

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, APRIL 17, 2024**

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

Present for the meeting were Chairman Rebecca McCall, Vice-Chair J. Michael 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, Recreation Director Bruce Gilliam, Engineer Marcus Jones, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Assistant Finance Director Randal Cox, Human Resources Director Karen Ensley, Tax Administrator Harry Rising, Director of Public Health Steve Smith, Capital Projects Manager Bryan Rhodes, DSS Director Jerrie McFalls, Emergency Management/Rescue Coordinator Jimmy Brissie, Director of Facility Services Andrew Griffin, Johnny Duncan, and PIO Kathy Finotti – videotaping. Deputy Chris Stepp provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2024.045 Proclamation – Economic Development Week

The Partnership for Economic Development requested the Board of Commissioners proclaim May 6 -10, 2024, as Economic Development Week.

Chairman McCall read the Proclamation aloud.

PROCLAMATION

PROCLAIMING MAY 6 – 10, 2024 AS ECONOMIC DEVELOPMENT WEEK

WHEREAS, communities rely on economic development professionals to promote economic well-being and quality of life; for Henderson County that means the attraction and retention of quality jobs, soliciting new businesses compatible with the assets and

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values of Henderson County, promoting Henderson County’s business image, assisting expansion of existing companies, and enhancing Henderson County’s overall quality of life; and

WHEREAS, economic developers participate in a numerous activities helping the over 130 manufacturers in Henderson County, marketing to recruit new high-quality jobs; and

WHEREAS, the Henderson County Partnership for Economic Development is the professional development entity for Henderson County. The Partnership is a 501 c 6, public private organization and since its inception has facilitated over \$1,094,115,000 in new capital investment, accounting for 24% of tax receipts, and created over 3,370 new jobs, and worked to retain over 11% of the workforce in manufacturing

NOW, THEREFORE, the Henderson County Board of Commissioners, hereby proclaim May 6-10, 2024 as Economic Development Week, and remind citizens of the importance of this community celebration which supports expanding business opportunities and making lives better.

Adopted this 17th day of April 2024.

Chairman McCall made the motion to adopt the proclamation for Economic Development Week. All voted in favor, and the motion carried.

The Proclamation was presented to the Partnership for Economic Development Board and staff members who were present.

2024.046 Proclamation – National Tennis Month

The Community Association of Henderson County, in association with the US Tennis Association, requested the Board of Commissioners proclaim May as National Tennis Month.

Commissioner Andreotta read the Proclamation aloud.

PROCLAMATION
PROCLAIMING MAY AS NATIONAL TENNIS MONTH

WHEREAS, on May 21, 1881, the United States Tennis Association (USTA), originally known as the United States National Lawn Tennis Association, was founded in New York City, New York, to create rules and standards for the emerging game of lawn tennis; and

WHEREAS, the USTA is the nonprofit, national governing body for tennis in the United States, and leads the promotion and growth of the sport at every level of play, from beginners to professionals at the US Open; and

WHEREAS, the USTA is the largest tennis organization in the world, with over 550,000

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members from every corner of the country; and

WHEREAS, the USTA proudly partners with local tennis programs to showcase the important health, social, and educational benefits of tennis and make the sport available to everyone, regardless of age, environment, condition, or ability, through its USTA Adaptive Grants; and

WHEREAS, the latest research by the Physical Activity Council shows that more than 23.8 million Americans played tennis in 2023, an unprecedented 25 percent increase in participation over 2020 and the highest number of players since the PAC study began in 2007; and

WHEREAS, by increasing the accessibility of tennis for citizens of Henderson County, NC of all ages and ability, the USTA and its local affiliate, the Community Tennis Association of Henderson County, have contributed to making our community happier and healthier; and

WHEREAS, the USTA has declared the month of May as National Tennis Month to encourage players, organizations, facilities, retailers, tennis manufacturers, and more to promote local programs and activities at parks and facilities to showcase tennis and spread the word about the sport and its benefits, and to help players and non-players alike find courts and play opportunities in their communities.

NOW, THEREFORE, the Henderson County Board of Commissioners, hereby proclaim May 2024 as National Tennis Month and hereby urge the citizens of this great county to become aware of and support National Tennis Month.

Adopted this 17th day of April 2024.

Commissioner Andreotta made the motion to adopt the proclamation for National Tennis Month. All voted in favor, and the motion carried.

The Proclamation was presented to Recreation Director Bruce Gilliam.

2024.047 National Public Safety Telecommunicators Week (Add on)

**RESOLUTION DECLARING APRIL 14 - 20, 2024 AS
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK**

Commissioner Hill read the Resolution aloud.

WHEREAS, emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and,

WHEREAS, when an emergency occurs, the prompt response of law enforcement officers, firefighters, and EMS providers is critical to the protection of life and preservation of property; and,

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WHEREAS, the safety of our law enforcement officers, firefighters, and EMS providers is dependent upon the quality and accuracy of information obtained from citizens who contact the Henderson County E-911 Communications Center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our law enforcement officers, firefighters, and EMS providers by monitoring their activities by radio, providing them information, and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators are critical in improving the chance of survival for patients who experience sudden cardiac arrest by recognizing the need for cardiopulmonary resuscitation and other lifesaving interventions prior to arrival of EMS; and,

WHEREAS, Public Safety Telecommunicators in the Henderson County E-911 Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and,

WHEREAS, each telecommunicator has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners do hereby declare the week of April 14 – 20, 2024 to be National Public Safety Telecommunicators Week in Henderson County in honor of the individuals whose diligence and professionalism keep our community and citizens safe.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 17th day of April, 2024.

Commissioner Hill made the motion to adopt the Resolution for National Public Safety Telecommunicators Week. All voted in favor, and the motion carried.

The Resolution was presented to the E911 staff who were present.

INFORMAL PUBLIC COMMENT

1. Patricia Sheley said she had heard residents say that the DOT was responsible for initiating road projects. She said an article in the Hendersonville Lightning stated that every project in the pipeline comes from the local government to the DOT. She went on to talk about other projects from the past.
2. Martha Rollefson thanked the Board for updating the County's Land Development code. She asked the Board to pay close attention to section 42-88, the conservation subdivision standards. She felt the language in the section to be weak.

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DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Hill added the Resolution for National Telecommunicators Week.

Vice-Chair Edney pulled consent agenda item G – Interlocal agreements for Tax Collections and moved to Discussion.

Vice-Chair Edney made the motion to accept the agenda with the revisions listed. All voted in favor, and the motion carried.

CONSENT AGENDA consisted of the following:

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meeting:
April 1, 2024 – Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of April 1, 2024.

Revised Minutes – December 4, 2023

The Board was requested to approve the revised minutes for the Board’s December 4, 2023, meeting.

Motion:

I move the Board approve the revised minutes of December 4, 2023.

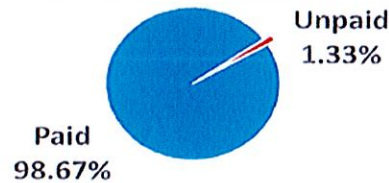
Tax Collector’s Report

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

Please find outlined below collections information through April 4, 2024 for 2023 real and personal property bills mailed on August 21, 2023. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2023 Beginning Charge:	\$99,217,401.89
Discoveries & Imm.	\$216,128.76
Releases & Refunds:	(\$302,702.16)
<u>Net Charge:</u>	<u>\$99,130,828.49</u>
Unpaid Taxes:	\$1,316,140.06
Amount Collected:	\$97,814,688.43



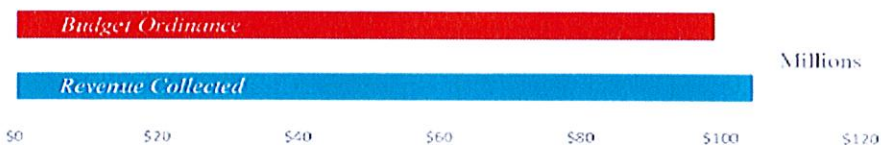
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$5,751,275.24
Unpaid Taxes:	\$17,570.43
Amount Collected:	\$5,733,704.81

99.69%

Henderson County FY24 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$97,695,412.00	\$103,548,393.24
Prior Years:	\$1,041,250.00	\$74,125.46
Budget Total:	\$98,736,662.00	YTD Revenue: \$104,322,518.70



2024.048 FY2025 Consolidated Agreement – NC Department of Health and Human Services (NC DHHS)

The Henderson County Department of Public Health requested approval of the Consolidated Agreement with the NC Department of Health & Human Services for FY 2025. This agreement is presented to the Henderson County Board of Commissioners on an annual basis. The required signatures include a County Official (Chairman of the Board of Commissioners or County Manager), County Finance Officer, and Health Director.

The agreement requirements have not significantly changed compared to the FY 2024 Consolidated Agreement. The Summary of Changes document highlights the changes for FY 2025. The county attorney also reviewed this Agreement, with no legal concerns noted.

The Henderson County Board of Health reviewed and approved the proposed agreement at their March 12, 2024, meeting, with guidance to forward it to the Henderson County Board of Commissioners for their consideration and final approval.

Motion:

I move the Board approve the FY 2025 Consolidated Agreement between the NC Department of Health & Human Services and the Henderson County Department of Public Health.

Recreation – Addition of Positions

In February 2024, Henderson County issued a Request for Proposals for landscaping and mowing services at County Parks and Recreation facilities. Proposals were received by March 13, 2024, and the results exceeded anticipated costs. Staff reviewed the viability and cost differential of bringing this function in-house and determined that doing so would benefit the County in terms of overall cost and building additional capacity for maintenance of our recreation facilities.

Motion:

I move the Board approve the addition of two (2) Park Technician positions within the Recreation Department effective immediately.

Temporary Project Position – Finance

The Board was requested to approve the addition of a temporary project position in the Finance Department, effective April 17, 2024, through no later than June 30, 2024. The addition of the position would allow the Department to hire a replacement for a position that will be impacted by a reorganization in FY25 and provide a period of training for the new employee. The project position will be temporary and eliminated at the end of FY24.

Motion:

I move the Board approve the temporary project position, effective April 17, 2024, through not later than June 30, 2024.

Bid Award for Jackson Park and County Facilities Paving

The Board was requested to approve the bid and authorize staff to proceed with paving at Jackson Park and County Facilities. Bidding was conducted between March 6, 2024, and March 28, 2024.

The proposal received from Tarheel Paving was for a total price of \$326,476.80, inclusive of

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Alternate 2 Jackson Park. The budget for Jackson Park Paving was being funded by state grant funds, which had an available balance of \$609,648. The county-wide paving projects have an available budget of \$150,000 utilizing County funds.

Motion:

I move the Henderson County Board of Commissioners to accept the lowest responsive, responsible bid from Tarheel Paving and authorize Henderson County staff to proceed with the award of Jackson Park and County Facilities Paving in the amount of \$326,476.80.

Vaya Health – Letter of Support

The Board was requested to approve a letter of support for Vaya Health, in collaboration with Partners Health Management, to become the statewide administrator for the CFSP.

Motion:

I move the Board approve the letter of support as presented and authorize the Chair to execute it on behalf of the Board.

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

PUBLIC HEARINGS

2024.049 Public Hearing on Financing Package for Solid Waste 3rd Bay GMP

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

As authorized by the Board within the FY24 Solid Waste budget, staff proceeded with the construction of the Third Transfer Station Bay project. The project has developed to the stage where approval of the GMP2 was needed by the Board. Note that the Board approved GMP1 during its February 5, 2024, meeting. Vannoy has presented and staff reviewed the proposals for GMP2. The scope of GMP2 is to complete the construction of the third transfer station bay by a completion date of April 16, 2025. The proposed guaranteed maximum price is \$4,192,540, and the details of the scope and price can be found in the proposal from Vannoy. The total of both GMPs is \$8,217,076, which is \$273,694 under budget.

Also presented for Board approval was the proposal from SCS Engineers for construction administration and materials testing for the duration of GMP2. SCS's previously approved agreement was for the duration of GMP1. The proposal is for \$95,000.

With the total cost identified and under budget, staff has begun the design and permitting for extending the entrance road to the transfer station from Stoney Mountain Road to the current three-lane section. This will provide two entrance lanes and improve congestion and customer service. Staff will present a proposal for the construction of the extension based on unit prices from the GMP for the Board's consideration at a future meeting.

Samantha Reynolds said four banks had responded to the RFP; the winning bidder selected was JP Morgan Chase, with an all-inclusive rate of 4.07% with a ten-year call option. JP Morgan Chase offers the most competitive rate for the fifteen-year term option selected. Vice-Chair Edney asked who made the decision to award JP Morgan Chase as the winning bidder. Mrs. Reynolds said staff was presented with all the options and the different terms with rates and chose the bank that would fit the best within the County's capacity. Edney said while he was happy that staff had made the selection, the Board would always want to see all the bidders and what spreads had been offered. Mrs. Reynolds said she would provide those options to the Board. Commissioner Lapsley asked for clarification on the bonds. Should the Board decide to proceed with the bonds, this borrowing would be paid back through tipping fees and revenues, not from the general fund. Mrs. Reynolds said yes, that was correct the borrowing would be repaid out of the Solid Waste Fund.

Chairman McCall said there was more involved in this project than a bay to dump trash and asked County Engineer Marcus Jones to provide additional information about the project. Mr. Jones said that the bay will be in a difficult environment with trash being scraped, pushed, and compacted, which requires a significantly stout build that includes a substantial amount of concrete and steel. In addition to the transfer station, the road network will also be reconstructed to allow for the separation of residential and commercial traffic.

John Mitchell said there were two items before the Board that had been grouped together. They were grouped together so that the public could see what the borrowing was for and understand how staff got to the number. The county has an enterprise fund, which is a way to delineate funds for what might be looked at as a small business but a business that the County performs. One of those items is the transfer station. The transfer station encompasses all the activities that happen at the old landfill. That includes taking care of the old landfill, keeping the property mowed, taking trash from county residents, and transferring the trash that is collected; that is why it is called a transfer station, as there is not an active open landfill in the county anymore. The third operation is recycling activities that are performed by the county. As more people move to the county, more trash is produced. With the increased business, the wait time is often pushed out into Stoney Mountain Road. Mr. Jones and his staff have been working on a plan to expand the capacity at the facility for increased safety and better serve the citizens of the county. The third bay is part of that project. There are two items before the Board of Commissioners. The first is the borrowing item, and the second, which requires the Board to vote, is the Guaranteed Maximum Price for the improvements included in the project.

Mr. Jones said that with the volatile construction market staff was unsure of the cost estimates and the amount of funding available, so they did not "pull the trigger" on expanding the entrance road to three lanes. With the amount that Vannoy shows under budget the county would have the ability to add that portion of the project back. The staff has started the design and permitting for that portion, and it will come back before the Board at a later date for the change to the project. The cost of the change will be based on competitively bid asphalt prices and earthwork from GMP #1. It will not be a negotiated price it will be established based on the bids that have already been done. The addition of the third lane all the way to Stoney Mountain Road will allow haulers and commercial traffic the ability to get out of the residential traffic line and over to the automated pay system quickly. This would be a great improvement for the haulers, who represent 70% of the business at Solid Waste.

Mr. Jones said substantial concrete push walls are required to help guide the trash back to the pit. Several push walls are armored with AR400 high-strength steel, which is costly but necessary. If the walls are not armored, the abrasiveness of the chemicals in the trash limits the life of the concrete.

Commissioner Andreotta asked if the floor currently being demolished was the original floor from when the building was constructed in 2005. Mr. Jones said the floor system consists of a subgrade, a base (if the floor included this), a 10-inch structural slab, and a 3-inch sacrificial concrete slab on top. The subgrade is designed to take the abrasions, and the superficial slab will fail. The only part that would need to be replaced would be the top part, the superficial slab. In an ideal situation, like with the original bay, the floors must be replaced every eight years. With the second bay, the floor has not lasted nearly that long; in fact, that floor system in the 2nd bay, the 2005 bay, has been replaced more often than the floor constructed in the 95. Commissioner Andreotta clarified that Jones was talking about the top layer. Mr. Jones said yes, the top layer is what he was referring to. He said they are now discovering that without an adequate rock base on the bay, there is a lot of movement on the structural slab, and when the structural slab moves, the sacrificial slab cannot move with it, which causes it to break up, resulting in a replacement floor. Mr. Jones said replacing just the sacrificial slab floor alone costs approximately \$250,000 - \$300,000. The return on investment from removing the structural slab as well to make this a \$500,000 project will pay off in eight years. He believed this to be a sound investment.

Commissioner Hill clarified with Mr. Jones that the new bay would be for commercial haulers. Mr. Jones said that is correct, but the bay will also be set up to be flexible, so staff may utilize it based on operational difficulties or challenges, such as a bay being temporarily closed. This additional bay will allow the capability to separate the traffic and the flexibility to use it when needed. In closing, he said the 3rd bay would be primarily used for commercial haulers; that is where the bulk of the county’s trash comes from. Mr. Hill stated that the 3rd bay was a much-needed safety upgrade; Jones agreed.

County Attorney Russ Burrell noted that there had been a change in the agenda item since the item was originally prepared that needed to be included in the extract of minutes. In the original extract of minutes, a two-part action was described, one to finance construction and the second was re-finance to the debt that is owed to Truist Bank. He asked that the word “optional” be added after letter B in the second part of the action because, as of yesterday’s conference talking with the financing representatives, that probably would not happen. That debt will be paid outside of this.

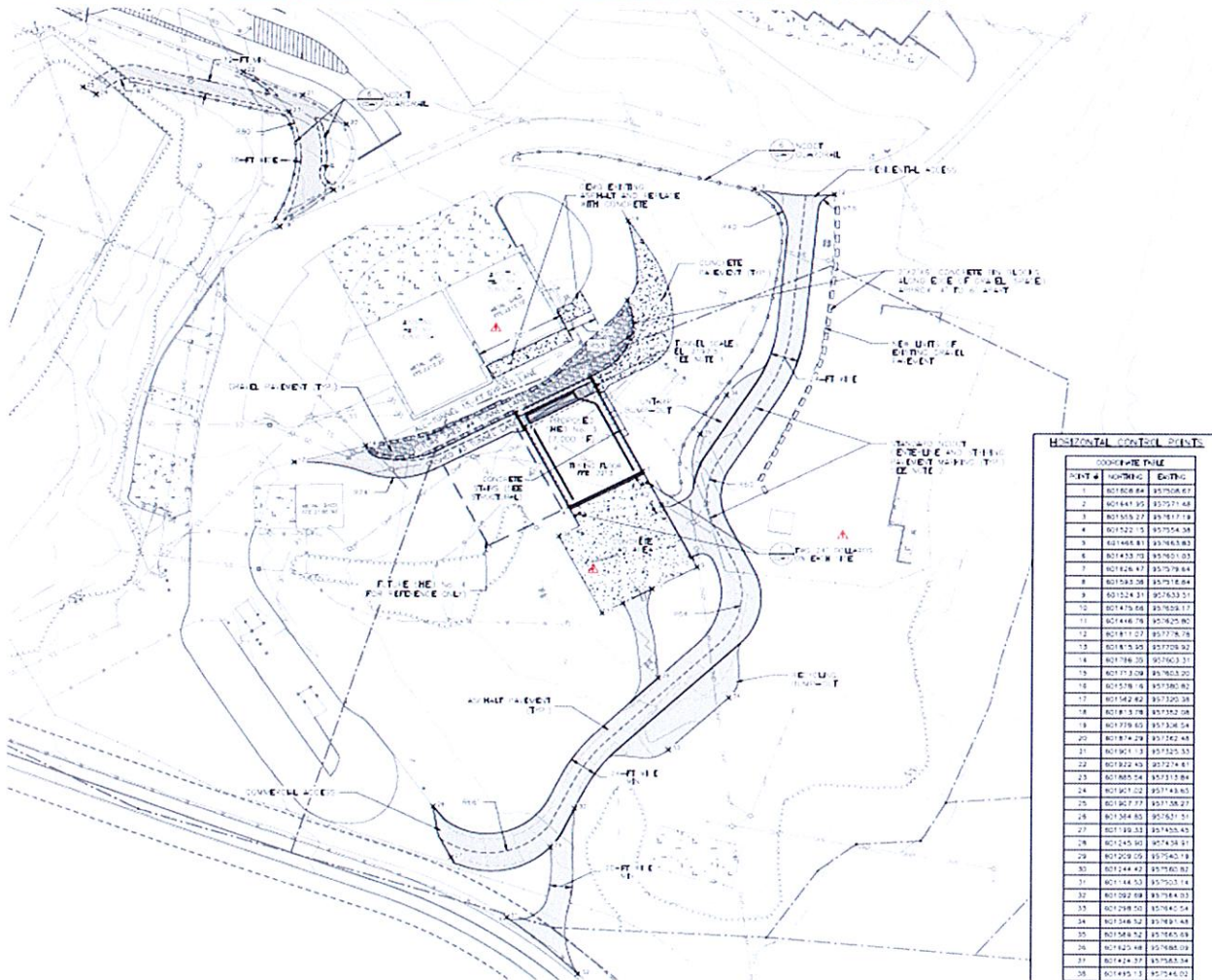
Guaranteed Maximum Price, Number Two

Third Bay Project for the Solid Waste Transfer Station
April 17, 2024

Third Transfer Station Bay: GMP#2

- BOC approved GMP#1 on 2/5/24 for \$4,024,536 to replace the floor in existing bay #1 and for site work for the bay #3 project
- Today’s request:
 - Approve Vannoy’s GMP#2 proposal of \$4,192,540 for the remainder of the project scope
 - Approve SCS Engineer’s CA proposal that corresponds to GMP#2 for \$95,000
- Note:
 - The total for GMP#1 and proposed GMP#2 is \$8,2,17,076 which is \$273,694 under the construction budget of \$8,500,000
 - Future change order to add widening of entrance road to 3 lane (2 in and 1 out)

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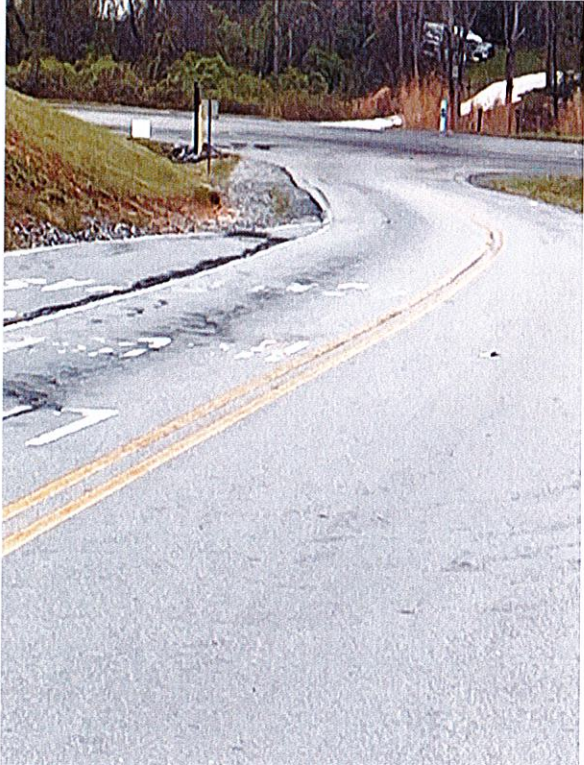




Demolition of the floor in Shed #1.



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Public Comment: There was none.

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

Vice-Chair Edney made the motion that the Board approve the following for the Third Transfer Station Bay project: Vannoy's Guaranteed Maximum Price number two for \$4,192,540 and SCS Engineers' proposal for \$95,000. All voted in favor, and the motion carried.

2024.050 Land Development Code Text Amendment (TX-2024-01)

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

With the adoption of the Henderson County 2045 Comprehensive Plan on March 20, 2024, the Board of Commissioners shall hold a public hearing for the amendment of the Land Development Code. The Code currently reflects the 2020 Comprehensive Plan since the documents are intertwined. In order for the County to provide development services to the community, basic amendments are required to reflect the newly adopted 2045 Comprehensive Plan. These amendments will convert language from the old plan to corresponding terminology in the new plan.

The public hearing was posted in the Times News on April 7 and April 12 in accordance with N.C.G.S. § 160D-601.

The Henderson County Planning Board unanimously recommended submitting the amendment to the Board of Commissioners for consideration and approval at its meeting on Thursday, March 21st. The

Approved: May 6, 2024

Planning Board requested no changes. No public comments were received by staff or at the Planning Board meeting.

Janna Bianculli explained that the proposed amendments were “Band-Aid amendments,” which are necessary since a new comprehensive plan has been adopted. They are not in-depth and do not cover things that come from the comprehensive plan; they only change references.

2045 Comprehensive Plan

- Adopted on March 20, 2024
- The LDC and Comp Plan are intertwined documents
- In order to provide development services to the community, basic amendments are required to reflect the new plan
- These changes will convert language from the old plan to corresponding terminology in the new plan

Public Process

- Posted in the Times News on April 7th and April 12th in accordance with NCGS 160D-601
- Amendments were previously reviewed by the Planning Board on March 21st
- Board members voted unanimously to recommend the changes for approval by the Board of Commissioners
- No public comments received

Proposed Amendments

Minor Change		# of Occurrences
A.	All mentions of "Urban Service Area (USA)" is amended to say "Utility Service Area (USA)"	8
B.	Removal of Community Plan references	12
C.	Removal of old character area references	2
Substantial Change		# of Occurrences
D.	All mentions of "Community Service Center" is amended to say, "Neighborhood Anchor", where appropriate	1
E.	Amendment of review schedule for all comprehensive plans	1
F.	Removed requirement for reference to Comprehensive Plan when designing well systems for subdivisions	1

Substantial Amendments

PAGES 20, 138, & 290-291

Replace Community Service Ctr with Neighborhood Anchor (pg. 20)

§42-32. Office & Institutional District (OI)

A. Purpose. The purpose of the Office & Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers **Neighborhood Anchors** as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.

Removal of Community Well System/Comp Plan Ref. (pg. 138)

Where a subdivision is located entirely or partially in those areas designated as Rural (RAA) in the Comprehensive Plan, the applicant shall adhere to one (1) of the following two (2) options:

a. Community Well System. Provide a community well system (a type of public water supply system) that meets State standards for public community water systems (individual wells shall not be permitted in this situation). The location of each well and the waterlines shall be shown on the development plan. If the locations of the well(s) or waterlines change, the applicant shall submit a revised development plan. The distribution system (waterlines) is not required to be constructed and installed prior to beginning land disturbing/construction activity or any other improvements:

b. Individual Wells (not recommended). The applicant shall provide reasonable documentation demonstrating there is sufficient water supply to support 60 percent of the proposed lots. The location of each well shall be shown on the development plan.

The applicant shall provide documentation for either Option a or Option b prior to beginning any land disturbing/construction activity or any other improvements not associated with the installation of the well or wells:

Removal of Review Schedule for Comp Plan (pg. 290-291)

(3) Review Schedule. Amendments shall be considered **when initiated and in concurrence with rezoning applications. Other amendments** annually, and shall be reviewed based on the following:

- a. Interim Review, Community Plan Begun, not Yet Adopted. Where the site of a proposed rezoning or Special Use Permit request is located in the area under study, the Planning Department will not initiate consideration of whether the site's current formally adopted land use classification should be changed to allow the proposed development, but encourage the landowner to participate in the development of the applicable Community Plan. If the landowner continues with the rezoning or Special Use Permit request, review of Comprehensive Plan consistency will be based on the site's current or assumed classification (until the Community Plan is adopted);
- b. Interim Review, Community Plan not Yet Begun. Where a proposed rezoning or Special Use Permit request is located in the area scheduled for study, the Planning Department will initiate an ad hoc consideration of whether the site's current formally adopted land use classification should be changed. This process shall occur concurrently with the review process of the proposed rezoning or Special Use Permit request;

Removal of Review Schedule for Comp Plan (pg. 290-291)

c. Annual Review. The County will review amendment requests as submitted in January. Planning Staff assesses suggested revisions within the context of the plan as a whole, proposes plan amendments deemed appropriate to address them, and submits the proposed amendments to the Planning Board for review and recommendation to the Commissioners. The Commissioners decide whether to adopt the proposed amendments:

d: a. Five-Year Review. The Comprehensive Plan is subject to a review every five (5) years with the first review scheduled after the last Community Plan is complete. Planning Staff prepares draft amendments and submits them to the Planning Board for initial review. Planning Staff distributes copies of the draft amendments widely, invites public comment, addresses received public comments and submits amendments as revised to the Planning Board for review and recommendation to the Commissioners. The Commissioners review and decide whether to adopt the amendments. The Commissioners may hold a public hearing or public input session. If the Commissioners direct that further modifications to the proposed amendments be made, and such modifications are deemed by the Commissioners to be significant, the modified proposal shall be resubmitted to the Planning Board for further review and recommendation before the Commissioners take action.

Public Comment:

1. Jane Bilello urged the Board to ensure the Land Development Code is developed without room for doubt, legal wrangling, or exceptions to the zoning ordinance. She felt there should be no rezoning. She said citizens did not want the City of Hendersonville encroaching, annexing, and transforming the county into an urban sprawl. She hoped the Board would produce a plan that protects and preserves private property and conserves open spaces.

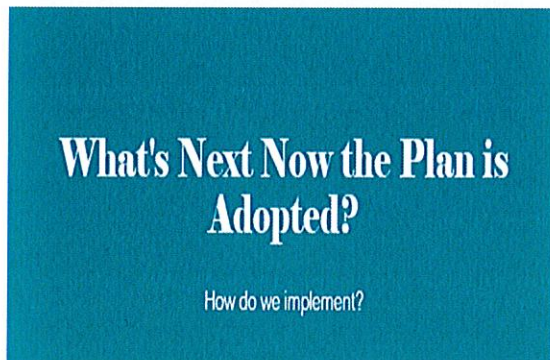
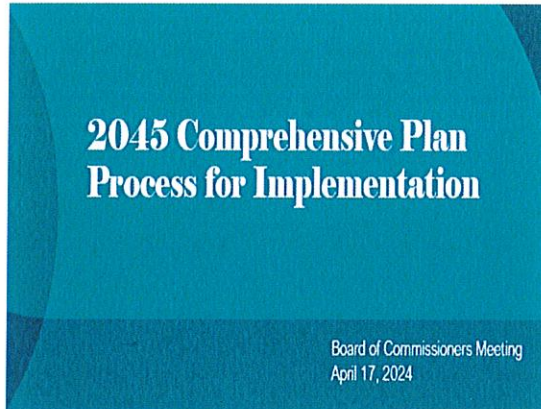
Vice-Chair Edney made the motion to go out of the Public Hearing. All voted in favor, and the motion carried.

Vice-Chair Edney made the motion that the Board approve the Land Development Code Text Amendments (TX-2024-01). All voted in favor, and the motion carried.

DISCUSSION

2045 Comprehensive Plan Update

On March 20, 2024, the Board of Commissioners adopted the 2045 Comprehensive Plan. Staff presented the plan for implementation now that the plan has been adopted.



Process for Implementation

- **Plan Use:** All staff reports, and site plan reviews will be utilizing and referring to the adopted 2045 Comprehensive Plan. The 2020 CCP will no longer be used for determining plan consistency statements or during the review of projects.
- **Plan Reference Amendments:** The LDC will be amended to ensure language and terminology are consistent with the newly adopted plan (band-aid amendments).
- **Draft Implementation Plan:** The Implementation Plan will prioritize actions prescribed by the 2045 Comprehensive Plan. The schedule for actions to be completed will depend upon the individual recommendations.

Implementation Plan

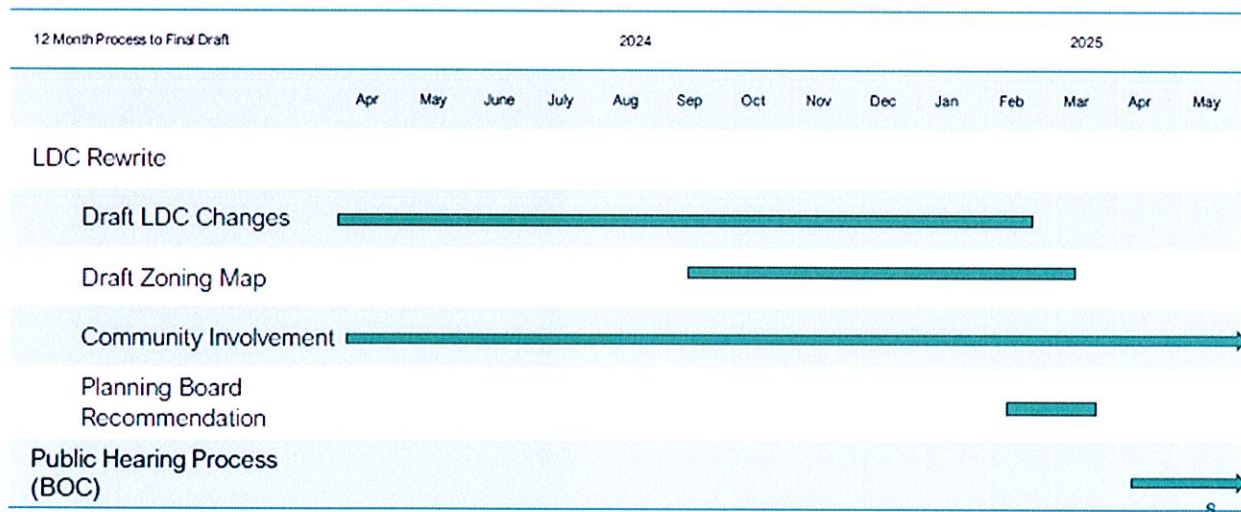
- Requested by the BOC, Planning Board and Public to be part of the 2045 Plan
- Prioritizes recommendations
- Provides a schedule for completing actions
 - Some recommendations will be completed in the next 1-5 years
 - Others may take longer or will be ongoing throughout the life of the plan
 - Responsibility of implementation will include a variety of Boards and Committees
- Planning Board briefly discussed this during their March meeting, following plan adoption, and will begin reviewing a Draft Implementation Plan at its April meeting
- Planning Board will recommend an Implementation Plan (1-3 months to complete)
- Acceptance by the Board of Commissioners will be requested



Land Development Code Rewrite

- Align Residential Densities
- Examine the Use Table
- Reduce SUP's
- Update Processes and Procedures
- Review Federal & State General Statutes
- Ensure that the zoning districts reflect the 2045 Plan's prescribed densities and uses
- Add additional zoning districts as needed
- Clarify and add additional uses to the Table of Permitted Uses
- Review SR requirements and reduce the number of SUP's
- Amend zoning map districts

Schedule LDC Rewrite and Zoning Map Update



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Commissioner Hill asked about phased projects such as larger developments and major subdivisions and whether those would be held to the 2045 plan even though they came in during the 2020 plan. She said many of those projects have been under the 93 Land Use Plan, and Planning Department staff hold to the “master plan” they were vested in and work within those parameters. However, if those developers buy additional property and want to expand, that would be a different scenario.

Vice-Chair Edney said the county developed the 2045 comprehensive plan, which is not reflected in the current Land Development Code (LDC). This means that the LDC does not reflect the will of the people or the Board. Planning Staff stated it would take a year to implement the changes, so all new projects submitted will not be consistent with both, which the law says they must be. He wondered if a moratorium was needed for that year or the implementation timeframe could be cut in half. Mrs. Radcliff stated that staff would move quickly and reminded the Board that when the 2020 plan was adopted in 2004, the county was “unzoned” until 2001. That was when “open use” came into effect. One of the recommendations in that plan was to develop a consolidated Land Development Code, which did not happen until 2007. She said implementing the 2045 plan was a different scenario, as “open use” was equal to not having any zoning. She felt the county was better protected with the implementation of the 2045 plan, as the Land Development Code has been in place since 2007. She did not feel the need for a moratorium.

Construction Projects Update

Henderson County Capital Projects Veteran Service’s Office



Handrails are starting at the front parking lot; the curb, gutters, and sidewalks are complete. The ADA ramp at the back of the building has been installed, and concrete has been poured.



Etowah Library – Outdoor Venue

The stage had been framed, and concrete was installed in the forms shown. The roof and metal were on the structure.



Jackson Park – Lower Tennis Courts

Stott Construction has demolished the fences as planned, and stone has been brought in for the subgrade to ensure a long life expectancy. The paving was complete, and poles were being set for the new fencing.



Dana Park – Community Building Remodel

Drop ceilings were removed, and sheetrock was installed. The flooring and painting are currently being completed.



BRCC MRTS Projects

FY 23-24 BRCC MRTS

The board-approved project list for Blue Ridge Community College is 100% contracted. Forty-six projects are complete and fully invoiced, and five of the six remaining projects, including the greenhouse, are underway.

Henderson County Public Schools MRTS Projects

West Henderson High Renovation and Addition

Area A, the office area, was completely gutted and cleaned up. Metal studs were onsite to begin framing.



Upward Elementary Renovation and Addition



FY 23-24 HCPS MRTS

West High Air Handler Replacement

Cooper Construction will install the unit upon delivery, expected to be June 2024.

Elementary Schools HVAC Controls Upgrade

The project is approximately 55% complete. Three schools are completed, and the remaining six are 50% complete.

Gutters and Downspouts Project

Bonitz Company has completed the gutters and downspouts project.

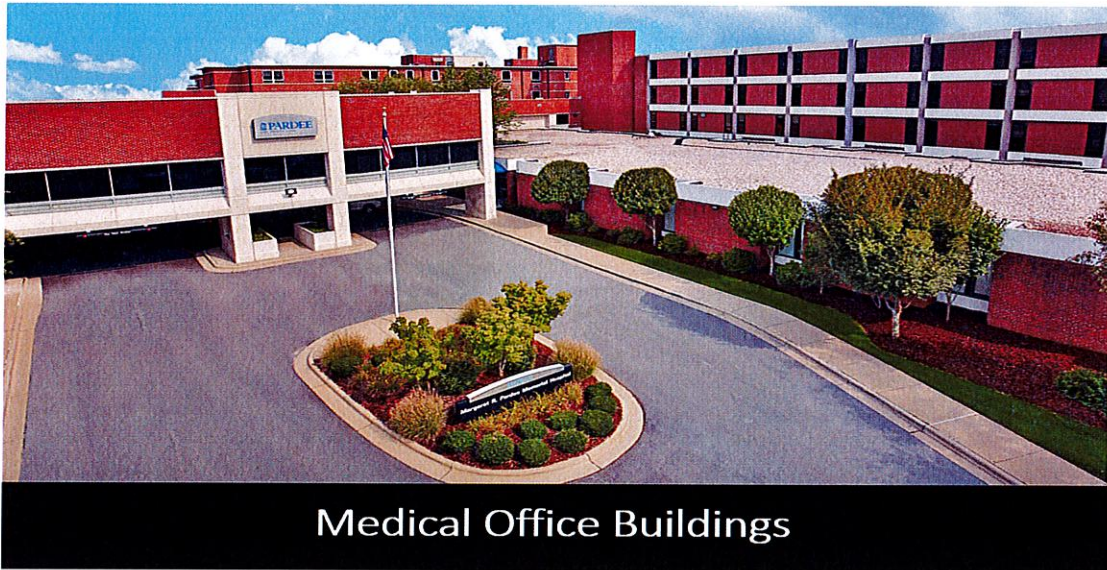
Various Roofing

Bonitz Company continues to work on the projects, which are currently approximately 75% complete.

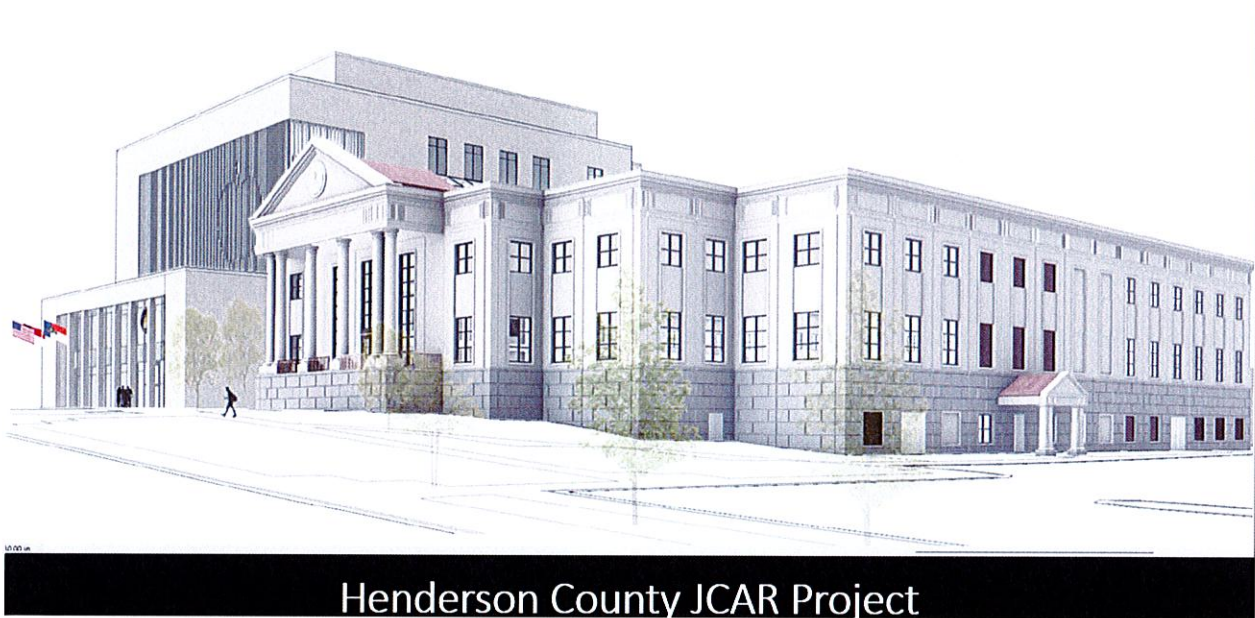
Atkinson HVAC Upgrade

Only one bid was received and returned to the contractor, and the project has been readvertised. The second bid opening was on April 10, 2024.

Chris Todd provided an update on the partnership and projects with Pardee Hospital and the medical office buildings. LS3P was selected as the architect at the Board's last meeting. Staff expects to bring a contract and scope of work to the Board at the mid-month meeting in May. The Construction Manager at Risk requests have already been released. Staff will vet those responses once they are received in the coming week. A recommendation is expected for the mid-May meeting. The hospital has an aggressive timeline for the projects. Chairman McCall noted that the facilities would need to be user-friendly for those who would use the buildings.



Medical Office Buildings



Henderson County JCAR Project

Chris Todd said the Detention Center portion of the JCAR project continues to move through the design development phase. He hopes a pricing activity will begin in the coming month. He said the Board would likely see a request for Board action to allow Haskell-Cooper to begin the next step in the pre-construction work. The courts portion of the project the direction when the pricing came back was to send Staff and Vice-Chair Edney and Commissioner Lapsley to work with staff, contractors, and architects to potentially find cost savings. It was his intention to present those findings at the Board's first meeting in May.

Facilities Services Projects

Andrew Griffin
4/17/2024

Director of Facility Services Andrew Griffin provided an update on current Facility Services Projects.

EMS Station #6

Mr. Griffin said the pictures below were dated and do not represent current updates, including the sheetrock that has been installed. Doors and door frames are being hung. Site work is moving along; curbing is in place, and most stormwater features are taken care of. He expects a possible completion date before the end of 2024.

EMS #6 Fletcher

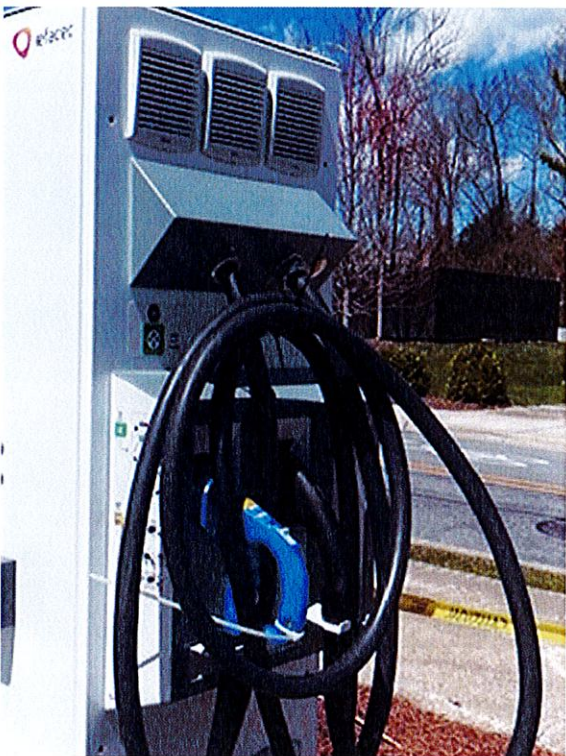
- ▶ Electrical
- ▶ HVAC Starting
- ▶ Plumbing
- ▶ Water and Sewer
- ▶ Curbing
- ▶ Sheetrock
- ▶ May 2024





Main Library Restrooms

The renovated bathrooms at the main library opened Monday morning. Griffin said there were a few punch list items to be completed.



VW - DC Fast Chargers

- ▶ Grant Approved August 3rd, 2020
- ▶ Equipment Delays
- ▶ 2 Extensions
- ▶ Activation

The VW – Fast Chargers are on-site at Fourth Avenue's 95 Courthouse overflow lot.

Main Library Façade and Limestone SBA – 1

This SBA (State Budget Allocation) project was completed \$300,000 under budget.



EMS Headquarters Shed and Parking Improvement SBA – 5

The building package arrived on April 9, with framing scheduled for the 15th; completion is expected in June 2024.



Ecusta Trail

Mr. Griffin said the Ecusta Trail project was moving along with bridge sub-structures going in place; there was a lot of concrete work. The bridges are expected to arrive in August.

**2024.051 NC 191 Multi-use Path Cost Share**

NCDOT is working on the final designs for widening NC 191 (R-2588B), which will include a multi-use path along one side to connect Rugby Middle School and West Henderson High School. Students walk between the schools for athletics and other school functions, so a path was identified in the initial planning documents and discussed with the schools and the county. The multi-use path will also connect to the entrance of Historic Johnston Farm. NCDOT has completed and submitted the final cost share amounts for the County's approval. The multi-use path requires a 50% cost-share agreement with the county. The County may consider splitting the cost share amounts between fiscal years. The project also proposed a sidewalk extension along the drive entrances to West Henderson and Rugby Middle Schools that NCDOT will fund. The project did experience delays with tree-clearing activities due to federal restrictions, so the project will end in August 2025.

The Transportation Advisory Committee discussed the item and cost-share amounts at its meeting on March 20th and voted unanimously to recommend that the BOC approve the cost-share funding for the multi-use path as proposed.

Project No. **50228.1.1 (R-2588B)**
 Route: NC 191 from NC 280 to SR 1381 (Mountain Rd)
 County: Henderson Date: 3/19/2024

Multi Use Path - Henderson County							
Line Item	Des	Sec No.	Description	Quantity	Unit	Price	Amount
		520	Aggregate Base Course	1,600	TON	\$ 40.00	\$ 64,000.00
		610	Asphalt Conc Surface Course, Type S 9.5B	240	TON	\$ 100.00	\$ 24,000.00
		620	Asphalt Binder for Plant Mix	20	TON	\$ 700.00	\$ 14,000.00
TOTAL COST							\$ 102,000.00
*COST TO NCDOT (50/50)							\$ 51,000.00
*COST TO HENDERSON COUNTY (50/50)							\$ 51,000.00

Sidewalk extensions along drive entrances to West Henderson High School and Rugby Middle School							
Line Item	Des	Sec No.	Description	Quantity	Unit	Price	Amount
		848	4" Concrete Sidewalk	440	SY	\$ 65.00	\$ 28,600.00
TOTAL COST							\$ 28,600.00
*COST TO NCDOT							\$ 28,600.00
*COST TO HENDERSON COUNTY							\$ -



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Commissioner Lapsley noted that this project and others had been on the books for years; DOT projects take time. The DOT pays for and is responsible for the projects, as counties in NC do not have a “road department.”

Chairman McCall explained the process for DOT projects as there had been an indication during public comment that the county makes these decisions and informs the DOT which projects to complete, but that is inaccurate. She said the Transportation Advisory Committee, in which McCall and Lapsley participate, is made up of representatives from each municipality and some at large members. Then, there is the Regional Division, in which she and Commissioner Lapsley also participate. It is made up of commissioners and city council members from several counties. The DOT develops the priority list based on input from each of the counties. A long, drawn-out process takes the county out of the loop for much of it. She said the counties and municipalities have a “presence” but were not the prominent presence in making decisions and pushing projects forward. The DOT makes the final decisions.

Commissioner Andreotta asked if lighting and emergency call boxes would be located along the path. DOT District Engineer for Henderson County Troy Wilson said those were not included in the plan. Mr. Andreotta inquired if the residents closest to the project location had been notified of the proposed pathway. Mr. Wilson said yes indeed, and the rights-of-way had already been purchased. Mr. Andreotta asked what kind of traffic would use the path. Mr. Wilson said it is a multi-use path so that it would allow all types of traffic except motorized vehicles.

Commissioner Andreotta said if the Board of Commissioners had the power to complete DOT projects, many things would be done a lot quicker. He said that, in his outside role as a financial professional, he had an office in the building at the intersection of King Street and Allen Street. He said the intersection was the only one on King Street without a stoplight. In the four years he has had an office in that building, he had seen at least a half dozen significant accidents at the intersection. Information was sent by Mr. Andreotta to Henderson County’s DOT liaison each time an accident occurred to no avail. He was unsure of the number or severity of injuries sustained at the intersection but believed getting one stoplight up would be very easy. And said this is an example of “if the county could get what it wants, there would be a stoplight there at that intersection.”

Chairman McCall shared that at yesterday’s LGCCA meeting, it was mentioned that the DOT sponsors an online survey to get public input on future projects. Mr. Wilson stated that the survey could be accessed from the French Broad River’s NPO website.

Vice-Chair Edney proposed that \$51,000 be funded from MRTS since this is a Henderson County Public Schools project.

Commissioner Lapsley made the motion the Board approve the cost share amount for the County’s portion of the Multi-use Path on NC 191, approve a budget amendment appropriating FY24 HCPS MRTS Contingency Funding in the amount of \$51,000, and authorize the County Manager to sign the cost share agreement. All voted in favor, and the motion carried.

2024.052 Interlocal Agreements for Tax Collections(Pulled for Discussion from Consent)

NCGS 160A-461 authorizes cities in North Carolina to contract with the county for the provision of their city property tax billing and collection and to reimburse the county for those services.

At the Board's April 17, 2019 meeting, the Board approved an Interlocal Agreement with the City of Hendersonville, authorizing the Tax Collector to begin collecting current year taxes from July 1, 2019 through June 30, 2024.

Both the City of Hendersonville and the Town of Laurel Park expressed an interest in continuing this practice. They requested the County approve subsequent agreements authorizing the Tax Collector to collect current-year taxes from July 1, 2024, through June 30, 2029.

County staff worked through the specifics of an Interlocal Agreement with the same terms as the current agreement, which was presented here for the Board's consideration.

Vice-Chair Edney said a couple of years ago, it was brought up as part of the revaluation and the concern that a tax bill with everyone's (the county and the municipalities') information included would cause confusion and concertation. The county then looked at whether the bills could be split and printed separately. At that time, it was said that the tax software did not have the functionality to split the bills. The agreement presented today was for five years and would go through the next reevaluation. He said he had previously asked for the cost of providing separate bills and had not gotten a response. Amy Brantley said the costs would include postage and staff time. However, the more significant issue was that the software package used for billings and collections could not generate separate bills. Mr. Edney said he understood and did not mind supporting the interlocal agreement for two years. However, he wanted to investigate "changing up" the software so that separate bills may be printed at least before the next revaluation. Chairman McCall asked what municipalities are included in the interlocal agreements. Ms. Brantley said The City of Hendersonville, Laurel Park, and the City of Saluda. Moving forward, Chairman McCall asked staff to work with Farragut to see what it would take to modify the software or if it is possible. Ms. Brantley said staff would work with Farragut, who does the NC property tax systems. Mr. Edney said if Farragut cannot or will not modify the software, investigate what other companies could. Commissioner Andreotta added that citizens receive their tax bills and see the cumulative total and think the county is charging the cumulative total when, in fact, that is not true. Ms. Brantley said the county had been using NCPTS for approximately ten years. John Mitchell said it may be appropriate for the Board to receive an update from the tax administrator about this issue. Mrs. McCall said to put this on the agenda for a future meeting.

Vice-Chair Edney made the motion the Board approve the Interlocal Agreement with the revision to limit the agreement to two years as discussed, authorizing the Tax Collector to begin collecting current-year taxes on July 1, 2024. All voted in favor, and the motion carried.

NOMINATIONS AND APPOINTMENTS**Adoption of Charter and Bylaws for the Farmland Preservation Task Force**

As discussed at the March 20, 2024, Board of Commissioners meeting, Staff were directed to contact potential Farmland Preservation Taskforce members to serve as representatives from various County organizations and entities.

Proposed Taskforce Members:

- HC Commissions

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- HC Planning Board
- HC Soil & Water Conservation District
- Agribusiness Henderson County (AgHC)
- NC Cooperative Extension
- NC Farm Bureau Federation
- Hendersonville Board of Realtors
- Henderson County Farmers/Producers

CHARTER, BYLAWS, AND RULES OF PROCEDURE FOR THE HENDERSON COUNTY FARMLAND PRESERVATION TASKFORCE

Purpose

The purpose of the Farmland Preservation Taskforce is to preserve and protect agricultural land throughout Henderson County while supporting local producers and the rural character of the County.

Charter and Membership

The Henderson County Board of Commissioners hereby create the Henderson County Farmland Preservation Taskforce. The Taskforce shall assist the Board of Commissioners by providing input on the preservation of farmland in Henderson County.

The Farmland Preservation Taskforce shall have the following members, all appointed by the Board of Commissioners:

- 1) Henderson County Board of Commissioners Liaison
- 2) Henderson County Board of Commissioners Liaison
- 3) Appointee member of Henderson County Planning Board
- 4) Appointee nominated by Henderson County Soil and Water Conservation District
- 5) Appointee nominated by Agribusiness Henderson County
- 6) Appointee nominated by North Carolina Cooperative Extension
- 7) Appointee nominated by North Carolina Farm Bureau Federation
- 8) Appointee nominated by Hendersonville Board of Realtors
- 9) Appointee at large
- 10) Appointee at large
- 11) Appointee at large
- 12) Appointee at large
- 13) Appointee at large

The Taskforce shall consist of a total of 13 members. All even-numbered Taskforce members shall serve an initial term which shall end one year from their first meeting. All odd-numbered Taskforce members shall serve an initial term of two years from their first meeting date. After

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the initial terms, appointees to all member slots shall serve two-year terms. Board members may serve no more than three terms, not including the initial terms set out above.

Proposed Bylaws and Rules

I. MEETINGS

- a. Open-Meetings Law. It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of this Taskforce be conducted openly. Except as allowed by NCGS 143-318.10, each meeting of the Taskforce shall be open to the public, and any person is entitled to attend such a meeting.
- b. Regular Meetings. The Taskforce shall hold meetings according to a schedule which shall be determined at the last meeting of the calendar year. The schedule shall be posted on the County's website. Meetings shall be held at a regular time and day as selected by the Taskforce and in compliance with other provisions regulating notice of meetings. Meetings shall be held in the King Street Meeting Room located at 100 North King Street in Hendersonville, North Carolina. The schedule of the regular meetings of the Taskforce shall be kept on file with the Secretary of the Taskforce and shall be filed with the Clerk to the Henderson County Board of Commissioners. The Taskforce shall have the authority to change the schedule of regular meetings and/or to change the date of a particular regularly scheduled meeting without the necessity of approval of the Board of Commissioners. If the Taskforce changes the schedule of regular meetings, the Secretary shall forward a copy of the new schedule to the Clerk to the Board of Commissioners at least seven (7) days prior to the first meeting held pursuant to the new schedule. If a particular regularly scheduled meeting is changed, the secretary shall comply with the notice provisions of paragraph C below (Special Meetings).
- c. Special Meetings. The Chair of the Taskforce or the majority of the members of the Taskforce may at any time call a special meeting of the Taskforce by signing a notice setting the time and place of the meeting and the subjects to be considered. Such notice must be posted on the bulletin board located in the front lobby of the Henderson County Courthouse, posted in a conspicuous place at 100 N King Street, mailed or delivered to each newspaper, wire service, radio station, and television station which has filed a written request for notice with the Secretary, mailed or delivered to any entity or person that has requested to be on the Taskforce' sunshine list as prescribed by law, and delivered to all members of the Taskforce all to occur at least 48 hours before the meeting. Only the business that is specified in the notice of the meeting may be transacted during a special meeting unless all members (not simply a quorum) are present and consent to the addition of other matters or those members absent have filed a waiver with the Secretary to the Taskforce.
- d. Meeting Conduct. Meetings will be conducted according to Small Government Rules of Procedure.

II. OFFICERS AND MEMBERS

- a. Presiding Officer. The presiding officer of each meeting of the Taskforce shall be the Chair of the Taskforce. The Chair of the Taskforce shall be designated by the

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Board of Commissioners. In situations where the Chair is unavailable or unable to participate in the meeting or any particular matter before the Taskforce, the Vice Chair shall preside. In the event that neither the Chair nor the Vice-Chair is available, the members of the Taskforce, by affirmative vote of the majority, may appoint an acting Chair who shall have all powers of the Chair while acting as presiding officer.

- b. Secretary.** The staff person assigned to the Taskforce shall serve as the Secretary of the Taskforce and shall perform the following: (1) ensure that all meetings of the Taskforce are properly noticed as outlined above; (2) maintain the sunshine list, which is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Taskforce; (3) take and record all actions of the Taskforce and draft minutes of the meetings accordingly; (4) forward a copy of the minutes as they are approved to the Clerk to the Board of Commissioners; (5) submit to the Clerk to the Henderson County Board of Commissioners a monthly attendance report for its members and notifying said Clerk of any resignations of any of its members, or any other change in membership of the Taskforce.
- c. Attendance.** All members of the Taskforce are expected to attend the regular and/or special meetings of the Taskforce. Any member not able to attend must notify the Secretary in advance of the meeting. Any member who fails to regularly attend the meetings of the Taskforce may be subject to consideration for removal from the Taskforce by the Henderson County Board of Commissioners.
- d. Duties.** Duties of the Committee will be as assigned by the Henderson County Board of Commissioners.

III. VOTING

- a. Duty to Vote.** It is the duty of each member, including the Chair, to vote unless otherwise excused. The Taskforce may excuse members from voting on any matter involving their own financial interest or official conduct or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Taskforce.
- b. Abstention.** Should a member fail to vote on any matter before the Taskforce, without having been excused from such vote, such abstention will count as an affirmative vote.

IV. ACTION BY THE COMMITTEE

- a. Quorum.** A majority of the Taskforce members then serving shall constitute a quorum. No action of the Taskforce may be taken where less than a quorum is present. Once a quorum is established, it will not be defeated if members leave.
- b. Motions.** Action of the Taskforce may be taken upon a motion by any member, including the Chair. A motion shall be adopted or approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.
- c. Minutes.** Minutes shall be kept of all meeting of the Taskforce. The secretary of the Taskforce shall present such minutes to the Taskforce for approval. Minutes of the

meetings of the Taskforce shall be public records. The secretary shall be responsible for sending a copy of all approved minutes to the Clerk to the Board of Commissioners.

- d. Staff Support. County staff shall be assigned to the Taskforce, acting as the liaison between the Taskforce, County Departments, and the Board of Commissioners and shall have the charge of correspondence, minutes, notifying members of meetings, and other information.

- V. AMENDMENTS. The Taskforce may amend these by-laws by action of the Taskforce provided, however, those amendments shall not be effective until they are approved by the Henderson County Board of Commissioners.

Vice-Chair Edney proposed the following modifications to the Purpose and Charter Membership:

- Under Purpose – remove “preserve and protect and while supporting local producers and rural character” and replace with “ the taskforce will investigate and report their findings the Board of Commissioners”.
- Under Charter Membership – remove the second paragraph.

Vice-Chair Edney made the motion to adopt the Charter, Bylaws, and Rules of Procedure for The Henderson County Farmland Preservation Task Force with the proposed revisions. All voted in favor, and the motion carried.

1. Farmland Preservation Task Force – 6 vacs.

Chairman McCall nominated Joffrey Merrill for appointment to position #5. All voted in favor, and the motion carried.

Vice-Chair McCall said there were five At-Large positions to be appointed. Since there were five open positions and five Commissioners, each member of the Board would nominate a person for each of those positions.

Commissioner Lapsley nominated Jason Edney for appointment to position #9. All voted in favor, and the motion carried.

Vice-Chair Edney nominated Justin Patwin for appointment to position #10. All voted in favor, and the motion carried.

Commissioner Hill nominated Linda Odom Pryor for appointment to position #11. All voted in favor, and the motion carried.

Commissioner Andreotta nominated Alan Ward for appointment to position #12. All voted in favor, and the motion carried.

Chairman McCall nominated Danielle Stepp McCall for appointment to position #13. All voted in favor, and the motion carried.

2. Animal Services Committee – 3 vacs.

Chairman McCall nominated Dr. Beverly Hargus for appointment to position #1. All voted in favor, and the motion carried.

Commissioner Hill nominated Dr. Carrie Carmen for appointment to position #3. All voted in favor, and the motion carried.

Chairman McCall nominated Jolie Herman for appointment to position #8. All voted in favor, and the motion carried.

3. EMS Peer Review Committee – 1 vac.

Vice-Chair Edney nominated Robert Griffin for appointment to position #18. All voted in favor, and the motion carried.

4. Henderson County Board of Equalization and Review – 1 vac.

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

5. Henderson County Planning Board – 3 vacs.

Commissioner Lapsley nominated Jason Davis for appointment to position #2. All voted in favor, and the motion carried.

Chairman McCall nominated Trey Ford for reappointment to position #4. All voted in favor, and the motion carried.

Commissioner Hill nominated James Miller for appointment to position #7. All voted in favor, and the motion carried.

Chairman Lapsley noted that position #2 on the Planning Board had been occupied by Steve Dozier, who currently serves as the Chair. He stated that the Board would like to express their gratitude for his many years of good service to the citizens of Henderson County. Chairman McCall echoed Lapsley's comments and said Mr. Dozier had been a member of the Planning Board for sixteen years.

6. Hendersonville City Zoning Board of Adjustment – 1 vac.

Chairman McCall nominated Mark Russell for appointment to position #2. All voted in favor, and the motion carried.

7. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

8. Hospital Corporation Board of Directors/UNCH – 1 vac.

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

9. Nursing/Adult Care Home Community Advisory Committee – 9 vacs.

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

COMMISSIONER UPDATES

Vice-Chair Edney congratulated the NC Lady Gamecocks for their recent women's NCAA tournament victory.

Commissioners Hill and Commissioner Lapsley had no updates to share.

Commissioner Andreotta noted that Scottie Scheffler had recently won the 2024 Master's Cup in Augusta, Georgia. He encouraged county students to investigate playing golf as potential scholarship opportunities are available.

Chairman McCall said that the NC Litter Sweep was in full swing and encouraged citizens to pick a street to clean up in their neighborhoods. She said the Pathfinders program now had approximately forty volunteers, thirty of whom had already been vetted and were ready to begin training.

GENERAL ASSEMBLY UPDATES

County manager John Mitchell said the General Assembly's short session would begin on April 24, 2024.

COUNTY MANAGER'S REPORT

Mr. Mitchell informed the Board that the Joint School Facilities Committee had met earlier in the week. The committee discussed property at Upward Elementary and Rugby Middle School as potential locations for the new bus garage but determined that neither location was suitable. In closing, he said he would present the budget to the Board at the May 6, 2024 meeting.

Vice-Chair Edney asked when the deadline was for the schools to present their proposed budget to the County, and Mitchell informed him the deadline was May 15. Mr. Edney requested that the school also present yearbooks from all the county schools.

Commissioner Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(5). All voted in favor, and the motion carried.

CLOSED SESSION

Commissioner Edney made the motion to go out of closed session and adjourn the meeting at 1:13 pm. All voted in favor, and the motion carried.

ADJOURN


Denisa A. Lauffer, Clerk to the Board


Rebecca McCall, Chairman

Approved: May 6, 2024

During the April 17, 2024, regular meeting, the Board enacted the following:

- 2024.045 Proclamation – Economic Development Week**
- 2024.046 Proclamation – National Tennis Month**
- 2024.047 National Public Safety Telecommunicators Week (Add on)**
- 2024.048 Consolidated Agreement NC Dept. of Health & Human Services**
- 2024.049 Public Hearing – Financing Package for Solid Waste 3rd Bay GMP**
- 2024.050 Public Hearing – Land Deve. Code Text Amendment (TX-2024.01)**
- 2024.051 NC 191 Multi-use Path Cost Share**
- 2024.052 Interlocal Agreements for Tax Collections(Pulled for Discussion from Consent)**

**Henderson County
Board of Commissioners**

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

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



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

PROCLAMATION

PROCLAIMING MAY 6 – 10, 2024 AS ECONOMIC DEVELOPMENT WEEK

WHEREAS, communities rely on economic development professionals to promote economic well-being and quality of life; for Henderson County that means the attraction and retention of quality jobs, soliciting new businesses compatible with the assets and values of Henderson County, promoting Henderson County’s business image, assisting expansion of existing companies, and enhancing Henderson County’s overall quality of life; and

WHEREAS, economic developers participate in a numerous activities helping the over 130 manufacturers in Henderson County, and marketing to recruit new high quality jobs; and

WHEREAS, the Henderson County Partnership for Economic Development is the professional development entity for Henderson County. The Partnership is a 501 c 6, public private organization and since its inception has facilitated over \$1,094,115,000 in new capital investment, accounting for 24% of tax receipts, and created over 3,370 new jobs, and worked to retain over 11% of the workforce in manufacturing

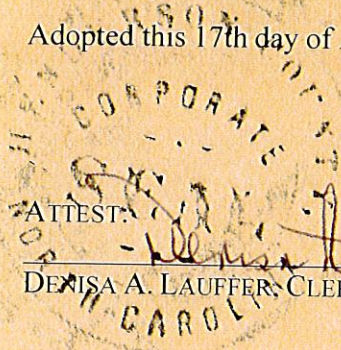
NOW, THEREFORE, the Henderson County Board of Commissioners, hereby proclaim May 6-10, 2024 as Economic Development Week, and remind citizens of the importance of this community celebration which supports expanding business opportunities and making lives better.

Adopted this 17th day of April, 2024.

REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

DENISA A. LAUFFER, CLERK TO THE BOARD



Henderson County Board of Commissioners

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

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



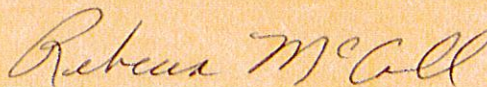
William G. Lapsley
Daniel J. Andreotta
David H. Hill

PROCLAMATION PROCLAIMING MAY AS NATIONAL TENNIS MONTH

- WHEREAS,** on May 21, 1881, the United States Tennis Association (USTA), originally known as the United States National Lawn Tennis Association, was founded in New York City, New York, to create rules and standards for the emerging game of lawn tennis; and
- WHEREAS,** the USTA is the nonprofit, national governing body for tennis in the United States, and leads the promotion and growth of the sport at every level of play, from beginners to professionals at the US Open; and
- WHEREAS,** the USTA is the largest tennis organization in the world, with over 550,000 members from every corner of the country; and
- WHEREAS,** the USTA proudly partners with local tennis programs to showcase the important health, social, and educational benefits of tennis, and make the sport available to everyone, regardless of age, environment, condition, or ability, through its USTA Adaptive Grants; and
- WHEREAS,** the latest research by the Physical Activity Council shows that more than 23.8 million Americans played tennis in 2023, an unprecedented 25 percent increase in participation over 2020 and the highest number of players since the PAC study began in 2007; and
- WHEREAS,** by increasing the accessibility of tennis for citizens of Henderson County, NC of all ages and ability, the USTA and its local affiliate, the Community Tennis Association of Henderson County, have contributed to making our community happier and healthier; and
- WHEREAS,** the USTA has declared the month of May as National Tennis Month to encourage players, organizations, facilities, retailers, tennis manufacturers, and more to promote local programs and activities at parks and facilities to showcase tennis and spread the word about the sport and its benefits, and to help players and non-players alike find courts and play opportunities in their communities.

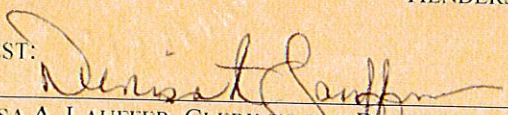
NOW, THEREFORE, the Henderson County Board of Commissioners, hereby proclaim May 2024 as National Tennis Month and hereby urge the citizens of this great county to become aware of and support National Tennis Month.

Adopted this 17th day of April, 2024.



REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



DENISA A. LAUFFER, CLERK TO THE BOARD

**Henderson County
Board of Commissioners**

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

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



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

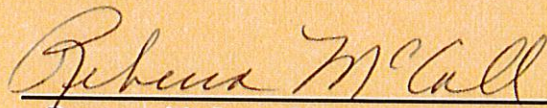
**RESOLUTION DECLARING APRIL 14 - 20, 2024 AS
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK**

- WHEREAS,** emergencies can occur at any time that require law enforcement, fire, or emergency medical services; and,
- WHEREAS,** when an emergency occurs the prompt response of law enforcement officers, firefighters, and EMS providers is critical to the protection of life and preservation of property; and,
- WHEREAS,** the safety of our law enforcement officers, firefighters, and EMS providers is dependent upon the quality and accuracy of information obtained from citizens who contact the Henderson County E-911 Communications Center; and,
- WHEREAS,** Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,
- WHEREAS,** Public Safety Telecommunicators are the single vital link for our law enforcement officers, firefighters, and EMS providers by monitoring their activities by radio, providing them information, and ensuring their safety; and,
- WHEREAS,** Public Safety Telecommunicators are critical in improving the chance of survival for patients who experience sudden cardiac arrest by recognizing the need for cardiopulmonary resuscitation and other lifesaving interventions prior to arrival of EMS; and,
- WHEREAS,** Public Safety Telecommunicators in the Henderson County E-911 Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and,
- WHEREAS,** each telecommunicator has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners do hereby declare the week of April 14 – 20, 2024 to be National Public Safety Telecommunicators Week in Henderson County in honor of the individuals whose diligence and professionalism keep our community and citizens safe.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 17th day of April, 2024.


REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


DENISA LAUFFER, CLERK TO THE BOARD

EXTRACTS FROM MINUTES OF PUBLIC HEARING

A regular meeting of the Board of Commissioners (the “*Board*”) of the County of Henderson, North Carolina (the “*County*”) was held on April 17, 2024, at 9:30 a.m. in the Commissioners’ Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Rebecca McCall presiding.

The following Commissioners were present:

J. Michael Edney, Vice Chairman
William Lapsley
Daniel Andreotta
David Hill

The following Commissioners were absent:

None

* * * * *

The Clerk to the Board reported to the Board that notice of a public hearing stating that the County is considering entering into an installment financing contract in a principal amount not to exceed \$10,500,000 in order to (a) finance the construction and equipping of a solid waste transfer station third bay, and (b) optional refinance the County’s installment payment obligations related to a Financing Agreement and Deed of Trust dated as of December 9, 2011 between the County and Branch Banking and Trust Company, the successor to which is Truist Bank, the proceeds of which were used to finance certain solid waste improvements, was published in *The Henderson Lightning* on March 20, 2024 (attached as Exhibit A) stating that the Board would hold a public hearing thereon at a regular meeting to be held at this meeting, or as soon thereafter as practicable.

Commissioner McCall moved that the above-referenced public hearing begin.

As authorized by the Board within the FY24 Solid Waste budget, staff proceeded with the construction of the Third Transfer Station Bay project. The project has developed to the stage where approval of the GMP2 was needed by the Board. Note that the Board approved GMP1 during its February 5, 2024, meeting. Vannoy has presented and staff reviewed the proposals for GMP2. The scope of GMP2 is to complete the construction of the third transfer station bay by a completion date of April 16, 2025. The proposed guaranteed maximum price is \$4,192,540, and the details of the scope and price can be found in the proposal

from Vannoy. The total of both GMPs is \$8,217,076, which is \$273,694 under budget.

Also presented for Board approval was the proposal from SCS Engineers for construction administration and materials testing for the duration of GMP2. SCS's previously approved agreement was for the duration of GMP1. The proposal is for \$95,000.

With the total cost identified and under budget, staff has begun the design and permitting for extending the entrance road to the transfer station from Stoney Mountain Road to the current three-lane section. This will provide two entrance lanes and improve congestion and customer service. Staff will present a proposal for the construction of the extension based on unit prices from the GMP for the Board's consideration at a future meeting.

Samantha Reynolds said four banks had responded to the RFP; the winning bidder selected was JP Morgan Chase, with an all-inclusive rate of 4.07% with a ten-year call option. JP Morgan Chase offers the most competitive rate for the fifteen-year term option selected. Vice-Chair Edney asked who made the decision to award JP Morgan Chase as the winning bidder. Mrs. Reynolds said staff was presented with all the options and the different terms with rates and chose the bank that would fit the best within the County's capacity. Edney said while he was happy that staff had made the selection, the Board would always want to see all the bidders and what spreads had been offered. Mrs. Reynolds said she would provide those options to the Board. Commissioner Lapsley asked for clarification on the bonds. Should the Board decide to proceed with the bonds, this borrowing would be paid back through tipping fees and revenues, not from the general fund. Mrs. Reynolds said yes, that was correct the borrowing would be repaid out of the Solid Waste Fund.

Chairman McCall said there was more involved in this project than a bay to dump trash and asked County Engineer Marcus Jones to provide additional information about the project. Mr. Jones said that the bay will be in a difficult environment with trash being scraped, pushed, and compacted, which requires a significantly stout build that includes a substantial amount of concrete and steel. In addition to the transfer station, the road network will also be reconstructed to allow for the separation of residential and commercial traffic.

John Mitchell said there were two items before the Board that had been grouped together. They were grouped together so that the public could see what the borrowing was for and understand how staff got to the number. The county has an enterprise fund, which is a way to delineate funds for what might be looked at as a small business but a business that the County performs. One of those items is the transfer station. The transfer station encompasses all the activities that happen at the old landfill. That includes taking care of the old landfill, keeping the property mowed, taking trash from county residents, and transferring the trash that is collected; that is why it is called a transfer station, as there is not an active open landfill in the county anymore. The third operation is recycling activities that are performed by the county. As more people move to the county, more trash is produced. With the increased business, the wait time is often pushed out into Stoney Mountain Road. Mr. Jones and his staff have been working on a plan to expand the capacity at the facility for increased safety and better serve the citizens of the county. The third bay is part of that project. There are two items before the Board of Commissioners. The first is the borrowing item, and the second, which requires the Board to vote, is the Guaranteed Maximum Price for the improvements included in the project.

Mr. Jones said that with the volatile construction market staff was unsure of the cost estimates and the amount of funding available, so they did not "pull the trigger" on expanding the entrance road to three lanes. With the amount that Vannoy shows under budget the county would have the ability to add that

portion of the project back. The staff has started the design and permitting for that portion, and it will come back before the Board at a later date for the change to the project. The cost of the change will be based on competitively bid asphalt prices and earthwork from GMP #1. It will not be a negotiated price it will be established based on the bids that have already been done. The addition of the third lane all the way to Stoney Mountain Road will allow haulers and commercial traffic the ability to get out of the residential traffic line and over to the automated pay system quickly. This would be a great improvement for the haulers, who represent 70% of the business at Solid Waste.

Mr. Jones said substantial concrete push walls are required to help guide the trash back to the pit. Several push walls are armored with AR400 high-strength steel, which is costly but necessary. If the walls are not armored, the abrasiveness of the chemicals in the trash limits the life of the concrete.

Commissioner Andreotta asked if the floor currently being demolished was the original floor from when the building was constructed in 2005. Mr. Jones said the floor system consists of a subgrade, a base (if the floor included this), a 10-inch structural slab, and a 3-inch sacrificial concrete slab on top. The subgrade is designed to take the abrasions, and the superficial slab will fail. The only part that would need to be replaced would be the top part, the superficial slab. In an ideal situation, like with the original bay, the floors must be replaced every eight years. With the second bay, the floor has not lasted nearly that long; in fact, that floor system in the 2nd bay, the 2005 bay, has been replaced more often than the floor constructed in the 95. Commissioner Andreotta clarified that Jones was talking about the top layer. Mr. Jones said yes, the top layer is what he was referring to. He said they are now discovering that without an adequate rock base on the bay, there is a lot of movement on the structural slab, and when the structural slab moves, the sacrificial slab cannot move with it, which causes it to break up, resulting in a replacement floor. Mr. Jones said replacing just the sacrificial slab floor alone costs approximately \$250,000 - \$300,000. The return on investment from removing the structural slab as well to make this a \$500,000 project will pay off in eight years. He believed this to be a sound investment.

Commissioner Hill clarified with Mr. Jones that the new bay would be for commercial haulers. Mr. Jones said that is correct, but the bay will also be set up to be flexible, so staff may utilize it based on operational difficulties or challenges, such as a bay being temporarily closed. This additional bay will allow the capability to separate the traffic and the flexibility to use it when needed. In closing, he said the 3rd bay would be primarily used for commercial haulers; that is where the bulk of the county's trash comes from. Mr. Hill stated that the 3rd bay was a much-needed safety upgrade; Jones agreed.

County Attorney Russ Burrell noted that there had been a change in the agenda item since the item was originally prepared that needed to be included in the extract of minutes. In the original extract of minutes, a two-part action was described, one to finance construction and the second was re-finance to the debt that is owed to Truist Bank. He asked that the word "optional" be added after letter B in the second part of the action because, as of yesterday's conference talking with the financing representatives, that probably would not happen. That debt will be paid outside of this.

Commissioner Lapsley moved that the public hearing be closed.

Commissioner Edney made the motion that the Board approve the following for the Third Transfer Station Bay project: Vannoy's Guaranteed Maximum Price number two for \$4,192,540 and SCS Engineers' proposal for \$95,000. All voted in favor, and the motion carried.

HELD the 17th day of April, 2024.



DENISA A. LAUFFER
Clerk to the Board
County of Henderson, North Carolina

EXHIBIT A

PUBLISHER'S AFFIDAVIT FOR PUBLIC HEARING NOTICE

[attached]



P.O. Box 1276
Hendersonville, NC 28793
Phone: (828) 698-0407
E-mail: legals@hendersonvillelightning.com
Web: hendersonvillelightning.com

March 20, 2024

Samantha Reynolds, CPA
Finance Director
113 North Main Street
Hendersonville, NC 28792

Notice of Public Hearing for Solid Waste Expansio

I, William L. Moss, affirming the following under th

I am editor and publisher of the *Hendersonville Lig*
issued and entered as periodical mail in the City o
Henderson and State of North Carolina. I hereby c
hereto was published in the editions of the *Hende*,
date or dates:

3/20/24

And that the said newspaper in which such notice
advertisement was published was, at the time of e
newspaper meeting all of the requirements and q
General Statutes of North Carolina and is a qualifi
Section 1-597 of the General Statutes of North Ca

This 20th day of March, 2024.

(Signed)

Sworn to and subscribed before me this 20th day

**NOTICE OF
PUBLIC HEARING**

At its March 4, 2024 meeting, the Board of Commissioners (the "Board of Commissioners") of the County of Henderson, North Carolina (the "County") adopted a resolution which:

1. Authorized the County to proceed to a) finance the construction and equipping of a solid waste third transfer station bay (the "Solid Waste Facility" and such project is referred to herein as the "New Money Project"), and (b) re-finance the County's installment payment obligations related to an installment financing agreement with Branch Banking and

Trust Company, the successor to which is Trust Bank, the proceeds of which were used to finance certain solid waste improvements (the "Refunded Project" and together with the New Money Project, the "Projects"), pursuant to an installment financing contract (the "Contract"), in a principal amount not to exceed \$10,500,000.00 under which the County will make certain installment payments to make the Projects available to the County;

2. Authorized the County to proceed to provide, in connection with the Contract, as grantor, a deed of trust, security agreement and fixture filing (the "Deed of Trust") granting a lien on the real property on which the Solid Waste Facility will be located (the

"Mortgaged Property") for the benefit of the entity, or its assigns, providing the funds to the County under the Contract.

The Solid Waste Facility will be located at 191 Transfer Station Drive, Hendersonville, North Carolina 28791. The Mortgaged Property will be subject to the mortgage provided in the Deed of Trust. On payment by the County of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County's title to the Mortgaged Property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on April 17, 2024 at 9:30

a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina 28792, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract, the financing of the New Money Project, and the refinancing of the Refunded Project. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract and the Projects to be financed and refinanced thereby.

Denisa Lauffer
Clerk to the Board of Commissioners
County of Henderson,
North Carolina

3/20

Janet R. Chapin

Notary Public

My commission expires December 11, 2024.



P.O. Box 1276
Hendersonville, NC 28793
Phone: (828) 698-0407
E-mail: legals@hendersonvillelightning.com
Web: hendersonvillelightning.com

March 20, 2024

Samantha Reynolds, CPA
Finance Director
113 North Main Street
Hendersonville, NC 28792

Notice of Public Hearing for Solid Waste Expansion Installment Financing Contract


I, William L. Moss, affirming the following under the penalties of perjury state:


I am editor and publisher of the *Hendersonville Lightning*, a newspaper published, issued and entered as periodical mail in the City of Hendersonville, County of Henderson and State of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of the *Hendersonville Lightning* on the following date or dates:

3/20/24

And that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 20th day of March, 2024.

(Signed) 
Sworn to and subscribed before me this 20th day of March, 2024.


Janet R. Chapin Notary Public

My commission expires December 11, 2024.

EAT ST 6) a.m. in the Commis- sioners' Meeting Room, Henderson County
ROSALIE H DR 6) Historic Courthouse. 486 CLOVER DR \$591.92
N, LOIS CASE RD 8	MURPHY, RANDY 9 KIRSCHMAN LN \$381.08
EL, SEAN C ARLET DR .00	OWENBY, DAVID R 112 BURNEY MOUN \$374.64
CHESTER DUANE OVER DR 4	RJH DEVELOPMENT BRICKTON VILLAGE \$31.36

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Music That
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STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTERLOCAL AGREEMENT FOR TAX COLLECTION

THIS INTERLOCAL AGREEMENT is made and entered into this the 17th day of April 2024, and effective as of the 1st day of July 2024, by and between HENDERSON COUNTY, hereinafter the "County" and the CITY OF HENDERSONVILLE, hereinafter the "City", and collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, the County and City have determined that it is in the public benefit and interest to enter into an Interlocal Agreement for Tax Collection; and

WHEREAS, the Parties have agreed that the negotiated payment set forth herein is in the best interests of their citizens; and

WHEREAS, the North Carolina General Statutes in Chapter 160A, Article 20, provide that units of local government may enter into agreements in order to execute an undertaking providing for the continual exercise by one unit of any power, function or right, including the collection of taxes; and

WHEREAS, the City and County agree this Interlocal Agreement shall continue for five (5) years, from July 1, 2024 to June 30, 2029, unless terminated pursuant to the terms herein; and

WHEREAS, the governing bodies of the City and County have ratified this Interlocal Agreement by Resolutions being recorded in their respective minutes; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained in this Interlocal Agreement herein accruing to the benefit of each of the respective parties hereto and other good and valuable consideration, receipt and sufficiency of which is acknowledged by the City and County, the parties agree as follows:

1. County Billing and Collection of City Taxes

- a) The County shall provide collection of current and future municipal ad valorem property taxes. Collection of delinquent taxes existing as of the date hereof shall be the responsibility of the City except as stated below. The City shall within Thirty (30) days of the date hereof provide the County with a list of such delinquent taxes owed, and delinquent taxpayers, as of the date hereof.
- b) Notwithstanding, no City tax bill in an amount less than Five Dollars (\$5.00) shall be issued.
- c) The City shall appoint the County's Tax Collector as the City's Tax Collector, and the County's Delinquent Tax Collector as the City's Delinquent Tax Collector.

2. Term of Agreement: This Interlocal Agreement shall continue until terminated pursuant to the terms herein.
3. Compliance

The County will comply with all applicable tax collection laws of North Carolina, including those contained in Subchapter II of Chapter 105 of the General Statutes of North Carolina, and all administrative mandates issued by the State of North Carolina.

4. Records and Accounts and Operations
 - a) The County shall be responsible for maintaining, in an on-line environment, all ad valorem tax records, including amounts paid and unpaid, in the same manner as County records are maintained.
 - b) The City will provide the County with all necessary information for transfer for all funds due the City, the County will properly account and distribute such funds by check or other mutually agreed upon method monthly and notify the City Finance Director by the 15th of each month on amounts to be transferred.
 - c) The County shall provide the City with all necessary and required reports in such format and detail to enable the City to prepare and record the necessary financial transactions. Such reports shall be mutually agreed upon by the City and County Finance Directors.
 - d) The County will provide the City with information sufficient to complete all required reports to outside agencies, including the TR-2 report and reports necessary for the City's financial statements. The City shall be responsible for the completion of all reporting involving property tax.
 - e) The County shall provide the City's External Auditors, during regular business hours, access to the City Tax Receivables' daily cash transactions and other records pertaining thereto to the fullest extent practicable.
 - f) The City shall provide the County Tax Collection Office with access, to the extent legally allowable, into any of the City's records systems that the City deems to be beneficial in the collection of City taxes.
 - g) The City agrees to appoint and maintain one of its employees as a Deputy Tax Collector to act on behalf of the City in presenting certain matters to the City Council.
 - h) The County shall promptly provide the City with requests for releases or refunds when received, together with reasonable information needed to make a determination on requests for releases or refunds. The City shall, at its next regular City Council meeting occurring at least ten (10) days after the receipt of the request and information, place the matter before the City Council for determination as to whether to grant the release or refund of City taxes.

5. Pro Rata Payments

Unless the taxpayer specifies otherwise, the County shall distribute payments received from City taxpayers of less than the total amount owed on City and County taxes on a proportionate basis between taxes owed the County and the City, after all costs, interest and penalties are first paid.

6. Costs for Billing and Collections

The County shall incur all costs for preparing, printing, billing and collecting the City tax bills, including follow-up notices.

With respect to the cost for collection actions taken by the County, for example advertising costs, attorney's fees and garnishment fees where such costs are not paid directly by the taxpayer involved, the County shall split the costs on a proportionate basis between taxes owed the County and the City.

When agreed upon by both the County and City, joint advertisement, including the advertisement of tax liens for both the County and the City, is permissible.

7. Foreclosures

- a) The County shall be responsible for determining the time for commencing all tax foreclosure proceedings (except for those regarding any foreclosure proceedings instituted by the City on City taxes delinquent as of the date of this agreement). The City hereby delegates this decision to the County. The County shall give the City notice of the institution of any foreclosure action at least thirty days prior to filing in cases where there are delinquent taxes owed the City as of the date hereof.
- b) The County shall send a joint notice as required by N.C. Gen. Stat. §105-375(c) and shall consolidate the tax liens of the County and the City for the purpose of docketing a judgment on such liens as contemplated by N.C. Gen. Stat. §105-375(k). Following entry of a judgment, an execution shall be issued to enforce such judgment.
- c) All expenses directly related to compliance with the procedural and substantive requirements of N.C. Gen. Stat. §105-375, including but not limited to notice, docketing the judgment and execution on such judgment, shall be advanced by the County, and reimbursed to the County from the proceeds of any foreclosure sale prior to payment to the City and County of taxes recovered.
- d) The parties shall agree in advance of the sale upon a "maximum joint bid" for each execution sale of property to enforce a judgment entered as provided herein above, which bid will be entered on behalf of both parties. The "maximum joint bid" shall be the sum of all taxes, interest, penalties and applicable costs of enforcement, collection and sale owed to both jurisdictions. The parties further agree that if third parties bid at such execution sale, they will bid up to the "maximum joint bid", such that no third party will purchase the property for less than the "maximum joint bid". If the parties are the highest bidder at any sale, they shall each contribute to the purchase price a pro rata

amount of the whole, determined by the amount of ad valorem taxes owed to each of them for the respective tax year on the subject real property in relation to the total amount of ad valorem taxes owed to both parties.

- e) If the parties acquire title to real property following an execution sale as contemplated in this Agreement, they shall take title as tenants in common with each party owning a fractional interest of the whole that is equal to the same fraction as their contribution to the purchase price.

8. Payment to County

The fee for collection services for each fiscal year shall be a flat amount of 0.5% (equivalent to one half of one percent of the then-current Fiscal Year collections). Payment shall be accomplished by the County withholding the fee when remitting the monthly collection to the City.

9. Termination

This Interlocal Agreement may be terminated by either party by providing six (6) months' notice prior to the start of the next fiscal year. Upon notice of termination of the Interlocal Agreement, the County shall deliver to the City all tax records, in a customary electronic data format, or in whatever form held in its hands, pertaining to its listing, billing and collecting, consistency of the tax bills, tax scrolls and other related records by February 1st of the fiscal year in which the termination shall be effective. The County shall continue to collect current and delinquent taxes through June 30th of the fiscal year in which the termination shall be effective. Upon termination of the Interlocal Agreement, the County shall provide a full accounting to the City of the status of all tax collections. After June 30th of the fiscal year in which the termination becomes effective, the County shall not be further obligated either as to current or delinquent taxes due to the City.

10. Entire Agreement

This Interlocal Agreement, including all exhibits or attachments if any, sets forth the entire Agreement between the Parties regarding the services and matters set forth herein. All prior conversations or writings between the Parties hereto or their representatives on this subject matter are merged within and extinguished. This Interlocal Agreement shall not be modified or amended except by a written instrument executed by duly authorized representatives of the Parties herein.

11. Notice

Notice under this Interlocal Agreement shall be deemed sufficient upon the mailing to the parties by certified or registered mail at the following locations:

County of Henderson
c/o Charles Russell Burrell
1 Historic Courthouse Square, Suite 5
Hendersonville, NC 28792

City of Hendersonville
c/o *J. H. Murray*
145 5th Avenue East
Hendersonville, NC 28792

IN WITNESS WHEREOF, each party has caused this Agreement to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

HENDERSON COUNTY

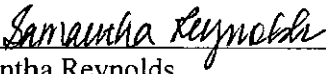
By: 
John Mitchell, County Manager

CITY OF HENDERSONVILLE

By: _____
John Connet, City Manager

PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act N.C.G.S. 159-28(a).

By: 
Samantha Reynolds
Henderson County Finance Director

Date: 4.29.2024

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTERLOCAL AGREEMENT FOR TAX COLLECTION

THIS INTERLOCAL AGREEMENT is made and entered into this the 17th day of April 2024, and effective as of the 1st day of July 2024, by and between HENDERSON COUNTY, hereinafter the "County" and the TOWN OF LAUREL PARK, hereinafter the "Town", and collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, the County and Town have determined that it is in the public benefit and interest to enter into an Interlocal Agreement for Tax Collection; and

WHEREAS, the Parties have agreed that the negotiated payment set forth herein is in the best interests of their citizens; and

WHEREAS, the North Carolina General Statutes in Chapter 160A, Article 20, provide that units of local government may enter into agreements in order to execute an undertaking providing for the continual exercise by one unit of any power, function or right, including the collection of taxes; and

WHEREAS, the Town and County agree this Interlocal Agreement shall continue for two (2) years, from July 1, 2024 to June 30, 2026, unless terminated pursuant to the terms herein; and

WHEREAS, the governing bodies of the Town and County have ratified this Interlocal Agreement by Resolutions being recorded in their respective minutes; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained in this Interlocal Agreement herein accruing to the benefit of each of the respective parties hereto and other good and valuable consideration, receipt and sufficiency of which is acknowledged by the Town and County, the parties agree as follows:

1. County Billing and Collection of Town Taxes

- a) The County shall provide collection of current and future municipal ad valorem property taxes. Collection of delinquent taxes existing as of the date hereof shall be the responsibility of the Town except as stated below. The Town shall within Thirty (30) days of the date hereof provide the County with a list of such delinquent taxes owed, and delinquent taxpayers, as of the date hereof.
- b) Notwithstanding, no Town tax bill in an amount less than Five Dollars (\$5.00) shall be issued.
- c) The Town shall appoint the County's Tax Collector as the Town's Tax Collector, and the County's Delinquent Tax Collector as the Town's Delinquent Tax Collector.

2. Term of Agreement: This Interlocal Agreement shall continue until terminated pursuant to the terms herein.

3. Compliance

The County will comply with all applicable tax collection laws of North Carolina, including those contained in Subchapter II of Chapter 105 of the General Statutes of North Carolina, and all administrative mandates issued by the State of North Carolina.

4. Records and Accounts and Operations

- a) The County shall be responsible for maintaining, in an on-line environment, all ad valorem tax records, including amounts paid and unpaid, in the same manner as County records are maintained.
- b) The Town will provide the County with all necessary information for transfer for all funds due the Town, the County will properly account and distribute such funds by check or other mutually agreed upon method monthly and notify the Town Finance Director by the 15th of each month on amounts to be transferred.
- c) The County shall provide the Town with all necessary and required reports in such format and detail to enable the Town to prepare and record the necessary financial transactions. Such reports shall be mutually agreed upon by the Town and County Finance Directors.
- d) The County will provide the Town with information sufficient to complete all required reports to outside agencies, including the TR-2 report and reports necessary for the Town financial statements. The Town shall be responsible for the completion of all reporting involving property tax.
- e) The County shall provide the Town's External Auditors, during regular business hours, access to the Town Tax Receivables' daily cash transactions and other records pertaining thereto to the fullest extent practicable.
- f) The Town shall provide the County Tax Collection Office with access, to the extent legally allowable, into any of the Town's records systems that the Town deems to be beneficial in the collection of Town taxes.
- g) The Town agrees to appoint and maintain one of its employees as a Deputy Tax Collector to act on behalf of the Town in presenting certain matters to the Town Council.
- h) The County shall promptly provide the Town with requests for releases or refunds when received, together with reasonable information needed to make a determination on requests for releases or refunds. The Town shall, at its next regular Town Council meeting occurring at least ten (10) days after the receipt of the request and information, place the matter before the Town Council for determination as to whether to grant the release or refund of t Town taxes.

5. Pro Rata Payments

Unless the taxpayer specifies otherwise, the County shall distribute payments received from Town taxpayers of less than the total amount owed on Town and County taxes on a proportionate basis between taxes owed the County and the, Town after all costs, interest and penalties are first paid.

6. Costs for Billing and Collections

The County shall incur all costs for preparing, printing, billing and collecting the Town tax bills, including follow-up notices.

With respect to the cost for collection actions taken by the County, for example advertising costs, attorney's fees and garnishment fees where such costs are not paid directly by the taxpayer involved, the County shall split the costs on a proportionate basis between taxes owed the County and the Town.

When agreed upon by both the County and, joint advertisement, including the advertisement of tax liens for both the County and the Town, is permissible.

7. Foreclosures

- a) The County shall be responsible for determining the time for commencing all tax foreclosure proceedings (except for those regarding any foreclosure proceedings instituted by the Town on Town taxes delinquent as of the date of this agreement). The Town hereby delegates this decision to the County. The County shall give the Town notice of the institution of any foreclosure action at least thirty days prior to filing in cases where there are delinquent taxes owed the Town as of the date hereof.
- b) The County shall send a joint notice as required by N.C. Gen. Stat. §105-375(c) and shall consolidate the tax liens of the County and the Town for the purpose of docketing a judgment on such liens as contemplated by N.C. Gen. Stat. §105-375(k). Following entry of a judgment, an execution shall be issued to enforce such judgment.
- c) All expenses directly related to compliance with the procedural and substantive requirements of N.C. Gen. Stat. §105-375, including but not limited to notice, docketing the judgment and execution on such judgment, shall be advanced by the County, and reimbursed to the County from the proceeds of any foreclosure sale prior to payment to the Town and County of taxes recovered.
- d) The parties shall agree in advance of the sale upon a "maximum joint bid" for each execution sale of property to enforce a judgment entered as provided herein above, which bid will be entered on behalf of both parties. The "maximum joint bid" shall be the sum of all taxes, interest, penalties and applicable costs of enforcement, collection and sale owed to both jurisdictions. The parties further agree that if third parties bid at such execution sale, they will bid up to the "maximum joint bid", such that no third party will purchase the property for less than the "maximum joint bid". If the parties are the highest bidder at any sale, they shall each contribute to the purchase price a pro rata

amount of the whole, determined by the amount of ad valorem taxes owed to each of them for the respective tax year on the subject real property in relation to the total amount of ad valorem taxes owed to both parties.

- e) If the parties acquire title to real property following an execution sale as contemplated in this Agreement, they shall take title as tenants in common with each party owning a fractional interest of the whole that is equal to the same fraction as their contribution to the purchase price.

8. Payment to County

The fee for collection services for each fiscal year shall be a flat amount of 0.5% (equivalent to one half of one percent of the then-current Fiscal Year collections). Payment shall be accomplished by the County withholding the fee when remitting the monthly collection to the Town.

9. Termination

This Interlocal Agreement may be terminated by either party by providing six (6) months' notice prior to the start of the next fiscal year. Upon notice of termination of the Interlocal Agreement, the County shall deliver to the Town all tax records, in a customary electronic data format, or in whatever form held in its hands, pertaining to its listing, billing and collecting, consistency of the tax bills, tax scrolls and other related records by February 1st of the fiscal year in which the termination shall be effective. The County shall continue to collect current and delinquent taxes through June 30th of the fiscal year in which the termination shall be effective. Upon termination of the Interlocal Agreement, the County shall provide a full accounting to the Town of the status of all tax collections. After June 30th of the fiscal year in which the termination becomes effective, the County shall not be further obligated either as to current or delinquent taxes due to the Town.

10. Entire Agreement

This Interlocal Agreement, including all exhibits or attachments if any, sets forth the entire Agreement between the Parties regarding the services and matters set forth herein. All prior conversations or writings between the Parties hereto or their representatives on this subject matter are merged within and extinguished. This Interlocal Agreement shall not be modified or amended except by a written instrument executed by duly authorized representatives of the Parties herein.

11. Notice

Notice under this Interlocal Agreement shall be deemed sufficient upon the mailing to the parties by certified or registered mail at the following locations:

County of Henderson
c/o Charles Russell Burrell
1 Historic Courthouse Square, Suite 5
Hendersonville, NC 28792

Town of Laurel Park
c/o *Tamara Stonin*
441 White Pine Drive
Laurel Park, NC 28739

IN WITNESS WHEREOF, each party has caused this Agreement to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

HENDERSON COUNTY

By: 
John Mitchell, County Manager

TOWN OF LAUREL PARK

By: _____
Alex Carmichael, Town Manager

PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act N.C.G.S. 159-28(a).

By: 
Samantha Reynolds
Henderson County Finance Director

Date: 4.29.2024