

March 19, 2025

## **MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, MARCH 19, 2025**

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

Present were: Chairman William Lapsley, Vice-Chair J. Michael Edney, Commissioner Sheila Franklin, Commissioner Jay Egolf, County Manager John Mitchell, Assistant County Manager Chris Todd, Public Safety Director Jimmy Brissie, Financial Services Director Samantha Reynolds, County Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Absent was: Commissioner Rebecca McCall

Also present were: Engineer Marcus Jones, Human Resources Director Karen Ensley, Chief Communications Officer Mike Morgan, Director of Facility Services Andrew Griffin, Planning Director Autumn Radcliff, Planner Lee Stevens, Register of Deeds Lee King, DSS Director Lorie Horne, Deputy DSS Director Debbie Dunn, Finance Director Randal Cox, Capital Projects Manager Bryan Rhodes, Public Health Director David Jenkins, PIO Kathy Finotti, and A/V Technician Oscar Guerrero. Deputy Chris Stepp provided security.

### **CALL TO ORDER/WELCOME**

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

### **INVOCATION**

County Manager John Mitchell provided the invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **RESOLUTIONS AND RECOGNITIONS**

#### **2025.035 Resolution – Declaring March as National Athletic Training Month in Henderson County**

The Henderson County Board of Commissioners was requested to adopt a Resolution declaring March National Athletic Training Month in Henderson County.

#### **NATIONAL ATHLETIC TRAINING MONTH IN HENDERSON COUNTY**

**WHEREAS**, athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and

**WHEREAS**, athletic trainers provide prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education and guidance; and

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**WHEREAS,** the National Athletic Trainers' Association represents and supports members of the athletic training profession employed in the following settings: professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings and military branches; and

**WHEREAS,** leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

**WHEREAS,** such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners do hereby proclaim the month of March as National Athletic Training Month in Henderson County and urge the citizens of the County to learn more about the importance of athletic training.

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

Adopted this on the 19<sup>th</sup> day of March 2025.

*Motion: Commissioner Egolf made the motion that the Board adopt the Resolution, declaring March as National Athletic Training Month in Henderson County. All voted in favor, and the motion carried.*

**2025.036 Resolution in Support of Senate Bill 248 (Add on)**

**RESOLUTION IN SUPPORT OF SENATE BILL 248**

**WHEREAS,** current North Carolina law provides that upon adoption, a new birth certificate for the adopted person be issued by the North Carolina State Registrar but requires that they not be provided to the Register of Deeds in the County in which the adopted person was born; and

**WHEREAS,** current North Carolina law provides that the North Carolina State Registrar shall instead notify the Register of Deeds in the County in which the adopted person was born to remove from the records the original birth certificate of the person now adopted and send it to the State Registrar, and to delete all index entries of the original birth certificate of the now adopted person from the County's records; and

**WHEREAS,** under the current law, the adopted person cannot obtain a certificate of their birth from the records of the County of their birth; and

**WHEREAS,** under the provisions of Senate Bill 248, currently pending in the 2025 Session of

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the North Carolina General Assembly, this system would be changed so that the North Carolina State Registrar would issue new birth certificates for the adopted person to the County Register of Deeds, where the new birth certificate would replace the original birth certificate; and

**WHEREAS**, the system proposed by Senate Bill 248 would be fairer for all North Carolina's citizens, by providing for access to birth certificates to be the same for persons adopted as for persons who are not adopted.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioner be known as favoring the system set out in the current Senate Bill 248, and advocating its adoption as law by the State of North Carolina.

Adopted this the 19<sup>th</sup> day of March, 2025.

*Vice-Chair Edney made the motion to adopt the Resolution in support of Senate Bill 248. All voted in favor, and the motion passed.*

#### **PUBLIC COMMENT**

1. League of Women Voters President Ernest Mowell shared that this was Sunshine Week. He said Sunshine Week had been a nationwide effort to recognize and celebrate the laws that state and federal laws that govern open meetings and open records.
2. Bobby Scott, president of the WNC Disc Golf Association, urged the Board to reopen the disc golf course at Jackson Park.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

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

#### **CONSENT AGENDA**

##### **Approval of Minutes**

Draft minutes for the following meetings, February 24, 2025, and March 3, 2025, were presented for the Board's review and approval.

*Motion: I move that the Board approve the minutes from the February 24, 2025, and March 3, 2025, meetings.*

##### **Modification to Minutes – November 4, 2024**

The following request for Board action was mistakenly left out of the previously approved minutes from the November 4, 2024, meeting.

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**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** March 19, 2025

**SUBJECT:** Engineering Services for the  
Etowah Treatment Plant Replacement

**PRESENTER:** Marcus Jones, PE  
County Engineer

**ATTACHMENTS:** No

**SUMMARY OF REQUEST:**

The staff has completed the evaluation of the Etowah Sewer System's wastewater treatment plant and determined that the facility is well beyond its useful life. In addition, the monthly reports on the flow at the plant exceed the permitted capacity. Of course, adding capacity to a plant past the useful life is very problematic and may not be possible to permit. A new plant with additional capacity is required. Therefore, staff released a Request for Qualifications (RFQ) to solicit engineering firms to plan, locate best site, develop funding strategies, design, permit, and administer construction for a new treatment plant.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed a RFQ and on January 23, 2025, posted it on the County's website. The responses were received on February 12, 2025.

The following firms submitted Statements of Qualifications: Kimley-Horne and WithersRavenel. The responses are available at the Historic Courthouse in the office of the County Engineer or online on the County's RFP page.

The selection committee consisted of Andrew Griffin (Facility Services Director) and Marcus Jones, PE (County Engineer). A detailed review of the firms was conducted based on the criteria established within the RFQ. Based on their responses and further investigations, staff recommend WithersRavenel as the most qualified firm.

Pending Board approval, staff will negotiate an agreement with the selected firm and return to the Board for approval. The scope of this agreement will be to perform necessary planning for the plant replacement to include size and location.

**BOARD ACTION REQUESTED:**

Approve the selection of WithersRavenel as the most qualified responding firm to perform engineering services for the Etowah Sewer System Treatment Plant replacement.

**Suggested Motion:**

*I move the Board approve the selection of WithersRavenel as the most qualified responding firm to perform engineering services for the Etowah Sewer System Treatment Plant replacement.*

*Motion: I make the motion the Board approve the modification to the previously approved minutes from the November 4, 2024, meeting.*

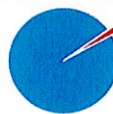
**Tax Collector's Report**

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

Please find outlined below collections information through March 9, 2025 for 2024 real and personal property bills mailed on July 31, 2024. Vehicles taxes are billed monthly by NC DMV.

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

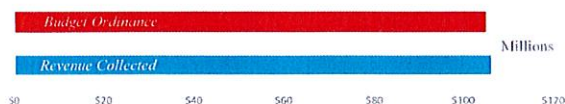
2024 Beginning Charge:	\$101,665,024.57	
Discoveries & Imm.	\$135,170.17	
Releases & Refunds:	(\$104,975.89)	
Net Charge:	\$101,695,218.85	
Unpaid Taxes:	\$1,916,399.74	Unpaid 1.88%
Amount Collected:	\$99,778,819.11	Paid 98.12%

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

Net Charge:	\$5,399,848.41	
Unpaid Taxes:	\$126,746.70	97.65%
Amount Collected:	\$5,273,101.71	

**Henderson County FY25 Budget Analysis:**

	Budget Ordinance	Revenue Collected
Ad Valorem:	\$103,559,409.00	\$105,051,920.82
Prior Years:	\$1,041,250.00	\$737,849.38
Budget Total:	\$104,600,659.00	YTD Revenue: \$105,789,770.20



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**2025.037 Interlocal Agreement with the City of Saluda**

The current interlocal agreement with the City of Saluda expires on July 1<sup>st</sup>, 2025. The proposed agreement replaces the old agreement. The agreement continues the current arrangement for the County to perform tax billing and collection functions for that part of the City that is within the County boundaries. The format has been updated to reflect a similar agreement with the City of Hendersonville. The rate of compensation has been reduced from the previous agreement to bring it in line with other interlocal agreements on this subject. The format also has an extra paragraph to address the issue of the City's option to horizontally adjust values across County lines. If they elect to do so, it will create a double value for each taxable entity which we are prohibited by law from doing. In such a case, the agreement will be voided, the City of Saluda will become responsible for administering its own municipal property tax, and the County will continue to assess, bill, and collect County property taxes separately.

*Motion: I move that the Board approve the proposed Interlocal Agreement with the City of Saluda.*

**Offer to Purchase Tax-Foreclosed Property – Final Consideration**

The Board gave provisional acceptance to the offer to purchase 0.37 acres located on Central Drive in Laurel Park, Henderson County, on February 3, 2025, on a bid of \$16,000.00. The notice of the possibility of upset bids was published in the *Hendersonville Lightning* on February 10, 2025, and no upset bids were received.

Under the Board's procedures and the General Statutes, once provisional acceptance has occurred and no upset bids are received after published notice, the matter comes back before this Board for a final decision on the sale.

*Motion: I move the Board give final acceptance to the \$16,000.00 offer to purchase the parcel described in this agenda item.*

**Chronic Nuisance Property – Oakwood Drive**

This matter is back before the Board on the matter of a chronic nuisance property, as that term is used in N.C. Gen. Stat. §153A-104.2.

- The Board was reminded of its previous finding, on October 23, 2024, that the property located at 106 Oakwood Dr was on that date a chronic nuisance property, in that it had three times within the last year been cited as a nuisance property under the County's nuisance ordinance, found in Chapter 52 of the Henderson County Code.
- Since the Board's previous finding, the owner of the property was notified by certified mail and by posting on the property of the Board's finding.
- After the notification of the owner, County staff again visited the property, and found no improvement, such that the property still constitutes a nuisance under Chapter 52 of the County Code.
- Staff has obtained estimates on the cost of removing the items which make up the nuisance on the property. The lowest estimate obtained is for a cost of \$5,000.
- The tax value of the property is \$52,200 total for land as no taxable structures are present.

*Motion: I move that the Board direct staff to contract for the remediation of the nuisance on this property, obtain a lien on the property and repayment for the cost of the remediation pursuant to NC Gen. Stat. §153A-104.2.*

#### **Chronic Nuisance Property – Walnut Cove**

The Henderson County Code Enforcement and Zoning Services Department has cited a particular parcel of property three times within the past year for violating the nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on your geographical information system as PIN 9556-02-7786, with the owners shown as “Tammy Lee Franklin Koch and April Carolyn Franklin Summey.” A copy of each of the notices of violation is attached.

Under N.C.G.S. §153A-140.2,

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

In the worst case, this matter would come back before the Board before a contractor was hired to clear up the property under the authority noted above.

*Motion: I move that the Board give the owners of the property, which is the subject of this agenda item the notice provided for under NC Gen. Stat. §153A-104.2.*

#### **Automatic Passenger Counters and Automatic Vehicle Locator Technology Vendor Selection**

Henderson County conducted a Request for Proposals for the procurement of Automatic Passenger Counters (APC) software and Automatic Vehicle Locators (CAD/AVL) technology for the Apple Country Public Transit system. The County followed all required federal and local procurement rules and procedures for an RFP process. Connexionz provided the highest-scoring proposal using the evaluation criteria defined in the County's RFP. The cost of the APC software and CAD/AVL technology has already been approved in the budget, and the cost will be reimbursed by the Federal Transit Administration (FTA) 5307 grant funding at a rate of 80%.

*Motion: I move the Board approve the proposal from Connexionz and select them as the winner of the County's APC and CAD/AVL Request for Proposals.*

#### **Passenger Waiting Shelters Vendor Selection**

Henderson County conducted an Invitation to Bid for the procurement of Passenger Waiting Shelters for the Apple Country Public Transit system. The proposal was for up to fourteen (14) bus shelters on an as-needed basis at a fixed price. The County followed all required federal and local rules and procedures for a sealed bid process. Brasco provided the lowest-cost qualified bid for the project. The cost of the shelters had already been approved in the budget and will be reimbursed by the Federal Transit Administration (FTA) 5307 grant funding at a rate of 80%.



*Motion: I move the Board approve the proposal from Brasco and select them as the winner of the County's Passenger Waiting Shelter sealed bid.*

### **NC Division of Parks and Recreation Accessible Parks Grant Application**

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

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

### **Sewer Development Agreement for Flat Rock Cider Company**

The Flat Rock Cider Company (FRCC) has proposed extending the City of Hendersonville's sewer system to serve its facility at 925 Upward Road in Flat Rock. Below is a sketch of the proposed extension provided by FRCC's engineer.



The City has a policy that requires a sewer extension outside of the city limits must be accompanied by application for annexation into the City. FRCC does not want to be annexed into the City. To remove the annexation requirement, the County can develop the extension under the County's

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existing Mud Creek Agreement with the City. This will require a development agreement for the sewer extension with FRCC. There will be no cost to the County other than minimum staff time to oversee the agreement. Staff was seeking direction from the Board to negotiate an agreement with FRCC and then bring the agreement back to the Board for approval.

*Motion: I move the Board direct staff to negotiate a development agreement with Flat Rock Cider Company at 925 Upward Road for their Hendersonville Utility sewer extension.*

#### **Petition for Partial Abandonment of State Road System**

Staff received a petition for partial abandonment of Dalton Road from the state road system. The right of way for this portion of Dalton Road that will be removed from the state road system will remain open to provide access to parcels that requested the petition. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review.

Staff reviewed the petition, and it appears that all affected property owners have signed the required petition.

*Motion: I move that the Board approve the petition for partial abandonment of Dalton Road from the state road system and direct staff to forward it to NCDOT.*

#### **Petition for Addition to State Road System**

Staff received a petition to add a portion of Pheasant Branch Court to the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff reviewed the petition, and it appears all affected property owners or developers have signed the required petition.

*Motion: I move that the Board approve the petition to add Pheasant Branch Court to the state road system and direct staff to forward it to NCDOT.*

*Motion: Commissioner Franklin made the motion to adopt the consent agenda. All voted in favor, and the motion passed unanimously.*

### **DISCUSSION**

#### **A. Hurricane Helene Update**

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

#### **Financial Impacts**

Samantha Reynolds gave a brief update on the financial impacts of Hurricane Helene.



# Hurricane Helene Update

## Financial Impacts

FY2025 Impacts		FEMA Applications
Revenues	Expenses	Completed:
♦ Waived Fees Total: \$856,129.45	♦ Personnel Costs: \$3,083,451.12	♦ Expedited Funding Application - \$15,224,300
♦ Sales Tax Deficit: \$0	♦ Debris Management/Monitoring: \$7,872,956.58	Submitted:
♦ Property Tax Collection Rate: 98.348%	♦ Other Disaster Response: \$2,044,282.60	♦ Emergency Debris Removal Application - \$1,139,018.50 (Pending Large Project Review)
		♦ United Way - \$90,240.35 (Pending PDMG Application Review)

FEMA Applications – In process	Summary to Date
Pending Application Completion:	Revenues:
♦ PPDR - Debris Removal - \$1,461,114	FEMA Funding Received 15,224,300.00
Pending Initial Project Development:	Donations, Unassigned 104,628.30
♦ Leases - Emergency Protective Measures - estimated \$930,000	Insurance Proceeds 393,426.16
♦ Radio Tower Access Roads - \$20,000	Reimbursements 5,384.00
♦ Mill Pond Creek Educational Drainage Project - \$400,000	15,752,738.46
♦ Jackson Park Field and Light Damage - \$200,000	Expenditures:
	Personnel 3,083,451.12
	Debris Management/Monitoring 7,872,956.58
	Other Disaster Response 2,044,282.60
	13,000,690.30
	Net 2,752,048.16

## Anticipated Exposure

♦ Revenue Loss	\$ 3,184,014
♦ Expenditures	<u>\$ 58,332,391</u>
♦ Total Exposure	\$ 61,516,405

- Exposure includes identified waterway debris removal projects. Estimates for private property and additional waterway debris removal are pending and not included in the totals.

John Mitchell recommended that the Board consider resuming MRTS projects, which were put on hold after the storm. He stated that he plans to initiate these discussions at an upcoming meeting in April.

### Debris Update

Marcus Jones shared the latest updates on debris removal.

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## **Helene Debris Removal Update**

Debris processed as of today:

- Roadway Debris: 456,305 cy
- Tree Cuts (leaners & hangers): 9,545 cuts
- Wood chips: 100,719 cy
- Private Property Debris: 200 cy
- Waterway Debris: 38,291 lf

Office of the County Engineer



Commissioner Franklin asked about the number of new contractors hired following a recent contractor solicitation event. Mr. Jones replied that debris contractor SDR was still in the hiring process but would provide the final number once the information became available.

Jones acknowledged the numerous complaints regarding the delay in debris pickup and urged individuals to remain patient. He emphasized the vast amount of debris generated by the hurricane and stated that the cleanup effort would take a couple of years (or longer) to complete.

Ms. Franklin expressed appreciation for the efforts made to address the numerous complaints received from the community about debris burning in Edneyville.

Mr. Mitchell stated that the county was reassessing the debris volume, with initial estimates of 1.5 million cubic yards for roadway debris, though this was conservative. With 456,305 cy already collected, he estimated that about one-third of roadside debris removal was complete. Mr. Jones added that the best-case scenario was that the county was on “the cusp” of announcing a final deadline for debris removal. While he assured residents that all debris would be collected, he anticipated the roadside cleanup program would conclude soon. Mitchell noted that the county was working with municipalities and plans to meet soon to discuss the next steps.

Mr. Mitchell highlighted the Private Property Debris Removal Program (PPDR), explaining that while it is part of the overall debris program, it operates separately and is just beginning. Jimmy Brissie presented a video showing private property debris removal and provided details on the program.

Mr. Brissie stated that under the PPDR, the county had to submit a proposal to the state and FEMA to justify launching the program, which was submitted in late November. Both the state and FEMA approved the proposal, but FEMA does not specify upfront what they will reimburse. Instead, they provide guidelines, and as long as those are followed, we will be reimbursed. The county has worked with its consultant, Iperimetrics, to evaluate the packets in advance to maximize our FEMA reimbursement. As a point of reference, over 600 applications have been received, and the first 100 are underway right now.

Typically, only private individual properties are eligible; however, due to the scale of Hurricane Helene, FEMA and the state have opened the program to some commercial properties based on

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program guidelines. The type of work that can be done includes:

- Private waterways (minor restoration and debris cleanup)
- Private roads that are not covered under the ROW program
- Demolitions (including removal of material)

Unimproved properties are not eligible unless a threat to life or property exists. In closing, Mr. Brissie said more information about the PPDR program would be shared at an upcoming meeting.

### **Long-Term Housing Update**

Chris Todd reported that 32 hotel rooms were currently being utilized under the TSA program, a significant decrease from over 300 initially. The program is open through May, and he expects the number of rooms to remain in the 20s throughout April. He said the county would advocate for an extension of the program if necessary. At the Board's last meeting, there were 34 units of direct housing, and there were 30 units in Henderson County, with 2 more to be completed. All units have now been permitted and completed. The number has since decreased to 29 as residents move back into their permanent housing,

Vice-Chair Edney mentioned the 19-page application for the Hazard Mitigation Program, noting that it requires multiple photos of each address, with each JPEG saved individually and labeled according to the respective angles of the street view. He asked if assistance was available to help individuals complete the complex application. Mr. Brissie said the Emergency Services office staff was assisting individuals needing additional help completing applications. He added that FEMA was also sending out inspectors to help folks prepare applications.

The county's long-term recovery group has officially partnered with the United Way, which will act as its fiscal manager. They have met with various committees, focusing on disaster case management and addressing community needs. The model they have developed integrates with the existing case management structure of local non-profits, which have provided strong support after the storm. Todd also mentioned a need for gravel in Bat Cave and Gerton, raised during the public comment period of a special called meeting held in February, and noted that the United Way has provided funding to help residents purchase gravel.

### **Community Issues**

#### **Tuxedo Dam**

Mr. Brissie stated that the Tuxedo Dam is a privately owned dam on a private lake and is owned by Northbrook Power. Initial surveys after the storm showed no significant damage to the dam itself, but there was damage to the penstock, which supplies water to the power plant, and to the power plant. The "overtop" dam has been confirmed to be safe. A landslide affected the powerhouse and penstock, making it impossible to control lake levels. While no immediate repairs are needed for the dam, they are exploring temporary measures to control the lake level. Vice-Chair Edney raised concerns about the impact on summer camps around the lake, noting that boating and recreation on the lake will likely be affected. A dry summer could result in reduced flow to the river that feeds the lake.

#### **Bat Cave Road Update**

Mr. Mitchell presented dash cam footage highlighting road conditions on Highway 64 leading

from the gorge, highlighting the extensive damage. Five roads feeding the gorge require reconstruction, with some reduced to a single lane due to washouts. He explained that these roads were built many years ago when NC DOT did not always secure a right of way or easements, which are now legally required. By law, NCDOT can offer to purchase ROW at its current tax value, which differs from pre-storm values. Discussions on advocating for affected residents are ongoing at the state and federal levels. A legislative fix has been introduced in the Senate and is hoped to move to the House. He emphasized that these roads remain closed to everyone except those living in the gorge.

### **Bat Cave Post Office**

Mitchell announced a minor victory in relocating the mobile post office for Bat Cave back to Edneyville. He continues to advocate for the unit to be moved to the Bat Cave Community. He is meeting with Senator Budd this week to discuss the issue and believes the post office could reopen. However, he clarified that he did not want to speak on behalf of the Post Office, as the county has no control over it or the United States government.

### **FSA/AG Funding**

Mr. Mitchell reported that the Board, community members, and the county's congressional delegation successfully secured \$10 billion in agricultural funding, though the funds have not yet been distributed locally. He sent an official request for an update to the legislative delegation to better understand the long-term implications and engage with the USDA. Conversations with the administration suggest an office will remain open in WNC, specifically in Henderson County. He also noted that the General Assembly informed him that the Senate is voting on agriculture funding today, with funds expected to arrive in the coming weeks.

### **Construction Projects Update**

Bryan Rhodes and Chris Todd updated the Board on construction projects around Henderson County.

This monthly report reviews the scope and statuses of assigned construction management responsibilities and includes specific updates regarding county-funded construction activities.

### **Blue Ridge Community College MRTS Projects – Facilities Building**

The Board approved the contract with Clark Nexsen on February 3, 2025. The staff has started the programming process.

### **Henderson County Public Schools MRTS Projects**

- The West Henderson High School Renovation & Addition – Ribbon cutting is scheduled for April 4, 2025, at 10:00 a.m.
- Atkinson Elementary School – HVAC Replacement Project (Phase 1) – Phase 1 was completed on time and under budget.
- Apple Valley—Chiller Project—The project is under contract with Daikin for completion. The unit is in production, and staff is awaiting an estimated delivery date.



### Henderson County Capital Projects

- Henderson County Ag Services Building – The Board approved the contract with MPS on February 3, 2025; staff has started the programming process.
- Medical Office Buildings - The Design Development phase for the Spartanburg Highway location is progressing. Staff is working to finalize Schematic Design for other sites.

## HENDERSON COUNTY JCAR PROJECT



January 23, 2025  
HENDERSON COUNTY JUDICIAL CENTER  
Hendersonville, NC

DETENTION CENTER RENDERINGS

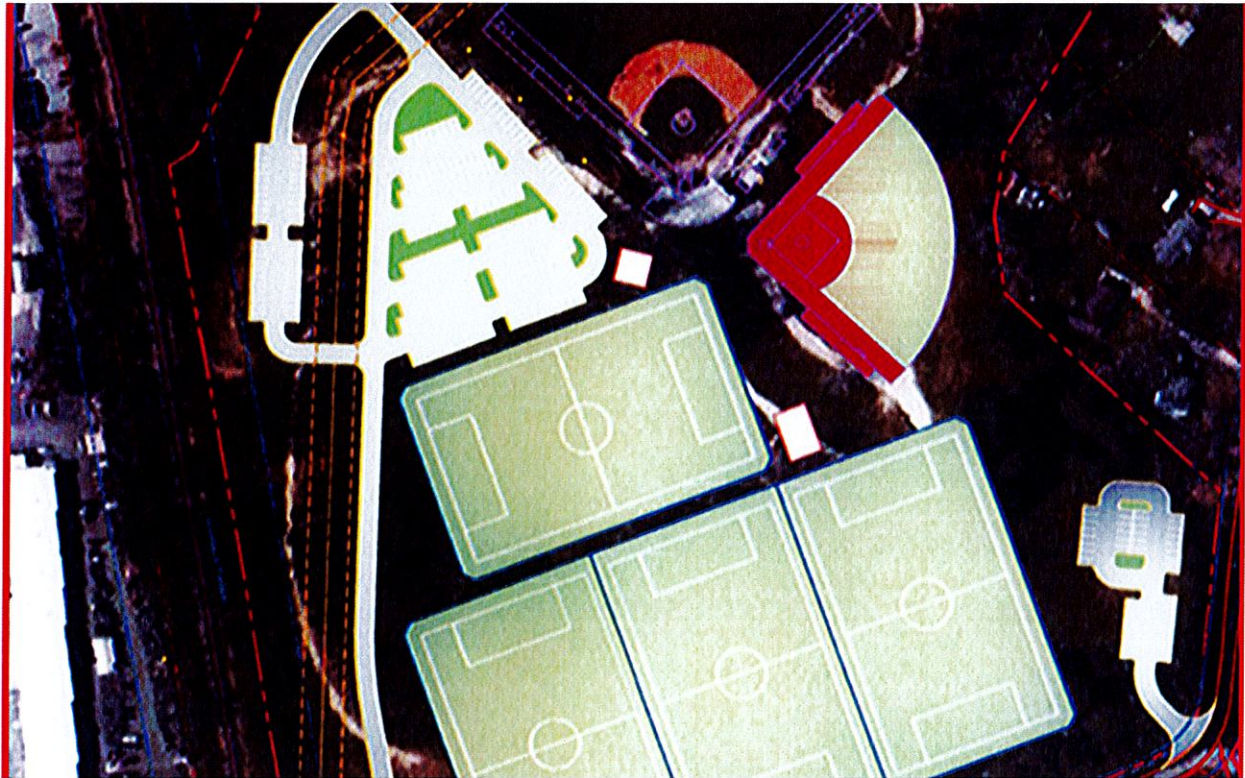
FENTRESS  
ARCHITECTS

mcmillan  
pazdan  
smith  
ARCHITECTS

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## HENDERSON COUNTY SPORTS COMPLEX



The groundbreaking for this project is scheduled for March 31, 2025, at 1:00 p.m.

Vice-Chair Edney asked for a status update on the third transfer bay project at the landfill. Mr. Jones confirmed that it would be completed on time, and staff will schedule a ribbon cutting soon.

### Sewer Projects Update

Mr. Jones reported that two major sewer projects were underway for Etowah and Edneyville. Andrew Griffin has begun remapping the system, as the existing maps were inaccurate. This effort aims to not only identify the current infrastructure but to also create a GIS layer that will allow citizens to view the sewer system. This will be highly beneficial for the area's real estate professionals and engineers.

### Etowah Sewer System

Staff provided the Board with the most current information on the Etowah Sewer System in Henderson County.

#### Regarding Engineering Services for the Etowah Treatment Plant Replacement:

The staff completed the evaluation of the Etowah Sewer System's wastewater treatment plant and determined that the facility is well beyond its useful life. In addition, the monthly reports on the flow at the plant exceed the permitted capacity. Of course, adding capacity to a plant past its useful life is very problematic and may not be possible to permit. A new plant with additional capacity is required. Therefore, staff released a Request for Qualifications (RFQ) to solicit engineering firms

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to plan, locate the best site, develop funding strategies, design, permit, and administer construction for a new treatment plant.

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The selection committee comprised Andrew Griffin (Facility Services Director) and Marcus Jones, PE (County Engineer). A detailed review of the firms was conducted based on the criteria established within the RFQ. Based on their responses and further investigations, staff recommend WithersRavenel as the most qualified firm.

Pending Board approval, staff will negotiate an agreement with the selected firm and return it to the Board for approval. The scope of this agreement will be to perform the necessary planning for the plant replacement, including size and location.

Commissioner Egolf clarified the county did not purchase the Etowah Sewer to make a profit. Mr. Jones agreed, explaining that it operates an enterprise fund, meaning it generates its own revenue to cover expenses. It is a separately maintained fund, and the goal is to recommend a budget with fees that align with its cost. Additionally, owning the system allows the county to apply for grants that are unavailable to privately owned systems. Replacing the treatment plant will be a significant expense, and grants will help keep customer rates affordable. Jones noted that rates for the Etowah sewer system have not increased in fifteen years, which is unrealistic given rising operational costs. Currently, rates are about half of what surrounding sewer systems charge. He emphasized that residents outside of the service area will not be responsible for funding the sewer system.

*Motion: Chairman Lapsley made the motion the Board approve the selection of WithersRavenel as the most qualified responding firm to perform engineering services for the Etowah Sewer System Treatment Plant replacement. All voted in favor, and the motion carried.*

### **Edneyville (Clear Creek Sewer System)**

The Edneyville (Clear Creek Sewer) project aims to connect Edneyville Elementary School, the last public school in the county without public sewer, to the system. He said having all public schools on public sewer was a significant achievement from an engineering perspective. The project has an aggressive schedule to meet the December 2026 funding deadline for ARPA grants that are providing a large share of funding for the project. The system must be built and completed by the deadline. However, there is a little bit of a buffer in that there is some private or county money from the Edneyville project and the Justice Academy Fund balance enterprise fund. Jones said the project was nearing a phase requiring the Board's direction on easement acquisition. Due to the tight timeline, traditional negotiations with each property owner are not feasible, so eminent domain will be used to grant immediate property access. However, owners will still have the opportunity to negotiate compensation. With 86 affected properties, all owners have been contacted by WGLA and the appraiser. The project's aggressive schedule drives the decision.

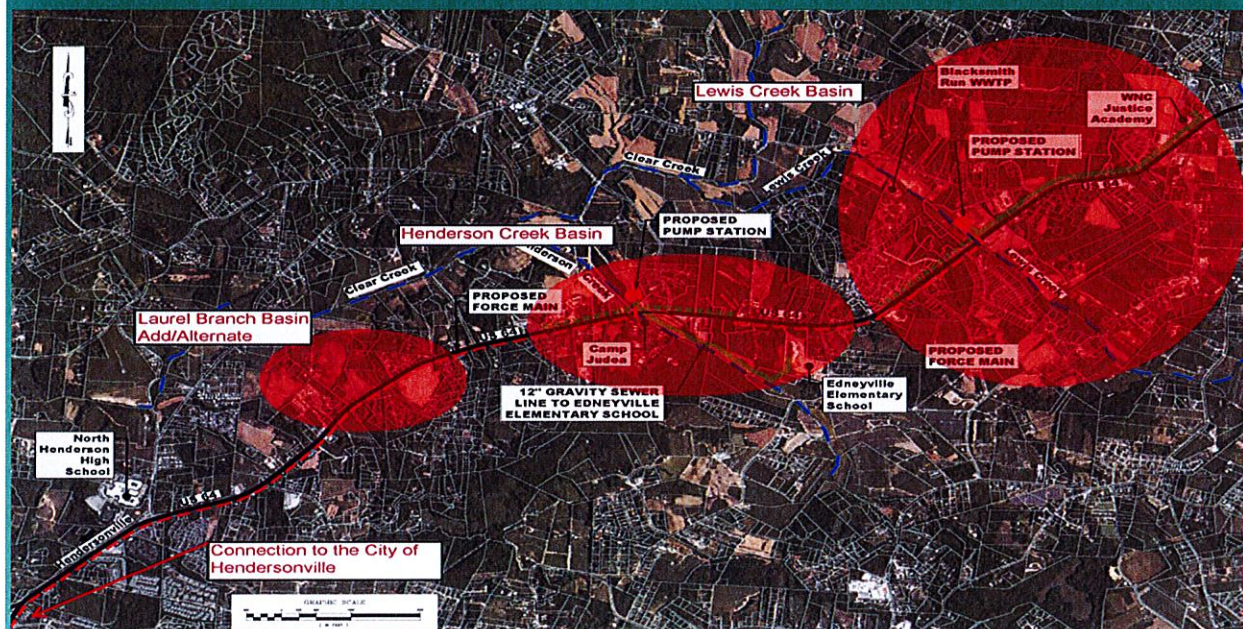
Approved: April 7, 2025



## Clear Creek Project Update

- ◆ Commissioners directed staff and consultants to proceed with Option 3 for the Clear Creek project.
  - Pump stations at Lewis Creek and Henderson Creek with gravity sewer to serve as much of the basin as possible.
  - Add/alternate for a pump station and gravity sewer in the Laurel Branch Basin.
  - Force main connection to the City of Hendersonville system.

## Clear Creek Option 3





## Project Update

- ◆ Design for the proposed improvements is almost complete.
- ◆ Permitting is underway or will be underway soon.
- ◆ Easement plats and appraisals are underway.
- ◆ Advertise for bids late spring/early summer.
- ◆ Construction could begin this summer.

Chairman Lapsley asked if the City of Hendersonville would handle wastewater from the project area. Mr. Jones confirmed this was an option under the Mud Creek Agreement, and the City had agreed to accept the flow. Lapsley clarified that while the City may receive the wastewater, the sewer system's operation and maintenance will remain under county control.

### Comprehensive Plan Update

Chairman Lapsley explained that having a comprehensive plan is a state requirement; all counties and municipalities must have one. In Henderson County, each municipality—including Fletcher, Mills River, Laurel Park, Flat Rock, and the City of Hendersonville—has its own comprehensive plan to direct development within its boundaries.

Mr. Lapsley noted that the previous Board had begun implementing the comprehensive plan in August but faced setbacks with Hurricane Helene and legislative action by the General Assembly. The plan was developed over three years with extensive public input. A key concern from residents was controlling urban sprawl – preventing high-density residential, commercial, and industrial development from spreading beyond municipal boundaries into unincorporated areas. Mr. Lapsley emphasized that the Board's role is to manage growth in the county's unincorporated areas. Urban Sprawl is less of a concern for most municipalities, as they have enough undeveloped land to accommodate growth. However, the City of Hendersonville is nearly fully developed, leaving little room for expansion. To address the problem of urban sprawl, the commissioners directed the planning board to rewrite the land development code and the associated zoning map.

The Commission launched a Farmland Preservation program led by Commissioner McCall. A task force was formed, and meetings with the agricultural community led to a major state grant application. While progress is being made, achieving significant results will take time.

Mr. Lapsley said that the Commission faced an unexpected roadblock when the General Assembly included a clause in the State Budget Bill preventing counties from downzoning land without the property owner's consent. This halted efforts to reduce density as outlined in the comprehensive

plan, forcing the Board to pause implementation. The “downzoning bill” has faced opposition statewide. With the new General Assembly in session, House Bill 24 has been introduced to repeal it. Lapsley believed the Board should adopt a resolution in support of the repeal and present it to representatives Balkcom and Johnson, as well as State Senator Moffitt. The second issue in implementing the plan was the City of Hendersonville’s satellite annexation plan, which has resulted in high-density development into unincorporated areas, particularly along Highway 176 and Upward Road. These annexations have led to high-density residential, commercial, and industrial development on land that has been productive farmland for generations. This expansion undermines the county’s zoning regulations, land development restrictions, and farmland preservation efforts. The ability to develop high-density projects depends on access to public utilities; water and sewer. In Henderson County, these utilities are owned by the City of Hendersonville, which gives the city control over development in surrounding unincorporated areas through its control of utility services and existing annexation statutes. The Board of Commissioners and City Council have discussed this issue for years without reaching a solution. Senator Moffitt has introduced Senate Bill 69, a local bill affecting only the City of Hendersonville. This bill would prevent the city from using its utility system as a condition for annexation. Lapsley said the Board needs to go on record by adopting a resolution supporting SB 69.

Commissioner Egolf stated that the city was willing to discuss the issue with the county; he believes it was important to have those discussions before making a decision.

Chairman Lapsley then read the proposed Resolution aloud.

#### **2025.038 RESOLUTION – REPEAL OF DOWN-ZONING STATUTE**

**WHEREAS,** the current North Carolina law under GS 160D-601(d) states that no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government; and

**WHEREAS,** the limitation of down-zoning authority under GS 160D-601(d) significantly hinders Henderson County’s ability to keep pace with community growth and to respond to emerging property use issues; and

**WHEREAS,** Henderson County has just completed a community planning process to address the loss of rural character and farmland; and

**WHEREAS,** the right of citizens to determine future growth through their elected local representatives should be maintained; and

**WHEREAS,** various amendments to GS 160D-601(d) have been proposed in the current session of the General Assembly, many on a local basis; and

**WHEREAS,** the current law and amendment impacts the ability of Henderson County Board of

Approved: April 7, 2025



Commissioners to be in compliance with the comprehensive planning requirements of GS 160D Article 5, and in doing so limits the voice of the citizens of Henderson County; and

**WHEREAS,** there is currently pending in the General Assembly House Bill 24, which would repeal the limitations on local government-initiated down-zonings statewide; and

**WHEREAS,** it is this Board's opinion that a statewide resolution to this issue would better avoid issues of differing standards in adjoining jurisdictions, while permitting this Board to better express the will of the County's citizens as made public during the recent comprehensive planning process.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners do hereby support a statewide restoration of the ability of local governments to initiate and legislate down-zonings without the requirement of the direct consent of the affected property owners.

*Motion: Chairman Lapsley moved that the Board adopt the Resolution supporting the repeal of the down-zoning statute. All voted in favor, and the motion carried.*

Lapsley continued by reading the following proposed Resolution.

#### **RESOLUTION – HENDERSONVILLE PUBLIC ENTERPRISES OPERATION**

**WHEREAS,** the current North Carolina law under GS 160A-312 states a city shall have authority for the operation of any or all of the public enterprises as defined in the article to furnish services to the city and its citizens, and shall have full authority to operate it by adequate and reasonable rules; and

**WHEREAS,** Senate Bill 69 of Session 2025 of the North Carolina General Assembly, entitled an act regarding the operation of public enterprises by the City of Hendersonville, proposes changes to include rules of compliance,

**WHEREAS,** the amendment states the rules shall apply equally, both within and outside the corporate limits of the city; and the rules may not apply differing treatment within and outside the corporate limits of the city; and

**WHEREAS,** the amendment states a city shall account for a public enterprise in a separate fund and may not transfer any money from that fund to another except for a capital project fund established for the construction or replacement of assets for that public enterprise; and

**WHEREAS,** the amendment states a petition for annexation shall also contain a statement from the owner that the owner's petition for annexation is not based upon any representation by the municipality that a public enterprise service available outside the corporate limits of that municipality would be withheld from the owner's

Approved: April 7, 2025

property without the petition for annexation.

**WHEREAS,** the amendment to the current law establishes rules to require equal treatment to all Henderson County residents, both within and outside the corporate limits of the city.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners do hereby support Senate Bill 69 as currently amended.

Commissioner Franklin shared that she had experience with water and sewer, though not as extensive as Chairman Lapsley's. She appreciated the city's transparency, integrity, and effort behind their capital improvement plans. She asked City of Hendersonville Manager John Connet, who was present, if a separate fund exists for water and sewer and asked for clarification on fund transfers. Mr. Connet confirmed that the utility fund is entirely separate from the general fund and operates as an enterprise system. All revenue and expenditures remain within the utility fund and are not used for general government services like police and fire, which are funded by tax dollars.

Ms. Franklin asked about the city's growth ring, noting she had heard discussions about revisiting it to align with expansion expectations. Mr. Connet said a proposed growth ring, aligned with the county's comprehensive plan, had been submitted to the previous Board, but no action was taken. He also mentioned that Mayor Pro Tem Hensley had recently emailed Mr. Lapsley about arranging a meeting.

Ms. Franklin mentioned a 10-year sliding scale to equalize rates for city and county residents. Mr. Connet confirmed that they (the city) were in year 6 on the 10-year scale on the water side. They felt equalizing the rates over time was better than making a drastic change while still maintaining the system.

Vice-Chair Edney acknowledged the city coming "part way" in the last 30 years with equalizing water and providing some compensation to the fire departments. He said he was open to discussions with the city regarding ongoing issues. Connet said the city council was prepared to sit down and discuss. But cautioned that the adoption of any resolution impacting their legal authority may not be well received. He emphasized the value of collaboration, stating, "We are better together than we are separate." Commissioner Franklin and Commissioner Egolf echoed Mr. Connet's statement. Ms. Franklin asked the Board to consider tabling the issue and to take a more proactive effort in defining the growth ring and determining the Board's vision for it.

While open to scheduling a meeting with the city, Chairman Lapsley noted that Senator Moffitt had submitted the bill and that the community needed to know the Board's position.

*Motion: Commissioner Franklin moved that the Board table the resolution. All voted in favor, and the motion carried.*

Vice-Chair Edney requested that the city and county managers collaborate to arrange a meeting.

## **NOMINATIONS AND APPOINTMENTS**

1. Agriculture Advisory Board – 1 vac.

Vice-Chair Edney asked that this item be carried over to the next meeting.

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

*Chairman Lapsley motioned to move Steve Wilkie from an alternate position to regular position #3 and nominate Lauren Rippy for appointment to position #7. All voted in favor, and the motion carried.*

*Chairman Lapsley nominated Alicia Wallace for appointment to Chairman of the Henderson County Board of Equalization and Review. All voted in favor, and the motion carried.*

3. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

4. Hendersonville Planning Board – 1 vac.

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

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

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

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

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

## **COMMISSIONER UPDATES**

Commissioner Franklin shared that she and Commissioner Egolf attended a French Broad MPO orientation and found it helpful and informative. She also attended the Blue Haven fundraiser, which raised over \$30,000 for law enforcement officers who lost their homes in the hurricane. She mentioned ongoing discussions with Save Our Culture and highlighted the second annual Sheriff's Prayer breakfast, a successful and meaningful event supporting childhood cancer.

Commissioner Egolf emphasized the Board's commitment to managing growth and the comprehensive plan, noting they continually seek new strategies and explore previously unconsidered areas.

Vice-Chair Edney expressed his appreciation for the hard work and dedication of county staff. He said the Board was aware of the challenges facing the eastern part of the county and continues to monitor the situation. Commissioner Lapsley echoed Mr. Edney's comments.

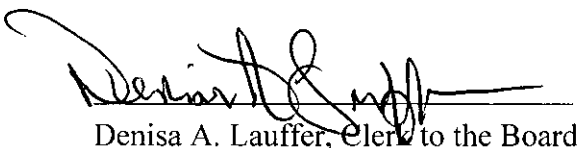
**COUNTY MANAGER'S REPORT**

Mr. Mitchell thanked Mr. Brissie for organizing a meeting with NC Fire Service leadership to discuss fire risk in western North Carolina. He emphasized the importance of advocating for state funding to ensure adequate firefighter staffing and equipment replacement.

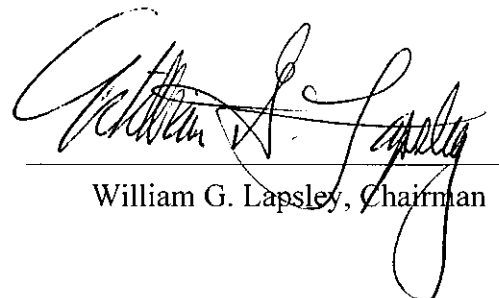
Mitchell noted that a Joint School Facilities Committee (JSFC) meeting was held this week. The discussion focused on the school bus garage and future school funding. The group also discussed funding challenges related to the storm, MRTS, and some of its associated projects. Vice-Chair Edney mentioned that JSFC member Blair Craven spoke to him after the meeting about the Fassifern property, stating that Henderson County Public Schools would like to use it as a training/practice field. Edney noted that HCPS would use their funds to level, seed, and maintain the property but would ask for a 10-year commitment in return. He believed Pardee Hospital would eventually need the property, but the Board would need to discuss its position on the possibility with HCPS.

Mr. Mitchell highlighted the upcoming groundbreaking for the Berkeley Park Sports Complex on March 31 at 1:00 p.m. and a ribbon cutting for the West Henderson High School addition on April 4 at 11:00 a.m. He directed the county engineer to organize a ribbon cutting for the third bay transfer addition and to set a date for the Ecusta Trail ribbon cutting, which is expected to be completed in June. Chairman Lapsley suggested that the City of Hendersonville be included in the groundbreaking for Berkeley Park, as they played an integral role in the project's development.

*Motion: Vice-Chair Edney made the motion to go into Closed Session pursuant to NCGS 143.318.11(a)(3)(4)(6). All voted in favor, and the motion carried.*

**ADJOURN**

Denisa A. Lauffer, Clerk to the Board



William G. Lapsley, Chairman

Approved: April 7, 2025

# Enactments

## Wednesday, March 19, 2025

**2025.035      Resolution – Declaring March as National Athletic Training Month in Henderson County**

**2025.036      Resolution in Support of Senate Bill 248**

**2025.037      Interlocal Agreement with the City of Saluda**

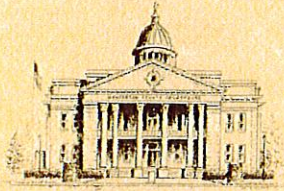
**2025.038      Resolution – Repeal Of Down-Zoning Statute**



# 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](http://www.hendersoncountync.gov)

William G. Lapsley  
Chairman  
J. Michael Edney  
Vice-Chairman



Rebecca K. McCall  
Sheila W. Franklin  
J. Jay Egolf

## NATIONAL ATHLETIC TRAINING MONTH IN HENDERSON COUNTY

**WHEREAS,** athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge and skills acquired through their nationally regulated educational processes; and

**WHEREAS,** athletic trainers provide prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education and guidance; and

**WHEREAS,** the National Athletic Trainers' Association represents and supports members of the athletic training profession employed in the following settings: professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings and military branches; and

**WHEREAS,** leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

**WHEREAS,** such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals;

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners do hereby proclaim the month of March as National Athletic Training Month in Henderson County and urge the citizens of the County to learn more about the importance of athletic training.

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

Adopted this the 19<sup>th</sup> day of March 2025.

A handwritten signature in dark ink, appearing to read "William G. Lapsley", is written over a horizontal line.

WILLIAM G. LAPSLEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

A handwritten signature in dark ink, appearing to read "Denisa Lauffer", is written over a horizontal line.

DENISA LAUFFER, CLERK TO THE BOARD



# Henderson County Board of Commissioners

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William G. Lapsley  
Chairman  
J. Michael Edney  
Vice-Chairman



Rebecca K. McCall  
Sheila W. Franklin  
J. Jay Egolf

## RESOLUTION IN SUPPORT OF SENATE BILL 248

**WHEREAS,** current North Carolina law provides that upon adoption, a new birth certificate for the adopted person be issued by the North Carolina State Registrar, but requires that they not be provided to the Register of Deeds in the County in which the adopted person was born; and

**WHEREAS,** current North Carolina law provides that the North Carolina State Registrar shall instead notify the Register of Deeds in the County in which the adopted person was born to remove from the records the original birth certificate of the person now adopted and send it to the State Registrar, and to delete all index entries of the original birth certificate of the now adopted person from the County's records; and

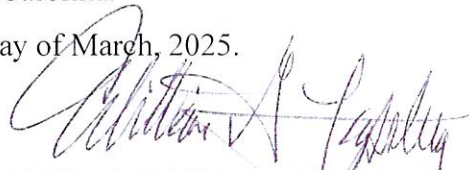
**WHEREAS,** under the current law the adopted person cannot obtain a certificate of their birth from the records of the County of their birth; and

**WHEREAS,** under the provisions of Senate Bill 248, currently pending in the 2025 Session of the North Carolina General Assembly, this system would be changed so that the North Carolina State Registrar would issue new birth certificates for the adopted person to the County Register of Deeds, where the new birth certificate would replace the original birth certificate; and

**WHEREAS,** the system proposed by Senate Bill 248 would be fairer for all North Carolina's citizens, by providing for access to birth certificates to be the same for persons adopted as for persons who are not adopted.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioner be known as favoring the system set out in the current Senate Bill 248, and advocating its adoption as law by the State of North Carolina.

Adopted this the 19<sup>th</sup> day of March, 2025.

  
\_\_\_\_\_  
WILLIAM G. LAPSLEY, CHAIR  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
DENISA LAUFFER, CLERK TO THE BOARD

## INTERLOCAL AGREEMENT FOR TAX COLLECTION

THIS INTERLOCAL AGREEMENT is made and entered into this the 12<sup>th</sup> day of March 2025, and effective as of the 1<sup>st</sup> day of July 2025, by and between HENDERSON COUNTY, hereinafter the "County" and the CITY OF SALUDA, hereinafter the "City", and collectively referred to as the "Parties".

### WITNESSETH:

~~WHEREAS, the County and City have determined that it is in the public benefit and interest~~  
to enter into an Interlocal Agreement for Tax Collection for those parcels located in both the County and the City; and

WHEREAS, the Parties have agreed that the negotiated payment set forth herein is in the best interests of their citizens; and

WHEREAS, the North Carolina General Statutes in Chapter 160A, Article 20, provide that units of local government may enter into agreements in order to execute an undertaking providing for the continual exercise by one unit of any power, function or right, including the collection of taxes; and

WHEREAS, the Parties entered into such an agreement for the collection of *ad valorem* property taxes by the County on behalf of the City for those parcels located in both the County and the City, which agreement by its terms expires June 30, 2025; and

WHEREAS, the City and County agree this Interlocal Agreement shall continue for ten (10) years, from July 1, 2025 to June 30, 2035, unless terminated pursuant to the terms herein; and

WHEREAS, the governing bodies of the City and County have ratified this Interlocal Agreement by Resolutions being recorded in their respective minutes; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained in this Interlocal Agreement herein accruing to the benefit of each of the respective parties hereto and other good and valuable consideration, receipt and sufficiency of which is acknowledged by the City and County, the parties agree as follows:

#### 1. County Billing and Collection of City Taxes

- a) The County shall provide collection of current and future municipal *ad valorem* property taxes. Collection of delinquent taxes existing as of the date hereof shall be the responsibility of the City except as stated below. The City shall within thirty (30) days of the date hereof provide the County with a list of all such delinquent taxes owed, and delinquent taxpayers, as of the date hereof.
- b) Notwithstanding, no City tax bill in an amount less than Five Dollars (\$5.00) shall be issued.

- c) The City does hereby for the term of this agreement appoint the County's Tax Collector as the City's Tax Collector, and the County's Delinquent Tax Collector as the City's Delinquent Tax Collector.
  - d) The County will issue bills based on the assessment and valuation established by the County Assessor as established on January 1<sup>st</sup> of the billing year. Should the City elect to exercise its option under NCGS §105-328(a) to make an equalization by horizontal adjustment between Henderson County and Polk County valuations, the City will assume all responsibility for billing and collection of municipal *ad valorem* taxes within the boundaries of Henderson County. Notice of such decision must be made no later than one year prior to the end of the next fiscal year. This agreement will thereby be terminated under the terms of paragraph 9. below.
- 

2. Term of Agreement: This Interlocal Agreement shall continue until terminated pursuant to the terms herein.

3. Compliance: The County will comply with all applicable tax collection laws of North Carolina, including those contained in Subchapter II of Chapter 105 of the General Statutes of North Carolina, and all administrative mandates issued by the State of North Carolina.

4. Records and Accounts and Operations

a) The County shall be responsible for maintaining, in an on-line environment, all *ad valorem* tax records, including amounts paid and unpaid, in the same manner as County records are maintained.

b) The City will provide the County with all necessary information for transfer for all funds due the City, the County will properly account and distribute such funds by check or other mutually agreed upon method monthly and notify the City Finance Director by the 15<sup>th</sup> of each month on amounts to be transferred.

c) The County shall provide the City with all necessary and required reports in such format and detail to enable the City to prepare and record the necessary financial transactions. Such reports shall be mutually agreed upon by the City and County Finance Directors.

d) The County will provide the City with information sufficient to complete all required reports to outside agencies, including the TR-2 report and reports necessary for the City's financial statements. The City shall be responsible for the completion of all reporting involving property tax.

e) The County shall provide the City's External Auditors, during regular business hours, access to the City Tax Receivables' daily cash transactions and other records pertaining thereto to the fullest extent practicable.

f) The City shall provide the County Tax Collection Office with access, to the extent legally allowable, into any of the City's records systems that the County deems to be beneficial in the collection of City taxes.

g) The City agrees to appoint and maintain one of its employees as a Deputy Tax Collector to act on behalf of the City in presenting certain matters to the City Council.

h) The County shall promptly provide the City with requests for releases or refunds when received, together with reasonable information needed to make a determination on requests for releases or refunds. The City shall, at its next regular City Council meeting occurring at least ten (10) days after the receipt of the request and information, place the matter before the City Council for determination as to whether to grant the release or refund of City taxes.

5. Pro Rata Payments: Unless the taxpayer specifies otherwise, the County shall distribute payments received from City taxpayers of less than the total amount owed on City and County taxes on a proportionate basis between taxes owed the County and the City, after all costs, interest and penalties are first paid.

6. Costs for Billing and Collections: The County shall incur all costs for preparing, printing, billing and collecting the City tax bills, including follow-up notices. With respect to the cost for collection actions taken by the County, for example advertising costs, attorney's fees and garnishment fees where such costs are not paid directly by the taxpayer involved, the County shall split the costs on a proportionate basis between taxes owed the County and the City. When agreed upon by both the County and City, joint advertisement, including the advertisement of tax liens for both the County and the City, is permissible.

7. Foreclosures

a) The County shall be responsible for determining the time for commencing all tax foreclosure proceedings (except for those regarding any foreclosure proceedings instituted by the City on City taxes delinquent as of the date of this agreement). The City hereby delegates this decision to the County. The County shall give the City notice of the institution of any foreclosure action at least thirty days prior to filing in cases where there are delinquent taxes owed the City as of the date hereof.

b) The County shall send a joint notice as required by N.C. Gen. Stat. §105-375(c) and shall consolidate the tax liens of the County and the City for the purpose of docketing a judgment on such liens as contemplated by N.C. Gen. Stat. §105-375(k). Following entry of a judgment, an execution shall be issued to enforce such judgment.

c) All expenses directly related to compliance with the procedural and substantive requirements of N.C. Gen. Stat. §105-375, including but not limited to notice, docketing the judgment and execution on such judgment, shall be advanced by the County, and reimbursed to the County from the proceeds of any foreclosure sale prior to payment to the City and County of taxes recovered.

d) The parties shall agree in advance of the sale upon a "maximum joint bid" for each execution sale of property to enforce a judgment entered as provided herein above, which bid will be entered on behalf of both parties. The "maximum joint bid" shall be the sum of all taxes, interest, penalties and applicable costs of enforcement, collection and sale owed to both jurisdictions. The parties further agree that if third parties bid at such execution sale, they will bid up to the "maximum joint bid", such that no third party will purchase the property for less than the "maximum joint bid". If the parties are the highest bidder at any sale, they shall each contribute to the purchase price a pro rata amount of the whole, determined by the amount of ad valorem taxes owed to each of them for the respective tax year on the subject real property in relation to the total amount of ad valorem taxes owed to both parties.



e) If the parties acquire title to real property following an execution sale as contemplated in this Agreement, they shall take title as tenants in common with each party owning a fractional interest of the whole that is equal to the same fraction as their contribution to the purchase price.

8. Payment to County: The fee for collection services for each fiscal year shall be a flat amount of 0.5% (equivalent to one half of one percent of the then-current Fiscal Year collections). Payment shall be accomplished by the County withholding the fee when remitting the monthly collection to the City.

9. Termination: This Interlocal Agreement may be terminated by either party by providing six (6) months' notice prior to the start of the next fiscal year. Upon notice of termination of the Interlocal Agreement, the County shall deliver to the City all tax records, in a customary electronic data format, or in whatever form held in its hands, pertaining to its listing, billing and collecting, consistency of the tax bills, tax scrolls and other related records by February 1<sup>st</sup> of the fiscal year in which the termination shall be effective. The County shall continue to collect current and delinquent taxes through June 30<sup>th</sup> of the fiscal year in which the termination shall be effective. Upon termination of the Interlocal Agreement, the County shall provide a full accounting to the City of the status of all tax collections. After June 30<sup>th</sup> of the fiscal year in which the termination becomes effective, the County shall not be further obligated either as to current or delinquent taxes due to the City.

10. Entire Agreement: This Interlocal Agreement, including all exhibits or attachments if any, sets forth the entire Agreement between the Parties regarding the services and matters set forth herein. All prior conversations or writings between the Parties hereto or their representatives on this subject matter are merged within and extinguished. This Interlocal Agreement shall not be modified or amended except by a written instrument executed by duly authorized representatives of the Parties herein.

11. Notice: Notice under this Interlocal Agreement shall be deemed sufficient upon the mailing to the parties by certified or registered mail at the following locations:

County of Henderson  
c/o County Attorney  
1 Historic Courthouse Square, Suite 5  
Hendersonville, NC 28792

City of Saluda  
c/o City Manager  
6 East Main Street  
Saluda, NC 28773

IN WITNESS WHEREOF, each party has caused this Agreement to be duly executed on the day and year first above written and if corporate, by their duly authorized representative.

COUNTY OF HENDERSON

By: 

John Mitchell, County Manager

CITY OF SALUDA

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By:  3/11/25  
Steve Orr, City Manager

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PRE-AUDIT CERTIFICATION

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act N.C.G.S. 159-28(a).

By: Randall L. Cox  
Randall Cox  
County of Henderson Finance Director

Date: 3/19/2025

By: Julie A. Osteen  
Julie Osteen  
City of Saluda Finance Director

Date: 3/10/2025

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

WILLIAM G. LAPSLEY  
*Chairman*  
J. MICHAEL EDNEY  
*Vice-Chairman*

REBECCA McCALL  
JAY EGOLF  
SHEILA FRANKLIN

March 27, 2025

Ms. Tammy Lee Franklin Koch and Ms. April Carolyn Franklin  
1767 Walnut Cove Rd.  
Hendersonville, NC 28739

VIA HAND DELIVERY

Also via certified mail to: 8 Mazyck Lane  
Hendersonville, NC 28792

RE: 1767 Walnut Cove Road

Dear Ms. Koch and Ms. Franklin:

The Board of Commissioners of Henderson County has reviewed your numerous violations of the County's Nuisance Ordinance (the ordinance is found in Chapter 52 of the Henderson County Code). These violations occurred on the property owned by you located at 1767 Walnut Cove in Hendersonville, and were cited by Henderson County Code Enforcement on January 9, 2025, April 12, 2024, February 11, 2025, and March 12, 2025. You have not appealed any of these citations.

Under the North Carolina General Statutes,

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.** A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

This serves as your notice pursuant to N.C. Gen. Stat. §153A-140.2, that, if your property listed above is found to be in violation of the County's Nuisance Ordinance at any point during the year 2025, the County will, without further notice, take action to remedy the violation, and the expense of the cost of remedying the violation will be a lien on your property and be collected as



# 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](http://www.hendersoncountync.gov)

William G. Lapsley  
Chairman  
J. Michael Edney  
Vice-Chairman



Rebecca K. McCall  
Sheila W. Franklin  
J. Jay Egolf

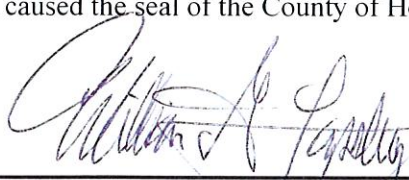
## RESOLUTION – REPEAL OF DOWN-ZONING STATUTE

- WHEREAS,** the current North Carolina law under GS 160D-601(d) states that no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government; and
- WHEREAS,** the limitation of down-zoning authority under GS 160D-601(d) significantly hinders Henderson County's ability to keep pace with community growth and to respond to emerging property use issues; and
- WHEREAS,** Henderson County has just completed a community planning process to address the loss of rural character and farmland; and
- WHEREAS,** the right of citizens to determine future growth through their elected local representatives should be maintained; and
- WHEREAS,** various amendments to GS 160D-601(d) have been proposed in the current session of the General Assembly, many on a local basis; and
- WHEREAS,** the current law and amendment impacts the ability of Henderson County Board of Commissioners to be in compliance with the comprehensive planning requirements of GS 160D Article 5, and in doing so limits the voice of the citizens of Henderson County; and
- WHEREAS,** there is currently pending in the General Assembly House Bill 24, which would repeal the limitations on local government-initiated down-zonings statewide; and
- WHEREAS,** it is this Board's opinion that a statewide resolution to this issue would better avoid issues of differing standards in adjoining jurisdictions, while permitting this Board to better express the will of the County's citizens as made public during the recent comprehensive planning process.

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners do hereby support a statewide restoration of the ability of local governments to initiate and legislate down-zonings without the requirement of the direct consent of the affected property owners.

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

Adopted this the 19<sup>th</sup> day of March 2025.



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WILLIAM G. LAPSLEY, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



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DENISA LAUFFER, CLERK TO THE BOARD