

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MONDAY, DECEMBER 6, 2021

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

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

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Human Resources Director Karen Ensley, Engineer Marcus Jones, Code Enforcement Director Matt Champion, Recreation Director Carleen Dixon, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, IT Director Mark Seelenbacher, Sheriff Lowell Griffin, Tax Director Darlene Burgess, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Assistant Engineer Deb Johnston and PIO Kathy Finotti – videotaping, Deputies John Ashe and Michelle Hensley provided security.

CALL TO ORDER/WELCOME

Attorney Russ Burrell called the organizational meeting to order and welcomed all in attendance.

INVOCATION

The invocation was provided by Pastor Cory Reeves of the Mills River Seventh-Day Adventist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Alyssa and Airely Hart with the Young Naturalist 4-H Club.

ELECTION OF CHAIRMAN

According to Section 153A-39 of the North Carolina General Statutes, County Attorney Russ Burrell stated that on the first regular meeting of this Board during December, this Board must elect a chairman. The chairman will serve until a successor is elected on the first Monday evening of December 2022. After the chairman is selected, they will preside over the meeting.

Mr. Burrell opened the floor for nominations.

Commissioner Edney nominated the current Chairman William Lapsley for Chairman.

Hearing no further nominations, *Commissioner Edney made the motion to close nominations and accept the appointment of William Lapsley as chairman by acclamation. All voted in favor and the motion carried 5-0.*

The meeting was turned over to Chairman Lapsley.

APPROVED:

The meeting was turned over to Chairman Lapsley.

ELECTION OF VICE-CHAIRMAN

Commissioner Hill nominated the current Vice-Chair, Rebecca McCall, for Vice-Chair.

Hearing no further nominations, *Commissioner Edney made the motion to close nominations and accept the appointment of Rebecca McCall. All voted in favor and the motion carried 5-0.*

2021.102 RESOLUTIONS AND RECOGNITIONS

RESOLUTION

COMMEMORATING THE 80TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

- WHEREAS,** December 7, 2021, marks the 80th anniversary of the attack on Pearl Harbor – a day described by President Franklin Roosevelt as “a date which will live in infamy”; and
- WHEREAS,** on December 7, 1941, Japanese planes attacked the United States Naval Base at Pearl Harbor, Hawaii Territory. The bombing killed 2,403 Americans and injured 1,178 others. The attack capsized the U.S.S. Oklahoma and destroyed the U.S.S. Arizona. A total of twelve ships were either sunk or beached, and nine others were damaged. 159 aircraft were damaged, and 188 aircraft were destroyed; and
- WHEREAS,** the attack led the United States into World War II; and
- WHEREAS,** on September 1, 1945, the Japanese surrendered on the battleship Missouri anchored in Tokyo Harbor. President Harry S. Truman declared, “Four years ago, the thoughts and fears of the whole civilized world were centered on another piece of American soil, Pearl Harbor. The mighty threat to civilization which began there is now laid to rest. ... We shall not forget Pearl Harbor”; and
- WHEREAS,** in 1994, Congress designated December 7th of each year as National Pearl Harbor Remembrance Day and requested that the day be observed by a Presidential proclamation calling on the people of the United States, including all departments, agencies, and instrumentalities of the Federal Government, interested organizations, groups, and individuals, to fly the flag of the United States at half-staff and to observe the day with appropriate ceremonies, in honor of the individuals who died as a result of their service at Pearl Harbor;

NOW, THEREFORE BE IT RESOLVED, the Henderson County Board of Commissioners declare December 7th a day for Henderson County local government and its citizens to observe and remember this important day in history, in honor and appreciation of the heroism for those who paid the ultimate sacrifice at Pearl Harbor.

In witness whereof, I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.
Adopted this, the 6th day of December 2021.

Chairman Lapsley made the motion to adopt the Resolution as presented. All voted in favor and the motion carried 5-0.

INFORMAL PUBLIC COMMENTS

1. Jane Bilello spoke regarding vaccine requirements at the Flat Rock Playhouse.
2. Dennis Justice spoke in support of the renovations at the VFW and in support of building a gaming commission.
3. Carolyn Widener spoke in opposition to vaccine passports.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Lapsley added Agenda item N, Library Closing Schedule, to the consent agenda.

Commissioner Edney made the motion to adopt the consent agenda as adjusted. All voted in favor and the motion carried 5-0.

CONSENT AGENDA consisted of the following:

Review of Public Officials' Bonds

Pursuant to N.C. Gen. Stat. §58-72-20 (and the Board's Rules of Procedure), the next order of business at the Board's annual organizational meeting was the annual review and approval of the size and issuer of the bonds for county public officials for the coming year.

Under §58-72-20:

The bonds of the officers named in G.S. 58-72-10 shall be carefully examined on the first Monday in December of every year, and if it appears that the security has been impaired, or for any cause become insufficient to cover the amount of money or property or to secure the faithful performance of the duties of the office, then the bond shall be renewed or strengthened, the insufficient security increased within the limits prescribed by law, and the impaired security shall be made good; but no renewal, or strengthening, or additional security shall increase the penalty of said bond beyond the limits prescribed for the term of office.

The following table included the current bond amounts, all of which met the requirements of the General Statutes:

PUBLIC OFFICIAL	BOND AMOUNT	BOND COMPANY
Lowell Griffin, Sheriff	\$25,000.00	Fidelity and Deposit Co.
Lee King, Register of Deeds	\$50,000.00	Fidelity and Deposit Co.
Darlene Burgess, Tax Collector	\$1,000,000.00	Fidelity and Deposit Co.
Deputy Tax Collectors	\$250,000.00	Fidelity and Deposit Co.
Samantha Reynolds, Finance Director	\$1,000,000.00	Fidelity and Deposit Co.

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

November 17, 2021 - Regularly Scheduled Meeting

Motion:

I move the Board to approve the minutes of November 17, 2021.

Tax Collector’s Report

The November 22, 2021 report from the office of the Tax Collector was provided for the Board’s information.

Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66
 HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners
 1 Historic Courthouse Square, Suite 1
 Hendersonville, NC 28792

Monday, November 22, 2021

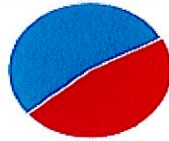
Re: Tax Collector’s Report to Commissioners - Meeting Date December 6, 2021

Please find outlined below collections information through November 21, 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:	\$88,190,977.99
Discoveries & Imm. Irreg.:	\$1,070,566.45
Releases & Refunds:	(\$125,821.53)
Net Charge:	\$89,135,722.91
Unpaid Taxes:	\$41,480,656.42
Amount Collected:	\$47,655,066.49

Paid
53.46%



Unpaid
46.54%

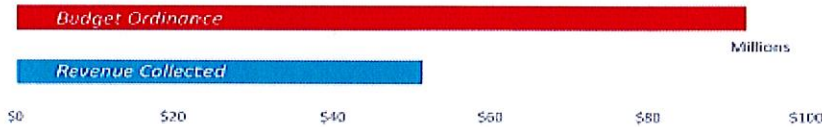
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$3,192,643.67
Unpaid Taxes:	\$6,525.40
Amount Collected:	\$3,186,118.27

99.80%

Henderson County FY22 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$91,127,728.00	\$50,841,184.76
Prior Years:	\$980,000.00	\$415,946.92
Budget Total:	\$92,107,728.00	YTD Revenue: \$51,257,131.68



Notification of Vacancies

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

1. **Asheville Regional Housing Consortium Board – 1 vac.**
Position #1
2. **Henderson County Zoning Board of Adjustment – 3 vac.**
Positions # 1, 3, and #9 (Alternate Position)
3. **Hendersonville Planning Board – 1 vac.**
Position #2
4. **Home and Community Care Block Grant – 2 vac.**
Positions 2 & 6
5. **Laurel Park Zoning Board of Adjustment – 2 vac.**
Positions #1 and 2

2021.103 Pending Releases and Refunds

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

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 3,632.50
Total Refunds as a Result of the Above Releases	\$ 148.23

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

County Financial Report/Cash Balance Report

For the Board's review and approval, the October 2021 County Financial and Cash Balance Reports.

The following were explanations for departments/programs with a higher budget to actual percentages for the month of October:

- Non-profit contributions – payment of 2nd quarter Board approved appropriations and timing of membership dues
- Information Technology – the timing of payments for annual subscriptions
- Emergency Management – the timing of Board approved purchases
- Rescue Squad – payment of 2nd quarter Board approved appropriation
- Site Development – the timing of Board approved purchases
- Agri-business – excess operating expenditures to be covered by membership fees
- Mental Health – payment of 2nd quarter Board approved appropriation
- Juvenile Justice – the timing of provider appropriations
- Public Education – payment of 4th of 10 annual appropriations made to the public school system

Year to Date Net Revenues under Expenditures for the Justice Academy Sewer Fund is due to the timing of budgeted minor equipment for the sewer fund.

I move that the Board of Commissioners approve the October 2021 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – October 2021

The Henderson County Public Schools October 2021 Local Current Expense Fund / Other Restricted Funds Report was presented for the Board's information.

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of October 31, 2021**

	LOCAL CURRENT EXPENSE FUND	OTHER RESTRICTED FUND		
REVENUES:	YTD Activity	YTD Activity	Combined Total	Prior YTD
3200 State Sources	\$ -	\$ 4,000	\$ 4,000	\$ 9,000
3700 Federal Sources-Restricted	-	97,213	97,213	73,644
3800 Other Federal-ROTC	-	23,944	23,944	28,760
4100 County Appropriation	11,971,200	-	11,971,200	11,571,200
4200 Local -Tuition/Fees	-	19,565	19,565	4,000
4400 Local-Unrestricted	213,275	15,795	229,070	99,906
4800 Local-Restricted	-	166,055	166,055	72,947
4900 Fund Balance Appropriated/Transfer From school	-	-	-	-
TOTAL FUND REVENUES	\$ 12,184,475	\$ 326,592	\$ 12,511,067	\$ 11,859,457
EXPENDITURES:				
Instructional Services:	YTD Activity	YTD Activity	Combined Total	Prior YTD
5100 Regular Instructional Services	\$ 1,212,210	\$ 120,715	\$ 1,332,925	\$ 1,213,424
5200 Special Populations Services	50,921	107,040	157,961	135,019
5300 Alternative Programs and Services	35,943	61,009	96,952	67,498
5400 School Leadership Services	662,863	11,470	674,333	705,529
5500 Co-Curricular Services	55,611	1,719	57,330	61,114
5800 School-Based Support Services	364,842	6,020	370,862	297,725
Total Instructional Services	\$ 2,382,390	\$ 307,973	\$ 2,690,363	\$ 2,500,310
System-Wide Support Services:				
6100 Support and Development Services	\$ 62,240	\$ 3,413	\$ 65,653	\$ 60,537
6200 Special Population Support	66,880	862	67,742	61,971
6300 Alternative Programs	20,935	431	21,366	26,154
6400 Technology Support Services	583,771	31,604	615,375	488,317
6500 Operational Support Services	2,235,976	66,106	2,302,084	1,945,823
6600 Financial and Human Resource Services	1,139,595	33,765	1,173,360	1,103,030
6700 Accountability Services	61,333	28,800	90,133	16,853
6800 System-Wide Pupil Support Services	97,786	538	98,324	71,459
6900 Policy, Leadership and Public Relations	251,596	13,220	264,816	249,752
Total System-Wide Support Services	\$ 4,540,112	\$ 178,740	\$ 4,718,852	\$ 4,044,907
Ancillary Services:				
7100 Community Services	\$ 388	\$ 44,724	\$ 45,112	\$ 46,021
7200 Nutrition Services	1,161	-	1,161	563
Total Ancillary Services	\$ 1,549	\$ 44,724	\$ 46,273	\$ 46,584
Non-Programmed Charges:				
8100 Payments to Other Governments	\$ 374,810	\$ -	\$ 374,810	\$ 507,002
8400 Interfund Transfers	-	\$ 7,010	\$ 7,010	3,420
8600 Educational Foundations	-	27,086	27,086	25,306
Total Non-Programmed Charges	\$ 374,810	\$ 34,096	\$ 401,896	\$ 535,728
TOTAL FUND EXPENDITURES	\$ 7,298,861	\$ 565,533	\$ 7,857,384	\$ 7,127,528

Motion:

*I move that the Board of Commissioners approve the Henderson County
Public Schools October 2021 Financial Reports as presented.*

2022 Proposed Schedule of Regular Meeting Dates

The proposed 2022 Schedule of Regular Meeting Dates for Henderson County Board of Commissioners was presented as follows.

Monday, January 3, 2022

(Budget Retreat) Wednesday, January 19, 2022

Monday, February 7, 2022

Wednesday, February 16, 2022

December 6, 2021

7

Monday, March 7, 2022

Wednesday, March 16, 2022

Monday, April 4, 2022

Wednesday, April 20, 2022

Monday, May 2, 2022

Wednesday, May 18, 2022

Monday, June 6, 2022

Wednesday, June 15, 2022

NO FIRST MONDAY MEETING IN JULY

Wednesday, July 20, 2022

Monday, August 1, 2022

Wednesday, August 17, 2022

Tuesday, September 6, 2022

Wednesday, September 21, 2022

Monday, October 3, 2022

Wednesday, October 19, 2022

Monday, November 7, 2022

Wednesday, November 16, 2022

Monday, December 5, 2022

NO THIRD WEDNESDAY MEETING IN DECEMBER

Motion:

I move the Board approve the 2021 Proposed Schedule of Regular Meeting Dates as presented.

2021.104 Budget Amendment – Public Transit

In June 2020, the Board of Commissioners approved the FY2021 Public Transit budget with sufficient funding for the new CNG transit buses. Originally, Federal Transit Authority funds were to reimburse 60% of the cost of the buses with a 40% match from the Public Transit Fund. The matching funds were transferred from Public Transit Fund to Capital Projects Fund in May 2020 following Board approval.

Federal Transit Authority Funds received were for 80% of the cost of the buses, rather than 60%.

Motion:

I move that the Board approve the budget amendment as presented, returning the unused portion of matching funds to the Public Transit Fund. The unused matching portion was requested to be transferred back to the Public Transit Fund.

Dogwood Health Trust (DHT) Grant – Community Collaborative for Opioid Litigation Settlement Funds Planning Process

Dogwood Health Trust released a Request for Proposals (RFP) for grant funding to support western North Carolina counties with their planning processes for opioid litigation settlement funds in August 2021.

The County Manager's Office requested that the Health Director and Behavioral Health System Coordinator connect with local stakeholders to accomplish an initial submission in partnership with the HOPE Coalition that had also been contacted by DHT. That grant application was successful, and Henderson County was notified of the award for \$300,000 on October 19, 2021. The grant agreement has now been finalized, and DHT has expressed its desire to distribute funds prior to the end of the 2021 calendar year.

The request was for the Henderson County Board of Commissioners to consider the grant agreement and accept the accompanying grant funds for the purposes stated in the application. It was also proposed that the County Manager's Office administer the funds to maintain fidelity with the planning process being undertaken by the Commissioners' Task Force in its continued effort to fight the opioid epidemic.

Motion:

I move the Board to approve the grant agreement with Dogwood Health Trust and accept the \$300,000 in grant funding to support our local planning objectives for opioid litigation settlement funds.

2021.105 Designation of Plat Review Officers

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

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

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

Motion:

I move that the Board adopt the attached resolution for plat review officers for Henderson County.

Local Government Opinions - ABC Permit Application

Before the North Carolina Alcoholic Beverage Control Board issues a permit, it seeks input from the local government in the jurisdiction in which the proposed permittee intends to operate regarding the suitability of the person and the location.

Motion:

I move that the Board does not give an unfavorable comment to the North Carolina ABC Board on this application.

Selection of Henderson County Rails to Trail Engineering Services

On September 24, 2021, a Request for Letters of Interest (RFLOI) for engineering services for the Henderson County Rails to Trails was posted. The RFLOI was reviewed and approved by the NCDOT as part of the federal and NCDOT grant requirements. The overall project scope includes a licensed civil engineering firm to design, permit, and bidding for the Henderson County Rails to Trail. Currently, phases A, B, and C of the trail from 4th Avenue in Hendersonville, NC to US 64 in Horseshoe, NC is funded via a Surface Transportation Block Grant (Federal grant). The scope of the request for qualifications will be for those three phases only.

Proposals were subsequently received and reviewed by both Staff and the Rails to Trail Advisory Committee. The review was conducted based on the selection criteria within the RFLOI. Following that review, the firm of Vaughn and Melton was selected as the most qualified firm.

Motion:

I move the Board to approve the selection of Vaughn and Melton to provide engineering services for the Henderson County Rails to Trail project and direct Staff to negotiate an agreement.

PUBLIC HEARINGS

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

2021.106 Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-06)

Planning Director Autumn Radcliff stated that during the July 15th and August 19th Planning Board meetings, the Board requested staff to draft a text amendment to address concerns with conditional rezoning applications and permitted uses when requested within both residential and non-residential zoning districts. The Board discussed the issue at its September 16th and October 21st meetings and clarified the text for application acceptance

The Henderson County Planning Board discussed the draft text amendment and voted unanimously to send forward a favorable recommendation. Attached is the draft text amendment recommended by the Planning Board.

Public Input:

1. Barbara Bozon spoke in support of the proposed text amendments. She thanked the Board for listening to the public regarding the proposed text amendments.
2. Michelle Tenant Nicholson urged the Board to pass the proposed text amendments.

After discussion, Commissioner Edney made the motion to close the Public Hearing. All voted in favor and the motion carried 5-0.

Commissioner Edney made the motion for Text Amendment (TX-2021-06) to state that if the subject area is in areas zoned R1, R2, R2R, R3, R4, R-40, WR, or SW, no conditional zoning shall be allowed to add additional uses beyond those otherwise allowed in the area as zoned. The Clerk polled the Board and the motion passed with a 3-2 vote; Commissioner Hill and Chairman Lapsley were the nay votes.

Commissioner Edney made the motion for the Planning Board to review the issue of whether to have conditional rezonings for larger subdivisions as it currently exists in the ordinance and to review the Table of Permitted and Special Uses and make recommendations to modify the same regarding (1) Should "residential uses" be expanded to be permitted in all zoning districts; (2) Should "non-residential uses" be expanded to be permitted and or special uses in residential districts, commercial or industrial districts; (3) Should additional Districts, such as Open Use or Industrial vs I-1 (heavy industry) and I-2 (light industry); (4) Should "conditional zoning" be replaced with requiring a special use with specific requirements for non-residential uses in commercial and/or industrial districts. All voted in favor and the motion carried 5-0.

2021.107 Public Hearing - Project Smile

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

Brittany Brady, with the Henderson County Partnership for Economic Development, presented the Board with the proposed economic development incentives for the protentional of economic development for Project Smile.

A public hearing was scheduled on December 6, 2021, at 5:30 p.m., regarding the granting of economic development incentives for the Project Smile company. An advertisement for this public hearing was published in the *Hendersonville Lightning* on November 24, 2021. According to the advertisement:

The company has requested to remain anonymous at this time due to competitive pressures.

The Company is a manufacturing concern located inside and outside the United States (and Henderson County) contemplating expansion at and near its site in Henderson County.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company of at least \$550,000.00 (not including any land acquisition costs), and \$11,000,000.00 in business personal property (equipment). The project would result in the creation of ninety-six (96) new jobs, at an average wage of \$41,849.60, which is in excess of the average wage in Henderson County for full-time employment, plus other employment benefits. The contemplated incentives would last for a period of five years from each of two years' investments. The first year's contemplated incentive, if granted, would be not more than \$23,169.30, based on the new investment, the number of new employees, and the Board's incentives guidelines. The maximum amount of incentives to be considered in this grant over the five years would be \$180,501.75.

Public Input:

1. There was none.

Chairman Lapsley made the motion to adjourn the Public Hearing. All voted in favor and the motion carried 5-0.

Chairman Lapsley made the motion to approve the economic incentives proposed for Project Smile. All voted in favor and the motion carried 5-0.

DISCUSSION**FY2021 Audit Presentation**

Ms. Cassie Wilson, CPA, a manager with our external audit firm, Martin Starnes and Associates, CPAs, P.A., provided a brief executive summary presentation of the audit results and financial statements for the fiscal year ended June 30, 2021. Ms. Wilson and Samantha Reynolds, Finance Director, will be available to answer any questions the Board of Commissioners and Management may have regarding the results of the audit.

The Annual Comprehensive Financial Report (ACFR) and Compliance Letters have been submitted to the Local Government Commission (LGC) for final approval as required.

The final report will be placed on the County's website for the public to view and in the main branch of the public library.

General Fund Revenues - Budget
July 1, 2020 – June 30, 2021

Annual revenues	\$	154,950,702
Other financing sources:		
Transfers in	\$	4,085,665
Appropriated Fund Balance	\$	14,510,848
Total budgeted revenues	\$	173,547,215

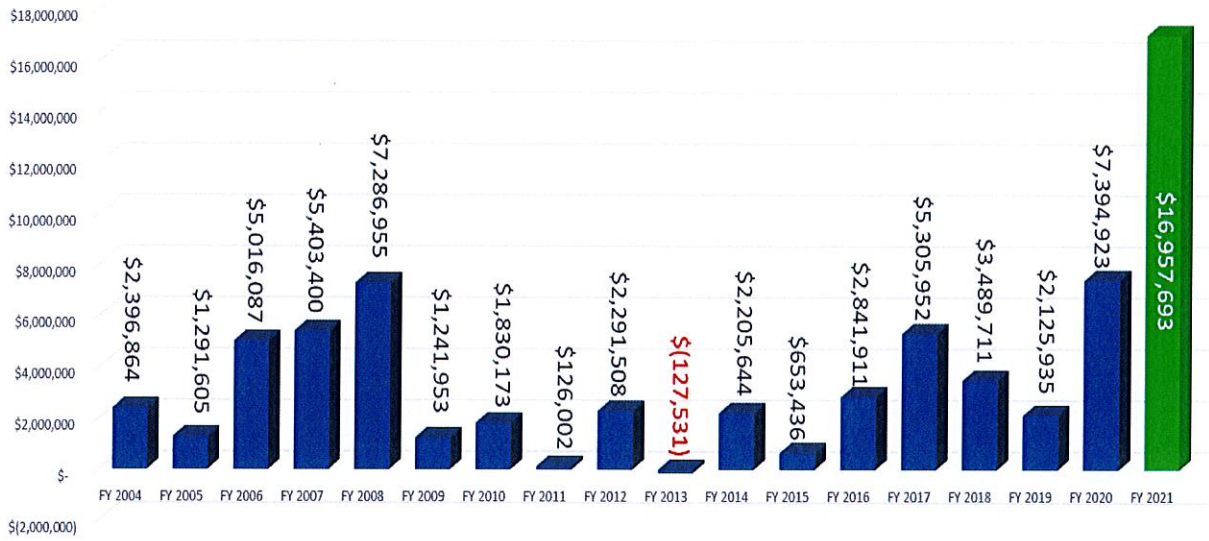
General Fund Revenues
July 1, 2020 – June 30, 2021

Total budgeted revenues (Includes Fund Balance)	\$	173,547,215
Actual revenues	\$	168,966,019
Net revenues under budget	\$	-4,581,196

General Fund Summary Report
July 1, 2020 – June 30, 2021

		Actual
Total revenues	\$	168,966,019
Total expenditures	\$	152,008,326
Net Change in Fund Balance	\$	16,957,693

Fund Balance History



Fund Balance Position General Fund

Unassigned Fund Balance	\$ 45,334,073
BOC Policy Level (12% of actual FY 21 expenditures)	<u>\$ 18,240,999</u>
Amount over BOC Policy (as of July 1, 2021)	\$ 27,093,074

FY 21-22 Adopted Budget General Fund

Annual Expenditures	\$ 167,108,391
Annual Revenues	\$ 148,809,608
Other financing sources:	
Transfers from other funds	\$ 2,740,152
Fund balance	\$ 15,558,631

Performance Indicators

- ❑ LGC data input
 - Operating Loss
 - ❑ Justice Academy Sewer Fund (excludes depreciation) (\$12,880)
 - Deficit fund balance in the Fire Districts Fund
 - ❑ This is a result of the timing of collections and payments to the districts

Henderson County VFW Renovation Project

On September 7th, 2021, Henderson County contracted with McMillan | Pazdan | Smith for architectural services for the VFW building. As part of that contract, McMillan | Pazdan | Smith has done a preliminary building system review and preliminary programming.

McMillan | Pazdan | Smith provided the Board of Commissioners with an update on the VFW Building Renovation Project. This report is a review of the status of the project and potential scopes of design.

Business and Community Development Director Christopher Todd informed the Board that Lindsay Rodan, with McMillan | Pazdan | Smith, would provide an overview of the preliminary study. The following PowerPoint was presented.

VFW RENOVATION

PROJECT UPDATE

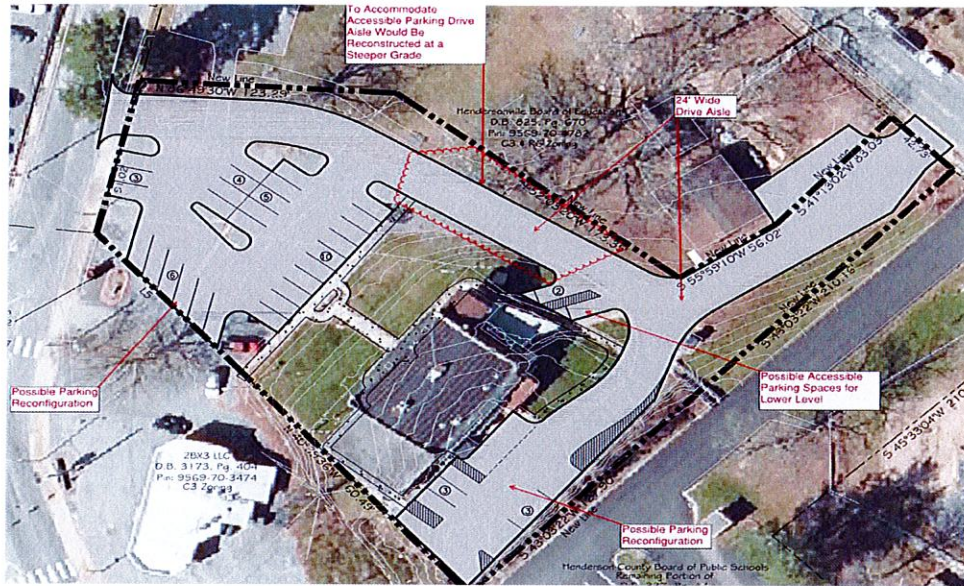
PROGRESS UPDATE

- Site Analysis
- Documented Existing Conditions
- Existing Building Code Analysis
- Program Development and Listening Sessions
- Developed 2 Potential Floor Plan Options



- SITE PLAN - EXISTING**
- No accessible parking to the lower level.
 - Non-standard drive aisles width.
 - Non-standard parking spaces.
 - Not enough parking spaces for the desired use.



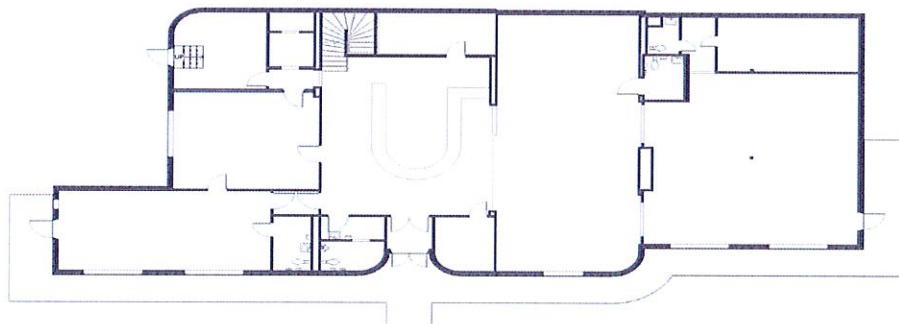


SITE PLAN - CONCEPT

- Updated plans
- Grading to accommodate 2 accessible parking spaces
- Further conversation for alternative compliance for zoning

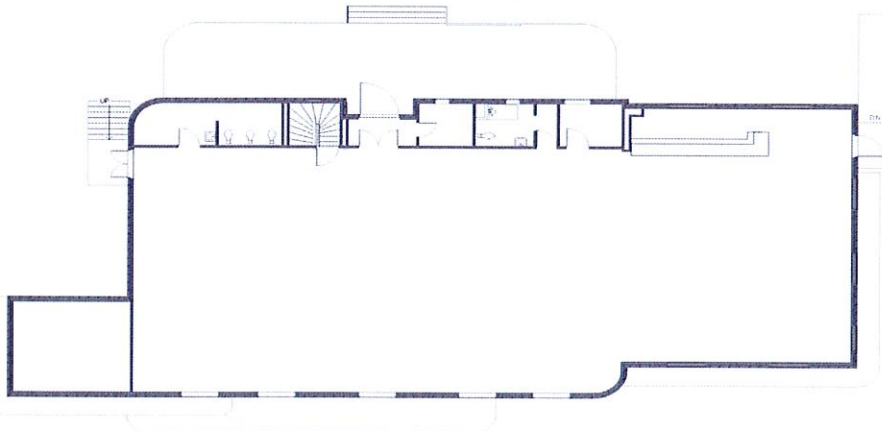


LEVEL 1 - EXISTING



- Non-compliant ADA restrooms
- Non-functional kitchen equipment
- Non-compliant interior stair.
- Non-compliant electrical

LEVEL 2 - EXISTING



- Non-compliant ADA restrooms
- Non-compliant interior stair.

OPTION 1 – LEVEL 1



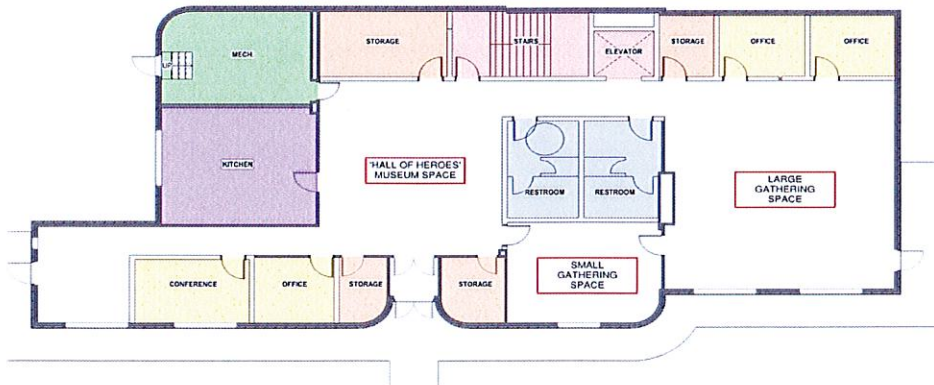
- Accessible restrooms.
- Code compliant interior stair.
- Elevator
- Large and small community gathering areas.
- Parks and Rec Office
- Veteran Services Offices
- VFW Meeting Room + storage
- Warming kitchen
- Museum/Display area for Veteran Services Artifacts

OPTION 1 – LEVEL 2

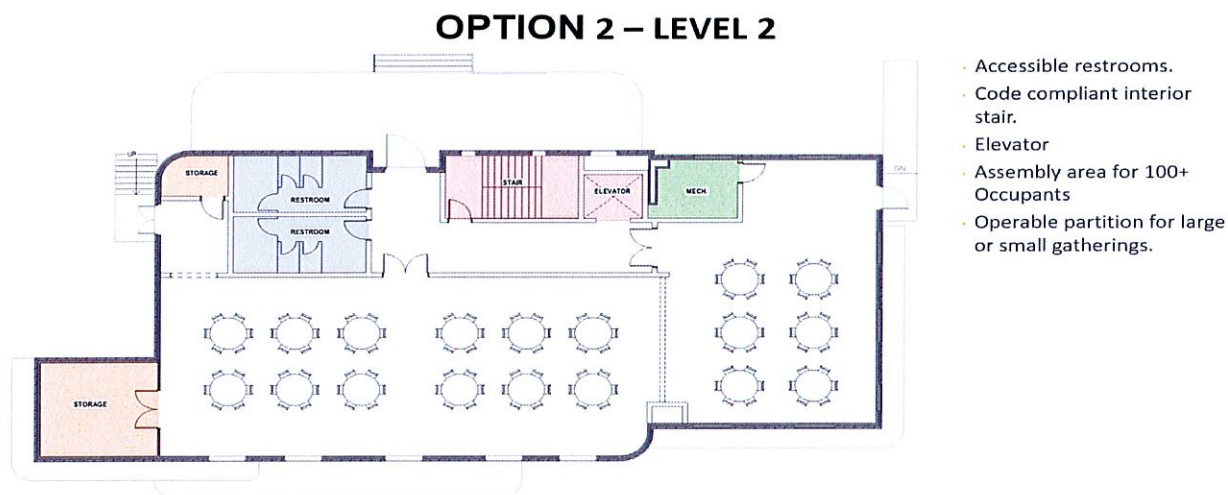


- Accessible restrooms.
- Code compliant interior stair.
- Elevator
- Assembly area for 120+

OPTION 2 – LEVEL 1



- Accessible restrooms.
- Code compliant interior stair.
- Elevator
- Large and small community gathering areas.
- Parks and Rec Office
- Veteran Services Offices
- Catering kitchen
- VFW Meeting Room + storage
- Museum/Display area for Veteran Services Artifacts



NEXT STEPS

- Receive feedback from Henderson County on options
- Develop schematic drawing documents with system narratives.
- Develop statement of probable project costs.

Vice-Chair McCall proposed that the office above the conference room on the 1st floor be eliminated to increase the useable space on the 2nd floor. She also suggested that the kitchen be moved to the second floor.

Commissioner Edney asked if the VFW Commander was aware of the proposed changes to the building. Christopher Todd said he had spoken to the VFW Commander, and they are aware of the project as a whole, but their concern is less about the renovation but rather to ensure that the VFW will have space to use once the renovations are complete.

After Discussion, it was the consensus of the Board to move forward with option 1 with the revisions discussed.

McMillan | Pazdan | Smith will return at a future meeting with the changes discussed and provide the Board with cost estimates.

Playground Fundraising with Community Foundation –

The Henderson County Parks and Recreation Department requested the Board approve a contract with the Community Foundation to establish the “Jackson Park All-Inclusive Playground Project” account. The account will be used to accept funds raised by the Elk’s Lodge, or other organizations, for the purchase and installation of a playground at Jackson Park.

The Community Foundation will establish a link that anyone can access to make a donation to the project. All funds raised will be restricted specifically for the playground project.

With the Hendersonville Elks Lodge, Tommy Laughter addressed the Board to ask for their support in fundraising efforts for an all-inclusive playground in Jackson Park.



Chairman Lapsley proposed the Board amend the budget to appropriate funds of up to \$50,000 to assist with renderings and conceptual planning for the Playground Project.

Vice-Chair McCall asked Donnie Jones if he had any comments to add. Mr. Jones stated he did not want a “special needs” playground; he wanted a playground where all children could play together. In closing, Mr. Jones said he would love to build a playground that could be a role model for other counties in NC.

Vice-Chair McCall made the motion the Board approve the contract with the Community Foundation to establish the Jackson Park All-Inclusive Playground Project Account and to authorize staff to execute the required documents. All voted in favor and the motion carried 5-0.

Vice-Chair McCall made the motion that, if necessary, the County will provide up to \$50,000 for consultant fees to lay the cornerstone of the Jackson Park All-Inclusive Playground Project. All voted in favor and the motion carried 5-0.

NOMINATIONS AND APPOINTMENTS

Chairman Lapsley opened the floor for nominations.

1. Asheville Regional Housing Consortium Board – 1 vac.

Vice-Chair McCall nominated Jennifer Miranda for position #1 by acclamation. All voted in favor and the motion carried.

2. Cemetery Advisory Committee – 2 vac.

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

3. EMS Peer Review Committee – 3 vac.

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

4. Henderson County Zoning Board of Adjustment – 3 vac.

Vice-Chair McCall nominated Steve Dozier for position #1. All voted in favor and the motion carried.

Commissioner Andreotta nominated Andrew Riddle for position #3. All voted in favor and the motion carried.

5. Henderson County Board of Equalization and Review – 1 vac.

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

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

Commissioner Edney nominated Dr. Ken Shelton for position #9. All voted in favor and the motion carried.

7. Hendersonville Planning Board – 2 vac.

Chairman Lapsley nominated James Robertson to be reappointed to position #2 by acclamation. All voted in favor and the motion carried.

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

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

9. Home and Community Care Block Grant Committee – 3 vac.

Vice-Chair McCall nominated Sharon Tirrell to be reappointed to position #2 and Yvetta Nix to be reappointed to position #6 by acclamation. All voted in favor and the motion carried.

10. Juvenile Crime Prevention Council – 2 vac.

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

11. Laurel Park Planning Board – 1 vac.

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

12. Laurel Park Zoning Board of Adjustment – 2 vac.

Chairman Lapsley nominated Steve Braznell for position #1 by acclamation. All voted in favor and the motion carried.

13. Mountain Area Workforce Development Board – 1 vac.

Chairman Lapsley nominated Sissy Rogers for position #6. All voted in favor and the motion carried.

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

Vice-Chair McCall nominated Charlotte Hooker for position #1 and Robert Tomasulo for position #18 by acclamation. All voted in favor and the motion carried.

15. Vaya Health regional Board – 2 vac.

Vice-Chair McCall nominated Chairman Lapsley for position #1 by acclamation. All voted in favor and the motion carried.

Chairman Lapsley nominated John Mitchell for position #2 by acclamation. All voted in favor and the motion carried.

COMMISSIONER UPDATES

Vice-Chair McCall recognized Mr. Larry Rogers. Mr. Rogers will retire at the end of this month after many years of service to the Henderson County Partners for Economic Progress. Vice-Chair McCall stated Mr. Rogers had been a very special part of the Commissioner meetings for many years and he will be greatly missed.

Commissioner Edney informed the audience that the Board had received emails from citizens regarding vaccine and mask requirements at Blue Ridge Community College and the Flat Rock Playhouse.

The Commissioners have discovered that the college does not have a vaccine mandate. There was an event at the college yesterday that the Hendersonville Symphony sponsored. The Symphony leased the auditorium at the college, and it was the symphony that had the vaccine requirement, not the college.

Commissioner Edney added that the Flat Rock Playhouse stated they are contractually obligated to the professional actors that perform at the Playhouse to follow mask requirements. Playhouse officials shared with Mr. Edney that they are not happy with the mask requirement but must comply to have actors for Playhouse performances to continue.

Chairman Lapsley informed the Board that the University of Wyoming football team had been selected to play in the Idaho Potato Bowl. He added that he was very proud of his alma mater.

On a more serious note, Chairman Lapsley noted that the Henderson County Sheriff's Department has made some very significant drug busts in the past several months. He expressed appreciation to the Sheriff's Department and staff and thanked them for their efforts.

COUNTY MANAGER'S REPORT

County Manager John Mitchell thanked Parks and Recreation Director Carleen Dixon for the efforts put forth by Parks and Recreation staff at the Old-Fashioned Christmas event held last Friday in front of the Historic Courthouse.

Mr. Mitchell added that the Annual "Apple Rise" will be held Friday, December 31, 2021, at the Historic Courthouse. The family-oriented event will begin at 5:00 p.m. with a countdown and "Apple Rise" at 7:00 p.m.

In closing, the County Manager informed the Board that the Governor had signed the NC State Budget.

ADJOURN

Commissioner made the motion to adjourn the meeting at 8:39 p.m. All voted in favor and the motion carried 5-0.

Denisa A. Lauffer, Clerk to the Board

William Lapsley, Chairman

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

COMMEMORATING THE 80TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR

WHEREAS, December 7, 2021 marks the 80th anniversary of the attack on Pearl Harbor – a day described by President Franklin Roosevelt as “a date which will live in infamy”; and

WHEREAS, on December 7, 1941, Japanese planes attacked the United States Naval Base at Pearl Harbor, Hawaii Territory. The bombing killed 2,403 Americans and injured 1,178 others. The attack capsized the U.S.S. Oklahoma and destroyed the U.S.S. Arizona. A total of twelve ships were either sunk or beached and nine others were damaged. 159 aircraft were damaged and 188 aircraft were destroyed; and

WHEREAS, the attack led the United States into World War II; and

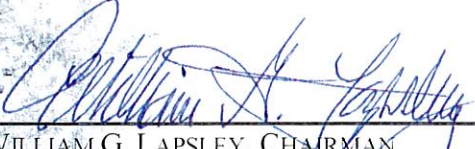
WHEREAS, on September 1, 1945, the Japanese surrendered on the battleship Missouri anchored in Tokyo Harbor. President Harry S. Truman declared, “Four years ago, the thoughts and fears of the whole civilized world were centered on another piece of American soil, Pearl Harbor. The mighty threat to civilization which began there is now laid to rest. ... We shall not forget Pearl Harbor”; and

WHEREAS, in 1994, Congress designated December 7th of each year as National Pearl Harbor Remembrance Day and requested that the day be observed by a Presidential proclamation calling on the people of the United States, including all departments, agencies, and instrumentalities of the Federal Government, interested organizations, groups and individuals, to fly the flag of the United States at half-staff and to observe the day with appropriate ceremonies, in honor of the individuals who died as a result of their service at Pearl Harbor;

NOW, THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners declare December 7th a day for Henderson County local government and its citizens to observe and remember this important day in history, in honor and appreciation of the heroism for those who paid the ultimate sacrifice at Pearl Harbor.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this, the 6th day of December, 2021.



WILLIAM G. LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST: 

DENISA A. 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

December 6, 2021

Darlene Burgess, Assessor
Henderson County Assessor's Office
200 N. Grove Street, Suite 102
Hendersonville, NC 28792

Dear Mrs. Burgess:

Attached please find tax release requests in the amount of \$3,632.50 and tax refund requests in the amount of \$148.23, reviewed at the Henderson County Board of Commissioners' Meeting on Monday, December 6, 2021. All Releases and refunds were approved.

Sincerely,

A handwritten signature in blue ink, which appears to read "William G. Lapsley". The signature is fluid and cursive, with a large loop at the end.

William Lapsley, Chairman
Henderson County Board of Commissioners

WGL/dal

enclosures

NCPTS Pending Release/Refund Report. Tuesday, November 23, 2021*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADD. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
BAUMBERGER, JULIUS LUTHER	000232325-2021-2021-0000	THE 1986 CHEETAH, 1986 PHANTOM AND 1987 FLEETWOOD WERE REGISTERED IN SOUTH CAROLINA ON 11/23/2020. VOIDED ABSTRACT. REQUEST FOR RELEASE AND SOUTH CAROLINA REGISTRATION ON FILE.	(\$6,319)	7993	SCURTIS	116 KAY ROAD EXT FLAT ROCK NC 28721	COUNTY	TAX LATE LIST FEE TOTAL:	\$35.45 \$3.54 \$38.99	\$0.00 \$0.00 \$0.00	\$35.45 \$3.54 \$38.99	\$0.00 \$0.00 \$0.00
CAAMERON, BAKER	0003100187-2021-2021-0000	VOID ABSTRACT DUE TO TAXPAYER PROVIDING DOCUMENTATION THAT THE 2019 SCOUT WAS USED A TRADE IN ON A TRANSACTION THAT OCCURRED 04/29/2020	(\$6,319) (\$10,530)	8002	SMORROW	15 S HAMILTON WOODS LN ETCOWAH NC 28729	COUNTY	TAX LATE LIST FEE TOTAL:	\$59.07 \$5.91 \$64.98	\$0.00 \$0.00 \$0.00	\$64.98 \$5.91 \$70.89	\$0.00 \$0.00 \$0.00
CARLSON, DAVID B	0003104099-2021-2021-0000	ADJUSTMENT CREATED AS THE AIRCRAFT IS HANGARED IN BUNCOMBE CO.	(\$10,530) (\$102,000)	7998	KDECKARD	1925 N CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$572.22 \$57.22 \$629.44	\$0.00 \$0.00 \$0.00	\$629.44 \$57.22 \$686.66	\$0.00 \$0.00 \$0.00
DAVIS, GUY WALLACE JR	0003091533-2021-2021-0000	MR DAVIS PROVIDED LISTING FORM INDICATING THAT THE 2008 YAMAHA WAS LISTED IN MCDOWELL COUNTY FOR THE 2021 TAX YEAR. THE LISTING CONFIRMATION PROVIDED WAS SENT FROM GAIL SEWELL (ON 4/15) IN THE MCDOWELL COUNTY ASSESSORS OFFICE. REQUEST FOR RELEASE AND DOCUMENTATION ON FILE. VOIDED ABSTRACT 12/30/2020.	(\$11,504) (\$11,504)	7987	SCURTIS	223 WINDSOR FOREST CIR FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$61.54 \$6.45 \$67.99	\$0.00 \$0.00 \$0.00	\$67.99 \$6.45 \$74.44	\$0.00 \$0.00 \$0.00
EAGLE COUNTRY CONSTRUCTION, LLC	0003104364-2021-2017-0000	VOID ABSTRACT; BUSINESS PERSONAL PROPERTY LISTED ON ABSTRACT 2477276	(\$11,504) (\$10,960)	8008	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$61.92 \$37.15 \$99.07	\$0.00 \$0.00 \$0.00	\$99.07 \$37.15 \$136.22	\$0.00 \$0.00 \$0.00
	0003104364-2021-2017-0000	VOID ABSTRACT; BUSINESS PERSONAL PROPERTY LISTED ON ABSTRACT 2477276	(\$10,960)	8007	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$61.92 \$30.96 \$92.88	\$0.00 \$0.00 \$0.00	\$92.88 \$30.96 \$123.84	\$0.00 \$0.00 \$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, November 23, 2021*

OWNER	ABSTRACT	ADJ. NUMBER	VALUE CHANGE	NOTE	USER ID	STATUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
	0003104364-2021-2019-0000	8006	(\$10,960)	VOID ABSTRACT, BUSINESS PERSONAL PROPERTY LISTED ON ABSTRACT 2477276	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$61.92 \$24.77 \$86.69 \$10.41 \$4.16 \$14.57 \$101.26	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$61.92 \$24.77 \$86.69 \$10.41 \$4.16 \$14.57 \$101.26	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003104364-2021-2019-0000	8005	(\$10,960)	VOID ABSTRACT, BUSINESS PERSONAL PROPERTY LISTED ON ABSTRACT 2477276	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$61.49 \$18.45 \$79.94 \$10.96 \$3.29 \$14.25 \$94.19	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$61.49 \$18.45 \$79.94 \$10.96 \$3.29 \$14.25 \$94.19	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003104364-2021-2020-0000	8004	(\$10,960)	VOID ABSTRACT, BUSINESS PERSONAL PROPERTY LISTED ON ABSTRACT 2477276	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$61.49 \$12.30 \$73.79 \$10.96 \$2.19 \$13.15 \$86.94	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$61.49 \$12.30 \$73.79 \$10.96 \$2.19 \$13.15 \$86.94	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	0003104364-2021-2021-0000	8003	(\$10,960)	VOID ABSTRACT, TAXPAYER LISTING BUSINESS EQUIPMENT UNDER HIS INDIVIDUAL NAME ON ABSTRACT 2477276	SMORROW	70 TEXAS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$61.49 \$6.15 \$67.64 \$10.96 \$1.10 \$12.06 \$79.70	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$61.49 \$6.15 \$67.64 \$10.96 \$1.10 \$12.06 \$79.70	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
HIGHLAND CO. INC.	OWNER TOTAL:	7994	(\$65,760)	ABSTRACT VOIDED 12/31/20. TAXPAYER PROVIDED INFORMATION ON THE ORIGINAL 2020 BUSINESS PERSONAL PROPERTY LISTING FORM THAT THE BUSINESS CLOSED 01/01/20	SMORROW	1409 STANWOOD LN HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$41.23 \$0.00 \$41.23 \$7.35 \$0.00 \$7.35	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$41.23 \$0.00 \$41.23 \$7.35 \$0.00 \$7.35	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
HILL, WILLIAM JOHNNY	OWNER TOTAL:	7990	(\$7,349)	2016 TAER UTILITY TRAILER SOLD IN 2019 PPR STARS. DOCUMENTATION ON FILE	HSALTER	53 MCCRAW RD FLAT ROCK NC 28721	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$15.80 \$1.58 \$17.38 \$3.66 \$0.37 \$21.28	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00	\$15.80 \$1.58 \$17.38 \$3.66 \$0.37 \$21.28	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00

NCPTS Pending Release/Refund Report. Tuesday, November 23, 2021*

OWNER	ABSTRACT	ADJ. NUMBER	VALUE CHANGE	NOTE	USER ID	SITUS ADDRESS	TAX/DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
	000308964-2021-0000	7991	(\$863)	2016 TRAIL UTILITY TRAILER SOLD IN 2019 PER STARS. DOCUMENTATION ON FILE.	HSAUER	53 MCCRAW RD FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$15.33 \$1.53 \$16.86	\$0.00 \$0.00 \$0.00	\$4.84 \$0.48 \$5.32	\$0.00 \$0.00 \$0.00
						BLUE RIDGE FIRE		TAX LATE LIST FEE TOTAL:	\$3.55 \$0.36 \$3.91	\$0.00 \$0.00 \$0.00	\$1.12 \$0.11 \$1.23	\$0.00 \$0.00 \$0.00
										ABSTRACT		
										TOTAL:	\$13.36	\$0.00
KLEPPE, LAURIE HADDEN	000308980-2021-0000	7992	(\$1,759) (\$13,272)	TAXPAYER SOLD 2015 CAROLINA SKIFF IN 2020. THE NEW OWNER REGISTERED THE WATERCRAFT WITH THE TENNESSEE WILDLIFE AGENCY ON 6/16/2020, SIGNED AND NOTORIZED. VOIDED ABSTRACT. REQUEST FOR RELEASE AND NEW OWNER REGISTRATION ON FILE.	SCURTIS	431 BRANNON RD HORSE SHOE NC 28742	COUNTY	TAX LATE LIST FEE TOTAL:	\$74.46 \$7.45 \$81.91	\$0.00 \$0.00 \$0.00	\$74.46 \$7.45 \$81.91	\$0.00 \$0.00 \$0.00
						ETOWAH HORSESHOE FIRE		TAX LATE LIST FEE TOTAL:	\$15.26 \$1.53 \$16.79	\$0.00 \$0.00 \$0.00	\$15.26 \$1.53 \$16.79	\$0.00 \$0.00 \$0.00
										ABSTRACT		
										TOTAL:	\$98.70	\$0.00
MATTHIS, ISAAC THOMAS	0003104107-2021-0000	7997	(\$13,272) (\$101,000)	ADJUSTMENT CREATED AS THE AIRCRAFT IS HANGARED IN WATKINS, COLORADO.	KOCKARD	14 WILDWOOD GARDENS RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$566.61 \$56.66 \$623.27	\$0.00 \$0.00 \$0.00	\$566.61 \$56.66 \$623.27	\$0.00 \$0.00 \$0.00
										ABSTRACT		
										TOTAL:	\$623.27	\$0.00
ROBINSON, BORIS	0003104113-2021-0000	7996	(\$101,000) (\$19,500)	ADJUSTMENT CREATED TO LOWER AIRCRAFT VALUE TO INSURED VALUE.	KOCKARD	1232 SHEPHERD ST HENDERSVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$446.00 \$44.60 \$490.60	\$446.00 \$44.60 \$490.60	\$109.40 \$10.94 \$120.34	\$109.40 \$10.94 \$120.34
						BLUE RIDGE FIRE		TAX LATE LIST FEE TOTAL:	\$103.35 \$10.34 \$113.69	\$103.35 \$10.34 \$113.69	\$25.35 \$2.54 \$27.89	\$25.35 \$2.54 \$27.89
										ABSTRACT		
										TOTAL:	\$148.23	\$148.23
TAYLOR, JEREMY	0002075242-2021-0000	7988	(\$19,500) (\$32,680)	MOBILE HOME BURNED 11/6/2020. STATE FARM CONFIRMED THAT IT WAS A TOTAL LOSS. VOIDED ABSTRACT. APPEAL WITH SUPPORTING DOCUMENTATION ON FILE.	SCURTIS	143 PRESSLEY VALLEY LN HORSE SHOE NC 28742	COUNTY	TAX LATE LIST FEE TOTAL:	\$183.33 \$18.33 \$201.66	\$0.00 \$0.00 \$0.00	\$183.33 \$18.33 \$201.66	\$0.00 \$0.00 \$0.00
						ETOWAH HORSESHOE FIRE		TAX LATE LIST FEE TOTAL:	\$37.58 \$3.76 \$41.34	\$0.00 \$0.00 \$0.00	\$37.58 \$3.76 \$41.34	\$0.00 \$0.00 \$0.00
										ABSTRACT		
										TOTAL:	\$243.00	\$243.00
VARNADORE, TYLER MATTHEW	0003094071-2021-0000	7989	(\$32,680) (\$1,000)	REMOVED INFLATABLE SHORT BUG BOAT EFFECTIVE 12/31/20. INFLATABLE BOATS ARE NOT SUBJECT TO PERSONAL PROPERTY TAX	SMORROW	367 VARNADORE DR ARDEN NC 28704	COUNTY	TAX LATE LIST FEE TOTAL:	\$8.42 \$0.00 \$8.42	\$0.00 \$0.00 \$0.00	\$8.42 \$0.00 \$8.42	\$0.00 \$0.00 \$0.00
						MILLS RIVER FIRE		TAX LATE LIST FEE TOTAL:	\$1.65 \$0.00 \$1.65	\$0.00 \$0.00 \$0.00	\$1.65 \$0.00 \$1.65	\$0.00 \$0.00 \$0.00
										ABSTRACT		
										TOTAL:	\$6.71	\$6.71

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, November 23, 2021 *

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEAV TYPE	BILLED	PAID	RELEASE	REFUND
WHEELS LT	0002551058-2021-2021-0000	SENT EMAIL REPLY TO TAXPAYER AND SUGGESTED PAYING AN ESTIMATE TAX FOR THE FORKLIFT ONLY.	(\$133,571)	7995	KRECKARD	3590 CHIMNEY ROCK RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$766.30	\$16.97	\$749.33	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$157.09	\$3.48	\$153.61	\$0.00
							EDNEYVILLE FIRE	LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT	\$902.94	\$902.94	\$0.00	\$0.00
								TOTAL:	\$902.94	\$902.94	\$0.00	\$0.00
								OWNER TOTAL:	(\$133,571)			
								GRAND TOTALS:	(\$306,243)			\$148.23



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-2021-06; 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 November 17, 2021; and

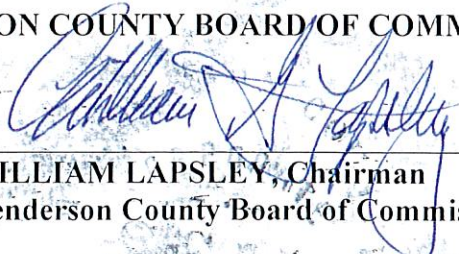
WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the text amendments related to the LDC as ultimately adopted by the Board on December 6, 2021, and finds them to be reasonable, in the public interest and 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 text amendments as adopted provide 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 6th day of December, 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]

NON ENDOWED
DESIGNATED FUND AGREEMENT
CREATING

Henderson County Parks & Recreation - Jackson Park Fund

This agreement is made and entered into as of the 6th day of December, 2021 by and between the **Community Foundation of Henderson County, Inc.** (The "Foundation") and Henderson County Parks & Recreation – Jackson Park Fund, a department of Henderson County Government (H.C. Parks & Rec).

The Foundation is a non-profit, tax-exempt corporation serving as a community foundation for Henderson County, North Carolina and surrounding areas. The Henderson County Parks & Recreation department of Henderson County, N.C. local government agrees that the Foundation will establish a **Non-endowed Designated Fund** with the Foundation. The Foundation and the H.C. Parks & Rec therefore agree as follows:

NAME

A fund designated as **Henderson County Parks & Recreation - Jackson Park Fund** (the "Fund") is assigned by the Foundation to receive funds for the Jackson Park All Inclusive Playground Project by this agreement as a component fund within the Foundation to receive gifts and to be administered according to this agreement.

GIFTS TO THE FUND

The H.C. Parks & Rec has this day established terms for this project agreement with the Foundation. The **Fund** currently has a balance of \$397.76.

Any person (whether an individual, corporation, trust, estate, or any other organization or entity) may contribute to this Fund. The form of the gifts and any other conditions associated with the gifts must be acceptable to the Foundation. All such gifts to the Fund shall be irrevocable.

PURPOSES

The purpose of the Fund is to support a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, and provided for the purposes of public rest, play, recreation, enjoyment or assembly. Specifically, this Fund is to support the public area of Jackson Park, Henderson County, N.C. From time to time, special initiatives and projects may be the focus for fundraising campaigns and use of funds, such as the current **Jackson Park All Inclusive Park Project**.

DISTRIBUTION OF FUNDS

So long as the fund continues, all assets of the fund shall be subject to distribution upon meeting the purposes of the Fund, as approved by the Foundation's Board of Directors. The Foundation will not be compelled to make recurring distributions more frequently than quarterly.

ADMINISTRATIVE PROVISIONS

1. Investment of the Fund assets will be made, as the Foundation deems appropriate, in accordance with the Foundation’s Investment Policy. The Foundation shall hold, administer and distribute from the Fund according to the terms and purposes of this agreement.
2. All property and money in the Fund shall be assets of the Foundation and may be commingled with other Foundation assets. The Foundation shall not be required to segregate the assets of the Fund for investment purposes, but the Foundation shall be required to maintain separate accounts of the Fund on its books and records.
3. For the purposes of this agreement, “principal” and “income” shall be allocated in accordance with policies of the Foundation as adopted by the Board of Directors from time to time.
4. For Funds that are restricted, it is recognized that changes in circumstances can render restrictions inappropriate or obsolete over time. Therefore, the Foundation, through its Board of Directors, shall have the right to modify or eliminate restrictions or conditions as it deems appropriate, but shall do so only to the extent it deems necessary, preserving insofar as possible the original intent of the Grantor.
5. All assets held in the Fund shall be subject to the Articles of Incorporation and Bylaws of the Foundation.

PROHIBITED DISTRIBUTION

No part of the Fund shall inure to the benefit of, or be distributable to:

1. Any officer or director of the Henderson County Board of Commissioners or any subsequent service provider department and/or organization; or
2. Any officer or director of the Foundation or any immediate family member of any officer or director of the Foundation.

Notwithstanding this prohibition, the Foundation is authorized and empowered to pay reasonable compensation for services rendered and to pay payments and distributions in furtherance of the purposes set forth in this agreement.

MANAGEMENT FEES

The Fund is responsible for bearing a fair portion of the total administrative costs of the Foundation. The Fund is therefore subject to the uniform and regular charges in accordance with the Foundation’s Management Fee Policy for Designated Funds, and may include participation in Investment Choice Plan at the Foundation’s discretion.

VARIANCE POWER

It is understood that the Fund to be established pursuant to this agreement will be subject to the provisions of the Articles of Incorporation and Bylaws of the Community Foundation of Henderson County, including the power reserved by the Board of Directors to modify any condition or restriction on the distribution of funds if, in its sole judgment (without the approval of any trustee, custodian, or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the area served by the Foundation.

LAW

This agreement shall be governed by, and construed according to, the laws of the State of North Carolina and all applicable Federal laws and regulations.

Witness the hands and seals of the parties as of the day and year set out above.




Henderson County Parks & Recreation

Henderson County
Board of County Commissioners

Forever caring. Forever giving.

Community Foundation
of Henderson County

by:


President/CEO

CORPORATE SEAL

ATTEST:

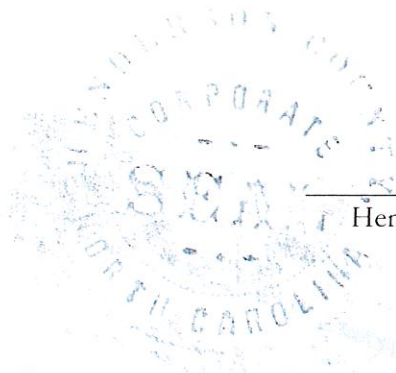


ATTACHMENT TO NON ENDOWED
DESIGNATED FUND AGREEMENT
CREATING

Henderson County Parks & Recreation - Jackson Park Fund

We have received the following Policies governing the Community Foundation of Henderson County:

- Condensed Investment Policy
- Management Fee Policy
- Investment Choice Form



William A. Jolly

Henderson County Parks & Recreation
CHAIR, BOARD OF COUNTY COMMISSIONERS

Forever caring. Forever giving.
Community Foundation
of Henderson County

By: *Michael Cannon*

President/CEO

CORPORATE SEAL

ATTEST:

Rachel Buchanan



Management Fee Policy

Any out-of-pocket expenditure by Community Foundation of Henderson County, Inc. for investment services or other property management services will be charged in addition to anything set forth below. Any Funds involved with fundraising may have an additional fee established within the Fund agreement documents.

- PERMANENT FUNDS** are endowments from which income is distributed. An annual fee based on a percentage of the Fund Balance will be levied at the beginning of each month computed on previous month-end balance depending on the classification of the fund. Funds that are set up by the same donor are combined for fee purposes. The following are the classifications of funds:

	Annual Fee			Annual Fee	
Organizational	.75%	First \$1M	Scholarship	2.0%	First \$1M
	.65%	\$1M - \$3M		1.75%	\$1M - \$3M
	.55%	Over \$3M		1.5%	Over \$3M
Designated			Dormant Scholarship*	1.0%	
Unrestricted	1.0%	First \$1M	<i>*Dormant Scholarship status applies to Funds that are unable to make an award. This status encourages and supports growth.</i>		
Field of Interest	.85%	\$1M - \$3M	Donor Advised	1.25%	First \$1M
Mixed*	.75%	Over \$3M	Quasi-Endowed	1.0%	\$1M - \$3M
Administrative				.75%	Over \$3M
<i>*Mixed - If scholarship is a portion, will be charged the scholarship otherwise charged as designated, field of interest, unrestricted and Administrative</i>			Donor Advised	1.0%	First \$1M
			Endowed	.85%	\$1M - \$3M
				.75%	Over \$3M

All funds may receive interest on spendable income awaiting distribution. This percentage will be set by the Community Foundation according to the market.

- TEMPORARY FUNDS** are not established in perpetuity. Funds that maintain an average daily balance of \$15,000 or more will receive interest. This percentage will be set by the Community Foundation according to the market.
 - Donor Advised Funds (non-endowed) - established by an individual or business, which retains privilege of recommending fund distributions. **No fee** is charged unless funds are held less than 3 months, then a minimum charge of \$75 may be assessed.
 - Pass-Through Funds - organization designated fund, which has full payout program. A 1% fee is charged on all contributions. For funds that remain idle for more than one year, an annual fee of 1% will be levied monthly based on the previous month-end balance.
 - Non-endowed advised funds Investment Choice Option – are temporary funds available for spendable and not established in perpetuity. This option is for funds maintaining an average balance of \$10,000 for at least a two to five year period. An annual fee of 1% will be levied at the beginning of each month computed on previous month-end balance.
- CHARITABLE REMAINDER TRUSTS** are set up with transfers of money, securities or both to a trust that pays the donor income for life. The trust can also provide income for a survivor or survivors for life. Then the trust assets become a permanent endowment with the Community Foundation and the income is paid to the charitable interests of the donor. An annual fee based on .75% of market value per year on first \$1M, .65% on next \$2M and .55% over \$3M, charged monthly. This charge will be levied in addition to the direct cost of preparing the annual tax return by a CPA.
- CHARITABLE GIFT ANNUITIES** are set up with transfers of money, securities or both to a trust that pays the donor income for life. The trust can also provide income for a survivor or survivors for life. Then the trust assets become unrestricted with the Community Foundation. A fee of .5% (1% if not unrestricted) of market value per year, charged monthly. This charge will be levied in addition to the direct cost of administration services.

Note: All funds involved with investments are at risk in the market. Market values change frequently. Accounts are reconciled monthly actual balance will vary according to time of transaction and proceeds realized.

COMMUNITY FOUNDATION OF HENDERSON COUNTY

Condensed Statement of Investment Policy

Purpose

The purpose of the Investment Policy is to assist the Board of Directors of the Community Foundation of Henderson County in effectively supervising and monitoring its investment activities; and to provide guidance to investment managers employed to manage its assets on behalf of the Board. It is set forth by the Board in order to advise all concerned of their legal and fiduciary responsibilities and to establish a clear understanding by all involved parties as to the investment goals and objectives of the Foundation.

Investment Committee

The Board of Directors empowers the Investment Committee to invest, manage and monitor funds for the benefit of the current and future generations who are the ultimate beneficiaries of the Foundation. The Investment Committee members have a fiduciary responsibility and must develop and adhere to the Investment Policy. The Investment Committee has retained a qualified Investment Consultant to assist in its duties and responsibilities.

Investment Objectives

The primary objective of the investments of the Foundation will be to provide for consistent long-term growth of principal and income without undue exposure to risk. The investment objective is to achieve a total return including appreciation which will satisfy the current financial needs of the various funds, protect and increase their long-term inflation adjusted value, and minimize short run volatility.

Asset Allocation

The Foundation's philosophy is that we are not market timers and will strive to maintain asset allocations within policy ranges. The specific target allocation and acceptable deviation from the target are:

ASSET CLASS	ACCEPTABLE RANGE
Global Equity	
US Equity – Large Cap	15% - 25%
US Equity – Mid Cap	0% - 10%
US Equity – Small Cap	5.0% - 15.0%
International Equity	12.5% - 22.5%
International Small Cap	0% - 10%
Global Fixed Income	
Core Fixed Income (including TIPPS)	7.5% - 17.5%
High Yield	0% - 10%
Real Assets	
Real Estate	0% - 10%
Natural Resources	2.5% - 12.5%
Diversifying Strategies	
Alternatives	5.0% - 15%

Permitted Investments

The Policy establishes "permitted investments" guidelines for our investment managers. These guidelines address marketability, diversification, prohibited securities and transactions, and acceptable fixed-income credit ratings.

Investment Managers and Consultants

Elements to consider before hiring a new Investment Manager, as well as guidelines for the periodic review of existing managers, are included in the Policy. In addition, our expectations of the investment consultant are spelled out.

*If you would like a copy of the entire
Investment Policy please let us know.*

Updated June 7, 2013

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: December 6, 2021

SUBJECT: Budget Amendment – Public Transit

PRESENTERS: Samantha Reynolds, Finance Director

ATTACHMENTS: 1. Budget Transfer Request

SUMMARY OF REQUEST:

In June of 2020, the Board of Commissioners approved the FY2021 Public Transit budget with sufficient funding for the new CNG transit buses. Originally, Federal Transit Authority funds were to reimburse 60% of the cost of the buses with a 40% match from the Public Transit Fund. The matching funds were transferred from Public Transit Fund to Capital Projects Fund in May 2020 following Board approval.

Federal Transit Authority Funds received were for 80% of the cost of the buses, rather than 60%. The unused matching portion is requested to be transferred back to the Public Transit Fund.

BOARD ACTION REQUESTED:

The Board of Commissioners is requested to approve the budget amendment as presented.

Suggested Motion:

I move that the Board approve the budget amendment as presented, returning the unused portion of matching funds to the Public Transit Fund.

EXHIBIT A

Grantee legal name: Henderson County

Tax ID Number: 56-6000307

Type of organization: Government Entity

Organization contact: Jodi Grabowski, Behavioral Health System Coordinator

Grant contact: Jodi Grabowski, Behavioral Health System Coordinator

Grantee Address:

*Henderson County
1200 Spartanburg Hwy
Suite 100
Hendersonville, NC 28742*

Address for payment:

*Henderson County
1200 Spartanburg Hwy
Suite 100
Hendersonville, NC 28742*

Signatory Information:

*Jodi Grabowski
jgrabowski@hendersoncountync.gov*

Dogwood Strategic Priority: Substance Use Disorder (100%)

Project title: Community Collaborative for Opioid Planning

Project:

This grant will support Henderson County in planning for opioid settlement funding, including: a needs assessment, data collection and analysis, collaborative strategic planning, recruiting and training providers and relevant stakeholders, and building infrastructure capacity of the collaborative to address one or more of the focus areas: Recovery support services, Housing Support, Transportation, Prevention, and Harm Reduction. Planning activities align with the Memorandum of Understanding executed by the North Carolina Attorney General's Office and the North Carolina Association of County Commissioners. Grantee agrees to send representation cohort convenings as scheduled by Dogwood Health Trust.

Grant amount: \$300,000.00

Outcome measurements (if any):

- *Completion of a comprehensive, community- and data-informed strategic plan for addressing substance use disorder in Henderson County*

Reporting requirements:

Grantee will submit annual reports to Dogwood Health Trust detailing the grant progress and including information on outcome measurements listed above.

Progress Report

Due Date: July 31, 2022

Narrative Final Report

Due Date: January 31, 2023

Financial Final Report

Due Date: January 31, 2023

As part of the narrative final report, Grantee will report percent of grant funds spent by county, including the Qualla Boundary. This figure may be an estimate based on a good-faith approximation of the geographic breakdown of work completed.

Susan Mims

Susan Mims (Nov 23, 2021 15:06 EST)

Authorized Signature

Susan Mims, M.D., M.P.H.

Name

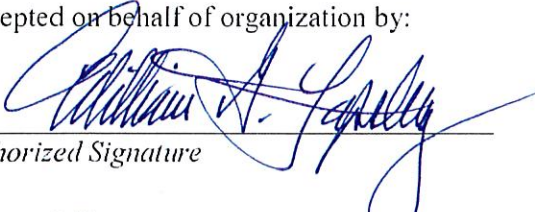
Interim CEO

Title

Nov 23, 2021

Date

Accepted on behalf of organization by:



Authorized Signature

Date: Dec. 7, 2021

William E. Lapsley

Name

Chairman

Board of County Commissioners

Title

Henderson County



Dear Grantee,

It is my pleasure to inform you that the Dogwood Health Trust (“Grantor” or “we”) has approved a grant (the “Grant”) to your organization (“Grantee” or “you”) in the amount and for the project described in Exhibit A (the “Project”). Grantee shall use the Grant consistent with the purposes of Grantor’s tax-exempt mission to create a dramatically healthier region in Western North Carolina and in accordance with the terms herein.

This letter is a legally binding agreement between Grantor and Grantee (“Agreement”). Grantor and Grantee are each a “party” and collectively, the “parties.” The Agreement will be effective upon our receipt of this Agreement, signed by an authorized representative of Grantee. An electronic copy will suffice.

We will arrange for payment of the grant within 30 days of our receipt of a signed copy.

You will be required to submit report(s) to the Grantor on the use of and outcomes related to grant dollars. The Grantor may decline to consider grant renewals for Grantees who fail to do so. Please see Section 2 below and Exhibit A for additional information on the reporting requirement.

TERMS AND CONDITIONS

1. **Use of Funds.** Grantee shall use the Grant, and any interest or other income generated by the grant funds, only for the purposes of the Project described in Exhibit A and in a manner consistent with the terms of this Agreement and the budget set forth in Exhibit A. Grantee must use the Grant to support one or more of the 18 counties and Qualla Boundary within the Grantor’s Region. Grantee may not make any changes in the purposes for which the Grant is made or to any budget cost category that exceeds 10% [in a budget year] without the Grantor’s prior written approval.
2. **Reporting.** The Grantee will submit to Grantor written reports detailing Grant progress from a programmatic perspective along with a report of expenditures and confirmation that Grantee is in compliance with the terms of this Agreement. Grantor will provide reporting instructions prior to the due date found in Exhibit A. As part of the financial final report, Grantee will report separately grant dollars spent by county benefited. In addition to written reports, Grantor may request stories that illustrate Grantee’s impact – either by requesting that Grantee share such stories or provide access to individual(s) to interview for stories. Grantor may also request photographs that illustrate Grantee’s work. Grantee will assume responsibility for securing all required photo releases and usage rights for any images provided to Grantor and provide verification of such to Grantor upon request.

7. **Representation and Warranty Regarding Tax Status.**
- a. By entering into this Agreement, Grantee represents and warrants that Grantee is a local government entity that is a political subdivision of the State of North Carolina, and is therefore exempt from federal income tax.
 - b. Grantee's receipt of the Grant and compliance with the terms of this Agreement will not cause Grantee to be in violation or conflict with the governing documents of Grantee or any law to which Grantee is subject, or to be in breach or default of any contract or license to which Grantee is a party; nor will it have any material adverse effect on Grantee's tax or legal status.
 - c. There is no pending proceeding or investigation directed at the Grantee by a federal, state, tribal, or local administrative agency or authority that could have a material adverse impact on the Grantee's ability to perform its obligations under this Agreement.
 - d. Grantee will not use Grant funds to compensate any person that Grantor has identified in writing to Grantee as a disqualified person within the meaning of IRC Section 4946.
8. **Notice.** Grantee shall give the Grantor immediate written notice of any change in Grantee's tax-exempt or public charity status.
9. **Publications; License.** Any information contained in publications, studies, or research funded by this grant shall be made available to the public following such reasonable requirements or procedures as the Grantor may establish from time to time. Grantee grants to the Grantor a perpetual, irrevocable, fully-paid up, royalty-free, nonexclusive license to publish, use, distribute, reproduce, copy, and prepare derivative works based upon any publications, studies, or research funded by this grant at the sole discretion of the Grantor.
10. **Grant Announcements.** Grantee shall submit in advance to the Grantor, for review and revision at the sole discretion of the Grantor, any announcements Grantee intends to make regarding the grant, and any publications referring to the grant Grantee intends to publish, other than in its annual reports or tax returns. The Grantor may include information on the grant in its periodic public reports.
11. **Terrorist Activity.** Grantee warrants that it does not support or conduct, directly or indirectly, violence or terrorist activities of any kind.
12. **Indemnification.** Grantee irrevocably and unconditionally agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless the Grantor, its officers, directors, employees, and agents, from and against any and all claims, liabilities, losses, and expenses (including reasonable attorneys' fees) directly, indirectly, wholly, or partially arising from or in connection with any act or omission of Grantee, its