

## 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:

**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

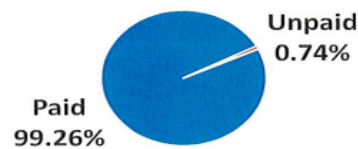
Friday, July 8, 2022

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>



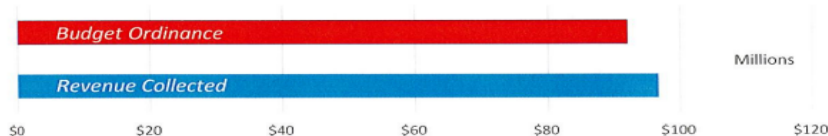
**Henderson County Registered Motor Vehicles (As Collected by NC DMV):**

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:

### 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:

**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>\$ 24,194,978</b>	<b>\$ 2,254,513</b>	<b>\$ 1,685,846</b>	<b>\$ 25,880,424</b>	<b>\$ 23,382,063</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:

**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:

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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Approved:

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
54060 DESTROY LESION PENIS, SIMPLE	\$230.00
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

Approved:



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 MENINGITITS 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 VACCINE 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

Approved:

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 ASSMT W/ SCORE & DOCD /STAND INSTRU	\$16.00
96152 HBI INTERVFNE HITH/BEHAVE 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

Approved:

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

Approved:

## 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:

**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:

**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 6th, 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.*

Approved:

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.

Approved:

- (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. "*

Approved:



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

Approved:

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.

Approved:

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.

Approved:

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.

Approved:

## 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>

Approved:

### 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>

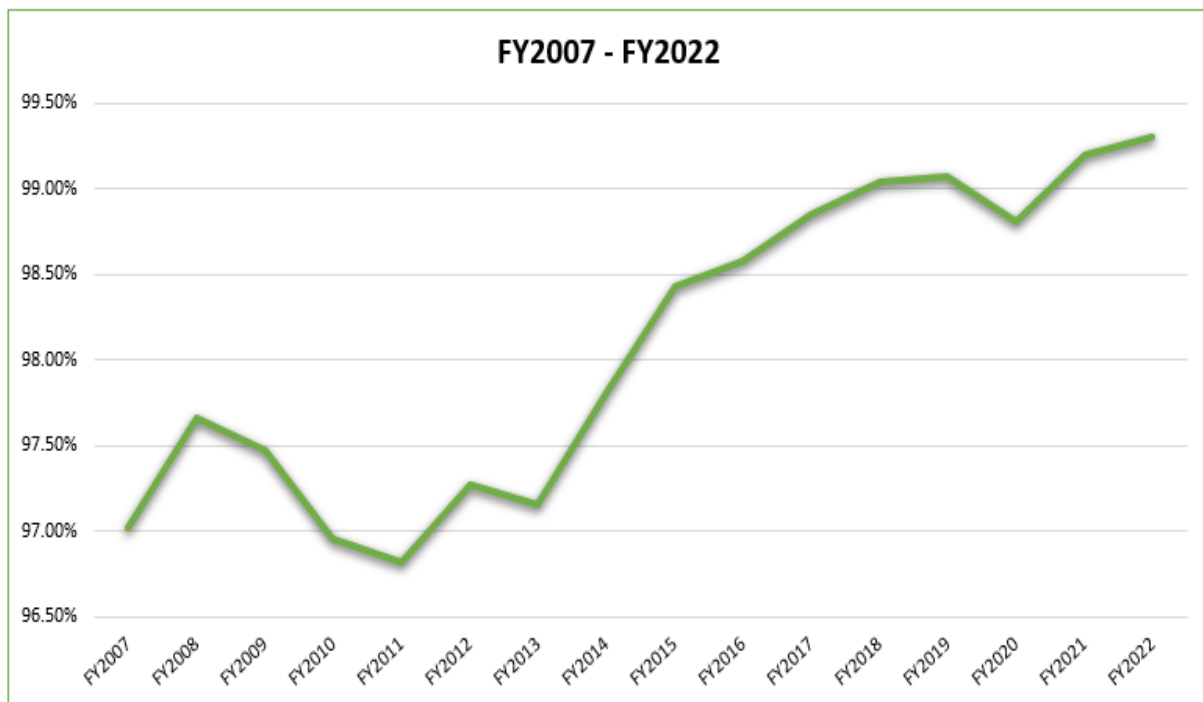
LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 95,669,852.80	\$ 11,882,723.69	\$ 14,617,403.21	\$ 122,169,979.70
Adjustments	\$ 1,044,657.30	\$ 150,797.02	\$ 130,031.10	\$ 1,325,485.42
Releases	\$ 87,034.95	\$ 14,011.50	\$ 5,724.81	\$ 106,771.26
Interest	\$ 200,172.94	\$ 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>

Approved:

## FISCAL YEAR-END COLLECTION RATES

	FY2022	FY2021
Annual Levy	99.26%	99.19%
RMV Levy	99.70%	99.40%
Combined Levy	99.30%	98.20%

### COMBINED LEVY COLLECTION RATE TREND:



Approved:

## 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

ENFORCED COLLECTION ACTIVITY				
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:



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:

*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.*

Approved:

## 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 Gruebmeyer 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 Sheriff'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:

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**

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Denisa A. Lauffer, Clerk to the Board

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William Lapsley, Chairman

Approved: