

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, JUNE 19, 2024**

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

Those present were Chairman Rebecca McCall, Vice-Chair J. Michael Edney, Commissioner William Lapsley, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Amy Brantley, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were: Director of Business and Community Development Christopher Todd, Finance Director Samantha Reynolds, Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, County Engineer Marcus Jones, Chief Communications Officer Mike Morgan, A/V Technician Oscar Guerrero, Director of Facility Services Andrew Griffin, Project Superintendent Brian Cotton, Planner Liz Hanson, Tax Administrator Harry Rising, Planning Director Autumn Radcliff, Code Enforcement Director Matt Champion, DSS Director Jerrie McFalls, DSS Deputy Director Lorie Horne, Environmental Health Supervisor Seth Swift, Strategic Behavioral Health Director Jodi Grabowski, Human Resources Director Karen Ensley, Building Services Director Crystal Lyda, Fire Marshal Kevin Waldrup, Rescue Squad Chief Tim McFalls, EMS Operations Support Ben Applebaum, Soil and Water Director Jonathon Wallin, Sheriff Lowell Griffin, Parks and Recreation Director Bruce Gilliam, and Deputy Tracy Davis provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

John Mitchell provided the invocation.

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS AND RECOGNITIONS

2024.072 Resolution of Appreciation – Amy Brantley

The Board was requested to adopt a Resolution of Appreciation for Amy Brantley. Amy Brantley will retire on June 28th, having been with Henderson County since November 30, 1999. During her tenure with Henderson County, she has served many roles, including Office Assistant, Deputy Clerk to the Board of Commissioners, Research and Budget Analyst, Budget Manager, and Assistant County Manager.

Vice-Chair Edney read the Resolution aloud.

RESOLUTION OF APPRECIATION

AMY BRANTLEY, ASSISTANT COUNTY MANAGER

Approved: July 17, 2024

WHEREAS, Prior to working for Henderson County local government, Amy Brantley established her career working as Deputy Clerk II - Recording for Boulder County, CO, and was soon promoted to Film Room Supervisor and then to Administrative Lead Technician and

WHEREAS, Amy Brantley was hired as an Office Assistant for Henderson County on November 30, 1999. In this role, she served both the Human Resources Department and the Governing Body, and

WHEREAS, In August 2001, Amy Brantley was promoted to Deputy Clerk to the Board for Henderson County; and

WHEREAS, In August 2006, Amy Brantley was promoted to Research and Budget Analyst; and

WHEREAS, In March 2013, Amy Brantley was promoted to Budget Manager; and

WHEREAS, In February 2014, Amy Brantley was appointed Assistant County Manager; and

WHEREAS, During her time at Henderson County, Amy Brantley earned her Master of Public Administration from Western Carolina University, became a Certified Budget and Evaluation Officer through the North Carolina Local Government Budget Association, Served and participated in the North Carolina Local Government Budget Association and with the North Carolina City and County Manager's Association; and

WHEREAS, Amy Brantley has served on the Western Carolina University MPA Board of Directors and Western Carolina University Alumni Association; and

WHEREAS, Amy Brantley has served the North Carolina Association of County Commissioners, including the NC Property Tax Solution – County Collaborative Board of Directors and the Resilience – Counties Strengthening NC's Food Ecosystem; and

WHEREAS, Amy Brantley has been the recipient of many awards, including Western Carolina University's Outstanding MPA Student, NC City and County Manager's Association Assistant Manager of the Year and NC Local Government Budget Association's Jack Vogt Lifetime Achievement Award; and

WHEREAS, Amy Brantley has selflessly provided invaluable service to the Board, employees, and citizens of Henderson County; and

WHEREAS, Amy Brantley will retire from her service to Henderson County and its citizens on June 28, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners expresses their deep admiration for the experience and wisdom that Amy Brantley has brought to all of the positions that she has served so well in with Henderson County. On behalf of the citizens and staff of Henderson County, we appreciate and commend you on a job well done, Amy Brantley. In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Approved: July 17, 2024

Adopted this the 19th day of June 2024.

Vice-Chair Edney made the motion to adopt the Resolution of Appreciation for Amy Brantley. All voted in favor, and the motion carried.

Chairman McCall presented the Resolution to Ms. Brantley.

Ms. Brantley thanked the Board and said it had been her pleasure to serve with them and all county employees for so many years.

John Mitchell said he and all county staff had benefited from Ms. Brantley's knowledge and expertise. He told Ms. Brantley that in her twenty-five years with the county, she had undoubtedly "left this place better than she had found it."

2024.073 Resolution of Appreciation – Berkeley Mills

Chairman McCall read the Resolution aloud.

RESOLUTION OF APPRECIATION

BERKELEY MILLS, BALFOUR, NC

WHEREAS, the original Balfour Mills was founded in 1924 and later purchased by Kimberly-Clark Corporation and renamed as Berkeley Mills in 1946, and

WHEREAS, Kimberly-Clark Corporation was established in 1872 and is now a global distributor of personal care products to over 175 countries, and

WHEREAS, Berkeley Mills has established manufacturing facilities and has developed innovative nonwoven products in Henderson County; and

WHEREAS, Berkeley Mills has invested millions of dollars in facilities and production expansions. Berkeley Mills has also created several jobs to benefit Henderson County; and

WHEREAS, Berkeley Mills has partnered with numerous local non-profits and businesses, and has donated millions of dollars in funding as support; and

WHEREAS, On June 1, 2024, Berkeley Mills celebrated 100 years of quality service.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners recognizes the commitment and legacy Berkeley Mills provides for our community. On behalf of the citizens and staff of Henderson County, we commend Berkeley Mills and join in the celebration of 100 years of service to Henderson County.

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

Adopted this 19th day of June 2024.

Approved: July 17, 2024

Chairman McCall made the motion to adopt the Resolution of Appreciation for Berkeley Mills. All voted in favor, and the motion carried.

The Resolution was presented to Berkeley Mills Team Leader Fred Hart.

INFORMAL PUBLIC COMMENT

1. Leslie Carey wished everyone a Happy Juneteenth. She referred to the Constitution and its language regarding rights and the need to provide citizens with education. She urged the Board to fully fund the Henderson County Public School budget request.
2. Rising Junior Ari Nichols talked of his brother, who is autistic, and the extra resources required to provide him with quality education.
3. Jack Gillette spoke in support of Public Education. He fears that the growth in homeschooling and private schools will contribute to the fragmentation of our society. Publicly taxed money should be used first for public education.
4. Deb Lyda spoke in support of public sewer expansion in the Edneyville Community. She listed key points of the benefits of gravity-fed sewer systems: environmental preservation, Public Health and Safety, and long-term cost efficiency. She was opposed to the City of Hendersonville's forced annexation.
5. Joe Elliott provided a petition that was signed by 200+ citizens. He spoke about our three state legislators and their lack of support for the Public School system. He believed breakfast and lunch should be free for all students. He urged the Board to fully fund the Henderson County Public School budget request.
6. Mary Ellen Kusin spoke about the importance of School Social workers and urged the Board to fully fund the Henderson County Public School budget request.
7. Meredith Bremner said the County's schoolchildren rely heavily on teachers and school social workers to act as safe adults in their lives. She urged the Board to fully fund the Henderson County Public School budget request.
8. Ernest Mowell with the League of Women Voters believed that strong schools result in strong communities. He believed that spending more money on education may result in spending less on courts and jails in the future. He urged the Board to fully fund the Henderson County Public School budget request.
9. Dianne Rhodes declined the opportunity to speak.
10. Don Ward was absent when called to speak.
11. Rhonda Mountain believed the excellent support staff at West Henderson High School assisted her special needs daughter in a successful high school experience.
12. Chris Walters spoke about the need to fund the public school system.
13. Mary Hardvall said she wanted her taxes to support Henderson County Public Schools. She spoke about the importance of the free breakfast program and said the county is losing its teachers to counties that offer higher wages. She urged the Board to fully fund the Henderson County Public School budget request.
14. Melinda Lowrance asked for a moment of silence in remembrance of the loss of community member Crystal Cauley. She supported the cost-of-living increase for all county employees but did not support the school voucher program.
15. Christopher Berg declined the opportunity to speak.
16. Dorothy Calloway did not support the additional \$5 million in funds included in the Henderson County Public Schools budget request.

DISCUSSION/ADJUSTMENT OF AGENDA

Vice-Chair Edney added Item M – Budget Amendment Transfer to Capital Projects Fund.

Chairman McCall made the motion to approve the consent agenda with the addition discussed. 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:
June 3, 2024 – Regularly Scheduled Meeting

Motion:

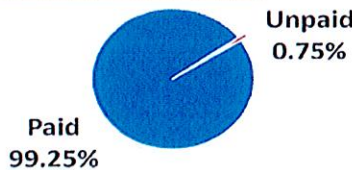
I move the Board approve the minutes of June 3, 2024.

Tax Collector’s Report

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

Henderson County Annual Bills (Real and Personal Property):

2023 Beginning Charge:	\$99,218,816.55
Discoveries & Imm.	\$216,128.76
Releases & Refunds:	(\$304,626.53)
Net Charge:	\$99,130,318.78
Unpaid Taxes:	\$745,830.20
Amount Collected:	\$98,384,488.58



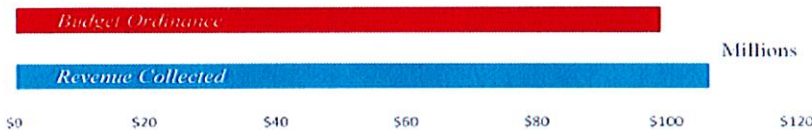
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$6,983,731.33
Unpaid Taxes:	\$22,180.32
Amount Collected:	\$6,961,551.01

99.68%

Henderson County FY24 Budget Analysis:

<u>Budget Ordinance</u>		<u>Revenue Collected</u>	
Ad Valorem:	\$97,695,412.00	Ad Valorem:	\$105,346,039.59
Prior Years:	\$1,041,250.00	Prior Years:	\$914,471.61
Budget Total:	\$98,736,662.00	YTD Revenue:	\$106,260,511.20



Motion:

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

2023.074 Pending Releases and Refunds

The Assessor reviewed the pending releases and refunds and concluded that these findings were in order. Supporting documentation is on file in the County Assessor’s Office.

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

Type:	Amount:
Total Taxes Released from the Charge	\$ 748.94
Total Refunds as a result of the Above Releases	\$ 200.52

Approved: July 17, 2024

Motion:

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

Henderson County Communications Policy

The staff has been in the process of reviewing policies and procedures included in the County’s Administrative Manual to ensure compliance and that all policies are up to date. At the April 1, 2024 meeting, the Board authorized Staff to rescind Tab 26 – Television Cablecast Policies and Procedures and Tab 38 – Internet Broadcasting Policies and Procedures, and to incorporate information contained within into Tab 37 – Communications Policy to streamline the location of this information.

The revised Communications Policy was presented to the Board for adoption.

Motion:

I move the Board adopt Communications Policy as presented.

2024.075 MOU with NCDHHS for Social Service Programs

Session Law 2017-41 requires all counties to enter into an annual written agreement with the Department of Health and Human Services (DHHS) for all social services programs, excluding medical assistance (Medicaid).

DHHS provided a Memorandum of Understanding between DHHS and Henderson County effective for FY 24-25 and FY 25-26, which was provided for the Board’s consideration.

Motion:

I move the Board adopt the MOU as presented and authorize the Chairman to sign the MOU on behalf of the Board.

HCCBG FY25 County Funding Plan Recommendations

The Home & Community Care Block Grant is a State/Federal program administered at the local level. Each year, the Board of Commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agency responsible for coordinating the County Funding Plan.

The Home & Community Care Block Grant funding amount for FY25 is \$863,502, an increase of \$19,209 from FY24. The proposed Funding Plan supports the service priorities identified for the current planning cycle.

Motion:

I move the Board appoint the County Manager’s office as the Lead Agency and approve the proposed FY25 Funding Plan.

Home & Community Care Block Grant – FY24 Funding Reallocations / Rate Change

At the Board of Commissioners’ meeting held on June 5, 2023, the FY24 County funding plan for the Home & Community Care Block Grant (HCCBG) was approved. Since then, DSS has negotiated a lower rate for the financial services provided by GT Financial for FY24. Additionally, at this time in the fiscal year, some area providers have been identified as being overspent in certain categories while others have not utilized all their allocated funding.

Accordingly, the HCCBG Advisory Committee would like to recommend a rate change for GT Financial services from 1.00 to .90. This rate will be retroactive back to the beginning of FY24, which will allow for additional units of service to be completed. They would also like to recommend the reallocation of unspent funding as follows:

- DSS - move \$12,422 in unspent funds for In-Home Aide Level I care to their Consumer Directed Services programs
 - a. \$9,562 for the Personal Assistant program
 - b. \$2,860 for the Financial Management program
- Premier Home Health Care - move \$25,682 in unspent funds for In-Home Aide Level III care to In-Home Aide Level II care

Motion:

I move the Board authorize the Chairman to execute the HCCBG County Funding Plan County Services Summary and the County Funding Plan Provider Services Summaries as presented.

2024.076 Budget Amendment – Capital Reserve Fund

On May 15, 2024, the Board approved a reallocation of funding for the state budget allocation, directed by the NC General Assembly pursuant to Session Law 2022-74, for local government projects to be used for public purposes.

The Board was requested to approve a budget amendment to return funding to the Capital Reserve fund for the lower tennis courts project and mowers purchased during FY2024. The revised funding for the state budget allocation was used to fund these projects, and the original allocation from the Capital Reserve and General Funds is no longer needed.

Motion:

I move the Board approve the Budget Amendment as presented.

2024.077 Budget Amendment – Transfer to Solid Waste Enterprise Fund

The Board was requested to approve a budget amendment, transferring \$625,000 from the General Fund to the Solid Waste Fund.

Motion:

I move the Board approve the Budget Amendment as presented.

2024.078 Resolution - Opioid Settlement Fund Expenditure Authorization

At the Board's August 16, 2023 meeting, the Board was presented with the Henderson County Strategic Plan for the Opioid Settlement Funds. The Board accepted the Strategic Plan on September 5, 2023. The necessary steps have been completed to unlock Option B and were approved to fund Option B strategies according to the NCACC Exhibit C worksheets. These strategies include Recovery Support Services, Prevention and Intervention, Evidence Based Addiction Treatment, Criminal Justice Diversion, and Recovery Housing Support.

Approved: July 17, 2024

This request for authorization covers thirteen “Strategies” to address the plans outlined above. The Department of Strategic Behavioral Health will address the County’s Strategic Plan while minimizing the need to request additional authorizations through FY25.

The Board must adopt a Resolution per the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, which dictates the process for drawing from the Special Revenue Fund.

Motion:

I move the Board adopt the Resolution authorizing the expenditures and revenues associated with the Opioid Settlement Fund [Fund 51] and Strategic Behavioral Health for Fiscal Year 2025 to be effective following the adoption of the FY2024-2025 Henderson County Budget.

Policy Use Exemption – Tourism Development Authority

The Henderson County Board of Commissioners was requested to allow the Henderson County Tourism Development Authority to host a hospitality event at the Henderson County Visitors Information Center.

To allow for this, the Board is requested to grant a one-time exemption to Rule 15 of the “Facility Use Policy,” which prohibits alcoholic beverages on County property.

Motion:

I move that the Board grant an exemption to the County Facility Use Policy to allow the Henderson County Tourism Development Authority to host a hospitality event at the Henderson County Visitors Information Center.

Subrecipient Agreement – Opioid Settlement Funds Grant

At its December 4, 2023 meeting, the Board approved a Resolution for Opioid Settlement fund Expenditure Authorization, which included funding for Camp Glow, Inc., as part of the prevention strategy.

The Board was requested to approve the Subrecipient Agreement with Camp Glow, Inc. in order to grant the funding.

Motion:

I move the Board approve the attached Subrecipient Agreement with Camp Glow, Inc.

2024.079 Budget Amendment – Transfer to Capital Projects Fund (Add on)

The Board was requested to approve a Budget Amendment, transferring \$2,500,000 from the General Fund to the Capital Projects Fund for property acquisition.

Motion:

I move the Board approve the budget amendment as presented.

Vice-Chair Edney made the motion that the Board approve the consent agenda as presented. All voted in favor, and the motion carried.

PUBLIC HEARINGS

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

2024.080 Public Hearing for Conditional Rezoning Application #R-2024-01-C, The Orchards at Naples Rd Apartments, Regional Commercial (RC) to Conditional District (CD-2024-01)

Rezoning Application #R-2024-01-C was initiated on April 1, 2024, and requests that the County conditionally rezone approximately 10.07 acres of land from Regional Commercial (RC) to a Conditional District (CD-2024-01). The project contains all of PIN 9651-67-9318 with direct access to Naples Rd (SR1534). The Orchards at Naples Rd, LLC are the current property owners. The applicant was Luis Graef. The agent for the application was Jared DeRidder.

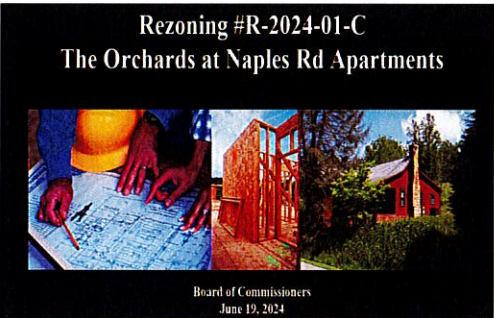
The applicant was proposing a residential development with a total of 166 units within seven structures. The development is required to be approved as a conditional rezoning due to the number of multi-family units. Conditional rezonings allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses. As required by the LDC, a neighbor compatibility meeting was held on Thursday, May 2, 2024, in the King Street Meeting Room. A copy of the meeting report was included in the agenda item.

The Technical Review Committee (TRC) reviewed the application on May 7, 2024, and made a motion to forward the application to the Planning Board with conditions as discussed. A copy of the conditions required by the TRC may be found in the staff report.

The Planning Board reviewed the conditional rezoning request at its May 16, 2024, meeting and voted unanimously to forward a favorable recommendation.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the June 19, 2024, public hearing regarding rezoning application #R-2024-01-C was published in the Hendersonville Lightning on June 5th and June 12th. The Planning Department sent notices of the hearing via first-class mail to the owners of properties within 400 feet of the Subject Area on June 3, 2024, and posted signs advertising the hearing on June 3, 2024.



Public Hearing Notice

- Legal Ad was published in the Hendersonville Lightning on June 5th and June 12th
- The property was posted on June 3rd
- Letters were mailed to property owners within 400 feet of the Subject Area on June 3rd

Conditional Districts

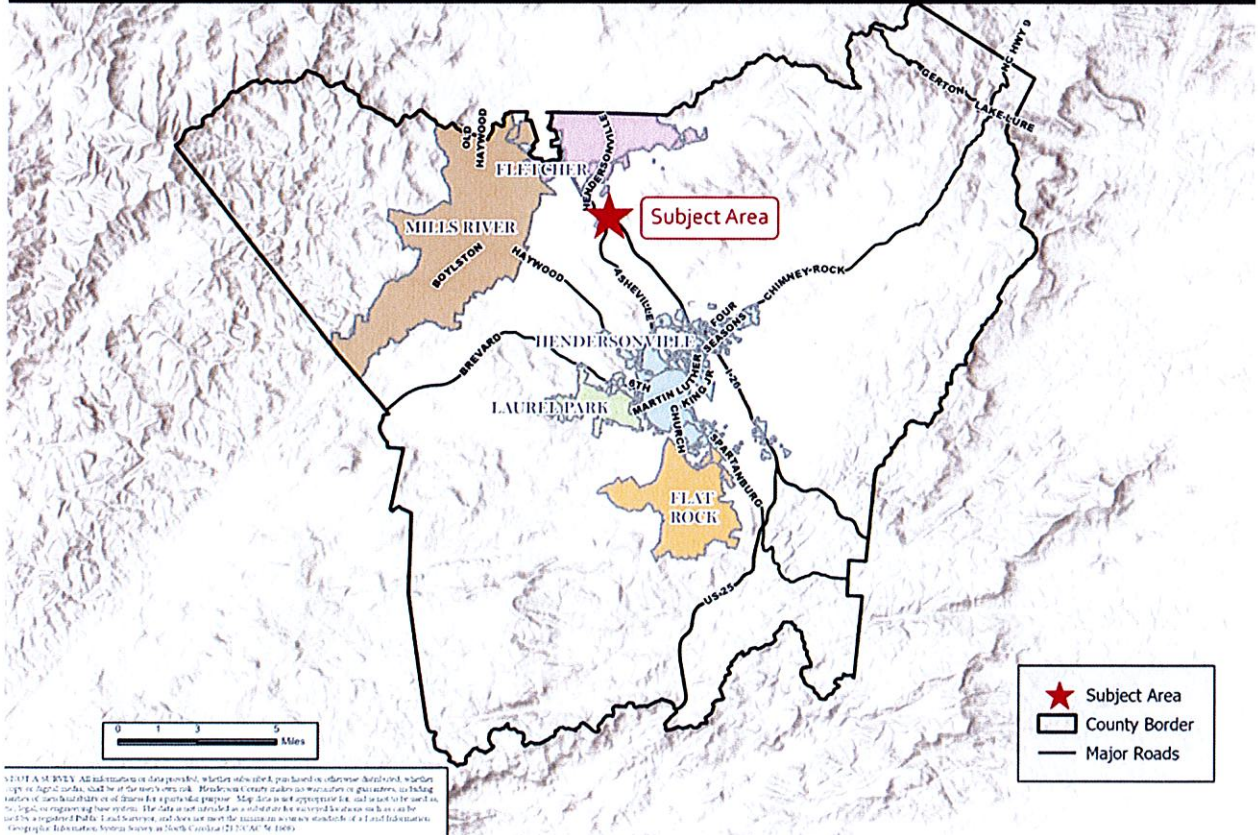
Conditional rezoning's are:

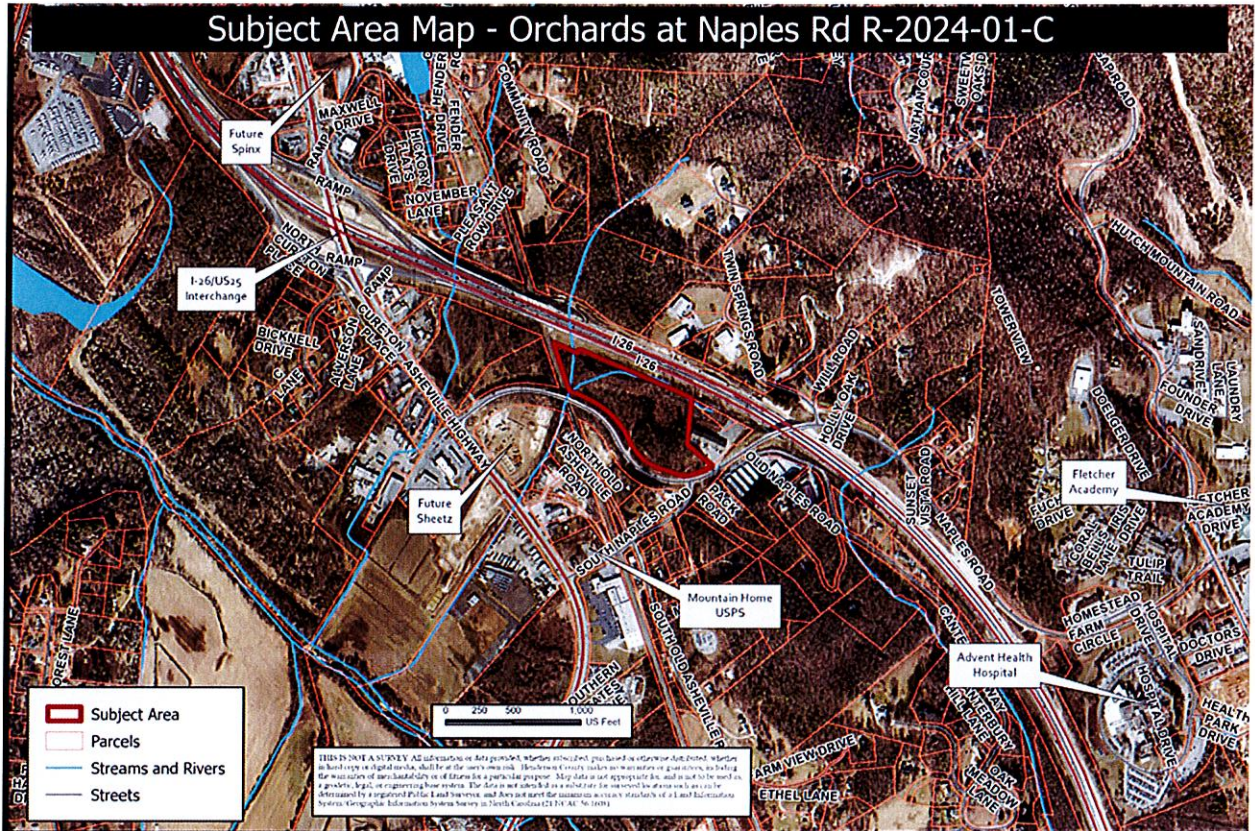
- Legislative decisions
- Require a site-specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

Application Summary

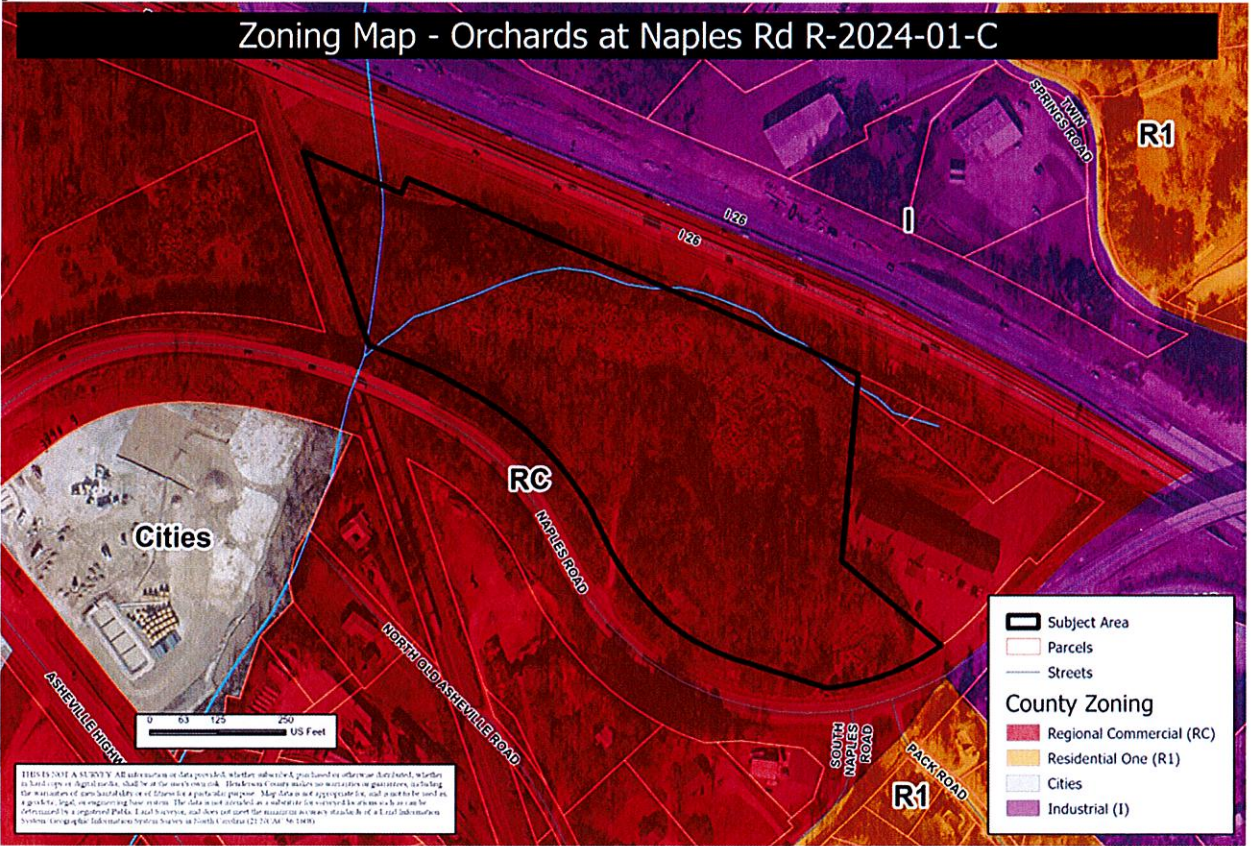
- Conditional Rezoning Request: R-2024-01-C
- Owner(s): The Orchards at Naples Rd, LLC
- Applicant(s): Luis Graef
- Agent: Jared DeRidder
- Property Location: 399 Naples Rd
- PIN: 9652-12-2330
- Conditionally rezone from a Regional Commercial (RC) Zoning District to a Conditional District (CD-2024-01)
- Approximately 10.38 acres

County Context - Orchards at Naples Rd R-2024-01-C





Property Owner: Orchards at Naples Rd, LLC Applicant: Luis Graef
 Assessed Acreage: 10.07 Acres PIN: 9651-67-9318
 Current Zoning: Regional Commercial (RC) Requested Zoning: Conditional District (CD)



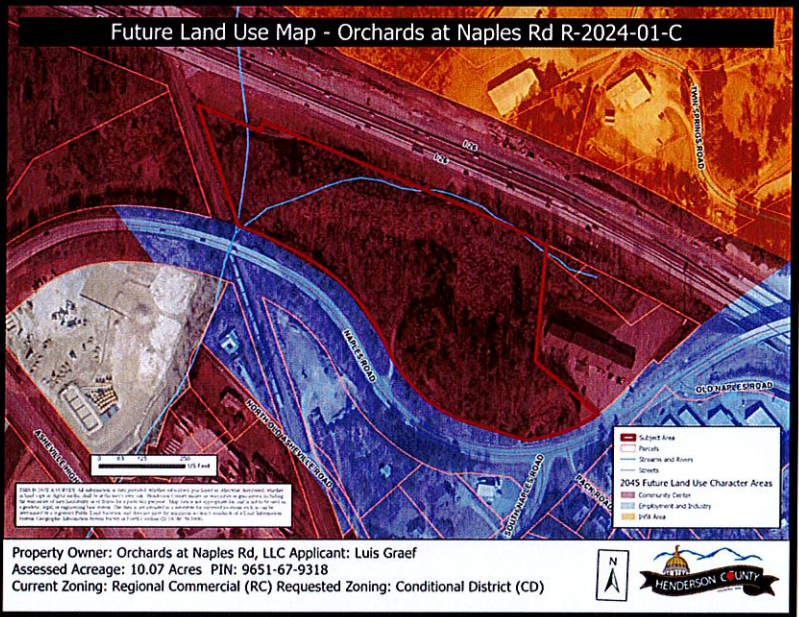
2045 Comprehensive Plan

Subject area is located within the **Community Center character area** that states: "mixed-use development is also encouraged, especially to offer multi-story units" (Part 2 page 46)

- **Where:** Typically found at intersections of State Roads or thoroughfares in areas near residential development that can be served by the commercial uses. (This property is accessed off US25 and Naples Rd and is within easy access to I-26)
- **Uses:** Mix of housing including single-family homes, townhomes, and apartments. (This property, a proposed apartment, fits the mix of housing and is surrounded by many varied uses including commercial, light industry, residential, and even Advent Health Medical Complex)
- **Utility Access:** Typically served by water and potentially sewer. (This property is served by both water and sewer)

Other Plan Outcomes & Goals

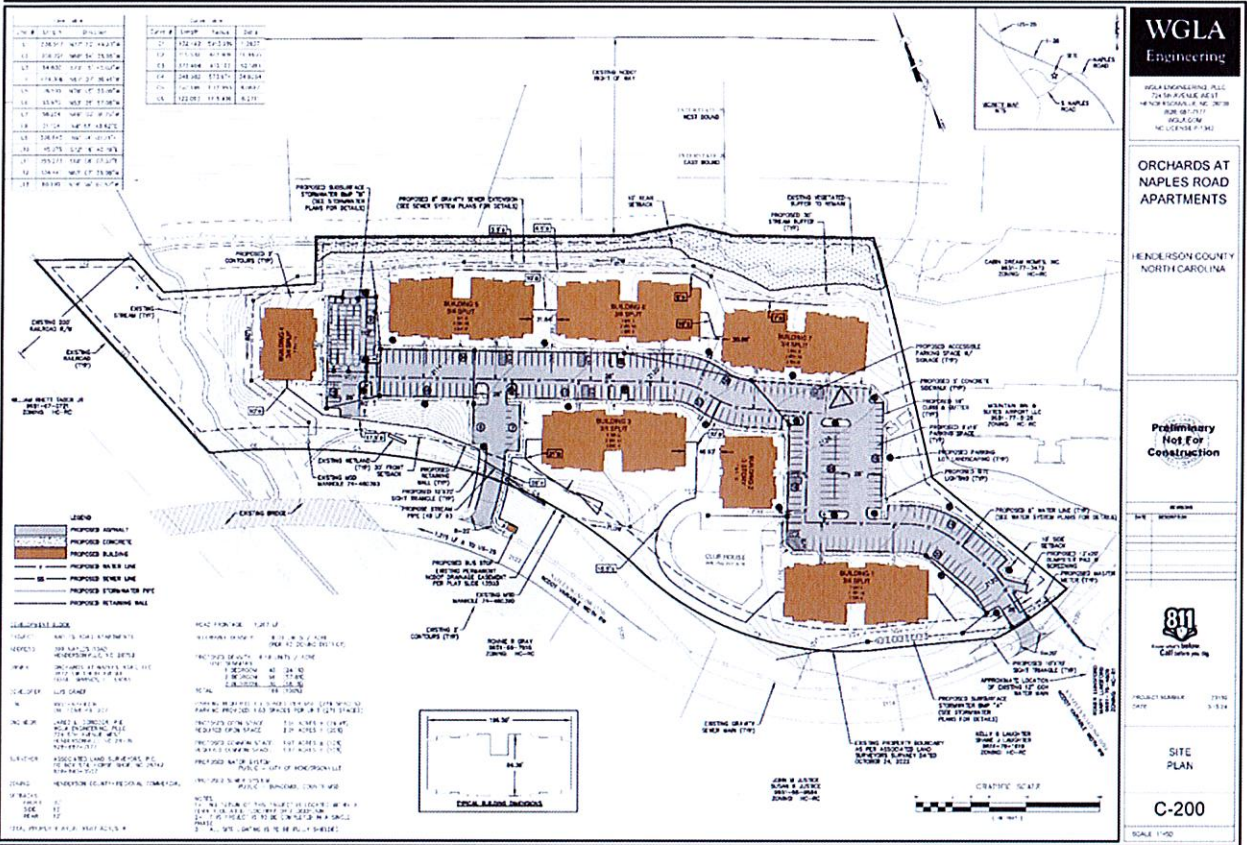
- Connectivity
- Greater variety of housing options
- Increased housing availability



Public Utilities

- The applicant is proposing connections to City of Hendersonville public water and MSD public sewer
- The application included allocation requests to both public utility providers



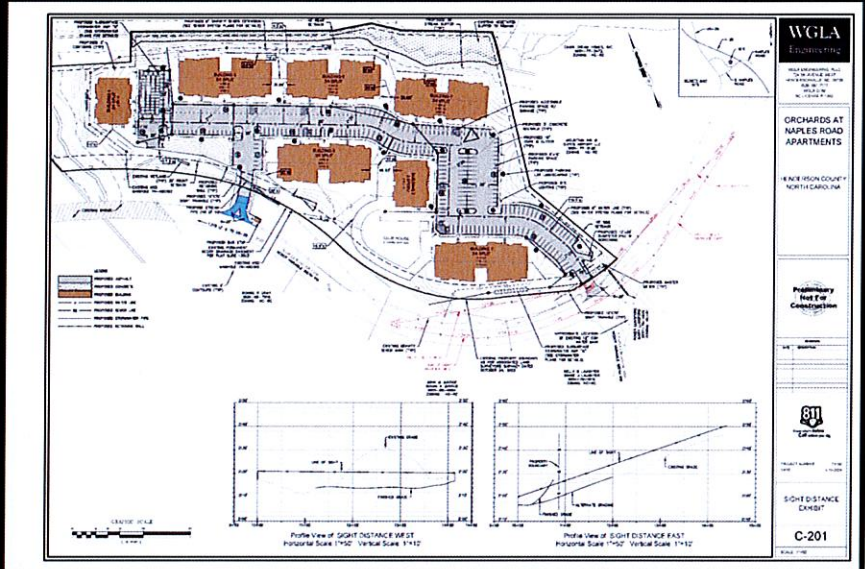


Project Summary

- 166 multi-family units
 - Mixture of 1-, 2-, and 3-bedroom units
- 7 total residential structures
 - Six 3/4 split-story structures
 - One 3-story structures
 - 6 garage spaces and 3 dwelling units per structure
- Amenities including clubhouse with mailroom, pool, dog park, 5' sidewalks, garbage collection, and area reserved for an Apple Country Transit shelter
- 271 parking spaces with 7 ADA accessible spaces
- 26' wide drive isles
- 29.9% open space
- 10% common space

Traffic Impact Analysis

- NCDOT required a TIA due to the number of trips the project would generate
- The applicant submitted a TIA prepared by Mattern & Craig, Inc. on February 7, 2024
- NCDOT accepted the TIA on April 4, 2024
- The applicant will continue to work with NCDOT on the necessary improvements



Conditional Rezoning's

- Conditions required by the LDC and additional conditions recommended for consideration and requests made by the TRC and Planning Board are found in the staff report.

2045 Comprehensive Plan Consistency

- A draft resolution of consistency with the 2045 Comprehensive Plan is included as an attachment
- The resolution addresses the consistency and reasonableness with the Community Center character area and other goals and outcomes of the 2045 Comprehensive Plan

Public Input: There was none.

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

Vice-Chair Edney asked owner Luis Graef if the living units in the proposed project would be affordable compared to surrounding areas. Mr. Graef said the monthly rent was expected to be \$1400 for a 1-bedroom unit, \$1600 for a 2-bedroom unit, and \$1900 for a 3-bedroom unit.

Commissioner Hill made the motion that the Board approve rezoning application #R-2024-01-C to rezone the Subject Area to a Conditional District (CD-2024-01) based on the recommendations of the 2045 Comprehensive Plan, and with any conditions stated in the staff report and additional conditions as discussed. All voted in favor, and the motion carried.

2024.081 Public Hearing - Resolution for Consistency with the 2045 Comprehensive Plan

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

RESOLUTION OF CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN

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

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

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2024-01-C; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice, and the Board held the required public hearing on June 19, 2024; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the 2045 Comprehensive Plan;

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

1. That the Board reviewed the proposed map amendment (#R-2024-01-C The Orchards at Naples Rd Apartments) and determined that it is reasonable, in the public interest, and it is consistent with the 2045 Comprehensive Plan located therein because:
 - The subject area is located within the Community Center character area,
 - The Community Center character area encourages mixed-use development, especially multi-story units,
 - The Community Center character area land uses include a mix of housing, like apartments,
 - The 2045 Comprehensive Plan describes the need for additional types of housing and to diversify housing choices, and
 - The application will address connectivity that was identified as one of the three outcomes in the 2045 Comprehensive Plan;
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS, the 19th day of June 2024.

Public Input: There was none.

Approved: July 17, 2024

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

Commissioner Lapsley made the motion to adopt the Resolution of Consistency with the 2045 Comprehensive Plan. All voted in favor, and the motion carried.

DISCUSSION

Social Worker Discussion

Cheryl Stuller, Guardian Ad Litem, provided information regarding school social workers. She explained that a Guardian Ad Litem is someone who is appointed by the judge to advocate for children who are in DSS custody. She said there are 22 schools in Henderson County and only eight social workers. She said there were an additional five social workers who were funded by Stimulus money from COVID. That grant has now expired, and she believed the Board to be in discussions about not funding those positions moving forward. She said those positions are needed in the schools now more than ever. She said families need help, and that was what the social workers do. She referred to the Henderson County Education website, which stated: The guiding principles are the success of a child is the result of a collaborative partnership of school, child, parents, and community. She said teachers and school social workers working in unison were instrumental in providing services for Henderson County Students. She said school social workers were liaisons and advocates for county school children.

Chairman McCall asked for clarification on the number of social workers in county schools. At a previous meeting, Mr. Garrett stated there were fourteen, including the five added during COVID. Mr. Garrett commented from the audience, but his comments were not audible.

Commissioner Andreotta said, "Cheryl, thank you for coming today. You and I had a conversation, and I have heard from a few folks; I think one of the first concerns is that if these folks are employees under the umbrella of the County DSS, their concern is they would find maybe mostly around an economic condition set of circumstances, etc., and would exercise power and pull a child away from the parents. That was a concern I heard. I checked with the county attorney and he has assured me that would not happen." Mr. Burrell said if that were to happen would be a violation of NC law. Economic conditions cannot be a basis for abuse or neglect of children or the dependency status of children.

Ms. Stuller stated that it was a matter of trust and "I'm sorry, if you are working for the Department of Social Services, you cannot, um, there is a conflict of interest. And it's going to be hard for parents and children to trust somebody who is working for that department. It should be totally separate, and it is, and it should remain so, a totally separate job from DSS. And I work with both so I'm telling you from experience that that is two different sets of expectations."

Mr. Andreotta said, "What if there were a path for us to leave them at their assignments? The schools are still their assignments. But they could be employees of DSS because that would look at it in part from the financial aspect. The other aspect I'm looking at is how much summer work these folks do when school is not in session." Ms. Stuller said it was her understanding in talking to the social worker she has been working with that she, the social worker, was no longer employed.

Mr. Andreotta said “I don’t disagree that the focus in job duties are different or are specialized. We go to medical specialists for problems like that. Mr. Garrett, is the funding for this in part or whole included in any of the school budget requests?” Mr. Garrett outlined the budget request presented in both January and May as comprising two main components. The first focused on maintenance, aimed at sustaining operation at the 2023-2024 level into 2024-2025. Recognizing the upcoming changes, the School Board prioritized securing additional funds, reflected in the second part of the request. Specifically, there was a line item dedicated to maintaining five social worker positions. In discussing their budgetary needs, Mr. Garrett emphasized a dual approach; on one hand, maintaining current operations, and on the other hand, seeking to reinstate these critical positions. Andreotta said, “Just for clarity, what, if any, are the duties of these individuals during the summer or are they sort of like a teacher.” Mr. Garrett said these were ten-month positions, but it was very common for them to maintain communications and contact informally with their assigned kids or their representatives. Andreotta said, “It makes sense that if the child needs a social worker for eight or ten months, they don’t go out of need for the other two; I get it.” Mr. Garrett said there were also some things that could be done in the summer with some different funding, “at-risk funding,” to have those workers come in if needed. Andreotta said, “I appreciate Cheryl coming; I wanted the public and those who are closest to these situations to have some peace and assurance that when economic struggles hit. And I know often those lead to other issues and problems. But I want parents as they are working through that to at least have confidence that that alone would cause them to be on the bubble for having their kids in their care and custody. I think that was a big concern, and I hope that has been addressed. I guess this will probably come back up in more budget or school budget conversations.”

Chairman McCall asked DSS Director Jerrie McFalls how often DSS staff communicates with or assists with the Social Workers in the schools. Mrs. McFalls said there was communication on a daily basis while school was in session, DSS is absolutely involved. However, removing a child from the home requires a court order. Mrs. McCall said the social worker does not do all the work to provide all the needs of these families. DSS is involved at the request of the social worker. Mrs. McFalls explained how DSS staff work alongside social workers to determine if a child is at risk. She said staff work with families through situations that involve bedbugs, lack of food, or any other barrier, as the goal is to keep children with their families. Chairman McCall said she wanted to diminish the implication that DSS was the bad guy because DSS does a lot of good work and is heavily supported by the Board of Commissioners.

Commissioner Lapsley and Mr. Garrett discussed different funding sources used for the existing social workers. Mr. Lapsley noted that school nurses and resource officers were paid for entirely with local funds. Chairman McCall clarified that every school has a nurse and an SRO that is funded by the county.

After further discussion, Chairman McCall asked School Superintendent Mark Garrett to provide justification that the five school social worker positions that were added during the COVID pandemic were still a need beyond the pandemic.

VFW Building Project Update

Retired Army Major Bob Johnson, the Trustee for the Hendrix—Rhodes Post 5206 VFW, provided an update on the Wall of Honor project within the renovated VFW Building. The program began in March 2020, and to date, nineteen shadow boxes have been completed. He displayed six of the shadow boxes for the Board and audience. He said the veterans on the wall served in WWII, the

Korean War, the Vietnam War, the Gulf War, the Cold War, and the Global War on Terror. Army Air Corp, the Army, the US Navy, US Air Force, and the US Marine Corp. are all represented by veterans on the wall. The veterans range from Seaman Apprentice E-2 to Brigadier General 0-7. Seven deceased veterans are on the wall sponsored by their families. One of the significant awards included on the wall was the Distinguished Service Cross, which is second to the Medal of Honor. A number of Silver Stars, Bronze Stars, Distinguished Line Crosses, and Purple Hearts. All shadow boxes include veterans with a connection to Henderson County who have had honorable service, active reserve, National Guard Service, or war or peacetime service. All awards and badges have been certified by their service records.

Mr. Johnson stated that the shadow boxes would be placed on the Wall of Honor once the VFW Building opened and that a public announcement would be made to ensure public awareness.

Chairman McCall informed the audience that the VFW's ribbon cutting would be held on July 3, 2024, at 10:00 a.m.

2024.082 FY2024 - 2025 Budget Ordinance

The Board was requested to continue discussions regarding the FY 2024-2025 Budget.

For the public's benefit, John Mitchell outlined the budget process, which began in January with a day-long retreat where the Commissioners went through the budget line by line. The Board then went to work to draft that budget, and as required by general statute, a draft budget was posted on the county's website in early May. This was followed by the Budget Workshop in mid-May. He said the county has no money of its own; it all comes from the taxpayers. He believed the most important and sacred thing done by the Board of Commissioners is to decide where those resources go because they do come out of the back pockets of every single property owner in the county and also the people who generate sales tax. He said, "This is the public's money, the public's resources, and this is the public's house."

Amy Brantley said that based on discussions with the Board, some things had been added back to the budget, and in one case, there was a reduction. A position was added back in for the Sheriff's Office. There was some discussion about the JCAR project, which lowered the debt service on that for next year. There was an increase to the Capital Reserve Fund to offset that and keep the debt service level as presented in the four-year plan. There were four things, in particular, the Board discussed that included:

- The Tax administrator provided a new valuation for the county at the current tax rate that generated an additional \$197,296 in revenue.
- The Board decided to add back the reimbursement to the City of Hendersonville for the School Resource Officers
- An additional \$8,128 was added back after Budget Staff met with Dr. Terry Kelley in regard to salaries for Cooperative Extension employees. This is a state agency but the county covers some of the salary dollars.
- On May 31, Staff received the final allocation amount for the Home and Community Block Grant, which is a "pass-through" from the state.

Ms. Brantley said the Board then held its public hearing on June 3rd and had additional budget discussions. At that time, Staff believed they heard a consensus to do the following:

- Transfer to Solid Waste to balance the budget.
- PILT money was added for Mills River and Gerton Fire Departments
- Add \$7,500 for Pisgah Legal Services
- Add a new custodian position for Recreation to cover the VFW Building.
- Add \$1.5 Million to the Public Schools.

Ms. Brantley said following the above additions the fund balance remaining was slightly “in the hole.” Staff was looking for the Board to continue their discussions of how to get to a balanced budget following today’s meeting.

Commissioner Lapsley clarified that Ms. Brantley's statement that the “fund balance was in the hole” was not completely accurate; in fact, he said we were not “in the hole.” That number represents a dip below the 12% policy that this Board has had. Ms. Brantley said that was correct and noted that the 12% fund balance is important to the county’s bond rating as the county goes to borrow for the JCAR project in May or June of 2025. Samantha Reynolds added that there are a number of factors that the bond agencies look at, and the part that involves the budget and how the county appropriate fund balance speaks to the strength of the conservative financial decisions that the Board makes. She said this was a huge factor in determining the county’s interest rate.

Chairman McCall said the school’s systems budget was the biggest contingency and asked Mr. Mark Garrett to help clear up some information that was heard earlier. In looking at the request for \$4.5 million in additional funding, Mrs. McCall noted that one of the items included was to increase the teacher’s supplement by 1.5% and said she had asked to add the \$1.5 million back to meet that need. The state had yet to adopt its proposed budget which includes an 8.5% pay increase for teachers.

A discussion followed regarding the number of teachers in the county and the various funding sources for those positions. During that discussion, Mr. Garrett noted that Henderson County Public Schools were receiving more applicants(for teachers) overall and better-quality applicants than in the previous two years and that Henderson County ranks fourth highest in the state in regard to teacher retention.

Vice-Chair Edney clarified that the supplement was for all school staff, not just teachers. The percentage varies based on certified versus non-certified staff. He said if the school’s priority was teachers perhaps the school board should rethink its policy on what percentages staff members receive from the supplement. Because the county gives HCPS the funds and leaves it to the schools to determine how to allocate those funds. Mr. Edney said if the county were to fund the schools at the rate they have asked the Board would have to raise taxes by \$0.10. Mr. Garrett reiterated that their request was twofold, one to maintain and one for additional requests. Mr. Edney noted that HCPS had \$5 million is their fund balance. Mr. Garrett said after what was budgeted this year there was a little over \$2 million to make up that gap. That leaves them with just over \$5.2 million, and they would “dip into that checkbook for whatever deficit they have for the coming year.” He said they would like to keep at least two months of operating in fund balance just in case, and that for the schools, this equals approximately \$4.6 million. Commissioner Edney questioned the need

for the two-month operating expense due to funds the county provides to the schools every month. Commissioner Hill asked what the LGC required the schools to have in their fund balance. Mr. Garrett said there was no longer a required threshold of an amount that had to be kept in fund balance. There was a discussion about the coach's increase included in the request, and Commissioner Hill and Chairman McCall agreed that the coach's increase should be included. Mr. Garrett clarified that any additional allocated funds would be used to decrease the amount that HCPS would have to use from its fund balance and not for any of the requests included on the list of additional needs, such as the coach's supplement/increase, etc. The school board's priority was to maintain where they are now.

Mr. Garrett said he believed it would be beneficial for school officials and the Board of Commissioners to have additional conversations throughout the year about the school's budget. This would provide a better understanding of the school's budget request and the many variables that affect it.

Following a discussion about the school's operating fund balance and capital fund balance. Chairman McCall asked Mr. Garrett how the \$4.6 million in the MRTS fund is spent versus the additional \$1.5 million the county provides for proactive maintenance. Mr. Garrett said the \$1.5 million is controlled by the HCPS as their Board approves those projects or projects are done internally depending on the price threshold. HCPS submits a plan for the MRTS money for Board of Commissioners approval. He added that those funds are housed and managed by the county. Vice-Chair Edney asked if there were funds in the MRTS fund balance. Mr. Mitchell stated that the fund contained \$743,000. Commissioner Hill noted that MRTS was intended to be a temporary project fund and needed to get caught up on maintenance projects that were overdue. He proposed that the Joint Facilities Committee meet to discuss and look at the comparison of projects that had been completed versus the study that was done in 2018 or 2019, and what future maintenance may be coming up so there would be a plan.

Commissioner Andreotta agreed with all the questions and points that had been made and said the most interesting number to him today was: "HCPS being fourth best in the state with retention and a direct quote from Mr. Garrett: "We don't have much turnover." He said he would love to see those two lines word for word verbatim in all the local media. Because that flies in the face of the last two or three weeks of narrative."

Commissioner Andreotta stated the following: "there was a lot of noise made not long ago asking what are those commissioners thinking? We all need to get down there, and everybody add to their social media and such. Which is fine; we want to hear from the people. But if I'm the Director of the Parks and Rec, I'm thinking to myself, how do I get a fund balance? Because I'm a county department just like the school system." He said, "If I'm Bob and Martha Taxpayer, I say spend what I gave you and then come get more. And if I'm coach, who has not had a raise in ten years, and I find out for the last 2-4 years you 2, 3, 4, 5 million dollars, I'm thinking, why haven't I had a raise in the last ten years." Mr. Andreotta said he was not in favor of going below the 12%. He added that, in his opinion, those funds are not kept solely for bond rating; that's a huge benefit. But, part of the reason is that in the event something happens to one of the county's departments, there is money there to support that department. He said, "These facts shed a lot of light on what the last two- or three-week's narratives have been. Which is a shame because the public deserves to know, accurately and factually." He wanted to see the coaches get a raise but said the county could not go below the 12%, regardless of what had to be done. His position was "not to stockpile taxpayer dollars; let's use them as and when they are needed."

Vice-Chair Edney opposed using capital funds for recurring expenses, citing the school's fund balances in its MRTS and Capital budgets, which were designated for recurring expenditures. He proposed reducing MRTS by \$1 million annually and reducing the school's capital by \$500,000 to get to \$1.5 million. The school would use its fund balance for the other \$500,000. Additionally, he suggested allocating \$1 million in new funding to HCPS, allowing the school system to address additional needs as they see fit. He believed that his proposal would maintain the county's fund balance at 12%.

Mr. Garrett said that before returning to his seat, he would like to address Commissioner Andreotta's point. He felt it crucial to clarify that the school system does not solicit individuals to come to the Commissioners' meeting and speak. Commissioner Andreotta referenced the school board's previous meeting, during which a board member expressed the need to attend and address the commissioners directly about what they think is important. Mr. Garrett invited Mr. Andreotta to address the board member regarding his comments.

Mr. Garrett acknowledged the challenges faced by the school system, emphasizing their lack of control over revenue. He underscored Henderson County's significant contributions to public education, affirming his commitment to transparency. "You can always expect honesty from me," he asserted, outlining the budget's purpose and needs clearly. "Ultimately, it's your decision," he concluded, acknowledging the complexities of managing such a substantial budget.

Chairman McCall suggested that perhaps county budget staff and HCPS staff meet to review financial figures to better understand the rationale behind budget requests. Mr. Garrett said that the two entities need to meet more often than twice a year at budget time. Mrs. McCall emphatically agreed and said they should aim to meet quarterly at the very least.

As a point of order and to clarify the consensus of the Board, Ms. Brantley reviewed what had been discussed. Ms. Brantley said the \$2.5 million had been added to operating costs. So that would be \$35,378,000, and the capital expense would be \$1 million. Debt service would be \$11.3 million, and MRTS would be \$3.6 million.

Chairman McCall challenged the budget staff to "work their magic" and find an additional \$500,000, encouraging them to explore creative options during the upcoming break.

Vice-Chair Edney moved on to a discussion regarding an additional allocation request of \$250,000 from Blue Ridge Community College. College President Dr. Laura Leatherwood said the requested operating funds were needed to cover increasing utilities and to give employees an increase. When asked about the college's fund balance, Dr. Leatherwood said they had one fund balance that is kept at \$500,000 to cover unexpected repairs or the replacement of equipment.

Vice-Chair Edney made the motion to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(6). All voted in favor, and the motion carried.

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

The meeting was reconvened at 1:35 p.m.

Assistant County Manager Amy Brantley presented the final budget tally to the Board.

**Henderson County
FY 2024-2025 Budget Tally**

FY 2024-2025 Manager's Proposed Budget as Presented May 6, 2024						Total Budget	Fund Balance Appropriation
						\$ 202,142,366	\$ 20,742,795
Following Discussions at the May 15th Workshop		REVENUE		EXPENDITURE			
		Reductions	Additions	Reductions	Additions		
1	Non-Profit - Boys & Girls Club [Lapsley]				\$ 20,000	\$ 202,162,366	\$ 20,762,795
2	Non-Profit - Interfaith Assistance Ministry [Lapsley]				\$ 20,000	\$ 202,182,366	\$ 20,782,795
3	Non-Profit - Mills River Life Enrichment Center [Lapsley]				\$ 12,000	\$ 202,194,366	\$ 20,794,795
4	Non-Profit - Open Arms Crisis Pregnancy Center [Lapsley]				\$ 20,000	\$ 202,214,366	\$ 20,814,795
5	Non-Profit - Boy Scouts [Edney]				\$ 5,000	\$ 202,219,366	\$ 20,819,795
6	Non-Profit - NCAJ HS Moot Court [Edney]				\$ 3,000	\$ 202,222,366	\$ 20,822,795
7	Non-Profit - Back on Track Addiction Ministries [Hill]				\$ 50,000	\$ 202,272,366	\$ 20,872,795
8	Non-Profit - Hope Center [McCall]				\$ 30,000	\$ 202,302,366	\$ 20,902,795
9	Non-Profit - Hope Coalition [McCall]				\$ 20,000	\$ 202,322,366	\$ 20,922,795
10	Sheriff - Animal Enforcement Investigator [Andreotta] (includes \$3,300 for IT equipment)				\$ 182,579	\$ 202,504,945	\$ 21,105,374
11	Non-Profit - First Contact [McCall] (in Detention budget)				\$ 200,000	\$ 202,704,945	\$ 21,305,374
12	Debt Service - Change in interest only payment			\$ 163,313		\$ 202,541,632	\$ 21,142,061
13	Capital Reserve Fund - Increase in amount transferred				\$ 163,313	\$ 202,704,945	\$ 21,305,374
As of May 15, 2024		\$ -	\$ -	\$ 163,313	\$ 725,892	\$ 202,704,945	\$ 21,305,374

Fund Balance Appropriation
\$ 21,305,374

1¢ TRE = \$ 2,430,981

Fund Balance Remaining = \$ 1,624,903

Fund Balance over 12% \$ 22,930,277

Tax Rate Equivalent \$ 0.007

Proposed Budget Revisions following the May 15th Workshop						Total Budget	Fund Balance Appropriation
						\$ 202,704,945	\$ 21,305,374
Proposed Budget Revisions		REVENUE		EXPENDITURE			
		Reductions	Additions	Reductions	Additions		
1	Additional Ad Valorem Revenue per updated valuation 5.21.24		\$ 197,296			\$ 202,704,945	\$ 21,108,078
2	Payment to Other Agency - SRO reimbursement to the City of Hendersonville per BOC 5.22.24				\$ 250,000	\$ 202,954,945	\$ 21,358,078
3	Cooperative Extension Salary Adjustment				\$ 8,128	\$ 202,963,073	\$ 21,366,206
4	Additional HCCBG funding - Final FY25 allocation received 5.31.24		\$ 19,209		\$ 19,209	\$ 202,982,282	\$ 21,366,206
As of June 2, 2024		\$ -	\$ 216,505	\$ -	\$ 277,337	\$ 202,982,282	\$ 21,366,206

1¢ TRE = \$ 2,435,559

Fund Balance Remaining = \$ 1,564,071

Fund Balance over 12% \$ 22,930,277

Tax Rate Equivalent \$ 0.006

Vice-Chair Edney moved that the Board adopt the FY 2024-2025 Budget and further moved that the Chairman be authorized to execute the Budget Ordinance effective July 1, 2024. All voted in favor, and the motion carried.

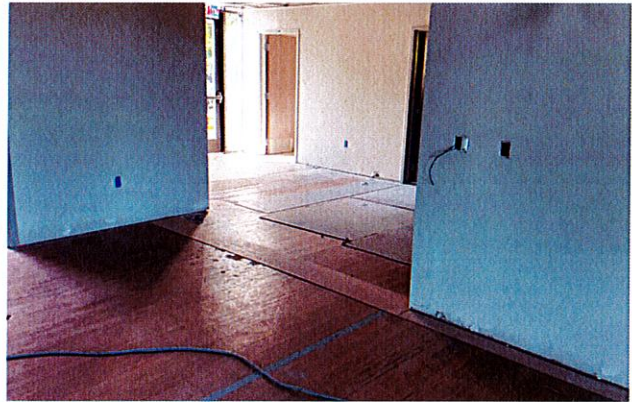
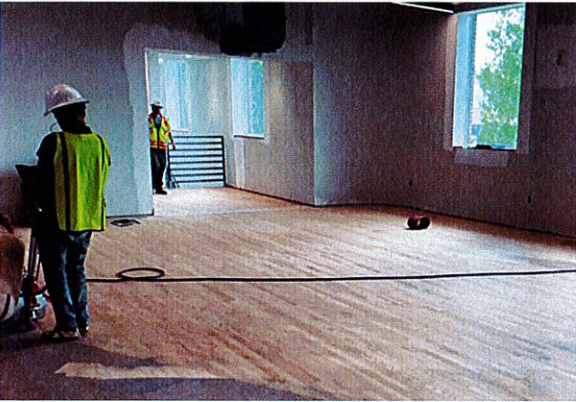
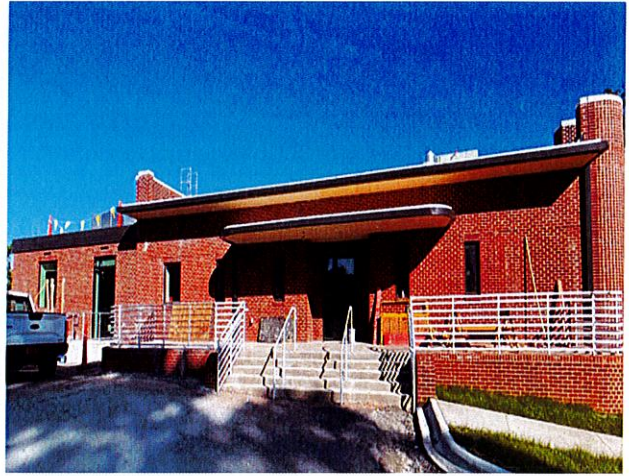
Commissioner Andreotta was excused and left the meeting.

Construction Projects Update

Bryan Rhodes, Chris Todd, and Andrew Griffin provided the Board with an update on construction projects around Henderson County.

This monthly report was a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

Veteran Services Office



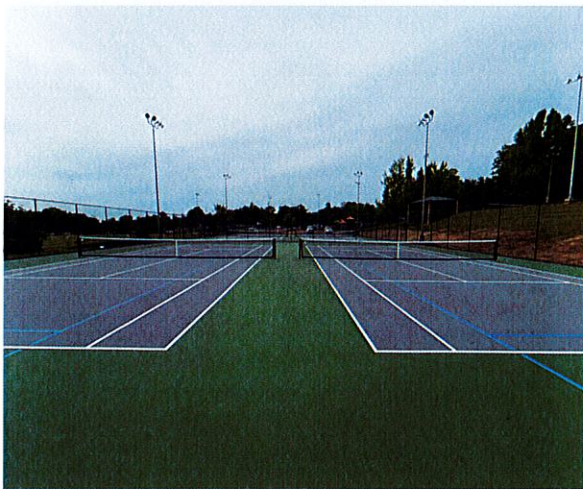
Dana Park Community Building



Etowah Library Outdoor Venue



Jackson Park Lower Tennis Courts



Blue Ridge Community College MRTS Projects



**Henderson County Public Schools MRTS Projects
West Henderson High Renovation and Addition**



Upward Elementary Renovation and Addition



FY2023-2024 HCPS MRTS

- West High Air Handler Replacement – Cooper Construction was the awarded contractor. The Air Handler will be installed when received.
- Elementary Schools HVAC Controls Upgrade - The project is approximately 85% complete. Six schools are 100% complete and the remaining three are about 75% complete.
- Gutters and Downspouts Project - 100% complete
- Various Roofing - 100% complete
- Atkinson HVAC Upgrade – Contractor Johnson Controls has started the procurement of materials for this project.



Henderson County JCAR Project

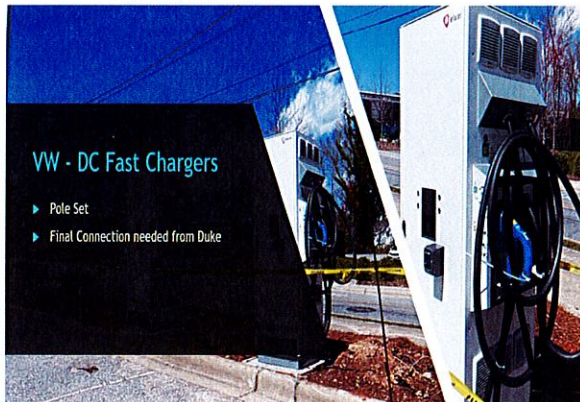
Facilities Services Projects

Director of Facility Services Andrew Griffin provided an update on county Facility Services projects.



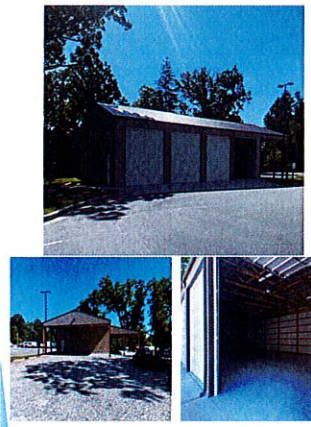
EMS #6 Fletcher

- ▶ Electrical Trim out
- ▶ HVAC
- ▶ Plumbing
- ▶ Paving
- ▶ Sheetrock
- ▶ Tile work
- ▶ June 2024



VW - DC Fast Chargers

- ▶ Pole Set
- ▶ Final Connection needed from Duke



EMS Headquarters Shed and Parking Improvement SBA-5

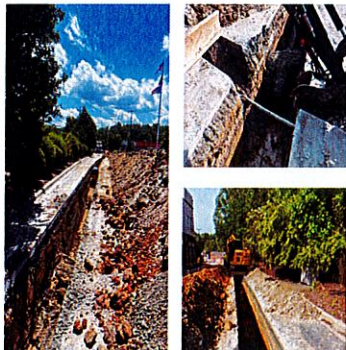
- ▶ Building up
- ▶ Electrical Complete
- ▶ Concrete Complete
- ▶ Duke to set pole and final connection
- ▶ Completion June 2024

Jackson Park Paving SBA-3 and County Paving



- ▶ 4th Avenue
- ▶ Bridge evaluated and replacement timbers installed
- ▶ Maintenance Building Parking Lot
- ▶ Glover Street end
- Non-SBA Funds
- ▶ Cooperative Extension lot
- ▶ Health and Human Services seal/stripe

Human Services Building Drainage SBA-2



- ▶ Working on South (Nissan) Side now.
- ▶ North side complete
- ▶ Completion June 2024



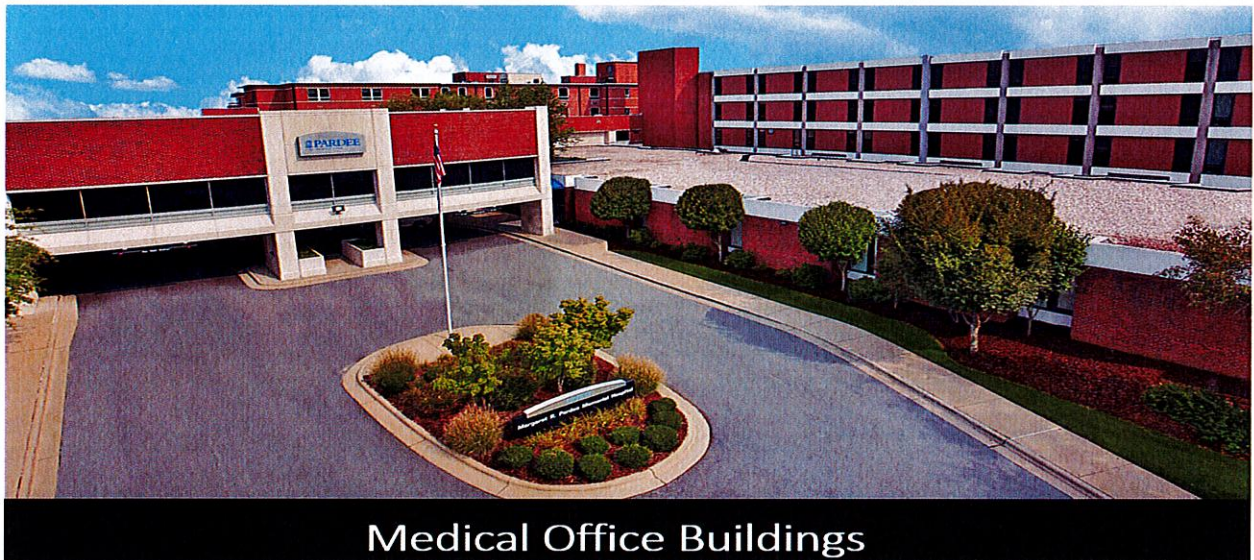
Ecusta Trail

- ▶ Heavy rollers
- ▶ Cross drainage
- ▶ Bridge abutments
- ▶ Headwalls

Vannoy Construction Preconstruction Fee Proposal – Hospital MOB

The Board was requested to approve Vannoy Construction's Pre-Con Proposal and Construction Fee Proposal and authorize staff to proceed to the Contract for Pre-Con Services for the Henderson County Hospital Corporation MOBs project.

The Pre-Con proposal received from Vannoy Construction was for a price of \$400,000.00. Their proposed Construction Fee was 3.75%, which will be shown on the Guaranteed Maximum Price.



Medical Office Buildings

Vice-Chair Edney made the motion that the Board approve the Preconstruction Proposal, for Vannoy Construction, in the amount of \$400,000.00, and for the Construction Fee Proposal of 3.75%, for the Construction phase of the project. All voted in favor, and the motion carried.

(Due to an error in the PowerPoint presentation for the Cane Creek Sewer Project, the Farmland Preservation discussion item was presented before the Cane Creek Sewer item. The error was corrected during the Farmland discussion.)

Farmland Preservation

On April 1, 2023, the Board of Commissioners voted to form a Farmland Preservation Taskforce. The Taskforce held its first meeting on May 13, 2024, and has held two additional meetings since. On May 30, 2024, the Taskforce heard from Evan Davis from the NC Department of Agriculture and Consumer Services and Kieran Roe and Tom Fanslow from Conserving Carolina to discuss agricultural conservation easements.

On June 10, 2024, the Taskforce continued their discussion on agricultural conservation easements and reviewed examples of program structures. They heard from Ariel Zijp and Avni Naik from the Buncombe County Farmland Preservation division, Ryan Manning from the NC Foundation for Soil and Water Conservation, and Mikey Fulk from the Working Lands Trust. Following the discussion on June 10, 2023, the Taskforce unanimously recommended selecting the Soil and Water Conservation District as the primary contact for a proposed Farmland Preservation Program. The Taskforce will meet again on June 24th.

Taskforce Members & Support

Name	Representation
Rebecca McCall, Chair	Board of Commissioners
David Hill, Chair	Board of Commissioners
Hunter Marks	Planning Board
Danny McConnell	Soil & Water Conservation District
Joffrey Merrill	Agribusiness Henderson County
Gary Steiner	NC Cooperative Extension
Jimmy Cowan	NC Farm Bureau
Randy Newman	Hendersonville Board of Realtors
Jason Edney	At-large
Justin Patwin	At-large
Linda Pryor	At-large
Alan Ward	At-large
Danielle McCall	At-large

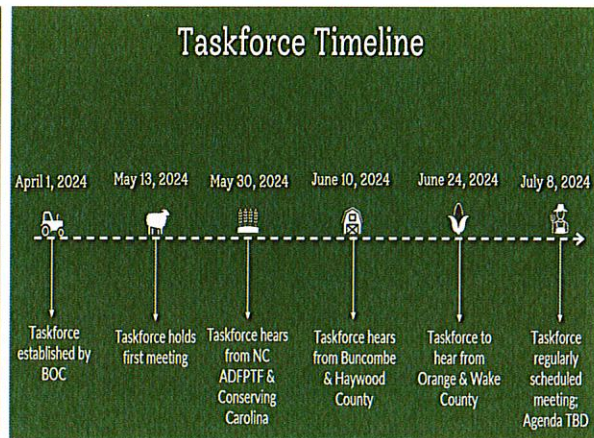
Conserving Carolina
Kieran Roe
Tom Fanslow

Soil & Water
Jonathan Wallin
April Hoyt

NC Cooperative Extension
Dr. Terry Kelley

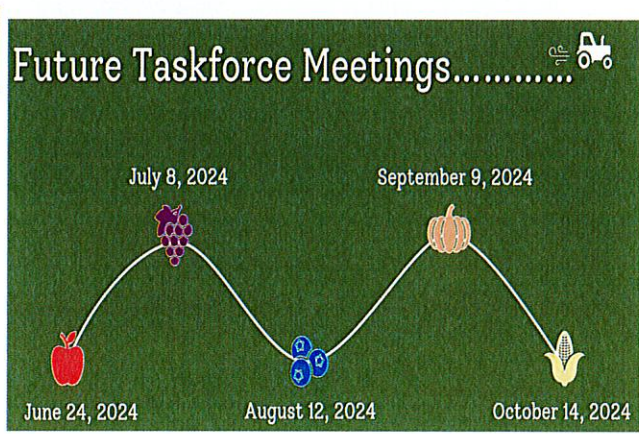
NC Department of Agriculture
Jeffrey Darnell

County Support Staff
Chris Todd
Autumn Radcliff
Liz Hanson



Past Meeting Overview

May 10 th	May 30 th	June 10 th
<ul style="list-style-type: none"> Member Introductions Discussed Taskforce background & potential goals Voted on meeting schedule Scheduled special called meeting for 05/30/24 	<ul style="list-style-type: none"> Evan Davis, Farmland Preservation Division Director (NC ADFPTF) Kieran Roe & Tom Fanslow, Conserving Carolina 	<ul style="list-style-type: none"> Ariel Zijp & Avni Naik, Buncombe County Farmland Preservation Ryan Manning, Haywood County Farmland Preservation & NC Soil & Water Foundation Mikey Fulk, Working Lands Trust Presented motion



At their June 10, 2024, meeting, the Taskforce made a unanimous recommendation regarding the proposed Farmland Preservation Program.



“I move, for the purposes of moving forward, to select the Soil and Water Conservation District to be the primary contact for the Farmland Preservation Program for the time being.”

Clear Creek Sewer Project

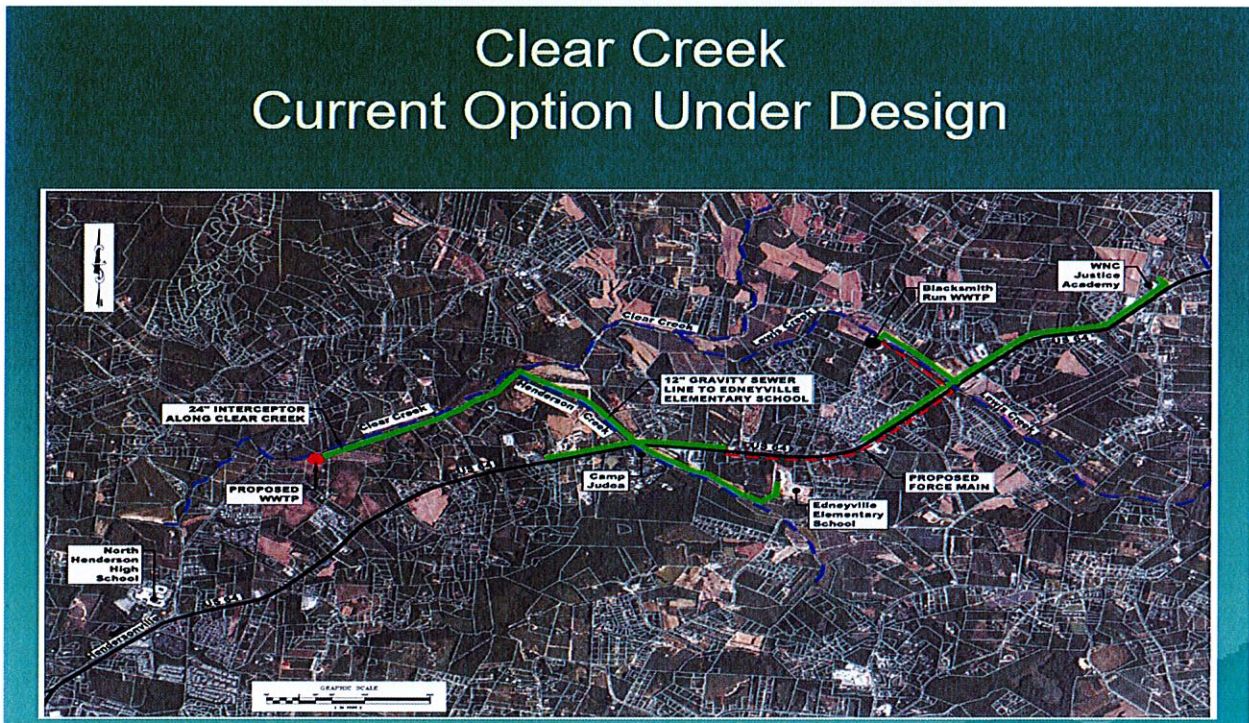
With the Board approval of the design and permitting agreement with WGLA Engineering during the December 4, 2023, meeting and the approval of the discharge permit for the treatment plan last month, Will Buie from WGLA Engineering will present an update on the project to include cost estimates and updated scope options for Board consideration.

This project was on a very constrained schedule due to funding deadlines.

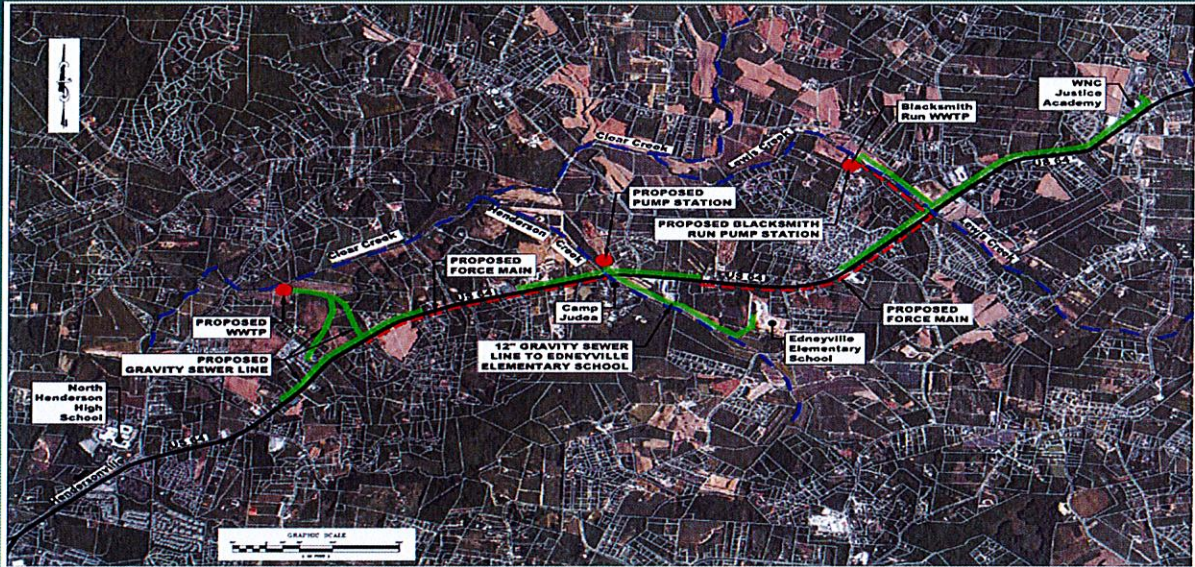
Will Buie provided the following options for the Board to consider.

Clear Creek Project Summary

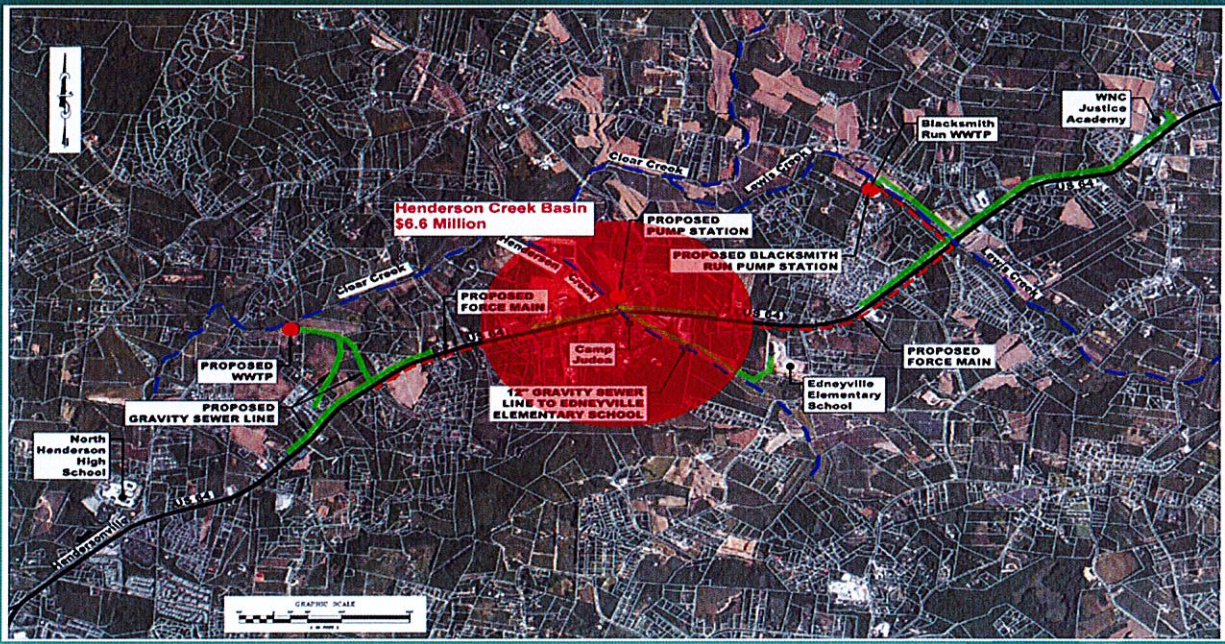
- ◆ State budget has allocated \$12.7 million in funding for the project. County has allocated \$9.3 million in ARPA funds for the project. Finally, the County reserved \$2 million in funding from the Edneyville Elementary project for sewer service and the Justice Academy has a reserve of \$0.73 million. Total available funding is **\$24.73 million**.
- ◆ In May 2024 NCDEQ issued a discharge permit for a new wastewater treatment plant on Clear Creek.
- ◆ Current Estimate for the proposed system is \$32 million.
- ◆ Budget gap is approximately \$7.27 million.



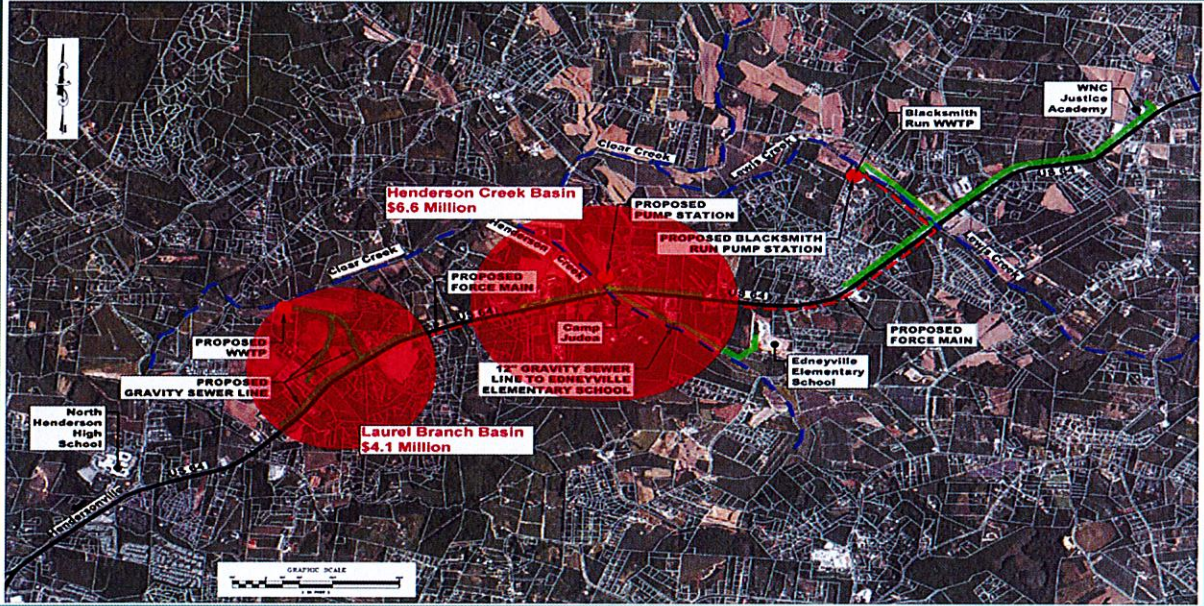
Clear Creek Option 2



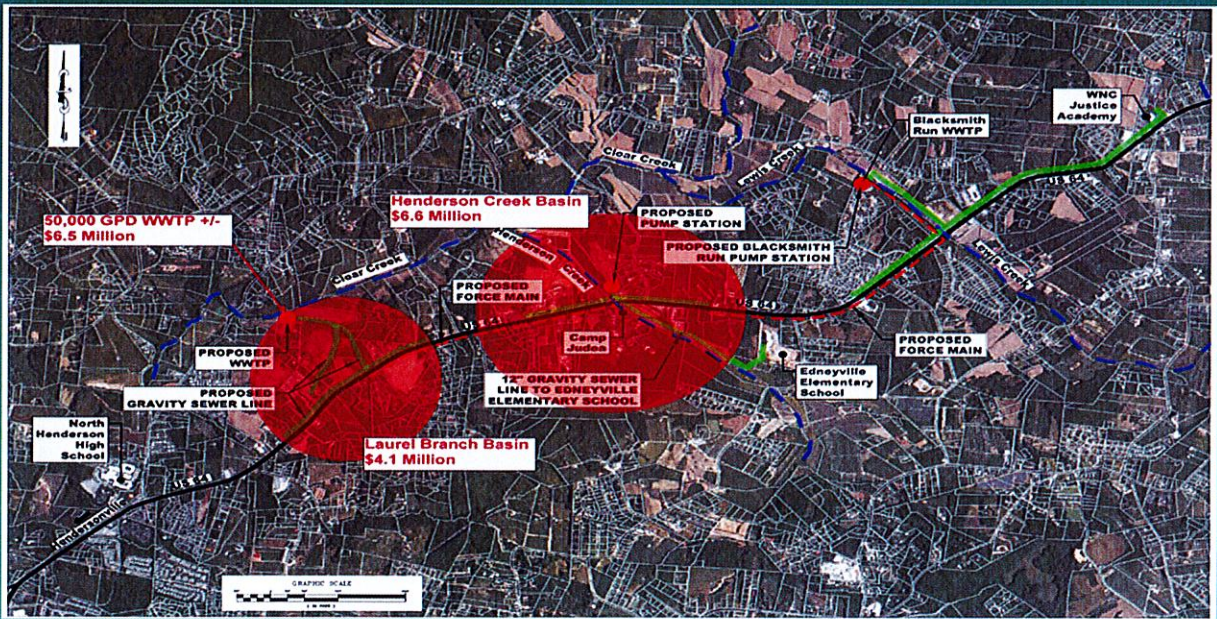
Clear Creek Option 2



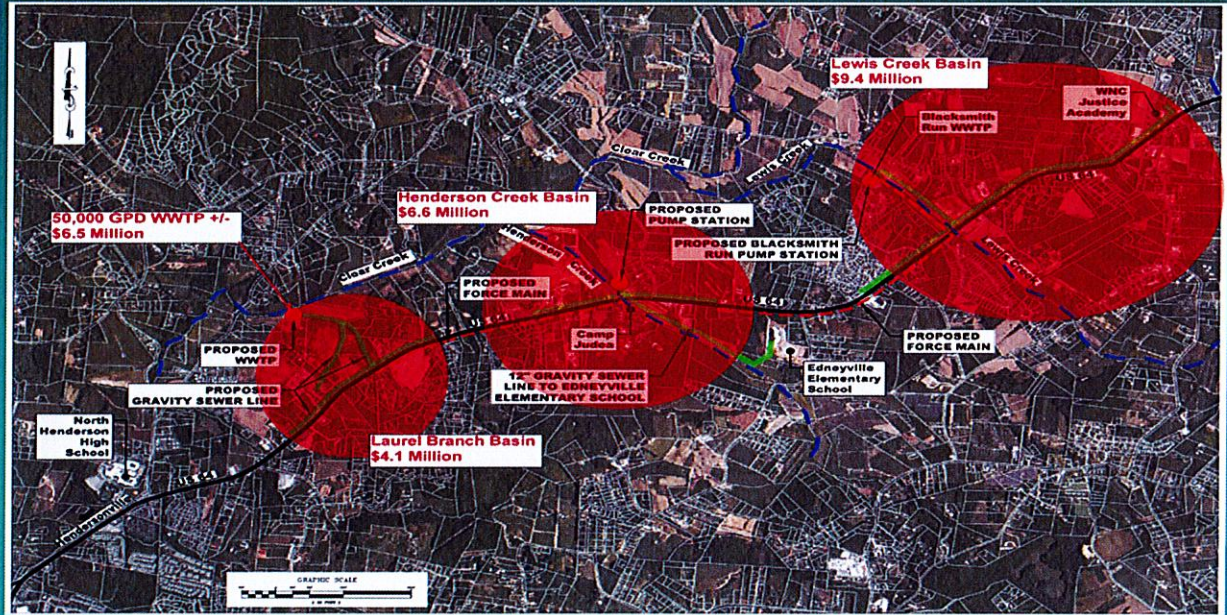
Clear Creek Option 2



Clear Creek Option 2



Clear Creek Option 2



Clear Creek Option 2 Estimated Costs

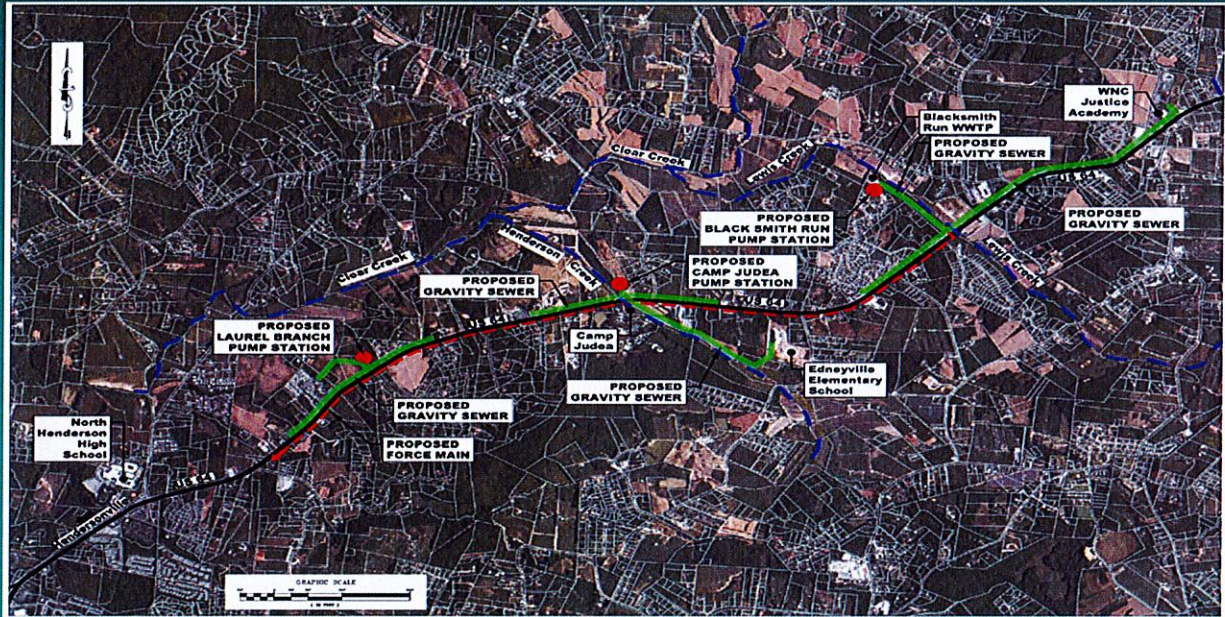
- ◆ Henderson Creek Basin, Laurel Branch Sewer and reduced size WWTP - **\$17.2 Million.**
- ◆ Add Lewis Creek Basin - **\$26.6 Million*.**
- ◆ Only add Justice Academy via pump station and force main (no other users in Lewis Creek Basin) - **\$20.0 Million.**

*Smaller WWTP is not sized to serve Blacksmith Run.

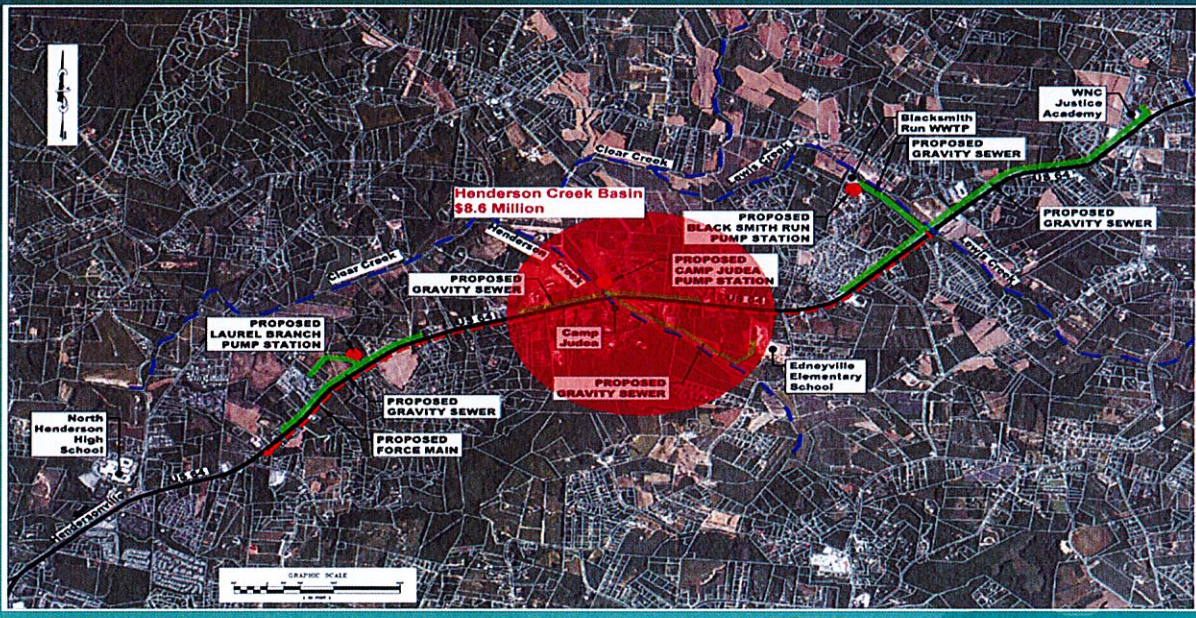
-Operational costs of the system will be challenging with a very limited customer base.

-Will need to reengage with DEQ about conditions of discharge permit.

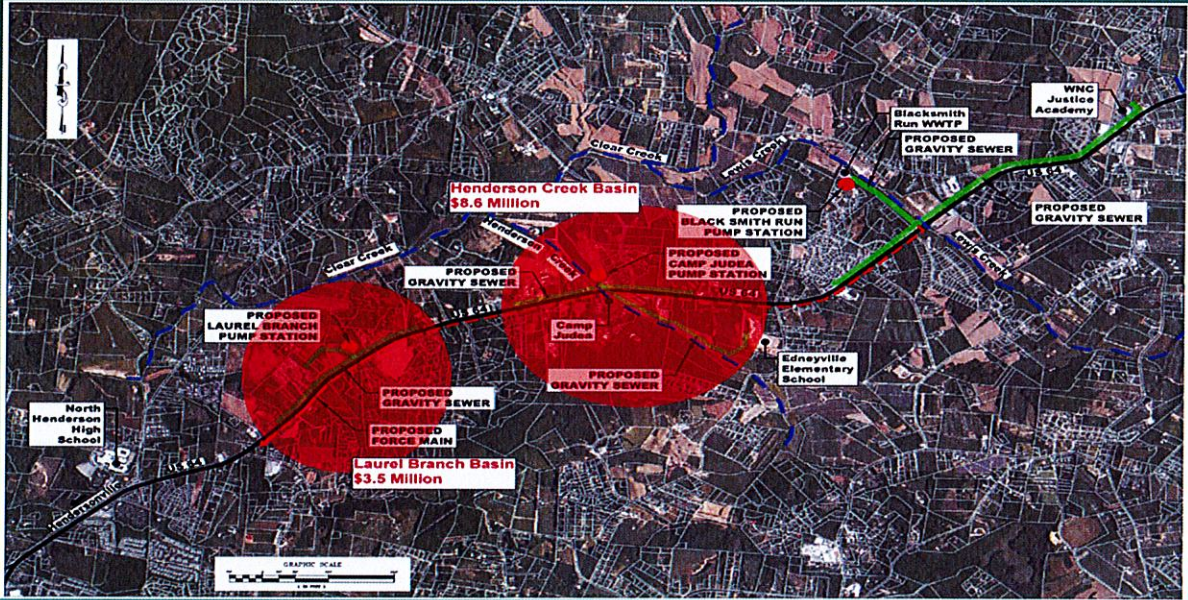
Clear Creek Option 3



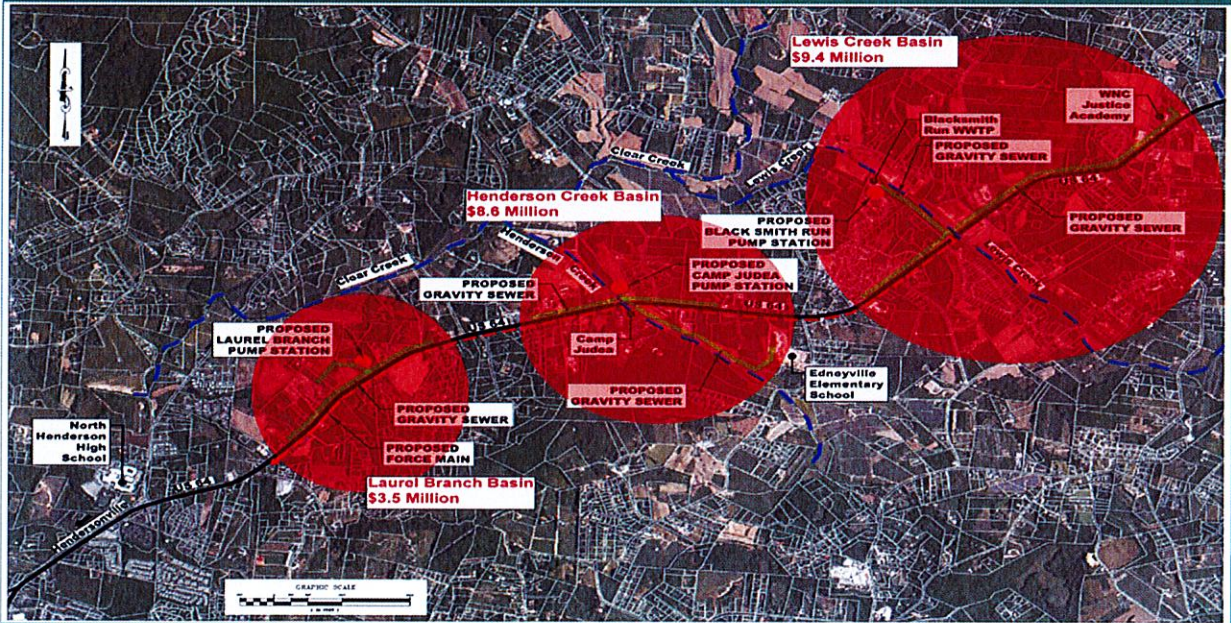
Clear Creek Option 3



Clear Creek Option 3



Clear Creek Option 3



Clear Creek Option 3 Estimated Costs

- ◆ Henderson Creek Basin pump to City of Hendersonville- **\$8.6 Million.**
- ◆ Add Laurel Branch Basin - **\$12.1 Million**
- ◆ Add Lewis Creek Basin - **\$21.5 Million.**
- ◆ Only add Justice Academy via pump station and force main (no other users in Lewis Creek Basin - **\$15.0 Million.**

-Rates would be based on City of Hendersonville "out of City" sewer rates.

-County could dedicate lines to Hendersonville for ownership and maintenance or could own and maintain sewer collection system.

Clear Creek Summary of Options

Clear Creek - Summary of Options		
Option	Estimated Costs	Funding Sources
2A Henderson Creek, Laurel Brach & Reduced WWTP	\$17.2 Million	\$12.7M State allocation + \$4.5M County ARPA Funds
2B Henderson Creek, Laurel Brach & Reduced WWTP with addition of Lewis Creek Basin	\$26.6 Million	\$12.7M State allocation + \$9.3M County ARPA Funds \$2M County + \$0.73M Justice Academy (\$1.87M gap in funding)
2C Henderson Creek, Laurel Brach & Reduced WWTP with addition of Justice Academy only	\$20.0 Million	\$12.7M State allocation + \$7.3M County ARPA Funds
3A Henderson Creek pumped to Hendersonville	\$8.6 Million	\$12.7M State allocation
3B Henderson Creek & Laurel Branch pumped to Hendersonville	\$12.1 Million	\$12.7M State allocation
3C Henderson Creek, Laurel Branch & Lewis Creek pumped to Hendersonville	\$21.5 Million	\$12.7M State allocation + \$8.8M County ARPA Funds
3D Henderson Creek, Laurel Branch & Justice Academy pumped to Hendersonville	\$15.0 Million	\$12.7M State allocation + \$2.3M County ARPA Funds

Clear Creek Additional Consideration

- ◆ Cost for WWTP is very high level. We are working with vendors to verify this estimated cost.
- ◆ User fees for WWTP will depend on user base to share operational costs.

Next Steps

- ◆ Need direction from the Board for option to pursue.
- ◆ Time is of the essence to meet funding requirements.
- ◆ Easement acquisition and permitting will take place 3rd Quarter 2024 – 1st Quarter 2025.
- ◆ Bidding and contractor selection will take place over 1st Quarter and 2nd Quarter 2025.
- ◆ Construction scheduled for mid 2025 – end of 2026.

After the options were presented, the Board, Mr. Buie, and Mr. Jones had a lengthy discussion regarding each option.

Mr. Buie noted that there was a \$7.2 million budget gap to fund this project.

Commissioner Lapsley supported Option 2C, while Commissioner Hill supported Option 2B.

Marcus Jones and Mr. Buie informed the Board that a decision must be made by mid-July to use ARPA funds for this project.

NOMINATIONS AND APPOINTMENTS

1. Environmental Advisory Committee – 3 vacs.

Vice-Chair Edney made the motion to nominate Erik Weber for appointment to seat #1, Kevin Burke for appointment to seat #5, and Jane Edgar for appointment to seat #7. All voted in favor, and the motion carried.

2. Fire and Rescue Advisory Committee – 1 vac.

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

3. Henderson County Board of Equalization and Review – 1 vac.
There were no nominations, and this was rolled to the next meeting.

4. Henderson County Rail Trail Advisory Committee – 1 vac.

Commissioner Hill made the motion to nominate Bart Salvaggio for appointment to seat #6. All voted in favor, and the motion carried.

5. Henderson County Tourism Development Authority – Appointment of Chair

Chairman McCall nominated William Rhodes to serve as Chairman of the Henderson County Tourism Development Authority. All voted in favor, and the motion carried.

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

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

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

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

8. Juvenile Crime Prevention Council – 4 Vacs.

Vice-Chair Edney made the motion to nominate Judge Abe Hudson for appointment to seat #14. All voted in favor, and the motion carried.

9. Library Board of Trustees – Appointment of Chair

Chairman McCall nominated Michael Absher to serve as Chairman on the Library Board of Trustees. All voted in favor, and the motion carried.

10. Mountain Area Workforce Development Board – 2 vacs.

Vice-Chair Edney made the motion to nominate Robert Rode for appointment to seat #1. All voted in favor, and the motion carried.

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

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

COMMISSIONER UPDATES

Commissioner Hill thanked Ms. Brantley for her kindness and generosity over the time he had served with her. He underscored how highly respected Ms. Brantley was and said she would be sorely missed.

Vice-Chair Edney made a motion to cancel the regularly scheduled meeting on August 21, 2024. All voted in favor, and the motion carried.

Approved: July 17, 2024

Commissioner Edney said that Ms. Brantley was highly respected throughout the state and was often a resource for other counties in their budget preparation.

Commissioner Lapsley had no updates to share.

Chairman McCall thanked Ms. Brantley for all she had done for this county and said she hoped they could spend some time together on the golf course in the future. She said Ms. Brantley was leaving “big shoes to fill.”

GENERAL ASSEMBLY UPDATE

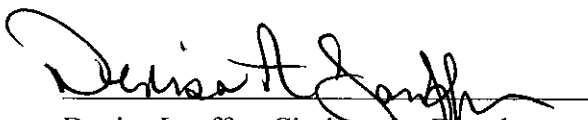
John Mitchell said he and the Chairman had traveled to Raleigh the previous week to lobby legislators on behalf of the county. He noted he was closely monitoring a piece of legislation regarding water and sewer that was submitted by Senator Moffitt. He also met with City Officials and Representative Balkcom in relation to whether that bill may come out of committee. He said they heard from the Governor, Speaker of the House, and the Senate Pro Tem all of which have different ideas of what the budget may look like.

COUNTY MANAGER’S REPORT

Mr. Mitchell noted that the Fourth of July fireworks and the July 3rd Ribbon cutting at the VFW Building were coming soon. He thanked the Board for their due diligence on the budget. In closing, he again thanked Amy Brantley for the years of dedication and service on behalf of himself and on behalf of the staff.

Chairman McCall made the motion to adjourn at 3:20 p.m. All voted in favor, and the motion carried.

ADJOURN


Denisa Lauffer, Clerk to the Board


Rebecca McCall, Chairman

During the June 19, 2024, regular meeting, the Board enacted the following:

- 2024.072 Resolution of Appreciation – Amy Brantley**
- 2024.073 Resolution of Appreciation – Berkeley Mills**
- 2024.074 Pending Releases and Refunds**
- 2024.075 MOU with NCDHHS for Social Service Programs**
- 2024.076 Budget Amendment – Transfer to Capital Reserve Fund**
- 2024.077 Budget Amendment – Transfer to Solid Waste Enterprise Fund**
- 2024.078 Resolution – Opioid Settlement Fund Expenditure Authorization**
- 2024.079 Public Hearing – Conditional Rezoning Application #R-2024-01-C**
- 2024.080 Resolution for Consistency with the 2045 Comprehensive Plan**
- 2024.081 FY2024-2025 Budget Ordinance**

-

Henderson County Board of Commissioners

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

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



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

RESOLUTION OF APPRECIATION

AMY BRANTLEY, ASSISTANT COUNTY MANAGER

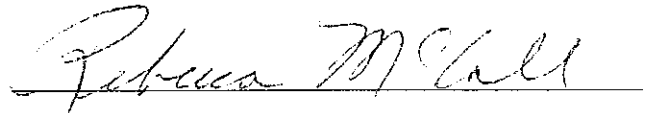
- WHEREAS,** prior to working for Henderson County, Amy Brantley established her local government career in January, 1994 working as a Deputy Clerk II - Recording for Boulder County, Colorado and was soon promoted to Film Room Supervisor and then to Administrative Lead Technician; and
- WHEREAS,** Amy Brantley was hired as an Office Assistant for Henderson County on November 30, 1999. In this role she served both the Human Resources Department and the Governing Body; and
- WHEREAS,** in August 2001, Amy Brantley was promoted to Deputy Clerk to the Board for Henderson County; and
- WHEREAS,** in August 2006, Amy Brantley was promoted to Research and Budget Analyst; and
- WHEREAS,** in March 2013, Amy Brantley was promoted to Budget Manager; and
- WHEREAS,** in February 2014, Amy Brantley was appointed Assistant County Manager; and
- WHEREAS,** during her time at Henderson County, Amy Brantley earned her Master of Public Administration from Western Carolina University, became a Certified Budget and Evaluation Officer through the North Carolina Local Government Budget Association, served and participated in the North Carolina Local Government Budget Association and with the North Carolina City and County Manager's Association; and
- WHEREAS,** Amy Brantley has served on the Western Carolina University MPA Board of Directors and Western Carolina University Alumni Association; and
- WHEREAS,** Amy Brantley has served the North Carolina Association of County Commissioners as a member of the NC Property Tax Solution Oversight Committee and on the Presidential Initiative for Food System Resiliency; and
- WHEREAS,** Amy Brantley has been the recipient of many awards, including Western Carolina University's Outstanding MPA Student, NC City and County Manager's Association Assistant Manager of the Year, and the NC Local Government Budget Association's Jack Vogt Lifetime Achievement Award; and

WHEREAS, Amy Brantley has selflessly provided invaluable service to the Board, employees and citizens of Henderson County; and

WHEREAS, Amy Brantley will retire from her service to Henderson County and its citizens on June 30, 2024;

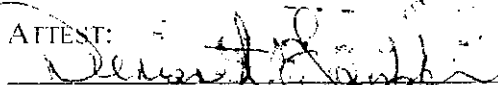
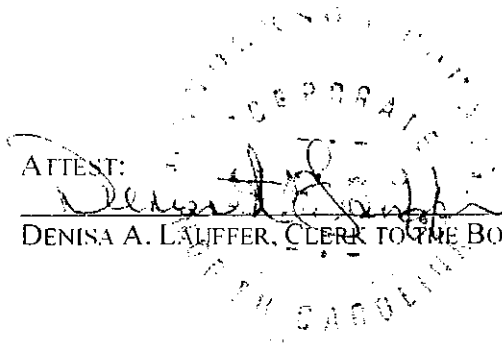
NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners expresses their deep admiration for the experience and wisdom that Amy Brantley has brought to all of the positions that she has served so well in with Henderson County. On behalf of the citizens and staff of Henderson County, we appreciate and commend you on a job well done, Amy Brantley. In witness whereof, I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this 19th day of June, 2024.



REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


DENISA A. LALIFFER, CLERK TO THE BOARD

**Henderson County
Board of Commissioners**

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J. Michael Edney
Vice-Chairman



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

***RESOLUTION OF APPRECIATION
BERKELEY MILLS, BALFOUR, NC***

WHEREAS, the original Balfour Mills was founded in 1924 and later purchased by Kimberly-Clark Corporation and renamed as Berkeley Mills in 1946, and

WHEREAS, Kimberly-Clark Corporation was established in 1872 and is now a global distributor of personal care products to over 175 countries, and

WHEREAS, Berkeley Mills has established manufacturing facilities and has developed innovative nonwoven products in Henderson County; and

WHEREAS, Berkeley Mills has invested millions of dollars in facilities and production expansions. Berkeley Mills has also created several jobs to benefit Henderson County; and

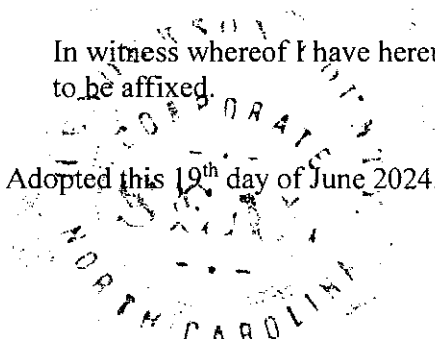
WHEREAS, Berkeley Mills has partnered with numerous local non-profits and businesses, and has donated millions of dollars in funding as support; and

WHEREAS, On June 1, 2024, Berkeley Mills celebrated 100 years of quality service.

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners recognizes the commitment and legacy Berkeley Mills provides for our community. On behalf of the citizens and staff of Henderson County, we commend Berkeley Mills and join in the celebration of 100 years of service to Henderson County.

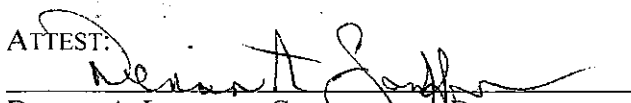
In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this 19th day of June 2024.




REBECCA MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


DENISA A. LAUFFER, CLERK TO THE BOARD

Henderson County Board of Commissioners

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Vice-Chairman



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David H. Hill

June 19, 2024

Harry Rising, Assessor
Henderson County Assessor's Office
200 N. Grove Street, Suite 102
Hendersonville, NC 28792

Dear Mr. Rising:

Attached, please find tax release requests in the amount of \$748.94 and tax refund requests in the amount of \$200.52 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, June 3, 2024. All Releases and refunds were approved.

Sincerely,

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

Rebecca McCall, Chairman
Henderson County Board of Commissioners

RM/dal

enclosures

NCPIS Pending Release/Refund Report. Monday, June 10, 2024*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	STATUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND
PARADISE FALLS TROUT FARM LLC	0003103243-2023-2023-0000	T/P SENT BILL OF SALE FOR VESSEL BEING SOLD ON 12/18/2022. VOIDED 2023-2024 ABSTRACT.	(\$90,573)	8994	ZWORGAN	130 RED FOX LN FLAT ROCK NC 28731	COUNTY	TAX LATE LIST FEE TOTAL:	\$390.37 \$0.00	\$0.00 \$0.00	\$390.37 \$0.00	\$0.00 \$0.00
OWNER TOTAL:												
			(\$90,573)	8993	RJONES	105 HILTON LN HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$154.71 \$15.47	\$154.71 \$15.47	\$154.71 \$15.47	\$154.71 \$15.47
PARKER, JAN HOLLIFIELD	0003085042-2022-2022-0000	VOIDED YEARS 2023 AND 2022- THIS MOBILE HOME WAS MADE REAL PROPERTY AND IS ON ABSTRACT 552569	(\$27,578)	8992	RJONES	105 HILTON LN HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$27.58 \$2.76	\$27.58 \$2.76	\$27.58 \$2.76	\$27.58 \$2.76
OWNER TOTAL:												
			(\$27,578)	8992	RJONES	105 HILTON LN HENDERSONVILLE NC 28739	COUNTY	TAX LATE LIST FEE TOTAL:	\$118.86 \$24.82	\$118.86 \$24.82	\$118.86 \$24.82	\$118.86 \$24.82
GRAND TOTALS:												
			(\$55,156)					ABSTRACT TOTAL:	\$0.00	\$27.30	\$158.05	\$200.52
			(\$145,729)					ABSTRACT TOTAL:	\$748.94	\$358.57	\$748.94	\$200.52

MEMORANDUM OF UNDERSTANDING
(FISCAL YEAR 2024-25 and 2025-26)

BETWEEN

THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND
HENDERSON COUNTY

A Written Agreement Pursuant to N.C. Gen. Stat. § 108A-74,
an Act of the North Carolina General Assembly

This Memorandum of Understanding (“MOU”) is made by and between the North Carolina Department of Health and Human Services, (hereinafter referred to as the “Department”) and **Henderson County** a political subdivision of the State of North Carolina (hereinafter referred to as the “County”) to comply with the requirements of law, N.C. Gen. Stat. § 108A-74. The Department and the County may be referred to herein individually as a “Party” and collectively as the “Parties.”

TERMS OF UNDERSTANDING

In consideration of the mutual promises and agreements contained herein, as well as other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, the Parties agree to this MOU, effective July 1, 2024, in compliance with the mandates of law enacted by the North Carolina General Assembly and in recognition of possible amendments by the General Assembly, the Parties further agree to conform to changes made to the law, notwithstanding a contractual term previously agreed upon.

1.0 Parties to the MOU

The only Parties to this MOU are the North Carolina Department of Health and Human Services and **Henderson County**, a political subdivision of the State of North Carolina.

1.1 Relationships of the Parties

Nothing contained herein shall in any way alter or change the relationship of the parties Parties as defined under the laws of North Carolina. It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the Department and the County. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Department and County that any such person or entity, other than the Department or the County, receiving services or benefits under this MOU shall be deemed an incidental beneficiary only.

Subcontracting: The County shall be responsible for the performance of all of its subcontractors. The County shall disclose the names of its subcontractors to the Department within thirty (30) days of the execution thereof. The County shall also provide additional information concerning its subcontractors as may be requested by the Department within thirty (30) days of the request. The County additionally agrees not to enter into any confidentiality agreement or provision with a

3.0 MOU Documents

The Recitals and the following attachments are incorporated herein by reference and are part of this MOU:

- (1) The portions hereof preceding the Terms of Understanding, including but not limited to the introductory paragraph and the Recitals, which are contractual as well as explanatory.
- (2) The Terms of Understanding
- (3) Addendum A – Data Sharing Memorandum of Agreement
- (4) Attachment I – Mandated Performance Requirements:
 - a. I-A: Energy Programs
 - b. I-B: Work First
 - c. I-C: Food and Nutrition Services
 - d. I-D: Child Welfare – Foster Care
 - e. I-E: Adult Protective Services
 - f. I-F: Special Assistance
 - g. I-G: Child Support Services
- (5) Attachment II - Child Welfare - CFSR

4.0 Entire MOU

This MOU and any documents incorporated specifically by reference represent the entire agreement between the Parties and supersede all prior oral or written statements or agreements between the Parties.

5.0 Definitions

While “County” is used as an abbreviation above, the following definitions, some of which are contained in N.C. Gen. Stat. § 108A-74(a), also apply to this MOU:

- (1) "County department of social services" also means the consolidated human services agency, whichever applies.
- (2) "County director of social services" also means the human services director, whichever applies.
- (3) "County board of social services" also means the consolidated human services board, whichever applies.
- (4) "Child welfare services or program" means protective, foster care, and adoption services related to juveniles alleged to be abused, neglected, or dependent as required by Chapter 7B of the General Statutes.
- (5) "Social services programs" or "Social services programs other than medical assistance" means social services and public assistance programs established in Chapter 108A other than the medical assistance program (Part 6 of Article 2 of Chapter 108A). This includes, but is not limited to, child welfare programs, adult protective services, guardianship services for adults, and programs of public assistance established in Chapter 108A. It also includes the child support enforcement program, as established in Article 9 of Chapter 110 of the General Statutes, and the North Carolina Subsidized Child Care Program.

To the extent that any term used herein is defined by a statute or rule applicable to the subject matter of this MOU, the statutory or rule definition shall control. For all remaining terms, which

10.0 Secretary's Authority Undiminished

Certain functions delegated to the County pursuant to this MOU are the duty and responsibility of the Department as the grantee of federal grant funds. The Parties understand and agree that nothing in this MOU shall be construed to diminish, lessen, limit, share, or divide the authority of the Secretary of the Department to perform any of the duties assigned to the Department or its Secretary by the North Carolina General Statutes, the terms and conditions of the federal funds and their applicable laws and regulations or other federal laws and regulations regarding any federal funding which is used by the Department to reimburse the County for any of its duties under this MOU.

11.0 MOU does not Diminish Other Legal Obligations

Notwithstanding anything to the contrary contained herein and to facilitate the mandated performance requirements of N.C. Gen. Stat. § 108A-74, the Parties acknowledge and agree that this MOU is not intended to supersede or limit, and shall not supersede or limit, the County's obligations to comply with all applicable: 1) federal and state laws; 2) federal and state rules; and 3) policies, standards, and directions of the Department, as all such currently exist and may be amended, enacted, or established hereafter.

12.0 Notice

The persons named below shall be the persons to whom notices provided for in this MOU shall be given. Either Party may change the person to whom notice shall be given upon written notice to the other Party. Any notice required under this MOU will only be effective if actually delivered to the Parties named below. Delivery by hand, by first class mail, or by email are authorized methods to send notices.

For the Department of Health and Human Services, Division of Social Services

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Carla West, Division Director, Human Services NCDHHS 2417 Mail Services Center Raleigh, NC 27699-2001	Carla West NCDHHS Dorethea Dix Campus, McBryde Building Phone: 919-855-4755 E-mail: carla.west@dhhs.nc.gov

- iii. Monitor that all financial resources related to the provision of social services programs covered by this MOU are utilized by the county in compliance with applicable federal and state laws.
 - c. Data Submission:
 - i. Maintain and review data submitted by counties pursuant to the mandatory performance requirements.
 - ii. Provide counties with reliable data related to their performance requirements as well as accuracy and timeliness of programs in accordance with state and federal program guidelines. This includes but is not limited to processing applications and recertification, quality control standards, program statistics and fiscal information.
 - iii. The Department shall be responsible for the maintenance and functionality of its information systems utilized in the statewide administration of social services programs covered by this MOU.
 - d. Communication:
 - i. Provide counties with clarification or explanation of law, rule or policy governing social services programs when necessary or as requested.
 - ii. Disseminate policy on social services programs and provide counties with timely information on any updates to policy.
 - iii. Provide timely information to counties on any changes to federal law or policy made known to the Department.
 - iv. Provide counties with a timely response to requests for technical assistance or guidance.
 - v. Maintain all policies covering social services programs in a central, accessible location. Policies will be updated, to the extent possible, in advance of the effective date of any new policies or policy changes.
 - vi. Provide counties with an opportunity to submit questions, concerns and feedback related to the administration of social services programs to the Department and provide County a timely response to such communication.
 - vii. Communicate proactively with the County Director of Social Services on matters that affect social services programs covered under this MOU. Communication shall be timely, and alerts sent to counties to let them know of the upcoming changes.
 - viii. Communicate directly with the County Manager, Governing Boards, and the County Director of Social Services on matters including but not limited to, corrective action, and significant changes to law, rule and policy that impact the administration of social services programs covered by this MOU.
 - e. Inter-agency Coordination:
 - i. Provide guidance to counties in the event they are unable to reach a resolution on a conflict of interest that arises related to the provision of social services programs covered by this MOU.
 - ii. Provide guidance for county DSS personnel on federal and state Emergency Management, mass shelter, Business Continuity Plan (BCP) and Continuity of Operations Plan (COOP) requirements.
 - iii. Coordinate with and communicate to county DSS agencies regarding available and required training opportunities associated with DSS Mass Shelter, BCP and COOP responsibilities.

limited to, litigation risks (not including child welfare cases governed by Chapter 7B or adult services cases governed by Chapter 35A or 108A), network and computer issues, or data breaches.

iii. Provide timely information regarding temporary or permanent changes to the Social Services Governing Board. or the County Social Services Director, including retirements, separations, or any leaves of absence greater than two calendar weeks.

e. Inter-agency Cooperation:

i. Ensure that county social services personnel complete required training and are prepared to engage in Disaster Management, mass shelter, BCP and COOP operations.

ii. Ensure that all plans and systems are in place to meet potential disaster (natural, technical, otherwise) response requirements.

iii. Engage with DHHS, state Emergency Management and local leadership in associated efforts.

iv. Assist or operate mass shelter operations or other required disaster management responsibilities.

(3) The County shall timely meet all its responsibilities contained in this MOU. "Timely" shall be defined consistent with timeliness requirements set forth in relevant statute, regulation, policy or as otherwise required by the Department. If timeliness is not otherwise defined, "timely" shall mean within a reasonable time under the circumstances.

15.0 Data Security and Reporting

Data Security: The County shall adopt and apply data privacy and security requirements to comply with all applicable federal, state, department and local laws, regulations, and rules. The Parties hereby adopt and incorporate the terms of the Data Sharing Agreement attached as Addendum A as if fully set forth herein.

Duty to Report: The County shall report all privacy and security incidents related to the provision of social services programs covered by the MOU to the Department and the Privacy and Security Office within twenty-four (24) hours after the privacy and security incident is first discovered, provided that the County shall report a breach involving Social Security Administration data or Internal Revenue Service data within one (1) hour after the incident is first discovered. During the performance of this MOU, the County is to notify the Department of any contact by the federal Office for Civil Rights (OCR) received by the County related to the provision of social services programs covered by the MOU. In case of a privacy and security incident, the County, including any subcontractors or agents it retains, shall fully cooperate with the Department.

16.0 Miscellaneous

Choice of Law: The validity of this MOU and any of its terms or provisions, as well as the rights and duties of the Parties to this MOU, are governed by the laws of North Carolina. The Parties, by signing this MOU, agree and submit, solely for matters concerning this MOU, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this MOU and all transactions and agreements relating to it, and their situs and forum, shall be Wake County,

ADDENDUM A: DATA SHARING MEMORANDUM OF AGREEMENT

Between

North Carolina Department of Health and Human Services

And

Henderson County

This Data Sharing Memorandum of Agreement (MOA) between the North Carolina Department of Health and Human Services (NC DHHS or Agency) and Henderson County (County) (and collectively with Agency referred to as the Parties) establishes the agreement between the Parties regarding the County's access to, and use and disclosure of, all confidential data and information provided by the Agency to the County, for purposes of administering North Carolina's public assistance and public service programs.

1. PURPOSE AND SCOPE

The purpose of this MOA is to identify certain roles and responsibilities of each party as it relates to the sharing and use of all confidential data and information provided by the Agency to the County in connection with the administration of North Carolina's public assistance programs as well as the County's administration and performance of other public services delegated to it by law (collectively referred to as NCDHHS Data). For purposes of this MOA, NCDHHS Data, includes, but is not limited to:

- a. Social Security Administration (SSA) data;
- b. Federal Tax Information (FTI) as defined in the current IRS Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies (IRS Publication 1075);
- c. protected health information as defined by 45 CFR 160.103;
- d. personal information, as defined by the North Carolina Identity Theft Protect Act, N.C.G.S. § 75-61(10);
- e. identifying information, as defined by N.C.G.S. § 14-113.20(b); and
- f. names or other information concerning persons applying for or receiving public assistance or social services which are confidential pursuant to N.C.G.S. §108A- 80.

More specifically, the objectives of this MOA are to:

- Manage the information technology process and systems pertaining to the NCDHHS Data provided by the Agency to the County, and received by the County from the Agency, to ensure compliance with all applicable federal and state laws, regulations, standards and policies regarding the confidentiality, privacy and security of this NCDHHS Data.

3. AUTHORITY OF PARTIES

Each Party is an agency of the State of North Carolina and operating pursuant to its respective statutory authority and obligations. This MOA is authorized under the provisions of N.C.G.S. §§ 108A-25, 108A-54, and 153A-11 and Article 13 of Chapter 153A of the North Carolina General Statutes, and the implementing recommendations or regulations of these laws, if any. For the convenience of the Parties and avoidance of doubt, the Parties acknowledge and agree that NC DHHS is the “Agency” as such term is used in IRS Publication 1075, and that the County is a statutory agent but not a “contractor” or “agent” as such term is used in North Carolina statutory or common law. The Agency acknowledges it is authorized to receive and use FTI pursuant to 26 U.S.C. § 6103.

4. PARTIES’ ROLES AND RESPONSIBILITIES

Pursuant and subject to this MOA, the Agency shall provide to the County NCDHHS Data pertaining to the Public Assistance Programs, through access to the Agency’s information technology systems utilized in conjunction with the Public Assistance Programs. These information technology systems include, but are not limited to, the Agency’s current NC FAST case management system (NC FAST), and the legacy information systems which preceded NC FAST (collectively, NCDHHS Information Systems). The NCDHHS Information Systems are secured via Agency access control mechanisms and related procedures, including, but not limited to, Resource Access Control Facility (RACF), North Carolina Identification (NCID), and Web Identity Role Management Portal (WIRM) (collectively, NCDHHS Access Controls).

All NCDHHS Data that the Agency provides to the County shall remain confidential and secure at all times. Confidentiality and security of this NCDHHS Data will be maintained by the County in accordance with all applicable federal and state laws, regulations, standards and policies governing this NCDHHS Data and in accordance with the terms of this MOA. Only appropriately authorized County employees and contractors whose job responsibilities require access to the NCDHHS Data will be granted access to the NCDHHS Data, through the NCDHHS Information Systems and NCDHHS Access Controls. Any data, records or other information shared through this MOA are protected from unauthorized use and disclosure and shall be accessed and used by the County solely for purposes of administering and operating the Public Assistance Programs.

NCDHHS agrees:

- a. To provide NCDHHS Data to the County through access to the NCDHHS Information Systems in strict accordance with the NCDHHS Access Controls and in accordance with the terms of this MOA.
- b. To allow the County to access and utilize the NCDHHS Data to administer and operate the Public Assistance Programs.

County acknowledging receipt of a copy of this MOA and agreeing to comply with the terms of this MOA as it relates to the contractor's access to NCDHHS Information Systems.

- h. To ensure that all information technology systems receiving, storing, processing, or transmitting FTI meet the requirements in IRS Publication 1075, including the requirements set forth in Exhibit 7 to IRS Publication 1075, a copy of which is available at: <https://www.irs.gov/pub/irs-pdf/p1075.pdf>.
- i. To maintain a current list of employees and contractors authorized to access and utilize the NCDHHS Data provided by the Agency pursuant to this MOA, and to provide the Agency a copy of that list upon written request by the Agency.
- j. To submit, when requested by the Agency, a written certification that continuous security monitoring has been performed in accordance with applicable requirements. Additionally, the County will submit a written certification that all mainframe and network device configurations supporting the County environment is compliant with all applicable requirements. This certification will be provided to the Agency with supporting evidence, such as a recent vulnerability scan.
- k. At the Agency's request, the County will work with the IRS, Social Security Administration, or other federal agencies or their agents with respect to periodic safeguard and security reviews. The County will support the resolution of the Agency's finding based on a written plan satisfactory to both Parties.
- l. Upon notification from the IRS, Social Security Administration, other federal agencies, or the Agency of changes to functional and security specifications, the County will collaborate with the Agency to develop and implement plans to meet specified requirements in accordance with guidance and direction provided by the IRS and/or the Agency. The County will be responsible for costs arising from such modifications.
- m. To provide annual access and disclosure awareness and incident reporting training to its employees and any approved contractors that may have access to SSA data and/or FTI data (only certain functions in support of Child Support Enforcement may allow contractor access to FTI).
- n. To work cooperatively with the Agency regarding County employee or contractor access to NCDHHS Data and NCDHHS Information Systems, and compliance with this MOA and applicable law.
- o. To be responsible for supervision of its own employees and contractors.

The County acknowledges and agrees that some of the data elements included within the NCDHHS Data can be classified as “identifying information” within the meaning of N.C.G.S. § 14-113.20(b). In addition, the combination of certain data elements could classify the data elements as “personal information” within the meaning of N.C.G.S. § 75-61(10). Since the Agency and the County are subject to the North Carolina Identity Theft Protect Act requirements, N.C.G.S. § 132-1.10 and 75-65, the Agency and the County acknowledge and understand that the unauthorized disclosure, misuse, or loss of these certain data elements could subject the County and/or the Agency to security breach notification requirements.

The County shall safeguard and protect the security of the NCDHHS Data from loss, theft, or inadvertent disclosure, in accordance with applicable federal and North Carolina laws, regulations, standards and guidelines, and policies including, but not limited to the following:

- Federal Information Security Management Act of 2002 (44 USC 3541 et seq.);
- SSA’s “Electronic Information Exchange Security Requirements and Procedures for State and Local Agencies Exchanging Electronic Information with the Social Security Administration”
- IRS Publication 1075;
- Health Information Portability and Accountability Act and HIPAA Security Rule, 45 CFR Part 160 and Subparts A and C of Part 164; and
- National Institute of Standards and Technology guidelines.

In accordance with applicable federal and North Carolina statutes, regulations, standards, and policies, the County shall use appropriate physical and technological security safeguards to prevent re-disclosure of NCDHHS Data, and to protect NCDHHS Data in paper and/or electronic forms during transmission, storage or transport. The County shall use encryption during the data transmission process and shall protect NCDHHS Data on portable computers and devices through the use of applicable encryption and strong authentication procedures and other security controls to make NCDHHS Data unusable and inaccessible by unauthorized individuals.

The County shall monitor County employees’ access to higher-risk NCDHHS Data elements such as Social Security numbers, dates of birth, and FTI. The County shall terminate access privileges to NCDHHS Data of County employees immediately when their employment has been terminated or their job responsibilities no longer require access.

The County shall dispose of paper and equipment containing NCDHHS Data in a secure manner in accordance with applicable law and information security NIST standards. At the request of the Agency, the County shall provide documentation of proper disposal of NCDHHS Data to NCDHHS.

7. CONTACTS

The Parties mutually agree that the following named individuals will be designated as points of contact for the MOA on behalf of the Agency and the County:

For NCDHHS:

Pyreddy Reddy Chief Information Security officer N.C. DHHS Privacy and Security Office 695 Palmer Drive Raleigh, NC 27605 Phone: (919) 855-3090 Fax: (919) 733-1524 Email: pyreddy.reddy@dhhs.nc.gov	
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For County:

Jerrie McFalls Director of Henderson County DSS 1200 Spartanburg Highway Suite 300 Phone: 828-694-6306 Fax: 828-697-4544 E-Mail: jerriemcfalls@hendersoncountync.gov	
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The Parties agree that if there is a change regarding the information in this section, the party making the change will notify the other party in writing of such change.

8. LIABILITY AND INDEMNIFICATION

Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina or the assumption by the State of any liability contrary to the laws and statutes of North Carolina. Each Party shall be responsible for its own liabilities and neither Party shall seek indemnification from the other.

This MOA shall inure to the benefit of and be binding upon the Parties hereto and their respective successors in the event of governmental reorganization pursuant to N.C.G.S. § 143A-6 or other authority.

regulation governing its subject, the conflicting term shall be considered null and void. The remaining terms and conditions of this MOA shall remain in full force and effect.

13. ENTIRE AGREEMENT

This MOA and any amendments hereto and any documents incorporated specifically by reference represent the entire agreement between the Parties and supersede all prior oral and written statements or agreements.

14. TERMINATION

The Parties may terminate this MOA at any time upon mutual written agreement. In addition, either party may terminate this MOA upon 90 days' advance written notice to the other party. Such unilateral termination will be effective 90 days after the date of the notice or at a later date specified in the notice. In the event this MOA is terminated unilaterally by the County, the Agency will suspend the flow of NCDHHS Data to the County until a superseding written agreement is executed by the Parties.

The Agency may immediately and unilaterally suspend the flow of NCDHHS Data to the County under this MOA, or terminate this MOA, if the Agency, in its sole discretion, determines that the County (including its employees, contractors and agents) has: (i) made an unauthorized use or disclosure of NCDHHS Data; (ii) provided unauthorized access to NCDHHS Information Systems; or (iii) violated or failed to follow the terms and conditions of this MOA.

WORK FIRST

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The county will process 95% of Work First applications within 45 days of receipt.	The county will process 95% of Work First applications within 45 days of receipt.	Ensure that eligible families receive Work First benefits in a timely manner. TANF State Plan FFY 2019-2022 NCGS 108A-31	Monthly
2	The county will process 95% of Work First recertifications within 60 calendar days prior to the last day of the current certification period.	The county will process 95% of Work First recertifications within 60 calendar days prior to the last day of the current certification period.	Ensure that Work First families continue to receive assistance and benefits without unnecessary interruption. TANF State Plan FFY 2019-2022 NCGS 108A-31	Monthly

FOOD AND NUTRITION SERVICES

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The county will process 95% of expedited FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 7th calendar day from the date of application.	The county will process 95% of expedited FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 7th calendar day from the date of application.	Ensure all expedited FNS applications are processed within required timeframes. 7 CFR § 273.2 FNS Manual: Section 315 FNS Administrative Letter 1-2015	Monthly
2	The county will process 95% of regular FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 30th calendar day from the date of application.	The county will process 95% of regular FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 30th calendar day from the date of application.	Ensure all regular FNS applications are processed within required timeframes. 7 CFR § 273.2 FNS Manual: Section 315 FNS Administrative Letter1-2015	Monthly
3	The county will ensure that 95% of FNS recertifications are processed on time, each month.	The county will ensure that 95% of FNS recertifications are processed on time, each month.	Ensure that eligible families have their recertification benefits processed in a timely manner without interruption. 7 CFR § 273.14	Monthly

CHILD SUPPORT SERVICES

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	Percentage of paternities established or acknowledged for children born out of wedlock.	The county paternity establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).	Paternity establishment is an essential component in obtaining and enforcing support orders for children. 45 CFR § 305.33 (b) NCGS 110-129.1	Annual
2	Percentage of child support cases that have a court order establishing support obligations.	The county support order establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).	A court order creates a legal obligation for a noncustodial parent to provide financial support to their children. 45 CFR § 305.33 (d) NCGS 110-129.1	Annual
3	Percentage of current child support paid.	The county current collections performance level must exceed 40% at the end of the State Fiscal Year (June 30).	The current collections rate is an indicator for the regular and timely payment of child support obligations. 45 CFR § 305.33 (e) NCGS 110-129.1	Annual
4	Percentage of cases received a payment toward arrears.	The county arrearage collections performance level must exceed 40% at the end of the State Fiscal Year (June 30).	Collection of child support has been shown to reduce child poverty rates and improve child well-being 45 CFR § 305.33 (h) NCGS 110-129.1	Annual



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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CHILD WELFARE - FOSTER CARE

Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
<p>3 The county will provide leadership for ensuring that 40.5% of children who enter foster care in a 12-month period are discharged to permanency within 12 months of entering foster care.</p>	<p>DHHS will work with the county to identify the county's performance measure for FY 24-25 and FY 25-26 based on the county's performance for the preceding state fiscal year</p>	<p>Ensure that children in out-of-home placements are able to obtain safe and permanent homes as soon as possible after removal from their home.</p> <p>National Standards for State Performance on Statewide Data Indicators established by the Children's Bureau to determine conformity with Title IV-B and Title IV-E of the Social Security Act and the Child and Family Services Review.</p>	
<p>4 The county will provide leadership for ensuring that, of children who enter foster care in a 12-month period who were discharged within 12 months to reunification, kinship care, or guardianship, no more than 8.3% re-enter foster care within 12 months of their discharge.</p>	<p>DHHS will work with the county to identify the county's performance measure for FY 24-25 and FY 25-26 based on the county's performance for the preceding state fiscal year</p>	<p>Ensure that children exiting foster care are in stable homes so that they do not re-enter foster care.</p> <p>CFSR: Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.</p> <p>National Standards for State Performance on Statewide Data Indicators established by the Children's Bureau to determine conformity with Title IV-B and Title IV-E of the Social Security Act and the Child and Family Services Review.</p>	
<p>5 The county will provide leadership for ensuring that, of all children who enter foster care in a 12-month period in the county, the rate of placement moves per 1,000 days of foster care will not exceed 4.1%.</p>	<p>DHHS will work with the county to identify the county's performance measure for FY 24-25 and FY 25-26 based on the county's performance for the preceding state fiscal year</p>	<p>Ensure that children who are removed from their homes experience stability while they are in foster care.</p> <p>CFSR: Permanency Outcome 1: Children have permanency and stability in their living situations.</p> <p>National Standards for State Performance on Statewide Data Indicators established by the Children's Bureau to determine conformity with Title IV-B and IV-E of the Social Security Act and the Child and Family Services Review.</p>	



NC DEPARTMENT OF
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REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 19, 2024

SUBJECT: Budget Amendment – Capital Reserve Fund

PRESENTERS: Samantha Reynolds – Finance Director

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

On May 15, 2024, the Board approved a reallocation of funding for the state budget allocation, directed by the NC General Assembly pursuant to Session Law 2022-74 for local government projects to be used for public purposes.

The Board is requested to approve a budget amendment to return funding to the Capital Reserve fund for the lower tennis courts project and for mowers purchased during FY2024. The revised funding for the state budget allocation was used to fund these projects and the original allocation from the Capital Reserve and General Funds is no longer needed.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached Budget Amendment as presented.

Suggested Motion:

I move the Board approve the attached Budget Amendment as presented.

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: June 19, 2024

SUBJECT: Budget Amendment – Transfer to Solid Waste

PRESENTER: Samantha Reynolds, Finance Director

ATTACHMENTS: Yes
I. Budget Amendment

SUMMARY OF REQUEST:

The Board is requested to approve the attached budget amendment, transferring \$625,000 from the General Fund to the Solid Waste Fund.

BOARD ACTION REQUESTED:

The Board is requested to approve the attached Budget Amendment as presented.

Suggested Motion(s):

I move the Board approve the attached Budget Amendment as presented.

LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY



Department: FINANCE

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount	
<u>115980-598060</u>	<u>TRANSFER TO SOLID WASTE FUND</u>	<u>\$625,000</u>	
<u>605472-539011</u>	<u>HAULING CONTRACT</u>	<u>\$625,000</u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	\$1,250,000

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

Account	Line-Item Description	Amount	
<u>114839-481001</u>	<u>INTEREST EARNED</u>	<u>\$625,000</u>	
<u>604472-403500</u>	<u>TRANSFER FROM GENERAL FUND</u>	<u>\$625,000</u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	<u> </u>	\$1,250,000

Justification: *Please provide a brief justification for this line-item transfer request.* TO BUDGET FOR A TRANSFER FROM GENERAL FUND TO SOLID WASTE FUND. BOC APPROVED 6.19.2024. \$0

Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

For Budget Use Only

Batch #

BA #

Batch Date

HENDERSON COUNTY
NORTH CAROLINA

Before the Board of Commissioners

A RESOLUTION BY THE COUNTY OF HENDERSON
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

BOARD OF COMMISSIONERS ENACTMENT 2024.078

WHEREAS Henderson County previously joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals; and,

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”); and

WHEREAS Henderson County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA; and

WHEREAS section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the MOA, Henderson County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
 - a. Name of strategy: Criminal Justice Diversion: Adult Recovery Court
 - b. Strategy is included in Exhibit B (Exhibit A, Exhibit B)
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: D, 1
 - d. Amount authorized for this strategy: not to exceed \$283,607.
 - e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.
 - f. Description of the program, project, or activity: The Adult Recovery Court began planning in 2023 and started receiving referrals in January 2024. Funds will cover costs related to this Court and related program needs including but not limited to the following: Adult Recovery Court Coordinator (ARCC) position, prosecutorial services, supplies, and materials to support the position and the program participants, training for the ARCC and members of the Interdisciplinary Team.
 - g. Provider: Henderson County.

2. Second strategy authorized
 - a. Name of strategy: Leadership, Planning, and Coordination
 - b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: B, J
 - d. Amount authorized for this strategy: not to exceed \$167,656.
 - e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.
 - f. Description of the program, project, or activity: The Director of Strategic Behavioral Health position was created in 2023 to provide oversight of county programs, contracts, grants, and other funding related to behavioral health. The Director will plan, organize, and manage Henderson County's network of behavioral health/substance use services, programs, and treatment providers. This position oversees the county's Opioid Settlement Fund planning and management. Establishment of this department and support of the position requires expenses that include but are not limited to office equipment and materials, software, training and supervision, vehicle use and maintenance, and programmatic support for clients the department supports.
 - g. Provider: Henderson County

3. Third strategy authorized
 - a. Name of strategy: Recovery Support Services: Peer Support Specialist for DSS
 - b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A,3
 - d. Amount authorized for this strategy: not to exceed \$91,277.
 - e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.
 - f. Description of the program, project, or activity: Funding supports the Peer Support Specialist position embedded at DSS. Funding will support the position and related expenses including but not limited to equipment and supplies necessary to perform the responsibilities of the job. This strategy addresses systemic root causes of the Opioid Epidemic by creating connections to treatment and supporting the recovery of families

with substance use issues. The rising number of drug-endangered children in Henderson supports the need for this strategy. This strategy will prove to be effective by reducing the length of open DSS cases involving drug use and decreasing out of home placements for children.

g. Provider: Henderson County.

4. Fourth strategy authorized

a. Name of strategy: Post-overdose Response Team: Peer Support for Co-response

b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 8

d. Amount authorized for this strategy: not to exceed \$91,726.

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Funding supports the position of Peer Support Specialist position embedded at EMS who will respond to overdoses and other substance involved calls that occur during scheduled work hours and follow up with those that occur in their off hours. Funding will support the position and related expenses including but not limited to equipment and supplies necessary to perform the responsibilities of the job, including naloxone. This person will connect people to treatment services and support recovery. They can also work with people and families EMS encounter who struggle with substances that did not result in an overdose. The overarching goal is to prevent overdoses and connect individuals to services.

g. Provider: Henderson County.

5. Fifth strategy authorized

a. Name of strategy: Evidence Based Addiction Treatment

b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 2

d. Amount authorized for this strategy: not to exceed \$100,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: This strategy will address access to treatment and continuity of care by providing financial support for uninsured and underinsured individuals to receive evidence-based treatment services. Even as Medicaid Expansion goes into effect, a percentage of the population with Opioid Use Disorders will still not qualify for benefits. Individuals in the Recovery Court and Reentry programs will likely represent this population. This strategy will prove to be effective by increasing the number of uninsured or underinsured individuals receiving treatment services.

g. Provider: Treatment providers as recommended for appropriate level of care.

6. Sixth strategy authorized

a. Name of strategy: Recovery Housing Support Services

b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 4

d. Amount authorized for this strategy: not to exceed \$100,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Recovery Housing Support is a regional

concern, as there are very few inpatient or residential programs, and even few transitional recovery homes. There are currently few recovery house options within Henderson County. The funding strategy to address this gap is to begin by stabilizing housing for persons in early recovery with priority given to participants in the Recovery Court and Reentry programs by providing capital to prevent evictions or to assist with deposits.

g. Provider: Housing providers as available and as appropriate for level of care.

7. Seventh strategy authorized

a. Name of strategy: Early Intervention: Specialized Training & Community Education

b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 6

d. Amount authorized for this strategy: not to exceed \$5,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: This strategy specifically addresses the root causes of childhood trauma by offering training and resources to organizations that serve vulnerable populations, and community education for the public. This strategy will prove effective by increasing the number of screenings and referrals for care and support through partnering organizations. This strategy may also cover training of community members to administer Naloxone.

g. Provider: TBD by RFP process.

8. Eighth strategy authorized

a. Name of strategy: Prevention: Media Campaign and Resource Locator

b. Strategy is included in Exhibit B (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: G, 1

d. Amount authorized for this strategy: not to exceed \$5,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Funding will support public awareness campaigns to increase awareness and help prevent opioid misuse. Campaign messaging will come from state and county initiatives like "One Pill Can Kill". To raise awareness of the risks of opioid misuse, to raise awareness of treatment resources, and to decrease the prevalence of overdoses. Will also explore a website option for community members to know where to start to locate resources.

g. Provider: Henderson County or TBD.

9. Ninth strategy authorized

a. Name of strategy: Prevention: STAR Program and Camp Glow

b. Strategy is included in Exhibit B (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: G, 9

d. Amount authorized for this strategy: not to exceed \$10,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: The STAR Program is a prevention program facilitated by the Sheriff's department. This program replaced DARE in the Henderson County School System and has demonstrated success in engaging students. Opioid Settlement funding will expand the capacity of this training to be able to serve

more students. Camp Glow offers a free overnight camping experience which strives to teach Henderson County Youth about the dangers of addiction and the devastating effects of substance misuse. Success for this strategy will be demonstrated by an increase in students' knowledge about the harmful effects of illicit drug use. \$6,500 for STAR and \$3,500 for Camp Glow.

g. Provider: Henderson County Sheriff's Department and Camp Glow

10. Tenth strategy authorized

a. Name of strategy: Prevention/ & Intervention: Family Navigation Resource

b. Strategy is included in Exhibit B (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: G, 12

d. Amount authorized for this strategy: not to exceed \$45,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Funding will support approximately half the salary and benefits of a position at the Children & Family Resource Center. The Family Mental Health Navigator position was created through a community collaboration to help families navigate the fragmented behavioral health system. This position seeks to offer prevention and intervention for families and youth.

g. Provider: Children and Family Resource Center.

11. Eleventh strategy authorized

a. Name of strategy: Naloxone Distribution.

b. Strategy is included in Exhibit A (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 7

d. Amount authorized for this strategy: not to exceed \$5,000.

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Funding will support programs or organizations that distribute naloxone to persons at risk of overdose or their social networks, such as post-overdose response teams, programs that provide naloxone to persons upon release from jail or prison, emergency medical service providers or hospital emergency departments that provide naloxone to persons at risk of overdose, or community-based organizations that provide services to people who use drugs. Programs or organizations involved in community distribution of naloxone may, in addition, provide naloxone to first responders.

g. Provider: Henderson County Department of Strategic Behavioral Health.

12. Twelfth strategy authorized

a. Name of strategy: Prevention & Intervention: Hope Coalition Alternatives to Suspension Program

b. Strategy is included in Exhibit B (Exhibit A, Exhibit B)

c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: B, G

d. Amount authorized for this strategy: not to exceed \$60,000

e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.

f. Description of the program, project, or activity: Funding will support a program to provide alternatives to suspension for youth in Henderson County. The program will

utilize evidence-based programming to raise awareness of the risks of opioid misuse, to raise awareness of treatment resources, and to decrease the prevalence of overdoses. Funding will cover training of staff, compensation for the staff, space rental, and food and supplies as needed for the participants.

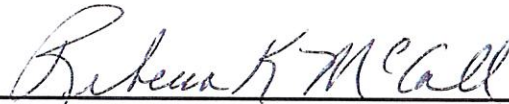
g. Provider: Hope Coalition.

13. Thirteenth strategy authorized

- a. Name of strategy: Reentry Programs
- b. Strategy is included in Exhibit A_(Exhibit A, Exhibit B)
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: A, 12
- d. Amounted authorized for this strategy: not to exceed \$80,530.
- e. Period of time during which expenditure may take place: July 1, 2024, through June 30, 2025.
- f. Description of the program, project, or activity: Funding will support a position embedded in the detention center for Reentry Services. Henderson County chose Criminal Justice Diversion as one of its main strategies. The Reentry Specialist will connect incarcerated persons to addiction treatment, recovery support, harm reduction services, primary healthcare, or other services or supports they need upon release from jail or prison, or that provide any of these services or supports.
- g. Provider: Henderson County.

The total dollar amount of Opioid Settlement Funds at this time appropriated is not to exceed \$1,044,795.

Adopted this the 19th day of June 2024.

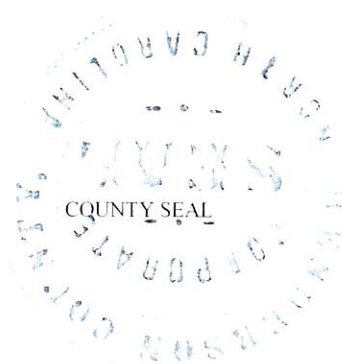


REBECCA K. MCCALL, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



DENISA A. LAUFFER, CLERK TO THE BOARD





BOARD OF COMMISSIONER ENACTMENT 2024-081

RESOLUTION OF CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN

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

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

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2024-01-C; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Director provided the prescribed public notice, and the Board held the required public hearing on June 19, 2024; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the 2045 Comprehensive Plan;

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

1. That the Board reviewed the proposed map amendment (#R-2024-01-C The Orchards at Naples Rd Apartments) and determined that it is reasonable, in the public interest, and it is consistent with the 2045 Comprehensive Plan located therein because:
 - The subject area is located within the Community Center character area,
 - The Community Center character area encourages mixed-use development, especially multi-story units,
 - The Community Center character area land uses include a mix of housing, like apartments,
 - The 2045 Comprehensive Plan describes the need for additional types of housing and to diversify housing choices, and
 - The application will address connectivity that was identified as one of the three outcomes in the 2045 Comprehensive Plan;
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

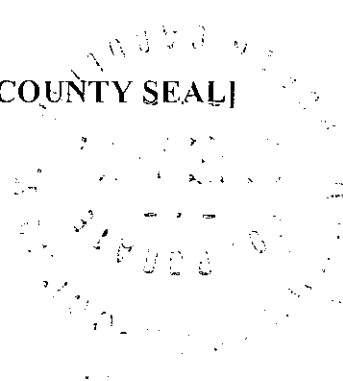
THIS, the 19th day of June 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Rebecca McCall
Rebecca McCall, Chairman

ATTEST:
Denisa Lauffer
Denisa Lauffer, Clerk to the Board

[COUNTY SEAL]



Subrecipient Agreement
between

County of Henderson, a body corporate and politic of the State of North Carolina (the *County*)

Camp Glow, Inc., a nonprofit corporation existing under the laws of North Carolina (the *Sub-Recipient*)
TIN: 81-241625 UEID: _____

OPIOID SETTLEMENT FUNDS GRANT

This agreement is made between the County and the Sub-Recipient.

Recitals:

Henderson County is a party to the settlements arising from various national class action lawsuits against opioid drug manufacturers and distributors class action settlements.

As such, the County has received significant funding, to be used expressly and only for prevention and treatment of harm resulting from opioids.

The Sub-Recipient hereunder has proposed a project which would meet the requirements laid upon the County as a result of settlements.

The County and Sub-Recipient desire to enter into this Agreement.

Agreement:

Term:

This agreement shall be effective from the date hereof, and shall terminate June 30, 2024.

Sub-Recipient's Duties:

The Sub-Recipient shall provide the services as described in the attached statement, which is attached hereto and incorporated herein by reference (the "Project").

All funds provided to the Sub-Recipient under this Agreement shall be used to accomplish the Project.

The Sub-Recipient understands and acknowledges that total funding level available under this agreement will not exceed \$2,500.00. The description of the Project shows the payment amounts to be paid to Sub-Recipient for the various aspects of the Project. The Sub-Recipient agrees to complete all sections of the Quarterly or Periodic Status Report & Accounting following each quarter and provide all supporting documentation when the quarterly Accounting is submitted.

The Sub-Recipient will provide to the County the following forms: W-9/Electronic Payment/Vendor Verification form (pursuant to 09NCAC 03M.002), Conflict of Interest Statement (pursuant to N.C. Gen. Stat. §143C-6-23.(b)). and No Overdue Tax Debt Certification (pursuant to N.C. Gen. Stat. §143C-6-23(c)).

Directed grants to nonprofit organizations are for nonsectarian, nonreligious purposes only. State funds for any one employee of a nonprofit are capped at \$120,000.00. Funds shall not revert until June 30, 2024.

The Sub-Recipient understands and acknowledges required compliance with all statutory provisions outlined in N.C. Gen. §143C-6-22 (use of State funds by non-State), and 09 NCAC 03M .0205 (minimum reporting requirement recipient and subrecipient), and of the North Carolina Opioid Settlement Agreement.

County's Duties:

The County shall pay the Sub-Recipient a total not to exceed \$2,500.00. The appropriation shall be distributed as received from various class action settlements referenced above. Once the County is satisfied that the Sub-Recipient has provided the County with all the required documentation as stated herein, the received distribution, shall be paid to the Sub-Recipient.

Quarterly Status Reporting:

The Sub-Recipient agrees to provide quarterly, or 90-day project status reports to be sent electronically from the Sub-Recipient to the County and shall at a minimum include:

- a. Period stating beginning balance of the Project Fund.
 - i. Total expenses disbursed (aggregate totals) by the following project uses:
 - a. Employee Expenses (*e.g.* program related staffing).
 - b. Service and Contract expenses (*e.g.* utilities, telephone, data, lease related expenses).
 - c. Goods (*e.g.* supplies and equipment) expenses.
 - d. Administration Expenses (*e.g.* overhead & project management).
 - e. Other expenses (*e.g.* related charges not assigned above and described by recipient).
 - ii. Period ending balance of the Sub-Recipient funding disbursed pursuant to this agreement.
 - iii. A descriptive summary of how the funds were used including outcomes and specific deliverables or accomplishments to date.
- b. Quarterly project status reports shall be submitted by email to Ms. Jodi Grabowski, Behavioral Health Systems Director, Henderson County Department of Strategic Behavioral Health.

Funds Management:

The Sub-Recipient agrees that funds paid through this contract shall be accounted for in a separate fund and accounting structure within the Sub-Recipient's central accounting and grant management system. The Sub-Recipient agrees to manage all accounts payable disbursements, check register disbursements and related transactions in a detailed manner that supports fully transparent accounting of all financial transactions associated with this funding allocations described in the Quarterly Status Reporting, above. Expenditures for travel mileage, meals, lodging and other travel expenses incurred in the performance of this Contract shall be reasonable and supported by documentation. State rates should be used as guidelines. International travel shall not be eligible under this Contract. If eligible, the Recipient and all subrecipients shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to N.C.G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their quarterly project status reports.

Monitoring and Auditing:

The Sub-Recipient acknowledges and agrees that, from and after the date of execution of this Agreement and for five (5) years following its termination, the books, records, documents and facilities of the Sub-Recipient are subject to being audited, inspected and monitored at any time by the AGENCY upon its request (whether in writing or otherwise). The Sub-Recipient further agrees to provide County and the State of North Carolina, and their respective staffs, with access to financial and accounting records to support internal audit, financial reporting and related requirements.

The Sub-Recipient acknowledges and agrees that, regarding the grant funds, it will be subject to the audit and reporting requirements prescribed in N.C. Gen. Stat. §159-34, rules and regulations. Such audit and reporting

requirements may vary depending upon the amount and source of grant funding received by the Sub-Recipient and are subject to change.

Taxes

The Sub-Recipient shall be considered to be an independent recipient and as such shall be responsible for all taxes. The Sub-Recipient agrees to provide the County with the Sub-Recipient's correct taxpayer identification number and Federal Unique Identification Number upon the execution of this Agreement. The Sub-Recipient agrees that failure to provide the County with a correct taxpayer identification number authorizes the County to withhold any amount due and payable under this Agreement.

Sub-Contracting and Assignment:

The Sub-Recipient agrees that by assigning or subcontracting any work related to the contract to a subcontractor it will insure that such entities shall comply with the following:

- (a) The Sub-Recipient is not relieved of any of the duties and responsibilities of the original contract; and
- (b) The Sub-Recipient and all subcontractors agree to abide by the standards contained in this contract and to shall provide all information to allow the County to comply with these standards.

RECIPIENT agrees that all SUB-RECIPIENTS to this agreement shall comply with the following provisions of the North Carolina Administrative Code: "09 NCAC 03M .0203 SUB-RECIPIENT RESPONSIBILITIES."

Compliance with Law:

The Sub-Recipient shall be wholly responsible for the scope of work to be performed under this Agreement and for the supervision of the Sub-Recipient's employees and assistants. The Sub-Recipient represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, nor have any individual contractual relationship, with the County. The Sub-Recipient shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of his business and work performance under this Agreement, including those of Federal, State, and local agencies having appropriate jurisdiction.

The Sub-Recipient acknowledges and agrees that, in its conduct under this Agreement and in connection with any and all expenditures of funds hereunder, it shall comply with the cost principles enunciated in the Code of Federal Regulations, 2 CFR, Part 200 (the *Uniform Guidance*). The Sub-Recipient further acknowledges and agrees that, if it grants any of the grant funds awarded hereunder to one or more subcontractors or sub-sub-recipients, the Sub-Recipient shall, by contract, ensure that the Uniform Guidance is applicable to and binding upon any and all such subcontractors, sub-sub-recipients, and the like, in their handling, use and expenditure of the funds awarded to the Sub-Recipient hereunder.

Amendments

Amendments must be in writing, and must be executed by the Sub-Recipient, the County and an authorized representative of the State of North Carolina.

Close-Out Process

The Sub-Recipient shall submit to the County a complete performance and expenditure status report (final report) within ninety (90) days after expiration of this agreement June 30, 2023:

- 1) A complete accounting of how the appropriated funds were used;

- 2) A complete performance status report; and
- 3) A Certification stating the funds were used for the purpose appropriated on a template supplied by the State of North Carolina for such purpose.

The above noted reports shall include Sub-Recipient and subcontractor and sub-sub-recipient reporting information related to the above noted quantitative results and accomplishments. The Sub-Recipient and any sub-sub-recipients shall state their agreement in such reports that all program activity results information reported shall be subject to review and authentication as described in this Agreement, and that Sub-Recipient will provide access to work papers, receipts, invoices and reporting records, if requested by the County or the State of North Carolina, as the County or the State of North Carolina execute any audit internal audit responsibilities.

The Sub-Recipient will be deemed noncompliant if its final report is not submitted within the 90-day period stated above. Once the complete final performance and financial status report package has been received and evaluated by the County, the Sub-Recipient will receive official notification of agreement close-out. The letter will inform the Sub-Recipient that the County and the State of North Carolina are officially closing the agreement and retaining all agreement files and related material for a period of five (5) years or until all audit exceptions have been resolved, whichever is longer.

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement. In Witness Whereof, the Sub-Recipient and the County have executed this Agreement in duplicate originals, with one original being retained by each party.

Camp Glow, Inc.

County of Henderson

By: Gloria Ann Jackson

By: Rebecca McCall

Name of signor: Gloria Ann Jackson

Name of signor: Rebecca McCall

Title: President

Title: Board of Commissioners Chair

Date: 5-30-24

Date: 6-19-2024



Henderson County, North Carolina
Budget Ordinance
Fiscal Year July 1, 2024 – June 30, 2025

BOARD OF COMMISSIONERS ENACTMENT 2024.82

Preamble

The County Manager's proposed budget for the Fiscal Year beginning July 1, 2024 and ending June 30, 2025 ("FY2025") was presented to the Henderson County Board of Commissioners on May 6, 2024, pursuant to the North Carolina Local Government Fiscal Control and Budget Act, Article 3 of Chapter 159 of the General Statutes. The Board of Commissioners considered the proposal, deliberated concerning it in a public budget workshop held May 15, 2024, and then held a public hearing on the budget pursuant to N.C. Gen. Stat. §159-12 on June 3, 2024.

At the Board's meeting held June 19, 2024, the following Ordinance was offered by Vice-Chair Edney who moved its adoption. The vote on this motion is shown below.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA, THIS 19th DAY OF JUNE, 2024:

Section 1 – General Fund

A. Terms of Appropriation

The General Fund amounts noted in the Appendices, below, incorporated by reference, are hereby appropriated for the operation of the Henderson County Government and its departments and agencies for FY2025. Other fund amounts as set forth in this Ordinance are also appropriated as presented in this section. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

1. Operations

The County Manager or the Manager's designee is hereby authorized to execute all necessary agreements within funds included in the Budget Ordinance in departments subject to his control for the following purposes, and on the following terms and conditions:

- A) Grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to a projected contract amount of \$50,000;
- D) Purchase of supplies and materials when formal bids are not required by law, pursuant to the Manager's purchasing policy;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The Finance Director is hereby directed to release board-approved non-profit grants in regular installments as required by and upon the execution of and compliance with the funding agreements.

- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use in drug enforcement activities, for ultimate accounting and return by the Sheriff's Department.
- J) The County Manager may authorize pilot programs for the County's departments and evaluate such programs for effectiveness and efficiency.
- K) In addition to the foregoing, the Sheriff may execute contracts that require no financial expenditure and have no fiscal impact on the county government budget (for example, a grant contract requiring no county match in personnel or funding). Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners. Further, in the absence of express authority from Federal or State Court, all seizure transactions shall comply with N.C. Gen. Stat. §15-11.1.
- L) For purposes of the County Personnel Policies, Employee and Retiree Benefits, years of service to Henderson County government shall include all prior years of service, whether consecutive or not.
- M) All procurement of goods and services shall be in accord with applicable Federal and State laws and policies, including but not limited to 2 C.F.R. Part 200, Subpart D, and N.C. Gen. Stat. §143-131, and the County Purchasing Policy. Notwithstanding, however, and in accordance with 2 C.F.R. §200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the County hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. §200.320(a)(1)(iv)(C):
 - 1) \$30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and
 - 2) \$30,000, for the purchase of "construction or repair work"; and
 - 3) \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
 - 4) \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to N.C. Gen. Stat. §143-64.32. If such an exemption is not authorized, the micro-purchase threshold shall be \$10,000.
- N) The General Fund amounts noted in the Appendices, below, incorporated by reference, are hereby appropriated for the operation of the Henderson County Government, including the Office of the Register of Deeds for Henderson County and the Office of the Sheriff of Henderson County, and its departments, offices, and agencies for FY2025. Other fund amounts as set forth in this ordinance are also appropriated as presented in this section. Appropriations for land and new buildings included in this ordinance may be expended only after release by the Board of Commissioners; these appropriations shall be exclusively managed and controlled by the County Manager under the terms of this Ordinance, and no department head, elected or appointed official, shall have any authority over appropriations inconsistent herewith.

2. Construction Changes

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly scheduled meeting.

3. Operational Changes

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- C) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- D) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.
- E) The total of all amounts encumbered for outstanding purchase orders and contracts as of the end of June 30, 2024, shall be carried forward in fund balance as the amount Reserved for Encumbrances and the corresponding appropriations for these encumbrances shall not lapse in order to properly account for the payment in the fiscal year paid.

The County's authorized general fund appropriations are as shown on Appendix A hereto, which is incorporated herein by reference.

B. Revenues

For the operation of the Henderson County's government and its subdivisions for FY2025, it is estimated that the revenues and fund balances of the General Fund will be available to meet the appropriations as set forth herein. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

The County's estimated general fund revenues are as shown in Appendix A hereto, which is incorporated herein by reference.

1. Ad Valorem Tax Levy

That there is hereby levied for FY2025 an *ad valorem* property tax at the rate shown in Appendix A hereto, which is incorporated herein by reference, for the purpose of raising the revenue for current year's taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations, pursuant to and in accordance with the North Carolina Machinery Act (codified within Chapter 105 of the North Carolina General Statutes) and other applicable laws. This rate is based on an estimated total valuation of \$24,852,639,951 of taxable property and a collection rate of ninety-eight percent (98%). The Budget Ordinance also names ad valorem property taxes as the specific revenue source to fund the Tax Revaluation Reserve Fund as shown in Appendix C hereto, which is incorporated herein by reference.

2. Fees, Licenses and Other Taxes

There is hereby levied all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

C. Based on the Annual Budget

The appropriations, schedules of expected revenues, and taxes levied, as stated herein, are based on the annual Budget as hereby approved, a summary of which Budget is attached as Schedule No. 1 to Appendix A, and the terms of which Budget are hereby specifically incorporated by reference. The expenditures for general economic development activities are by appropriation to the Henderson County Partnership for Economic Development, for purposes which include advertisement of economic climate, recruitment of appropriate industries and businesses, and other actions to assist in increasing the employment, industrial output, taxable property, or business prospects of the County.

Section 2 – Fire Districts Fund

There are hereby appropriations and revenues estimated to be available in the Fire Districts Fund for FY2025 for payment to the appropriate corporation providing fire protection within each district as shown in Appendix B hereto, which is incorporated by reference.

Section 3 – Other Funds

There are hereby appropriations and revenues estimated to be available in special County budget funds as shown in Appendix C hereto, which is incorporated herein by reference.

Section 4 – Public Schools

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-tenth (1/10) of the total county appropriation, during the months of July through April, and by not later than the thirtieth (30th) of each month.

Section 5 – Elected Officials

Henderson County elected officials shall be compensated as shown in Appendix D, which is incorporated herein by reference.

Section 6 – Use of Budget

This Ordinance and the budget shall be the basis for the financial plan for the County of Henderson, North Carolina, during FY2025. The County Manager shall administer the budget and ensure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

Notwithstanding other Ordinances, Resolutions or other adoptions of this Board, all County citizens shall have the right to use Henderson County's parks and other recreation facilities free of any admission charge, subject to regularly adopted and customary facility rental fees, scheduling, participation fees, and other regulations.

Section 7 – Effective Date

This Ordinance shall be effective by its terms for FY2025 upon adoption.

VOTING:

AYES: McCall, Edney, Lapsley, Andreotta, Hill

NAYS:

Adopted this the 19th day of June, 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: Rebecca McCall
REBECCA MCCALL, Chairman

Attest:

Denisa A. Lauffer
DENISA A. LAUFFER, Clerk to the Board

APPENDIX A

GENERAL FUND APPROPRIATIONS

Governing Body	\$671,803
Dues & Non-Profit Contributions	1,055,544
County Manager	466,644
Administrative Services	829,103
Human Resources	1,527,684
Elections	1,241,838
Finance	1,421,108
Assessor	2,194,714
Tax Collections	597,890
Legal	1,107,787
Register of Deeds	779,052
Facility Services – Facility Services Division	6,222,214
Facility Services – Garage Division	461,539
Court Facilities	153,000
Information Technology	6,197,709
Sheriff	25,299,273
Detention Facility	7,251,349
Emergency Services – Emergency Management Division	948,725
Emergency Services – Fire Services Division	1,097,642
Building Services	1,863,208
Wellness Clinic	1,533,962
Emergency Services – Emergency Medical Services Division	13,662,702
Animal Services	984,647
Rescue Squad	782,750
Forestry Services	133,168
Soil & Water Conservation District	460,169
Planning	1,123,598
Code Enforcement	353,444
Site Development	234,739
Heritage Museum	100,000
Cooperative Extension	843,323
Project Management	267,161
Economic Development	2,097,190
Public Health	11,539,783
Public Health – Environmental Health Division	1,889,599
Home & Community Care Block Grant (H&CCBG)	863,502
Medical Services - Autopsies	95,000
Strategic Behavioral Health	473,611
Mental Health -- Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	201,384
Social Services	19,855,443
Social Services – Federal & State Programs	3,582,729
Social Services – General Assistance Division	100,000

Juvenile Justice Grant	306,020
Veterans Services	241,124
Public Library	4,108,159
Recreation	3,185,808
Public School System	36,628,000
<i>Current Expense</i>	35,378,000
<i>Capital Expense</i>	1,000,000
<i>Transfer to Other Agency - SRO</i>	250,000
Blue Ridge Community College	5,750,000
Public Schools Debt Service	11,321,925
Community College Debt Service	3,218,681
General Debt Service	7,986,592
Non-Departmental	955,510
Transfers to Other Funds	7,745,851
TOTAL GENERAL FUND APPROPRIATIONS:	\$204,542,012

GENERAL FUND REVENUES

Ad Valorem Taxes	\$104,600,659
<i>Current year general levy</i>	103,559,409
<i>Prior year taxes, interest and penalties</i>	1,041,250
Local option sales taxes	43,739,610
Other taxes and licenses	1,616,000
Unrestricted intergovernmental revenue	61,000
Restricted intergovernmental revenue	16,996,532
Permits and fees	2,278,750
Sales and services	8,404,357
Investment earnings	2,010,000
Other revenues	1,435,557
Transfers from other funds	473,611
Fund balance appropriated	22,925,936
TOTAL GENERAL FUND REVENUE	\$204,542,012

RATE OF AD VALOREM PROPERTY TAX LEVY

The *ad valorem* property tax is levied at the rate of **forty-three and one tenth cents (\$ 0.4310)** on each one hundred dollars (\$100) of assessed valuation of taxable property, based on a listing date of January 1, 2024.

APPENDIX B

FIRE DISTRICTS FUND

Revenues	\$ 16,876,915
Appropriations	\$ 16,876,915

Fire District Tax Rate for these special tax districts listed are as follows (at cents per \$100 value):

District	Rate
Bat Cave	.120
Blue Ridge	.130
Dana	.140
Edneyville	.115
Etowah-Horse Shoe	.115
Fletcher	.105
Gerton	.135
Green River	.100
Mills River	.100
Mountain Home	.115
Raven Rock	.120
Valley Hill	.090
Valley Hill II	.090

APPENDIX C

SPECIAL FUNDS, APPROPRIATIONS AND REVENUES

A. Capital Reserve Fund (Fund 21)

The following is hereby appropriated, and revenues estimated to be available in the Capital Reserve Fund for FY 2025:

Revenues	\$ 1,627,269
Appropriations	\$ 1,627,269
Reserve Projects:	
Capital Outlay – Buildings and Improvements	\$ 1,254,919
Capital Outlay - Vehicles	\$ 372,350

B. Revaluation Reserve Fund (Fund 25)

The following is hereby appropriated, and revenues estimated to be available in the Revaluation Reserve Fund for FY 2025:

Revenues	\$ 1,413,172
Appropriations	\$ 1,413,172

C. Emergency Telephone System Fund (Fund 28)

The following is hereby appropriated, and revenues estimated to be available in the Emergency Telephone System ("E-911") Fund for FY 2025 (revenues for this fund are based on a \$0.55 surcharge per phone line):

Revenues	\$ 360,945
Appropriations	\$ 360,945

D. Public Transit Fund (Fund 33)

The following is hereby appropriated, and revenues estimated to be available in the Public Transit Program Fund for FY 2025:

Revenues	\$ 1,276,890
Appropriations	\$ 1,276,890

E. Other Miscellaneous Governmental Activities (Fund 36)

The following is hereby appropriated, and revenues estimated to be available in the Other Miscellaneous Governmental Activities Fund for FY 2025:

Revenues	\$ 1,074,000
Appropriations	\$ 1,074,000

F. Capital Projects Fund (Fund 40)

The following is hereby appropriated, and revenues estimated to be available in the Capital Projects Fund for FY 2025:

Revenues	\$ 1,891,875
Appropriations	\$ 1,891,875
Capital Projects:	
IT Depreciation Fund	\$ 200,000
Radio System Equipment Replacement	\$50,000
Multi-Year Vehicle Fund	\$1,641,875

G. HCPS MRTS Fund (Fund 44)

The following is hereby appropriated, and revenues estimated to be available in the Henderson County Public Schools—Maintenance, Repair, Technology and Security Fund for FY 2025:

Revenues	\$ 3,603,500
Appropriations	\$ 3,603,500

H. BRCC MRTS Fund (Fund 45)

The following is hereby appropriated, and revenues estimated to be available in the Blue Ridge Community College—Maintenance, Repair, Technology and Security Fund for FY 2025:

Revenues	\$ 2,301,750
Appropriations	\$ 2,301,750

I. Opioid Settlement Fund (Fund 51)

The following is hereby appropriated, and revenues estimated to be available in the Opioid Settlement Fund for FY 2025:

Revenues	\$ 1,044,793
Appropriations	\$ 1,044,793
Approved Projects:	
Transfer to General Fund / Personnel Costs	\$ 473,611
Operating Costs	\$ 571,182

J. Solid Waste Enterprise Fund (Fund 60)

The following is hereby appropriated, and revenues estimated to be available in the Solid Waste Enterprise Fund for FY 2025:

Revenues	\$ 10,144,975
Appropriations	\$ 10,144,975

K. Justice Academy Sewer Fund (Fund 63)

The following is hereby appropriated, and revenues estimated to be available in the Justice Academy Sewer Fund for FY 2025:

Revenues	\$ 70,006
Appropriations	\$ 70,006

APPENDIX D

PUBLIC OFFICIALS' COMPENSATION

A. Henderson County Board of Public Education

The Chairman of the Board shall be compensated at an annual rate of \$4,500. Members of the Board, other than the Chair, shall be compensated at \$3,600 annually.

B. Henderson County Board of Commissioners

(1) Salary

The Chairman of the Board of Commissioners shall be compensated at an annual rate of \$35,025 paid on the same basis as other county employees. Members of the Board, other than the Chair, shall be compensated at an annual rate of \$28,410 paid on the same basis as other county employees.

(2) Expenses and Special Meetings

The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$7,300 annually for travel expenses.

C. Sheriff

The Sheriff shall be compensated at an annual rate of \$150,989. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.

D. Register of Deeds

The Register of Deeds shall be compensated at an annual rate of \$106,338. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.