Board of Commissioners' Agenda

September 7, 2021

Commission Meetings are held at 200 College Street, Room 326 in downtown Asheville beginning at 5:00 p.m.

Public Comment is taken at the beginning of the meeting.

Call To Order

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Discussion / Adjustment / Approval To Follow Agenda

top

Consent Agenda

top

- Approval of August 3, 2021 Briefing Minutes
- Approval of August 3, 2021 Regular Meeting Minutes
- Approval of August 18, 2021 Emergency Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
  - Resolution
- Tax Collection Report
- Approval of Settlements Report
  - Report
- Approval of State Lottery Project Applications – Buncombe County Schools – Multiple Applications for Repaving Projects
  - Applications
- Resolution Establishing an Ad Hoc Reappraisal Committee
  - Resolution
- Budget Amendment for North Carolina Urban Search and Rescue Task Force 2 Deployment Reimbursement - May 2020 Flooding
  - Ordinance
- Budget Amendment for State Lottery Application Project – Asheville City Schools Subject Design Fees

- Ordinance
- More Information

- Budget Amendment for Adjustments for Growth
  - Ordinances
- Budget Amendment for Interlocal Funding - Homeowner Grants
  - Ordinance
- Budget Amendment for School Health Liaison
  - Ordinance
- Budget Amendment for North Carolina Urban Search and Rescue Hurricane Isaias Reimbursement
  - Ordinance
- Budget Amendment for Conservation Easements
  - Ordinances
  - More Information

Public Comment

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Good News

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Presentations

top

Public Hearings

top

- Givens Estates and Givens Highlands Farms
  - Resolution
- Community Development Block Grant Neighborhood Revitalization
  - Resolution

- Plan
- More Information

County Manager's Report top

- Permitting and Inspections Update - Bob Haynes

Old Business top

New Business top

- Health Insurance Update
  - More Information
- Prequalification of Bidders for Construction or Repair Projects Policy
  - Resolution
  - Policy Draft
  - More Information
- Budget Amendment for DWI Taskforce Grant FY2022
  - Ordinances
- Budget Amendment for FY2021 Budget Carryforwards
  - Ordinance

Board Appointments top

- Tourism Development Authority
  - HP Patel
  - Scott Kerchner
  - Sagar Patel

- County Board of Adjustment
  - Joel Mazelis
  - Wesley Greene
  - Paul Kelman
  - Greg Phillips
  - Damien Vacaflor
- Home & Community Care Block Grant Advisory Committee
  - Greg Zornes
  - Suzanne Booth
- Adult Care Home Community Advisory Committee
  - Bennett Lincoff
- Nursing Home Community Advisory Committee
  - Caryl Richardson
  - Judy McDonough
  - Susan Schiemer
- Environmental & Energy Stewardship Subcommittee
  - Meg Jamison
  - Lena Hansen
  - Maggie Ullman
  - Jamie Ager
  - Ken Brame
  - Brad Rouse
  - Anne Keller
  - Callie Warner

- Jacqueline Hamstead
- Kelly Carlson
- Cari Barcas
- Catherine Walsh
- Rachel Kipar
- Dane Barrager
- Lin Orndorf

- Agricultural Advisory Board for Farmland Preservation
  - Steve Duckett
  - Anne Grier

Announcements top

- September 21 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- September 21 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session top

Adjournment top

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 7, 2021 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 7, 2021, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

Brownie Newman, Chairman
Jasmine Beach-Ferrara, Commissioner
Amanda Edwards, Commissioner
Robert Pressley, Commissioner
Parker Sloan, Commissioner
Terri Wells, Commissioner
Al Whitesides, Vice Chair

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Donald Warn, Finance Director; Jennifer Barnette, Budget Director; Sharon Burke, Human Resources Director; Jennifer Pike, Tax Collector; Sheriff Quentin Miller; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Intergovernmental Relations; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Sloan motioned to approve the Consent Agenda, add the **Resources for Vaccinations** to **New Business**, and the remainder of the agenda. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

- Approval of August 3, 2021 Briefing Minutes
- Approval of August 3, 2021 Regular Meeting Minutes
- Approval of August 18, 2021 Emergency Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
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  - Ordinance
- Budget Amendment for Conservation Easements
  - Ordinances
  - More Information

PUBLIC COMMENT

Don Yelton talked about his professional qualifications as it relates to serving on a County board/commission.

GOOD NEWS

Chairman Newman acknowledged and congratulated Commissioner Beach-Ferrara for receiving the "Outstanding Commissioner" award from NCACC for her work on the opioid settlement.

PUBLIC HEARINGS

- **Givens Estates and Givens Highlands Farms**

Michael Frue, Senior Staff Attorney, confirmed that there was no conflict of interest with Vice Chair Whitesides, serving on the Givens Communities Board and explained the purpose of the public hearing. The proceeds of the requested bonds will be used to refinance and finance the Projects, which are located in the County, and the Board is one of the appropriate governing bodies to approve the use of tax-exempt bonds to refinance and finance the Projects.

The Chairman opened the hearing at 5:29 p.m.

Don Yelton questioned the liability of the public/private partnership.

The hearing was closed at 5:31 p.m.

Commissioner Sloan moved to approve the resolution as presented. Commissioner Beach-Ferrara seconded the motion and it passed 7-0.

- **Community Development Block Grant Neighborhood Revitalization**

Matt Cable, Planning Manager, provided background about the program and stated that the County must have a Board of Commissioners' adopted citizen participation plan. The plan provides citizens access to information and participation in all project stages. This is the first of two public hearings required as part of the CDBG-NR application. The Board of Commissioners will consider the application at a second public hearing to be scheduled at a later date.

The Chairman opened the hearing at 5:41 p.m.

Don Yelton questioned the viability of the project.

The hearing was closed at 5:44 p.m.

Vice Chair Whitesides moved to approve the resolution as presented. Commissioner Edwards seconded the motion and it passed 7-0.

COUNTY MANAGER'S REPORT

- **Permitting and Inspections Update - Bob Haynes**

Avril Pinder, County Manager, introduced Bob as the new Permitting and Inspections Director, and he provided an update of some of the new processes.

NEW BUSINESS

- **Resources for Vaccinations**

Avril Pinder, County Manager, requested that the County continue the NC COVID $100 incentive program and budget $100,000 for the program, if the State program expires.

Commissioner Beach-Ferrara moved to approve the continuation of the NC COVID $100 incentive program and budget $100,000 for the program, if the State program expires, and for staff to research incentives for 12-17 year olds. Commissioner Edwards seconded the motion and it passed 7-0.

- **Health Insurance Update**

Larry Reece, USI Senior Vice President, highlighted changes to the health plan that included increased out-of-pocket maximums and deductibles, and the replacement of PPCN with the Plan Member Advocate program and Autoimmune Support program.

Chairman Newman moved approve the health plan as presented. Vice Chair Whitesides seconded and the motion passed 7-0.

- **Prequalification of Bidders for Construction or Repair Projects Policy**

Ron Venturella, Finance, explained the need to occasionally prequalify bidders when a project is outside of normal construction. Prequalification ensures potential bidders meet certain standards before being allowed to submit proposals or participate in actual solicitation processes. The County, currently, does not have a policy and the policy will assist in providing equity and inclusion.

Commissioner Wells moved to approve the resolution to adopt the policy. Commissioner Pressley seconded and the motion passed 7-0.

- **Budget Amendment for DWI Taskforce Grant FY2022**

Jennifer Barnette, Budget Director, explained the budget amendment.

Commissioner Wells moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 7-0.

- **Budget Amendment for FY2021 Budget Carryforwards**

Jennifer Barnette, Budget Director, explained the budget amendment.

Commissioner Sloan moved to approve the budget amendment as presented. Vice Chair Whitesides seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Chairman Newman moved to appoint, by general consensus of receiving the most votes, **Joel Mazelis** (alternate) to

the **County Board of Adjustment**.

Vice Chair Whitesides moved to reappoint **Greg Phillips** (regular), and **Damien Vacaflor** (alternate) to the **County Board of Adjustment**. Commissioner Edwards seconded and the motion passed 7-0.

Commissioner Beach-Ferrara moved to appoint **Greg Zornes** and **Suzanne Booth** to the **Home & Community Care Block Grant Advisory Committee**. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Edwards moved to reappoint **Bennett Lincoff** to the **Adult Care Home Community Advisory Committee**. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Beach-Ferrara moved to reappoint **Caryl Richardson, Judy McDonough,** and **Susan Schiemer** to the **Nursing Home Community Advisory Committee**. Commissioner Edwards seconded and the motion passed 7-0.

Commissioner Sloan moved to appoint **Meg Jamison, Lena Hansen, Maggie Ullman** and **Jamie Ager** to the **Environmental & Energy Stewardship Subcommittee**. Chairman Newman seconded and the motion passed 7-0.

Commissioner Wells moved to appoint **Steve Duckett** and **Anne Grier** to the **Agricultural Advisory Board for Farmland Preservation**. Vice Chair Whitesides seconded and the motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *September 21 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*

- *September 21 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

CLOSED SESSION

Commissioner Sloan moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters and NCGS 143-318.11(a) (5) to hear contract or lease matters with no possible action anticipated following the closed session. Vice Chair Whitesides seconded and the motion passed 7-0.

The Board heard the legal update and had discussion regarding the matters. No action was taken.

Commissioner Sloan moved to go back into open session. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Edwards moved to adjourn the meeting. Commissioner Wells seconded and the motion passed 7-0. The meeting was adjourned at 8:05 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: Emergency Services **Presenter(s):** Jerry Leatherwood, Deputy Fire Marshal

Contact(s): Jerry Leatherwood, Deputy Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Firework Displays

Brief Summary:

- Ratify from Pyrotecnico and Justin Pruett to conduct a fireworks display on 8/28/21 for the Biltmore Estate, 1 Lodge Street, Asheville, NC 28803.
- Request from Pyrotecnico and Brian Pruett to conduct a fireworks display on 9/11/21 for the Biltmore Estate, 1 Approach Road, Asheville, NC 28803.
- Request from Pyrotecnico and Justin Pruett to conduct a fireworks display on 10/22/21 for the Biltmore Estate, 1 Lodge Street, Asheville, NC 28803.

Recommended Motion & Requested Action: Approve resolution.

County Manager's comments and Recommendation: County Manager recommends approval.

RESOLUTION #21-09-01

RESOLUTION APPROVING PYROTECHNICS EXPERTS FOR CONDUCTING FIREWORKS DISPLAYS

WHEREAS, pursuant to North Carolina General Statutes Section 14-410 and 14-413 the Board of Commissioners is authorized to review and approve the qualifications ofpersons applying for approval as pyrotechnics experts for the purpose of conducting fireworks displays; and

WHEREAS, application has been made by Pyrotecnico Fireworks Inc. for pyrotechnic displays; and

WHEREAS, this Board is of the opinion that the application received to conduct firework orpyrotechnic displays should be approved.

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

1. That the fireworks display by Pyrotecnico at 1 Lodge Street on August 28, 2021 is hereby, in all respects, ratified, approved and confirmed.

2. That the following be granted permission to conduct fireworks displays at the location and on the dates shown, to-wit:

NAME	LOCATION	DATE
Pyrotecnico	1 Lodge Street, Asheville	October 22, 2021
Pyrotecnico	1 Approach Road, Asheville	September 11, 2021

3. The County Fire Marshal has reviewed these requests and found that those listed above are qualified pyrotechnic experts.

4. That pursuant to N.C.G.S. 14-410 and 14-413 the Board has found that the above named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

5. In accordance with the current NC Executive Order.

ADOPTED this the 7th day of September, 2021.

ATTEST

Lamar Joyner

LAMAR JOYNER, CLERK

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

Brownie Newman

BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM:

COUNTY ATTORNEY

Buncombe County Tax Collections

Jennifer Pike
Tax Collector

CONSENT

DEPARTMENT: Tax Collections **PRESENTER: Jennifer Pike**

CONTACT: Jennifer Pike

SUBJECT: Approval of July 2021 Tax Collection Report

BRIEF SUMMARY:

NCGS 105-350 requires the Tax Collector to submit a report showing the amount of taxes collected.

In the month of July, the collection focus remains on the preceeding tax year. Billing for fiscal year 2022 will occur in August and the attention will shift to the current tax year.

As of July 30, 2021, the total levy billed for fiscal year 2022 is 96.28% collected, as compared to 70.95% for fiscal year 2021.

Below is Buncombe County year to date reporting for fiscal year 2022, as of July 31, 2021.

Current Year Collections

Fiscal Year 2022	Personal Property	Public Service	Real Estate	Motor Vehicles	Total
Total Levy	$ 262,037.41	$ -	$ 291,520.81	$ 1,349,491.45	$ 1,903,049.67
Amount Collected	$ 210,898.80	$ -	$ 276,033.61	$ 1,345,368.81	$ 1,832,301.22
Unpaid Balance	$ 51,138.61	$ -	$ 15,487.20	$ 4,122.64	$ 70,748.45
Interest Collected	$ -	$ -	$ 76,510.51	$ 9,661.39	$ 86,171.90
FY22 Collection %	**80.48%**		**94.69%**	**99.69%**	**96.28%**
FY21 Collection %	22.27%		66.66%	97.08%	70.95%

Total fiscal year 2022 year to date collections, property tax and interest **$ 1,918,473.12**

Prior Year Collections

Prior Years 2012-2021	Personal Property	Real Estate	Total
Amount Collected	$ 20,363.42	$ 126,957.18	$ 147,320.60
Interest Collected	$ 2,459.48	$ 9,139.86	$ 11,599.34

Total prior year collections, fiscal year to date **$ 158,919.94**

***Total property tax released July 2021 due to taxable value adjustments** **$ 1,190.77**

***Total refunds processed July 2021** **$ 9,568.40**

***Detailed information for releases and refunds is available in Tax Collections.**

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: LEGAL

Presenter(s): MICHAEL FRUE

Contact(s): MICHAEL FRUE

Subject: SETTLEMENTS - FY2021

Brief Summary: General Statutes require settlements of any claim, judicial action, mediation, arbitration, or administrative procedure be entered into the minutes of the public body. NCGS §143-318.11(a)(3) reads, in part, "If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded."

Please note that not all matters come to the Board. The Board delegates authority for settlements of amounts up to $30,000 to the Small Claims Committee. That team includes the Manager, Finance Director and Legal.

Recommended Motion & Requested Action: No action required.

SETTLEMENTS FOR Fiscal Year Ending 6/30/21

DATE	DEPT	EMPLOYEE OR CLAIMANT	PROVIDER	W/C AMOUNT	AUTO AMOUNT	GL AMOUNT	GIVEN BY	NCIC FILE #
9/3/2020	Sheriff	Isaac McLemore	25% attorney fee from settlement	30,000.00			BOC	18-719424
9/3/2020	Sheriff	Isaac McLemore	Compromise Settlement Agreement	90,000.00				
10/20/2020	Detention Center	Todd Heuermann	Compromise Settlement Agreement	10,000.00			Small Claims	20-005639
10/26/2020	Tax Collection	Sherri Hines	Sizemore McGee, PLLC (claimant's 1/2 mediator fee part of settlement)	646.25				
12/7/2020	Tax Collection	Sherri Hines	Oxner & Permar, PLLC - Clincher atty fee	1,750.00			Small Claims	18-045095
12/7/2020	Tax Collection	Sherri Hines	Compromise Settlement Agreement	5,250.00				
12/15/2020	Sheriff	Randy McMahan	Brazil & Burke, PA (Mediator Fee-part of settlement)			1,856.25	BOC	1:19-cv-00339
12/17/2020	Sheriff	Randy McMahan	McLean Lawfirm, PA (full & final settlement)			167,500.00		
3/4/2021	Social Services	Patricia Haney	Reid McGraw - McGraw Mediation (claimant's 1/2 fee part of settlement)	641.25			Small Claims	20-037149
3/18/2021	Social Services	Patricia Haney	25% Clincher Atty Fee	4,031.25				
3/18/2021	Social Services	Patricia Haney	Compromise Settlement Agreement	12,093.75				
3/30/2021	County Manager	David Oppenheimer	LeJune Law Firm & David Oppenheimer-Settlement All Claims			2,500.00	Small Claims	
6/9/2021	Sheriff	NJ	PD Settlement - 2019 Honda Civic		2,664.89			
7/20/2021	Sheriff	AO	Gerald Trotman-PD total loss settlement 1999 Jeep		3,494.90			
7/26/2021	Detention Center	SD	Settlement for lost necklace while in jail custody			542.49	Small Claims	
				154,412.50	**6,159.79**	**172,398.74**		

Loss Date			
3/14/2018	Sheriff	Isaac McLemore	Law enforcement retiree represented by Gene Leicht in back claim from motor vehicle accident (MVA). MVA exacerbated civil deputy's already bad back. Maximum Med Improvement (MMI) 7/13/20 with 30% PPD to back = $54,055.80. Settled at Voluntary mediation 8/20/20 for $120,000.
5/16/2018	Tax Collections	Sherri Hines	59 yo patrol deputy slipped and fell on wet porch steps suffering injuries. Employee treated with Dr. off and on for the pain up to 6/26/20, complaining of pain and swelling. Dr. indicated these complaints were not related to her initial injury 5/16/18 - confirmed previous Maximum Medical Improvement and 0% disability. Therefore, we denied her current condition. Employee hired Oxner & Permar to represent her in her wc claim. A Request for Hearing was filed. Settled at mandatory mediation 10/21/20 for $7,000 + mediator's fee + costs. Claimant retired 2/1/21.
1/27/2020	Detention Center	Todd Heuermann	Unrepresented workers comp claimant. Attacked by inmate 1/27/20. Maximum Medical Improvement 9/10/20 - 4% Permanent Partial Disability to right shoulder = $5431.30. Claimant settled at $10,000 to include a resignation and
10/12/2017	Sheriff	Randy McMahan, et al	Excessive use of force claim involving claimant, his wife and their then minor son. Settled at 12/9/20 mediation for $167,500 + mediator's fee.
9/11/2020	Social Services	Patricia Haney	63 yo Social Worker represented by Charles Collier, III in claim after her vehicle hatchback (latch) fell and hit her while removing items after arriving home. County denied workers comp claim. Settled at mediation 2/18/21 for $16,125 + mediator's fees.
9/12/2017	County Manager	David Oppenheimer	Copyright infringement. County displayed copyrighted photo without permission on its website 9/12/17-10/22/19. Initial demand was $12,000.
3/6/2021	Sheriff	NJ	County driver backed County vehicle out of parking space in Woodfin and backed into parked vehicle.
4/14/2021	Sheriff	AO	County driver was responding non-emergency to a domestic disturbance call when she ran a red light and struck claimant vehicle.
11/8/2020	Detention Center	SD	Jail intake video shows necklace taken into custody, but when claimant was released from jail next day, the necklace had disappeared.

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: Budget **Presenter(s):** Jennifer Barnette, Budget

Contacts: Timothy Fierle, Buncombe County Schools
Jennifer Barnette, Budget

Subject: State Lottery Project Applications – Buncombe County Schools – Multiple Applications for Repaving Projects

Brief Summary:

Buncombe County Schools is requesting to apply for a total of $350,000 from the Public School Building Capital Fund – North Carolina Education Lottery.

The funds will be for repaving the campuses at Fairview Elementary School, Leicester Elementary School, and Cane Creek Middle School.

The Buncombe County Schools Board of Education has approved the request to make the applications. Due to the time sensitive nature of the applications, the Chair of the Board of Commissioners has signed the applications in advance of the meeting.

Recommended Motion & Requested Action:

Support the approval of the requests.

County Manager's comments and Recommendation:

County Manager recommends as presented.

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Buncombe

LEA: Buncombe County Schools #110

Address: 175 Bingham Rd. Asheville, NC 288[illegible]

Contact Person: Tina Thorpe

Title: Chief Financial Officer

Phone: 828-255-5943

Project Title: Repaving Campus

Location: Fairview Elementary School

Type of Facility: School Building

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Repaving of campus

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		100,000.00
Debt Payment / Bond Payment		
TOTAL	$	100,000.00

Estimated Project Beginning Date: 10/01/2021

Est. Project Completion Date: 11/15/2021

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $ 100,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

Brownie Newman — 9-8-21

(Signature — Chair, County Commissioners) (Date)

Ann B. Franklin — 8-5-21

(Signature — Chair, Board of Education) (Date)

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Buncombe

LEA: Buncombe County Schools #110

Address: 175 Bingham Rd. Asheville, NC 288[illegible]

Contact Person: Tina Thorpe

Title: Chief Financial Officer

Phone: 828-255-5943

Project Title: Repaving Campus

Location: Leicester Elementary School

Type of Facility: School Building

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Repaving of entire campus

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		200,000.00
Debt Payment / Bond Payment		
TOTAL	$	200,000.00

Estimated Project Beginning Date: 09/01/2021

Est. Project Completion Date: 11/01/2021

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $ 200,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

Brownie Newman — 9-8-21

(Signature — Chair, County Commissioners) (Date)

Ann B. Franklin — 8-5-21

(Signature — Chair, Board of Education) (Date)

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Buncombe

LEA: Buncombe County Schools #110

Address: 175 Bingham Rd. Asheville, NC 288[illegible]

Contact Person: Tina Thorpe

Title: Chief Financial Officer

Phone: 828-255-5943

Project Title: Repaving Campus

Location: Cane Creek Middle School

Type of Facility: School Building

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Repaving of campus

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		50,000.00
Debt Payment / Bond Payment		
TOTAL	$	50,000.00

Estimated Project Beginning Date: 09/15/2021 Est. Project Completion Date: 10/15/2021

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $ 50,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

Bronn Mr — 9-8-21

(Signature — Chair, County Commissioners) (Date)

Ann B. Franklin — 8-5-21

(Signature — Chair, Board of Education) (Date)

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: Tax Assessment **Presenter(s):** Keith Miller

Contact(s): Keith Miller

Subject: Ad Hoc Reappraisal Committee

Brief Summary:

The BOC discussed the creation of an Ad Hoc Reappraisal Committee at their Aug 3rd Briefing.

As a result, staff has provided a resolution to create a seven member citizen Ad Hoc Reappraisal committee to review reappraisal processes. The committee will review current concerns that have been presented to the Assessor from citizens about the 2021 reappraisal.

The committee should be diverse and follow the recommendations for Boards and Committees from the Equity Action Plan.

If approved, the Clerk will advertise and collect applications for the Ad Hoc Reappraisal Committee and submit them to the BOC for selection.

The Assessor and reappraisal staff will present recommendations to the BOC in the Spring of 2022.

Recommended Motion & Requested Action: Recommendation for a motion to approve the resolution as presented to form a seven member ad hoc reappraisal committee.

County Manager's comments and Recommendation: Recommends approval.

Resolution #21-09-02

RESOLUTION ESTABLISHING AN
AD HOC REAPPRAISAL COMMITTEE

_____

WHEREAS, North Carolina General Statutes § 153A-76 authorizes a board of commissioners to create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the county government in order to promote orderly and efficient administration of county affairs;

WHEREAS, recognizing that legally required tax assessments of real property and the reappraisal process are confusing and largely misunderstood, and in light of recent charges that the process is not equitable this Board desires to create an ad hoc committee ;

WHEREAS, the goals of this committee would align with the County's Racial Equity Action Plan, including:

1. to identify citizen concerns,
2. provide guidance on future assessments, and
3. provide input into equity concerns;

WHEREAS, this committee will be comprised of seven members as follows:

- 7 members
  - 2 Members from the Board of Equalization and Review
  - 5 Community Members
    - 3 At-large members
    - 1 Real Estate professional (residential preferred)
    - 1 Equity representative

WHEREAS, staff will consist of the Assessor, Chief Appraiser, a Tax Analyst, and a County Attorney.

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

1. That the Board of Commissioners hereby establishes an Ad Hoc Reappraisal Committee;

2. That the committee will have will be comprised of members as set forth above.

3. That the committee may establish a set of by-laws, a meeting schedule, and other business necessities in order to carry on its business;

4. That the committee will be staffed by County personnel through as set forth above;

5. That this committee will serve as an advisory body to the County Commission and has no authority to bind Buncombe County or the Tax Assessor; and

6. That this resolution is effective upon adoption.

This the 7th day of September, 2021.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department:
Budget

Presenter(s):
Jennifer Barnette, Budget

Contact(s): Angela Ledford, Emergency Services
Taylor Jones, Emergency Services

Subject: NC USAR Task Force 2 Deployment Reimbursement - May 2020 Flooding

Brief Summary:
The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes membership from Fire Departments throughout the County. This team is deployable as a State asset and costs for State Missions are reimbursed. NCUSAR TF2 deployed on State Mission #244555 5/19 - 5/21/2020 in response to heavy rains. $14,028 has been received from NCDPS to reimburse costs associated with this Mission. Of that amount, $8,386 is due to Fire Departments that supplied staff and vehicles for this mission. The remainder will fall to revenue as it is meant to reimburse County staff time in the last fiscal year. Reimbursement for deployments typically involves significant lag time and overlaps fiscal years.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-03

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget, NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department:	Emergency Services
Budget Amendment Item:	NC USAR Task Force 2 Deployment Reimbursement - May 2020 Flooding

Project Description: The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes membership from Fire Departments throughout the County. This team is deployable as a State asset and costs for State Missions are reimbursed. NCUSAR TF2 deployed on State Mission #244555 5/19 - 5/21/2020 in response to heavy rains. $14,028 has been received from NCDPS to reimburse costs associated with this Mission. Of that amount, $8,386 is due to Fire Departments that supplied staff and vehicles for this mission. The remainder will fall to revenue as it is meant to reimburse County staff time in the last fiscal year. Reimbursement for deployments typically involves significant lag time and overlaps fiscal years.

Funding Source:
North Carolina Department of Public Safety

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Emergency Services/Emergency Mgmt/State Revenue	$ 8,386	
Emergency Services/Emergency Mgmt/Deployment Reimbursement		$ 8,386
TOTAL	$ 8,386	$ 8,386

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: _____

Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: Budget **Presenter(s):** Jennifer Barnette, Budget

Contacts: Georgia Harvey, Asheville City Schools
Jennifer Barnette, Budget

Subject: State Lottery Project Award – Asheville City Schools – Design Fees – Emergency/Critical Capital Improvements to Keep APS (Montessori/PreK)

Brief Summary:

This project for Asheville City Schools has been awarded for NC Education Lottery dollars in the amount of $210,000 by the State of North Carolina. The funds will be for design and engineering fees to upgrade the critical water, sewer, HVAC, and window systems for Asheville Primary School.

The application was approved by the Board of Commissioners at their August 3rd meeting.

Recommended Motion & Requested Action:

Approve budget amendment

County Manager's comments and Recommendation:

County Manager recommends as presented.

ORDINANCE #21-09-04

BUNCOMBE COUNTY, NORTH CAROLINA
Public School ADM Capital Fund Project Ordinance

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Projects as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department:	Budget
Project Name:	State Lottery Project - APS - DESIGN - Emergency Capital Improvements

Description:
This project for Asheville City Schools has been awarded for NC Education Lottery dollars in the amount of $210,000 by the State of North Carolina. The funds will be for design and engineering fees to upgrade the critical water, sewer, HVAC, and window systems for Asheville Primary School.

The application was approved by the Board of Commissioners at their August 3rd meeting.

Funding Source:
NC Education Lottery Funding - Public School Building Capital Fund

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 335 - Restricted Intergovernmental	$ 210,000	
Fund 335 - ACS - APS Emergency Capital Improvements - Design		$ 210,000
TOTAL	$ 210,000.00	$ 210,000.00

ATTEST:

Tamara Saynes
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

PUBLIC SCHOOLS OF NORTH CAROLINA
DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*
WWW.NCPUBLICSCHOOLS.ORG

July 27, 2021

MEMORANDUM

To: Don Warn — Don.Warn@buncombecounty.org
Buncombe County

Charlotte Sullivan — 828-255-5131
Asheville City Schools

From: Dennis Hilton, School Planning Consultant
NC Department of Public Instruction

The below listed Application(s) have been approved for transferring the following funds from the North Carolina Education Lottery Fund, Need Base Lottery Fund, and/or ADM Fund, through the Public School Building Capital Fund:

	Project Title	ADM Fund	Lottery Fund	Needs Based Lottery Fund
1.	**Asheville PS - DESIGN - Emergency Capital Improvements**	**$0.00**	**$210,000.00**	**$0.00**
	Total this month:	**$0.00**	**$210,000.00**	**$0.00**

The funds, as noted above, will be transferred to the county disbursing account in the State Treasurer's Office on the last day of this month and will be available for drawdown on the first or second working day of next month. Questions concerning the disbursing account, checks, signature cards, etc. should be directed to Mr. Mark Carlson, Disbursing Account Services Supervisor, in the State Treasurer's Office: Phone Number 919-814-3904.

A final report is required showing the actual state and local expenditures and the actual completion date. If the expenditures of state funds are less than the amount approved and transferred to the disbursing account in the State Treasurer's Office, request that the balance be released from the disbursing account for re deposit into the county account in the Public School Building Capital Fund for reallocation to additional construction projects.

If you have any questions, please do not hesitate to call.

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department:
Budget

Presenter(s):
Jennifer Barnette, Budget

Contact(s): Jennifer Barnette, Budget

Subject: Adjustments for Economic Growth

Brief Summary:
As the local economy continues to recover, the following amendments provide additional dollars to the FY2021 Budget to ensure coverage of distribution of revenue proceeds to our local partners.

The Occupancy Tax Fund amendment will increase available expense budget by $750,000 to cover the payment of occupancy tax revenues to the Tourism Development Authority and the county's administrative/collection fee, per S.L. 2001-162.

The Public School ADM Capital Fund amendment will increase the available expense budget by $1,000,000 to accomodate for the distribution of sales tax proceeds to schools, per Articles 40 and 42.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-05

BUNCOMBE COUNTY, NORTH CAROLINA
Occupancy Tax Special Revenue Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2020-2021 Occupancy Tax Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2020-2021 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department: Budget
Budget Amendment Item: Occupancy Tax Fund Adjustment for Growth

Description:
The Occupancy Tax Fund amendment will increase available expense budget by $750,000 to cover the payment of occupancy tax revenues to the Tourism Development Authority and the county's administrative/collection fee, per S.L. 2001-162..

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Funding Source:
No new funds are required as these dollars pass-through.

Exhibit A:	Increase (Decrease)	
Account Description	**Revenues**	**Expenditures**
Other Taxes & Licenses	$ 750,000	
Economic & Physical Development		$ 750,000
TOTAL	$ 750,000.00	$ 750,000.00

ATTEST:

Tamara Laymon
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

ORDINANCE #21-09-06

BUNCOMBE COUNTY, NORTH CAROLINA
Public School ADM Capital Fund Project Ordinance

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2020-2021 Projects outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2020-2021 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Budget Amendment Item: Public School ADM Fund Adjustment for Growth

Project Description:
The Public School ADM Capital Fund amendment will increase the available expense budget by $1,000,000 to accomodate for the distribution of sales tax proceeds to schools, per Articles 40 and 42.

Funding Source:
No new funds are required as these dollars pass-through.

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 335 Administration	$ 1,000,000	$ 1,000,000
TOTAL	$ 1,000,000	$ 1,000,000

ATTEST:

Lamar Laymer
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 7, 2021

Consent Agenda

Presenter(s):
Jennifer Barnette, Budget

Requesting Department: Health and Human Services
Budget Amendment Item: Interlocal Funding for Homeowner Grant Program

Contact(s): Phillip Hardin

Subject: Homeowner Grant Program - City of Asheville & Town of Woodfin

Brief Summary:
The County has included $300,000 in its Fiscal Year 2021-22 Budget for the Homeowner Grant Program. The City of Asheville has included $150,000 in its Fiscal Year 2021-22 Budget for the Program and The Town of Woodfin has included $15,000 in its Fiscal year 2021-2022 budget for the program. Interlocal agreements have been executed. Any grants awarded to homeowners in each of the participating municipalities under the Program shall be funded as follows:
i. A maximum of $300.00 from funds contributed by the County
ii. A maximum of $200.00 from funds contributed by the municipality

This amendment is to establish expenditures and revenue for the funds from the interlocal agreements.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-07

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department:	Health and Human Services
Budget Amendment Item:	Interlocal Funding for Homeowner Grant Program

Project Description: The County has included $300,000 in its Fiscal Year 2021-22 Budget for the Homeowner Grant Program. The City of Asheville has included $150,000 in its Fiscal Year 2021-22 Budget for the Program and The Town of Woodfin has included $15,000 in its Fiscal year 2021-2022 budget for the program. Interlocal agreements have been executed. Any grants awarded to homeowners in each of the participating municipalities under the Program shall be funded as follows:
i. A maximum of $300.00 from funds contributed by the County
ii. A maximum of $200.00 from funds contributed by the municipality

This amendment is to establish expenditures and revenue for the funds from the interlocal agreements.

Funding Source: City of Asheville and Town of Woodfin

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Restricted Intergovernmental	$ 165,000	
Homeowners Assistance Expenditures		$ 165,000
TOTAL	$ 165,000	$ 165,000

ATTEST:

Tamara Laymon
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 7, 2021

Consent Agenda

Presenter(s):
Jennifer Barnette, Budget

Requesting Department: Health and Human Services
Budget Amendment Item: AA361

Contact(s): Stacie Saunders, Health Director

Subject: Reopening Schools - School Health Liaison

Brief Summary:
To enable schools to establish and expand COVID-19 screening testing programs to support and maintain in-person learning, the federal government is providing financial resources through the Centers for Disease Control and Prevention (CDC) under the ELC Reopening Schools award. This is temporary funding for the Local Health Department to create Local Health Department Public Health School Health Liaisons for the coordination of COVID-19 screening, testing, and vaccine administration efforts, and to coordinate other school health/public health services.

To implement this temporary program, the Public Health department will create an addendum to the existing Mountain Area Health Education Center (MAHEC) contract for school nursing to include the additional scope of work for this funding. MAHEC will then hire two certified medical assistants. One would be dedicated to COVID-19 testing coordination and the other would be dedicated to isolation and quarantine consultation for schools without school nurses.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-08

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget, **NOW THEREFORE,**

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department: Health and Human Services
Budget Amendment Item: AA361 - Reopening Schools - School Health Liaison

Project Description: To enable schools to establish and expand COVID-19 screening testing programs to support and maintain in-person learning, the federal government is providing financial resources through the Centers for Disease Control and Prevention (CDC) under the ELC Reopening Schools award. This is temporary funding for the Local Health Department to create Local Health Department Public Health School Health Liaisons for the coordination of COVID-19 screening, testing, and vaccine administration efforts, and to coordinate other school health/public health services.

To implement this temporary program, the Public Health department will create an addendum to the existing Mountain Area Health Education Center (MAHEC) contract for school nursing to include the additional scope of work for this funding. MAHEC will then hire two certified medical assistants. One would be dedicated to COVID-19 testing coordination and the other would be dedicated to isolation and quarantine consultation for schools without school nurses.

Funding Source: DHHS, Centers for Disease Control and Prevention
CFDA #: 93.323 Epidemiology and Laboratory Capacity (ELC) for Infectious Disease

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Restricted Intergovernmental	$ 115,000	
Expenditures		$ 115,000
TOTAL	$ 115,000	$ 115,000

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: _____
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department:
Budget

Presenter(s):
Jennifer Barnette, Budget

Contact(s): Angela Ledford, Emergency Services
Taylor Jones, Emergency Services

Subject: NC USAR Task Force 2 Deployment Reimbursement - Hurricane Isaias

Brief Summary:
The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes membership from Fire Departments throughout the County. This team is deployable as a State asset and costs for State Missions are reimbursed. NCUSAR TF2 deployed on State Mission #256130 8/2 - 8/6/2020 in response to Hurricane Isaias. $113,461 has been received from NCDPS to reimburse costs associated with this Mission. Of that amount $110,808 is due to the Fire Departments that supplied staff and vehicles for this mission, and $2,653 is to reimburse supplies and provisions for TF2. Reimbursement for deployments typically involves significant lag time and overlaps fiscal years.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-09

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget, NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department: Emergency Services
Budget Amendment Item: NC USAR Task Force 2 Deployment Reimbursement - Hurricane Isaias

Project Description: The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes membership from Fire Departments throughout the County. This team is deployable as a State asset and costs for State Missions are reimbursed. NCUSAR TF2 deployed on State Mission #256130 8/2 - 8/6/2020 in response to Hurricane Isaias. $113,461 has been received from NCDPS to reimburse costs associated with this Mission. Of that amount $110,808 is due to the Fire Departments that supplied staff and vehicles for this mission, and $2,653 is to reimburse supplies and provisions for TF2. Reimbursement for deployments typically involves significant lag time and overlaps fiscal years.

Funding Source:
North Carolina Department of Public Safety

Exhibit A:	Increase (Decrease)	
Account Description	**Revenues**	**Expenditures**
Emergency Services/State Revenue	$ 113,461	
Emergency Services/Deployment Reimbursement		$ 110,808
Emergency Services/Non-Food Office Provisions		$ 2,653
TOTAL	$ 113,461	$ 113,461

ATTEST:

Tamara Laymon
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Consent Agenda

Department: Planning and Development **Presenter(s): Jennifer Barnette**

Ag and Land Resources

Contact(s): Nathan Pennington, Planning and Development Director

Jennifer Harrison, Ag and Land Resources Director

Gillian Phillips, Long Range Planning Division Manager

Ariel Zijp, Farmland Preservation Coordinator

Subject: Establish Five Conservation Easement Projects

Brief Summary: The Buncombe County Land Conservation Advisory Board recommends approval and requests transaction costs for three easement projects, to be funded with the remaining FY21 easement funding.

The three new projects consist of the Brown Family Farm-Leicester, Full Sun Farm, and Ballard Cove. Southern Appalachian Highlands Conservancy will establish the easements for all three projects.

- Brown Family Farm-Leicester - $40,000 in transaction costs establishing a 175.207 acre easement
- Full Sun Farm - $20,500 in transaction costs establishing a 31.77 acre easement
- Ballard Cove - $40,600 in transaction costs establishing a 59 acre easement

In addition, the Buncombe County Ag Advisory Board in partnership with Buncombe County Soil and Water Conservation District request transaction costs for two easement projects, to be funded with existing savings on nine completed easement projects. The two new projects consist of:

- Community Farm Expansion - $36,000 in transaction costs establishing a 35.05 acre easement
- Jenkins Branch Farm - $36,100 in transaction costs establishing a 99.42 acre easement

Southern Appalachian Highlands Conservancy is the owner of both properties and will donate the development rights without compensation. By protecting these two properties, Buncombe County will bridge gaps in designated priority regions as well as strengthen relationships with conservation partners and land stewards.

Nine completed easements projects will be closed out with savings totaling $81,367, of which $72,100 will be used to fund the Jenkins Branch Farm and Community Farm Expansion projects and the remaining $9,267 will be moved to Future Conservation Easements.

This aligns with the 2025 Strategic Plan Goal: *Preserve farmland and environmentally sensitive tracts of land.*

No new funding is required to establish the five new easement projects.

Recommended Motion & Requested Action:

1) Approve budget amendment to closeout nine completed easement projects.
2) Approve budget amendment establishing five new easement projects.

County Manager's comments and Recommendation:

County Manager recommends as presented.

ORDINANCE #21-09-10

BUNCOMBE COUNTY, NORTH CAROLINA
Special Projects Ordinance

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Special Projects as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department:	Ag and Land Resources and Planning
Budget Amendment Item:	Establish Conservation Easement Projects

Description:

The Buncombe County Land Conservation Advisory Board recommends approval and requests transaction costs for the three following easement projects totaling $101,100, to be funded with the remaining FY21 easement funding.
• Brown Family Farm-Leicester - $40,000 in transaction costs establishing a 175.207 acre easement.
• Full Sun Farm - $20,500 in transaction costs establishing a 31.77 acre easement.
• Ballard Cove - $40,600 in transaction costs establishing a 59 acre easement.

Additionally, the Buncombe County Ag Advisory Board in partnership with Buncombe County Soil and Water Conservation District request transaction costs for two easement projects totaling $72,100. The two projects consist of:
• Community Farm Expansion - $36,000 in transaction costs establishing a 35.05 acre easement
• Jenkins Branch Farm - $36,100 in transaction costs establishing a 99.42 acre easement

Nine completed easements projects have been closed and savings of $72,100 from those projects will be used to fund the Jenkins Branch Farm and Community Farm Expansion.

Funding Source:

FY21 remaining funds and savings from easement project closures.

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Future Conservation Easements	$ (173,200)	$ (173,200)
Brown Family Farm - Leicester	$ 40,000	$ 40,000
Full Sun Farm	$ 20,500	$ 20,500
Jenkins Branch Farm	$ 36,100	$ 36,100
Community Farm Expansion	$ 36,000	$ 36,000
Ballard Cove	$ 40,600	$ 40,600
TOTAL	$ -	$ -

ATTEST:

Tamara Saynes
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

ORDINANCE #21-09-11

BUNCOMBE COUNTY, NORTH CAROLINA
Special Projects Ordinance

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Special Projects as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department: Ag and Land Resources
Budget Amendment Item: Easement Project Closures

Description:
The following nine easement projects have been completed and are ready for closure: Aubrey Wells Preservation, Charles Brown Preservation, Fortune Preservation, Hutchins Preservation, Martin Preservation, Nesbitt Preservation, Dykeman Preservation, Ridgeview Farms Preservation, and the Young Pisgah Mountain Preservation. Between all nine projects there is a savings of $81,367, of which $72,100 will be used to establish two new easement projects and the remaining $9,267 will be moved to Future Conservation Easements.

Funding Source:
None - Project Closures

Exhibit A:	Increase (Decrease)	
Account Description	**Revenues**	**Expenditures**
Aubrey Wells	$ (225,433)	$ (225,433)
Charles Brown	$ (312,550)	$ (312,550)
Fortune	$ (28,000)	$ (28,000)
Hutchins	$ (35,000)	$ (35,000)
Martin	$ (35,000)	$ (35,000)
Nesbitt	$ (107,000)	$ (107,000)
Dykeman	$ (5,160)	$ (5,160)
Ridgeview Farms	$ (37,500)	$ (37,500)
Young Pisgah Mountain	$ (40,000)	$ (40,000)
Future Conservation Easements	$ 81,367	$ 81,367
TOTAL	$ (744,276)	$ (744,276)

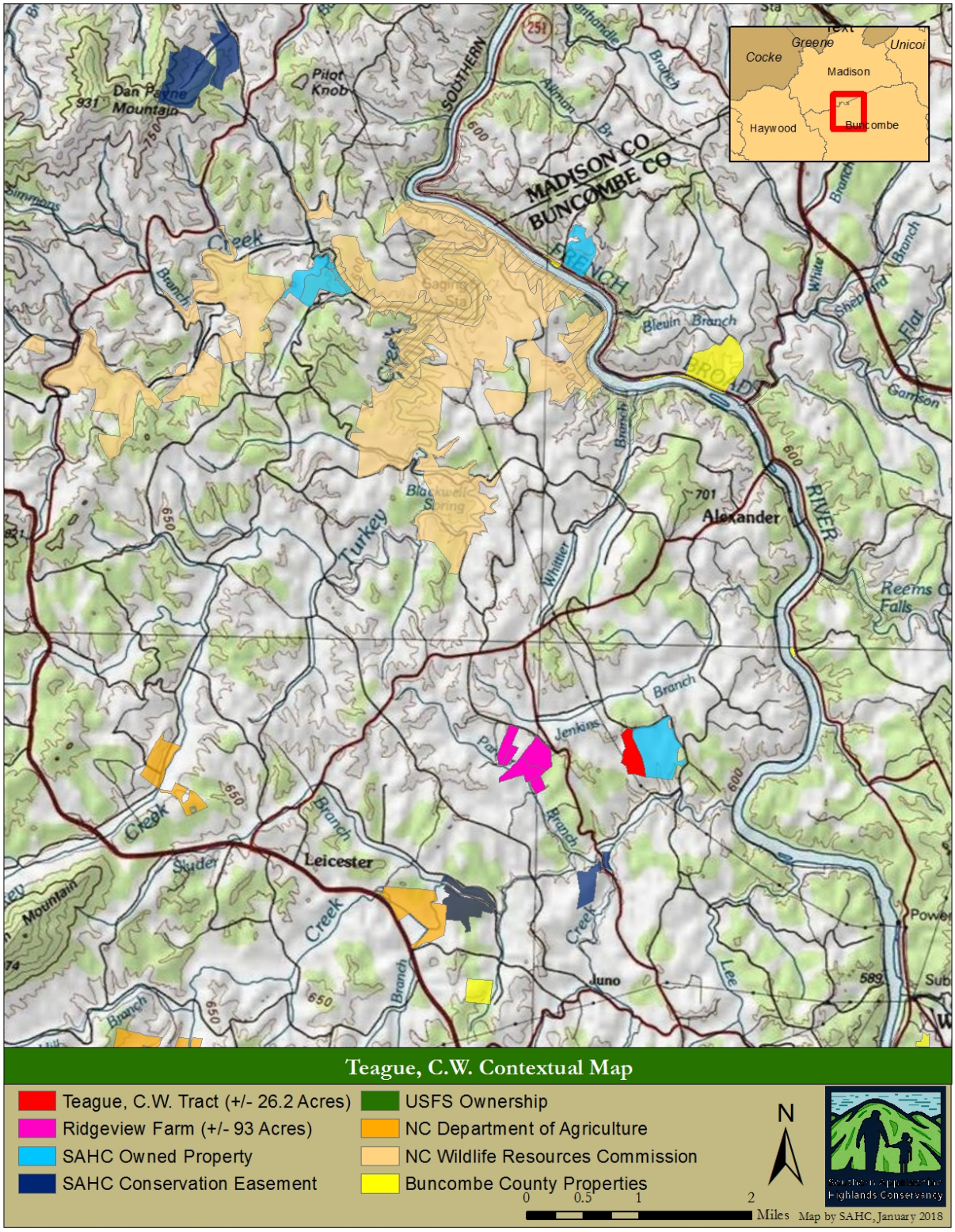
ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

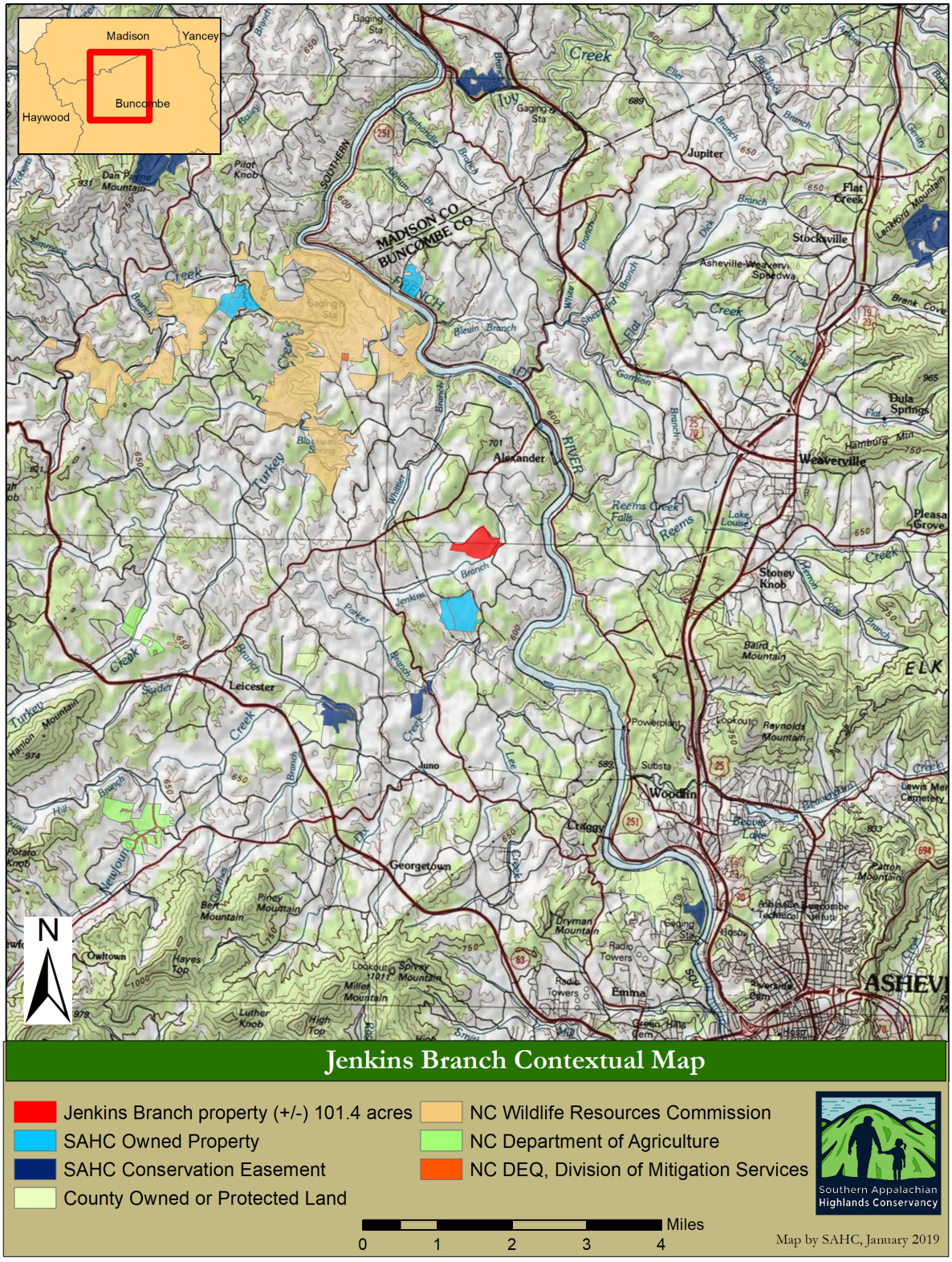
By:

Chairman of the Board

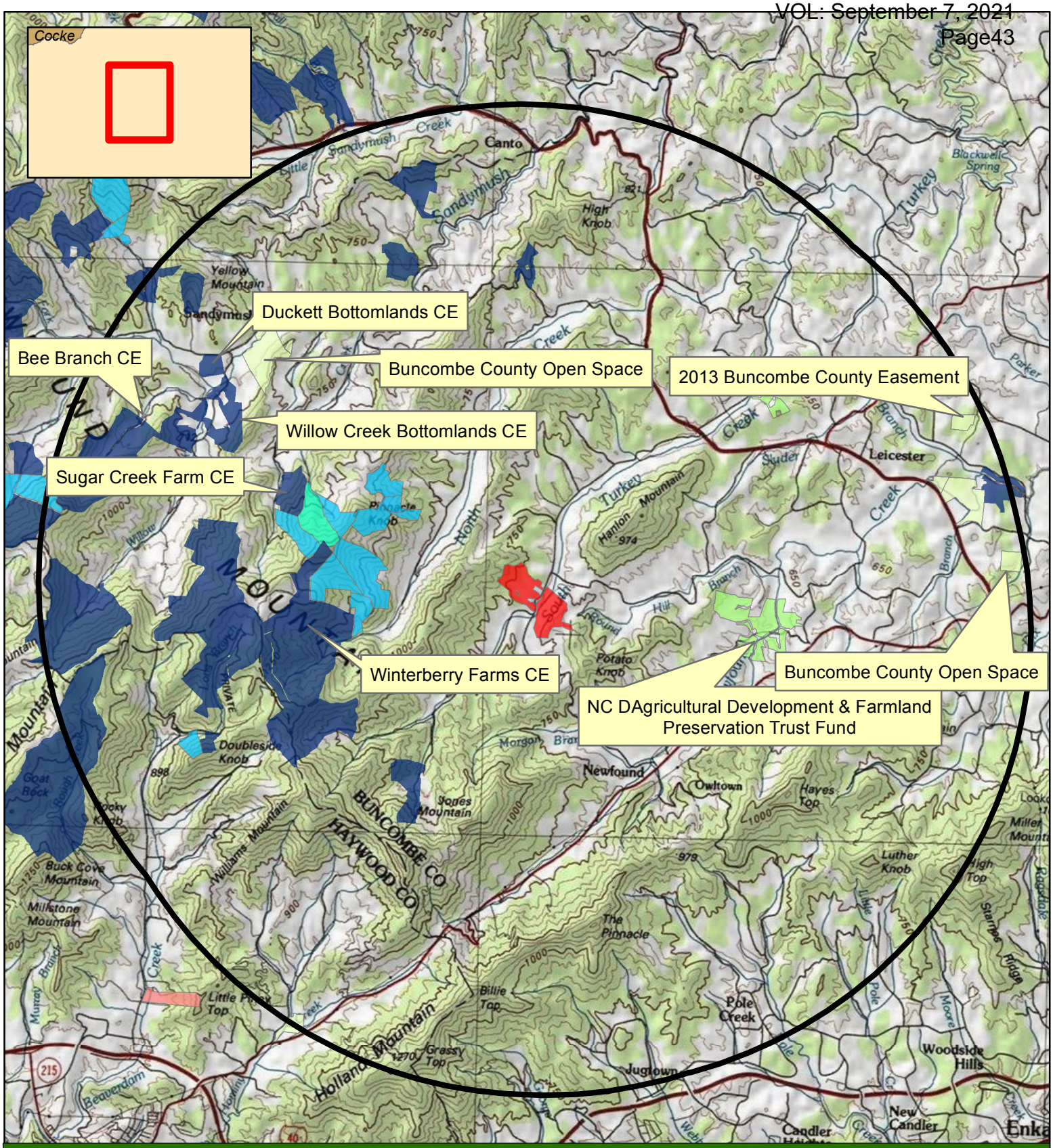


*Note - Maps labeled Teague are the Community Farm Expansion project

*Note - Maps labeled Teague are the Community Farm Expansion project


Madison
Yancey
Buncombe
Haywood
MADISON CO
BUNCOMBE CO
FRENCH
RIVER
Alexander
Weaverville
Leicester
Georgetown
Jupiter
Stocksville
Flat Creek
Dula Springs
Stoney Knob
Baird Mountain
Reynolds Mountain
Woodfin
Craggy
Emma
Juno
Powerplant
Substa
Turkey Creek
Reems Creek
Jenkins Branch
Piney Mountain
Dryman Mountain
Miller Mountain
Spivey Mountain
Hayes Top
Owltown
Luther Knob
Potato Knob
Ben Mountain
Dan Peyne Mountain
Pilot Knob
Lake Louise
Beaver Lake
Lewis Memorial Cemetery
Patton Mountain
Green Hills Cem
Riverside Cem
Asheville-Weaverville Speedway
Asheville Buncombe Technical Institute
Radio Towers
Gaging Sta
N
Jenkins Branch Contextual Map
Jenkins Branch property (+/-) 101.4 acres
SAHC Owned Property
SAHC Conservation Easement
County Owned or Protected Land
NC Wildlife Resources Commission
NC Department of Agriculture
NC DEQ, Division of Mitigation Services
Southern Appalachian Highlands Conservancy
Miles
0
1
2
3
4
Map by SAHC, January 2019

2100
2000
Jenkins Branch
Jenkins Branch Aerial Map
Jenkins Branch property (+/-) 101.4
DOT Roads
Stream Corridors
100-Foot Contour Lines
0
400
800
1,200
Feet
N
Southern Appalachian Highlands Conservancy
Map by SAHC, January 2019



Proposed Brown Family Farm CE Context Map

- Proposed Brown Family Farm CE Boundary (+/-) 214 acres
- 5 Mile Buffer
- SAHC Owned Property
- SAHC Conservation Easement
- SAHC Life Estate
- Conserving Carolina
- US Forest Service
- NC Department of Agriculture
- County Owned or Protected Land

N

0 1 2 3 4 Miles

Southern Appalachian Highlands Conservancy

Map by SAHC, November 2018

Brown Family Farm Soils Map

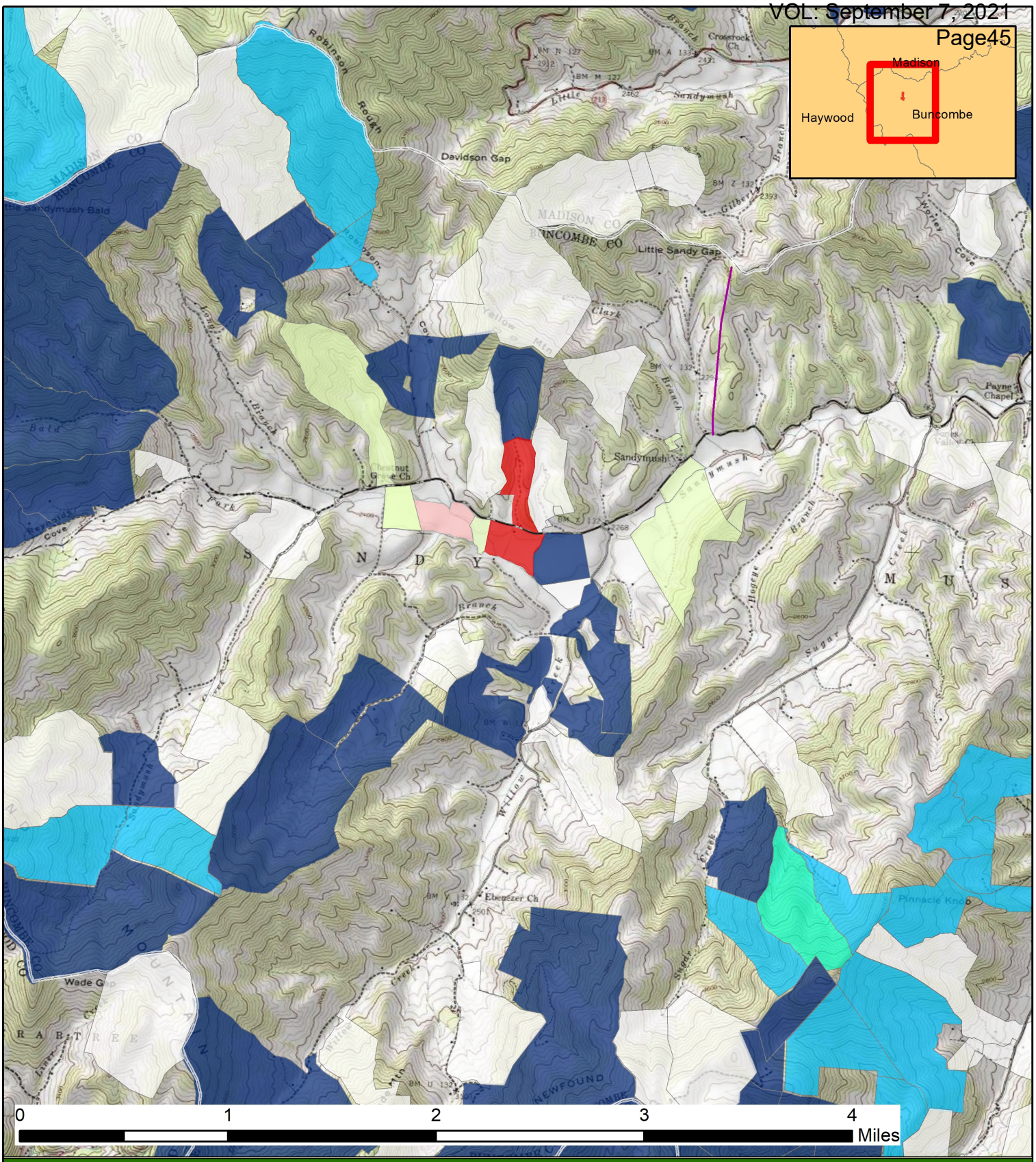
Brown Family Farm (+/- 213 Acres)
Stream Corridors
Contour_100
Prime if Drained (14.4 Acres)
Statewide Importance (4.7 Acres)
Local Importance (48.1 Acres)

N

0 0.075 0.15
Miles

Southern Appalachian Highlands Conservancy

Map by SAHC, October 2017



Full Sun Farm Contextual Map

- Full Sun Farm (+/-) 59 Acres
- SAHC Owned Property
- SAHC Conservation Easement
- SAHC Subject to Life Estate
- SAHC Reviewed Properties
- Buncombe County CE
- Margaret B. Duckett (+/-) 25 Acres
- County Boundary
- Land of Sky Trails

N

Southern Appalachian Highlands Conservancy

Map by SAHC, January 2020

Full Sun Farm I Aerial Map

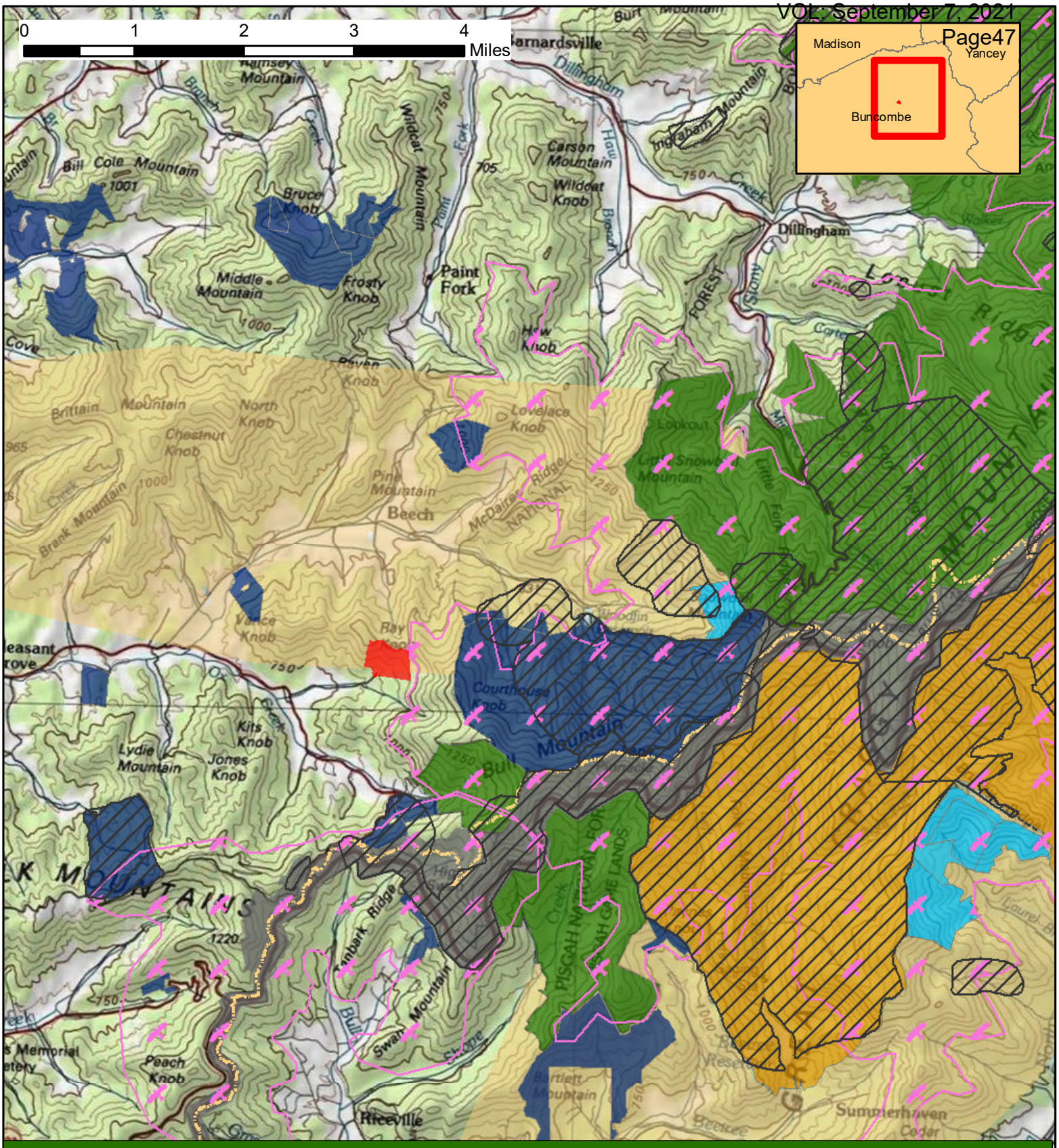
Full Sun Farm I +/- 31 Acres

Stream Corridors

N

0 400 800 1,200 Feet

Map by SAHC, February 2020



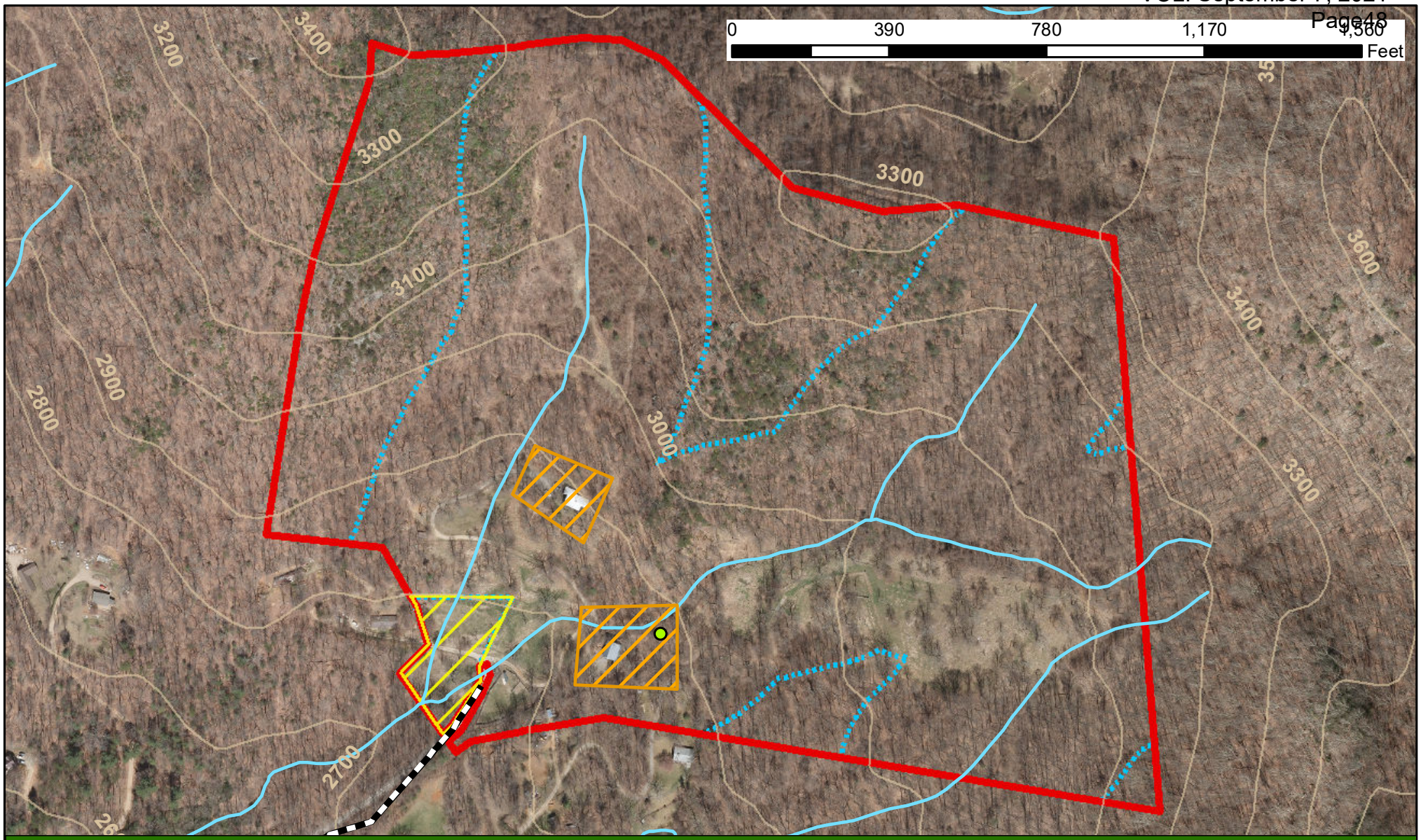
Ballard Cove - Leonard Wiener Property Contextual Map

- Ballard Cove Property: 59 Acres (+/-)
- SAHC Owned Property
- SAHC Conservation Easement
- US Forest Service
- Blue Ridge Parkway (NPS)
- Asheville Watershed
- Wildlands Network Corridors - Priority 1
- Natural Heritage Natural Area
- Important Bird Area
- Mountains To Sea Trail

N

Southern Appalachian Highlands Conservancy

Map by SAHC, May 2021



Ballard Cove - Leonard Wiener Property Aerial Map

- Ballard Cove Property: 60 Acres (+/-)
- Buildable Areas (Approximate): 1.87 ac (+/-)
- Excluded Area (Approximate): 1.18 ac (+/-)
- 300 Foot Stream Buffer
- Roads
- Stream Corridors
- Contour Lines
- Site of Future Shed (Approximate)

N

Southern Appalachian Highlands Conservancy

Map by SAHC, June 2021

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Public Hearings

Department: Legal **Presenter(s): Michael Frue**

Contact(s): Don Warn/Michael Frue

Subject: Public Hearing and Resolution for Retirement Facilities Revenue Bonds to be Issued by the Public Finance Authority for the Benefit of The Givens Estates, Inc. and Givens Highland Farms

Brief Summary: The Public Finance Authority (PFA) is a governmental unit of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. Any debt issued is not debt of the County or PFA, but rather is payable solely from debt service payments received from the entity involved (in this case, the Borrowers). Approximately 175 North Carolina projects have been financed by PFA.

PFA has been requested to issue the Bonds pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, in the principal amount of up to $70,000,000. The proceeds of the Bonds will be loaned to the Borrowers to be used to (1) finance (a) routine capital improvements to a continuing care retirement community located at 2360 Sweeten Creek Road Asheville, North Carolina 28803 and known as “Givens Estates” (such improvements, the “Givens Project”) and (b) the acquisition, construction and equipping of 66 new apartments, multipurpose facilities (including new dining venues), and other additional capital improvements and renovations to a continuing care retirement community located at 200 Tabernacle Road, Black Mountain, North Carolina 28711 and known as “Highland Farms” (such improvements, the “Highland Project,” and together with the Givens Project, the “Projects”), (2) finance interest on the Bonds during the construction of the Projects, and (3) pay certain costs related to the issuance of the Bonds. The Bonds will constitute “qualified 501(c)(3) bonds” within the meaning of Section 145(a) of the Code.
Wisconsin law and Federal tax law requires that tax exempt bonds issued to finance or, in certain circumstances, refinance, facilities owned by nonprofit organizations be approved

by the elected legislative body (or highest elected representative) of the governmental unit that has jurisdiction over the area in which the facility is to be located. Prior to this approval, Internal Revenue Code Section 147(f) requires that a public hearing be held, at which hearing the public is given the opportunity to comment on the Projects.
Because the proceeds of the Bonds will be used to refinance and finance the Projects, which are located in the County, the Board is one of the appropriate governing bodies to approve the use of tax-exempt bonds to refinance and finance the Projects for the purposes of Section 147(f) of the Code (otherwise we'd have to have public hearings in both Asheville and Black Mountain).

The Borrowers will promise to repay the principal, premium, if any, and interest on the Bonds. Neither PFA nor the County would have any liability whatsoever for the payment of principal or interest on the Bonds. The Bonds will be special limited obligations of PFA payable solely from the loan repayments to be made by the Borrowers to the PFA.
The Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County, but shall be payable solely from the revenues and other funds provided therefor.

The County will have no responsibility whatsoever for the Bonds. The Bonds will not affect the County's debt ratios or legal debt limit. Because no taxes or other revenues of the County will be pledged to pay these Bonds, the staff of the County has made no financial analysis of the Bonds, the Borrower or the Project.

Recommended Motion & Requested Action: Hold the Public Hearing and Approve the Resolution as presented.

County Manager's comments and Recommendation: Consider as presented.

Item Title: Public Hearing to Consider Approval, for Purposes of Meeting the Requirements of the Internal Revenue Code, of up to $70,000,000 in Retirement Facilities Revenue Bonds to be Issued by the Public Finance Authority for the Benefit of The Givens Estates, Inc. and Givens Highland Farms (the "Borrowers")

Specific Action Requested:

1. That the Board of Commissioners (the "Board") hold a public hearing on the proposed issuance of not to exceed $70,000,000 of the Bonds to be issued by the Public Finance Authority; and

2. At the conclusion of a public hearing, the Board adopt the attached resolution which finds:

    a. That the $70,000,000 in Retirement Facilities Revenue Bonds do not constitute a debt of the County; nor require a tax levy or a pledge of the faith and credit of the County; nor will affect the County's debt ratios or legal debt limit;

    b. That the County has made no financial analysis of the Bonds, of the Borrowers or of the projects financed and refinanced;

    c. Approve the issuance of not to exceed $70,000,000 in Retirement Facilities Revenue Bonds to be issued by the Public Finance Authority for the benefit of the Borrowers; and

    d. Reserving all rights with respect to zoning, planning, plans, specifications, inspections, etc. that the County would otherwise require.

Item Summary:

The Public Finance Authority (PFA) is a governmental unit of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. Any debt issued is not debt of the County or PFA, but rather is payable solely from debt service payments received from the entity involved (in this case, the Borrowers). Approximately 175 North Carolina projects have been financed by PFA.

PFA has been requested to issue the Bonds pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, in the principal amount of up to $70,000,000. The proceeds of the Bonds will be loaned to the Borrowers to be used to (1) finance (a) routine capital improvements to a continuing care retirement community located at 2360 Sweeten Creek Road Asheville, North Carolina 28803 and known as "Givens Estates" (such improvements, the "Givens Project") and (b) the acquisition, construction and equipping of 66 new apartments, multipurpose facilities (including new dining venues), and other additional capital improvements and renovations to a continuing care retirement community located at 200 Tabernacle Road, Black Mountain, North Carolina 28711 and known as "Highland Farms" (such improvements, the "Highland Project," and together with the Givens Project, the "Projects"), (2) finance interest on the Bonds during the construction of the Projects, and (3) pay certain costs related to the issuance of the Bonds. The Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code.

The Projects will be owned and operated by the Borrowers.

Wisconsin law and Federal tax law requires that tax exempt bonds issued to finance or, in certain circumstances, refinance, facilities owned by nonprofit organizations be approved by the elected legislative

body (or highest elected representative) of the governmental unit that has jurisdiction over the area in which the facility is to be located. Prior to this approval, Internal Revenue Code Section 147(f) requires that a public hearing be held, at which hearing the public is given the opportunity to comment on the Projects.

Because the proceeds of the Bonds will be used to refinance and finance the Projects, which are located in the County, the Board is one of the appropriate governing bodies to approve the use of tax-exempt bonds to refinance and finance the Projects for the purposes of Section 147(f) of the Code (otherwise we'd have to have public hearings in both Asheville and Black Mountain).

The Borrowers will promise to repay the principal, premium, if any, and interest on the Bonds. Neither PFA nor the County would have any liability whatsoever for the payment of principal or interest on the Bonds. The Bonds will be special limited obligations of PFA payable solely from the loan repayments to be made by the Borrowers to the PFA.

The Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County, but shall be payable solely from the revenues and other funds provided therefor.

The County will have no responsibility whatsoever for the Bonds. The Bonds will not affect the County's debt ratios or legal debt limit. Because no taxes or other revenues of the County will be pledged to pay these Bonds, the staff of the County has made no financial analysis of the Bonds, the Borrower or the Project.

The notice of public hearing (attached) was published in the *Citizen-Times* as required by law. The form of the resolution to be adopted by the Board is also attached.

A regular meeting of the Board of Commissioners of the County of Buncombe, North Carolina, was duly held on September 7, 2021 at 5:00 p.m. at 200 College Street, Room 326, Asheville, North Carolina 28801.

The following members were present:
Brownie Newman, Chairman
Jasmine Beach-Ferrara,
Commissioner
Amanda Edwards, Commissioner
Robert Pressley, Commissioner
Parker Sloan, Commissioner
Terri Wells, Commissioner
Al Whitesides, Vice Chair

The following members were absent:

* * * * * * * *

At approximately 5:29 p.m., the Chair announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority, a joint powers commission and governmental unit organized under Wisconsin law (the "*Authority*"), of its retirement facilities revenue bonds (the "*2021 Bonds*") in one or more series aggregating a principal amount not to exceed $70,000,000. The proceeds from the sale of the 2021 Bonds will be loaned to The Givens Estates, Inc. and Givens Highland Farms, LLC, each a North Carolina nonprofit corporation and organization described in Section 501(c)(3) of the Code and one or more of their related or affiliated entities (the *"Borrowers"*), and used to (1) finance (a) routine capital improvements to a continuing care retirement community located at 2360 Sweeten Creek Road Asheville, North Carolina 28803 and known as "Givens Estates" (such improvements, the *"Givens Project"*) and (b) the acquisition, construction and equipping of 66 new apartments, multipurpose facilities (including new dining venues), and other additional capital improvements and renovations to a continuing care retirement community located at 200 Tabernacle Road, Black Mountain, North Carolina 28711 and known as "Highland Farms" (such improvements, the *"Highland Project*,*"* and together with the Givens Project, the *"Projects"*), (2) finance interest on the 2021 Bonds during the construction of the Projects, and (3) pay certain costs related to the issuance of the 2021 Bonds. The 2021 Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code.

The Projects will be owned and operated by the Borrowers.

The 2021 Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrower to the Authority, and certain funds and accounts established by the bond agreement for the 2021 Bonds.

NEITHER THE COUNTY OF BUNCOMBE, NORTH CAROLINA, NOR THE STATE OF NORTH CAROLINA HAS ANY RESPONSIBILITY FOR THE PAYMENT OF THE PRINCIPAL OF, OR INTEREST ON, THE 2021 BONDS OR FOR ANY COSTS INCURRED BY THE BORROWERS WITH RESPECT TO THE 2021 BOND OR THE PROJECTS TO BE FINANCED OR REFINANCED. NEITHER THE COUNTY OF BUNCOMBE, NORTH CAROLINA, NOR THE STATE OF NORTH CAROLINA PLEDGES THEIR TAXING POWER OR REVENUES FOR THE 2021 BONDS. THE COUNTY OF BUNCOMBE, NORTH CAROLINA WILL HAVE NO RESPONSIBILITY WHATSOEVER FOR THE 2021 BONDS.

The Clerk to the Board presented an affidavit of an officer of *Citizen-Times*, showing publication on August 27, 2021, a date at least 7 days prior hereto, of notice of the public hearing. It was directed that the affidavit of publication be attached to this extract of minutes as **Exhibit A**.

The Chair inquired whether there were any persons who wished to speak at the public hearing. The names and addresses of the persons who were present and who offered comments on the proposed issuance of the 2021 Bonds to finance the projects financed and refinanced and a summary of their comments are listed on **Exhibit B**.

Commissioner Sloan moved that the following resolution, copies of which

having been made available to the Board, be adopted:

RESOLUTION NO. 21-09-12

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY (WISCONSIN) OF UP TO $70,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS RETIREMENT FACILITIES REVENUE BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING CERTAIN FACILITIES IN THE COUNTY OF BUNCOMBE, NORTH CAROLINA

WHEREAS, this Board of Commissioners today held a public hearing with respect to the proposed Retirement Facilities Revenue Bonds (the "*2021 Bonds*") to be issued by the Public Finance Authority in an amount not to exceed $70,000,000 on behalf of The Givens Estates, Inc. and Givens Highland Farms, LLC, each a North Carolina nonprofit corporation and organization described in Section 501(c)(3) of the Code (defined below) and one or more of their related or affiliated entities (the *"Borrowers"*), and used to (1) finance (a) routine capital improvements to a continuing care retirement community located at 2360 Sweeten Creek Road Asheville, North Carolina 28803 and known as "Givens Estates" (such improvements, the *"Givens Project"*) and (b) the acquisition, construction and equipping of 66 new apartments, multipurpose facilities (including new dining venues), and other additional capital improvements and renovations to a continuing care retirement community located at 200 Tabernacle Road, Black Mountain, North Carolina 28711 and known as "Highland Farms" (such improvements, the *"Highland Project*,*"* and together with the Givens Project, the *"Projects"*), (2) finance interest on the 2021 Bonds during the construction of the Projects, and (3) pay certain costs related to the issuance of the 2021 Bonds. The 2021 Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code (defined below);

WHEREAS, in order for the 2021 Bonds to be tax-exempt, Federal tax law (specifically, Section 147(f) of the Internal Revenue Code, as amended (the "*Code*")) requires the governing body of the governmental unity having jurisdiction of the area in which a bond financed project is located to approve the issuance of the 2021 Bonds after a public hearing;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of a political subdivision within whose boundaries the project is to be located;

WHEREAS, the Borrower has requested that the Board of Commissioners of the County of Buncombe, North Carolina approve the refinancing and financing of the Projects and the issuance of the 2021 Bonds in order to satisfy the requirements the Code and of Section 4 of the Amended and Restated

Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "*Joint Exercise Agreement*"), and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, County of Buncombe taxpayers will have no responsibility for payment of the 2021 Bonds;

NOW, THEREFORE, the Board of Commissioners of the County of Buncombe, North Carolina, resolves as follows:

Section 1. The Board of Commissioners of the County of Buncombe, North Carolina, hereby approves approve the refinancing and financing of the Projects and the issuance of the 2021 Bonds, all in the principal amount of not to exceed $70,000,000. It is the purpose and intent of the Board of Commissioners that this resolution constitute approval of the issuance of the 2021 Bonds by the County of Buncombe, North Carolina, which is one of the governmental units having jurisdiction over the areas in which the respective projects located, in accordance with the Code and with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. THE COUNTY OF BUNCOMBE HAS NO RESPONSIBILITY FOR THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THE 2021 BONDS OR FOR ANY COSTS INCURRED BY THE BORROWERS WITH RESPECT TO THE 2021 BONDS OR THE PROJECTS FINANCED OR REFINANCED THEREWITH. THE COUNTY PLEDGES NEITHER ITS TAXING POWER NOR REVENUES FOR THE 2021 BONDS.

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF BUNCOMBE)

I, LAMAR JOYNER, Clerk to the Board of Commissioners of the County of Buncombe, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY (WISCONSIN) OF UP TO $70,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS RETIREMENT FACILITIES REVENUE BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING CERTAIN FACILITIES IN THE COUNTY OF BUNCOMBE, NORTH CAROLINA**" adopted by the Board of Commissioners of the County of Buncombe, North Carolina at a meeting held on September 7, 2021.

Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

EXHIBIT A

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
WITH RESPECT TO
NOT TO EXCEED $70,000,000
RETIREMENT FACILITIES REVENUE BONDS**

Notice is hereby given that on September 7, 2021, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the ***"Code"***), will be held by the Board of Commissioners of the County of Buncombe, North Carolina with respect to the proposed issuance of retirement facilities revenue bonds (the ***"Bonds"***), in an aggregate principal amount not to exceed $70,000,000.00 by the Public Finance Authority (the ***"Authority"***). The hearing will commence at 5:00 p.m. or as soon thereafter as the matter can be heard, and will be held at 200 College Street, Room 326, Asheville, North Carolina 28801.

The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, as amended. The proceeds from the sale of the Bonds will be loaned to The Givens Estates, Inc. and Givens Highland Farms, LLC, each a North Carolina nonprofit corporation and organization described in Section 501(c)(3) of the Code and one or more of their related or affiliated entities (the ***"Borrowers"***), and used to (1) finance (a) routine capital improvements to a continuing care retirement community located at 2360 Sweeten Creek Road Asheville, North Carolina 28803 and known as "Givens Estates" (such improvements, the ***"Givens Project"***) and (b) the acquisition, construction and equipping of 66 new apartments, multipurpose facilities (including new dining venues), and other additional capital improvements and renovations to a continuing care retirement community located at 200 Tabernacle Road, Black Mountain, North Carolina 28711 and known as "Highland Farms" (such improvements, the ***"Highland Project,"*** and together with the Givens Project, the ***"Projects"***), (2) finance interest on the Bonds during the construction of the Projects, and (3) pay certain costs related to the issuance of the Bonds. The Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code.

The Projects will be owned and operated by the Borrowers. The maximum principal amount of Bonds to be issued to finance the Givens Project will not exceed $25,000,000. The maximum principal amount of Bonds to be issued to finance the Highland Project will not exceed $55,000,000.

The Bonds will be special limited obligations of the Authority payable solely from the loan repayments to be made by the Borrowers to the Authority, and certain funds and accounts established by the bond documents for the Bonds.

The public hearing will provide an opportunity for all interested persons to express their views, both orally and in writing, on the proposed issuance of the Bonds and the Projects to be financed. Any person interested in the issuance of the Bonds and the Projects to be financed may appear and be heard or submit written comments. Any person wishing to submit written comments regarding the proposed issuance of the Bonds and the Projects to be financed should do so prior to August 16, 2021, by mailing such written comments to the Clerk to the Board's Office, 200 College Street, Asheville, North Carolina 28801. This notice is given pursuant to the provisions of Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Authority. Additional information concerning the Bonds and the Projects to be financed may be obtained from Jeffrey A. Poley, Esq., 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601; Phone (919) 835-4659; Email Address: jeffpoley@parkerpoe.com.

COUNTY OF BUNCOMBE, NORTH CAROLINA

By: Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

EXHIBIT B

CERTIFICATE AND SUMMARY

The undersigned Clerk to the Board of the County of Buncombe, North Carolina, hereby certifies:

1. Notice of a public hearing to be held on September7, 2021, with respect to the issuance of bonds by the Public Finance Authority (the "*Authority*") for the benefit of The Givens Estates, Inc. and Givens Highland Farms, LLC, each a North Carolina nonprofit corporation, was published on August 27, 2021 in the *Citizen-Times*.

2. The presiding officer was the Chair of the Board of Commissioners.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing: Don Yelton

4. The following is a summary of the oral comments made at the Hearing: none

IN WITNESS WHEREOF, my hand this September 7, 2021.

Lamar Joyner
Clerk to the Board of County Commissioners
County of Buncombe, North Carolina

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

Public Hearings

Department: Planning & Development

Presenter(s): Matthew Cable, Andrew Mayronne **Contact(s):** Matthew Cable

Subject: Community Development Block Grant Neighborhood Revitalization

Brief Summary:

The North Carolina Department of Commerce's Rural Economic Development Division (REDD) is administering Community Development Block Grant (CDBG) funds awarded to the State by the US Department of Housing and Urban Development (HUD). A portion of these funds are awarded through the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program.

CDBG-NR grants of up to $750,000 are available to local governments. CDBG-NR funds can be used for a variety of different activities in support of REDD's three livability principles: (1) to promote equitable, affordable housing; (2) support existing communities; and (3) value communities and neighborhoods. Eligible activities must meet one or more of the CDBG federal statutes listed national objectives: (1) benefit low-and-moderate income (LMI) persons; and/or (2) prevent or eliminate slums or blight. CDBG-NR eligible activities include: community revitalization, housing rehabilitation, scattered-site housing, public facilities, housing development, and water and sewer connections to existing housing.

Buncombe County must have a Board of Commissioners' adopted citizen participation plan. The plan provides citizens access to information and participation in all project stages.

This is the first of two public hearings required as part of the CDBG-NR application. At this hearing, staff will provide information about the program, and the public is invited to share input on the development of the application. The Board of Commissioners will consider the application at a second public hearing to be scheduled at a later date.

Recommended Motion & Requested Action:

1. Adopt the Resolution to Approve CDBG-NR Citizen Participation Plan; then
2. Hold the public hearing

County Manager's Comments and Recommendation:

Recommend approval

RESOLUTION #21-09-13

RESOLUTION APPROVING BUNCOMBE COUNTY CDBG-NR CITIZEN PARTICIPATION PLAN

WHEREAS, Buncombe County is in the process of preparing applications for grants through the North Carolina Community Development Block Grant (CDBG) Neighborhood Revitalization Program;

WHEREAS, program requirements require each applicant and recipient shall provide citizenswith an opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of the program;

WHEREAS, further, each applicant for CDBG-NR funds shall develop and adopt, by resolution of theirgoverning board, a written citizen participation plan developed in accordance with applicable rules; and

WHEREAS, Planning and Development Community Development Division has drafted a citizen participation plan and requests its adoptionby the Board.

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

1. That the Buncombe County CDBG-NR Citizen Participation Plan included with this agendaitem is hereby adopted, and the Chairman is authorized to execute said Plan.

2. That all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

3. That this resolution shall be effective upon its adoption.

This the 7th day of September, 2021.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

BY _____
Brownie Newman, Chairman

Approved as to form:

County Attorney

BUNCOMBE COUNTY CDBG-NR CITIZEN PARTICIPATION PLAN

This plan describes how Buncombe County will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) program. The funds must be used for projects which benefit low and moderate-income persons, aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the CDBG-NR program, including program implementation, assessment of performance, and design of changes in the CDBG-NR Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To provide input during public hearings or community meetings; and
2. To provide individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Program Administrators or designated County official; and
3. To serve as an advisory committee to potential projects impacting a particular area.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will occur primarily through consultation with the County. The County will be asked to review and comment on specific guidelines for approved projects. They will also meet to review any program amendments, budget revisions, and program modifications. All such changes will be discussed with the County and their comments considered prior to acting. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held, specifically on the amendment. Citizens may also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

PROGRAM ASSESSMENT

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held twenty-five (25) to sixty (60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

As a part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance through the program year. Comments should be submitted in writing to Buncombe County Planning and Development Department, Community Development Division, 46 Valley Street, Asheville NC, 28801. They will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to the Chair of the Board of Commissioners c/o the Clerk to the Board, 200 College Street, Suite 300, Asheville NC, 28801. They shall respond within ten (10) days.

If the citizen is still dissatisfied, the citizen should write to the NC Department of Commerce, Rural Economic Development Division/State CDBG Program, 4346 Mail Service Center, Raleigh, NC 27699-4346, Attention: Citizen Participation Matter. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints at (919) 814-4663.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to Buncombe County. Such assistance will support citizen efforts to develop proposals, define policy, and organize for the implementation of the program. It is expected that such assistance will be provided by the County of Buncombe in response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

Buncombe County will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location, and topics to be considered. These notices will also be made available in the form of a press release, posted on the Buncombe County website, posted on Buncombe County social media, and posted at publicly accessible Buncombe County facilities as appropriate.

2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG-NR funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program; and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions, and contracting procedures.

3. A Public File containing program documentation will be available for review at the Buncombe County Planning and Development Community Development Division Office located at 46 Valley Street, Asheville NC, 28801 during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan, and the Annual Performance Report. Other program documents are also available for citizen review on request at the Buncombe County Planning and Development Community Development Division Office, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals.

ADOPTED, this 7th day of September, 2021.

_____	_____
Unit of Local Government Chief Elected Official	*Unit of Local Government Authorized Signer*
Buncombe County	*Buncombe County*

CDBG-NR

Presented by

Matthew Cable & Andrew Mayronne

Planning & Development Department
Community Development Division

September 7, 2021

COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION

- Federal funds awarded to the State through US Department of Housing and Urban Development (HUD)*
- Administered by North Carolina Department of Commerce - Rural Economic Development Division (REDD)

*Designated Urban Counties and Entitlement Communities, including City of Asheville, receive direct allocations from HUD.

FUNDING & ELIGIBILITY

- **$10 million** = Funds available across North Carolina
- **$750,000** = Maximum Award Amount (No Minimum)
- **30 Months** = Project Period
- **Eligible Applicants** = Non-Entitlement Communities (incorporated municipalities under 50,000 persons and counties under 200,000 persons)
- **Eligible Use Area =** Outside the City of Asheville
- **Application =** Competitive
- **October 14, 2021** = Application Deadline

STATE REDD LIVABILITY PRINCIPLES

- Activities that:
  - Promote equitable, affordable housing;
  - Support existing communities; and/or
  - Value communities and neighborhoods.

NATIONAL OBJECTIVES

- Activities that:
  - Benefit low-and-moderate income (LMI) persons; and/or
  - Prevent or eliminate slums or blight.

ELIGIBLE ACTIVITIES

- **Community Revitalization:** Production of community infrastructure and public improvements, often in the form of pedestrian paths, bike paths, parks, playgrounds, greenways, and flood and drainage improvements.
- **Housing Rehabilitation:** Repair or replacement work focused on low-income homeowners. Homes must be brought up to HUD and REDD standards, and comply with lead-based paint requirements. Rehabilitation is more extensive than traditional emergency repair work and can extend to full home replacement.

ELIGIBLE ACTIVITIES

- **Scattered-Site Housing:** Housing production or substantial repair not tied to a specific geographic area but to low-income populations.
- **Housing Development:** Supports infrastructure for housing developments that result in the creation of single-family homeownership or multifamily rentals for low-income households. Funding cannot exceed $50,000 per home or $25,000 per rental unit.

ELIGIBLE ACTIVITIES

- **Public Facilities:** Supports places open to the public that offer services traditionally provided by the government or a nonprofit. This can include design or efficiency improvements to existing facilities and the creation or improvement of shelters or recreational facilities.
- **Water and Sewer Connections to Existing Housing:** Can be used to extend existing water and sewer infrastructure to low-income and moderate-income owned properties. Manufactured homes are eligible.

OTHER PROGRAM REQUIREMENTS

- Activities must meet HUD regulations for eligibility
- May not include ineligible activities
- Administrative costs are limited to 10% of the award total
- No matching funds are required
- Subject to Code of Federal Regulations, including subrecipient compliance
- Direct (project-based) activities must benefit 100% low-income and moderate income (LMI) persons
- Area-wide benefits (community-based, like infrastructure and public facilities) must benefit at least 51% low-income and moderate income (LMI) persons

PROPOSED APPLICATION SCHEDULE

- **July 19:** Notice of application opening
- **September 7:** Public hearing on project design
- **October 5:** Public hearing on application/approval of application
- **October 14:** Application due
- **December 10:** Award notification anticipated
- **January 4:** Implementation to begin, including budget amendment

CDBG CITIZEN PARTICIPATION PLAN

- Requires Board approval
- Outlines mechanisms for public involvement in County CDBG-NR grants, including:
  - Public hearings
  - Individual comment, complaint or inquiry
  - Participation on advisory committee, if formed
- Describes how public information is distributed and maintained for public inspection

REQUESTED BOARD ACTION

- Adopt the Resolution to Approve CDBG-NR Citizen Participation Plan
- Hold the public hearing

Permits and Inspections Update

Presented by

Bob Haynes

Permits & Inspections

Technology Upgrades

- Electronic plan review for commercial projects
  - Launched January 26th, 2021
  - Reduced 9,000 pages of paper
- Online inspection scheduling
  - Launched Aug. 23rd
  - Reduced phone calls by 50%, allowing inspectors to focus on Plan Review
- Virtual inspections
  - Available for all types of inspections
  - Reduces drive time

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

New Business

Department: Human Resources **Presenter(s): Sharon Burke**

Contact(s): Sharon Burke

Subject: FY2022 Insurance Changes

Brief Summary:

The County's Insurance Broker USI conducted an analysis of our health insurance plan and ancillary offerings. The following recommendations were made: increase out of pocket maximums and deductibles for our health insurance; sunset PPCN and replace it with the Plan Member Advocate program and an Autoimmune Support program.

Recommended Motion & Requested Action:

Approve the plan and changes as presented.

County Manager's comments and Recommendation:

County Manager recommends approval.

Health Plan Update
September 7th, 2021

Agenda

Changes for Calendar Year 2022

- Medical Plan – out of pocket costs
- Health Risk Assessment changes
- Sunset PPCN Condition Care
- New Wellness Program offerings

Employee Contributions: CY2022

HRA	Standard Plan	Buy-Up Plan	Core Plan
Employee	$26.65	$37.31	$21.32
Employee & Spouse	$69.29	$90.61	$53.30
Employee & 1 Child	$42.64	$85.28	$42.64
Employee & Children	$74.62	$101.27	$69.29
Employee & Spouse & Child(ren) (Family)	$74.62	$101.27	$69.29

NO HRA	Standard Plan	Buy-Up Plan	Core Plan
Employee	$53.30	$74.62	$42.64
Employee & Spouse	$138.58	$181.22	$106.60
Employee & 1 Child	$85.28	$170.56	$85.28
Employee & Children	$149.24	$202.54	$138.58
Employee & Spouse & Child(ren) (Family)	$149.24	$202.54	$138.58

Out of Pocket Costs: CY2022

2021		Standard	Buy-Up	Core
Deductible	Individual	$300	$400	$650
	Family	$600	$750	$1,000
Co-Insurance		5%	20%	30%
Out of Pocket Max	Individual	$750	$1,150	$1,900
	Family	$1,500	$2,500	$3,750

2022		Standard	Buy-Up	Core
Deductible	Individual	$525	$600	$750
	Family	$1,050	$1,200	$1,500
Co-Insurance		5%	20%	30%
Out of Pocket Max	Individual	$1,375	$1,600	$2,250
	Family	$2,750	$3,200	$4,500

HRA High Risk Factors– CY 2022

Change the Health Risk Assessment Risk Factors from 7 possible high risks to only 5 possible high risks.

The proposed 5 are:

- BMI
- Glucose
- Triglycerides
- Blood Pressure (combining Systolic and Diastolic into one)
- Cholesterol ratio (combining HDL and LDL into one ratio)

HRA Follow-Up Visits –CY 2022

- In July, USI recommended the following number of Follow-Up visits:

Risk Factors	Follow Up Visits Required
0 -1 High Risk Factors	No follow up visits
2 High Risk Factors	Two (2)
3 or more High Risk Factors	Three (3)

- **After receiving employee feedback**, management will make the following change to the original recommendation:

Risk Factors	Follow Up Visits Required
0 -1 High Risk Factors	No follow up visits
2 High Risk Factors	Two (2)
3 or more High Risk Factors	Two (2)

Sunset of PPCN Condition Care

- In July, USI recommended the termination of our contract with PPCN Condition Care as of 12/31/2021.

- **After receiving employee feedback**, management will keep the Value Based Drug program that gives current Condition Care participants a discount on select pharmacy and equipment costs.

  - Participants will need to engage with our new Plan Member Advocate program as well as our Employee & Family Health Clinic, to receive this discount.

- The $250 incentive for participation will no longer be issued.

New Wellness Programs – CY2022

- With the sunset of the PPCN Condition Care program, Buncombe County will be implementing 2 new programs to provide specialized support to our employees and their dependents.

- The new **Plan Member Advocate** program will provide a dedicated Advocate (RN/CCM), giving needed support for member and their families. This will be someone who can help you navigate the healthcare system.

- The new **Autoimmune Support** program will be an optional program that will assist employees and family members with autoimmune disorders.

Benefit Year 2023 (CY2023)

- In the Spring of 2019, changes were introduced to all employees for Calendar Years: 2020, 2021, 2022 & 2023.

- Management **received employee feedback** concerning the proposed changes to the health insurance plans for 2023.

- Presentations were provided to staff to receive their feedback for necessary plan adjustments for CY2023.
  - All feedback will be taken into consideration. Further analysis is required.
  - The results of your HRA from this October may impact your premium rate for CY2023 if we proceed with a three tier premium in CY2023.

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

New Business

Department: Finance **Presenter(s):** Ron Venturella

Contact(s): Ron Venturella

Subject: Prequalification of Bidders for Construction or Repair Projects Policy

Brief Summary:
There is a need to occasionally prequalify bidders when a project is outside of normal construction. Prequalification ensures potential bidders meet certain standards before being allowed to submit proposals or participate in actual solicitation processes. North Carolina General Statute 143-135.8 allows for the prequalification of bidders for construction and repair contracts as long as a policy is in place approved by the governing board.

Recommended Motion & Requested Action:
Approve Prequalification of Bidders for Construction or Repair Projects policy as presented.

County Manager's comments and Recommendation:
Recommends approval.

RESOLUTION #21-09-14

RESOLUTION ADOPTING POLICY ON
PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION OR REPAIR PROJECTS

WHEREAS, North Carolina General Statutes §143-135.8 authorizes a local government entity to adopt a prequalification policy for particular construction and repair projects provided the conditions of said statute are met;

WHEREAS, prequalification is a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work;

WHEREAS, a local government may prequalify bidders for a particular construction or repair work project when all of the following apply:

(1) The governmental entity is using a single-prime, separate-prime, or dual bidding project method;
(2) The board or governing body of the governmental entity adopts an objective prequalification policy applicable to all construction or repair work prior to the advertisement of the contract for which the governmental entity intends to prequalify bidders;
(3) The governmental entity has adopted the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project;

WHEREAS, the draft Policy on Prequalification of Bidders for Construction or Repair Projects is designed to meet these standards and policy requirements; and

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to adopt this Policy on Prequalification of Bidders for Construction or Repair Projects.

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

1. That this Board hereby adopt this Policy on Prequalification of Bidders for Construction or Repair Projects.

2. That this resolution shall be effective upon its adoption.

This the 7th of September, 2021.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

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1. **Purpose**

North Carolina General Statute 143-135.8 allows for the prequalification of bidders for any construction or repair project undertaken by a governmental entity when the board or governing body adopts an objective prequalification policy.

The purpose of this prequalification process is to impartially evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a construction project. The award of contracts should be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and, skillful and safe performance of public contracts.

2. **Applicability**

The County may utilize this policy as needed for construction and repair projects when using either Separate-prime bidding, Single-prime bidding, or Dual bidding as listed in G.S. 143-128(a1)(1) through 143-128(a1)(3). If a grant funded project has specific procedures or polices the County shall follow those if required.

This policy applies to all Buncombe County departments and employees. Where there is conflict with any department-specific policy, this document will supersede.

3. **Policy**

3.1. Application

Each prospective bidder on contracts (also called "firm" or "applicant" below) identified for prequalification by the Bid Agent shall apply on the approved prequalification application form in order to become prequalified. The process for awarding first tier subcontractors by construction managers pursuant to the Construction Manager at Risk ("CM at Risk") process shall follow guidelines and forms laid out in the North Carolina State Construction Manual.

3.1.1. The prequalification application form will require information to be provided on the ownership of the firm, experience of firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work

performed by the firm, and other objective criteria rationally related to the particular contract to be awarded.

3.1.2. The Bid Agent shall ensure that applications prepared for the projects comply with this policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not automatically permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the County.

3.1.3. The Bid Agent shall solicit directly for the prequalification vendors certified by the State Office of Historically Underutilized Businesses (HUB), along with those that have identified themselves as a Woman or Minority-Owned Business Enterprise (WMBE) with the County, and provide the services needed for the project. This should be done in addition to any other processes or advertisements used to identify and solicit potential bidders.

3.2. Assessment and Scoring of Applications

The prequalification application form, assessment tool and criteria scoring system shall be developed and adopted by the General Services Director for each General Services Department project and by the County Manager or designee for each specific project of other County departments. The assessment tool will include the prequalification scoring values and minimum required score for prequalification on that project. The application shall, at a minimum, address the following items:

3.2.1. *Organizational Structure* - The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent, conduct business, or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form. Firms experiencing changes in ownership, organizational structure, or material changes in assets must inform the Bid Agent prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the County.

3.2.2. *Classification* - The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure, and other pertinent information.

3.2.3. *Experience* - The firm shall furnish a history documenting experience with projects of similar size, scope, or complexity involving the type(s) of work for which prequalification is requested.

3.2.4. *Litigation/Claims* - The firm will be required to submit information regarding its litigation history, including litigation with owners and subcontractors.

3.2.5. *Timeliness* - Firms must provide information on its success at completing projects on time, including the payment of liquidated damages.

3.2.6. *Capacity* - Firms shall demonstrate sufficient bonding capacity, insurance and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work.

3.2.7. *Safety* - Firms shall also demonstrate an acceptable safety history. Firms must provide copies of any complaints, safety violations or reports from the North

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Carolina Qualifications Board, OSHA, or any other regulating agency associated with any construction project.

3.2.8. *Legal Authorization* - The Applicant must provide a copy of their North Carolina Contractor's License. If a statement is required, the Applicant shall identify the states in which they are licensed for this type ofwork.

3.3. Prequalification Committee

The Project Manager shall establish a Prequalification Committee for each project to review and score applications submitted by the firms to determine the prequalification eligibility.

3.3.1. *Review of Applications* - The Prequalification Committee shall use an objective assessment process and criteria for that specific project.

3.3.1.1. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the County.

3.3.1.2. The prequalification criteria used by the Prequalification Committee shall include prequalification scoring values and the minimum required score to be prequalified for the project.

3.3.1.3. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

3.3.2. *Notice of Decision* - All firms that submitted applications for prequalification shall be promptly notified of the prequalification committee's decision, including the reason for denial if applicable, via e-mail. Notice shall be provided prior to the advertisement of bids for the project and with sufficient time for the firm to protest the denial of prequalification.

3.3.3. *Informal Meeting* - Upon denial, the applicant may request an informal meeting with the County to receive feedback and suggestions for improvement.

3.3.4. *Protest* - Firms wishing to protest the decision shall follow the protest process described below.

3.4. Protests

The firm may protest the denial of prequalification as noted below.

3.4.1. General Rules for Protests

3.4.1.1. Firms submitting prequalification applications shall be provided an e-mail address for communication with the Project Manager during the protest process.

3.4.1.2. The firm shall provide at least two e-mail addresses for use by the Project Manager in communicating with the firm. All decisions related to protests or administrative review will be communicated to the firm via e-mail.

3.4.1.3. All written protests or requests for administrative review shall clearly identify the project and the Project Manager, clearly articulate the reasons for the review, and attach any documents or additional information in support of the firm's position.

3.4.1.4. The bid opening cannot occur until the protest process is completed. The bid opening must be scheduled in order to allow sufficient time for a bidder that

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is prequalified as a result of a protest to submit a bid on that project. Bids received from firms who have been ruled disqualified to bid shall not be opened.

3.4.1.5. A firm's failure to comply with any requirements of the protest procedures of this section shall result in the firm's protest being terminated and considered resolved.

3.4.2. Initial Protest

3.4.2.1. A written protest must be received by the Project Manager, or designee, within two business days of notice of denial. The Project Manager, or designee, will contact the firm and set up a date and time to discuss the protest.

3.4.2.2. If upon review, the Project Manager, or designee, determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project, and allowed to participate in the bid process.

3.4.2.3. If the Project Manager, or designee, upholds the denial, the firm shall be notified in writing by e-mail.

3.4.3. Request for Administrative Review (Final Protest)

3.4.3.1. If the firm desires further review after receiving the decision of the Project Manager, the firm may request an administrative review and final decision by the County Manager or designee. A written request for administrative review must be received by the County Manager or designee within two business days of the firm's receipt of the decision from the Project Manager, or designee. The County Manager or designee will contact the firm and set up a date and time for the administrative review.

3.4.3.2. If, upon review, the County Manager or designee determines that the firm meets the criteria for prequalification, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process.

3.4.3.3. If the County Manager or designee upholds the denial, the firm shall be notified in writing by e-mail. The decision of the County Manager or designee on the protest shall be final.

4. **Policy Non-Compliance**

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

6. **Definitions**

6.1. *Bid Agent* – Person assigned the responsibility to prepare the request for qualification, bid, and contract documents, advertise bids and proposals, and open bids for contracts under the direction of the Project Manager. The Bid Agent may be an employee of the County or a professional services consultant retained by the County under an approved contract.

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6.2. *Prequalification* – A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary for the faithful performance of a contract for construction or repair work.

6.3. *Project Manager* – Employee of the department responsible for a construction, repair, or purchasing project requiring a contract who shall be assigned the responsibility for managing the project and representing the department in matters relating to the project.

7. **Approval and Revision History**

Policy Origination Date:	September 7, 2021
Requires Board Approval:	☒Yes ☐No
Board Approval Date:	September 7, 2021
Revision History Dates:	09/07/2021 – Original Document
Revision History Changes:	

References: NC GS 143-128.1(c) & NC GS 143-135.8

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Policy
Prequalification of Bidders for Construction or Repair Projects

Presented by

Ron Venturella

Finance

September 7, 2021

Background/Need

- **Solid Waste has requested to prequalify bidders** for construction of Cell 7 at the County Landfill.

- North Carolina **General Statutes require a policy** to be in place before bidders can be prequalified for a construction project.

  * G.S. 143-135.8

- Currently, **BC does NOT have policy** in place to allow for this type of process.

Benefit

- Allows the County to determine if a contractor has the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work before bidding begins. *G.S. 143-135.8(f)(2)

Policy Overview
Key Points

- This is not to pick the most qualified but to determine which firms meet a minimum criteria to bid on a project.

- Two Step Process
  - Firms are prequalified to bid on a construction project.
  - Those that meet the prequalification then can bid on the project. Which is awarded to the lowest bidder.

Policy Overview
Key Points

- Policy is voluntary
  - Departments may use on project-by-project basis
  - Only impacts construction and repair projects

- Provides guidance
  - Application Requirements
  - Assessment Process
  - Protest Denial Procedures

Policy Overview
Key Points

- Appeals Process
  - Two opportunities to appeal or protest a denial
    - Initial protest
    - Administrative review (final protest)
  - Administrative review by County Manager
    - Outside of the selection committee

Policy Overview
Equity & Inclusion

- Directly addresses equity and inclusion
  - Must solicit HUB and County-registered WMBEs
  - Aligns with Strategic Plan / Equity Action Plan / Finance Business Plan

Creation Process

- Drafted
  - Procurement
  - General Services
- Employee Policy Committee
- MAG (Management Advisory Group)
- Department Head Review
  - General Services, Solid Waste, Ag. & Land Resources, Parks & Rec

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

New Business

Department:
Budget

Presenter(s):
Jennifer Barnette, Budget

Contact(s): Sheriff Quentin Miller
Lynn Smith, BCSO Business Administrator
Elizabeth Russell, BCSO Grant Specialist

Subject: DWI Taskforce Grant FY2022

Brief Summary:
In FY2021, the Buncombe County Sheriff's Office was awarded $408,580 through the NC Governor's Highway Safety Program DWI Taskforce Grant (DWI Taskforce Grant). The FY2021 award funded three (3) new sworn LEO positions and three (3) new vehicles. Under the terms of the grant, the County was eligible to reapply for a second year of funding with a 15% County match requirement.

The County has been awarded $221,241 to extend three (3) sworn LEO positions for one year through September 30, 2022, with a required County contribution of $42,453. The total cost for the three positions and associated travel & training is $263,694.

The budget amendments:

1) Establish the $263,694 budget for the FY2022 grant
2) Extend three (3) grant funded positions, as long as grant funding is available and costs do not exceed the noted County contribution
3) Transfer $42,453 from the Sheriff's Office existing General Fund budget to cover the County match

No new county funds are required.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #21-09-15

BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Grants Projects outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Granting Agency:	NC Governor's Highway Safety Program
Grant Name:	DWI Taskforce Grant FY2022

Description:
In FY2021, the Buncombe County Sheriff's Office was awarded $408,580 through the NC Governor's Highway Safety Program DWI Taskforce Grant (DWI Taskforce Grant). The FY2021 award funded three (3) new sworn LEO positions and three (3) new vehicles. Under the terms of the grant, the County was eligible to reapply for a second year of funding with a 15% County match requirement.

The County has been awarded $221,241 to extend three (3) sworn LEO positions for one year through September 30, 2022, with a required County contribution of $42,453. This amendment establishes the grant budget of $263,694.

Funding Source:
$221,241 awarded through the NC Governor's Highway Safety Program
$42,453 transferred from the Sheriff's Office existing General Fund budget (no new county funds)

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 327 - DWI Taskforce Grant FY2021	$ 263,694	$ 263,694
TOTAL	$ 263,694	$ 263,694

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: _____
Chairman of the Board

ORDINANCE #21-09-16

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: September 7, 2021

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of September, 2021.

Requesting Department: Department
Budget Amendment Item: Item

Description:
In FY2021, the Buncombe County Sheriff's Office was awarded $408,580 through the NC Governor's Highway Safety Program DWI Taskforce Grant (DWI Taskforce Grant). The FY2021 award funded three (3) new sworn LEO positions and three (3) new vehicles. Under the terms of the grant, the County was eligible to reapply for a second year of funding with a 15% County match requirement.

The County has been awarded $221,241 to extend three (3) sworn LEO positions for one year through September 30, 2022, with a required County contribution of $42,453. This amendment transfers the County contribution from the Sheriff's Office existing General Fund budget.

Funding Source:
$221,241 awarded through the NC Governor's Highway Safety Program
$42,453 transferred from the Sheriff's Office existing General Fund budget (no new county funds)

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 100 - Function: Public Safety - Cost Center: Sheriff's Office		$ (42,453)
Fund 100 - Function: Other Financing Sources and Uses - Cost Center: Interfund Transfers		$ 42,453
TOTAL	$ -	$ -

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: _____
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/7/2021

New Business

Department:
Budget

Presenter(s):
Jennifer Barnette, Budget

Contact(s): Jennifer Barnette, Budget

Subject: FY2021 Budget Carryforwards

Brief Summary:
The attached ordinance provides information regarding departments that have requested FY2021 budgets in the amounts indicated to be carried forward into FY2022 for the following reasons: Programmatic dollars that are required to be accounted for and used for specific purposes as defined by federal or state eligibility; purchases were made however due to shipping or vendor delays the products were not delivered prior to June 30, 2021; services were obligated in FY2021 however unable to be completed prior to June 30, 2021 and economic development incentives where incentive grant disbursement has not been requested by fiscal year end.
The total amounts to be carried forward by fund are as follows:
General Fund = $1,361,413
Mountain Mobility Special Revenue Fund = $707,739
Solid Waste Enterprise Fund = $247,046

Recommended Motion & Requested Action:
Approve budget ordinance amendments

County Manager's Comments & Recommendation:
County Manager recommends as presented

BUNCOMBE COUNTY
BUDGET CARRYFORWARD ORDINANCE
FISCAL YEAR 2021 – 2022

BE IT ORDAINED by the Board of County Commissioners of Buncombe County, North Carolina this the 7th day of September, 2021:

Section 1: The departments indicated below have requested FY2021 budgets in the amounts indicated to be carried forward into FY2022 for the following reasons:
Programmatic dollars that are required to be accounted for and used for specific purposes as defined by federal or state eligibility;
Purchases were made however due to shipping or vendor delays the products were not delivered prior to June 30, 2021;
Services were obligated in FY2021 however unable to be completed prior to June 30, 2021;
Or economic development incentives where incentive grant disbursement has not been requested by fiscal year end.
The following amounts are hereby appropriated and revenues estimated to be available in the General Fund for the operation of the County government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

FUND:	**APPROPRIATION**	**REVENUE**
General		
Agriculture and Land Resources: Office Expenses	$ 9,927	
Cooperative Extension: Office Expenses	4,915	
Detention Center: Office Supplies	11,298	
Detention Center: Medical Supplies	25,805	
Division of Social Services: Program Support	244,671	
Economic Development: Program Support	761,343	
Emergency Services: Equipment	17,575	
Emergency Services: Program Support	6,181	
Fleet Services: Capital Outlay	41,244	
General Services: Contract and Professional Services	10,000	
General Services: Maintenance and Repair	186,810	
General Services: Utilities	7,052	
Information Technology: Information Technology	6,250	
Information Technology: Contract and Professional Services	19,515	
Pre-K: Program Support	6,545	
Public Safety Training Center: Uniforms	2,282	
Total Appropriation	**$ 1,361,413**	
Appropriated Fund Balance		$ 1,324,310
State Grants		37,103

Total Revenue		**$ 1,361,413**

FUND	**APPROPRIATION**	**REVENUE**
Mountain Mobility Special Revenue Fund:		
Transportation: Vehicle Expense	$ 3,015	
Transportation: Office Expenses	10,182	
Transportation: Information Technology	840	
Transportation: Capital Outlay	693,702	
	$ 707,739	
Intergovernmental		$ 592,998
Appropriated Fund Balance		114,741
		$ 707,739
Solid Waste Enterprise Fund:		
Solid Waste: Maintenance and Repair	**$ 247,046**	
Appropriated Fund Balance		$ 247,046
		$ 247,046

Section 2: All ordinances, resolutions, prior directives or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Adopted this the 7th day of September, 2021.

Attest:

Clerk to the Board

Buncombe County Board of Commissioners:

Brownie Newman, Chairman

Approval as to form:

Attorney