOTAL:			\$23.61	\$0.00
								TAX	\$5.62	\$0.00	\$5.62	\$0.00
								LATE LIST FEE	\$0.56	\$0.00	\$0.56	\$0.00
TOTAL:			\$5.47	\$0.00								
					ABSTRACT TOTAL:				\$29.08	\$0.00	\$0.00	
SNEED, SUSAN DOCKERY	0003080941-2021-2021-0000	WATERCRAFT SOLD 10/29/2020.	(\$3,825)	7819	SMORROW	201 ZIRCONIA RD ZIRCONIA NC 28790	COUNTY	TAX	\$8.11	\$0.00	\$8.11	\$0.00
								LATE LIST FEE	\$0.81	\$0.00	\$0.81	\$0.00
								TOTAL:			\$8.92	\$0.00
								TAX	\$1.30	\$0.00	\$1.30	\$0.00
								LATE LIST FEE	\$0.13	\$0.00	\$0.13	\$0.00
TOTAL:			\$1.43	\$0.00								
					ABSTRACT TOTAL:				\$10.35	\$0.00	\$0.00	
SULLINS, DAKOTA SCOTT	0003096531-2021-2021-0000	2020 APPEAL VALUE NOT CARRIED FORWARD TO THE 2021 VALUE DUE TO CLERICAL ERROR.	(\$1,445)	7828	SMORROW	381 SUGAR FOOT RD HENDERSONVILLE NC 28739	COUNTY	TAX	\$11.08	\$0.00	\$11.08	\$0.00
								LATE LIST FEE	\$1.11	\$0.00	\$1.11	\$0.00
								TOTAL:			\$9.10	\$0.00
								TAX	\$2.27	\$0.00	\$2.27	\$0.00
								LATE LIST FEE	\$0.23	\$0.00	\$0.23	\$0.00
TOTAL:			\$1.87	\$0.00								
					ABSTRACT TOTAL:				\$10.97	\$0.00	\$0.00	

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Monday, September 20, 2021 *

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TAYLOR, JEREMY	0003103059-2021-2021-0000	WATERCRAFT DESTROYED IN FIRE 11/6/2020.	(\$12,014)	7864	SCURTIS	143 PRESSLEY VALLEY LN HORSE SHOE NC 28742	COUNTY	TAX	\$67.40	\$0.00	\$67.40	\$0.00
								LATE LIST FEE	\$6.74	\$0.00	\$6.74	\$0.00
								TOTAL:	\$13.82	\$0.00	\$13.82	\$0.00
						ETOWAH-HORSESHOE FIRE		TAX	\$1.38	\$0.00	\$1.38	\$0.00
								TOTAL:	\$15.20	\$0.00	\$15.20	\$0.00
								ABSTRACT TOTAL:	\$89.34	\$0.00	\$89.34	\$0.00
TINSLEY, CHARLES M II	0003103076-2021-2021-0000	WATERCRAFT DOUBLE BILLED ON ABSTRACTS 3103076 AND 3102364. ABSTRACT 3103076 VOIDED.	(\$9,800)	7846	KDECKARD	111 FAIRWAY DR LAUREL PARK NC 28739	COUNTY	TAX	\$54.98	\$0.00	\$54.98	\$0.00
								LATE LIST FEE	\$5.50	\$0.00	\$5.50	\$0.00
								TOTAL:	\$60.48	\$0.00	\$60.48	\$0.00
								ABSTRACT TOTAL:	\$60.48	\$0.00	\$60.48	\$0.00
TOWN OF FLETCHER	0000714450-2021-2021-0000	OWNER OF RECORD AS OF JANUARY 1, 2021 WAS TOWN OF FLETCHER. FULL RELEASE ON FILE FOR TAX YEAR 2021.	(\$409,700)	7713	NBROWN	38 JOHNSTON ST FLETCHER NC 28732	COUNTY	TAX	\$2,298.42	\$0.00	\$2,298.42	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$2,298.42	\$0.00	\$2,298.42	\$0.00
								ABSTRACT TOTAL:	\$2,298.42	\$0.00	\$2,298.42	\$0.00
								TOTAL:	\$56.10	\$0.00	\$56.10	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$56.10	\$0.00	\$56.10	\$0.00
								ABSTRACT TOTAL:	\$56.10	\$0.00	\$56.10	\$0.00
								TOTAL:	\$73.49	\$0.00	\$73.49	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$73.49	\$0.00	\$73.49	\$0.00
								ABSTRACT TOTAL:	\$73.49	\$0.00	\$73.49	\$0.00
								TOTAL:	\$131.84	\$0.00	\$131.84	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$131.84	\$0.00	\$131.84	\$0.00
								ABSTRACT TOTAL:	\$131.84	\$0.00	\$131.84	\$0.00
TRESO, JAVIER	0002450137-2021-2021-0000	MANUFACTURED HOME DOUBLE BILLED ON ABSTRACTS 2450137 AND 214499. ABSTRACT 2450137 VOIDED.	(\$456,300)	7851	MHANEY	37 BENTON DR HENDERSONVILLE NC 28739	COUNTY	TAX	\$59.16	\$0.00	\$59.16	\$0.00
								LATE LIST FEE	\$5.92	\$0.00	\$5.92	\$0.00
								TOTAL:	\$65.08	\$0.00	\$65.08	\$0.00
								TAX	\$12.13	\$0.00	\$12.13	\$0.00
								LATE LIST FEE	\$1.21	\$0.00	\$1.21	\$0.00
								TOTAL:	\$13.34	\$0.00	\$13.34	\$0.00
								ABSTRACT TOTAL:	\$78.42	\$0.00	\$78.42	\$0.00
								TOTAL:	\$78.42	\$0.00	\$78.42	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Monday, September 20, 2021*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
UPKEEP BUILDING SERVICES LLC	0003055532-2021-2021-0000	TWO UNREGISTERED VEHICLES SOLD PRIOR TO 12/31/19.	(\$2,408)	7868	SMORROW	684 DEEP GAP LOOP RD FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$13.51 \$1.35 \$14.86	\$0.00 \$0.00	\$13.51 \$1.35 \$14.86	\$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$2,408)							ABSTRACT TOTAL:	\$18.57	\$0.00
VANWINGERDEN INTERNATIONAL INC	0003101232-2021-2021-0000	PRESENT-USE VALUE STATUS WAS REMOVED IN ERROR. ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REINSTATE PRESENT-USE VALUE STATUS FOR 2021.	(\$53,100)	7719	NBROWN	0 NO ADDRESS ASSIGNED MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL:	\$306.87 \$0.00 \$306.87	\$0.00 \$0.00	\$297.89 \$0.00 \$297.89	\$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$53,100)							ABSTRACT TOTAL:	\$297.89	\$0.00
WILSON, WILLIAM MAX JR	0003101234-2021-2021-0000	PRESENT-USE VALUE STATUS WAS REMOVED IN ERROR. ABSTRACT VOIDED FOR 2021 AND WILL BE REBILLED TO REINSTATE PRESENT-USE VALUE STATUS FOR 2021.	(\$1,499,900)	7720	NBROWN	1856 JEFFRESS RD MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL:	\$14,211.81 \$0.00 \$14,211.81	\$0.00 \$0.00	\$8,414.44 \$0.00 \$8,414.44	\$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$1,499,900)							ABSTRACT TOTAL:	\$8,414.44	\$0.00
WILSON, WILLIAM MAX JR	0002986584-2021-2021-0000	2021 APPEAL OF TRAILER. VALUE REDUCED PER BILL OF SALE PROVIDED BY TAXPAYER.	(\$4,158)	7862	SCURTIS	520 HOWARD GAP RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$216.78 \$0.00 \$216.78	\$0.00 \$0.00	\$191.63 \$0.00 \$191.63	\$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$4,158)							ABSTRACT TOTAL:	\$191.63	\$0.00
	OWNER TOTAL:		(\$34,158)							ABSTRACT TOTAL:	\$230.91	\$0.00
GRAND TOTALS:			(\$4,765,410)							ABSTRACT TOTAL:	\$29,593.82	\$3,649.79

*Adjustments submitted for approval on or before

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

K9 PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT is made and entered into this the 4th day of October, 2021, by and between the County of Rutherford, a body politic and corporate and a political subdivision of the State of North Carolina, hereinafter "Rutherford County" and the County of Henderson, a political subdivision of the State of North Carolina and body politic and corporate, hereinafter "Henderson County".

WITNESSETH:

WHEREAS, Henderson County is the owner of a certain Belgian Malinois canine (K-9), hereinafter "Gitmo", whose date of birth is September 24, 2014 and further identified by microchip number 981020013507380, and

WHEREAS, the K9 Gitmo has a remaining service life of no more than two (2) years, and

WHEREAS, NC General Statute 160A-274 permits any governmental unit to sell to, or purchase from any other governmental unit any interest in real or personal property, and

WHEREAS, Rutherford County is desirous of acquiring Gitmo from Henderson County, and is willing to pay to Henderson County the sum of one thousand (\$1,000) dollars which amount is equal to the fair market value of the canine, considering the life expectancy and potential service life of the canine, and

WHEREAS, Rutherford County is aware of the inherent risks associated with working K9s is willing to accept such risks and agrees to indemnify and hold harmless Henderson County from any and all claims or any cause of action whatsoever arising from K9 Gitmo.

NOW THEREFORE, in consideration of the sum of One Thousand (\$1,000) Dollars, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

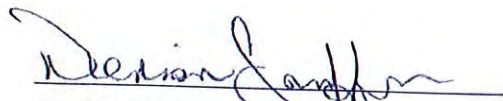
1. Rutherford County shall pay to Henderson County the sum of One Thousand (\$1,000) Dollars,

2. Henderson County shall transfer ownership of K9 Gitmo to Rutherford County, and
3. Rutherford County shall indemnify and hold harmless Henderson County from any and all claims or cause of action arising out of the K9 Gitmo.

This the 4th day of October, 2021.


Chairman
Henderson County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

K9 DISPOSITION AGREEMENT

October **THIS AGREEMENT** is made and entered into this the 4th day of October, 2021, by and between Jerad McFalls and the County of Henderson, a political subdivision of the State of North Carolina and body politic and corporate, hereinafter "Henderson County".

WITNESSETH:

WHEREAS, Henderson County is the owner of a certain Dutch Shepard canine (K-9), hereinafter "Rento", whose date of birth is August 8, 2013 and further identified by microchip number 528093490022122, and

WHEREAS, NC General Statute 20-187.4 permits any governmental unit to transfer ownership of any service animal to the handler of said service animal at the time at which the service animal is no longer able or fit for further service, and

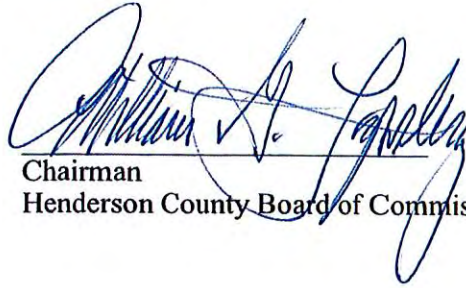
WHEREAS, Henderson County is desirous of retiring K9 Rento from service with the Henderson County Sheriff's Office due to Rento having reached the end of his potential service life and nearing the end of his life expectancy, and

WHEREAS, Jerad McFalls has been the sole trainer, partner, and handler of Rento for Rento's entire service career. Jerad McFalls is aware of the inherent risks associated with retired service K9s is willing to accept such risks and agrees to indemnify and hold harmless Henderson County from any and all claims or any cause of action whatsoever arising from K9 Rento as well as to assume all responsibility for feeding, care and veterinary expenses.

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Jerad McFalls shall pay to Henderson County the sum of One (\$1.00) Dollar,
2. Henderson County shall transfer ownership of K9 Rento to Jerad McFalls, and
3. Jerad McFalls shall indemnify and hold harmless Henderson County from any and all claims or cause of action arising out of the K9 Rento.

This the 2th day of October, 2021.



Handwritten signature of William A. Jolley in blue ink, written over a horizontal line.

Chairman
Henderson County Board of Commissioners

ATTEST:



Handwritten signature of Denise L. Lafferty in blue ink, written over a horizontal line.

Clerk to the Board of Commissioners

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 4, 2021

SUBJECT: Budget Amendment -- Asset Forfeiture Funds

PRESENTER: Sheriff Lowell S. Griffin

ATTACHMENTS: Yes

1. Penlink Quote
2. ADS SD Raven 2 Audio/Video Recorder Quote
3. ISC SC410 Cellular LTE Camera Quote
4. CovertTrack Stealth Tracking Device Quote
5. Trijicon Red Dot Sights Quote
6. Bumper Pull Stock Trailer for Animal Enforcement
7. Weapons & Tactical Trailer

SUMMARY OF REQUEST:

The Sheriff's Department is requesting that the Board approve an appropriation from the Sheriff's Office Restricted US DOJ funds (114431-451005) in an amount not to exceed \$71,000 to purchase needed equipment not approved in the budget. The appropriation would be used to purchase equipment to be used in investigations as well as sights for weapons.

BOARD ACTION REQUESTED:

The Board is requested to approve an appropriation from Restricted US DOJ funds in an amount not to exceed \$71,000 and the necessary budget amendment(s), and to authorize the Sheriff's Office to purchase equipment for use in investigations and needed equipment.

Suggested Motion:

I move the Board of Commissioners approve an appropriation from Restricted US DOJ funds in an amount not to exceed \$71,000 and the necessary budget amendment(s), and to authorize the Sheriff's Office to purchase equipment for this Mobile Command Center currently being held by the Sheriff's Office.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Sheriff's Office 115431

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-552000</u>	<u>Capital - Technology</u>	<u>\$ 47,316</u>
<u>115431-526020</u>	<u>Dept Supplies - Non-Exp</u>	<u>\$ 5,890</u>
<u>115431-526021</u>	<u>Weapons & Tactical</u>	<u>\$ 4,550</u>
<u>115431-553000</u>	<u>Capital Outlay - Vehicles</u>	<u>\$ 13,244</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114431-451005</u>	<u>US DOJ - Asset Forfeiture</u>	<u>\$71,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Using US DOJ federal forfeiture funds to purchase additional equipment needed for investigations and to carry out the operations of the Sheriff's Office.

Wamesa R. Gilbert
Authorized by Department Head

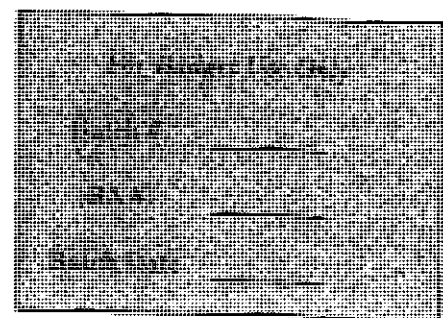
September 23, 2021
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date



STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AMENDMENT TO AGREEMENT

This Amendment to Agreement is made and effective January 1, 2022, between the following:

Kimberly-Clark Corporation, a Delaware corporation authorized to do business in North Carolina (the "*Corporation*");

Kimberly-Clark USA, LLC, a Wisconsin limited liability company which is as of effective date hereof authorized to do business in North Carolina (the "*LLC*"); and,

Henderson County, a body corporate and politic of the State of North Carolina (the "*County*").

Circumstances Leading to Amendment to Agreement

A. The *Corporation* and the *County* entered into an Agreement dated March 14, 2018 (the "*Agreement*").

B. Under the terms of the *Agreement*, the *Corporation* was to make a new capital investment of not less than \$15,000,000.00 and create not fewer than fourteen (14) new jobs each paying on average an amount in excess of the average weekly wage for jobs in Henderson County while maintaining its then-current employment level. The *Corporation's* investment was to occur by not later than the second anniversary of the *Agreement's* date, and the job creation was to occur not later than the end of the first anniversary of the *Agreement's* date. The employment (the jobs created under the *Agreement* and the previous employment existing on the date of the *Agreement*) were to be maintained through December 31, 2026.

C. In return for the *Corporation's* certification of its performance of its obligations as stated above, the *County* was obligated under the *Agreement* to pay to the *Corporation* not more than \$233,062.50, over a period of time and on a schedule specified in the *Agreement*, with the actual amount determined as seventy percent (70%) of the *ad valorem* property taxes on the new capital investment made by the *Corporation* under the *Agreement*.

D. The *Corporation* has created a new subsidiary, the *LLC*, and set up a new plan of operation for the *Corporation's* Henderson County facility. Under that plan, the real and personal property of the facility will continue to be owned by the *Corporation*, but all employees who work there will be employed by the *LLC*.

E. Both the *Corporation* and the *LLC* hereby request the *County* to enter into this Amendment to account for their new business plan.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Amendment

The *Agreement* is hereby modified, such that all employment requirements (both the new jobs created and filled under the *Agreement* and the jobs maintained and continued filled under the *Agreement* though in existence as of the date of its execution, and all the wage and benefit requirements of the *Agreement*) shall be deemed to be required of the *LLC* rather than the *Corporation*. Notwithstanding this amendment, incentives earned under the *Agreement* shall be paid directly to the *Corporation*.

Executed _____, 2021, but effective January 1, 2022.

KIMBERLY-CLARK CORPORATION

By: _____
JEFF McFALL
Authorized Representative

KIMBERLY-CLARK USA, LLC

By: _____
JEFF McFALL
Manager of the LLC

HENDERSON COUNTY

By: _____
WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: October 4, 2021

SUBJECT: Budget Amendment - Restricted Fund Balance Sheriff's Department

PRESENTER: Sheriff Lowell Griffin

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

The Sheriff's Office is requesting the Board approve the attached budget amendment which appropriates fund balance for unused restricted donations for Sheriff's Office special funds. These funds are derived from restricted donations, to be used for specific programs, including Pawnbroker, K-9, VIP, STAR and Victim's Assistance. The amounts reflected in the budget amendment are the unspent portion of restricted donations from FY2021, to be carried over and spent in FY2022.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment to appropriate restricted fund balance for the special Sheriff's Office accounts. These funds are contributions/donations designated for the use of each specific account.

Suggested Motion:

I move the Board approve the budget amendment to appropriate restricted fund balance for the special Sheriff's Office accounts as presented.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: FINANCE - HCSO

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-537110</u>	<u>PAWN BROKER FUND</u>	<u>\$0</u>
<u>115431-537111</u>	<u>K-9</u>	<u>\$34,854</u>
<u>115431-537112</u>	<u>VIP</u>	<u>\$14,822</u>
<u>115431-537113</u>	<u>STAR FUND</u>	<u>\$54,379</u>
<u>115431-537114</u>	<u>VICTIM'S ASSISTANCE</u>	<u>\$9,316</u>
_____	_____	_____
_____	_____	_____
_____	_____	<u>\$113,371</u>

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$113,371</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	<u>\$113,371</u>

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

TO APPROPRIATE FUND BALANCE FOR SPECIAL FUNDS SET UP WITHIN THE SHERIFF'S OFFICE BUDGET. UNUSED FUNDS IN THESE ACCOUNTS ROLL FORWARD AS THEY ARE CONTRIBUTIONS/REVENUES DESIGNATED FOR THESE PARTICULAR ACTIVITIES. BOC APPROVED 10.4.2021

Vanessa R. Sivert
Authorized by Department Head

10/4/2021
Date

Authorized by Budget Office

Date

Authorized by County Manager

Date

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____



September 29, 2021 – R3

Mr. John Mitchell
Henderson County
jmittell@hendersoncountync.gov

Re: Design Services for the Existing VFW Building

Dear Mr. Mitchell,

We are pleased to submit our proposal for the design services for renovation of the existing VFW building in Hendersonville, North Carolina. Below you will find our understanding of the project background and the proposed scope of work.

Part 1: Project Scope of Work

Henderson County intends to renovate the existing VFW Building that sits on .62 acre site. It is our understanding that the parking lot directly in front of the building will also be included in the scope of the project. There are not as-builts or existing drawings available, however, a measurement from GIS shows the building footprint is roughly 6,100 square feet per floor for an approximately 12,200 square foot building. The exact year of construction is unknown but likely in the late 1940s or early 1950s. There was a sizable addition done and several smaller additions over time. While there is a ramp to the upper level, accessibility from the site to the building will need be reviewed and addressed.

The existing building is constructed as slab on grade with load bearing brick masonry exterior walls. The elevated floor, roof, and interior partitions are wood framed for a construction Type III-B. The building is not sprinklered. There is one set of stairs that is not enclosed. There is no elevator; access to each floor is obtained based on existing grade. The building has been unoccupied for the last year. Some existing roof leaks have caused damage to the roof, ceiling, and floor and have been temporarily fixed. The spaces include large community space, non-code complaint restrooms on both floors, a kitchen, a bar area, and several medium and small meeting spaces.

Overall, there is not much detail of the existing systems and evaluation will need to occur. The electrical system appears to partially work and will be evaluated. The mechanical system condition is unknown as is plumbing. There are several floor drains on the ground floor. There is gas piped to the building, however, it was recently shut off. The installation and functionality of the gas system will be assessed for code compliance. This project will include an overall evaluation of the existing conditions with relation to code compliance, system functionality and quality. The team has been asked to consider the following as part of the scope of renovation:

- Bring building into code compliance according to 2018 NC Building Code.
- Bring site into accessibility compliance according to 2018 NC Building Code.
- Update quality of interior and exterior to reflect desired program, likely for community use including assembly spaces, an updated kitchen and restrooms.

MPS and its consultant team will provide the complete design, engineering, permitting, and construction administration services.

Proposed Schedule – to be verified with Owner	
Phase	Duration
Existing Condition Assessment + Programming	3 weeks
Schematic Design	6 weeks
Cost Estimate Pricing	3 weeks
Design Development	8 weeks
Cost Estimate Pricing	3 weeks
Construction Documents + 75% Cost Estimate	12 weeks
Review/Permitting with AHJ	tbd
Bidding and Negotiation	6-8 weeks
Construction Administration	NTE 35 weeks

Part 2: Scope of Basic Services

The following disciplines are included in the basic scope of service unless stated otherwise.

CIVIL

- Access existing parking and pedestrian facilities
- Prepare schematic utility plan location of existing utilities and necessary upgrades
- Develop a preliminary site plan.
- Proposal assumes no parking expansion, no impervious expansion (thus no storm water management).

ARCHITECTURAL

- Conduct facility evaluation focusing on code compliance, accessibility, and quality of conditions.
- Develop as-built plans, building sections, and exterior elevations.
- Meet with stakeholders identified by Henderson County and conduct programming sessions to understand desired use for spaces and building.
- Develop up to two (2) concepts for non-public presentation with opportunity for feedback.
- Upon feedback, prepare schematic design documents including code data appendix B, life safety plan, floor plans, building sections, exterior and interior elevations as necessary, schedules and details as necessary for schematic pricing
- Prepare up to two (2) renderings (interior and/or exterior) for formal presentation.
- Coordinate design process and documentation with consultants and Owner.
- Prepare permit documents to AHJ as required.

STRUCTURAL (KLOESEL ENGINEERING)

- Conduct site visit for structural evaluation
- Evaluate and possibly reinforce existing upper level floor framing for assembly live loads
- Retrofit lintels
- Repair existing wood structures if exposed
- Framing for new floor/roof openings
- Support of new mechanical equipment

MECHANICAL/ELECTRICAL/FIRE PROTECTION (CMTA)

- Provide field visit and survey of existing systems with functional test of various systems to confirm operation, inclusive of kitchen equipment.
- Camera sanitary below floor and determine condition.
- Assist in surveying building for mold.
- Catalog all existing MEP equipment for record/reference.
- Create preliminary narrative of building needs and recommendation.
- Preliminary mechanical and electrical load analysis.
- Analysis of MEP FP spaces in design concept.
- Preliminary lighting design including layouts, calculations.
- Prepare Design Development drawings and Construction Documents for permitting and bidding.
- Construction Administration to include review of shop drawings, RFIs.
- Biweekly field visits for a maximum of eight months.
- Closeout documents and record drawings.

Part 3: Scope of Services by Phase

Schematic Design

- MPS and consultants will work with existing non-as-built drawings provided by the Owner and verify existing conditions. This includes dimensions, systems evaluation, accessibility, site conditions, and overall quality of conditions.
- Conduct programming session with Owner and Owner provided stakeholders.
- Coordinate civil, structural, mechanical, electrical, and plumbing drawings to schematic level plans or narratives as necessary.
- Upon completion of owner contracted hazmat testing, MPS will complete the Schematic Design documents, including drawings and outline specifications.
- Prepare a Schematic Design Cost Estimate
- Submit 30% complete design documents and cost estimate to Owner for review
- MPS and the Owner will conduct a project page turn to review design documents and cost estimate. The goal is to align scope and budget. MPS will identify the following scopes of work: required demolition, required code compliance + site improvements, and proposed new work.
- Formal Presentation
 - MPS is available to present the existing conditions, proposed program + improvements, and anticipated construction cost to the Board of Commissioners.
 - If agreement on the above is achieved, our team is prepared to continue into the Design Development phase.

Design Development

- Upon approval of the Schematic Design drawings by the Owner, MPS will initiate the Design Development Phase. During this Phase, MPS will further develop the design of the Project.
- MPS will develop and begin coordination with consultants for floor plans, ceiling plans, roof plans, exterior elevations and coordination of systems with consulting team including complimentary drawings by sub-consultants under contract to MPS and Owner.
- MPS will hold coordination meetings with the consultants to coordinate the work during this phase.
- A set of drawings and outline specifications will be provided to the owner and Construction Manager digitally for cost estimating purposes.
- A Design Development Cost Estimate will be provided including detailed MEP estimates.
- MPS will meet with the Owner and CMAR once a comprehensive DD cost estimate is provided to review any necessary scope or program revisions based on budget vs anticipated cost. Any value-engineering work at the Design Development phase is considered additional services.

Construction Documents

- Upon approval of the Design Development drawings by Owner, MPS will complete the Project drawings and specifications for permit review and construction.
- Drawings to include but are not limited to: cover sheet and general information sheets, code data and life safety plans, floor & ceiling plans, exterior elevations, building sections, details, and schedules as well as complimentary plans, sections, details, schedules, and diagrams from all consultants under this scope of work.
- A specific list of deliverables can be made available upon request.
- Provide a 75% Construction Document cost estimate including detailed MEP estimates.
- A completed Project Manual including all relevant material specifications will be provided as part of the completed Construction Documents.

Reviews by Authority Having Jurisdiction (AHJ)

- The City of Hendersonville, NC is the primary AHJ for zoning. There is not a specific review time, however, the size of this project will likely result in a quick turnaround.
- Once a zoning permit is obtained, we will submit the application and drawings to Henderson County, the primary AHJ for building permit. There is no specific review period provided by this AHJ.
- Please note also that MPS does not guarantee that the proposed development will be granted any variances, rezoning, or certificates of appropriateness from the AHJ.

Bidding and Negotiation

- It is assumed this is a Construction Manager at Risk (CMaR) project delivery and conducted as a single prime contract.
- MPS will distribute plans and specification in electronic format for contractor.
- MPS will respond to RFIs submitted in a timely manner and provide addenda as needed.
- MPS will support the Construction Manager and attend the pre-bid meeting and bid opening.

Construction Administration

- Weekly Site Visits. The base scope of work shall include up to thirty-five (35) visits by one architect, as well as a preconstruction meeting and final observation/punch list.
- Review and respond to requests for information (RFI) from General Contractor.
- Review and approve submittals and shop drawings. Basic scope of services is no more than 2 reviews per submitted item.
- Monthly OAC site meetings. The base scope of work shall include up to eight (8) meetings.
- Record Drawings
- Closeout
- Conduct a 1-year post occupancy walk through

Summary of Anticipated Owner Meetings

Meeting	Attendees	Location	Quantity
Programming, back to back meetings	Architect	Hendersonville	1
Schematic Design Page Turn + Cost Review	Architect (engineers virtual)	Hendersonville	1
Formal Presentation to Commissioners	Architect	Hendersonville	1
50% Design Development Owner Review	Architect (engineers virtual)	Hendersonville	1
100% Design Development Page Turn + Cost Review	Architect (engineers by video)	Hendersonville	1
75% Construction Document Page Turn + Cost Review	Architect (engineers by video)	Hendersonville	1
Construction Documents Owner Review	Email	Virtual	1
Weekly Coordination Meetings	Architect, engineers	Virtual	weekly
Design Phase Meeting Total			7

PreBid Meeting	Architect	Hendersonville	1
Bid Opening	Architect	Hendersonville	1
Bidding Meeting Total			2

PreConstruction Meeting	Architect	Hendersonville	1
Weekly CA Site Visit	Architect, Engineers*	Hendersonville	35
Monthly OAC Meeting	Architect, Engineers	Virtual	8
Punch List	Architect, Engineers	Hendersonville	1
1 Year Post Occupancy Walkthrough	Architect	Hendersonville	1
Construction Administration Meeting Total			46

*Refer to scope of work for number of engineer site visits

Part 4: Additional Services

Additional Services will be provided on a time and expense basis per our 2021 rate schedule. We will not proceed with any additional services without approval.

Exclusions

The items listed below are not included in our Scope of Services. Some may be provided for an additional pre-negotiated lump sum fee. Items not included in our Scope of Services:

- Survey
- Geotechnical
- Hazardous Materials Testing
- Food Service Consultant
- Application and Representation for items that include variance re-zonings and/or certificates of appropriateness from the AHJ.
- Commissioning
- Acoustic Consulting
- Landscape Architecture
- Community Outreach Consulting Services
- Parking Consulting
- Traffic Study
- Special Inspections
- Flow Test Data
- Retaining Wall Design beyond retaining walls as part of the building(s)
- Retaining Wall greater than 4'
- Lighting Consultant
- Sustainability Consultant
- Construction Materials Testing
- Marketing Materials
- Energy Modeling
- LEED or other Green Building Certification(s)
- Low Voltage Design or Coordination
- Furniture Design or procurement
- Permit Fees for all local authorities having jurisdiction
- Any other design phases or items not specifically mentioned in the Scope of Services

Part 5: Owner Responsibilities

The following services are to be contracted directly by the Owner with each contractor. For the convenience of the Owner, and for coordination of project schedule, MPS procured proposals will present to the Owner.

Limited Asbestos Survey. Limited Lead Based Paint Survey. A third party under contract directly with the Owner will provide asbestos, lead testing, and/or other hazardous materials or that require abatement for project. It shall be the responsibility of the Owner to hire a professional and licensed (if required) contractor to abate and/or remove the offending material.

Part 6: Cost of the Work

There is not an established construction budget at the time.

Part 7: Compensation

We propose a lump sum fee for the schematic design phase of \$40,000.00.

Upon approval of the schematic design scope and cost estimate, we propose a 6% fee based on the construction cost for the remainder of the project. The following is a percentage breakdown of our work by phase:

Basic Scope of Services	% of Fee
Schematic Design	20%
Design Development	22%
Construction Documents + Permitting	28%
Bidding & Negotiation	5%
Construction Administration	24%
Closeout	1%
Total	100%

Reimbursable Expenses

Reimbursable expenses will be provided on an expense basis and are not included in our proposed compensation. These include travel, printing, etc; and will be billed at 1.15 multiplier.

Payment Terms

Invoices will be sent monthly for the percentage amount of the work completed. Terms: net 15 days. A service charge of 1.5% per month will be added to all unpaid invoices, 45 days past date of invoice.

Part 8: Acceptance

If this proposal is acceptable to you, please sign the enclosed copy and return it to us for our files. We will then begin working on an AIA Contract for review. Thank you again for the opportunity to work with you.

Sincerely,



Lindsey Rhoden, AIA
Senior Associate

cc: File
Thad Rhoden, AIA

Accepted this _____ day of _____, 2021

Mr. John Mitchell

Construction Administration

- Weekly Site Visits. The base scope of work shall include up to thirty-five (35) visits by one architect, as well as a preconstruction meeting and final observation/punch list.
- Review and respond to requests for information (RFI) from General Contractor.
- Review and approve submittals and shop drawings. Basic scope of services is no more than 2 reviews per submitted item.
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- Record Drawings
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- Conduct a 1-year post occupancy walk through

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1 Year Post Occupancy Walkthrough	Architect	Hendersonville	1
Construction Administration Meeting Total			46

*Refer to scope of work for number of engineer site visits

Part 4: Additional Services

Additional Services will be provided on a time and expense basis per our 2021 rate schedule. We will not proceed with any additional services without approval.

Exclusions

The items listed below are not included in our Scope of Services. Some may be provided for an additional pre-negotiated lump sum fee. Items not included in our Scope of Services:

- Survey
- Geotechnical
- Hazardous Materials Testing
- Food Service Consultant
- Application and Representation for items that include variance re-zonings and/or certificates of appropriateness from the AHJ.
- Commissioning
- Acoustic Consulting
- Landscape Architecture
- Community Outreach Consulting Services
- Parking Consulting
- Traffic Study
- Special Inspections
- Flow Test Data
- Retaining Wall Design beyond retaining walls as part of the building(s)
- Retaining Wall greater than 4'
- Lighting Consultant
- Sustainability Consultant
- Construction Materials Testing
- Marketing Materials
- Energy Modeling
- LEED or other Green Building Certification(s)
- Low Voltage Design or Coordination
- Furniture Design or procurement
- Permit Fees for all local authorities having jurisdiction
- Any other design phases or items not specifically mentioned in the Scope of Services

Part 5: Owner Responsibilities

The following services are to be contracted directly by the Owner with each contractor. For the convenience of the Owner, and for coordination of project schedule, MPS procured proposals will present to the Owner.

Limited Asbestos Survey. Limited Lead Based Paint Survey. A third party under contract directly with the Owner will provide asbestos, lead testing, and/or other hazardous materials or that require abatement for project. It shall be the responsibility of the Owner to hire a professional and licensed (if required) contractor to abate and/or remove the offending material.

Part 6: Cost of the Work

There is not an established construction budget at the time.

Part 7: Compensation

We propose a six percent (6%) fee based on the construction cost for this project. The following is a percentage breakdown of our work by phase:

Basic Scope of Services	% of Fee
Schematic Design	20%
Design Development	22%
Construction Documents + Permitting	28%
Bidding & Negotiation	5%
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Total	100%

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Reimbursable expenses will be provided on an expense basis and are not included in our proposed compensation. These include travel, printing, etc; and will be billed at 1.15 multiplier.

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If this proposal is acceptable to you, please sign the enclosed copy and return it to us for our files. We will then begin working on an AIA Contract for review. Thank you again for the opportunity to work with you.

Sincerely,



Lindsey Rhoden, AIA
Senior Associate

cc: File
Thad Rhoden, AIA

Accepted this _____ day of _____, 2021

Mr. John Mitchell

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: October 4, 2021

SUBJECT: Budget Amendment – MRTS Fiscal Year 21 Projects

PRESENTER: Samantha Reynolds, Finance Director

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

The Board is requested to approve a Budget Amendment appropriating fund balance from Maintenance, Repair, Technology and Security (MRTS) for both the Henderson County Public Schools and Blue Ridge Community College. This budget amendment will appropriate funds for projects that were budgeted in FY21, but not completed by the close of the fiscal year.

BOARD ACTION REQUESTED:

The Board is requested to approve the Budget Amendment as presented, appropriating fund balance to complete Maintenance, Repair, Technology and Security (MRTS) projects.

Suggested Motion:

I move the Board approve the Budget Amendment as presented.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
445691-598043	TRANSFER TO SCHOOLS CAPITAL PROJECT FUND	\$5,934,434
455692-598043	TRANSFER TO SCHOOLS CAPITAL PROJECT FUND	\$291,323
		\$6,225,757

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

Account	Line-Item Description	Amount
444691-403500	TRANSFER FROM GENERAL FUND	\$4,934,424
444691-401000	FUND BALANCE APPROPRIATED	\$1,000,010
454692-401000	FUND BALANCE APPROPRIATED	\$291,323
		\$6,225,757

Justification: Please provide a brief justification for this line-item transfer request.
 TO BUDGET FOR HCPS AND BRCC MRTS PROJECTS FOR FY22 AND FOR INCOMPLETE PROJECTS FROM FY21 THAT WILL BE COMPLETED IN FY22. BOC APPROVED ON 10.04.2021

Authorized by Department Head _____

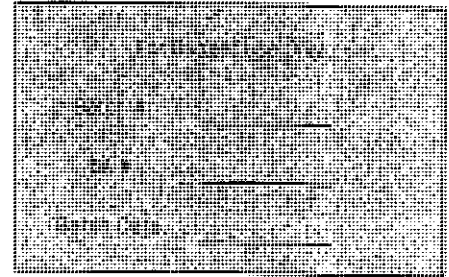
_____ Date

Authorized by Budget Office _____

_____ Date

Authorized by County Manager _____

_____ Date



**Henderson County
Board of Commissioners**

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

William G. Lapsley
Chairman
Rebecca K. McCall
Vice-Chairman



J. Michael Edney
Daniel J. Andreotta
David H. Hill

NOTICE

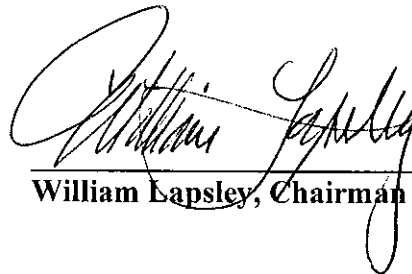
***PUBLIC HEARING**

DATE: Monday, October 4, 2021

TIME: 5:30 p.m.

PLACE:
Commissioners' Meeting Room
1 Historic Courthouse Square, Hendersonville

SUBJECTS TO BE CONSIDERED: Public Hearing for Land Development Code (LDC)
Text Amendments (TX-2021-04)



William Lapsley, Chairman

- Action may be taken with respect to any of the items to be discussed at this meeting

5:30 P.M. PUBLIC HEARING

Public Hearing for Land Development Code (LDC) Text Amendments
(TX-2021-04)

Monday, October 4, 2021

PLEASE PRINT

Name:

Address:

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**HENDERSON COUNTY
TEXT AMENDMENT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 7-14-2021
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 06/18/2021

INFORMATION ABOUT THE PROPOSED TEXT AMENDMENT REQUEST

- A. Will the proposed amendment(s):
 - 1. Change one or more existing sections of the Land Development Code? Yes No
 - 2. Add one or more new sections to the Land Development Code? Yes No
- B. Number(s) and titles(s) of the section(s) proposed to be amended. LDC 42-62 Supplemental Requirements to the Table of Permitted and Special Uses; 2. Accessory Uses; SR 2.12 Solar Panels
- C. Proposed amendment which explains the purpose for the amendment. To allow solar panels as an accessory use to be located within the 100- & 500-Year Flood Hazard Areas

- D. Attached is a copy of the proposed text change(s): Yes No

CONTACT INFORMATION

Applicant:
 Name: Haynes International Phone: 828 393 1225
 Address: 158 N. Egerton Road City, State, and Zip: Hendersonville, NC 28758

Agent:
 Name: Tim Honeycutt Phone: Same
 Address: Same City, State, and Zip: Same
 Agent Form (Circle One): Yes No

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

Tim Honeycutt
 Print Applicant (Or Agent)

[Signature]
 Signature Applicant (Or Agent)

01 JUL 2021
Date

County Use Only

Fee: \$ 400 Paid: _____ Method: _____ Received by: _____



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

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

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

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-04; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on October 4, 2021; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed text amendments related to (#TX-2021-04 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 4th day of October, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:



WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:



DENISA LAUFFER

Clerk to the Board of Commissioners

[COUNTY SEAL]

**Henderson County
Board of Commissioners**

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Vice-Chairman



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David H. Hill

NOTICE

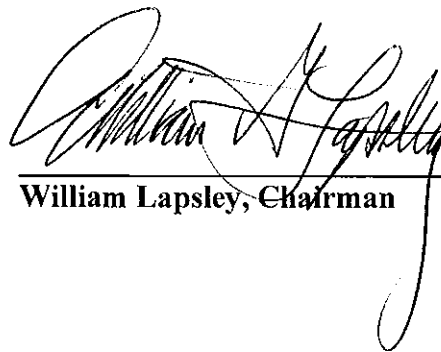
***PUBLIC HEARING**

DATE: Monday, October 4, 2021

TIME: 5:30 p.m.

PLACE:
Commissioners' Meeting Room
1 Historic Courthouse Square, Hendersonville

SUBJECTS TO BE CONSIDERED: Public Hearing for Land Development Code (LDC)
Text Amendments (TX-2021-05)



William Lapsley, Chairman

- Action may be taken with respect to any of the items to be discussed at this meeting

5:30 P.M. PUBLIC HEARING

**Public Hearing for Land Development Code (LDC) Text Amendments
(TX-2021-05)**

Monday, October 4, 2021

PLEASE PRINT

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Address:

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LDC Text Amendment – TX-2021-05 Rezoning Withdrawal Periods

Recommended changes are highlighted in red.

Summary: During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns regarding conditional rezoning's and withdrawal periods. At the August 19th meeting the Planning Board made a favorable recommendation on the withdrawal period amendment.

Amendment 1: Extend the wait period for 2nd withdrawals for the same use or project regardless of property owner.

§42-345. Ordinance Amendments

- d. Withdrawal of Application. **This includes applications for the same requested zoning district or for the same use or substantial similar use under a conditional zoning request.**
 - A. **1st Withdrawal.** Each application for an amendment ~~which is~~ withdrawn by the *applicant* after the first newspaper notice appears, shall not reapply ~~be considered~~ for a *map amendment* within the following six (6) months.
 - B. **2nd Withdrawal.** **Each application for an amendment withdrawn by the *applicant* after the Planning Board's recommendation, shall not reapply for a *map amendment* within the following eighteen (18) months.**
- e. Application Resubmittal.
 - A. Resubmittal of Any Application. The Planning Board and the Commissioners will not consider an application by a property *owner* or *owner's* agent, **that is for the same requested zoning district or for the same use under a conditional zoning request** when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the October 4th, 2021 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2021-05), were:

1. Submitted to the Hendersonville Lightning on September 17, 2021 to be published on September 22, 2021 and September 29, 2021 by Matt Champion;

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matt Champion

STATE OF North Carolina

COUNTY OF Henderson

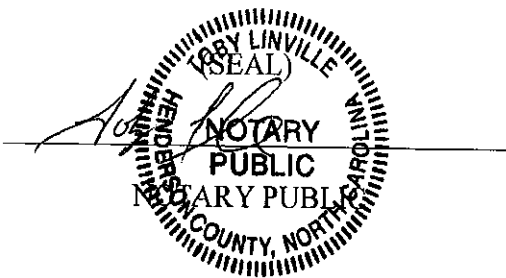
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 17th day of September, 2021.

My commission expires:

6/29/26





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

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

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-05; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on October 4, 2021; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed text amendments related to (#TX-2021-05 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
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THIS the 4th day of October, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:


DENISA LAUFFER

Clerk to the Board of Commissioners

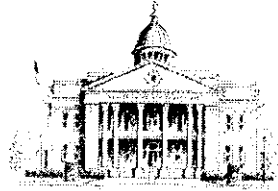
[COUNTY SEAL]



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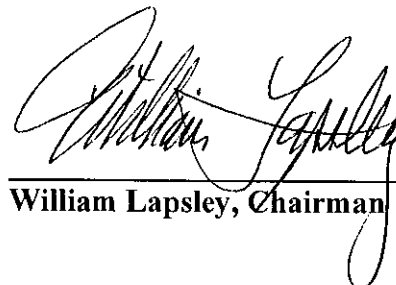
***PUBLIC HEARING**

DATE: Monday, October 4, 2021

TIME: 5:30 p.m.

PLACE:
Commissioners' Meeting Room
1 Historic Courthouse Square, Hendersonville

SUBJECTS TO BE CONSIDERED: Public Hearing to rename Harvey Drive to Albritton Drive



William Lapsley, Chairman

- Action may be taken with respect to any of the items to be discussed at this meeting

5:30 P.M. PUBLIC HEARING

Public Hearing to rename Harvey Drive to Albritton Drive
Monday, October 4, 2021

PLEASE PRINT

Name:

Address:

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HENDERSON COUNTY ROAD NAME PETITION

- North Carolina General Statute 153A-239.1 authorizes the Henderson County Board of Commissioners the ability to name or rename any public or private road/drive within Henderson County (with the exception of municipalities)

- The purpose of this petition is to prevent and eliminate road name duplications and to assure that those property owners along a proposed road have an input on the naming of said road/drive

- We the undersigned, present this petition and request that a public hearing be called by the Henderson County Board of Commissioners consider the following petition.

Check one of the boxes below:

We request a road name be assigned to a previously un-named road.

OR

We request a change to a currently named road.

Previous road name: Harvey Dr.

BEFORE COMPLETING THE REST OF THIS FORM, PLEASE CONTACT THE PROPERTY ADDRESSING OFFICE TO ENSURE THAT THE NAME YOU ARE REQUESTING IS NOT CURRENTLY BEING USED OR IS RESERVED BY OTHER PARTIES AND THAT THE NAME COMPLIES WITH HENDERSON COUNTY PROPERTY ADDRESSING ORDINANCE.

Please complete the following information. You are required to obtain the signatures of 66% of the **PROPERTY OWNERS** that are along the proposed road. Owners have only one vote (signature) regardless of the number of parcels that they own along the road in question. A fee of \$150.00 will be collected for roads that are being re-named or being named. The fee will be collected when this petition is presented to the Henderson County Property Addressing Office.

PETITION LEADER (COMPLETE THE FOLLOWING)

Date of Request: _____

First Name: Grace Last Name: Albritton

Mailing Address: 332 E. Old Mill Dr.

City: Hendersonville State: NC Zip Code: 28792

Proposed Road Name: Albritton Dr.

Signature of petition leader: Grace Albritton

FOR OFFICE USE ONLY

PID/PIN of Petition Leader _____ Number of property owners: _____ Number required signatures: _____

ESN of proposed road: _____ Approval date: _____

Return this form to: Henderson County Property Addressing, 100 N King St. Hendersonville, NC 28792

ROAD PETITION SIGNATURE PAGE
(PARCEL OWNERS SIGNATURES ONLY)
(Include full name, address and phone number)

1. Jerry C LAUGHTER - 2. Terry Pack
184 Refreshing Ridge 29 Old Applewood LN
Hendersonville, NC 28192 Hills, N.C. 28739
Jerry C. Laughter Terry Pack
Telephone Number: 828-243-5202 Telephone Number: 828-243-6102

3. _____ 4. _____

Telephone Number: _____ Telephone Number: _____

5. _____ 6. _____

Telephone Number: _____ Telephone Number: _____

7. _____ 8. _____

Telephone Number: _____ Telephone Number: _____

9. _____ 10. _____

Telephone Number: _____ Telephone Number: _____

11. _____ 12. _____

Telephone Number: _____ Telephone Number: _____

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the October 4th, 2021, hearing regarding Ms. Grace Albritton's Application for renaming "Harvey Drive" to "Albritton Drive" in Henderson County, North Carolina:

1. Submitted to the Hendersonville Lightning on September 15th, 2021, to be published on September 22, 2021, and September 29, 2021, by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on September 17, 2021, by Matt Champion;
3. Signs were posted on the Subject Area(s) on September 17, 2021, by Matt Champion.

The signatures herein below indicate that such notices were made as indicated herein above:

1. *Matt Champion*

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

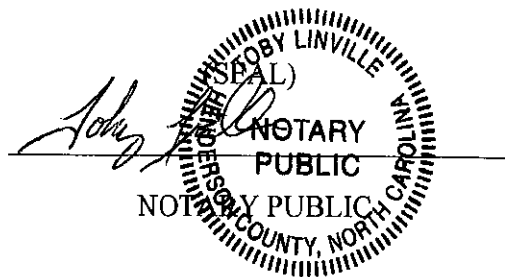
Matt Champion,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 17th day of September, 2021.

My commission expires:

6/29/26



**Henderson County
North Carolina**

Before the Board of Commissioners

ORDER RENAMING HARVEY DRIVE TO ALBRITTON DRIVE

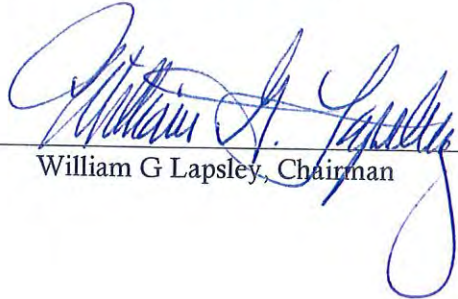
THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular October 4th, 2021, meeting, pursuant to N.C. Gen. Stat. §153A-239, on the issue of renaming Harvey Drive to Albritton Drive was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on October 4th, 2021, on the petition of Ms. Grace Albritton to rename Harvey Drive to Albritton Drive.
2. At the Board's October 4th, 2021, meeting, the Board adopted an ordinance declaring its intent to rename Harvey Drive.
3. A map showing the area under consideration is shown on the attachment hereto, Exhibit A, (indicated by a red line).
4. A notice of this Board's October 4th hearing was published at least 10 days before the hearing in the *Hendersonville Lightning*, a notification of the hearing was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement and a notice of the public hearing to be prominently posted in at least two places along the road or easement.
5. Before the Board on October 4th, 2021, the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-239.
6. After such hearing, the Board is satisfied and finds: That renaming of Harvey Drive is not contrary to the public interest;

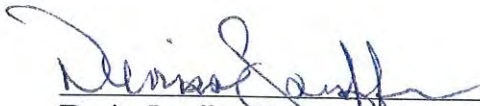
WHEREFORE IT IS ORDERED that Harvey Drive be renamed to Albritton Drive in Henderson County, North Carolina.

Adopted by the Board by motion duly made this the 4th day of October 2021.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: 
William G Lapsley, Chairman

Attest:


Denisa Lauffer, Clerk to the Board

**Henderson County
Board of Commissioners**

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

William G. Lapsley
Chairman
Rebecca K. McCall
Vice-Chairman



J. Michael Edney
Daniel J. Andreotta
David H. Hill

NOTICE


***PUBLIC HEARING**

DATE: Monday, October 4, 2021

TIME: 5:30 p.m.

PLACE:
Commissioners' Meeting Room
1 Historic Courthouse Square, Hendersonville

SUBJECTS TO BE CONSIDERED: Public Hearing to rename Daddys Girl Lane to Three Sisters Drive



William Lapsley, Chairman

- Action may be taken with respect to any of the items to be discussed at this meeting

5:30 P.M. PUBLIC HEARING

Public Hearing to rename Daddys Girl Lane to Three Sisters Drive
Monday, October 4, 2021

PLEASE PRINT

Name:

Address:

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HENDERSON COUNTY ROAD NAME PETITION

- North Carolina General Statute 153A-239.1 authorizes the Henderson County Board of Commissioners the ability to name or rename any public or private road/drive within Henderson County (with the exception of municipalities)

- The purpose of this petition is to prevent and eliminate road name duplications and to assure that those property owners along a proposed road have an input on the naming of said road/drive

- We the undersigned, present this petition and request that a public hearing be called by the Henderson County Board of Commissioners consider the following petition.

Check one of the boxes below:

We request a road name be assigned to a previously un-named road.

OR

We request a change to a currently named road.

Previous road name: Daddy's Girl Lane

BEFORE COMPLETING THE REST OF THIS FORM, PLEASE CONTACT THE PROPERTY ADDRESSING OFFICE TO ENSURE THAT THE NAME YOU ARE REQUESTING IS NOT CURRENTLY BEING USED OR IS RESERVED BY OTHER PARTIES AND THAT THE NAME COMPLIES WITH HENDERSON COUNTY PROPERTY ADDRESSING ORDINANCE.

Please complete the following information. You are required to obtain the signatures of 66% of the **PROPERTY OWNERS** that are along the proposed road. Owners have only one vote (signature) regardless of the number of parcels that they own along the road in question. A fee of \$150.00 will be collected for roads that are being re-named or being named. The fee will be collected when this petition is presented to the Henderson County Property Addressing Office.

PETITION LEADER (COMPLETE THE FOLLOWING)

Date of Request: 7/20/21

First Name: J. BETH Last Name: WILLIAMS

Mailing Address: P.O. BOX 27220

City: GREENVILLE State: SC Zip Code: 29610

Proposed Road Name: THREE SISTER'S DRIVE

Signature of petition leader: J. Beth Williams

FOR OFFICE USE ONLY

PID/PIN of Petition Leader _____ Number of property owners: _____ Number required signatures: _____

ESN of proposed road: _____ Approval date: _____

Return this form to: Henderson County Property Addressing, 100 N King St. Hendersonville, NC 28792

Certification of Notice of Public Hearing

In accordance with NCGS 153A-343 the Planning Department certifies notice of the October 4th, 2021, hearing regarding Ms. Beth Williams's Application for renaming "Daddys Girl Lane" to "Three Sisters Drive" in Henderson County, North Carolina:

1. Submitted to the Hendersonville Lightning on September 15th, 2021, to be published on September 22, 2021, and September 29, 2021, by Matt Champion;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on September 17, 2021, by Matt Champion;
3. Signs were posted on the Subject Area(s) on September 17, 2021, by Matt Champion.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matt Champion

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that

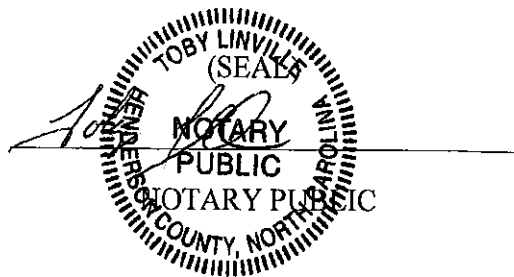
Matt Champion,

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 17th day of September, 2021.

My commission expires:

6/29/26



**Henderson County
North Carolina**

Before the Board of Commissioners

ORDER RENAMING DADDYS GIRL LANE TO THREE SISTERS DRIVE

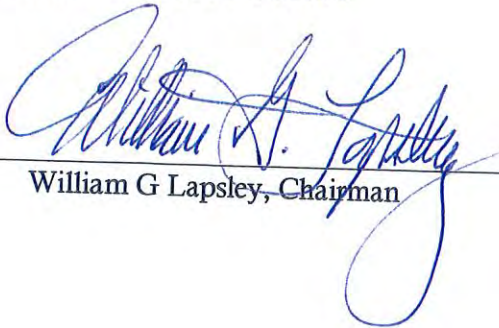
THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular October 4th, 2021, meeting, pursuant to N.C. Gen. Stat. §153A-239, on the issue of renaming Daddys Girl Lane to Three Sisters Drive was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on October 4th, 2021, on the petition of Ms. J Beth Williams to rename Daddys Girl Lane to Three Sisters Drive.
2. At the Board's October 4th, 2021, meeting, the Board adopted an ordinance declaring its intent to rename Daddys Girl Lane.
3. A map showing the area under consideration is shown on the attachment hereto, Exhibit A, (indicated by a red line).
4. A notice of this Board's October 4th hearing was published at least 10 days before the hearing in the *Hendersonville Lightning*, a notification of the hearing was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement and a notice of the public hearing to be prominently posted in at least two places along the road or easement.
5. Before the Board on October 4th, 2021, the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-239.
6. After such hearing, the Board is satisfied and finds: That renaming of Daddys Girl Lane is not contrary to the public interest;

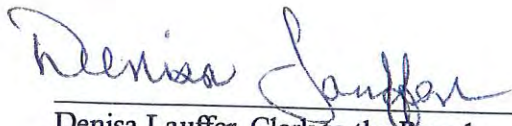
WHEREFORE IT IS ORDERED that Daddys Girl Lane be renamed to Three Sisters Drive in Henderson County, North Carolina.

Adopted by the Board by motion duly made this the 4th day of October 2021.

BOARD OF COMMISSIONERS
OF HENDERSON COUNTY

By: 
William G Lapsley, Chairman

Attest:


Denisa Lauffer, Clerk to the Board



**RESOLUTION ADOPTING HENDERSON COUNTY
ANIMALS ORDINANCE**

WHEREAS, the Town of Mills River is a body politic promoting public health, safety and welfare and preventing nuisances throughout its jurisdiction;

WHEREAS, the Town of Mills River seeks to cooperate with other governing bodies to provide for the efficient enforcement of law;

WHEREAS, adopting Henderson County ordinances provides consistency throughout the county regarding animal issues;

WHEREAS, consistent laws make enforcement and public education easier for county and municipal residents, and reduces confusion regarding the jurisdiction of certain laws and prohibitions;

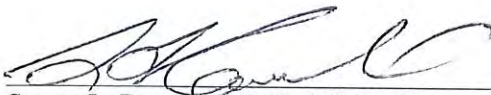
WHEREAS, common ordinances allow Henderson County and the Town of Mills River to provide better, more uniform and more efficient services to our citizens;

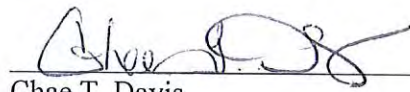
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER THAT:

1. The Town of Mills River declares its intent to adopt the Animals Ordinance Chapter 16 of the Henderson County Code of Ordinances.
2. The Town of Mills River adopts this ordinance in its entirety as written.
3. The Town of Mills River requests of the Henderson County Board of Commissioners the enforcement of this Ordinance within the municipal boundaries by Henderson County.

Approved and adopted this the 26th day of August, 2021.

ATTEST:


Susan L. Powell, MMC, NCCMC
Finance Director/Town Clerk


Chae T. Davis
Mayor





**RESOLUTION ASKING HENDERSON COUNTY SHERIFF DEPARTMENT
TO ENFORCE
THE MILLS RIVER NOISE ORDINANCE**

WHEREAS, the Town of Mills River is a body politic promoting public health, safety and welfare and preventing nuisances throughout its jurisdiction; and

WHEREAS, the Town of Mills River seeks to cooperate with other governing bodies to provide for the efficient enforcement of law; and

WHEREAS, the Town of Mills River and Henderson County have entered into an Interlocal Agreement for law enforcement services in the Town of Mills River which are provided by the Henderson County Sheriff's Department; and

WHEREAS, cooperative and consistent enforcement make public education easier for county and municipal residents, and reduces confusion regarding the jurisdiction of certain laws and prohibitions; and

WHEREAS, cooperation allows Henderson County and the Town of Mills River to provide better, more uniform and more efficient services to our citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER THAT:

The Town of Mills River requests of the Henderson County Board of Commissioners enforcement of the Noise Ordinance, Sections 152.21 through 152.99 of the Mills River Code of Ordinances adopted May 13, 2021, (Exhibit A) and any future amendments to this ordinance.

Approved and adopted this the 26th day of August, 2021.

ATTEST:

Susan L. Powell, MMC, NCCMC
Finance Director/Town Clerk

Chae T. Davis
Mayor



NOISE CONTROL

§ 152.21 ESTABLISHMENT OF NOISE ORDINANCE.

This subchapter shall be known as the "Noise Ordinance for the Town of Mills River."
(Ord. 2021-10, passed 5-13-2021)

§ 152.22 PROHIBITED NOISES.

(A) Disturbing noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(B) Unreasonably loud noise, which is a level of noise that is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(1) In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered:

- (a) Time of day;
- (b) Proximity to residential structures;
- (c) Whether the noise is recurrent, intermittent, or constant;
- (d) The volume and intensity;
- (e) Whether the noise has been enhanced in volume or range by any type of mechanical means;
- (f) The nature and zoning of the area;
- (g) Whether the noise is related to the normal operation of a business or other labor activity, or is the result of some use for individual purposes;
- (h) Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(C) The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 10:00 p.m. and 7:00 a.m. Friday and Saturday, so as to annoy or disturb the quiet, comfort or repose of any persons in any dwelling, hotel or other type of residence.

(D) Using or operating a loudspeaker or other sound amplification device or system for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 9:00 p.m. and 7:00 a.m. the following day on Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. the following day on Friday and Saturday is hereby prohibited.

(Ord. 2021-10, passed 5-13-2021)

§ 152.23 EXCEPTIONS.

(A) The following are exempt from the provisions of this subchapter:

(1) Any noise resulting from activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the Town in accordance with the

Mills River Town Code. Regulations of noises emitting from operations under permit shall be according to the conditions and limits stated on the permit.

(2) Unamplified sound at street fairs, parades, or other special events permitted by the Town.

(3) Amplified sound emanating from religious institutions.

(B) This chapter shall not regulate property being actively used as a bona fide farm which is any tract of land used for dairying, the raising of agricultural products, forest products, livestock or poultry, or any other use defined as AGRICULTURE in § 154.007 of the Town Code and including facilities for the sale of such products from the premises where produced.

(Ord. 2021-10, passed 5-13-2021)

§ 152.24 PERMITS FOR AMPLIFIED SOUND.

(A) Before a person or group of persons may produce or cause to be produced amplified sound, as defined in § 152.03, a permit must be secured from the Town of Mills River.

(B) Any person or group or persons desiring a permit shall apply as provided herein and shall provide the minimum requirements listed below:

(1) Property address;

(2) Business name;

(3) Property owner name and signature;

(4) Responsible party (general manager, site manager, or similar);

(5) Contact information for all parties.

(C) All applications shall be submitted to the Town of Mills River prior to producing amplified sound. Failure to comply with this requirement shall be grounds for denying the permit.

(D) Permit holders shall agree to cooperate with the Henderson County Sheriff's Department and the Town of Mills River in enforcing the noise ordinance by having signers of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting in enforcing the noise control ordinance. Failure of the permittee or designees to be present or to assist the Henderson County Sheriff's Department and the Town of Mills River in compliance of this subchapter will result in revocation of said permit.

(Ord. 2021-10, passed 5-13-2021)

§ 152.25 NOISE COMPLAINTS.

(A) Any person having reasonable grounds for believing any provision of this subchapter is being violated may make a report thereof to the Henderson County Sheriff's Department or the Town of Mills River, which shall investigate the alleged violation. If any such investigation reveals a violation, the investigating deputy or code enforcement officer has the authority to cause a written complaint to be made and may issue a citation for a civil penalty, and may obtain other enforcement measure as allowed in this chapter.

(B) It shall be unlawful for any person to file a false report or to provide false information to any enforcement official involving any investigation of any reported

violation of this subchapter. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(C) It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with law enforcement in order to intimidate or harass any member of such department or any animal owner, or to otherwise hinder or interfere with any function of the department of animal control. Any person found violating this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

(Ord. 2021-10, passed 5-13-2021)

§ 152.26 WARNINGS AND VIOLATIONS.

(A) Any producer of prohibited noise as defined in this subchapter that has been determined to be non-cooperative pursuant to this subchapter shall be subject to enhanced civil penalties.

(B) Violations shall result in the following:

- (1) Upon a first violation, enforcing authority shall issue a warning.
- (2) A second violation shall result in a fine not more than \$500.
- (3) A third violation shall result in a fine not more than \$1,000.
- (4) Subsequent and continued violations will result in a penalty of \$1,000 per day of noncompliance.

(Ord. 2021-10, passed 5-13-2021)