

March 2, 2026

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, MARCH 2, 2026**

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, Commissioner Rebecca McCall, Commissioner Sheila Franklin, Commissioner Jay Egolf, County Manager John Mitchell, Assistant County Manager Chris Todd, Public Safety Director Jimmy Brissie, Financial Services Director Samantha Reynolds, County Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Budget Manager/Internal Auditor Sonya Flynn, Chief Communications Officer Mike Morgan, Code Enforcement Director Matt Champion, Director of Public Health David Jenkins, Code A/V Technician Oscar Guerrero, Parks and Recreation Director Bruce Gilliam, Soil and Water Conservation District Director/Conservationist Director Jonathan Wallin, County Engineer Marcus Jones, Director of Human Resources Karen Ensley, Site Development Director Deborah Johnston, Farmland Preservation Coordinator Angela Price, Capital Projects Manager Bryan Rhodes, Social Media Coordinator Tiffany Lucey, Finance Director Randal Cox, and NC Lead Fellow Abby Buxton. Deputies Matt Covil and Judd Lawter provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

Addyson Munsey with the Barnyard Bandits 4-H Club led the Pledge of Allegiance to the American Flag.

RESOLUTIONS AND RECOGNITIONS

2006.014 Proclamation – Designating March as Social Work Month

The Department of Social Services requested the Board of Commissioners adopt a Proclamation, designating March as Social Work Month in Henderson County.

Commissioner Franklin made the motion the Board adopt the Proclamation, designating March as Social Work Month in Henderson County. All voted in favor and the motion carried.

PUBLIC COMMENT *(Comments are the views and opinions of the speaker)*

1. Eliabeth Hill spoke in support of a new library in the Town of Fletcher. She outlined several inadequacies of the current library facility and emphasized the community's need for access to modern library amenities.
2. Milton Butterworth spoke in support of a new library in the Town of Fletcher.

Approved: March 18, 2026

DISCUSSION/ADJUSTMENT OF AGENDA

There were no adjustments to the agenda.

Commissioner Edney moved to approve the agenda as presented. 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 18, 2026

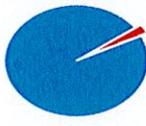
Motion: I move the Board approve the minutes from February 18, 2026.

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 18, 2026 for 2025 real and personal property bills mailed on July 31, 2025. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

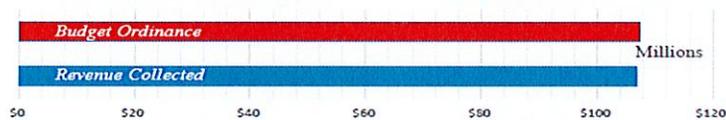
| | | | |
|--------------------------|-------------------------|---|-----------------|
| 2025 Beginning Charge: | \$103,844,885.28 |  | Unpaid 2.65% |
| Discoveries & Imm. | \$261,381.42 | | |
| Releases & Refunds: | (\$124,113.91) | | |
| Net Charge: | \$103,982,152.79 | | |
| Unpaid Taxes: | \$2,758,144.84 | | |
| Amount Collected: | \$101,224,007.95 | Paid 97.35% | |

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

| | | |
|--------------------------|-----------------------|--------|
| Net Charge: | \$5,128,356.50 | 99.63% |
| Unpaid Taxes: | \$16,612.52 | |
| Amount Collected: | \$5,111,743.98 | |

Henderson County FY25 Budget Analysis:

| <u>Budget Ordinance</u> | <u>Revenue Collected</u> |
|---------------------------------------|--------------------------------------|
| Ad Valorem: \$106,227,288.00 | Ad Valorem: \$106,335,751.93 |
| Prior Years: \$1,030,500.00 | Prior Years: \$588,057.54 |
| Budget Total: \$107,257,788.00 | YTD Revenue: \$106,923,809.47 |



County Financial Report and Cash Balance Report – January 2026

The January 2026 County Financial and Cash Balance Reports were presented for the Board’s review and approval.

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

- Governing Body – timing of payment of board approved expenditures.
- Dues/Non Profit Contributions – timing of 3rd quarter board approved appropriations.
- Administrative Services – timing of payment of board approved expenditures.
- Tax Collector – timing of payment of board approved expenditures.
- Legal – timing of payment of board approved expenditures.
- Register of Deeds – timing of payment of board approved expenditures.
- Animal Services – timing of payment of board approved expenditures.
- Rescue Squad – timing of 3rd quarter board approved appropriations.

- Planning – timing of payment of board approved expenditures.
- Code Enforcement – timing of payment of board approved expenditures.
- Heritage Museum – timing of 3rd quarter board approved appropriations.
- Medical Services – timing of payment of board approved expenditures.
- Mental Health Services – timing of 3rd quarter board approved appropriations.
- Library – timing of payment of board approved expenditures.
- Public Education – payment of 7 of 10 annual appropriations made to public school system.
- Interfund Transfers - timing of board approved transfers.

Year to Date Net Revenues under Expenditures for the Emergency Telephone System Fund is due to timing of receipts and disbursements of approved expenditures in FY26.

Year to Date Net Revenues under Expenditures for the Public Transit Fund is due to timing of receipts and disbursements of approved expenditures in FY26.

Year to Date Net Revenues under Expenditures for the Opioid Fund is due to timing of receipts and disbursements of approved expenditures in FY26.

Year to Date Net Revenues under Expenditures for the Hurricane Helene Fund is due to timing of expenditures and receipt of FEMA reimbursements in FY26.

HENDERSON COUNTY
FINANCIAL REPORT
JANUARY 2026

| GENERAL FUND REVENUES | | | | | | |
|-----------------------|----------------|---------------|----------------|--------|--------------|----------------|
| | REVISED BUDGET | CURRENT MONTH | YEAR TO DATE | % USED | ENCUMBRANCES | TOTAL |
| General Fund | 224,937,364.00 | 21,572,721.74 | 148,931,263.93 | 66.2% | - | 148,931,263.93 |

| GENERAL FUND EXPENDITURES | | | | | | |
|-------------------------------|----------------|---------------|---------------|--------|--------------|---------------|
| | REVISED BUDGET | CURRENT MONTH | YEAR TO DATE | % USED | ENCUMBRANCES | TOTAL |
| Governing Body | 713,432.00 | 56,862.74 | 478,252.28 | 67.04% | - | 478,252.28 |
| Dues/Non Profit Contributions | 1,408,431.00 | 314,685.15 | 1,013,441.02 | 71.96% | 342,054.85 | 1,355,495.87 |
| County Manager | 412,944.00 | 37,608.31 | 200,647.08 | 48.59% | - | 200,647.08 |
| Administrative Services | 822,564.00 | 117,602.00 | 619,558.68 | 75.32% | - | 619,558.68 |
| Human Resources | 1,602,266.00 | 150,137.63 | 897,315.17 | 56.00% | - | 897,315.17 |
| Elections | 1,502,192.00 | 61,947.63 | 380,100.87 | 25.30% | 56,782.31 | 436,883.18 |
| Finance | 1,459,519.00 | 121,059.36 | 760,985.58 | 52.14% | - | 760,985.58 |
| County Assessor | 2,220,936.00 | 194,008.56 | 1,139,990.67 | 51.33% | 10,230.07 | 1,150,220.74 |
| Tax Collector | 625,023.00 | 77,759.38 | 402,459.71 | 64.39% | - | 402,459.71 |
| Legal | 1,153,432.00 | 121,687.61 | 682,116.68 | 59.14% | - | 682,116.68 |
| Register of Deeds | 804,235.00 | 65,785.18 | 481,911.89 | 59.92% | 2,416.80 | 484,328.69 |
| Facility Services | 6,938,247.00 | 527,507.81 | 3,226,989.51 | 46.51% | 304,420.24 | 3,531,409.75 |
| Garage | 465,069.00 | 46,549.19 | 228,262.22 | 49.08% | - | 228,262.22 |
| Court Facilities | 153,000.00 | 20,468.74 | 75,541.27 | 49.37% | - | 75,541.27 |
| Information Technology | 6,728,900.00 | 396,705.91 | 3,446,274.35 | 51.22% | 676,604.95 | 4,122,879.30 |
| Sheriff Department | 26,962,790.00 | 2,634,629.49 | 14,906,913.93 | 55.29% | 415,217.93 | 15,322,131.86 |
| Detention Facility | 7,255,267.00 | 763,818.10 | 4,014,754.83 | 55.34% | 212,955.46 | 4,227,710.29 |
| Emergency Management | 2,699,005.00 | 180,786.95 | 1,208,755.72 | 44.79% | 3,310.00 | 1,212,065.72 |
| Fire Services | 1,274,999.00 | 143,319.33 | 579,085.59 | 45.42% | 54,601.85 | 633,687.44 |
| Building Services | 1,933,820.00 | 211,900.82 | 1,118,895.86 | 57.86% | 8,061.82 | 1,126,957.68 |
| Wellness Clinic | 1,551,790.00 | 157,442.90 | 875,540.42 | 56.42% | 67,145.84 | 942,686.26 |
| Emergency Medical Services | 14,917,175.00 | 1,567,728.58 | 8,426,240.06 | 56.49% | 71,994.33 | 8,498,234.39 |
| Animal Services | 1,006,894.00 | 106,541.86 | 589,004.47 | 58.50% | 18,750.00 | 607,754.47 |
| Rescue Squad | 821,888.00 | 205,418.89 | 616,362.89 | 74.99% | 205,472.00 | 821,834.89 |
| Forestry Services | 131,219.00 | - | 26,035.41 | 19.84% | - | 26,035.41 |
| Soil & Water | 907,576.00 | 59,580.28 | 317,078.83 | 34.94% | 12,850.00 | 329,928.83 |
| Planning | 1,334,114.00 | 154,531.11 | 813,558.03 | 60.98% | 50,419.20 | 863,977.23 |
| Code Enforcement | 368,640.00 | 46,244.87 | 225,353.54 | 61.13% | 2,004.20 | 227,357.74 |
| Site Development | 247,581.00 | 24,756.58 | 134,986.70 | 54.52% | - | 134,986.70 |

| | | | | | | |
|-------------------------------------|-----------------------|----------------------|-----------------------|---------------|---------------------|-----------------------|
| Heritage Museum | 100,000.00 | 25,000.00 | 75,000.00 | 75.00% | 25,000.00 | 100,000.00 |
| Cooperative Extension | 794,654.00 | 58,168.09 | 418,433.36 | 52.66% | 1,750.00 | 420,183.36 |
| Project Management | 412,211.00 | 39,161.99 | 217,722.58 | 52.82% | - | 217,722.58 |
| Economic Development | 2,152,642.00 | 108,500.00 | 325,500.00 | 15.12% | 108,500.00 | 434,000.00 |
| Public Health | 14,308,548.00 | 1,220,435.97 | 6,928,189.71 | 48.42% | 1,457,427.23 | 8,385,616.94 |
| Environmental Health | 2,051,804.00 | 199,088.42 | 1,134,824.48 | 55.31% | 21.39 | - |
| H&CC Block Grant | 863,502.00 | 129,254.00 | 433,456.50 | 50.20% | - | 433,456.50 |
| Medical Services - Autopsies | 95,000.00 | 9,050.00 | 55,875.00 | 58.82% | - | 55,875.00 |
| Strategic Behavioral Health | 611,929.00 | 55,884.41 | 264,868.98 | 43.28% | 45,982.17 | 310,851.15 |
| Mental Health Services | 528,612.00 | 132,153.00 | 396,459.00 | 75.00% | - | 396,459.00 |
| Rural Transportation Assist Program | 201,384.00 | 18,325.46 | 109,178.25 | 54.21% | - | 109,178.25 |
| Social Services | 24,881,619.00 | 2,360,394.00 | 13,602,089.18 | 54.67% | 71,020.66 | 13,673,109.84 |
| Juvenile Justice Programs | 346,020.00 | 23,385.00 | 178,397.80 | 51.56% | - | 178,397.80 |
| Veterans Services | 343,766.00 | 34,171.72 | 194,069.48 | 56.45% | 5,110.96 | 199,180.44 |
| Library | 4,560,411.00 | 446,963.00 | 2,697,142.52 | 59.14% | 215,815.05 | 2,912,957.57 |
| Recreation | 3,776,930.00 | 373,446.88 | 2,087,288.55 | 55.26% | 130,302.40 | 2,217,590.95 |
| Public Education | 43,641,463.00 | 4,305,812.97 | 29,890,690.79 | 68.49% | - | 29,890,690.79 |
| Debt Service | 17,594,644.00 | 2,500.00 | 8,104,749.01 | 46.06% | - | 8,104,749.01 |
| Non-Departmental | 5,155,445.00 | 269,077.75 | 2,182,384.23 | 42.33% | - | 2,182,384.23 |
| Interfund Transfers | 14,093,832.00 | 597,104.17 | 10,892,151.17 | 77.28% | - | 10,892,151.17 |
| TOTAL | 224,937,364.00 | 18,974,951.79 | 128,074,883.85 | 56.94% | 4,576,221.71 | 131,516,259.69 |

Net Revenues over (under) Exp. - 2,597,769.95 20,856,380.08 17,415,004.24

| APPROPRIATIONS DETAIL | | | | | | |
|---------------------------------|----------------------|---------------------|----------------------|--------|------------------|----------------------|
| | REVISED BUDGET | CURRENT MONTH | YEAR TO DATE | % USED | ENCUMBRANCES | TOTAL |
| SOCIAL SERVICES | | | | | | |
| Staff Operations | 20,868,566.00 | 2,090,542.23 | 11,739,472.85 | 56.3% | 71,020.66 | 11,810,493.51 |
| Federal & State Programs | 3,913,053.00 | 266,161.37 | 1,830,245.01 | 46.8% | - | 1,830,245.01 |
| General Assistance | 100,000.00 | 3,690.40 | 32,371.32 | 32.4% | - | 32,371.32 |
| TOTAL | 24,881,619.00 | 2,360,394.00 | 13,602,089.18 | | 71,020.66 | 13,673,109.84 |
| EDUCATION | | | | | | |
| Schools Current/Capital Expense | 37,891,463.00 | 3,826,646.30 | 26,536,524.10 | 70.0% | - | 26,536,524.10 |
| Blue Ridge Community College | 5,750,000.00 | 479,166.67 | 3,354,166.69 | 58.3% | - | 3,354,166.69 |
| TOTAL | 43,641,463.00 | 4,305,812.97 | 29,890,690.79 | | - | 29,890,690.79 |
| DEBT SERVICE | | | | | | |
| Public Schools | 9,440,800.00 | 2,500.00 | 4,151,201.78 | 44.0% | - | 4,151,201.78 |
| Blue Ridge Community College | 3,141,195.00 | - | 1,651,539.83 | 52.6% | - | 1,651,539.83 |
| Henderson County | 5,012,649.00 | - | 2,302,007.40 | 45.9% | - | 2,302,007.40 |
| TOTAL | 17,594,644.00 | 2,500.00 | 8,104,749.01 | | - | 8,104,749.01 |
| INTERFUND TRANSFERS | | | | | | |
| Capital Projects Fund | 200,000.00 | 16,666.67 | 116,666.67 | 58.3% | - | 116,666.67 |
| Capital Reserve Fund | 6,712,422.00 | - | 6,712,422.00 | 100.0% | - | 6,712,422.00 |
| Fire Districts Fund | 60,000.00 | 5,000.00 | 35,000.00 | 58.3% | - | 35,000.00 |
| HPCS MRTS | 4,603,500.00 | 383,625.00 | 2,685,375.00 | 58.3% | - | 2,685,375.00 |
| BRCC MRTS | 2,301,750.00 | 191,812.50 | 1,342,687.50 | 58.3% | - | 1,342,687.50 |
| Solid Waste | 216,160.00 | - | - | 0.0% | - | - |
| TOTAL | 14,093,832.00 | 597,104.17 | 10,892,151.17 | | - | 10,892,151.17 |

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| SPECIAL REVENUE FUNDS | | | | | | |
|--|------------------|-----------------|--------------------|--------|-----------------|--------------------|
| | REVISED BUDGET | CURRENT MONTH | YEAR TO DATE | % USED | ENCUMBRANCES | TOTAL |
| FIRE DISTRICTS FUND | | | | | | |
| Revenues: | 17,285,114.00 | 1,922,913.47 | 16,560,304.64 | 95.8% | - | 16,560,304.64 |
| Expenditures: | 17,285,114.00 | 4,149,528.06 | 14,640,780.47 | 84.7% | - | 14,640,780.47 |
| Net Revenues over (under) Exp | - | (2,226,614.59) | 1,919,524.17 | | - | 1,919,524.17 |
| REVALUATION RESERVE FUND | | | | | | |
| Revenues: | 1,477,379.00 | 131,542.73 | 945,966.84 | 64.0% | - | 945,966.84 |
| Expenditures: | 1,477,379.00 | 114,472.95 | 871,048.54 | 59.0% | 37,765.80 | 908,814.34 |
| Net Revenues over (under) Exp | - | 17,069.78 | 74,918.30 | | 37,765.80 | 37,152.50 |
| EMERGENCY TELEPHONE SYSTEM (911) FUND | | | | | | |
| Revenues: | 302,500.00 | 24,940.61 | 155,416.21 | 51.4% | - | 155,416.21 |
| Expenditures: | 302,500.00 | 18,901.80 | 201,902.94 | 66.7% | - | 201,902.94 |
| Net Revenues over (under) Exp | - | 6,038.81 | (46,486.73) | | - | (46,486.73) |
| PUBLIC TRANSIT FUND | | | | | | |
| Revenues: | 1,758,861.00 | 3,160.36 | 243,872.36 | 13.9% | - | 243,872.36 |
| Expenditures: | 1,758,861.00 | 71,364.94 | 502,536.18 | 28.6% | 6,308.90 | 508,845.08 |
| Net Revenues over (under) Exp | - | (68,204.58) | (258,663.82) | | 6,308.90 | (264,972.72) |
| MISC. OTHER GOVERNMENTAL ACTIVITIES | | | | | | |
| Revenues: | 954,000.00 | 41,374.50 | 340,563.88 | 35.7% | - | 340,563.88 |
| Expenditures: | 954,000.00 | 23,331.71 | 311,711.24 | 32.7% | - | 311,711.24 |
| Net Revenues over (under) Exp | - | 18,042.79 | 28,852.64 | | - | 28,852.64 |
| ARPA FUND | | | | | | |
| Revenues: | - | 40,845.95 | 423,190.12 | 0.0% | - | 423,190.12 |
| Expenditures: | - | - | - | 0.0% | 50,000.00 | 50,000.00 |
| Net Revenues over (under) Exp | - | 40,845.95 | 423,190.12 | | 50,000.00 | 373,190.12 |
| OPIOID FUND | | | | | | |
| Revenues: | 1,339,390.00 | 15,690.52 | 160,815.94 | 12.0% | - | 160,815.94 |
| Expenditures: | 1,339,390.00 | 47,242.90 | 370,246.01 | 27.6% | 167,321.11 | 537,567.12 |
| Net Revenues over (under) Exp | - | (31,552.38) | (209,430.07) | | 167,321.11 | (376,751.18) |
| HURRICANE HELENE | | | | | | |
| Revenues: | \$ 78,048,550.00 | \$ 2,984,305.57 | \$ 32,603,833.19 | 41.8% | \$ - | \$ 32,603,833.19 |
| Expenditures: | \$ 78,048,550.00 | \$ 81,560.70 | \$ 52,821,449.93 | 67.7% | \$ 4,356,534.35 | \$ 57,177,984.28 |
| Net Revenues over (under) Exp | \$ - | \$ 2,902,744.87 | \$ (20,217,616.74) | | \$ 4,356,534.35 | \$ (24,574,151.09) |

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| CAPITAL PROJECTS | | | | | | |
|---|----------------|---------------|-----------------|--------|---------------|----------------|
| | REVISED BUDGET | CURRENT MONTH | PROJECT TO DATE | % USED | ENCUMBRANCES | TOTAL |
| JUDICIAL CENTER PROJECT - DETENTION (2064) | | | | | | |
| Revenues: | 78,625,813.00 | 235,250.96 | 79,311,431.12 | 100.9% | - | 79,311,431.12 |
| Expenditures: | 78,625,813.00 | 10,645.10 | 7,041,393.40 | 9.0% | 64,764,288.93 | 71,805,682.33 |
| Net Revenues over (under) Exp | - | 224,605.86 | 72,270,037.72 | | 64,764,288.93 | 7,505,748.79 |
| JUDICIAL CENTER PROJECT - COURTHOUSE (2086) | | | | | | |
| Revenues: | 6,738,241.00 | - | - | 0.0% | - | - |
| Expenditures: | 6,738,241.00 | 137,586.80 | 4,607,895.73 | 68.4% | 2,064,464.10 | 6,672,359.83 |
| Net Revenues over (under) Exp | - | (137,586.80) | (4,607,895.73) | | 2,064,464.10 | (6,672,359.83) |
| MEDICAL OFFICE BUILDING PROJECT - SPARTANBURG HWY (2074) | | | | | | |
| Revenues: | 27,607,087.50 | 27,607,087.50 | 27,607,087.50 | 100.0% | - | 27,607,087.50 |
| Expenditures: | 27,607,087.50 | 220,881.16 | 1,728,029.95 | 6.3% | 23,752,512.63 | 25,480,542.58 |
| Net Revenues over (under) Exp | - | 27,386,206.34 | 25,879,057.55 | | 23,752,512.63 | 2,126,544.92 |
| PROPERTY ACQUISITION - 2026B LOBS (2085) | | | | | | |
| Revenues: | 8,620,000.00 | 8,620,000.00 | 8,620,000.00 | 100.0% | - | 8,620,000.00 |
| Expenditures: | 8,620,000.00 | 40,987.13 | 40,987.13 | 0.5% | - | 40,987.13 |
| Net Revenues over (under) Exp | - | 8,579,012.87 | 8,579,012.87 | | - | 8,579,012.87 |

| ENTERPRISE FUNDS | | | | | | |
|------------------------------------|----------------|---------------|--------------|--------|--------------|----------------|
| | REVISED BUDGET | CURRENT MONTH | YEAR TO DATE | % USED | ENCUMBRANCES | TOTAL |
| SOLID WASTE LANDFILL FUND | | | | | | |
| Revenues: | 11,339,199.00 | 845,348.95 | 6,501,336.47 | 57.3% | - | 6,501,336.47 |
| Expenditures: | 11,339,199.00 | 865,618.67 | 6,060,890.32 | 53.5% | 3,300,385.00 | 9,361,275.32 |
| Net Revenues over (under) Exp | - | (20,269.72) | 440,446.15 | | 3,300,385.00 | (2,859,938.85) |
| JUSTICE ACADEMY SEWER FUND | | | | | | |
| Revenues: | 72,091.00 | 5,973.94 | 48,687.57 | 67.5% | - | 48,687.57 |
| Expenditures: | 72,091.00 | 2,339.54 | 36,275.78 | 50.3% | 2,565.00 | 38,840.78 |
| Net Revenues over (under) Exp | - | 3,634.40 | 12,411.79 | | 2,565.00 | 9,846.79 |
| ETOWAH COMMUNITY SEWER FUND | | | | | | |
| Revenues: | 553,480.00 | 36,609.28 | 139,369.16 | 25.2% | - | 139,369.16 |
| Expenditures: | 553,480.00 | 19,025.15 | 129,486.23 | 23.4% | 323,180.00 | 452,666.23 |
| Net Revenues over (under) Exp | - | 17,584.13 | 9,882.93 | | 323,180.00 | (313,297.07) |

| Fund(s) | 12/31/25 | Debits | (Credits) | 01/31/26 |
|-----------------------------------|--------------------------|-------------------------|---------------------------|--------------------------|
| | Beg. Cash Balance | | | Revenues |
| General | \$ 122,293,148.11 | \$ 22,489,487.06 | \$ (19,928,560.65) | \$ 124,854,074.52 |
| Special Revenue | 48,307,300.51 | 5,163,480.32 | (9,601,568.97) | \$ 43,869,211.86 |
| Capital Projects | 11,158,205.55 | 2,912,141.21 | (3,620,601.35) | \$ 10,449,745.41 |
| Enterprise | 1,625,223.64 | 879,004.12 | (868,681.34) | \$ 1,635,546.42 |
| HCPS - Maint. and Repair | 6,308,232.78 | 383,625.00 | (774,358.10) | \$ 5,917,499.68 |
| BRCC - Maint. and Repair | 5,241,604.81 | 191,812.50 | (93,500.00) | \$ 5,339,917.31 |
| Custodial | 6,914,045.84 | 2,724,775.59 | (6,691,685.50) | \$ 2,947,135.93 |
| Total | \$ 201,847,761.24 | \$ 34,744,325.80 | \$ (41,578,955.91) | |
| Total cash available as of | 1/31/2026 | | | \$ 195,013,131.13 |

Motion: I move that the Board of Commissioners approve the January 2026 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Report – January 2026

The Henderson County Public Schools January 2026 Local Current Expense Fund / Other Restricted Funds Report was presented for the Board’s review and approval.

**HENDERSON COUNTY PUBLIC SCHOOLS
LOCAL CURRENT EXPENSE/OTHER RESTRICTED FUNDS
as of January 31, 2026**

| | LOCAL CURRENT EXPENSE FUND | | OTHER RESTRICTED FUND | | Combined Total | Prior YTD |
|---|----------------------------|----------------------|-----------------------|---------------------|----------------------|----------------------|
| | Budget | YTD Activity | Budget | YTD Activity | | |
| REVENUES: | | | | | | |
| 3200 State Sources | \$ - | \$ - | \$ 81,281 | \$ 103,944 | \$ 103,944 | \$ 3,244 |
| 3700 Federal Sources-Restricted | - | - | 2,240,718 | 451,362 | 451,362 | 528,627 |
| 3800 Other Federal-ROTC | - | - | 128,000 | 29,757 | 29,757 | 69,888 |
| 4100 County Appropriation | 36,141,463 | 25,299,024 | - | - | 25,299,024 | 24,764,600 |
| 4200 Local - Tuition/Fees | - | - | 68,844 | 54,414 | 54,414 | 30,860 |
| 4400 Local-Unrestricted | 658,000 | 297,215 | 157,769 | 158,515 | 455,730 | 402,341 |
| 4800 Local-Restricted | - | - | 406,845 | 302,095 | 302,095 | 739,014 |
| 4900 Fund Balance Appropriated/Transfer From school | 759,025 | - | 530,014 | 18,399 | 18,399 | 19,744 |
| TOTAL FUND REVENUES | \$ 37,558,488 | \$ 25,596,239 | \$ 3,613,471 | \$ 1,118,506 | \$ 26,714,745 | \$ 26,558,318 |
| EXPENDITURES: | | | | | | |
| Instructional Services: | | | | | | |
| 5100 Regular Instructional Services | \$ 10,123,361 | \$ 5,281,278 | \$ 574,665 | \$ 418,745 | \$ 5,700,023 | \$ 6,106,710 |
| 5200 Special Populations Services | 1,349,257 | 664,288 | 842,019 | 444,565 | 1,108,853 | 1,003,363 |
| 5300 Alternative Programs and Services | 351,791 | 166,454 | 843,750 | 437,360 | 603,814 | 509,264 |
| 5400 School Leadership Services | 3,662,927 | 2,143,194 | 12,130 | 18,074 | 2,161,268 | 2,034,257 |
| 5500 Co-Curricular Services | 1,131,818 | 499,465 | 57,000 | 22,303 | 511,768 | 578,454 |
| 5800 School-Based Support Services | 2,248,164 | 1,251,248 | 412,997 | 85,229 | 1,336,477 | 1,143,338 |
| Total Instructional Services | \$ 18,867,318 | \$ 9,995,928 | \$ 2,742,561 | \$ 1,426,276 | \$ 11,422,203 | \$ 11,375,386 |
| System-Wide Support Services: | | | | | | |
| 6100 Support and Development Services | \$ 554,593 | \$ 310,603 | \$ 5,250 | \$ 5,066 | \$ 315,669 | \$ 273,543 |
| 6200 Special Population Support | 88,215 | 49,262 | 12,200 | 1,552 | 50,814 | 70,060 |
| 6300 Alternative Programs | 146,574 | 79,392 | 431 | 431 | 79,823 | 78,629 |
| 6400 Technology Support Services | 1,407,498 | 802,063 | 44,139 | 25,926 | 827,989 | 788,644 |
| 6500 Operational Support Services | 9,503,843 | 4,887,078 | 476,728 | 253,132 | 5,140,210 | 5,113,509 |
| 6600 Financial and Human Resource Services | 2,600,753 | 2,243,542 | 73,289 | 91,029 | 2,334,571 | 2,202,694 |
| 6700 Accountability Services | 222,130 | 126,595 | 1,400 | 1,400 | 127,995 | 120,378 |
| 6800 System-Wide Pupil Support Services | 428,507 | 246,013 | 538 | 538 | 246,552 | 233,119 |
| 6900 Policy, Leadership and Public Relations | 735,363 | 450,005 | 13,220 | 13,225 | 473,230 | 495,972 |
| Total System-Wide Support Services | \$ 15,687,476 | \$ 9,204,552 | \$ 627,194 | \$ 392,259 | \$ 9,596,851 | \$ 9,376,569 |
| Ancillary Services: | | | | | | |
| 7100 Community Services | \$ 388 | \$ 388 | \$ 181,685 | \$ 105,908 | \$ 106,296 | \$ 375,164 |
| 7200 Nutrition Services | 267,557 | 101,516 | - | - | 101,516 | 103,479 |
| Total Ancillary Services | 267,944 | 101,904 | 181,685 | 105,908 | \$ 207,812 | \$ 478,643 |
| Non-Programmed Charges: | | | | | | |
| 8100 Payments to Other Governments | \$ 2,735,750 | \$ 1,498,127 | \$ - | \$ - | \$ 1,498,127 | \$ 1,382,243 |
| 8400 Interfund Transfers | - | - | 15,244 | 13,657 | 13,657 | 36,840 |
| 8500 Contingency | - | - | - | - | - | - |
| 8600 Educational Foundations | - | - | 46,788 | 27,836 | 27,836 | 17,768 |
| Total Non-Programmed Charges | \$ 2,735,750 | \$ 1,498,127 | \$ 62,032 | \$ 41,493 | \$ 1,539,620 | \$ 1,436,851 |
| TOTAL FUND EXPENDITURES | \$ 37,558,488 | \$ 20,800,511 | \$ 3,613,471 | \$ 1,965,976 | \$ 22,766,487 | \$ 22,667,449 |

Motion: I move that the Board of Commissioners approve the January 2026 County Henderson County Public Schools Financial Report as presented.

Notification of Vacancies

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

1. Environmental Advisory Committee – 2 vacs.
Seats # 1 & 5 – Regular – At Large

2. Henderson County Board of Equalization and Review – 4 vacs.
Seats # 1 & 4 – Regular – At Large
Seats # 6 & 8 – Alternates

3. Industrial Facilities and Pollution Control Financing Authority – 2 vacs.
Seats # 3 & 4 – Regular – At Large
4. Library Board of Trustees – 1 vac.
Seat # 7 – Regular – At Large
5. Mountain Area Workforce Development Board – 1 vac.
Seat # 3 – Adult Education/Literacy

Grant Award Acceptance – North Carolina Community Foundation

Henderson County Solid Waste has been awarded \$100,000 from the North Carolina Community Foundation's 2025 Disaster Relief Fund. These funds would be used to purchase a hydraulic excavator for the Henderson County Solid Waste Fund. The Solid Waste Fund's previous excavator was destroyed after excessive use in the aftermath of Tropical Storm Helene. This grant will fund approximately half of the cost of a new excavator. Grant funds should be expended by January 2027.

Motion: I move that the Board of Commissioners approve the award from the North Carolina Community Foundation.

North Carolina Department of Agriculture – Funding Match Appropriation

Henderson County Soil & Water Conservation District, a separate legal entity, has received a funding addendum from the NC Department of Agriculture & Consumer Services (NCDA&CS) under its existing Master Agreement. County action is requested solely to appropriate and authorize the required County match in the amount of \$63,774. This match will require no additional County funds, as it will be absorbed by the current departmental budget. No contractual or operational obligations are created for the County beyond this budget action.

Motion: I move the Board authorize \$63,774 in matching funds for Soil & Water Conservation District's NCDA&CS program.

2026.015 Mid-Year Vehicle Purchase Request

During FY25, additional Emergency Management (EM) staff were onboarded to support response and recovery activities following Hurricane Helene. Several of these staff require vehicles for daily duties such as site visits, inspections, and emergency response operations. Currently, multiple staff members share a vehicle, which limits efficiency and readiness.

Over the past year, we have worked closely with the Garage to identify surplus vehicles from other departments; however, no dependable options have been available. To ensure operational capability, we request approval to purchase two additional vehicles—a mid-sized SUV and a ¾-ton truck. These vehicles provide the cargo space and towing capacity necessary to transport resources and equipment during large-scale incidents or disasters. Adding these vehicles will: Ensure new staff have safe, reliable transportation for routine and emergency duties, preserve the existing shared vehicle for staff who are not on-call and enhance our ability to respond quickly and effectively during critical events.

Working with the Finance Department, staff have identified two vehicles on State Contract with are available for immediate purchase. Staff are requesting the approval of the purchase of the

vehicles from the multi-year vehicle fund. The total purchase price for these vehicles is \$110,850.

Motion: I move the Henderson County Board of Commissioners approve the purchase of a ¾ ton 4WD truck and mid-sized 4WD SUV for Emergency Management and authorize staff to execute the necessary budget amendments to use the multi-year revolving year vehicle fund for the purchases.

2025.016 Memorandum of Agreement – Sedimentation Control Commission

The Board was requested to approve and execute the updated Memorandum of Agreement (MOA) between the North Carolina Sedimentation Control Commission and Henderson County. This MOA is not a legally binding contract but an agreement affirming what the Commission and the Local Program are committed to do in regard to the Erosion Control program.

The updated MOA removes “approve with performance reservations” in “Part III, C-Sediment and Erosion Control Plans for Land-Disturbing Activity Review” which has been removed from the General Statutes.

This updated MOA also includes “Part III, F-Termination of Local Program” that outlines the process of terminating your program’s jurisdiction either in whole or in a select area (such as a County program who covers a Town and no longer wishes or is able to do so). This is to set a process and timeframes that should be met for various steps to ensure a smooth transition.

Motion: I move the Henderson County Board of Commissioners approve and execute the updated Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Henderson County.

2026.017 Amendment to Ecusta Trail Encroachment Policy and Related Fee Schedule

The Rail Trail Advisory Committee (RTAC) has been discussing proposed changes to the Ecusta Trail Encroachment Policy that will address new encroachment permits for non-utility uses. The draft amendments to the encroachment policy would allow for non-permanent structures, like benches, memorial gardens, or other related plantings or items to be placed in the ROW upon review and approval of the RTAC. Trail access, road access, or utility easements will still require the approval of the County Engineer. On February 11th, 2026, the RTAC made a favorable recommendation to approve the amendment to the encroachment policy. An application and associated fee would be required for any encroachment request, and an amendment to the existing fee schedule is proposed (see attached). On February 11th, 2026, the RTAC made a favorable recommendation to approve the amendment to the encroachment policy with the associated fee.

Motion: I move the Board approve the amendments to the Ecusta Trail Encroachment Policy and to the FY 26 Fee Schedule to include application fees for trail encroachments.

Construction Manager at Risk Selection – HCPS Bus Garage Project

The Board was requested to approve the selection of Edifice as the Construction Manager at Risk (CMR) for the Henderson County Public Schools Bus Garage Project, per the RFQ Selection Committee’s recommendation, and authorize Henderson County staff to proceed with contract negotiations for CMR services on this project.

The Statements of Qualifications received were from: Blum, Edifice, Myers & Chapman, Cooper Construction, and Vannoy.

The RFQ Selection Committee ranked the Statements of Qualifications in the following order (most qualified to least qualified):

1. Edifice
2. Vannoy
3. Myers & Chapman
4. Cooper
5. Blum

Motion: I move the Board approve the selection of Edifice as the Construction Manager at Risk for the Henderson County Schools Bus Garage Project.

Vice Chair Edney made a motion to adopt the consent agenda. All voted in favor, and the motion carried.

DISCUSSION

2026.018 Henderson County Farmland Preservation

Angela Price provided the Board with an update on Farmland Preservation efforts in Henderson County, including preservation efforts, and future plans.

On April 1, 2024, the Board of Commissioners established the Farmland Preservation Taskforce to support the preservation and protection of agricultural land in Henderson County. On September 19, 2024, the Board directed staff to pursue funding through the Agricultural Growth Zone Grant in accordance with the Taskforce’s recommendations. At the January 6, 2025 meeting, the Board requested the County provide a Letter of Commitment for the required grant match. Under the grant guidelines, matching funds were required to be identified and budgeted within one fiscal year of contract execution, with up to two fiscal years allowed to fully appropriate the required match. The maximum grant award was \$2 million and required a 1:1 local match if the maximum amount was requested.

On January 13, 2026, the County received a Notification of Funding Offer from the North Carolina Department of Agriculture and Consumer Services – Farmland Preservation Division in the amount of \$424,571. These grant funds are intended to “encourage the preservation of qualifying farmland and support the growth, development, and sustainability of family farms.” Acceptance of this award requires a County match of \$396,974, which may be satisfied through a combination of cash and in-kind contributions. The period of performance is October 1, 2025 through September 30, 2028.

What is an Agricultural Easement?



Agricultural Easement Overview

An agricultural conservation easement (ACE) is a legally enforceable and permanent agreement between a landowner and easement holder (in this case Henderson County), in which the landowner gives up certain development rights in exchange for benefits, enforcement, and monitoring by the easement holder



Rights Retained & Restrictions

| Retained | Restricted |
|---|---|
| <ul style="list-style-type: none"> • Right to farm • Right to privacy • Right to sell and lease • Residential use • Hunt/Fish • Timber production/harvest • Maintain existing roads and utilities • Agricultural land management and stewardship • Rural enterprises/Agritourism | <ul style="list-style-type: none"> • Development • Subdivision • Industrial use • Non-agricultural commercial use |

AGZ Grant

"The purpose of the Local Agricultural Growth Zones program is to allow counties and conservation nonprofit organizations to enhance local investments in the acquisition of agricultural conservation easements by applying for matching funds from the state"

- Provides a rubric to score and rank easement properties
- Provides a local priority scoring sheet for farmland of county importance (proximity, existing enrollment, age)
- Lists requirements of surveyors, appraisers, attorneys, easement holders, and grantees
- Provides timeline for easement signing and due dates for milestones

Awarded: \$424,571
 County match: \$396,974
 Total: \$821,545

ACE Process

Approval (Varies; 1-2 months)

- Application and information introduced to Ag Advisory Board
- Board members visit the property (recommended)
- Landowner attends Board meeting for any questions
- Board votes
- Application goes to B.O.C. for final say, transaction costs, landowner contract

Funding

- Likelihood of being selected or timeline of selection is dependent on grant rubric
- Funding preparation includes mapping, VAD enrollment, NRCS Conservation Planning, FSA records, Century Farm status, etc.
- Funding for purchase of development rights must be approved by Ag Board and B.O.C

ACE Process

Closing

- Documents signed at closing: BDR, easement deed, settlement statement, title insurance and commitment
- Once recorded in County Deed Office, 90% funds can be released for easement purchasing
- Final documents sent to state for record keeping and grant blank, remaining 10% funds released

Post-closing

- Survey crew marks boundaries and posts signage
- Send out information regarding next steps for taxes
- F.P.C. and S&W takes over future monitoring

Rights Retained & Restrictions

| Donation | Grant Funded |
|---|--|
| <ul style="list-style-type: none"> • Landowner donates 100% of the easement value • No compensation for development rights • Eligibility for charitable donation tax benefits • 1-2 years from project start date | <ul style="list-style-type: none"> • Landowner sells a portion of the development rights • Grant funding is used to compensate for the rights <ul style="list-style-type: none"> ▪ Fair market value – Agricultural value = Easement value • Eligibility for charitable donation tax benefits on donated portion • 2-5 years from project start date |

ACE Process

Application (Varies; 1-4 months)

- Landowner initial conversation and return of application
- Information gathering on property, land-use plans, family/succession plans, etc.
- Site visit
- Transaction cost calculation and contract

Estimate Appraisal (Varies; 1-4 months)

- Initial report from the appraiser
- Site visit walk through and meeting
- Provides estimate for grant funding request

ACE Process

Due Diligence (within year of contract signing)

Survey

- Site visit with surveyor
- Documentation of current structures
- Discussion of future development plans

Environmental site assessment

- Determines if there is, or have been, any hazardous materials on the property (Phase I)
- Remediation work if needed (Phase II)

Appraisal

- Fair market value – Protected agricultural value = Easement value
- Dependent on qualified easement appraiser's calculation (Yellow Book)

Post-Easement

After the easement agreement is closed, the property is marked by a survey crew with signage, and the easement holders (the County) takes the responsibility of monitoring and enforcement. This includes annual monitoring visits to ensure the restrictions of the easement are being met, and documentation of each visit recorded.

If there is a violation of the easement terms the landowners are notified and responsible for addressing the violation. After the time allotted, there will be another site visit to ensure proper action was taken.

Approved: March 18, 2026

Current

- Letter of intent
- Preliminary Application
 - Received 3 serious preliminary applications
- First landowner packet
 - Preservation overview
 - Steps
 - FAQ
- Second landowner packet in works dependent on grant matching discussions & answers

Commissioner Egolf shared that citizens may contact Ms. Price for information or questions at 828-697-4949 or via email at aprice@hendersoncountync.gov.

Commissioner McCall made the motion the Board approve acceptance of the Henderson Local Agricultural Growth Zone Grant award from the NCDA&CS in the amount of \$424,571, and the associated budget amendment. All voted in favor, and the motion carried.

Henderson County Public Library Update

Library Director Trina Rushing provided an update on Henderson County library operations.



Henderson County Board of Commissioners
March 2, 2026



Library Facility Overview

| Library | Year Built | Square Ft | FTE Staff |
|-------------|------------|---------------|-----------|
| Edneyville | 1999 | 3,000 | 1.6 |
| Etowah | 2008 | 8,100 | 3 |
| Fletcher | 1988 | 5,300 | 3 |
| Green River | 1990 | 1,000 | 1.2 |
| Main | 1974/1992 | 42,500 | 37 |
| Mills River | 2011 | 1,890 | 1.2 |
| | | 61,790 | 47 |

2024-25 Year in Review:

Total Collection Use

- 1,069,288
- 9.02 uses per resident
- State Average = 4.58 uses per resident

Library Visits

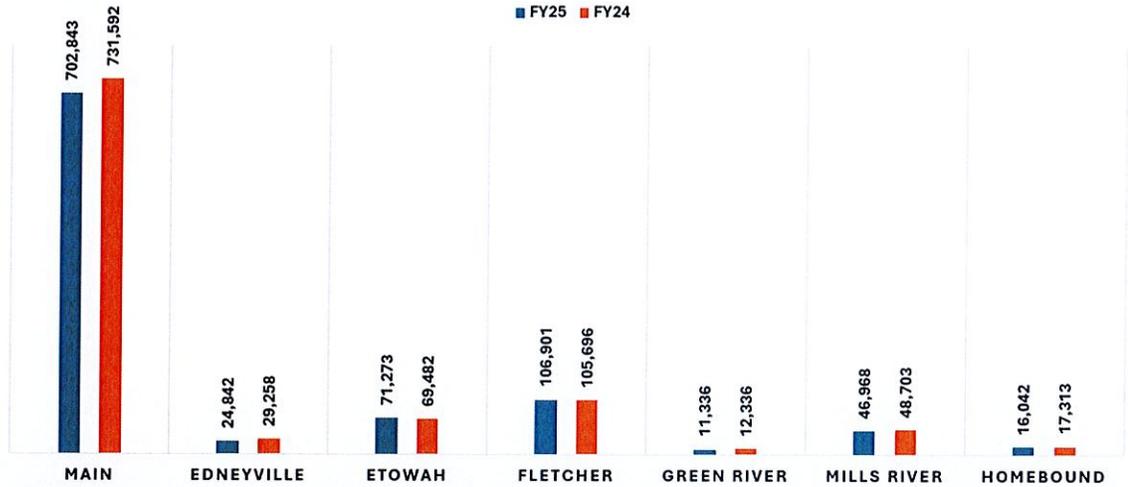
- 369,059
- 3.02 visits per resident
- State Average = 2.27 visits per resident

**3,622 NEW LIBRARY
CARDS REGISTERED**

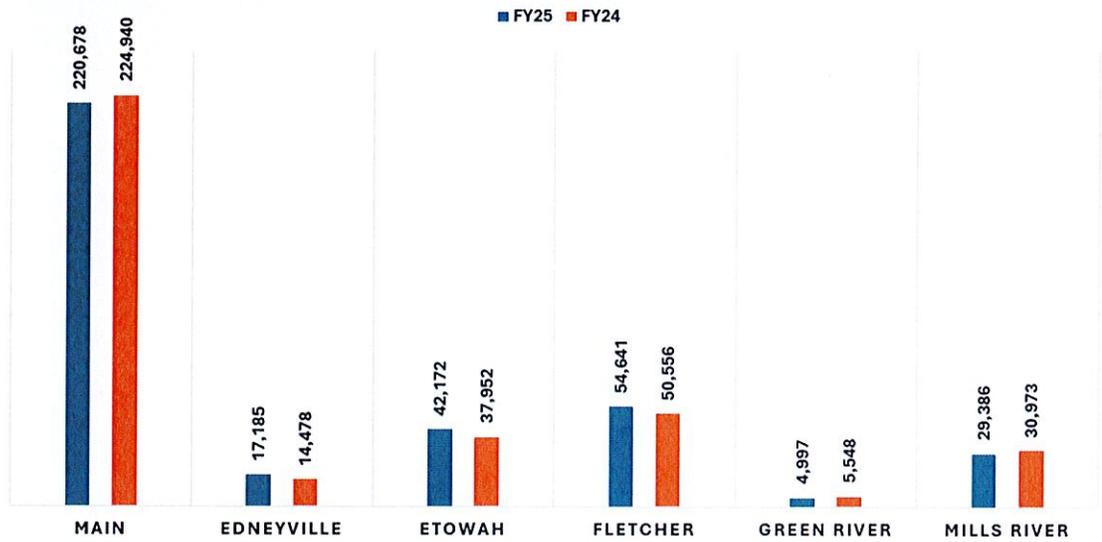
**54,797 QUESTIONS
ANSWERED**

**66,232 COMPUTER AND
WI-FI SESSIONS**

Collection Use by Location Comparison



Library Visits by Location Comparison



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Engaging Community Educating Minds

- **Homebound Outreach**
- 216 residents served
- 870+ deliveries
- **Community Collaboration**
- 30+ events
- 20+ partners
- **Mobile Library**
- 60+ stops
- 3,000+ served

- **Early Childhood Literacy**
- 470+ Annual Storytimes
- 38 complete - 1,000 Books Before Kindergarten
- 1,970 Summer Reading participants
- **Digital Literacy**
- 92 Classes to improve digital readiness
- 269 One-on-one technology sessions
- 73 Job skill assistance
- **243,000+ BOOKS FOR ALL AGES**

Enriching Lives

- **Programs & Exhibits for All Ages**
- 1,560 offered
- 26,000+ attended
- **Special Collections**
- 73,010 Baker-Barber images online
- Earle Stillwell architectural drawings
- Genealogy classes and resources
- **100+ Online Learning Resources**

Successes

- Mobile Library launch
- Story Walks opened
- Baker Barber
- Website accessibility review

Current Projects

- 2026-31 Strategic Plan
- Lend Local Library
- Service Accessibility

Chairman Lapsley inquired about the anticipated completion date of the Strategic Plan. Ms. Rushing stated that it is expected to be completed in June. Chairman Lapsley requested that Board members receive a draft of the plan for review.

Commissioner Franklin noted specific improvements needed at the Fletcher library branch. Including deteriorating sidewalks that present trip hazards and rotting fascia. Ms. Rushing added the programming at the Fletcher branch is limited, and there are accessibility and mobility challenges, including no easy access to the room where programming is held.

The current library was constructed in 1988. Commissioner McCall noted that the county did not pay for the construction of the library. Ms. Rushing confirmed that the building and parking area

are owned by the Community Foundation of Henderson County, and the County does not own the property.

Solid Waste Funding Plan

Marcus Jones presented the Board information to support the need for a Solid Waste Enterprise Fund long range funding plan, including background information and options.

**Solid Waste Enterprise Fund
Funding Plan**

March 2, 2026

Office of the County Engineer



Presentation Overview

1. Need for Long Range Solid Waste Funding Plan
2. Background information
 - a) Solid Waste Terminology
 - b) Solid Waste Programs
 - c) Brief History
 - d) Approved tipping fees and annual tonnage, net position
3. Funding Options
 - a) Status Quo – Annual General Fund Transfers
 - b) Impose Availability Fee and Tipping Fee Increase
 - c) Impose Availability Fee and Remove Tipping Fee
 - d) Flow Control Ordinance

Need for Long Range Solid Waste Funding Plan

Currently, no formal long range plan for a sustainable and equitable funding plan for Henderson County Solid Waste.

- Operating income not covering operating expenses
- No funding available for capital replacements
- Enterprise Fund is not completely self-supporting
- Continued negative unrestricted net position
- No reserves exist for scheduled capital improvement and replacements or unscheduled repairs or replacements

Brief History

- 1995 – BOC decision to close landfill and transfer waste to offsite location
- 2008 – Analysis supported tipping fees were not sustainable, recognized need for alternate revenue source.
- Ongoing direct competition from Waste Management’s transfers station in southern Buncombe County.
- No longer self supporting enterprise fund.
- Solid Waste fund survived 25 years through great recession.
- Fuel surcharge with hauling contract is volatile
- Fund balance has eroded over time

Solid Waste Approved Tipping Fees and Annual Tonnage

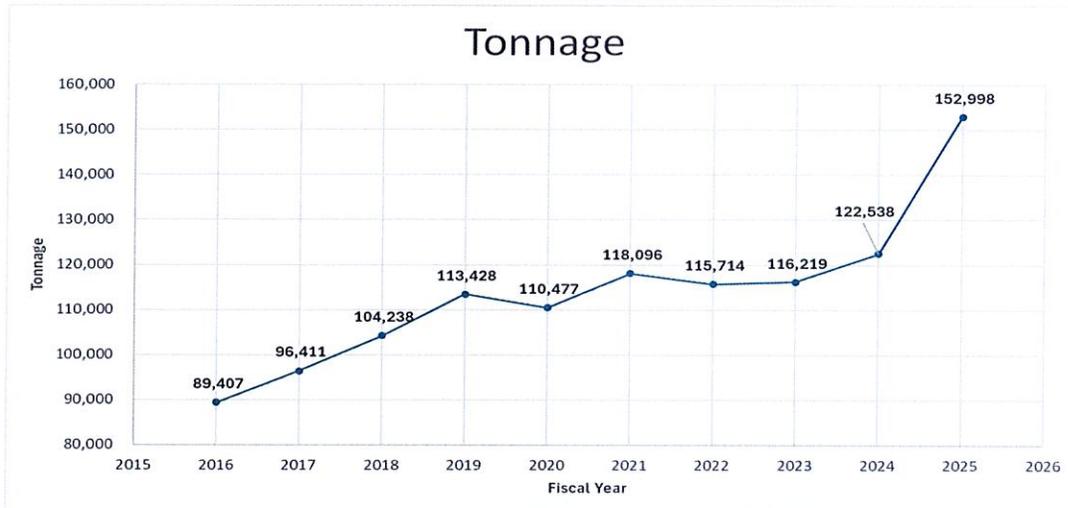
| Fiscal Year | Tipping Fee | Tonnage |
|-------------|-------------|---------|
| 2016 | \$60 | 89,407 |
| 2017 | \$60 | 96,411 |
| 2018 | \$60 | 104,238 |
| 2019 | \$60 | 113,428 |
| 2020 | \$60 | 110,477 |
| 2021 | \$60 | 118,096 |
| 2022 | \$63 | 115,714 |
| 2023 | \$63 | 116,219 |
| 2024 | \$63 | 122,538 |
| 2025 | \$63 | 152,998 |

Note – The Board voted to increase tipping fees for FY2026 to \$70 per ton.

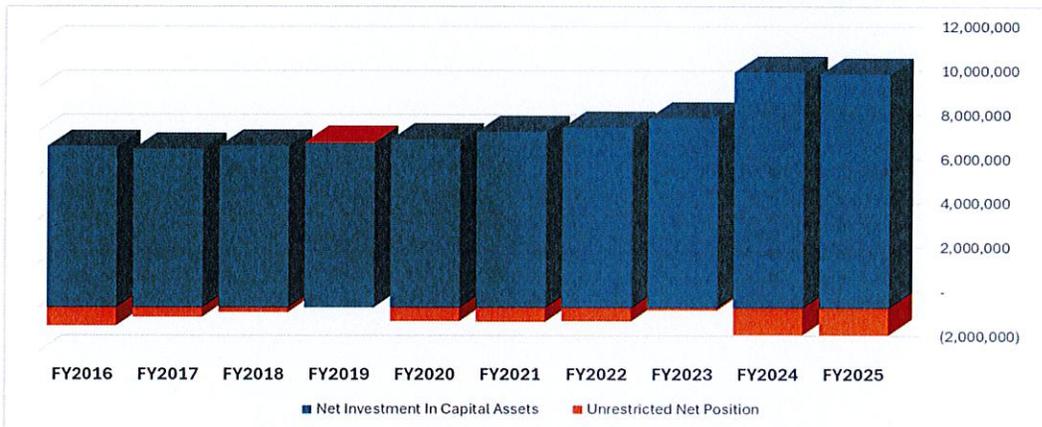
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Approved: March 18, 2026

Solid Waste Annual Tonnage

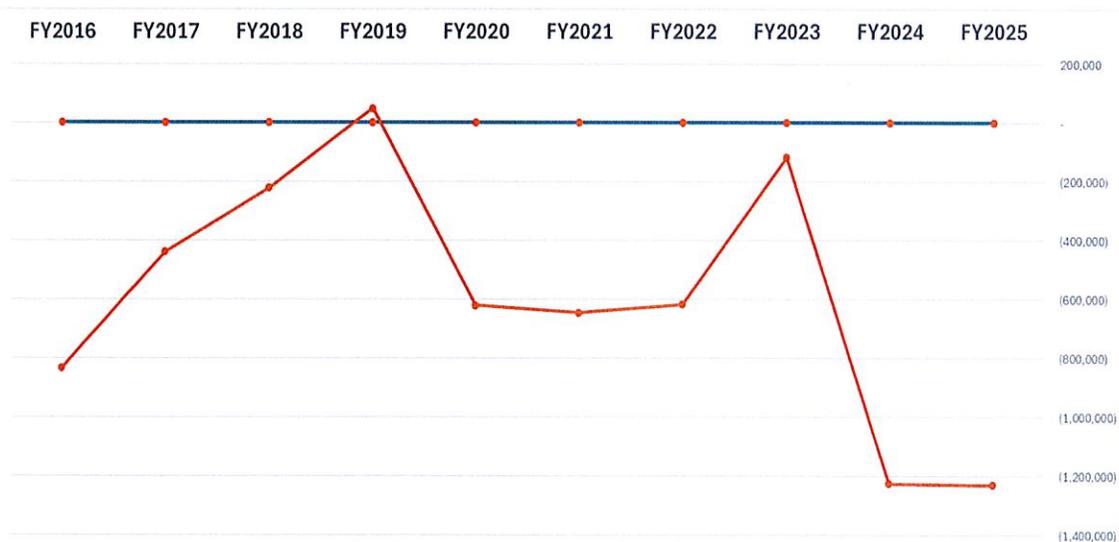


SOLID WASTE NET POSITION



| | FY2025 | FY2024 | FY2023 | FY2022 | FY2021 | FY2020 | FY2019 | FY2018 | FY2017 | FY2016 |
|----------------------------------|-------------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Net Investment In Capital Assets | 10,582,463 | 10,661,139 | 8,580,567 | 8,151,609 | 7,955,019 | 7,611,848 | 7,448,064 | 7,314,705 | 7,166,595 | 7,284,761 |
| Unrestricted Net Position | (1,230,330) | (1,225,733) | (118,465) | (617,372) | (646,945) | (621,381) | 47,852 | (223,691) | (440,915) | (834,917) |
| | 9,352,133 | 9,435,406 | 8,462,102 | 7,534,237 | 7,308,074 | 6,990,467 | 7,495,916 | 7,091,015 | 6,725,680 | 6,449,844 |

SOLID WASTE UNRESTRICTED NET POSITION



Funding options to improve financial operating results for the Solid Waste Enterprise Fund and build reserves to support capital improvement and replacement plans.

Funding Option 1 – No changes

Continue with tipping fee revenue as primary source of operating revenue for Solid Waste Fund, supplementing with General Fund transfers.

Pros:

- + no changes to ordinances or policy
- + no changes to staff, operations or equipment

Cons:

- Large tipping fee increase is required for FY2027 to balance budget (\$20 increase to \$90/ton)
- \$90 tipping fee is not competitive and may result in loss of total revenue
- Not equitable between customers, non-competitive tipping fees
- Could result in transfer of general fund revenue to support Solid Waste operations
- Financial Performance Indicators of Concern – Negative operating income, significant transfers in from general fund, aging capital assets

Funding Option 2 – Impose Availability Fee

Impose Availability Fee of \$45 per parcel per year to supplement tipping fee revenues to cover the cost of operating the transfer station.

Pros:

- + Proven to provide a sustainable revenue stream for the Solid Waste Fund
- + No changes to operations and equipment
- + Common practice in other counties
- + Equitable between customers
- + Easy to implement
- + Improves financial condition – reduces transfers, funds capital improvement, provides additional operating income

Cons:

- A fee addition to the tax bill could be perceived as a "tax increase"
- Some staff time will be required to account for the revenue

Sustainable Revenue Analysis

Study from SCS Engineers conducted to model to fund a capital improvement and replacement plan.

Includes assumptions for population growth, tonnage growth and cost escalations.

Would require increased net operating revenues to meet target of funding the reserve in 10 years.

Supported by Option 2.

Henderson County, NC
Revenue Sufficiency Analysis
Results as of December 02, 2025



Schedule 1 - Inflationary Increase Scenario (Model Results)
Schedule 2 - Model Assumptions & Inputs
Schedule 3 - Trial Balances as of Jun 30, 2025
Schedule 4 - Cash In
Schedule 5 - Cash Out
Schedule 6 - Pro Forma
Schedule 7 - Capital Improvement Plan
Schedule 8 - Summary of Funds
Schedule 9 - Vehicle Replacement Program

SCS ENGINEERS
Management Services

Rate Sustainability Study Results

Schedule 1 - Inflationary Increase Scenario (Model Results)

| Henderson County, NC Revenue Sufficiency Analysis | | | | | | | | | | | |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | FY 2031 | FY 2032 | FY 2033 | FY 2034 | FY 2035 | FY 2036 |
| Revenue Adjustment \$M | \$0.00 | \$0.30 | \$0.31 | \$0.32 | \$0.33 | \$0.35 | \$0.36 | \$0.37 | \$0.39 | \$0.40 | \$0.42 |
| Revenue Adjustment % | 0.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% | 3.00% |
| General Fund Transfer \$M | \$2.3 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 | \$0.0 |
| Availability Fee | \$45.00 | \$3.2 | \$3.3 | \$3.4 | \$3.5 | \$3.6 | \$3.7 | \$3.8 | \$3.9 | \$4.1 | \$4.2 |
| Grant Funded CIP | N | | | | | | | | | | |
| Tipping Fee | \$70.00 | \$72.10 | \$74.26 | \$76.49 | \$78.79 | \$81.15 | \$83.58 | \$86.09 | \$88.67 | \$91.33 | \$94.07 |
| Availability Fee | \$0.00 | \$45.00 | \$46.35 | \$47.74 | \$49.17 | \$50.65 | \$52.17 | \$53.73 | \$55.34 | \$57.00 | \$58.71 |



Funding Option 3 – Impose Availability Fee

Impose Availability Fee of \$200 per parcel per year to replace tipping fee cover the cost of operating the transfer station.

Pros:

- + Proven to provide a sustainable revenue stream for the Solid Waste Fund
- + No changes to operations and equipment
- + Common practice in other counties
- + Equitable between customers
- + Easy to implement
- + Improves financial condition – reduces transfers, funds capital improvement, provides additional operating income

Cons:

- A fee addition to the tax bill could be perceived as a "tax increase"
- Some staff time will be required to account for the revenue

After discussion, Mr. Mitchell requested that Marcus Jones coordinate a meeting with the haulers in the county to provide the same presentation that was delivered at tonight’s meeting.

Construction Manager at Risk Request for Proposal Selection Process

Assistant County Manager Chris Todd provided information on the Construction Manager at Risk request for proposal (RFQ) selection process.

Suggested RFQ Evaluation Criteria

Selection Criteria - In selecting the firm(s) to be recommended to the Board of Commissioners, the pre-selection committee should take into consideration in the evaluation of the Proposals such factors as:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Workload that is fully able to accommodate the addition of this project. 2. Record of successfully completed projects of similar scope without major legal or technical problems. 3. Previous experience with the Owner, a good working relationship with Owner representatives, have completed projects in a timely manner and have performed an acceptable quality of work. 4. Key personnel that have appropriate experience and qualifications. 5. Relevant and easily understood graphic or tabular presentations. | <ol style="list-style-type: none"> 6. Completion of CM-at-Risk projects in which there was little differences between the GMP and final cost. 7. Projects that were completed on or ahead of schedule. 8. Recent experience with project costs and schedules. 9. Construction administration capabilities. 10. Proximity to and familiarity with the area where the project is located. 11. Quality of compliance plan for minority business participation as required by G.S. 143-128.2. 12. Other factors that may be appropriate for the project. |
|--|---|

Scoring Matrix

| Category | Points | Rationale | Score | Description |
|---|--------|--|-------|--|
| Firm Experience | 15 | Overall capability and portfolio strength | 5 | Exceptional – Exceeds requirements significantly |
| Project Record (Comparable Projects) | 15 | Direct relevance to this project type/size | | |
| Prior Projects – On Time / On Budget Performance | 10 | Proven delivery reliability | 4 | Very Good – Exceeds Requirements |
| Prior Projects – GMP vs Final Cost Accuracy | 10 | Cost control & estimating accuracy | | |
| Recent Experience with Similar Budgets | 10 | Familiarity with current market pricing | 3 | Satisfactory – Meets Requirement |
| Key Personnel | 10 | Strength of assigned team (not just firm resume) | | |
| Construction Administration Capabilities | 8 | Oversight, quality control, documentation | 2 | Marginal – Minor Deficiencies |
| Previous Experience with Henderson County | 5 | Knowledge of local processes | | |
| Proximity & Familiarity with Henderson County | 5 | Responsiveness & local relationships | 1 | Poor – Major Deficiencies |
| Minority Business Compliance / Participation Plan | 5 | Commitment to compliance & inclusion | | |
| Presentation / Interview | 5 | Communication, clarity, preparedness | | |
| Other Relevant Factors | 2 | Safety record, litigation history, financial stability | | |

Commissioner Edney expressed that additional questions should be incorporated into the scoring matrix. He asked staff to review the materials he provided and return to the Board for further discussion and consideration. Commissioner Edney also stated that he would like selected contractors to be familiar with the area and to live and invest in the local community.

Commissioner Franklin asked whether staff could review other RFQs currently in use for comparison.

Mr. Todd responded that staff would prepare revised documents for presentation at a future meeting.

NOMINATIONS AND APPOINTMENTS

1. Fletcher Planning and Zoning Board of Adjustment – 1 vac

Commissioner Franklin made a motion to nominate Bryan Gilbert for appointment to Seat #1. All voted in favor, and the motion carried.

2. Henderson County Transportation Advisory Committee – 1 vac.

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

3. Hendersonville City Zoning Board of Adjustment – 2 vacs.

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

4. Laurel Park Planning Board – 1 vac.

Commissioner McCall made a motion to nominate Robert Simes Jr. for appointment to Seat #1. All voted in favor, and the motion carried.

5. Nursing/Adult Care Home Community Advisory Committee – 16 vacs.

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

COMMISSIONER UPDATES:

Commissioner Egolf had no comments.

Vice-Chair Edney shared that UNC Health Pardee will hold a ribbon cutting at its Brevard facility this week.

Commissioner McCall reported that Joint Facilities meetings were recently held with Blue Ridge Community College and Henderson County Public Schools, and both meetings went well. During the Joint School Facilities meeting, the group discussed the Bus Garage and upcoming MRTS projects. The enclosure project at East Henderson High School (EHHS) was identified as the next major project. A similar enclosure project was recently completed at West Henderson High School (WHHS); however, after touring East Henderson with architects last week, it was determined that the EHHS project will be more extensive due to the age of the school and the buildings being more spread out than those at West.

Commissioner McCall also noted that the Arrow of Light ceremony will be held next Sunday, marking the crossover from fifth grade age Cub Scouts to Boy Scouts. She encouraged attendance at the ceremony. In closing, she reminded everyone to vote in the upcoming election.

Commissioner Franklin stated that early voting turnout has been lower than in past elections and encouraged citizens to vote.

Chairman Lapsley shared that Business North Carolina, a statewide business magazine, conducts an annual survey to identify the state's best hospitals. For 2026, UNC Health Pardee was ranked #19 in North Carolina. Chairman Lapsley expressed pride in this achievement for the community. He noted that when he was first appointed to the hospital board in 2006, Pardee Hospital was experiencing financial and operational challenges. He credited the 2010 selection of Jay Kirby as CEO as a pivotal decision and stated that Mr. Kirby, along with hospital staff and board leadership, has helped transform the hospital into a reputable institution in the state.

Chairman Lapsley also referenced a recent public comment requesting that the Board establish a task force to review the criteria adopted for permitting outdoor shooting ranges under the Land Development Code and zoning ordinance. He indicated his intent to move forward with this discussion and seek support from fellow Board members at a future meeting.

In closing, Chairman Lapsley stated that he and other Board members reviewed the Henderson County Public Finance Feasibility Study prepared by the Trust for Public Land at the County's request. One recommendation in the report was to conduct a public poll to determine whether citizens would support a bond referendum to fund farmland preservation efforts. Chairman Lapsley asked that this item be placed on an upcoming agenda for further Board consideration.

COUNTY MANAGER'S REPORT

Mr. Mitchell reported that the North Carolina Department of Labor visited the Solid Waste facility last week. He was pleased to share that no issues or citations were identified. He noted this is a credit to Greg Wiggins, Marcus Jones, and Solid Waste staff for their efforts and commitment.

Motion: Vice-Chair Edney made the motion to go into closed session pursuant to NCGS 143.318.11(a)(3), &(6). All voted in favor, and the motion carried.

ADJOURN


Denisa A. Lauffer, Clerk to the Board


William G. Lapsley, Chairman

Enactments

Monday, March 2, 2026

2026.014 Proclamation – Designating March as Social Work Month

2026.015 Mid-Year Vehicle Purchase Request

2025.016 Memorandum of Agreement – Sedimentation Control Commission

2026.017 Amendment to Ecusta Trail Encroachment Policy and Related Fee Schedule

2026.018 Henderson County Farmland Preservation

Henderson County Board of Commissioners

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

William Lapsley
Chairman
J. Michael Edney
Vice-Chairman



Rebecca McCall
Jay Egolf
Sheila Franklin

PROCLAMATION DESIGNATING MARCH AS SOCIAL WORK MONTH

WHEREAS, Social Workers in the Henderson County Department of Social Services are dedicated professionals who serve as frontline defenders of safety, work tirelessly to protect children from harm, support families, and shield older adults and individuals with disabilities from abuse and exploitation, ensuring our most vulnerable population is safe and supported; and

WHEREAS, Henderson County Social Workers select this profession out of a deep commitment to help uplift, defend, and transform the lives of people, their families and communities; and

WHEREAS, The 2026 National Association of Social Workers theme, Social Workers: Uplift. Defend. Transform. Shines a light on the resolute spirit of social workers who transform lives while bringing hope, healing, and justice to the communities they serve- especially in times of profound change and challenges; and

WHEREAS, in calendar year 2025, Henderson County DSS Child Welfare social workers served 177 children in foster care and served approximately 1013 families in child protective services, protecting them from abuse, neglect, and dependency, and promoting permanency and stability; and

WHEREAS, Adult Services social workers provided essential support in calendar year 2025 to approximately 694 older adults and adults with disabilities, protecting them from exploitation, neglect, and abuse, and promoting independence and dignity; and

WHEREAS, Henderson County Social Work staff collaborated with Henderson County Public Health, Henderson County law enforcement and Henderson County Emergency Management to staff shelters and meet emergent needs of citizens during crises; and

WHEREAS, Henderson County recognizes that social workers are frontline protectors of safety for our most vulnerable citizens, children, older adults, and individuals with disabilities whose well-being depends on their steadfast commitment; and

Appendix I.

NORTH CAROLINA GENERAL STATUTES

Sedimentation Pollution Control Act (Ch. 113A Art. 4)

(selected statutes)

§ 113A-54. Powers and duties of the Commission.

- (1) In implementing the erosion and sedimentation control program, the Commission shall:
- (2) Assist and encourage local governments in developing erosion and sedimentation control programs and, as a part of this assistance, the Commission shall develop a model local erosion and sedimentation control ordinance. The Commission shall approve, approve as modified, or disapprove local programs submitted to it pursuant to G.S. 113A-60.

§ 113A-56. Jurisdiction of the Commission.

- (a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that are:
 - (1) Conducted by the State.
 - (2) Conducted by the United States.
 - (3) Conducted by persons having the power of eminent domain other than a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (4) Conducted by a local government, except for an airport authority as set forth in subsection (a1) of this section.
 - (5) Funded in whole or in part by the State or the United States
- (a1) An airport authority operating an airport located wholly or in part in a county with a population greater than 250,000 according to the latest certified population totals of the State demographer may elect

to be regulated under the jurisdiction of a local program authorized under G.S. 113A-60. An airport authority to which this subsection applies that is located in more than one county may elect to be regulated under local programs authorized under G.S. 113A-60 in each county for property of the airport authority located in each county. An airport authority making a local program election under this subsection shall be subject to the following requirements:

- (1) The governing board of the local government operating the local program must enact a resolution accepting jurisdiction over the airport authority.
 - (2) The airport authority must provide notice to the Commission that includes (i) a certified copy of the resolution required by subdivision (1) of this subsection and (ii) specification of a date not less than 90 days after the date of the notice on which the local program will assume jurisdiction.
 - (3) Any existing erosion and sedimentation control permits issued by the Commission shall, despite assumption of permitting authority by a local government, remain under the jurisdiction of the Commission until the airport authority has submitted a permit modification request consistent with this Article to transfer the permit to the local program.
- (b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if the program has been approved by the

Commission as being in conformity with the general State program.

(c) The Commission shall have concurrent jurisdiction with local governments that administer a delegated erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to a delegated erosion and sedimentation control program:

(1) To review erosion and sedimentation control plan approvals made by a delegated erosion and sedimentation control program and to require a revised plan if the Commission determines that a plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.

(2) To review the compliance activities of a delegated erosion and sedimentation control program and to take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

(1973, c. 392, s. 7; c. 1417, s. 4; 1987, c. 827, s. 130; 1987 (Reg. Sess., 1988), c. 1000, s. 4; 2002-165, s. 2.5; 2006-250, s.2.)

§ 113A-60. Local erosion and sedimentation control programs.

(a) A local government may submit to the Commission for its approval an erosion and sedimentation control program for its jurisdiction and may adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related activities. The fee shall be, on the option of the applicant, either (i)

calculated on the basis of the number of acres disturbed or (ii) no more than one hundred dollars (\$100.00) per lot developed in the case of a single-family lot that is less than one acre, including such a lot that is part of a larger common plan of development. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. Except as otherwise provided in this Article, an ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article.

(a1) Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

(b1) When a development project contains an approved erosion control plan for the entire development, a separate erosion control plan shall not be required by the local government for development of individual residential lots within that development that disturb less than one acre if the developer and the builder are the same financially responsible person. For review of an erosion control plan for a single-family lot in a

common plan of development under this subsection where the developer and builder are different, the local government may require no more than the following information:

- (1) Name, address, telephone number, and email of owner of lot being developed.
- (2) Street address of lot being developed.
- (3) Subdivision name.
- (4) Lot number.
- (5) Tax parcel number of lot being developed.
- (6) Total acreage of lot being developed.
- (7) Total acreage disturbed.
- (8) Anticipated start and completion date.
- (9) Person financially responsible.
- (10) Signature of person financially responsible.
- (11) Existing platted survey of the lot.
- (12) A sketch plan showing erosion control measures for the lot being developed, but the sketch shall not be required to be under the seal of a licensed engineer, landscape architect, or registered land surveyor unless there is a design feature requiring such under federal or State law or regulation.

(b2) Except as may be required by federal law, rule, or regulation, a local erosion control program under this Article shall provide for all of the following:

- (1) That no periodic self-inspections or rain gauge installation is required on individual residential lots where less than one acre is being disturbed on each lot.
- (2) For a land-disturbing activity on more than one residential lot where the total land disturbed exceeds one acre, the person conducting the land-disturbing activity may submit for approval a single erosion control plan for all of the disturbed lots or may submit for review and approval under subsection (b1) of this section the erosion control measures for each individual lot.

(b3) No development regulation under Chapter 160D of the General Statutes or any erosion and sedimentation control plan under a local program shall require any of the following:

- (1) A silt fence or other erosion control measure to be placed in a location where, due to the contour and topography of the development site, that erosion control measure would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.
- (2) A wire-backed reinforced silt fence where, due to the contour and topography of the development site, that fence would not substantially and materially retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract.

(c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

(d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the assessment and collection of fees and for the inspection of land-disturbing activities within the jurisdiction of the local

government. The Commission shall be responsible for the administration and enforcement of all other components of the erosion and sedimentation control program and the requirements of this Article. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall conform to the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. The local government shall establish and collect a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be an amount equal to eighty percent (80%) of the amount established by the Commission pursuant to G.S. 113A-54.2(a) plus any amount that the local government requires to cover the cost of inspection and program administration activities by the local government. The total fee shall not exceed one hundred fifty dollars (\$150.00) per acre. A local government that administers a limited erosion and sedimentation control program shall pay to the Commission the portion of the fee that equals eighty percent (80%) of the fee established pursuant to G.S. 113A-54.2(a) to cover the cost to the Commission for the administration and enforcement of other components of the erosion and sedimentation control program. Fees paid to the Commission by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government that administers a limited erosion and sedimentation control program and that receives an erosion control plan and fee under this subsection shall immediately transmit the plan to the

Commission for review. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs.

- (e) Notwithstanding G.S. 113A-61.1, a local government with a limited erosion and sedimentation control program shall not issue a notice of violation if inspection indicates that the person engaged in land-disturbing activity has failed to comply with this Article, rules adopted pursuant to this Article, or an approved erosion and sedimentation control plan. The local government shall notify the Commission if any person has initiated land-disturbing activity for which an erosion and sedimentation control plan is required in the absence of an approved plan. If a local government with a limited program determines that a person engaged in a land-disturbing activity has failed to comply with an approved erosion and sedimentation control plan, the local government shall refer the matter to the Commission for inspection and enforcement pursuant to G.S. 113A-61.1.

(1973, c. 392, s. 11; 1993 (Reg. Sess., 1994), c. 776, s. 7; 2002-165, s. 2.8; 2006-250, s. 3; 2021-121, s. 5(c); 2021-180, s. 12.10A(b); 2023-108, s. 10.)

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: March 2, 2026

SUBJECT: Memorandum of Agreement – Sedimentation Control Commission

PRESENTER: Deb Johnston, Site Development Director

ATTACHMENTS: YES
1.) Updated Memorandum of Agreement

SUMMARY OF REQUEST:

The Board is requested to approve and execute the updated Memorandum of Agreement (MOA) between the North Carolina Sedimentation Control Commission and Henderson County. This MOA is not a legally binding contract but an agreement affirming what the Commission and the Local Program are committed to do in regard to the Erosion Control program.

The updated MOA removes “approve with performance reservations” in “Part III, C-Sediment and Erosion Control Plans for Land-Disturbing Activity Review” which has been removed from the General Statutes.

This updated MOA also includes “Part III, F-Termination of Local Program” that outlines the process of terminating your program’s jurisdiction either in whole or in a select area (such as a County program who covers a Town and no longer wishes or is able to do so). This is to set a process and timeframes that should be met for various steps to ensure a smooth transition.

BOARD ACTION REQUESTED:

The Board is requested to approve and execute the updated Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Henderson County.

Suggested Motion:

I move the Henderson County Board of Commissioners approve and execute the updated Memorandum of Agreement between the North Carolina Sedimentation Control Commission and Henderson County.

MEMORANDUM OF AGREEMENT

BETWEEN

The North Carolina Sedimentation Control Commission

AND

Henderson County

This MEMORANDUM OF AGREEMENT is entered into between the **North Carolina Sedimentation Control Commission** (hereinafter, "Commission") and Henderson County (hereinafter, "Local Government," collectively, "Parties") for the purpose of clarifying their roles in the enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and any rules adopted pursuant to the Act (hereinafter collectively, "SPCA.")

Part I. Local Program Creation.

A. Model Ordinance

The Parties agree that the Commission shall do the following:

1. Per N.C. Gen. Stat. § 113A-54 (d) (1), provide a model erosion and sedimentation control ordinance (hereinafter, "model ordinance") for adoption by local governments who wish to operate a delegated local erosion and sedimentation control program (hereinafter, "local program.")
2. Update its model ordinance upon changes in the SPCA.

B. Proposed Ordinance Review

The Parties agree that:

1. Local governments who choose to create and operate a local program may do so by ordinance (hereinafter, "local program ordinance".) However, the local government must submit the proposed local program ordinance to the Commission for review prior to adoption.
2. North Carolina General Statute § 113A-60(b) requires the Commission to review, approve, approve as modified, or disapprove proposed local program ordinances based upon the minimum requirements of the SPCA.
3. The Commission shall review a local program ordinance submitted and, within 90 days of receipt thereof, shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved.
4. The local program's erosion and sedimentation control standards must equal or exceed those of the SPCA.
5. The Local Government has an existing local program and an ordinance approved by the Sedimentation Control Commission.

Part II. Responsibilities and Expectations of the Commission.

A. Local Program Review

The Parties agree that the Commission shall do the following:

1. Review periodically approved local programs for compliance with the SPCA. The results of the reviews shall be presented at the next quarterly meeting of the Commission.
2. If the Commission determines that any local government is failing to administer or enforce an approved erosion and sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement.
3. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

B. Training and Education for Local Programs

The Parties agree that the Commission shall provide the following:

1. Educational programs in erosion and sedimentation control directed toward persons engaged in land-disturbing activities, general educational materials on erosion and sedimentation control, and instructional materials for persons involved in the enforcement of the SPCA and erosion and sedimentation control rules, ordinances, regulations, and plans.
2. Manuals and publications to assist in the design, construction and inspection of erosion and sedimentation control measures.
3. Periodic reviews of local erosion and sedimentation control programs and through the reviews provide recommendations to improve program administration.
4. Technical assistance in review of draft erosion and sedimentation control plans for complex activities.

C. Concurrent Jurisdiction

The Parties agree that the Commission shall maintain concurrent jurisdiction with the local government for land-disturbing activities and may take appropriate compliance action if the Commission determines that the local government has failed to take appropriate compliance action.

D. Exclusive Jurisdiction

The Parties agree that the Commission shall maintain exclusive jurisdiction to administer the SPCA for all land disturbing activities that:

1. Are outlined in North Carolina General Statute § 113A-56; or

2. Relate to oil and gas exploration and development on the well pad site.

Part III. Responsibilities and Expectations of the Local Government.

A. Enforcement

The Parties agree that the local government shall administer its own local program ordinances, through the following:

1. Enforce the provisions of the SPCA.
2. Administer the SPCA for all land-disturbing activity within its jurisdiction, including existing sites at the time the local government received program delegation. The Commission may continue to administer the SPCA over specific projects under enforcement action upon mutual agreement with the local government. The local program is not responsible for activities over which the Commission has exclusive jurisdiction.
3. Employ a sufficient number of qualified personnel. Qualified personnel shall be competent to review sedimentation and erosion control plans and conduct inspections of land-disturbing activities.
4. Provide adequate resources for plan review and compliance inspections.

B. Reporting

The Parties agree that the local government shall provide the following reports/information:

1. Monthly activity reports to the Commission.
2. Notification to the appropriate regional office of DEMLR of issuance of Notices of Violation at the time the violator is notified.
3. Current contact information for their local program to the Division of Energy, Mineral, and Land Resources.

C. Sediment and Erosion Control Plans for Land-Disturbing Activity Review

The Parties agree that the local government shall review erosion and sedimentation control plans for land-disturbing activity (hereinafter, "plans") submitted to its local program under the following standards:

1. Review plans within 30 days of receipt of a new plan and within 15 days of a revised plan.
2. Approve, approve with modifications, or disapprove draft plans in conformance with the basic control objectives contained in 15A NCAC 04B .0106.
3. Notify in writing the person submitting the plan that it has been approved, approved with modifications, or disapproved within 30 days of receipt of a new plan and within 15 days of a revised plan.
4. Include in written notifications of plan approval the following:

- a. reference to NPDES General Stormwater Permit NCG 010000,
 - b. expiration date of the approval,
 - c. the right of periodic inspection, and
 - d. condition the approval upon the applicant's compliance with federal and State water quality laws, regulations, and rules.
5. Enclose with all written permit notifications the Certificate of Approval for posting at the site of the land-disturbing activity.

D. Inspection

The Parties agree that the local government shall inspect all sites undergoing land-disturbing activity under the following standards:

1. Periodically and regularly inspect sites undergoing land-disturbing activity within its jurisdiction. Periodically and regularly means with sufficient frequency to effectively monitor compliance with the SPCA and rules adopted pursuant to the SPCA and the local erosion and sedimentation control ordinance.
2. Document all inspections in writing, including electronic documents.
3. Inspection reports shall include, at a minimum, all information in the model sedimentation inspection report developed by the Commission.
4. Maintain inspection records for active projects in accordance with State and local record retention policies.

E. Enforcement

The Parties agree that the local government shall enforce its local program ordinance under the following standards:

1. Issue Notices of Violation (hereinafter, "NOV") for any significant violation of the SPCA, rules adopted pursuant to the SPCA, or the local erosion and sedimentation control ordinance documented in an inspection report. An NOV shall be issued to the persons responsible for the violations, pursuant to N.C. Gen. Stat. § 113A-61.1.
2. The NOV shall specify the following:
 - a. describe the violation with reasonable particularity
 - b. request that all illegal activity cease
 - c. the actions that need to be taken to comply with the SPCA and the local ordinance
 - d. a date by which the person must comply with the SPCA and the local ordinance
 - e. inform the violator that any person who fails to comply within the time specified

is subject to additional civil and criminal penalties for a continuing violation as provided in G.S. 113A-64 and the local ordinance

3. Undertake appropriate enforcement actions, including injunctive relief, or assessment of civil penalties for an initial penalty or a daily penalty for continuing violations.
4. Require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation.

F. Termination of Local Program

1. Should a Local Government decide to end their local program, or portions thereof, and return jurisdiction to the Commission, the Local Government shall provide 120 days written notice of their intent to the Commission and to the Department of Environmental Quality (hereinafter "Department") to end the local program and transfer existing projects to the Commission, by and through the Department.
2. To terminate all or part of their local program, a Local Government must comply with the following:
 - a. The notice of intent must include a list of all open projects that are anticipated to be transferred.
 - b. Any legal action or existing litigation undertaken by the Local Government under the local program must stay with the Local Government and cannot be transferred to the Department. This does not prevent the Department from taking new actions against violators for new or continuing violations of the SPCA.
 - c. Local Government shall make a good faith effort to resolve any Notices of Violation prior to transferring projects to the Department provided doing such would not adversely affect any enforcement actions or possible litigation.
 - d. At least 90 days prior to the transfer of all or part of their local program, the Local Government shall provide the Department copies of all its local program project files including all applications, inspection reports, and if applicable, enforcement documentation. Staff from the Local Government shall make themselves available to the Department staff to conduct any necessary joint site visits or coordinate joint inspections.
 - e. At least 60 days prior to the transfer, the Local Government shall notify the responsible parties of all open projects that the local program is ending and shall provide contact information for the Department.
 - f. At least 30 days prior to the transfer of all or part of the local program, Local Government must notify DEMLR upon the termination or expiration of any inter-local agreements.
 - g. At least 30 days prior to the transfer of all or part of their local program, the Local Government shall no longer accept applications for new or revised land-disturbing activities within the

jurisdiction they are transferring to the Department and shall redirect such applications to the Department. Written notification of when new or revised applications can no longer be submitted to the Local Government shall be made public at least 60 days prior to the date of transfer to the Department.

- h. Within 14 days prior to the transfer of the local program, Local Government shall provide a written update to the Department of all open projects to be transferred to the Department; including contact information for each project, copies of relevant permits, available photos of the project, descriptions of any enforcement actions taken, and the status of each project.
 - i. Local Government shall demonstrate to the Commission that the Local Government has removed provisions in their local ordinance pertaining to the local program or local jurisdiction for the SPCA.
3. This section only applies to local governments who choose to terminate their local programs or portions of them. In an instance where a local program fails to comply with the terms of this Agreement or fails to satisfactorily administer or enforce the terms of the SPCA as determined under Part II Section A above, the Commission shall establish a schedule for the transfer of the local program to the Department.

IN WITNESS HEREOF, the Parties enter into this Memorandum of Agreement, this the 2
day of March 2020

SEDIMENTATION CONTROL COMMISSION

By: _____
Susan N. White
Commission Chair
Dated: _____

Approved as to Form

Sarah Zambon
Counsel to the Commission
Dated: _____

By: _____
LG Name 1 William E. Spadey
Title: Mayor/Council Chair/Commissioner
Dated: 3/2/2020

By: _____
LG Name 2
Title: Mayor/Council Chair/Commissioner
Dated: _____

Approved as to Form

By: _____
LG Legal Rep Name
Title: LG Legal Rep Title
Dated: _____

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 2, 2026

SUBJECT: Henderson County Farmland Preservation

PRESENTER(S): Angela Price, Farmland Preservation Coordinator
Jonathan Wallin, Soil and Water Director

ATTACHMENTS: Yes

1. Financial Commitment Letter
2. NCDA&CS Memorandum of Agreement
3. Budget Amendment

SUMMARY OF REQUEST:

Angela Price will provide the Board of Commissioners with an update on Farmland Preservation efforts in Henderson County, including preservation efforts, and future plans.

On April 1, 2024, the Board of Commissioners established the Farmland Preservation Taskforce to support the preservation and protection of agricultural land in Henderson County. On September 19, 2024, the Board directed staff to pursue funding through the Agricultural Growth Zone Grant in accordance with the Taskforce's recommendations. At the January 6, 2025 meeting, the Board requested the County provide a Letter of Commitment for the required grant match. Under the grant guidelines, matching funds were required to be identified and budgeted within one fiscal year of contract execution, with up to two fiscal years allowed to fully appropriate the required match. The maximum grant award was \$2 million and required a 1:1 local match if the maximum amount was requested.

On January 13, 2026, the County received a Notification of Funding Offer from the North Carolina Department of Agriculture and Consumer Services – Farmland Preservation Division in the amount of \$424,571. These grant funds are intended to “encourage the preservation of qualifying farmland and support the growth, development, and sustainability of family farms.” Acceptance of this award requires a County match of \$396,974, which may be satisfied through a combination of cash and in-kind contributions. The period of performance is October 1, 2025 through September 30, 2028.

BOARD ACTION REQUESTED:

The Board is requested to approve acceptance of the Henderson Local Agricultural Growth Zone Grant award from the North Carolina Department of Agriculture and Consumer Services and to approve the associated budget amendment to recognize the grant revenue and appropriate funds for the required local match.

SUGGESTED MOTION:

I move the Board approve acceptance of the Henderson Local Agricultural Growth Zone Grant award from the NCDA&CS in the amount of \$424,571, and the associated budget amendment.

