

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
TUESDAY, JANUARY 3, 2023**

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

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Engineer Marcus Jones, Planning Director Autumn Radcliff, Sheriff Lowell Griffin, Chief Deputy Vanesa Gilbert, IT Director Mark Seelenbacher, Chief Communications Director Mike Morgan, Tax Assessor Darlene Burgess, Human Resources Director Karen Ensley, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Jennifer Miranda, Agribusiness Director Mark Williams, Capital Projects Manager Bryan Rhodes, Assistant Engineer Deb Johnston and PIO Kathy Finotti – videotaping, Deputies Matt Covil and Tracy Davis provided security.

Before the meeting was called to order, Tommy Thompson administered the oath of office to newly elected NC House Representative Jennifer Balkcom, who represents District 117.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by Mike Morgan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Sam and Thomas Lyda with the Lab Rats 4-H Club.

RESOLUTIONS AND RECOGNITIONS

2023.01 Service Badge and Sidearm Request – Major Erik Summey

The Henderson County Sheriff's Office requested that the service badge and sidearm of Major Erik Summey be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Major Erik Summey began his career with the Henderson County Sheriff's Office on December 11, 1989, and held the ranks of Deputy, Sergeant, Lieutenant, Captain, and Major, serving over 19 years in the Sheriff's Office. To honor him and show our gratitude for his total of thirty-three years of Law Enforcement service, the Sheriff's Office intends to present him with his 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).

Approved: January 18, 2023



**Resolution Honoring Major Erik Summey
For 33 Years of Law Enforcement
Service and Awarding His Badge and
Sidearm**



WHEREAS, Officer Summey joined the Henderson County Sheriff’s Office as a Deputy on December 11, 1989, and held the ranks of Deputy, Sergeant, Lieutenant, and Major.

WHEREAS, Major Summey's service and dedication to the Henderson County Sheriff’s Office and service, dedication, and accomplishments in the field of law enforcement during his thirty-three total 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, Officer Summey has served as a member of the Henderson County Sheriff’s Office for a period of more than 19 years and retired from the Henderson County Sheriff’s Office on November 1, 2022, and

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

1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Summey the badge worn by him during his 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 Officer Summey his service sidearm at no cost to the officer and upon his 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 Officer Summey for his dedicated service to Henderson County and its citizens.

Adopted this the 3rd day of January 2023.

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

2023.02 Service Badge and Sidearm Request – District Captain Brandon Staton

The Henderson County Sheriff’s Office requested that the service badge and sidearm of District Captain Brandon Staton be given to Captain Staton in recognition of his retirement from the Henderson County Sheriff’s Office.

Approved: January 18, 2023

District Captain Brandon Staton began his career with the Henderson County Sheriff's Office on December 12, 1994, and held the ranks of Deputy, Corporal, Sergeant, Lieutenant, and District Captain and served for over seventeen years in the Sheriff's Office. To honor him and show our gratitude, the Sheriff's Office intends to present his 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 District Captain Brandon Staton



**For 30 Years of Law Enforcement Service and
Awarding His Badge and Sidearm**



WHEREAS, Officer Staton joined the Henderson County Sheriff's Office as a Deputy on December 12, 1994, and held the ranks of Deputy, Corporal, Sergeant, Lieutenant, and District Captain.

WHEREAS, District Captain Staton's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 30 total 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 the 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, Officer Staton has served as a member of the Henderson County Sheriff's Office for a period of more than 30 years and retired from the Henderson County Sheriff's Office on August 1, 2022, and

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

1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Staton the badge worn by him during his 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 Officer Staton his service sidearm at no cost to the officer and upon his 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 Officer Staton for his dedicated service to Henderson County and its citizens. Adopted this the 3rd day of January 2023.

Approved: January 18, 2023

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

2023.03 Service Badge and Sidearm Request – Lieutenant Kevin Holden

The Henderson County Sheriff’s Office requested that the service badge of Lieutenant Kevin Holden be given to him in recognition of his retirement from the Henderson County Sheriff’s Office.

Lieutenant Kevin Holden began his career with the Henderson County Sheriff’s Office on December 10, 2018, as Lieutenant for the K9, Animal Services, SWAT, and Bomb Squad in the Sheriff’s Office. To honor him and show our gratitude for his 27 years of Law Enforcement service, the Sheriff’s Office intends to present his 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 Lieutenant Kevin Holden

**For 27 Years of Law Enforcement Service and
Awarding His Badge and Sidearm**



WHEREAS, Officer Holden joined the Henderson County Sheriff’s Office as a Lieutenant on December 10, 2018, and held the rank of Lieutenant.

WHEREAS, Lieutenant Holden’s service and dedication to the Henderson County Sheriff’s Office and service, dedication, and accomplishments in the field of law enforcement during his 31 total 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 the 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, Officer Holden has served as a member of the Henderson County Sheriff’s Office for a period of more than four years and retired from the Henderson County Sheriff’s Office on November 1, 2022, and

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

- 3. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Holden the badge worn by him during his service with the Henderson County Sheriff’s Office; and
- 4. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to

transfer to Officer Holden his service sidearm for and in consideration of the sum of \$285.00 received from Officer Holden and upon his 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 Officer Staton for his dedicated service to Henderson County and its citizens. Adopted this the 3rd day of January 2023.

Chairman McCall made the motion to adopt the resolution as presented. All voted in favor, and the motion carried.

Sheriff Lowell Griffin thanked each officer for their hard work and dedication to the citizens of Henderson County.

Informal public comment

1. Carol R. Cannon spoke in support of protecting the natural beauty of Henderson County. She supported protecting the County's farmlands, forests, and natural and open spaces. She urged the Board to send the draft plan back to the Planning Board.
2. David Adler spoke in support of protecting the natural beauty of Henderson County. He values the sense of community in Henderson County and fears population growth would take that away. He supported the protection of farmlands, forests, and green spaces.
3. Anne Coletta supported the protection of farmlands, forests, and green spaces. She encouraged the Planning Board to use stronger language in the plan. She urged the Board to send the draft plan back to the Planning Board.
4. Lenore Threkold urged the Board to table the plan and take the time to review the revisions and make necessary changes.
5. Margaret Lee opposed urban sprawl in Edneyville, Etowah, and Fruitland.
6. Carol Ozelius said her family has been in Henderson County for generations. She opposes development that would endanger the county's beauty, clean air, and wide open spaces.
7. Sandy Schenck supported the love of land and conservation efforts.
8. Rocio Birghini urged the Board to make the revision that the County's citizens have voiced; she also believes the plan needs to use "stronger language."
9. Virginia Tegal was in opposition to the "soft language" used throughout the plan with the words "encourage" and "consider."
10. Dennis Justice was in opposition to video gaming machines in county convenience stores. He expressed the need for a gaming commission in North Carolina.
11. Mary Landry believes the current plan needs to have stronger language that does not weaken the plan's effectiveness; she also stated that the current plan needs an implementation plan.
12. Katie Breckheimer would like to see the following: Develop and contribute to a Farmland Conservation Fund but not limited to only farmland. Limit development on or around steep slopes. Remove barriers to green infrastructure projects. Create design standards for the urban wildland interface. Keep growth close to where utilities already exist. She also encouraged the County to work with municipalities to determine water and sewer extensions.
13. Richard Freudenberger works an organic farm in Mills River and served two years as a Henderson County Environmental Advisory Board member about a decade ago. He referenced a December draft of the plan that removed the mention of climate change. He said changing climatic conditions

affect agriculture, tourism, recreation, and new business development. He urged the Board to delay voting on the plan until real-world scientific conclusions are incorporated.

14. Deedee Dillingham spoke in support of conserving conservation easements.
15. Mark Campanini urged the Board to protect the rural components of the county.
16. Mark Williams spoke in support of protecting farmlands and rural character; he also supported conservation easements.
17. Lita Johnson (submitted via email) Ms. Johnson urged the Board to table any action on the Comprehensive Plan and to slow the approval process long enough to be transparent and participatory, to make public a list of proposed changes, and to provide an opportunity for public input.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Andreotta pulled Consent Agenda Item H – Water and Sewer Committee and moved it to Discussion Item C. Chairman McCall added Discussion Item – D Budget Workshop Overview.

Commissioner Lapsley made the motion to adopt the consent agenda as amended. All voted in favor, and the motion carried 5-0.

CONSENT AGENDA consisted of the following:

Minutes

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

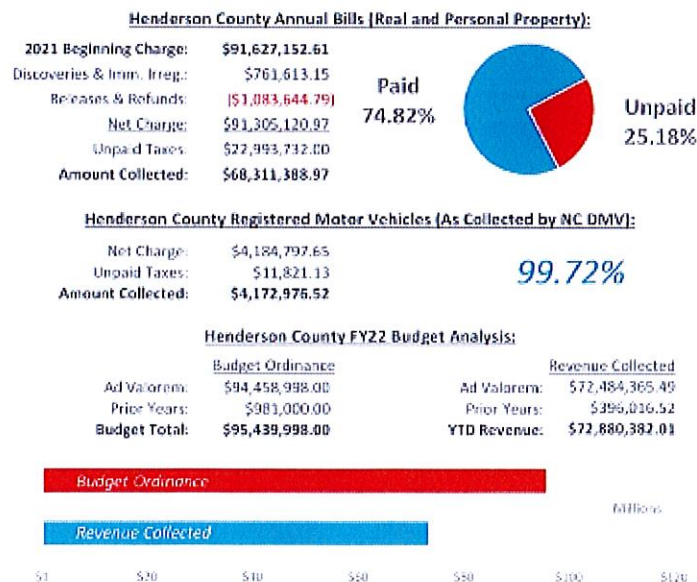
December 5, 2022 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of December 5, 2023.

Tax Collector’s Report

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



2023.04 Pending Releases and Refunds

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

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 3,100.17
Total Refunds as a result of the Above Releases	\$ 0.00

Motion:

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. Library Board of Trustees – 1 vac.
Position # 5 (Regular – At Large)

2023.05 Surplus and Donation of Power Load Cot Fastener(s) to the Henderson County Rescue Squad

A resolution was presented for the Board’s review and approval declaring two (2) Stryker Power Load Cot Fasteners no longer used by Henderson County Emergency Medical Services as surplus property and the donation of the Power Loads to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A-280 to be used for loading and unloading the patient stretcher.

§ 160A-280. Donations of personal property to other governmental units.

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section, a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long-term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

Exhibit B - List of Proposed Surplus Property:

<u>DEPARTMENT</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Serial#</u>	<u>Asset#</u>
EMS	2020	Stryker	Power Load Cot Fastener	2010012700026	21159

EMS 2020 Stryker Power Load Cot Fastener 2010012700027 21160

Motion:

I move that the Board approve the resolution presented declaring the Power Load Cot Fasteners presented as surplus and authorizes the donation to the Henderson County Rescue Squad as allowed by N.C.G.S. 160A-280.

Review of Board and Committee Assignments

The listing of 2023 Commissioner assignments to Henderson County Boards and Committees was presented for Board approval.

The Board reviewed the following list of commissioner representatives, and the consensus was to appoint the slate of representatives as follows:

1. Agricultural Advisory Board – Rebecca McCall
2. AgHC - Rebecca McCall (NR)
3. Vaya Health Commissioner’s Advisory Committee – Bill Lapsley
4. Environmental Advisory Committee – (NR)
5. Fire and Rescue Advisory Committee – David Hill
6. French Broad River MPO/Transportation Advisory Committee – Rebecca McCall/Bill Lapsley
7. Governmental Financing Corporation - Rebecca McCall/Mike Edney
8. Henderson County Board of Health - Bill Lapsley
9. Henderson County Historic Courthouse Corporation dba/Heritage Museum - Rebecca McCall
10. Henderson County Partnership for Economic Development – Rebecca McCall with Bill Lapsley as backup (NR)
11. Henderson County Planning Board – Bill Lapsley
12. Henderson County Transportation Advisory Committee - Bill Lapsley/ Rebecca McCall
13. Henderson Tourism Development Authority - (NR)
14. Hendersonville Water & Sewer Advisory Committee - Daniel Andreotta
15. Hospital Board of Directors – Mike Edney
16. Joint College Facility Committee - David Hill/Mike Edney
17. Joint School Facilities - David Hill/Mike Edney
18. Juvenile Crime Prevention Council - Mike Edney
19. Land of the Sky Regional Council – Rebeca McCall
20. Library Board of Trustees - Rebecca McCall
21. Local Emergency Planning Committee (LEPC) - Mike Edney
22. Local Government Committee of Cooperative Action (LGCCA) - Rebecca McCall/ Mike Edney
23. Mountain Area Workforce Development Board -
24. MSD Board of Directors – Bill Lapsley
25. North Carolina Association of County Commissioners - Rebecca McCall
26. Nursing/Adult Care Home Community Advisory Committee - Rebecca McCall (NR)
27. Recreation Advisory Board – David Hill
28. Rescue Squad Board of Directors – David Hill
29. Social Services Board – Rebecca McCall (NR)
30. Wall of Fame Steering Committee – (NR)

(NR) = Not Required

Motion:

I move that the Board appoint the slate of Commissioner representatives as presented.

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy the records listed on the Public Disposal Requests and Destruction Logs that were provided – 9 (nine) total pages (attached to these minutes) included in accordance with the County’s Record Retention Policy and the provisions of the North Carolina Department of Natural and Cultural Resources Records Retention and Disposition Schedule, a copy of said pages attached hereto, as the period of these records has expired.

Motion:

I move the Board approve the Public Records Disposal Request and Destruction Log as presented.

Use of Courtroom – Board of Equalization and Review

A request was submitted by the Tax Administrator for use of the Commissioner’s Meeting Room (Courtroom) on Monday, May 15, 2023, for a meeting of the Henderson County Board of Equalization and Review.

Motion:

I move that the Board approve the use of the Commissioner’s Meeting Room (Courtroom) on Monday, May 15, 2023, for a meeting of the Henderson County Board of Equalization and Review.

2023.06 Right of Way Acquisition**North Carolina Department of Transportation’s (NCDOT)****Project for the Entrance to Hendersonville High School (HHS)**

To accommodate NCDOT’s project to improve the intersection of Hendersonville High School and US 25, NCDOT Right of Way requested the Board approve the proposed Deeds that were provided (attached to these minutes). This will transfer County property to NCDOT for construction and maintenance of the intersection improvements. Details of the proposed transaction are as follows:

- The total acreage proposed to transfer to NCDOT is 0.396 acres, with an additional 0.38 acres of temporary construction easement.
- The payment to Henderson County for the acreage is \$3.00.
- The NCDOT maps highlight the acquisition area in green and the temporary construction area in yellow.
- The proposed deeds correlate to the NCDOT parcel number (3, 5, and 6). These numbers are highlighted on the proposed deeds in yellow.
- The improvements are largely upgrades to the existing signal, addition of sidewalks, upgrades to the median, and striping.

Motion:

I move the Board approve the proposed Deeds for the NCDOT’s Hendersonville High School entrance project.

Facility Use Policy Exemption – NCAJ High School Moot Court Competition

The County received a request to appropriate the sum of \$3,000 to support the NCAJ High School Moot Court Competition and to waive facility fees and security fees for the Regional Competition that will be held in the Henderson County Courthouse in February 2023.

The Henderson County Board of Commissioners are helping to sponsor this event in support of our local high schools and student who participate in the program, but also, in 2023, in recognition of the 140th Anniversary of the Henderson County Bar Association, which was the first bar association in the state of North Carolina.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to the County Facility Use Policy with respect to the facility usage fees.

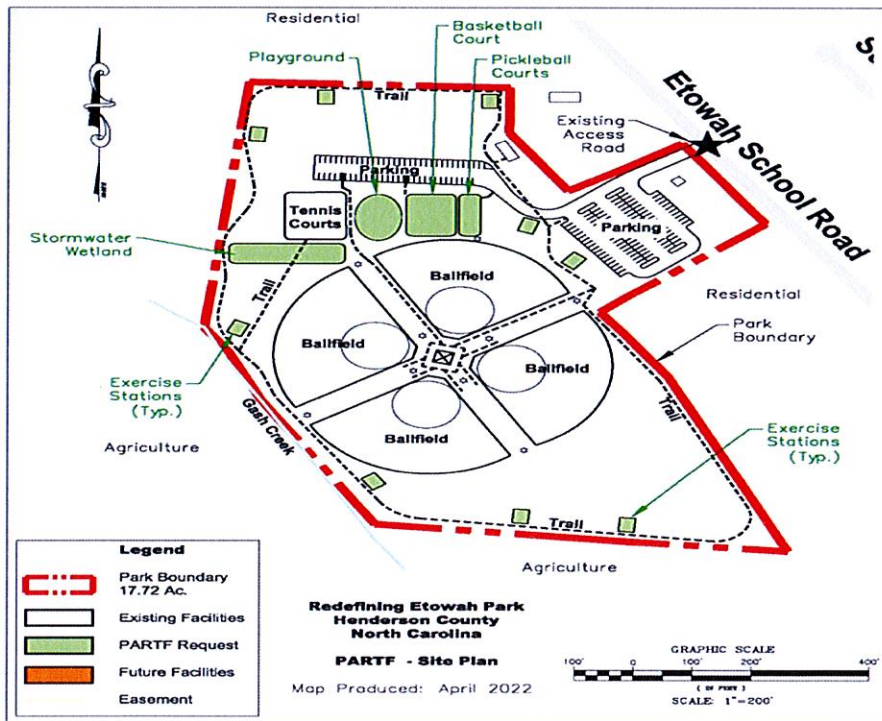
Motion:

I move that the Board grant an exemption to the County Facility Use Policy and approve the associated budget amendment.

2023.07 Parks and Recreation Trust Fund (PARTF) Grant Contract

Over the last few years, staff has been working closely with the Etowah Lions Club, the Friends of Etowah Park, and the Etowah Regional HOA’s Group to discuss Etowah Park. During this time, these groups have conducted a survey, met with community leaders, and hosted numerous meetings to identify priorities and needs in Etowah Park. After identifying priorities, these groups have asked staff, “How can we work to make these improvements happen now?”

The county was successful in receiving a PARTF grant for this project. Once a grant contract is entered for a PARTF grant, the awardee has three years to complete the project and to fund the match. The PARTF Grant is a dollar-to-dollar match and is one of the only grants available to fund recreational amenities at this level. The total project cost is \$572,250, for which the county is responsible for \$286,125 over the course of the project.



Motion:

I move that the Henderson County Board of Commissioners authorize the contract with the Parks and Recreation Trust Fund Grant for improvements as detailed for Etowah Park.

2023.08 Resolution of Support for the City of Hendersonville

The City of Hendersonville requested that the Henderson County Board of Commissioners support the City's grant application to conduct a feasibility study. The grant, Paved Trails & Sidewalks Feasibility Studies Grant Program, is through the NC Department of Transportation's Integrated Mobility Division. This study would look at the feasibility of potential greenway routes through downtown, the rail corridor, and private and public property (of willing landowners in accordance with the County's Greenway Master Plan), including Jackson Park. The project, named Above the Mud, would serve to connect the Ecusta Trail to the Oklawaha Trail (and 7th Avenue/downtown). This grant does not fund engineering or construction. This study would involve multiple stakeholders, including Henderson County, a critical partner. Support from the County will increase the odds of the City's application for the award.

Motion:

I move that the Board support the City of Hendersonville's grant application via a resolution.

Use of Courtroom

A request was submitted for the use of the Commissioner's Meeting Room (Courtroom) and Community Room on Friday, January 20, 2023, from 3:30 – 6:00 for a retirement ceremony for Superior Court Judge Athena Brooks.

Motion:

I move that the Board approve the use of the Commissioner's Meeting Room (Courtroom) and Community Room on Friday, January 20, 2023, from 3:30 – 6:00 for a retirement ceremony for Superior Court Judge Athena Brooks.

ABC Permit Request – Turchin/The Bar at Horseshoe Farm

John Turchin, on behalf of SEN-Asheville 1, LLC, doing business as The Bar at The Horse Shoe Farm, applied for on-premise malt beverage, unfortified wine, fortified wine, and mixed beverage permits. A request for comment has been made to the Sheriff's Office. This matter was placed on the agenda pursuant to Board policy.

In the absence of objections meeting the statutory criteria, the County's standard response is to provide a notice that it does not object to the permit to the North Carolina Alcoholic Beverage Control Commission.

Motion:

I move that the Board approve the standard County comment on the ABC application.

ABC permit request – Patel Pinal Kumar Dohyabhai d/b/a Corner Pantry

Patel Pinal Kumar Dohyabhai doing business as Corner Pantry has applied for an off-premise malt beverage, unfortified wine, and mixed beverage permits. A request for comment has been made to the Sheriff's Office. This matter was placed on the agenda pursuant to Board policy.

In the absence of objections meeting the statutory criteria, the County's standard response is to provide a notice that it does not object to the permit to the North Carolina Alcoholic Beverage Control Commission.

Motion:

I move that the Board approve the standard County comment on the ABC application.

Vice-Chair Edney made the motion to adopt the consent agenda as amended (with Item H- Water and Sewer Committee removed). All voted in favor, and the motion carried 5-0.

PUBLIC HEARING

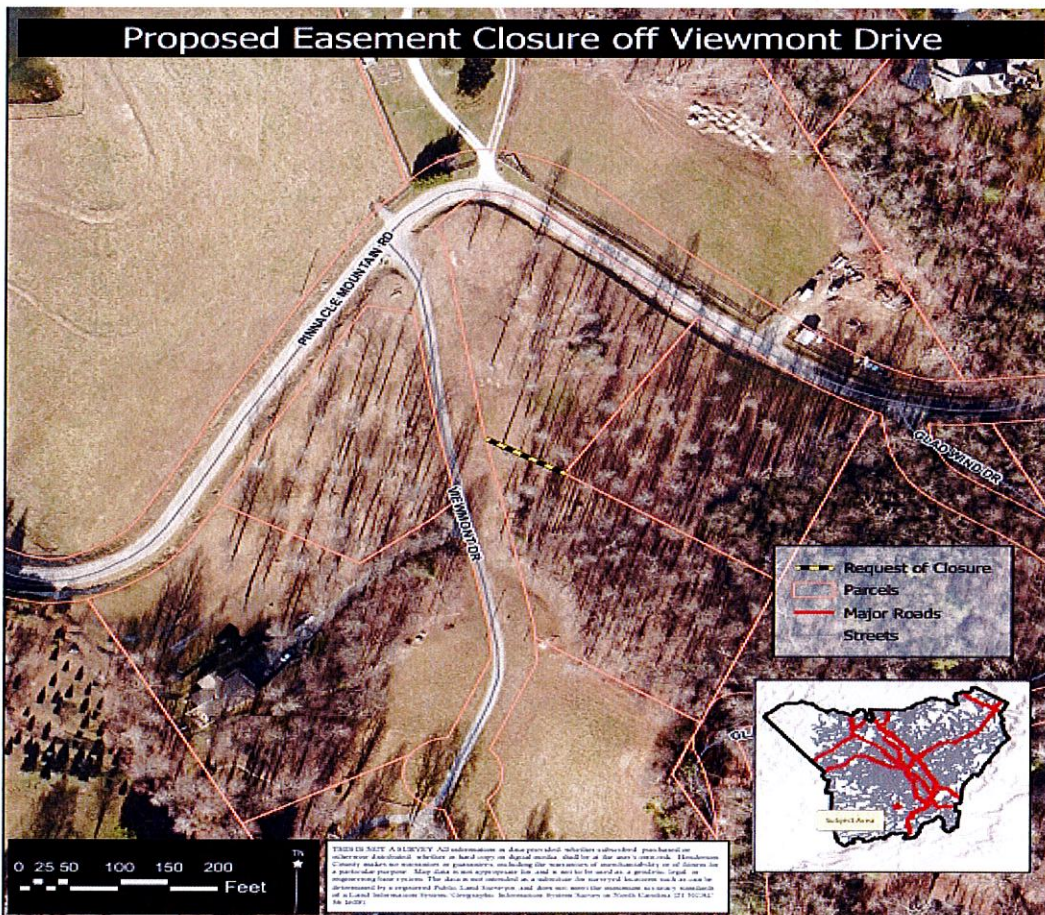
2023.09 Public Hearing to Consider Closing of an Easement

Commissioner Hill noted that the property owner of the parcel in the proposed easement closure is a client of his surveying company. Although he has not completed work on this particular project, he asked to be recused from the Public Hearing.

Vice-Chair Edney made the motion that Commissioner Hill be recused from the Public Hearing. All voted in favor, and the motion carried.

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

This public hearing was scheduled in the matter of the closing of an unopened twenty-foot wide easement along the southwestern boundary of Henderson County PIN 9566407609 (Lot 3 of Hickory Heights Subdivision, Henderson County Plat Slide 2524). The easement, crossing Lot 3, serves only Lot 4 of the same subdivision (PIN 9566408563), which is also owned by the petitioner. The easement proposed to be closed is shown on the map below.



Public Input. There was none.

Vice-Chair Edney made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion to approve the closing of the easement as presented. All voted in favor,

and the motion carried.

DISCUSSION

Information Technology (IT) Update

Information Technology Director Mark Seelenbacher provided the Board with a report on Cybersecurity matters and other IT-related items.



Device and User Information

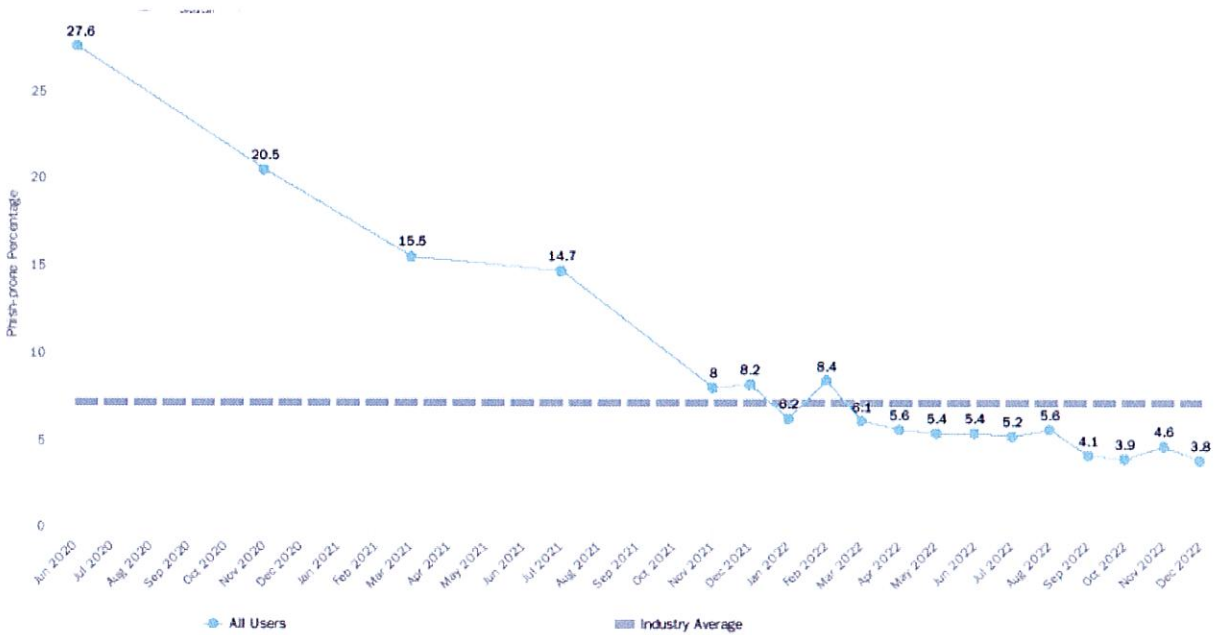
Information Technology

2023 Cybersecurity Report

- 1093 Active Users (incl. all full and part-time staff)
- Approximately 1,500 devices
- 676 Mobile Devices
 - County-owned cell phones
 - Tablets/Laptops with active WWAN
 - Does not include personal devices for which employees receive stipend

Phish-prone Percentage By Group

This report displays the average Phish-prone Percentage of selected users.



Report Details

User Groups: All Users

Date Range: Entire History (04/01/2020 - 12/28/2022)

Selections without relevant data will not appear on this report.

Application Management

- Users do not have the ability to install programs or applications *without* IT approval.
- Mobile Device Management in use to enforce county policies on mobile devices (e.g., no social media apps on county-owned devices)

Security Measures

- Endpoint Detection and Response (NextGen Antivirus)
- Advanced Firewall at the edge
- Internal Security Controls on the infrastructure (Access Control Lists)



IT Projects

- Several infrastructure projects currently in process to reduce our vulnerability footprint and improve management
- Data Protection
 - Backup and retention policy and process
 - Data Loss prevention policies
- Cybersecurity Incident Response Plan
- A/V System Upgrade – Commissioners’ Meeting Room
 - Road Show already deployed with same type of equipment that will be used in the Historic Courthouse

Chairman McCall asked about the status of the upgrade of the equipment in the King Street building. Mark Seelenbacher said the plan was to use a “quasi-mobile” solution in that location, which will be interchangeable with other systems used throughout the county.

Commissioner Andreotta said he asked Manager Mitchell to add this item to the agenda because he wants the public to know that the County is a good steward of its resources. In addition, there is a strong, competent cybersecurity team working daily to ensure county devices are safe.

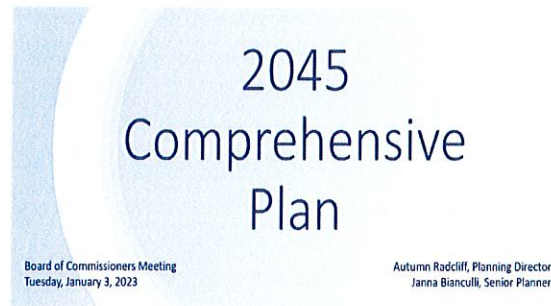
Vice-Chair Mccall noted that Mr. Seelenbacher and Information Technology staff continue to provide educational opportunities and information to county employees to help identify possible security threats to prevent cybercrimes.

2045 Comprehensive Plan Workshop

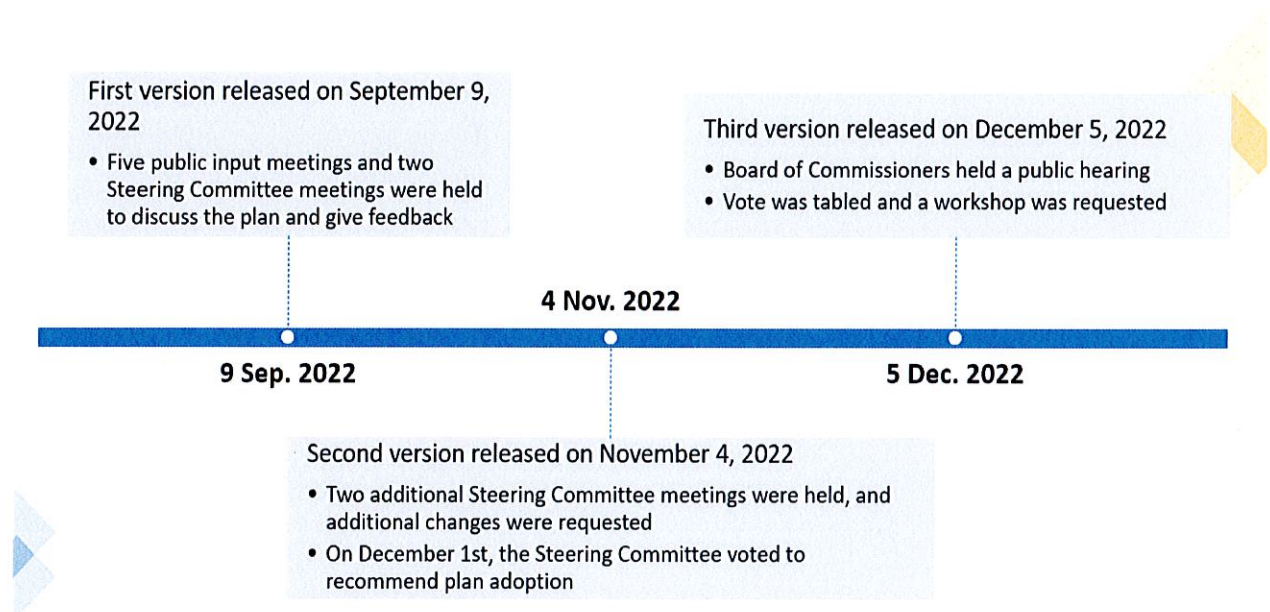
Autumn Radcliff and Janna Bianculli provided the Board with an overview of the 2045 Comprehensive Plan. Janna Bianculli clarified that the initial version of the plan was released on September 9, both online and to the Planning Board. Several public input meetings held throughout the county resulted in feedback from the community that was taken back and discussed with the steering committee. The second version was released on November 4; she clarified that there had been comments from the public that there was a November 10th version. However, that was simply a “copy” of the second version to correct typographical errors identified after the initial release date of November 4. The third version, released on December 5, resulted from a Planning Board special meeting held on December 1.

One of the changes recommended at the SCM held on December 1 was to soften some of the language used to ensure future Boards do not misunderstand the sentiment. Specifically in regards to recommendations being recommendations and not directives.

The Board of Commissioners held a Public Hearing December 5, and the consensus of the Board was to table the vote and schedule the workshop for tonight’s meeting.



Plan Versions



Plan Changes Based on Public Input

- Renamed terminology for clarity.
- Created recommendations and action steps related to preserving rural character.
- Created recommendations and action steps regarding development-related, environmental concerns.
- Reworded Goal 7 for clarity.

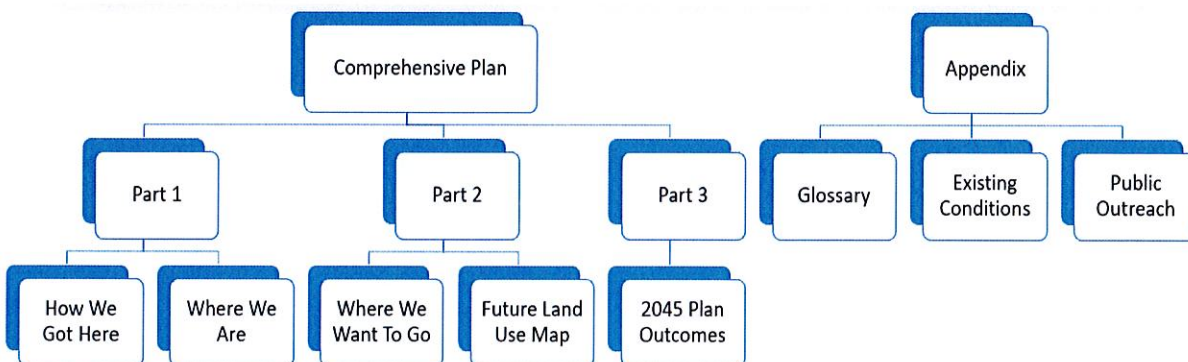
Plan Changes from County Committees & Departments

- Staff presented the draft plan to various boards and committees including the Transportation Advisory Committee, the Recreation Advisory Committee, the Environmental Advisory Committee, and the Board of Health.
- Staff also consulted other County departments regarding their areas of expertise. These include:
 - Cooperative Extension
 - AgHC
 - Health Department
 - Emergency Services
 - The Partnership

Plan Changes from Steering Committee

- A list of changes (from the November 4th version to the latest version) was submitted to the Board at their December 5th meeting.
- Changes included:
 - Softening language to ensure future boards do not misunderstand the sentiment.
 - Revisions to the history section.
 - Additional information on the County’s infrastructure like rail, telephone, and natural gas services.
 - Removal of recommendations related to design standards of non-residential development in rural areas, electric vehicle infrastructure, public art, and a regional sports council.
 - Clarifications on graphs and statistical information.
 - Additional recommendation to consider investment of a county-owned indoor and outdoor sports complex.

Plan Structure





Future Land Use Map

- The FLUM went through multiple iterations, but the final version was based upon a plethora of information from various sources.
- The map balances the necessity of development with the goals of the plan.
- It is important to note, the FLUM looks very different from the suitability maps.
 - It is not surprising that the same land that is suitable for commercial development is also suitable for industrial, or even a soccer field.
 - Our community chose to ensure *farmland and natural resource preservation* outweighed suitability for various types of development.

Next Steps



BOARD DISCUSSION

Commissioner Andreotta commended Autumn Radcliff, Janna Bianculli, the Planning Board, and Staff for their work in the development of the proposed 2045 Comprehensive Plan. However, he does not feel the Board should vote on the plan at tonight’s meeting. He stated the comp plan is visionary, not regulatory.

Commissioner Hill echoed Commissioner Andreotta’s comments and agreed that the Board does not need to vote on the plan at tonight’s meeting. He stated that the Comprehensive Plan is not a regulatory document. Developing the plan is a challenging endeavor; he asked for the public’s patience as the Board works through the process.

Commissioner Lapsley commended staff on their hard work and diligence in the development of the proposed 2045 Comprehensive Plan. He stated that when the Board approves a plan, it demonstrates the Board’s intent to follow the recommendations included in the plan. He was not prepared to vote at this time. Instead, he proposed that the Board review the plan piece by piece over the next several months before making a decision.

Vice-Chair Edney echoed the comments made by his colleagues commending the work of the Planning Board and Planning Department Staff. He wants to review the data presented prior to making a decision. He agrees that the Board needs to review the plan during the coming months.

Chairman McCall agrees that the Board needs to consider the plan piece by piece over the next several months before making a decision. She continued that when the 2020 Plan was adopted, there were 94,000 residents in Henderson County, whereas today, the current population is 124,000. She said growth is going to happen; it is the Board's responsibility to plan for it.

Chairman McCall said she would like to move forward with reviewing portions of the Plan at the Board's upcoming mid-month meetings with hopes of having a plan they can vote on before the end of the fiscal year.

Chairman McCall directed staff to include discussion of the Comprehensive Plan as part of mid-month meeting agendas until the plan is adopted.

Water and Sewer Committee (moved from the consent agenda)

The City of Hendersonville and the County have resolved to support a consolidated water and sewer utility commission. For this to take place, the operational details must be agreed upon.

Commissioner Andreotta proposed that the Board meet with City leaders to get acquainted and develop a strategy for the development of the Joint Water and Sewer Committee.

Commissioner Hill stated he believes the Board should have Commissioners Lapsley and Andreotta and Vice-Chair Edney represent the Board on the Water and Sewer Committee.

Commissioner Lapsley made the motion that the Board authorize the Chair to select two Commissioners to serve on the Joint Water and Sewer Committee, together and in equal numbers with members of the Hendersonville City Council, in order to agree to the operational details of a consolidated water and sewer commission.

After discussion, Commissioner Lapsley called the question and asked Chairman McCall to take the vote.

Commissioners Andreotta, Hill, and Vice-Chair Edney voted nay, and Chairman McCall and Commissioner Lapsley voted yay. The motion failed with a 3-2 vote.

Discussion continued on the number of Board members that would represent Henderson County on the Committee.

Vice-Chair Edney made the motion that the Board direct the Manager to discuss the shape of the joint board with the City of Hendersonville, such that at the mid-month January meeting, the board will select its designees to serve on that committee. All voted in favor, and the motion carried.

Overview of the Board's Mid-Month Budget Workshop (Add on)

John Mitchell provided an overview of what to expect at the upcoming Budget Workshop during the Board's mid-month meeting, which will be split into two days, Wednesday, January 18, and Thursday, January 19.

John Mitchell stated that on the first day, Henderson County Public Schools, the Sheriff's Office, Blue Ridge Community College, and the Partnership for Economic Development would be present to share their four-year plans with the Board. This will allow the Board to take a deep dive into

our local government and its vision for the next four years. He hopes to speak to the Community organizations on that day. The Board will also be requested to look at some of the larger capital projects; this will determine a lot about debt service in the future.

The next day, the intention is to hear from Henderson County Departments about their four-year plans, leaving the afternoon open for Board discussion. This is the workshop phase, and direction received from the Board will aid in budget staff beginning to craft the budget for the next fiscal year.

Chairman McCall said this would be a day and a half, possibly two full days of meetings, and, in the interest of time, recommends not having a public comment period at the meeting.

NOMINATIONS AND APPOINTMENTS

1. Henderson County Board of Equalization and Review– 1 vac.
There were no nominations, and this item was rolled to the next meeting.

2. Henderson County Planning Board – 1 vac. (Add on)

Commissioner Lapsley made the motion to nominate Linda Bradley for the recently vacant position #8, which was created as a result of Jennifer Balkcom's election to the NC House of Representatives. All voted in favor, and the motion carried.

3. Henderson County Zoning Board of Adjustment – 1 vac.

Chairman Mccall made the motion to nominate Stephen Mace to position #5. All voted in favor, and the motion carried.

4. Historic Resources Committee – 1 vac.
There were no nominations, and this item was rolled to the next meeting.

5. Home and Community Care Block Grant Committee – 1 vac.
There were no nominations, and this item was rolled to the next meeting.

6. Juvenile Crime Prevention Council – 4 vacs.

Vice-Chair Edney made the motion to move current JCPC member Lynette Oliver from "at large" position #25 to recently vacant position #9, "Substance Abuse Professional." 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 Lapsley asked Staff if the 2023 Tax Valuations had been mailed. Amy Brantley said that the valuations had not yet been mailed. The new valuations became effective January 1, 2023; however, those will be mailed in mid-February. Commissioner Lapsley asked the reason for holding the valuations until mid-February. Tax Director Darlene Burgess stated that the lapse is due to Staff time spent capturing recent building permit activity and construction percentages that must be obtained before the valuations go out. She noted that during the 2019 reappraisal, the notices were mailed the third week of February. There was some discussion regarding the amount of time allowed for citizens with objections to the 2023 Valuations to appeal. Darlene Burgess explained that citizens have until the Board of Equalization and Review convenes on April 14th to file an informal appeal with the Tax Assessor's office. After the Board convenes, the Assessor loses his or her ability to change the values. However, citizens continue to have the

opportunity to appeal the Board of Equalization and Review until May 15th when the Board adjourns.

Vice-Chair Edney stated that the past years had been amazing, with varying extremes of high and low periods. However, he believes the community has come through those times quite well. He considers our community to be like a family that agrees to disagree on things, but overall we are blessed.

Commissioner Hill noted that our local County agencies work together well. He noted that Item E in the consent agenda (Surplus and Donation of Power Load Cot Fastener(s) to the Henderson County Rescue Squad) was an instance where the County had a surplus of power loaders for EMS ambulances and chose to donate those to the Rescue Squad. He wants the public to know that the County does work well with its inter-agencies.

Commissioner Andreotta wished the Clerk to the Board, Denisa Lauffer, a Happy Birthday. He then encouraged everyone to recycle leftover recyclable Christmas items by utilizing the Henderson County Convenience Center on Stoney Mountain Road. He noted that the Convenience Center now has the ability to recycle Styrofoam in addition to paper and cardboard items.

Chairman McCall shared that she recently collapsed at church on Christmas Day. She commended the Henderson County EMS Department and noted the quick response time for paramedics Amy Carter and Tabitha Perez to arrive at the scene. She expressed her appreciation to EMS and felt she received exemplary care throughout her experience.

COUNTY MANAGER'S REPORT

County Manager John Mitchell introduced Mike Morgan, the newest addition to the county team. Mr. Morgan will serve as the Chief Communications Director for the County. Mr. Morgan is a long-time county resident and a Wingate College graduate. He comes to the County with several years of experience in media and sports broadcasting.

Mr. Mitchell shared that a Christmas Tree Recycling Event would be held on January 7 at soccer field #6 in Jackson Park. In closing, he thanked recreation staff for their planning and preparation in the recent New Year's Eve Celebration held in the Historic Courthouse Courtyard. The event was a success and well attended.

In closing, per tradition, John Mitchell polled the Board for their predictions in the upcoming College Football Playoff National Championship Game on Monday, January 9, 2023.

Predictions were as follows:

Commissioner Edney – Georgia

Vice-Chair McCall – TCU

Chairman Lapsley – Georgia

Commissioner Hill – Georgia

Commissioner Andreotta – Georgia

Amy Brantley – TCU

John Mitchell – Georgia

Russ Burrell – Georgia


Chairman McCall made to motion to adjourn the meeting at 8:33 p.m. All voted in favor, and the motion carried 5-0.

January 3, 2023

21

ADJOURN


Denisa A. Lauffer, Clerk to the Board


Rebecca McCall, Chairman

Approved: January 18, 2023

During the January 3, 2023, regular meeting, the Board enacted the following:

- 2023.01 Service Badge and Sidearm Request –Major Erick Summey**
- 2023.02 Service Badge and Sidearm Request – District Captain Brandon Staton**
- 2023.03 Service Badge and Sidearm Request – Lieutenant Kevin Holden**
- 2023.04 Pending Releases and Refunds**
- 2023.05 Surplus and Donation of Power Load Cot Fastener(s) to the Henderson County Rescue Squad**
- 2023.06 Right of Way Acquisition – NCDOT HHS Entrance Project**
- 2023.07 Parks and Recreation Trust Fund (PARTF) Grant Contract**
- 2023.08 Resolution of Support for the City of Hendersonville**
- 2023.09 Public Hearing to Consider Closing of an Easement**

Resolution Honoring District Captain Brandon Staton



For 30 Years of Law Enforcement Service and Awarding His Badge and Sidearm



WHEREAS, Officer Staton joined the Henderson County Sheriff's Office as a Deputy on December 12, 1994, and held the ranks of Deputy, Corporal, Sergeant, Lieutenant, and District Captain.

WHEREAS, District Captain Staton's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 30 total 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 the 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, Officer Staton has served as a member of the Henderson County Sheriff's Office for a period of more than 30 years and is retiring from the Henderson County Sheriff's Office on August 1, 2022, and

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

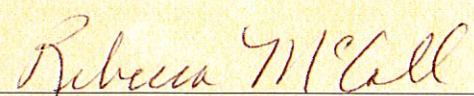
1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Staton, the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2, to transfer to Officer Staton his service sidearm at no cost to the officer and upon his 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 Officer Staton for his dedicated service to Henderson County and its citizens. Adopted

this the 3rd day of January 2023.

ATTEST:


DENISA LAUFFER, CLERK TO THE BOARD


REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

Resolution Honoring Major Erik Summey



For 33 Years of Law Enforcement Service and Awarding His Badge and Sidearm



WHEREAS, Officer Summey joined the Henderson County Sheriff's Office as a Deputy on December 11, 1989 and held the ranks of Deputy, Sergeant, Lieutenant, and Major.

WHEREAS, Major Summey's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 33 total 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 the 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, Officer Summey has served as a member of the Henderson County Sheriff's Office for a period of more than 19 years and is retiring from the Henderson County Sheriff's Office on November 1, 2022, and

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

1. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Officer Summey the badge worn by him during his 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 Officer Summey his service sidearm at no cost to the officer and upon his 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 Officer Summey for his dedicated service to Henderson County and its citizens.

Adopted this the 3rd day of January 2023.


REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


DENISA LAUFFER, CLERK TO THE BOARD

Resolution Honoring Lieutenant Kevin Holden



For 27 Years of Law Enforcement Service and Awarding His Badge and Sidearm



WHEREAS, Officer Holden joined the Henderson County Sheriff's Office as a Lieutenant on December 10, 2018 and held the rank of Lieutenant.

WHEREAS, Lieutenant Holden's service and dedication to the Henderson County Sheriff's Office and service, dedication, and accomplishments in the field of law enforcement during his 27 total 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 the 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 a 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, Officer Holden has served as a member of the Henderson County Sheriff's Office for a period of more than 4 years and is retiring from the Henderson County Sheriff's Office on November 1, 2022, and

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

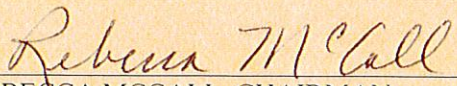
1. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Officer Holden the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized, in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Officer Holden his service sidearm for and in consideration of the sum of \$285 received from Officer Holden and upon his 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 Officer Holden for his dedicated service to Henderson County and its citizens;

Adopted this the 3rd day of January 2023.

ATTEST:


DENISA LAUFFER, CLERK TO THE BOARD


REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

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

January 3, 2023

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

Dear Mrs. Burgess:

Attached, please find tax release requests in the amount of \$3,100.17 and tax refund requests in the amount of \$0.00 reviewed at the Henderson County Board of Commissioners' Meeting on Tuesday, January 3, 2023. All Releases and refunds were approved.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca McCall". The signature is written in black ink and is positioned above the printed name and title.

Rebecca McCall, Chairman
Henderson County Board of Commissioners

RM/dal

enclosures

NCPTS Pending Release/Refund Report. Tuesday, December 20, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
AIRPORT ROAD ACQUISITIONS LLC	0000295474-2022-2022-0000	ADJUSTMENT MADE DUE TO CLERICAL ERROR PER LISTING FORM RECEIVED 01/25/2022 BUSINESS SOLD ALL TANGIBLE ASSETS TO HENDERSONVILLE NISSAN.	(\$199,712)	8413	YGONZALEZ	1340 SPARTANBURG HWY HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$1,120.38 \$0.00 \$1,120.38	\$0.00 \$0.00 \$0.00	\$1,120.38 \$0.00 \$1,120.38	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$199,712)					TAX LATE LIST FEE TOTAL:	\$1,120.38 \$0.00 \$1,120.38	\$0.00 \$0.00 \$0.00	\$1,120.38 \$0.00 \$1,120.38	\$0.00 \$0.00 \$0.00
BALL, BRUCE SHANE	0003107770-2022-2022-0000	ADJUSTMENT MADE DUE TO CLERICAL ERROR BUSINESS ONLY DID SHORT TERM RENTAL FOR 1 MONTH, FROM JULY-AUGUST 2021,CHERRYL BALL SAID SHE DID NOT REMOVE SHORT TERM RENTAL FROM OCCUPANCY TAX LIST.	(\$3,500)	8414	YGONZALEZ	103 FAIRGROUND AVE HENDERSONVILLE NC 28792	COUNTY BLUE RIDGE FINE	TAX LATE LIST FEE TOTAL:	\$19.64 \$1.96 \$21.60	\$0.00 \$0.00 \$0.00	\$19.64 \$1.96 \$21.60	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$3,500)					TAX LATE LIST FEE TOTAL:	\$19.64 \$1.96 \$21.60	\$0.00 \$0.00 \$0.00	\$19.64 \$1.96 \$21.60	\$0.00 \$0.00 \$0.00
DIAZ, FRANCISCO	0000552197-2022-2022-0000	VOID ABSTRACT DUE TO PERSONAL PROPERTY OWNED BY ANOTHER INDIVIDUAL PER STARS; PERSONAL PROPERTY LISTED ON ABSTRACT 3109375 (NEW OWNERSHIP)	(\$3,500)	8419	SMORROW	160 WILLIS WAY FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$64.05 \$6.40 \$70.45	\$0.00 \$0.00 \$0.00	\$64.05 \$6.40 \$70.45	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$3,500)					TAX LATE LIST FEE TOTAL:	\$64.05 \$6.40 \$70.45	\$0.00 \$0.00 \$0.00	\$64.05 \$6.40 \$70.45	\$0.00 \$0.00 \$0.00
GRILL, CECILIA A	0003107770-2022-2019-0000	COSTS ARE NOW BEING ASSESSED ON ABSTRACT 3107770-2022-2019-0001.	(\$13,800)	8407	LSTACK	808 CLIFF ROSE CT FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$77.97 \$38.99 \$116.96	\$0.00 \$0.00 \$0.00	\$77.97 \$38.99 \$116.96	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$13,800)					TAX LATE LIST FEE TOTAL:	\$77.97 \$38.99 \$116.96	\$0.00 \$0.00 \$0.00	\$77.97 \$38.99 \$116.96	\$0.00 \$0.00 \$0.00
	0003107770-2022-2019-0000	COSTS ARE NOW BEING ASSESSED ON ABSTRACT 3107770-2022-2019-0001.	(\$13,800)	8408	LSTACK	808 CLIFF ROSE CT FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$77.42 \$30.97 \$108.39	\$0.00 \$0.00 \$0.00	\$77.42 \$30.97 \$108.39	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$13,800)					TAX LATE LIST FEE TOTAL:	\$77.42 \$30.97 \$108.39	\$0.00 \$0.00 \$0.00	\$77.42 \$30.97 \$108.39	\$0.00 \$0.00 \$0.00
	0003107770-2022-2021-0000	COSTS ARE NOW BEING ASSESSED ON ABSTRACT 3107770-2022-2021-0001.	(\$13,800)	8410	LSTACK	808 CLIFF ROSE CT FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$77.42 \$15.48 \$92.90	\$0.00 \$0.00 \$0.00	\$77.42 \$15.48 \$92.90	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$13,800)					TAX LATE LIST FEE TOTAL:	\$77.42 \$15.48 \$92.90	\$0.00 \$0.00 \$0.00	\$77.42 \$15.48 \$92.90	\$0.00 \$0.00 \$0.00
	0003107770-2022-2022-0000	COSTS ARE NOW BEING ASSESSED ON ABSTRACT 3107770-2022-2022-0001.	(\$13,800)	8411	LSTACK	808 CLIFF ROSE CT FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$77.42 \$7.74 \$85.16	\$0.00 \$0.00 \$0.00	\$77.42 \$7.74 \$85.16	\$0.00 \$0.00 \$0.00
OWNER TOTAL:												
			(\$69,000)					TAX LATE LIST FEE TOTAL:	\$77.42 \$7.74 \$85.16	\$0.00 \$0.00 \$0.00	\$77.42 \$7.74 \$85.16	\$0.00 \$0.00 \$0.00

*Adjustments submitted for approval on or before

NCPITS Pending Release/Refund Report. Tuesday, December 20, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADD. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAYD	RELEASE	REFUND
JF REALTY HOLDINGS LLC	0002317720-2022-2022-0000	EXEMPT BURIAL PROPERTY, NO APPLICATION NEEDED PER 105-278.2.	(\$1,200)	8412	NBROWN	0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28739	COUNTY VALLEY HILL FIRE	TAX LATE LIST FEE	\$6.73 \$0.00	\$0.00 \$0.00	\$6.73 \$0.00	\$0.00 \$0.00
								TOTAL:	\$6.73	\$0.00	\$6.73	\$0.00
								TOTAL:	\$1.20	\$0.00	\$1.20	\$0.00
								TOTAL:	\$0.00	\$0.00	\$0.00	\$0.00
								ABSTRACT TOTAL:	\$1.20	\$0.00	\$1.20	\$0.00
								TOTAL:	\$7.93	\$0.00	\$7.93	\$0.00
LOVE, ROBERT TRADER	0003089133-2022-2022-0000	VOID ABSTRACT DUE TO 2005 CONT TL BEING REGISTERED ANNUALLY; TL DOES NOT HAVE PERMANENT TAG PER STARS	(\$760)	8399	SMORROW	2236 CLEAR CREEK RD HENDERSONVILLE NC 28792	COUNTY MOUNTAIN HOME FIRE	TAX LATE LIST FEE	\$4.26 \$0.43	\$0.00 \$0.00	\$4.26 \$0.43	\$0.00 \$0.00
								TOTAL:	\$0.91	\$0.00	\$0.91	\$0.00
								LATE LIST FEE	\$0.09	\$0.00	\$0.09	\$0.00
								TOTAL:	\$0.09	\$0.00	\$0.09	\$0.00
								ABSTRACT TOTAL:	\$1.00	\$0.00	\$1.00	\$0.00
								TOTAL:	\$5.69	\$0.00	\$5.69	\$0.00
MOUNTAIN TOP HOME VACATION RENTAL	00031046454-2022-2022-0000	BUSINESS INFORMATION WAS INCORRECT FOR 2022. ADJUSTMENT SUBMITTED TO VOID 2022 ABSTRACT DUE TO INCORRECT ASSESSMENT.	(\$760)	8418	LSTACK	80 SONGBIRD CT HENDERSONVILLE NC 28792	COUNTY BAT CAVE FIRE	TAX LATE LIST FEE	\$140.25 \$14.03	\$0.00 \$0.00	\$140.25 \$14.03	\$0.00 \$0.00
								TOTAL:	\$30.00	\$0.00	\$30.00	\$0.00
								LATE LIST FEE	\$3.00	\$0.00	\$3.00	\$0.00
								TOTAL:	\$33.00	\$0.00	\$33.00	\$0.00
								ABSTRACT TOTAL:	\$187.28	\$0.00	\$187.28	\$0.00
								TOTAL:	\$5.69	\$0.00	\$5.69	\$0.00
NC HENDERSONVILLE UPWARD ROAD LLC	0003085631-2022-2022-0000	MAPPED IN ERROR, REFERENCE DXF FILE FROM DOT AND ADJOINING SURVEY TO REPOSITION	(\$25,000)	8420	KHENSLEY	0 NO ADDRESS ASSIGNED FLAT ROCK NC 28731	COUNTY BLUE RIDGE FIRE	TAX LATE LIST FEE	\$273.77 \$0.00	\$0.00 \$0.00	\$273.77 \$0.00	\$0.00 \$0.00
								TOTAL:	\$63.44	\$0.00	\$63.44	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$27.17	\$0.00	\$27.17	\$0.00
								ABSTRACT TOTAL:	\$144.42	\$0.00	\$144.42	\$0.00
								TOTAL:	\$117.25	\$0.00	\$117.25	\$0.00
RISE OLYMPIC & COMBAT TEAMS INC	0003107471-2022-2020-0000	OWNER TOTAL: ALL BUSINESS CORRESPONDENCE HAS BEEN RETURNED AS UNDELIVERABLE. DISCOVERY ABSTRACT VOIDED DUE TO PRESUMPTION THAT DISCOVERY BILL ISNT GOOD TO HAVE ON THE BOOKS.	(\$31,230)	8417	LSTACK	924 7TH AVE E HENDERSONVILLE NC 28792	COUNTY JUMSD17	TAX LATE LIST FEE	\$175.20 \$52.56	\$0.00 \$0.00	\$175.20 \$52.56	\$0.00 \$0.00
								TOTAL:	\$53.09	\$0.00	\$53.09	\$0.00
								LATE LIST FEE	\$15.93	\$0.00	\$15.93	\$0.00
								TOTAL:	\$69.02	\$0.00	\$69.02	\$0.00
								ABSTRACT TOTAL:	\$296.78	\$0.00	\$296.78	\$0.00
								TOTAL:	\$175.20	\$0.00	\$175.20	\$0.00
	0003107471-2022-2021-0000	OWNER TOTAL: ALL BUSINESS CORRESPONDENCE HAS BEEN RETURNED AS UNDELIVERABLE. DISCOVERY ABSTRACT VOIDED DUE TO PRESUMPTION THAT DISCOVERY BILL ISNT GOOD TO HAVE ON THE BOOKS.	(\$31,230)	8416	LSTACK	924 7TH AVE E HENDERSONVILLE NC 28792	COUNTY JUMSD17	TAX LATE LIST FEE	\$175.20 \$35.04	\$0.00 \$0.00	\$175.20 \$35.04	\$0.00 \$0.00
								TOTAL:	\$53.09	\$0.00	\$53.09	\$0.00
								LATE LIST FEE	\$10.62	\$0.00	\$10.62	\$0.00
								TOTAL:	\$63.71	\$0.00	\$63.71	\$0.00
								ABSTRACT TOTAL:	\$273.95	\$0.00	\$273.95	\$0.00
								TOTAL:	\$175.20	\$0.00	\$175.20	\$0.00

*Adjustments submitted for approval on or before

NCPIS Pending Release/Refund Report. Tuesday, December 20, 2022*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ NUMBER	USER ID	STATUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
TIGERINVESTMENTS, LLC	0003107471-2022-2022-0000	ALL BUSINESS CORRESPONDENCE HAS BEEN RETURNED AS UNDELIVERABLE. DISCOVERY ABSTRACT VOIDED DUE TO PRESUMPTION THAT DISCOVERY BILL ISNT GOOD TO HAVE ON THE BOOKS.	(\$31,230)	8415	LSTACK	924 7TH AVE E HENDERSONVILLE NC 28792	JURSD17	TAX LATE LIST FEE TOTAL:	\$175.20 \$17.52	\$0.00 \$0.00	\$175.20 \$17.52	\$0.00 \$0.00
								TAX LATE LIST FEE TOTAL:	\$53.09 \$5.31	\$0.00 \$0.00	\$53.09 \$5.31	\$0.00 \$0.00
								TOTAL:	\$58.40	\$0.00	\$58.40	\$0.00
								ABSTRACT TOTAL:	\$251.12	\$0.00	\$251.12	\$0.00
								TAX LATE LIST FEE TOTAL:	\$698.45 \$0.00	\$0.00 \$0.00	\$698.45 \$0.00	\$0.00 \$0.00
								TOTAL:	\$211.50	\$0.00	\$211.50	\$0.00
								ABSTRACT TOTAL:	\$211.50	\$0.00	\$211.50	\$0.00
OWNER TOTAL:			(\$93,690)								\$821.85	\$0.00
											\$211.50	\$0.00
											\$211.50	\$0.00
OWNER TOTAL:			(\$37,700)								\$211.50	\$0.00
GRAND TOTALS:			(\$462,879)								\$3,100.17	\$0.00

**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

Rebecca K. McCall
Chairman
J. Michael Edney
Vice-Chairman



William G. Lapsley
Daniel J. Andreotta
David H. Hill

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING
THE DISPOSITION OF PERSONAL PROPERTY BY DONATION**

WHEREAS, Henderson County owns the Power Load Cot Fasteners itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the Power Load Cot Fasteners as surplus and transferring to the Henderson County Rescue Squad via donation as authorized by N.C.G.S. 160A-280; and

WHEREAS, it is the intent of the County to donate said surplus property.

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

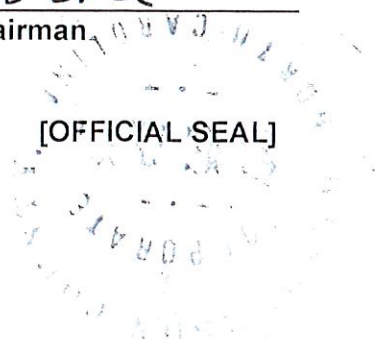
1. The Power Load Cot Fasteners itemized on the attached Exhibit B is hereby declared to be surplus property.
2. Henderson County Emergency Medical Services is hereby authorized to transfer by donation, the surplus property described above to the Henderson County Rescue Squad.
3. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.

THIS the 3rd day of January, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Rebecca McCall
Rebecca McCall, Chairman

ATTEST:
Denisa Lauffer
Denisa Lauffer, Clerk to the Board



REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: January 3, 2023

SUBJECT: Facility Use Policy Exemption – NCAJ High School Moot Court Competition

PRESENTER: Vice-Chairman J. Michael Edney

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

The County has received a request to appropriate the sum of \$3,000 to support the NCAJ High School Moot Court Competition, and to waive facility fees and security fees for the Regional Competition being held in the Henderson County Courthouse this coming February 2023.

The Henderson County Board of Commissioners are helping to sponsor this event in support of our local high schools and student who participate in the program, but also, in 2023, in recognition of the 140th Anniversary of the Henderson County Bar Association which was the first bar association in the state of North Carolina.

To allow for this use, the Board is requested to grant a one-time waiver of the facility fees and security fees as outlined in the County's Facility Use Policy.

BOARD ACTION REQUESTED:

The Board is requested to grant an exemption to the County Facility Use Policy for the NCAJ High School Moot Court Competition in February 2023, and the associated Budget Amendment as presented.

SUGGESTED MOTION:

I move that the Board grant an exemption to the County Facility Use Policy for the NCAJ High School Moot Court Competition in February 2023, and the associated Budget Amendment as presented.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Dues and Non-Profits

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115402-569900</u>	<u>Payments to Other Agencies</u>	<u>\$3,000</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$3,000</u>
_____	_____	_____
_____	_____	_____

Justification *Please provide a brief justification for this line-item transfer request.*
To support the NCAJ High School Moot Court Competition. Approved by the Board January 3, 2023.

<u>Budget</u>	<u>1/3/2023</u>
Authorized by Department Head	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date
_____	_____

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____

STATE OF NORTH CAROLINA

CONTRACTOR'S FEDERAL I.D.

COUNTY OF WAKE

566000307

N.C. Parks and Recreation Trust Fund Project Agreement

Grantee: Henderson County

Project Number: 2023 - 1014

Project Title: Redefining Etowah Park

Period Covered by This Agreement: 11/1/2022 to 10/31/2025

Project Scope (Description of Project): Playground, fitness equipment, picnic area, pickleball/basketball courts, site prep, site amenities, accessible routes, contingency, planning.

Project Costs: PARTF Amount \$ 286,125

Local Government Match \$ 286,125

Conditions

The North Carolina Department of Natural and Cultural Resources (hereinafter called the "Department") and County of Henderson (hereinafter referred to as "Grantee") agree to comply with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances described in the North Carolina Parks and Recreation Trust Fund (PARTF) administrative rules and grant application which are hereby by reference made a part of the PARTF grant contract and which are on file with the Division of Parks and Recreation. In addition, the Department and the Grantee agree to comply with the State of North Carolina's Terms and Conditions as listed in "Attachment A" to this contract.

Now, therefore, the parties hereto do mutually agree as follows:

Upon execution of this grant agreement, the Department hereby promises, in consideration of the promises by the Grantee herein, to obligate to the Grantee the grant amount shown above. The Grantee hereby promises to efficiently and effectively manage the funds in accordance with the approved budget, to promptly complete grant assisted activities described above in a diligent and professional manner within the project period, and to monitor and report work performance.

The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation and availability of funds for this purpose to the Department.

Section I. Eligible Project Costs and Fiscal Management

1. The PARTF grant amount must be matched on at least a dollar-for-dollar basis by the Grantee. To be eligible, project costs must be incurred during the contract period, be documented in the grant application, and described in the project scope of this agreement, and initiated and/or undertaken after execution of this agreement by the Grantee and the Department.
2. PARTF assistance for land acquisition will be based on the fair market value of real property or the sales price, whichever is less. Value must be based upon an independent appraisal by a licensed appraiser holding a general or residential certification from the North Carolina Appraisal Board. The Department shall review the appraisal as to content and valuation. Approval of appraised amounts rests with the Department. The Grantee agrees to begin development on PARTF acquired land within five (5) years of the date this contract is signed by the Department and Grantee in order to allow general public access and use.
3. Payment shall be made in accordance with the contract documents as described in the Scope of Work (Attachment B). Payment for work performed will be made upon receipt and approval of invoice(s) from the Grantee documenting the costs incurred in the performance of work under this contract. Invoices may be submitted to the Contract Administrator

G.S.143-135; Uniform Relocation Assistance Act (G.S. 133-5 to 133-18); Conflict of Interest (G.S. 14-234); Contractors Must use E-Verify (G.S. 143-48.5); Americans With Disabilities Act of 1990 (P.L. 101-336) and ADA Accessibility Guidelines; N.C. State Building Code; and the North Carolina Environmental Policy Act (G.S. 113A-1 to G.S. 113A-12), and Sales Tax Refund (G.S. 105-164.14(c)).

7. The Grantee agrees it provides a drug-free workplace in accordance to the requirements of the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D).
8. The Grantee agrees to permit periodic audits and site inspections by the Department to ensure work progress in accordance with the approved project, including a close-out inspection upon project completion. After project completion, the Grantee agrees to conduct grant contract compliance inspections at least once every five (5) years and to submit a Department provided inspection report to the Department.
9. The Grantee agrees land acquired with PARTF assistance shall be dedicated in perpetuity as a recreation site for the use and benefit of the public, the dedication will be recorded in the deed of said property and the property may not be converted to other than public recreation use without approval of the Department. The Grantee agrees to maintain and manage PARTF assisted development/ renovation projects for public recreation use for a minimum period of twenty-five (25) years after project completion.
10. The Grantee agrees to operate and maintain the project site so as to appear attractive and inviting to the public, kept in reasonably safe repair and condition, and open for public use at reasonable hours and times of the year, according to the type of facility and area.
11. The Grantee shall agree to place utility lines developed with PARTF assistance underground.
12. If the project site is rendered unusable for any reason whatsoever, the Grantee agrees to immediately notify the Department of said conditions and to make repairs, at its own expense, in order to restore use and enjoyment of the project by the public.
13. The Grantee agrees not to discriminate against any person on the basis of race, sex, color, national origin, age, residency or ability in the use of any property or facility acquired or developed pursuant to this agreement.
14. The Grantee certifies that it:
 - (a) Has neither used nor will use any appropriated funds for payment to lobbyists;
 - (b) Will disclose the name, address, payment details, and purposes of any agreement with lobbyists whom Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and,
 - (c) Will file quarterly updates about the use of lobbyists if material changes occur in their use.

Section III. Project Termination and Applicant Eligibility

1. The Grantee may unilaterally rescind this agreement at any time prior to the expenditure of funds on the project described in this contract.
2. If through any cause, the Grantee fails to fulfill in a timely and proper manner the obligations under this contract, the Department shall thereupon have the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reasons thereof. In that event, the Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this contract.
3. Failure by the Grantee to comply with the provisions and conditions set forth in the formal application, PARTF administrative rules and this agreement shall result in the Department declaring the Grantee ineligible for further participation in PARTF, in addition to any other remedies provided by law, until such time as compliance has been obtained to the satisfaction of the Department.

**General Terms and Conditions
Governmental Entities
May 1, 2011**

DEFINITIONS

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Agency" (as used in the context of the definitions below) means and includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political sub-agency of government. For other purposes in this Contract, "Agency" means the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and sub-grantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by an agency, grantee, or sub-grantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or sub-grantee during the performance of the grant.
- (10) "Grantee" has the meaning in G.S. 143-6.2(b): a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Grantee" shall mean the entity identified as one of the parties hereto. For purposes of this contract, Grantee also includes other State agencies such as universities.
- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
- (12) "Non-State Entity" has the meaning in N.C.G.S. 143-6.2(a)(1): A firm, corporation, partnership, association, county, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution.
- (13) "Public Authority" has the meaning in N.C.G.S. 143-6.2(a)(3): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation and (ii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are sub-granted to other organizations. Pursuant to N.C.G.S. 143-6.2(b), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.
- (17) "Sub-grantee" has the meaning in G.S. 143-6.2(b): a non-State entity that receives a grant of State funds from a grantee or from another sub-grantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

Force Majeure: Neither party is in default of its obligations hereunder if and it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: Any and all copyrights resulting from work under this agreement shall belong to the Grantee. The Grantee hereby grants to the North Carolina Department of Environment and Natural Resources a royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work under this agreement for North Carolina State Government purposes only.

Compliance with Applicable Laws

Compliance with Laws: The Grantee understands and agrees that is subject to compliance with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Grantee understands and agrees that it is subject to compliance with all federal and State laws relating to equal employment opportunity.

Confidentiality

Confidentiality: As authorized by law, the Grantee keeps confidential any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement and does not divulge or make them available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract or without the prior written approval of the Agency.

Oversight

Access to Persons and Records: The State Auditor and the using agency's internal auditors shall have access to persons

and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the contractor during the term of the contract to verify accounts and data affecting fees or performance). The Contractor shall retain all records for a period of three years following completion of the contract or until any audits begun during this period are completed and findings resolved, whichever is later.

Record Retention: The Grantee may not destroy, purge or dispose of records without the express written consent of the Agency. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later.

Time Records: The Grantee will maintain records of the time and effort of each employee receiving compensation from this contract, in accordance with the appropriate OMB circular.

Miscellaneous

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

Scope of Work

**North Carolina Division of Parks and Recreation
Parks and Recreation Trust Fund – Grants Program for Local Governments**

Grantee: Henderson County

Title of Project: Redefining Etowah Park

Project Number: 1014

Contract Number: 2023-1014

Amount of Grant: \$ 286,125

Amount of Match: \$ 286,125

Contact Person for Project: Carleen Dixon

Title: Director of Parks and Recreation
Henderson County

Address: 708 South Grove Street
Hendersonville, NC 28792

Telephone: 828-697-4884

Contact email address: cdixon@hendersoncountync.gov

Scope of Project: Playground, fitness equipment, picnic area, pickleball/basketball courts, site prep, site amenities, accessible routes, contingency, planning.

Length of Project: 36 months (11/1/2022 – 10/31/2025)

Schedule for Reimbursements: Grantee may submit bills quarterly after a significant portion of work has been completed on the project element(s). Not more than 90% of the grant will be reimbursed until the grantee completes the project elements specified in the grant (refer to detailed budget submitted with grant application).

The County of Henderson grant application and support documentation are, by reference, part of the contract. The administrative rules of the N.C. Parks and Recreation Trust Fund are, by reference, a part of the contract.

Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

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



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

RESOLUTION FOR THE COUNTY OF HENDERSON TO SUPPORT FOR THE CITY OF HENDERSONVILLE APPLICATION FOR A NCDOT PAVED TRAILS AND SIDEWALK FEASIBILITY STUDIES GRANT

WHEREAS, the Board of Commissioners of the County of Henderson considers bicycle and pedestrian transportation to be of utmost importance to the region by providing Western North Carolina with recreation and transportation opportunities as well as increased economic viability and community development; and

WHEREAS, the Board of Commissioners of the County of Henderson adopted a Greenway Master Plan on April 1, 2019, supporting a regional greenway network throughout Henderson County, identifying the Oklawaha Greenway and Ecusta Trail as Priority Greenways; and

WHEREAS, the North Carolina Department of Transportation (NCDOT)'s Division of Integrated Mobility (IMD) has recently implemented a Paved Trails and Sidewalk Feasibility Studies Grant Program, and the City of Hendersonville will submit an application to the Program; and

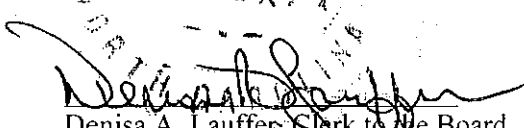
WHEREAS, the purpose of the Paved Trails and Sidewalk Feasibility Studies Grant Program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure; and

WHEREAS, a feasibility study will produce a well-conceived project with demonstrated community support that will be competitive in the State Transportation Improvement Program (STIP) and for federal investment. Quantity-based preliminary cost estimates will be generated for route alignments to help inform further decision making, identify funding needs, and develop next steps for project implementation; and

WHEREAS, an application will be submitted to the Paved Trails and Sidewalk Feasibility Study Grant Program for a preliminary project titled, "Above the Mud," which includes the study of a connection to the Ecusta Trail from the Oklawaha Greenway and 7th Avenue, as well as flood mitigation;

NOW THEREFORE, BE IT RESOLVED that the County of Henderson supports the City of Hendersonville application to NCDOT for the Paved Trails and Sidewalk Feasibility Studies Grant, to further study the "Above the Mud" project, to engage the community, determine potential solutions, and develop cost estimates for project implementation.

ADOPTED:


Denisa A. Lauffer, Clerk to the Board


Rebecca McCall, Chairman

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised February 19, 2020)

DEPARTMENT: Tax – Real Property and Personal Property

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
2014 Appraisal Monitoring Records 6 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 1	
Individual and Business Personal Property Listing Forms 2009-2010, 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 18	
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

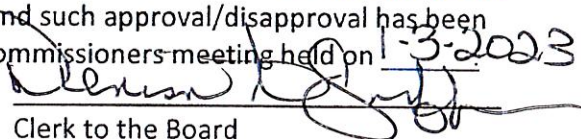
* If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

DEPARTMENT HEAD: _____

DATE: _____

Submitted to the Henderson County Board of Commissioners. The Board: **APPROVED**
 DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on 1-3-2023

Clerk to the Board

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised February 19, 2020)

DEPARTMENT: Tax (Administrative)

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
Board of Equalization and Review 2014 Appeals 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 2	
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>		

* If duplication is required, indicate method.

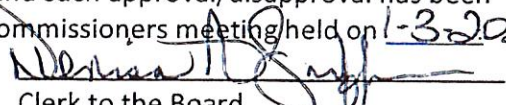
Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

DEPARTMENT HEAD: _____

DATE: _____

Submitted to the Henderson County Board of Commissioners. The Board: **APPROVED**
 DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on 1-3-2023


Clerk to the Board

HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE
PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised February 19, 2020)

DEPARTMENT: Tax - Tax Relief and Collections

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	DUPLICATED *		
Attachment & Garnishment Records 2018-2019 4 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 9 Item 1	
Daily Cash Reports June 2021 and previous 4 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 2 Item 25	
Removed Deferred Taxes 1 box	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 4	
Tax Relief Supporting Records 8 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 9	
Denied Tax Relief 3 boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard 8 Item 9	

* If duplication is required, indicate method.

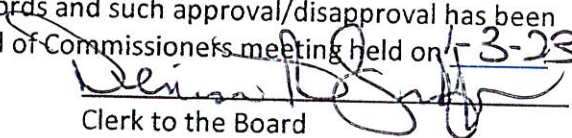
Approval is requested for the records listed above to be destroyed in accordance with the provisions of NCGS 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

DEPARTMENT HEAD: _____

DATE: _____

Submitted to the Henderson County Board of Commissioners. The Board: APPROVED
 DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on 3-23


Clerk to the Board