

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, AUGUST 5, 2024**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.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 Chris Todd, Financial Services Director Samantha Reynolds, Public Safety Director Jimmy Brissie, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Also present were County Engineer Marcus Jones, Public Health Director David Jenkins, Chief Communications Officer Mike Morgan, Public Information Officer Kathryn Finotti, A/V Technician Oscar Guerrero, Finance Director Randy Cox, Soil and Water Conservation District Director/Conservationist Director Jonathan Wallin, Betsy Gerwig, Planner Liz Hanson, Planning Director Autumn Radcliff, DSS Director Lorie Home, Parks and Recreation Director Bruce Gilliam, Park Maintenance Supervisor Jason Kilgore, Human Resources Director Karen Ensley, and Sheriff Lowell Griffin. Deputies Tracy Davis and Dakota Tittle provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Pastor David Dickerson with Mountain Valley Baptist Church provided the invocation.

PLEDGE OF ALLEGIANCE

With Leaders in Training, Agnes Willis led the Pledge of Allegiance to the American Flag.

INFORMAL PUBLIC COMMENT

1. Agnes Willis, the Youth Voice Representative for the upcoming NCACC Commissioners Conference, spoke regarding the positive impacts of participating in local 4-H programs.
2. Dennis Justice opposed the proposed sports complex at Berkeley or Jackson Parks and expressed the need for recreational facilities in the Town of Fletcher.
3. Ken Fitch spoke about the importance of preserving Berkely Park due to the property's history.
4. Kirk Hall urged the Board to revoke the Special Use Permit issued for a Men's Drug Rehabilitation Facility in Saluda that had been classified as an Assisted Living Facility.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman McCall pulled Discussion Item B—Asheville Regional Airport Update and explained that it would be presented at an upcoming meeting.

Chairman McCall added NCACC Legislative Goals as Discussion Item B.

Approved: September 3, 2024

Commissioner Andreotta stated the following: “Madam Chair, for the record, and so the public, media, or whoever else will not be confused. I spoke out against what is Item S on the agenda before. I am not in favor of that. I’m still not, but it has more than enough votes to pass, so I won’t weigh us down with a heavy agenda tonight to make that a discussion topic. But I want folks to know that my position hasn’t changed. I am not in favor of that purchase.”

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

CONSENT AGENDA

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meetings:
 July 11, 2024 – Special Called Meeting
 July 17, 2024 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of July 11, 2024, and July 17, 2024.

Revision to Minutes – July 10, 2023

The revised minutes for the July 10, 2023, Special Called Meeting were requested to be approved by the board.


Motion:

I move the Board approve the revised minutes for the July 10, 2023, Board of Commissioners Special Called Meeting.

Tax Collector’s Report

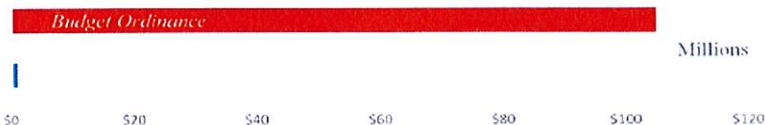
The report from the Tax Collector was provided for the Board’s information.

Please find outlined below collections information through July 24, 2024 for 2024 real and personal property bills to be mailed on August 1, 2024. Vehicles taxes are billed monthly by NC DMV.

<u>Henderson County Annual Bills (Real and Personal Property):</u>			
2024 Beginning Charge:	\$99,716,269.32		Paid 0.25%
Discoveries & Imm.	\$65,514.77		
Releases & Refunds:	(\$22,710.28)		
<u>Net Charge:</u>	<u>\$99,759,073.81</u>		
Unpaid Taxes:	\$99,507,289.97		
Amount Collected:	\$251,783.84		Unpaid 99.75%

<u>Henderson County Registered Motor Vehicles (As Collected by NC DMV):</u>		
Net Charge:	\$430,424.11	99.77%
Unpaid Taxes:	\$971.04	
Amount Collected:	\$429,453.07	

<u>Henderson County FY25 Budget Analysis:</u>			
	<u>Budget Ordinance</u>		<u>Revenue Collected</u>
Ad Valorem:	\$103,559,409.00	Ad Valorem:	\$681,236.91
Prior Years:	\$1,041,250.00	Prior Years:	\$111,591.10
Budget Total:	\$104,600,659.00	YTD Revenue:	\$792,828.01



2024.093 Pending Releases & 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.

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

Type:	Amount:
Total Taxes Released from the Charge	\$706.35
Total Refunds as a result of the Above Releases	\$ 46.29

Motion:

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

Notification of Vacancies

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

- 1. Henderson County Board of Equalization and Review – 1 vac.**
Position # 2 – Regular Position
- 2. Historic Resources Committee – 1 vac.**
Position # 8 – Fletcher Representative
- 3. Nursing/Adult Care Home Advisory Committee – 1 vac.**
Position # 3 - Regular

FY2025 HCCBG Provider Funding Contracts

The Board was requested to approve the Home & Community Care Block Grant contracts for Fiscal Year 2025. The Home & Community Care Block Grant Program is State / Federally funded and administered at the local level. The funding plan for this program was approved at the Board of Commissioners' meeting on June 19, 2024.

The Contract for County-Based Aging Services outlines the responsibilities of each party for the administration of the Home and Community Care Block Grant program. It allows the Area Agency on Aging (Land of Sky) to provide reimbursement payments to the community service providers on behalf of the County.

Motion:

I move the Board approve the provider contracts for Home and Community Care Block Grant Funds for Fiscal Year 2025.

2024.094 Apple Ridge Project (Housing Assistance) – Subrecipient Agreement

On November 7, 2022, the Board approved an allocation of ARPA funding of \$1,500,000 to the Housing Assistance Corporation for the Apple Ridge Housing Complex.

The Board was requested to approve a Subrecipient Agreement with Housing Assistance Corporation.

Motion:

I move the Board approve a Subrecipient Agreement with the Housing Assistance Corporation.

2024.095 Dogwood Health Trust Grant Award – Apple Ridge Housing Project Support

The Board was requested to approve a Grant Award from Dogwood Health Trust of \$1,000,000. The purpose of the grant funds is to provide match funding to Henderson County to support the Apple Ridge affordable housing development. Once completed, this project will provide up to 60 affordable apartments and 20 single-family homes to service residents <60% AMI and seniors.

Staff also requested the Board approve a budget amendment for the grant funding.

Motion:

I move the Board approve the Grant Award and the related budget amendment.

Not-for-Profit Funding Agreements

Subsequent to the approval of the FY 2024-2025 Budget, staff distributed the funding agreements to the not-for-profit agencies receiving County allocations.

Motion:

I move the Board authorize the Chairman to execute the funding agreements thereby authorizing the release of the initial payment to the named agencies.

Facility Use Policy Exemption – Special Needs Sports

The County received an application from Special Needs Sports to use the Historic Courthouse Courtyard on Saturday, December 7, 2024, from 8:00 a.m. – 2:00 p.m. for a Special Needs Craft Fair.

To allow for this use on County grounds, the Board was requested to grant a one-time exemption to rule #4 of the County Facility Use Policy, which prohibits solicitation. This exemption would cover the date and time specified on the application and outlined above.

Motion:

I move that the Board grant an exemption to the County Facility Use Policy for Special Needs Sports, allowing for the sale of arts and crafts in the Historic Courthouse Courtyard or within the Courthouse, if necessary, on Saturday, December 7, 2024, from 8:00 a.m. – 2:00 p.m.

2024.096 County Border Survey

The boundaries of Henderson County have not been definitively surveyed by accepted modern methods since the inception of the County in 1838. There are numerous ambiguities and uncertainties in defining those boundaries, leading to incorrect property tax listing. The North Carolina Department of Public Safety provides guidance to counties in a memorandum dated

February 19, 2019, outlining the process for requesting a survey by the North Carolina Geodetic Survey (NCGS) for the purpose of reconciling said ambiguities and uncertainties. It further requires the appointment of one or more special commissioners or contact agents to assist NCGS with existing county records as needed. There is no cost to the county for this project.

Motion:

I move the Board approve the Resolutions Authorizing County Line Surveying of Rutherford, Transylvania, Buncombe, and Polk Counties and the appointment of Harry Rising as special Commissioner to the North Carolina Geodetic Survey for this project as presented.

2024.097 Budget Amendments for Existing Grant Projects

On September 15, 2021, the Board approved the Edneyville Community Center grant awarded to Henderson County Soil and Water Conservation District for stream restoration, establishing a riparian buffer and native vegetation, and creating an educational access point/outdoor learning lab.

On February 6, 2023, the Board approved a Community Conservation Assistance Program (CCAP) Grant awarded to Henderson County Soil and Water Conservation District for Rugby Middle School's Mill Pond Creek Restoration Project. The project included stream bank stabilization, the establishment of a riparian buffer and native vegetation, and the creation of an educational access point/outdoor learning lab.

Grant funding remains unspent as of FY2025. The Board was requested to approve budget amendments to appropriate remaining grant funds to FY25 for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

Motion:

I move the Board of Commissioners approve the budget amendments for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

2024.098 Engineering Services Contract Approval - Jackson Park Feasibility and Engineering Study

The Board was requested to approve the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000. The selection of the engineering company for this project was approved at the December 4, 2023, meeting. The Board committed to acquire the additional \$50,000 in matching funds to the NC Department of Environmental Quality, Division of Water Resources: Water Resources Development Grant at the February 6, 2023 meeting. The approval of the grant and the budget amendment for Y24 were approved at the October 2, 2023 meeting. The current Budget Amendment moves the funding to Y25.

Motion:

I move the Henderson County Board of Commissioners to accept the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000, approve the budget amendment, and direct staff to proceed.

2024.099 Town of Mills River – Updated Library Lease Agreement

The Town of Mills River desires a new lease, which will essentially be the existing working arrangement for the Henderson County Public Library branch housed in Mills River’s facilities. Under previous agreements, the Town constructs and maintains the building in which the branch is located, and the County operates the actual library.

A draft of the updated lease agreement was provided for Board approval and is attached to these minutes.

Motion:

I move that the Board approve the draft lease agreement with the Town of Mills River.

NC State Budget Soil and Water Appropriation – Vendor Selection for Project Management Company

On April 1, 2024, the Board authorized a scope of work and budget amendment for a \$14,000,000 State Budget allocation for the Henderson County Soils and Water Department. This allocation was made as directed by the NC General Assembly pursuant to Session Law 2023-134 (House Bill 259) for stream restoration and flood resiliency projects.

On July 17, 2024, Senator Moffitt provided the Board with additional information as a project listing. The Board requested that staff incorporate these projects into the scope of work.

A request for qualifications was issued between June 19, 2024, and July 10, 2024. Three qualifying submissions were received on time. Based on the review by the Soil and Water Conservation District staff and Chris Todd, Assistant County Manager, the most qualified firm is Resource Institute. The Board was requested to approve the selection of the qualified firm to provide project management services for this NC State Budget Allocation.

Motion:

I move the Board accept the selection of Resource Institute to provide project management services for this NC State Budget Allocation and to authorize staff to enter negotiations with the selected firm.

2024.100 Budget Amendment – Etowah Sewer Company Acquisition

On July 17, 2024, the Board approved the acquisition of the Etowah Sewer Company for a cost of \$400,000.

To complete this purchase, the Board was requested to approve a Budget Amendment transferring \$400,000 from the Capital Reserve Fund to the Capital Projects Fund.

Motion:

I move the Board approve the budget amendment, transferring funds from Capital Reserve Fund to the Capital Projects Fund.

2024.101 Etowah Sewer System Budget and Fee Schedule

The Board approved the agreement to purchase the assets of the Etowah Sewer Company on July 17, 2024.

As part of the acquisition of the Etowah Sewer System, the County requested the Board adopt a proposed Budget of \$182,602 for its operations. Current billing will be done according to the current fee schedule for the Etowah Sewer System.

Motion:

I move that the County approve the proposed Budget of \$182,602 for the Etowah Sewer System and that the County adopt the current fee schedule of the Etowah sewer system.

Request for Surplus Vehicle - Recreation

Recreation staff identified a surplus vehicle that would be useful for their operations. A 2010 Chevy transport vehicle (PB-048/FA 14742) was replaced in a previous fiscal year in the Facilities Services Department and is now up for surplus. The Recreation Department would like to request this vehicle for moving tools and equipment as part of its daily operations.

Motion:

I move the Henderson County Board of Commissioners approve the retention of one vehicle, originally scheduled to be surplus in FY24 (PB-048/FA 14742), to be utilized by the Recreation Department.

2024.103 Resolution Directing Purchase of Property – Allen Street & Grove Street

The title work on the property adjoining the west side of Grove Street between Allen Street and First Avenue has been completed, and a title insurance binder has been obtained. Besides the actual closing, a Resolution of this Board directing the closing is required.

Motion:

I move that the Board adopt the proposed resolution.

NCACC Annual Conference – Voting Delegate

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate for the NCACC’s 117th Annual Conference.

The Conference will be held in Forsyth County from August 8 to 10, 2024. The Conference Business Session will be on Saturday, August 10, at 2:30 p.m., and each county is entitled to one vote on items that come before the membership.

To facilitate the voting process, the NCACC requests that each county designate one voting delegate prior to the Conference and one alternate if desired.

Motion:

I move the Board designate Chair Rebecca McCall as Henderson County's voting delegate to the NCACC Annual Conference with Christopher Todd, Assistant County Manager, as the alternate.

Vice-Chair Edney made the motion that the Board adopt the consent agenda. 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.

2024.104 Public Hearing

Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district. The zoning map amendment application is for all PINs 9673-21-1888 & 9673-22-2365 with access and frontage along Hooper Creek Rd (SR 1553). The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.

The Planning Board reviewed this request at its July 18, 2024, meeting and voted seven to one to recommend that the Board of Commissioner deny the rezoning request.

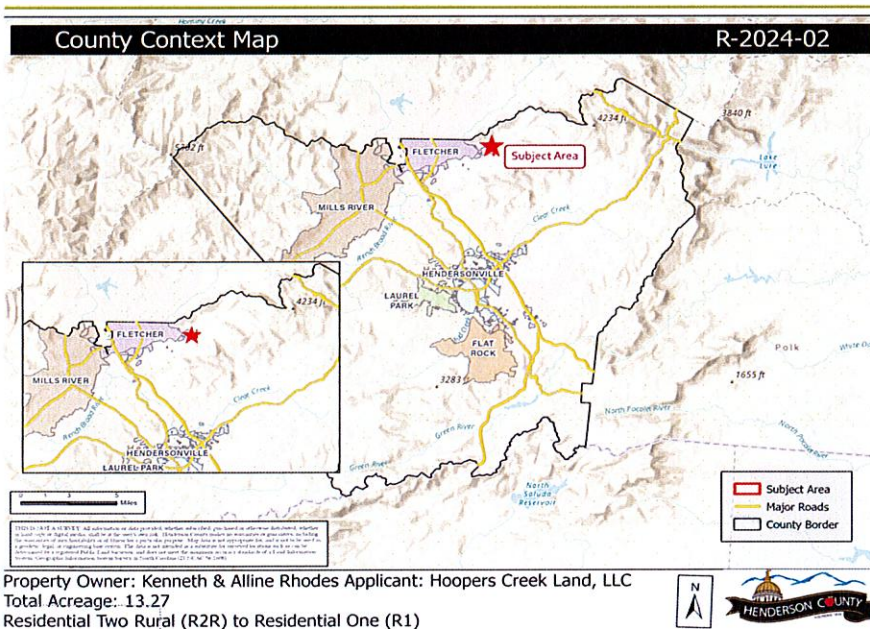
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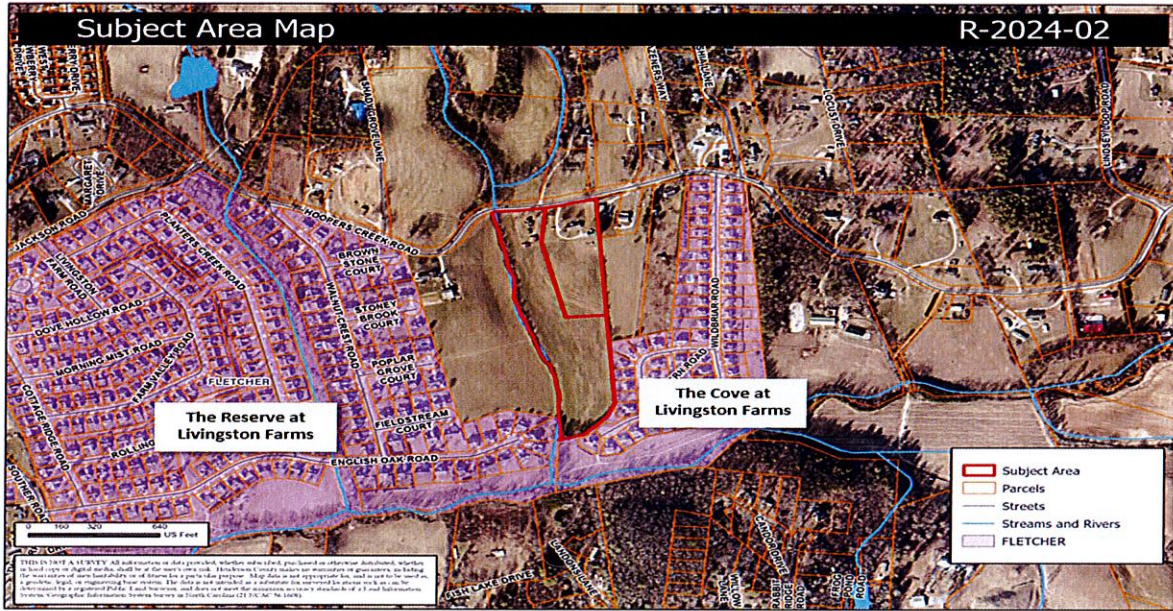
Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of August 5, 2024, public hearing regarding rezoning application #R-2024-02 was published in the Hendersonville Lightning on July 24th, 2024, and July 31st, 2024. Notices of the hearing were sent via first class mail to the owners of properties within 400’ of the Subject Area on July 25th, -2024, -and posted signs advertising the hearing on the Subject Area on July 25th, 2024.



Application Summary

- Rezoning Application R-2024-02, submitted on May 1st, 2024, requests that the County rezone approximately 13.27 acres of land from the Residential Two Rural (R2R) zoning district to the Residential One (R1) zoning district.
- The zoning map amendment application is for all of PINs: 9673-21-1888 & 9673-22-2365 with access and frontage along Hoopers Creek Rd (SR 1553).
- The property owners are Kenneth and Alline Rhodes, and the applicant is Hoopers Creek Land, LLC.
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- On July 18, 2024, Planning Board voted 7-1 to recommend denial.

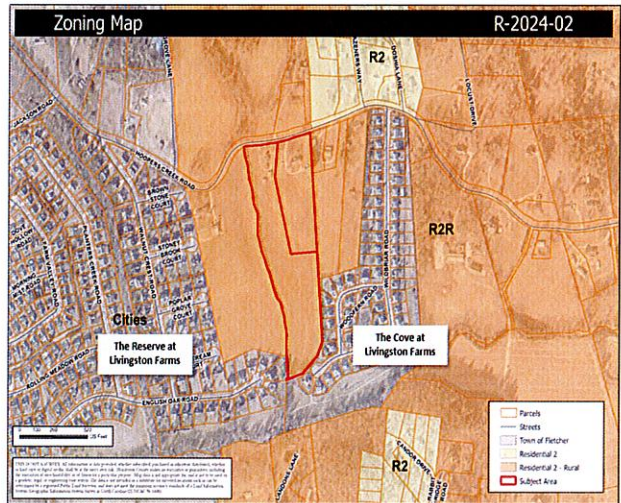




Property Owner: Kenneth & Alline Rhodes Applicant: Hoopers Creek Land, LLC
 Total Acreage: 13.27
 Residential Two Rural (R2R) to Residential One (R1)

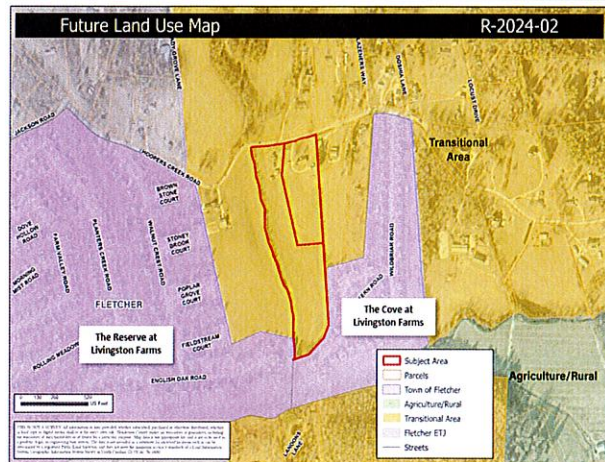


A multifamily use application would go through a conditional rezoning. Rezoning to R1 would not allow a density greater than six units per acre.



2045 Comprehensive Plan:

- The subject area is in the Transitional Area, which encompasses residential areas with a limited density of two to four units per acre.



2045 Comprehensive Plan:

- The subject area is located outside the Utility Service Area and working agricultural lands.
- The subject area has access to COH water and MSD sewer.



Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-02. The Planning Board **voted 7 to 1** to recommend denial for

rezoning from R2R to R1 zoning.

2045 Comprehensive Plan Consistency Statement

1) The Board reviewed the proposed map amendment (#R-2024-02, Hoopers Creek) and finds that it is unreasonable, not in the public interest, and inconsistent with the 2045 Comprehensive Plan and

- **The property is not contiguous to R1 zoning**
- **The property is in the Transitional character area that is slated for lower densities**

2) The Board determines that the proposed map amendment does not provide for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County and

3) This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

Public Input:

1. Phyllis Benbow spoke in opposition to the rezoning application.
2. Robyn Mondin spoke in opposition to the rezoning application.
3. Jay Schloesser spoke in opposition to the rezoning application.
4. Shawn Egan opposed the rezoning application for the sake of a high-rise apartment building.
5. Joel Welsh spoke in opposition to the rezoning application and expressed concern over the number of trees that would be lost if further development were to occur.

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

The attorney representing the applicant requested to address the Board and provided a handout of a PowerPoint presentation intended for review during the meeting.

It was noted that the application had not been sent to the Town of Fletcher for approval.

After discussion, Commissioner Lapsley made the following motion.

Commissioner Lapsley made the motion the Board deny rezoning application #R-2024-02 to rezone the Subject Area from Residential Two Rural (RR2) to Residential One (R1) based on the recommendations of the Henderson County Comprehensive Plan.

Board members further discussed owners' rights in the context of zoning and development regulations.

Commissioner Andreotta's comments were as follows: "I agree with everything that was said. I was sitting here, seeing both sides and the challenges. I was sitting here thinking I would support something that looks like what was around the property, which is a 1/3 acre lot. It's challenging. I have lived in Henderson County my whole life. I was born here, I started here, I stayed here. And, I can assure you, way before zoning and land development codes forty years ago, as a young boy, or in my late teens, around the dinner table, my parents were talking about somebody who was against development somewhere, right? In fairness, a lot of that development is where people live now. It cuts both ways. And it is a very, very tricky path for us to navigate. It is. But I also lean heavily towards supporting things that promote home ownership as opposed to renting. Homeownership is critical and a springboard in people's lives, so I think that something that resembles what is around it – a 1/3 of an acre lot would lean toward promoting home ownership much more. So, I agree with what has been said so far. Thank you."

Commissioner Hill noted that the application mimicked the development surrounding the subject property. The development is already there. He believes all those parcels would eventually be developed.

Vice-Chair Edney said the problem lies with the ordinance, not the people. He said he would vote against the development now.

Commissioner Andreotta asked for the motion to be stated again.

Commissioner Lapsley made the motion the Board deny rezoning application #R-2024-02 to rezone the Subject Area from Residential Two Rural (RR2) to Residential One (R1) based on the recommendations of the Henderson County Comprehensive Plan.

The Chairman asked the Clerk to poll members of the Board for their vote on the motion on the floor. A nay vote would be in favor of denying the application.

The motion to deny the application passed with a 4-1 vote; Commissioner Hill was the nay vote.

Chairman McCall directed the Planning staff to work with the applicant to help direct them in any way possible.

2024.105 Public Hearing for Rezoning Application #R-2024-03 Continental Divide Dr, Regional Commercial (RC) to Residential Two Rural (R2R)

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

Rezoning Application R-2024-03, submitted on May 15th, 2024, requested that the County rezone approximately 21.82 acres of land from the Regional Commercial zoning district to the Residential Two Rural (R2R) zoning district. The zoning map amendment application is for all PINs 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr. The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346). The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).

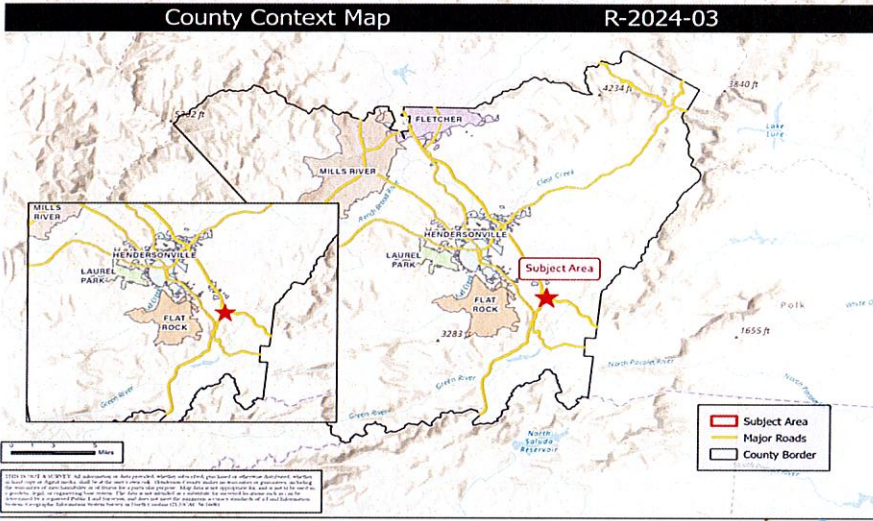
The Planning Board reviewed this request at its July 18, 2024, meeting and voted unanimously to recommend the application for approval.

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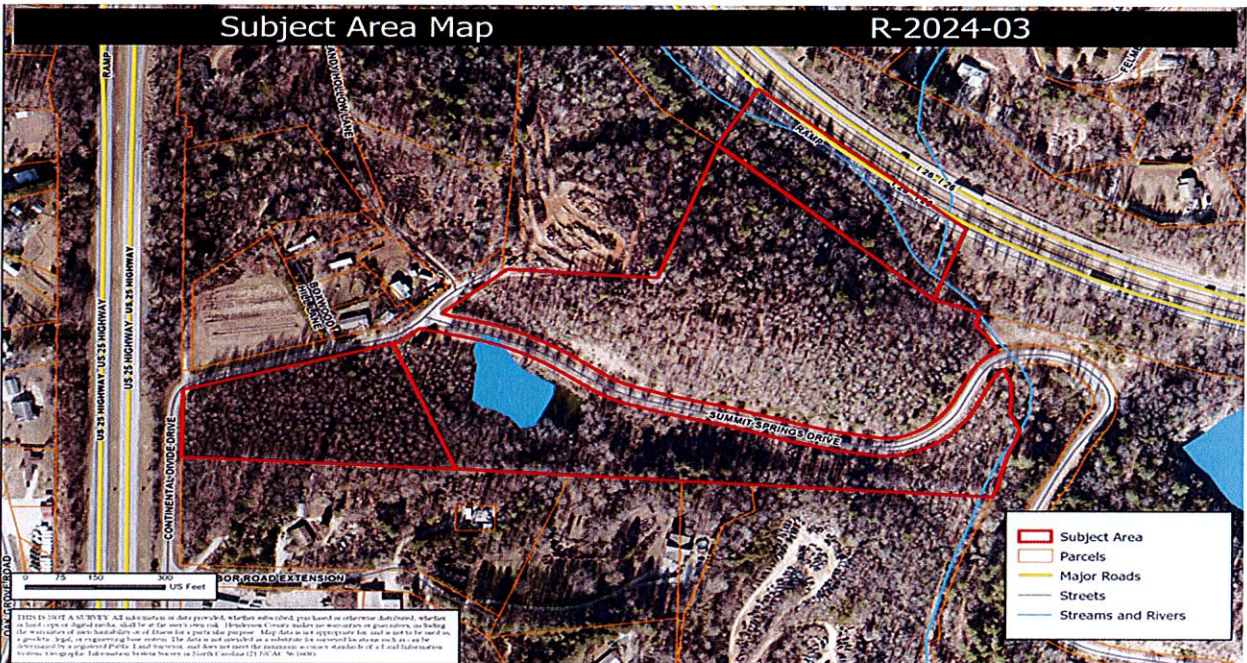
Before taking action on the application, the Board of Commissioners must hold a public hearing. Per §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the August 5, 2024, public hearing regarding rezoning application #R-2024-2 was published in the Hendersonville Lightning on July 24th, 2024, and July 31st, 2024. Notices of the hearing were sent via first class mail to the property owners within 400' of the Subject Area on July 25th, 2024, and posted signs advertising the hearing on the Subject Area on July 25th, 2024.



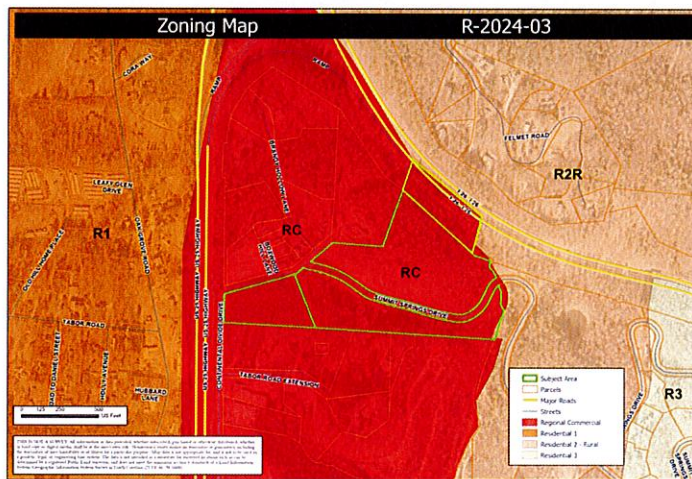
- Rezoning Application R-2024-03, submitted on May 15th, 2024, requests that the County rezone approximately 21.82 acres of land from the Regional Commercial (RC) zoning district to the Residential Two Rural (R2R) zoning district.
- The zoning map amendment application is for all of PINs: 9587-53-2165 and 9587-63-2346 with access and frontage along Continental Divide Dr (SR 1891) and Summit Springs Dr.
- The property owners are Ann Greenwood Revocable Trust (PIN 9587-53-2165) and Doris K Cole 2016 Irrevocable Trust (PIN 9587-63-2346).
- The applicants are Richard Greenwood (Applicant, PIN 9587-53-2165) and Michael Cole (Additional Owner, PIN 9587-63-2346).
- Moved forward to Planning Board at June 4, 2024, TRC meeting.
- Moved on to Board of Commissioners with a favorable recommendation at July 18, 2024, Planning Board meeting.



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust
 Total Acreage: 21.82
 Regional Commercial (RC) to Residential Two Rural (R2R)



The subject area extends to I-26 and the Residential Two Rural (R2R) zoning district. Extending to the I-26 ROW creates continuity with zoning districts.



Property Owner(s): Ann Greenwood Revocable Trust & Doris K Cole 2016 Irrevocable Trust
 Total Acreage: 21.82
 Regional Commercial (RC) to Residential Two Rural (R2R)



Quick Comparison of Zoning Districts*

Quick Comparison	Regional Commercial (RC)	Residential Two Rural (R2R)
Max Density:	16 units per acre	1 unit per acre
Housing Types:	Singlewide not allowed	Singlewide allowed
Commercial Uses:	Carwash allowed	Carwash not allowed
	Retail Sales > 150k sqft allowed	Retail Sales > 150k sqft not allowed

The subject area is **not eligible** for Maximum Density. Maximum density is Residential Two Rural (R2R) is currently 2 units per acre. To qualify for Maximum Density, the subject area must have sewer service.

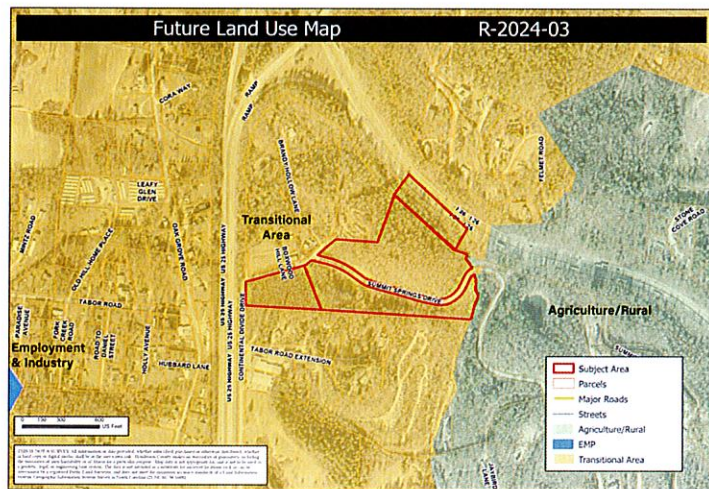
**This table is not a complete list of uses allowed in each district. Please reference the Table of Permitted Uses for more information.*

Planning Board Recommendation

The Planning Board met on **July 18, 2024**, to discuss application #R-2024-03. The Planning Board **voted unanimously** to move the application on to the Board of Commissioners with a **favorable** recommendation.

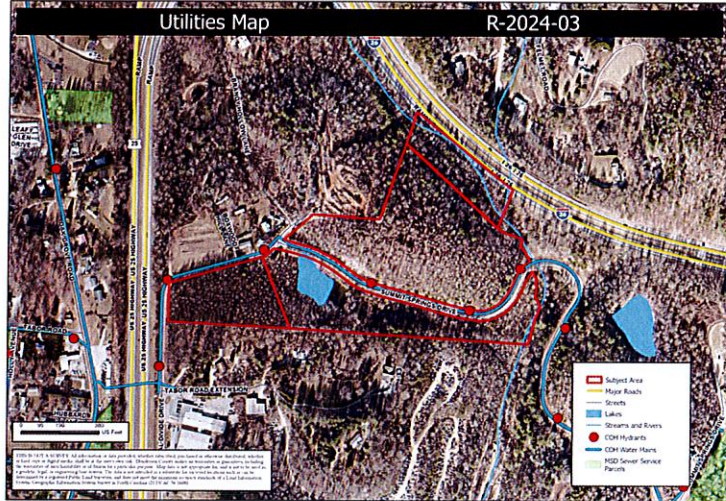
2045 Comprehensive Plan:

- The subject area is in the Transitional Area, which encompasses residential areas with a limited density of two to four units per acre.



2045 Comprehensive Plan:

- The subject area is located outside the Utility Service Area and working agricultural lands.
- The subject area has access to COH water and MSD sewer.



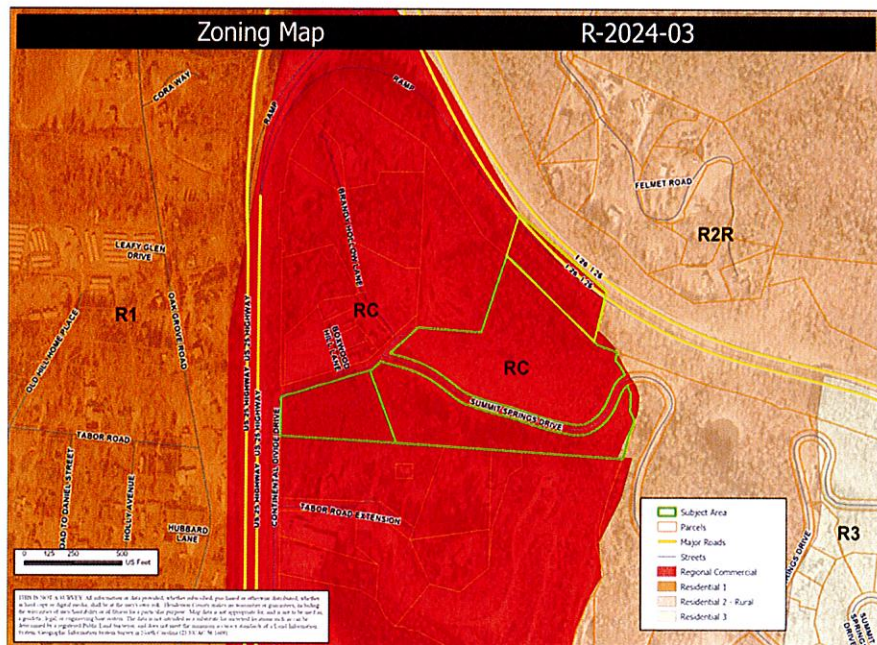
2045 Comprehensive Plan Consistency Statement

1) The Board reviewed the proposed map amendment (#R-2024-03, Continental Divide Dr) and finds that it is reasonable, in the public interest, and consistent with the 2045 Comprehensive Plan and

- The subject area is outside the Utility Service Area and working agricultural lands.
- Residential Two Rural (R2R) has a standard residential density of one unit per acre and adheres to the Transitional Area’s “limited density”.
- Residential Two Rural’s (R2R) primary use is residential, the main land use in the Transitional character area.

2) 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) This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.



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.

Commissioner Hill made the motion the Board approve rezoning application #R-2024-03 to rezone the Subject Area from Regional Commercial (RC) to Residential Two Rural (R2R), based on the recommendations of the Henderson County Comprehensive Plan, and further moved that the Board adopt the resolution regarding the consistency with the 2045 Comprehensive Plan. All voted in favor, and the motion carried.

2024.106 LDC Text Amendment (TX-2024-02)

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

Planning staff received an application for a text amendment (#TX-2024-02) to address pre-existing mining and extraction operations established prior to 2007, which was the adoption of the LDC. These operations operate under a state-issued permit and must adhere to all state-required regulations and setbacks, including reporting, monitoring, and environmental requirements. Under the LDC, uses established prior to 2007 are vested, but the code does not specifically state that these uses can continue to operate under its allowed state permit. These uses are established and permitted through the state, and the state has full authority and oversight of the operation. This amendment allows existing vested operations to continue to operate under their active state mining permit and will allow for the associated accessory uses to the operation.

The Planning Board reviewed the proposed text amendment on July 18, 2024, and voted unanimously to recommend approval by the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this public hearing was advertised in the Hendersonville Lightning on Wednesday, July 24th, and Wednesday, July 31st, to meet the requirements of NCGS §160D-601.

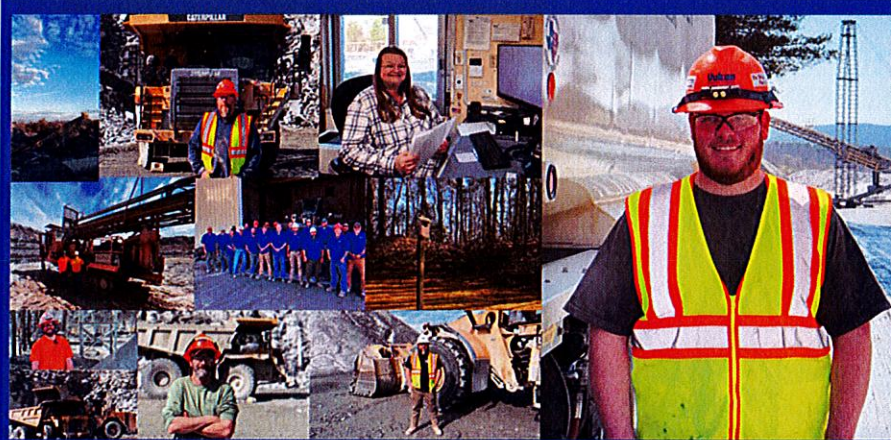
Vulcan Materials Company Operational Manager Steve Jetter presented the following:

Text Amendment Application TX-2024-02

- Text Amendment Application #TX-2024-02
- Submitted by Vulcan
- Address pre-existing mining and extraction operations established prior to 2007 (LDC adoption)
- These operations operate under a state-issued permit
 - They must adhere to all state-required regulations, setbacks, reporting, monitoring, environmental requirements, etc.
- The proposed amendment would allow existing vested operations to continue to operate under their active state mining permit with associated accessory uses to the operation
- New mining and extraction operations would still adhere to the current LDC regulations

Approved: September 3, 2024

- On July 18, 2024, the Planning Board reviewed the application and recommended that the BOC approve the text amendment application
- The Public Hearing was noticed in the Hendersonville Lightning on Wednesday, July 24th and Wednesday, July 31st
- Representatives from Vulcan are here to present the reasonings for the proposed text amendment



Doing The Right Thing,
The Right Way,
At The Right Time.

Hendersonville Quarry

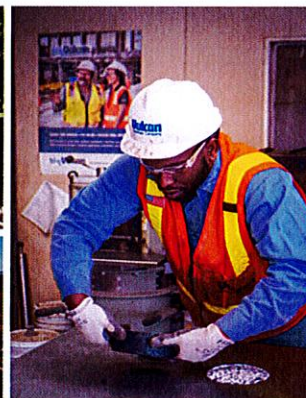
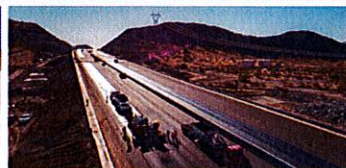
Optimization Plan Briefing
July 2024



Vulcan
Materials Company
Hendersonville Quarry

CONSTRUCTION AGGREGATES

Drive our economy.



**How much
do we need?**

38,000 tons
builds one lane-mile of a
four-lane interstate highway

400 tons
builds the
average home

80%
amount of aggregate
in concrete

94%
amount of aggregate
in asphalt pavement

OUR PRODUCTS

Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com

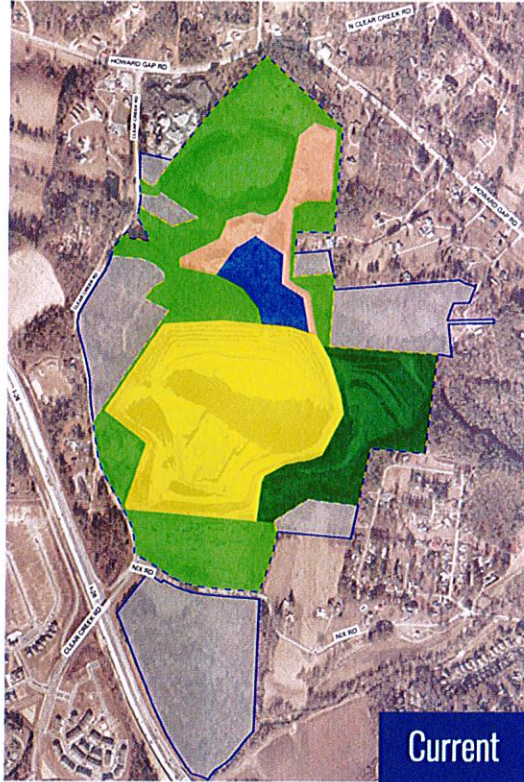


Vulcan
Materials Company
Hendersonville Quarry



Overview

- Quarry operations began in 1962
- Total area: 236 Acres
- Existing limit: 168 acres
- Future use area: 68 acres
- 26 full-time employees
- On average, produces 1.1 million+ tons annually




- Operations Area
- Mining Area
- Overburden Area
- Stockpile & Customer Loading
- Plant Area
- Future Use Area
- Controlled Property
- Existing Limit

Current

SITE OVERVIEW

Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com



Vulcan
Materials Company
Hendersonville Quarry

3



70%+
Mining efficiency gain
within current limit


- Operations Area
- Mining Area
- Overburden Area
- Stockpile & Customer Loading
- Plant Area
- Future Use Area
- Controlled Property
- Existing Limit

Current

Optimized

OPTIMIZATION PLAN

Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com




Vulcan
Materials Company
Hendersonville Quarry

4

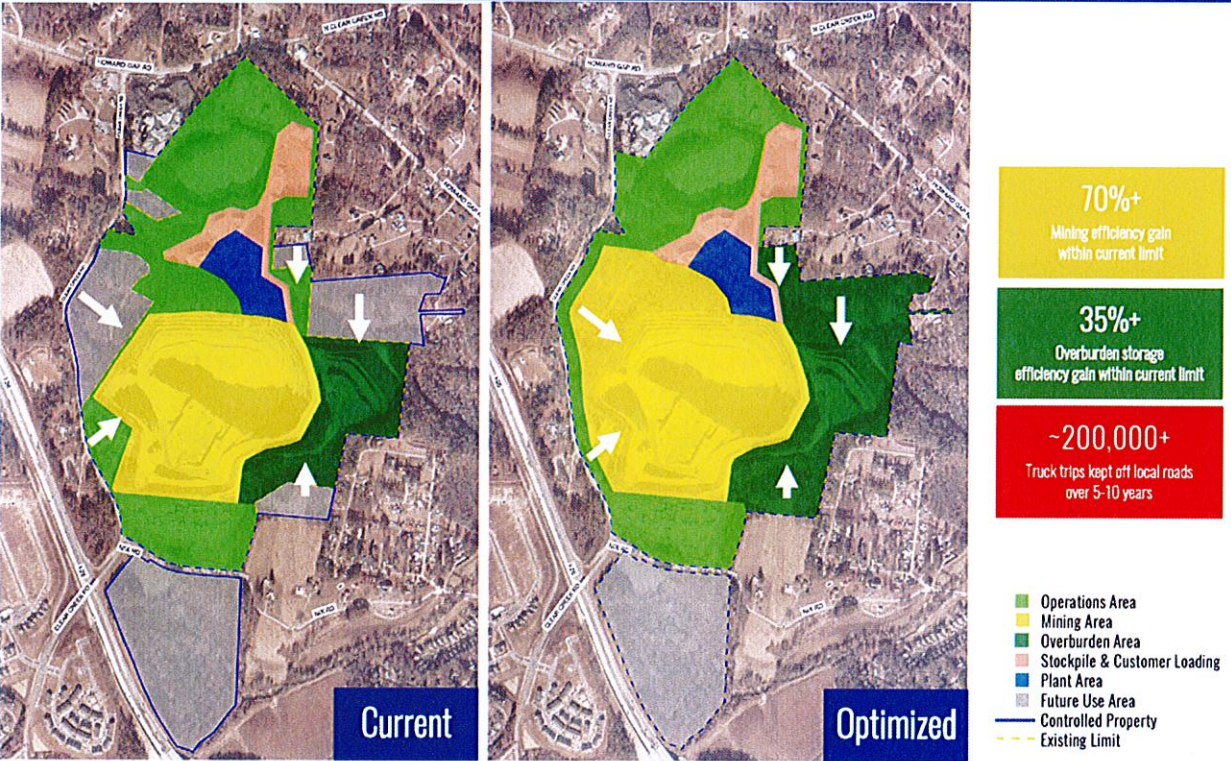


OPTIMIZATION PLAN
 Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com




Vulcan
 Materials Company
 Hendersonville Quarry

5



OPTIMIZATION PLAN
 Community Line (828) 393-5070 | VulcanHendersonvilleQuarry.com



Vulcan
 Materials Company
 Hendersonville Quarry

6

Public Input: There was none.

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

Commissioner Lapsley made the motion that the Board of Commissioners approve the proposed text amendment TX-2024-02 with any changes as discussed and find that these changes are reasonable and consistent with the 2045 Comprehensive Plan with the approval of the resolution statement.

Commissioner Hill suggested that Commissioner Lapsley modify his motion to allow the applicant to include their office and maintenance facilities. However, Lapsley declined, stating that his motion would stand.

The motion passed with a 3/2 vote. Commissioners Hill and Andreotta were the nay votes.

DISCUSSION

Sports Complex – Site Selection

The Board as part of their July 17, 2024, meeting, directed staff to investigate property under the control of the County, which would be suitable for the development of a multi-field sports complex. Jackson Park and Berkley Mills Park were identified as part of that process. Henderson County has vacant land within Jackson Park, which could support a 4-field sports complex. Berkley Mills Park, which is owned by the Henderson County Public School Board (HCPS Board), has vacant land that could support at least 3.25 full-size multi-sport fields along with softball and tennis.

The HCPS Board met on July 29th to discuss its desire to partner with the County at Berkley Mills Park to develop a sports complex. As a result of that meeting, the HCPS Board sent a letter to the County, which is attached to these minutes.

Based on conversations with staff and WGLA, the expected cost range for Jackson Park is between \$9M and \$10M. The cost would include four full-size fields and parking. The predicted cost range for Berkley Mills Park is between \$12M and \$14M. The cost would include 3.25 fields, six tennis courts, a softball field, and parking.

Funding and Contracting

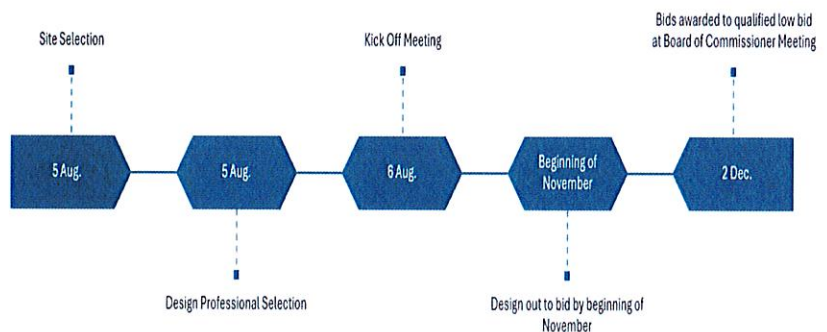


ARPA Available - \$9.5M

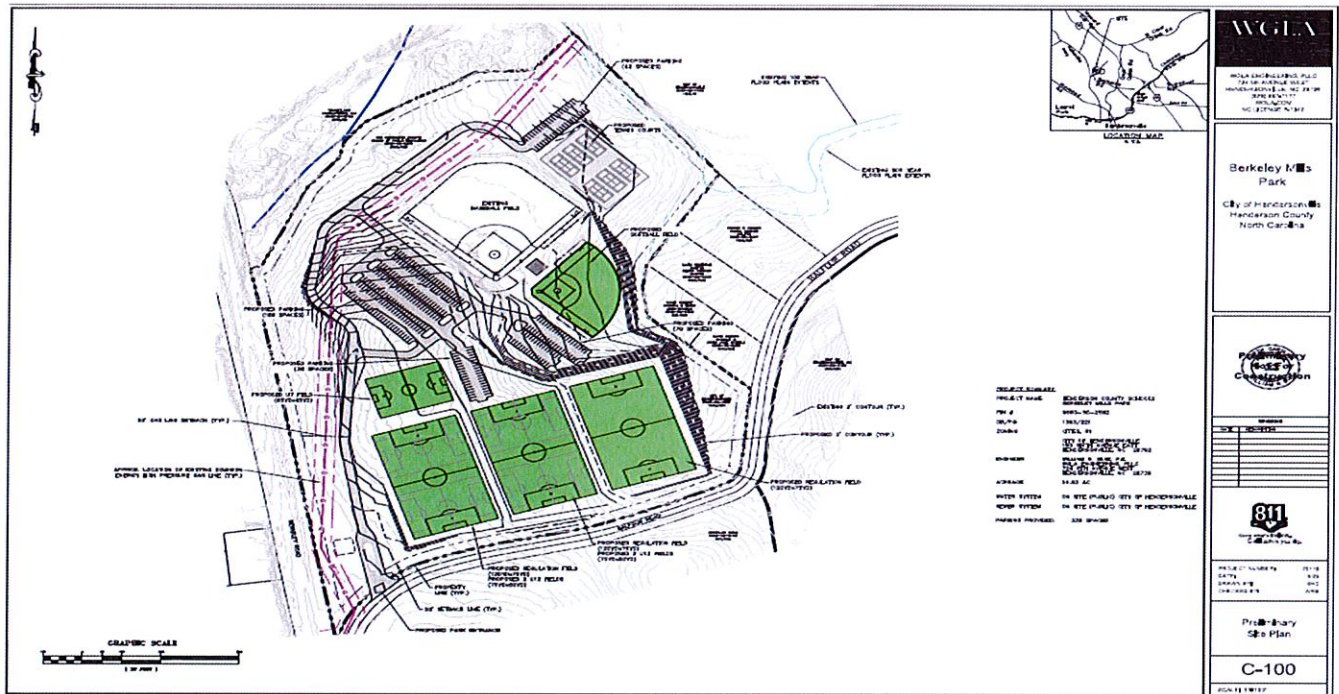


Design-Bid-Build Method

Design and develop project to meet available budget. Hard bid project to one contractor.



Berkeley Mills Park Conceptual Plan



The letter received from the School Board stated that the School Board would be willing to transfer ownership of the Berkeley property to the county if the outlined conditions were met. Those conditions, based on the conceptual plan provided, included grading the entirety of the site to meet this standard if the funding available does not allow the entirety of the design to be constructed. The project's expected cost was approximately \$12-\$14 million. Mr. Todd believed there was close to enough funding to provide the grading for the site and the sports fields.

Regardless of the site chosen, the next step would be to work with the design team to fine-tune the budget and submit the project to bid in time to meet ARPA funding deadlines.

Jackson Park Conceptual Plan



The high-level conceptual plan for Jackson Park included four multisport fields, expected to cost approximately \$9-\$10 million. The heavily wooded property is land that the county already controls. And, at the time, it was the county's centrally located "flagship" park.

Chairman McCall clarified that the conditions specified by the School Board were that the grading for the softball and tennis courts for the Berkeley site be completed. Mr. Todd said that was correct. What he understood conveyed in the letter was that if adequate funding was available to complete the entire project, that was preferred, but if not, at least the grading would be completed. Then, when funds become available, allocate funds for the completion of the project.

Vice-Chair Edney asked for the exact amount of funding available for the project. Financial Services Director Samantha Reynolds informed the Board that \$9,508,879 had been allocated for the project. Edney then asked for the scope of work that may be completed for the funds available. Mr. Todd said using WGLA numbers, which are no longer accurate in the changing market, there was a belief that the \$9.5M would get the project close at either site to accomplishing the flat, multi-sport fields. Staff was already working toward value-engineering the project and putting in add/alternates to maximize available funds.

After discussing the pros and cons of each location, Commissioner Hill and Commissioner Andreotta favored the Jackson Park location. Chairman McCall, Vice-Chair Edney, and Commissioner Lapsley favored Berkeley.

Chris Todd said the Recreation Advisory Board held a meeting the previous Thursday. Mr. Todd attended the meeting and shared a summary of the discussion. After debating both locations, the Recreation Advisory Board determined the following:

- Traffic flow into and out of Berkeley Park would be easier
- The area where the fields would fit within Jackson Park has natural resources that the Recreational Advisory Board wished to protect
- The beloved disc golf course at Jackson would have to be reworked.
- Jackson Park is considered a birding area.

The Advisory Board agreed that Berkeley Park was the preferred location for those reasons.

Commissioner Andreotta's comments were as follows: "For context, I think the public has a right to know; I think either one of these sites has a lot of pros and cons. Eight to ten months ago, what we were talking about tonight was proposed. It was. And I was one of the staunchest champions of it. I am speaking, to be clear, about Berkeley. That deal got rejected by the School Board, and the conversation stopped. I don't think it is coincidental that they resumed very quickly when we had \$9.5 million that we needed to allocate quickly. And that's fine. However, some commented that "our contribution is the land." No, it isn't, it's not yours. "We got a better deal by waiting a year." Not really, because had this proposal been accepted 8-10 months ago, how much money would have been spent and how much work could have been done, and we still were going to? We didn't know, but we still were going to have \$9.5 million free up. So, however much could have been spent and done, we are that much worse off in reality by waiting. It would be great at either

Berkeley or Jackson, but I think the public sometimes, especially when narratives get disseminated. The biggest thing that bothers me in this office is the difference between what I know facts to be and what narratives occasionally get disseminated. So the public needs to know that.”

Commissioner Lapsley made the motion the Board of Commissioners approve the selection of Berkeley Mills Park as the site to develop a sports complex.

Chairman McCall asked the Clerk to poll the Board.

The motion passed with a 3/2 vote. Commissioners Hill and Andreotta were the nay votes.

Selection for Engineering Services Sports Complex

As directed by the Board with the allocation of project funding, staff released a Request for Qualifications (RFQ) for engineering services to design, permit, bid, and administer construction for the County’s proposed Sports Complex.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed an RFQ, posted it on the county's website, and advertised it in a local newspaper on July 23, 2024. The responses were received by 9:00 a.m. on August 5, 2024. In addition to NCGS 143-64.31, the RFQ was compliant with the American Rescue Plan Act.

Staff received the responses and then presented a recommended firm to the Board for selection. The funding deadlines necessitate a quick turnaround of the responses. Upon the Board's approval of selection, staff will negotiate an agreement with the firm and bring the agreement back to the Board for approval.

Chirs Todd said that while WLGA had drawn the conceptual plans for the project, they would not be the design firm that completed the final design. As WGLA did not submit a proposal for the RFQ for consideration, the design plan could change.

Designer Selection RFQ Response

- Staff Recommends WithersRavenel as design firm for the proposed sports complex project.

Chairman McCall asked that the Board be provided with a list of similar projects that Withers Ravenel has worked on.

Commissioner Lapsley made the motion the Board approve the selection of Withers Ravenel as the most qualified responding firm to provide engineering services for the Sports Complex and direct Staff to attempt to negotiate a contract with the firm. All voted in favor, and the motion carried.

Commissioner Andreotta stated the following: “Madam Chair, quick question. We keep referencing the timeline, and there is a lot of information that we look to receive back. I think it would be prudent for this Board to schedule a special called meeting on Tuesday, August 20. The School Board meets the day before, on August 19, so there may be new communication from them. If there is information coming back from the firm we just selected and possibly the school board,

I think it is important that we meet. Otherwise, we are looking at Tuesday, September 3, 2024, for our next meeting. That is another two weeks we would lose. I think that would be prudent.”

Commissioner Andreotta made the motion for the Board to schedule a special called meeting on Tuesday, August 20, 2024, at 9:30 a.m. to discuss the Sports Complex project. All voted in favor, and the motion carried.

NCACC Legislative Goals (Add on)

Chairman McCall explained that the North Carolina Association of County Commissioners works together as a collaborative of 100 counties to bring a list of goals to the legislature to be focused on throughout the coming year. The recommendations for that list are due August 23. The Board needed to discuss what goals to submit on behalf of Henderson County.

The following goals were identified:

- Seek funding or reach a conclusion on raising significant funding for North Carolina Department of Transportation roadway projects.
- Seek funding to expand resources for North Carolina counties' capital infrastructure.
- Seek legislation to enable North Carolina county governments to have oversight and decision-making authority over public school budgets.
- Seek legislation to allow fire department employees the ability to participate in the North Carolina Local Government Employee Retirement System (LGERS).
- Seek legislation to provide greater flexibility to individual public school boards when setting school calendars.
- Seek legislation to allow sheriff's deputies to return to employment following retirement while retaining retirement benefits.
- Support and encourage North Carolina schools to purchase produce from North Carolina farms for school meals.
- Support an increase in North Carolina behavioral health facilities

NOMINATIONS AND APPOINTMENTS

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

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

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

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

3. Industrial Facilities and Pollution Control Financing Authority – 2 vacs.

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

- 4. Juvenile Crime Prevention Council – 3 vacs.

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

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

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

- 6. Mountain Area Workforce Development Board – 1 vac.

Chairman McCall nominated Marsha Justice for appointment to seat #2. All voted in favor, and the motion carried.

- 7. Nursing/Adult Care Home Community Advisory Committee – 8 vacs.

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

COMMISSIONER UPDATES

Commissioner Andreotta reminded everyone that Henderson County Schools will begin their school year on Monday.

Commissioner Hill shared that the Farmland Preservation Task Force had created a draft ordinance that received many comments at their last meeting. The staff has taken those comments and expects a revised draft out later.

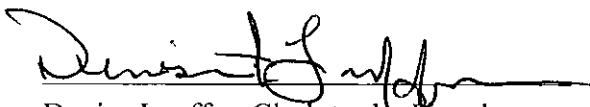
Chairman McCall shared that the Board would hold the ribbon cutting for the Upward Elementary project on Wednesday at 10:00 a.m.

COUNTY MANAGER'S REPORT

John Mitchell thanked Public Safety Director Jimmy Brissie and emergency management personnel for their hard work during the flash flooding on Tuesday of last week.

Vice-Chair Edney made the motion to go into Closed Session pursuant to 143.318.11(a)(3)(5), & (6). All voted in favor, and the motion carried.

ADJOURN


Denisa Lauffer, Clerk to the Board


Rebecca McCall, Chairman

During the August 5, 2024, regular meeting, the Board enacted the following:

- 2024.093 Pending Releases and Refunds**
- 2024.094 Apple Ridge Project (Housing Assistance) – Subrecipient Agreement**
- 2024.095 Dogwood Health Trust Grant – Apple Ridge Housing Project Support**
- 2024.096 County Border Survey**
- 2024.097 Budget Amendment – Rugby : Budget Amendment - Edneyville**
- 2024.098 Jackson Park Feasibility and Engineering Study – Contract Approval**
- 2024.099 Town of Mills River – Updated Library Lease Agreement**
- 2024.100 Budget Amendment – Etowah Sewer Company Acquisition**
- 2024.101 Fee Schedule and Budget – Etowah Sewer Company**
- 2024.102 Blank**
- 2024.103 Resolution Directing Purchase of Property – Allen Street & Grove Street**
- 2024.104 Public Hearing - Rezoning Application #R-2024-02 Hoopers Creek, Residential Two Rural (R2R) to Residential One (R1)**
- 2024.105 Public Hearing - Rezoning Application #R-2024-03 Continental Divide Dr., Regional Commercial (RC) to Residential Two Rural (R2R)**
- 2024.106 Resolution of Consistency – TX-2024-02**

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

August 5, 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 \$706.35 and tax refund requests in the amount of \$46.29 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, August 5, 2024. All Releases and refunds were approved.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca McCall".

Rebecca McCall, Chairman
Henderson County Board of Commissioners

RM/dal

enclosures

NCPTS Pending Release/Refund Report. Tuesday, July 23, 2024*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEVY TYPE	BILLED	PAID	RELEASE	REFUND								
FERRELL, THOMAS CHARLES	0003111600-2023-0000	INFORMATION RECEIVED FROM FLIGHT SCHOOL IN CHARLESTON SC THAT AIRCRAFT WAS SOLD PRIOR TO 12/31/2022.	(\$1,05,336)	8995	DSANTANA	200 N GROVE ST HENDERSONVILLE NC 28792	COUNTY	TAX	\$454.00	\$0.00	\$454.00	\$0.00								
								LATE LIST FEE	\$45.40	\$0.00	\$45.40	\$0.00								
								TOTAL:			\$499.40	\$0.00								
								ABSTRACT TOTAL:			\$499.40	\$0.00								
								OWNER TOTAL:			(\$105,336)									
										T/P MOVED TO FL PER PREVIOUS NOTES, VOIDING 2020-2024. HAS PROVIDED NO DOCUMENTATION SHOWING HE WAS IN FL ON JAN 1ST THE YEAR OF 2019.		9006	ZMORGAN	111 GREEN HAVEN LN HENDERSONVILLE NC 28791	COUNTY	TAX	\$4.88	\$0.00	\$4.88	\$0.00
															LATE LIST FEE	\$0.49	\$0.00	\$0.49	\$0.00	
															TOTAL:			\$5.37	\$0.00	
														MOUNTAIN HOME FIRE	TAX	\$1.04	\$0.00	\$1.04	\$0.00	
															LATE LIST FEE	\$0.10	\$0.00	\$0.10	\$0.00	
							TOTAL:			\$1.14	\$0.00									
							ABSTRACT TOTAL:			\$6.51	\$0.00									
FLECKER, MICHAEL J	0003094346-2021-0000	T/P MOVED TO FL PER PREVIOUS NOTES, VOIDING 2020-2024. HAS PROVIDED NO DOCUMENTATION SHOWING HE WAS IN FL ON JAN 1ST THE YEAR OF 2019.	(\$829)	9005	ZMORGAN	111 GREEN HAVEN LN HENDERSONVILLE NC 28791	COUNTY	TAX	\$4.65	\$0.00	\$4.65	\$0.00								
								LATE LIST FEE	\$0.47	\$0.00	\$0.47	\$0.00								
								TOTAL:			\$5.12	\$0.00								
								ABSTRACT TOTAL:			\$0.99	\$0.00								
								OWNER TOTAL:			(\$829)									
										T/P MOVED TO FL PER PREVIOUS NOTES, VOIDING 2020-2024. HAS PROVIDED NO DOCUMENTATION SHOWING HE WAS IN FL ON JAN 1ST THE YEAR OF 2019.		9004	ZMORGAN	111 GREEN HAVEN LN HENDERSONVILLE NC 28791	COUNTY	TAX	\$4.82	\$0.00	\$4.82	\$0.00
															LATE LIST FEE	\$0.48	\$0.00	\$0.48	\$0.00	
															TOTAL:			\$5.30	\$0.00	
														MOUNTAIN HOME FIRE	TAX	\$1.03	\$0.00	\$1.03	\$0.00	
															LATE LIST FEE	\$0.10	\$0.00	\$0.10	\$0.00	
							TOTAL:			\$1.13	\$0.00									
							ABSTRACT TOTAL:			\$6.43	\$0.00									
GREENE, KAREN HANEY	0003026737-2023-0000	TAXPAYER SENT IN TAX RECEIPT SHOWING PAID TAXES IN SC.FOR THE YEAR 2023.TAXES VOIDED FOR 2023. TAXES ARE STILL DUE FOR 2022. SENT EMAIL ASKING FOR PROOF OF TAXES PAID FOR 2022 WATERCRAFT.	(\$2,557)	8998	KOLIVER	63 YALE RD HENDERSONVILLE NC 28739	COUNTY	TAX	\$39.01	\$0.00	\$39.01	\$0.00								
								LATE LIST FEE	\$3.90	\$0.00	\$3.90	\$0.00								
								TOTAL:			\$42.91	\$0.00								
								ABSTRACT TOTAL:			\$10.41	\$0.00								
								OWNER TOTAL:			(\$2,557)									
										VOIDED MOBILE HOME HAS BEEN REMOVED (2022) AND THE NEW MOBILE HOME HAS BEEN MADE REAL PROPERTY PER PICTOMETRY		9003	RJONES	41 SOUTHER RD FLETCHER NC 28732	COUNTY	TAX	\$21.18	\$0.00	\$21.18	\$0.00
															LATE LIST FEE	\$2.12	\$0.00	\$2.12	\$0.00	
															TOTAL:			\$23.30	\$0.00	
														FLETCHER FIRE	TAX	\$5.16	\$0.00	\$5.16	\$0.00	
															LATE LIST FEE	\$0.52	\$0.00	\$0.52	\$0.00	
							TOTAL:			\$5.68	\$0.00									
							ABSTRACT TOTAL:			\$28.98	\$0.00									
							OWNER TOTAL:			(\$4,915)	\$0.00									

*Adjustments submitted for approval on or before

NCPTS Pending Release/Refund Report. Tuesday, July 23, 2024*

OWNER	ABSTRACT	NOTE	VALUE CHANGE	ADJ. NUMBER	USER ID	SITUS ADDRESS	TAX DISTRICT	LEW TYPE	BILLED	PAID	RELEASE	REFUND
LAUGHTER, JOSEPH D	0000458665-2023-2023-0000	VOIDED FOR 2023 - THIS MOBILE HOME WAS REMOVED FROM THE PROPERTY IN 2020 PER NOTES & PICTOMETRY	(\$4,834)	9000	RJONES	72 CANARY LN HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$20.83 \$2.08 \$22.91 \$5.56	\$0.00 \$0.00 \$0.00	\$20.83 \$2.08 \$22.91 \$5.56	\$0.00 \$0.00 \$0.00 \$0.00
	0000458666-2023-2023-0000	VOIDED FOR 2023- THE MOBILE HOME WAS REMOVED FROM THE PROPERTY IN 2022 PER PICTOMETRY.	(\$4,852)	8999	RJONES	66 CANARY LN HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL: TAX	\$20.91 \$2.09 \$23.00 \$5.58	\$0.00 \$0.00 \$0.00	\$20.91 \$2.09 \$23.00 \$5.58	\$0.00 \$0.00 \$0.00 \$0.00
								TOTAL:	\$0.56	\$0.00	\$0.56	\$0.00
								TOTAL:	\$6.12	\$0.00	\$6.12	\$0.00
								ABSTRACT TOTAL:	\$29.03	\$0.00	\$29.03	\$0.00
PAYTON, AUTUMN ELIZABETH	0003096596-2019-2019-0000	WATERCRAFT SOLD IN NOVEMBER 2018. WATERCRAFT LOCATED IN FLORIDA AS OF 1/1/2019. VOIDED ABSTRACT EFF 12/31/2018.	(\$9,686) (\$7,500)	8997	DSANTANA	200 N GROVE ST HENDERSONVILLE NC 28792	COUNTY	TAX LATE LIST FEE TOTAL:	\$42.08 \$4.21	\$42.08 \$4.21	\$42.08 \$4.21	\$0.00 \$42.08 \$46.29
								TOTAL:	\$0.56	\$0.00	\$0.56	\$0.00
								TOTAL:	\$6.14	\$0.00	\$6.14	\$0.00
								ABSTRACT TOTAL:	\$29.14	\$0.00	\$29.14	\$0.00
								OWNER TOTAL:	\$58.17	\$0.00	\$58.17	\$0.00
								OWNER TOTAL:	\$46.29	\$46.29	\$46.29	\$46.29
								OWNER TOTAL:	\$46.29	\$46.29	\$46.29	\$46.29
								OWNER TOTAL:	\$706.35	\$46.29	\$706.35	\$46.29
								GRAND TOTALS:				

*Adjustments submitted for approval on or before

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 5, 2024

SUBJECT: Dogwood Health Trust Grant Award – Apple Ridge Housing Project Support

PRESENTERS: Christopher Todd, Assistant County Manager

ATTACHMENTS: Yes

1. Budget Amendment
2. Grant Award

SUMMARY OF REQUEST:

Staff is requesting the Board approve a Grant Award from Dogwood Health Trust in the amount of \$1,000,000. The purpose of these grant funds are to provide match funding to Henderson County to support the Apple Ridge affordable housing development. Once completed, this project will provide up to 60 affordable apartments and 20 single-family homes service residents <60% AMI and seniors.

Staff requests the Board also approve a budget amendment for the grant funding as presented.

BOARD ACTION REQUESTED:

The Board is requested to approve the Grant Award and the related budget amendment.

Suggested Motion:

I move the Board approve the Grant Award and the related budget amendment.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Finance

Please make the following line-item transfers:

What expense line-item is to be increased?

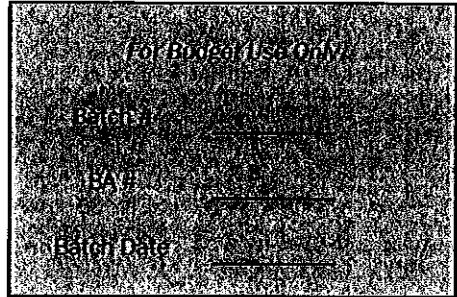
Account	Line-Item Description	Amount
<u>405400-569900-9088</u>	<u>PAYMENTS TO OTHER AGENCIES</u>	<u>\$1,000,000</u>

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

Account	Line-Item Description	Amount
<u>404400-454019-9088</u>	<u>LOCAL - MISC GRANTS</u>	<u>\$1,000,000</u>

Justification: *Please provide a brief justification for this line-item transfer request.*
 TO BUDGET FOR DOGWOOD HEALTH TRUST GRANT FUNDING FOR APPLE RIDGE HOUSING PROJECT. BOC APPROVED
 8.05.2024

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



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 *AUTHORIZING COUNTY LINE SURVEYING*

- WHEREAS,** the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and
- WHEREAS,** there exists several ambiguous or uncertain boundary sections between Henderson County and its neighboring counties; and
- WHEREAS,** the survey can be done at the invitation of the counties involved at no cost to the county government; and
- WHEREAS,** the County Assessor is responsible under NCGS 105-303(b)(1) for the listing of all real property; and
- WHEREAS,** the ability to assess and levy property taxes fairly and accurately within Henderson County can only be accomplished by clear and accurate record of county boundaries and adjoining properties.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that;

1. The Board of Commissioners hereby appoints Harry Rising, Henderson County Tax Administrator, as Henderson County's Special Commissioner of Boundaries in accordance with the North Carolina Department of Public Safety guidelines dated February 19, 2019.
2. The North Carolina Geodetic Survey office be formally requested to perform a survey of the boundary between Henderson and Transylvania Counties to resolve ambiguous and uncertain boundary sections that may exist between the counties.
3. The Land Records office of the Henderson County Tax Department record the results of the survey as part of the permanent listing system of the county.
4. This resolution shall be in full force and effect upon adoption.

Henderson County Board of Commissioners

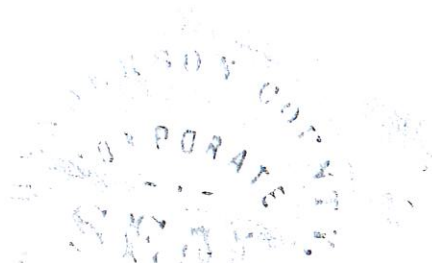
1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

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



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

Approved on this 5th day of August 2024.




REBECCA K. MCCALL, CHAIRMAN
HENDERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:


DENISA A. LAUFFER, CLERK TO THE BOARD

Henderson County Board of Commissioners

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



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

RESOLUTION

AUTHORIZING COUNTY LINE SURVEYING

- WHEREAS,** the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and
- WHEREAS,** there exists several ambiguous or uncertain boundary sections between Henderson County and its neighboring counties; and
- WHEREAS,** the survey can be done at the invitation of the counties involved at no cost to the county government; and
- WHEREAS,** the County Assessor is responsible under NCGS 105-303(b)(1) for the listing of all real property; and
- WHEREAS,** the ability to assess and levy property taxes fairly and accurately within Henderson County can only be accomplished by clear and accurate record of county boundaries and adjoining properties.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that;

1. The Board of Commissioners hereby appoints Harry Rising, Henderson County Tax Administrator, as Henderson County's Special Commissioner of Boundaries in accordance with the North Carolina Department of Public Safety guidelines dated February 19, 2019.
2. The North Carolina Geodetic Survey office be formally requested to perform a survey of the boundary between Henderson and Buncombe Counties to resolve ambiguous and uncertain boundary sections that may exist between the counties.
3. The Land Records office of the Henderson County Tax Department record the results of the survey as part of the permanent listing system of the county.
4. This resolution shall be in full force and effect upon adoption.

Henderson County Board of Commissioners


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




William G. Lapsley
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David H. Hill

Approved on this 5th day of August 2024.


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HENDERSON COUNTY
BOARD OF COMMISSIONERS

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- WHEREAS,** there exists several ambiguous or uncertain boundary sections between Henderson County and its neighboring counties; and
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- WHEREAS,** the County Assessor is responsible under NCGS 105-303(b)(1) for the listing of all real property; and
- WHEREAS,** the ability to assess and levy property taxes fairly and accurately within Henderson County can only be accomplished by clear and accurate record of county boundaries and adjoining properties.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that;

1. The Board of Commissioners hereby appoints Harry Rising, Henderson County Tax Administrator, as Henderson County's Special Commissioner of Boundaries in accordance with the North Carolina Department of Public Safety guidelines dated February 19, 2019.
2. The North Carolina Geodetic Survey office be formally requested to perform a survey of the boundary between Henderson and Rutherford Counties to resolve ambiguous and uncertain boundary sections that may exist between the counties.
3. The Land Records office of the Henderson County Tax Department record the results of the survey as part of the permanent listing system of the county.
4. This resolution shall be in full force and effect upon adoption.

Henderson County Board of Commissioners

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




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

Approved on this 5th day of August 2024.


REBECCA K. MCCALL, CHAIRMAN
HENDERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:


DENISA A. LAUFFER, CLERK TO THE BOARD

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RESOLUTION

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- WHEREAS,** the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and
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- WHEREAS,** the ability to assess and levy property taxes fairly and accurately within Henderson County can only be accomplished by clear and accurate record of county boundaries and adjoining properties.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that;

1. The Board of Commissioners hereby appoints Harry Rising, Henderson County Tax Administrator, as Henderson County's Special Commissioner of Boundaries in accordance with the North Carolina Department of Public Safety guidelines dated February 19, 2019.
2. The North Carolina Geodetic Survey office be formally requested to perform a survey of the boundary between Henderson and Polk Counties to resolve ambiguous and uncertain boundary sections that may exist between the counties.
3. The Land Records office of the Henderson County Tax Department record the results of the survey as part of the permanent listing system of the county.
4. This resolution shall be in full force and effect upon adoption.

Henderson County Board of Commissioners

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



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

Approved on this 5th day of August 2024.




REBECCA K. MCCALL, CHAIRMAN
HENDERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST: 
DENISA A. LAUFFER, CLERK TO THE BOARD

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: Monday, August 5th, 2024

SUBJECT: Budget Amendments for Existing Grant Projects

PRESENTER: Betsy Gerwig, Conservation Engineer

ATTACHMENTS: Yes

1. Budget Amendment – Rugby
2. Budget Amendment – Edneyville

SUMMARY OF REQUEST:

On September 15, 2021, the Board approved the Edneyville Community Center grant, awarded to Henderson County Soil and Water Conservation District for stream restoration, establishment of a riparian buffer and native vegetation, and the creation of an educational access point/outdoor learning lab.

On February 6, 2023, the Board approved a Community Conservation Assistance Program (CCAP) Grant, awarded to Henderson County Soil and Water Conservation District for Rugby Middle School – Mill Pond Creek Restoration Project. The project was to include stream bank stabilization, establishment of a riparian buffer and native vegetation, and the creation of an educational access point/outdoor learning lab.

As of FY2025, grant funding remains unspent. The Board is requested to approve the attached budget amendments to appropriate remaining grant funds to FY25 for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

BOARD ACTION REQUESTED:

The Board is requested to approve the budget amendments to appropriate remaining grant funds to FY25 for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

Suggested Motion:

I move the Board of Commissioners approve the budget amendments for the Rugby Stream Project and the Edneyville-Lewis Creek Stream Restoration Project.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: _____ Soil & Water _____

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
115471-539000-9011	Contracted Services	\$33,239
115471-526000-9011	Dept Supplies & Materials	\$3,000
115471-526010-9011	Community Events Expesne	\$1,500
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$37,739

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

Account	Line-Item Description	Amount
114990-401000-9011	Fund Balance Appopriated	\$ 25,886
114471-457007-9011	Div of Soil & Water-CCAP Grant	\$ 11,853
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	\$37,739

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

To budget for funding remaining for Rugby Streambank Project in 2025.

_____	8/5/2024	<p align="center"><i>For Budget Use Only</i></p> <p>Batch # _____</p> <p>BA # _____</p> <p>Batch Date _____</p>
Authorized by Department Head	Date	
_____	Date	
Authorized by Budget Office	Date	
_____	Date	
Authorized by County Manager	Date	
_____	Date	

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 5, 2024

SUBJECT: Engineering Services Contract Approval
Jackson Park Feasibility and Engineering Study

PRESENTER: Betsy Gerwig, SWCD Conservation Engineer

ATTACHMENTS: Yes

1. Budget Amendment
2. Qualifications for Robinson Design Engineers
3. Contract with Robinson Design Engineers

SUMMARY OF REQUEST:

The Board is requested to approve the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000. Selection of the engineering company for this project was approved at the December 4, 2023, meeting. The Board committed to acquire the additional \$50,000 in matching funds to the NC Department of Environmental Quality, Division of Water Resources: Water Resources Development Grant at the February 6, 2023 meeting. The approval of the grant and the budget amendment for Y24 was approved at the October 2, 2023 meeting. The current Budget Amendment moves the funding to Y25.

BOARD ACTION REQUESTED:

The Board is requested to accept the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000, approve the budget amendment, and direct staff to proceed.

Suggested Motion:

I move the Henderson County Board of Commissioners to accept the contract with Robinson Design Engineers for the Jackson Park Feasibility and Engineering Study for \$100,000, approve the budget amendment, and direct staff to proceed.

NORTH CAROLINA

LEASE AGREEMENT

HENDERSON COUNTY

This Lease Agreement ("Lease") is made and entered into this 5th day of August, 2024, by and between the Town of Mills River, one of the municipalities of the State of North Carolina (the "Owner"), and Henderson County, one of the counties of the State of North Carolina (the "Lessee").

WITNESSETH:

WHEREAS, the Owner owns that certain tract of land and a building (herein the "Premises") containing space occupied and leased by the Lessee and in which the Lessee operates and maintains a public library, such space being depicted on Exhibit A attached hereto and incorporated herein by reference. The space occupied by Lessee is herein referred to as the "Library Space"; and

WHEREAS, the Lessee desires to continue to occupy and lease the Library Space; and

WHEREAS, the Owner, for and in consideration of the mutual covenants and agreements hereinafter expressed, agrees to permit the Lessee to occupy and enter upon the Property solely for the Lessee's use during the Term hereof, as defined below, and the Lessee agrees to the terms and conditions relating to the uses hereinafter set forth.

1. Lease. The Owner hereby leases to Lessee, and Lessee hereby leases and takes upon the terms and conditions which hereinafter appear the Library Space. Lessee shall have the exclusive right to occupy and control the Library Space. Lessee shall also have the right to the use of the common areas located within the Premises adjacent to the Library Space during the term of this Lease.

2. Term. The term of this Lease shall commence on the date hereof and shall terminate at 12:01 a.m. on _____, 2029, unless earlier terminated or extended as provided herein. If Lessee has fully complied with all of its obligations provided herein, the term of this lease shall be renewed for successive five (5) years terms until either party give the other written notice of termination at least one (1) year prior to the expiration of the then-current term.

3. Rent. In consideration of the use, occupancy and rent of the Library Space, Lessee shall pay Owner rent in the amount of One (\$1.00) Dollar per lease term, due and payable on the first day of each term.

4. Use of the Library Space. Lessee shall use the Library Space only to maintain and operate a public library. Owner shall have no obligation to provide any equipment, furniture, furnishings or books for Lessee's operation of a library. The parties shall agree upon the hours of operation of the library. Lessee shall keep the Library Space in a clean and well-maintained condition at all times.

5. Security. Owner shall provide entry to the Premises by key pad and shall provide entry codes to Lessee. Lessee shall not disseminate any entry code to any person unless Owner has agreed. Owner shall also provide a camera security system for the Premises.

The parties acknowledge that Lessee currently operates a library in the Library Space and maintains hours that are different from those maintained by Owner for the Premises. Currently, the library is open after the Owner's hours of operation on Monday evenings, and Lessee may determine to operate the library on other days outside the Owner's operating hours. At any time when Lessee keeps the library open to the public outside the Owner's hours of operation, Lessee shall secure and lock the Premises at the time of closing.

6. Maintenance and Improvements. Lessee shall not make any significant change to the Library Space without the prior approval of Owner, which approval shall not be unreasonably withheld. Significant changes shall include but not be limited to any painting other than routine re-painting of walls and adding or changing the location

of walls. Lessee shall be solely responsible for the costs of all changes, remodeling, painting or decorating within the Library Space.

Except as expressly provided herein, Owner shall provide all routine maintenance and extraordinary and repair of the common areas and the HVAC within the Premises and the roof of the Premises. Lessee shall provide all routine maintenance and repair of the Library Space. Owner shall be responsible for undertaking all extraordinary maintenance and repair of the Library Space, and the parties shall equally share the cost of all such maintenance and repair of the Library Space, except that Lessee shall not be required to pay more than \$5,000.00 in any term year or more than \$15,000.00 during any lease term toward such costs. Notwithstanding anything contained herein to the contrary, in the event the furnace or air conditioning unit which exclusively provides service to the Library Space should be replaced, Lessee shall pay one-half (½) of the costs for the replacement materials and installation.

Owner shall provide for the drive into the Premises, the parking areas and sidewalks to be cleared of snow when necessary. The cost of snow removal shall be equally borne by Owner and Lessee.

7. Insurance. Owner shall have no responsibility to provide any insurance for Lessee's property or use of the Library Space. Lessee shall obtain and maintain general liability insurance to cover all risks arising out of or associated with its use and occupancy of the Library Space, with limits of \$5,000,000.00 per incident, and shall provide for Owner to be an additional insured. Upon request, Lessee shall provide Owner with a copy of its declaration statement reflecting the required coverage.

Lessee shall also obtain and maintain standard hazard insurance covering all of its property located within the Library Space.

8. Utilities. Owner shall provide all usual utilities for Lessee's use in the Library Space except telephone and Internet Service, which Owner shall have no obligation to provide.

9. Common Areas. The Library Space is accessed through a hall that is utilized by Owner and the public. In addition, the Premises includes a meeting room ("Commons Room") and restrooms. The parties shall make due and diligent efforts to jointly utilize these common areas and shall work cooperatively to schedule their use of the common areas around each others' needs. Notwithstanding anything contained herein to the contrary, Owner shall have the first right to use the Commons Room in the event the parties cannot agree. Lessee shall thoroughly clean the restrooms located in the common areas at least twice per week.

10. Indemnity. The Lessee covenants and agrees at its sole cost and expense, to indemnify and hold harmless the Owner against and from any and all claims by or on behalf of any person, firm or corporation arising out of the Lessee's use of the Library Space or from any work or thing done whatsoever in or about the Library Space by the Lessee and further to indemnify and hold the Owner harmless against and from any and all claims arising from any condition in the Premises caused by the Lessee or arising from any breach or default on the part of the Lessee in the performance of any covenant or agreement on the part of the Lessee to be performed pursuant to the terms of this Lease, or arising from any act, omission or negligence of the Lessee or arising from any accident, death, injury or damage whatsoever caused to any person, firm or corporation in or about the Property, and from and against all costs, damages, attorneys fees, expenses and liabilities incurred in or about any such claim, action or proceeding brought thereon; and in case any action or proceeding be brought against the Owner by reason of any such claim, the Lessee covenants to resist and defend any such action or proceeding by counsel satisfactory to the Owner.

The Lessee further covenants and agrees that the Owner shall not be responsible or liable to the Lessee or any person firm or corporation claiming by through or under the Lessee for or by reason of any defect in the Library Space or for any injury or loss or damage to person or property resulting there from, and the Owner shall not be responsible or liable to the Lessee or any person or firm or corporation claiming by through or under Lessee for any death, injury, loss or damage to any persons or to the Library Space caused by or arising from any defect or condition in the Library Space whatsoever, or by or from any death, injury or damage caused by arising or resulting from any death, injury or damage caused by or arising, or resulting from acts of negligence of any occupant, invitee, guest or user of the Library Space.

11. Transfer and Assignment. The right conferred upon the Lessee pursuant to this Lease are strictly personal to Lessee, do not inure to the benefit of any third parties. The Lessee agrees that the Lease is non-transferable and further agrees not to transfer, assign, pledge or encumber his interest in this Lease. The Lessee further acknowledges that the Owner's rights and obligations under this Lease may be mortgaged, assigned or transferred by the Owner to its successors in title or interest, their assigns and the Owner's lenders and or its lender's trustees. This Lease shall not be recorded without prior written consent of the Owner.

12. Compliance with Laws. The Lessee shall promptly comply with all laws and ordinances, rules regulations, and requirements and directives of all governmental or public authorities and of all their subdivisions applicable to and affecting the Library Space, its use and occupancy thereof, and shall promptly comply with all orders, regulations requirements imposed by any governmental entity.

13. Non-Waiver. The failure of the Owner to enforce strict performance by the Lessee of the conditions and covenants of the Lease or to exercise any election or option, or to resort or have recourse to any remedy herein conferred in any one or more instances, shall not be construed or deemed to be a waiver or a relinquishment then or in the future by the Owner of any such conditions and covenants, options, elections or remedies but the same shall continue in full force and effect.

14. Validity of Agreement. The terms, conditions, covenants and provisions to this Lease shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of law, it shall not affect the validity of any other cause or provision herein, but such other clauses or provisions shall remain in full force and effect.

15. Entire Contract. This Lease contains the entire contract between the parties. All other proposals, suggestions, offers, counter-offers, representations, understandings and agreements (if any) of the parties (or either of them), not expressly state in this instrument, are void and unenforceable. This Lease may not be modified or amended except by writing executed by both parties.

16. Governing Law. This Lease shall be governed by and construed under the laws of the State of North Carolina.

Town of Mills River, Owner

By: _____

Henderson County, Lessee

By: Rebecca McCall

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: August 5, 2024

SUBJECT: Budget Amendment – Etowah Sewer Company Acquisition

PRESENTERS: Samantha R. Reynolds, Financial Services Director

ATTACHMENTS: Yes
1. Budget Amendment

SUMMARY OF REQUEST:

On July 17, 2024, the Board approved the acquisition of the Etowah Sewer Company for a cost of \$400,000.

In order to complete this purchase, the Board is requested to approve a Budget Amendment, transferring \$400,000 from the Capital Reserve Fund to the Capital Projects Fund.

BOARD ACTION REQUESTED:

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

Suggested Motion:

I move the Board approve the budget amendment as presented, transferring funds from Capital Reserve Fund to the Capital Projects Fund.

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 05, 2024

SUBJECT: Etowah Sewer System Budget and Fee Schedule

PRESENTER: Marcus Jones, County Engineer

ATTACHMENTS: Yes

1. Budget Amendment
2. Fee Schedule

SUMMARY OF REQUEST:

On July 17, 2024, the Board approved the agreement for the purchase of the assets of the Etowah Sewer Company.

As part of the acquisition of the Etowah Sewer System, the County is requesting the Board adopt a proposed Budget of \$182,602 for operations of the system. Current billing will be done at the current fee schedule for the Etowah Sewer System.

BOARD ACTION REQUESTED:

Approve the proposed budget for FY25 for Etowah Sewer System and that the County adopt the current fee schedule already in use by Etowah Sewer Company.

Suggested Motion:

I move that the County approve the proposed Budget of \$182,602 for Etowah Sewer System and that the County adopt the current fee schedule of the Etowah sewer system.

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Etowah Sewer Fund

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
645711-526000	Department Supplies & Materials	\$23,000
645711-532100	Telephone & Communications	\$8,340
645711-534001	Electricity	\$21,400
645711-534003	Water/Sewer	\$1,900
645711-535100	Maintenance & Repair - Bldgs & Grounds	\$12,130
645711-535200	Maintenance & Repair - Equipment	\$25,000
645711-538103	City Billing Charges	\$12,400
645711-539000	Contracted Services	\$71,632
645711-547200	Dues & Memberships	\$2,000
645711-547600	Insurance & General Bonding	\$4,800
		\$182,602

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

Account	Line-Item Description	Amount
644711-464000	District User Fees	\$182,602
		\$182,602

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

FY2025 OPERATING BUDGET FOR ETOWAH SEWER. BOC APPROVED 8.5.2024

Authorized by Department Head

Date

Authorized by Budget Office

Date

Authorized by County Manager

Date

<i>For Budget Use Only</i>	
Batch #	_____
BA #	_____
Batch Date	_____

**AFFIDAVIT OF UNDERSTANDING AND INDEMNITY AND HOLD HARMLESS AGREEMENT
REGARDING COMPUTER DATA MIGRATION (VCAP to E-COURTS ODYSSEY PORTAL)
“(To be used for Purchase (with or without financing) and Refinance Transactions)”**

Land (Property Address): 285 E. Allen Street & 101 S. Grove Street, Henderson County, N.C.

Closing Attorney: Sharon B. Alexander

Date of Closing (settlement & disbursement): August, 2024

Seller(s): Barrister Propertyies

Buyer(s) (Proposed Insured Owner): County of Henderson

Owner(s): _____ **(in case of refinance only)**

Title Insurance Company (the Company): Attorneys Title

Issuing Agent: _____

Title Insurance Commitment Number (the Commitment): 24H079020

Other file number(s) or reference: _____

Recordable Documents: Deed, Deed of Trust, Assignment of Leases and Rents, UCC Financing Statement, Subordination, Lease (or memorandum thereof), DMV MVR-46G, or other documents to be recorded as a part of the real estate transaction (as applicable)

NOTE: Other defined terms are as defined in the ALTA® Commitment for Title Insurance (08-01-2016), ALTA® Commitment for Title Insurance (Effective 07-01-2021), ALTA® Short Form Commitment (12-01-17 TC 04-02-18), ALTA® Short Form Commitment (Effective 07-01-2021, the ALTA® Loan Policy (06-17-2006), ALTA® Loan Policy (Effective 07-01-2021), ALTA® Owner’s Policy (06-17-2006), ALTA® Owner’s Policy (Effective 07-01-2021), ALTA® Homeowner’s Policy (12-02-2013), ALTA® Homeowner’s Policy (Effective 07-01-2021), ALTA® Short Form Residential Loan Policy (12-03-12), and ALTA® Short Form Residential Loan Policy (Effective 07-01-2021).

The migration of computer data at the Clerk of Court’s Office in the County where the Land (or “Property Address”) stated above is located has significantly affected the ability of attorneys to search, locate court matters and resolve issues reliably. The migration has limited attorneys’ access to public records during the period immediately preceding the Date of Closing, and these limitations will continue through the date of recording the instruments referenced as Recordable Documents above. Filings or submissions of documents to the Clerk of Court’s Office by parties and attorneys have continued, but the final approval, acceptance and indexing of such documents may be delayed. In addition, the indexing systems of the prior VCAP system and the new Odyssey Portal are significantly different in substantial ways, causing variations in the search procedures required, results obtained and information available (including payoff calculations). Additionally, other, further issues are continuing to be identified and addressed. (All of these issues are referenced herein as “Migration Issues.”)

As a result, the ability to search and review filings in the Clerk of Court’s Office either has, or will be, impacted. The Company is willing to continue to insure Title to the Land for the Proposed Insured Owner and Proposed Insured Lender, if any, as identified in the Commitment up to Amount of Coverage stated therein through the ultimate recording date of the Recordable Documents, upon receipt of the acknowledgments and indemnifications herein.

NOW THEREFORE, due to the aforementioned Migration Issues, and as an inducement to the Closing Attorney to conduct settlement (including disbursement) and to the Company and/or Issuing Agent to issue policy or policies of title insurance with regard to the Land, as defined in the Commitment, the undersigned agree as follows:

Seller(s)/Owner(s) certify and affirm:

- (a) There are no pending civil actions, judgments, lis pendens, claims of lien, liens, encumbrances -- whether filed, submitted, imminently pending, or otherwise delivered (or to be delivered) to or as part of a file with the Clerk of Court's Office, and (whether or not indexed) estates, guardianships, or special proceedings affecting the Land, which are not being paid, adjusted or addressed as part of the current transaction in a manner approved by the Company.
- (b) All labor and materials used in construction or improvements, repairs or modifications to the Land have been paid for and there are now no unpaid bills for labor or material against the improvements or Land. The Sellers/Owners have received no notice of any mechanic liens claim. *The Company must be provided with affidavits, indemnities, lien waivers and subordinations satisfactory to the Company.*
- (c) **Sellers/Owners** have received no written notice of a proposed or pending special assessment or a pending taking of any portion of the Land by any governmental body. Sellers/Owners have no knowledge or notice that work has been or will be performed by any governmental body including but not limited to the installation of water or sewer lines or other utilities or for improvements such as paving or repaving of street or alleys or the installation of curbs and sidewalks.
- (d) **Sellers/Owners** agree to neither allow, nor take any action, following settlement that may result in any of the items or actions referred to in paragraph (a) above, or other objectionable matter which may adversely affect the Title to the Land, between the Commitment Date and **the last to occur of: the time of closing, updating, date and time of the recording of Recordable Documents and disbursement**, unless disclosed to and approved by the Company in writing prior to closing.
- (e) **Sellers/Owners** agree to immediately discharge, cancel, release or otherwise adequately address the same to the satisfaction of the Company and further agree to hold harmless and indemnify the Closing Attorney, the Issuing Agent and the Company against all claims, losses, liabilities, damages, expenses, costs and attorney's fees which may arise out of Sellers/Owners failure to promptly so remove, release, bond, or otherwise dispose of any such liens, encumbrances or objectionable matters affecting Title to the Land to the satisfaction of the Company.

Buyer(s) understand and agree:

- (a) Neither Closing Attorney, Issuing Agent nor the Company can provide an assurance as to the availability and reliability of search results of potential documents in the Clerk of Court's office which documents should constitute part of the Public Records affecting the Land, as defined in the Commitment.
- (b) Among other things, Buyers may not be able to refinance or sell the Land, obtain building permits, or demonstrate recorded ownership of and legal Title to, the Land until the date that the documents in the Clerk of Court's office are available and adequately, reliably searchable and locatable in the Public Records.

Seller(s)/Owner(s) and Buyer(s) acknowledge:

- (a) They have been expressly advised that North Carolina law, specifically the Good Funds Settlement Act (North Carolina General Statutes Chapter 45A) if the Land is residential property, requires recordation of the deed, deed of trust, or other title documents prior to disbursement of closing funds, for which they specifically include waiver of claims or penalties thereunder, below.
- (b) They expressly waive any claim, demand, or cause of action arising solely out of disbursement of closing funds by the Closing Attorney in reliance on the parties' joint instruction to disburse herein.
- (c) They expressly release the Closing Attorney, the Company, the Issuing Agent or other persons acting in reliance on such instruction and release from any claim, demand, or cause of action arising out of such disbursement.
- (d) By their joinder herein, they are authorizing and directing the closing of the sale of the Land and/or of its financing or refinancing and disbursement of funds, that they hereby shall be deemed to have irrevocably released the deed, deed of trust and other Recordable Documents which each party has respectively executed to Closing Attorney with the irrevocable authorization and instruction to cause

the Recordable Documents to be recorded as soon as the Closing Attorney is able to cause such recordation.

- (e) They expressly agree they will not execute or cause to be recorded any other deed, deed of trust, or other document of conveyance, encumbrance, or restriction regarding all or any portion of the Land, until and unless the Recordable Documents are properly recorded and indexed at the office of the register of deeds.
- (f) They expressly waive and renounce any right, claim, or demand to instruct the Closing Attorney to (i) recall or withdraw any Recordable Document, or (ii) otherwise not to record any Recordable Documents, or (iii) to cancel or rescind the closing.
- (g) NOTE: It is advisable to confirm that contractual matters arising out of the definition of "Closing," as it relates to recordation or filings in the Clerk of Court's office, are addressed in the contract between Buyer and Seller, e.g., risk of loss or damage by fire or other casualty.

The undersigned solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this Affidavit are true and that this Affidavit and Indemnity is executed in the order to induce the Closing Attorney to make and complete the settlement on the Land and to induce the Company, through the Issuing Agent, to issue its policy or policies of title insurance, insuring Title to the Land.

NCLTA Copyright and Entire Agreement: This Agreement and any attachments hereto represent the entire agreement between Seller, Buyer and/or Owner and Company and no prior or contemporaneous agreement or understanding inconsistent herewith (whether oral or written) pertaining to such matters is effective. THIS IS A COPYRIGHT FORM and any variances in the form provisions hereof must be specifically stated in the blank below and agreed to in writing by the Company:

CAUTION: NO MODIFICATION of this Agreement and NO WAIVER of any of its terms or conditions shall be effective unless made in writing and approved by the Company.

Seller(s) / Owner(s):

Signature	Print
Signature	Print

SUBSCRIBED, SWORN TO, and acknowledged before me this _____ day of August, 2024.
My Commission Expires: _____

NOTARY PUBLIC

Buyer(s): <u>Rebecca McCall</u> Signature	<u>Rebecca McCall</u> Print
Signature	Print

SUBSCRIBED, SWORN TO, and acknowledged before me this 5th day of August, 2024.
My Commission Expires: May 23, 2028 NOTARY PUBLIC

Joanne Martin Hinson



North Carolina
Before the Board of Commissioners

RESOLUTION

BOARD OF COMMISSIONERS ENACTMENT 2024-103

WHEREAS, the Board of Commissioners of Henderson County (the "Board") has authorized contracting for the purchase of certain real estate located in Henderson County, North Carolina, located on Grove Street between Allen Street and First Avenue in the City of Hendersonville; and,

WHEREAS, the property is now under contract for purchase by the County from the current owners, Barrister Properties, and agreed and directed by the Board at its July 17, 2024 meeting; and,

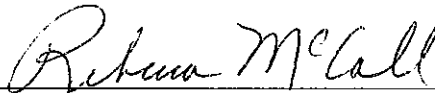
WHEREAS, the Board desires for this matter to be concluded and the property described in the Board's July 17, 2024, agenda item on this topic to be purchased.

NOW, THEREFORE, IT IS RESOLVED that the County shall proceed with the purchase of the property referenced above, and the Chair and staff are requested and directed to take whatever actions are required to complete this transaction.

This the 5th day of August, 2024.

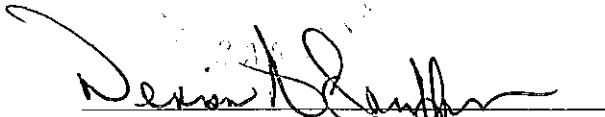
BOARD OF COMMISSIONERS OF HENDERSON COUNTY

By:



REBECCA McCALL, Chair

Attest:


Clerk to the Board of Commissioners

BOARD OF COMMISSIONER ENACTMENT 2024- 106

RESOLUTION OF CONSISTENCY WITH THE 2045 COMPREHENSIVE PLAN

Text Amendment #TX-2024-02

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, on July 18, 2024, the Planning Board reviewed and provided recommendations regarding the proposed text amendment for application #TX-2024-02; 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 August 5, 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:

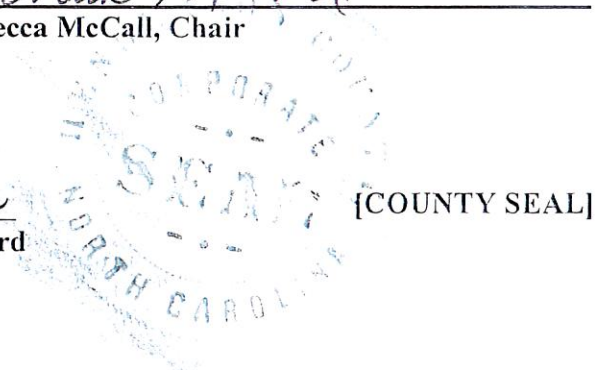
1. The Board determined that TX-2024-02 is reasonable, in the public interest, and is consistent with the 2045 Comprehensive Plan located therein because of the following:
 - The 2045 Comprehensive Plan intends for the County to grow where infrastructure and services exist, in and around municipalities, community investments, and anchors.
 - The plan states that regulations should ensure zoning districts around Neighborhood Anchors and Community Centers allow, by right compatible land uses.
 - The plan also directs the County to ensure the Land Development Code is consistent with state and federal regulations.
 - Henderson County will continue to develop a thriving economy across scales, from smaller local businesses to large employers.
2. The Board determined that the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County, and
3. This Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS, the 5th day of August 2024.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: Rebecca McCall
Rebecca McCall, Chair

ATTEST:
Denisa Lauffer
Denisa Lauffer, Clerk to the Board



[COUNTY SEAL]