MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
TUESDAY, FEBUARY 18, 2025

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 were: Chairman William Lapsley, Vice-Chair J. Michael Edney, Commissioners Rebecca McCall, Sheila Franklin, Jay Egolf, County Manager John Mitchell, Assistant County Manager Chris Todd, Public Safety Director Jimmy Brissie, and Financial Services Director Samantha Reynolds.

Also present were: Budget Manager/Internal Auditor Sonya Flynn, Engineer Marcus Jones, Human Resources Director Karen Ensley, Chief Communications Officer Mike Morgan, Director of Facility Services Andrew Griffin, Planning Director Autumn Radcliff, Senior Planner Janna Bianculli, Strategic Behavioral Health Director Jodi Grabowski, Conservation Engineer Betsy Gerwig, Cooperative Extension Director Dr. Terry Kelley, Capital Projects Manager Bryan Rhodes, Public Health Director David Jenkins, Recreation Director Bruce Gilliam, Park Maintenance, Recreation Administrative Assistant Brooklyn Bishop, Supervisor Jason Kilgore, Sheriff Lowell Griffin, Sgt. Vincent Griggs, PIO Kathy Finotti, and A/V Technician Oscar Guerrero. Deputy Chris Stepp provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

County Manager John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Egolf led the Pledge of Allegiance to the American Flag.

RESOLUTIONS AND RECOGNITIONS

2025.025 Resolution – Service Badge and Sidearm Request –Sergeant James Player

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

Sergeant James Player began his career with the Henderson County Sheriff's Office on September 8, 2004. In his more than 20 years of service, he held the ranks of Corporal, Sergeant, Lieutenant, and Detention Administrator. To honor him and show gratitude, the Sheriff's Office requested to present him his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Resolution Honoring Sergeant James Player
For 20 Years of Law Enforcement Service and Awarding His Badge and Sidearm

WHEREAS Sergeant Player joined the Henderson County Sheriff's Office on September 8, 2004, and held the ranks of Corporal, Sergeant, Lieutenant, and Detention Administrator;

and

WHEREAS Sergeant Player's service and dedication to the Henderson County Sheriff's in the field of law enforcement during his 20 total years of service are hereby recognized and commended; and

WHEREAS N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS Sergeant Player has served as a member of the Henderson County Sheriff's Office for a period of more than 20 years and has retired from the Henderson County Sheriff's Office on December 31, 2024 and

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

1. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Player the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Player his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Sergeant Player for his dedicated service to Henderson County and its citizens.

Adopted this the 18th day of February, 2025.

Motion: Vice-Chair Edney made the motion to allow Sheriff Lowell S. Griffin to present the service badge and sidearm as a token of appreciation to Sergeant James Player. All voted in favor, and the motion carried.

2025.026 Resolution – Service Badge and Sidearm Request – Captain Johnny Duncan
The Sheriff's Office requested that the service badge and sidearm of Captain Johnny Duncan be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Captain Duncan began his career with the Henderson County Sheriff's Office September 29, 1993. In his more than 25 years of service, he held the ranks of Telecommunicator, Deputy, Corporal, Sergeant, Director of Communications and Captain. To honor him and show gratitude, the Sheriff's Office requests to present him his service badge and service sidearm.

Sheriff Griffin made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

Resolution Honoring Captain Johnny Duncan

Approved: March 3, 2025

For 20 Years of Law Enforcement Service and Awarding His Badge and Sidearm

WHEREAS Captain Duncan joined the Henderson County Sheriff's Office on September 29, 1993, and held the ranks of Telecommunicator , Deputy, Corporal, Sergeant, Director of Communications and Captain.

WHEREAS Captain Duncan's service and dedication to the Henderson County Sheriff's Office in the field of law enforcement during his 25 total years of service are hereby recognized and commended; and

WHEREAS N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

WHEREAS N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS Captain Duncan served as a member of the Henderson County Sheriff's Office for a period of more than 25 years has retired from the Henderson County Sheriff's Office on December 31, 2024; and

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

1. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Captain Duncan the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Captain Duncan his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Captain Duncan for his dedicated service to Henderson County and its citizens.

Adopted this the 18th day of February, 2025.

Motion: Vice-Chair Edney made the motion to allow Sheriff Lowell S. Griffin to present the service badge and sidearm as a token of appreciation to Captain Johnny Duncan. All voted in favor, and the motion carried.

PUBLIC COMMENT

1. Konnie Hall spoke in opposition to the Special Use Permit that was approved for First Contact Ministry in 2023. She noted that Superior Court Judge Warren had the opinion that the SUP should be revoked, She urged the Board to revoke the special Use Permit.
2. Kirk Hall spoke in opposition to the Special Use Permit and urged the Board to revoke the SUP.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Lapsley stated that Vaya Health Representatives were unable to attend today's meeting and pulled Discussion Item C – Vaya Health Update from the agenda. This item will be on the agenda for a future meeting.

Motion: Vice-Chair Edney made the motion to approve the consent agenda as amended. All voted in favor, and the motion carried.

CONSENT AGENDA

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meeting: February 3, 2025.

Motion: I move the Board approve the minutes from the February 3, 2025, meeting.

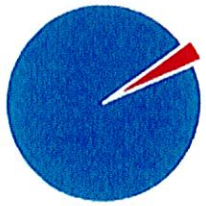
Tax Collector's Report

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

Please find outlined below collections information through February 5, 2025 for 2024 real and personal property bills mailed on July 31, 2024. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2024 Beginning Charge:	**$101,664,856.55**
Discoveries & Imm.	$103,778.02
Releases & Refunds:	**($71,891.10)**
Net Charge:	$101,696,743.47
Unpaid Taxes:	$3,604,294.94
Amount Collected:	**$98,092,448.53**



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

Net Charge:	$4,695,588.41
Unpaid Taxes:	$124,937.48
Amount Collected:	**$4,570,650.93**

97.34%

Henderson County FY25 Budget Analysis:

	Budget Ordinance		Revenue Collected
Ad Valorem:	$103,559,409.00	Ad Valorem:	$102,663,099.46
Prior Years:	$1,041,250.00	Prior Years:	$623,771.56
Budget Total:	**$104,600,659.00**	**YTD Revenue:**	**$103,286,871.02**

Proposed Changes to Chapter 16-19 – Violations and Fines – Restraint/Confinement

On November 14, 2024, the Animal Services Advisory Committee voted on proposed revisions to Chapter 16-19 - Violations and Fines. The revisions will allow Animal Enforcement to increase fines for repeat violations of Chapter 16-8 - Restraint/Confinement of domestic animals required.

16-19. Violations and Fines.

A. Misdemeanor. The violation of any provision of this Chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in N.C. Gen. Stat. §14-4. Each violation of this Chapter (or if a continuing violation, each day in which the violation continues) is a separate offense. Each violation for each animal is a separate offense.

B. Enforcement. Enforcement of this Chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to N.C.G.S. 153A-123(d) and (e).

C. Issuance of a citation by seeking to have the owner insure compliance with this Chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:

1) Give notice of the violation(s) alleged of the owner;
2) State the civil penalties for such violation(s);
3) State the date by which any civil penalties for such violation(s) must be paid; and
4) State that the County may initiate after such date a civil action to collect the civil penalties which are and may become due.

D. Civil fines. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.

(1) The Animal Services Director, Animal Enforcement Officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this Chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of $50 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the charging agency within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this Chapter.

(2) In the event that the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the fine and costs associated with collection of the fine, and/or a criminal summons may be issued against the owner or other alleged violator of this Chapter and upon conviction, the owner shall be punished as provided by state law. The charging agency is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the County of Henderson and may call on the County Legal Department for assistance as needed.

(3) Each violation of this Ordinance is a separate fine. Each day in violation and each animal kept in violation are considered separate offenses and may be fined for each individually.

(4) The following civil penalties are hereby established for each incident violation of this Chapter:

Section Violated	Animal Service Civil Penalty Schedule Description	Civil Penalty
16-7A	Interference with Animal Enforcement Officer, or agent (per incident)	$500

*Citations shall impose upon the violator a minimum civil penalty of $50 or such greater amounts for offenses as may be set by ordinance.

16-7B	Concealment of an animal to evade ordinance (per day of violation)	$100
16-7E	Surrender or Reclaim Under False Pretense	$500
16-8	Public nuisance:	
First Violation (Deputy's discretion)		$50
Second Violation		$20

16-10	Keeping a dangerous/potentially dangerous dog:	
	Unattended/loose/unrestrained (per day)	$500
	Without tattoo/microchip (per day)	$500
	Failing to notify of change of address or death (per day)	$500
	Failing to present proof of transferee responsibility (per day)	$1,000
16-11	Mistreatment of an animal (per day)	$500
16-19E	Release of an animal from County-owned trap (per incident)	$100
~~16-24~~	~~Restraint/confinement of domestic animals required~~	~~$50~~

16-24 Restraint/confinement of domestic animals required

Offence	Fine Non-aggressive animal	Fine Aggressive animal
First Violation	Warning or $50 (Deputy's discretion)	$100
Second Violation	$100	$200
Third Violation	$150	
Forth Violation	$200	

16-26	Prohibition of giveaways in public places per incident per animal	$50

(5) Any person who fails to pay a fine within period of 30 days after receiving citation shall be deemed to have committed a misdemeanor and a warrant may be issued for the person's arrest. Prosecution under this section shall require proof of the occurrence of the underlying facts giving rise to the notice of citation. The Animal Enforcement Sergeant may extend time to pay on a citation due to hardship on case by case bases.

(6) The owner of a dangerous or potentially dangerous animal shall be strictly liable in civil damages for any injuries or property damage the animal inflicts upon a person, his property or another animal as per N.C.G.S. 67-4.4.

(7) Violations taking place over continuous days shall be capped at 10 days per animal per violation unless there is evidence suggesting that the person has tried to interfere with Animal Enforcement Officers or obstruct justice in which case additional fines may accrue.

(8) The final determination regarding the imposition and number of fines shall be determined by the County and alternative settlements shall be allowed where appropriate.

(9) In accordance with Article IX Education, Section 7 of the North Carolina State Constitution, civil penalties collected under this Chapter shall be appropriated and used exclusively for maintaining free public schools.

E. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the County of Henderson in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the County of Henderson. The penalty for any person convicted of such interference as set out in this subsection shall be $500.00 per occurrence.

Motion: I move to approve the revisions to Chapter 16-19 as presented.

Approved: March 3, 2025

Proposed Changes to Chapter 16-10 - Dangerous/potentially dangerous dogs restricted

On July 11, 2024, the Animal Services Advisory Committee voted to propose a change to Chapter 16-10 - Dangerous/potentially dangerous dogs restricted. The proposed change will require the owner of a dangerous dog to maintain liability insurance policy of at least $100,000 for personal injury or death of any person resulting from an attack by such dangerous dog. The owner will be required to provide proof of insurance to the Henderson County Sheriff's Office. In addition, the owner will be required to provide immediate written notice of cancellation, reduction, or other modifications of coverage.

Chapter 16-10. Dangerous/potentially dangerous dogs restricted.

A. General provisions. It shall be unlawful for any person to own or in any way maintain or harbor a dog that is dangerous/potentially dangerous, except as provided in this Chapter. Notwithstanding any exemption listed below, any dog which has killed a person shall be immediately euthanized by the Animal Service Center.
   1. Reporting requirement. Any attack or biting by a dog upon a person, livestock, or domestic animal; transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog; confinement to a Veterinary facility; removal from territorial jurisdiction of the county; animal's death must be reported by any of the following individuals:
      a. owner, keeper, harborer of a dog deemed dangerous/ potentially dangerous or of a dog who has attacked or bitten a person or domestic animal;
      b. victim of or person witnessing such of an attack or biting;
      c. veterinarian treating a domestic animal for such an attack or biting;
      d. Health care professional treating a person for such an attack or biting.
   2. The report must be made to the Sheriff's Office within 24 hours of the event.
   3. Failure to report an incident within 24 hours may result in criminal and civil penalties under this Ordinance and personal liability in subsequent incidents.

B. Exemptions. The provisions of this chapter do not apply to dogs causing injuries when:
   1. Used by law enforcement agencies to carry out official law enforcement duties;
   2. Functioning lawfully as hunting or herding dogs, or in controlling predators on the property of, or under control of, the owner when performing duties appropriate to said functions;
   3. Protecting the owner or owner's premises from trespassers and other criminal perpetrators while on its owner's premises;
   4. Protecting itself or its young from assault, torment, or abuse.

C. Declaration of dangerous/potentially dangerous dog. The Sheriff or his/her designee shall have the authority to declare a dog to be a dangerous/potentially dangerous dog. Any determination that a dog is dangerous/potentially dangerous shall be made in writing summarizing the available evidence and which shall be delivered or mailed by certified or registered mail to the owner. The written determinations shall order compliance with the appropriate provisions of this ordinance and may impose reasonable conditions to maintain the public health and safety.

D. Appeal. Any person who owns a dog that has been declared dangerous/potentially dangerous shall have the right to appeal this decision to the Animal Services Appellate Board.
   1. Manner of appeal. The owner of a dog declared dangerous/potentially dangerous must request an appeal of the determination in writing. The written appeal must be submitted to the Animal Service Director, and must be received by the Animal Service Director or postmarked within 5 calendar days of the receipt by the owner of notice of the declaration.
   2. Pending the appeal, the owner of a dog declared dangerous/potentially dangerous shall comply with the provisions of § 16-10E.
   3. Hearing procedures. Once properly appealed, the Animal Service Appellate Board shall conduct a public quasi-judicial hearing to determine whether the declaration of the animal as dangerous/potentially dangerous is correct.
   4. Outcome. If the dog is affirmed by the Animal Service Appellate Board as being dangerous/potentially dangerous, then the owner shall comply with the terms of § 16- 10E, F, G. Any person who owns a dog affirmed dangerous/potentially dangerous by the Animal Service Appellate Board or its designee has the right to appeal this determination to the Superior Court.

E. Enclosures and control measures for dangerous/potentially dangerous dogs. If a dog has been determined to be dangerous/potentially dangerous, as specified in this section, the dog may be retained upon the owner satisfying the following conditions:

1. The owner must insure that the dog at all times on and off the owner's property remains securely enclosed as per the Ordinance or controlled and muzzled as described below. Failure to do so shall subject the owner to penalty under this chapter:
    a. Confine the dog within the owner's residence; or,
    b. Erect and confine the dog (except when muzzled and controlled as required below), within 30 days in a securely enclosed and padlocked pen with a concrete bottom and secure top. The structure must be secured by a child-resistant lock. Pending construction of such pen, the dog must be confined within the owner's residence; or
    c. The animal must be muzzled and under restraint by a competent person who, by means of a leash or chain, has such animal firmly under physical restraint at all times when not in a secure building or enclosure. The muzzle must be of the appropriate size for the animal and must be of a type and model approved in advance by the Henderson County Sheriff's Office, and must be in good repair. In approving or disapproving of a particular muzzle, the Henderson County Sheriff's Office shall take into account the size and demonstrated behavior of the dog, and the potential for injury in case of a failure of appropriate muzzling.
    d. Any dog deemed dangerous shall not be permitted in public recreation areas, including dog parks, parks or greenways.
    e. **The owner of a dangerous dog must maintain in full force and effect a liability insurance policy of at least $100,000.00 for personal injury or death of any person resulting from an attack by such dangerous dog. The owner shall provide the Henderson County Sheriff's Office with a certificate of insurance which shall require 30 days written notice by the insurer or owner in the event of cancellation, reduction or other modifications of coverage. In addition to the notice requirement above, owner shall provide the Henderson County Sheriff's Office with immediate written notice of cancellation, reduction, or other modification of coverage of insurance.**
2. The owner must post a warning sign, of at least 120 square inches, which is to be visible to any adjoining property from each exposure of the residence or the structure in which the dangerous/potentially dangerous dog is confined. Each sign must have an approved graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.
3. Microchip. Within 10 days of the determination or appeal determination, the owner of a dangerous/ potentially dangerous dog must demonstrate to the Animal Enforcement that such dog had a microchip implanted.
4. Inspection. Animal Enforcement shall cause periodic inspections to be made of the premises where the dangerous/potentially dangerous dog is kept to assure compliance with the provisions of this Ordinance. The owner must permit these inspections at any reasonable time without notice to the owner from the Animal Enforcement Officers.
5. Control Measures.
    a. All control measures required by this section must be met immediately upon the determination that the animal is dangerous/potentially dangerous except for the construction of the enclosure discussed in section 1(b) of this provision. The Owner has 30 days to construct the enclosure during which time the animal must be confined indoors and may only be permitted outside under the control of a competent person by leash and the animal must be muzzled. Failure to meet all control measures may result in the immediate impoundment of the animal and civil and criminal penalties.
    b. If the owner has no place to keep the animal while the structure is being constructed, the animal may be kept at the Animal Services Center or at a private establishment approved by Animal Enforcement at the owner's expense.

F. Notification. Within 24 hours:
   1. Of change of address or ownership of a dangerous/potentially dangerous dog, the owner shall provide written notification of the change of address or ownership to the Sheriff, stating the full name if there's a new owner, address, and location of the new owner of the dog.
   2. Of the death of a dangerous/potentially dangerous dog, the owner shall provide written notification of the dog's death to the Sheriff.

G. Notification prior to transfer. Prior to any transfer to a new owner (with or without consideration) of a dangerous/potentially dangerous dog, the owner must provide to the Sheriff a written statement, signed before a notary by the transferee (on a form obtained from the Animal Service Center), indicating the transferee's understanding of the transferee's obligations hereunder as an owner of a dangerous/potentially dangerous dog. If the dangerous or potentially dangerous dog is being transferred out of Henderson County or out of North Carolina,
   1. The owner of the animal must notify the Sheriff and the new jurisdiction to which the animal is being moved that this dog has been deemed a dangerous/potentially dangerous dog;
   2. The Sheriff also shall notify the new jurisdiction that the animal has been deemed dangerous and the circumstances surrounding the case.
   3. The owner must comply with any local regulations regarding dangerous dogs in the new location.

H. Immediate impoundment. Any dangerous/potentially dangerous dog kept in violation of this section may be immediately impounded upon issuance of any warrant for the same, pending the outcome of the criminal action. If the owner is convicted of a criminal offense of keeping a dangerous/potentially dangerous dog in violation of this section, in addition to any criminal penalties imposed, the Animal Services Director or his/her designee may euthanize the dog. Nothing herein shall be construed to in any way limit the use of civil penalties for a violation of this section.
   1. Cost of impoundment. Costs of impoundment at the Animal Services Center shall be paid by the owner or the person liable for the animal at a daily rate as determined by the County. In instances where the Animal Services Center must impound the animal(s) at a private facility or kennel, the person liable for the animal will pay the rate established by those facilities.
   2. Release from impoundment.
      a. No dog deemed dangerous or potentially dangerous who has been impounded by the Animal Services Center shall be released to the owner from impoundment except upon proof submitted by the owner or person liable for the animal that all the elements of this Ordinance have been met as verified by Animal Enforcement. This shall not apply in instances where criminal charges have been brought against the owner.
      b. If criminal charges have been brought against the owner for failure to comply with this Ordinance or for interference with the operations of the Animal Services Center, no dog deemed dangerous shall be released from Animal Services until determined by a court of competent jurisdiction. During this time while the dog is impounded, it cannot be euthanized and the cost of impoundment shall be charged to the owner.
      c. No dog deemed dangerous or potentially dangerous may be adopted.
      d. All dogs deemed dangerous or potentially dangerous must be altered within 30 days of the determination.

Motion: I move to approve the change to Chapter 16-10 as presented.

Proposed Changes to Chapter 16-19 – Violations and Fines – Public Nuisance

On April 11, 2024, the Animal Services Advisory Committee voted to propose a change to Chapter 16-19 - Violations and Fines. The change will allow Animal Enforcement to increase fines for repeat violations of Section 16-24 - Restraint/confinement of domestic animals required.

16-19. Violations and Fines.

A. Misdemeanor. The violation of any provision of this Chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in N.C. Gen. Stat. §14-4. Each violation of this Chapter (or if a continuing violation, each day in which the violation continues) is a separate offense. Each violation for each animal is a separate offense.

B. Enforcement. Enforcement of this Chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to N.C.G.S. 153A-123(d) and (e).

C. Issuance of a citation by seeking to have the owner insure compliance with this Chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:

1) Give notice of the violation(s) alleged of the owner;
2) State the civil penalties for such violation(s);
3) State the date by which any civil penalties for such violation(s) must be paid; and
4) State that the County may initiate after such date a civil action to collect the civil penalties which are and may become due.

D. Civil fines. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.

(1) The Animal Services Director, Animal Enforcement Officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this Chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of $50 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the charging agency within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this Chapter.

(2) In the event that the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the fine and costs associated with collection of the fine, and/or a criminal summons may be issued against the owner or other alleged violator of this Chapter and upon conviction, the owner shall be punished as provided by state law. The charging agency is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the County of Henderson and may call on the County Legal Department for assistance as needed.

(3) Each violation of this Ordinance is a separate fine. Each day in violation and each animal kept in violation are considered separate offenses and may be fined for each individually.

(4) The following civil penalties are hereby established for each incident violation of this Chapter:

Section Violated	Animal Service Civil Penalty Schedule Description	Civil Penalty
*Citations shall impose upon the violator a minimum civil penalty of $50 or such greater amounts for offenses as may be set by ordinance.		
16-7A	Interference with Animal Enforcement Officer, or agent (per incident)	$500
16-7B	Concealment of an animal to evade ordinance (per day of violation)	$100
16-7E	Surrender or Reclaim Under False Pretense	$500
16-8	Public nuisance:	
First Violation (Deputy's discretion)		$50
~~Second Violation~~		~~$20~~
Second Violation		$100
~~Third Violation~~		~~$300~~
Third Violation		$200

16-10	Keeping a dangerous/potentially dangerous dog:	
	Unattended/loose/unrestrained (per day)	$500
	Without tattoo/microchip (per day)	$500
	Failing to notify of change of address or death (per day)	$500
	Failing to present proof of transferee responsibility (per day)	$1,000
16-11	Mistreatment of an animal (per day)	$500
16-19E	Release of an animal from County-owned trap (per incident)	$100
16-24	Restraint/confinement of domestic animals required	$50
16-26	Prohibition of giveaways in public places per incident per animal	$50

(5) Any person who fails to pay a fine within period of 30 days after receiving citation shall be deemed to have committed a misdemeanor and a warrant may be issued for the person's arrest. Prosecution under this section shall require proof of the occurrence of the underlying facts giving rise to the notice of citation. The Animal Enforcement Sergeant may extend time to pay on a citation due to hardship on case by case bases.

(6) The owner of a dangerous or potentially dangerous animal shall be strictly liable in civil damages for any injuries or property damage the animal inflicts upon a person, his property or another animal as per N.C.G.S. 67-4.4.

(7) Violations taking place over continuous days shall be capped at 10 days per animal per violation unless there is evidence suggesting that the person has tried to interfere with Animal Enforcement Officers or obstruct justice in which case additional fines may accrue.

(8) The final determination regarding the imposition and number of fines shall be determined by the County and alternative settlements shall be allowed where appropriate.

(9) In accordance with Article IX Education, Section 7 of the North Carolina State Constitution, civil penalties collected under this Chapter shall be appropriated and used exclusively for maintaining free public schools.

E. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the County of Henderson in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the County of Henderson. The penalty for any person convicted of such interference as set out in this subsection shall be $500.00 per occurrence.

Motion: I move to approve the revisions to Chapter 16-19 as presented.

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy all records listed on the Public Records Disposal Request and Destruction Log provided. The request was made in accordance with the County's Records Retention Policy and the provisions of the N.C. Department

of Cultural Resources Retention and Disposition Schedule as the period for retention of these records has expired.

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

archives.ncdcr.gov 4615 Mail Service Center, Raleigh NC 27699-4165 919-814-6900

Destructions Log

Agency	Henderson County				
Division	Animal Services Center	Section		Branch	
Location(s) of Records	Henderson County Animal Services Center (storage)				

Records Series	Required Retention	Date Range	Volume (file drawers or MB)	Media (Paper, Electronic) P	Media (Paper, Electronic) E	Date of Destruction	Method of Destruction	Authorization for Destruction
Adoption Contracts	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	
Reclaim Contracts	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	
Rabies Vac. Vouchers	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	
Microchip Vouchers	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	
Animal Intake & Disposition Forms	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	
Daily Cash Reports	3 Years	FY 2019 – FY 2021		P		TBD	Shred/Destroy	

Motion: I move to approve the Public Records Disposal Request and Destruction Log Submitted by the Animal Services Center.

2025.027 Soil and Water Conservation District – Community Conservation Assistance Program Grant Award

The Henderson Soil and Water Conservation District requested that the Board of Commissioners approve the Community Conservation Assistance Program (CCAP) Grant awarded to Henderson County for a cistern at the Solid Waste Convenience Center. The project will include installation of a cistern at the Mercury building. Collected rainwater will be used for Household Hazardous Waste (HHW) Collection events, washing out trash cans, and clean-up at the convenience center. This is a reimbursement grant. The amount awarded in November 2024 to Henderson County for this project is shown in the table below:

Grant Funder	Award Amount
Division of Soil and Water: Community Conservation Assistance Program Grant (2025 Cycle)	$8,000

Motion: I move the Board of Commissioners approve the CCAP grant for installation of a cistern at the Solid Waste Convenience Center and the associated budget amendment.

2025.028 Department of Public Health – AA122 Hurricane Helene Essential Functions Support

This activity provides financial relief to the North Carolina local health departments and districts in counties under federal major disaster declaration number FEMA DR-4827-NC which are restoring their essential functions and addressing post-disaster needs of the local public health system during recovery.

The Hurricane Helene Essential Functions Support funds in the amount of $1,064,970 were approved by the Henderson County Board of Health at their January 21, 2025 meeting to be forwarded to the Henderson County Board of Commissioners for consideration and final approval.

Motion: I move the Board approve the acceptance of the Hurricane Helene Essential Functions Support funds for the Henderson County Department of Public Health and authorize the necessary budgetary actions to implement subject to the funding limitations of the agreement.

Vendor Selection for Design/Build Team for Camp Tekoa Dam Rehabilitation Project
On April 1, 2024, the Board authorized a scope of work and budget amendment for a State Budget allocation for the Henderson County Soils and Water Department in the amount of $14,000,000. This allocation was made as directed by the NC General Assembly pursuant to Session Law 2023-134 (House Bill 259) for stream restoration and flood resiliency projects.

On July 17, 2024, the Board was presented with a recommended projected listing provided by Senator Moffitt. The Board requested staff to incorporate the projects in the listing into the scope of work.

First is a dam rehabilitation project for Camp Tekoa. This project will be completed under a design/build process. A request for qualifications was issued between December 4, 2024, and January 28, 2025. Three qualifying submissions were received on time. Based on the review by the Soil and Water Conservation District staff, the most qualified design/build team is Morgan Corp and S&ME. The Board was requested to approve the selection of the qualified firm chosen to provide design/build services for the dam rehabilitation for Camp Tekoa. This project will be entirely funded by the NC State Budget Allocation.

Motion: I move the Board of Commissioners approve the selection of the Morgan Corp and S&ME to provide design/build services for dam rehabilitation for Camp Tekoa and to authorize staff to enter negotiations with the selected firm.

NC Division of Parks and Recreation Accessible Parks Grant Application
Henderson County Parks and Recreation requested the support of the Henderson County Board of Commissioners to apply for the 2025 Accessible Parks Grant to renovate outdated features at East Flat Rock Park. Due to those outdated features, East Flat Rock Park is currently not accessible by both ADA and Universal Design standards. Parks and Rec Staff have hosted three public input meetings, with resounding approval for the upgrades. The Parks and Recreation Advisory Board has recommended that the staff apply for this grant, which could contribute up to $500,000 towards park upgrades. The Accessible Parks Grant requires a 20% match, or up to $100,000.

Motion: I move the Henderson County Board of Commissioners approve the 2025 Accessible Parks Grant application and sign the certification of local government approval.

Vaya Health – Quarterly Fiscal Monitoring Report (FMR) for the quarter ended December 31, 2024

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board

of Commissioners at the next regularly scheduled meeting of the Board. The FMR for Vaya Health was received by the County Finance Officer on February 11, 2025.

Motion: I move that the Board of Commissioners approve the Vaya Health Fiscal Monitoring Report for the quarter ended December 31, 2024.

2025.029 Department of Public Health – AA123 Investment in Performance Management
This activity was to help meet the short-term critical infrastructure needs and to make strategic investments which will have lasting effects on local public health departments in North Carolina. The funding supports the foundational capabilities, and the local health department workforce needed to support service areas. Investments and improvements to foundational capabilities help rebuild and modernize public health departments, positioning local health departments to better serve their communities.

The activity was to strengthen the capacity of expertise of the Local Health Department (LHD) to carry out the foundational capability of Accountability and Performance Management as measured by the NC Federal Capabilities Assessment.

The LHD will use this funding to invest and support its capacity and expertise specific to Foundational Capability Accountability and Performance Management. Capacity is defined as having the tools, the people, and the time to carry out the Foundational Capability. Expertise is defined as having the training, experience, and skill to cover the Foundational Capability.

Motion: I move the Board to approve the acceptance of the Investment in Performance Management funds for the Henderson County Department of Public Health and authorize the necessary budgetary actions necessary to implement subject to the funding limitations of the agreement.

2025.030 Sole Source of Repairs to Jackson Park Playground
The Board was requested to approve the attached proposal and authorize staff to proceed with the repairs of the inclusive playground at Jackson Park via the sole source exception as allowed under N.C.G.S 143-129 (e)(6). As a sole source contract with County government, approval of this agreement by the Board of Commissioners is required.

The sole proposal was received from Barrs Recreation for a total pre-tax price of $34,349. Barr Recreation was the original installer of playground equipment and to ensure that warranties remain valid Barr Recreation must make the repairs to the playground.

The repair will be funded with insurance proceeds less the deductible of $25,000.

Motion: I move the Henderson County Board of Commissioners approve the budget amendment, accept the sole proposal from Barrs Recreation and authorize Henderson County staff to proceed with the repair to the playground at Jackson Park in the amount of $34,349 using the sole source exception as allowed under N.C.G.S 143-129 (e)(6).

Motion: Vice-Chair Edney made the motion to adopt the consent agenda. All voted in favor, and the motion passed unanimously.

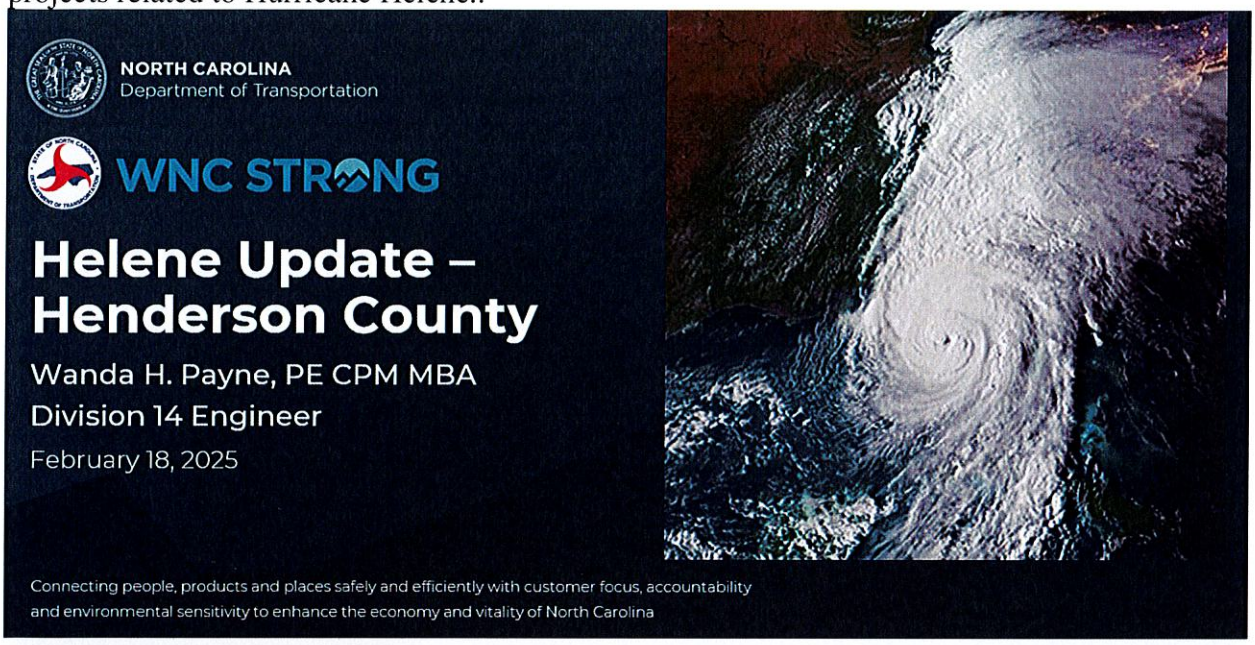
Approved: March 3, 2025

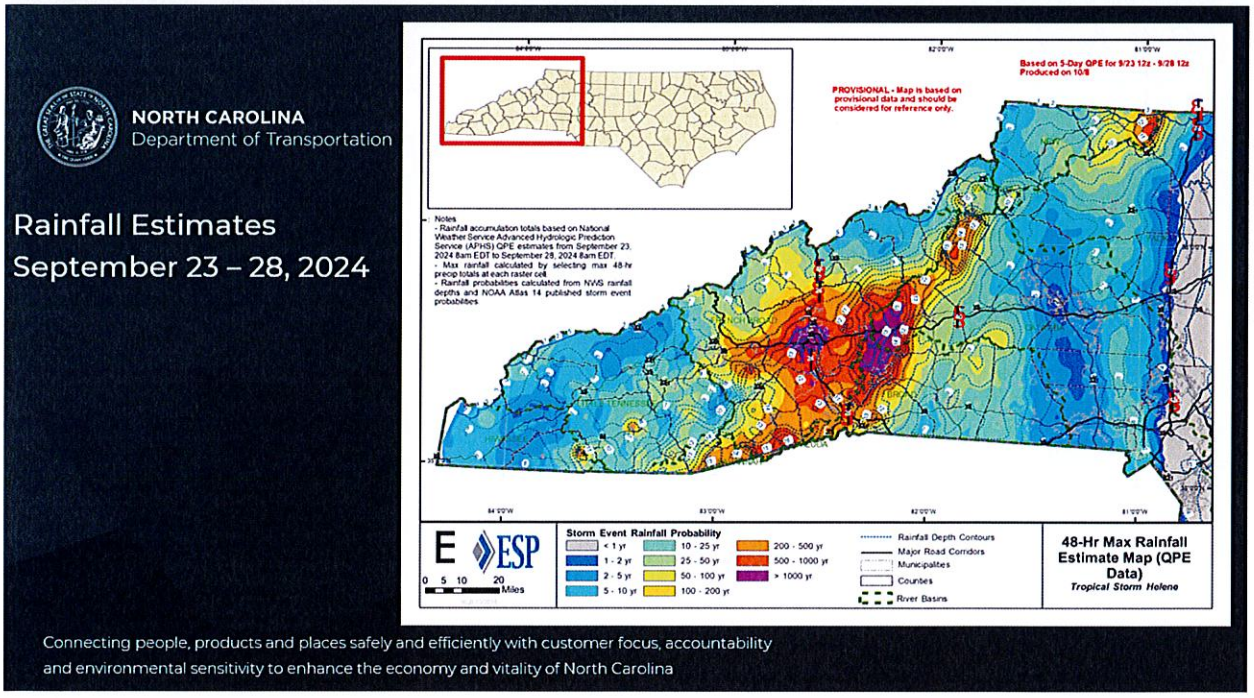
DISCUSSION

A. Hurricane Helene Update

The Board was provided with the most current information pertaining to Hurricane Helene in Henderson County.

NC DOT District 14 Engineer Wanda Payne provided the following update regarding the DOT projects related to Hurricane Helene..





NORTH CAROLINA
Department of Transportation

By the Numbers

*as of 2/8/25	4 Division Regions	Henderson County
Total Sites	9399	839
Estimated Cost	$4.8B	$275M
# Sites Completed	2517	500*
Total Federal Reimbursement	$80.9M	
FHWA	$32.7M	
FEMA	$48.1M	
# Bridges Damaged	818	53
# Replaced/Repaired	206 (25%)	27*

*guardrail, seeding, pavement markings remaining

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

NORTH CAROLINA
Department of Transportation

Major Corridor Projects

*as of 2/8/25

- US 74A Construction Manager/General Contractor Project – Est. Cost $95M; Awarded 11/25/24; Contractor -Wright Brothers; Construction Date (projected)-March (2025) - Design at 5%; Designer-HDR; Est. Completion October 2026
- US 64 Bid Build – Est. Cost $32.8M; Design - 100%; Awarded Contractor - Blythe Construction Inc.; Est. Completion major work items by September 2026
- NC 9 Bid Build – Est. Cost $35 M; Design – 80% - Est Let Date June 2025
- US 176 Bid Build – Est. Cost $1.5M; Design – 100% Let Date 1/28/25 Award Pending; Est. Completion March 2026
- Middle Fork Road Bid Build – Est. Cost $12M; Design – 65% Est. Let Date Sept 2025

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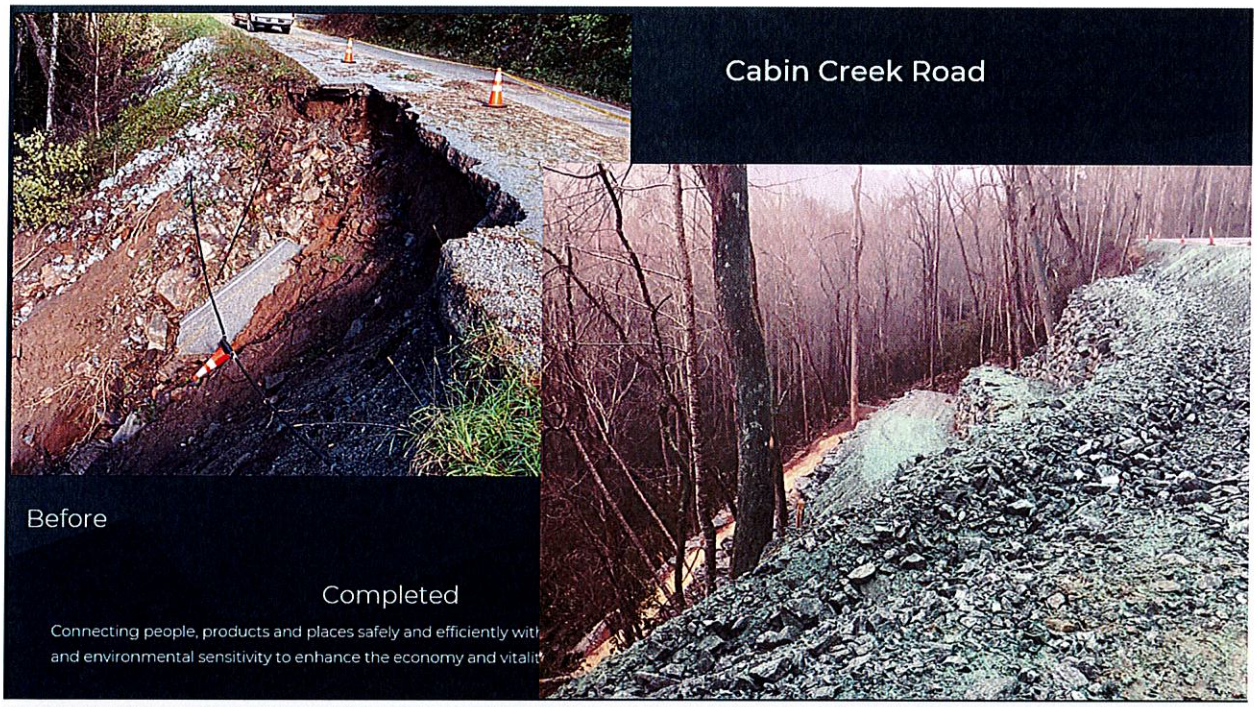
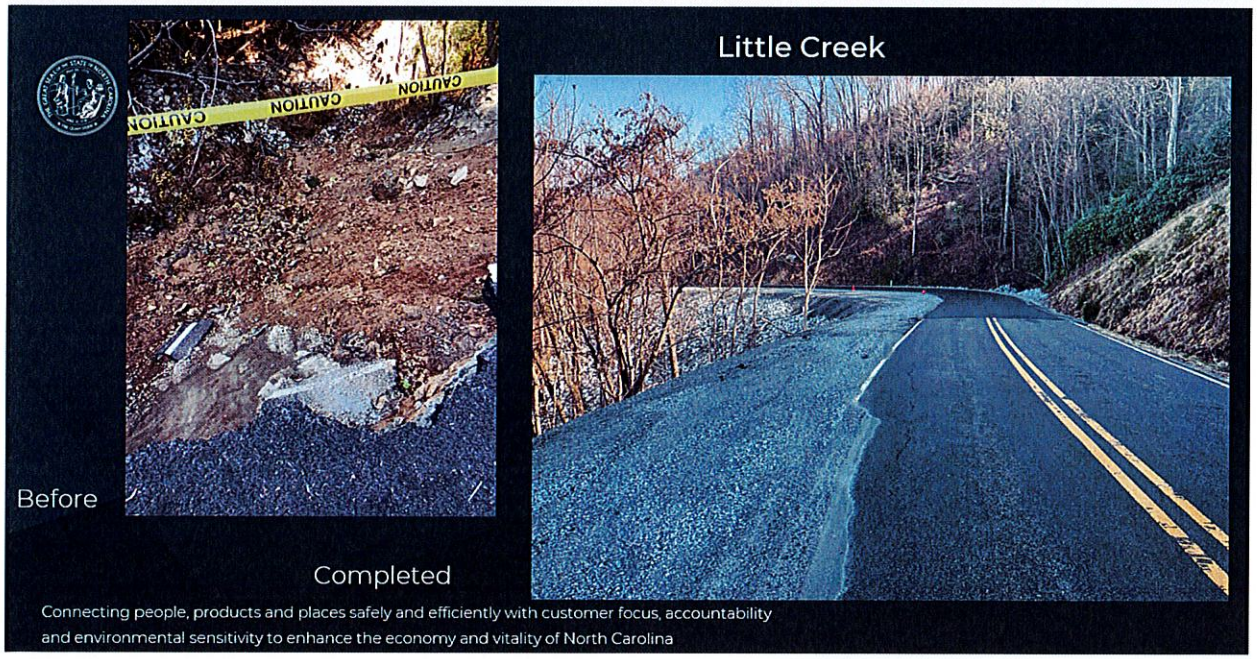

Cabin Creek Road
Before
Completed
Connecting people, products and places safely and efficiently with
and environmental sensitivity to enhance the economy and vitalit


Little Creek
CAUTION
CAUTION
CAUTION
Before
Completed
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and environmental sensitivity to enhance the economy and vitality of North Carolina

Fruitland Road
Before
Completed
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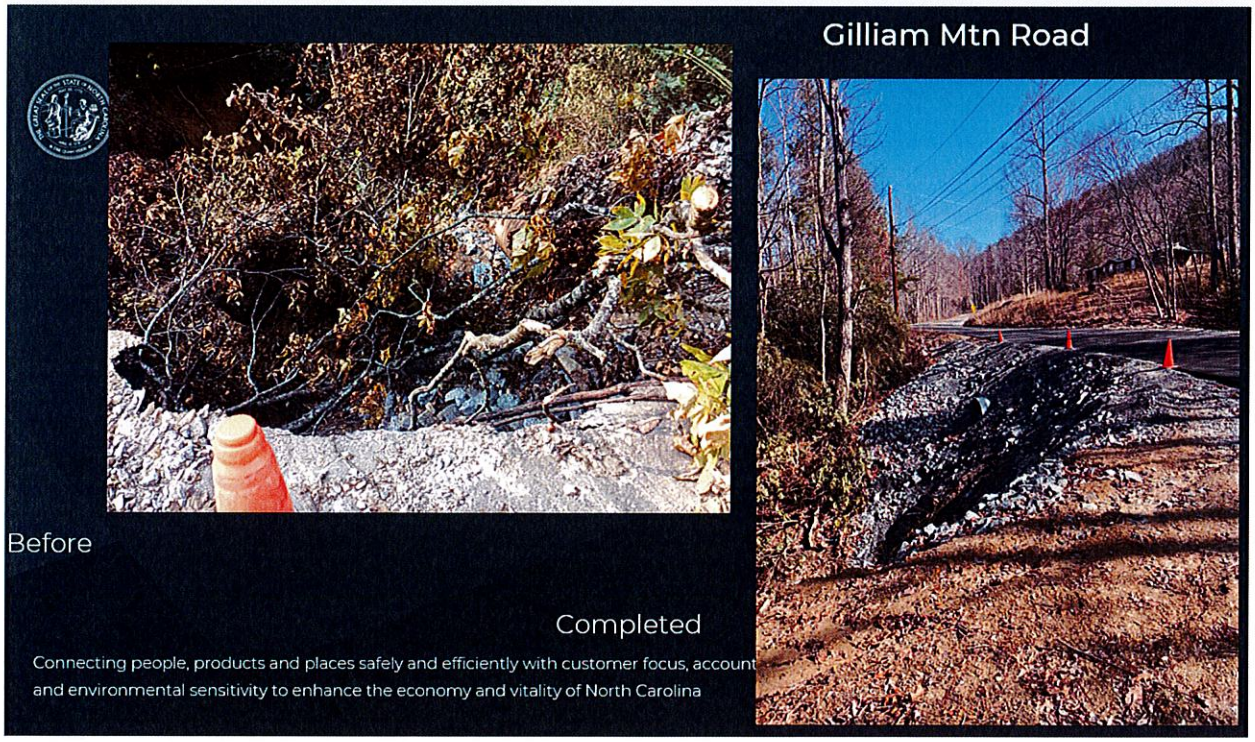
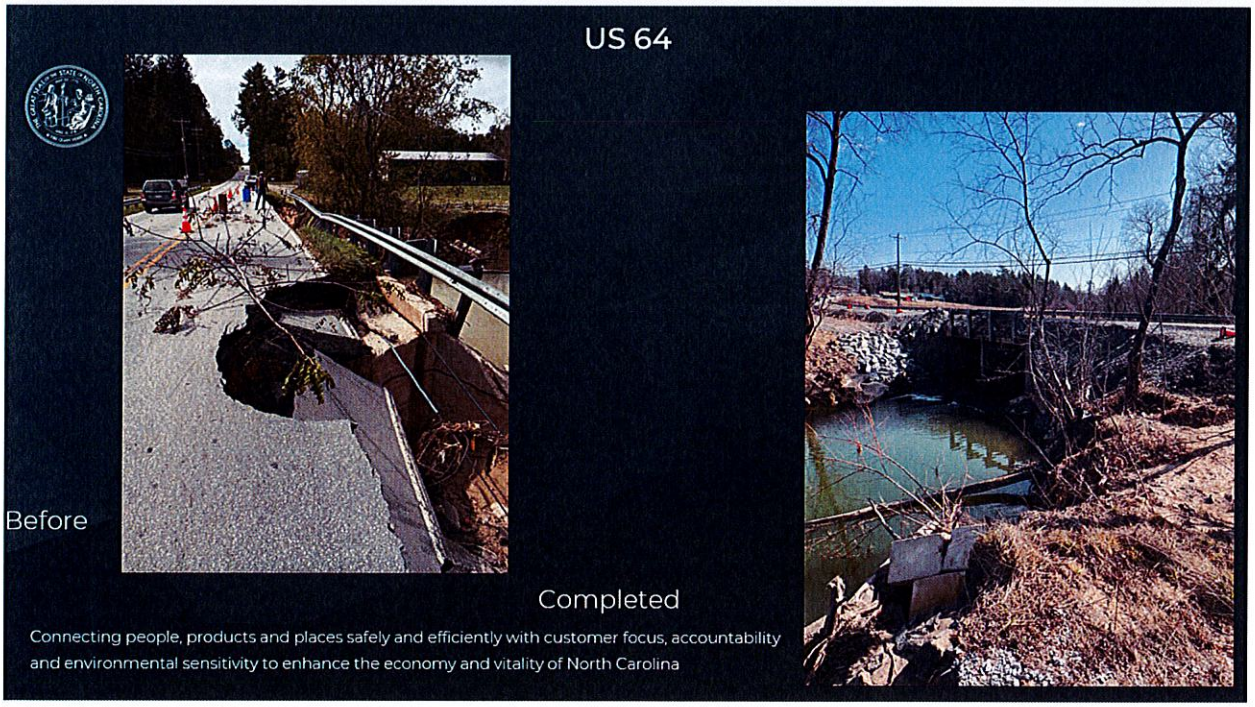
and environmental sensitivity to enhance the economy and vitality of North Carolina


Gilliam Mtn Road
Before
Completed
Connecting people, products and places safely and efficiently with customer focus, account
and environmental sensitivity to enhance the economy and vitality of North Carolina



In closing Ms. Payne encourage everyone to watch a video about the storm's impact to WNC on YouTube called Carolina, featuring music by country artist and NC native Eric Church.

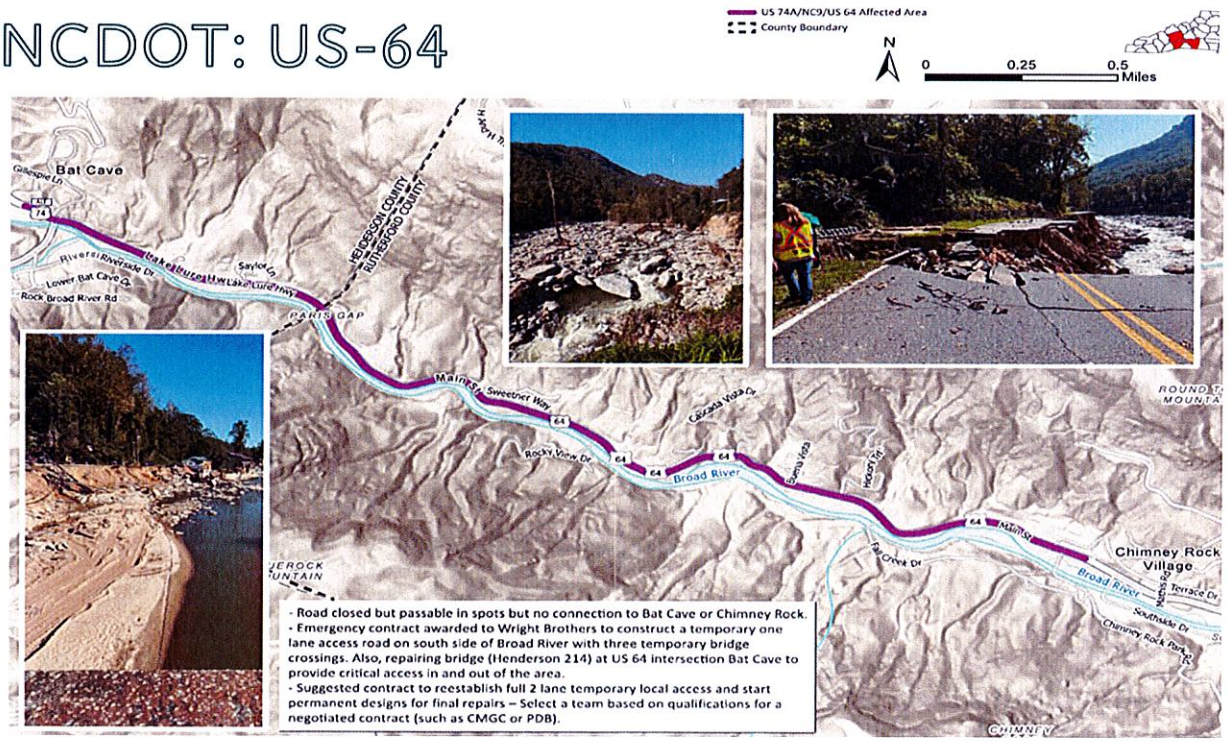
Planning Director Autmn Radcliff and Senior Planner Janna Bianculli provided the following update regarding EDA Funding.

HICKORY NUT GORGE RECOVERY PLAN

Autumn Radcliff, Planning Director
Janna Bianculli, Senior Planner
Henderson County Planning Department

NCDOT: US-74A

NCDOT: US-64



Approved: March 3, 2025

STATISTICS

RESCUE

- Over 100 people helicopter-rescued from the area
- 2 people lost their lives

RECOVERY

- 315 structures are considered damaged
    - 115 structures are destroyed
- 31 structures in the flood hazard area are more than 50% substantially damaged

DEMOGRAPHICS*

- 4,622 residents
- 83.7% of residents describe themselves as white
- Over 11% of residents describe themselves as Hispanic or Latino
- 20.9% of the population is over 65
- *Note this represents the Census tract area (includes a portion of Edneyville)

GRASSROOTS EFFORTS

- Rutherford County TDA and the Village of Chimney Rock were working with a consultant before the storm
    - They continued working with the consultant and shifted focus to a recovery plan: Raise the Rock Action Plan
- Folks in the Hickory Nut Gorge reached out to Planning staff as well as the two fire chiefs regarding recovery in the Gorge
- These residents invited us to meet with them and hear some of their concerns and ideas for the future
- It was posed whether there is something that can be done in Henderson County that is similar to Chimney Rock
- Staff will continue to listen and learn from the residents and business owners who were directly impacted by the storm

RECOVERY PLANNING

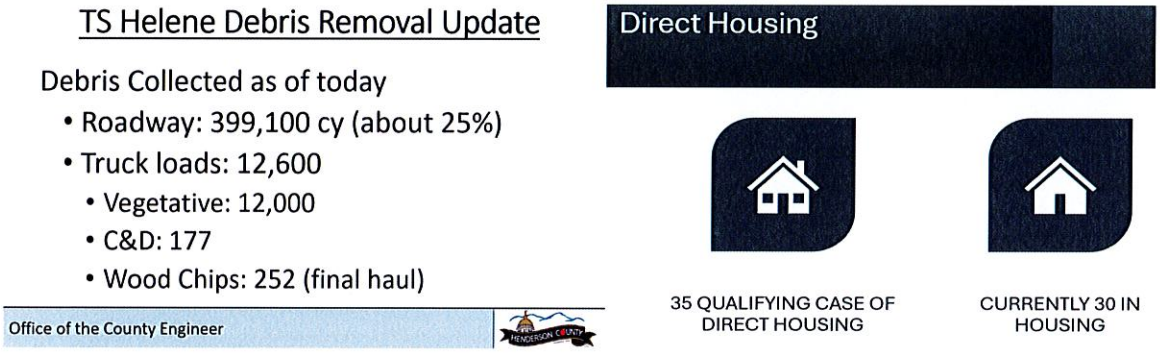
- Hickory Nut Gorge Recovery Plan – brings together the Gerton and Bat Cave communities
- A consultant will be acquired through an RFP process
- There's a need to do this plan and finish it quickly
    - Residents are seeking direction for the future
    - The Board can apply for grant money to implement plan elements
- This is an opportunity to plan ahead for rebuilding and rehabilitating the area
- This is a grassroots plan that began organically, and we will continue to get input from those directly affected in this area
- Disaster Recovery Advisors:
    - Emergency Services
    - FEMA
    - Land of Sky
    - NCDOT
    - Local Fire Departments

John Mitchell suggested that the Board hold a special community workshop meeting to discuss recovery efforts and available resources; with the meeting being held in in the Gerton/Bat Cave area. He urged residents that live outside of the Gerton/Bat Cave communities to limit attendance due to the continued state of emergency in that area. He added that there would be a mobile DRC trailer with services beginning at 1:30 p.m. and continue to overlap through the 5:30 p.m. workshop.

Motion: Chairman Lapsley made the motion to hold a special called meeting on Monday, February 24, 2025, at 5:30 p.m. at the Bat Cave Baptist Church located at 5095 Chimney Rock Road, Hendersonville, NC. All voted in favor, and the motion carried.

Financial Services Director Samantha Reynolds stated that the county had received $15.6 million from FEMA thus far, with $10.3 million costs incurred by the county to date.

Marcus Jones reported that waterway debris removal had begun, with four sites already completed. He mentioned that Mud Creek alone had 121different sites that were designated for cleanup. He added that staff was working on a map to be posted on the county's website, allowing residents to view the sites scheduled for cleanup.



There was discussion about the closure of the Bat Cave post office, with the residents of that community now having to drive to the Dana post office to collect their mail.

FSA Programs Pre-Helene

Emergency Conservation Program (ECP)

- Mainly for fence and field repairs needed due to hurricane damage.
- For crop fields and pastures it covers debris removal from fields such as sand/silt, trees, rocks. It also covers grading and releveling the field.
- For livestock producers it repairs or replaces fencing lost from downed trees and flooding
- This program is cost share assistance and is paid after the applicant finishes the work and turns in their bills. There are other types of conservation structures also covered.

Emergency Forestry Restoration Program (EFRP)

- For damage to private forestry land for those with a managed forest.
- It is cost share assistance to help clean up and replant/restore the forest
- Tracts must be at least 1 acre and 120 ft wide with a forestry plan
- You must replant to restore the forest according to a forestry plan_
- Part of the application process is meeting with a forester to find out what practices are needed to clean up and restore your forest
- This program is cost share assistance and is paid after the applicant finishes the work and turns in their bills.

Noninsured Crop Disaster Assistance Program (NAP)

- Covers small fruit and vegetable losses in our area that were due to hurricane or if the producer had other disaster related losses before the hurricane. Most of these applicants have been paid for their losses.
- crop coverage for crops that don't have a federal crop insurance policy and applicant must have obtained NAP coverage for the crop year by the application for coverage date for that crop or crops in which the loss was incurred.

Tree Assistance Program (TAP)

- For the replacement and rehab of trees, bushes, or vines. (Orchards, Vineyards, and Nurseries)
- Applies to orchards, vineyards, nurseries
- Applications are taken for individual stands that you have a loss on based on normal mortality.
- This is to help replace the dead and damaged trees and replant, it is not a payment for what has been lost. This program is cost share assistance and is paid after the applicant finishes the work and turns in their bills.

Emergency Livestock Assistance Program (ELAP)

- For losses to honeybees, aquaculture, and some livestock situations.
- Assistance to help cover above normal costs to transport livestock to feed and/or transport feed/forage to livestock in hurricane-impacted states.
- Assistance to help cover above normal costs to haul water to livestock.
- Also covers losses to fish
- This is a direct payment for losses.

Livestock Indemnity Program (LIP)

- Covers livestock deaths above normal mortality, death must be directly cause by the hurricane.
- Must provide documentation (pictures) or third party certification for the deaths
- The deaths must have been directly caused by the disaster event
- This is a direct payment for losses.

Dr. Terry Kelley estimated that the losses to the Agricultural Community ranged from $135 million to $150 million; $38 million of that total attributed to crop damage.

Construction Projects Update

Blue Ridge Community College MRTS Projects – The Board approved a contract with Clark Nexsen on February 3, 2025, Staff has begun the programming process.

Henderson County Public Schools MRTS Projects – West Henderson High School Addition and Renovation

The Atkinson Elementary School HVAC Replacement Project (Phase 1) has been completed.

Henderson County Capital Projects – Ag Services Building. The Board approved the contract with MPS on February 3, 2025, and staff has started the programming process.

Medical Office Buildings - Pardee

- The Board awarded LS3P with a contract extension for the full design work for the Spartanburg Hwy location.
- Work is progressing into the Design Development phase as Schematic Design is being finalized for the other locations.
- Staff will present the Board with a SD deliverable update on the other meeting locations in an upcoming meeting.

Flood Plain Ordinance Discussion
The current flood plain fill ordinance, Sections 42-234.1 and 42-354 of the Henderson County Code, as revised in October 2023 was provided for the Board's review.

Should the Board want to consider modification of the existing ordinance, under N.C. Gen. Stat. §160D-604, it must refer the matter to the Planning Board for review and comment, prior to a public hearing.

Before any action by the Board which constitutes a "down-zoning" of any property as that term is defined in N.C. Gen. Stat. §160D-601 (as modified in 2024), the Board must first obtain the written consent of all property owners owning property in a designated special flood hazard area.

Change made from original Ordinance in October of 2023.

Section 42.234. Flood Hazard Reduction

42-234.1 General Standards.

In all *Special Flood Hazard Areas* the following provisions are required.

A. In the *flood fringe* area as indicated on the *FIRM*, ~~no fill whatsoever shall be allowed except on parcels of land, the boundaries of which are of record in the Henderson County Registry as of the original date of adoption of these regulations (July 5, 2005), and then only upon~~ no more than 20 percent of the total of the *flood fringe* area may be filled ~~contained in each such parcel~~, except that additional fill may be permitted in the *flood fringe* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).

B. In the *floodway* area as indicated on the FIRM, fill may be permitted in the *floodway* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).

§42-354. Special Fill Permits

A. Purpose. *Special Fill Permits* in the ~~*flood fringe*~~ special flood hazard area may be granted by the Board of Commissioners only in Conditional Zoning Districts where particular cases meeting specific community need and subject to appropriate conditions and safeguards.

B. Permit Issuance. The Board of Commissioners shall have the power to grant permits for special fill in the ~~*flood fringe*~~ *special flood hazard area*. In order to grant a Special Fill Permit, the Board of Commissioners must conclude that the~~:~~ application meets the requirements under 42-354.

County Attorney Russ Burrell explained that changing the ordinance back to its previous state would require a change in legislation.

Commissioners Franklin and Egolf desire to change the ordinance back to its precious state. Vice-Chair Edney added that he would like to schedule a public hearing to get the ball rolling, with or without the opinion of the Planning Board.

Motion: Commissioner McCall made the motion that the Board request the Planning Board review potential modifications to the existing ordinance in anticipation of possible future legislation on downsizing. All voted in favor, and the motion carried.

NOMINATIONS AND APPOINTMENTS

1. Agriculture Advisory Board – 2 vacs.

Chairman Lapsley made a motion to nominate Richard Jordan for reappointment to position #2 and Stacy Fields for reappointment to position #4. All voted in favor, and the motion carried.

2. Animal Services Committee – 3 vacs.

Commissioner McCall made the motion to nominate Patricia Sheley for reappointment to position #2, James Lyon for reappointment to position #5, and Vincent Griggs for reappointment to position #9. All voted in favor, and the motion carried.

3. Henderson County Board of Equalization and Review – 3 vacs.

Vice-Chair Edney made the motion to nominate Steve Wilkie for reappointment to position #7. All voted in favor, and the motion carried.

Vice-Chair Edney noted that Steve Wilie would be moved from an alternate position on this Board to a regular position upon the expiration of the two regular positions on March 30, 2025.

4. Industrial Facilities and Pollution Control Financing Authority – 1 vac.

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

5. Laurel Park Zoning Board of Adjustment – 1 vac.

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

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

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

7. Recreation Advisory Committee – 4 vacs.

Commissioner McCall made the motion to nominate Ralph King for reappointment to position #1, Jeff Donaldson to position #6, Doug Moon to position #7, Corum Smith to position #14. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Franklin mentioned a recent housing meeting she attended that included presentations about constructing smaller homes and utilizing "flagpole lots" to maximize lot sizes for more affordable single-family homes.

Commissioner McCall shared that the East Henderson High School Men's Basketball Team went undefeated this year and would play in a championship game tonight.

Mrs. McCall stated that the Agriculture Advisory Committee would soon add two additional positions to the committee, which will work in conjunction with the Farmland Preservation Task Force regarding agriculture concerns in the county.

Vice-Chair Edney and Commissioner Egolf had no updates.

Chairman Lapsley noted that he and Commissioner Egolf had recently attended a positive meeting of the Etowah Sewer Advisory Committee.

GENERAL ASSEMBLY UPDATE/COUNTY MANAGER'S REPORT

Mr. Mitchell said that staff continues to monitor several pieces of legislation regarding House Bills that aim to allocate additional funding for Hurricane Helene relief efforts. He added that a Bill had been filed by Senator Tim Moffitt related to sewer in the area.

For the manager's report, Mitchell mentioned the special called meeting in Gerton/Bat Cave would be held Monday, February 24, 2025, at 5:30 p.m. He then shared that a Joint School Facilities meeting would be held on March 10, 2025, at 11:00 a.m.

Motion: Vice-Chair Edney made the motion to go into Closed Session pursuant to NCGS 143.318.11(a)(3)(4). All voted in favor, and the motion carried.

ADJOURN

Denisa A. Lauffer, Clerk to the Board

Wiliam G. Lapsley, Chairman

Approved: March 3, 2025

Enactments

Tuesday, February 18, 2025

2025.025 Resolution - Service Badge and Sidearm Request –Sergeant James Player

2025.026 Resolution – Service Badge and Sidearm Request – Captain Johnny Duncan

2025.027 Soil and Water Conservation District – Community Conservation Assistance Program Grant Award

2025.028 Department of Public Health – AA122 Hurricane Helene Essential Functions Support

2025.029 Department of Public Health – AA123 Investment in Performance Management

2025.030 Sole Source of Repairs to Jackson Park Playground

Resolution Honoring Sergeant James Player

For 20 Years of Law Enforcement Service and Awarding His Badge and Sidearm

WHEREAS Sergeant Player joined the Henderson County Sheriff's Office on September 8, 2004, and held the ranks of Corporal, Sergeant, Lieutenant, and Detention Administrator; and

WHEREAS Sergeant Player's service and dedication to the Henderson County Sheriff's in the field of law enforcement during his 20 total years of service are hereby recognized and commended; and

WHEREAS N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with the Henderson County; and

WHEREAS N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS Sergeant Player has served as a member of the Henderson County Sheriff's Office for a period of more than 20 years and has retired from the Henderson County Sheriff's Office on December 31, 2024 and

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

1. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Player the badge worn by him during his service with the Henderson County Sheriff's Office; and

2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Player his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Sergeant Player for his dedicated service to Henderson County and its citizens.

Adopted this the 18th day of February, 2025.

WILLIAM G. LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

DENISA A. LAUFFER, CLERK TO THE BOARD

Resolution Honoring Captain Johnny Duncan

For 25 Years of Law Enforcement Service and Awarding His Badge and Sidearm

WHEREAS Captain Duncan joined the Henderson County Sheriff's Office on September 29, 1993, and held the ranks of Telecommunicator , Deputy, Corporal, Sergeant, Director of Communications and Captain.

WHEREAS Captain Duncan's service and dedication to the Henderson County Sheriff's Office in the field of law enforcement during his 25 total years of service are hereby recognized and commended; and

WHEREAS N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

WHEREAS N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

WHEREAS Captain Duncan served as a member of the Henderson County Sheriff's Office for a period of more than 25 years has retired from the Henderson County Sheriff's Office on December 31, 2024; and

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

1. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Captain Duncan the badge worn by him during his service with the Henderson County Sheriff's Office; and

2. Sheriff Griffin is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Captain Duncan his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

BE IT FURTHER RESOLVED that the Henderson County Board of Commissioners recognizes and thanks Captain Duncan for his dedicated service to Henderson County and its citizens.

Adopted this the 18th day of February, 2025.

WILLIAM LAPSLEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

DENISA A. LAUFFER, CLERK TO THE BOARD

REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 18, 2025

SUBJECT: Soil and Water Conservation District – Community Conservation Assistance Program Grant Award

PRESENTER: Betsy Gerwig, Conservation Engineer

ATTACHMENTS: Yes
1. Budget Amendment
2. Grant Award Letter

SUMMARY OF REQUEST:

The Henderson Soil and Water Conservation District is requesting that the Board of Commissioners approve the Community Conservation Assistance Program (CCAP) Grant awarded to Henderson County for a cistern at the Solid Waste Convenience Center. The project will include installation of a cistern at the Mercury building. Collected rainwater will be used for Household Hazardous Waste (HHW) Collection events, washing out trash cans, and clean-up at the convenience center. This is a reimbursement grant. The amount awarded in November 2024 to Henderson County for this project is shown in the table below:

Grant Funder	Award Amount
Division of Soil and Water: Community Conservation Assistance Program Grant (2025 Cycle)	$8,000

BOARD ACTION REQUESTED:

The Board is requested to approve the CCAP grant, which will allow for installation of a cistern at the Solid Waste Convenience Center, and the associated budget amendment.

Suggested Motion:

I move the Board of Commissioners approve the CCAP grant for installation of a cistern at the Solid Waste Convenience Center and the associated budget amendment.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Solid Waste

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
605472-535103-9058	Maintenance Plan Improvements	$8,000
		$8,000

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

Account	Line-Item Description	Amount
604472-457007-9058	Div of Soil & Water-CCAP Grant	$8,000
		$8,000

Justification: *Please provide a brief justification for this line-item transfer request.*

To budget for CCAP Grant Award for cistern at Solid Waste. BOC approved 2.18.25.

Authorized by Department Head	2/18/2025 Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

For Budget Use Only

Batch # ___

BA # ___

Batch Date ___

REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 18, 2025

SUBJECT: AA 122 Hurricane Helene Essential Functions Support

PRESENTER: G. David Jenkins, Health Director

ATTACHMENTS: 1. Budget Amendment
2. Agreement Addendum

SUMMARY OF REQUEST:

This Activity provides financial relief to the North Carolina local health departments and districts in counties under federal major disaster declaration number FEMA DR-4827-NC which are restoring their essential functions and addressing post-disaster needs of the local public health system during recovery.

The Hurricane Helene Essential Functions Support funds in the amount of $1,064,970 were approved by the Henderson County Board of Health at their January 21, 2025 meeting to be forwarded to the Henderson County Board of Commissioners for consideration and final approval.

BOARD ACTION REQUESTED:

The Board of Commissioners is requested to approve the Hurricane Helene Essential Functions Support funds to authorize the appropriate budgetary actions necessary to implement subject to the funding limitations of the agreement.

Suggested Motion:

I move the Board approve the acceptance of the Hurricane Helene Essential Functions Support funds for the Henderson County Department of Public Health and authorize the necessary budgetary actions necessary to implement subject to the funding limitations of the agreement.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Public Health

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115510 569931 9095	Unallocated Funding	$1,064,970
		$1,064,970

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

Account	Line-Item Description	Amount
114510 452053 9095	AA 122 Helene - Health	$1,064,970
		$1,064,970

Justification: *Please provide a brief justification for this line-item transfer request.*
AA 122-Hurricane Helene Essential Functions Support State funds were received in FY2025. The service period began 9/28/2024. These funds will rollover each fiscal year and will end May 31, 2030. Plans to spend the funds have not fully been determined. BOC approved 2/18/2025.

Authorized by Department Head — Date

Authorized by Budget Office — Date

Authorized by County Manager — Date

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____

REQUEST FOR BOARD ACTION

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 18, 2025

SUBJECT: AA 123 Investment in Performance Management

PRESENTER: G. David Jenkins, Health Director

ATTACHMENTS: 1. Budget Amendment
2. Agreement Addendum

SUMMARY OF REQUEST:

This Activity is to help meet the short-term critical infrastructure needs and to make strategic investments which will have lasting effects on local public health departments in North Carolina. The funding supports the foundational capabilities, and the local health department workforce needed to support service areas. Investments and improvements to foundational capabilities help rebuild and modernize public health departments, positioning local health departments to better serve their communities.

The Activity is to strengthen the capacity of expertise of the Local Health Department (LHD) to carry out the foundational capability of Accountability and Performance Management as measured by the NC Federal Capabilities Assessment.

The LHD will use this funding to invest and support its capacity and expertise specific to Foundational Capability Accountability and Performance Management. Capacity is defined as having the tools, the people, and the time to carry out the Foundational Capability. Expertise is defined as having the training, experience, and skill to cover the Foundational Capability.

BOARD ACTION REQUESTED:

The Board of Commissioners is requested to approve the Investment in Performance Management funds to authorize the appropriate budgetary actions necessary to implement subject to the funding limitations of the agreement.

Suggested Motion:

I move the Board to approve the acceptance of the Investment in Performance Management funds for the Henderson County Department of Public Health and authorize the necessary budgetary actions necessary to implement subject to the funding limitations of the agreement.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: Public Health

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115510 539000	Contracted Services	$11,967
		$11,967

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

Account	Line-Item Description	Amount
114510 452054	AA 123 - Performance Management	$11,967
		$11,967

Justification: *Please provide a brief justification for this line-item transfer request.*
AA 123-Investment in Performance Management federal funds were received to help meet short term needs to invest and support Accountability and Performance Management. The service period is 2/4/2025 - 5/31/2025. BOC approved 2/18/2025.

H. David Jenkins — 02/12/25
Authorized by Department Head — Date

Authorized by Budget Office — Date

Authorized by County Manager — Date

For Budget Use Only

Batch # _____

BA # _____

Batch Date _____

HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE:	February 18, 2025
SUBJECT:	Sole Source of Repairs to Jackson Park Playground
PRESENTER:	Bruce Gilliam, Director of Parks and Recreation
ATTACHMENTS:	Budget Amendment Vendor Proposal N.C.G.S. 143-129 (e)(6)

SUMMARY OF REQUEST:

The Board is requested to approve the attached proposal and authorize staff to proceed with the repairs of the inclusive playground at Jackson Park via the sole source exception as allowed under N.C.G.S 143-129 (e)(6). As a sole source contract with County government, approval of this agreement by the Board of Commissioners is required.

The sole proposal was received from Barrs Recreation for a total pre-tax price of $34,349. Barr Recreation was the original installer of playground equipment and to ensure that warranties remain valid Barr Recreation must make the repairs to the playground.

The repair will be funded with insurance proceeds less the deductible of $25,000.

BOARD ACTION REQUESTED:

The Board is requested to approve the budget amendment, accept the sole proposal from Barrs Recreation and authorize Henderson County staff to proceed with the repair to the playground at Jackson Park in the amount of $34,349 using the sole source exceptions as allowed under N.C.G.S 143-129 (e)(6).

Suggested Motion:

I move the Henderson County Board of Commissioners approve the budget amendment, accept the sole proposal from Barrs Recreation and authorize Henderson County staff to proceed with the repair to the playground at Jackson Park in the amount of $34,349 using the sole source exception as allowed under N.C.G.S 143-129 (e)(6).

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY

Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
525500-539000	CONTRACTED SERVICES	$34,349
		$34,349

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

Account	Line-Item Description	Amount
524500-454007	FEMA GRANT FUNDING	$22,500
524500-454018	NCEM GRANT FUNDING	$2,500
524500-492007-9096	INSURANCE PROCEEDS	$9,349
		$34,349

Justification: *Please provide a brief justification for this line-item transfer request.*

BUDGET AMENDMENT TO RECOGNIZE INSURANCE PROCEEDS AND ANTICIPATED FEMA REIMBURSEMENT FOR JACKSON PARK PLAYGROUND REPAIRS INCURRED DURING TROPICAL STORM HELENE. BOC APPROVED 2.18.2025.

Authorized by Department Head	2/18/2025 Date	*For Budget Use Only*
Authorized by Budget Office	Date	Batch # _____
		BA # _____
Authorized by County Manager	Date	Batch Date _____

NC Division of Parks & Recreation

Certification & Approval by Local Governing Board

I hereby certify the information contained in the attached application is true and correct and the required one dollar of matching funds for five dollars of grant funds will be available within three years of submitting the application. This application has been approved by the local governing board.

Chief Elected Official
(Print or Type Name and Title)
(Signature)
If two local governments are applying together, this form must be completed and signed by each local government. One applicant must be identified by adding primary sponsor in the Local Government Name section.