

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6, 2022**

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

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

Absent was: Commissioner Mike Edney

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Engineer Marcus Jones, Tax Administrator Darlene Burgess, Sheriff Lowell Griffin, IT Director Mark Seelenbacher, Public Health Director Dr. Steve Smith, Social Services Director Jerrie McFalls, Social Work Program Administrator Lori Horne, Cooperative Extension Director Dr. Terry Kelley, Human Resources Director Karen Ensley, Behavioral Health System Coordinator Jodi Grabowski Planning Director Autumn Radcliff, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Assistant Engineer Deb Johnston, and PIO Kathy Finotti – videotaping, Deputies Travis Pierce and John Ashe provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Marc Reynolds, Pastor from Little River Baptist Church, provided the invocation.

PLEDGE OF ALLEGIANCE

Molly Cowen, Barnyard Bandits 4-H, led the Pledge of Allegiance to the American Flag.

RESOLUTIONS AND RECOGNITIONS

Emma Wilkie – 1st Place in the Nation in the 4-H Shooting Sports Program – NC Air Pistol Team

The focus of 4-H programs is the development of youth as individuals and as responsible and productive citizens. The National 4-H, Shooting Sports Program, is one example of these programs, the Championships, which were held June 26 – June 30, 2022. Team members include: Jerome Wilkie, Chip Worrell, Caleb McCarson, Elaine Presley, Emma Wilkie, Kinsley Lance, Ivory Eatman, and Dessie McCarson.

After qualifying at a District and State competition, a National tryout, and months of practicing, thirty-one 4-H competitors represented North Carolina; five were from the Young Naturalist 4-H Club in Henderson County.

- NC Air Pistol Team – Emma Wilkie, Ivory Eatmon, and Kinsley Lance
- NC Pistol Team – Caleb McCarson

- Recurve Archery Team – Eliana Pressley

All teams performed well, with the Recurve Archery Team winning 1st place in the Nation and the Pistol Team winning 3rd place in the Nation.

The Air Pistol Team also won 3rd place in the Nation, with Emma Wilkie earning the 1st Place individual score in the Nation.

Vice-Chair McCall presented Emma Wilkie with a certificate of recognition from the Board of Commissioners.

NCACC Outstanding Partnership Award

At the North Carolina Association of County Commissioners Annual Conference held in August 2022, Henderson County received an Outstanding Partnership with the NC Cooperative Extension Service award. Dr. Terry Kelley, Henderson County Extension Director, was in attendance to discuss this award and the partnership between the County and Cooperative Extension.

2022.106 Proclamation – Constitution Week 2022

Commissioner Andreotta read the proclamation aloud.

**PROCLAMATION ACKNOWLEDGING SEPTEMBER 17-23, 2022 AS
CONSTITUTION WEEK**

WHEREAS, September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law #915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week:

NOW, THEREFORE, Commissioners of Henderson County of the state of North Carolina do hereby proclaim September 17 through 23, 2022, to be Constitution Week in Henderson County and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Adopted this 6th day of September 2022.

Commissioner Andreotta made the motion to adopt the proclamation as presented. All voted in favor, and the motion carried.

PUBLIC INPUT

1. Suzanne Hale spoke of the importance of preserving farmlands in Henderson County.
2. Clint Saunders declined to comment, although signed in to speak.
3. Mr. & Mrs. Robert Ortanzaro, although signed in to speak, declined to comment.
4. Jane & Jim Walker declined to comment, although they signed in to speak.

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5. Lenore Threlkeld spoke in opposition to a copy of a draft future land use map she had seen.
6. Danny Maybin spoke in opposition to a copy of a draft future land use map he has seen and the importance of preserving farmland in Henderson County.
7. Rachel Poller spoke in opposition to residential and commercial sprawl.
8. Corey McGraw spoke in opposition to commercial development and pollution.
9. Virginia Tegel spoke of the importance of farmland preservation.
10. Paul Schoemaker spoke of the importance of farmland preservation.
11. Grady Nance spoke in opposition to urban sprawl and increased traffic concerns.
12. Will McIntyre spoke in opposition to a copy of a draft future land use map he has seen and urban sprawl.
13. Camille Yates spoke of the need for a local Land Fund to protect tens of thousands of acres of rural land in Henderson County.
14. Billie Lively spoke in support of protecting the rural areas of the County.
15. Rocio Borghini spoke about the need for a tightened urban services boundary and the prevention of urban sprawl in Henderson County.
16. Paula Bagley spoke of the importance of the values used when developing the draft future land use map.
17. Margaret Lomidoo spoke in opposition to a copy of a draft future land use map she had seen.
18. Richard Colgen spoke of the importance of preserving farmland in Henderson County.
19. Rick Lawrence spoke of the importance of preserving farmland in Henderson County.
20. Robert Sturycz left the meeting before being called to speak.

Vice-Chair McCall addressed the audience and shared her love for Henderson County. She explained that the “draft future land use map” that had been referred to during the public comments was just that, a draft. She said protecting agricultural land in Henderson County was of utmost importance to the Board.

PUBLIC HEARINGS

2022.107 To Consider Project Chicago Economic Development Incentives

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

County Attorney Russ Burrell informed the Board that Project Chicago is a manufacturing concern located inside Henderson County and is contemplating expansion.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company over five years of at least \$1,000,000 in real property (not including land acquisition cost) and \$9,000,000 in equipment. The project would create 54 new jobs at an average wage of \$58,000 per year, which is greater than the average wage in Henderson County for full-time employment, plus other employment benefits. The proposed incentives would last for a period of five years from each year’s investment. The first year’s incentive, if granted, would be not more than \$20,196.00, based on the new investment in the first year, the number of new employees, and the Board’s incentives guideline. The maximum amount of incentives to be considered in this grant over the five years would be \$203,763.21.

The request would be funded through the general property tax revenue.

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Public Input

- 1. Kathy Yurista spoke in opposition to the proposed economic incentives for Project Chicago.
- 2. Padma Dyvine spoke in opposition to the proposed economic incentives for Project Chicago.
- 3. Priscilla Glassowe spoke in opposition to the proposed economic incentives for Project Chicago.

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

Vice-Chair McCall made the motion to approve the economic incentives as proposed. All voted in favor, and the motion carried.

2022.108 To Consider Project Delta Economic Development Incentives

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

Russ Burrell presented the proposed economic incentives for Project Delta as follows. The Company will be an agricultural production facility contemplating location in Henderson County. Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Company over four years of at least \$260,000,000.00 in real property (not including any land acquisition costs) and equipment, of which \$104,000,000 is an investment in real estate. The project would ultimately result in the creation of 227 new jobs at an average wage of \$88,000 per year, which exceeds the average wage in Henderson County for full-time employment, plus other employment benefits. The contemplated incentives would last for a period of seven (7) years from each year’s investment. The first year’s contemplated incentive, if granted and earned, would be not more than \$134,640.00, based on the new investment in the first year, the number of new employees, the wages paid, and the Board’s incentives guidelines. The maximum amount of incentives to be considered in this grant over the seven years from each year’s investment would be \$9,889,308.00. The incentives would be structured such that \$3,975,000 would be advanced on behalf of the Company to purchase and build upon real estate in the County, to be repaid by the first incentives earned by the Company. The County would take a first security interest in the land so purchased. As incentives are earned over the course of the Company’s investment, they would first be credited to repay the initial advance, with amounts earned in excess of the initial advance paid directly to the Company.

The request would be funded through the general property tax revenue.

Public Input

- 1. Kathy Yurista spoke in opposition to the proposed economic incentives for Project Delta.
- 2. Pagma Devyne spoke in opposition to the proposed economic incentives for Project Delta.
- 3. Priscilla Glassowe spoke in opposition to the proposed economic incentives for Project Delta.
- 4. Cher Sylvias spoke in opposition to light noise from area greenhouses.

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

Vice-Chair McCall made the motion to approve the economic incentives as proposed. All voted in favor, and the motion carried.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Lapsley tabled Discussion Item A – Blue Ridge Community College – Workforce Development Update.

Commissioner Andreotta clarified that Consent Agenda Item H - Non-Profit Funding Agreement contained a typographical error. “Requests the Board authorize the Chairman to execute the funding agreement and, in doing so, authorize the release of the agencies quarterly allotments.” The word agencies should be agency (singular).

Chairman Lapsley made the motion to approve the consent agenda with the two revisions discussed. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Approval of Minutes

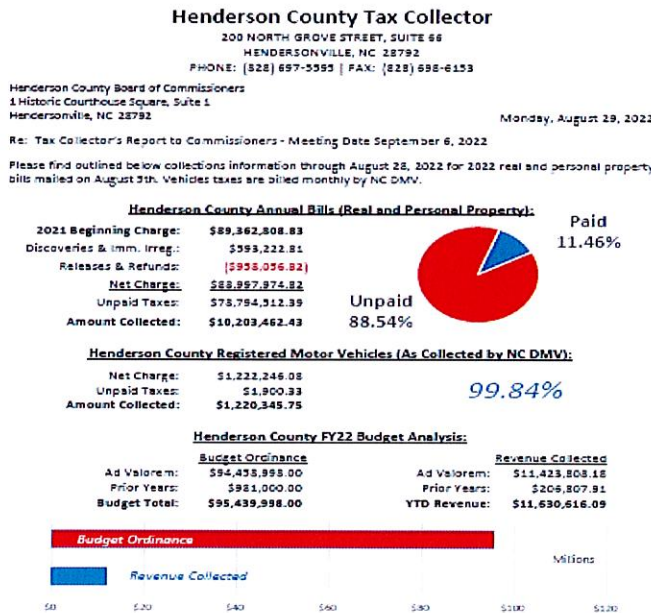
Draft minutes were presented for Board review and approval of the following meeting(s):
 August 17, 2022 - Regularly Scheduled Meeting and August 22, 2022 – Special Called Meeting

Motion:

I move the Board approve the minutes of August 17, 2022, and August 22, 2022.

Tax Collector’s Report

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



2022.109 Pending Releases and Refunds

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 5,427.38
Total Refunds as a result of the Above Releases	\$ 44.73

Motion:

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

Notification of Vacancies

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

1. **Environmental Advisory Committee – 1 vac.**
Position #7
2. **Henderson County Board of Equalization and Review – 1 vac.**
Position #4
3. **Nursing/Adult Care Home Community Advisory Committee – 5 vacs.**
Positions #2, 9, 13, 14, & 17

2022.110 Budget Amendment – Fund Balance Appropriation

Staff is requesting the Board approve the attached budget amendment, which appropriates the fund balance for purchases that will not be fulfilled until FY23. These items, including the attached listing, were approved, budgeted for, and encumbered in FY22 but were not delivered or fulfilled by the end of the fiscal year because of supply chain disruptions or other delays.

Motion:

I move the Board approve the budget amendment to the appropriate fund balance.

Feasibility Study for Apple Country Public Transit

In recent years, ridership on Apple Country Public Transit (ACPT) services declined significantly. The County seeks to increase ridership while optimizing the level of service to current and potential riders.

Henderson County received federal funding to evaluate the current transit system and to study possible changes to the system that will maximize the number of community members served. The federal funds are received via the Federal Transit Administration. The funding for the grant is 80%, so a 20% cost share is requested of the Board. This study is budgeted within the approved FY23 transit budget, so no amendment is needed.

Staff received multiple proposals and evaluated them using the scoring methodology displayed in the RFP. AECOM proposes a robust public outreach initiative as well as a data-driven approach to recommendations. Staff would like to work with AECOM because of their high score and their staff knowledge of this area.

Motion:

I move that the Board approve AECOM for the feasibility study of Apple Country Public Transit.

DPS Probation and Parole Lease – Court Services Building

The lease proposal for the Department of Public Safety's Probation and Parole Offices in the County's Court Services Building at 1347 Spartanburg Highway was provided for the Board's review. There would be no cost to the state to lease the 4,902 +/- square feet, pursuant to NCGS §15-209. The proposed term of the lease is from October 1, 2022, through September 30, 2025.

Motion:

I move the Board approve the attached lease proposal between Henderson County and the State of North Carolina for the period of October 1, 2022, through September 30, 2025, and authorize the County Manager to execute documentation on behalf of Henderson County.

Non-Profit Funding Agreement

Subsequent to the approval of the FY 2022-2023 Budget, staff distributed the funding agreements to the

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non-profit agency receiving County allocations.

Motion:

I move the Board authorize the Chairman to execute the attached funding agreement, thereby authorizing the release of the first of the quarterly installments to the named agency.

Home and Community Care Block Grant FY23 Provider Contracts

The Board was requested to approve the Home & Community Care Block Grant contracts for Fiscal Year 2023. The Home & Community Care Block Grant Program is State / Federal funded and administered at the local level. The funding plan for this program was approved at the Board of Commissioners' meeting held on June 6, 2022.

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

Motion:

I move the Board approve the attached provider contracts for Home and Community Care Block Grant Funds for Fiscal Year 2023.

Sheriff Vehicle Replacement – FY23

The FY23 Adopted Budget included the purchase of a Chevy Traverse as a replacement vehicle for the Sheriff's Office. Following discussions with the Sheriff's Office, it has been determined that a sedan will meet the needs the department has for this vehicle. The Board is requested to approve the purchase of a sedan rather than the originally approved Traverse.

Motion:

I move the Board approve the purchase of a sedan rather than the originally approved SUV.

2022.111 Resolution of Support for Requested Stream Name "Brooklyn Creek"

Riverlink and the City of Hendersonville are working with the USGS to name an unnamed stream in the Green Meadows community located off 7Ave. Riverlink's "Name that Creek" is an initiative in which they work with communities to select an official name for unnamed creeks. Riverlink has been working with local residents to name an unnamed stream that flows through Sullivan Park into Mud Creek. The name selected and voted on by residents is Brooklyn Creek.

Before the name can be approved by the USGS Board of Geographical Names (USGS-BGN), both the City of Hendersonville and Henderson County are requested to submit a resolution of support. Information about the process conducted by Riverlink, including the location of the stream, and an article on the history of the Brooklyn neighborhood, was provided for the Board's review.

Motion:

I move that the Board adopt the attached resolution in support of the requested stream name Brooklyn Creek and request forward the resolution to the USGS-BGN.

Sole Source Purchase – 95 Courthouse Legacy Fire Panel

The Board was requested to approve the proposal provided and authorize staff to proceed with the procurement, installation, and integration of Simplex 4100ES Fire Alarm Control Panel via the sole source exception as allowed under N.C.G.S 143-129 (e)(6).

The sole proposal was received from Johnson Controls to replace the obsolete Fire Alarm Control Panel in the Henderson County Courthouse. The current fire system is a proprietary system installed, maintained, and monitored by Johnson Controls in coordination with County staff. The current panel is operational; however, replacement parts for the current fire control panel are no longer offered by Johnson Controls and are limited to third-party sellers.

The purchase and installation of the Henderson County Courthouse Fire Alarm Control Panel is part of the FY23 Planned Projects budget.

Motion:

I move the Henderson County Board of Commissioners award the contract for the purchase, installation, and integration of Simplex 4100ES Fire Alarm Control Panel in the Henderson County Courthouse to Johnson Controls for \$98,980.00 and authorize staff to proceed with the purchase using the sole source exception to formal bidding as allowed under N.C.G.S 143-129 (e)(6).

Annual Volunteer Appreciation Baquet

The staff has arranged to hold the Annual Volunteer Banquet in the Gala Meeting Room on the Blue Ridge Community College Campus. The date is Tuesday, October 4, 2022, at 6:00 p.m.

Motion:

I move the Board schedule the 2022 Annual Volunteer Appreciation Banquet for Tuesday, October 4, 2022, at 6:00 pm.

Offer to Purchase Tax-Foreclosed Property – 243 Sparkling Lake Road

Randy Gene Wyatt has offered to purchase 0.44 acres located at 243 Sparkling Lake Road (lot 16 of High Peak Lake subdivision) in Henderson County. This matter was on the agenda for preliminary review and, if desired, preliminary acceptance only. His offer included a deposit of \$150.00, based on an offer of \$1,000.00.

Henderson County obtained its interest in this property via a tax foreclosure sale in 1984. No taxes have been received on the property since that time. However, the property has been the subject of recent nuisance complaints.

If the Board agrees to provisionally accept this offer, it would be subject to a newspaper advertisement and further subject to a ten-day period for upset bids. Although not required, as a courtesy, it is the custom of the County to also give regular mail notice to adjoining property owners at addresses shown on GIS.

If an upset bid is received, a new advertisement is placed, and the process continues until the bidding ends. Once done, or if no upset bids are received, the matter comes back before this board for a final decision on the sale.

Motion:

I move that the Board give provisional acceptance to this offer, subject to upset bids.

Approval of VFW Architectural Contract

On March 16th, 2022, a Request for Qualifications for architectural services for the VFW was posted. The overall project scope includes designs that address all necessary repairs and replacements of all building systems components, including but not limited to HVAC, plumbing, electrical, structural, interior and

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exterior finishes, and parking, associated with a yet-to-be-finalized design criteria and scope. Also included in the scope of the project is the necessary programming with Henderson County in order to provide a proposed design with cost estimates and schedules for approval, as well as the necessary Construction Administration once the project is bid and awarded, to ensure project success. Proposals were due March 30th, 2022, and were subsequently received and reviewed by Staff.

At the April 4th meeting of the Board of Commissioners, the Board approved the selection of McMillan | Pazdan | Smith as the most qualified firm and directed Staff to negotiate an agreement. McMillan | Pazdan | Smith is proposing a fee of 6%, based on the construction cost. This proposal is within the approved budget and timeline. This contract would update the current contract approved on April 20th, 2022, in order to update the project from a design-build method to the construction manager at risk method.

Motion:

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

95 Courthouse/Detention Center Architectural Contract

On January 26th, 2022, a Request for Qualifications for architectural services for the Courthouse Expansion and Detention Center Annex was posted. The overall project scope includes designs that address all necessary repairs and replacements of all building systems components, including but not limited to HVAC, plumbing, electrical, structural, interior, and exterior finishes, and parking, associated with a yet-to-be-finalized design criteria and scope. Also included in the scope of the project is the necessary programming with Henderson County to provide a proposed design with cost estimates and schedules for approval, as well as the necessary Construction Administration once the project is bid and awarded to ensure project success. Proposals were due February 10th, 2022, and were subsequently received and reviewed by Staff. At the March 7th meeting of the Board of Commissioners, the Board approved the selection of Fentress Architects as the most qualified firm and directed Staff to negotiate an agreement. Fentress Architects proposed a fee of \$10,636,458 for their services in this project.

Motion:

I move that the Board accept the proposal from Fentress Architects and direct Staff to execute the necessary contracts.

2022.112 Budget Amendment – State Aid to Public Libraries

The County received an Award Agreement from the NC Department of Natural and Cultural Resources for \$83,421. These funds were appropriated by the State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189), and may be used for materials, salaries, equipment, and operating costs consistent with allowable uses outlined in 07 NCAC 02I .0202 State Aid Grants from the Aid to Public Library Fund. Although the awarding agency is the State of NC, these are Federal ARP dollars, and the County will follow all applicable restrictions and procurement processes necessary to spend these funds.

Motion:

I move the Board approve a budget amendment to bring in the \$83,421 in funding.

2022.113 Amendment of Smoking Ordinance

On August 17, 2022, the Board adopted a requirement for policy changes to prohibit all use of tobacco on the campus of the Commissioner Charles D. Messer Human Services Building. The proposed amendment accomplishes the same by modifying Section 17-7 of the County Code (“Smoking Allowed Only in Designated Areas”). For this area only, not only “smoking,” as defined in the ordinance, but any use of tobacco is prohibited.

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Motion:

I move that the Board adopt the proposed Amendment to the Smoking Ordinance.

2022.114 CRAVE Memorandum of Understanding

The North Carolina Judicial Branch has launched the Courtroom Audio Visual (CRAVE) Project to further enhance the capability to safely and securely hold remote court proceedings.

The immersive courtroom audio-video infrastructure inside the courtroom includes numerous cameras, microphones, and monitors. A public kiosk located in the courthouse is connected with the system and allows self-represented litigants to make an appearance outside of a courtroom. The technology will significantly reduce the need for an in-person appearance in some cases and reduce courthouse foot traffic.

The Henderson County Court System supports the system.

Motion:

I move that the Board authorize the Business and Community Development Director to enact the Courtroom Cabling for Remote Proceedings Memorandum of Understanding and implement the program.

Henderson County Rail Trail Project – Kanuga to Hwy 64– Phase 2 Amendment with Vaughn & Melton

During the March 7, 2022, meeting, the Board approved an agreement with Vaughn & Melton (VM) to perform engineering services through 30% design for the current Rail Trail project (Phase 1). This would allow the project to proceed while the scope of work needed on the structures was determined. Phase 1 is near completion, and staff and VM have negotiated a proposal for Phase 2 engineering services which is from 30% design through bidding. The proposed amendment to the existing contract with VM will add \$502,161.68 to the hourly not to exceed amount. Therefore, the contract total with the amendment will be hourly, not to exceed \$979,812.09. The project is funded by a Federal STBG grant administered by NCDOT. As per grant requirements, NCDOT will audit the amendment upon Board approval.

Motion:

I move that the Board authorize the County Engineer to execute the proposed amendment to Vaughn & Melton's contract for an additional \$502,161.68.

Chairman Lapsley made the motion to adopt the consent agenda as presented. All voted in favor, and the motion carried.

DISCUSSION

Blue Ridge Community College – Workforce Development Update (Tabled to 9/21/2022 Meeting)

2022.115 Second Reading of the LDC Text Amendment Language as Approved on July 20, 2022 (TX-2022-02) - Personal Storage Structure and Temporary Portable Storage Containers

On July 20th, the Board of Commissioners held a public hearing on LDC text amendment TX-2022-02 for personal storage structures and temporary portable storage containers. Following discussion, the Board voted on several revisions to the proposed amendment. The Board directed staff to provide the Board with a final draft incorporating all the revisions for a final vote at the September meeting.

Commissioner Hill made the motion that the Board adopt the attached resolution regarding the consistency with the CCP, and

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Further moved that the Board adopt the LDC text amendment TX-2022-02 for personal storage structures and temporary portable storage containers as revised in the 1st reading by the BOC on July 20th, 2022. The motion carried with a 3-1 vote; vice-chair McCall was the nay vote.

2022.116 Continued Discussion on Land Development Code (LDC) Text Amendment (TX-2022-05) – SR 3.14 Storage Shed

On June 16, 2022, the Planning Board, as part of its discussion on text amendment TX-2022-02 for personal storage structures, discussed if SR 3.14 should be amended. The Board voted unanimously not to recommend any changes to the existing requirements for SR 3.14 Storage Shed.

The Board of Commissioners, during its July 20th meeting, requested that a public hearing be scheduled to consider amending SR 3.14 Storage Shed as proposed by Commissioner Hill to be consistent with the amendments for personal storage structures.

The Board of Commissioners held a public hearing on August 17 and voted to table the item until the September 6th meeting, when the other related amendments are scheduled to be discussed.

Commissioner Hill made the motion that the Board adopt the attached resolution regarding the consistency with the CCP, and Further, moved that the Board adopt the LDC text amendment TX-2022-05 for SR3.14, Storage Shed, as discussed. The motion carried with a 3-1 vote; vice-chair McCall was the nay vote.

Opioid Settlement Update

Jodi Grabowski, with the Henderson County Health Department, provided the Board with an update on the Opioid Settlement.

NC Opioid Settlement

Recipient:
Henderson County Board of Commissioners

For:
Programs and services addressing the opioid crisis.

Goal:
Address the impact of the opioid crisis and its downstream affects on Henderson County citizens.

Amount:
Almost \$9 million, over 18 years

18 Year Payment to Henderson during 2022-2038:



Average: approx. \$494,000/year

www.NCopioidsettlement.org

Home About the Settlements Resources Data Dashboards Partners

Home

Nearly 8 North Carolinians die every day from opioid overdose.

NOMINATIONS AND APPOINTMENTS

1. EMS Peer Review Committee – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
2. Environmental Advisory Committee – 1 vac.
Vice-Chair McCall nominated Jay Naperstak for position #1. All voted in favor, and the motion carried.
3. Hendersonville Zoning Board of Adjustment – 1 vac.
There were no nominations, and this item was rolled to the next meeting.
4. Home and Community Care Block Grant Advisory Committee – 2 vacs.
There were no nominations, and this item was rolled to the next meeting.
5. Juvenile Crime Prevention Council – 3 vacs.
Chairman Lapsley nominated Kim Gasperson-Justice for reappointment to position #14 by acclamation. All voted in favor, and the motion carried.
6. Mountain Area Workforce Development Board – 1 vac.
Vice-Chair McCall nominated Dr. John Bryant for appointment to position #1. All voted in favor, and the motion carried.
7. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.
There were no nominations, and this item was rolled to the next meeting.

COMMISSIONER UPDATES

Commissioner Andreotta commended all who worked to make the 76th Apple Festival a success.

Commissioner Hill thanked all the citizens that came out to the meeting and offered their comments on the 2045 Comprehensive Plan.

Vice-Chair McCall congratulated the United Bank Farmer of the year, Mr. Moss. She thanked Dr. Terry Kelley for nominating Henderson County for the “Outstanding Partnership with the NC Cooperative Extension Service” award that she received while attending the NCACC Conference in August.



Chairman Lapsley did not have any comments.

COUNTY MANAGER’S REPORT

County Manager John Mitchell informed the Board that the Planning Board will hold a Special Called Meeting Thursday, September 8, for the first look at the first draft of the 2045 Comprehensive Plan. He encourages the public to offer their input as the plan’s development continues. Meetings will be offered throughout the County to allow citizens to attend. Before the final plan is adopted, there will be at least two Public Hearings held on the comprehensive plan. The first Public Hearing will be held on the Planning Board level and the second at a Board of Commissioners meeting.

Mr. Mitchell said the Board approved the second phase of the Rail-Trail engineering as part of the consent agenda earlier in this meeting. He said there would be an update on the project at the next Board meeting, and the project remains on schedule and under budget.

Mr. Mitchell thanked EMS and the Rescue Squad for their work during this year’s Apple Festival.

In closing, John Mitchell informed the Board that the County was successful in being awarded a Part F Grant for \$286,000 for park equipment at Etowah Park.

CLOSED SESSION

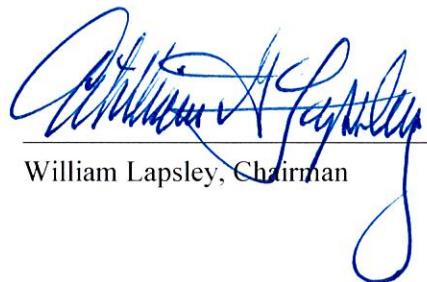
Chairman Lapsley made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4).

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

Chairman Lapsley made to motion to go out of closed session and adjourn at 8:15 p.m. All voted in favor, and the motion carried.

ADJOURN


Denisa A. Lauffer, Clerk to the Board


William Lapsley, Chairman

During the September 6, 2022, regular meeting, the Board enacted the following:

- 2022.106 Proclamation – Constitution Week 2022**
- 2022.107 Public Hearing to Consider Project Chicago Economic Development Incentives**
- 2022.108 Public Hearing to Consider Project Delta Economic Development Incentives**
- 2022.109 Pending Releases and Refunds**
- 2022.110 Budget Amendment – Fund Balance Appropriation**
- 2022.111 Resolution of Support for Requested Stream Name “Brooklyn Creek”**
- 2022.112 Budget Amendment – State Aid to Public Libraries**
- 2022.113 Amendment of Smoking Ordinance**
- 2022.114 CRAVE Memorandum of Understanding**
- 2022.115 Second Reading of the LDC Text Amendment Language as Approved on July 20, 2022 (TX-2022-02) - Personal Storage Structure and Temporary Portable Storage Containers**
- 2022.116 Continued Discussion on Land Development Code (LDC) Text Amendment (TX-2022-05) – SR 3.14 Storage Shed**

Certificate of Recognition

By the
Henderson County Board of Commissioners

This certificate is awarded to

Emma Wilkie

National 4H Skating Sports Program

Our Pystal ~ 1st Place Individual Score in the Nation


William G. Lapsley, Chairman
Date 9/6/2022


Rebecca McCall, Vice-Chairman
Date 9-6-2022



**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

**PROCLAMATION ACKNOWLEDGING SEPTEMBER 17-23, 2022 AS
CONSTITUTION WEEK**

WHEREAS, September 17, 2022 marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and


WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law #915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week:

NOW, THEREFORE, Commissioners of Henderson County of the state of North Carolina do hereby proclaim September 17 through 23, 2022 to be Constitution Week in Henderson County and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Adopted this 6th day of September, 2022.



WILLIAM G. LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



DENISA A. LAUFFER, CLERK TO THE BOARD

Henderson County Board of Commissioners

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September 6, 2022

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

Dear Mrs. Burgess:

Attached, please find tax release requests in the amount of \$5,427.38 and tax refund requests in the amount of \$44.73 reviewed at the Henderson County Board of Commissioners' Meeting on Tuesday, September 6, 2022. All Releases and refunds were approved.

Sincerely,

A handwritten signature in blue ink, which appears to read "William G. Lapsley". The signature is fluid and cursive, written over a faint, larger version of the same signature.

William Lapsley, Chairman
Henderson County Board of Commissioners

WGL/dal

enclosures

NCPTS Pending Release/Refund Report. Tuesday, August 23, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEWY TYPE	BILLED	PAID	RELEASE	REFUND
AMERICAN QUALITY FOODS	0002667055-2022-2022-0000	FOR TAX YEAR 2022, ALL COSTS WILL BE LISTED AND BILLED ON 0002667055-2022-2022-0001. AN ADJUSTMENT HAS BEEN CREATED FOR 0002667055-2022-2022-0000 TO REDUCE THE TAXABLE VALUE TO \$0.	(\$53,978)	8205	LSTACK	353 BANNER FARM RD MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL:	\$302.82 \$30.28 \$333.10	\$0.00 \$0.00 \$333.10	\$302.82 \$30.28 \$333.10	\$0.00 \$0.00 \$0.00
BALFREY, ROBERT PAUL	0002576224-2022-2022-0000	OWNER TOTAL: UPDATED OWNERSHIP, REMOVED LATE FILING FEE, AND DECREASED VALUE DUE TO CLERICAL ERROR	(\$53,978) (\$26,500)	8231	SMORROW	14 KRISTEN LEE LN FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$504.90 \$50.49 \$555.39	\$0.00 \$0.00 \$555.39	\$333.10 \$148.67 \$50.49 \$199.16 \$34.45	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
BISHOP, LARRY R	0002450495-2022-2022-0000	OWNER TOTAL: VOID ABSTRACT DUE TO THE MOBILE HOME BEING TAXED AS REAL PROPERTY	(\$26,500) (\$10,182)	8209	SMORROW	971 MOUNTAIN VIEW CHURCH RD ZIRCONIA NC 28790	COUNTY	TAX LATE LIST FEE TOTAL:	\$57.12 \$5.71 \$62.83	\$0.00 \$0.00 \$62.83	\$245.31 \$57.12 \$5.71 \$62.83 \$10.18	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00
BOYD, JAMES LEE	0003103673-2022-2022-0000	OWNER TOTAL: 2014 MONITOU PONTON WAS DOUBLE LISTED AND IS ALSO LISTED ON ABSTRACT 3100629. VOIDED THIS ABSTRACT.	(\$10,182) (\$11,292)	8216	SCURTIS	111 JONES FARM RD SALUDA NC 28773	COUNTY	TAX LATE LIST FEE TOTAL:	\$63.35 \$0.00 \$63.35	\$0.00 \$0.00 \$63.35	\$74.03 \$63.35 \$63.35 \$13.55	\$0.00 \$0.00 \$0.00 \$0.00
BRADLEY, KARL	0003046973-2022-2022-0000	OWNER TOTAL: THE LISTINGS ON THIS ABSTRACT ARE ALSO LISTED ON ABSTRACT 3079639. VOIDED THIS ABSTRACT.	(\$11,292) (\$5,287)	8245	SCURTIS	176 LITTLE BEARWALLOW RD GERTON NC 28735	COUNTY	TAX LATE LIST FEE TOTAL:	\$29.66 \$0.00 \$29.66	\$0.00 \$0.00 \$29.66	\$76.90 \$29.66 \$29.66 \$7.14 \$0.00 \$7.14	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
CRACKER BARREL OLD COUNTRY STORE, INC.	0000295809-2022-2022-0000	OWNER TOTAL: VOIDED ABSTRACT EFFECTIVE 12/31/2021. ALL BUSINESS PERSONAL PROPERTY IS LISTED ON ABSTRACT #295809-0001.	(\$5,287) (\$435,567)	8236	YGONZALEZ	105 COMMERCIAL BLVD FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$2,443.53 \$244.35 \$2,687.88	\$0.00 \$0.00 \$2,687.88	\$36.80 \$2,443.53 \$244.35 \$2,687.88	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, August 23, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND	
E A HENDERSON LAND COMPANY LLC	0000263919-2022-2022-0000	TAXPAYER FILED APPEAL; TAXPAYER STATED THAT MOBILE HOME IS INHABITABLE; MOBILE HOME DOES NOT HAVE POWER, HEAT, OR WATER	(\$4,864)	8249	SMORROW	83 CART WHEEL LN HENDERSONVILLE NC 28792	COUNTY	TAX	\$32.90	\$0.00	\$27.29	\$0.00	
								LATE LIST FEE	\$3.29	\$0.00	\$2.73	\$0.00	
								TOTAL:	\$7.62	\$0.00	\$30.02	\$0.00	
							BLUE RIDGE FIRE	LATE LIST FEE	\$0.76	\$0.00	\$6.32	\$0.00	
								TOTAL:	\$0.76	\$0.00	\$6.95	\$0.00	
									ABSTRACT TOTAL:	\$36.97	\$0.00		
EDWARDS, GEORGE CLINTON	0003103479-2022-2022-0000		(\$4,400)	8248	SCURTIS	290 E LYDA RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$24.68	\$0.00	\$36.97	\$0.00	
								LATE LIST FEE	\$0.00	\$0.00	\$24.68	\$0.00	
								TOTAL:	\$5.06	\$0.00	\$24.68	\$0.00	
							EDNEYVILLE FIRE	LATE LIST FEE	\$0.00	\$0.00	\$5.06	\$0.00	
								TOTAL:	\$0.00	\$0.00	\$5.06	\$0.00	
									ABSTRACT TOTAL:	\$29.74	\$0.00		
HALE TAX SOLUTIONS INTL INC	0003104442-2022-2022-0000	ABSTRACT 3104442-0000 VOIDED EFFECTIVE 12/31/2021. ALL PROPERTY IS LISTED ON ABSTRACT 3104442-0001.	(\$4,400)	8208	YGONZALEZ	112 FROG AND FERN RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$69.28	\$0.00	\$99.28	\$0.00	
								LATE LIST FEE	\$6.93	\$0.00	\$6.93	\$0.00	
								TOTAL:	\$14.20	\$0.00	\$76.21	\$0.00	
							EDNEYVILLE FIRE	LATE LIST FEE	\$1.42	\$0.00	\$1.42	\$0.00	
								TOTAL:	\$1.42	\$0.00	\$15.62	\$0.00	
									ABSTRACT TOTAL:	\$91.83	\$0.00		
HARRIS, JOHN	0003103163-2022-2022-0000	VOID ABSTRACT DUE TO CLERICAL ERROR	(\$12,350)	8242	SMORROW	140 L 73 JAYMAR PARK DR HENDERSONVILLE NC 28792	COUNTY	TAX	\$44.32	\$0.00	\$91.83	\$0.00	
								LATE LIST FEE	\$4.43	\$0.00	\$44.32	\$0.00	
								TOTAL:	\$9.09	\$0.00	\$48.75	\$0.00	
							EDNEYVILLE FIRE	LATE LIST FEE	\$0.91	\$0.00	\$9.09	\$0.00	
								TOTAL:	\$0.91	\$0.00	\$10.00	\$0.00	
									ABSTRACT TOTAL:	\$58.75	\$0.00		
HOMETRUST BANK	0003106318-2022-2022-0000	MADE ADJUSTMENT DUE TO CLERICAL ERROR. BUSINESS PROVIDED USPS DOCUMENTATION FOR TIMELY FILING ON JANUARY 31, 2022.	(\$7,900)	8218	YGONZALEZ	825 CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$3,309.11	\$0.00	\$58.75	\$0.00	
								LATE LIST FEE	\$330.91	\$0.00	\$330.91	\$0.00	
								TOTAL:	\$514.75	\$0.00	\$514.75	\$0.00	
											ABSTRACT TOTAL:	\$514.75	\$0.00
												\$58.75	\$0.00
INSPECTION READY CLEANING LLC	0003057747-2022-2022-0000	ABSTRACT WAS VOIDED EFFECTIVE 12/31/2021. ALL PROPERTY REPORTED ON ABSTRACT NUMBER 3057747-0001.	(\$15,888)	8214	YGONZALEZ	96 A FLETCHER COMMERCIAL DR FLETCHER NC 28732	COUNTY	TAX	\$89.13	\$0.00	\$89.13	\$0.00	
								LATE LIST FEE	\$8.91	\$0.00	\$8.91	\$0.00	
								TOTAL:	\$98.04	\$0.00	\$98.04	\$0.00	
											ABSTRACT TOTAL:	\$98.04	\$0.00
												\$98.04	\$0.00
KIMBRIL, MICHAEL EUGENE	0003100107-2022-2022-0000	PER DMV RECORDS, TRAILER LISTED TO NEW OWNER ON 05/04/2021 IN CUMBERLAND COUNTY. VOIDED ABSTRACT.	(\$2,325)	8222	SCURTIS	2585 N MILLS RIVER RD MILLS RIVER NC 28759	COUNTY	TAX	\$13.04	\$0.00	\$13.04	\$0.00	
								LATE LIST FEE	\$1.30	\$0.00	\$1.30	\$0.00	
								TOTAL:	\$14.34	\$0.00	\$14.34	\$0.00	
											ABSTRACT TOTAL:	\$14.34	\$0.00
												\$14.34	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, August 23, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
LAFALCE, ANGELA Q	0000278270-2022-2022-0000	TAXPAYER FILED APPEAL; VOID ABSTRACT; MOBILE HOME NOT LOCATED ON PROPERTY PER PICTOMETRY AND GIS	(\$4,843)	8250	SMORROW	45 STAY A WAY HENDERSONVILLE NC 28739	COUNTY	TAX	\$27.17	\$0.00	\$27.17	\$0.00
								LATE LIST FEE	\$2.72	\$0.00	\$2.72	\$0.00
								TOTAL:	\$5.57	\$0.00	\$29.89	\$0.00
						ETOWAH-HORSESHOE FIRE		TAX			\$5.57	\$0.00
								LATE LIST FEE	\$0.56	\$0.00	\$0.56	\$0.00
								TOTAL:	\$6.13	\$0.00	\$6.13	\$0.00
						ABSTRACT		TOTAL:	\$36.02	\$0.00	\$36.02	\$0.00
								TAX	\$213.18	\$0.00	\$213.18	\$0.00
MARISCOS & TAQUERIA EL PASO, LLC	0003105998-2022-2017-0000	FOR TAX YEARS 2017 THROUGH 2020, ANOTHER BUSINESS WAS BEING LISTED AT THIS SITUS (SEE ABSTRACT 2355725). WILL VOID DISCOVERY ABSTRACTS FOR TAX YEARS 2017-2020.	(\$4,843)	8232	LSTACK	112 SUGARLOAF RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$182.91	\$0.00	\$182.91	\$0.00
								LATE LIST FEE	\$73.17	\$0.00	\$73.17	\$0.00
								TOTAL:	\$256.08	\$0.00	\$256.08	\$0.00
						ABSTRACT		TOTAL:	\$153.97	\$0.00	\$153.97	\$0.00
								LATE LIST FEE	\$46.19	\$0.00	\$46.19	\$0.00
								TOTAL:	\$200.16	\$0.00	\$200.16	\$0.00
						ABSTRACT		TOTAL:	\$135.06	\$0.00	\$135.06	\$0.00
								LATE LIST FEE	\$27.01	\$0.00	\$27.01	\$0.00
								TOTAL:	\$162.07	\$0.00	\$162.07	\$0.00
						ABSTRACT		TOTAL:	\$938.08	\$0.00	\$938.08	\$0.00
								LATE LIST FEE	\$11.82	\$0.00	\$11.82	\$0.00
								TOTAL:	\$1.18	\$0.00	\$1.18	\$0.00
						ABSTRACT		TOTAL:	\$13.00	\$0.00	\$13.00	\$0.00
MARTINKUS, CRAIG ALAN	0003094416-2022-2022-0000	PER DMV RECORDS, BOTH TRAILERS REGISTERED IN BUNCOMBE COUNTY PRIOR TO JANUARY 1, 2022. VOIDED ABSTRACT.	(\$121,624)	8221	SCURTIS	343 LOST CABIN DR MILLS RIVER NC 28759	COUNTY	TAX	\$17.97	\$0.00	\$17.97	\$0.00
								LATE LIST FEE	\$1.80	\$0.00	\$1.80	\$0.00
								TOTAL:	\$19.77	\$0.00	\$19.77	\$0.00
						DANA FIRE		TAX	\$4.48	\$0.00	\$4.48	\$0.00
								LATE LIST FEE	\$0.45	\$0.00	\$0.45	\$0.00
								TOTAL:	\$4.93	\$0.00	\$4.93	\$0.00
						ABSTRACT		TOTAL:	\$24.70	\$0.00	\$24.70	\$0.00
REYNOLDS- HEIRS, JOHN WAYNE	0000242376-2022-2022-0000	VOID ABSTRACT DUE TO MOBILE HOME BEING REMOVED FROM LOCATION PRIOR TO JANUARY 1 2022	(\$2,107)	8206	SMORROW	808 SUGARLOAF RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$24.28	\$0.00	\$24.28	\$0.00
								LATE LIST FEE	\$2.43	\$0.00	\$2.43	\$0.00
								TOTAL:	\$26.71	\$0.00	\$26.71	\$0.00
						DANA FIRE		TAX	\$6.06	\$0.00	\$6.06	\$0.00
								LATE LIST FEE	\$0.61	\$0.00	\$0.61	\$0.00
								TOTAL:	\$6.67	\$0.00	\$6.67	\$0.00
						ABSTRACT		TOTAL:	\$33.38	\$0.00	\$33.38	\$0.00
REYNOLDS, VANIA ELIZABETH	0000720807-2022-2022-0000	VOID ABSTRACT DUE TO MOBILE HOME BEING REMOVED FROM LOCATION PRIOR TO JANUARY 1 2022	(\$3,328)	8207	SMORROW	808 SUGARLOAF RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$24.28	\$0.00	\$24.28	\$0.00
								LATE LIST FEE	\$2.43	\$0.00	\$2.43	\$0.00
								TOTAL:	\$26.71	\$0.00	\$26.71	\$0.00
						DANA FIRE		TAX	\$6.06	\$0.00	\$6.06	\$0.00
								LATE LIST FEE	\$0.61	\$0.00	\$0.61	\$0.00
								TOTAL:	\$6.67	\$0.00	\$6.67	\$0.00
						ABSTRACT		TOTAL:	\$33.38	\$0.00	\$33.38	\$0.00

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, August 23, 2022*

OWNER	ABSTRACT	NOTE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
RUEL, MICHAEL A	0000655374-2022-2022-0000	VOID ABSTRACT; TAXPAYER FILLED APPEAL IN REGARDS TO MOBILE HOME; PER PICTOMETRY AND GIS, MOBILE HOME NOT LOCATED ON REAL PROPERTY	(8251)	SMORROW	80 CHARLES TRL HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$22.13 \$2.21 \$24.34 \$4.54 \$0.45	\$0.00 \$0.00 \$0.00 \$0.00	\$22.13 \$2.21 \$24.34 \$4.54	\$0.00 \$0.00 \$0.00 \$0.00
OWNER TOTAL:			(\$3,945)					ABSTRACT TOTAL:		\$29.33	\$0.00
TELECAD, INC.	0000540720-2022-2022-0000	DUE TO CLERICAL ERROR, THE INFORMATION ABOUT THE BUSINESS BEING CLOSED WAS MISSED. WILL CREATE AN ADJUSTMENT TO VOID THE	(8244)	LSTACK	222 BALSAM RD HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$9.70 \$0.00	\$0.00 \$0.00	\$9.70	\$0.00
OWNER TOTAL:			(\$1,729)					ABSTRACT TOTAL:		\$9.70	\$0.00
TODD, DANIEL MACK	0003080860-2021-2021-0000	VOID 2006 BAYLINER 215 BOW RIDER WATERCRAFT FROM ABSTRACT; TAXPAYER COMPLETED REQUEST FOR RELEASE/REFUND FOR WATERCRAFT; TREE DESTROYED BOAT ON 10/29/2020; PICTURES ATTACHED	(8204)	SMORROW	130 LYNDALE RD HENDERSONVILLE NC 28739	COUNTY VALLEY HILL FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$65.08 \$6.51 \$37.96 \$11.60 \$1.16	\$65.08 \$6.51 \$37.96 \$11.60 \$1.16	\$34.51 \$3.45 \$37.96 \$6.15	\$0.00 \$34.51 \$3.45 \$37.96 \$6.15
OWNER TOTAL:			(\$6,152)					ABSTRACT TOTAL:		\$44.73	\$44.73
GRAND TOTALS:			(\$771,234)							\$5,427.38	\$44.73

*Adjustments submitted for approval on or before

The following properties were sold at a tax foreclosure sale where the proceeds received from the sale were insufficient to cover the unpaid taxes. The tax office is requesting a release of the following bills pursuant to GS 105-375(i) "The purchaser at the execution sale shall acquire title to the property in fee simple free and clear of all claims, rights, interest, and liens except the liens of other taxes or special assessments not paid from the purchase price and included in the judgment.

Parcel Number	Year	Amount Released
9930969	2021	\$100.78
9930969	2020	\$238.66
202270	2021	\$71.42
202270	2020	\$23.00
115744	2021	\$172.46
115744	2020	\$87.00
9926173	2021	\$45.94
9926173	2020	\$41.27
	Total	\$780.53

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: September 6, 2022

SUBJECT: Budget Amendment – Fund Balance Appropriation

PRESENTER: Samantha R. Reynolds, Finance Director

ATTACHMENT: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

Staff is requesting the Board approve the attached budget amendment which appropriates fund balance for purchases that will not be fulfilled until FY23. These items, included on the attached listing, were approved, budgeted for and encumbered in FY22 but were not delivered or fulfilled by the end of the fiscal year because of supply chain disruptions or other delays.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached budget amendment to appropriate fund balance.

Suggested Motion:

I move the Board approve the budget amendment to appropriate fund balance.

Henderson County Board of Commissioners

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Daniel J. Andreotta
David H. Hill

RESOLUTION – IN SUPPORT OF BROOKLYN CREEK NAME

WHEREAS, “Name that Creek” is a Riverlink initiative in which communities submit name suggestions for unnamed creeks and vote for an official name; and

WHEREAS, the goal of the “Name that Creek” program is to foster connection and a sense of shared stewardship for local waterways; and

WHEREAS, Riverlink and the City of Hendersonville worked with residents to select a name for an unnamed stream that flows through Sullivan Park into Mud Creek; and

WHEREAS, local residents submitted two names, Brooklyn Creek and Cold Springs Creek, and voted via an online poll, by mail, or by phone; and

WHEREAS the winning name was Brooklyn Creek with a 66.7% vote; and

WHEREAS the name represents residents of the historic African American community know as Brooklyn that was a thriving community along the stream in the early 20th century; and

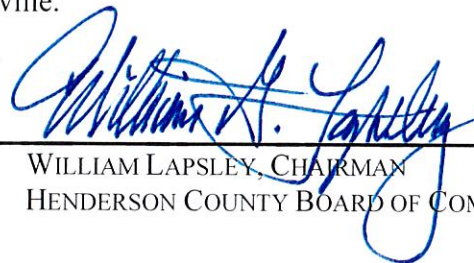
WHEREAS, by naming the stream Brooklyn Creek, the history of a displaced community and their connection to the waterway can be honored and shared; and

WHEREAS, once approved by the United States Geological Survey Board of Geographical Names (USGS-BGN), the creek name will appear on official USGS maps and all related county maps.

NOW, THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners supports the selected name of Brooklyn Creek for an unnamed stream through Sullivan Park; and

BE IT FURTHER RESOLVED that this Henderson County Resolution of Support be forwarded to the USGS-BGN, Riverlink and the City of Hendersonville.

ADOPTED, this the 6th day of September 2022.



WILLIAM LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



DENISA LAUFFER, CLERK TO THE BOARD

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: September 6, 2022

SUBJECT: State Aid to Public Libraries – Award Acceptance

PRESENTER: Trina Rushing, Library Director
Samantha Reynolds, Finance Director

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

The County has received an Award Agreement from the NC Department of Natural and Cultural Resources for \$83,421. These funds were appropriated by the State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189), and may be used for materials, salaries, equipment, and operating costs consistent with allowable uses outlined in 07 NCAC 02I .0202 State Aid Grants from the Aid to Public Library Fund. Although the awarding agency is the State of NC, these are Federal ARP dollars, and the County will follow all applicable restrictions and procurement processes necessary to spend these funds.

BOARD ACTION REQUESTED:

The Board is requested to approve a budget amendment to bring in the funding.

Suggested Motion:

I move the Board approve a budget amendment to bring in the \$83,421 in funding.

Henderson County
North Carolina

Before the Board of Commissioners

BOARD OF COMMISSIONERS ENACTMENT 2022-113

Ordinance

**AN ORDINANCE MODIFYING THE HENDERSON COUNTY SMOKING
ORDINANCE (CHAPTER 17 OF THE HENDERSON COUNTY CODE)
PROHIBITING ALL SMOKING AND USE OF TOBACCO PRODUCTS IN
OR ON THE GROUNDS OF THE COMMISSIONER CHARLES D. MESSER
HUMAN SERVICES BUILDING**

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking and tobacco use in certain areas; and,

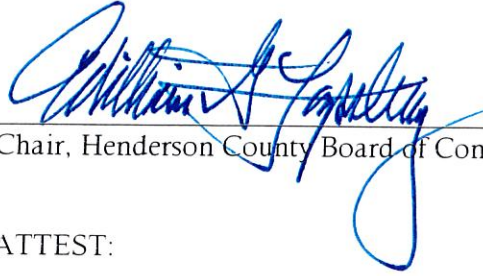
WHEREAS, Henderson County has regulated smoking (as defined Chapter 17 of the Henderson County Code) in Henderson County government facilities since 1998, and has prohibited smoking in such facilities since 2014; and,

WHEREAS, the continuing accreditation of the Henderson County Department of Public Health requires removal from any use of tobacco on the grounds of the facility in which such Department is housed.

NOW THEREFORE, BE IT ORDAINED by the Henderson County Board of Commissioners Section 17-7 of the Henderson County Code (“Smoking Allowed Only In Designated Areas”) is amended by adding the following sentence to the end thereof:

Notwithstanding, however, no smoking, as defined in this Chapter, and no other use of tobacco shall be allowed in the building and on the grounds of the Commissioner Charles D. Messer Human Services Building. As used in this section, “use of tobacco” means, in addition to “smoking” as defined in this Chapter, the use of any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. However, the “use of tobacco” excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Adopted unanimously this 6th day of September, 2022.



Chair, Henderson County Board of Commissioners

ATTEST:



Clerk to the Board of Commissioners



Appendix A

NCAOC Courtroom Cabling Technical Specifications and Estimated Pricing Per Courtroom

Technical Specification	Description	Estimated Quantity	Unit Price	Estimated Price
CAT6 SHIELDED PLENUM (BULK)	CAT6 SHIELDED CABLE FOR SPECIALTY VIDEO TX/RX, PLENUM RATED	2000	\$1.09	\$2,180.00
CAT 6 PLENUM (BULK)	CAT 6 CABLE FOR DATA, CONTROL, AND AUDIO CONNECTIONS	1000	\$0.62	\$620.00
SPEAKER WIRE CMP 16/2 (BULK)	16 AWG STRANDED 2-CONDUCTOR PLENUM SPEAKER WIRE	100	\$0.88	\$88.00
22/2 SHIELDED CONTROL/MIC CABL	22 AWG STRANDED 2-CONDUCTOR W/SHIELD/DRAING PLENUM MIC/CONTROL WIRE	750	\$0.70	\$525.00
n/a	LABOR LEAD	20	\$140.00	\$2,800.00
n/a	LABOR TECH	20	\$120.00	\$2,400.00

Estimate per Courtroom: \$8,613.00

**NORTH CAROLINA
HENDERSON COUNTY**

**MEMORANDUM OF AGREEMENT
Courtroom Cabling for Remote Proceedings**

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into by and between the **NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS (NCAOC)** and the **COUNTY OF Henderson (County)**, jointly referred to as the Parties and individually as a Party, and is effective as of the date of the last signature below.

WHEREAS, Session Law 2021-47 was enacted on June 18, 2021, adding a new section G.S. § 7A-49.6, which significantly expands the courts' authority to hold proceedings by audio and video (AV) transmission;

WHEREAS, to facilitate proceedings conducted by AV transmission, the NCAOC issued RFP 02-2021000, resulting in a contract with ePlus Inc. to provide AV equipment installation services;

WHEREAS, the NCAOC's contract with ePlus Inc. became effective on May 27, 2021, for a term of one (1) year with options for the NCAOC to extend the contract for two (2) additional one-year terms;

WHEREAS, the NCAOC intends to pay for AV equipment and equipment installation services for certain identified courtrooms in the County;

WHEREAS, pursuant to G.S. §§ 7A-302 and 7A-304(a)(2), the County is required to provide adequate physical facilities for the courts, including cabling in courtrooms necessary to operate the AV equipment;

WHEREAS, rather than providing and installing cabling itself, the County seeks to provide funds to the NCAOC for the NCAOC to purchase cabling, as well as cabling installation services from ePlus Inc., for the courtrooms in which AV equipment will be installed; and

WHEREAS the Parties intend for this MOA to govern the County's provision of funding to the NCAOC for the NCAOC to purchase cabling, as well as installation services from ePlus Inc.

NOW, THEREFORE, in consideration for the promises made each to the other, the Parties agree as follows:

1. After this MOA is fully executed, the NCAOC will authorize ePlus Inc. to install cabling needed for remote proceedings in the following courtroom(s):

2. Cabling types and paths will be identified and documented as part of the site survey review process. The cabling specifications for the AV equipment are listed in Appendix A to this MOA.
3. The County shall be responsible for paying the NCAOC for the actual cost of the cabling and its installation on a time and materials basis. An estimate of the cost per courtroom is attached hereto and includes the hourly rates for ePlus staff and the price per unit of materials.
4. Upon ePlus Inc.'s completion of the cabling installation in the courtrooms listed in Section 1 of this MOA, the NCAOC shall invoice the County for the cabling and ePlus Inc.'s installation services. The County shall pay the NCAOC's invoice within sixty (60) of receipt of the invoice.
5. This MOA shall automatically terminate when the NCAOC's contract with ePlus Inc. terminates. Either Party may terminate this MOA, with or without cause, upon ninety (90) days' prior written notice to the other Party. After termination of this MOA, the County must continue to comply with its obligation to pay the NCAOC for cabling, as well as cabling installation services, that have been provided to the County prior to the termination of this MOA. Also, Sections 6, 9, 11, and 12 shall survive the termination of this MOA.
6. The State Auditor shall have access to all persons and records in accordance with G.S. § 147-64.7 and other applicable laws or regulations.
7. Notices, when required to be given in accordance with this MOA, shall be in written form and delivered to the Parties' principal contacts by email, U.S. mail, or personal delivery, addressed as shown below. Any time a Party desires to change its principal contact, a duly authorized representative of that Party shall promptly notify the other Party's principal contact in writing on the Party's letterhead. The initial principal contacts for this MOA are:

NCAOC's Principal Contact	County's Principal Contact
Jared Rundell Endpoint Services Manager Technology Services Division North Carolina Administrative Office of the Courts	
901 Corporate Center Drive Raleigh, NC 27607 E-mail: Jared.D.Rundell@nccourts.org	

8. The County shall provide the NCAOC with documentation showing that its board of commissioners has delegated authority to the County's signatory, below, to execute this MOA. For clarity, an existing delegation from the board of commissioners to the County's signatory

to execute contracts may be provided if its scope is sufficient to authorize the County's signatory to execute this MOA.

9. This MOA shall be governed by the laws of the State of North Carolina without giving effect to principles of conflicts of law. The place of this MOA, its situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in tort or contract, relating to its validity, construction, interpretation, and enforcement shall be determined.
10. Modification or amendment of this MOA must be made in writing and signed by authorized representatives of both Parties.
11. This MOA and any rights or obligations within this MOA shall not be further assigned, sublicensed, subcontracted, or otherwise transferred by a Party to another individual, partnership, limited partnership, corporation, or any other entity except with written consent of the other Party.
12. The Parties do not intend to create in any other individual or entity the status of third-party beneficiary, and this MOA shall not be construed so as to create such status. The rights, duties, and obligations contained in this MOA shall operate only by and between the Parties and shall inure solely to the benefit of the Parties. The provisions of this MOA are intended only to assist the Parties in determining and performing their obligations under this MOA.
13. This MOA may be executed by facsimile or digital signature, and in counterparts, each of which (including signature pages) will be deemed an original, but all of which together will constitute one and the same instrument. To the extent signed in handwriting and then delivered by means of electronic transmission in portable document format ("PDF"), this MOA shall be treated in all manner and respects as an original agreement or instrument and shall be considered to have the same force and legal effect as an original signature.

(Signature page follows.)

IN WITNESS WHEREOF, intending to be bound hereby, this MOA is executed by the undersigned authorized representatives of each Party, effective as of the last date of execution by the Parties hereto. Each individual signing below warrants that he or she is authorized to execute this MOA and bind his or her respective agency to its terms.

**NORTH CAROLINA ADMINISTRATIVE
OFFICE OF THE COURTS**

By: _____
Ryan Boyce
NCAOC Deputy Director

Date: _____

COUNTY OF Henderson

By: William G. Wapsley

Date: 9/9/2022

Printed Name: William G. Wapsley

Title: Chairman, Board of County Commissioners



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 (TX-2022-05) during its review of case #TX-2022-02; 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 August 17, 2022; and

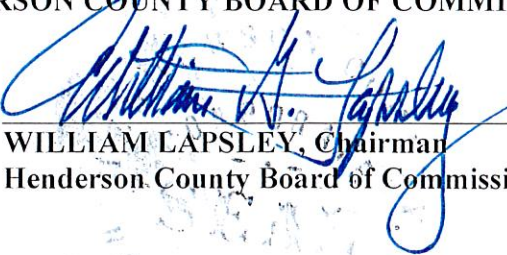
WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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-2022-05 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 6th day of September, 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]



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-2022-02; 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

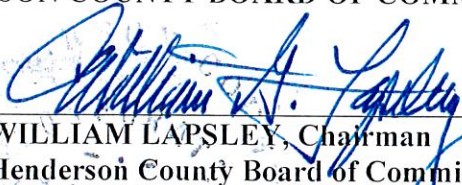
NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendments related to (#TX-2022-02 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 6th day of September 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]