

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY JULY 20, 2022**

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

Those present were Chairman William Lapsley, Vice-Chair Rebecca McCall, Commissioner J. Michael 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, Budget Manager/Internal Auditor Sonya Flynn, Engineer Marcus Jones, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Purchasing Agent Doug Guffey, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Flood Plain Administrator Toby Linville, Building Services Director Crystal Lyda, Environmental Health Supervisor Seth Swift, DSS Director Jerrie McFalls, Human Resources Director Karen Ensley, Ethan Rhodes, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, Sergeant Michelle Hensley, Lisa Ward, Tax Collector Darlene Burgess, Luke Small, Cara Ellis, Facilities Director Andrew Griffin, Engineer Natalie Berry, and PIO Kathy Finotti – videotaping, Deputy Mike Marstellar provided security.

### **CALL TO ORDER/WELCOME**

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

### **INVOCATION**

Commissioner Hill provided the invocation.

### **PLEDGE OF ALLEGIANCE**

Chairman Lapsley led the Pledge of Allegiance to the American Flag.

### **RESOLUTIONS AND RECOGNITIONS**

#### **2022.80 Service Badge and Sidearm Request – Sergeant Michelle Hensley**

The Henderson County Sheriff's Office requested the service badge and sidearm of Sergeant Michelle Hensley be given to her in recognition of her retirement from the Henderson County Sheriff's Office.

Sergeant Michelle Hensley began her career with the Henderson County Sheriff's Office as an Auxiliary Deputy in August of 2004, then served Full-Time from 2005-2022. She has held the ranks of Detention Officer, Deputy, Senior Deputy, Master Deputy, Corporal, and Sergeant. Sergeant Hensley served for over 17 years in the Sheriff's Office. To honor her and show gratitude, the Sheriff's Office intends to present her service badge and service sidearm.

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



**Resolution Honoring  
Sergeant Michelle Hensley**



**For Over 17 Years of Law Enforcement Service  
and Awarding Her Badge and Sidearm**

**WHEREAS**, Sergeant Michelle Hensley joined the Henderson County Sheriff’s Office as an Auxiliary Deputy and served between August 18, 2004, through February 3, 2005. Ms. Hensley was hired as a benefit-eligible employee and served between February 4, 2005, through July 22, 2022, and held the ranks of Detention Officer, Deputy, Senior Deputy, Master Deputy, Corporal, and Sergeant; and

**WHEREAS**, Sergeant Hensley’s service and dedication to the Henderson County Sheriff’s Office and service, dedication, and accomplishments in the field of law enforcement during her over 17 years of service are hereby recognized and commended; and

**WHEREAS**, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff’s Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

**WHEREAS**, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

**WHEREAS**, Sergeant Hensley has served as a member of the Henderson County Sheriff’s Office for over 17 benefit-eligible years and will be retiring from the Henderson County Sheriff’s Office on July 22, 2022; and

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

1. Sheriff Lowell Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Hensley the badge worn by her during her service with the Henderson County Sheriff’s Office; and
2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Hensley her service sidearm at no cost to the officer and upon her securing a permit required by N.C.G.S. 14-402.

**BE IT FURTHER RESOLVED**, that the Henderson County Board of Commissioners recognizes and thanks Sergeant Hensley for her dedicated service to Henderson County and its citizens.

Adopted this the 20th day of July 2022.

*Chairman Lapsley made the motion that the Board allow Sheriff Lowell S. Griffin to present the service badge and sidearm as a token of appreciation to Sergeant Michelle Hensley. All voted in favor, and the motion carried.*

Approved: August 1, 2022

**PUBLIC COMMENTS**

1. Virginia Tegel spoke about ARP Fund allocation and the Comprehensive Plan.
2. Rachel Poller spoke about the Comprehensive Plan regarding protecting Farmland.
3. Peri David spoke about the Comprehensive Plan and the need for community grocery stores and protecting green space.

**DISCUSSION/ADJUSTMENT OF AGENDA**

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

**CONSENT AGENDA consisted of the following:**

**Approval of Minutes**

Draft minutes were presented for Board review and approval of the following meeting(s):  
 June 15, 2022 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of June 15, 2022.*

**Tax Collector’s Report**

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

**Henderson County Tax Collector**

200 NORTH GROVE STREET, SUITE 66  
 HENDERSONVILLE, NC 28792  
 PHONE: (828) 697-5595 | FAX: (828) 698-6153

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

Friday, July 8, 2022

Re: Tax Collector’s Report to Commissioners - Meeting Date July 20, 2022

Please find outlined below collections information through June 30, 2022 for 2021 real and personal property bills mailed on August 27th. Vehicles taxes are billed monthly by NC DMV.

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

<b>2021 Beginning Charge:</b>	<b>\$88,218,516.94</b>
Discoveries & Imm. Irreg.:	\$1,341,302.75
Releases & Refunds:	<b>(\$1,131,692.25)</b>
<b>Net Charge:</b>	<b>\$88,428,127.44</b>
Unpaid Taxes:	\$654,813.52
<b>Amount Collected:</b>	<b>\$87,773,313.92</b>



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

Net Charge:	\$7,924,770.48
Unpaid Taxes:	\$17,594.46
<b>Amount Collected:</b>	<b>\$7,907,176.02</b>

**99.78%**

**Henderson County FY22 Budget Analysis:**

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$91,127,728.00	\$95,680,489.94
Prior Years:	\$980,000.00	\$1,016,762.52
<b>Budget Total:</b>	<b>\$92,107,728.00</b>	<b>YTD Revenue: \$96,697,252.46</b>



Approved: August 1, 2022

**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 #13 (EMT I)
2. Henderson County Historic Courthouse dba/Heritage Museum – 1 vac.  
Position #2 (Regular - At Large)
3. Juvenile Crime Prevention Council – 1 vac.  
Position #15 (Business Community Member)
4. Mountain Area Workforce Development Board – 1 vac.  
Position #2 (Chamber of Commerce Nominee)

**County Financial Report/Cash Balance Report – May 2022**

The May 2022 County Financial and Cash Balance Reports were presented for the Board to review.

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

- Dues/Non-Profits – payment of 4th quarter Board appropriations
- Emergency Management –the timing of Board approved purchases; pending budget adjustment
- Wellness – the timing of payment for board-approved contracted services and medical supplies and equipment
- Emergency Medical Services – the timing of Board approved purchases
- Rescue Squad – payment of 4<sup>th</sup> quarter Board appropriations
- Project Management – the timing of approved employee payroll
- Agri-business – excess operating expenditures to be covered by membership fees
- Mental Health – payment of 4<sup>th</sup> quarter Board appropriations
- Juvenile Justice – the timing of provider appropriations; pending budget adjustment
- Public Education – payment of 10 annual appropriations made to the public school system
- Debt Service – the timing of Board approved debt service obligation payments
- Non-Departmental – occupancy tax transmittal trending above budgeted amounts
- Interfund Transfer – the timing of board-approved interfund transfers

Year to Date Net Revenues under Expenditures for the Miscellaneous Other Governmental Activities Fund are due to the timing of Improvement Guarantees Payout during the current fiscal year that was deposited in a prior fiscal year.

Year to Date Net Revenues under Expenditures for the COVID-19/ARPA Fund are due to the timing of Board-approved appropriations using funds that were received in a prior fiscal year.

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

Motion:

*I move the Board approve the May 2022 County Financial Report and cash balance report.*

Approved: August 1, 2022



**Henderson County Public Schools Financial Reports – May 2022**

The Henderson County Public Schools May 2022 Local Current Expense Fund / Other Restricted Funds Report was presented for the Board’s information.

**HENDERSON COUNTY PUBLIC SCHOOLS  
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS  
as of May 31, 2022**

	LOCAL CURRENT EXPENSE FUND		OTHER RESTRICTED FUND		Combined Total	Prior YTD
	Budget	YTD Activity	Budget	YTD Activity		
<b>REVENUES:</b>						
3200 State Sources	\$ -	\$ -	\$ 4,000	\$ 4,000	\$ 4,000	\$ 9,000
3700 Federal Sources-Restricted	-	-	996,737	646,350	646,350	438,161
3800 Other Federal-ROTC	-	-	144,000	135,413	135,413	124,610
4100 County Appropriation	29,928,000	29,928,000	-	-	29,928,000	28,928,000
4200 Local -Tuition/Fees	-	-	65,000	57,670	57,670	20,860
4400 Local-Unrestricted	678,000	588,934	150,918	191,657	780,591	612,703
4800 Local-Restricted	-	-	714,310	761,134	761,134	662,901
4900 Fund Balance Appropriated/Transfer From school	159,250	-	179,548	-	-	-
<b>TOTAL FUND REVENUES</b>	<b>\$ 30,765,250</b>	<b>\$ 30,516,934</b>	<b>\$ 2,254,513</b>	<b>\$ 1,796,224</b>	<b>\$ 32,313,158</b>	<b>\$ 30,796,235</b>
<b>EXPENDITURES:</b>						
<b>Instructional Services:</b>						
5100 Regular Instructional Services	\$ 9,520,278	\$ 5,672,241	\$ 440,987	\$ 383,721	\$ 6,055,963	\$ 5,425,783
5200 Special Populations Services	1,235,868	667,026	565,081	252,446	919,472	880,084
5300 Alternative Programs and Services	248,160	147,877	323,469	251,836	399,713	260,814
5400 School Leadership Services	2,650,382	2,342,499	24,724	17,840	2,360,340	2,288,701
5500 Co-Curricular Services	822,101	844,526	11,865	5,730	850,256	686,234
5800 School-Based Support Services	1,498,867	1,154,822	83,974	47,915	1,202,737	1,111,258
<b>Total Instructional Services</b>	<b>\$ 15,975,656</b>	<b>\$ 10,828,991</b>	<b>\$ 1,450,099</b>	<b>\$ 959,489</b>	<b>\$ 11,788,480</b>	<b>\$ 10,652,875</b>
<b>System-Wide Support Services:</b>						
6100 Support and Development Services	\$ 286,738	\$ 247,044	\$ 500	\$ 12,222	\$ 259,266	\$ 239,946
6200 Special Population Support	219,444	192,567	6,427	1,468	194,035	168,221
6300 Alternative Programs	81,780	64,616	431	431	65,047	70,695
6400 Technology Support Services	1,280,454	1,152,085	153,438	153,116	1,305,201	1,320,452
6500 Operational Support Services	7,796,074	6,968,338	279,826	254,135	7,222,473	6,237,424
6600 Financial and Human Resource Services	1,772,684	1,722,915	63,679	48,485	1,771,400	1,554,892
6700 Accountability Services	210,748	193,329	38,000	39,000	232,329	63,655
6800 System-Wide Pupil Support Services	331,253	289,140	538	538	289,678	181,409
6900 Policy, Leadership and Public Relations	724,550	612,774	13,220	13,220	625,993	899,219
<b>Total System-Wide Support Services</b>	<b>\$ 12,703,726</b>	<b>\$ 11,442,807</b>	<b>\$ 556,058</b>	<b>\$ 522,614</b>	<b>\$ 11,965,421</b>	<b>\$ 10,735,912</b>
<b>Ancillary Services:</b>						
7100 Community Services	\$ 388	\$ 388	\$ 163,573	\$ 144,234	\$ 144,622	\$ 133,779
7200 Nutrition Services	185,481	68,855	-	-	68,855	93,265
<b>Total Ancillary Services</b>	<b>\$ 185,868</b>	<b>\$ 69,243</b>	<b>\$ 163,573</b>	<b>\$ 144,234</b>	<b>\$ 213,477</b>	<b>\$ 227,044</b>
<b>Non-Programmed Charges:</b>						
8100 Payments to Other Governments	\$ 1,900,000	\$ 1,853,537	\$ -	\$ -	\$ 1,853,537	\$ 1,666,218
8400 Interfund Transfers	-	-	12,563	12,145	12,145	31,428
8500 Contingency	-	-	-	-	-	-
8600 Educational Foundations	-	-	72,221	47,364	47,364	68,586
<b>Total Non-Programmed Charges</b>	<b>\$ 1,900,000</b>	<b>\$ 1,853,537</b>	<b>\$ 84,784</b>	<b>\$ 59,509</b>	<b>\$ 1,913,046</b>	<b>\$ 1,766,232</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>\$ 30,765,250</b>	<b>\$ 24,194,578</b>	<b>\$ 2,254,513</b>	<b>\$ 1,685,646</b>	<b>\$ 25,680,424</b>	<b>\$ 23,362,063</b>

Motion:

*I move that the Board of Commissioners approve the Henderson County Public Schools May 2022 Financial Reports as presented.*

**2022.81 North Carolina Office of State Budget and Management – ROD Grant**

Staff requested the Board approve funding from the NC Office of State Management and Budget in the amount of \$2,000 for the management and preservation of historic records and files. The Board was also requested to approve a Budget Amendment, transferring \$2,000 from Restricted Fund Balance for Register of Deeds AEPF Funds to provide a match for this grant.

Motion:

*I move the Board approve the funding and the Budget Amendment to appropriate fund balance for the management and preservation of historic records and files within the Register of Deeds office.*

Approved: August 1, 2022

**Facility Use Policy Exemption – Salvation Army**

The County received a request from the Salvation Army of Hendersonville to use the Historic Courthouse lawn for their Red Kettle Kick-Off at noon on Saturday, November 19, 2022.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to rule #5 of the County Facility Use Policy, which prohibits solicitation on the grounds. This exemption, if granted, would cover the date specified in the request outlined above.

*Motion:*

*I move that the Board grant an exemption to the County Facility Use Policy for the Salvation Army of Hendersonville to use the Historic Courthouse lawn for their Red Kettle Kick-Off at noon on Saturday, November 19, 2022.*

**2022. 82 Resolution to Accept ARP Funding for Clear Creek Sewer System**

The Funding Offer and Acceptance and Resolution by Governing Body of Recipient, prepared by the North Carolina Department of Environmental Quality, offers American Rescue Plan (ARP) funding from the State Fiscal Recovery fund in the amount of \$12,700,000. Projects funded from the State Fiscal Recovery Funds established in S.L. 2021-180 must meet applicable federal law and guidance for ARP funds. Funds will not be disbursed to Henderson County unless this offer is accepted.

As established in S.L. 2021-180, this offer is to partially fund the Clear Creek Wastewater Treatment Plant project.

**RESOLUTION BY HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**WHEREAS,** Henderson County has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs; and

**WHEREAS,** the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$12,700,000 to perform work detail in the submitted application; and

**WHEREAS,** Henderson County intends to perform the said project in accordance with the agreed scope of work;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY:**

That Henderson County does hereby accept the American Rescue Plan Grant offer of \$12,700,000.

That Henderson County does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Samantha Reynolds, Finance Director and successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above, and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 20th day of July 2022.

Approved: August 1, 2022

Motion:

*I move that the Board of Commissioners adopt the resolution and execute the Funding Offer and Acceptance.*

**2022.83 Home and Community Care Block Grant - FY20 Contract**

The Board was requested to approve the contract between Henderson County and the Land of Sky Regional Council's Area Agency on Aging. The Home & Community Care Block Grant Program is State/Federal funded and is administered at the local level. The Board of Commissioners approved the funding plan for this program on June 15, 2022.

The Contract for County-Based Aging Services outlines the responsibilities of each party for the administration of the Home and Community Care Block Grant Program and allows the Area Agency on Aging to provide reimbursement payments to the community service providers on behalf of the County.

Motion:

*I move the Board approve the contract between Henderson County and the Land of Sky Area Agency on Aging for County-Based Aging Services.*

**2022.84 Partnership for Economic Development - Partnership Match**

At the Board of Commissioner's meeting on June 15, 2022, the Board adopted the Budget Ordinance for FY23, which included a matching grant in the amount of \$77,500 for the Partnership for Economic Development's Economic Investment Fund. The Partnership for Economic Development is requesting an increase to that fund in the amount of \$5,000 based on an additional grant match from the Town of Mills River for a total investment amount of \$82,500.

Motion:

*I move the Board approve the additional amount of \$5,000 to the Partnership for Economic Development Investment Fund for a total grant match of \$82,500 for FY23.*

**2022.85 FY2022-2022 Fee Schedule Revision**

At the Board of Commissioner's meeting on June 15, 2022, the Board adopted the Henderson County Fee Schedule for FY23. Since that time, two departments have requested revisions – Public Health has identified several incorrect fees, and Environmental Health has identified a previously approved fee that had been omitted from the schedule.

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16000 INITIAL TREATMENT FIRST DEGREE BURN	\$110.00
16020 CLEAN AND DEBRIDE BURN	\$124.00
17110 DSTRUCTION BENIGN LESIONS UP TO 14	\$237.00
2016F ASTHMA SYMPTOMS EVALUATED - REPORT ONLY	\$0.00
36000 INTRODUCTION NEEDLE/CATHETER VEIN	\$58.00
36415 ROUTINE VENIPUNCTURE	\$17.00
36416 CAPILLARY BLOOD DRAW	\$11.00
4015F PERSISTENT ASTHMA LONG TERM CTRL MED - REPORT ONLY	\$0.00
46900 DESTROY LESIONS ANAL, CHEMICAL	\$230.00
46916 DESTROY LESIONS ANAL, CRYO	\$230.00
46924 DESTROY LESION ANAL EXTENSIVE	\$230.00
54050 DESTROY LESION PENIS, CHEMICAL	\$230.00
54056 DESTROY LESION PENIS, CRYO	\$230.00
<b>54060 DESTROY LESION PENIS, SIMPLE</b>	<b>\$230.00</b>
54065 DESTROY LESION PENIS, EXTENSIVE	\$230.00
55250 VASECTOMY, REMOVE SPERM DUCT	\$1,054.00
56420 I&D OF BARTHOLINS GLAND ABSCESS	\$211.00
56405 I&D OF VULVA OR PERINEAL ABSCESS	\$211.00
56501 DESTROY VULVA LESIONS SIMPLE	\$230.00
56605 BIOPSY VULVA/PERINEUM 1 LES SPX	\$129.00
57061 DESTROY VAG LESIONS SIMPLE	\$230.00
57065 DESTROY VAG LESIONS EXTENSIVE	\$230.00
57170 FP FITTING OF DIAPHRAGM/CAP	\$135.00
57452 COLPO W/O CERVICAL BIOPSY OR ECC	\$249.00
57454 COLPO W/ CERVICAL BIOPSY & ECC	\$371.00
57455 COLPO W/ CERVICAL BIOPSY	\$340.00
57456 COLPO W/ ECC ONLY	\$311.00
57505 ENDOCERVICAL CURRETAGE (ECC ONLY)	\$173.00
58300 FP INSERT IUD DEVICE	\$247.00
58301 FP REMOVE IUD DEVICE	\$217.00
59025 TC FETAL NON-STRESS TEST	\$36.00
59025 FETAL NON-STRESS TEST	\$36.00
59425 ANTEPARTUM CARE ONLY, 4-6 VISITS	<del>\$107.00</del> \$1,054.00
59426 ANTEPARTUM CARE ONLY, 7 OR MORE VISITS	<del>\$107.00</del> \$1,860.00
59430 POSTPARTUM CARE ONLY	\$398.00
69209 REMOVE IMPACTED EAR WAX, IRRIGATION ONLY	\$0.00
69210 REMOVE IMPACTED EAR WAX, INSTRUMENTATION	\$111.00
76801 OB US < 14 WKS TRANSABDOMINAL SINGL FETUS	\$143.00
76805 OB US >= 14 WKS TRANSABDOMINAL SNGL FETUS	\$229.00
76815 OB US LIMITED FETUS FOR AFI PLACENTA FETAL POSITION	\$166.00
76816 OB US FOLLOW-UP TRANSABDOMINAL	\$143.00
76817 OB US TRANSVAGINAL	\$143.00
76818 OB US BPP W/ NST	\$143.00
76830 GYN US, TRANSVAGINAL	\$143.00
80061 LIPID PANEL	\$58.00
81001 URINALYSIS AUTO W/ MICROSCOPY	\$23.00
81003 URINALYSIS AUTOMATED W/O MICROSCOPY	\$11.00
81025 URINE PREGNANCY TEST	\$0.00
82270 FOBT, GUAIAC, COLON CA SCR	\$14.00
82947 GLUCOSE , FASTING, RANDOM	\$13.00
82950 GTT, GLUCOSE TOLERANCE TEST, 1 SPEC, 1 HR, PP	\$18.00
82951 GTT, 2 HR, 3 SPEC	\$42.00



83036 HGB A1C GLYCOSOLATED HEMOGLOBIN TEST	\$18.00
83051 HEMAGLOBIN, HEMACUE	\$18.00
83655 LEAD SCR	\$23.00
84450 TRANSFERASE ASPARTATE AMINO (AST)	\$18.00
<del>84481 THYROID, FREE</del>	<del>\$27.00</del>
85018 HGB	\$14.00
85027 COMPLETE CBC AUTOMATED	\$30.00
86580 (TST) TB INTRADERMAL TEST	\$14.00
87081 CULTURE SCREEN ONLY, GC	\$63.00
87171 PINWORM EXAM	\$11.00
87205 SMEAR GRAM STAIN	\$14.00
87210 SMEAR WET MOUNT SALINE/INK	\$14.00
87491 CHLAMYDIA DNA AMP PROBE PCR (FLAT FEE/PT CHOICE)	\$35.00
87591 N. GONORRHOAE DNA AMP PROB PCR (FLAT FEE/PT CHOICE)	\$35.00
87798 PCR, INFECTIOUS AGENT DETECTION, EA ORGANISM	\$52.00
87880 STREP A ASSAY, RAPID STREP	\$17.00
90460 IMM ADMIN, PROVIDER COUNSELING	\$26.00
90461 IMM ADMIN EA ADDITIONAL VACC OR TOXOID COMPONENT	\$20.00
90471 IMMUNIZATION ADMIN	\$25.00
90472 IMMUNIZATION ADMIN EACH ADD	\$17.00
90473 IMMUN ADMIN ORAL/NASAL W INJECTION	\$17.00
90474 IMMUN ADMIN ORAL/NASAL W INJECTION	\$17.00
90620 MENINGITIS B VACCINE (BEXSERO)	\$179.00
90632 HEP A VACCINE ADULT IM (VAQTA/HAVRIX)	\$75.00
90633 HEP A VACCINE PED/ADOL IM 2 DOSE	\$30.00
90636 HEP A-HEP-B (TWINRIX)	\$98.00
90648 HIB (ACT HIB)	\$11.00
90651 H PAPILOMA 9 VACC 3 DOSE IM	\$254.00
90662 FLU VACCINE PRESERVE FREE, HIGH DOSE	\$58.00
90670 PNEUMOC CONJUGATE, 13VALENT, IM PR	\$227.00
90675 RABIES VACCINE (RABAVERT)	\$306.00
90677 PNEUMOC CONJUGATE, 20 VALENT, PCV 20	\$249.00
90681 ORAL NASAL ROTOVIRUS, 2 DOSE	\$124.00
90685 FLU VACCINE, QUAD, IM 6m - 35m	\$20.00
90686 FLU VACCINE, QUAD, IM >36m	\$18.00
90691 TYPHOID VACCINE IM	\$73.00
90696 DTaP-IPV (KINRIX)	\$53.00
90697 Dtap/Hib/IPV/HepB 6wks-4yr Vaxelis	\$124.00
90698 DTAP-HIB-IP VACCINE (PENTACEL) IM	\$69.00
90700 DTAP VACCINE <7 YRS IM	<del>\$22.00</del> \$23.00
90707 MMR VACCINF SC	\$110.00
90713 POLIOVIRUS IPV SC/IM	\$24.00
90714 TD VACCINE NO PRSRV >= 7 IM	\$29.00
90715 TDAP VACCINE > 7 IM (ADACEL)	<del>\$37.00</del> \$39.00
90716 VARICELLA ANTIBODY VACCINE	\$151.00
90717 YELLOW FEVER VACCINE SC	\$136.00
90723 HEP B-IPV-DTAP VACCINE IM (PEDIARIX)	\$71.00
90732 PNEUMOCOCCAL PPSV23 VACCINE	\$118.00
90734 MENINGOCOCCAL VACCINE IM	\$118.00
90738 ENCEPHALITIS VACCINE SC	\$319.00
90739 HEP B HAPLISAV 2 DOSE	\$130.00
90744 HEP B VACC PED/ADOL 3 DOSE IM	\$17.00



90746 HEP B VACC ADULT IM (ENGERIX)	\$46.00
90750 HERPES ZOSTER VACCINE SHINGIRX AGE 50 AND OLDER	\$172.00
90791 PSYCHIATRIC DIAG EVAL NO MEDICAL	\$355.00
90832 PSYCHOTHERAPY 30 MIN	\$155.00
90834 PSYCHOTHERAPY 45 MIN	\$231.00
90837 PSYCHOTHERAPY 60 MIN	\$307.00
90846 FAMILY PSYCH W/O PATIENT	\$264.00
90847 FAMILY PSYCH W/PATIENT	\$254.00
91300 PFIZER BIONTECH COVID-19 VACCINE	\$0.00
0001A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION 1ST DOSE	<del>\$40.00</del> \$65.00
0002A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION 2ND DOSE	<del>\$40.00</del> \$65.00
0003A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION 3RD DOSE	<del>\$40.00</del> \$65.00
0004A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION Booster	<del>\$40.00</del> \$65.00
91307 PFIZER BIONTECH COVID-19 VACCIN, Pediatric 5yr-11yr	<del>\$40.00</del> \$0.00
0071A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION 1ST DOSE, Pediatric	<del>\$40.00</del> \$65.00
0072A PFIZER BIONTECH COVID-19 VACCINE ADMINISTRATION 2ND DOSE, Pediatric	<del>\$40.00</del> \$65.00
91301 MODERNA COVID-19 VACCINE	\$0.00
0011A MODERNA COVID-19 VACCINE ADMINISTRATION 1ST DOSE	<del>\$40.00</del> \$65.00
0012A MODERNA COVID-19 VACCINE ADMINISTRATION 2ND DOSE	<del>\$40.00</del> \$65.00
0013A MODERNA COVID-19 VACCINE ADMINISTRATION 3RD DOSE	<del>\$40.00</del> \$65.00
91306 MODERNA COVID-19 VACCINE Booster	<del>\$40.00</del> \$0.00
0014A MODERNA COVID-19 VACCINE ADMINISTRATION Booster	<del>\$40.00</del> \$65.00
91303 JANSSEN COVID-19 VACCINE and Booster	\$0.00
0031A JANSSEN COVID-19 VACCINE ADMINISTRATION	<del>\$40.00</del> \$65.00
<del>91303 JANSSEN COVID-19 VACCINE Booster</del>	<del>\$40.00</del>
0034A JANSSEN COVID-19 VACCINE ADMINISTRATION Booster	<del>\$40.00</del> \$65.00
M0201 COVID-19 Vaccine Administration in Home	\$35.00
92551 PURE TONE HEARING TEST AIR	\$24.00
92567 TYMPANOMETRY	\$44.00
94010 BREATHING CAPACITY TEST	\$86.00
94060 SPIROMETRY W BRONCHODILATION	\$124.00
94640 AIRWAY INHALATION TREAT	\$34.00
94664 EVALUATE PT USE OF INHALER	\$34.00
94760 MEASURE BLOOD OXYGEN LEVEL	\$9.00
94761 NONINVASIVE EAR/PULSE OXIMETRY - MULTIPLE	\$9.00
96101 PSYCH TESTING BY PSYCH/PHYS	\$99.00
96110 DEVELOPMENTAL TEST LIMITED, ASQ, PEDS	\$16.00
96127 BEHAV ASSM I W/ SCORE & DOCD /STAND INSTRU	\$16.00
96152 HBI INTERVFNF HI TH/RFHAVF INDIV	\$0.00
96160 ADMIN PT-FOCUSED HEALTH RISK INSTRUM	\$23.00
96161 ADMIN CAREGIVER-FOCUSED HEALTH RISK INSTRUM	\$23.00
96360 HYDRATION IV INFUSION, INT	\$107.00
96361 HYDRATION IV INFUSION, ADDED	\$34.00
96372 INJECT HORMONE, PREV MAKENA	\$26.00
97802 MEDICAL NUTRITION INDIV IN	\$46.00
97803 MED NUTRITION INDIV SUBSEQ	\$40.00
97804 MEDICAL NUTRITION THER, GROUP	\$40.00
98960 EDUCATION & TRAINING SELF MGNT NON-PHYSICIAN	\$0.00
99000 HANDLING FEE	\$6.00
99173 VISUAL ACUITY SCREEN	\$26.00
99177 VISUAL ACUITY AND AMBLYOPIA, INSTRUMENT-BASED	\$26.00
99188 DENTAL FLUORIDE VARNISH APPLICATION, PRI INS	\$86.00



ENVIRONMENTAL HEALTH DEPARTMENT	
Item	FY23 Fee
<b>Application for Septic Tank Permits</b>	
0 - 3000 gallons	\$1,000.00
3000+ gallons	\$1,000.00
<b>Private Septic Permit (EOP, Session Law 2020, and AOWE)</b>	<b>\$75.00</b>
Pre-existing (sewage only)	\$100.00
Permit changes requiring site visits for sewage	\$200.00
Building addition affecting septic system	\$250.00
<b>Water Samples</b>	
Bacteriological (Coliform)	\$50.00
Nitrate/Nitrite	\$50.00
Chemical (Full Inorganic Panel), Petroleum, Pesticide	\$100.00
New Well Inspection Permits	\$350.00
Existing Well Permit Change	\$150.00
State Required Fees for Water Analysis for New Wells	\$130.00
Permits - Per Tattoo Artist	\$75.00
<b>Public Swimming Pool Permits</b>	
Single Pool	\$100.00
Multiple Pools	\$200.00
Plan Review (Restaurants)	\$250.00
Temporary Food Stand Permit	\$75.00
Rule Booklets	\$1.00/\$2.50 (mailed)

DEPARTMENT OF SOCIAL SERVICES	
Item	FY23 Fee
Home Study in civil child custody cases	\$375.00 per home
Visitation supervision, testimony, monitoring, scheduling and related activities in civil child custody cases	\$50.00 per hour
North Carolina Health Choice <i>(based on income)</i>	\$50.00 per child <i>(Maximum of \$100.00 per household)</i>
<b>Adoption Confidential Intermediary Services</b>	
Initial Consultation	No Charge
Initial Search	\$375.00
Extended Search	\$50.00 per hour
Facilitation Services	\$50.00 per hour
<b>Child Support</b>	
Application Fee <i>(based on income/not currently receiving public assistance)</i>	\$10.00 - \$25.00
Genetic Testing for Non-Custodial Parents <i>(based on "per person")</i>	on-site \$19.50 off-site \$25.00

**CULTURAL AND RECREATION**

LIBRARY	
Item	FY23 Fee
Card Fee for Non Resident	\$20.00 per year
Internet Fee For Non Card Holder	\$1.00 week (3 sessions daily)
Library Card Replacement	\$2.00
<b>Printing Costs</b>	
B/W Copier Printouts	10 cents per copy
Color Copier Printouts	20 cents per copy
Proctoring Fee	\$20.00

Motion:

*I move the Board approve the revisions to the FY23 Fee Schedule for Public Health and Environmental Health as proposed.*

### **2022.86 Communicable Disease Pandemic Recovery Funds & Public Health Project Position Request**

The NC General Assembly has advanced expanded communicable disease funding to all local health departments through an agreement addendum with NC DHHS for FY 23. The allocation for the Henderson County Department of Public Health was \$190,747. There are several unique aspects to this funding priority, including the requirements to address comprehensive communicable disease demands, to achieve reportable performance measures, and to utilize the funding for new expenditures meaning that these funds cannot be used to support existing communicable disease budgetary expenditures.

The Henderson County Board of Health was presented with this information at their June 21, 2022, meeting with a staff recommendation to create a part-time project position (Public Health Nurse II) to accomplish some of the additional work demands outlined in the agreement. The board supported that recommendation and asked that it be forwarded to the Henderson County Board of Commissioners for consideration and approval. No local appropriations are required, and the position would only be authorized while the funding is available and there is a need for the services.

Motion:

*I move the Board approve the addition of a part-time nurse project position to accomplish the objectives of the expanded funding for the public health communicable disease program.*

### **Selection for Engineering Services – Third Transfer Station Bay Project**

As directed by the Board with the approval of the FY2023 budget, staff released a Request for Qualifications (RFQ) for engineering services to design, permit, bid, and administer construction for the Third Transfer Station Bay project for Solid Waste. The preliminary engineering report (proof of concept) can be located at the following link:

[https://www.hendersoncountync.gov/sites/default/files/fileattachments/solid\\_waste/page/6271/henderson\\_county\\_per\\_2-25-22\\_final.pdf](https://www.hendersoncountync.gov/sites/default/files/fileattachments/solid_waste/page/6271/henderson_county_per_2-25-22_final.pdf)

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed an RFQ and, on May 26, 2022, posted it on the County's website. The response was received by June 17, 2022. SCS Engineers were the only responding firm. They performed the preliminary engineering for the project during FY2022. Their statement of qualifications can be found at the following link:

<https://www.hendersoncountync.gov/county/page/results-rfq-3rd-transfer-station-bay-rfq>

Upon Board approval, staff will negotiate an agreement with the selected firm and bring the agreement back to the Board for approval. The cost estimate for the services is estimated at \$500,000, with approximately half for FY2023 to perform services through bidding and the remainder in FY2024 for construction administration.

Motion:

*I move the Board approve the selection of SCS Engineering as the most qualified responding firm to design, permit, bid, and administer construction for the Third Transfer Station Bay project.*

Approved: August 1, 2022



**2022. 87 AT&T Easement Sites**

Bellsouth Telecommunications, LLC d/b/a AT&T North was seeking options for acquiring easements from the County for fiber overlays to serve downtown Hendersonville.

Motion:

*I move that the Board approve the proposed easements to AT&T, subject to modification of the proposed AT&T forms to require that the easements for lines (as opposed to switching facilities) be non-exclusive.*

**ABC Permit Comment Request**

Michael S. Baer, doing business as Guidon Brewing Company, LLC, requested the Board’s comment on an ABC permit application for premises located at 2120 Brevard Road, Hendersonville. There is currently not a permit associated with this address. Mr. Baer, as Guidon, has one permit at present; this would be a second location.

Motion:

*I move that the Board direct staff to give notice of non-objection to this permit request.*

**2022.88 Nuisance Ordinance – Sugarloaf Road**

Statutes 153A-140.2 reads as follows:

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

.C. General

On June 6, 2022, the Board voted to give notice of chronic nuisance violations to the owners and occupants of property located at 2794 Sugarloaf Road, Hendersonville, owned by Donald R. Heaton and wife, Cathy J. Heaton.

County staff obtained an estimate for remediation of the nuisance shown on the quote that was provided by Greene’s Grading and Excavating (attached to these minutes). The Board was requested to direct staff to move forward (give final notice, contract with the estimator, then have the nuisance remediated, and place (and enforce) a lien on the property). Enforcing the lien will likely mean obtaining a judgement and forcing a judicial sale of the property in the absence of cooperation by the owners.

Motion:

*I move the Board direct staff to proceed with remediation of the nuisance.*

Commissioner Edney pulled Consent Agenda item N: Purchase and Installation of Trane Ultra-Violet Retrofit for Human Services Building. This item was moved to the August 1, 2022 meeting.

*Chairman Lapsley made the motion to approve the consent agenda as amended. All voted in favor, and the motion carried.*

Approved: August 1, 2022

**PUBLIC HEARINGS**

**2022. 89 Land Development Code (LDC) Text Amendments (TX-2022-03) – Required Amendments to the Soil Erosion and Sediment Control Regulations**

*Chairman Lapsley made the motion to go into Public Hearing. All voted in favor, and the motion carried.*

Since the adoption of the soil erosion and sedimentation control regulations, several changes have been adopted at the State level. Henderson County’s regulations were audited last year, and several changes were identified. These amendments are required in order for the county to be in compliance with the model ordinance and with recent statute changes.

Attached for the Board review is the identified session law for these changes and the draft amendment to the soil erosion and control regulations and definitions. The Board may wish to make additional changes to the draft language following is discussion.

The Planning Board discussed the draft amendments at its meeting on June 16, 2022, and voted unanimously to send forward a favorable recommendation on the draft text amendment.

The required public notice of this hearing was published in the Hendersonville Lightning on July 6<sup>th</sup>, 2022, and July 13<sup>th</sup>, 2022.

*Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor, and the motion carried.*

Public Input: There was none.

*Commissioner Edney made the motion that the Board adopt the resolution regarding the consistency with the CCP,  
and*

*I move that the Board adopt the proposed text amendments to the Land Development Code (#TX-2022-03). All voted in favor, and the motion carried.*

**2022.90 Land Development Code (LDC) Text Amendments (TX-2022-02) – Personal Storage Structures and Temporary Portable Storage Containers**

*Chairman Lapsley made the motion to go into Public Hearing. All voted in favor, and the motion carried.*

On June 6<sup>th</sup>, the Board of Commissioners held a public hearing on LDC text amendment TX-2022-02 for personal storage structures. During this meeting, the Board discussed the proposed amendment and asked questions of both staff and the Planning Board Chair. The Board voted to send back the amendment so that the Planning Board could discuss the changes requested by Commissioner Hill. The Board also directed the Planning Board to review potential changes to the requirements for temporary portable storage containers.

The Planning Board discussed the amendments as requested by the Board of Commissioners at its meeting on June 16, 2022, and made changes to the draft amendment. The Planning Board voted unanimously to send forward a favorable recommendation on the draft text amendment with the changes as noted.

The required public notice of this hearing was published in the Hendersonville Lightning on July 6<sup>th</sup>, 2022, and July 13<sup>th</sup>, 2022

*Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor, and the motion carried.*



Autumn Radcliff outlined the changes Commissioner Hill had proposed at the previous meeting.

**LDC Text Amendment (TX-2022-02)**

**Recommended changes are highlighted.**

**Personal Storage Structures**

Summary: The Planning Board request an amendment to allow for personal storage structures. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example a garage, for personal storage.

Amend the Table of Permitted and Special Uses as follows.

1. Residential Uses	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Personal Storage Structure	P	P	P	P	P	P	P	P	P	P	1.14

Amendment as recommended by the Planning Board on June 16, 2022.

**§42-62. Supplemental Requirements to the Table of Permitted and Special Uses**

**SR 1.14. Personal Storage Structure**

- (1) Any lot may have a personal storage structure. If a lot is two (2) or more acres in size, there can be one such structure per acre.
- (2) A personal storage structure may include one (1) bathroom facility and a kitchen facility but shall not be used as a residence or for the purpose of operating a business without the corresponding approvals, permits and inspections.
- (3) Personal storage structure footprint may not exceed 24% total parcel size.
- (4) Personal storage structures shall only be for the use by the property owner.
- (5) Personal storage structures less than or equal to 750 sq ft in size shall meet the setback requirements for accessory structures. Personal storage structures greater than 750 sq ft in size shall meet the setbacks of the applicable zoning district.

**Temporary Portable Storage Containers**

Summary: The Board of Commissioners requested that the Planning Board review the requirements for temporary portable storage containers for conflicts with personal storage structure amendment and possibly extending the 30-day limit.

**SR 12.1. Portable Storage Containers**

- (1) Maximum Number Permitted Per Lot. One (1) for residential zoning district property.
- (2) Duration and Frequency. Portable storage containers shall be placed on residential zoning district property for no more than 90 ~~30~~ days, no more than two (2) ~~four~~ (4) times in a 12 month period.
- (3) Permanent Structures. Portable storage containers may be permitted as accessory structures. ~~In no case shall more than one (1) container be permitted on a single property or shall any permanent accessory portable storage container be permitted on residential zoning district property.~~

Chairman Lapsley made the motion to go out of Public Hearing. All voted in favor, and the motion carried.

Public Input: There was none.

Commissioner Hill proposed the following revisions to SR 1.14 Personal Storage Structures:

**SR 1.14 Personal Storage Structures**

- (1) Any lot may have personal storage structures. If a lot is two (2) or more acres in size, there can only be one such structure per acre.
- (2) A personal storage structure may include one (1) bathroom facilities and kitchen facilities. But shall not be used as a residence or for the purpose of operating a business without the corresponding approvals, permits, and inspections.

- (3) To completely strike ~~Personal storage structure may not exceed 24% total parcel size.~~
- (4) To completely strike ~~Personal storage structures shall only be for use by the property owner.~~
- (5) To completely strike ~~Personal storage structures less than or equal to 750 sq ft in size shall meet the setback requirements for accessory structures. Personal storage structures greater than 750 sq ft in size shall meet the setbacks of the applicable zoning district.~~

Vice-Chair McCall commended the Planning Board’s work on this ordinance and supports the recommendations brought before the Board.

Commissioner Edney asked what the LDC defines as a “storage shed.” Autumn Radcliff said that storage sheds are not defined in the LDC.

Building Services Director Crystal Lyda explained NC State Building Code requirements for personal storage structures.

Commissioner Andreotta was in support of the changes proposed by Commissioner Hill.

*Commissioner Hill made the motion that item (1 )be revised to “Any lot may have personal storage structures.”*

Chairman Lapsley asked the Clerk to poll the Board for item 1.

*Chairman Lapsley and Commissioners Hill, Andreotta, and Edney voted yay. Vice-Chair McCall voted Nay. The revision is approved with a 4-1 vote.*

*Commissioner Hill made the motion that item (2) be revised to “A personal storage structure may include bathroom facilities and kitchen facilities. But shall not be used as a residence or for the purpose of operating a business without the corresponding approvals, permits, and inspections”.*

Chairman Lapsley asked the Clerk to poll the Board for item 2.

*Chairman Lapsley and Commissioners Hill, Andreotta, and Edney voted yay. Vice-Chair McCall voted Nay. The revision is approved with a 4-1 vote.*

*Commissioner Hill made the motion that item (3) ~~Personal storage structure may not exceed 24% of total parcel size~~ be deleted entirely.*

Chairman Lapsley asked the Clerk to poll the Board for item 3.

*Commissioners Hill, Andreotta, and Edney voted yay. Chairman Lapsley and Vice-Chair McCall voted Nay. The revision is approved with a 3-2 vote.*

*Commissioner Hill made the motion that item (4) be revised to” Personal storage structures shall only be for personal non-commercial use. “*



Chairman Lapsley asked the Clerk to poll the Board for item 4.

*Chairman Lapsley, Vice-Chair McCall, and Commissioners Hill, Andreotta, and Edney all vote yay. The revision is approved with a unanimous vote of 5-0.*

*Commissioner Hill made the motion that item (5) ~~Personal storage structures less than or equal to 750 sq ft in size shall meet the setback requirements for accessory structures. Personal storage structures greater than 750 sq ft in size shall meet the setbacks of the applicable zoning district~~ be deleted entirely.*

Chairman Lapsley asked the Clerk to poll the Board for item 4.

*Chairman Lapsley and Commissioners Hill, Andreotta, and Edney voted yay. Vice-Chair McCall voted Nay. The revision is approved with a 4-1 vote.*

Commissioner Hill proposed the following revisions to SR 12.1 Portable Storage Containers:

**SR 12.1 Portable Storage Containers**

- (1) Maximum Number Permitted Per Lot. (1) for residential zoning district property.
- (2) Duration and Frequency. Portable storage containers shall be placed on a residential zoning district property for no more than ~~30~~ 90 days, no more than ~~two~~ (2) **three (3)** times in a 12-month period.
- (3) Permanent Structures. Portable storage containers may be permitted as accessory structures. ~~In no case shall more than one (1) container be permitted on a single property, or shall any permanent accessory storage container be permitted on residential zoning district property.~~

*Commissioner Hill made the motion that item (2) be revised to Duration and Frequency. “Portable storage containers shall be placed on a residential zoning district property for no more than 90 days, no more than three (3) times in a 12-month period”. Chairman Lapsley and Commissioners Hill, Andreotta, and Edney voted yay. Vice-Chair McCall voted nay. The revision is approved with a 4-1 vote.*

*Commissioner Hill made the motion that item (3) be revised to “ Permanent Structures. Portable storage containers may be permitted as accessory structures”. Chairman Lapsley and Commissioners Hill, Andreotta, and Edney voted yay. Vice-Chair McCall voted Nay. The revision is approved with a 4-1 vote.*

**2022.91 To Consider Modification to “Special Fill” Ordinance – Henderson County Code Section 42-354**

*Chairman Lapsley made the motion to go into public hearing. All voted in favor, and the motion carried.*

**42-354. Special Fill Permits**

A. Entitlement.

- 1. Condition Zoning Districts: Except in Industrial Zoning Districts (Henderson County Code §42-23(10)), Special Fill Permits in the flood fringe may be granted by the Board of Commissioners only in Conditional Zoning Districts where particular cases meet specific

community need and subject to appropriate conditions and safeguards. Any grant of a Special Fill Permit by the Board of Commissioners may include conditions which must be satisfied by the applicant. These conditions must be based on evidence presented at the hearing and must be related to increasing the flood-control capabilities of the parcel for which the fill permit is sought. Considerations to be presented to the Board include:

- a. Proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood; and,
- b. Special Fill Permit, if granted, will result in no net decrease in flood storage capacity on the parcel upon which the fill is proposed; and,
- c. Proposed encroachment will not violate any other Federal, State, or Henderson County laws, rules, ordinances, or regulations; and,
- d. Special Fill Permit, if granted, will comply with the Comprehensive Plan, and that, if granted, it will advance a public or community purpose, and that such purpose is sufficiently substantial to justify issuance of the Special Fill Permit.

2. Industrial Zoning Districts: Special Fill Permits in the flood fringe are permitted as of right in Industrial Zoning Districts (Henderson County Code §42-23(10)) upon the filing with the Flood Administrator of a certification as provided in sub-section B.1.a., below.

#### B. Application.

1. Application. The application for the permit shall be on a form provided by the Floodplain Administrator and shall be submitted prior to any fill activity requiring a Special Fill Permit. The application shall include the following:

- a. Certification, on a form as published by FEMA, or acceptable alternative form approved by FEMA, of hydrological and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood; or
- b. Technical documentation in the form of hydraulic analysis of the existing and proposed conditions. This documentation shall be either: complete runs of existing and proposed conditions using the HEC II/HEC-RAS step backwater analysis computer program as prepared by the US Army Corp. of Engineers for the analysis of flow plan hydraulics; or
- c. An alternative method currently approved by FEMA for use in the revision process for FEMA flood maps. In this case, the engineer shall provide a letter from FEMA indicating that the method used is acceptable; and,
- d. Any other technical documentation in the form of detailed site and construction plans, showing that all requirements of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) are met.
- e. demonstrating that the Special Fill Permit, if granted, will result in no net decrease in flood storage capacity on the parcel upon which the fill is proposed.
- f. The application shall include information demonstrating compliance with the Comprehensive Plan, and demonstrating the substantial public or community purpose(s) which the Special Fill Permit if granted, will advance. Examples of substantial public or community purpose(s) advanced by the Special Fill Permit, if granted, which must be demonstrated include:
  1. Advancing a governmental purpose, which includes promoting and preserving use of land for agriculture.
  2. Meeting public infrastructure needs.

3. Projects which fall under the Board of Commissioners' Economic Incentives Guidelines.

4. Redevelopment projects which have the effect of substantially increasing the flood-control capabilities of the parcel.

g. A complete listing of the names and mailing addresses of all owners of real property adjacent to the parcel upon which the Special Fill Permit is proposed.

2. Fees. Any review fee established by the Commissioners shall be submitted with the application. The Board of Commissioners shall establish a Schedule of Fees, charges, and expenses, and a collection procedure, for permits, plan review, inspections, and other matters pertaining to Article VIII (Natural Resources) Subpart A (Flood Damage Prevention). No application for a permit or certificate shall be processed unless or until such fees, as established, and all estimated expenses have been paid in full, nor shall any action be taken on appeals before the Henderson County Flood Damage Prevention Board unless and until any fees and estimated expenses have been paid in full.

C. Staff Review. The Floodplain Administrator shall review the application for compliance with Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) and transmit the application to Federal, State, and local agencies for review and comment. The Floodplain Administrator shall place the application on the agenda of the first regular Planning Board meeting after at least 30 days from the receipt of a complete application.

D. Formal Review.

1. Henderson County Planning Board Review and Recommendation. The review by the Planning Board shall be legislative in nature.

a. Public notification of the Planning Board meeting shall comply with the provisions of §42-370 (Legislative Process Standards). The Floodplain Administrator shall be responsible for all necessary public notifications.

b. The Planning Board shall hear a summary and review of the application by the Floodplain Administrator, evidence as presented by the applicant, and such other evidence as the Planning Board may find useful.

c. The Planning Board shall, within 60 days of the date the application is first considered by the Planning Board, issue its recommendation to the Board of Commissioners as to the grant or denial of the application.

2. Board of Commissioners Public Hearing. The Board of Commissioners shall hold a legislative public hearing that complies with the provisions of §42-370 (Legislative Process Standards).

a. Public notification of the Board of Commissioners meeting shall comply with the provisions of §42-370 (Legislative Process Standards). The Floodplain Administrator shall be responsible for all necessary public notifications.

b. The Board of Commissioners shall consider a summary of the proposed project from the Floodplain Administrator, evidence in support of the project and concerning the issues upon which proof must be submitted under Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) from the applicant, evidence from adjacent property owners, and such other evidence as the Board of Commissioners finds useful.

c. The Board of Commissioners shall reach a decision within 45 days of the conclusion of the legislative hearing.



E. Permit Validity. A Special Fill Permit shall be construed as permission to proceed with work and not as authority to violate, cancel, alter, or set aside any of the provisions of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention) or any regulations included by reference. Issuance of a permit shall not prevent the Floodplain Administrator from thereafter requiring correction of errors in plans or construction or violations of Article VIII (Natural Resources) Subpart A (Flood Damage Prevention).

*Chairman Lapsley made the motion to go out of public hearing. All voted in favor, and the motion carried.*  
Public Input: There was none.

Vice-Chair McCall asked Natalie Berry to share her perspective on the proposed change.

Natalie Berry stated that she had not had ample time to review the proposed change to offer an opinion on the matter.

It was the consensus of the Board to move this item to the August mid-month meeting in order to give Natalie Berry time to review the proposed change and offer her comments.

**DISCUSSION**

**2022.92 FY2021-2022 Tax Collector’s Settlement, Approval for Bond Amounts for Tax Collector/Deputy; FY2022-2023 Tax Order for Collection**

Tax Collector Darlene Burgess stated it was time for the delivery of the tax receipts to the Henderson County Tax Collector; however, before they may be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

(a) PREPAYMENTS. The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director’s satisfaction that all prepayments received have been deposited.

(b) SETTLEMENT. The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.

(c) BOND. The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.

(d) ORDER OF COLLECTION. An Order of Collection must be adopted at today’s meeting, which will charge the Tax Collector with the collection of FY 2022-2023 taxes, plus all outstanding delinquent taxes.

## FY2022 ANNUAL LEVY

*Includes Real Property, Personal Property, Business Personal Property, and Public Service Property billed and collected by the County*

<b>LEVY ADDITIONS</b>				
All amounts charged to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 89,138,795.30	\$ 11,018,760.70	\$ 12,964,530.06	\$ 113,122,086.06
Penalty	\$ 421,024.39	\$ 50,057.09	\$ 21,116.05	\$ 492,197.53
Interest	\$ 142,522.93	\$ 20,696.83	\$ 15,082.00	\$ 178,301.76
<b>TOTAL</b>	<b>\$ 89,702,342.62</b>	<b>\$ 11,089,514.62</b>	<b>\$ 13,000,728.11</b>	<b>\$ 113,792,585.35</b>

<b>LEVY CREDITS</b>				
All sums allowed as credits to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 87,762,676.78	\$ 10,806,230.74	\$ 12,742,726.74	\$ 111,311,634.26
Adjustments	\$ 1,044,657.30	\$ 150,797.02	\$ 130,031.10	\$ 1,325,485.42
Releases	\$ 87,034.95	\$ 14,011.50	\$ 5,724.81	\$ 106,771.26
Interest	\$ 142,522.93	\$ 20,696.83	\$ 15,082.00	\$ 178,301.76
Unpaid Tax: Real & Personal Property	\$ 665,450.66	\$ 97,778.53	\$ 107,163.46	\$ 870,392.65
Unpaid Tax: Registered Motor Vehicles	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 89,702,342.62</b>	<b>\$ 11,089,514.62</b>	<b>\$ 13,000,728.11</b>	<b>\$ 113,792,585.35</b>

### REGISTERED MOTOR VEHICLE (RMV) LEVY

*Includes Registered (tagged) Motor Vehicle Tax Bills that are billed and collected on behalf of the County by NC's Tax & Tag Together Program  
RMV tax is not part of the Collector's charge, however it is part of the Tax Levy.*

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 7,924,770.48	\$ 1,078,533.24	\$ 1,666,717.57	\$ 10,670,021.29
Vehicle Fee	\$ -	\$ -	\$ 214,060.00	\$ 214,060.00
Interest	\$ 57,650.01	\$ 8,153.78	\$ 12,145.03	\$ 77,948.82
<b>TOTAL</b>	<b>\$ 7,982,420.49</b>	<b>\$ 1,086,687.02</b>	<b>\$ 1,892,922.60</b>	<b>\$ 10,962,030.11</b>

LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Levy Collected	\$ 7,907,176.02	\$ 1,076,492.95	\$ 1,874,676.47	\$ 10,858,345.44
Unpaid Levy	\$ 17,594.46	\$ 2,040.29	\$ 6,101.10	\$ 25,735.85
Interest Collected	\$ 57,650.01	\$ 8,153.78	\$ 12,145.03	\$ 77,948.82
<b>TOTAL</b>	<b>\$ 7,982,420.49</b>	<b>\$ 1,086,687.02</b>	<b>\$ 1,892,922.60</b>	<b>\$ 10,962,030.11</b>

### COMBINED ANNUAL & RMV LEVY

*Includes (1) Real Property, Personal Property, Business Personal Property and Public Service Property billed and collected by the County; and (2) RMV tax billed and collected on behalf of the County under NC's Tax & Tag Program*

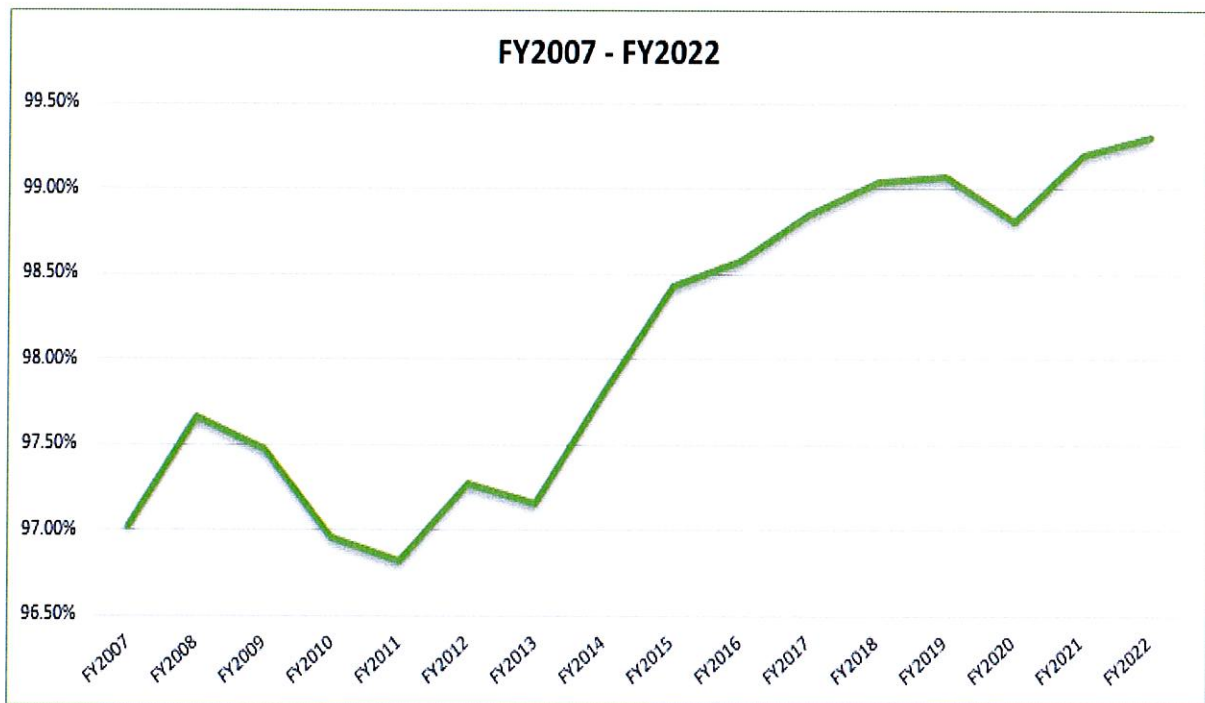
LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax & Vehicle Fee	\$ 97,063,565.78	\$ 12,097,293.94	\$ 14,845,307.63	\$ 124,006,167.35
Penalty	\$ 421,024.39	\$ 50,057.09	\$ 21,116.05	\$ 492,197.53
Interest	\$ 200,172.94	\$ 28,850.61	\$ 27,227.03	\$ 256,250.58
<b>TOTAL</b>	<b>\$ 97,684,763.11</b>	<b>\$ 12,176,201.64</b>	<b>\$ 14,893,650.71</b>	<b>\$ 124,754,615.46</b>

LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 95,669,852.80	\$ 11,882,723.69	\$ 14,617,403.21	\$ 122,169,979.70
Adjustments	\$ 1,044,657.30	\$ 150,797.02	\$ 130,031.10	\$ 1,325,485.42
Releases	\$ 87,034.95	\$ 14,011.50	\$ 5,724.81	\$ 106,771.26
Interest	\$ 200,172.94	\$ 28,850.61	\$ 27,227.03	\$ 256,250.58
Unpaid Levy: Real & Personal Property	\$ 665,450.66	\$ 97,778.53	\$ 107,163.46	\$ 870,392.65
Unpaid Levy: Registered Motor Vehicles	\$ 17,594.46	\$ 2,040.29	\$ 6,101.10	\$ 25,735.85
<b>TOTAL</b>	<b>\$ 97,684,763.11</b>	<b>\$ 12,176,201.64</b>	<b>\$ 14,893,650.71</b>	<b>\$ 124,754,615.46</b>

## FISCAL YEAR-END COLLECTION RATES

	<b>FY2022</b>	<b>FY2021</b>
Annual Levy	<b>99.26%</b>	99.19%
RMV Levy	<b>99.70%</b>	99.40%
Combined Levy	<b>99.30%</b>	98.20%

### COMBINED LEVY COLLECTION RATE TREND:





**LEVY COLLECTED  
COMPARED TO  
FY2022 BUDGETED PROPERTY TAX REVENUE**

	LEVY BUDGETED	LEVY COLLECTED (\$ DEPOSITED)	\$ COLLECTED OVER (UNDER) BUDGET
FY2022	\$ 92,107,728.00	\$ 96,697,252.46	\$ 4,589,524.46
FY2021	\$ 88,629,211.00	\$ 93,935,287.74	\$ 5,306,076.74
FY2020	\$ 87,128,532.00	\$ 90,966,806.18	\$ 3,838,274.18
FY2019	\$ 76,722,389.00	\$ 80,239,454.85	\$ 3,517,065.85
FY2018	\$ 74,231,301.00	\$ 78,183,956.57	\$ 3,952,655.57
FY2017	\$ 73,075,676.00	\$ 76,381,248.10	\$ 3,305,572.10
FY2016	\$ 65,998,066.00	\$ 68,524,823.14	\$ 2,526,757.14

*\*Includes Ad Valorem, RMV, and Prior Year budgeted items*

**COLLECTOR’S EFFORTS TO COLLECT UNPAID TAX**

<b>ENFORCED COLLECTION ACTIVITY</b>				
TYPE OF ACTION	FY2022 ACTIVITY		FY2021 ACTIVITY	
	# OF NEW ACTIONS	\$ VALUE *	# OF NEW ACTIONS	\$ VALUE*
Payment Arrangements	154	\$ 415,059	247	\$ 785,548
Bank Account Attachments	491	\$ 904,088	462	\$ 611,106
Wage Garnishments	637	\$ 415,293	836	\$ 519,161
Rent Attachments	3	\$ 122,929	2	\$ 14,558
Garnishments of Escheated Funds	120	\$ 170,918	105	\$ 117,069
NC Debt Setoff (State Income Tax Garnishment)	2,555	\$ 1,113,104	3,510	\$ 1,734,597

**\* \$ Value includes the total value of each action when it was created. It should not be confused with collection activity resultant from the action. Total value includes levy, interest, penalties and any collection costs associated with the action.**

*Commissioner Edney the motion to approve the tax collector’s settlement for the Fiscal Year 2021-2022 taxes, and further approve the bonds, the order of collection, and charge for collection to the tax collector for the Fiscal Year 2022-2023 taxes. All voted in favor, and the motion carried.*

**American Rescue Plan – Community Foundation and United Way**

At the Board’s April 4, 2022 meeting, Denise Long with the United Way and McCray Benson with the Community Foundation spoke during Public Input on the American Rescue Plan. Their discussion was with regards to the potential uses of ARP funding for community non-profit organizations. This agenda item was

Approved: August 1, 2022



included to continue the discussion of any potential partnerships. Any ARP expenditures must be authorized by the ARP Final Rule and must also have state authorization through enabling legislation.

### **Fostering Hopes – Innovative Foster Care Facility Update**

Alex Williams, President of Fostering Hopes, presented information to the Board on the Fostering Hopes mission in Henderson County and their plans for an innovative foster care facility model for our community.

## **Foster Care by the numbers**

- 165+ children in foster care
- 60+ children sent out of the County
- 5+ children in group homes

The Fostering Hopes model includes a large home licensed by DSS and provided free of charge to a married couple who want to care for children in foster care. One of the two does not work outside the home, and they have the willingness to care for 5-6 children.

The benefits of the Fostering Hopes model include:

- Keeps more children in Henderson County
- Reduces Foster Care costs for the County
- Reduces travel time for social workers
- Helps keep children in their schools
- Keeps larger sibling groups together



Broad Community support would afford the opportunity to develop a stand-out program that provides foster care at a lower cost for the children of Henderson County.

Vice-Chair McCall said the County could not provide funding to renovate or purchase a home (or a building) that Henderson County does not own. But, given the importance of this project, the Board has explored alternative ways to support the project.

Russ Burrell explained that ARP funds might be allocated to reimburse costs incurred for foster care services during the COVID pandemic. The County could provide a loan that the non-profit could repay in “performance” of foster care services for Henderson County children. The loan would then be forgiven over a period of five years at twenty percent per year.

Approved: August 1, 2022

*Vice-Chair McCall made the motion that ARP funds be allocated to reimburse the County for expenses incurred for foster care services during the COVID pandemic for \$348,000 and to direct staff to prepare loan contract documents for the county to offer a \$348,000 loan to Fostering Hopes/H3. The repayment of the loan will be with foster care services provided to Henderson County. All voted in favor, and the motion carried.*

### **NCACC 2023-2024 Legislative Goals**

The NCACC requested input and proposals from all counties and has invited counties to submit their legislative proposals to the Association. Every two years, in the months preceding the long session of the NC General Assembly, the NCACC begins a grassroots process to develop the Association's legislative goals, which guides their advocacy efforts at the state and federal levels of government. The process is designed to maximize participation by counties, build consensus among counties, and achieve a unified message on county priorities.

The submission deadline for 2023-2024 proposals is early September 2022. Proposed goals received prior to the deadline will be referred to the appropriate steering committee for review and consideration.

The NCACC Legislative Goals Conference will be held in November, and the NCACC legislative agenda will be finalized by early December in advance of the 2023 short session.

Vice-Chair McCall submitted the following goals for the Board to consider:

1. Supplementing wages for Child Care workers
2. Increase the availability of K4 (Kindergarten for four-year-old children)
3. Increase the dropout age for students to 18

Vice-Chair McCall asked the Board to consider these goals and add any goals so action could be taken at the August 1, 2022, meeting.

John Mitchell directed staff to work with Board members to prepare an agenda item for this action at the Monday, August 1, 2022, meeting.

### **Offer to Purchase Tax Foreclosed Property (Tabled from June 15, 2022 Meeting)**

Benjamin Dowling entered an upset bid on the purchase of the property located on Greenville Highway (N.C. 225) and described as "B W Williams Property Lo22-26", in Hendersonville Township, with real estate identification number 9937319 (PIN 9576917061), and with a tax value of \$9,800.00. The original offer on the property was \$100.00. Dowling's upset bid was for \$4,000.00. Dowling's offer included a deposit of \$200.00, based on an offer of \$4,000.00.

The Board gave provisional acceptance to this offer, subject to the advertisement for upset bids. The notice of the upset bid, and the possibility of further upset bids, was published on May 25 in the *Hendersonville Lightning*.

Under Board procedures and General Statutes, once provisional acceptance has occurred and a final bid after all upset bids is received after published notice, the matter comes back before this board for a final decision on the sale.

*Commissioner Edney made the motion the Board accept the offer to purchase "B W Williams Property Lo22-26", in Hendersonville Township, with real estate identification number 9937319 (PIN 9576917061), from Benjamin Dowling for \$4,000. Vice-Chair McCall and Commissioners Edney and Andreotta vote yay. Chairman Lapsley and Commissioner Hill voted nay. That motion carried with a 3-2 vote.*

**NOMINATIONS AND APPOINTMENTS**

- 1. Environmental Advisory Committee - 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
- 2. EMS Peer Review Committee – 2 vac.  
There were no nominations, and this item was rolled to the next meeting.
- 3. Hendersonville Zoning Board of Adjustment – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.
- 4. Historic Resources Commissioner – 2 vac.

*Chairman Lapsley made the motion to reappoint Bette Carter to position #6. All voted in favor, and the motion carried.*

*Vice-Chair McCall made the motion to appoint Reid Barwick to seat position #2. All voted in favor, and the motion carried.*

- 5. Home and Community Care Block Grant Committee – 2 vacs.  
There were no nominations, and this item was rolled to the next meeting.

- 6. Juvenile Crime Prevention Council – 2 vacs.

*Vice-Chair McCall made the motion to reappoint Matt Gruebmeier to position #1, Garrett Gardin to position #2, Adrienne Marsh to position #5, Angela Garner to position #6, Libby Myers to position #7, Richard Arell to position # 21, and Sally Buchholz to position #24. All voted in favor, and the motion carried.*

- 7. Mountain Area Workforce Development Board – 1 vac.  
There were no nominations, and this item was rolled to the next meeting.

- 8. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.  
There were no nominations, and this item was rolled to the next meeting.

**COMMISSIONER UPDATES**

Chairman Lapsley commended the Sherriff’s Department on their recent narcotics operation, “the good, the bad, and the ugly,” that resulted in forty-one drug arrests. Sheriff Griffin replied that all credit goes to his staff.

**GENERAL ASSEMBLY REPORT**

County Manager John Mitchell said the General Assembly had tackled the six billion dollars more in tax revenue received than was anticipated. 1.6 billion went into a “rainy day” fund, and another one billion was set aside in another fund to take on inflation. He added that inflation is running at approximately ten percent year after year.

**COUNTY MANAGER’S REPORT**

County Manager John Mitchell noted that all ARP funding decisions the Board has made to date are available on the County’s website.

Mr. Mitchell said staff is working with the Substance Abuse Task Force and the Health Department on the expenditure of the money set aside by the state of North Carolina for opioid and substance abuse addiction.

Approved: August 1, 2022

There will be more to come on this topic in the coming months.

**CLOSED SESSION**

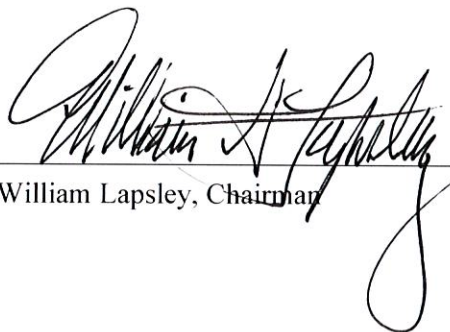
*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(6).*

- 1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board.*
- 2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6)*

*Commissioner Edney made to motion to go out of closed session and adjourn at 1:00 p.m. All voted in favor, and the motion carried.*

**ADJOURN**

  
\_\_\_\_\_  
Denisa A. Lauffer, Clerk to the Board

  
\_\_\_\_\_  
William Lapsley, Chairman





## Resolution Honoring Sergeant Michelle Hensley



### For Over 17 Years of Law Enforcement Service and Awarding Her Badge and Sidearm

**WHEREAS**, Sergeant Michelle Hensley joined the Henderson County Sheriff's Office as an auxiliary Deputy and served between August 18, 2004 through February 3, 2005. Ms. Hensley was hired as a benefit-eligible employee and served between February 4, 2005 through July 22, 2022 and held the ranks of Detention Officer, Deputy, Senior Deputy, Master Deputy, Corporal, and Sergeant; and

**WHEREAS**, Sergeant Hensley's service and dedication to the Henderson County Sheriff's Office and service, dedication and accomplishments in the field of law enforcement during her over 17 years of service are hereby recognized and commended; and

**WHEREAS**, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

**WHEREAS**, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

**WHEREAS**, Sergeant Hensley has served as a member of the Henderson County Sheriff's Office for a period of over 17 benefit-eligible years and will be retiring from the Henderson County Sheriff's Office on July 22, 2022; and

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

1. Sheriff Lowell Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Hensley the badge worn by her during her service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Hensley her service sidearm at no cost to the officer and upon her securing a permit required by N.C.G.S. 14-402.

**BE IT FURTHER RESOLVED**, that the Henderson County Board of Commissioners recognizes and thanks Sergeant Hensley for her dedicated service to Henderson County and its citizens.

Adopted this the 20th day of July 2022.

  
CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
CLERK TO THE BOARD

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** July 20, 2022

**SUBJECT:** North Carolina Office of State Budget and Management – ROD Grant

**PRESENTERS:** Lee King – Register of Deeds

**ATTACHMENTS:** Yes  
1 – Contract 2030RD1 with NCOSBM  
2 – Budget Amendment

**SUMMARY OF REQUEST:**

Staff is requesting the Board approve funding from the NC Office of State Management and Budget in the amount of \$2,000 for the management and preservation of historic records and files. The Board is also requested to approve a Budget Amendment, transferring \$2,000 from Restricted Fund Balance for Register of Deeds AEPF Funds to provide a match for this grant.

**BOARD ACTION REQUESTED:**

The Board is requested to approve funding and the Budget Amendment to appropriate fund balance for the management and preservation of historic records and files within the Register of Deeds office.

***Suggested Motion:***

*I move the Board approve the funding and the Budget Amendment to appropriate fund balance for the management and preservation of historic records and files within the Register of Deeds office.*

LINE-ITEM TRANSFER REQUEST  
 HENDERSON COUNTY



Department: REGISTER OF DEEDS

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115418-539000-9042</u>	<u>CONTRACTED SERVICES</u>	<u>\$4,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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

Account	Line-Item Description	Amount
<u>114990-401002-9042</u>	<u>FUND BALANCE APPROPRIATED</u>	<u>\$2,000</u>
<u>114418-454030-9042</u>	<u>STATE - NCOSBM GRANT</u>	<u>\$2,000</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 TO BUDGET FOR GRANT FUNDS AWARDED BY NC OFFICE OF STATE BUDGET AND MANAGEMENT FOR PRESERVATION OF HISTORIC RECORDS AND FILES, WITH MATCHING GRANT FUNDS APPROPRIATED FROM RESTRICTED AEPF FUNDS. BOC APPROVED ON JULY 20,2022.

*William Lee Jr* 7.20.2022  
 Authorized by Department Head Date

     
 Authorized by Budget Office Date

     
 Authorized by County Manager Date

**For Budget Use Only**

Batch #  

BA #  

Batch Date



**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** July 20, 2022

**SUBJECT:** Partnership for Economic Development – Partnership Match

**PRESENTER:** Sonya Flynn, Budget Manager

**ATTACHMENTS:** 1. Budget Amendment

**SUMMARY OF REQUEST:**

At the Board of Commissioner’s meeting on June 15, 2022, the Board adopted the Budget Ordinance for FY23 which included a matching grant in the amount of \$77,500 for the Partnership for Economic Development’s Economic Investment Fund. The Partnership for Economic Development is requesting an increase to that fund in the amount of \$5,000 based on an additional grant match from the Town of Mills River for a total investment amount of \$82,500.

**BOARD ACTION REQUESTED:**

Staff requests the Board approve the attached budget amendment to authorize the addition of \$5,000 to the Economic Investment Fund.

**Suggested Motion:**

*I move the Board approve the additional amount of \$5,000 to the Partnership for Economic Development Investment Fund for a total grant match of \$82,500 for FY23.*

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: \_\_\_\_\_ BUDGET OFFICE \_\_\_\_\_

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115498-563000</u>	<u>Payments to Other Agencies</u>	<u>\$5,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	<u>\$5,000</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>\$5,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	<u>\$5,000</u>

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

To increase the grant match amount for the Partnership for Economic Development - Economic Investment Fund based on a \$5,000 contribution from Mills River for FY23.

\_\_\_\_\_  
BUDGET OFFICE  
Authorized by Department Head

\_\_\_\_\_  
07/20/22  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

*For Budget Use Only*

Batch # \_\_\_\_\_

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BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** July 20, 2022

**SUBJECT:** Communicable Disease Pandemic Recovery Funds & Public Health  
Project Position Request

**PRESENTER:** Steve Smith, Health Director

**ATTACHMENTS:** Yes

1. Budget Amendment
2. Communicable Disease Pandemic Recovery Funds AA – NC DHHS

#### **SUMMARY OF REQUEST:**

The NC General Assembly has advanced expanded communicable disease funding to all local health departments through an agreement addendum with NC DHHS for FY 23. The allocation for the Henderson County Department of Public Health is \$190,747. There are several unique aspects to this funding priority including the requirements to address comprehensive communicable disease demands; to achieve reportable performance measures; and to utilize the funding for new expenditures meaning that these funds cannot be used to support existing communicable disease budgetary expenditures.

The Henderson County Board of Health was presented with this information at their June 21, 2022 meeting with a staff recommendation to create a part-time project position (Public Health Nurse II) to accomplish some of the additional work demands outlined in the agreement. The board supported that recommendation and asked that it be forwarded to the Henderson County Board of Commissioners for consideration and approval. No local appropriations are required, and the position would only be authorized while the funding is available and there is a need for the services.

Note: The part-time nurse position (3 days a week) has been discussed with Henderson County Human Resources.

#### **BOARD ACTION REQUESTED:**

The Henderson County Board of Commissioners is requested to approve the addition of 1 part-time public health nurse position to accomplish the deliverables for the expanded communicable disease pandemic recovery funds.

#### **Suggested Motion:**

*I move the Board approve the addition of a part-time nurse project position to accomplish the objectives of the expanded funding for the public health communicable disease program.*



**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Public Health

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115510-569931-9044</u>	<u>Unallocated Grant Funds</u>	<u>\$381,494</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114510-452047-9044</u>	<u>546 CD Pandemic Recovery - ARPA</u>	<u>\$381,494</u>
_____	_____	_____
_____	_____	_____

**Justification** Please provide a brief justification for this line-item transfer request.  
To provide funding for DPH Aid-to-Counties Project 546 - Communicable Disease Pandemic Recovery Funds.  
Approved by the Board July 20, 2022.

Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

*For Budget Use Only*

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER INFRASTRUCTURE**

**Funding Offer and Acceptance**

**Legal Name and Address of Award Recipient**

Henderson County  
113 N. Main Street  
Hendersonville, North Carolina 28792

**Project Number:** SRP-W-ARP-0085

**CFDA Number:** 21.027

**Funding Program**

Drinking Water	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Wastewater	<input checked="" type="checkbox"/>			
State Revolving Fund (SRF)	<input type="checkbox"/>			
State Reserve Loan (SRP)	<input type="checkbox"/>			
State Reserve Grant (SRP)	<input type="checkbox"/>			
State Grant Appropriation (SAP)	<input type="checkbox"/>			
American Rescue Plan Act (ARPA)	<input checked="" type="checkbox"/>			\$12,700,000

**Project Description:**

Clear Creek Sewer System

**Total Financial Assistance Offer:** **\$12,700,000**  
**Total Project Cost:** **\$19,547,800**  
**Estimated Closing Fee\*:** **\$0.0**  
*For Loans*  
**Principal Forgiveness:** **\$0**

*\*Estimated closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure  
North Carolina Department of Environmental Quality**

	<u>6/8/2022</u>
Signature Jon Risgaard for Shadi Eskaf	Date

On Behalf of:

Henderson County

Name of Representative in Resolution:

\_\_\_\_\_

Title (Type or Print):

\_\_\_\_\_

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

	<u>7/22/2022</u>
Signature	Date

## STANDARD CONDITIONS

1. Acceptance of this Funding Offer does not exempt the Recipient from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) not explicitly referred to in this document and any future requirements implemented by the U.S Treasury.
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The applicant shall certify that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project using a certification form provided by DEQ.
3. Specific MBE/WBE (DBE) forms and instructions are provided that are to be included in the contract specifications. These forms will assist with documenting positive efforts made by recipients, their consultants and contractors to utilize disadvantaged businesses enterprises. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by all recipients, and construction contractors, and made available upon request.
4. Subrecipients shall fully comply with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Subrecipients may access suspension and debarment information at: <http://www.sam.gov>. This system allows subrecipients to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. Projects with a total cost of \$10,000,000 or more must meet U.S. Treasury requirements for prevailing wage rates, project labor agreements, and related requirements. Recipients can either certify meeting the requirements or provide plans and reports as the [SLFRF Compliance and Reporting Guidance](#) specifies.
6. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects must also adhere to North Carolina State law, specifically NC General Statute 143-64.31, Article 3D Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS 143-64.32 cannot be used to exempt funding recipients from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
7. Local government units designated as distressed must complete associated requirements of statute §159G-45(b).
8. Funds made available by the ARPA that are not disbursed to the entity accepting the funds in this document by December 31<sup>st</sup>, 2026, will no longer be available for the project. Unused Federal funds will revert from the State of North Carolina to the U.S. Treasury.



## ASSURANCES

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
2. The Applicant is responsible for paying for the costs ineligible for ARPA funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. The Applicant will provide and maintain adequate engineering supervision and inspection.
5. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
6. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
7. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.
8. Funds must be fully spent (i.e., fully reimbursed to the recipient) by December 31, 2026.

### **Acknowledgement of Standard Conditions and Assurances**

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance will be fulfilled.

.....  
Signature



.....  
Date

7/22/2022

**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 BY HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

- WHEREAS,** Henderson County has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs; and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$12,700,000 to perform work detail in the submitted application; and
- WHEREAS,** Henderson County intends to perform said project in accordance with the agreed scope of work;

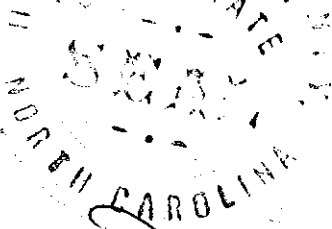
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF  
HENDERSON COUNTY:**

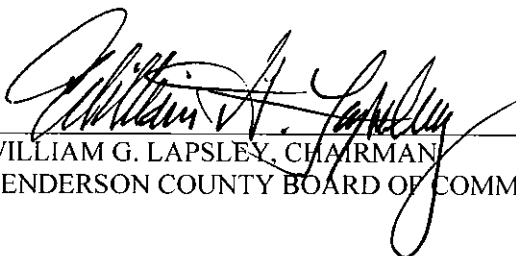
That Henderson County does hereby accept the American Rescue Plan Grant offer of \$12,700,000.

That Henderson County does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Samantha Reynolds, Finance Director, and successor so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 20th day of July 2022.



  
WILLIAM G. LAPSLEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:   
DENISA A. LAUFFER, CLERK TO THE BOARD

**July 1, 2022 through June 30, 2023**

**Home and Community Care Block Grant for Older Adults  
Agreement for the Provision of County-Based Aging Services**

This Agreement, entered into as of this 1st day of July, 2022, by and between the County of Henderson (hereinafter referred to as the "County") and the Land of Sky Regional Council's Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witnesseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:

**Council on Aging for Henderson County**  
**Henderson County DSS**  
**Housing Assistance Corporation**  
**Mountain Care Adult Day Services**

**Pisgah Legal**  
**Premier Home Health Services, Inc.**  
**WNCSource**

The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DAAS-732) for the period ending June 30 for the year stated above.

2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.
3. Grant Administration.  
The grant administrator for the Area Agency shall be: **LeeAnne Tucker, Director, Area Agency on Aging.**  
The grant administrator for the County shall be: **Sonya Flynn, Budget Manager/Internal Auditor.**



It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DAAS-732) are to commence no later than July 1 of the state fiscal year and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30 of the state fiscal year.
5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR Part 75, Subpart D-Post Federal Award Requirements, Procurement Standards. Federal funds shall not be awarded to any subrecipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs.
6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DAAS-732).
  - a. Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation by the 22nd of each month.

b. Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

c. Role of the County Finance Director

The County Finance Director shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with procedures specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

d. Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging and Adult Services through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers.

If through the U.S. Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The County may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home, congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, the grants administrator for the County shall obtain written approval for the revision from the

Area Agency prior to implementation by the community service provider, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met.

Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering amended service data into the Division of Aging and Adult Services Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers.

8. Monitoring. This Agreement will be monitored to assure that services are being provided as stated in the Division of Aging and Adult Service Monitoring Policies and Procedures at <http://www.ncdhhs.gov/aging/monitor/mpolicy.htm>.

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and as specified in Sec. 308 of the AAA Policies and Procedures Manual. Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308.4. Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

Director  
North Carolina Division of Aging and Adult Services  
693 Palmer Drive  
2101 Mail Service Center  
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the



effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.

11. **Audit.** The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Uniform Guidance 2 CFR Part 200.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Uniform Guidance CFR 2 Part 200, where applicable. Applicable community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Uniform Guidance 2 CFR Part 200, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable.

**Federal funds** may not be used to pay for a **Single or Yellow Book audit** unless it is a federal requirement. **State funds** will not be used to pay for a **Single or Yellow Book audit** if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements in accordance with Administrative Code 09 NCAC 03M can be found at <https://www.osbm.nc.gov/stewardship-services/grants/grant-recipients>

The following chart provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Uniform Guidance 2 CFR Part 200 based upon funding received and expended during the service provider’s fiscal year.

Annual Expenditures	Report Required to AAA	Allowable cost for reporting
<ul style="list-style-type: none"> <li>• Less than \$25,000 in state or federal funds</li> </ul>	Certification form and State Grants Compliance Reporting <\$25,000 (Item #11, Activities and Accomplishments) does not have to be completed) OR Audited Financial Statements in compliance with GAO/GAS (i.e., Yellow Book).	N.A.

Annual Expenditures	Report Required to AAA	Allowable cost for reporting
<ul style="list-style-type: none"> <li>Greater than \$25,000 and less than \$500,000 in state funds or \$750,000 in federal funds.</li> </ul>	Certification form and Schedule of Grantee Receipts >\$25,000 and Schedule of Receipts and Expenditures OR Audited Financial Statements in compliance with GAO/GAS (i.e., Yellow Book)	N.A.
<ul style="list-style-type: none"> <li>\$500,000+ in state funds but federal pass through in an amount less than \$750,000.</li> </ul>	Audited Financial Statement in compliance with GAO/GAS (i.e., Yellow Book)	May use state funds, but <u>not</u> federal funds.
<ul style="list-style-type: none"> <li>\$500,000+ in state funds and <u>and</u> \$750,000+ in federal pass through funds.</li> </ul>	Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part 200 (i.e., Single Audit)	May use state and federal funds.
<ul style="list-style-type: none"> <li>Less than \$500,000 in state funds and \$750,000+ in federal pass through funds</li> </ul>	Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part 200 (i.e., Single Audit)	May use federal funds, but <u>not</u> state funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9).

The only exceptions are if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Uniform Guidance CFR 2 Part 200, 45 CFR Part 1321 or state eligibility requirements as specified in policy.

13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against any and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.

14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.
15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate with the County in the performance of the County's duties under this Agreement.
16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.
17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.
18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising there from.
19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise here from.
20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on



behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.

21. Confidentiality and Security. Any client information received in connection with the performance of any function of a community service provider or its subcontractors under this Agreement shall be kept confidential. The community service provider acknowledges that in receiving, storing, processing, or otherwise handling any confidential information, the agency and any subcontractors will safeguard and not further disclose the information except as provided in this Agreement and accompanying documents.
22. Record Retention and Disposition. All state and local government agencies, nongovernmental entities, and their subrecipients, including applicable vendors, that administer programs funded by federal sources passed through the NC DHHS and its divisions and offices are expected to maintain compliance with the NC DHHS record retention and disposition schedule (<https://www.ncdhhs.gov/about/administrative-offices/office-controller/records-retention>). In addition, the NC Department of Natural and Cultural Resources has developed a General Records Schedule for Local Government Agencies as well as individual retention and disposition schedules for local government agencies like county social service agencies and local health departments. Those schedules are posted at <https://archives.ncdcr.gov/government/local>.

Retention requirements apply to the community service providers funded under this Agreement to provide Home and Community Care Block Grant services. By funding source and state fiscal year, the NC DHHS record retention schedule lists the earliest date that grant records in any format may be destroyed. The State Archives provides information about destroying confidential data and authorized methods of record destruction (paper and electronic) at <https://archives.ncdcr.gov/government/records-management-tools/faq#how-can-i-destroy-records>.

The NC DHHS record retention schedule is based on federal and state regulations and pertains to the retention of all financial and programmatic records, supporting documents, statistical records, and all other records supporting the expenditure of a federal grant award. Records legally required for ongoing official proceedings, such as outstanding litigation, claims, audits, or other official actions, must be maintained for the duration of that action, notwithstanding the instructions of the NC DHHS record retention and disposition schedule.

In addition to record retention requirements for records in any format, the long-term and/or permanent preservation of electronic records require additional commitment and active management by agencies. The community service provider will comply with all policies, standards, and best practices published by the Division of Aging and Adult Services regarding the creation and management of electronic records.

23. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

24. Payment to Community Service Providers by the Area Agency on Aging. The County authorizes the Area Agency on Aging, in lieu of the County Finance Officer, to provide interim and reimbursement payments to community service providers as prescribed in paragraphs 6(a) and (c) of this Agreement. Services applicable to this authorization are as follows:

<u>Community Service Provider</u>	<u>Service</u>
Council on Aging for Henderson County	Congregate Nutrition
	Family Caregiver Services
	Home Delivered Meals
	Liquid Nutrition Services
Henderson County DSS	In-Home Aide Level 1
	Consumer Directed Services
Housing Assistance Corporation	Housing and Home Improvement
MountainCare, Inc. Adult Day Services	Adult Day Care
	Adult Day Health
	General Transportation
Pisgah Legal Services	Legal Services
Premier Home Health Care Services	In-Home Aide Level 2 & 3
WNCSource	Medical Transportation
	General Transportation

This authorization by the County shall be in compliance with requirements set forth in the North Carolina Budget and Fiscal Control Act. The County Finance Officer shall establish controls to account for the receipt and expenditure of Home and Community Care Block Grant Funds.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

Henderson County

Attest:


  
Denisa A. Lauffer,  
Clerk to the Board of Commissioners

By:

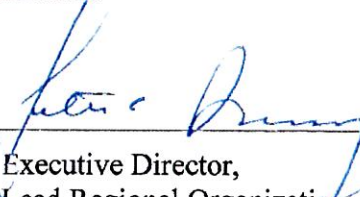
  
Chairman, Board of Commissioners

Area Agency

Attest:

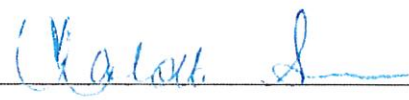
  
Area Agency Director

By:

  
Executive Director,  
Lead Regional Organization

Provision for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act.

By:

 7/1/22  
FINANCE OFFICER, Lead Regional Organization



## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** July 20, 2022

**SUBJECT:** Communicable Disease Pandemic Recovery Funds & Public Health  
Project Position Request

**PRESENTER:** Steve Smith, Health Director

**ATTACHMENTS:** Yes

1. Budget Amendment
2. Communicable Disease Pandemic Recovery Funds AA – NC DHHS

#### **SUMMARY OF REQUEST:**

The NC General Assembly has advanced expanded communicable disease funding to all local health departments through an agreement addendum with NC DHHS for FY 23. The allocation for the Henderson County Department of Public Health is \$190,747. There are several unique aspects to this funding priority including the requirements to address comprehensive communicable disease demands; to achieve reportable performance measures; and to utilize the funding for new expenditures meaning that these funds cannot be used to support existing communicable disease budgetary expenditures.

The Henderson County Board of Health was presented with this information at their June 21, 2022 meeting with a staff recommendation to create a part-time project position (Public Health Nurse II) to accomplish some of the additional work demands outlined in the agreement. The board supported that recommendation and asked that it be forwarded to the Henderson County Board of Commissioners for consideration and approval. No local appropriations are required, and the position would only be authorized while the funding is available and there is a need for the services.

Note: The part-time nurse position (3 days a week) has been discussed with Henderson County Human Resources.

#### **BOARD ACTION REQUESTED:**

The Henderson County Board of Commissioners is requested to approve the addition of 1 part-time public health nurse position to accomplish the deliverables for the expanded communicable disease pandemic recovery funds.

#### **Suggested Motion:**

*I move the Board approve the addition of a part-time nurse project position to accomplish the objectives of the expanded funding for the public health communicable disease program.*



LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY

Department: Public Health

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115510-569931-9044</u>	<u>Unallocated Grant Funds</u>	<u>\$190,747</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114510-452047-9044</u>	<u>546 CD Pandemic Recovery - ARPA</u>	<u>\$190,747</u>
_____	_____	_____
_____	_____	_____

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

To provide funding for DPH Aid-to-Counties Project 546 - Communicable Disease Pandemic Recovery Funds.  
Approved by the Board July 20, 2022.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**For Budget Use Only**

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_



**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

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

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

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

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2022-03; and

WHEREAS, pursuant to N.C. General Statute §160D-601. the Planning Department provided the prescribed public notice and the Board held the required public hearing on July 20, 2022; and

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

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

1. That the Board reviewed the proposed text amendments related to (#TX-2022-03 to the Land Development Code) and finds that it reasonable. in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 20<sup>th</sup> day of July, 2022.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY:

  
WILLIAM LAPSLEY, Chairman  
Henderson County Board of Commissioners

ATTEST:

  
DENISA LAUFFER

Clerk to the Board of Commissioners

[COUNTY SEAL]



# Division of Public Health

## Agreement Addendum

### FY 22-23

Page 1 of 7

Henderson County Department of Public Health  
**Local Health Department Legal Name**

Epidemiology / Communicable Disease Branch  
**DPH Section / Branch Name**

546 Communicable Disease Pandemic Recovery  
**Activity Number and Description**

Vanessa Gailor 919-546-1658  
vanessa.gailor@dhhs.nc.gov  
**DPH Program Contact**  
(name, phone number, and email)

06/01/2022 – 05/31/2023  
**Service Period**

**DPH Program Signature** **Date**  
(only required for a negotiable Agreement Addendum)

07/01/2022 – 06/30/2023  
**Payment Period**

Original Agreement Addendum  
 Agreement Addendum Revision # \_\_\_\_\_

#### I. **Background:**

The federal American Rescue Plan Act (ARPA) enacted on March 11, 2021, provides relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses. A component of ARPA is the State and Local Fiscal Recovery Funds which provides state, local, and Tribal government with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery. With this, the COVID-19 pandemic has highlighted the need for additional funding of communicable disease programs at the local level to ensure that all communicable disease activities are able to be completed.

Funding provided in the American Rescue Plan Act of 2021 is delineated in Senate Bill 105 for 2021-2023, as outlined below:

Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Department of Health and Human Services, Division of Public Health, the sum of thirty-six million dollars (\$36,000,000) in nonrecurring funds for the 2021-2022 fiscal year shall be allocated to local health departments to expand communicable disease surveillance, detection, control, and prevention activities to address the COVID-19 public health emergency and other communicable disease challenges impacted by the COVID-19 public health emergency. The Division of Public Health shall expend up to eighteen million dollars (\$18,000,000) of these allocated funds during the 2021-2022 fiscal year and any remaining funds during the 2022-2023 fiscal year. In the distribution of these funds to local health departments under this section, for each year of the 2021-2023 fiscal biennium, the Division of Public Health shall divide nine million dollars (\$9,000,000) equally among the local health departments based on the number of

Health Director Signature (use blue ink or verifiable digital signature)

Date

LHD to complete: LHD program contact name: \_\_\_\_\_  
[For DPH to contact in case Phone and email address: \_\_\_\_\_  
follow-up information is needed.]

**Signature on this page signifies you have read and accepted all pages of this document.** Template rev. August 2021

counties served by each local health department. The Division of Public Health shall distribute the remaining nine million dollars (\$9,000,000) to local health departments based upon the percentage of the State population served by each of the local health departments. The Division shall begin distributing the funds allocated under this section no later than 60 days after this act becomes law. In utilizing these funds, local health departments shall comply with applicable federal rules and guidance governing the State Fiscal Recovery Fund (SFRF).

## II. **Purpose:**

The primary mission of the North Carolina Communicable Disease Branch (CDB) is to reduce morbidity and mortality resulting from communicable diseases that are a significant threat to the public, through detection, tracking, investigation, control, education, and care activities to improve the health of people in North Carolina. Under the overarching goal of providing the best level of care possible to North Carolinians, the Communicable Disease Branch works with Local Health Departments to control the spread of communicable diseases in the community, detect cases of communicable disease and monitor for the occurrence of new cases.

Since the beginning of the Coronavirus disease (COVID-19) pandemic, local health departments have served as a primary response agency for the communities within their jurisdiction. The scope and magnitude of the COVID-19 response required an “all hands-on deck” approach that redirected staff from much of their normal day-to-day responsibilities. This created a disproportionate focus on COVID-19 cases at the expense of other communicable diseases. As a result, the ability to perform routine activities (e.g., case investigation/management, patient education, etc.) for these other diseases has been suboptimal compared to pre-pandemic efforts. This project is intended to assist local health departments to return to, and in some instances exceed, pre-pandemic service delivery for other communicable diseases.

In accordance with the memorandum of understanding between the North Carolina Pandemic Recovery Office (NCPRO) and the Department of Health and Human Services, the SLFRF federal award to North Carolina provides financial assistance for the state to do the following:

- To provide government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.

**Within the applicable category described above, the 2021 Appropriations Act allocated funds to administer the following project with a total appropriation of \$36,000,000.00:**

**Provides funds for local health departments to expand communicable disease surveillance, detection, control, and prevention activities to address COVID-19 and other communicable disease-related challenges impacted by the COVID-19 pandemic.**

*Note: All funds will be made available through AA 546 Communicable Disease Pandemic Recovery to support obligations and expenditures through December 31, 2024. Unspent funds will carry forward until the federal grant period end date.*

## III. **Scope of Work and Deliverables:**

To ensure the community’s health and to achieve equitable health outcomes, the Local Health Department (LHD) will expand essential public health services to control communicable diseases in their community. Services provided will include communicable disease surveillance, investigation, detection, control, reporting, and prevention activities at the local level to address the COVID-19 public health emergency and other communicable disease challenges impacted by the COVID-19 pandemic.

To ensure the effective delivery of these services, recommended LHD activities include:

1. Enhancing workforce capacity by hiring temporary staff with knowledge in communicable disease, public health, public health nursing, or other applicable fields in order increase the number of full-time equivalent employees.
  - a. The LHD will maintain a minimum of two public health nurses with communicable disease program responsibilities who have completed the *Introduction to Communicable Disease Surveillance and Investigation in North Carolina* course or successfully completed the challenge exam and received an orientation to communicable disease investigation and reporting by a Regional Communicable Disease Nurse Consultant.
2. Providing staff training opportunities including, but not limited to, training staff on applicable systems and databases (NC EDSS, NC COVID) to improve LHD capacities to effectively conduct surveillance, investigation, detection, control, and prevention of communicable diseases.
  - a. Within one year of employment, every public health nurse with responsibility for communicable disease surveillance and investigation will complete the *Introduction to Communicable Disease Surveillance and Investigation in North Carolina* course offered by the Technical Assistance and Training Program (TATP) of the CDB.
  - b. Public health nurses assigned to communicable disease investigation in a primary or backup role will be oriented to the role of Communicable Disease Nurse by the Regional TATP Nurse Consultant Team within three months of assignment of a new primary or backup Communicable Disease Nurse.
  - c. Public health nurses assigned to the primary role of communicable disease are encouraged to incorporate additional training relevant to communicable disease into their continuing education plans.
3. Advancing data infrastructure by purchasing software and equipment that enhance or expand data management and infrastructure, including systems designed for flexible data collection, reporting, and analysis.
4. Supporting community partners by offering appropriate meetings, webinars, and educational opportunities.
5. Engaging community partners by referring clients to relevant and applicable resources.
6. Engaging community partners by developing and disseminating educational resources.
7. Other operational activities in addition to those listed above, including the expenses incurred in conduct or support of those activities.

#### **IV. Performance Measures / Reporting Requirements:**

The reporting below shall be provided by the LHD to DPH via the Smartsheet dashboard, which can be accessed at <https://app.smartsheet.com/b/publish?EQBCT=8716e48245fe46559be725a9d628d031>.

1. **Performance Measure #1:** The LHD shall complete both monthly financial reporting and quarterly performance reporting, as outlined below, via Smartsheet.
  - a. The LHD shall complete a **Monthly Financial Report** each month via the Smartsheet dashboard. These monthly financial reports will report on the prior month, with the due dates posted on the Smartsheet dashboard. The first financial report is to report for June 2022 and is due by July 22, 2022.



- b. The LHD shall complete a **Quarterly Program Report** each quarter via the Smartsheet dashboard. These quarterly program reports will report on the prior quarter, with the due dates posted on the Smartsheet dashboard and below. The Service Quarters for these quarterly program reports are defined as:

Quarter Months	Program Report Due Date
• April-June 2022 <i>April and May 2022 data are from services provided under the Agreement Addendum for state fiscal year 2022.</i>	07/22/2022
• July-September 2022	10/31/2022
• October – December 2022	01/31/2023
• January – March 2023	04/28/2023

2. **Performance Measure #2:** The LHD will perform and document disease investigations in NC EDSS and reassign disease events to the State Disease Registrar within 30 days of notification of a reportable communicable disease or condition. Follow North Carolina Communicable Disease Manual Guidelines for NC EDSS documentation.

- a. **Reporting Requirements:** The LHD will run the General Communicable Disease Control (GCDC) and Vaccine-Preventable Disease (VPD) reports for the designated timeframes below and report via Smartsheet to DPH:

Reporting Timeframes	Due Dates	
• Pre-pandemic	July 1, 2019 – February 29, 2020	July 22, 2022
• During pandemic pre-project	March 1, 2020 – March 31, 2022	July 22, 2022
<i>For reference, reporting for Agreement Addenda in future fiscal years will be as follows:</i>		
• End of year 1 of the project	April 1, 2022 – June 30, 2023	July 24, 2023
• End of year 2 of the project	July 1, 2023 – June 30, 2024	July 22, 2024
• Partial of year 3 of the project	July 1, 2024 – December 31, 2024	January 22, 2025

For each timeframe above, the following measures will be reported:

1. Mean First Report Interval (in days)
2. Mean Completed Report Interval (in days)
3. Percentage of reports which meet the 30-day first report goal of having a disease investigation documented and reported to DPH within 30-days of initial notification to the LHD.

The LHD will refer to the Human Immunodeficiency Virus and Sexually Transmitted Disease reports, found at <https://epi.dph.ncdhhs.gov/cd/stds/annualrpts.html>, to measure their performance of work within the timeframes listed above.

3. **Performance Measure #3:** Increasing the visibility of work the LHD within the community through Community Based Organizations (CBOs) and Nongovernmental Organizations (NGOs).
- a. **Reporting Requirements:** Provide at a minimum each quarter on the Performance Reporting Smartsheet dashboard, one example of educational resources, training agendas, fliers, CBO outreach services or other resources that have been disseminated by the LHD.
4. **Performance Measure #4:** Training new staff with knowledge in communicable disease, public health, and public health nursing.

- a. **Reporting Requirements:** Provide names, email addresses, and telephone numbers of nurses and dates that have completed the NC EDSS and NC COVID training to the Regional TATP Nurse Consultant by December 1, 2022, and upon request.
  - b. **Reporting Requirements:** Provide the names of nurses, their dates of hire into the communicable disease position, and dates they have completed the *Introduction to Communicable Disease Surveillance and Investigation in North Carolina* course or successfully passed the written challenge exam to the Regional TATP Nurse Consultant by December 1, 2022, and upon request.
5. **Performance Measure #5:** As an update to the information the LHD provided for FY22, this Response Plan Update Form is to provide information related to the LHD's COVID-19 preparedness and response. The Response Plan Update Form will present a series of questions to be answered in a short-answer format on topics including testing, contact tracing, vaccination, equity, and preparedness.

- a. **Reporting Requirements:** Complete a **FY23 COVID-19 Response Plan Update Form** via the Smartsheet dashboard no later than August 1, 2022. (DPH will add the FY23 COVID-19 Response Plan Update Form to the Smartsheet dashboard by July 1, 2022.)

Submission of a single COVID-19 Response Plan Update will meet the reporting requirements described under this Agreement Addendum as well as for other COVID-related Activities.

The LHD's COVID-19 Response Plan Update will receive DPH oversight from the DPH Program Contact for each relevant COVID-related Activity. Specific questions regarding individual topics in the Response Plan Update Form should be directed to those individuals. Any general questions the LHD has should be directed to the DPH Division Director's Office at [lhdhealthserviceta@dhhs.nc.gov](mailto:lhdhealthserviceta@dhhs.nc.gov).

**V. Performance Monitoring and Quality Assurance:**

1. Subrecipient monitoring, including financial and performance reporting, shall be conducted via the Smartsheet dashboard. This reporting will be provided by the LHD to DPH via the Smartsheet dashboard. DPH staff will assess reports daily and work with LHDs to provide technical assistance and feedback (as needed) to ensure all reporting is accurate and timely.
2. On a quarterly basis, approximately ten LHD subrecipients will be selected by an electronic randomizer to undergo a "desk audit" which entails the submission of all source documentation supporting their reported expenditures for a given month within the quarter. The affected subrecipients will be notified via email of their selection approximately two weeks after the end of the quarter under review. Selected LHDs will have 30 days to submit the requested expenditure documents. The Subrecipient Monitoring Team performs desk audits to ensure the expenditure information is accurate, complete and only includes allowable expenditures. The results are reported to the affected LHD Directors and, if corrective actions are required, they are outlined in the report with recommendations and a date by which to be completed.
3. The TATP Nurse Supervisor will review the Local Health Department's quarterly program performance through Smartsheet reporting completed by the LHD.
4. If the review results in compliance concerns, the TATP Nurse Supervisor shall conduct conference calls with the Local Health Department to provide technical assistance in order to rectify the concerns.



5. If the LHD is deemed out of compliance, program staff shall provide technical assistance to bring the LHD back into compliance with deliverables. If technical assistance does not prove beneficial, the CDB will issue a letter of non-compliance and the LHD may lose access to NC EDSS and NC COVID. Noncompliance with this agreement will result in a reduced capacity for the LHD to detect and control communicable disease in their community.

**VI. Funding Guidelines or Restrictions:**

1. **Requirements for pass-through entities: In compliance with 2 CFR §200.331 – *Requirements for pass-through entities***, the Division of Public Health provides Federal Award Reporting Supplements to the Local Health Department receiving federally funded Agreement Addenda. These funds constitute federal financial assistance to the State of North Carolina, and therefore, use of these funds must be in accordance with applicable federal uniform guidance found in 2CFR 200. None of these requirements is waived.
  - a. Definition: A Supplement discloses the required elements of a single federal award. Supplements address elements of federal funding sources only; state funding elements will not be included in the Supplement. Agreement Addenda (AAs) funded by more than one federal award will receive a disclosure Supplement for each federal award.
  - b. Frequency: Supplements will be generated as the Division of Public Health receives information for federal grants. Supplements will be issued to the Local Health Department throughout the state fiscal year. For federally funded AAs, Supplements will accompany the original AA. If AAs are revised and if the revision affects federal funds, the AA Revisions will include Supplements. Supplements can also be sent to the Local Health Department even if no change is needed to the AA. In those instances, the Supplements will be sent to provide newly received federal grant information for funds already allocated in the existing AA.
  - c. At the time of this AA issuance, the NC Department of State Treasury has determined that the federal Uniform Guidance, Subpart D – *Subrecipient Monitoring and Management* does not apply to these funds. Therefore, no Supplement will accompany this AA.
2. **Requirements for use of funds: Must comply with NCAC Chapter 09, Subchapter 03M – *Uniform Administration of State Awards of Financial Assistance*.** [NCAC 09 03M](#)
3. **Requirements for cost principles: In compliance with 2 CFR §200.400 - §200.476 - *Subpart E Cost Principles***, such principles must be used in determining the allowable costs of work performed by the non-Federal entity under Federal awards.
4. **Requirements for use of funds: In compliance with 31 CFR §35.5 – *Use of funds*.**
  - a. A recipient may only use funds to cover costs incurred during the period beginning July 1, 2021 and ending December 31, 2024.
  - b. A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.
  - c. A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026.
5. **Requirements for use of funds: In compliance with NCGS 143C-6-23 – *Administrative code requirements***, recipients must comply with the following:
  - a. NCGS 143C-6-23 (b) Prior to disbursing funds a grantee must provide a copy of its conflict- of-interest policy for management employees and its governance body.



- b. NCGS 143C-6-23(c) The grantee must provide a written statement required under oath by the grantee's governing body that it has no overdue tax debts.
6. **Non-reverting Appropriation:** In compliance with *Session Law 2021-180 Section 4.9(k)*.
    - a. This as a non-reverting state appropriation over multiple fiscal years:
      1. Reversion. The funds appropriated in this act from the State Fiscal Recovery Fund shall not revert at the end of each fiscal year of the 2021-2023 fiscal biennium but shall remain available to expend until the date set by applicable federal law or guidance.
  7. **Period of Retention:** Administering Agencies and subrecipients are required to maintain records for at least five years after the completion of the last project across the entire set of SFRF projects funded by the SFRF Award. Therefore, Administering Agencies and subrecipients should seek specific written authorization from OSBM/NCPRO for destruction of any records prior to five years after all funds have been expended or returned to Treasury.

DPH-Aid-To-Counties


For Fiscal Year: 22/23

Budgetary Estimate Number : 0

Activity 546	AA	2SF1	Total	2SF1	Total	2SF1	Total	Proposed	New
		249N		249N		249N			
Service Period		TT	Allocated	TT	Allocated	TT	Allocated	Total	Total
Payment Period		06/01-05/31		06/01-05/31		07/01-05/31			
		07/01-06/30		07/01-06/30		08/01-06/30			
01 Alamance	* 0	234,937	\$0.00	234,937	\$0.00	0	\$0.00	469,874	469,874
D1 Albemarle	* 0	856,172	\$0.00	765,988	\$0.00	0	\$0.00	1,622,160	1,622,160
02 Alexander	* 0	122,567	\$0.00	122,567	\$0.00	0	\$0.00	245,134	245,134
04 Anson	* 0	110,058	\$0.00	110,058	\$0.00	0	\$0.00	220,116	220,116
D2 Appalachian	* 0	351,472	\$0.00	344,018	\$0.00	0	\$0.00	695,490	695,490
07 Beaufort	* 0	129,866	\$0.00	81,341	\$0.00	0	\$0.00	211,207	211,207
09 Bladen	* 0	118,924	\$0.00	118,924	\$0.00	0	\$0.00	237,848	237,848
10 Brunswick	* 0	217,408	\$0.00	217,408	\$0.00	0	\$0.00	434,816	434,816
11 Buncombe	* 0	314,057	\$0.00	307,151	\$0.00	0	\$0.00	621,208	621,208
12 Burke	* 0	167,293	\$0.00	167,293	\$0.00	0	\$0.00	334,586	334,586
13 Cabarrus	* 0	275,620	\$0.00	275,620	\$0.00	0	\$0.00	551,240	551,240
14 Caldwell	* 0	161,360	\$0.00	161,360	\$0.00	0	\$0.00	322,720	322,720
16 Carteret	* 0	150,404	\$0.00	150,404	\$0.00	0	\$0.00	300,808	300,808
17 Caswell	* 0	109,734	\$0.00	109,734	\$0.00	0	\$0.00	219,468	219,468
18 Catawba	* 0	226,241	\$0.00	214,156	\$0.00	0	\$0.00	440,397	440,397
19 Chatham	* 0	156,030	\$0.00	155,382	\$0.00	0	\$0.00	311,412	311,412
20 Cherokee	* 0	115,111	\$0.00	36,142	\$0.00	0	\$0.00	151,253	151,253
22 Clay	* 0	99,992	\$0.00	99,992	\$0.00	0	\$0.00	199,984	199,984
23 Cleveland	* 0	175,395	\$0.00	175,395	\$0.00	0	\$0.00	350,790	350,790
24 Columbus	* 0	136,947	\$0.00	136,947	\$0.00	0	\$0.00	273,894	273,894
25 Craven	* 0	176,687	\$0.00	176,687	\$0.00	0	\$0.00	353,374	353,374
26 Cumberland	* 0	371,451	\$0.00	371,451	\$0.00	0	\$0.00	742,902	742,902
28 Dare	* 0	122,357	\$0.00	122,357	\$0.00	0	\$0.00	244,714	244,714
29 Davidson	* 0	234,401	\$0.00	226,962	\$0.00	0	\$0.00	461,363	461,363
30 Davie	* 0	127,288	\$0.00	108,013	\$0.00	0	\$0.00	235,301	235,301
31 Duplin	* 0	140,786	\$0.00	140,786	\$0.00	0	\$0.00	281,572	281,572
32 Durham	* 0	364,074	\$0.00	364,074	\$0.00	0	\$0.00	728,148	728,148
33 Edgecombe	* 0	133,464	\$0.00	126,091	\$0.00	0	\$0.00	259,555	259,555
D7 Foothills	* 0	277,664	\$0.00	138,624	\$0.00	0	\$0.00	416,288	416,288
34 Forsyth	* 0	412,881	\$0.00	412,881	\$0.00	0	\$0.00	825,762	825,762
35 Franklin	* 0	150,822	\$0.00	150,822	\$0.00	0	\$0.00	301,644	301,644
36 Gaston	* 0	279,764	\$0.00	279,764	\$0.00	0	\$0.00	559,528	559,528
38 Graham	* 0	97,249	\$0.00	97,249	\$0.00	0	\$0.00	194,498	194,498
D3 Gran-Vance	* 0	270,655	\$0.00	257,387	\$0.00	0	\$0.00	528,042	528,042
40 Greene	* 0	107,626	\$0.00	107,626	\$0.00	0	\$0.00	215,252	215,252
41 Guilford	* 0	545,535	\$0.00	545,535	\$0.00	0	\$0.00	1,091,070	1,091,070
42 Halifax	* 0	132,546	\$0.00	104,774	\$0.00	0	\$0.00	237,320	237,320
43 Harnett	* 0	206,562	\$0.00	206,562	\$0.00	0	\$0.00	413,124	413,124
44 Haywood	* 0	143,776	\$0.00	143,776	\$0.00	0	\$0.00	287,552	287,552
45 Henderson	* 0	190,747	\$0.00	190,747	\$0.00	0	\$0.00	381,494	381,494
47 Hoke	* 0	136,336	\$0.00	133,383	\$0.00	0	\$0.00	269,719	269,719
48 Hyde	* 0	94,289	\$0.00	83,888	\$0.00	0	\$0.00	178,177	178,177
49 Iredell	* 0	246,219	\$0.00	246,219	\$0.00	0	\$0.00	492,438	492,438
50 Jackson	* 0	127,636	\$0.00	127,636	\$0.00	0	\$0.00	255,272	255,272
51 Johnston	* 0	272,952	\$0.00	270,816	\$0.00	0	\$0.00	543,768	543,768

52 Jones	* 0	98,470	\$0.00	93,350	\$0.00	0	\$0.00	191,820	191,820
53 Lee	* 0	142,250	\$0.00	142,250	\$0.00	0	\$0.00	284,500	284,500
54 Lenoir	* 0	137,794	\$0.00	137,794	\$0.00	0	\$0.00	275,588	275,588
55 Lincoln	* 0	166,033	\$0.00	166,033	\$0.00	0	\$0.00	332,066	332,066
56 Macon	* 0	121,574	\$0.00	121,574	\$0.00	0	\$0.00	243,148	243,148
57 Madison	* 0	109,046	\$0.00	109,046	\$0.00	0	\$0.00	218,092	218,092
D4 M-T-W	* 0	302,402	\$0.00	0	\$0.00	0	\$0.00	302,402	302,402
60 Mecklenburg	* 0	1,051,020	\$0.00	1,051,020	\$0.00	0	\$0.00	2,102,040	2,102,040
62 Montgomery	* 0	113,383	\$0.00	113,383	\$0.00	0	\$0.00	226,766	226,766
63 Moore	* 0	177,925	\$0.00	177,925	\$0.00	0	\$0.00	355,850	355,850
64 Nash	* 0	171,826	\$0.00	171,826	\$0.00	0	\$0.00	343,652	343,652
65 New Hanover	* 0	290,496	\$0.00	290,496	\$0.00	0	\$0.00	580,992	580,992
66 Northampton	* 0	106,648	\$0.00	106,648	\$0.00	0	\$0.00	213,296	213,296
67 Onslow	* 0	268,908	\$0.00	268,908	\$0.00	0	\$0.00	537,816	537,816
68 Orange	* 0	215,667	\$0.00	215,667	\$0.00	0	\$0.00	431,334	431,334
69 Pamlico	* 0	101,179	\$0.00	101,179	\$0.00	0	\$0.00	202,358	202,358
71 Pender	* 0	144,483	\$0.00	144,483	\$0.00	0	\$0.00	288,966	288,966
73 Person	* 0	124,155	\$0.00	124,155	\$0.00	0	\$0.00	248,310	248,310
74 Pitt	* 0	246,077	\$0.00	246,077	\$0.00	0	\$0.00	492,154	492,154
75 Polk	* 0	108,576	\$0.00	108,576	\$0.00	0	\$0.00	217,152	217,152
76 Randolph	* 0	212,840	\$0.00	212,840	\$0.00	0	\$0.00	425,680	425,680
77 Richmond	* 0	127,809	\$0.00	127,809	\$0.00	0	\$0.00	255,618	255,618
78 Robeson	* 0	200,371	\$0.00	190,427	\$0.00	0	\$0.00	390,798	390,798
79 Rockingham	* 0	167,374	\$0.00	154,307	\$0.00	0	\$0.00	321,681	321,681
80 Rowan	* 0	210,663	\$0.00	210,663	\$0.00	0	\$0.00	421,326	421,326
82 Sampson	* 0	143,959	\$0.00	143,959	\$0.00	0	\$0.00	287,918	287,918
83 Scotland	* 0	120,063	\$0.00	120,063	\$0.00	0	\$0.00	240,126	240,126
84 Stanly	* 0	144,750	\$0.00	144,750	\$0.00	0	\$0.00	289,500	289,500
85 Stokes	* 0	129,325	\$0.00	129,325	\$0.00	0	\$0.00	258,650	258,650
86 Surry	* 0	151,972	\$0.00	151,972	\$0.00	0	\$0.00	303,944	303,944
87 Swain	* 0	102,216	\$0.00	102,216	\$0.00	0	\$0.00	204,432	204,432
D6 Toe River	* 0	199,521	\$0.00	199,521	\$0.00	0	\$0.00	399,042	399,042
88 Transylvania	* 0	120,101	\$0.00	120,101	\$0.00	0	\$0.00	240,202	240,202
90 Union	* 0	293,982	\$0.00	293,982	\$0.00	0	\$0.00	587,964	587,964
92 Wake	* 0	1,033,641	\$0.00	1,033,641	\$0.00	0	\$0.00	2,067,282	2,067,282
93 Warren	* 0	106,501	\$0.00	106,501	\$0.00	0	\$0.00	213,002	213,002
96 Wayne	* 0	196,726	\$0.00	196,726	\$0.00	0	\$0.00	393,452	393,452
97 Wilkes	* 0	149,336	\$0.00	149,336	\$0.00	0	\$0.00	298,672	298,672
98 Wilson	* 0	160,838	\$0.00	160,838	\$0.00	0	\$0.00	321,676	321,676
99 Yadkin	* 0	122,119	\$0.00	122,119	\$0.00	0	\$0.00	244,238	244,238
00 Yancey	* 0	0	\$0.00	0	\$0.00	229,252	\$0.00	229,252	229,252
Totals		17,885,374	0	17,080,413	0	229,252	0	35,195,039	35,195,039

Sign and Date - DPH Program Administrator

 6-27-22

Sign and Date - DPH Section Chief

 06-27-22

Sign and Date - DPH Budget Office - ATC Coordinator

Sign and Date - DPH Budget Officer



STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

8420-C  
(02-2013)

Preparer's name and address:

Jerry Duvall  
2641 Holly Hills Dr.  
Valdese, NC  
28690

Grantee's Address:

**BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina**

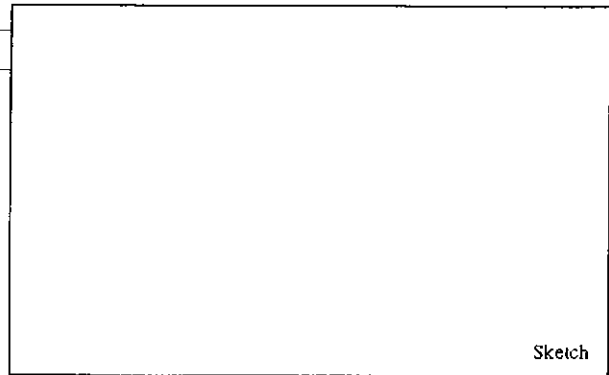
100 S. Eugene Street  
Greensboro, NC 27401  
Attn: Kara Rydill

### Option For Acquisition Of Easement (Or Servitude)

For and in consideration of the sum of money hereinafter set out and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, a Georgia Limited Liability Company, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns, hereinafter referred to as Grantee, an option to acquire an easement (or servitude), to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the lands described in Deed Book SLD 3266, page \_\_\_\_\_, Henderson County (Parish), North Carolina Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' in the SE corner of said property as shown  
on the attached Exhibit B sketch. Site is subject to survey  
at grantee's expense.



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00 ) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 22 day of ~~June~~ July, 2022.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Witness  
(Print Name) N/A

Henderson County  
Name of Corporation  
(Address)  
1 Historic Courthouse Square  
Hendersonville, NC 28792

\_\_\_\_\_  
Witness  
(Print Name) N/A

By: [Signature]  
Title: County Manager  
Attest: \_\_\_\_\_

State of North Carolina County (Parish) of Henderson  
I, JoAnne Martin Hinson, do hereby certify that, John Mitchell  
personally came before me this day and acknowledged that he(or she) is County Manager  
(officer) of the, Henderson County  
~~a corporation~~; and backed by authority duly given and as the act of the ~~corporation~~, the foregoing instrument was signed in  
its name by its Manager (officer) sealed with its corporate seal, and  
attested by himself (or herself) as its N/A (officer).

Witness my hand and seal, this 22 day of ~~June~~ July, 2022.

JoAnne Martin Hinson  
Notary Public  
(Print Name) JoAnne Martin Hinson

My Commission Expires: May 23, 2023

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

TO BE COMPLETED BY GRANTEE

District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	

STATE OF NORTH CAROLINA \_\_\_\_\_  
COUNTY OF HENDERSON \_\_\_\_\_

8420-C  
(02-2013)

Preparer's name and address:

Jerry Duvall  
2641 Holly Hills Dr.  
Valdese, NC  
28690

Grantee's Address:

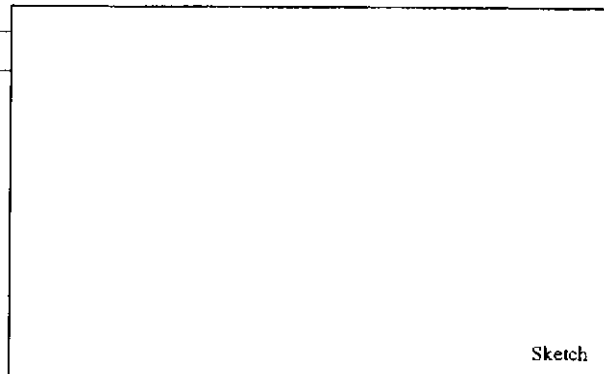
**BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina**  
100 S. Eugene Street  
Greensboro, NC 27401  
Attn: Kara Rydill

### Option For Acquisition Of Easement (Or Servitude)

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Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' in the NE corner of said property as shown  
on the attached Exhibit B sketch. Site is subject to survey  
at grantee's expense.



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00 ) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).



To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 22 day of ~~June~~ July, 2022.

Signed, sealed and delivered in the presence of:

Witness  
(Print Name) N/A

Witness  
(Print Name) N/A

Henderson County  
Name of Corporation  
(Address)  
1 Historic Courthouse Square  
Hendersonville, NC 28792

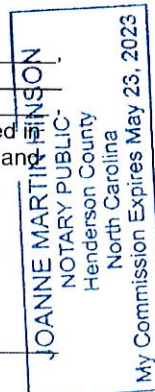
By: [Signature]  
Title: County Manager  
Attest: \_\_\_\_\_

State of North Carolina, County (Parish) of Henderson  
I, Joanne Martin Hinson, do hereby certify that, John Mitchell  
personally came before me this day and acknowledged that he (or she) is County Manager  
(officer) of the Henderson County ~~County~~  
~~a corporation~~, and backed by authority duly given and as the act of the ~~corporation~~, the foregoing instrument was signed  
its name by its Manager (officer) sealed with its corporate seal, and  
attested by himself (or herself) as its N/A (officer).

Witness my hand and seal, this 22 day of ~~June~~ July, 2022.

[Signature]  
Notary Public  
(Print Name) Joanne Martin Hinson

My Commission Expires: May 23, 2023



TO BE COMPLETED BY GRANTEE

District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

Preparer's name and address:  
Jerry Duvall  
2641 Holly Hills Dr.  
Valdese, NC  
28690

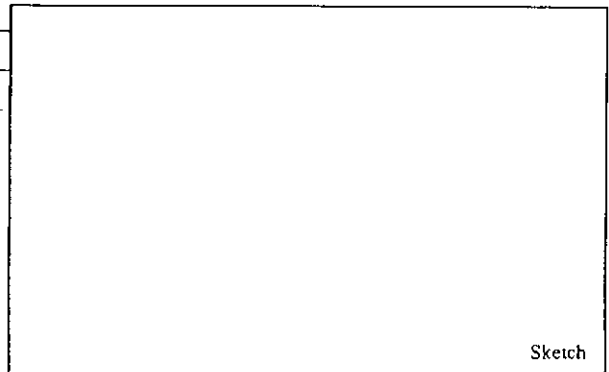
Grantee's Address:  
**BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina**  
100 S. Eugene Street  
Greensboro, NC 27401  
Attn: Kara Rydill

**Option For Acquisition Of Easement (Or Servitude)**

For and in consideration of the sum of money hereinafter set out and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, a Georgia Limited Liability Company, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns, hereinafter referred to as Grantee, an option to acquire an easement (or servitude), to construct, operate, maintain, add, and/or remove such systems of communications (including broadcast), facilities, and related items as the Grantee may from time to time deem necessary in the conduct of its business upon, over, and under a portion of the lands described in Deed Book SLD 3266, page \_\_\_\_\_, Henderson County (Parish), North Carolina Records, and, to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

Grantee shall have the right to enter upon the property covered by this option for the purpose of making surveys and tests deemed necessary by the Grantee. Grantor shall convey the easement (or servitude) area substantially in the following form:

A site 10'x20' at 320 N Grove St adjacent to the existing  
AT&T box as shown on the attached Exhibit B. Site is  
subject to survey at Grantee's expense.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The receipt of One and No/100 Dollars (\$1.00) is hereby acknowledged by the undersigned for an option for a period of One Hundred Eighty (180) days commencing on the date of execution of this instrument. Should the Grantee choose not to exercise this option, Grantee shall be released from any and all obligations herein granted. Grantee agrees to pay the owner Five Thousand and no/100 dollars (\$ 5,000.00 ) when and if this option is exercised. The sum herein agreed upon is in full payment for all rights herein granted. Should the Grantee choose to exercise this Option, then Grantor agrees to execute an easement (or servitude) conveyance document in form attached hereto as Exhibit "A", Easement (or Servitude).

To have and to hold the above granted option for acquisition of easement (or servitude) unto BellSouth Telecommunications, LLC, d/b/a AT&T North Carolina, and its parent and its and its parent's direct and indirect affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, licensees, successors, and assigns.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 22 day of ~~June~~ July, 2022.

Signed, sealed and delivered in the presence of:

Witness  
(Print Name) N/A

Witness  
(Print Name) N/A

Henderson County  
Name of Corporation  
(Address)  
1 Historic Courthouse Square  
Hendersonville, NC 28792

By: [Signature]  
Title: County Manager  
Attest: \_\_\_\_\_

State of North Carolina County (Parish) of Henderson  
I, JoAnne Martin Hinson, do hereby certify that, John Mitchell,  
personally came before me this day and acknowledged that he (or she) is County Manager  
(officer) of the Henderson County ~~County~~  
~~a corporation~~, and backed by authority duly given and as the act of the ~~corporation~~, the foregoing instrument was signed in  
its name by its Manager (officer) sealed with its corporate seal, and  
attested by himself (or herself) as its N/A (officer).

Witness my hand and seal, this 22 day of ~~June~~ July, 2022.

JoAnne Martin Hinson  
Notary Public  
(Print Name) JoAnne Martin Hinson

My Commission Expires: May 23, 2023

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

TO BE COMPLETED BY GRANTEE

District North Carolina	FRC 845C	Wire Center/NXX Hendersonville Church/	Authority
Drawing N/A	Area Number 22415	Plat Number N/A	RWID NC-2022-JUN-
Parcel ID 1013416	Approval Lee Sadler	Title Mgr-OSP Planning & Design SE/CA	



**Resolution Approving the Settlement with the Tax Collector for the 2021-2022 Tax Year**

WHEREAS, N.C.G.S. 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the previous tax year prior to delivery of the tax receipts to the Tax Collector for the current tax year, said settlement being conducted in accordance with N.C.G.S. 105-373; and

WHEREAS, N.C.G.S 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the previous tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current tax year settlements, but not delinquent taxes; and

WHEREAS, the Henderson County Board Commissioners has received a proposed settlement for the 2021-2022 tax year taxes, and all delinquent taxes charged to the Tax Collector for prior tax years;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Settlement for the 2021-2022 taxes charged to the Tax Collector is hereby approved. The Board finds:
  - a. All prepayments received by the Tax Collector were properly deposited;
  - b. The settlement is in proper form;
  - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the 2021-2022 fiscal year; and
  - d. Those persons identified in the report of insolvents submitted by the Tax Collector are found to be insolvents. The insolvents list shall be entered into the minutes and credited to the Tax Collector as part of this settlement.
  
2. The Settlement for the delinquent taxes charged to the tax collector for the previous fiscal years is hereby approved. The Board finds that the settlement for the delinquent taxes is in an appropriate form.

THIS the 20th day of July, 2022.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

William Lapsley, Chairman

Attest: (County Seal)

  
Denisa Lauffer, Clerk to the Board

**Resolution Setting the Bond Amounts for the Tax Collector and Deputy Tax Collector**

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Board of Commissioners must approve a bond amount for the Tax Collector and Deputy Tax Collector; and

WHEREAS, the Board of Commissioners is desirous of complying with N.C.G.S. 105-352;

NOW THEREFORE IT BE RESOLVED AS FOLLOWS:


1. The Bond amount for the Tax Collector shall be set at \$1,000,000 through August of 2023.
2. The bond amount for the Deputy Tax Collector shall be set at \$250,000 to run through August of 2023.

THIS the 20th day of July, 2022.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

William Lapsley, Chairman

Attest:  (County Seal)

  
Denisa Lauffer, Clerk to the Board

**Resolution Adopting the Order of Collection for the 2022-2023 Tax Year**

WHEREAS, N.C.G.S. 105-352 requires that before the tax receipts for the 2022-2023 Tax Year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the 2021-2022 tax year; and (3) the Board of Commissioners must approve the bonds proposed for the Tax Collector (and the Deputy Tax Collector) for collection of all taxes charged for the 2022-2023 Tax Year and all delinquent taxes

WHEREAS, prepayments were received for 2022 taxes; and

WHEREAS, the Board of Commissioners has approved the settlement for the taxes charged to the Tax Collector for collection for the 2021-2022 tax year, including the delinquent taxes; and

WHEREAS, The Board of Commissioners has approved the bonds proposed for the Tax Collector and the Deputy Tax Collector;

NOW THEREFORE BE IT RESOLVED that the order of collection attached hereto is hereby adopted.

THIS the 20th day of July, 2022.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:   
\_\_\_\_\_

William Lapsley, Chairman

Attest:

(County Seal)

  
\_\_\_\_\_

Denisa Lauffer, Clerk to the Board



STATE OF NORTH CAROLINA

ORDER OF COLLECTION

COUNTY OF HENDERSON

TO THE TAX COLLECTOR OF HENDERSON COUNTY:

You, Darlene Burgess, are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records filed in the Office of the Assessor for Henderson County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Henderson, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

WHEREAS, the County of Henderson includes the following unincorporated districts: Blue Ridge Fire District, Valley Hill Fire District, Edneyville Fire District, Etowah-Horseshoe Fire District, Fletcher Fire District, Green River Fire District, Mountain Home Fire District, Mills River Fire District, Dana Fire District, Gerton Fire District, Raven Rock Fire District, and Bat Cave Fire District. You are hereby ordered to collect on their behalf in accordance with paragraph one of this Order of Collection.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 15<sup>th</sup>, 2015 between the County of Henderson and City of Saluda, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1<sup>st</sup>, 2019 between the County of Henderson and City of Hendersonville, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

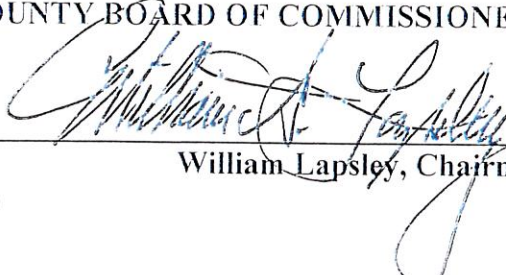
WHEREAS, the City of Hendersonville contains two special districts: Downtown-Main Street and Seventh Avenue, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WHEREAS, an Interlocal Agreement for Tax Collection was made effective July 1<sup>st</sup>, 2019 between the County of Henderson and Town of Laurel Park, you are hereby authorized and empowered to collect on their behalf in accordance with paragraph one of this Order of Collection and the adopted Interlocal Agreement.

WITNESS my hand and official seal, this 20th day of July, 2022.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

  
William Lapsley, Chairman

ATTEST: (OFFICIAL SEAL)

  
Denisa Lauffer, Clerk to the Board