

Board of Commissioners' Agenda

August 16, 2022

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.

The meeting will broadcast via Facebook Live @Buncombegov.

Call To Order

[▲top](#)

Discussion / Adjustment / Approval To Follow Agenda

[▲top](#)

Consent Agenda [▲top](#)

- [Approval of August 2, 2022 Briefing Meeting Minutes](#)
- [Approval of August 2, 2022 Special Meeting Minutes](#)
- [Approval of August 2, 2022 Regular Meeting Minutes](#)
- [Resolution Approving Pyrotechnic Experts for Firework Display](#)
 - [Resolution](#)
- [Resolution Delegating Refund Authority for Overpayments of Excise Tax](#)
 - [Resolution](#)
- [Budget Amendment for High-Top Tower Access Road Tropical Storm Fred FEMA Funding](#)
 - [Ordinance](#)
- [Budget Amendment for Grant Award - Dogwood Health Trust Grants Curriculum](#)
 - [Ordinance](#)
- [Budget Amendment for NC Urban Search and Rescue Task Force 2 Support Funding](#)
 - [Ordinance](#)

Public Comment

[▲top](#)

Good News

▲top

Presentations ▲top

- [Strategic Partnership Grants Committee](#)
 - [More Information](#)
- [Mission Hospital Nurses](#)

Public Hearings ▲top

- [Community Development Block Grant - Neighborhood Revitalization](#)
 - [Resolution](#)
 - [Citizen Participation Plan](#)
 - [More Information](#)

County Manager's Report ▲top

- [Introduction of Lead for NC Fellow – Mylon Patton](#)

Old Business

▲top

New Business ▲top

- [Budget Amendment LOBs 2022A/2022B & Refunding 2014A](#)
 - [Ordinances](#)
- [Budget Amendment for DWI Taskforce Grant FY2023](#)
 - [Resolution](#)
 - [Agreement](#)
 - [Ordinances](#)

- [Resolution Establishing a General Obligation Bonds Community Oversight Committee](#)
 - [Resolution](#)

Board Appointments [▲top](#)

- Mountain Area Workforce Development
 - Anna Davis

- Early Childhood Education & Development Committee
 - Carol Steen

 - Marsha Davis

 - Francis Maness

 - Stephanie D'Souza

 - Kathy Wienberg

 - Mary Pat Kieffer

 - Cory Adams

 - Catina Foster

Announcements [▲top](#)

- September 6 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.

- September 6 @ 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 AUGUST 16, 2022 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 16, 2022, 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
- Amanda Edwards, Vice Chair
- Robert Pressley, Commissioner
- Parker Sloan, Commissioner
- Terri Wells, Commissioner
- Al Whitesides, Commissioner

Jasmine Beach-Ferrara, Commissioner, was absent from the meeting.

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Donald Warn, Finance Director; John Hudson, Budget Director; Sharon Burke, Human Resources Director; Jennifer Pike, Tax Collector; Keith Miller, Tax Assessor; Sheriff Quentin Miller; Stoney Blevins, Health & Human Services Director; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Dane Pederson, Solid Waste Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Brandon Freeman, Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Wells motioned to approve the Consent Agenda and the remainder of the agenda. Commissioner Pressley seconded and the motion passed 6-0.

- Approval of August 2, 2022 Briefing Meeting Minutes
- Approval of August 2, 2022 Special Meeting Minutes
- Approval of August 2, 2022 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Display
 - Resolution
- Resolution Delegating Refund Authority for Overpayments of Excise Tax
 - Resolution
- Budget Amendment for High-Top Tower Access Road Tropical Storm Fred FEMA Funding
 - Ordinance
- Budget Amendment for Grant Award - Dogwood Health Trust Grants Curriculum
 - Ordinance
- Budget Amendment for NC Urban Search and Rescue Task Force 2 Support Funding
 - Ordinance

PUBLIC COMMENT

Stephanie stated grievances with different government agencies.

PRESENTATIONS

- **Strategic Partnership Grants Committee**

Annie Carpenter updated the Board on the background and the grant process. The grant categories align with the County’s strategic plan and there is a continuous effort to improve process by the committee.

- **Mission Hospital Nurses**

Nurse Lori Hedrick, representing some nurses at the Mission Hospital, shared concerns over staffing levels and other issues that they have with HCA Healthcare.

PUBLIC HEARINGS

- **Community Development Block Grant (CDBG) - Neighborhood Revitalization**

Nancy Williams, Planning & Development, explained that the CDBG funds are awarded to the State by the US Department of Housing and Urban Development (HUD) and a portion of the funds are awarded through the Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program. The County must adopt a citizen participation plan that provides citizens access to information and participation in all project stages.

Commissioner Wells moved to adopt the resolution to approve the updated CDBG-NR Citizen Participation Plan. Vice Chair Edwards seconded and the motion passed 6-0.

The Chairman opened the hearing at 6:12 p.m.

The hearing was closed at 6:13 p.m.

COUNTY MANAGER'S REPORT

- **Introduction of Lead for NC Fellow – Mylon Patton**

DK Wesley, Assistant County Manager, introduced and welcomed Mylon. He will complete his Lead For North Carolina (LFNC) year of service with the County Manager's Office, with a focus on the following projects: Homelessness Solutions, Racial Equity Action, and Countywide Apprentice/Internship Program.

NEW BUSINESS

- **Budget Amendment LOBs 2022A/2022B & Refunding 2014A**

John Hudson, Budget Director, explained the budget amendment.

Commissioner Wells moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 6-0.

- **Budget Amendment for DWI Taskforce Grant FY2023**

John Hudson, Budget Director, explained the budget amendment.

Commissioner Whitesides moved to approve the budget amendment as presented. Commissioner Pressley seconded and the motion passed 6-0.

- **Resolution Establishing a General Obligation Bonds Community Oversight Committee**

Chairman Newman explained the effort to provide transparency and oversight to bonds process, if the bonds are approved by voters at special bond referendums on November 8, 2022.

Commissioner Pressley moved to approve the resolution as presented. Commissioner Wells seconded and the motion passed 6-0.

BOARD APPOINTMENTS

Vice Chair Edwards moved to appoint **Anna Davis** (Business Private Sector) to the **Mountain Area Workforce Development**. Commissioner Wells seconded and the motion passed 6-0.

Commissioner Whitesides moved to appoint **Carol Steen** and **Marsha Davis** to the **Early Childhood Education & Development Committee**. Commissioner Pressley seconded and the motion passed 6-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *September 6 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *September 6 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

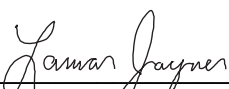
CLOSED SESSION

Vice Chair Edwards moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for Hyatt and Barrett v. Buncombe County Sheriff, et al, United States District Court for the Western District of NC file # 19-CV-250 and other legal matters, with no possible action anticipated following the closed session. Commissioner Whitesides seconded and the motion passed 6-0.

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

Commissioner Whitesides moved to go back into open session. Vice Chair Edwards seconded and the motion passed 6-0.

Commissioner Sloan moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 6-0. The meeting was adjourned at 7:26 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: 8/16/2022

Consent Agenda

Department: Emergency Services

Presenter(s): Kevin Tipton, Fire Marshal

Contact(s): Kevin Tipton, Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Firework Displays

Brief Summary:

- Request from Pyrotecnico and Bryan Pruett to conduct a fireworks display on 9/3/2022 and 9/4/2022 for Biltmore Estate, 1 Approach Road, Asheville NC 28803.
- Request from Pyrotecnico and Caleb Webb to conduct a fireworks display on 9/4/2022 for Inn on Biltmore Estate, 1 Antler Hill Road, Asheville NC 28803.

Recommended Motion & Requested Action: Approve resolution.

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

RESOLUTION #:22-08-09

**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 of persons 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 pyrotechnic displays should be approved.

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

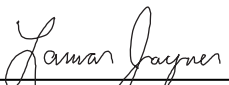
1. That the following be granted permission to conduct fireworks displays at the location and on the dates shown, to-wit:

<u>NAME</u>	<u>LOCATION</u>	<u>DATE</u>
Pyrotecnico	1 Approach Road, Asheville	September 3, 4, 2022
Pyrotecnico	1 Antler Hill Road, Asheville	September 4, 2022

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

ADOPTED this the 16th day of August, 2022.

ATTEST



LAMAR JOYNER, CLERK

**BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE**



BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM:



COUNTY ATTORNEY



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/16/2022

Consent Agenda

Department: Legal & Risk

Presenter(s): Michael Frue / Brandon Freeman

Contact(s): Michael Frue / Brandon Freeman

Subject: Resolution Delegating Refund Authority for Overpayments of Excise Tax

Brief Summary: N.C. Gen. Stat. §105-228.37 was recently amended by Session Law 2022-50 adding a new subsection authorizing a board of county commissioners to delegate, by resolution, to either or both the county manager or the county finance officer the discretion to grant a request for a refund for overpayments of excise tax paid in accordance with statute. This is a ministerial task formerly requiring a hearing before a board of county commissioners.

Recommended Motion & Requested Action: Approve the Resolution Delegating Refund Authority for Overpayments of Excise Tax.

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

RESOLUTION #22-08-10

RESOLUTION DELEGATING REFUND AUTHORITY FOR OVERPAYMENTS OF EXCISE TAX

-
- WHEREAS, all grantors of interests in real property are required to pay an excise tax to the register of deeds of the county in which the real estate is located before recording the instrument of conveyance unless otherwise exempted;
- WHEREAS, on occasion excise taxes are overpaid due to such actions as recording a deed in the wrong county or mistakenly paying the tax when exempt;
- WHEREAS, N.C. Gen. Stat. §105-228.37 authorizes a board of county commissioners to conduct a hearing to determine whether a refund should be granted;
- WHEREAS, N.C. Gen. Stat. §105-228.37 was recently amended by Session Law 2022-50 adding a new subsection authorizing a board of county commissioners to delegate, by resolution, to either or both the county manager or the county finance officer the discretion to grant a request for a refund for overpayments of excise tax paid in accordance with statute; and
- WHEREAS, this Board has determined that it is in the best interests of the citizens and residents of the County to delegate this task.

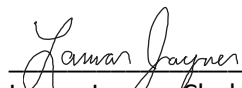
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the County Manager and County Finance Officer, or either of them, are hereby authorized to grant requests for refund for overpayments of excise taxes paid in accordance with N.C. Gen. Stat. §105-228.37.
2. That this resolution shall be effective upon its adoption.

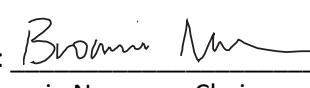
This the 16th day of August, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

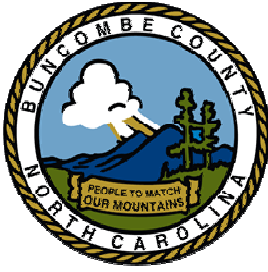
By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/16/2022

Consent Agenda

Department:

Budget

Presenter(s):

John Hudson, Budget

Contact(s):

Angela Ledford, Emergency Services
Pam Freeman-King, General Services

Subject:

High-Top Tower Access Road TS Fred FEMA Funding

Brief Summary:

In August of 2021 Tropical Storm Fred caused significant damage to the High Top Tower access road. The right-of-way agreement to access the tower site requires that Buncombe County maintain the road. A FEMA Damage Assessment Team conducted a review of the site and estimated the cost to repair the road and mitigate future damage to be \$114,448.90. We have received notification that Public Assistance funding has been obligated and payment is in process. The project estimate will be paid as a 90% Federal/10% State funding split.

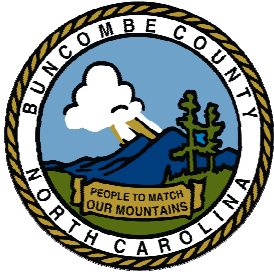
Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented

ORDINANCE #22-08-11



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022.

Requesting Department: General Services

Budget Amendment Item: High-Top Tower Access Road TS Fred FEMA Funding

Project Description: In August of 2021 Tropical Storm Fred caused significant damage to the High Top Tower access road. The right-of-way agreement to access the tower site requires that Buncombe County maintain the road. A FEMA Damage Assessment Team conducted a review of the site and estimated the cost to repair the road and mitigate future damage to be \$114,448.90. We have received notification that Public Assistance funding has been obligated and payment is in process. The project estimate will be paid as a 90% Federal/10% State funding split.

Funding Source:

FEMA (90%) & NC Department of Public Safety (10%)

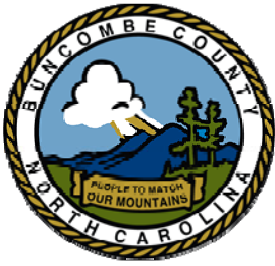
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
224/General Services/Federal Revenue	\$ 103,004	
224/General Services/State Revenue	\$ 11,445	
224/General Services/Contracted Services		\$ 114,449
TOTAL	\$ 114,449	\$ 114,449

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 16, 2022

Consent Agenda

Department:
Strategic Partnerships

Presenter(s):
John Hudson, Budget

Contact(s): Rachael Nygaard, Strategic Partnerships Director Angelyn Johnson,
Strategic Partnerships Grants Manager

Subject: Grant Award - Dogwood Health Trust Grants Curriculum

Brief Summary:

Strategic Partnerships has been awarded \$15,000 from Dogwood Health Trust to assist with grants curriculum development. The project goal is to equip nonprofits in Buncombe County in getting grants, sustaining grants, and meeting the compliance requirements associated with public funding grants.

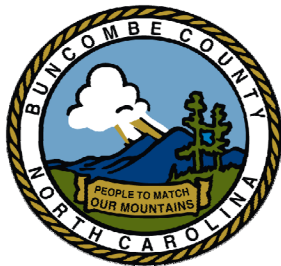
Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented

ORDINANCE #22-08-12



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Granting Agency:	Dogwood Health Trust
Grant Name:	DHT Grants Curriculum

Description:

Strategic Partnerships has been awarded \$15,000 from Dogwood Health Trust to assist with grants curriculum development. The project goal is to equip nonprofits in Buncombe County in getting grants, sustaining grants, and meeting the compliance requirements associated with public funding grants.

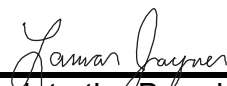
Funding Source:

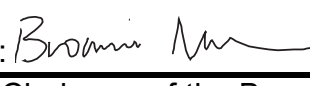
Dogwood Health Trust

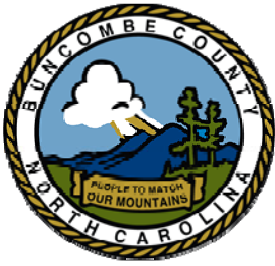
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 327 - DHT Grants Curriculum	\$ 15,000	\$ 15,000
TOTAL	\$ 15,000	\$ 15,000

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 16, 2022

Consent Agenda

Department:

Emergency Management

Presenter(s):

John Hudson, Budget

Contact(s):

Taylor Jones, Emergency Services Director
Angela Ledford, Emergency Management Division Manager

Subject:

NC Urban Search and Rescue Task Force 2 Support Funding

Brief Summary:

The North Carolina Division of Emergency Management (NCEM) coordinates the Urban Search and Rescue program throughout the State. Urban Search and Rescue Task Force members have specialized training in structural collapse, swift water, and trench rescue. These teams are trained and equipped for local, regional, and statewide response. The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes County staff and membership from Fire Departments throughout Buncombe County. NCEM has appropriated \$60,000 in Homeland Security Grant Program funding to support training and associated needs of NCUSAR Task Force 2.

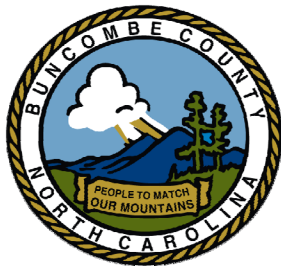
Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented

ORDINANCE #22-08-13



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Granting Agency:	North Carolina Division of Emergency Management
Grant Name:	USAR TF 2 Support Funding

Description:

The North Carolina Division of Emergency Management (NCEM) coordinates the Urban Search and Rescue program throughout the State. Urban Search and Rescue Task Force members have specialized training in structural collapse, swift water, and trench rescue. These teams are trained and equipped for local, regional, and statewide response. The North Carolina Urban Search and Rescue Task Force 2 (NCUSAR TF2) is hosted by Buncombe County Emergency Management and includes County staff and membership from Fire Departments throughout Buncombe County. NCEM has appropriated \$60,000 in Homeland Security Grant Program funding to support training and associated needs of USAR Task Force 2.

Funding Source:

North Carolina Department of Public Safety - Homeland Security Grant Program Pass-Through

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
USAR TF 2 Support Funding	\$ 60,000	\$ 60,000
TOTAL	\$ 60,000	\$ 60,000

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/16/2022

Presentations

Department: Strategic Partnership Grants Committee

Presenter(s): Rachael Nygaard, Strategic Partnerships Director

Contact(s): Rachael Nygaard, Strategic Partnerships Director

Subject: Strategic Partnership Grants Committee

Brief Summary: Update Board of Commissioners on the Strategic Partnership Grants Committee.

Strategic Partnership Grants Committee

Update for Buncombe County Board of Commissioners
August 16, 2022

Presenters: Annie Carpenter, Doug Clarke, Kim Robinson



Background

- Committee's purpose is to make Strategic Partnership Grant investment recommendations to the Board of Commissioners
- Strategic Partnership Grant funding is granted to nonprofit organizations working toward outcomes in alignment with Board goals
- Formed in 2020 (now in 3rd funding year)



Members

DISTRICT 1	DISTRICT 2	DISTRICT 3
Kimberly Robinson	Annie Carpenter	Kate Burger
Paul Tax	Douglas Clarke	Chuck Rosenblum
Liz Ward	Kevin McAbee	Ray Hemachandra

Officers

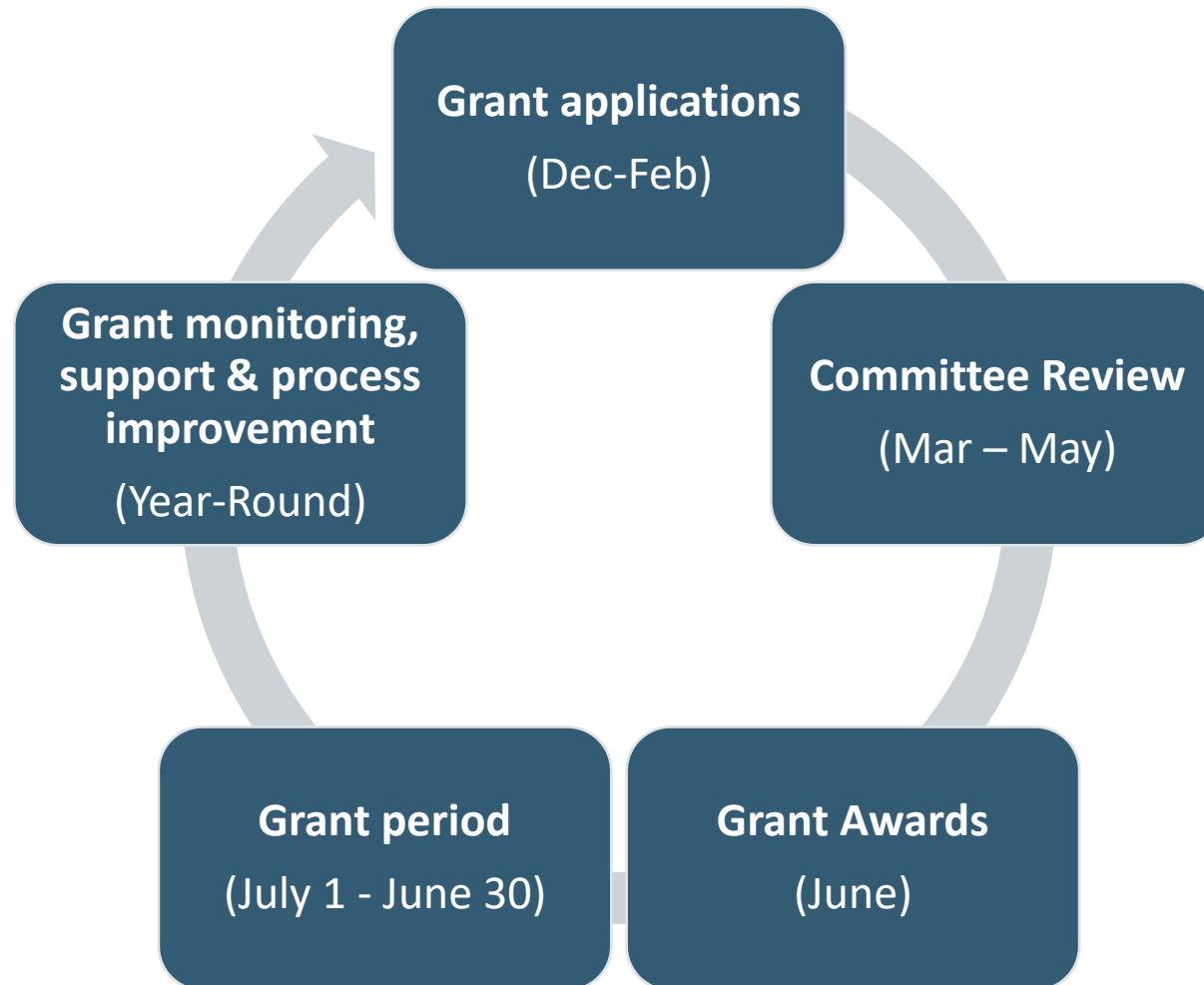
Doug Clark, Chair

Kate Burger, Vice-Chair

Kevin McAbee, Secretary



Grant Cycle



Activities in the Past Year

July 2021	Grantee Cohort call: orientation
August 2021	Created Equity ad-hoc group to review application and process
Sept-Nov 2021	Conducted site visits with all grantees
Feb – Mar 2022	Reviewed/Scored FY2023 applications
Apr 2022	Finalized FY2023 funding recommendations
June 2022	Process improvement discussion



Current Grant Eligibility

- Nonprofits in active operation for a minimum of 2 years
- Projects that meet a public purpose and align with County Strategic Plan (Education, Environment, Well-Being, Economy)
- Funding limited to no more than 3 years for a single project
- Funding limited to less than 30% of organization's annual operating budget



FY2023 Grant Requests

- \$2,594,002 requested
- 66 project applications from 63 nonprofit organizations
- 30 projects were renewal applications; 36 were new projects
- Scored based on:
 - Need for the Project
 - Project Plan
 - Proposed Results
 - Equity
 - Organizational Capacity



FY2023 Grant Awards

Education	Environment	Well-Being	Economy
<u>Requested:</u> 17 projects \$618,066	<u>Requested:</u> 6 projects \$237,700	<u>Requested:</u> 35 projects \$1,276,759	<u>Requested:</u> 8 projects \$461,477
<u>Awarded:</u> 8 projects \$207,753 <i>34% of requested</i>	<u>Awarded:</u> 3 projects \$87,700 <i>37% of requested</i>	<u>Awarded:</u> 20 projects \$417,592 <i>33% of requested</i>	<u>Award:</u> 6 projects \$186,955 <i>41% of requested</i>

\$900,000 Total Awarded



FY2023 Grants By Category

Educated & Capable Community **\$207,753**

Adult Education	\$26,000
Youth Education	\$181,753

Environmental Stewardship **\$87,700**

Environment	\$87,700
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Vibrant Economy **\$186,955**

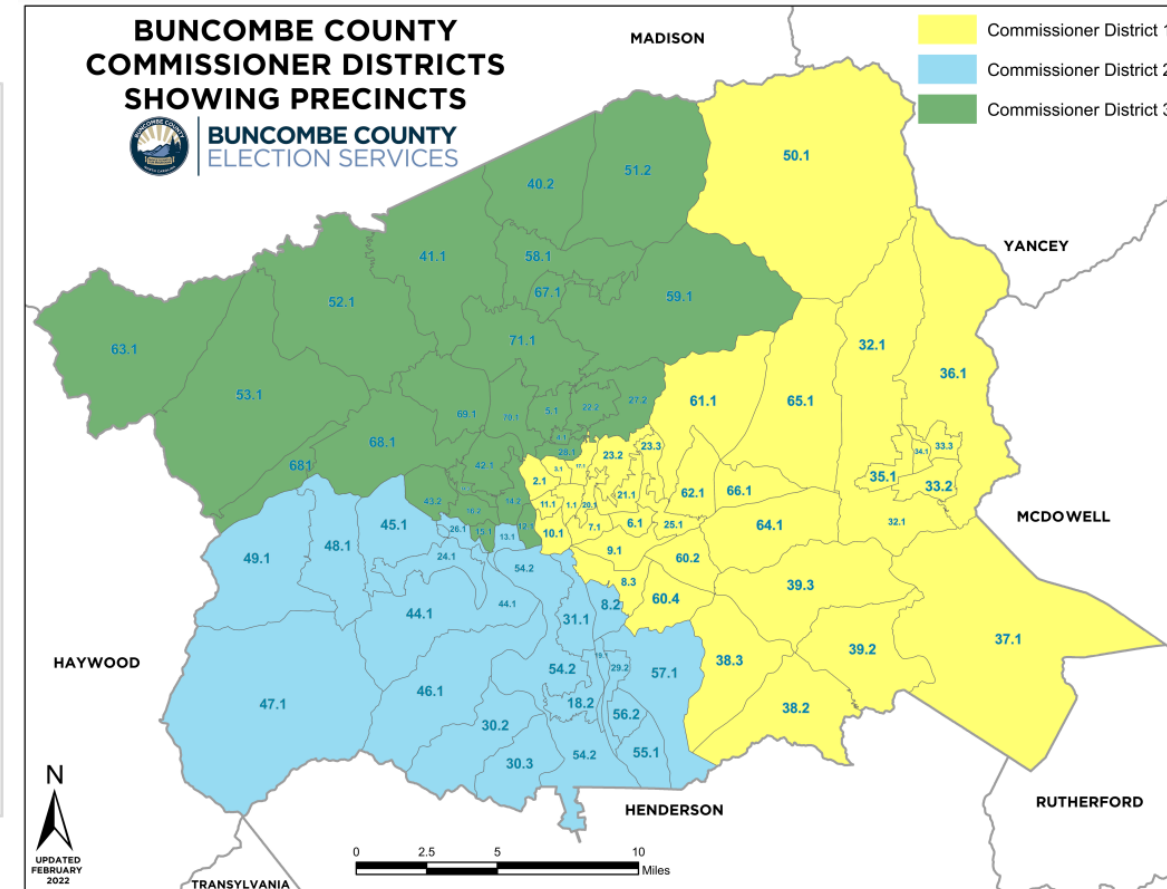
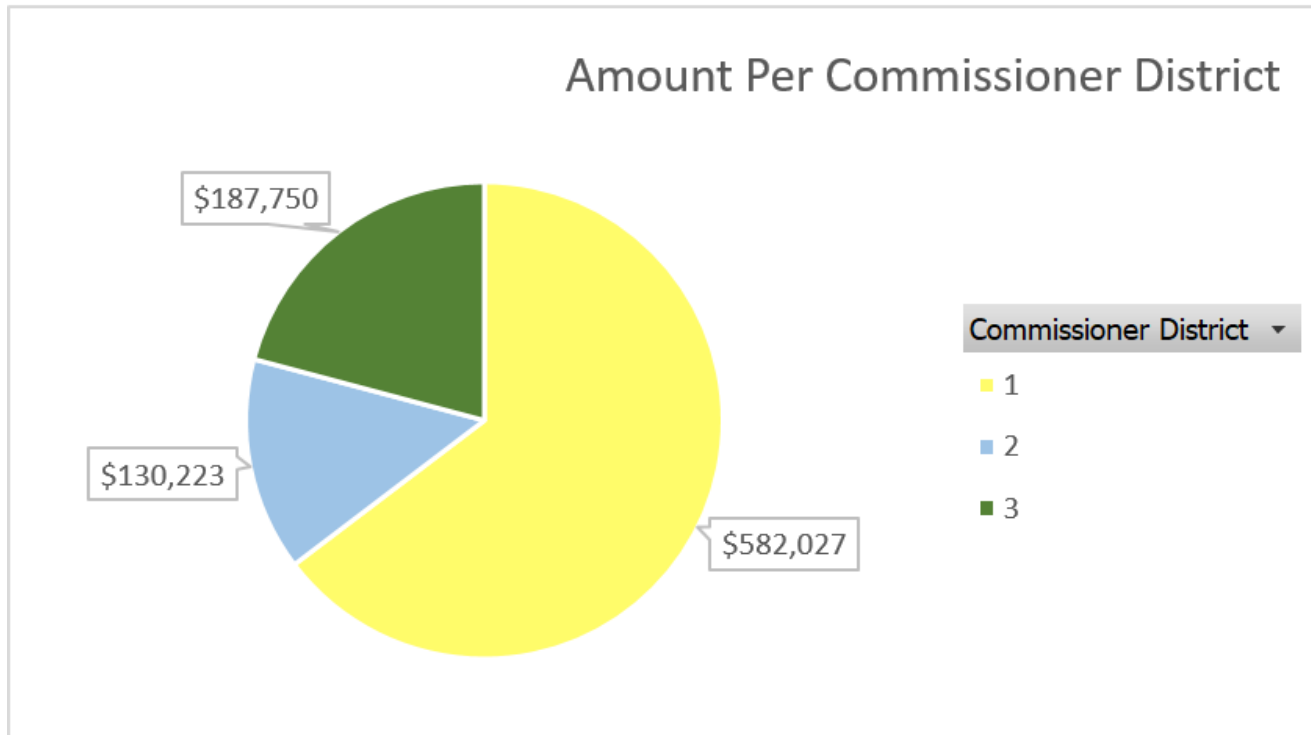
Financial Wellbeing	\$69,955
Small Business	\$117,000

Resident Well-Being **\$417,592**

Basic Needs	\$55,500
Domestic/Sexual Violence	\$32,500
Food	\$9,776
Health & Wellness	\$129,616
Homelessness	\$52,000
Legal Services	\$80,000
LGBTQ	\$13,500
Mental Health	\$11,700
Violence Prevention	\$20,500
Pets	\$12,500



FY2023 Grants By Commissioner District



Highlights

Nonprofits	Committee	Infrastructure
• Strength and resilience of nonprofits – especially during COVID • Diversity of projects supported • Thorough & responsive to committee	• Committee’s inclusive, collaborative teamwork • Deliberate/intentional decision making process • Improvements increase equity in grant process	• Support from staff • Online application/review software • Transparent open meetings



Next Steps

- Staff is working with grantees on funding agreements
- Performance reports published online quarterly
- Committee site visits to funded projects
- Planning for next grant cycle (process improvement)



Process Improvement Discussions

- Possible “soft cap” on request amounts
- Expand the results section on the application to more clearly capture impact for renewal applications
- Better assess geographic impact within the county (location, service area)
- Weighted scoring to prioritize project budgets & project plan



Thank You!



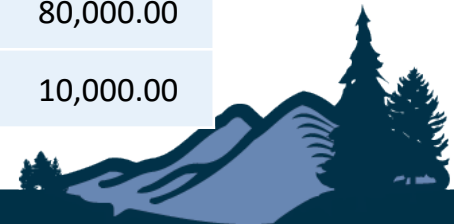
Appendix

Organization Name	Project Name	Amount
Appalachian Mountain Community Health Centers	Buncombe Health & Wellness Equity & Expansion	\$ 15,602.00
Asheville GreenWorks	A Greener Buncombe and a Sustainable Future for All	\$ 40,000.00
Asheville Humane Society	Pets & Their People Thriving Together	\$ 12,500.00
Asheville Writers in the Schools and Community	Youth Arts Education Initiative	\$ 12,500.00
Babies Need Bottoms	Expanding Diaper Assistance: Supporting Resilience through Basic Needs	\$ 13,000.00
Blue Ridge Pride Center Inc.	Blue Ridge Pride Center, Inc, Program Management	\$ 13,500.00
Bountiful Cities	Southside Farmers Market	\$ 9,776.00
Bounty & Soul	Farmers Alliance: Supporting Farm Viability and Farmland Preservation	\$ 35,200.00
Buncombe County Schools Foundation	The Face Hope	\$ 19,500.00
Caring for Children Eckerd Connects	Respite Scholarship Program	\$ 12,500.00
Carolina Day School	Horizons at Carolina Day Equity - Centered Summer Enrichment Program	\$ 13,703.00
Carolina Small Business Development Fund	Western Women's Business Center	\$ 17,500.00
CityWorks, USA	Black Wall Street AVL	\$ 47,500.00



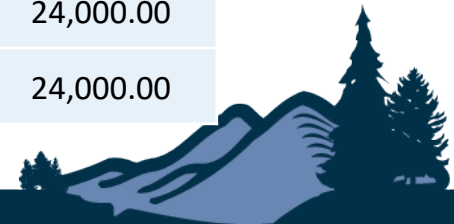
Appendix

Organization Name	Project Name	Amount
Eliada Homes, Inc	Eliada Students Training for Advancement	\$ 32,500.00
Haywood Street Congregation	Haywood Street Respite	\$ 32,500.00
Institute for Preventive Healthcare and Advocacy	HELP2Day	\$ 19,500.00
Literacy Together (formerly Literacy Council of Buncombe County)	Pathways to Opportunity	\$ 26,000.00
MAHEC	MAHEC Ob/Gyn Equipment	\$ 12,920.00
Mount Zion Community Development, Inc.	Project NAF	\$ 32,500.00
Mountain BizWorks	Expanding Entrepreneurship and Jobs in Communities of Color	\$ 52,000.00
OnTrack Financial Education & Counseling	Free Tax Preparation: VITA	\$ 11,700.00
OpenDoors of Asheville	To & Through College Access and Completion	\$ 35,750.00
Our VOICE	Survivors to Thrivers - Counseling for Sexual Violence & Human Trafficking Victims	\$ 20,000.00
Pisgah Legal Services	Legal Services for Children and Families in Buncombe County	\$ 80,000.00
Colaborativa La Milpa	CIMA - Consulta Tu Compa	\$ 10,000.00



Appendix

Organization Name	Project Name	Amount
Project Lighten Up	Project Lighten Up Summer Learning Academy	\$ 25,000.00
Read to Succeed	Community-Powered K-3 Literacy Support	\$ 35,600.00
Resources For Resilience	Reconnect for Resilience with the Family Justice Center	\$ 12,500.00
RiverLink	Emerging Scientists, Vulnerable Communities: Growing Next Generation River Stewards	\$ 12,500.00
The Mediation Center	Family Visitation Program	\$ 8,000.00
Under One Sky Village Foundation	Bridging Trauma with Mentors for Youth in Foster Care	\$ 11,700.00
University of North Carolina at Asheville Foundation, Inc	UNC Asheville Pre-College Programs	\$ 9,200.00
Western Carolina Medical Society Foundation	Creating Well - Being through Diabetes Management	\$ 25,094.00
YMI Cultural Center	Homeownership Services Through the Successful Transitional Program	\$ 34,255.00
YTL Training Program	YTL Summer and Advocacy Support	\$ 50,000.00
YWCA of Asheville and Western North Carolina	Getting Ahead	\$ 24,000.00
YWCA of Asheville and Western North Carolina	Swim Equity	\$ 24,000.00





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/16/2022

Presentations

Department: Governing Body

Presenter(s): Commissioners Newman, Beach-Ferrara, Sloan

Subject: Mission Hospital Nurses

Brief Summary: Commissioners Newman, Beach-Ferrara, and Sloan requested that this item be added to the agenda.



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/16/2022

Public Hearings

Department: Planning & Development

Presenter(s): Matthew Cable, Nancy Williams **Contact:** Nancy Williams

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 \$950,000 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 current 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 in September.

Recommended Motion & Requested Action:

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

County Manager's Comments and Recommendation: Recommend approval and hold the public hearing.

RESOLUTION #22-08-14

RESOLUTION APPROVING UPDATED BUNCOMBE COUNTY CDBG-NR CITIZEN PARTICIPATION PLAN

- WHEREAS, Buncombe County is in the process of preparing an application for grant funds through the North Carolina Community Development Block Grant - Neighborhood Revitalization Program (CDBG-NR);
- WHEREAS, program requirements require each applicant and recipient shall provide citizens with 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 their governing board, a written citizen participation plan developed in accordance with applicable rules; and
- WHEREAS, the Planning and Development Department Community Development Division has updated the existing citizen participation plan and requests its adoption by the Board.

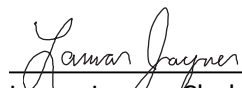
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the updated Buncombe County CDBG-NR Citizen Participation Plan, included with this agenda item, 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 16th day of August 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

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 thirty (30) 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) 814-4673.

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 16th day of August 2022.

Unit of Local Government Chief Elected Official

Buncombe County

Unit of Local Government Authorized Signer

Buncombe County



CDBG-NR

Presented by

Matthew Cable & Nancy Williams

Planning & Development Department
Community Development Division

August 16, 2022



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

- **\$20.8 million** = Funds available across North Carolina
- **\$950,000** = 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
- **September 30, 2022** = Application Deadline



RURAL ECONOMIC DEVELOPMENT 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

- **Housing Rehabilitation:** Repair or replacement work focused on low-income homeowners. Homes must be brought up to HUD and Rural Economic Development Division standards and comply with lead-based paint requirements. Rehabilitation is more extensive than traditional emergency repair work and can extend to full home replacement.
- **Scattered-Site Housing:** Housing production or substantial repair not tied to a specific geographic area but to low-income populations.



ELIGIBLE ACTIVITIES

- **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 \$75,000 per home or \$30,000 per rental unit.
- **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.



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

- 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
- Activities must meet HUD regulations for eligibility
- Subject to Code of Federal Regulations, including subrecipient compliance
- Administrative costs are limited to 10% of the award total
- Matching funds not required
- County's commitments to affordable housing investment will strengthen the application



PROPOSED APPLICATION SCHEDULE

- **August 1:** Notice of application opening
- **August 16:** Public hearing on Citizen Participation Plan approval
- **September 20:** Public hearing on application/approval of application
- **September 30:** Application due
- **November 2022:** Award notification anticipated
- **December 2022:** Contract with Rural Economic Development Division
- **January 2023:** Implementation to begin (budget amendment, RFP, etc.)



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 the Updated CDBG-NR Citizen Participation Plan
- Hold the public hearing





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 8/16/2022

County Manager's Report

Department: County Manager's Office

Presenter(s): DK Wesley, Assistant County Manager

Contact(s): DK Wesley, Assistant County Manager

Subject: Introduction of Lead for NC Fellow – Mylon Patton

Brief Summary:

Lead For North Carolina (LFNC) is a state affiliate of Lead for America, a nonpartisan fellowship program across the United States. Lead for America was launched in 2018, and LFNC is its first state affiliate program. The School of Government has partnered with key organizations, including the NC County Managers Association (NCCCMA), NC League of Municipalities (NCLM), and NC Association of County Commissioners (NCACC) to implement LFNC.

Buncombe County was selected as one of Lead for North Carolina's host jurisdictions for the 2022-2023 program year. The pool was competitive. Over 60 government entities across the state put forward competitive applications, but the selection team believed Buncombe County would provide an exceptional experience for an AmeriCorps Fellow. County staff was afforded the opportunity to interview several candidates. As a result of this process, Mylon Patton was selected and agreed to complete his year of service in Buncombe County.

Mylon is a native of Charlotte, North Carolina and a recent graduate the University of Chicago with a Bachelor of Arts in Political Science and Economics, Prospective Minors in Human Rights and History.

Mylon started his year of service with us on August 1st. Mylon is assigned to the County Manager's Office. Mylon will have at least three active workplans during this year. To start, Mylon will focus on the following projects:

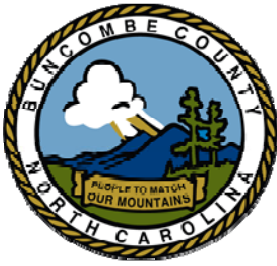
- Homelessness Solutions – Policy and program research and planning
- Racial Equity Action Plan – Community Engagement Planning & Reparations
- Countywide Apprentice / Internship Program – Research and program development

Recommended Motion & Requested Action:

No action recommended

County Manager's comments and Recommendation:

Not applicable



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 16, 2022

New Business

Department:

Budget

Presenter(s):

John Hudson, Budget

Contact(s):

Don Warn, Finance

John Hudson, Budget

Subject:

LOBs 2022A/2022B & Refunding of LOBs 2014A

Brief Summary:

These amendments establish the budget necessary to make debt service payments for the LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) debt issuances and reduce the budget for LOBs 2014A due to refunding, where applicable across the General Fund, the PDF Woodfin Special Revenue Fund, the Public School Capital Needs Fund, the Article 46 Sales Tax Capital Fund, and the Solid Waste Enterprise Fund. LOBs 2022A issuances occurred in the General Fund, the Public School Capital Needs Fund, and the Solid Waste Enterprise Fund. LOBs 2022B issuances and associated refunding of LOBs 2014A occurred in the General Fund, the PDF Woodfin Special Revenue Fund, the Public School Capital Needs Fund, and the Article 46 Sales Tax Capital Fund.

The total net amounts for each fund are as follows:

General Fund = \$821,915

PDF Woodfin Special Revenue Fund = (\$68,344)

Public School Capital Needs Fund = \$2,756,234

Article 46 Sales Tax Capital Fund = (\$646,099)

Solid Waste Enterprise Fund = \$2,822,802

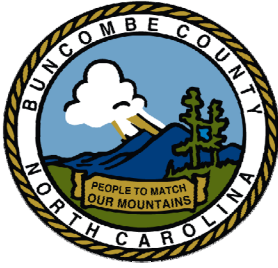
Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented

ORDINANCE #22-08-15



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Requesting Department: Budget
Budget Amendment Item: LOBs 2022 & 2014A Refunding

Description:

Recently, Buncombe County closed on LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) with Truist bank. The 2022A amount in the General Fund is associated with FY22 Solar Projects and the new Fleet Complex. The 2022B amount is associated with a refunding of 2014A, resulting in interest savings. This amendment budgets the FY23 debt service payments in the General Fund.

Funding Source:

Pursuant to G.S. 105-523, when Article 44 revenues exceed State Medicaid expenses, the State will issue a hold-harmless payment for Buncombe County's excess sales tax revenue. This amendment realizes a portion of those revenues.

Exhibit A:	Increase (Decrease)	
Account Description	Revenues	Expenditures
Debt Service		\$ 821,915
Intergovernmental	\$ 821,915	
TOTAL	\$ 821,915	\$ 821,915

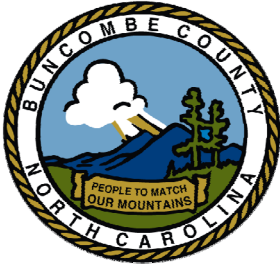
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #22-08-16



BUNCOMBE COUNTY, NORTH CAROLINA
PDF Woodfin Fund

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY 2022-2023 PDF Woodfin Fund 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Requesting Department: Budget
Budget Amendment Item: LOB 2014A Refunding

Description:

Recently, Buncombe County closed on LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) with Truist bank. This amendment budgets the FY23 debt service payments in the PDF Woodfin Fund for LOBs 2022B and reduces the budget for LOBs 2014A.

Funding Source:

Overall reduction due to refunding of 2014A interest.

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Economic and Physical Development Ad Valorem	\$ (68,344)	\$ (68,344)
TOTAL	\$ (68,344)	\$ (68,344)

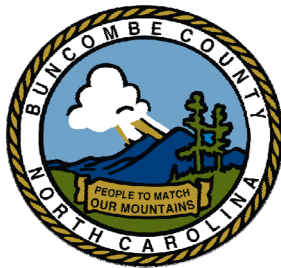
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #22-08-17



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

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Public School Capital Needs Fund 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Project Name: LOBs 2022 & 2014A Refunding

Description:

Recently, Buncombe County closed on LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) with Truist bank. The 2022A amount in the Public School Capital Needs Fund is associated with a variety of projects for both Asheville City Schools and Buncombe County Schools. The 2022B amount is associated with a refunding of 2014A, resulting in interest savings. This amendment budgets the FY23 debt service payments in the Public School Capital Needs Fund.

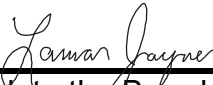
Funding Source:

Article 39 Sales Tax

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 326 Administration	\$ 2,756,234	\$ 2,756,234
TOTAL	\$ 2,756,234	\$ 2,756,234

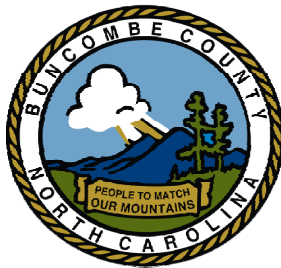
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #22-08-18



BUNCOMBE COUNTY, NORTH CAROLINA
Article 46 Sales Tax Capital Fund Project Ordinance

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Article 46 Sales Tax Capital 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Project Name: LOBs 2022 & 2014A Refunding

Description:

Recently, Buncombe County closed on LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) with Truist bank. This amendment budgets the FY23 debt service payments in the Article 46 Sales Tax Capital Fund for LOBs 2022B and reduces the budget for LOBs 2014A.

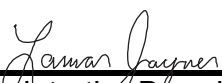
Funding Source:

Overall reduction due to refunding of 2014A interest.

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 333 Administration	\$ (646,099)	\$ (646,099)
TOTAL	\$ (646,099)	\$ (646,099)

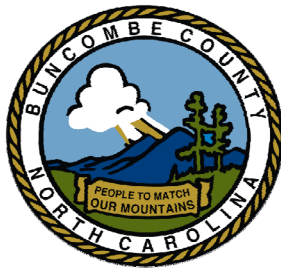
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #22-08-19



BUNCOMBE COUNTY, NORTH CAROLINA
Solid Waste Enterprise Fund

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Solid Waste Enterprise Fund 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Requesting Department: Budget
Budget Amendment Item: LOB 2022A

Description:

Recently, Buncombe County closed on LOBs 2022A (New Money) and LOBs 2022B (Refunding of LOBs 2014A) with Truist bank. The 2022A amount in the Solid Waste Enterprise Fund is associated with the Cell 7 Landfill expansion. This amendment budgets the FY23 debt service in the enterprise fund.

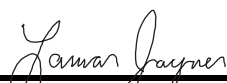
Funding Source:

Revenue from appropriated fund balance

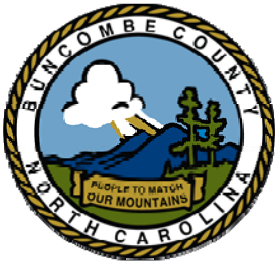
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Enterprises - Landfill		\$ 2,822,802
Appropriated Fund Balance	\$ 2,822,802	
TOTAL	\$ 2,822,802	\$ 2,822,802

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: August 16, 2022

New Business

Department:
Sheriff's Office

Presenter(s):
John Hudson, Budget

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

Subject: DWI Taskforce Grant FY2023

Brief Summary:

In FY2021, the Buncombe County Sheriff's Office was awarded funding through the NC Governor's Highway Safety Program, DWI Taskforce Grant. Under the terms of the grant, the County is eligible to reapply for additional years of funding with an escalating County match requirement. In FY2022, the County had a 15% match requirement and for the current, FY2023 award, the County match requirement is 30%.

The County has been awarded \$188,447 to extend three (3) sworn Law Enforcement Officer positions for one year through September 30, 2023, with a required County contribution of \$80,763. The total cost for the three positions and associated operating expenses is \$269,210.

The budget amendments:

- 1) Establish the \$269,210 budget for the FY2023 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 \$80,763 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 amendments

County Manager's Comments & Recommendation:

County Manager recommends as presented

North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Buncombe County Sheriff's Office (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Buncombe County Board of Commissioners (herein called the "Governing Body")

(The Governing Body of the Agency)

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Buncombe County Board IN OPEN

(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Asheville, NORTH CAROLINA,

THIS 16th DAY OF August, 20 22, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
 2. That Quentin Miller, Sheriff is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 188,447 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
- (Name and Title of Representative)
- (Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 80,763 as required by the project contract; and
- (Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
 5. That certified copies of this resolution be included as part of the contract referenced above; and
 6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Broomie Nw

(Chairperson/Mayor)

ATTESTED BY Lamar Jaynes

(Clerk)

SEAL

DATE 8/16/2022

North Carolina Governor's Highway Safety Program

Agreement of Conditions

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal Provisions

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252);
 - (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601)
 - (c) Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686);
 - (d) Non-Discrimination in Federally-assisted programs of the United States Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), hereinafter referred to as "USDOT", as amended;
 - (e) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, and 49 CFR Part 27; and
 - (f) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.);
 - (g) The Civil Rights Restoration Act of 1987, (Pub. L. 100-209);
 - (h) Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) and 49 CFR parts 37 and 38;
 - (i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
 - (j) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (41 U.S.C. 8103).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
 - (a) Highway Safety Act of 1966 (23 U.S.C. Chapter 4 -), as amended;
 - (b) Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94;
 - (c) Uniform Procedures for State Highway Safety Grant Programs (23 CFR part 1300);
 - (d) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 1201);
 - (e) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) and all other relevant Federal regulations covering the Highway Safety Program;
 - (f) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 (www.nhtsa.gov) and additions or amendments thereto.
4. **Political Activity (Hatch Act)** The Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. **Lobbying.**
 - (a) **Certification Regarding Federal Lobbying.** The undersigned certifies, to the best of his or her knowledge and belief, that:
 - (i) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (ii) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure

- (b) **Restriction on State Lobbying.** None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

6. Audits.

- (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR, Subpart F, §200.500. Guidance on determining Federal awards expended is provided in 2 CFR, Subpart F, §200.502.
- (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR, Subpart F, §200.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR, Subpart F, §200.501, paragraph (c).
- (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143C-6.22 and 09 NCAC Subchapter 03M.

7. Instructions for Lower Tier Certification.

- (a) By signing and submitting this proposal, the prospective lower tier participant (the Agency) is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- (b) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- (c) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (d) The terms covered transaction, civil judgement, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR Part 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- (e) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred,

suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- (f) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
 - (g) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
 - (h) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 - (i) Except for transactions authorized under paragraph 7(e) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies including suspension or debarment.
 - (j) **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
 - (i) The prospective lower tier participant (the Agency) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any Federal department or agency.
 - (ii) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
8. **Buy America Act.** The Agency and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.
 9. **Prohibition On Using Grant Funds To Check For Helmet Usage.** The Agency and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.
 10. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
 11. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR 220 Cost Principles for Educational Institutions for determining costs applicable to grants and contracts with educational institutions.

- 12. Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and 2 CFR Part 230 Cost Principles for Non-Profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 13. Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 2 CFR Part 215 Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

B. General Provisions

- 1. Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
- 2. Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
- 3. Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 2 CFR Part 200 and North Carolina General Statute 143-128.4. Historically underutilized business defined; statewide uniform certification as it pertains to Historically Underutilized Businesses.
- 4. Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-13 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
- 5. Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
- 6. Property and Equipment.**
 - (a) Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
 - (b) Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
 - (c) Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
 - (i)** Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or

- (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
- (a) **General.** Payments are made on a reimbursement basis. There is no schedule of advance payments. Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of quarterly and no more than once a month via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 2 CFR 200.307. Program income earned during the contract period shall be retained by the Agency and deducted from the federal funds committed to the project by the GHSP unless approved in advance by the Federal awarding agency as an addition to the project. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
- (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an

incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.

- (c) **Audit Reports.** Audit reports required in Section A-6 above shall be provided to the Department within thirty (30) days of completion of the audit.

14. Out-of-State Travel.

- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
- (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
- (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
- (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

15. Conditions for Law Enforcement. In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) Certifications Required.

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

- (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies engaging in enforcement activities must submit a Monthly Enforcement Data Report on the form provided by the Department no later than fifteen (15) days after the end of each month. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

16. Conditions for Local Governmental Agencies.

- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
- (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-6 above.

17. Seat Belt Policy and Use. Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.

18. Text Messaging Policy. Agency must adopt and enforce a policy banning text messaging while driving unless exempted by state law.

19. Prohibited Interests. No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

20. Continued Federal and State Funding.

- (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally

appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

- (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
- 21. Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
- 22. Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
- 23. Department Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
- 24. Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the Department or until all audit exceptions have been resolved, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information. Pursuant to N.C.G.S. §147-64.7, the Department, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any department, board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
- 25. Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
- 26. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the Department. For noncompliance not indicative of management deficiencies or criminal activity the Department shall give sixty (60) days written notice

to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the Department may cancel, terminate, or suspend this contract in whole or in part.

- (b) **By mutual consent.** The Agency or the Department may terminate this contract by providing sixty (60) days advanced written notice to the other party.
- (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the Department.

27. Completion Date. Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.

28. E-Verify requirements. If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.

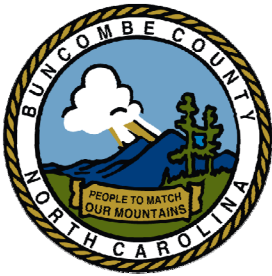
29. Certification of Eligibility Under the Iran Divestment Act. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:

- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.

30. Agency Fiscal Year. The end date for the Agency's fiscal year is June 30, 2023.

31. Signature. By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
Elizabeth Russell	Grants Project Director	60 Court Pl. Asheville N.C. 28801
SIGNATURE <i>Elizabeth Russell</i>	DATE	TELEPHONE NUMBER (828) 250-4441 and (828) 423-2196
AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
Quentin Miller	Buncombe County Sheriff	60 Court Pl. Asheville N.C. 28801
SIGNATURE	DATE	TELEPHONE NUMBER +1 (828) 250-4503
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
Avril Pinder	Buncombe County Manager	200 College St. Asheville NC 28801
SIGNATURE	DATE	TELEPHONE NUMBER +1 (828) 250-4101



ORDINANCE #22-08-20

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this day of ,

Requesting Department: Sheriff's Office
Budget Amendment Item: DWI Taskforce Grant FY2023

Description:

The County has been awarded \$188,447 to extend three (3) sworn Law Enforcement Officer positions for one year through September 30, 2023, with a required County contribution of \$80,763. The total cost for the three positions and associated operating expenses is \$269,210.

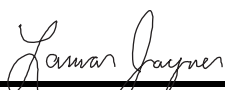
Funding Source:

\$188,447 awarded through the NC Governor's Highway Safety Program
\$80,763 transferred from the Sheriff's Office existing General Fund budget (no new County funds)

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 100 - Sheriff's Office		\$ (80,763)
Fund 100 - Interfund Transfers		\$ 80,763
TOTAL	\$ -	\$ -

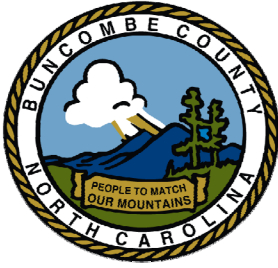
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #22-08-21



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: August 16, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 16th day of August, 2022

Granting Agency:	NC Governor's Highway Safety Program
Grant Name:	DWI Taskforce Grant FY2023

Description:

The County has been awarded \$188,447 to extend three (3) sworn Law Enforcement Officer positions for one year through September 30, 2023, with a required County contribution of \$80,763. The total cost for the three positions and associated operating expenses is \$269,210.

Funding Source:

\$188,447 awarded through the NC Governor's Highway Safety Program
\$80,763 transferred from the Sheriff's Office existing General Fund budget (no new County funds)

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 327 - DWI Taskforce Grant FY2023	\$ 269,210	\$ 269,210
TOTAL	\$ 269,210	\$ 269,210

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 8/16/2022

New Business

Department: Governing Body

Presenter(s): Commissioners Newman, Edwards, Wells

Subject: Resolution Establishing a General Obligation Bonds Community Oversight Committee

Brief Summary: Commissioners Newman, Edwards, and Wells requested that this item be added to the agenda.

RESOLUTION #22-08-22

RESOLUTION ESTABLISHING A GENERAL OBLIGATION BONDS
COMMUNITY OVERSIGHT COMMITTEE

- WHEREAS, this Board held two public hearings on June 7, 2022 and issued a Bond Order for \$40,000,000 General Obligation Housing Bonds and a Bond Order for \$30,000,000 Open Space Bonds;
- WHEREAS, if approved by voters at special bond referendums to be held in Buncombe County on November 8, 2022, it is the intention and responsibility of this Board to invest such funds in accordance with law and for the purposes indicated on the ballots;
- WHEREAS, in order to instill confidence in the community through transparency measures the County is currently planning to create an easy to access page on the County's website to track and demonstrate how bond funds are allocated; and
- WHEREAS, to further transparency efforts, and based on community feedback and to assure public trust in the uses of such funds, this Board deems it desirable and in the best interests of the citizens and residents of the County to create a community oversight committee to monitor the investments in low and moderate income housing and open space conservation if the voters approve the referendums this November.

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

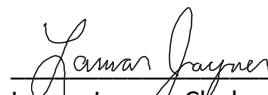
1. That a General Obligation Bonds Community Oversight Committee is hereby created.
2. That the Committee shall have five members comprised of one person with an accounting background, one person with a banking background, one representative of the affordable housing community, one representative from the conservation/ greenways community each to be appointed by this Board, and one member to be appointed by the Asheville Area Chamber of Commerce.
3. That Committee members will serve until all bond funds have been committed. Any member who is unable or unwilling to serve will be replaced by the appropriate appointing authority for the remainder of the term.
4. That the purpose of the Committee is to review the investments made from the bond revenues to confirm that 100% of bond funds are invested in accordance with law and for the purposes indicated on the ballots.

5. The Committee will adopt a set of By-Laws to include the appointment of a Chair and Vice-Chair from among its members; meetings process; a public comment period at each meeting; and procedures for Committee action. The Committee will meet no less than two times per year and will make an annual report to this Board.
6. The Committee will be an advisory committee to this Board and will comply with open meetings laws. As such, this Committee will not make recommendations for any particular projects.
7. This Committee will serve and act separate and apart from the County's external auditor in its statutory function in conducting the annual independent audit of County financial accounts.
8. That this resolution shall be effective upon approval of either or both of the special bond referendums.

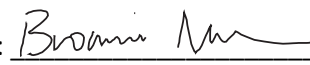
This the 16th of August, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney