

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, JANUARY 3, 2022**

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, , Engineer Marcus Jones, Recreation Director Carleen Dixon, Planning Director Autumn Radcliff, Sheriff Lowell Griffin, Tax Director Darlene Burgess, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Recycling Coordinator Christine Wittmeier, Assistant Engineer Deb Johnston and PIO Kathy Finotti – videotaping, Deputies John Ashe and Michelle Hensley provided security.

### CALL TO ORDER/WELCOME

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

*Chairman Lapsley requested the Board move the Public Comment Period up in the agenda.*

### INVOCATION

The invocation was provided by Pastor Anthony Craver, Upward Christian Fellowship.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Agnes Willis, Leaders in Training 4-H Club.

### INFORMAL PUBLIC COMMENTS

1. Beatrice Park - Spoke in opposition to the Flat Rock Playhouse mask mandate.
2. Kathy Yurista – Spoke in opposition to the COVID Vaccine.
3. Maureen Heaphy - Spoke in opposition to the COVID Vaccine.
4. Dana Lyons – Spoke in opposition to the Flat Rock Playhouse mask mandate.
5. Emily Nunzio - Spoke in opposition to the Flat Rock Playhouse mask mandate.
6. Jay Pheil - Spoke in opposition to the Flat Rock Playhouse mask mandate.
7. Corrine Mandell – Spoke in opposition to mask mandates and vaccine passport requirements at the Flat Rock Playhouse.
8. Carolyn Widener – Spoke in opposition to the mask mandate.
9. Karen Hensley - Spoke in opposition to the mask mandate.
10. Jacqueline Weiks - Spoke in opposition to the mask mandate.
11. Laurie Fisher - Spoke in opposition to the mask mandate and vaccines.
12. Julie Dunn - Spoke in opposition to the mask mandate.
13. Rachell Poller – Spoke in support of the COVID vaccine.
14. Lucy Butler - Spoke in support of the COVID vaccine.

APPROVED: January 19, 2022

**RESOLUTIONS AND RECOGNITIONS**

**2022.01 Resolution in Support of “Heartbeat Bill” Legislation**

The Henderson County Board of Commissioners was requested to adopt the attached Resolution supporting “Heartbeat Bill” Legislation.

***RESOLUTION – IN SUPPORT OF HEARTBEAT BILL LEGISLATION***

- WHEREAS,** fourteen state legislatures have passed “Heartbeat Bill” legislation protecting the youngest members of the human family whose heartbeats can be detected; and
- WHEREAS,** these legislative bills disallow the use of abortion procedures after an unborn child’s heartbeat is detectable; usually no later than six weeks following conception; and
- WHEREAS,** the presence of a heartbeat is a universal and scientific accepted indicator that life does exist; and
- WHEREAS,** the United States Supreme Court case of Gonzalez vs. Carhart ruled as a “finding of fact” that a living person is legally recognized as existing from the time a heartbeat is detected even if the person is unborn; and
- WHEREAS** the existence of a heartbeat is a specific and scientific determination that is defensible and is not based on the changing and ambiguous concept of “fetal viability”; and
- WHEREAS** the Fourteenth Amendment of the United States Constitution guarantees every person “life, liberty, and property” as well as equal protection under the law; and
- WHEREAS,** it is the position of the Henderson County Board of Commissioners that Constitutional protections should be guaranteed to every living person, including the unborn, that are unable to express or defend themselves; and
- WHEREAS,** the state of North Carolina averages 27,400 abortions each year, many of which occur after the development of a heartbeat.

**NOW, THEREFORE, BE IT RESOLVED,** that the Henderson County Board of Commissioners endorse the passage of “Heartbeat Bill” legislation in North Carolina and that this endorsement includes a reporting and verification process consistent with that passed by other States; and

**BE IT FURTHER RESOLVED** that this Henderson County Resolution be forwarded to all members of the General Assembly including the Honorable Tim Moore, Speaker of the House of Representatives, the Honorable Phil Berger, President Pro Tempore of the Senate, Senator Chuck Edwards, Representatives Tim Moffitt, Jake Johnson, and the Council of State, including Lt. Governor Mark Robinson, and Governor Roy Cooper.

**ADOPTED,** this the 3rd day of January 2022.

*Vice-Chair McCall made the motion to adopt the Resolution as presented. All voted in favor and the motion carried 5-0.*

**Recognition - Henderson County Eco Heroes Award Program**

The Henderson Eco Heroes Awards Program exists to honor individuals who can serve as an example and inspire others to preserve the environmental health of Henderson County. Managed by the Henderson County Environmental Advisory Committee, members of this committee hope this award can bring environmental awareness to new people and demonstrate that a healthy environment improves the quality of life for all people. This year’s recipients were Patricia Russell, Kim Bailey, and Geri Conley.

Patricia Russell serves as the Cafeteria Manager at Dana Elementary and has worked with the school community to institute a composting project, which has resulted in a significant reduction of solid waste being sent to the landfill.

Kim Bailey is a local pollinator, farmer, environmental educator, and advocate for pollinators. Kim owns and operates Milkweed Meadows Farm where she grows milkweed, pawpaw, and other pollinator-friendly plants. She grows, donates, and sells milkweed and other plants to ensure that these plants are widely available for monarchs and other important pollinators for generations to come.

Geri Conley, who focuses on natural resource conservation, is a long-time, reliable, and devoted volunteer for conservation groups in Henderson County. Geri is an avid recycler and volunteers to curb food waste and redirect it to people who need it with IAM and the Feed the Kids program.

Recycling Coordinator, Christine Wittmeier, presented each of the recipients with an Eco Hero Certificate acknowledging their contributions in promoting a healthy environment.

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

Commissioner Edney pulled the following two items from the consent agenda for discussion: Consent item (E) Re-Criminalization of Certain Ordinances, and consent item (L) Amendment of Interlocal Agreement with Tourism Development Authority.

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

CONSENT AGENDA consisted of the following:

#### **Minutes**

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

December 6, 2021 - Regularly Scheduled Meeting

December 14, 2021 – Special Called Meeting

Motion:

*I move the Board approve the minutes of December 6, 2021, and December 14, 2021.*

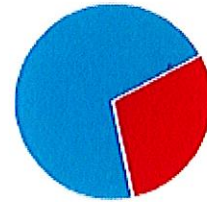
#### **Tax Collector's Report**

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

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

<b>2021 Beginning Charge:</b>	<b>\$88,218,343.01</b>
Discoveries & Imm. Irreg.:	\$1,226,378.80
Releases & Refunds:	<b>(\$143,775.52)</b>
<u>Net Charge:</u>	<u>\$89,300,946.29</u>
Unpaid Taxes:	\$26,298,485.63
<b>Amount Collected:</b>	<b>\$63,002,460.66</b>

**Paid**  
70.55%



**Unpaid**  
29.45%

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

Net Charge:	\$3,707,639.52
Unpaid Taxes:	\$6,738.95
<b>Amount Collected:</b>	<b>\$3,700,900.57</b>

**99.82%**

**Henderson County FY22 Budget Analysis:**

	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$91,127,728.00	Ad Valorem:	\$66,703,361.23
Prior Years:	\$980,000.00	Prior Years:	\$505,483.04
<b>Budget Total:</b>	<b>\$92,107,728.00</b>	<b>YTD Revenue:</b>	<b>\$67,208,844.27</b>



**2022.02 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.

<b>Type:</b>	<b>Amount:</b>
Total Taxes Released from the Charge	\$ 115,044.72
Total Refunds as a Result of the Above Releases	\$ 1,044.48

*I move the Board approve 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. EMS Peer Review Committee – 1 vac.  
Position #6
2. Juvenile Crime Prevention Council – 1 vac.  
Position #4

**2022.03 Re - Criminalization of Certain Ordinances**

In adopting what became North Carolina Session Law 2021-138, the General Assembly decriminalized all county and city ordinances adopted under the police power in North Carolina.

The same session law allowed for the possibility of limited “re-criminalization” of certain (but not all) ordinances, at least to the extent of imposing a maximum \$500.00 fine for violations (no possibility of incarceration).

The session law also created new defenses to violations of ordinances applicable to no other criminal violations in North Carolina in the new N.C. Gen. Stat. §14-4(c):

**A person may not be found responsible or guilty of a local ordinance violation . . . if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:**

- (1) **No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.**
- (2) **The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.**

Notwithstanding the normal rule, set out in N.C. Gen. Stat. §153A-45, that an ordinance may be passed on first reading if all members vote in favor, “no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced”. So, the proposed amendments are for first reading only today, and must, to be finally approved, be adopted at a second meeting.

The proposed ordinance amendments re-impose criminal penalties (for the same acts for which criminal penalties were possible prior to the enactment of Session Law 2021-138) for violations of the following:

- Animal ordinances
- Noise ordinance
- Parks and recreation areas (including sex offender-free zones)
- Weapons on certain posted county property and failure to keep projectiles on property
- Massage parlors
- Nuisances
- Violation of emergency plans or order

The following violations for which criminal penalties were formerly possible are changed to civil penalties only, due to the restrictions on the types of ordinances for which criminal penalties are now possible as a result of the session law:

- Failure to obtain pawnbrokers’ license
- Junkyards
- Abandoned or junked vehicles
- Motor sports facilities
- Emergency medical service franchises

#### **2022.04 Budget Amendment – VFW Project Costs**

The Board was requested to approve a Budget Amendment, transferring \$20,000 from the Capital Reserve Fund to the Capital Projects Fund. These monies will be used for costs associated with the assessment of the VFW property.

Motion:

*I move the Board approve the budget amendment as presented, transferring funds from the Capital Reserve Fund to the Capital Projects Fund.*

#### **Facility Use Policy Exemption**

The Board received a request from the Boy Scouts of America regarding the use of Jackson Park Shelter #1 on Saturday, January 29, 2022, at 3:00pm for their 2021 District Banquet. The Board was requested to waive the rental fee for the shelter.

Motion:

*I move the Board waive the rental fee for Shelter #1 on Saturday, January 29, 2022, at 3:00 pm for the Boy Scouts 2021 District Banquet.*

**2022.05 Revision to Henderson County Code Chapter 45 – Farmland Preservation and Henderson County Agricultural Advisory Board By-laws**

Attached, for the Board’s consideration, are revisions to Chapter 45 of the Henderson County Code and to the Agricultural Advisory Board By-Laws as approved at the December 15, 2021, Agricultural Advisory Board Meeting. Revisions reflect changes mandated by Chapter 106 of the North Carolina General Statutes.

Motion:

*I move the Board of Commissioners approve the attached revisions to Chapter 45 of the Henderson County Code and to the By-Laws of the Henderson County Agricultural Advisory Board per mandates from Chapter 106 of the North Carolina General Statutes.*

**Purchase and Installation of Cosmetic Cabinetry**

The Board was requested to approve the attached proposal and authorize staff to proceed with the procurement and installation of salon cabinetry for the BRCC Cosmetology Department as detailed in the BRCC MRTS Sink Building Cosmetology Dispensary Planned Project via the sole source exception as allowed under N.C.G.S 143-129 (e)(6). As a sole source contract with County government, approval of this agreement by the Board of Commissioners is required.

The sole proposal was received from Collins Manufacturing Company for a total price of \$33,338.03. The BRCC Cosmetology Department has had three previous renovation projects all using Collins Manufacturing Company Salon Cabinetry and would prefer to have the identical salon cabinetry provided for this phase to match the existing salon cabinetry for an esthetically pleasing environment. The salon cabinetry stations, and cabinetry were custom designed and built to fit the needs of the students, the layout for the department, and to allow for a proper learning environment for the future.

The purchase and installation of the Cosmetology Salon Cabinetry is a part of the FY21/22 BRCC MRTS Planned Projects budget.

Motion:

*I move the Henderson County Board of Commissioners award the contract for the purchase, installation of Cosmetology Cabinetry to the sole bidder, Collins Manufacturing Company for \$33,338.03 and authorize staff to proceed with the purchase using the sole source exception to bid as allowed under N.C.G.S 143-129 (e)(6).*

**Eventide NexLog Hardware Refresh**

The Board was requested to approve the attached proposal and authorize staff to proceed with the purchase of (1) Eventide NexLog Communications Recording System refresh via the sole source exception to bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole quote was received from Carolina Recording Systems (CRS) for a total price of \$66,945. CRS is the only certified and fully authorized Eventide factory trained sales and service center in the region. The system was originally purchased and installed by CRS in 2014 with the last significant upgrade occurring in 2015. By purchasing the hardware refresh from the same vendor, we ensure that existing licenses compatible with the upgraded system are able to be utilized, the installation of new components within the existing system are performed by the same company, and that maintenance can readily be performed both in person and via electronic means in a timely manner.

The recording system hardware refresh was included in the FY2022 budget in the amount of \$98,090. (This amount included maintenance costs which will be billed separately.)

Motion:

*I move the Henderson County Board of Commissioners award the purchase contract for the Eventide NexLog hardware refresh to the sole bidder, Carolina Recording Systems for \$66,945 and authorize staff to proceed with the purchase using the sole source exception to bid as allowed under N.C.G.S 143-129 (e)(6).*

### **Rejection of Bids for the purchase of Computer Workstations and Peripherals**

The Board was requested to reject all bids and authorize staff to resolicit bids.

Due to the purchase involving the use of federal funds, bids were solicited from September 22 to October 4, 2021. The low bid received was in the amount of \$131,940.56. This bid was within budget; however, it did not conform to the specifications provided. All other bids received were above the budgeted amount of \$179,700 that was budgeted in the Department of Social Services and Department of Public Health budgets for FY2022.

Motion:

*I move the Henderson County Board of Commissioners reject all bids and authorize staff to proceed with rebidding the purchase of computer workstations and peripherals*

### **2022.06 Amendment of Interlocal Agreement with Tourism Development Authority**

The Tourism Development Authority proposed an amendment to their agreement with the County to fix the rent for the next thirty years, in return for long-term investment in the structure by the Authority.

Motion:

*I move that the Board adopt the proposed amendment of the Interlocal Agreement with the Tourism Development Authority.*

Commissioner Edney requested the language in the agreement with Tourism Development Authority be revised to include a minimum investment requirement.

After discussion, the Amendment of the Interlocal Agreement with the Tourism Development authority was revised to include a minimum investment requirement of a \$900,000 investment over three years.

### **2022.07 Budget Amendment – First Contact Ministries**

The Board was requested to approve a budget amendment to provide an additional \$150,000 to First Contact Ministries for the Substance Abuse Recovery Resource Navigator program. The Board discussed an allocation of \$200,000 at the June 7, 2021 meeting during budget discussions, but ultimately determined to revisit once it was determined if the expenditure was eligible for funding through the American Rescue Plan. \$50,000 was included in the adopted FY21-22 Budget.

Motion:

*I move that the Board of Commissioners approve a Budget Amendment appropriating Fund Balance for First Contact Ministries.*

*Commissioner Edney made the motion to adopt the consent agenda with the revised language discussed. All voted in favor and the motion carried 5-0.*

## **DISCUSSION**

### **Land of sky Broadband Discussion**

Sara Nichols, the Regional Planner with Land of the Sky Regional Council, provided the Board with an update and current information on Broadband in the region.

# Land of Sky- WestNGN

Henderson Broadband Updates 2022



# 55.1%

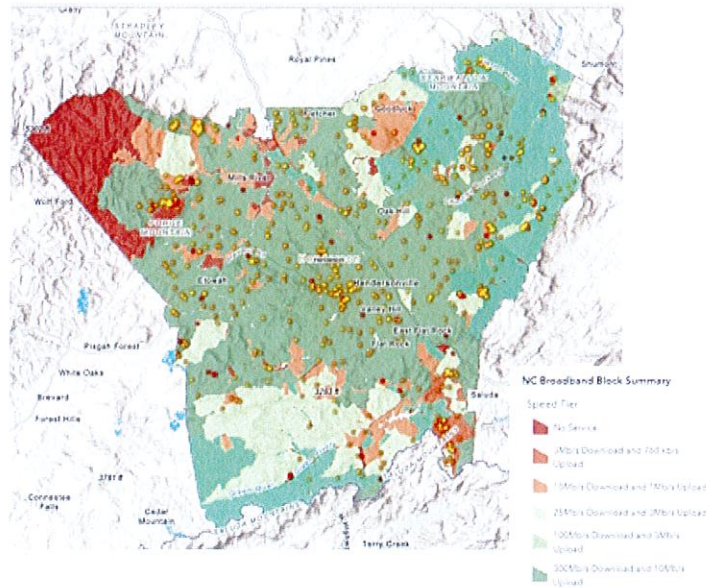
The number of Henderson County residents currently responding that their internet provider doesn't sufficiently meet the needs of their household.

5.9% of survey responses claim to have no access at all.

## Henderson County

- Data in the North Carolina portal to represent unserved areas will become increasingly important

[ncbroadband.gov](http://ncbroadband.gov)

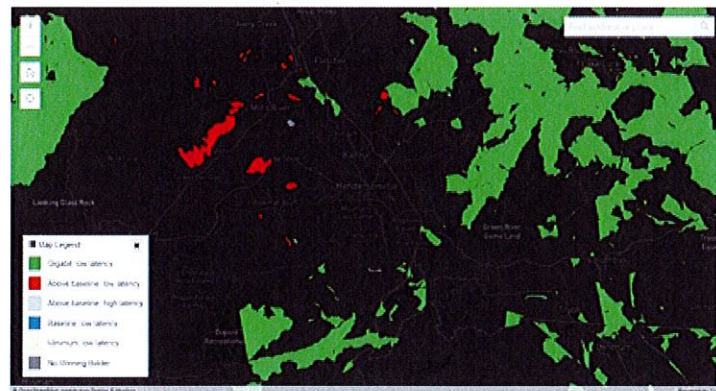


## FCC- RDOF

- \$20B federal reverse auction for FCC unserved census blocks (\$16B in Phase I)
- \$9.2 B awarded in first round to serve at least 25/3- (Charter and SpaceX awarded in LOS areas of Buncombe and Henderson)
- \$167M and 155,000 locations in NC
- 8 Year buildout obligation (40% by year 3, additional 20% in year 4-5)
- Given questions of FCC mapping there might be a significant delay for the second phase of RDOF

## Rural Digital Opportunity Fund Phase I Results

Data as of 12/07/20



In the Rural Digital Opportunity Fund Phase I auction (Auction 100), 160 bidders won \$9.2 billion over 10 years to provide broadband to 5.2M locations in 43 states and the Commonwealth of the Northern Mariana Islands.



LOCAL ARPA

# Digital Inclusion

- Fully in County jurisdiction
- Addresses affordability, device access, digital skills trainings, or public WIFI access

# Broadband Infrastructure

- County can help support projects to a private provider- cannot act like a provider
- Most projects need to be in unserved areas
- Utilization of federal funding for broadband could disqualify the county from other leveraging opportunities

## Funding Leveraging Opportunities in 2022

*Updated guidance from North Carolina anticipated in mid Jan. 2022*

### GREAT GRANTS

- Unserved Rural Census Tracts
- Not going to be served by a provider in the next 18 months (or otherwise by compliance duration program)
- County has not spent funding on broadband infrastructure since May 2021
- State and federal funded rounds (first round anticipated in Jan)
- Providers apply- County and other organizations can be formal partners on projects through funding or infrastructure (2 extra points if County match is completely ARPA funding with state)

### Completing Access to Broadband Program (CAB)-

**\*NEW**

- Work with NCDIT on project eligibility
- Unserved by 25/3
- Not going to be served by a provider in the next 18 months
- County has not spent funding on broadband infrastructure since May, 2021
- Projects subject to bid process
- Cost share between state, provider, and county (at least 10% of project cost for Henderson up to \$8M in projects)

### USDA, ARC, EDA, NTIA-

- Anticipating funding changes from major funding groups in the region

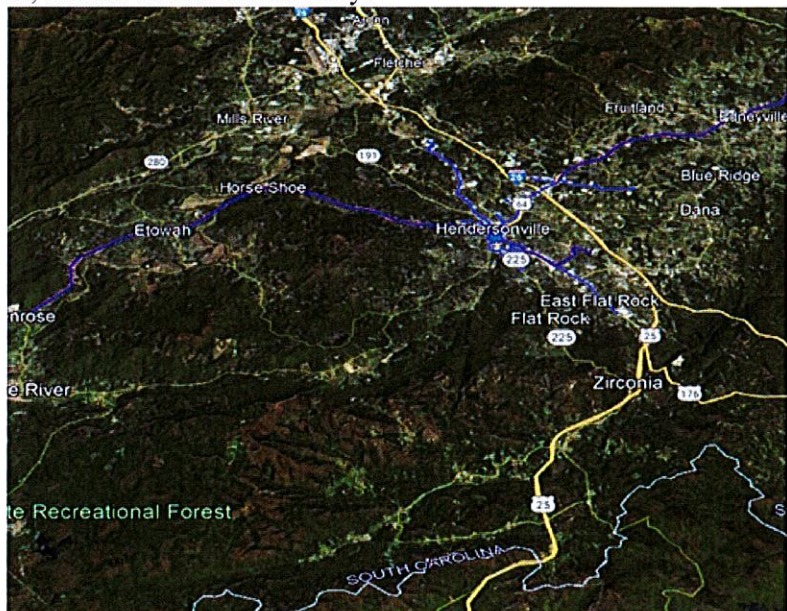
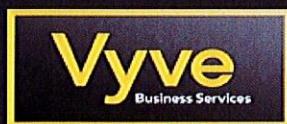
### Vyve Broadband Presentation

Representatives from Vyve Broadband, a broadband provider operating in North Carolina, were in attendance to discuss future service plans, and the broadband industry.

## Henderson County Proposal

50 Miles of New Fiber Build

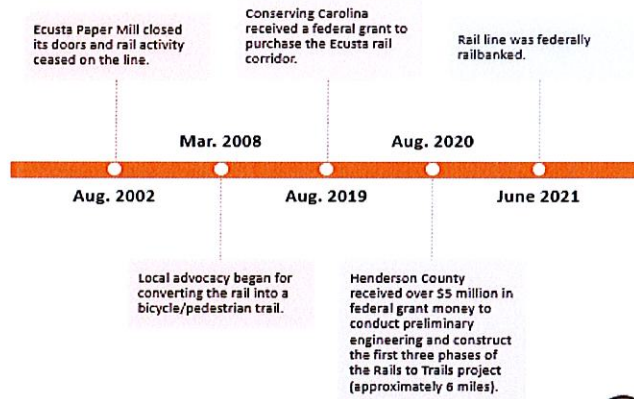
3500 Commercial Passings



### Rails to Trails Update

Business and Community Development Director Chris Todd provided the Board with an update on the Rails to Trails Project.

## Background



## A Victory for Henderson County

- August 13, 2021  
Conserving Carolina Purchased Rail Corridor
- October 20, 2021  
Henderson County leased their 11 mile section



## Our Partnerships

- Friends of the Ecusta Trail
  - Volunteer Workday on January 15<sup>th</sup>
  - Plan to clean up approximately 2 miles of trail
  - 60 Volunteers Scheduled to work



### Animal Ordinance Amendment – Add On

Commissioner Edney informed the Board that he would like to recommend the addition of a new section

to the proposed ordinance as defined in Chapter 16.1 of the Henderson County statutes in order to change three of the current definitions.

- 16.1 (18) Dog – remove the word “domestic”
- 16.1 (26) Hybrid – remove the two words “or wolves”.
- 16.1 (29) Inherently Dangerous Animal – remove the references to “wolves” or “Wolf Hybrids”.

County Attorney Russ Burrell will present the revised language to the proposed ordinance at the mid-month January meeting for the Board to consider.

### **NOMINATIONS AND APPOINTMENTS**

1. Cemetery Advisory Committee – 2 vac.  
*Vice-Chair McCall nominated Susan Rex for position #6. All voted in favor and the motion carried.*
2. EMS Peer Review Committee – 3 vac.  
There were no nominations, and this item was rolled to the next meeting.
3. Henderson County Board of Equalization and Review – 1 vac.  
*Chairman Lapsley nominated current alternate Mark Weinstein to move to regular position #2. All voted in favor and the motion carried.*
4. Henderson County Transportation Advisory Committee – 1 vac.  
*Vice-Chair McCall nominated Sam Henderson for position #1. All voted in favor and the motion carried.*
5. Henderson County Zoning Board of Adjustment – 1 vac.  
*Commissioner Andreotta nominated Carlos Ruiz for alternate position #9. All voted in favor and the motion carried.*
6. Hendersonville City Zoning Board of Adjustment – 2 vac.  
*Vice-Chair McCall nominated Michael Edney for position #2. All voted in favor and the motion carried.*
7. Hendersonville Planning Board – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
8. Home and Community care Block Grant Committee – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
9. Juvenile Crime Prevention Council – 3 vac.  
*Vice-Chair McCall nominated Anthony Cavaleri for position #4. All voted in favor and the motion carried.*
10. Laurel Park Planning Board – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
11. Laurel Park Zoning Board of Adjustment – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
12. Nursing/Adult Care Home Community Advisory Committee – 10 vac.  
There were no nominations, and this item was rolled to the next meeting.

### **COMMISSIONER UPDATES**

Vice-Chair McCall addressed the members of the audience who had spoken during the public comment period to share that she agrees with a lot of the comments they made. She noted that the Board had been and will continue to stand up against mask and vaccine mandates. She believes that everyone should have the right to choose whether to wear a mask or to get the vaccine and they should not be mandated to do so. She noted Friday, January 7, 2022, is a very important day in this country. The Supreme Court will be listening to comments on whether or not OSHA has the legal standing to uphold vaccine mandates for employers. Vice-Chair McCall has faith in the Supreme Court that this will not happen. In closing, Vice-Chair McCall directed County staff to contact the Flat Rock Playhouse for an update on their current mask

and vaccine passport requirements.

Commissioner Andreotta echoed Vice-Chair McCall’s statements. He stated he was thankful the Board adopted the Resolution in support of “Heartbeat Bill” legislation.

Commissioner Hill voiced his agreement with the Board’s opposition to mask and vaccine mandates. He thanked the citizens that had attended the meeting to express their thoughts and opinions during public comment. He wished everyone a blessed and prosperous New Year.

Chairman Lapsley agreed with the comments made by his colleagues. He stated the board was unanimous in their agreement regarding mask and vaccine mandates. He noted the Board had made their position on this matter known to the Governor, and the Legislature and will continue to do so.

**COUNTY MANAGER’S REPORT**

County Manager John Mitchell stated the next Board of Commissioners meeting on January 19, 2022, will be the Budget Retreat for Fiscal Year 22-23. The Board and Henderson County staff will begin working through a draft budget that will likely be presented to the Board at the first meeting in May and allow the month of May, including the mid-month meeting, for Budget Workshops. With hopes the Budget will be adopted in early June.

In closing, per tradition, John Mitchell polled the Board for their predictions in the upcoming College Football Playoff National Championship Game on January 10, 2022.

Predictions were as follows:


Commissioner Edney – Georgia	Vice-Chair McCall – Alabama
Chairman Lapsley – Alabama	Commissioner Hill – Georgia
Commissioner Andreotta – Alabama	Amy Brantley – Georgia
John Mitchell – Georgia	Russ Burrell – Georgia

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) and (a)(5).*

1. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. (§143-318.11(a)(3))
2. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. (§143-318.11(a)(5))

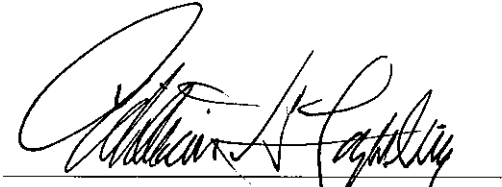
*Commissioner Edney made to motion to go out of closed session and adjourn at 8:15 p.m. All voted in favor and the motion carried 5-0.*

**ADJOURN**



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Denisa A. Lauffer, Clerk to the Board



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William Lapsley, Chairman

**During the January 3, 2022, regular meeting, the Board enacted the following:**

- 2022.01        Resolution – Heartbeat Bill Legislation**
- 2022.02        Pending Releases and Refunds**
- 2022.03        Re-Criminalization of Certain Ordinances**
- 2022.04        Budget Amendment – VFW Project Costs**
- 2022.05        Revision to Henderson County Code Chapter 45 – Farmland Preservation and Henderson County Agricultural Board By-Laws**
- 2022.06        Amendment of Interlocal Agreement with Tourism Development Authority**
- 2022.07        Budget Amendment – First Contact Ministries**

# 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

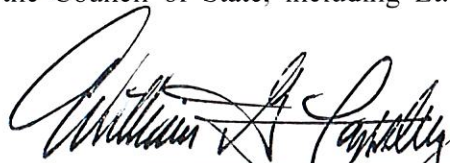
## ***RESOLUTION – IN SUPPORT OF HEARTBEAT BILL LEGISLATION***

- WHEREAS**, fourteen state legislatures have passed “Heartbeat Bill” legislation protecting the youngest members of the human family whose heartbeats can be detected; and
- WHEREAS**, these legislative bills disallow the use of abortion procedures after an unborn child’s heartbeat is detectable; usually no later than six weeks following conception; and
- WHEREAS**, the presence of a heartbeat is a universal and scientific accepted indicator that life does exist; and
- WHEREAS**, the United States Supreme Court case of Gonzalez vs. Carhart ruled as a “finding of fact” that a living person is legally recognized as existing from the time a heartbeat is detected even if the person is unborn; and
- WHEREAS** the existence of a heartbeat is a specific and scientific determination that is defensible and is not based on the changing and ambiguous concept of “fetal viability”; and
- WHEREAS** the Fourteenth Amendment of the United States Constitution guarantees every person “life, liberty, and property” as well as equal protection under the law; and
- WHEREAS**, it is the position of the Henderson County Board of Commissioners that Constitutional protections should be guaranteed to every living person, including the unborn, that are unable to express or defend themselves; and
- WHEREAS**, the state of North Carolina averages 27,400 abortions each year, many of which occur after the development of a heartbeat.

**NOW, THEREFORE, BE IT RESOLVED**, that the Henderson County Board of Commissioners endorse the passage of “Heartbeat Bill” legislation in North Carolina and that this endorsement includes a reporting and verification process consistent with that passed by other States; and

**BE IT FURTHER RESOLVED** that this Henderson County Resolution be forwarded to all members of the General Assembly including the Honorable Tim Moore, Speaker of the House of Representatives, the Honorable Phil Berger, President Pro Tempore of the Senate, Senator Chuck Edwards, Representatives Tim Moffitt, Jake Johnson, and the Council of State, including Lt. Governor Mark Robinson, and Governor Roy Cooper.

**ADOPTED**, this the 3rd day of January 2022.



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WILLIAM LAPSLEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



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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](http://www.hendersoncountync.gov)

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



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

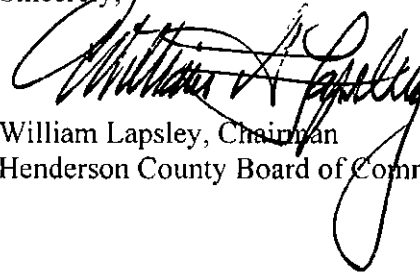
January 3, 2022

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 \$115,044.72 and tax refund requests in the amount of \$1,044.48, reviewed at the Henderson County Board of Commissioners' Meeting on Monday, January 3, 2022. All Releases and refunds were approved.

Sincerely,



William Lapsley, Chairman  
Henderson County Board of Commissioners

WGL/dal

enclosures



**NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021\***

OWNER	ABSTRACT	ADJ NUMBER	VALUE CHANGE	NOTE	SITUS ADDRESS	DISTRICT	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
ARROWOOD, TIMOTHY WILSON	0003103283-2021-2021-0000	8037	(\$1,236)	CREATED ADJUSTMENT FOR 2020 GSKW TRAILER DUE TO CLERICAL ERROR. ACQUISITION COST WAS ENTERED HIGHER THAN THE ACTUAL RMV SLAKES PRICE PER DMV RECORDS.	2 SHANGRILA LN ETOWAH NC 28729	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$23.98 \$2.40 \$26.38 \$4.92	\$23.98 \$2.40 \$26.38 \$4.92	\$6.93 \$0.69 \$7.62 \$1.42	\$6.93 \$0.69 \$7.62 \$1.42
<b>OWNER TOTAL:</b>											
BATISTE, DANA LYNN	0003097020-2020-2020-0000	8035	(\$1,550)	PER DOCUMENTATION PROVIDED, PROPERTY WAS MOVED TO KENTUCKY JUNE 2019. DOCUMENTATION ON FILE	37 GLASSON CT HENDERSOINVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$25.53 \$2.55 \$28.08 \$0.00	\$25.53 \$2.55 \$28.08 \$0.00	\$9.18 \$25.53 \$27.55 \$0.00	\$9.18 \$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>											
BEAL, STEVEN ALLEN JR	0003085267-2021-2021-0000	8047	(\$8,900)	2010 COAN TRAILER LISTED IN RUTHERFORD COUNTY FOR 2021 TAX YEAR. EMAIL VERIFICATION WITH SCREENSHOT FROM RUTHERFORD TAX OFFICE ONFILE. VOIDED ABSTRACT.	93 #1 ARDIS LN HENDERSOINVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$30.56 \$3.06 \$33.62 \$6.54	\$30.56 \$3.06 \$33.62 \$6.54	\$30.56 \$3.06 \$33.62 \$6.54	\$0.00 \$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>											
BROADNAX, STAR	0003091148-2018-2018-0000	8009	(\$5,448)	MOBILE HOME LISTED ON ABSTRACT #3104404 FOR SITUS 487 HUTCH MOUNTAIN RD	487 HUTCH MOUNTAIN RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$146.90 \$14.69 \$161.59 \$29.90 \$2.99	\$146.90 \$14.69 \$161.59 \$29.90 \$2.99	\$40.81 \$146.90 \$14.69 \$161.59 \$29.90 \$2.99	\$0.00 \$146.90 \$14.69 \$161.59 \$29.90 \$2.99
<b>OWNER TOTAL:</b>											
	0003091148-2019-2019-0000	8010	(\$26,000)	MOBILE HOME LISTED ON ABSTRACT #3104404 FOR SITUS 487 HUTCH MOUNTAIN RD	487 HUTCH MOUNTAIN RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX LATE LIST FEE TOTAL:	\$145.86 \$0.00 \$145.86 \$29.90 \$0.00	\$145.86 \$0.00 \$145.86 \$29.90 \$0.00	\$145.86 \$0.00 \$145.86 \$29.90 \$0.00	\$145.86 \$0.00 \$145.86 \$29.90 \$0.00
<b>OWNER TOTAL:</b>											

\*Adjustments submitted for approval on or before

**NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021\***

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	USER ID	SITUS ADDRESS	DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
BURNS, PHILLIP RAY	0003091148-2020-0000	MOBILE HOME LISTED ON ABSTRACT #3104404 FOR SITUS 487 HUTCH MOUNTAIN RD	(\$25,000)	8011	HSALTER	487 HUTCH MOUNTAIN RD FLETCHER NC 28732	COUNTY	TAX	\$145.86	\$145.86	\$145.86	\$145.86
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$29.90	\$29.90	\$145.86	\$145.86
								LATE LIST FEE	\$0.00	\$0.00	\$29.90	\$29.90
							TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00	
							ABSTRACT TOTAL:		\$29.90	\$175.76	\$175.76	
							TOTAL:		\$138.57	\$138.57	\$0.00	
							LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00	
							TOTAL:	\$28.41	\$28.41	\$138.57	\$138.57	
							LATE LIST FEE	\$0.00	\$0.00	\$28.41	\$28.41	
							TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00	
							ABSTRACT TOTAL:		\$28.41	\$166.98	\$166.98	
							TOTAL:		\$0.00	\$0.00	\$0.00	
							OWNER TOTAL:					\$546.00
	0003094012-2021-0000	1994 SEA RAY WATERCRAFT LISTED IN RUTHERFORD COUNTY 2021. SEE ATTACHED RUTHERFORD TAX BILL. 2000 HUDS TRAILER LISTED IN RUTHERFORD COUNTY PER DMV. VOIDED BOTH FROM ABSTRACT.	(\$102,700)	8049	SCURTIS	35 MOUNTAIN LAUREL LN FLETCHER NC 28732	COUNTY	TAX	\$23.12	\$0.00	\$19.24	\$0.00
								LATE LIST FEE	\$2.31	\$0.00	\$1.92	\$0.00
								TOTAL:	\$4.74	\$0.00	\$21.16	\$0.00
								LATE LIST FEE	\$0.47	\$0.00	\$3.94	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.39	\$0.00
								ABSTRACT TOTAL:		\$4.33	\$25.49	\$0.00
							TOTAL:		\$74.39	\$0.00	\$74.39	\$0.00
							LATE LIST FEE	\$22.32	\$22.32	\$0.00	\$22.32	\$0.00
							TOTAL:				\$96.71	\$0.00
							ABSTRACT TOTAL:				\$96.71	\$0.00
							TOTAL:				\$0.00	\$0.00
							OWNER TOTAL:					\$0.00
	0003104356-2021-2019-0000	VOID ABSTRACT DUE TO TAXPAYER SUBMITTING LISTING; LISTING WAS RECEIVED BY EMAIL AND DELIVERED TO THE JUNK FOLDER; CREATED NEW ABSTRACT 0003104356-2021-2019-0001	(\$3,430)	8013	SMORROW	1920 TRELIS LN LAUREL PARK NC 28739	COUNTY	TAX	\$74.39	\$0.00	\$74.39	\$0.00
								LATE LIST FEE	\$22.32	\$0.00	\$22.32	\$0.00
								TOTAL:			\$96.71	\$0.00
								ABSTRACT TOTAL:			\$96.71	\$0.00
							TOTAL:				\$0.00	\$0.00
							OWNER TOTAL:					\$0.00
	0003104356-2021-2020-0000	VOID ABSTRACT DUE TO TAXPAYER SUBMITTING LISTING; LISTING WAS RECEIVED BY EMAIL AND DELIVERED TO THE JUNK FOLDER; CREATED NEW ABSTRACT 0003104356-2021-2020-0001	(\$13,260)	8014	SMORROW	1920 TRELIS LN LAUREL PARK NC 28739	COUNTY	TAX	\$74.39	\$0.00	\$74.39	\$0.00
								LATE LIST FEE	\$14.88	\$0.00	\$14.88	\$0.00
								TOTAL:			\$89.27	\$0.00
								ABSTRACT TOTAL:			\$89.27	\$0.00
							TOTAL:				\$0.00	\$0.00
							OWNER TOTAL:					\$0.00
	0003104356-2021-2021-0000	VOID ABSTRACT DUE TO TAXPAYER SUBMITTING LISTING; LISTING WAS RECEIVED BY EMAIL AND DELIVERED TO THE JUNK FOLDER; CREATED NEW ABSTRACT 0003104356-2021-2021-0001	(\$39,780)	8015	SMORROW	1920 TRELIS LN LAUREL PARK NC 28739	COUNTY	TAX	\$74.39	\$0.00	\$74.39	\$0.00
								LATE LIST FEE	\$7.44	\$0.00	\$7.44	\$0.00
								TOTAL:			\$81.83	\$0.00
								ABSTRACT TOTAL:			\$81.83	\$0.00
							TOTAL:				\$267.81	\$0.00
							OWNER TOTAL:				\$267.81	\$0.00

\*Adjustments submitted for approval on or before

# NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021\*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	STATUS ADDRESS	DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
FLETCHER VIEW LLC	0002477322-2021-2021-0000	VOID ABSTRACT DUE TO THE TAXPAYER PROVIDING REQUEST FOR RELEASE/REFUND DUE TO THE BUSINESS CLOSING IN MARCH 2020; TAXPAYER FILED CHAPTER 7 BANKRUPTCY; PROVIDED DOCUMENTATION FOR BANKRUPTCY AND A FINAL INCOME TAX RETURN FOR THE BUSINESS; VOID ABSTRACT AS OF 12/31/2020	(\$3,785)	8054	SNORROW	51 FLETCHER VIEW DR FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL: FLETCHER FIRE TAX	\$21.23 \$2.12 \$4.35	\$0.00 \$0.00 \$0.00	\$21.23 \$2.12 \$4.35	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>												
FRANK, MARSHALL J	0003091310-2021-2021-0000	VOID ABSTRACT; TAXPAYER SOLD WATERCRAFT; PER NC WILDLIFE, WATERCRAFT SOLD/TRANSFERRED 07/22/2020	(\$3,785) (\$17,311)	8062	SNORROW	106 MOCKINGBIRD DR HENDERSONVILLE NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$97.11 \$9.71	\$0.00 \$0.00	\$28.14 \$97.11 \$9.71	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>												
GUSS, TUVIAH TRUSTEE	0003101699-2021-2021-0000	CORRECTION OF TOTAL HEATED LIVING AREA	(\$17,311) (\$15,800)	8058	KHENSLEY	322 SHAWMS CREEK FARM RD HENDERSONVILLE NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,099.82 \$0.00	\$0.00 \$0.00	\$106.82 \$106.82	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>												
HENDERSONVILLE AFFORDABLE HOUSING CORPORATION	0000607657-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$15,800) (\$3,085,900)	8022	NBROWN	117 S WHITTET ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$17,311.90 \$0.00	\$0.00 \$0.00	\$88.64 \$17,311.90 \$17,311.90	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0000607662-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$393,000)	8026	NBROWN	709 3RD AVE W HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,204.73 \$0.00	\$0.00 \$0.00	\$2,204.73 \$2,204.73	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0002317469-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$222,900)	8024	NBROWN	529 N WHITTET ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,250.47 \$0.00	\$0.00 \$0.00	\$1,250.47 \$1,250.47	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0002317619-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$360,900)	8021	NBROWN	611 3RD AVE W HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,024.65 \$0.00	\$0.00 \$0.00	\$2,024.65 \$2,024.65	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0002318138-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$1,728,500)	8023	NBROWN	502 WILLIAMS ST HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$9,696.89 \$0.00	\$0.00 \$0.00	\$9,696.89 \$9,696.89	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0002318571-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$321,400)	8016	NBROWN	121 FANNING BRIDGE RD FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,803.05 \$0.00	\$0.00 \$0.00	\$1,803.05 \$1,803.05	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
	0002740606-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$2,829,300)	8017	NBROWN	1500 LINCOLN CIR HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$15,872.37 \$0.00	\$0.00 \$0.00	\$15,872.37 \$15,872.37	\$0.00 \$0.00 \$0.00
<b>OWNER TOTAL:</b>												

\*Adjustments submitted for approval on or before

# NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021\*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND	
	0002849992-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$910,600)	8033	NBROWN	1008 ROBINSON TER HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$5,108.47 \$0.00 \$5,108.47	\$0.00 \$0.00	\$5,108.47 \$0.00	\$0.00 \$0.00	
	0002853962-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$1,019,900)	8025	NBROWN	540 ADAMS ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$5,721.64 \$0.00 \$5,721.64	\$0.00 \$0.00	\$5,721.64 \$0.00	\$0.00 \$0.00	
	0002857909-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$503,100)	8020	NBROWN	902 TEBEAU DR HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,822.39 \$0.00 \$2,822.39	\$0.00 \$0.00	\$2,822.39 \$0.00	\$0.00 \$0.00	
	0002857941-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$507,000)	8019	NBROWN	1247 OCAIN CT HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,844.27 \$0.00 \$2,844.27	\$0.00 \$0.00	\$2,844.27 \$0.00	\$0.00 \$0.00	
	0002859692-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$190,800)	8030	NBROWN	810 W ALLEN ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,070.39 \$0.00 \$1,070.39	\$0.00 \$0.00	\$1,070.39 \$0.00	\$0.00 \$0.00	
	0002859693-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$322,300)	8029	NBROWN	208 N JUSTICE ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,808.10 \$0.00 \$1,808.10	\$0.00 \$0.00	\$1,808.10 \$0.00	\$0.00 \$0.00	
	0002859694-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$212,800)	8028	NBROWN	715 W ALLEN ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,193.81 \$0.00 \$1,193.81	\$0.00 \$0.00	\$1,193.81 \$0.00	\$0.00 \$0.00	
	0002859695-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$158,800)	8027	NBROWN	802 W ALLEN ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$890.87 \$0.00 \$890.87	\$0.00 \$0.00	\$890.87 \$0.00	\$0.00 \$0.00	
	0002861325-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$677,000)	8031	NBROWN	10 MISTY MOUNTAIN DR ETOWAH NC 28729	COUNTY ETOWAH- HORSESHOE FIRF	TAX LATE LIST FEE TOTAL:	\$3,797.97 \$0.00 \$3,797.97	\$0.00 \$0.00	\$3,797.97 \$0.00	\$0.00 \$0.00	
	0002865876-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$1,302,700)	8018	NBROWN	901 CLARK ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$7,308.15 \$0.00 \$7,308.15	\$0.00 \$0.00	\$7,308.15 \$0.00	\$0.00 \$0.00	
	0003098269-2021-2021-0000	LOST EXEMPTION AFTER 2020 TRANSFER, FAILED TO PUT BACK ON FOR 2021. GOVERNMENT HAS OWNERSHIP INTEREST IN PROPERTY.	(\$3,439,300)	8032	NBROWN	451 E DERMID AVE HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$19,294.47 \$0.00 \$19,294.47	\$0.00 \$0.00	\$19,294.47 \$0.00	\$0.00 \$0.00	
<b>OWNER TOTAL:</b>											<b>(\$18,186,200)</b>	<b>\$102,803.14</b>	<b>\$0.00</b>

\*Adjustments submitted for approval on or before

**NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021\***

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	DISTRICT	TAX	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
HOLT, TERRY H	0003104279-2021-2021-0000	VOID ABSTRACT; MOBILE HOME LISTED ON ABSTRACT 0002896902	(\$42,000)	8039	SMORROW	706 HUTCH MOUNTAIN RD FLETCHER NC 28732	COUNTY	TAX	TAX	\$235.62	\$235.62	\$235.62	\$235.62
								LATE LIST FEE		\$23.56	\$23.56	\$23.56	\$23.56
								TOTAL:		\$259.18	\$259.18	\$259.18	\$259.18
								FLETCHER FIRE TAX		\$48.30	\$48.30	\$48.30	\$48.30
								LATE LIST FEE		\$4.83	\$4.83	\$4.83	\$4.83
								TOTAL:		\$53.13	\$53.13	\$53.13	\$53.13
								ABSTRACT TOTAL:		\$312.31	\$312.31	\$312.31	\$312.31
JETER MOUNTAIN EVENTS AND SMOKEHOUSE, LLC	0003104328-2021-2021-0000	VOIDED THIS ABSTRACT EFFECTIVE 12/31/2020. BUSINESS WAS NOT OPEN ON JANUARY 1, 2021. BUSINESS BEGAN OPERATIONS IN 04/2021. BUSINESS IS NOT DUE PERSONAL PROPERTY TAX FOR THE YEAR 2021.	(\$71,125)	8048	YGONZALEZ	1126 JETER MOUNTAIN RD HENDERSONVILLE NC 28739	COUNTY	TAX	TAX	\$399.01	\$399.01	\$399.01	\$399.01
								LATE LIST FEE		\$39.90	\$39.90	\$39.90	\$39.90
								TOTAL:		\$438.91	\$438.91	\$438.91	\$438.91
								VALLEY HILL FIRE		\$71.13	\$71.13	\$71.13	\$71.13
								LATE LIST FEE		\$7.11	\$7.11	\$7.11	\$7.11
								TOTAL:		\$78.24	\$78.24	\$78.24	\$78.24
								ABSTRACT TOTAL:		\$517.15	\$517.15	\$517.15	\$517.15
KEY, WILLIAM DANIEL	0003103664-2021-2021-0000	2015 YAMAHA VOIDED 6/29/2020 PER ATTACHED BILL OF SALE/TITLE. VOIDED 2021 ABSTRACT. REQUEST FOR RELEASE ON FILE.	(\$3,657)	8050	SCURTIS	5 HEIDI WAY HORSE SHOE NC 28742	COUNTY	TAX	TAX	\$20.52	\$20.52	\$20.52	\$20.52
								LATE LIST FEE		\$2.05	\$2.05	\$2.05	\$2.05
								TOTAL:		\$22.57	\$22.57	\$22.57	\$22.57
								ETOWAH-HORSESHOE FIRE		\$4.21	\$4.21	\$4.21	\$4.21
								LATE LIST FEE		\$0.42	\$0.42	\$0.42	\$0.42
								TOTAL:		\$4.63	\$4.63	\$4.63	\$4.63
								ABSTRACT TOTAL:		\$27.20	\$27.20	\$27.20	\$27.20
LOVE, ROBERT TRADER	0003089133-2021-2021-0000	2005 CONT TL TAGGED WITH ANNUAL TAG THROUGH DMV. REGISTRATION ATTACHED WITH REQUEST FOR RELEASE. VOIDED ABSTRACT.	(\$800)	8053	SCURTIS	2236 CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY	TAX	TAX	\$4.49	\$4.49	\$4.49	\$4.49
								LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:		\$0.96	\$0.96	\$0.96	\$0.96
								MOUNTAIN HOME FIRE		\$0.00	\$0.00	\$0.00	\$0.00
								LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:		\$0.96	\$0.96	\$0.96	\$0.96
								ABSTRACT TOTAL:		\$5.45	\$5.45	\$5.45	\$5.45
MORTON, OPAL	0000758007-2021-2021-0000	VOID ABSTRACT; MOBILE HOME LISTED AS REAL PROPERTY ON ABSTRACT 0000110006	(\$11,384)	8034	SMORROW	417 CREST RD EAST FLAT ROCK NC 28726	COUNTY	TAX	TAX	\$63.86	\$63.86	\$63.86	\$63.86
								LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:		\$63.86	\$63.86	\$63.86	\$63.86
								BLUE RIDGE FIRE		\$14.80	\$14.80	\$14.80	\$14.80
								LATE LIST FEE		\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:		\$14.80	\$14.80	\$14.80	\$14.80
								ABSTRACT TOTAL:		\$14.80	\$14.80	\$14.80	\$14.80
								ABSTRACT TOTAL:		\$78.66	\$78.66	\$78.66	\$78.66

\*Adjustments submitted for approval on or before

# NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021 \*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
NEILL, SAMUEL D	0002130514-2015-2015-0000	VOID ABSTRACT 12/31/2014; TAXPAYER PROVIDED DOCUMENTATION AND A REQUEST FOR RELEASE/REFUND; TAXPAYER SOLD HIS WATERCRAFT; PER	(\$3,290)	8059	SMORROW	222 THIRD AVE WEST HENDERSONVILLE NC 28739-4308 NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$16.90 \$1.69 \$18.59	\$0.00 \$0.00	\$16.90 \$1.69 \$18.59	\$0.00 \$0.00
	0002130514-2016-2016-0000	VOID ABSTRACT 12/31/2015; TAXPAYER PROVIDED DOCUMENTATION AND A REQUEST FOR RELEASE/REFUND; TAXPAYER SOLD HIS WATERCRAFT; PER WILDLIFE, WATERCRAFT TRANSFERRED OWNERSHIP 05/28/2014	(\$4,120)	8060	SMORROW	222 THIRD AVE WEST HENDERSONVILLE NC 28739-4308 NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$23.28 \$2.33 \$25.61	\$0.00 \$0.00	\$23.28 \$2.33 \$25.61	\$0.00 \$0.00
	0002130514-2017-2017-0000	VOID ABSTRACT; TAXPAYER PROVIDED DOCUMENTATION AND A REQUEST FOR RELEASE/REFUND; TAXPAYER SOLD HIS WATERCRAFT; PER WILDLIFE, WATERCRAFT TRANSFERRED OWNERSHIP 05/28/2014	(\$4,010)	8061	SMORROW	222 THIRD AVE WEST HENDERSONVILLE NC 28739-4308 NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$22.66 \$2.27 \$24.93	\$0.00 \$0.00	\$22.66 \$2.27 \$24.93	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
			(\$11,420)		YONGAZALEZ	4370 OLD US 25 HWY ZIRCONIA NC 28790	COUNTY	TAX LATE LIST FEE TOTAL:	\$9.23 \$0.92 \$10.15	\$0.00 \$0.00	\$9.23 \$0.92 \$10.15	\$0.00 \$0.00
<b>PAMELA BRUNER ENTERPRISES, LLC</b>												
		BUSINESS WAS LOCATED IN BUNCOMBE COUNTY AS OF 1/1/2021. ADJUSTMENT MADE BECAUSE THERE IS NO PROPERTY TAX DUE SINCE THE BUSINESS WAS NOT LOCATED IN HENDERSON COUNTY. TAX PAYER PROVIDED DOCUMENTATION REFLECTING THAT SHE SOLD HER HOME IN ZIRCONIA IN 07/28/2020. THE BUSINESS WAS A HOME BASED BUSINESS.		8051			GREEN RIVER FIRE	TAX LATE LIST FEE TOTAL:	\$1.48 \$0.15 \$1.63	\$0.00 \$0.00	\$1.48 \$0.15 \$1.63	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
			(\$1,645)		NBROWN	810 ROBINSON TER HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$4,130.08 \$0.00 \$4,130.08	\$0.00 \$0.00	\$4,130.08 \$0.00 \$4,130.08	\$0.00 \$0.00
<b>RTS AFFORDABLE HOUSING CORPORATION</b>												
		EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED BACK AFTER ERROR FOUND.	(\$404,800)	8065	NBROWN	301 N JUSTICE ST HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,270.93 \$0.00 \$2,270.93	\$0.00 \$0.00	\$2,270.93 \$0.00 \$2,270.93	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
		EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED BACK AFTER ERROR FOUND.	(\$46,300)	8069	NBROWN	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$259.74 \$0.00 \$259.74	\$0.00 \$0.00	\$259.74 \$0.00 \$259.74	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												
		EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED BACK AFTER ERROR FOUND.	(\$43,600)	8068	NBROWN	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC	COUNTY	TAX LATE LIST FEE TOTAL:	\$244.60 \$0.00 \$244.60	\$0.00 \$0.00	\$244.60 \$0.00 \$244.60	\$0.00 \$0.00
<b>OWNER TOTAL:</b>												

\*Adjustments submitted for approval on or before

# NCPTS Pending Release/Refund Report. Wednesday, December 22, 2021 \*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TEW, JOE	0002863175-2021-2021-0000	EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED AFTER ERROR FOUND.	(\$31,200)	8066	NBROWN	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC	COUNTY	TAX	\$175.03	\$0.00	\$175.03	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$175.03	\$175.03	\$0.00	\$0.00
								ABSTRACT TOTAL:				
	0002869956-2021-2021-0000	EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED AFTER ERROR FOUND.	(\$32,800)	8067	NBROWN	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792	COUNTY	TAX	\$184.01	\$0.00	\$184.01	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$184.01	\$184.01	\$0.00	\$0.00
								ABSTRACT TOTAL:				
	0003099166-2021-2021-0000	EXEMPTION REMOVED IN ERROR, WAS GOVERNMENT PROPERTY TO AN ENTITY THAT THE GOVERNMENT HAS SUBSTANTIAL INTEREST. EXEMPTION ADDED AFTER ERROR FOUND.	(\$431,400)	8070	NBROWN	203 N JUSTICE ST HENDERSONVILLE NC 28739	COUNTY	TAX	\$2,420.15	\$0.00	\$2,420.15	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
							TOTAL:	\$2,420.15	\$2,420.15	\$0.00	\$0.00	
							ABSTRACT TOTAL:					
	<b>OWNER TOTAL:</b>		<b>(\$1,726,300)</b>									
YOUNG, JERRY WADE	0003099777-2020-2020-0000	VOID ABSTRACT DUE TO PERSONAL PROPERTY BEING TAGGED/TAXED IN CUMBERLAND CO., NC PER STANS	(\$11,450)	8057	SMORROW	13 KORTNEY LYNN LN FLAT ROCK NC 28731	COUNTY	TAX	\$64.23	\$64.23	\$64.23	\$64.23
								LATE LIST FEE	\$6.42	\$6.42	\$6.42	\$6.42
								TOTAL:	\$70.65	\$70.65	\$70.65	\$70.65
								TAX	\$14.89	\$14.89	\$14.89	\$14.89
								LATE LIST FEE	\$1.49	\$1.49	\$1.49	\$1.49
								TOTAL:	\$16.38	\$16.38	\$16.38	\$16.38
								ABSTRACT TOTAL:				
								TOTAL:	\$9,684.54	\$9,684.54	\$0.00	\$0.00
								TAX	\$75.45	\$0.00	\$75.45	\$0.00
								LATE LIST FEE	\$7.55	\$0.00	\$7.55	\$0.00
							TOTAL:	\$83.00	\$83.00	\$0.00	\$0.00	
							TAX	\$17.49	\$0.00	\$17.49	\$0.00	
							LATE LIST FEE	\$1.75	\$0.00	\$1.75	\$0.00	
							TOTAL:	\$19.24	\$19.24	\$0.00	\$0.00	
							ABSTRACT TOTAL:					
	<b>OWNER TOTAL:</b>		<b>(\$24,900)</b>									
<b>GRAND TOTALS:</b>			<b>(\$20,279,343)</b>								<b>\$115,044.72</b>	<b>\$1,044.48</b>

\*Adjustments submitted for approval on or before

**Chapter 45**  
**Farmland Preservation**  
**Article I - General Provisions**

[HISTORY: Adopted by the Board of Commissioners of Henderson County. Amended 12-18-1991; 11-18-1998; 9/02/2008; 9/04/2012.]

**§ 45-1. Purpose; Statutory Authority; Title.**

- A. The purpose of this Chapter is to encourage the voluntary preservation and protection of farmland from nonfarm development, recognizing the importance of agriculture to the economic and cultural life of the County.
- B. Pursuant to authority conferred by Article 61 of Chapter 106 of the North Carolina General Statutes, and for the purpose of promoting the health, safety, morals and general welfare of Henderson County, the Board of Commissioners of Henderson County, North Carolina, does enact the following sections, which shall be known as the "Voluntary Farmland Preservation Program Ordinance of Henderson County, North Carolina."

**§ 45-2. Definitions.**

The following terms are defined for purposes of this Chapter:

- (1) Board - The Henderson County Agricultural Advisory Board.
- (2) Board of Commissioners - The Henderson County Board of Commissioners.
- (3) Chairman - The Chairman of the Agricultural Advisory Board.
- (4) District - A voluntary agricultural district.

**Article II- Agricultural Advisory Board**

**§ 45-3. Establishment.**

A County Agricultural Advisory Board, to consist of 5 members appointed by the Board of Commissioners, is hereby established.

**§ 45-4. Residency Requirements; Qualifications; Terms; Vacancies; Removal.**

- A. Each Board member shall be a resident of Henderson County, and shall be selected in accord with N.C. Gen. Stat. §106-739.
- B. 3 of the 5 members should be actively engaged in farming, and they may be selected for appointment by the Board of Commissioners from a list of possible candidates submitted to the Board of Commissioners by the Henderson County Soil and Water Conservation District, Henderson County Cooperative Extension, Farm Service Agency County Committee, and AgriBusiness Henderson County.. Appointments should be made with an effort to have the broadest geographical representation possible.
- C. All members are to serve for terms of 4 years, except that the initial Board is to consist of 1 appointee for a term of 2 years; 2 appointees for terms of 3 years and 2 appointees for terms of 4 years. Thereafter, all appointments are to be for terms of 4 years, with reappointments permitted.
- D. Any vacancy on the Agricultural Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.
- E. Any member of the Agricultural Advisory Board may be removed with or without cause by the Board of Commissioners.

**§ 45-5. Officers; Bylaws; Fiscal Year; Meetings; Records; Support Services.**

- A. The Board is to elect a Chairman and Vice Chairman each year at its first meeting of the fiscal year. The Chairman shall preside over all regular or special meetings of the Board. The Board shall adopt its own bylaws, and such bylaws or amendments thereto must be approved by the Henderson County Board of Commissioners.



- B. The Board will use the County fiscal year as its meeting year. Meetings of the Board shall be publicized and conducted in accordance with provisions of the North Carolina Open Meetings Law. Such meetings shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.
- C. The Board shall keep minutes of the proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- D. The Henderson County Agricultural Advisory Board shall contract with the Soil and Water Conservation District office to serve the Board for recordkeeping, correspondence and application procedures under this Chapter and whatever other services the Board needs to complete its duties.

**§ 45-6. Powers and Duties.**

- A. The Agricultural Advisory Board shall:
  - (1) Review and approve applications for qualified farmland and voluntary agricultural districts and make recommendations concerning the establishment and modification of agricultural districts, subject to the appeal of such decisions to the Board of Commissioners pursuant to N.C. Gen. Stat. §106-739(a)(1).
  - (2) Hold public hearings pursuant to Article VI of this Chapter.
  - (3) Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts.
  - (4) Execute agreements with landowners necessary for enrollment of land in a voluntary agricultural district.
  - (5) Perform other related tasks or duties assigned by the Board of Commissioners.
- B. Each district shall be assigned to a member of the Board who shall monitor and represent that district in all business conducted by the Board. Individual members will represent those districts closest to them geographically. No member will represent more than 30% of the total number of districts in the County or 30% of the total land area.

**Article III - Voluntary Agricultural Districts**

**§ 45-7. Purpose.**

The purpose of voluntary agricultural districts formed by landowners shall be to encourage the economic and financial well-being of farming areas, decrease the likelihood of legal disputes, such as nuisance actions between farm owners and their neighbors, undesirable nonfarm development and other negative impacts on participating farms and to increase the identity and pride in the agricultural community and its way of life.

**§ 45-8. Application Procedure.**

- A. An agricultural district shall initially consist of at least 50 or more contiguous acres of qualifying farmland or at least 5 qualifying farms, which collectively will create a district with each said farm lying within one mile of any other such farm. An agricultural district may be enlarged by adding qualifying farms subsequent to initial formation.
- B. An agreement to sustain, encourage and promote agriculture must be executed by each applicant in the district and submitted to the Agricultural Advisory Board for approval.
- C. Landowners may apply to participate in existing districts and are encouraged to do so.
- D. To secure County certification as an agricultural district, a landowner, for such designation, will apply to the Chairman of the Agricultural Advisory Board. Application forms may be obtained from the Chairman at the Soil and Water Conservation District office or at the office of the Henderson County Planning Department.
- E. Upon receipt of an application, the Chairman will forward copies immediately to the Henderson County Assessor's office and the Henderson County Soil and Water

Conservation District office for evaluation pursuant to Article IV. Said offices shall evaluate, complete and return their copies to the Chairman within 30 days of receipt.

- F. Within 30 days of receipt of respective reports from the County Assessor and the Soil and Water Conservation District office, the Board will meet and render a decision regarding the application. The Chairman will notify the applicant by mail of the Board's decision.
- G. If the application is denied by the Agricultural Advisory Board, the petitioner has 30 days to appeal the decision to the Henderson County Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**§ 45-9. Maps; Public Notice.**

Voluntary agricultural districts will be marked on official maps maintained by the Henderson County Soil and Water Conservation District office and displayed for public view in the following County offices:

- A. Registrar of Deeds.
- B. Code Enforcement.
- C. Tax Collector.
- D. Soil and Water Conservation District.
- E. Cooperative Extension.
- F. Land Records.
- G. Any other office deemed necessary by the Board of Commissioners.

**§ 45-10. Major Subdivisions and Planned Unit Developments.**

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans the existence of voluntary agricultural districts within 1/2 mile of the proposed development.

**§ 45-11. Public Information Program.**

The County may take such action as it deems appropriate through the Agricultural Advisory Board or other body or individual to encourage the formation of voluntary agricultural districts and to further their purposes and objectives, including a public information program to reasonably inform landowners of the farmland preservation program.

**Article IV - Certification for Qualifying Farmland**

**§ 45-12. Requirements.**

To secure County certification as qualifying farmland, a farm must meet the requirements of N.C. Gen. Stat. §106-737 as the same may be amended.

**§ 45-13. Application.**

A landowner may apply to the Chairman for such certification at the same time he applies for approval as an agricultural district.

**Article V - Revocation of Preservation Agreement**

**§ 45-14. Notice.**

By written notice to the Board, a landowner of qualifying farmland may revoke the preservation agreement formulated pursuant to Article III of this Chapter, or the Board may revoke the same preservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of eligibility to participate in a voluntary agricultural district.

**Article VI - Public Hearings**

**§ 45-15. Purpose.**

Pursuant to N.C. Gen. Stat. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district until such agency or unit has requested the local Agricultural Advisory Board to hold a public hearing on the proposed condemnation, this article provides for such hearings. This Chapter shall not be interpreted or construed to limit the County's authority to acquire land within or outside a voluntary agricultural district for a public purpose, whether by purchase or condemnation.

**§ 45-16. Procedure.**

- A. Upon receiving a request for condemnation, the Agricultural Advisory Board shall, within 2 days, publish a notice in a newspaper having general circulation in Henderson County describing the proposed condemnation. The notice shall state the time, date and location of the public hearing on the proposed condemnation. Such hearing shall be held within 14 days of receipt of the request.
- B. The Board will meet to review:
  - (1) If the need for the condemnation has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - (2) Alternatives to the proposed condemnation that are less disruptive and of less impact to the agricultural activities and farm land base of the voluntary agricultural district within which the condemnation action is to take place.
- C. The Board will consult with the County Cooperative Extension Service, United States Department of Agriculture Natural Resources Conservation Service, and may consult with any other individuals, agencies or organizations, public or private, necessary to the Board's review of the proposed condemnation.
- D. Within 10 days after the public hearings, the Board will make a report containing its findings and recommendations regarding the proposed condemnation. The report will be made available to the public for comment prior to its being conveyed to the decision making body of the agency proposing condemnation.
- E. Pursuant to N.C. Gen. Stat. §106-740, the County will not, within its scope of authority, permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board within these time limitations.

**Article VII - Special Requirements**

**§ 45-17. Purpose.**

The purpose of this article is to help meet the needs of agriculture as an industry and to prevent conflicts between voluntary agricultural district participants and nonfarm landowners in proximity to districts.

**§ 45-18. Districts Not Permitted In County Growth Areas.**

Voluntary agricultural districts will not be permitted in designated County growth areas, as delineated in the most recently adopted County Land Use Plan, such plan being adopted after the effective date of this Chapter.

**§ 45-19. Consultation with Other Agencies.**

The Board shall consult as much as possible with the North Carolina Department of Agriculture, the North Carolina Division of Soil and Water Conservation and any other entity the Board deems necessary to the proper conduct of its business.

**§ 45-20. Filing with Commissioner Of Agriculture; Reports.**

- A. A copy of this Chapter shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. At least once a year the County shall submit a written report to the Commissioner of Agriculture's office indicating the status, progress and activities of the County's farmland preservation program, including voluntary agricultural districting information regarding:
  - (1) Number of landowners, acres and farms enrolled.
  - (2) Number of acres applied.
  - (3) Number of acres certified.
  - (4) Number of acres denied.
  - (5) Date each agricultural district was certified.
- B. Copies of the reports cited in Subsection A will be sent to:
  - (1) North Carolina Commissioner of Agriculture.
  - (2) North Carolina Department of Transportation.
  - (3) North Carolina Department of Commerce.
  - (4) Hendersonville Chamber of Commerce.
  - (5) Any other entities the Board deems appropriate.

**§ 45-21. Records; Notice of Proximity to District.**

At such time as Henderson County has a computerized land records system, it shall be required that such records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within 1/2 mile of the property line of any tract of land enrolled in a voluntary agricultural district.

**Article VIII – Agricultural Districts  
Part One - Voluntary Agricultural Districts**

**§ 45-25. Purpose.**

The purpose of voluntary agricultural districts shall be as stated in N.C. Gen. Stat. §106-738(b).

**§ 45-26. Application Procedure.**

- A. An agricultural district shall initially consist of at least 100 or more contiguous acres of qualifying farmland or at least 3 qualifying farms, which collectively will create a district with each said farm lying within 1 mile of any other such farm. An agricultural district may be enlarged by adding qualifying farms subsequent to initial formation.
- B. An agreement to sustain, encourage and promote agriculture must be executed by each applicant in the district and submitted to the Agricultural Advisory Board for approval.
- C. Landowners may apply to participate in existing districts and are encouraged to do so.
- D. To secure County certification as an agricultural district, a landowner, for such designation, will apply to the Chairman of the Agricultural Advisory Board. Application forms may be obtained from the Chairman at the Soil and Water Conservation District office or at the office of the Henderson County Planning Department.
- E. Upon receipt of an application, the Chairman will forward copies immediately to the Henderson County Assessor's office and the Henderson County Soil and Water Conservation District office for evaluation pursuant to Article IV. Said offices shall evaluate, complete and return their copies to the Chairman within 30 days of receipt.
- F. Within 30 days of receipt of respective reports from the County Assessor and the Soil and Water Conservation District office, the Board will meet and render a decision regarding the application. The Chairman will notify the applicant by mail of the Board's decision.

- G. If the application is denied by the Agricultural Advisory Board, the petitioner has 30 days to appeal the decision to the Henderson County Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**§ 45-27. Maps; Public Notice.**

- A. Voluntary agricultural districts will be marked on official maps maintained by the Land Records Office of the Henderson County Tax Assessor, displayed for public view in the following County locations:
- (1) Register of Deeds.
  - (2) Soil and Water Conservation.
  - (3) Henderson County Tax Assessor's offices.
  - (4) Official Henderson County electronic land records.
  - (5) Any other office deemed necessary or advisable by the Board of Commissioners.
- B. The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

*Henderson County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts can be obtained from the North Carolina Cooperative Extension Service office, the office of the Register of Deeds, the County Planning office, the Land Records Section of the Tax Assessor's Office, or the Natural Resources Conservation Service office.*

**§ 45-28. Land Development; Notice to Purchasers.**

- A. Developers of major subdivisions (as that term is used in the Henderson County Land Development Code) or planned unit developments shall designate on preliminary development plans the existence of voluntary agricultural districts within 1/2 mile of the proposed development.
- B. In addition, developers shall comply with all applicable provisions of the Henderson County Land Development Code, including but limited to those regarding Farmland Preservation Districts.
- C. As used in this Article, unless the context clearly indicates otherwise the terms "voluntary agricultural district" and "enhanced agricultural district" shall have the same meaning as the term "Farmland Preservation District" as used in the Henderson County Land Development Code.

**§ 45-29. Public information program.**

The County may take such action as it deems appropriate through the Agricultural Advisory Board or other body or individual to encourage the formation of voluntary agricultural districts and to further their purposes and objectives, including a public information program to reasonably inform landowners of the farmland preservation program. Official Henderson County electronic land records shall indicate the boundary of the area within 1/2 mile of a voluntary agriculture district, and shall further indicate any setbacks from such district required by the Land Development Code.

**§ 45-30. Qualifying Farmland**

As used in this Article, "qualifying farmland" must:

- A. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and
- B. Be located in the unincorporated area of Henderson County
- C. Either:
  - (1) Be participating in the farm present-use-value taxation program established by N.C. Gen. Stat. Chapter 105, Article 12, or is otherwise determined by the county to meet all the qualifications of this program set forth in N.C. Gen. Stat. §105-277.3; or,
  - (2) Both:
    - a. Be engaged in "agriculture" as that term is defined in N.C. Gen. Stat. §106-581.1; and,
    - b. Qualify as a "bona fide farm" under N.C. Gen. Stat. §160D-903(a).

§ 45-31. Through 45-39. (Reserved)

**Article VIII – Agricultural Districts**  
**Part Two - Enhanced Voluntary Agricultural Districts**

**§ 45-40. Purpose**

The purpose of Enhanced Voluntary Agricultural Districts is to provide, pursuant to N.C. Gen. Stat. §106-743.1 *et seq.*, all the benefits to the County of Voluntary Agricultural Districts under Part 1 of this Article, with additional benefits to the County and to its farmland beyond that available in a voluntary agricultural district established under Part 2 of this Article, when the owner of the farmland agrees to the condition imposed hereunder.

- A. Enhanced Voluntary Agricultural Districts must meet all the requirements of Part 1 of this Article.
- B. Landowners who desire inclusion of their land in an Enhanced Voluntary Agricultural District must not only meet all the requirements of Part 1 of this Article, but must also enter into an irrevocable agricultural easement and conservation agreement (pursuant to N.C. Gen. Stat. §121-35) for a term of 10 years with Henderson County through its Agricultural Advisory Board, as specified below. Such easement shall contain a provision that at its expiration the easement automatically renews for subsequent 3 year periods unless either party gives the other written notice prior to such expiration to Henderson County and its Agricultural Advisory Board.
- C. The form of the agreement required under A., above, shall be approved by the Henderson County Agricultural Advisory Board, and shall meet the requirements of N.C. Gen. Stat. § 106-743.2.

§ 45-42. [Deleted pursuant to N.C. Session Law 2021-78.]

**§ 45-43. Benefits**

- A. The benefits set forth in this Part shall be available to the farmland that is the subject of the conservation agreement for the duration of the easement and conservation agreement and for so long as the benefits of such agreement have not been withdrawn under the provisions of this Part due to non-compliance with the terms of such easement and conservation agreement.
- B. Property that is subject to a conservation agreement under N.C. Gen. Stat. §106-743.2 that remains in effect may receive up to 25 percent of its gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations under N.C. Gen. Stat. §153A-340(b). For purposes of N.C. Gen. Stat. §153A-340(b), the production of any nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm that is subject to a conservation agreement under N.C. Gen. Stat.

§106-743.2 is a bona fide farm purpose. A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed 25 percent of its gross sales.

- C. Pursuant to N.C. Gen. Stat. §106-743.4 (b), a person who farms land that is subject to a conservation agreement under N.C. Gen. Stat. §106-743.2 that remains in effect is eligible under N.C.G.S. Chapter 160, Article 72 to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to N.C.G.S Chapter 143, Article 21, Part 9, for funds to benefit that farmland.
- D. All assessments for utilities provided by Henderson County are held in abeyance, without interest, for farmland subject to a conservation agreement under N.C. Gen. Stat. §106-743.2 that remains in effect until improvements on the farmland property are connected to the utility for which the assessment was made. When the period of abeyance ends, such assessment is payable in accordance with the terms of the assessment resolution. Pursuant to N.C. Gen. Stat. §106-743.5(c), statutes of limitations are suspended during the time that any assessment is held in abeyance under this section without interest.

**§ 45-44. Notice**

Enhanced voluntary agricultural districts shall be marked on County maps listed in § 45-27.

**§ 45-45. Education**

The Henderson County Agricultural Advisory Board shall encourage the formation of the Districts and Enhanced Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

**§ 45-46. Through 45-49. (Reserved)**

**Article VIII – Agricultural District  
Part Three – Procedures**

**§ 45-50. Procedures**

The Henderson County Agricultural Advisory Board shall adopt procedures, based upon the model procedures promulgated by North Carolina State University College of Agriculture & Life Sciences, for both voluntary and enhanced voluntary agriculture districts for the following:

- A. Application
- B. Approval of Agriculture Easement and Conservation Agreement terms. Such agreement to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board and with the Henderson County Register of Deeds. Permitted uses for the land subject to such Easement and Conservation Agreement include agriculture, horticulture, forestry, and outdoor recreation. The Easement and Conservation Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner according to its terms, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Easement and Conservation Agreement.
- C. Enforcement, including methods for determining compliance and for revocation by the County for non-compliance.

**§ 45-51. Condemnation of Qualifying Farmland**

- A. Pursuant to N.C. Gen. Stat. §106-740, Henderson County may not formally initiate any action to condemn any interest in qualifying farmland within a District until it has requested the Henderson County Advisory Board to hold a public hearing on the proposed condemnation.
- B. Procedure

- (1) Upon receiving a request, the Henderson County Advisory Board shall publish notice describing the proposed action in the newspaper of record within Henderson County within 5 business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within 10 days of receipt of the request.
- (2) The Advisory Board shall meet to review:
  - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
- (3) The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
- (4) Within 5 days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
- (5) There will be a period of 10 days allowed for public comment on the report of the Advisory Board.
- (6) After the 10 day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
- (7) The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed 30 days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
- (8) Pursuant to N.C. Gen. Stat. §106-740, no State or local agency may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district or an enhanced voluntary agricultural district until such agency has requested a public hearing.

§ 45-52.Through 45-75. (Reserved)



## Henderson County, North Carolina

### Agricultural Advisory Board

#### Article I. Governing Authority

The Henderson County Agricultural Advisory Board (hereinafter "Advisory Board") shall be governed by the terms of Sections 106-735 through 106-744 of the General Statutes of North Carolina, and by the terms of the Henderson County, North Carolina, Voluntary Farmland Preservation Program Ordinance (now referred to as "Chapter 45 - Farmland Preservation" in the Henderson County Code) enacted by the Board of Commissioners of Henderson County (hereinafter "Board of Commissioners") on the 18<sup>th</sup> day of December, 1991, and any amendments thereto. All Advisory Board members shall thoroughly familiarize themselves with the provisions of the Statute and Code.

#### Article II. Membership

- A) Composition of Board – The Advisory Board shall consist of five members. Each member must be appointed by the Henderson County Board of Commissioners. Each member must be a resident of Henderson County.
- B) Active Participation in Farming – Three (3) of the five (5) members must be actively engaged in farming and may be appointed from a list submitted by the Henderson County Soil and Water Conservation District, Henderson County Cooperative Extension, the Farm Service Agency County Committee, or Agribusiness Henderson County.
- C) Term of Service – The term of service for members of the first Advisory Board formed pursuant to the Henderson County Voluntary Farmland Preservation Program Ordinance shall be as stated in such ordinance. For every subsequent Advisory Board member, the term of service shall be four years. Where a member is removed, resigns, or is otherwise unable to continue serving on the Advisory Board, any person appointed by the Board of Commissioners to replace the existing member shall serve the remainder of the existing member's term of service. Any member of the Advisory Board may be reappointed to subsequent terms of service.
- D) Removal – Any member may be removed by the Board of Commissioners with or without cause. The Advisory Board may request to the Board of Commissioners that a member be removed for inefficiency, neglect of duty, or malfeasance in office. The membership of any Advisory Board member who is absent from three (3) consecutive meetings shall be automatically terminated, unless such absence is excused by the entire Advisory Board for good and sufficient cause.

#### Article III. Officers

- A) Election of Officers – The Advisory Board shall organize and elect a Chairman and Vice-Chairman annually at the first meeting of the fiscal year. The meeting year shall be the County's fiscal year. These officers shall be eligible for re-election.
- B) Chairman – The Chairman shall preside at all meetings and public hearings of the Advisory Board, shall decide on all matters of order and procedure, and shall appoint any committees found necessary to investigate those matters before the Advisory Board or to perform any of its duties.
- C) Vice-Chairman – The Vice-Chairman shall assume the duties of the Chairman in his absence.
- D) Administrative Assistance – The Advisory Board shall contract with the Soil and Water Conservation District Office to serve the Advisory Board for record keeping, correspondence, application procedures and whatever other services the Board needs to complete its duties.

#### Article IV. Meetings

- A) Regular Meetings – Regular meetings of the Advisory Board shall be held monthly on the fourth Wednesday of the month at twelve o'clock (12:00 pm) noon in the offices of the Henderson County Soil and Water Conservation District. The regular meeting time or place may be changed in accordance with Paragraph H, below. The Chairman shall have the authority to change the meeting time or place for a particular meeting, where necessary. All meetings shall be publicized in accordance with the North Carolina Open Meetings Law.
- B) Special Meetings – Special meetings of the Advisory Board may be called at any time by the Chairman, provided that at least a forty-eight (48) hour notice is given to each member.
- C) Quorum – A quorum shall consist of three (3) members.
- D) Conduct of Meetings – All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) Determination of a quorum; (b) Approval of the minutes; (c) Discussion/adjustment of agenda; (d) Public hearings; (e) Reports of committees; (f) Old business; (g) New business; (h) Adjournment.
- E) Length of Meetings – The meetings of the Advisory Board shall be limited to two-hour duration unless extended by a majority vote of the Board for a specified time period.
- F) Minutes of Meetings – Minutes shall be kept for each meeting. The minutes shall reflect the vote of each member upon each question or if absent or failing to vote, noting such fact.
- G) Vote – The vote of the majority of those members present shall be sufficient to decide matters before the Advisory Board, provided a quorum is present.
- H) Change of By-Laws – The regular meeting time or place may be changed by an affirmative vote of the majority of the Advisory Board members present, assuming a quorum is present. Any other changes or amendments to the Bylaws must be approved by the Henderson County Board of Commissioners.
- I) Cancellation of Meetings – Whenever there is no business for the Advisory Board, the Chairman may dispense with a regular meeting by giving notice to all members not less than forty-eight (48) hours prior to that time set for the meetings.

#### Article V. Duties of the Advisory Board

Duties of the Advisory Board shall be carried out in accordance with the policies and procedures as set forth in Chapter 45 – Farmland Preservation and the N.C. Gen. Stat. §106-735 through 106-744.

- A) Annual Report – The Advisory Board shall prepare an annual written report for the Board of Commissioners indicating the status, progress and activities of the County's farmland preservation program, including voluntary agricultural districting information regarding:
  - a. Numbers of landowners, acres and farms enrolled
  - b. Number of acres applied
  - c. Number of acres certified
  - d. Number of acres denied
  - e. Date each agricultural district was certified

The purpose of this annual report will be to assist the Board of Commissioners in the preparation of the annual report for the Commissioner of Agriculture Office as indicated in Article VII, Section 45-20 of Chapter 45 – Farmland Preservation.

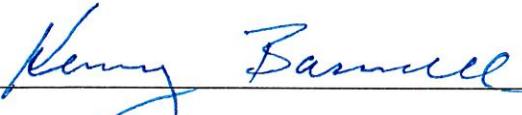
- B) Other Duties – Pursuant to Article II, Section 45-6 of Chapter 45 – Farmland Preservation, the Advisory Board shall:
  - a. Review and approve applications for qualified farmland and voluntary agricultural districts and make recommendations concerning the establishment and modification of agricultural district, subject to the appeal of such decisions to the Board of Commissioners pursuant to N.C. Gen. Stat. §106-739(a)(1).

- b. Hold public hearings pursuant to Article VI of Chapter 45 – Farmland Preservation.
- c. Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts.
- d. Execute agreements with landowners necessary for enrollment of land in a voluntary agricultural district.
- e. Perform other related tasks or duties assigned by the Board of Commissioners.
- f. Each district shall be assigned to a member of the Board who shall monitor and represent that district in all business conducted by the Advisory Board. Individual members will represent those districts closest to them geographically. No member will represent more than thirty percent (30%) of the total number of districts in the County or thirty percent (30%) of the total land area.

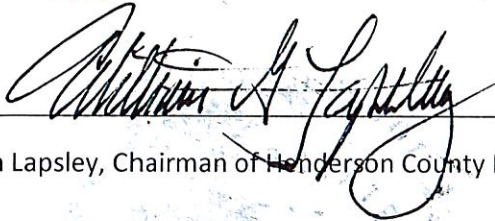
Article VI. Records

- A) The Advisory Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Advisory Board.
- B) The Advisory Board shall keep and maintain a minute book in the office of the Advisory Board. Such minute book shall contain the minutes from every meeting or public hearing conducted by the Advisory Board.
- C) All records and minutes of the Advisory Board shall be public record.

The By-Laws, originally adopted on October 28, 1992, are updated by the Henderson County, North Carolina Agricultural Advisory Board this 15 day of December 2021.



Kenny Barnwell, Chairman of Henderson County Agricultural Advisory Board



William Lapsley, Chairman of Henderson County Board of Commissioners





2000 Bowser Rd  
 Cookeville, TN 38506  
 Phone (800)292-6450 Fax (931) 528-5472

Prepared Date November 6, 2020  
 Quotation # 5169-110620-01  
 Revision Date November 17, 2021  
 Revision # 5  
 Sales Order #  
 Quotation valid until: Mar 17, 2022  
 Prepared by: Mac McAlister  
 Lead Source: Office

Bill To:  
 HENDERSON COUNTY  
 ATTN: THAD NINEMANN  
 BRCC MARSHALL MORRIS  
 110 KING STREET  
 HENDERSONVILLE, NC 28792  
 E: [MARSHALLM@BLUERIDGE.EDU](mailto:MARSHALLM@BLUERIDGE.EDU)

Project Name:  
 BLUERIDGE CC - DISPENSARY

Ship To:  
 BLUERIDGE COMMUNITY COLLEGE  
 180 W. CAMPUS DR  
 FLAT ROCK, NC 28731-4728

**Comments or special instructions:**

PRICED IN STANDARD MOSAIC LAMINATES - STAINLESS STEEL TOPS ON COLOR MIXING BAR AND INSTRUCTORS DESK SECTION

Qty	Part #	Description	Unit	Extended
1	SOCC-CLR	MIXING BAR - CABINETS TO BE BUILT OUT OF 3/4" INDUSTRIAL GRADE PARTICLE BOARD & COVERED IN HORIZONTAL GRADE LAMINATE WITH WATER BASED EPA APPROVED ADHESIVE. ALL JOINTS TO BE GLUED WITH SCREWS OR DOWELS. DRAWER SLIDES TO BE SIDE-MOUNTED, FULL EXTENSION, METAL SLIDES WITH ANACHROME FINISH AND 75 LBS LOAD CAPACITY. UPPER & LOWER DOOR HINGES TO BE NICKLE PLATED, 110 DEGREE OPENING WITH INTEGRATED SILENT SYSTEM. BOTTOM SECTION 80"W X 20-3/16"D WITH 3 DRAWERS, 3 STORAGE DOORS & 2 PLUMBING ACCESS DOORS. UPPER SECTION 80"W X 10"D WITH 5 STORAGE DOORS & ADJUSTABLE SHELF. COUNTER TOP & BACK SPLASH TO BE 16 GAUGE STAINLESS STEEL, #3 BRUSHED FINISH W/ STAINLESS STEEL BAR SINK & FIXTURE	\$ 5,307.00	\$ 5,307.00
1	SOCC-DSK	TEACHER DESK - BUILT WITH THE SAME MATERIALS AS ABOVE CABINET. DESK 105-1/4"W X 25-1/4"D X 30"H WITH STAINLESS STEEL COUNTER TOP, FOUR DRAWERS, TWO FILE CABINET SIZE DRAWERS & TWO STORAGE DOORS. ALL WITH LOCKS KEYED THE SAME. TWO 30"W SECTIONS FOR CHAIR. UPPER STORAGE CABINET AT 32"W X 10"D X 30"H WITH 2 DOORS & ADJUSTABLE SHELF. FOUR WIRE GROMMETS IN COUNTER TOP	\$ 5,543.00	\$ 5,543.00
1	SOCC-ST1	STORAGE AREA 1 - CABINET BUILT WITH THE SAME MATERIALS AS PREVIOUS CABINETS. LEFT CABINET TO BE 54"W X 15"D X 80-3/4"H WITH 6 LOCKER SECTIONS. RIGHT CABINET TO BE 90"W X 15"D X 80-3/4"H WITH 10 LOCKER SECTIONS. EACH LOCKER SECTION TO HAVE 2 ADJUSTABLE SHELVES. CORNER LAMINATED FILLER PANEL FOR UNUSED CORNER SPACE.	\$ 7,070.00	\$ 7,070.00
1	SOCC-ST2	STORAGE AREA 2 - CABINET BUILT WITH THE SAME MATERIALS, LOCKER SIZES AND ADJUSTABLE SHELVES AS STORAGE AREA 1 EXCEPT TO BE 114"W X 15"D X 80-3/4"H	\$ 5,900.00	\$ 5,900.00

**Note:**

- Please reference quotation number and revision number listed in top right hand corner when ordering.
- Quotation is based on the use of laminates from Collins standard laminate selections unless noted otherwise.
- 50% deposit required to place order and balance due prior to shipping.

Sub-Total	\$ 23,820.00
Collins Installation	\$ 5,624.00
LTL shipment with lift gate and scheduled delivery	\$ 1,786.00
Approximate Sales Tax	\$ 2,108.03
Grand Total	\$ 33,338.03
Approximate Lead Time To Ship After Receipt of Order (ARO)	12-13 WEEKS

If you have any questions concerning this quotation, contact:

**Mac McAlister**  
 Mobile: (919) 771-4104  
 Email: [mac@collinsmfcco.com](mailto:mac@collinsmfcco.com)

THANK YOU FOR YOUR BUSINESS

Customer Signature: \_\_\_\_\_



November 19, 2021

Henderson County  
Attn: Thad Ninnemann  
Capital Projects Project Manager  
100 King Street  
Hendersonville, NC 28792

To whom it may concern:

Blue Ridge Community College is requesting a waiver of competition as allowed by 01 NCAC 05B .1401. We would like to request a Waiver of Competition where standardization of compatibility is the overriding consideration. The Mixing Bar cabinets, Teachers Desk, Storage Area 1 and Storage Area 2 cabinets need to be custom constructed by the same manufacturer, Collins, to be compatible with our existing stations.

This purchase for the Cosmetology Dispensing area is for the final phase of remodeling the Cosmetology. There have been 3 previous phases of remodeling in Cosmetology. These were in 2014, 2015, 2017. All 3 previous phases exclusively used salon stations, cabinets and furniture custom built by Collins. All 3 of the previous purchases were Requests for Quotes - Waiver of Competition and were approved by the NC State Purchase and Procurement.

The style and the finish need to match exactly the existing stations. The existing stations were custom built for our Cosmetology salon by Collins. Collins is one of the leading manufacturers of salon equipment and specializes in this.

A letter from Ms. Darlene Cope, Director/lead Instructor for Cosmetology is included in our procurement package for this purchase. Ms. Cope's letter discusses the need for this equipment in her lab.

Thank you,

Marshall Morris

Project Coordinator  
Blue Ridge Community College  
(828) 329-6148

**Henderson County Campus**  
180 West Campus Drive  
Flat Rock, NC 28731  
828.694.1700

**Transylvania County Campus**  
45 Oak Park Drive  
Brevard, NC 28712  
828.883.2520

**Health Sciences Center**  
805 6th Avenue West  
Hendersonville, NC 28739  
828.694.1700

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount	
<u>405400-538100-2008</u>	<u>PROFESSIONAL SERVICES</u>	<u>\$20,000</u>	
<u>215400-598040</u>	<u>TRANSFER TO CAPITAL PROJECT FUND</u>	<u>\$20,000</u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	\$40,000

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

Account	Line-Item Description	Amount	
<u>404400-402100-2008</u>	<u>TRANSFER FROM CAPITAL RESERVE FUND</u>	<u>\$20,000</u>	
<u>214400-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$20,000</u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	\$40,000

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

TO BUDGET FOR THE TRANSFER OF FUNDS FROM CRF TO CPF FOR VFW PROJECT COSTS. BOARD APPROVED ON 1.3.2022.

1/3/2022

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY

Department: DETENTION

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115432 - 539000</u>	<u>CONTRACTED SERVICES</u>	<u>\$150,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$150,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Justification:** Please provide a brief justification for this line-item transfer request.  
TO BUDGET ADDITIONAL APPROPRIATION FOR FIRST CONTACT MINISTRIES FOR THE SUBSTANCE ABUSE RECOVERY RESOURCE NAVIGATOR PROGRAM. APPROVED BY THE BOARD 1.3.2022.

<u>BUDGET</u>	<u>1/3/2022</u>
Authorized by Department Head	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date
_____	_____

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

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

**FIRST AMENDMENT TO  
INTER-LOCAL AGREEMENT**

THIS FIRST AMENDMENT TO INTER-LOCAL AGREEMENT, DATED JULY 1, 2014 ("Amendment") shall be effective the 3<sup>rd</sup> day of January, 2022, by and between the Henderson County Tourism Development Authority, a public authority under the North Carolina Local Government Budget and Fiscal Control Act ("HCTDA") and the County of Henderson, a body corporate and politic ("County"). Each of HCTDA and the County shall be a "Party" and collectively the "Parties".

**BACKGROUND**

1. The Parties entered into an Inter-Local Agreement, effective July 1, 2014, but signed January 28, 2014 (the "Inter-Local Agreement").
2. The Parties now desire to amend the terms of the Inter-Local Agreement, as stated herein.
3. The Parties have authority to enter into this agreement as an Inter-Local Agreement and as a long-term lease authorized by N.C. Gen. Stat. §§ 160A-272(b1), 160A-179 and 160A-267.

**AMENDMENTS**

The Parties hereby agree to delete Paragraph 3 of the Second Agreement entirely and replace it with the following:

3. **HCTDA Headquarters:**
  - a. **HCTDA shall use as HCTDA headquarters, and the County shall permit the HCTDA to use, the real property facilities located at 201 South Main Street, Hendersonville, North Carolina ("201 South Main").**
  - b. **HCTDA will pay to the County as rent the sum of \$90,000 per year through December 31, 2049 and will expend the sum of not less than \$900,000.00 over the next three years to renovate 201 South Main.**
  - c. **Regular upkeep and maintenance on 201 South Main will remain the responsibility of the HCTDA. However, non-emergent repairs and maintenance of the type and scope normally performed by County maintenance personnel on other County-owned buildings will be performed on 201 South Main by such personnel, with the cost of materials assessed to the HCTDA.**
  - d. **The County hereby acknowledges that HCTDA has and will continue to invest significant resources to the purchase, maintenance, and improvement of 201 South Main, and in exchange for such investment, the County shall permit HCTDA the exclusive right**

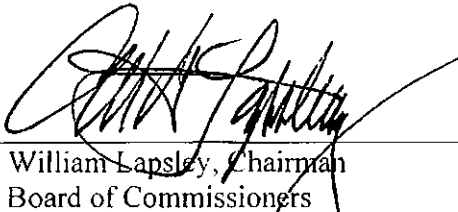


to use 201 South Main until January 1, 2050 and shall not increase the annual rental owed by HCTDA during this period.

e. After January 1, 2050, should either party decide to terminate this HCTDA Headquarters provision, such party shall give the other party no less than 180 days' advanced notice to vacate the premises.

This Amendment to be effective as of the date above.

COUNTY OF HENDERSON

By:   
\_\_\_\_\_  
William Lapsley, Chairman  
Board of Commissioners

By:   
\_\_\_\_\_  
John Mitchell  
County Manager

HENDERSON COUNTY TOURISM DEVELOPMENT AUTHORITY

By:   
\_\_\_\_\_  
Debi Smith, Chair, Board of Directors

By:   
\_\_\_\_\_  
Michelle Owens, Executive Director