

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, MARCH 20, 2019

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Grady Hawkins, Vice-Chairman William Lapsley, Commissioner Rebecca McCall, Commissioner Charlie Messer, Commissioner Mike Edney, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were:, Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Planning Director Autumn Radcliff, Tax Administrator Darlene Burgess, Administrative Assistant Jennifer Miranda, Budget Manager Megan Powell, Soil and Water Conservation Director Jonathan Wallin, Chief Deputy Vanessa Gilbert, Construction Manager David Berry, Sheriff Lowell Griffin, Parks & Recreation Director Carleen Dixon, Sheriff Department PIO Frank Stout, Social Services Director Jerrie McFalls, Emergency Management/Rescue Coordinator Jimmy Brissie, Budget Analyst Sonya Matthews, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, Deputy Dot Strang as security.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by County Manager Steve Wyatt.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by the Marlow Kiwanis Kids Officers.

2019-25 PROCLAMATION – HONORING “WE ARE HOPE” WEEK

The Henderson County Board of Commissioners was requested to adopt a Proclamation Honoring the Observance of “We Are Hope” Week in Henderson County Public Schools’ Middle and High Schools. “We Are Hope” Week takes place from April 8<sup>th</sup> through April 12<sup>th</sup>, 2019.

Commissioner McCall read the Proclamation Aloud.

*Chairman Hawkins made the motion that the Board adopt the Proclamation Honoring the Observance of “We Are Hope” Week, from April 8th through April 12th, 2019 in Henderson County Public Schools’ Middle and High Schools. All voted in favor and the motion carried.*

HCPS Student Leaders Attending:

**East Henderson High** - Keegan Edge, Nestor Lopez

**Henderson County Career Academy** - Carina Carcamo, Bianca Pace-Silos, Alianna Ciaramitaro

**Henderson County Early College** - Von Alberto, Alysa Wood

**Hendersonville High** - Ben Beeker, Parker Newman

**North Henderson High** - Anna Baldwin, Reese Mercer

**West Henderson High** - Moriah Fender, Katie King

**Apple Valley Middle** - Abigail Corn, Marisol Moreno Jiminez

**Flat Rock Middle** - James Biggers, Sara Mabry, Cheyenne Sherman

**Hendersonville Middle** - Grace Amantea, Hayden Thompson, Ariaiah McMillan, Jenna Patterson, Noelle Benjamin, Caroline Pope

**Rugby Middle** - Jill Sudderberg, Jesse Jakubielski, Naomi Cannon, Perci Moore

DATE APPROVED:





On February 4, 2019 the Board approved a resolution of intent to close the right of ways and to hold a public hearing on this closure.

Public Input

1. Jeff Hawke, pastor of East Flat Rock Grace Baptist Church stated the Church has been maintaining the right of way for a number of years. He feels this closure will be in the best interest of the citizens.

*Chairman Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Messer made the motion that the Board approves the closure of the un-opened right of ways and sign the Order of Closure. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENT**

1. Phil Rasmussen discussed NCDOT's project for Highway 191. He feels a new study needs to be done and the 4-lane should be stopped and instead do a 3 lane.
2. Jim Price discussed NCDOT's project for Highway 191. He feels a new study needs to be done. He supports part of the improvement. He would like for NCDOT to build berms for sound mitigation and to shield visual impact, and to make sure the storm water runoff is controlled.
3. Robert Coffey discussed NCDOT's project for Highway 191. He and his HOA are against the widening and feels three lanes would be more appropriate.
4. Charles Breckheimer would like to see a reduction of the use of plastic bags, and more use of recyclable bags.
5. Bill Hogan discussed NCDOT's project for Highway 191. He feels the only area that needs improvement is along with schools. The project needs to be reevaluated.
6. Mark Stickney discussed NCDOT's project for Highway 191. He feels the four lane is no longer necessary and a waste of tax dollars. The school area is the only problematic area. Mr. Stickney asked the Board to do a Resolution as was done with the Balfour Parkway.
7. Liz Agnello discussed NCDOT's project for Highway 191. She feels that 4 lanes will change everything but not in a positive way. Home values will decrease, traffic will be heavier, and noise will increase.
8. Stan Moore spoke regarding a new Fletcher Library. He feels the Fletcher Library is the most heavily used branch, and ask the Board to commit funds to build a new library.
9. Howard Bakken discussed NCDOT's project for Highway 191. He feels the design needs to be reconsidered and a new design just for the school areas done.
10. Michael Hemby discussed NCDOT's project for Highway 191. The project will take part of his property and his family chose the property with a large yard for the children to play. He feels the project is no longer needed.
11. Franco Bonaduce discussed NCDOT's project for Highway 191. Mr. Bonaduce feels his property will be the hardest hit with the project and is a bad plan.
12. Paul Rebuck spoke regarding the 287G Program. He feels the program is highly successful, removes crime from the street, is an effective use of tax dollars, and needs to be continued.
13. Jane Bilello spoke regarding the 287G Program. She feels the program is the best use of tax dollars and needs to be continued.
14. Dan Watson discussed NCDOT's project for Highway 191. He feels that Highway 191 is okay as is. The only time there is a problem is during school start and end. The project should be rescaled.
15. Jim Durfee spoke regarding the 287G Program. He feels funding should be continued to ensure safety of residents.

Commissioner Bill Lapsley will relay the information shared regarding NCDOT's Highway 191 project to the Transportation Advisory Committee at a meeting later in the day.

**DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

*Chairman Hawkins made the motion to approve Consent Agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):  
March 4, 2019 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of March 4, 2019.*

**Tax Collector's Report**

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated March 11, 2019 for information only. No action was necessary.

**2019-28 Revision of County Administrative Manual for Records Retention**

The North Carolina Department of Natural and Cultural Resources Division of Archives and Records Government Records Section has adopted a new records retention schedule for local governments. County governments are required to follow the state schedule, and adoption of this for your administrative manual is requested, replacing the May 6, 2013, version.

Motion:

*I move that the Board adopts the proposed new records retention and disposition schedule.*

**2019-29 Contract – Mouth of Mud Creek Stream and Wetland Restoration**

At the Board's June 4, 2018 meeting, the Board adopted a Resolution authorizing the Soil and Water Conservation District to apply for a grant on behalf of Conserving Carolina. The Soil and Water Conservation District Board of Supervisors had considered this request at their May 14, 2018 meeting, and voted to send the Board of Commissioners a favorable recommendation on this request.

The County has been notified that the grant, in the amount of \$200,000 has been awarded. The total contract amount is for \$1,104,000, and Conserving Carolina will be responsible for the \$200,000 matching grant, as well as the remaining \$704,000 required to complete the project as described in the contract. Additionally, Conserving Carolina will be responsible for the project management for the project, and will supply Soil and Water with \$2,500 for the financial reporting management required for the project.

No County dollars are required for the grant.

Motion:

*I move the Board approves the Contract with the North Carolina Department of Environmental Quality, and authorize Staff to execute the Contract.*

**Bid Award for Purchase of (2) Prime Mover Vehicles**

The Board is requested to approve the low bid and authorize Finance to proceed with purchasing two 2019 Ford F550 Prime Mover vehicles. Bidding was conducted between February 20 and March 1, 2019. The bidder with the lowest overall cost was Asheville Ford for a total price of \$120,353.16.

At the October 17, 2018 board meeting, Emergency Management was approved to purchase two Prime

Mover vehicles via a Federal award from the US Department of Homeland Security, Department of Public Safety, North Carolina Emergency Management in the amount of \$120,000. The balance of the project will be funded with local funding from the Emergency Management Budget.

Motion:

*I move the Henderson County Board of Commissioners accept the low bid from Asheville Ford for two Prime Mover vehicles and authorize Finance to proceed with the purchase.*

**Request to Use the 1995 Courthouse 4<sup>th</sup> Ave. Parking Lot for Strive Beyond Event (7<sup>th</sup> Ave. Open Street Festival)**

Strive Beyond is a public outreach and awareness campaign that encourage people to reconsider their everyday trips and encourage them to try alternative forms of transportation. An open street festival on 7th Ave. is planned as a 2019 Strive Beyond week event on Sunday, May 19<sup>th</sup> from 2-5 PM.

This event is coordination with the City of Hendersonville, the Strive Beyond Director, Henderson County, and the Strive Beyond planning committee. Staff is requesting the use of the 1995 Courthouse north parking lot off 4th Ave. The parking lot would allow for a central and safe location for residents to park and bike or walk to the event location on 7<sup>th</sup> Ave.

Motion:

*I move that the Board approves the use of the 1995 Courthouse's parking lot on 4th Avenue for the Strive Beyond open street festival on 7<sup>th</sup> Ave. on Sunday, May 19, 2019.*

**Mud Creek Greenway Feasibility Study Contract**

On December 4, 2017, the Board directed staff to apply for funding from the French Broad River MPO (STBG-DA funds) for a greenway feasibility study along Mud Creek. This was in response to Commissioners Lapsley's discussions with NCDOT regarding Kanuga Road improvements and pedestrian mobility access. This half-mile greenway connection west of Mud Creek would extend from the new Publix to Erkwood Drive. The potential of this greenway has been discussed by the Village of Flat Rock and could provide for alternative cyclist and pedestrian mobility along the Kanuga Road corridor.

The FBRMPO awarded Henderson County \$40,000 (with a \$10,000 local match commitment from the County) to complete the Mud Creek Greenway Feasibility Study. A contract with Land of Sky is required if the Board decides to accept the grant funds and proceed with the feasibility study. The County is required to release an RFP to select a consultant to complete the feasibility study.

Motion:

*I move that the Board authorizes County staff to accept the grant and continue with the RFP process for choosing a consultant.*

**Public Records Disposal Request**

Staff is requesting approval from the Board of Commissioners to destroy all records listed on the attached Public Records Disposal Request and Destruction Log 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.

Motion:

*I move that the Board of Commissioners approves the Public Records Disposal Request and Destruction Log submitted by the Finance Department.*

**Amendment to Lease – Emergency Services**

At the February 4, 2019 meeting, the Board of Commissioners approved a lease for the Bearwallow Mountaintop Transmitter site, used for our emergency communications system. Adjacent is property that the State of North Carolina subleases through the County for their VIPER transmitter site. The arrangement is mutually beneficial to the County and the State, but does expand the scope of our lease. In consideration of this expansion, the Board is requested to amend the lease rate, for the term of the lease.

Motion:

*I move the Board approves the Amendment to Lease as presented, and authorize Staff to execute the document.*

**Recreation Positions**

At the Board's February 4, 2019 special called budget meeting, the Recreation Department presented their Four Year Plan, including personnel requests for FY19-20. The Board discussed the requested additional staff necessary to accommodate growing park facilities and programming within the department, with consensus of this as a priority. The request for two Park Technician 1 positions was also prioritized through the survey results generated by the Board, and presented on February 20<sup>th</sup>, with the positions receiving an average rating of greater than 4.0.

Motion:

*I move the Board approves the addition of two (2) Park Technician 1 positions within the Recreation Department effective immediately.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

*Chairman Hawkins made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.*

**NOMINATIONS**

**Notification of Vacancies**

1. Animal Services Committee – 1 vac.
2. EMS Peer Review Committee – 1 vac.
3. Environmental Advisory Committee – 1 vac.
4. WCCA Board of Directors (Western Carolina Community Action) 1 vac.

**Nominations**

Chairman Hawkins recognized the vacancies and opened the floor for nominations.

1. Asheville Regional Housing Consortium – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

2. Equalization and Review, Henderson County Board of – 4 vac.

Commissioner Messer nominated Harry Rising for position #1, Robert Pierce for position #2, Whitney Staton for position #3, and John Woodham for position #5. *Chairman Hawkins made the motion to accept the reappointments of Harry Rising to position #1, Robert Pierce to position #2, and Whitney Staton to position #3, and John Woodham to position #5 by acclamation. All voted in favor and the motion carried.*

3. Hendersonville City Zoning Board of Adjustment – 3 vac.

There were no nominations at this time and this item was rolled to the next meeting.

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

There were no nominations at this time and this item was rolled to the next meeting.

5. Laurel Park Planning Board – 1 vac.

Chairman Hawkins nominated Dianne Davenport for position #1. *Chairman Hawkins made the motion to accept the appointment of Dianne Davenport to position #1 by acclamation. All voted in favor and the motion carried.*

6. Nursing/Adult Care Home Community Advisory Committee – 5 vac.

There were no nominations at this time and this item was rolled to the next meeting.

7. Senior Volunteer Services Advisory Council – 3 vac.

There were no nominations at this time and this item was rolled to the next meeting.

**287(G) DISCUSSION**

Commissioner Messer had requested inclusion of this item on the agenda for discussion with the Sheriff about the 287(g) program.

Commissioner Messer stated that we have heard a lot about the 287(g) program and will continue to hear more. This is an on-going program that Henderson County has supported in the past and will continue to support in the future. After meeting with the Sheriff, he has a lot of valuable information to share, and many changes have been made as far as rules and regulations. We as County Commissioners will do what we have to do to keep Henderson County safe.

Sheriff Lowell Griffin had prepared a statement for the Commissioners. He stated it has come to his attention that there have been conversations, questions, and even petitions concerning the Federal 287 (g) program. The content of most of these questions and conversations detail misinformation associated with the program and Immigration and Customs Enforcement, commonly known as I.C.E. Recent developments across North Carolina have served as a catalyst to fuel debate resulting in public misinformation. He took this opportunity to set the record straight concerning operations in Henderson County.

First and foremost, it is imperative that we recognize there is a difference between honoring a detainer placed on a criminal alien by I.C.E. and contracting with the federal government to assist in identifying criminal illegal aliens as outlined in section 287(g) of 8 USC 1357.

Detainers are issued by federal officials from I.C.E. The detainers that are transmitted to a local agency, typically via fax, are the result of the identification of a criminal alien after they are arrested and processed into a local jail. During any arrest process, certain biometric information, such as fingerprints, are obtained and submitted to the state and federal government electronically. I.C.E. may use this information to discover that an alien has previous history with I.C.E., or the criminal justice system, and choose to place a detainer on the person for deportation proceedings. I.C.E. will then transmit a detainer to the county jail where officers have the authority to place a hold on the criminal alien for I.C.E. Once the person detained has met the conditions of release concerning the state charges for which they were initially arrested, I.C.E. has 48 hours to take custody of the detainee. This process does not only apply to counties with a 287 (g) contract, it applies nationwide. Some Sheriff's in North Carolina have made the decision not to honor the federal detainers. Only 4 counties in N.C. have a 287 (g) contract with a total of 78 counties nationwide participating in the 287(g) program.

The key point to the federal detainers is that the detainee is identified due to their biometric identifiers being in the system from a previous investigation or arrest. An illegal immigrant who has not had prior contact with I.C.E. of the criminal justice system, will not have identifiers in the system.

The 287(g) program is mistakenly used synonymously with the federal detainers. The 287(g) is an act of the federal government which allows local agencies to partner with I.C.E. in identifying and detaining criminal



aliens. This program only allows the Henderson County Sheriff's Office to identify an illegal alien only after they have been arrested and brought into the jail on state charges. The Henderson County Sheriff's Office has no authority to even ascertain the immigration status of an individual in the field, and certainly no authority to detain an illegal immigrant in the field. The authority of the Henderson County 287(g) officers rests solely within the walls of the jail.

Under the current 287(g) contract, the Henderson County Sheriff's Office has the authority to identify and place detainers on criminal illegal immigrants. Only officers that are certified and deputized by I.C.E. can place these self-initiated detainers. These officers must travel and spend over a month out of state training at the Federal Law Enforcement Training Center to be able to identify and place a hold on an illegal immigrant. The initial training is followed up by annual in-service training that must be completed by all 287(g) officers.

The identification of aliens and creation of detainers in house can take from 2 to 12 hours to accomplish. The research and background checks that must be accomplished leading up to the placement of a detainer is extremely time consuming. This very act can be redundant as many times the 287(g) officer will spend valuable time identifying an alien only to have I.C.E. officials transmit a detainer through the process described previously.

The 287(g) process is burdensome to the operation of the jail and taxpayers as federal government provides NO funding for the program in Henderson County. The only funds that the program could provide is for housing and transportation, which go hand in hand. Henderson County is no longer able to contract to house federal inmates due to the rising jail population in Henderson County and the lack of available bed space.

Currently I.C.E. has agents assigned in Henderson County that work hand in hand with Henderson County jail officers. Henderson County will continue to maintain a strong working relationship with these federal I.C.E. agents assigned to Henderson County. Sheriff Griffin believes the most efficient way to pursue the criminal aliens in our area is to work directly with federal I.C.E. agents.

- I.C.E detainers are placed on criminal aliens regardless of participation in the 287(g) program and Henderson County will continue to honor these detainers.
- The 287(g) program is burdensome to local taxpayers. There is no funding for the local program from the federal government and continuing the current contract will require additional county funding.
- Regardless of the 287(g) program, the Henderson County Sheriff's Office has no authority, and has never had the authority, to participate in any I.C.E. operations outside the walls of the jail.
- The Henderson County Sheriff's Office only becomes involved in matters of immigration status after the person has been charged with a state crime and is committed to the Henderson County Jail.
- Federal I.C.E Agents are assigned in Henderson County and work routinely with the Henderson County Jail Officers.
- The most efficient way to identify the criminal illegal aliens in Henderson County is to work directly with the federal I.C.E. agents and support them as they investigate and detain criminal aliens.

Sheriff Griffin expresses that he intends to serve all of the people of Henderson County. His priority will always be to keep the people safe and focus on getting the criminals off our streets. He refuses to offer sanctuary to the Criminal Element of any demographic. He feels the surest way to keep the Henderson County Sheriff's Office from looking into a person's background, including their immigration status, is to avoid committing a crime that will bring them into the Henderson County Jail.

Chairman Hawkins stated this Board is committed to the program that keeps criminals out of our County society as the Sheriff's Office does.



Commissioner Messer inquired about the 48 hours that I.C.E. has to take custody of the detainee, and wanted to know if the Sheriff's Department had any problem with the timeframe. He then read "Only after they have been arrested and brought into the jail on State charges"...is there a difference in the legal technicality of State charges, Federal charges, or someone presenting a crime or any other activity in Henderson County?

Sheriff Griffin explained that the 48 hours to take custody of a detainee applies to work days. Monday – Friday 8-5. The government gives the Sheriff's Department authority to hold a person without bond for this period. To this point they have not had an issue with any person being detained. Whatever the case, whether it is adjudicated in court or made bond, before they are eligible for release and I.C.E. is contacted, their local charges must be disposed of, and I.C.E. picks them up.

The Henderson County Sheriff's Office is not contracted to house federal inmates. The only arrests that actually come through the doors of the jail or somebody that violates state statute. There are certain civil matters where an individual can be held such as a contempt order or a child support order. If someone is arrested for example a firearm violation (federal charges), they will not even be brought into the jail. They actually go to a federal court and are placed where there is a federal contract to hold them, unless they have an associated state charge.

Commissioners Messer asked in Sheriff Griffin's opinion, if the Board of Commissioners need to earmark funds for the Sheriff's budget to continue safety for our citizens. If we need to offer two more employees and provide benefits, would \$250,000 cover needs going forward in this fiscal year?

It is his opinion that the 287(g) program has actually now... with all of the available identifiers that they have...they are not accomplishing a lot there because we have a local I.C.E. office, and because our jail officers work constantly hand in hand with those local I.C.E. officials. The local I.C.E. officials come and go into the Sheriff's facility just like any other officer would. They are in and out and information is exchanged. It's to the point that the Captain of Detention Operations actually even has the cellphone numbers for the supervisors for I.C.E. So as soon as they spot somebody that they feel is a person that needs to be looked at for deportation, to place a detainer on, if they are not getting a detainer from the Fed's already, it is a whole other issue. Because of the redundancy of the program now, if we are not getting the retainer then we are making a phone call to our partners who are here locally and we are allowing our partners to come in and actually spend these hours that it takes to build the cases.

Commissioner Messer questions if we have to add two employees, train other employees for back up, (vacation, sick time, etc.) would \$250,000 cover the current needs going forward in this budget cycle that we are in now or in the budget cycle in the next fiscal year?

Sheriff Griffin stated yes for the identification purposes for what they are doing, yes it would cover the needs. He feels \$250,000 is a little more than what he would anticipate to cover what he needs.

Commissioner Messer the Board does not want to do away with the 287(g) program. The deputies are working overtime and if a criminal is passing through Henderson County their hands are tied. If a criminal gets stopped for anything and there is a warrant there, they will be transferred to the professional people that will do what they have to do.

Commissioner Edney feels the 287(g) program was started by Rick Davis in 2008. Mr. Edney feels apparently the rules were different then or may have been. Mr. Davis used the program as a way to make money for the county. He would have his guys stop people for no operator's license and other minor traffic offenses, and instead of writing them a ticket like he would a light skinned person, they would bring them in and have that person arrested. Then if they were illegal they would be deported. As he understands it at

some point we had up to sixteen (16) paid staff people being paid by the Federal Government.

Sheriff Griffin responded it was quite a number but he cannot remember the exact number. The Sheriff's Office had a complete squad plus transportation group that were being paid directly out of funds being generated by the I.C.E. program.

Commissioner Edney noted then the rules changed and the money stopped coming, and Henderson County had to absorb those 12-15 positions within the Sheriff's budget.

Sheriff Griffin feels that what happened was more than a rule change and it just goes to the growth of our community. Under Sheriff McDonald what happened is that we were no longer able to house these inmates and housing is basically where we were getting reimbursed by the Federal Government and that was paying for these extra positions. Our general population has grown to the point that we can't contract...as a matter of fact we've had the Federal Marshals reach out to us, not for 287(g) purposes, but for the purposes of actually wanting them to house Federal inmates, to contract with them, but because of our jail population being...as you look at the formulas, not every bed is full everyday but the way the formula is it shows our jail at capacity and we are unable to contract with anyone to provide any beds for any amount of money right now.

Commissioner Edney asked under Federal rules you must have more space per inmate, hot water, different things that we do not have and the State does not require you to have?

Sheriff Griffin stated there is a lot of different nuances and some of it can even affect the way linen exchange is done within the jail. There are some differences.

Commissioner Edney brought up a study done by the Cato Institute in 2018 that in summary stated "The 287(g) program enables local law enforcement agencies to enforce Federal immigration laws. We examined 287(g) implementation across multiple counties in North Carolina and identified its impact on local crime rates and police clearance rates by exploiting time variations and regional immigration enforcement trends. We find no cause or relationship between apprehensions through 287(g) program and measures of crime rates or police clearance. However, we do find a significant relationship between the activation of 287(g) agreements and assaults against police officers. The 287(g) program did not affect the crime rate in North Carolina or police clearance rates but it did boost the number of assaults against police officers."

Sheriff Griffin was not aware of the study. He found it interesting and wanted to look further into the study.

Commissioner Edney stated it seems 287(g) costs money but is not helping the Sheriff make Henderson County safer.

Sheriff Griffin feels Henderson County has a benefit that not many people have because we do have a local I.C.E. office with agents that are assigned here that we communicate with regularly. If not for that fact, which is a major fact with our relationship with I.C.E. which we will maintain, then he would have a different opinion on the program as a whole than what he does. He is not opposed to what 287(g) does but he is struggling to find officers, due to Federal bureaucracy, to maintain the certifications, and the cost to send people out of town for training. These officers have to work these cases in house and the compilation of documents associated with these cases can be absolutely unbelievable. We are trying to accomplish that in-house when we actually have Federal agents locally that can accomplish that same task.

Commissioner Edney and the Board want to do whatever it takes to support the Sheriff to keep Henderson County the safest place possible.

Sheriff Griffin wanted to make a statement today because of all the misinformation. Some people believe that Federal detainers and the 287(g) are synonymous. They are not. The Federal detainers can be placed by the Federal Government and sent to any agency regardless if they participate in the 287(g) program. We are not going to abstain from honoring those Federal detainers and continue to work with our Federal partners. We receive phone calls and inquisitions about how this program is applied out in the field. Quite simply we have no authority not have we ever had the authority, or do we participate in any arrest or detention of a person simply based on their immigration status.

Commissioner Lapsley thanked the Sheriff for educating the Board on this matter. He hears many good things coming out of the community in the relationship with the Sheriff's office. He supports the Sheriff and also wants to offer the Sheriff whatever is needed to protect our citizens.

Commissioner McCall understands that safety of our citizens is number one. Regardless of the 287(g) program she feels assured that this is the Sheriff's agenda also. In some ways the 287(g) is inhabiting the local office from doing the job that they need to do and causing additional redundant work as a Federal program. More people need to be aware that we have an I.C.E. office in Henderson County. She asked if there is any possibility of the local I.C.E. office closing. She supports any necessary funding to continue to program if that is the decision made. Our population needs to be better educated on what is involved and the safety measure that we currently have and continue to provide through our Sheriff's office. It is a concern that our detention center is overpopulated.

Sheriff Griffin could not answer that question, but with the amount of activity here he doesn't see that in the future. Regardless of whether we choose to renew the program or not, we can reenter this program at a later date if that was to happen. However we already have the equipment and the Federal officers actually come into facility to use the equipment currently.

Chairman Hawkins noted the Sheriff has indicated that many things have changed in the last decade with the 287(g) program and with state laws. Currently there are five deputies trained in 287(g) that can participate in the program. He assumes these five deputies would only need the one week review training as it came on their time. The decision is the Sheriff's. Whatever funding the Sheriff needs as we work through the budget process the Board will find it because of the impact on the safety of our community. How the Sheriff handles misdemeanors is also up to him.

Sheriff Griffin responded with the misdemeanors, they are having to be shipped out simply because they do not have the bed space to even contract with the state to participate in the misdemeanor confinement program right now.

#### **PUBLIC SAFETY ISSUE – SIGNAL HILL ROAD AND BERKLEY ROAD**

The Board continued discussion of a possible public safety issue.

Commissioner Messer shared that patrolling of the area has increased. He feels the issue is improving. Residents in the area seem to think that our State Representatives McGrady and Edwards may be able to help out by setting rules for traffic congestion areas. There is the possibility of widening the road or signs restricting some vehicles.

Commissioner Lapsley noted at the Transportation Advisory Committee's February 20, 2019 meeting, the committee discussed what things could be done to help improve the situation on these two roads, one being truck restrictions. This will be discussed again today during their meeting. Mr. Lapsley contacted NCDOT and asked them about truck restriction. The email response he received from NCDOT was:

"On February 20, 2019 Henderson County TAC meeting you inquired about restrictions on a state road

system. NCDOT does restrict truck traffic on some routes, but the restrictions are typically based on the inability of the trucks to negotiate the route due to insufficient lane widths, alignments, documented safety issues, etc. An example in Division 14 is US Highway 64 southeast of Franklin in the Cullasaja Gorge where due to horizontal alignment and lack of shoulders, trucks cannot physically negotiate the route without utilizing both lanes. A request to restrict traffic on a roadway may be submitted to Mr. Steve Buchanan, District 14 Traffic Engineer, for evaluation.”

Commissioner Lapsley feels this sounds like portions of Berkley Road. We don't necessarily have to reach out to our State Representatives, but he feels we can take the lead on it. Commissioner Lapsley suggests that this Board ask staff to contact NCDOT and request an evaluation of the road. If we were to restrict truck traffic, then where would those trucks go? The implications to him is that the majority of them would end up going further down Highway 25 to Four Seasons Boulevard to get to I-26, which would involve the City of Hendersonville. The appropriate thing to do is to reach out to the City of Hendersonville at the same time we are reaching out to NCDOT to evaluate truck traffic restriction, since it could impact things inside the City limits.

Chairman Hawkins agrees that the City of Hendersonville needs to be onboard. He asked the County Manager to follow up.

Commissioner McCall suggested checking with Kimberly Clark to make sure this does not encumber their truck deliveries.

#### **2019-30 SELECTION OF ANNUAL AUDIT FIRM**

At the Board's February 4, 2019 meeting, the Board directed Staff to request proposals from qualified CPA Accounting Firms, to conduct the FY2019 annual audit as required by NCGS §159-34(a). Staff subsequently developed and released a Request for Proposals, which was posted on February 5, 2019. Proposals were due on March 1, 2019.

The staff received and reviewed submittals from five (5) CPA firms. The County staff advised the current auditor (Martin Starnes) that they could submit a proposal. Of the five (5) firms that submitted a proposal the staff committee scored the proposal from Martin Starnes the highest at 95 points and Cherry Bekaert as the second highest at 88 points.

Commissioner McCall stated at the Board's February 4, 2019 meeting, the Board determined that the current auditor was not meeting our requirement for deadlines, and the Board felt there should be some new eyes on the audit. Staff received submittals from five firms. A very intricate scoring sheet was put together by staff with 12 items being scored. The current CPA firm was approved to submit an RFP. Of the five proposals received, the scores came in highest at 95 for Martin Starnes (current auditor), and 88 for Cherry Bekaert out of Charlotte. The areas where the other three firms were lacking in scoring was the number of people located within the local office that will handle the audit, and current and prior government audit clients in North Carolina.

Those two firms were interviewed a couple of weeks ago.

#### **Martin Starnes Score = 95**

- Even though Martin Starnes had not met the deadline in the past two years, they have reevaluated their process and assure us that they can at least provide the financial audit (maybe not the comprehensive audit for DSS) by the October 31th deadline.
- Martin Starnes is willing to change the entire team and bring on a new set of eyes, but may follow the same process.
- They do not have remote capability. Small company that has been around for a while, but only local, not located in other states

- Most experience with county government
- Cost for 2019/2020 \$69,000 and following two years at \$71,000 each year

Cherry Bekaert Score = 88

- Cherry Bekaert feels they can provide both audits by the October 31<sup>st</sup> deadline. Cherry Bekaert would be a whole new set of eyes.
- Cherry Bekaert offers a remote capability. This has pros and cons. Approximately 80% of the audit would be done remotely providing software to us that they currently have. It would not encumber our staff as much by being present, but it is possible they may miss something because they are not present. Obviously the DSS portion must be done locally. Their IT department ensures safety with cyber security.
- They are a large firm with many offices in several states, but also contract with many large counties which provides experience but we may be a low priority.
- Does not work with as many counties
- Cost for 2019/2020 and following two years \$89,000 for each year which includes a start-up fee

Commissioner McCall has many years of audit experience and after much thought, deliberation and review, she recommends staying with Martin Starnes, requesting a new team and only do a 1 year contract to make sure they meet the deadlines.

If they Board decides to go with Cherry Bekaert she also suggests 1 year. However their contract is for 3 years and the start-up fee is spread over those three years.

Commissioner McCall would like for the Board to consider setting up an audit committee made up of 2 Commissioners, 2 local business people, and 1 local CPA.

Commissioner Edney stated discussion began due to timing on receiving the audit, and whether or not new eyes would be best. He doesn't feel the quality of the product has ever been in question. The State has approved the audit and Henderson County has received many awards. We have been with Martin Starnes for over 10 years but due to their growth we are on our third different auditor within that firm. The current auditor has been with us 2-3 years. They have experience in knowing what our books look like and how we do things. He feels they have done their job extremely well.

Commissioner Edney is concerned about the size of the Cherry Bekaert Company. Their business is to make money dealing with a product without personal interaction and not looking at the details in depth. Remote sounds good but the firm needs to be on the ground looking at details thoroughly. Starting from scratch the firm would have to reinvent the wheel and he feels it would be hard for Cherry Bekaert to make the deadline.

Commissioner Edney recommends continuing our contract with Martin Starnes.

Commissioner Lapsley expressed his concern about the way this selection process was handled. He stated that first, the Board had approved the selection of a "new auditor" at its meeting on February 4, 2019. This recommendation of retaining the same auditor is totally against what was previously approved by the Board. Secondly, the Board indicated that the proposals that were solicited by the staff would be reviewed by the Board, not the staff. The process of having the review done by the staff, the one's whose work is to be audited, is fatally flawed. It leaves in question the complete transparency of the process.

Commissioner Lapsley stated that the staff had clearly not done what the Board had directed. For this reason, he requested that the auditor selection process start over.



Commissioner McCall stated that staff did follow the directions given to them in the February 4 meeting.

Chairman Hawkins expressed his concern about the additional time that would be necessary to redo the auditor selection.

Commissioner Lapsley stated again that his is concerned that contracting with the same auditor for over 10 years jeopardizes the public perception of an independent and totally transparent audit of the County finances.

*Commissioner Edney made the motion that the Board selects Martin Starnes to conduct the FY2019 audit, and approve in substance the contract proposed by Martin Starnes, with a new audit team for a period of 3 years, subject to review and minor revision by the County Attorney for purposes of conformity with North Carolina Law. The motion carried 4-1 with Commissioner Lapsley voting nay.*

### **COUNTY MANAGER'S REPORT**

County Manager Steve Wyatt stated during the April 1<sup>st</sup> meeting we will be looking at Capital Projects. There is a potential for major projects as the Board has discussed preservation of assets going forward.

He asked the Board to be prepared for their NCAA Basketball Tournament predictions at the next meeting.

Commissioner McCall noted that North Carolina coach Roy Williams was named USA Today's National Coach of the Year.

### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4), for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.*

### **ADJOURN**

*Chairman Hawkins made the motion to go out of closed session and adjourn at 12:25 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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Grady Hawkins, Chairman

**DURING THE MARCH 20, 2019 MEETING, THE BOARD ENACTED THE FOLLOWING:**

**2019-25** Proclamation – Honoring “We are Hope Week”

**2019-26** Resolution – Child Abuse and Neglect Prevention Month

**2019-27** Public Hearing for Proposed Right of Ways Closure

**2019-28** Revision of County Administrative Manual for Records Retention

**2019-29** Contract – Mouth of Mud Creek Stream and Wetland Restoration

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
Phone: 828-697-4808 • Fax: 828-692-9855  
www.hendersoncountync.org

GRADY H. HAWKINS  
Chairman  
WILLIAM G. LAPSLEY  
Vice-Chairman

CHARLES D. MESSER  
J. MICHAEL EDNEY  
REBECCA K. MCCALL

## *Proclamation*

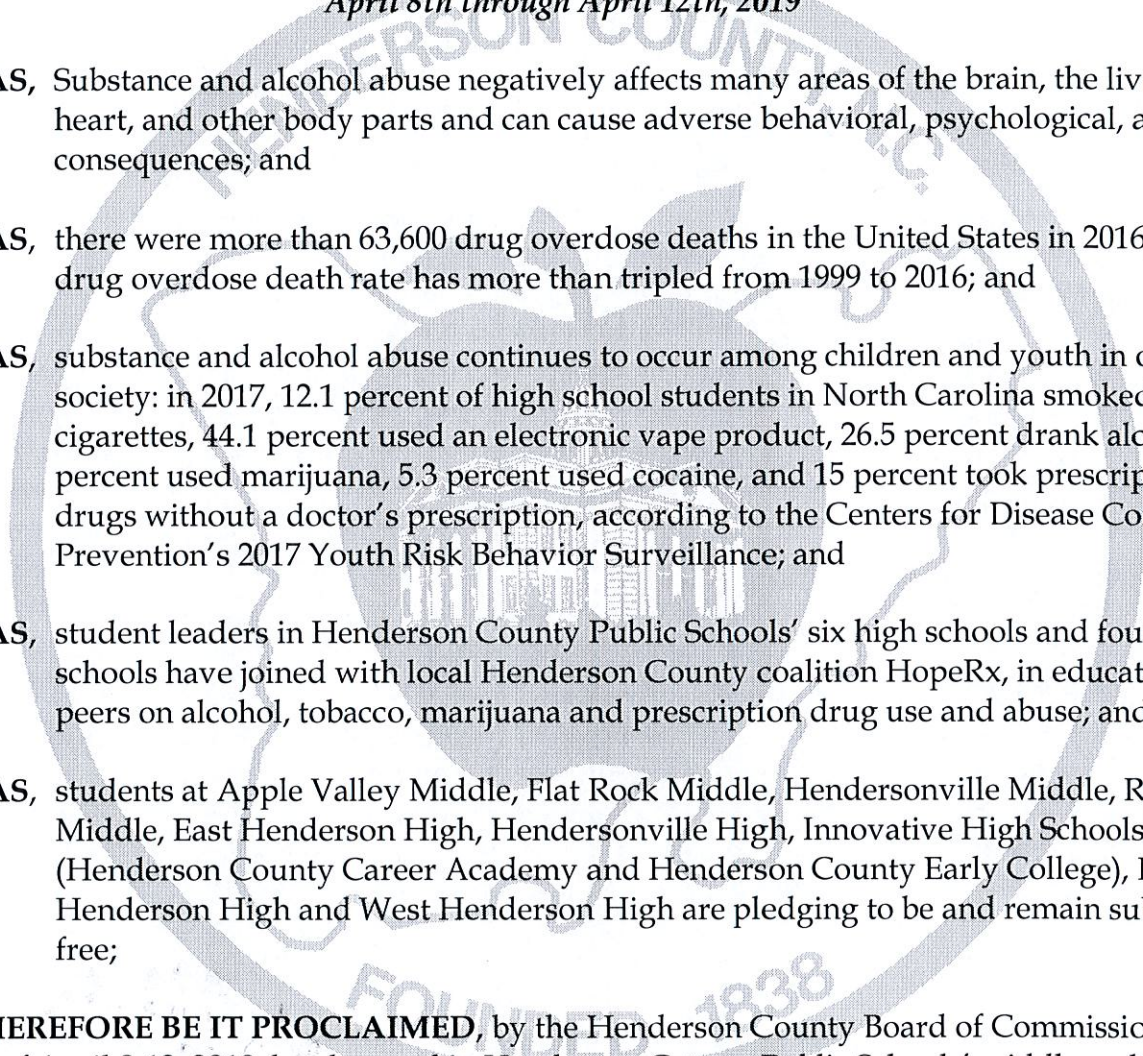
*Honoring the Observance of "We Are Hope" Week  
In Henderson County Public Schools' Middle & High Schools  
April 8th through April 12th, 2019*

- WHEREAS,** Substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavioral, psychological, and social consequences; and
- WHEREAS,** there were more than 63,600 drug overdose deaths in the United States in 2016, and the drug overdose death rate has more than tripled from 1999 to 2016; and
- WHEREAS,** substance and alcohol abuse continues to occur among children and youth in our society: in 2017, 12.1 percent of high school students in North Carolina smoked cigarettes, 44.1 percent used an electronic vape product, 26.5 percent drank alcohol, 36.5 percent used marijuana, 5.3 percent used cocaine, and 15 percent took prescription drugs without a doctor's prescription, according to the Centers for Disease Control and Prevention's 2017 Youth Risk Behavior Surveillance; and
- WHEREAS,** student leaders in Henderson County Public Schools' six high schools and four middle schools have joined with local Henderson County coalition HopeRx, in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and
- WHEREAS,** students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Hendersonville High, Innovative High Schools (Henderson County Career Academy and Henderson County Early College), North Henderson High and West Henderson High are pledging to be and remain substance-free;

**NOW THEREFORE BE IT PROCLAIMED,** by the Henderson County Board of Commissioners, that the week of April 8-12, 2019, be observed in Henderson County Public Schools' middle and high schools as "We Are Hope" substance abuse awareness week

Adopted this the 20th day of March 2019.

Attest:

  
*Teresa L. Wilson*  
Teresa L. Wilson, Clerk to the Board

  
GRADY HAWKINS, CHAIRMAN  
Henderson County Board of Commissioners



# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
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GRADY H. HAWKINS  
Chairman  
WILLIAM G. LAPSLEY  
Vice-Chairman

J. MICHAEL EDNEY  
CHARLES D. MESSER  
REBECCA K. MCCALL

## RESOLUTION

### DESIGNATING APRIL AS CHILD ABUSE AND NEGLECT PREVENTION MONTH

- WHEREAS**, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone in our community; and
- WHEREAS**, our children are our most valuable resources and will shape the future of Henderson County; and
- WHEREAS**, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and
- WHEREAS**, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and
- WHEREAS**, effective child abuse prevention activities succeed because of the partnerships created between child welfare, education, health, community- and faith-based organizations, and businesses and law enforcement agencies; and
- WHEREAS**, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and
- WHEREAS**, prevention remains the best defense for our children and families;

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners, at their meeting on March 20, 2019 does hereby designate the month of April as Child Abuse and Neglect Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this the 20<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
GRADY HAWKINS, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
TERESA L. WILSON, CLERK TO THE BOARD

**Henderson County  
North Carolina**

Before the Board of Commissioners

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**ORDER CLOSING THE UNOPENED  
RIGHT-OF-WAYS FOR EAST FLAT ROCK GRACE BAPTIST CHURCH**

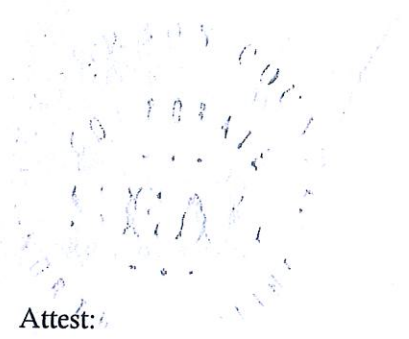
THIS MATTER came on for hearing before the Henderson County Board of Commissioners at its regular March 20, 2019 meeting, pursuant to N.C. Gen. Stat. §153A-241, on the issue of closing of an unopened right-of-way near East Flat Rock Grace Baptist Church, and was heard by the Board after public hearing. The Board of Commissioners makes the following findings:

1. This matter first came before the Board of Commissioners on at the Board's regular meeting on February 4, 2019 on the petition of East Flat Rock Grace Baptist Church to close the unopen ROW and unopened alley in the East Flat Rock area of Henderson County.
2. At the Board's February 4, 2019 the Board adopted a resolution "declaring its intent to close" the said unopened right of way.
3. A notice of this Board's March 20, 2019 hearing was published once a week for three successive weeks before the hearing in the *Hendersonville Lightning* a copy of the resolution was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted along the road or easement.
4. Before the Board on March 20, 2019 the Board heard "all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights" are required by N.C. Gen. Stat. §153A-241.
5. After such hearing, the Board is satisfied and finds:
  - A. That closing the right of ways or easement is not contrary to the public interest; and,
  - B. That no individual owning property in the vicinity of the right of ways or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to the property.

**WHEREFORE IT IS ORDERED** that the unopened right of ways in the East Flat Rock area of Henderson County as shown on the attached map is hereby closed. It is further ordered that a certified copy of this Order shall be filed in the office of the register of deeds of the county.

Adopted by the Board by motion duly made, this the 20<sup>th</sup> day of March, 2019.





BOARD OF COMMISSIONERS  
OF HENDERSON COUNTY

By: Grady Hawkins  
GRADY HAWKINS, Chairman

Attest:

Teresa L. Wilson  
TERESA L. WILSON, Clerk to the Board

# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners

1 Historic Courthouse Square, Suite 1

Hendersonville, NC 28792

Monday, March 11, 2019

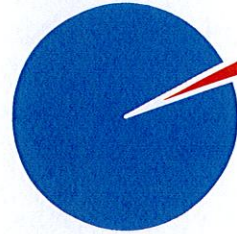
Re: Tax Collector's Report to Commissioners - Meeting Date March 20, 2019

Please find outlined below collections information through March 10, 2019 for the 2018 real and personal property bills mailed on August 1, 2018. Vehicles taxes are billed monthly by NC DMV.

## Henderson County Annual Bills (Real and Personal Property):

<b>2018 Beginning Charge:</b>	<b>\$73,220,943.57</b>
Discoveries & Imm. Irreg.:	\$809,151.67
Releases & Refunds:	<b>(\$545,283.91)</b>
<u>Net Charge:</u>	<u>\$73,484,811.33</u>
Unpaid Taxes:	\$1,803,172.73
<b>Amount Collected:</b>	<b>\$71,681,638.60</b>

**Paid  
97.55%**



**Unpaid  
2.45%**

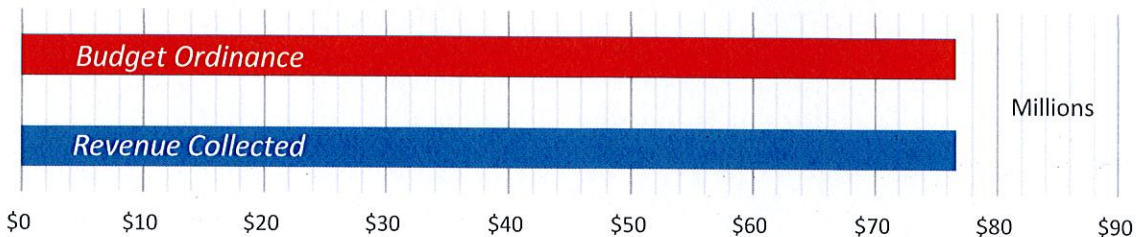
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$4,332,568.92
Unpaid Taxes:	\$13,127.63
<b>Amount Collected:</b>	<b>\$4,319,441.29</b>

**99.70%**

## Henderson County FY19 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$75,697,389.00	Ad Valorem: \$76,001,079.89
Prior Years:	\$1,025,000.00	Prior Years: \$780,403.30
<b>Budget Total:</b>	<b>\$76,722,389.00</b>	<b>YTD Revenue: \$76,781,483.19</b>



Respectfully Submitted,

Luke Small  
Deputy Tax Collector

Darlene Burgess  
Tax Administrator

# HENDERSON COUNTY

## PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG (Revised March 13, 2002)

DEPARTMENT: FINANCE

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Debt Financing Records - FY2015	✓		4.26	
Accounts Receivable Records - FY2015	✓		4.2	
Check stubs - FY2015	✓		4.19	
Monthly Budget Reports - FY2015	✓		4.43	
Paid checks, bills and vouchers - FY2015	✓		4.44	
Financial Audit WORKPAPERS - FY2015	✓		4.6	

\*If duplication is required, indicate method.

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

Samantha Reynolds  
Department Head

3.5.2019  
Date

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

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 20<sup>th</sup> day of March, 2019.

Chessa L. Wilson  
Clerk to the Board

# HENDERSON COUNTY

## PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG

(Revised March 13, 2002)

DEPARTMENT: FINANCE

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
Bank statements and canceled checks - FY2015	✓		4.8	
Deposit slips, receipts				
Reconciliations - FY2015	✓		4.8	
Check Registers, cost			4.18	
Allocation Plans - FY2015	✓		4.21	
Credit/debit card slips,			4.22	
Daily cash reports - FY2015	✓		4.24	
Expenditure Reports FY2015	✓		4.33	
Paid Invoices and Investment Records - FY2015	✓		4.39	
Purchase Orders FY2015			4.38	
Travel Reimbursements	✓		4.49	
			4.54	

\*If duplication is required, indicate method.

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Samantha Reynolds  
Department Head

3.5.2019  
Date

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

APPROVED   
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 20<sup>th</sup> day of March, 2019.

Alicia L. Wilson  
Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**AMENDMENT TO LEASE**

This Addendum to Lease is executed the date(s) shown below, and is effective as of March 4, 2019, and between George Barnwell Farms, L.L.C. (the "Landlord"), and the County of Henderson, North Carolina (the "Tenant").

Background Facts

A. The parties have entered into a Lease (the "Lease"), effective as of March 4, 2019, for use of a certain parcel, a part of Henderson County Land Records parcel 1018101.

B. The premises demised to the Tenant under the Lease will be partially subleased by the Tenant to the State of North Carolina, for the non-exclusive use by the State for communication facilities similar to those located there by the Tenant.

C. The parties wish to amend a term of the Lease, as stated below.

Agreement

The parties agree to amend the Lease as follows:

1. Paragraph 8, thereof, entitled "Rent", is amended by striking "\$7200.00" and replacing the same with "\$7500.00".

2. Except as expressly amended hereby, the Lease remains in full force and effect in accord with its terms.

GEORGE BARNWELL FARMS, L.L.C.

COUNTY OF HENDERSON

By: \_\_\_\_\_  
Managing Member

By:  \_\_\_\_\_  
STEVE WYATT, County Manager

Printed name: \_\_\_\_\_



STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

I, \_\_\_\_\_, hereby certify that \_\_\_\_\_,  
Managing Member of George Barnwell Farms, L.L.C., personally appeared before me this day and  
acknowledged the due execution of the foregoing document. Witness my hand and notarial seal,  
this the \_\_\_\_\_ day of March, 2019.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON ~~POIK~~

I, Teresa L. Wilson, hereby certify that Steve Wyatt, County Manager for  
County of Henderson, North Carolina, personally appeared before me this day and acknowledged  
the due execution of the foregoing document on behalf of the County of Henderson. Witness my  
hand and notarial seal, this the 20<sup>th</sup> day of March, 2019.

Teresa L. Wilson  
Signature of Notary Public

TERESA L. WILSON  
Printed Name of Notary Public

My commission expires: 10/15/2021