

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, MARCH 6, 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, Budget Analyst Jennifer Miranda, Engineer Marcus Jones, Chief Communications Officer Mike Morgan, Tax Assessor Darlene Burgess, Assistant Tax Assessor Kevin Hensley, Human Resources Director Karen Ensley, Code Enforcement Director Matt Champion, Planner Liz Hanson, Purchasing Agent Doug Guffey, Emergency Management/Rescue Coordinator Jimmy Brissie, Strategic Project Coordinator Erick Mendez, Social Services Director Jerrie McFalls, Assistant County Engineer Deb Johnston, PIO Kathy Finotti – videotaping, and Deputies Carl Greco and Matthew Covil provided security

CALL TO ORDER/WELCOME

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

INVOCATION

Chief Communications Officer Mike Morgan provided the invocation.

PLEDGE OF ALLEGIANCE

Hannah Queen, with the Barnyard Bandits 4-H Club, led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENT

1. Bert Lemkes spoke regarding the 2045 Comprehensive Plan.
2. Al Jones spoke regarding the pickleball courts at Jackson Park. He said the lines painted for pickleball play need to be painted brighter so players can see the lines. He also requested that the Public be allowed to use the weight room located at the Henderson County Activity Center. The weight room is currently for use by county employees only.
3. Michelle Tennant spoke of the importance of protecting pollinators for local beekeepers.
4. Tommy Laughter introduced himself to the Board as the field representative for Congressman Chuck Edwards' office. He also thanked the Board for their participation in the all-inclusive playground project that is currently in progress at Jackson Park.
5. Margaret Lee spoke regarding the recent Tax Revaluations and urged the Board to lower the tax rate. She also stated that she would like Etowah to become more of a destination than just a pass-through community.
6. Katie Breckheimer spoke of the need for stronger language in the 2045 Comprehensive Plan. She believes the plan should use the word create in place of the word consider.

Approved: March 15, 2023

Comments submitted via email.

1. Grady Nance emailed the following: He believes the goals outlined in the plan are reasonable. However, he said many good actions were weakened by the language revisions to use the word “consider” an action. He believes this change in language makes those goals “wishes” instead of actual goals.
2. Whipp Johnson shared the following in his email: He urged the Board to restore to the final plan the language that was removed from the November draft regarding clean energy. He also asked the Board to develop creative incentives that will actively encourage the use of clean energy in the County.

DISCUSSION/ADJUSTMENT OF AGENDA

Vice-Chair Edney made the motion to adopt the agenda as presented. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):
February 15, 2023 - Regularly Scheduled Meeting

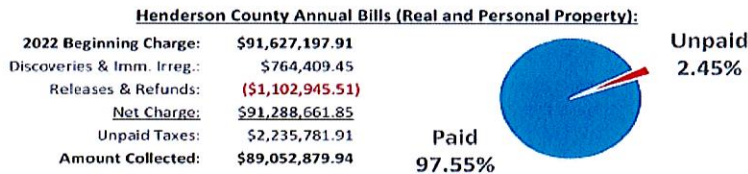
Motion:

I move the Board approve the minutes of February 15, 2023.

Tax Collector’s Report

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

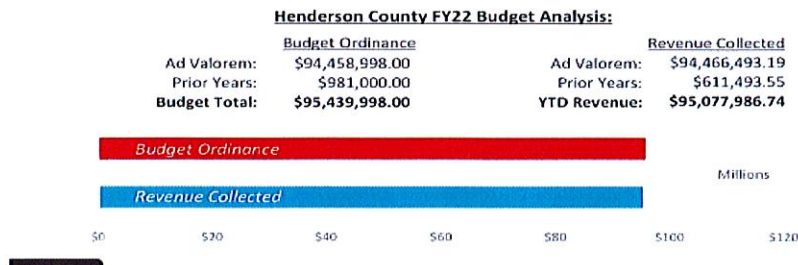
Please find outlined below collections information through February 22, 2023 for 2022 real and personal property bills mailed on August 5, 2022. Vehicles taxes are billed monthly by NC DMV.



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

Net Charge:	\$5,429,749.31
Unpaid Taxes:	\$16,136.06
Amount Collected:	\$5,413,613.25

99.70%



2023.30 Pending Releases and Refunds

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

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 2,327.71
Total Refunds as a result of the Above Releases	\$ 252.18

Motion:

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

County Financial Report/Cash Balance Report – January 2023

The January 2023 County Financial and Cash Balance Reports were presented for the Board’s review.

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

- Dues/Non-Profit Contributions – payment of 3rd quarter Board appropriations
- Human Resources – the timing of board-approved purchases
- Rescue Squad – payment of 3rd quarter Board appropriation
- Site Development – the timing of board-approved purchases
- Heritage Museum – the timing of payment of monthly Board appropriation
- Agri-Business – excess operating expenditures, to be covered by membership fees
- Mental Health – payment of 3rd quarter Board appropriation
- Juvenile Justice Programs – receipt and disbursement of additional program funding
- Public Education – Payment of 7 of 10 annual appropriations made to the public school system

Year to Date Net Revenues under Expenditures for the Emergency Telephone System (911) Fund is due to the utilizing fund balance appropriations for FY23.

Year to Date Net Revenues under Expenditures for the Misc. Other Governmental Activities Fund is due to the expenditure of program funds held in fund balance received during the previous fiscal year.

Year to Date Net Revenues under Expenditures for the ARPA Fund is due to Board approved expenditures from restricted fund balance for ARPA funds received in a previous fiscal year.

Motion:

I move that the Board of Commissioners approve the January 2023 County Financial Report and Cash Balance Report as presented.

HENDERSON COUNTY
FINANCIAL REPORT
NOVEMBER 2022

GENERAL FUND REVENUES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
General Fund	191,822,899	19,972,409.05	130,576,049.53	68.1%	-	130,576,049.53

GENERAL FUND EXPENDITURES						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
Governing Body	574,991.00	89,815.72	337,622.62	58.7%	-	337,622.62
Dues/Non-Profit Contributions	1,011,401.00	114,075.11	766,868.20	75.8%	-	766,868.20
County Manager	392,022.00	19,503.30	153,511.69	39.2%	-	153,511.69
Administrative Services	753,341.00	46,048.64	398,920.79	53.0%	-	398,920.79
Human Resources	1,174,860.00	92,635.58	695,141.72	59.2%	-	695,141.72
Elections	994,733.00	38,723.75	522,965.03	52.6%	21,850.87	544,815.90
Finance	1,249,748.00	77,293.05	717,648.10	57.4%	-	717,648.10
County Assessor	1,996,430.00	118,057.54	1,010,166.42	50.6%	-	1,010,166.42
Tax Collector	543,131.00	30,625.02	268,216.05	49.4%	-	268,216.05
Legal	991,880.00	70,763.94	570,047.74	57.5%	-	570,047.74
Register of Deeds	703,454.00	72,548.35	407,091.52	57.9%	17,553.59	424,645.11
Facilities Services	5,774,050.00	370,779.23	2,530,113.45	43.8%	568,341.05	3,098,454.50
Garage	475,053.00	56,159.01	203,174.16	42.8%	-	203,174.16
Court Facilities	153,000.00	13,155.73	73,832.39	48.3%	1,209.93	75,042.32
Information Technology	5,740,519.00	363,323.10	2,619,949.86	45.6%	510,170.00	3,130,119.86
Sheriff	22,552,764.00	1,810,360.76	11,853,016.77	52.6%	243,947.25	12,096,964.02
Detention Center	6,280,838.00	464,689.03	3,192,841.18	50.8%	252,161.59	3,445,002.77
Emergency Management	1,021,219.00	72,681.46	548,688.31	53.7%	60,283.70	608,972.01
Fire Services	824,220.00	30,275.69	345,372.36	41.9%	91,260.00	436,632.36
Building Services	1,505,530.00	108,692.30	784,037.53	52.1%	-	784,037.53
Wellness Clinic	1,352,315.00	106,839.19	745,936.90	55.2%	64,389.89	810,326.79
Emergency Medical Services	9,462,971.00	624,050.07	4,730,505.22	50.0%	32,760.63	4,763,265.85
Animal Services	864,123.00	62,899.88	447,497.73	51.8%	65,689.76	513,187.49
Rescue Squad	557,750.00	134,160.29	422,086.21	75.7%	-	422,086.21
Forestry Services	91,484.00	6,334.10	21,356.04	23.3%	-	21,356.04
Soil & Water Conservation	794,678.00	38,159.00	249,350.16	31.4%	373,906.00	623,256.16
Planning	913,427.00	75,827.64	470,594.64	51.5%	1,230.51	471,825.15
Code Enforcement Services	335,195.00	36,012.65	185,583.40	55.4%	-	185,583.40
Site Development	247,341.00	18,585.19	154,561.68	62.5%	-	154,561.68
Heritage Museum	100,000.00	16,666.66	66,666.64	66.7%	-	66,666.64
Cooperative Extension	598,356.00	32,854.87	268,141.14	44.8%	-	268,141.14
Projects Management	286,800.00	12,880.42	114,386.55	39.9%	-	114,386.55
Economic Development	801,724.00	108,500.00	325,500.00	40.6%	-	325,500.00
Agri-Business	187,268.00	17,758.94	131,652.41	70.3%	-	131,652.41
Public Health	13,531,858.00	703,884.06	5,503,659.57	40.7%	484,350.65	5,988,010.22
Environmental Health	1,705,286.00	112,679.34	812,184.51	47.6%	13,413.01	825,597.52
H&CC Block Grant	820,541.00	67,517.50	407,056.25	49.6%	-	407,056.25
Medical Services - Autopsies	90,000.00	8,600.00	36,900.00	41.0%	-	36,900.00
Mental Health	528,612.00	132,153.00	396,459.00	75.0%	-	396,459.00
Rural Transportation Assist Program	201,384.00	19,443.53	81,836.53	40.6%	-	81,836.53
Social Services	20,668,003	1,376,693.11	10,615,955.55	51.3%	33,893.70	10,649,849.25
Juvenile Justice Programs	218,745.00	62,317.00	167,197.50	76.4%	-	167,197.50
Veteran Services	141,120.00	8,256.29	48,967.51	34.7%	-	48,967.51
Public Library	4,001,274.00	263,077.24	2,223,819.37	55.6%	171,215.24	2,395,034.61
Recreation	2,684,351.00	155,582.60	1,423,551.94	53.0%	63,146.31	1,486,698.25
Public Education	38,362,938	7,626,803.51	26,690,803.50	69.6%	-	26,690,803.50
Debt Service	19,668,907	2,300.00	8,847,925.51	45.0%	-	8,847,925.51
Non-Departmental	7,323,542.00	237,273.42	3,227,217.94	44.1%	-	3,227,217.94
Interfund Transfers	10,549,722	897,476.84	6,162,337.88	58.4%	-	6,162,337.88
TOTAL	191,822,899	17,025,992.65	102,978,917.17		3,070,773.68	106,049,690.85
Net Revenues over (under) Exp.	-	2,946,416.40	27,597,132.36		(3,070,773.68)	24,526,358.68

APPROPRIATIONS DETAIL						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOCIAL SERVICES						
Staff Operations	16,726,787.00	1,124,089.95	8,823,717.96	52.8%	33,893.70	8,857,611.66
Federal & State Programs	3,860,216.00	248,461.81	1,753,956.61	45.4%	-	1,753,956.61
General Assistance	101,000.00	4,141.35	36,280.98	37.9%	-	38,280.98
TOTAL	20,688,003	1,376,693.11	10,615,955.55		33,893.70	10,649,849.25
EDUCATION						
Schools Current/Capital Expense	33,112,938.00	6,751,603.51	23,190,603.50	70.0%	-	23,190,603.50
Blue Ridge Community College	5,250,000.00	875,000.00	3,500,000.00	66.7%	-	3,500,000.00
TOTAL	38,362,938	7,626,603.51	26,690,603.50		-	26,690,603.50
DEBT SERVICE						
Public Schools	11,951,709.00	2,300.00	4,628,688.01	38.7%	-	4,628,688.01
Blue Ridge Community College	3,372,266.00	-	1,769,870.07	52.5%	-	1,769,870.07
Henderson County	4,344,932.00	-	2,449,367.43	56.4%	-	2,449,367.43
TOTAL	19,668,907	2,300.00	8,847,925.51		-	8,847,925.51
INTERFUND TRANSFERS						
Public Transit Fund	14,874	1,239.50	8,676.50	58.3%	-	8,676.50
Capital Projects Fund	250,000	20,833.34	145,833.38	58.3%	-	145,833.38
Capital Reserve Fund	1,710,808	142,567.33	997,971.31	58.3%	-	997,971.31
Fire Districts Fund	20,000	20,000.00	20,000.00	100.0%	-	20,000.00
HCPS MRTS	5,132,424	427,702.00	2,993,914.00	58.3%	-	2,993,914.00
BRCC MRTS	3,421,616	285,134.67	1,995,942.69	58.3%	-	1,995,942.69
TOTAL	10,549,722	897,476.84	6,162,337.88		-	6,162,337.88
SPECIAL REVENUE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
FIRE DISTRICTS FUND						
Revenues:	12,264,624	1,543,245.65	11,827,830.81	94.8%	-	11,827,830.81
Expenditures:	12,264,624	2,577,175.61	10,107,288.78	82.4%	-	10,107,288.78
Net Revenues over (under) Exp	-	(1,033,929.86)	1,520,541.83		-	1,520,541.83
REVALUATION RESERVE FUND						
Revenues:	1,517,381	128,972.87	900,671.56	59.4%	-	900,671.56
Expenditures:	1,517,381	158,817.19	819,877.27	54.0%	-	819,877.27
Net Revenues over (under) Exp	-	(29,844.32)	80,794.29		-	80,794.29
EMERGENCY TELEPHONE SYSTEM (911) FUND						
Revenues:	452,332	7,730.38	47,737.62	10.6%	-	47,737.62
Expenditures:	452,332	34,358.32	244,737.03	54.1%	-	244,737.03
Net Revenues over (under) Exp	-	(26,627.94)	(196,999.41)		-	(196,999.41)
PUBLIC TRANSIT FUND						
Revenues:	1,088,403	15,312.11	659,547.12	60.6%	-	659,547.12
Expenditures:	1,088,403	73,998.88	388,937.51	35.6%	71,273.88	458,211.39
Net Revenues over (under) Exp	-	(58,686.75)	272,609.61		(71,273.88)	201,335.73
MISC. OTHER GOVERNMENTAL ACTIVITIES						
Revenues:	1,193,856	41,314.51	387,317.67	32.4%	-	387,317.67
Expenditures:	1,193,856	35,601.63	815,960.19	68.3%	-	815,960.19
Net Revenues over (under) Exp	-	5,712.88	(428,642.52)		-	(428,642.52)
ARPA FUND						
Revenues:	1,424,992	26,355.99	170,405.85	12.0%	-	170,405.85
Expenditures:	1,424,992	(742,655.34)	682,338.66	47.9%	466,608.83	1,148,945.49
Net Revenues over (under) Exp	-	769,011.33	(511,930.81)		(466,608.83)	(978,539.64)
OPIOID FUND						
Revenues:	-	59,738.30	817,341.76		-	817,341.76
Expenditures:	-	-	18.08		-	18.08
Net Revenues over (under) Exp	-	59,738.30	817,323.68		-	817,323.68

HENDERSON COUNTY
FINANCIAL REPORT
NOVEMBER 2022

CAPITAL PROJECTS						
	BUDGET	CURRENT MONTH	PROJECT TO DATE	% USED	ENCUMBRANCES	TOTAL
EDNEYVILLE ELEMENTARY SCHOOL PROJECT (1702)						
Revenues:	28,854,138	8,912.80	27,787,323.92	103.5%	-	27,787,323.92
Expenditures:	28,854,138	-	25,331,294.76	94.3%	-	25,331,294.76
Net Revenues over (under) Exp	-	6,912.80	2,456,029.16		-	2,456,029.16
HENDERSONVILLE HIGH SCHOOL PROJECT - 2019 (1903)						
Revenues:	60,442,694	-	61,165,283.96	101.2%	-	61,165,283.96
Expenditures:	60,442,694	-	60,937,920.87	100.8%	107,501.33	61,045,422.20
Net Revenues over (under) Exp	-	-	227,363.09		(107,501.33)	119,861.76
BRCC PATTON BUILDING PROJECT (1904)						
Revenues:	24,800,016	-	25,487,986.04	102.8%	-	25,487,986.04
Expenditures:	24,800,016	-	24,870,673.35	100.3%	324,184.04	25,194,857.39
Net Revenues over (under) Exp	-	-	617,312.69		(324,184.04)	293,128.65

ENTERPRISE FUNDS						
	BUDGET	CURRENT MONTH	YEAR TO DATE	% USED	ENCUMBRANCES	TOTAL
SOLID WASTE LANDFILL FUND						
Revenues:	8,739,933	712,096.92	5,002,326.96	57.2%	-	5,002,326.96
Expenditures:	8,739,933	759,167.65	4,907,038.76	56.1%	2,539,713.81	7,446,752.57
Net Revenues over (under) Exp	-	(47,070.73)	95,288.20		(2,539,713.81)	(2,444,425.61)
JUSTICE ACADEMY SEWER FUND						
Revenues:	65,781	4,839.82	31,962.63	48.6%	-	31,962.63
Expenditures:	65,781	3,196.96	22,284.01	33.9%	-	22,284.01
Net Revenues over (under) Exp	-	1,442.86	9,678.62		-	9,678.62

HENDERSON COUNTY
CASH BALANCE REPORT
JANUARY 2023

Fund(s)	12/31/22 Beg. Cash Balance	Debits Revenues	(Credits) Expenditures	01/31/23 Ending Cash Balance
General	\$ 118,329,635.65	\$ 22,426,110.45	\$ (19,610,187.21)	\$ 121,145,558.89
Special Revenue	41,670,009.95	2,703,116.78	(2,911,512.19)	\$ 41,461,614.54
Capital Projects	4,721,327.02	149,387.21	(710,620.25)	\$ 4,160,093.98
Enterprise	1,313,670.71	714,171.62	(750,073.80)	\$ 1,277,768.53
HCPS - Maint. and Repair	7,284,277.98	427,702.00	-	\$ 7,711,979.98
BRCC - Maint. and Repair	2,441,716.00	136,893.00	-	\$ 2,578,609.00
Custodial	5,006,193.99	2,207,923.52	(4,541,167.85)	\$ 2,672,949.66
Total	\$ 180,766,831.30	\$ 28,765,304.58	\$ (28,523,561.30)	
Total cash available as of 1/31/2023				\$ 181,008,574.58

Notification of Vacancies

Approved: March 15, 2023

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

1. Fletcher Planning Board/Zoning Board of Adjustment – 1 vac.
Position # 1 (Position Requirement: Reside in the Fletcher ETJ)

2023.31 Beaver Management Assistance Program

Henderson County is currently enrolled in a partnership with USDA to remove nuisance beavers damaging our waterways. The County has exceeded its allotted site visits and is now at 67 with five (5) requests pending. To continue the program for the remainder of the fiscal year, the USDA requested an additional \$5,000.

Participating counties receive BMAP services based on the overall amount of funding the program receives that fiscal year (which impacts the number of wildlife specialists that can be funded) and the total number of participating counties. The participation fee a county contributes allows landholders in that county to receive beaver and dam removal services at the reduced BMAP cost-share rate, as well as free technical assistance (guidance) from wildlife specialists. Services are provided on public (NCDOT-owned) and private (non-NCDOT) lands in the county. Wildlife specialists typically make 80-112 site visits (42-55 non-NCDOT and 38-57 NCDOT) to each participating county in a year.

Motion:

I move the Board authorize Staff to execute the Cooperative Service Agreement with the USDA and approve the attached Budget Amendment appropriating \$5,000 from Fund Balance to continue the BMAP program through June 30, 2023.

2023.32 Budget Amendment – Flat Rock ARPA Match

On February 6, 2023, the Board of Commissioners approved the application for a Government Service Grant from the Village of Flat Rock. This grant will fund the purchase of EMS Training Simulators and Mannequins as well as the purchase and upfitting of a Quick Response Vehicle for EMS. This locally funded grant is made possible by the American Rescue Plan. The grant of \$65,000 will require a County match of \$35,000 for the vehicle project. Staff recommends using Capital Reserve Funds to fund the balance of the purchase and upfitting of the EMS Quick Response Vehicle during FY23.

Motion:

I move the Board accept the Village of Flat Rock Government Service Grant in the amount of \$65,000 for the purchase of EMS training mannequins and a quick response vehicle and allocate an additional \$35,000 from the Capital Reserve Fund for the balance of the vehicle purchase and upfitting cost.

2023.33 FEMA Emergency Generator Grant and Bid Award

In September 2019, Henderson County submitted a letter of intent to apply for a Hazard Mitigation Grant to fund the purchase and installation of a standby generator at the Athletic and Activity Center. This facility serves as a primary shelter location for disasters. In October 2019, the Board of Commissioners approved the formal application for this project. Following FEMA grant approval in September 2021, staff re-evaluated the project scope. The addition of air conditioning and re-configuration of the power at the facility required additional modification to the generator size needed for the project. A total of \$94,212.78 in Federal and State dollars were awarded for the project. Following a competitive bid process, Staff has determined the lowest responsive, responsible bidder to be Cooper Construction Inc in the amount of \$106,650 in addition to a bid alternate of \$4,950 for a total project cost of \$111,600. Staff recommended

Approved: March 15, 2023

funding the balance of the project from the Capital Reserve Fund to expedite the project considering the fluctuating equipment pricing and availability (\$17,388). Staff confirmed funding the balance of the project with local funds is allowable by the grant guidance.

Motion:

I move the Board approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the AAC Generator project and to accept the low bid from Cooper Construction, Inc in the amount of \$111,600 for the purchase of a generator and authorize the Emergency Management Department to proceed with the purchase.

2023.34 Memorandum of Agreement on Potential Opioid Settlement

Additional defendants have settled in the various opioid class actions, and the settlements are moving forward toward final approval. A proposed Resolution was presented indicating County approval of the concept, and a supplemental agreement that would distribute funds received in settlements with Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreens Co., The distribution of funds would follow the same formula as for previous settlements. (Resolution is attached to these minutes).

Motion:

I move that the Board approve the proposed Resolution and proposed Supplemental Agreement and that the Chair execute the documents on behalf of the County.

BRCC Patton Building Roof Replacement Project

The Board was requested to approve the proposal from AAR of North Carolina, INC. and authorize staff to proceed with the procurement and contract establishment for the BRCC Patton Building, Roof Replacement Project.

The proposal received from AAR of North Carolina INC. was for a total price of \$427,850.00, which includes the three accepted alternates that are provided on the proposal.

Motion:

I move the Henderson County Board of Commissioners award the contract, for BRCC Patton Building, Roof Replacement Project, in the amount of \$427,850.00, which includes the three accepted alternates.

2023.35 Approval of Greater Asheville Regional Airport Authority Financing Resolution

Under the Internal Revenue Code (the "Code") provisions affecting the taxability of borrowings of the Greater Asheville Regional Airport Authority, the County (as well as Buncombe County and the City of Asheville) must approve the borrowings to fulfill the Code's public approval requirement. The Authority has already held a public hearing regarding this borrowing, and its Board has approved the same.

If approved, Henderson County would not be liable for repayment of the debt.

Motion:

I move that the Board approve the Resolution approving the financing of improvements to the Asheville Regional Airport with the proceeds of tax-exempt bonds to be issued by the Greater Asheville Regional Airport Authority.

2023.36 Deeds for Highway Right of Way to NCDOT

NCDOT was seeking execution by the County (as owner) of two “Deeds for Highway Right of Way” in their favor regarding the newly constructed turning lane on U.S. Highway 25 into the new parking area at Hendersonville High School. NCDOT drafted the deeds provided, and they describe the turning area “as built.” Note that the Board of Education has approved these. (Deeds are attached to these minutes).

Motion:

I move that the Board approve the proposed “Highway Easement” deeds to the North Carolina Department of Transportation for the new turning lane at Hendersonville High School and authorize the Chair and county staff to execute and deliver the deeds.

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

PUBLIC HEARINGS

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

2023.37 Public Hearing for Rezoning Application #R-2023-01, Paco Properties LLC, Residential Two Rural (R2) to Local Commercial (LC)

Rezoning Application #R-2023-01, initiated on January 6, 2023, requested that the County rezone approximately 2.25 acres from Residential Two Rural (R2R) to Local Commercial (LC) zoning district. The acreage consists of PIN: 0601-44-4366, located off Gilliam Mountain Rd (SR 1602). The property owner is Paco Properties, LLC. The applicant is Pascual Hernandez.

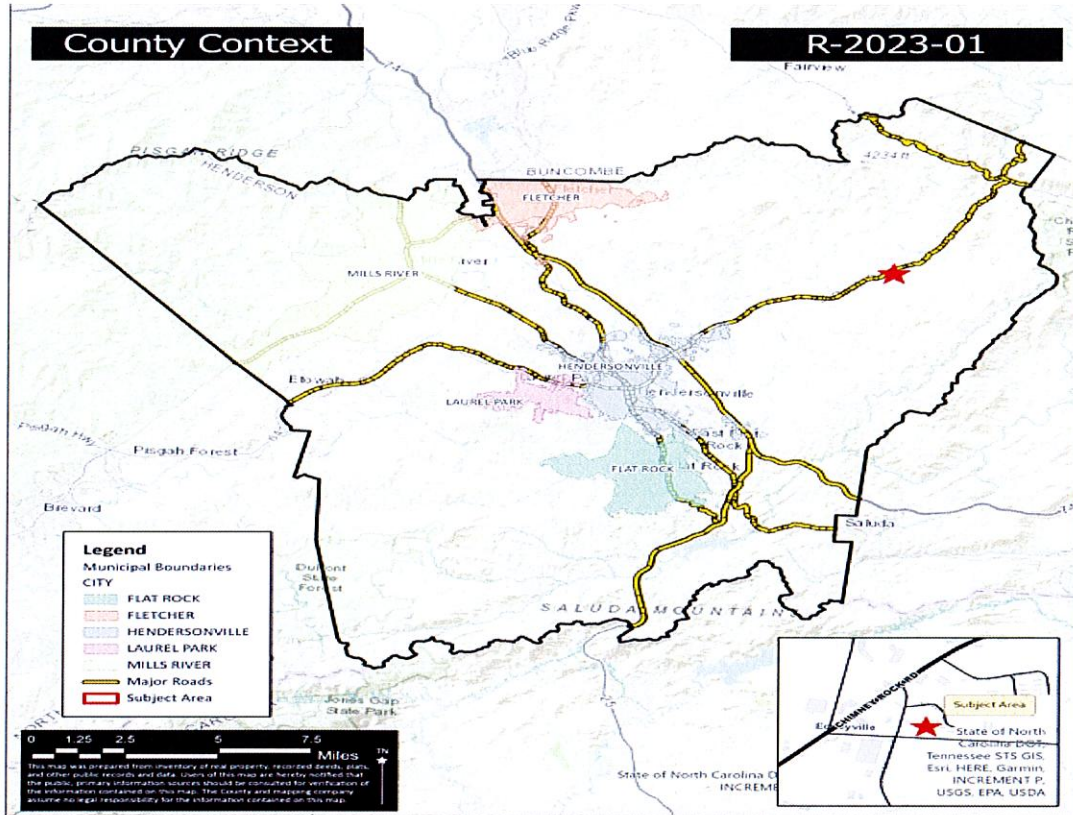
The Technical Review Committee reviewed the application at its February 7th, 2023, meeting, and saw no administrative issues with the request, and voted unanimously to forward the application to the Planning Board. The Planning Board reviewed this request at its February 16th meeting and voted unanimously to send forth a favorable recommendation for approval.

PUBLIC NOTICE:

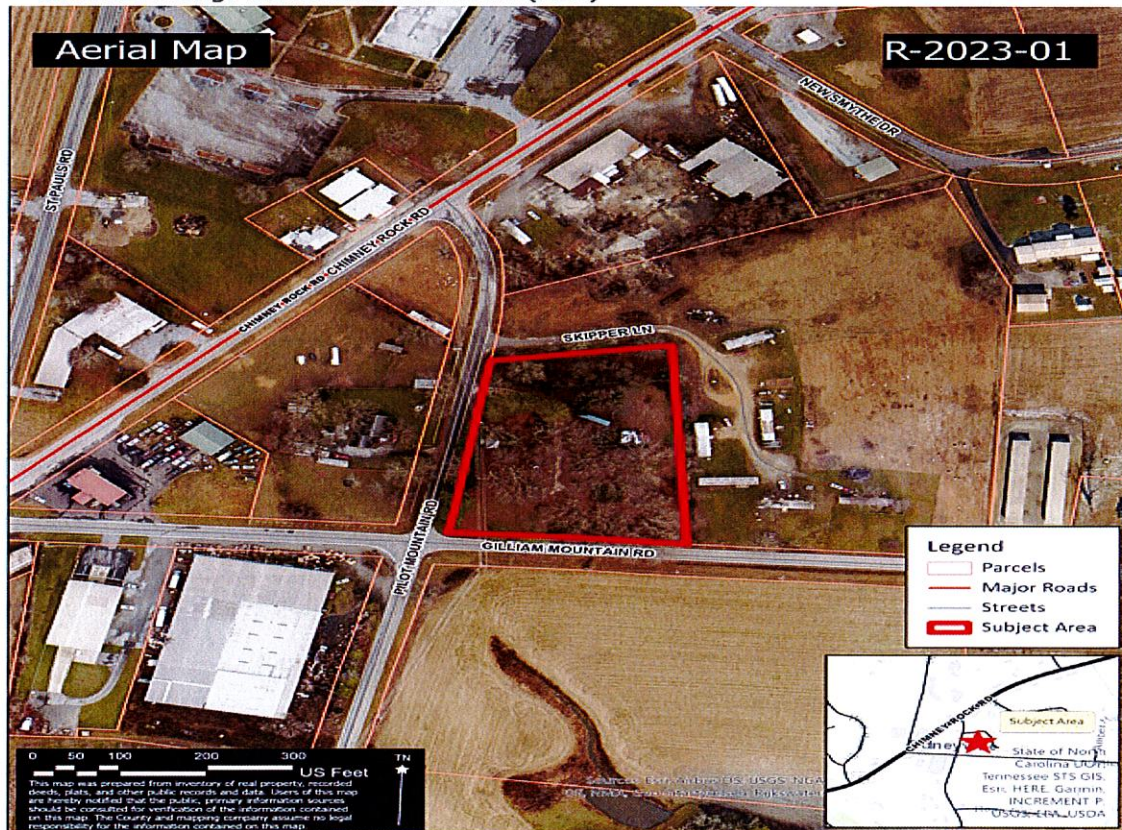
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the March 6, 2023, public hearing regarding rezoning application #R-2023-01 was published in the Hendersonville Lightning on February 22nd and March 1st. The Planning Department sent notices of the hearing via first-class mail to the owners of properties adjacent to the Subject Area on February 17, 2023, and posted signs advertising the hearing on the Subject Area on February 20, 2023.

The applicant, Pascual Hernandez, was seeking to rezone one parcel of property to Local Commercial (LC) from Residential Rural (R2R). The parcel is approximately 2.25 acres.

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Applicant: Pascual Hernandez
Total Surveyed Area: 2.25 Acres
Current Zoning: Residential Two Rural (R2R)



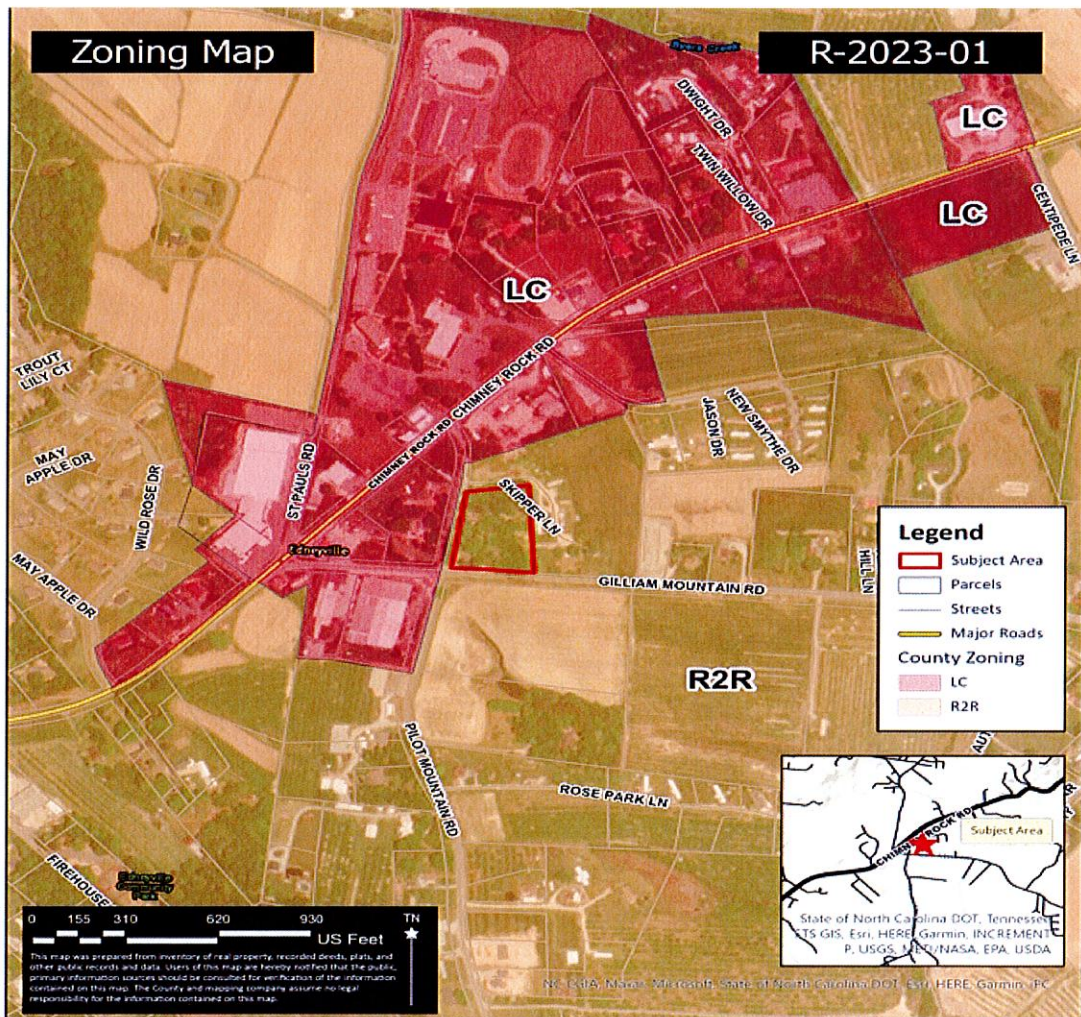
District Comparison

RESIDENTIAL TWO RURAL (R2R)

- Principle land use is residential
- Low to medium density residential development
- Rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan
 - Transitional (RTA)
- Retail Trade uses are not permitted in Residential Two Rural (R2R)

LOCAL COMMERCIAL (LC)

- Principle land use is commercial and residential
- Commercial development consistent with the recommendations of the Comprehensive Plan
 - Ex. 1) includes a variety of retail sales and services....2) is directed largely to Community Service Centers....



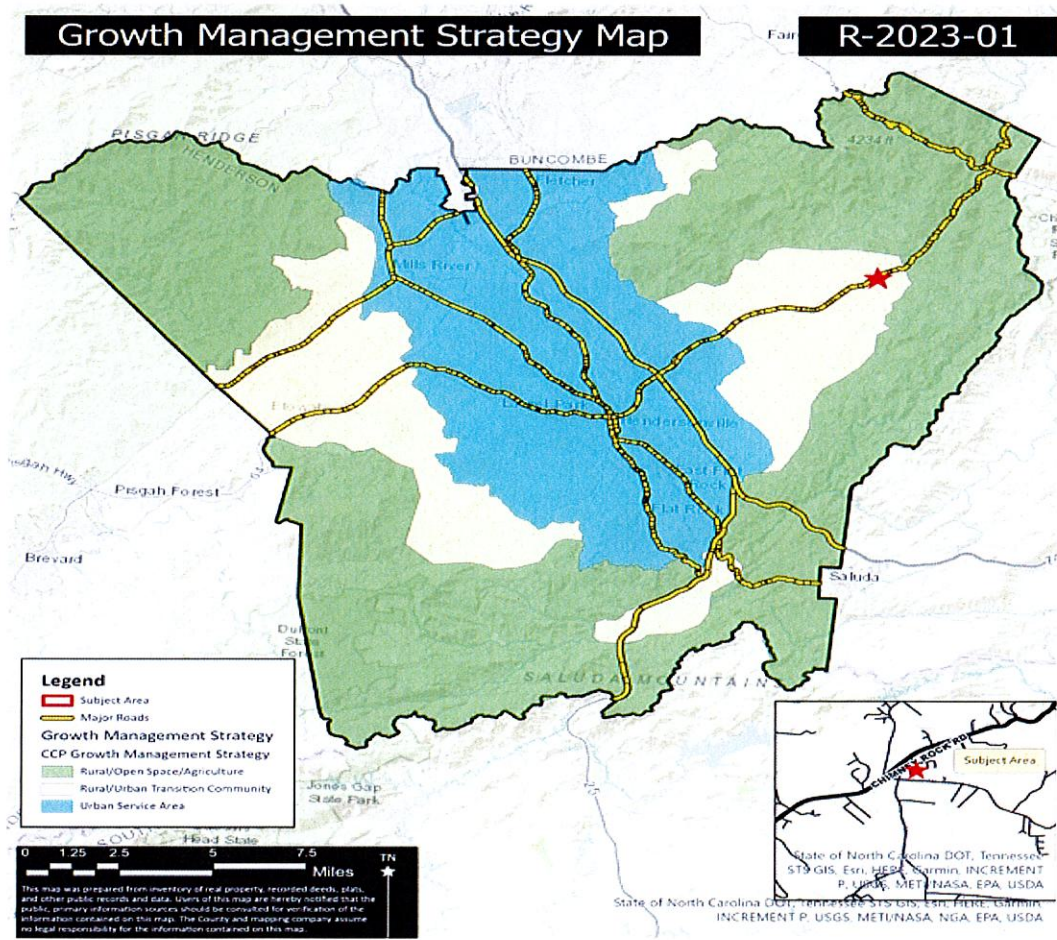
Additional Plans & Studies

The subject area falls within Edneyville Township and the Edneyville Community Plan (2010).

Goal LUD2.1 Local Commercial (LC),
To preserve small local businesses, local scale commercial development should be the Planning Area’s principal type of commercial development. LC zoning should be applied in the following areas:
3. US Highway 64 East/Gilliam Road intersection (See Map 9B (p.71)

Currently, the subject area is served by an individual well and water provided by the City of Hendersonville

The subject area is contiguous with the intersection of Gilliam Mountain Road (SR 1602) and Pilot Mountain Road (SR 1783). A gravel drive runs through the subject area, connecting Gilliam Mountain Road and Pilot Mountain Road



Public Input

1. Ileana Hernandez voiced concern about the environmental impacts the proposed business would have on her property which is adjacent to the subject property.

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

Commissioner Hill made the motion that the Board approve rezoning application #R-2023-01 to rezone the Subject Area from a Residential Two Rural (R2R) zoning district to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County Comprehensive Plan and;

Further, move that the Board approve the resolution regarding the consistency with the CCP. All voted in favor, and the motion carried.

2023.38 LDC Text Amendment – TX-2023-01, Clarification to SR 9.11, County Owned/Operated Solid Waste Collection Facility

Vice-chair Edney made the motion to go into Public Hearing. All voted in favor, and the motion carried.

The supplemental requirements for SR 9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

The Planning Board discussed the item at its February 16th meeting and voted unanimously to send forward a favorable recommendation on the draft text amendment (see attached).

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on February 22nd, 2023, and March 1st, 2023 (see attached certification of public notice).

**TX-2023-01
Clarification to
SR 9.11**



March 6, 2023
Public Hearing



Text Amendment TX-2023-01,
County Owned/Operated Solid Waste Collection Facilities

Clarification to SR 9.11

Summary: The supplemental requirements for SR9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

Approved: March 15, 2023

Text Amendment TX-2023-01, County Owned/Operated Solid Waste Collection Facilities

SR 9.11. Solid Waste Facility, County Owned/Operated

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.
- (4) Security. The operations of a waste collection and transfer facility shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.
- (5) Perimeter Setback. One hundred and fifty (150) feet from a *residential zoning district*. Necessary ingress and egress to the proposed use (s) may be located within the perimeter setback.
- (6) Perimeter Buffer. A B2 buffer as described in Article V (Landscape Design Standards), Subpart A (Buffer Requirements) is required around the perimeter boundary of the site, the operational area(s), or any combination thereof. Preserved existing trees may be credited toward the required buffer.
- (7) Sedimentation Control. Permanent control measures are required to retain all non-compacted soils on site.
- (8) Operations. Where feasible, debris reduction methods such as chipping and mulching (using portable equipment) shall be utilized to reduce the amount of debris permanently withheld on site.
- (9) **Gross Floor Area. Current and future County Owned/Operated Solid Waste Facilities are exempt from the underlying zoning district gross floor area maximums.**

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.

Commissioner Lapsley made the motion that the Board approve LDC text amendment TX-2023-01 clarification to SR 9.1, County Owned/Operated Solid Waste Collection Facility, and find that the changes are consistent with the County Comprehensive Plan. All voted in favor, and the motion carried.

DISCUSSION

2023.39 Early Childhood Taskforce – Consultant

On behalf of the Early Childhood Taskforce, Executive Director Jamie Weiner requested that the County fund 50% of the cost of retaining a consultant. “The Business of Childcare” is a consultant group that works with communities across the country and is expected “to help our county take a community-wide approach to understand opportunities around expanding child care capacity and business partnerships that will both create support for child care centers and also retain and recruit staff.”



Early Childhood Taskforce
REQUEST FOR SUPPORT

Strat' Start
Approved by Council

Children's Family Resource Center
Henderson County

Community Foundation
Henderson County

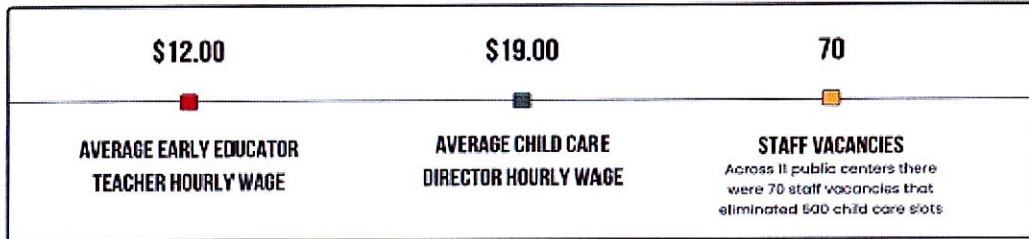
AVAILABILITY OF CARE

6,275 Children under the age of 6	20% The number of children 0-5 in licensed child care centers
1100 # of babies born in Henderson County each year	74 # of existing infant slots



Research on early care and education programs finds that **\$1 in spending generates \$8.60 in economic activity.**

STAFFING CHALLENGES



When all occupations are ranked by annual pay, child care workers remain nearly at the bottom percentile-- **98% of occupations are paid more than the child care workforce.**
- THE 2018 EARLY CHILDHOOD WORKFORCE INDEX

AFFORDABILITY

According to the US DHHS, child care is affordable if it costs no more than 7% of a family's income.



MEDIAN HOUSEHOLD INCOME: \$58,928
 Market rate for a 3 year old is \$698/month (\$8,376 a year)
14% of the median household income.

WITH 2 CHILDREN AND 2 CAREGIVERS MAKING MEDIAN INCOME :
 Income: \$60,080
 Childcare: \$16,152/yr
27% of their income spent on childcare

ADDRESSING THE CRISIS

The data we have to date and what's next

COMMUNITY NEEDS ASSESSMENT

CHILD CARE DEMAND STUDY

SPEAK OUT FOR KIDS - TASKFORCE FORMED

WHOLE COMMUNITY APPROACH TO ADDRESSING CHILD CARE- THE BUSINESS OF CHILD CARE CONSULTANT



WHOLE COMMUNITY APPROACH

An intentional process to define better outcomes for childcare in Henderson County

Investment: \$11,600

50% committed from the Community Foundation of Henderson County

LISTENING SESSIONS

**INVOLVING:
BUSINESSES
LOCAL GOVERNMENT
EDUCATION
CHILD CARE PROVIDERS**

**IDENTIFY SHARED
OUTCOMES/OPPORTUNITIES**

ACTIVATION PLAN

**INCLUDES:
FINANCIALS
BEGINNING STEPS
TURNKEY SOLUTIONS
TAILORED TO HENDERSON COUNTY**

Commissioner Lapsley made the motion for the Board approve the Budget Amendment appropriating \$5,800 from Fund Balance to fund 50% of the consultant through the Children and Family Resource Center. The motion passed with a 3-2 vote. Vice-Chair Edney and Commissioner Andreotta were the nay votes.

Medicaid Expansion – Update

Jerrie McFalls, Henderson County Department of Social Services Director, provided the Board with an update on the impact of the proposed Medicaid Expansion. The legislation is currently under consideration in the NC General Assembly and would expand Medicaid in North Carolina to an estimated 600,000 residents. Counties, and in particular, DSS agencies, would be on the front line in implementing this program which is anticipated to be a significant undertaking.

Roadside Litter

Chairman McCall requested that the Board discuss the ongoing issue of litter along the roads in Henderson County.

County Engineer Marcus Jones explained that there are three types of roads in NC: State, private, and municipal. He said county roads are state-maintained roads, and the maintenance for those roads falls into those same categories. With that, he said litter along roadways is the responsibility of the Department of Transportation.

Litter Management

Litter prevention starts by raising everyone's awareness of [North Carolina's litter laws](#) that improperly disposing trash of any kind can be illegal.

Not only is it unsightly, litter costs millions of dollars to clean up and can have a negative impact on tourism and how people perceive the state while they travel through it.

Get Involved

While being aware is the first step in understanding the importance of keeping North Carolina's roadsides clean and aesthetically pleasing, the N.C. Department of Transportation offers opportunities for the public to get involved.

Programs include:

- [Adopt-A-Highway](#)
- [Litter Sweep](#)
- [Sponsor-A-Highway](#)
- [Swat-A-Litterbug](#)

Residents can also show their anti-litter support by purchasing a ["Do Not Litter" specialty license plate](#). Plates require a \$20 annual fee in addition to the regular license payment. A portion of the \$20 from each plate sold will be allocated to NCDOT for litter reduction efforts.

Mr. Jones said that in the past, inmates would pick up litter; however, that ended with the closing of the prison on Mountain Road. He said the proximity of the prisons to litter pick-up sites is important to have enough hours to work, which is why we no longer see inmates picking up trash on the roadsides. Chairman McCall added that the Sheriff's department could only use "sentenced inmates," and many of the inmates in the County Detention Center are awaiting sentencing. Usually, once those inmates are sentenced, they are transferred to other facilities.

Chairman McCall commended the organizations that participate in the Adopt-A-Highway program and encouraged everyone to participate in the Litter Sweep that is coming up this Spring.

2045 Comprehensive Plan Update

Starting in July 2021, the County embarked on developing its new comprehensive plan. Over the course of 19 months, thousands of community members actively participated in the planning process to shape the plan's vision for 2045. The December 5th draft plan was formally recommended by the Planning Board (pursuant to NCGS) and was presented to the Board of Commissioners at their December meeting.

The Board began a review of Plan Outcome 1, containing Goals 1-3, at their February 15, 2023, meeting. This item was requested to continue the discussion of Outcome 1.

Those revisions are outlined in the following document.

GOAL 1: COORDINATE DEVELOPMENT NEAR EXISTING COMMUNITY ANCHORS

RECOMMENDATIONS

Rec 1.1: Grow intentionally where infrastructure and services exist, in and around municipalities, community investments, and anchors.

- A: Coordinate with municipalities and other service providers to update the Utility Service Area (USA) and utility service agreements to best fit the Future Land Use Map and municipal land use plans.
- B: Encourage higher-density residential developments to be located within the USA.
- C: Locate commercial and residential growth near community anchors (i.e. Neighborhood Anchors and Community Centers on the FLU Map).
- D: Utilize appropriate tools ~~such as utility provision, increased density or other incentives, zoning overlays, and FLU consistency statements~~ to encourage growth in-line with the Future Land Use Map.
- ~~E: Continue density bonuses for conservation subdivisions with access to water and sewer and evaluate additional density bonuses for the incorporation of workforce housing in new developments.~~

- ~~F: Develop an overlay district within the Ednoyville-Sowor service area prior to construction. This overlay would limit uses that are incompatible with the existing rural, agricultural area.~~
- ~~G: Preserve a portion of Ednoyville-Sowor capacity for industrial and agriculture uses.~~
- H: Develop a mechanism that could ~~joint overlay district with the Town of Laurel Park and the City of Hendersonville for the Ecusta Rail Trail.~~
 ← ~~This overlay could~~ expand allowable uses that are compatible with the Ecusta Rail Trail. ~~It may also include additional design criteria for properties adjacent to the trail.~~
- I: Ensure zoning districts around Neighborhood Anchors and Community Centers allow, by right, consistent land uses.

Rec 1.2: Use available zoning tools to encourage context-appropriate rural businesses.

- A: Continue to allow for administrative approval for small to medium-scale uses that meet basic standards in rural areas (e.g. AG on FLU).
- B: Modify thresholds for administrative approval ~~versus conditional zoning or special use permit~~ requirements for certain types or sizes of new nonresidential uses.
- C: Collaborate with the Henderson County Partnership for Economic Development to encourage redevelopment of underutilized industrial and/or commercial properties.
- D: The size and intensity of uses in Neighborhood Anchors should be evaluated to maintain the local business economy.

GOAL 2: PROTECT AND CONSERVE RURAL CHARACTER AND AGRICULTURE

RECOMMENDATIONS

Rec 2.1: Support agriculture as an economic driver.

- A: Continue to collaborate with Agribusiness Henderson County (AgHC) on supporting existing agriculture ~~and land use planning efforts related to agriculture, economic development and land use.~~
- B: Recruit and prepare the next generation of farmers through the 4-H and Future Farmers of America (FFA) program ~~and in~~ coordination with Henderson County Schools and Blue Ridge Community College.
 - ~~Build on middle school farm field trips and exposure to careers in agriculture~~
 - ~~Support and improve FFA programs in high schools~~
 - ~~Support Blue Ridge Community College programs including internships~~
 - ~~Connect young farmers to jobs and agricultural leases~~
- C: Leverage partnership with Blue Ridge Community College to advance workforce development assets and respond to specific agri-business needs.

- D: Assist the three government-supported agricultural entities (AgHC, Henderson County Soil & Water Conservation District, and NC Cooperative Extension) on joint issues and encourage collaboration.
- E: Continue to allow for a flexible approach to rural business development.
 - ~~Encouraging small businesses in rural areas can indirectly support agriculture by allowing non-farm income.~~
- F: ~~Reduce~~ Identify and address barriers to integration, extension, and diversification of agribusiness and agritourism (i.e. packing facilities, processing, value-added production, distribution, retail).
- G: Study the creation of an Agricultural Visitor Center and incorporated offices for agricultural related agencies.
 - ~~This could include a visitors center with public restrooms, a place for events, or community meetings. Potentially could allow for the relocation of the Cooperative Extension Office or other agricultural related agencies.~~
- H: Collaborate with the NC Cooperative Extension and other organizations to connect current and future farmers to federal ~~and State~~ agricultural funding programs ~~like the USDA's Farm Service Agency and the National Institute of Food and Agriculture. A full list of potential grant and loan programs are listed within the Supplemental Information Document.~~
- I: ~~Work with the NC cooperative Extension and other organizations to help farmers to negotiate lease agreements that include the right of first refusal.~~

The Board resumed its line-by-line review of the proposed plan with **Section 2.3**. The revisions made by the Board are outlined in the document below.

Rec 2.2: Preserve existing farmland.

- A: Encourage enrollment in Present Use Value (PUV) and Voluntary Agricultural District (VAD) programs.
- B: Consider the creation of a Voluntary Farmland Preservation Program to purchase farmland development rights and establish agricultural conservation easements.
- ~~C: Study potential mechanisms for transfer of development rights program to allow for transfer of density away from agricultural and natural resource areas to designated receiving areas.~~
- D: Study the creation of a County-wide Farmland Mapping & Monitoring Program. (Term listed in Glossary)
- ~~E: Consider applying the County Voluntary Agricultural District to all Present Use Value-enrolled farms to further protect farmland from development pressure.~~

Rec 2.3: Reduce conflict Promote cooperation between existing agriculture and new residential development.

- A: Discourage rezonings for higher density residential subdivisions outside the defined Utility Service Area (USA) and in the Agricultural/Rural (AR) area identified on the Future Land Use Map.
- B: ~~Continue to require and enforce the Farmland Preservation District Setback. This requires Review the requirement for a 100 foot setback for all buildings from any Voluntary Agricultural District (VAD).~~

- C: Consider zoning updates to reduce development pressure in agricultural areas.
- ~~This could include implementing a new district that reduces residential density and/or the creation of a rural cluster option in the Land Development Code (LDC) that allows for smaller setbacks, building spacing, and innovative design.~~

Rec 2.4: Incentivize Encourage non-farm development outside of agricultural areas.

- A: ~~Continue to~~ provide incentives for revitalizing existing commercial and industrial sites through economic development ventures.
- B: ~~Focus on higher density housing in non-farm development areas, closer to the city to reduce sprawl, provide affordable housing for workforce and relieve pressure on roads.~~
- C: Encourage industrial growth in areas away from large concentrations of farmland and agricultural operations.
- D: Carefully evaluate potential utility extensions that could impact large concentrations of productive farmland.
- ~~Hold community meetings with targeted input from farmers and landowners when planning for future growth and utility provision. Modify plans for water and sewer line locations, size and access policies accordingly.~~

Rec 2.5: Utilize zoning tools to help conserve rural character.

- A: Study existing rural character and identify defining elements that can be modeled.
- B: ~~Require lighting mitigation standards for all new commercial and industrial developments within proximity to an existing residential area.~~
- C: Work with developers to strategically locate required open space ~~to increase visual compatibility.~~
- D: ~~Consider requiring robust~~ Clarify buffers ~~or "green belts"~~ between commercial development and residential and between residential develop- ment and farmland.

The Board ended the review with Section 2 for this meeting and will pick up at their next meeting, beginning with Section 3.

NOMINATIONS AND APPOINTMENTS

1. Henderson County Transportation Advisory Committee – 1 vac.

Chairman McCall made the motion to nominate Warren Ladbrook to position # 2. All voted in favor, and the motion carried.

2. Home & Community Care Block Grant Advisory – 1 vac.

There were no nominations, and this item was carried to the next meeting.

3. Juvenile Crime Prevention Council – 5 vacs.

Chairman McCall made the motion to nominate James Robert Capps for position #4. All voted in favor, and the motion carried.

4. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.

There were no nominations, and this item was carried to the next meeting.

Chairman McCall made the motion to appoint Patsy Farmer Jones to position #3 on the Henderson County Historic Courthouse Museum Corporation Board, replacing Sheila Kelly for the remainder of that term. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Lapsley had no comments to share.

Commissioner Andreotta had no comments to share.

Commissioner Hill had no comments to share.

Vice-Chair Edney had no comments to share.

Chairman McCall attended the raising of the “We are Hope” banners signed by area middle and high school students to signify their commitment to participate in the program. She was also in attendance for the Boy Scouts Arrow of Light Ceremony that was held in the Commissioners’ Meeting Room on Sunday of last week.

COUNTY MANAGER’S REPORT

County Manager John Mitchell shared that the number of cameras in the room had been doubled recently. As the old cameras are replaced with the new ones, staff recorded tonight’s meeting with both to ensure all bugs have been worked out.

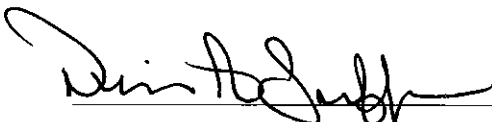
Mr. Mitchell thanked the Board for their time and commitment to their Legislative priorities.

In closing, Mitchell asked the Board to include personnel in the closed session to be held at the conclusion of tonight’s open meeting.


Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)(5)(6), for the reasons set out in the Board's agenda packet. All voted in favor, and the motion carried.

Chairman McCall made the motion to go out of closed session and adjourn at 8:45 p.m. All voted in favor, and the motion carried.

ADJOURN



Denisa A. Lauffer, Clerk to the Board



Rebecca McCall, Chairman

During the March 6, 2023, regular meeting, the Board enacted the following:

- 2023.30 Pending Releases and Refunds**
- 2023.31 Beaver Management Assistance Program**
- 2023.32 Budget Amendment – Flat Rock ARPA Match**
- 2023.33 FEMA Emergency Generator Grant and Bid Award**
- 2023.34 Memorandum of Agreement on Potential Opioid Settlement**
- 2023.35 Approval of Greater Asheville Regional Airport Authority Financing Resolution**
- 2023.36 Deeds for Highway Right of Way to NCDOT**
- 2023.37 Public Hearing for Rezoning Application #R-2023-01, Paco Properties LLC, Residential Two Rural (R2) to Local Commercial (LC)**
- 2023.38 LDC Text Amendment – TX-2023-01, Clarification to SR 9.11, County Owned/Operated Solid Waste Collection Facility**
- 2023.39 Early Childhood Taskforce – Consultant**

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

March 6, 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 \$2,327.71 and tax refund requests in the amount of \$252.18 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, March 6, 2023. All Releases and refunds were approved.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca McCall". The signature is written in a cursive, flowing style.

Rebecca McCall, Chairman
Henderson County Board of Commissioners

RM/dal

enclosures

NCPTS Pending Release/Refund Report: Monday, February 20, 2023*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
AAA SEPTIC SERVICE INC	0003057625-2022-2022-0000	VOID ABSTRACT DUE TO TL BEING SOLD/TRANSFERRED ON 03/04/21 PER STARS	(\$1,771)	8466	SMORROW	11 CURETON PL HENDERSONVILLE NC 28791	COUNTY	TAX	\$9.94	\$9.94	\$9.94	\$9.94
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$2.04	\$2.04	\$2.04	\$2.04
								FLETCHER FIRE				
								TAX	\$0.00	\$0.00	\$0.00	\$0.00
								LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
								TOTAL:	\$2.04	\$2.04	\$2.04	\$2.04
								ABSTRACT TOTAL:	\$11.98	\$11.98	\$11.98	\$11.98
ABB BLYTHE, INC	0000067777-2022-2022-0000	VOIDED PER CLERICAL ERROR	(\$21,076)	8464	YGONZALEZ	1235 ASHEVILLE HWY HENDERSONVILLE NC 28791	COUNTY	TAX	\$118.24	\$0.00	\$11.98	\$11.98
								LATE LIST FEE	\$0.00	\$0.00	\$118.24	\$0.00
								TOTAL:	\$0.00	\$0.00	\$118.24	\$0.00
								ABSTRACT TOTAL:	\$118.24	\$118.24	\$118.24	\$0.00
BLU HILLS CABINETRY	0003097842-2020-2020-0000	PER DOCUMENTS UPLOADED AND PROVIDED BY TOWN OF FLETCHER BUSINESS HAS BEEN CLOSED SINCE LATE 2019. ACCORDING TO JOSH MILNER, WHO HANDLES THE RENTALS, PROVIDE TOWN OF FLETCHER THIS INFORMATION.	(\$24,684)	8470	YGONZALEZ	232 RUTLEDGE RD FLETCHER NC 28732	COUNTY	TAX	\$138.48	\$0.00	\$138.48	\$0.00
								LATE LIST FEE	\$13.85	\$0.00	\$13.85	\$0.00
								TOTAL:	\$152.33	\$152.33	\$152.33	\$0.00
								ABSTRACT TOTAL:	\$152.33	\$152.33	\$152.33	\$0.00
CAPPS, DAVID CARROLL II	0003106753-2022-2022-0000	PER DOCUMENTS UPLOADED AND PROVIDED BY TOWN OF FLETCHER BUSINESS HAS BEEN CLOSED SINCE LATE 2019. ACCORDING TO JOSH MILNER, WHO HANDLES THE RENTALS, PROVIDE TOWN OF FLETCHER THIS INFORMATION.	(\$27,152)	8472	YGONZALEZ	232 RUTLEDGE RD FLETCHER NC 28732	COUNTY	TAX	\$152.32	\$0.00	\$152.32	\$0.00
								LATE LIST FEE	\$15.23	\$0.00	\$15.23	\$0.00
								TOTAL:	\$167.55	\$167.55	\$167.55	\$0.00
								ABSTRACT TOTAL:	\$167.55	\$167.55	\$167.55	\$0.00
CAPP, DAVID CARROLL	0003106753-2022-2022-0000	ADJUSTMENT MADE DUE TO BOAT BEING DESTROYED IN AN ACCIDENT. DOCUMENTATION DATED 10/26/21 FROM SALVAGE COMPANY FOR ASSEST PICK UP ON FILE.	(\$76,520)	8465	DDEMP	104 HUNTERS FIELD LN MILLS RIVER NC 28759	COUNTY	TAX	\$145.58	\$0.00	\$472.21	\$0.00
								LATE LIST FEE	\$14.56	\$0.00	\$140.25	\$0.00
								TOTAL:	\$154.28	\$154.28	\$154.28	\$0.00
								ABSTRACT TOTAL:	\$154.28	\$154.28	\$154.28	\$0.00
CASTRO, EPIGMENTO	0000320636-2022-2022-0000	ADJUSTMENT MADE TO ABSTRACT PER CLERICAL ERROR	(\$25,000)	8459	SMORROW	1957 S MILLS GAP RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$928.97	\$0.00	\$154.28	\$0.00
								LATE LIST FEE	\$92.90	\$74.32	\$836.07	\$0.00
								TOTAL:	\$190.43	\$919.68	\$65.03	\$65.03
								EDNEYVILLE FIRE			\$171.39	\$0.00
								TAX	\$19.04	\$15.23	\$17.14	\$13.33
								LATE LIST FEE	\$19.04	\$15.23	\$17.14	\$13.33
								TOTAL:	\$188.53	\$188.53	\$188.53	\$13.33
								ABSTRACT TOTAL:	\$1,108.21	\$1,108.21	\$1,108.21	\$78.36
								OWNER TOTAL:	\$1,108.21	\$1,108.21	\$1,108.21	\$78.36

NCPTS Pending Release/Refund Report. Monday, February 20, 2023*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
COX, ELBERT EUGENE JR	0003089602-2021-0000	PER DMV RECORDS, PROPERTY IS IN RUTHERFORD COUNTY.	(\$1,241)	8468	MHANEY	54 ASHLEY HILL LN HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL:	\$6.96 \$0.70 \$7.66	\$0.00 \$0.00	\$6.96 \$0.70 \$7.66	\$0.00 \$0.00 \$0.00
KIRKPATRICK, ERIN DRISCOLL	0003089602-2022-0000	PER DMV RECORDS, PROPERTY IS IN RUTHERFORD COUNTY.	(\$1,286)	8469	MHANEY	54 ASHLEY HILL LN HENDERSONVILLE NC 28791	COUNTY	TAX LATE LIST FEE TOTAL:	\$7.21 \$0.72 \$7.93	\$0.00 \$0.00	\$7.21 \$0.72 \$7.93	\$0.00 \$0.00 \$0.00
	OWNER TOTAL:	2022 TAX YEAR ADJUSTMENT CREATED DUE TO TAXPAYER INFORMING OUR OFFICE THAT THE WATERCRAFT AND TL WAS SOLD; CONFIRMATION OF SALE OF WATERCRAFT PER NC WILDLIFE; TAG TURN IN ON TL PER STARS	(\$2,527)	8463	SMORROW	301 SPRINGFIELD CT FLETCHER NC 28732	COUNTY	TAX LATE LIST FEE TOTAL:	\$73.05 \$7.31 \$80.36	\$0.00 \$0.00	\$15.59 \$73.05 \$7.31 \$80.36	\$0.00 \$0.00 \$0.00 \$0.00
NEDWED, JOSEPH MICHAEL	0003087086-2022-0000	VOID ABSTRACT DUE TO TL BEING TITLED IN ANOTHER INDIVIDUAL NAME PER STARS; OWNERSHIP TRANSFER 05/10/21 TAXPAYER COMPLETED A REQUEST FOR RELEASE/REFUND	(\$13,022)	8454	SMORROW	557 SIGNAL HILL RD HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$21.55 \$2.15 \$23.70	\$0.00 \$0.00	\$80.36 \$21.55 \$2.15 \$23.70	\$0.00 \$0.00 \$0.00 \$0.00
RIDDLE, ANNIE R	0002363386-2022-0000	VOID ABSTRACT PER MOBILE HOME NOT ON PROPERTY PER PICTOMETRY	(\$3,841)	8453	SMORROW	125 BANNING LN MILLS RIVER NC 28759	COUNTY	TAX LATE LIST FEE TOTAL:	\$105.50 \$10.55 \$116.05	\$0.00 \$0.00	\$28.77 \$105.50 \$10.55 \$116.05	\$0.00 \$0.00 \$0.00 \$0.00
SM2 INC	0003039679-2022-0000	BUSINESS SOLD IN 2021. ADJUSTMENT SUBMITTED TO VOID ABSTRACT FOR TAX YEAR 2022, AND REFUND TAXES PAID.	(\$18,806)	8467	LSTACK	5583 HENDERSONVILLE RD FLETCHER NC 28732	COUNTY FLETCHER FIRE	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$122.10 \$12.21 \$134.31 \$25.03 \$2.50 \$27.53	\$122.10 \$12.21 \$25.03 \$2.50	\$116.05 \$122.10 \$12.21 \$134.31 \$25.03 \$2.50 \$27.53	\$0.00 \$122.10 \$12.21 \$134.31 \$25.03 \$2.50 \$27.53
STRICKLAND, TERRI PEARSON	0000174204-2022-0000	VOID ABSTRACT DUE TO MOBILE HOME NOT BEING ON PROPERTY PER PICTOMETRY	(\$21,765)	8455	SMORROW	2761 UPWARD RD FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL: TAX LATE LIST FEE TOTAL:	\$29.72 \$2.97 \$32.69 \$7.42 \$0.74 \$8.16	\$0.00 \$0.00	\$161.84 \$29.72 \$2.97 \$32.69 \$7.42 \$0.74 \$8.16	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
	OWNER TOTAL:		(\$5,297)								\$40.85	\$0.00

NCPTS Pending Release/Refund Report. Monday, February 20, 2023*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
YURTH, STANLEY LORRAINE	0003093112-2022-2022-0000	PER DMV RECORDS TAX PAYER HAS NOT OWNED TRAILER SINCE 2018.	(\$2,580)	8460	YGONZALEZ	1857 HOWARD GAP RD HENDERSONVILLE NC 28792	COUNTY	TAX	\$14.47	\$0.00	\$14.47	\$0.00
								LATE LIST FEE	\$1.45	\$0.00	\$1.45	\$0.00
								TOTAL:	\$15.92	\$0.00	\$15.92	\$0.00
						MOUNTAIN HOME FIRE		TAX	\$3.10	\$0.00	\$3.10	\$0.00
								LATE LIST FEE	\$0.31	\$0.00	\$0.31	\$0.00
								TOTAL:	\$3.41	\$0.00	\$3.41	\$0.00
								ABSTRACT TOTAL:	\$19.33	\$0.00	\$19.33	\$0.00
								OWNER TOTAL:	(\$2,580)			\$0.00
								GRAND TOTALS:	(\$341,237)		\$2,327.71	\$252.18

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 6, 2023

SUBJECT: Beaver Management Assistance Program

PRESENTER: Christopher Todd, Business and Community Development Director

ATTACHMENTS: Yes

1. Budget Amendment
2. Additional Funding Request Letter

SUMMARY OF REQUEST:

Henderson County is currently enrolled in a partnership with USDA to remove nuisance beavers damaging our waterways. The County has exceeded our allotted site visits and are currently at 67 with five (5) requests pending. To continue the program for the remainder of the fiscal year, USDA has requested an additional \$5,000.

Participating counties receive BMAP services based on the overall amount of funding the program receives that fiscal year, (which impacts the number of wildlife specialists that can be funded), and the total number of participating counties. The participation fee a county contributes allows landholders in that county to receive beaver and dam removal services at the reduced BMAP cost-share rate, as well as free technical assistance (guidance) from wildlife specialists. Services are provided on both public (NCDOT-owned) and private (non-NCDOT) lands in the county. Wildlife specialists typically make 80-112 site visits (42-55 non-NCDOT and 38-57 NCDOT) to each participating county in a year.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached Budget Amendment appropriating \$5,000 from Fund Balance to continue the BMAP program through June 30, 2023.

Suggested Motion:

I move the Board authorize Staff to execute the Cooperative Service Agreement with the USDA, and approve the attached Budget Amendment appropriating \$5,000 from Fund Balance to continue the BMAP program through June 30, 2023.

LINE-ITEM TRANSFER REQUEST
 HENDERSON COUNTY



Department: Governing Body

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115401-538100</u>	<u>Professional Services</u>	<u>\$5,000</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$5,000</u>
_____	_____	_____
_____	_____	_____

Justification Please provide a brief justification for this line-item transfer request.
 Appropriates additional funding for Henderson County to remain in the Beaver Management Assistance Program through June 30, 2023. Approved by the Board March 6, 2023.

Budget	3/6/2023
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 6th, 2023

SUBJECT: Budget Amendment – Village of Flat Rock ARPA Match

PRESENTER: Jimmy Brissie, Emergency Services Director

ATTACHMENTS: Yes
(1) Budget Amendment

SUMMARY OF REQUEST:

On February 6, 2023 the Board of Commissioners approved the application for a Government Service Grant from the Village of Flat Rock. This grant will fund the purchase of EMS Training Simulators and Mannequins as well as the purchase and upfitting of a Quick Response Vehicle for EMS. This locally funded grant is made possible by the American Rescue Plan. The grant of \$65,000 will require a County match of \$35,000 for the vehicle project. Staff recommend using Capital Reserve Funds to fund the balance of the purchase and upfitting of the EMS Quick Response Vehicle during FY23.

BOARD ACTION REQUESTED:

The Board is requested to accept the Village of Flat Rock Government Service Grant in the amount of \$65,000 for the purchase of EMS training mannequins and a quick response vehicle. The Board is further requested to allocate an additional \$35,000 from the Capital Reserve Fund for the balance of the vehicle purchase and upfitting cost.

Suggested Motion:

I move the Board accept the Village of Flat Rock Government Service Grant in the amount of \$65,000 for the purchase of EMS training mannequins and a quick response vehicle and allocate an additional \$35,000 from the Capital Reserve Fund for the balance of the vehicle purchase and upfitting cost.

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 6th, 2023

SUBJECT: FEMA Emergency Generator Grant and Bid Award

PRESENTER: Jimmy Brissie, Emergency Services Director

ATTACHMENTS:

- (1) Line-Item Transfer Form
- (2) Publishers Affidavit
- (3) Cooper Construction Bid Proposal
- (4) Bid Tabulation

SUMMARY OF REQUEST:

In September 2019 Henderson County submitted a letter of intent to apply for a Hazard Mitigation Grant to fund the purchase and installation of a standby generator at the Athletic and Activity Center. This facility serves as a primary shelter location for disasters. During October 2019 the Board of Commissioners approved the formal application for this project. Following FEMA grant approval in September 2021 staff re-evaluated the project scope. The addition of air conditioning and re-configuration of the power at the facility required additional modification to the generator size needed for the project. A total of \$94,212.78 in Federal and State dollars were awarded for the project. Following a competitive bid process Staff have determined the lowest responsive, responsible bidder to be Cooper Construction Inc in the amount of \$106,650 in addition to a bid alternate of \$4,950 for a total project cost of \$111,600. Staff is recommending funding the balance of the project from the Capital Reserve Fund to expedite the project considering the fluctuating equipment pricing and availability (\$17,388). Staff confirmed funding the balance of the project with local funds is allowable by the grant guidance.

BOARD ACTION REQUESTED:

The Board is requested to approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the project and to accept the low bid from Cooper Construction, Inc for \$111,600 and authorize the Emergency Management Department to proceed with the purchase.

Suggested Motion:

I move the Board approve the Budget Amendment to receive the grant fund and allocate additional funds from the Capital Reserve Fund for the balance of the AAC Generator project and to accept the low bid from Cooper Construction, Inc in the amount of \$111,600 for the purchase of a generator and authorize the Emergency Management Department to proceed with the purchase.

Henderson County
North Carolina

Before the Board of Commissioners

BOARD OF COMMISSIONERS ENACTMENT 2023-34

**RESOLUTION AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND
APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS
BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON
PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the these Settlements; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Henderson County and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and Henderson County to help abate the harm; and

Supplemental Agreement for Additional Funds From Additional Settlements of Opioid Litigation

I. PURPOSE

The purpose of this Supplemental Agreement for Additional Funds (“SAAF”) is to direct Additional Funds from Additional Settlements of opioid litigation to the state of North Carolina and local governments in a manner consistent with the Memorandum of Agreement (“MOA”) Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation that has governed the distribution of Opioid Settlement Funds to the State and its Local Governments since May 2022.

This SAAF does not change the scope or meaning of the MOA with respect to Opioid Settlement Funds governed by the MOA. Instead, this SAAF applies the terms of the MOA – with certain clarifications noted below – to the Additional Settlements and Additional Funds described below.

II. SCOPE

- A. Scope of the MOA. Under the terms of the MOA, the MOA governs Opioid Settlement Funds from:
1. The National Settlement Agreement with the drug distributors Cardinal, McKesson, and AmerisourceBergen and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and
 2. The Bankruptcy Resolution with Mallinckrodt; any Bankruptcy Resolution with Purdue; and any other Bankruptcy Resolution as the term “Bankruptcy Resolution” is defined in the MOA.
- B. Scope of this SAAF. This SAAF governs Additional Funds from the Additional Settlements with Additional Settling Defendants Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the Additional Settlements.

III. APPLICATION OF THE MOA TO ADDITIONAL SETTLEMENTS AND FUNDS

The MOA, which is incorporated herein by reference, governs Additional Settlements and Additional Funds in every respect, except as set forth hereinbelow. In the event of any conflict between the MOA and this SAAF, with respect to Additional Settlements and Additional Funds, the provisions of this SAAF shall take precedence.

A. Definitions.

1. The definitions used in the MOA are incorporated by reference into this SAAF.
2. "Additional Funds" shall mean all funds allocated by the Additional Settlements to the State or Local Governments for purposes of opioid remediation activities, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. Not included are funds made available in Additional Settlements for the payment of the Parties' litigation expenses or the reimbursement of the United States Government.
3. "Additional Settlements" means a national opioid settlement agreement with the Parties and one or more of the Additional Settling Defendants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
4. "Additional Settling Defendants" means the defendants listed in section II.B of this SAAF.
5. "Local Counsel" means legal counsel and law firms who have a principal office in North Carolina and represented one or more North Carolina counties and municipalities in litigation against one or more Additional Settling Defendant concerning opioids.
6. "National Counsel" means legal counsel and law firms who have a principal office outside of North Carolina and represented various North Carolina counties and municipalities in litigation against one or more Settling Defendant or Additional Settling Defendant concerning opioids.
7. "Required Local Governments" means all North Carolina counties and municipalities that have filed litigation against any of the Settling Defendants or Additional Settling Defendants.

B. Allocation of Additional Funds

1. Method of distribution. Pursuant to any Additional Settlements, Additional Funds shall be distributed directly to the State, Local Governments, and Local Counsel for such uses as set forth in the MOA and this SAAF, provided Opioid Settlement Funds shall not be considered funds of the State, any Local Governments, or any Local Counsel unless and until such time as each distribution is made.
2. Overall allocation of funds. Additional Funds shall be allocated as follows with respect to each payment from the Additional Settling Defendants: (i) 15% directly to the State (“State Additional Abatement Fund”), (ii) 84.62% to abatement funds established by Local Governments (“Local Additional Abatement Funds”), and (iii) 0.38% to a Local Counsel Fee Fund described in section IV of this SAAF.
3. The allocation of Local Additional Abatement Funds between Local Governments shall be as described in MOA section B.3. However, to the extent required by the terms of an Additional Settlement, the proportions set forth in MOA Exhibit G shall be adjusted: (i) to provide no payment from an Additional Settlement to any listed county or municipality that does not participate in the Additional Settlement; and (ii) to provide a reduced payment from an Additional Settlement to any listed county or municipality that signs onto the Additional Settlement after the deadline specified by the Additional Settlement.
4. Municipal allocations of Local Additional Abatement Funds shall be as described in MOA section B.4. Consistent with the manner in which MOA section B.4.b has been interpreted by the parties to the MOA with respect to Opioid Settlement Funds, a municipality that directs Local Additional Abatement Funds to the county or counties in which it is located pursuant to MOA section B.4 shall be relieved of any reporting or other obligations under the MOA with respect to the redirected funds.
5. The use of Additional Funds for opioid remediation activities shall be as described in MOA section B.5.
6. All Parties acknowledge and agree the Additional Settlements will require a Local Government to release all its claims against the Additional Settling Defendants to receive Additional Funds. All Parties further acknowledge and agree based on the terms of the Additional Settlements, a Local Government may receive funds through this SAAF only after complying with all requirements set forth in the Additional Agreements to release its claims.

C. Payment of Litigating and Non-Litigating Parties

No party engaged in litigating the MDL Matter shall receive a smaller payment than a similarly situated non-litigating Party, other than as based on the Allocation Proportions in MOA Exhibit G.

D. Special Revenue Fund

Every Local Government receiving Additional Funds shall either (1) deposit the Additional Funds in the special revenue fund that the Local Government created for Opioid Settlement Funds pursuant to MOA section D.1 or (2) create a separate special revenue fund as described in MOA section D.1 that is designated for the receipt and expenditure of the Additional Funds. In either case, every Local Government receiving Additional Funds shall abide by MOA section D and other relevant provisions of the MOA with respect to the Additional Funds in the special revenue fund.

E. Opioid Remediation Activities

1. Local Governments shall expend Additional Funds according to the requirements for Opioid Settlement Funds stated in MOA section E.
2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to remediation activities funded by Additional Funds and related requirements and procedures that it has with respect to the Opioid Settlement Funds covered by the MOA.

F. Auditing, Compliance, Reporting, and Accountability

1. The Auditing, Compliance, Reporting, and Accountability provisions stated in MOA section F shall apply to Additional Funds in the way they apply to Opioid Settlement Funds.
2. The coordination group established by MOA section E.7 and described in MOA Exhibit D shall have the same responsibilities with respect to auditing, compliance, reporting, and accountability provisions relating to Additional Funds that it has with respect to the Opioid Settlement Funds covered by the MOA.

G. Effectiveness

1. When this SAAF takes effect. This SAAF shall become effective at the time a sufficient number of Local Governments have joined the SAAF to qualify the SAAF as a State-Subdivision Agreement under the Additional Settlements. If this SAAF does not thereby qualify as a State-Subdivision Agreement, this SAAF will have no effect.
2. Amendments to the SAAF.
 - a. Amendments to conform to final national documents. The Attorney General, with the consent of a majority vote from a group of Local Government attorneys appointed by the Association of County Commissioners, may initiate a process to amend this SAAF to make any changes required by the final provisions of the Additional Settlements. The Attorney General's Office will provide written notice of the necessary amendments to all the previously joining parties. Any previously joining party will have a two-week opportunity to withdraw from the SAAF. The amendments will be effective to any party that does not withdraw.
 - b. Coordination group. The coordination group may make the changes to the SAAF described and authorized in MOA Exhibit D.
 - c. No amendments to allocation between Local Governments. Notwithstanding any other provision of this SAAF, the allocation proportions set forth in MOA Exhibit G may not be amended.
 - d. General amendment power. After execution, the coordination group may propose other amendments to the SAAF, subject to the limitation in Section G.2.c of this SAAF. Such amendments will take effect only if approved in writing by the Attorney General and at least two-thirds of the Local Governments who are Parties to this SAAF. In the vote, each Local Government Party will have a number of votes measured by the allocation proportions set forth in MOA Exhibit G.
3. Acknowledgement. The Parties acknowledge this SAAF is an effective and fair way to address the needs arising from the public health crisis due to the misconduct committed by the Pharmaceutical Supply Chain Participants.

4. When SAAF is no longer in effect. This SAAF is effective until one year after the last date on which any (a) Opioid Settlement Funds are being spent by Local Governments pursuant to the National Settlement Agreement and any Bankruptcy Resolution or (b) Additional Funds are being spent by Local Governments pursuant to the Additional Settlements.
5. Application of SAAF to settlements. This SAAF applies to the Additional Settlements.
6. Applicable law and venue. Unless required otherwise by the Additional Settlements, this MOA shall be interpreted using North Carolina law and any action related to the provisions of this SAAF must be adjudicated by the Superior Court of Wake County. If any provision of this SAAF is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.
7. Scope of this SAAF. The Parties acknowledge this SAAF does not excuse any requirements placed upon them by the terms of the Additional Settlements, except to the extent those terms allow for a State-Subdivision Agreement to do so.
8. No third party beneficiaries. No person or entity is intended to be a third party beneficiary of this SAAF.
9. No effect on authority of parties. Nothing in this SAAF shall be construed to affect or constrain the authority of the Parties under law.
10. Signing and execution of this SAAF. This SAAF may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. A signature transmitted by facsimile, electronic image, or DocuSign shall be deemed an original signature for purposes of executing this SAAF. Each person signing this SAAF represents he or she is fully authorized to enter into the terms and conditions of, and to execute, this SAAF, and all necessary approvals and conditions precedent to execution have been satisfied.

IV. LOCAL COUNSEL FEE FUND

Local Counsel have reviewed the Additional Settlements, find them to be equitable, and recommend their clients execute these Additional Settlements and this SAAF. If (1) all Local Counsel sign this SAAF whereby they consent to the terms of this SAAF and agree to be legally bound by this SAAF, including but not limited to Section IV of this SAAF, and (2) all Required Local Governments agree on or before April 18, 2023 to dismiss all litigation against the Additional Settling Defendants as required by the Additional Settlements, then each Local Counsel shall be entitled to receive a portion of the Local Counsel Fee Fund for the Additional Settlements, in such proportions as set forth below. If one or more Required Local Governments does not dismiss litigation as required by the Additional Settlements, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

Local Counsel release all North Carolina counties and municipalities from any claim regarding the obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants. Local Counsel retain their rights to recover legal fees from any national legal fee fund established by a national settlement and to collect any fees due from National Counsel. If one or more National Counsel fails to release its North Carolina client counties and/or municipalities from any contractual obligation to pay legal fees or costs relating to their representation of North Carolina counties and municipalities regarding opioid claims and litigation against the Settling Defendants and Additional Settling Defendants, as required for National Counsel and Local Counsel to receive a portion of the national fee funds created by the National Settlement Agreements and Additional Settlement, then the 0.38% share of Additional Funds set forth in Section III.B.2 of this SAAF for the Local Counsel Fee Fund shall be included in the Local Additional Abatement Funds, such that 85% of the Additional Funds will be allocated to Local Additional Abatement Funds, and 0% will be allocated to the Local Counsel Fee Fund.

As soon as practicable, but in any event no later than May 1, 2023, Local Counsel shall report to the settlement administrator the proportion of the Local Counsel Fee Fund to be received by each Local Counsel. No funds shall be paid out of the Local Counsel Fee Fund until such report is received. Each Local Counsel's release of claims against all North Carolina counties and municipalities as provided above shall remain in full force and effect regardless of the proportion of the Local Counsel Fee Fund that any Local Counsel receives.

IN WITNESS WHEREOF, the parties, through their duly authorized officers, have executed this Supplemental Agreement for Additional Funds under seal as of the date hereof.

By: Rebecca McCall
REBECCA McCALL
Chairman, Henderson County Board of Commissioners

Date: March 7, 2023

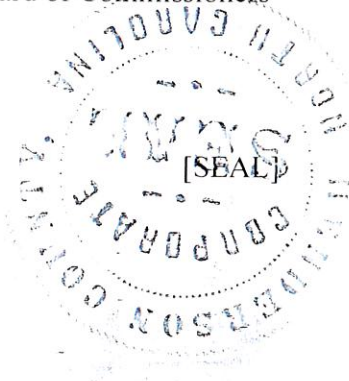
WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the Henderson County Board of Commissioners hereby authorizes the Board Chair and county staff to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 7th day of March, 2023.

Rebecca McCall
REBECCA McCALL, Chair
Henderson County Board of Commissioners

ATTEST:
Denisa Lauffer
DENISA LAUFFER, Clerk to the Board



EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF HENDERSON, NORTH CAROLINA

The Board of Commissioners for the County of Henderson, North Carolina, met in regular session in the Commissioners' Meeting Room of the Historic Courthouse located at 1 Historic Courthouse Square in Hendersonville, North Carolina the regular place of meeting, at 5:30 p.m., on March 6, 2023. The following Commissioners were:

Present: Board Chair Rebecca McCall; Board Vice Chair J. Michael Edney; and Board Members William Lapsley, Daniel Andreotta and David Hill

Absent: None

* * * * *

Chairman McCall introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Commissioner

**RESOLUTION APPROVING THE FINANCING OF IMPROVEMENTS
TO THE ASHEVILLE REGIONAL AIRPORT WITH THE PROCEEDS
OF TAX-EXEMPT BONDS TO BE ISSUED BY THE GREATER
ASHEVILLE REGIONAL AIRPORT AUTHORITY**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Henderson, North Carolina (the "County") as follows:

WHEREAS, the Greater Asheville Regional Airport Authority (the "Authority") is authorized to issue its revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, betterment, improvement or payment of the cost of one or more revenue bond projects, including projects for aeronautical facilities; and

WHEREAS, the Authority has determined to issue its revenue bonds in multiple series as part of one plan of finance to finance costs associated with the various capital improvements to the Asheville Regional Airport (the "Airport") including, without limitation, (a) the expansion

and modernization of its existing terminal, (b) expansion and modernization of ticket lobby, TSA screening, baggage claim and concessions areas, (c) improvements to existing supporting infrastructure, (d) construction of a centralized energy plant, (e) renovation of the remaining portion of the existing terminal building, and (f) construction of a new air traffic control tower (the "Project"), and

WHEREAS, the Authority has heretofore issued its Airport System Revenue Bonds (AMT), Series 2022A (the "Series 2022A Bonds") on June 1, 2022 to finance the costs of the initial phases of the Project; and

WHEREAS, in addition to the previously issued Series 2022A Bonds, the Authority has determined to issue one or more additional series of revenue bonds (the "Bonds") in an amount not to exceed \$175,000,000 to finance the costs of subsequent phases of the Project; and

WHEREAS, the Authority has requested that the Board approve the financing of the Project and the issuance of the Bonds in an amount not to exceed \$175,000,000 in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Authority, pursuant to public notice duly given, has held a public hearing as required by the Code on the advisability of the issuance of the Bonds to finance the Project and has submitted an extract of the proceedings of such public hearing to the Board for its consideration; and

WHEREAS, the purpose of the above-described public hearing and the Board's approval is to satisfy the requirements of Section 147(f) of the Code in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, the Board desires to approve the issuance of the Bonds by the Authority for the purpose of financing the Project:

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

(1) The issuance of the Bonds by the Authority in an aggregate principal amount not exceeding \$175,000,000 to finance the Project and related costs is hereby approved. In no event shall the County be liable for such Bonds, nor shall the Bonds constitute a debt of the County.

(2) The Clerk of the Board is hereby authorized and directed to provide a certified copy of this resolution to the Local Government Commission of North Carolina, the Authority and Womble Bond Dickinson (US) LLP, as bond counsel with respect to the Bonds.

(3) This resolution shall take effect immediately upon its adoption.

Upon motion of Chairman McCall, the foregoing resolution entitled "RESOLUTION APPROVING THE FINANCING OF IMPROVEMENTS TO THE ASHEVILLE REGIONAL AIRPORT WITH THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY" was adopted by the following vote:

AYES: All present

NAYES: None

* * * * *

I, Denisa A. Lauffer, Clerk to the Board of Commissioners for the County of Henderson, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board of Commissioners for said County at a regular meeting held on March 6, 2023, as it relates in any way to the authorization of the issuance of bonds by the Greater

Asheville Regional Airport Authority, and that said proceedings are to be recorded in the minutes of said Board of Commissioners.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 6th day of March, 2023.




Clerk to the Board of Commissioners

Revenue Stamps \$ 1.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY _____

The hereinafter described property Does Does not include the primary residence of the Grantor

RETURN TO: Frankie J Dills, Jr., Division RW Agent, NCDOT
1594 E Main ST
Sylva NC 28779

NORTH CAROLINA	TIP/PARCEL NUMBER:	<u>SM-6114C 006</u>
COUNTY OF <u>HENDERSON</u>	WBS ELEMENT:	<u>50523.00</u>
TAX PARCEL <u>9669609162</u>	ROUTE:	<u>US 25 BUS AT SR1503 N MAIN ST / HENDERSON HIGH SCHOOL ENT</u>

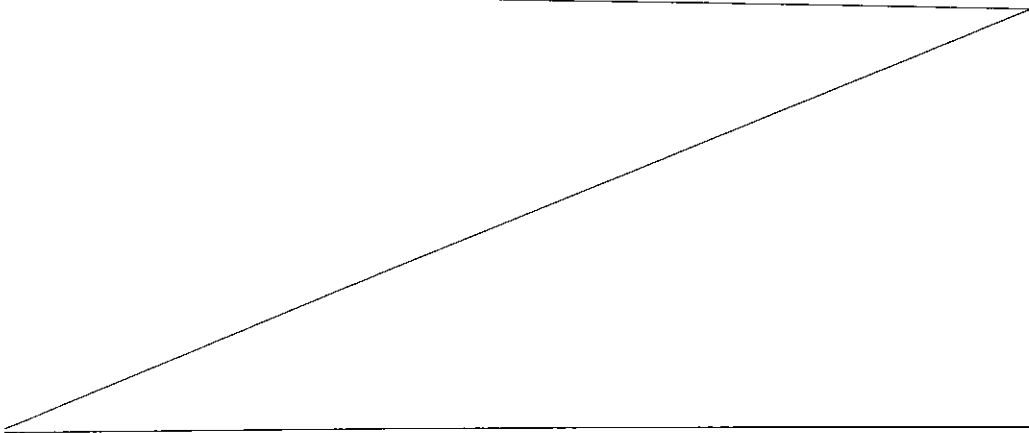
THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 _____
 by and between Henderson County; Henderson County Board of; US Bank National
North Carolina; Public Education, Leasee; Association, Trustee
1 Historic Courthouse SQ; 414 Fourth AVE W; 214 N Tryon ST 27th FL
Hendersonville NC 28792; Hendersonville NC 28739-4261; Charlotte NC 28202
 hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North
 Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

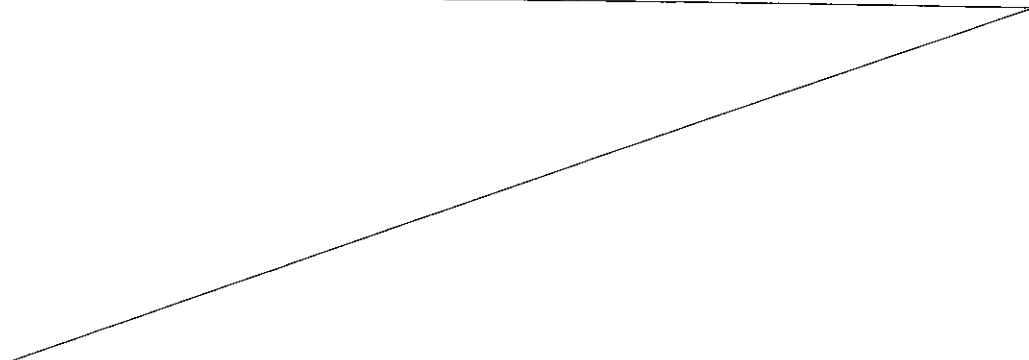
That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration
 of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby
 give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain
 property located in Hendersonville Township, Henderson County, North
 Carolina, which is particularly described as follows:

Point of beginning being S 69°38'28" W, 84.68 feet from -L- Sta
 13+11.98; said -L- Sta 13+11.98 being located S 24°06'42" E, 324.72
 feet from N.C.D.O.T. GPS Monument "SM-6114C / G101" having N.C.
 Grid Coordinates of N: 590759.009, E: 967211.416, Z: 2127.73,
 Combined Grid Factor: 0.999776112, Horizontal Datum: NAD 83 / NA
 2011, Vertical Datum: NAVD 1988.
 Thence to a point on a bearing of N 17°06'54" W 82.00 feet,
 Thence to a point on a bearing of N 87°03'17" E 22.51 feet,
 Thence to a point on a bearing of S 07°56'49" E 103.43 feet,
 Thence returning to the point of beginning on a bearing of N
 28°53'36" W 26.17 feet.

IN ADDITION, and for the aforesaid consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests: NONE



SPECIAL PROVISIONS. This deed is subject to the following provisions only: None



The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Henderson County Registry in Deed Book 3490 Page 368

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 50523.00 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 50523.00 Henderson County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: **Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.**

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 006

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.



Henderson County, North Carolina

BY: Rebecca McCall
Chairman of
Henderson County Board of Commissioners

ATTEST: Debra D. Gandy
Clerk of
Henderson County Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the CLERK of the Henderson County Board Of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by _____ as its CLERK. Witness my hand and official seal this the _____ day of _____, 20____. _____ Notary Public My commission expires: _____
--	--

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 006

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

CORPORATE SEAL

Henderson County Board of Public Education

BY: _____
_____, Chairman of
Henderson County Board of Public Education

ATTEST: _____
_____, EX Office Secretary
Of Henderson County Board of Public Education

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

Notary Seal	North Carolina, _____ County
	I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the EX Office Secretary of the Henderson County Board Of Public Education, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF PUBLIC EDUCATION, sealed with its corporate seal, and attested by _____ as its EX Office Secretary .
	Witness my hand and official seal this the _____ day of _____, 20 _____.
	_____ Notary Public
	My commission expires: _____

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 006

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

_____ (SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that
	Trustee, For the Indenture of Trust personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20 _____
	_____ Notary Public My commission expires: _____

Point of beginning being S 47°28'09" W, 44.49 feet from L- Sta 8+18.74; said L- Sta 8+18.74 being located N 53°12'01" W, 175.03 feet from N.C.D.O.T. GPS Monument "SM-6114C / G101" having N.C. Grid Coordinates of N: 590759.009, E: 967211.416, Z: 2127.73, Combined Grid Factor: 0.999776112, Horizontal Datum: NAD 83 / NA 2011, Vertical Datum: NAVD 1988.
Thence to a point on a bearing of S 45°06'22" E 175.45 feet, Thence to a point on a bearing of S 39°54'25" E 104.68 feet, Thence to a point on a bearing of S 23°55'13" E 48.18 feet, Thence to a point on a bearing of S 10°32'20" E 74.17 feet, Thence to a point on a bearing of S 87°03'17" W 22.51 feet, Thence to a point on a bearing of N 17°07'32" W 2.59 feet, Thence to a point on a bearing of N 67°09'22" W 59.86 feet, Thence to a point on a bearing of N 15°59'45" E 104.18 feet, Thence to a point on a bearing of N 44°05'20" W 141.75 feet, Thence returning to the point of beginning on a bearing of N 38°52'08" W 121.47 feet.

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Hendersonville Township, Henderson County, North Carolina, which is particularly described as follows:

WITNESSETH

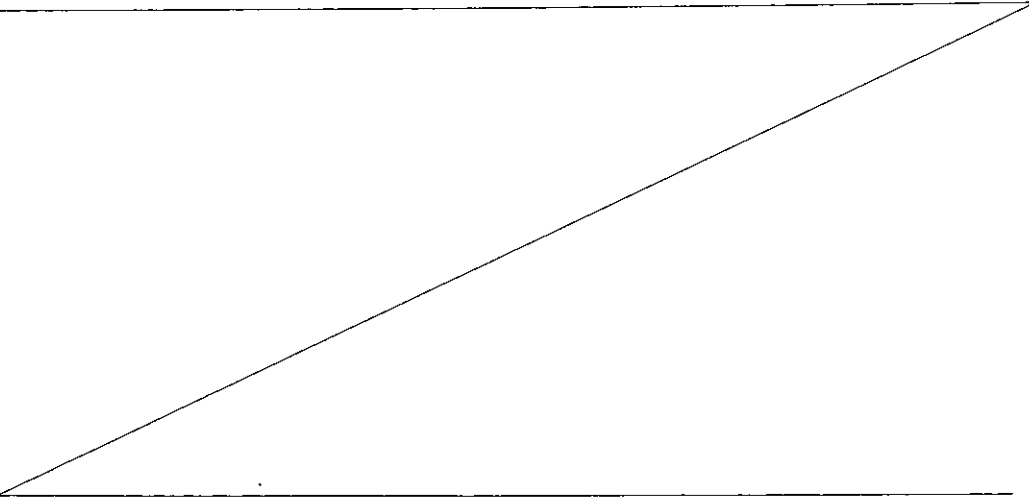
THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20____ by and between Henderson County, Henderson County, North Carolina, Public Education, Lessee; Association, Trustee; 1 Historic Courthouse SQ, 414 Fourth AVE W; 214 N Tryon ST 27th FL Hendersonville NC 28792; Hendersonville NC 28739-4261; Charlotte NC 28202 hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department.

THIS INSTRUMENT DRAWN BY Kevin D Monteith CHECKED BY _____
The hereinafter described property Does Does not include the primary residence of the Grantor
RETURN TO: Frankie J Dills, Jr., Division RW Agent, NCDOT
1594 E Main ST
Sylva NC 28779
NORTH CAROLINA
COUNTY OF HENDERSON
TAX PARCEL 9569700527
TIP/PARCEL NUMBER: SM-6114C 005
WBS ELEMENT: 50523.00
ROUTE: US 25 BUS AT SR1503 N MAIN ST / HENDERSON HIGH SCHOOL ENT

DEED FOR HIGHWAY RIGHT OF WAY

Revenue Stamps \$ 1.00

IN ADDITION, and for the aforesaid consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests: NONE



SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Henderson County Registry in Deed Book 1520 Page 496

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 50523.00 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Transportation Project # 50523.00 Henderson County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

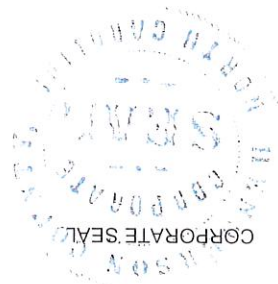
And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

<p>North Carolina, _____ County, _____ County, North Carolina, certify that _____, a Notary Public for _____, personally came before me this day and acknowledged that he/she is the CLERK of the Henderson County Board Of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF COMMISSIONERS, sealed with its corporate seal, and attested by _____ as its CLERK. Witness my hand and official seal this the _____ day of _____, 20____.</p> <p>Notary Public _____</p> <p>My commission expires: _____</p>	
---	--

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

ATTEST: _____
Clerk of Henderson County Board of Commissioners

BY: _____
Chairman of Henderson County Board of Commissioners
Henderson County, North Carolina



This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.
IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

<p>North Carolina, _____ County</p> <p>I, _____, a Notary Public for _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he/she is the EX Office Secretary of the Henderson County Board Of Public Education, and that by authority duly given, the foregoing instrument was signed in its name by _____, its CHAIRMAN of the HENDERSON COUNTY BOARD OF PUBLIC EDUCATION, sealed with its corporate seal, and attested by _____ as its EX Office Secretary.</p> <p>Witness my hand and official seal this the _____ day of _____, 20____.</p> <p>_____ Notary Public</p> <p>My commission expires: _____</p>	<p style="text-align: center;">CORPORATE SEAL</p>
--	---

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

ATTEST: _____, EX Office Secretary
Of Henderson County Board of Public Education

BY: _____, Chairman of
Henderson County Board of Public Education

CORPORATE SEAL

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 005

COUNTY: HENDERSON WBS ELEMENT: 50523.00 TIP/PARCEL NO.: SM-6114C 005

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

(SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that	Trustee, For the Indenture of Trust personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the _____ day of _____, 20____.
_____ Notary Public	My commission expires: _____



BOARD OF COMMISSIONER ENACTMENT 2023- 37

RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

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

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

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

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2023-01; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice and the Board held the required public hearing on March 6, 2023; and

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

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

1. That the Board reviewed the proposed map amendment (#R-2023-01 Paco Properties, LLC) and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

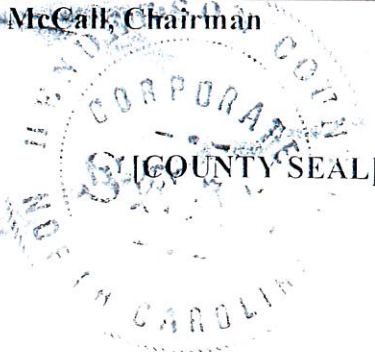
THIS the 6th day of March 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Rebecca McCall
Rebecca McCall, Chairman

ATTEST:

Denisa Lauffer
Denisa Lauffer, Clerk to the Board





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

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

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

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

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2023-01; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on March 6, 2023; and

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

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

1. That the Board reviewed the proposed text amendments related to (#TX-2023-01 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 6th day of March, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: *Rebecca McCall*
REBECCA MCCALL, Chairman
Henderson County Board of Commissioners

ATTEST:

Denisa Lauffer
DENISA LAUFFER
Clerk to the Board of Commissioners

[COUNTY SEAL]

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 6, 2023

SUBJECT: Early Childhood Taskforce – Budget Amendment

PRESENTER: Jamie Wiener, Children and Family Resource Center

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

The Children and Family Resource Center, on behalf of the Early Childhood Taskforce, have requested the County fund 50% of the cost of retaining a consultant. “The Business of Childcare” is a consultant group that works with communities across the country, and is expected “to help our county take a community-wide approach to understanding opportunities around expanding child care capacity and business partnerships that will both create support for child care centers and also retain and recruit staff.”

BOARD ACTION REQUESTED:

The Board is requested to hear the presentation, and direct Staff accordingly. Should the Board wish to proceed, the following motion is suggested.

Suggested Motion:

I move the Board approve the attached Budget Amendment appropriating \$5,800 from Fund Balance to fund 50% of the consultant through the Children and Family Resource Center.

**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>\$5,800</u>
_____	_____	_____
_____	_____	_____

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$5,800</u>
_____	_____	_____
_____	_____	_____

Justification Please provide a brief justification for this line-item transfer request.
 Appropriates funding to the Children and Family Resource Center for 1/2 of a community-wide study related to expanding child-care capacity. Approved by the Board March 6, 2023.

<u>Budget</u>	<u>3/6/2023</u>
Authorized by Department Head	Date
_____	_____
Authorized by Budget Office	Date
_____	_____
Authorized by County Manager	Date
_____	_____

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